

Dyfed Powys Police Authority



Independent Custody Visiting Scheme

Scheme Handbook

Chief Executive

Dyfed Powys Police Authority
P.O. Box 99
Police Headquarters
Llangunnor
Carmarthen
SA31 2PF

Tel. No.: 01267 226 440

Fax. No.: 01267 226 448

E-mail: police.authority@dyfed-powys.pnn.police.uk

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1. BACKGROUND TO THE SCHEME

Custody visiting to police stations owes its origin to Lord Scarman, whose report on the Brixton riots in 1981, recommended a system of independent, unannounced inspection of procedures and detention in police stations by local community members. The main reason was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office Ministers approved a Lay Visiting Scheme, which was non statutory.

In 2001, a working party, that consisted of all interested parties, issued detailed guidance on how to administer a lay visiting scheme and to carry out a lay visit. They recommended the change of name from Lay Visiting to Independent Custody Visiting. The new guidance also led to the removal of police authority members as Independent Custody Visitors, to maintain the impartiality of the Independent Custody Visiting Scheme.

As a result of extensive lobbying and the support of Home Office officials and Ministers, the Police Reform Act 2002 placed a statutory obligation on police authorities to make arrangements for detainees to be visited by Independent Custody Visitors and to keep these arrangements under review and revised as the police authority thinks fit. The Act was supported by Codes of Practice and National Standards jointly developed by the Home Office and Independent Custody Visiting Association.

2. OBJECTIVES OF THE SCHEME

The purpose of these visiting arrangements is to enable members of the local community to observe, comment and report on the conditions under which persons are detained at police stations. These arrangements also provide an independent check on the way custody staff carry out their duties with regard to detained persons and therefore increase public confidence in these matters.

This handbook provides detailed guidance on the Custody Visiting arrangements within Dyfed Powys.

3. MANAGING THE SCHEME

To achieve these objectives, two panel meetings are held in each of the four Basic Command Units each year. Regular reports are presented to the Community Engagement and External Relations Committee which monitors all aspects of the Scheme across Dyfed Powys. Custody Visitor statistics are measured and published annually.

The day to day management of the Independent Custody Visiting Scheme is delegated to the Scheme Administrator by the Chief Executive to the Police Authority.

4. INDEPENDENT CUSTODY VISITORS

4.1 Eligibility

Subject to the exceptions set out below, any person over the age of 18 at the time of appointment and throughout their term of office, who is residing, working or studying within the Dyfed Powys Police Authority area, may be considered by the Police Authority for appointment as an Independent Custody Visitor. Subject to the Police Authority being able to obtain appropriate insurance cover there will be no maximum age limit. Custody Visitors should be independent persons of good character who are able to make unbiased observations which the police will accept as fair criticism when it is justified.

All applicants will be asked to include on their application forms, details of any convictions, other than those which are spent, by reason of the Rehabilitation of Offenders Act 1974 and to consent to police vetting enquiries being made prior to initial appointment. Applicants will be expected to demonstrate good communication skills and the ability to work with others.

The Police Authority will not appoint serving police officers and other serving members of police or police authority staff, special constables or anybody with a direct involvement in the criminal justice system such as solicitors or probation officers. The over-riding factor when considering applications will be to prevent possible conflicts of interest for individuals, and to maintain the independence and integrity of the scheme as a whole. However, each application will be treated on its merits.

4.2 Recruitment

The Police Authority will recruit Custody Visitors by inviting applications from the general public. This will be done by means of advertisements or other publicity via local newspapers and any other means which the Authority may consider suitable.

The Police Authority will seek to recruit visitors from all sections of the community to reflect its diversity in relation to race, disability, gender, sexual orientation, religion and belief, age, and Welsh language, in accordance with the Police Authority's policies.

4.3 Application Process

Interested parties will be sent an Application Pack containing background information about the Independent Custody Visiting Scheme, an Application Form, Role Description and Person Specification and an Equal Opportunities Monitoring Questionnaire.

4.4 Training

(i) One Day Training Course

Applicants will be invited to attend a one-day information/training session organised by the Police Authority. This will form part of the selection process, but will also provide those who are subsequently appointed with the basic knowledge and skills they will need to make visits, including training on cultural backgrounds and religion etc.

Independent Custody Visitors will be expected to undertake refresher training at least once every 3 years in order to maintain levels of knowledge and ensure best practice.

(ii) Visit to a Custody Suite

All Custody Visitors are required to attend a training visit to a custody suite prior to taking up their duties.

(iii) Training Accompanied Visits

Custody Visitors are required to complete a minimum of two custody visits in the company of experienced Custody Visitors as part of their training, prior to taking up their role.

(iv) Training Seminars

In addition to the initial training, Custody Visitors are required to attend training seminars arranged, as appropriate, during their period of appointment.

4.5 Selection

After attending the one day training course, applicants will be invited to an interview conducted by representatives of the Police Authority.

Following the interviews, a final decision will be made by the interviewing panel as to who should be appointed. This will be reported to the next meeting of the Police Authority, after which candidates will be notified. The Authority will not enter into discussions or correspondence concerning unsuccessful applications.

4.6 Appointment and Accreditation

Following notification of their appointment, the successful Independent Custody Visitor will be invited to sign an Agreement which outlines the main features of the Independent Custody Visiting Scheme; what the Police Authority expects from Independent Custody Visitors during their term of appointment and what they can expect from the Police Authority in terms of support.

The Police Authority will then issue each Independent Custody Visitor with an identity card signed by the Authority's Chief Executive, which will show the holder's photograph. The identity card will authorise the holder to visit any "designated" police station in the panel area to which the independent custody visitor has been appointed. The panel area will be confirmed to each individual on appointment. Visits outside the panel area to which the Independent Custody Visitor has been appointed will only take place with the prior approval of the Police Authority.

Identity cards must only be used for the purpose of making custody visits. If anyone is found to be using their card for any other purpose, it will be withdrawn, and that person's appointment as an Independent Custody Visitor will be considered.

4.7 Probationary Period

Newly appointed Independent Custody Visitors will be required to satisfactorily complete a probationary period of six months. Appointments will then be confirmed subject to the provisions set out in the procedure for Probationer Custody Visitors.

Successful completion of the six-month probationary period will be confirmed in writing to individual Custody Visitors. Appointments will subsequently be reviewable after a period of three years. However, the key factors in renewing appointments of further periods must be the continuing ability and willingness of the Custody Visitors to carry out the role effectively.

4.8 Termination of Appointment

Although the work is entirely voluntary, the Police Authority has the right to terminate the appointment of any Independent Custody Visitor whose conduct, participation or performance is not of the required standard. In the event of misconduct, insufficient participation or poor performance, the Police Authority will consider whether it is appropriate to terminate the appointment of that Independent Custody Visitor. The Independent Custody Visitor will have a right to appeal against the Authority's decision as set out in the Appeals Procedure.

Misconduct will encompass matters such as misuse of identity card, conviction for a criminal offence or abusing one's position as a Custody Visitors e.g. by consistently flouting the guidelines covering the conduct of Custody Visitors during visits.

Independent Custody Visitors **MUST** notify the Police Authority if they are arrested and charged with a criminal offence. In such circumstances, the Police Authority may suspend the appointment of that Independent Custody Visitor until the outcome of any criminal proceedings is known. If the Independent Custody Visitor is subsequently found to be not guilty, or if charges are dropped, s/he will be reinstated.

Where an Independent Custody Visitor fails to make a custody visit within a three-month period, the Chief Executive to the Police Authority will write to the person concerned to establish whether this is simply an oversight (e.g. because report forms have not been submitted) or to seek an explanation.

Where an individual has not made any visits within a six month period and no good reason for this has been notified to the Scheme Administrator, the Police Authority will consider whether that person's appointment should be terminated.

4.9 An Independent Custody Visitor making an official Complaint against the Police

Where an Independent Custody Visitor makes a complaint against the police which is recorded, whether in their role as an Independent Custody Visitor, or as a private individual, the Scheme Administrator must be informed. The full details will then be put before the Authority's Panel Chairperson who will decide, in consultation with the Chief Executive to the Police Authority, whether the duties of the Independent Custody Visitor should be suspended or curtailed in the interests of impartiality.

4.10 Panel Area and Panel Meetings

The Dyfed Powys Police Authority area is divided into four geographical Custody Visitor Panels i.e. Carmarthenshire, Ceredigion, Pembrokeshire and Powys. Visitors are appointed to the Panel in which they live, work or study. Each Panel is supported by the Scheme Administrator. Every effort will be made to hold two Panel meetings in each area annually. Panel meetings will be chaired by a Police Authority Member and attended by an appropriate representative of the Force.

4.11 The Scheme Administrator

The Scheme Administrator is appointed by the Police Authority. The role of the Scheme Administrator is to ensure the Scheme is properly run and in particular to:

- To devise a rota of custody visits
- To deal with any problems that arise in the running of the Scheme, including any concerns about the conduct, performance or participation of individual Custody Visitors in the Scheme.
- To take appropriate action to follow up any concerns or issues about conditions or procedures in custody suites raised by Custody Visitors in their reports, with the Custody Visitor concerned and/or the Custody Inspector.
- To help recruit, select and train new Custody Visitors.
- To carry out regular reviews together with the Panel Chair for Custody Visitors on renewal of 'terms of office'.
- To keep Panel members up-to-date with developments in the Dyfed Powys Police Authority Scheme generally and with any issues specific to each Panel, via meetings and ad hoc means as required.

5. VISITING ARRANGEMENTS

5.1 Number of Independent Custody Visitors

The Police Authority, in consultation with the Chief Constable, will appoint sufficient Independent Custody Visitors to ensure that appropriate numbers of random visits are made to designated police stations throughout Dyfed Powys.

5.2 Visiting in Pairs

Visitors are required to visit in pairs at all times. Any Independent Custody Visitor arriving at a police station on their own will not be granted access to the custody area to make a visit. Pairing should be rotated so that as far as possible, individual visitors carry out visits with different panel members over the course of each period. No more than two Independent Custody Visitors should visit together, as larger parties could constitute an additional burden on the staff at the police station.

Independent Custody Visitors may not be accompanied by any unauthorised persons. Custody visits can only be made when accompanied by another accredited Independent Custody Visitor.

5.3 Frequency and Timing of Visits

The frequency and timing of visits is a matter for individuals. However, Custody Visitors are expected to make a minimum of 12 visits carried out at regular intervals each year.

Care will need to be taken that visits, whilst sufficiently frequent to meet the objectives of the Scheme, do not take place so frequently that they impair the efficiency of the administration of the police station concerned or the operational work of the officers attached to it. Custody Visitors should bear in mind that their visits impose an unexpected responsibility on custody officers and they should also be aware of possible delays during custody officers' change-over periods.

Station	Recommended No of Visits Per Year
Carmarthen	24
Llanelli	24
Ammanford	12
Haverfordwest	24
Aberystwyth	24
Cardigan	12
Brecon	24
Newtown	24

Note: Ammanford has been designated as a police station to be used for the detention of persons held under the Terrorism Act 2000(TACT).

5.4 Transport Arrangements

It is the individual responsibility of each visitor to make their own transport arrangements for visits across the Panel area. Therefore, whilst the Police Authority supports visitors in sharing transport where this is practicable, the onus is on any visitor without access to their own vehicle, to make their own arrangements e.g. to travel by public transport. Travel expenses will be paid to visitors, although taxi fares will not be reimbursed unless in particular circumstances (see 10.1).

5.5 Attendance at the Police Station

Custody officers will only respond to Independent Custody Visitors attending in person at a police station. Telephone enquiries as to the custodial situation at a police station will not be responded to. To emphasise their impartiality, Custody Visitors should not combine making a custody visit with the conduct of any other business at a police station.

5.6 Visits at the Request of the Police

Whilst visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or well-being of one or more persons being detained at a police station. In such circumstances, the duty officer at that police station may invite an Independent Custody Visitor to attend, to allay myth and rumour. The police officer requesting the visit will make every effort to contact two Independent Custody Visitors to make the visit. Names and telephone numbers of Custody Visitors will therefore be kept in each custody office, for this purpose.

It is recommended that police officers contact the Scheme Administrator initially who may be able to assist.

5.7 Effective Working Arrangements

For the Scheme to be effective, it is essential that Custody Visitors maintain a professional working relationship with police staff based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides.

In addition, to maintain a professional working relationship with police staff, Custody Visitors must also have the same regard for their fellow Visitors. All Custody Visitors must, therefore, be supportive and have a mutual respect for each other; work as a team and play an active and equal part during the visits.

6. CUSTODY VISITING PROCEDURES AT POLICE STATION

6.1 Dress Code for Custody Visitors

Custody visitors need to consider what to wear when carrying out visits, both in terms of how they appear to detainees and custody staff, and with regard to health and safety matters. As a general guide 'smart-casual' will be most appropriate, although it is up to each individual to determine what is most appropriate for themselves. However, some items of clothing or accessories are advised against in all cases, for example:

- neck ties or scarves
- expensive jewellery or any necklaces
- baseball caps
- mini-skirts or shorts

Custody visitors are also advised not to wear suits as this may give the impression that the visitor is an 'authority figure' and may deter detainees from allowing the visit to get ahead. If visitors are unsure of what to wear they should contact the Scheme Administrator for advice.

6.2 On arrival at Police Station

On arrival at the station Independent Custody Visitors should present their Identity Cards to the Desk Clerk who should then admit them into the station immediately. There should be no reason for a delay at this point.

Where a station is un-resourced, the Custody Visitor will contact the Communications Centre on 0845 3302000 (using the phone outside the station) to inform the control room who they are and the purpose of their visit to the station. They will request to speak to an officer in the custody areas to gain access to carry out a visit. If this is not possible for whatever reason, the Custody Visitors should complete a report form indicating this and abort the visit.

6.3 Immediate Access to Custody Area

The Independent Custody Visitors should be admitted immediately to the custody area. If access is delayed this will affect the credibility of the Independent Custody Visitors Scheme. It is inappropriate for access to be delayed because the custody officer is busy.

If a detainee is in the process of being booked in at the time of the Custody Visitors' arrival, then the custody sergeant must ask the detainees if s/he consents to them being present. If the detainee does not give consent, then the Custody Visitor may either wait or, with the permission of the custody sergeant, visit another part of the custody suite.

It is recommended that access should be delayed only where the Custody Visitors may be placed in danger e.g. if there is a disturbance in progress in the custody area. A full explanation should be given to the Custody Visitors as to why access is being delayed. This explanation may be included in the Custody Visitors' report and endorsed by the custody officer as appropriate.

In circumstances where they are delayed, the Independent Custody Visitors should be admitted to the custody area and invited to wait until the custody officer or another officer is available to escort them on the visit.

6.4 Access to all parts of the Custody Area

In practice, Custody Visitors will continue to have access at all times to:

- All PACE detainees
- Persons held under immigration regulations
- Persons held under S.136 of the Mental Health Act 1983
- Remand and Sentenced prisoners (NOT in the contractor's custody)
- All areas of police stations in which detainees may be held (except interview rooms and medical rooms when in use)

Independent Custody Visitors should have access to all parts of the custody area including cells, detention rooms, charging areas, exercise yard, food preparation areas and medical room (this does not however include access to locked drugs cabinets). Medical rooms may be locked and Independent Custody Visitors may obtain the key from the custody sergeant.

Independent Custody Visitors should satisfy themselves that these areas are clean, tidy and in a reasonable state of repair and decoration and that bedding in cells is clean, adequate and in good condition. It is not necessary to inspect stores, but visitors should establish that suitable arrangements exist for adequate stocks of mattresses and blankets and for the cleaning of such items, and for regular replacement of necessary furnishings and equipment. Visitors should also ensure that there are adequate supplies of appropriate food and drinks, religious material and anti-rip suits.

Independent Custody Visitors 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. They should check that any CCTV systems installed to observe the custody area of

individual cells are operating properly and indicate the correct time. Independent Custody Visitors may not visit CID rooms or other operational parts of the station.

6.5 CCTV Footage

Independent Custody Visitors should carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely.

6.6 Security and Safety

In the interests of security and the safety of Custody Visitors, the custody officer or a member of the custody staff, **MUST** accompany them during the visits.

6.7 Visit to Detainees

Custody Visitors should determine how many detainees they will see during each visit e.g. it may not be practicable to visit all detainees, both from the visitors' point of view and taking into account the additional work this places on custody suite staff. Where visitors decide to limit the number of detainees visited, it is important to select those detainees considered to be vulnerable, or to randomly select a manageable number of detainees and also include all those considered vulnerable.

6.8 Consent to Custody Visit by Detainee

Detained persons are not obliged to see Custody Visitors to answer questions. The officer who is escorting the Custody Visitors is responsible for establishing whether or not each detainee wishes to see the Custody Visitors.

A standard form of words will be used when the detainees are asked if they wish to be seen. It will usually take the following format:-

I have with me two members of the public known as Independent Custody Visitors. They would like to ask about the way you have been treated during your detention and to find out whether your rights have been explained to you and granted. They are not employed by the Police. It is your choice whether you see them. Do you wish to see them?

NOTE: Although the standard form of wording is part of the Independent Custody Visiting Scheme, the reality is that not all custody officers use it. On many occasions it is used only as a guide. Provided the Custody Visitors are satisfied that an explanation of their role has been given (with particular emphasis on the independence of the Custody Visitors) this is accepted as a reasonable approach.

Where practicable, in order to preserve the privacy of detainees who may not wish to be visited, detainees will be asked by the custody officer within earshot, but out of sight of the Custody Visitors, whether or not they wish to receive a visit.

Subject to paragraphs 6.11 and 6.15 below, Custody Visitors may have access to any person detained at a police station including persons remanded to police custody under the provisions of the following Acts of Parliament:

- Police and Criminal Evidence Act 1984 (PACE)
- Magistrates' Court Act 1980 – persons remanded to police custody in accordance with Section 128 of the Act, as amended
- Imprisonment (Temporary Provisions) Act 1980 – remand and sentenced prisoners held in police cells under Section 6 of the Act
- Immigration Act 1971 and Immigration and Asylum Act 1999 – persons subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants
- Mental Health Act 1983 – persons held under the Act for their own protection
- Children Act 1989 – children taken into police protection

Custody Visitors also have access to remand and sentenced prisoners held in magistrates' courts cells. They are not however, permitted to visit persons held in magistrates' courts cells awaiting their case being heard in court.

The police may limit or deny custody visitors' access to a specific detainee if an officer of or above the rank of inspector reasonably believes that to be necessary for the visitors' safety. Such an officer may also deny or restrict access where they reasonably believe that such access could interfere with the process of justice. In such instances this information should be recorded in the detainee's custody record (together with the relevant authorisation) and by the Custody Visitor in their report of the visit.

Prior to entering the cell, the visitors should make a visual check of the detainee through the spy-hole or hatch to ascertain if they recognise the detainee. Should the Visitor(s) recognise the detainee or vice versa, the procedures under 6.9 should be followed.

6.9 Detainees recognised by Independent Custody Visitors

Custody Visitors should not visit friends or relations who are in custody and both visitors must withdraw from a visit if either recognises a detainee in this way. In the event that a Custody Visitor recognises a detainee as someone they know, but not as a personal friend or family member, they should exercise judgement as to whether to continue with the visit to that particular detainee. Care must be taken to ensure that impartiality is in no way compromised.

6.10 Persons Detained Under Section 136 of the Mental Health Act 1983

Custody Visitors should have access to persons detained under Section 136 of the Mental Health Act 1983. Dyfed Powys Police has a policy with regard to persons detained under Section 136 of the Mental Health Act 1983. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety, one of which is a designated police station. The Force Policy is for those persons to be assessed by a Doctor and an Approved Social Worker as soon as possible after arrival at the place of safety.

Although not covered by the rights awarded to PACE detainees, it is recommended that if these persons are held when a custody visit takes place, that they too are considered for a visit, if appropriate.

6.11 Detainees who are unable to consent to a visit

If a detainee is under the influence of drink or drugs to such an extent that he or she is unable to give consent or otherwise, or is for some other reason unable to indicate willingness or otherwise to be seen, the escorting officer should, if the Custody Visitors so desire, allow them access unless it is considered that their safety could be at risk. If the escorting officer judges it to be too dangerous for the Visitors to enter the cell they may wish to talk to the detainee through the hatch in the cell door. If the detainee is comatose the escorting officer should allow access if the Independent Custody Visitors wish to satisfy themselves of the detainee's well-being.

6.12 Detainees who are Asleep

If detainees are asleep the Independent Custody Visitors should decide whether or not to have them awakened to establish whether or not they wish to be visited. Independent Custody Visitors should however bear in mind the provision in Code C of the Codes of Practice under PACE that a detained person under investigation must be allowed a continuous period of eight hour rest. In such circumstances, or where the detainee may become violent, the escorting officer will advise that the detainee must not be disturbed, but can be observed through the cell hatch. If the Custody Visitors considers it necessary to wake the detainee, it is the responsibility of the escorting officer to do this.

6.13 Access to Juveniles

A juvenile may be visited with his or her consent. It is not necessary to obtain the additional consent of a parent or guardian, although ideally this would be preferable. 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 be present during the visit.

Juveniles should not be placed in cells unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise them if they are not placed in cells. If a juvenile is kept in a cell, Custody Visitors should seek an explanation from the custody officer and check that this has been recorded on the custody record.

6.14 Appropriate Adults

Custody Visitors must not act as "appropriate adults" in cases of juveniles or any other category of detainee whilst undertaking a custody visit.

6.15 Remand and Sentenced Prisoners

These prisoners are held under the Prison Service Order 1801 (PSO 1801), and require a higher degree of confidentiality when undertaking visits with detainees under this order. Custody Visitors must give an undertaking not to disclose the names of the persons visited or information obtained in the course of the visit. There is no requirement for Custody Visitors to be made aware of the reason why the person is being detained at the police station. In such instances Custody Visitors are to ensure that the rights and entitlements granted by the Governor and the general requirements under PACE Code C, sections 8 and 9 are complied with.

However, there are categories of prisoners held under PSO 1810 who are assisting police with their inquiries and wish knowledge of their identity and engagement with the police to be confidential and limited. Therefore the Governor of Directors of Contracted Out Establishments will inform the prisoner of their entitlement to be visited by an Independent Custody Visitor. If the prisoner wishes such a visit to take place, the Chair of the Police Authority will be notified and suitably vetted Independent Custody Visitors will be appointed to conduct the visit. The content of the Custody Visitors' Report will be treated as confidential and passed to the Chair of the Police Authority.

Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. Independent Custody Visitors must not involve themselves in such matters. There are recognised grievance procedures open to prisoners such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

The contractors for the court escort service also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and H.M. Prison Monitor Service immediately.

Any complaint made to the contractor which amounts to a police complaint will be referred to the police for investigation.

6.16 Access to Custody Record

Subject to obtaining the detainee's consent to examine their custody record, Custody Visitors should check its contents against what they have been told by the detainee.

If any detainee, including a juvenile, refuses access to the custody record, the Independent Custody Visitors will not be allowed to see it. If a person is incapable of giving consent by virtue of mental illness, disability, being comatose, or incapacitated through the influence of drugs, alcohol or other substance, the presumption must be in favour of allowing the Custody Visitor to examine it.

Except where a detainee objects, the Custody Visitors will be shown the parts of the custody record relating to the provision of welfare and those aspects covered by the Codes of Practice contained within PACE, whilst within police detention.

From a police perspective, access to a custody record can only be refused by the rank of Inspector or above, whether or not access has been granted by the detainee. If this occurs, Custody Visitors must record this in the visit report form, along with reasons given.

6.17 Detainees who are being interviewed

If a person is being interviewed the interview may not be interrupted. If the Independent Custody Visitors wish to see the person later in the visit after the interview has been completed they may do so and, may if necessary, wait in the waiting room for this purpose.

6.18 Conversations between detainees and Independent Custody Visitors

Where practicable, the escorting officer must be out of hearing of the visit, but must remain in sight of both Custody Visitors and detainees. If for some reason the police decide that the escorting officer should remain within hearing, this decision must be taken by the duty officer or some other senior officer at the police station. Custody Visitors should bear in mind, however, that some detained persons may be violent or under the influence of alcohol, drugs or other substances and that the presence of the escorting officer may deter or frustrate assaults on the Custody Visitors.

Discussions must focus on checking whether or not detainees have been offered their rights and entitlements under PACE and confirming whether the conditions of detention are adequate.

Custody Visitors should also be alert to the possibility of unwittingly relaying/repeating information from one detainee to another. Discussions between Custody Visitors and detainees are not privileged and Custody Visitors have a civic responsibility to report/disclose any information given. It is the Custody Visitors' responsibility to make detainees aware that any disclosure they may make during their conversations will be reported to the custody officer.

Custody Visitors 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 offender, the visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

6.19 Language Line

Dyfed Powys Police subscribe to Language Line. Language Line interpreters are fully trained to have a good command of both English and the language from which they interpret.

If Custody Visitors encounter a detainee who is unable to speak English and they wish to ask the detainee questions about his/her welfare, the Custody Visitors should explain to the custody officer that they wish to use the Language Line facility. Having got the interpreter on the line, the Custody Visitor should explain his/her role and the questions he/she wishes to ask of the detainee. The Custody Visitor then passes the telephone handset back and forth between him/herself and the detainee.

With regard to the Welsh Language, Custody Visitors will be encouraged to pair themselves with another Independent Custody Visitor who is Welsh speaking. In instances where this is not the case a member of Dyfed Powys Police staff can be used as an interpreter.

6.20 Documentation

The proper maintenance of contemporaneous records plays an important part in the application of the rules governing the treatment of detained persons and the process of supervision. Independent Custody Visitors should satisfy themselves that the custody records are fully maintained and properly records the action taken in connection with

detainees while in police custody. Custody Visitors may not see other police documents concerning the detainee or medical records. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times.

Subject to obtaining the detainee's consent to view their custody record, Custody Visitors should check its contents against what they have been told by the detainee. In particular, Custody Visitors will wish to verify:

- Whether entitlements under PACE have been given and signed for
- That medication, injuries, medical examinations, meals/diet are recorded
- 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

6.21 Treatment of Detainees

Custody Visitors should satisfy themselves that the detainees have had their statutory rights explained and 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 the PACE Codes of Practice, or Code H for those held under the Terrorism Act.

6.22 Medical Conditions

Independent Custody Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury, physical or learning disability or mental health condition. They should satisfy themselves that, if appropriate, a medical examiner has been called and establish from the custody officer what instructions for medical treatment have been given. This should be confirmed by consulting the custody record, if the necessary permission has been granted. Custody Visitors may visit detainees (but not persons released from custody) in hospital, whether or not under police guard, subject to the agreement of both custody officer and the hospital authorities. To prevent a wasted journey it may be advisable to establish via the hospital whether the detainee is willing to talk to Custody Visitors. Where a detainee in hospital is under police guard, the police officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

The custody sergeant should inform Custody Visitors if a detainee has been subjected to PAVA spray, however, it would be in the Custody Visitors' interests for them to be made aware of any detainee who has been subjected to PAVA spray and to assure themselves of their health and well being. If Custody Visitors believe that the detained person is suffering due to the effects of a PAVA spray, they should bring this to the notice of the custody sergeant who has responsibility for seeking medical assistance.

6.23 Deaths in Custody

All deaths in custody are the subject of a Coroner's Inquest and investigation by the Independent Police complaints Commission (IPCC) to which the police will report formally. Where a death in police custody occurs, the Commander of the Basic Command Unit or officer in charge of the police station will notify the Chief Executive of the Police Authority as soon as possible.

6.24 Complaints by Detainees

It is important to distinguish between complaints by detainees about their general treatment or conditions of detention and a complaint of misconduct by a police officer. The former may encompass complaints such as that detainees had not been notified of their statutory rights or had not received entitlements under the PACE Codes of Practice. Such complaints are clearly for Independent Custody Visitors to pursue with the custody officer, or senior officers at the station, at the time of the visit.

6.25 Complaints of Misconduct by a Police Officer

In order to maintain their strict impartiality, Custody Visitors should not take up individual cases or make representations on behalf of detainees. However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a police officer, the Custody Visitor needs to establish if the detainee wishes the complaint to be pursued.

If a detainee wishes to make a complaint of misconduct and/or assault by a police officer, Custody Visitors should initially advise the detainee to bring the matter to the attention of the duty Inspector. Custody Visitors should also suggest that the detainee may wish to consider seeking legal advice before making the complaint. Where a complaint of physical assault has been made, Custody Visitors should suggest that the detainee asks to see a doctor. (N.B. upon receipt of a formal complaint, the duty inspector will, in any event, arrange for the detainee to be seen by a doctor).

Dyfed Powys Police will notify the Independent Custody Visitors, through the Police Authority, of the outcome of any such complaint, in general terms, when asked to do so by the administrator of the scheme.

6.26 Complaints of Misconduct Against an Independent Custody Visitor

Complaints made against Independent Custody Visitors by detainees, police personnel or others will be dealt with in accordance with the Police Authority's complaints procedures.

6.27 Complaints Against the Police

Where a Custody Visitor makes a complaint against the police which is recorded, whether in the role as a Custody Visitor or as a private individual, the Scheme Administrator must be informed. The full details will then be put before the Panel Chairperson who will decide, in consultation with the Chief Executive, whether the duties of the Custody Visitor should be suspended or curtailed in the interests of impartiality.

7. IMPARTIALITY AND CONFIDENTIALITY

7.1 Advice

Independent Custody Visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or co-operate with police enquiries. Such advice would be inconsistent with the Custody Visitors' independence from the processes of investigation. Custody Visitors should therefore confine their discussions to the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice. In the interests of maintaining impartiality Custody Visitors should not visit friends or relations who are in custody. Conditions also apply in terms of other people known to Custody Visitors.

If a Custody Visitor encounters someone who is known to them, a decision must be taken whether to abort the visit.

7.2 Contact with Persons Outside the Police Station

Custody Visitors should not agree to make contact with any person outside the police station at the request of a detainee. Neither should they agree to pass a message to any other detainee, or offer to perform other tasks on their behalf. If they are asked to do so, they must immediately inform the custody officer.

7.3 Independent Custody Visitors Giving Evidence in Criminal Proceedings

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

7.4 Confidentiality

Independent Custody Visitors will acquire considerable personal information about persons in police custody. The majority will not yet have appeared before a court and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. Custody Visitors will therefore be asked to give an undertaking (included on the visits report form) not to release the identity of, or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that Custody Visitors do not name or otherwise identify persons in custody even in reports to, or in discussion with, fellow Independent Custody Visitors or the Police Authority.

Independent Custody Visitors 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, the Visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of the custody sergeant.

7.5 Breach of confidentiality

Breach of this undertaking may make an Independent Custody Visitor liable to civil proceedings by the detained person concerned. Independent Custody Visitors will also need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

8. CUSTODY VISITOR REPORTS AND FOLLOW UP ACTION

8.1 Completion of Custody Reports

A report of the two Custody Visitors shall be made on the form provided. Both Custody Visitors should sign the form along with the custody officer. The top copy (white) of the Custody Visitor report should be sent to the Police Authority using the pre-paid envelope provided. Where there is failure to agree on comments, two separate reports may be submitted. A copy will be forwarded to the Divisional Commander and the Scheme Administrator. The pink copy will be left at the station and can be inspected on following visits. The yellow copy shall be retained by the Custody Visitor.

8.2 Reports on unsatisfactory treatment and conditions

If a visit discloses any aspect of the treatment of detainees or conditions at the station which are unsatisfactory, they should be included on the report and raised with the custody officer at the time. Any action which s/he takes should also be recorded on the report form.

8.3 Reports on issues arising out of visits

The Administrator will call regular Panel meetings of Independent Custody Visitors which will allow the discussion of visiting arrangements and any concerns to be brought to the attention of the Dyfed Powys Police.

Issues arising out of visits will also be submitted to the Police Authority. Panel meetings will be chaired by a representative of the Police Authority.

9. MONITORING THE SCHEME

The Chief Executive will be responsible for monitoring the Scheme. The Scheme Administrator will report any concerns to be brought to the attention of the Police Authority.

10. ADDITIONAL INFORMATION

10.1 Expenses

The work is entirely voluntary, but expenses will be payable to all Custody Visitors where these are incurred for the specific purposes of the Custody Visiting Scheme. Only public transport fares or private car mileage at the agreed rate will be paid. Reimbursement of taxi fares will not be paid, apart from certain justifiable circumstances e.g. disabled visitors requiring particular accessible transport. Expenses can also be claimed for attending training sessions. All travel expense payments are at the discretion of the Police Authority Chief Executive.

10.2 Insurance

The Police Authority will arrange appropriate public and employer's liability insurance for Custody Visitors to cover them during visits to a police station. It is emphasised, however, that this does not extend to motor insurance cover and Custody Visitors making use of their own private vehicles when visiting custody suites are strongly advised to check with their own Insurers that they are covered for this purpose.

10.3 Guidelines

A copy of these guidelines will be placed within the custody area of every "designated" police station within Dyfed Powys for the information of custody staff, so that they may be referred to by Independent Custody Visitors and police custody staff alike.

10.4 Disposing of Documentation

At the termination of their agreement, Independent Custody Visitors must ensure that the documentation relating to their role is returned to the Scheme Administrator and in particular all report forms and any personal notes relating to them.

10.5 Equal Opportunities and Diversity

Dyfed Powys Police Authority is firmly committed to equality and diversity in all areas of its work. We believe that we have much to learn and profit from diverse cultures and perspectives, and that diversity will make our organisation more effective in meeting the needs of all our stakeholders. We are committed to developing and maintaining a police authority in which differing ideas, abilities and backgrounds are fostered and valued, and where those diverse backgrounds and experiences are able to participate and contribute. The authority regularly evaluates and monitors progress towards diversity.

10.6 Health and Safety

Each Independent Custody Visitor will receive health and safety advice as part of their initial training. In addition, health and safety information about specific buildings used by the police authority for meetings and events will be distributed as required.

11. PUBLICITY GUIDELINES

11.1 General

It is generally desirable that the role and aims of the Scheme should be promoted to the public. Custody Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the Scheme and not draw attention to individual cases or to themselves. Custody Visitors should not discuss the cases of individuals with whom they come into contact during visits to police stations and under no circumstances should individual contacts or specific events be discussed except in general, anonymous terms which support any explanation of the purpose of the Scheme. Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the Police Authority and should not be undertaken by individual Independent Custody Visitors, except at the request of or with the consent of the Authority.

Custody Visitors should remember that they are accountable to the Police Authority, and not to the press or individual members of the public.

11.2 Confidentiality

Other Custody Visitors' names, addresses and telephone numbers are given by the Police Authority in strictest confidence, purely for convenience in making personal contact. Such details should not be divulged to any other person. This condition equally applies to police custody staff.

Attention is also drawn to paragraphs 7.4 and 7.5 regarding confidentiality whilst undertaking the duties of a Custody Visitor.

Approved by the Dyfed Powys Police Authority on September 2008