



Sussex  
Police  
Authority

**INDEPENDENT CUSTODY VISITING  
SCHEME**

**JULY 2009 - 2013**

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## **1. Introduction**

- 1.1 Sussex Police Authority, like all other police authorities in England and Wales, has a duty to implement and co-ordinate an Independent Custody Visiting Scheme. The primary purpose of the Scheme is to provide an independent scrutiny of Sussex Police to ensure that detainees in custody are being treated fairly and in accordance with Code C of the 1984 Police and Criminal Evidence Act (PACE). The full version of the Act can be found at <http://police.homeoffice.gov.uk>. The Police Reform Act 2002 (Paragraph 51) placed a statutory obligation on all police authorities in England and Wales to have in place an effective independent custody visiting scheme. Please refer to Appendix A for further details.
- 1.2 The purpose of this document is to provide the context of Independent Custody Visiting and the procedures that are involved in the process. A review has been carried out to maintain and enhance the effectiveness of the Scheme. The Authority approved this Scheme at its meeting on 30 July 2009.
- 1.3 Sussex Police has six custody centres (Investigation and Detainee Handling Centres) in the county: Brighton, Chichester, Crawley, Eastbourne, Hastings and Worthing.
- 1.4 Independent Custody Visitors (ICVs) are members of the local community who visit police custody centres to observe, comment and report on the conditions under which persons are detained. All visits are carried out in pairs, and are always unannounced at any time of the day or night.
- 1.5 The Sussex Police Authority Professional Standards Committee will be responsible for organising and overseeing the delivery of custody visiting in Sussex. It will keep the arrangements under review and revise them as it sees fit and in accordance with any changes made to the Code of Practice and National Standards. Central administration of the Scheme will be the responsibility of the Scheme Manager, supported as necessary by other personnel.
- 1.6 Another essential purpose of independent custody visiting is to strengthen public confidence in procedures within custody. Raising awareness is also vital to supporting effective recruitment of independent custody visitors.
- 1.7 The Scheme is reviewed on a four-yearly basis, and is written in conjunction with the Independent Custody Visiting Association's (ICVA) National Standards on Independent Custody Visiting, and the Home Office's Code of Practice on Independent Custody Visiting. Both the National Standards and Code of Practice can be found on the ICVA website at [www.icva.org.uk](http://www.icva.org.uk)
- 1.8 The Professional Standards Committee will scrutinise the overall arrangements for carrying out the Authority's responsibilities for independent custody visiting in Sussex.

- 1.9 The ICV Scheme is a very important statutory duty of the Police Authority. It focuses primarily on detainee welfare and conditions in custody. Visitors have stated that they are made welcome and their position is valued and respected by custody staff. Visitors find it a positive experience as it provides an independent and impartial scrutiny on the police service, which increases public confidence. The Police Authority appreciates the commitment and dedication of our six teams as they carry out their duties on behalf of the community.

## **2. Recruitment, Selection and Retention**

- 2.1 The commitment to diversity is clearly demonstrated in Sussex Police Authority's recruitment process for Independent Custody Visitors. Sussex Police Authority places equality at the centre of its work when forming policy or strategy, providing a service, consulting with the public or employing people.
- 2.2 Recruitment for Independent Custody Visitors (appointees) is open, non-discriminatory and well publicised. The Authority will aim to provide a suitable balance for visiting panels in terms of factors such as age, gender and ethnicity. This inclusive approach will also extend to those with disabilities and those who do not have English as their first language. All reasonable efforts will be made to accommodate applicants in these categories where they are considered suitable candidates. Prospective visitors should be independent persons of good character who are able to make informed judgements in which the community can have confidence.
- 2.3 The ICV Scheme Manager, in conjunction with the Lead Member for ICV will recruit, select and appoint Independent Custody Visitors. The ICV Scheme Manager, with advice from the local panel co-ordinator, will ensure that adequate numbers of independent custody visitors are available at all times. Panel co-ordinators are invited to attend the interviews and offer their advice.

### Publicity

- 2.4 The ICV Scheme Manager will ensure that vacancies are openly advertised, using means such as the Sussex Police Authority website, local radio, press releases and volunteer bureaux. Information will be made as clear and accessible as possible, both in paper and electronic format. An example of a publicity poster can be found at Appendix B.

### Application process

- 2.5 An application pack will be sent to candidates, by e-mail or by post, which will include general background information about independent custody visiting, a role description, person specification, application form and equal opportunities monitoring form. The equal opportunities monitoring forms will help the ICV Scheme Manager to ascertain the demographics of applicants and where improvements could be made to ensure that applicants are representative of the local community. The information provided on equal opportunities monitoring forms is solely for monitoring purposes, and will not in any way form part of the selection process. All the information and

forms will also be available and downloadable on the Sussex Police Authority website.

- 2.6 In appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or police authority staff will be ineligible. The same will apply to special constables, justices of the peace and members of the police authority. These factors are clearly detailed in the application pack.

#### Short-listing process

- 2.7 Following the deadline for application forms, the Lead Member for ICV and the ICV Scheme Manager will shortlist each application form received, using a scoring system, to determine candidates' suitability for the role on the basis of the person specification.
- 2.8 Applicants that have been selected in the shortlist will then be invited to attend an interview.
- 2.9 Unsuitable applicants will be notified in writing.

#### Interview – skills and abilities

- 2.10 Interviews will be conducted by the Lead Member for ICV and the ICV Scheme Manager. The local ICV Panel Co-ordinator is invited to attend if they wish. An agreed list of questions will focus on the skills, values and experiences of the candidate and their ability to carry out the role effectively. A scoring system will be used by the selection panel for each interview to allow for constructive feedback to be given following the process, both for suitable and unsuitable candidates. The selection panel will record the reasons for decisions about appointment and non-appointment.

#### References & vetting

- 2.11 Following interview, references will be taken up for the successful applicants. All applicants will be required to undertake and successfully fulfil the Sussex Police vetting procedure.

#### Initial Training

- 2.12 Successful interview candidates will be required to undertake the initial training session prior to formal appointment. The interactive training session will enable candidates to further understand the role and procedures. Further refresher training sessions will be provided to ensure that Independent Custody Visitors can carry out their duties as efficiently as possible.

#### Appointment

- 2.13 Once training has been completed, candidates will be formally appointed and asked to sign the Memorandum of Understanding, which summarises their agreed responsibilities and legitimate duties.
- 2.14 The ICV Scheme Manager will arrange for each Independent Custody Visitor to be issued with a Sussex Police identity card, which is to be carried at all times during custody visits.

### Tenure

#### *Independent Custody Visitors*

- 2.15 Appointments will initially be subject to a six-month probationary review, carried out by the ICV Scheme Manager. Independent Custody Visitors will then be appointed for a term of four years, with an optimum of two terms (eight years). Informal annual one-to-one meetings will take place between the Panel Co-ordinator and their panel members to discuss any concerns, training requirements and ability to carry out the role.
- 2.16 After four years, a formal re-assessment will be carried out by the ICV Scheme Manager, in conjunction with the local ICV Panel Co-ordinator. The key factors in renewing appointments for a further term of four years will include the continuing ability and willingness of the Independent Custody Visitor to carry out the role effectively.

#### *Panel Co-ordinators*

- 2.17 The appointment of Panel Co-ordinator will be for a maximum term of two terms of four years. The ICV Scheme Manager will arrange annual one-to-one meetings with Panel Co-ordinators. These informal discussions will be a valuable opportunity to discuss panel matters and developments.

### Exit Questionnaires

- 2.18 Exit questionnaire forms will be provided to ICVs who step down from their roles. The information provided will solely be used by the ICV Scheme Manager for monitoring the operation of the Independent Custody Visiting Scheme and making the necessary changes to it.

### Communication

- 2.19 In order for the Scheme to be effective, efficient communication is vital in ensuring that the process runs smoothly and that all parties involved are informed of custody-related matters.
- 2.20 The ICV Scheme Manager will mostly liaise with the six Panel Co-ordinators, who will subsequently inform their respective panels of relevant information arising from Sussex Police Authority.
- 2.21 The ICV Liaison Inspector should act as the conduit between the ICV Scheme Manager and the other custody inspectors.

- 2.22 Independent Custody Visitors should generally liaise with their panel co-ordinator on local custody-related matters. The respective roles and responsibilities are summarised later.
- 2.23 Appendix C shows the Independent Custody Visiting structural framework, and Appendices D to J set out the details of the individual roles and responsibilities that contribute to the Independent Custody Visiting process.

### **3. Training**

#### Induction training

- 3.1 Following the initial training session prior to formal appointment, further refresher training sessions will be provided to ensure that Independent Custody Visitors can carry out their duties as efficiently as possible.
- 3.2 The probationary period will be based around the carrying out of visits in tandem with experienced colleagues. This will involve developing and consolidating skills at the custody centre, as well as discussing at local panel level, practical issues and difficulties after visits have been completed.

#### Refresher training

- 3.3 Under the Memorandum of Understanding (Appendix K), visitors will be required to attend at least one session of training per year to refresh and enhance their general skills and knowledge. There may also be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process. Meetings between members of local visiting panels will also provide an opportunity to share information and experience.

#### Evaluating training

- 3.4 Visitors in receipt of training will be required to complete an evaluation form focusing on the effectiveness and format of the course so that any necessary changes can be made to improve future delivery.

## **4. Visiting procedures in Custody**

### Frequency and coverage of visits

- 4.1 Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police. It has been agreed that custody visits will be organised to the six custody centres at the minimum frequency set out below:

Brighton Custody Centre –	1 visit every week
Chichester Custody Centre –	1 visit every two weeks
Crawley Custody Centre –	1 visit every two weeks
Eastbourne Custody Centre –	1 visit every two weeks
Hastings Custody Centre –	1 visit every two weeks
Worthing Custody Centre –	1 visit every two weeks

### Conducting a visit

- 4.2 Custody visits are to be undertaken in pairs at all times. This allows for visitors to remain objective and make informed judgements in which the community can have confidence and which the police will accept as fair. No more than two visitors should normally attend at any one time as any more may place an excessive burden on custody staff. Visits should be always be unannounced and should not develop a regular pattern.
- 4.3 It is therefore necessary for ICVs to contact each other in plenty of time to arrange a mutually-convenient time to carry out their visit. Should an ICV be unable to carry out their visit at short notice, they should contact their panel co-ordinator as soon as possible, so that a substitute partner can be contacted. It may be that the visit will have to be postponed. Independent Custody Visitors should try and be as flexible as possible to ensure that visits are carried out on a random, 24-hour basis. This will boost the credibility of the Scheme which will increase public confidence.
- 4.4 It is essential that independent custody visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles.

### Arrival

- 4.5 Independent custody visitors must be admitted to the custody area immediately upon arrival. Access should be delayed only when the visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. It is unacceptable for access to be delayed simply because the custody officer is busy, unless there is a valid operational reason. In such circumstances, the visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on the visit. A full explanation should always be given to the visitors as to why access is being delayed, which must be recorded by the visitors in their report.

- 4.6 Sussex Police I.D. cards must be carried (but not displayed) by ICVs at all times, and should be presented to officers and staff when requested. Independent Custody Visitors are encouraged to wear their 'ICV badges', which will enable staff and detainees to easily and quickly identify them.

#### Inspecting Custody Facilities

- 4.7 In the interests of security and the safety of independent custody visitors, the custody officer or a member of the custody staff must accompany them during visits at all times. This person is known as the escorting officer. However, the escorting officer should remain, where reasonably practicable, 'within sight but out of hearing' during discussions between visitors and detainees. The escorting officer must inform the ICVs of any health or safety risks at the start of the visit and advise them as necessary.
- 4.8 Independent custody visitors must have access to all parts of the custody area including cells, detention rooms, charging areas, washing facilities, kitchen or food preparation areas and medical room (with the exception of the medical cabinet). Visitors should carefully observe these areas to ensure that they 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 and other necessary items. Independent Custody Visitors may inspect empty cells and detention rooms to check heating/ventilation systems and that cell intercoms and toilet flushing mechanisms are working properly.
- 4.9 Independent Custody Visitors may wish to use a checklist to assist them in carrying out their inspections.
- 4.10 Cross-panel visiting is permitted with the agreement of the two Panel Co-ordinators concerned.

#### CCTV

- 4.11 Independent Custody Visitors should check that the CCTV systems in custody are operating properly, although they should not view CCTV footage. However, where specific incidents or circumstances arise as issues and have been captured on CCTV, visitors might reasonably be allowed access where both the police and the detainee(s) concerned give their consent. Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration of the system if necessary. Home Office advice is that viewing custody CCTV recordings beyond this and viewing public place CCTV are both outside the statutory remit of ICVs and would be governed by data protection legislation. Data protection falls under the remit of the Information Commissioner's Office (ICO), not the Home Office, and holders of the information (Sussex Police) would hence be responsible for ensuring compliance with the legislation and that each individual they allow/invite to view CCTV footage (live or recorded) is lawfully entitled to do so.

#### Access to detainees

4.12 Subject to some exceptions, visitors may normally have access to any person detained at a custody centre. Detainees usually fall into the following categories:

(a) PACE prisoners

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

(b) Home Office prisoners

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

(c) 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.

(d) People at risk

These may be persons held under the Mental Health Act 1983 for their own protection.

4.13 Subject to the exceptions referred to below, independent custody visitors must be allowed access to any person detained at the custody centre.

4.14 Detainees can only be visited with their consent and it is the escorting officer's responsibility to establish whether or not detainees wish to see the independent custody visitors. The manner in which the escorting officer introduces the two Independent Custody Visitors is a key factor in the process. By using simple yet positive wording, tone and body language, the detainee is more likely to agree to a conversation with the independent custody visitors.

4.15 If a detainee is not in a position to give consent, 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. This may also apply where consent is given, but the escorting/custody officer judges the visitors would be in danger from a violent or potentially violent detainee if they entered the cell.

4.16 Sleeping detainees may be woken at the discretion of the custody officer to seek consent to a visit; however, the normal procedure should be to observe them through the cell hatch.

4.17 Police interviews with detainees should never be interrupted to facilitate visits. However, independent custody visitors may await the completion of the interview if they wish to see the person concerned.

4.18 Juveniles may be visited with their own consent.

4.19 In exceptional circumstances, the police may judge that it is necessary for a detained person not to be seen by independent custody visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny visitors' access to a detained person should be taken by an officer of or above the rank of inspector and recorded in the custody record. The decision to deny

access should be taken in each case in the light of all relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.

#### Conversations with detainees

- 4.20 Once the detainee has consented to seeing the two independent custody visitors, the escorting officer will request that the detainee remains seated for the duration of the conversation.
- 4.21 The ICVs will enter the cell, and the escorting officer will remain within sight but out of hearing, usually just outside the cell door.
- 4.22 Conversations should normally be conducted in English, but translation support should be provided where necessary and where available. Where an independent custody visitor is fluent in a detainee's language, it may be appropriate to conduct the visit in that language as long as the other visitor is kept informed about what is being discussed.
- 4.23 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) and on confirming whether the conditions of detention are adequate. Independent custody visitors 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.
- 4.24 Independent custody visitors 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 may 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 custody visitors should raise these with the escorting officer following their discussion.
- 4.25 Should an independent custody visitor know the detainee, they must withdraw from the visit, as impartiality may be affected.
- 4.26 Independent custody visitors are primarily concerned with overall conditions, standards and procedures at police stations. However, immediate concerns about the 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.

#### Custody records

- 4.27 Custody records can be viewed by Independent Custody Visitors, only where the detainee has given his/her consent. If a detainee is, for any reason, incapable or giving his/her consent, the presumption will be in favour of allowing the visitors to examine the record.

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
- 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

### Medical Issues

- 4.28 Independent custody visitors should not, under any circumstances, have access to the detainee's medical records, even where these are attached to the custody record.
- 4.29 Visitors should pay particular attention to detained persons who have any form of illness, injury, disability or mental disorder. 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.

### Dealing with complaints arising from visits

- 4.30 Where a detainee makes a complaint or raises an issue about their treatment or conditions in custody, independent custody visitors must (subject to the detainee's consent) inform custody staff as soon as possible. The same applies to similar issues identified by visitors during their visit.
- 4.31 If a detainee makes a complaint of misconduct by a police officer, he or she must be advised to address it to the custody inspector/duty officer. With the detainee's consent, it may be appropriate for independent custody visitors to notify the custody inspector/duty officer that the detainee wishes to make a complaint. Furthermore, visitors may remind the detainee that they are entitled to free legal advice about the complaint or ask to see a doctor if an alleged assault is involved. Independent Custody Visitors must not involve themselves in individual cases or make representations on detainees' behalf.
- 4.32 Remand or sentenced prisoners held in custody centres who seek to complain about their conditions or treatment in prison should be advised that independent custody visitors cannot involve themselves in such matters and that there are recognised procedures open to

them such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

#### Confidentiality and disclosure

- 4.33 Nominated visitors will be required to sign a Memorandum of Understanding at the time of their appointment. During the course of their duties, visitors will acquire considerable personal information about persons connected with police inquiries, the majority of whom will not at that time have appeared in Court and some of whom may never appear at Court. That information must be protected against improper or unnecessary disclosure.
- 4.34 The Custody Visiting report 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 Police Authority 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.
- 4.35 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.
- 4.36 A Sussex Police Memorandum of Understanding sets out how custody staff and officers will support Independent Custody Visitors in their role (Appendix L).

## **5. Central Administrative Arrangements**

### Insurance

- 5.1 All Independent Custody Visitors are covered by Sussex Police Authority's Public Liability Insurance. This will provide cover in respect of damage or injury caused to Independent Custody Visitors by Sussex Police's negligence and will also indemnify the Sussex Police in respect of the Independent Custody Visitors' negligent acts.
- 5.2 In addition, there is cover under Sussex Police's Personal Accident policy for Volunteers, which provides various sums insured in respect of death and permanent or partial disablement.

### Expense claims

- 5.3 Independent custody visitors are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role. Independent Custody Visitors may claim their expenses by regularly posting a form to the ICV Scheme Manager. Claims should be submitted on a quarterly basis.

### Report forms

- 5.4 All visits carried out will be recorded on a report form. These will be completed at the time of the visit, and photocopies will be made so that one copy remains at the custody centre and two copies will be sent to the panel co-ordinator. The panel co-ordinator will then send a copy to the Scheme Manager. The Scheme Manager will assess all report forms and will ensure that any outstanding issues (not resolved at the time of visit) are resolved. By referring to the report forms, six-monthly statistics will be drawn up, which will be considered by the local ICV panels, the panel co-ordinators and the Professional Standards Committee.

### Newsletter

- 5.5 A bi-annual newsletter will be sent to all Independent Custody Visitors.

### Regional ICV Scheme Managers' meetings

- 5.6 The ICV scheme managers from Hampshire, Kent, Surrey, Sussex and Thames Valley police authorities find it useful to meet regularly to discuss ICV developments and share best practice.

## **6. Procedures for Dealing with Complaints Against Independent Custody Visitors**

### Making a Complaint

- 6.1 Any complaint made by any person against an Independent Custody Visitor due to the performance of his or her duties should be communicated to the ICV Scheme Manager as soon as possible, but must be reported within 14 calendar days following the conduct that is subject of the complaint.
- 6.2 The Scheme Manager will request a full written report of the complaint to be provided by the complainant within 14 calendar days of original notification of the complaint.

### Criminal Offences

- 6.3 If a complaint made to the Scheme Manager contains an allegation of the commission of a criminal offence by an Independent Custody Visitor whilst carrying out their role, the Scheme Manager will refer the complaint to the Head of Detainee Management for investigation.
- 6.4 The ICV Complaints Procedure will be held in abeyance pending the outcome of any criminal investigation and proceedings in respect of that complaint.
- 6.5 The ICV Complaints Procedure may be proceeded with in respect of any other related complaints that are not alleging criminal offences.

### Action upon Receipt of a Complaint.

- 6.6 Upon receipt of the written report from the complainant, the Scheme Manager will immediately inform the Independent Custody Visitor, in writing, that a complaint has been made against him or her. This notification must include the date, time and place and the type of conduct subject of the complaint, and invite the Independent Custody Visitor to make a written response to the complaint within 14 calendar days.
- 6.7 The Lead Member for ICV and one other member of the Professional Standards Committee will decide whether the complaint is such that the Independent Custody Visitor's appointment should be suspended pending the outcome of the Complaints Procedure and inform the Independent Custody Visitor in writing of the decision.
- 6.8 The Lead Member for ICV and one other member of the Professional Standards Committee may dismiss a complaint if it appears vexatious, malicious or otherwise lacking in merit. They will inform the complainant and the relevant Independent Custody Visitor in writing of this decision.

### Informal Resolution

- 6.9 Where the ICV Lead Member deems appropriate, they will seek to resolve the matter via informal mediation between the Independent Custody Visitors involved. Upon resolution of the issue, the ICV Lead Member may rescind any suspension imposed.

#### Investigation of a Complaint

- 6.10 Where the informal resolution of a complaint has not been achieved, or where the complaint was not deemed suitable for informal resolution, the ICV Scheme Manager will inform the Independent Custody Visitor that an investigation will be held into the complaint.
- 6.11 The ICV Lead Member will decide whether they will investigate the complaint themselves, or whether it is appropriate for another member of the Police Authority to do so.
- 6.12 The person conducting the investigation will obtain all available evidence about the conduct complained of from the complainant, witnesses and other possible sources, such as written records and CCTV recordings. The same conditions apply to the person who is the subject of the complaint.
- 6.13 The investigator will interview the Independent Custody Visitor and make a written record of the Visitor's response to the complaint. The Independent Custody Visitor may be accompanied by a friend or relative, but not by a legal representative, during the interview.
- 6.14 The investigator should aim to complete the investigation within 14 calendar days following the interview, except in exceptional circumstances.

#### Decision on Complaint

- 6.15 The ICV Scheme Manager or Police Authority member will consider all the evidence and decide whether the complaint has been substantiated. If the ICV Scheme Manager or Police Authority member decides that the complaint has been substantiated, he or she will decide whether:
- No further action should be taken, or
  - The ICV should receive advice about future conduct, or
  - The ICV should be required to undergo further training, or
  - The ICV should receive a written warning that if another complaint should be substantiated against the Independent Custody Visitor within the following 12 months, his or her appointment will be automatically terminated, or
  - The ICV should have his or her appointment terminated with immediate effect.
- 6.16 The ICV Scheme Manager will immediately inform the Independent Custody Visitor, the Panel Co-ordinator and the complainant of the outcome of the complaint in writing.
- 6.17 If the Independent Custody Visitor's appointment was suspended and the complaint is not substantiated, or is substantiated but termination of appointment is not imposed, the suspension will be lifted.

## Appeal

- 6.18 Should the Independent Custody Visitor (subject of the complaint) be dissatisfied by the ICV Scheme Manager or Police Authority member's decision that the complaint was substantiated and/or by the disciplinary penalty imposed, he or she may appeal to the Chief Executive of Sussex Police Authority.
- 6.19 The Appeal should be made in writing, addressed to the Chief Executive of Sussex Police Authority, and should be made within 14 days of receiving the letter informing them of the outcome.
- 6.20 The appeal will take place by means of an oral hearing within one month of the appeal being received, before two SPA members of the Professional Standards Committee not previously involved in the complaint.
- 6.21 A written record will be made of the appeal hearing, which will be chaired by a Police Authority member. The outcome will be decided by the majority vote.
- 6.22 The Independent Custody Visitor will be allowed to cross-examine the witnesses to the complaint, give his or her own evidence and call his or her own witnesses.
- 6.23 The Independent Custody Visitor may be assisted by a friend or relative at the hearing, but may not be legally represented.
- 6.24 Sussex Police Authority will not be responsible for paying the cost of any legal advice obtained by the Independent Custody Visitor in respect of the complaint procedure and appeal hearing.
- 6.25 The Independent Custody Visitor and the complainant will be informed in writing of the outcome of the appeal within 14 days of the hearing.

## Complaint that an Independent Custody Visitor has Failed to Perform Duties

- 6.26 If a Panel Co-ordinator becomes aware that an Independent Custody Visitor has failed to attend rota visits, Panel meetings and training sessions as required, he or she will raise the matter with the Independent Custody Visitor concerned as soon as possible. The Panel Co-ordinator should seek assurance from the ICV that his/her performance will improve.
- 6.27 If no such assurance is given, or if the performance continues to be poor, the Panel Co-ordinator will, in writing, refer the matter to the ICV Scheme Manager.
- 6.28 Within 14 calendar days of the receipt of the Panel Co-ordinator's report, the ICV Scheme Manager will inform the Independent Custody Visitor of the complaint that he or she has failed to perform his or her duties. The ICV Scheme Manager will decide whether or not to suspend the appointment, pending the outcome of the complaint investigation.

- 6.29 The ICV Scheme Manager will invite the Independent Custody Visitor to make a response to the complaint in writing within 14 calendar days.
- 6.30 The ICV Scheme Manager will consider the details of the complaint and of the response thereto, make any further necessary inquiries and decide whether on the balance of probabilities the complaint has been substantiated.
- 6.31 If the complaint is substantiated, the ICV Scheme Manager will decide which of the disciplinary actions set out in Paragraph 14.15 should be imposed.
- 6.32 The ICV Scheme Manager will inform the Independent Custody Visitor and the Panel Co-ordinator in writing of the decision on the complaint and, if appropriate, the disciplinary action imposed and the lifting of the suspension of appointment.
- 6.33 There is a right of appeal as set out in Paragraph 14.18 above.

#### Complaint that an Independent Custody Visitor is no Longer Fit for Duties

- 6.34 If a complaint is made by any person that an Independent Custody Visitor is no longer mentally or physically fit to perform his or her duties, or has received a criminal conviction or a police caution since appointment, the ICV Scheme Manager will immediately inform the Independent Custody Visitor of the complaint and invite the Independent Custody Visitor to make a written response within one month.
- 6.35 The ICV Scheme Manager may suspend the Independent Custody Visitor's appointment whilst the complaint is investigated, and will inform the Visitor of this decision in writing.
- 6.36 Offences for which a conviction or police caution may result in a decision to terminate an Independent custody Visitor's appointment may include (but are not restricted to):
- Any serious offence of violence or threat of violence
  - Burglary, robbery or theft
  - Trafficking
  - Corruption or fraud
  - Drug-related offences
  - Any serious offence of criminal damage or arson
  - Sexual offences
- 6.37 The ICV Lead Member will decide whether the complaint has been substantiated and, if so, whether to terminate the Independent Custody Visitor's appointment.
- 6.38 The ICV Scheme Manager will immediately inform the Independent Custody Visitor of the decision of the ICV Lead Member, the complainant and the Panel Co-ordinator in writing of the outcome.
- 6.39 If the complaint is not substantiated, any suspension of appointment will be lifted and the Independent Custody Visitor will be informed of this in writing.

6.40 There is a right of Appeal as at Paragraph 14.18 above.

#### Confidentiality

6.41 All persons involved in the complaints procedure will be advised to maintain confidentiality and not to discuss the complaint other than in the course of its investigation.

#### Monitoring of Complaints

6.42 The ICV Scheme Manager will report to each meeting of the Sussex Police Authority's Professional Standards Committee on complaints received and their outcome.

## **APPENDICES**

Appendix A – Police Reform Act 2002, Section 51
Appendix B – ICVA recruitment poster
Appendix C – Structural chart for Independent Custody Visiting
Appendix D – Role of Sussex Police Authority ICV Lead Member
Appendix E – Role of Sussex Police Authority ICV Scheme Manager
Appendix F – Role of ICV Panel Co-ordinator
Appendix G– Role of Independent Custody Visitor
Appendix H – Role of Head of Detainee Handling
Appendix I – Role of ICV Liaison Inspector
Appendix J – Role of Custody Inspector
Appendix K – Memorandum of Understanding for ICVs upon appointment
Appendix L – Memorandum of Understanding for Sussex Police regarding Independent Custody Visitors

## **Section 51 of the Police Reform Act 2002**

- 1.** Every police authority shall:
  - (a) make arrangements for detainees to be visited by persons appointed under the arrangements ("independent custody visitors"); and
  - (b) keep those arrangements under review and from time to time revise them as they think fit.
  
- 2.** The arrangements must secure that the persons appointed under the arrangements are independent of both:
  - (a) the police authority; and
  - (b) the chief officer of police of the police force maintained by that authority.
  
- 3.** The arrangements may confer on independent custody visitors such powers as the police authority considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers:
  - (a) to require access to be given to each police station;
  - (b) to examine records relating to the detention of persons there;
  - (c) to meet detainees there for the purposes of a discussion about their treatment and conditions while detained; and
  - (d) to inspect the facilities there including in particular, cell accommodation, washing and toilet facilities and the facilities for the provision of food.
  
- 4.** The arrangements may include provision for access to a detainee to be denied to independent custody visitors if:
  - (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
  - (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
  - (c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.
  
- 5.** Grounds shall not be specified in any arrangements for the purposes of subsection (4)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).
  
- 6.** The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by police authorities and independent custody visitors of their functions under the arrangements.
  
- 7.** Before issuing or revising a code of practice under this section, the Secretary of State shall consult with:
  - (a) persons whom he considers to represent the interests of police authorities;
  - (b) persons whom he considers to represent the interests of chief officers of police; and
  - (c) such other persons as he thinks fit.
  
- 8.** The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
  
- 9.** Police authorities and independent custody visitors shall have regard to the code of practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.
  
- 10.** In this section "detainee", in relation to arrangements made under this section, means a person detained in a police station in the police area of the police authority.



# What is an Independent Custody Visitor?



For more information see our "What is a Custody Visitor" leaflet, available from your local police authority or direct from ICVA.

Independent custody visitors are members of the local community who visit police stations unannounced to check on the welfare of people in police custody. Their reports provide an insight into the running of the custody area at the time of the visit.

Independent custody visitors must maintain their independence and impartiality. They do not take sides but look, listen and report on what they find.

**ICVA**  
the independent custody  
visiting association

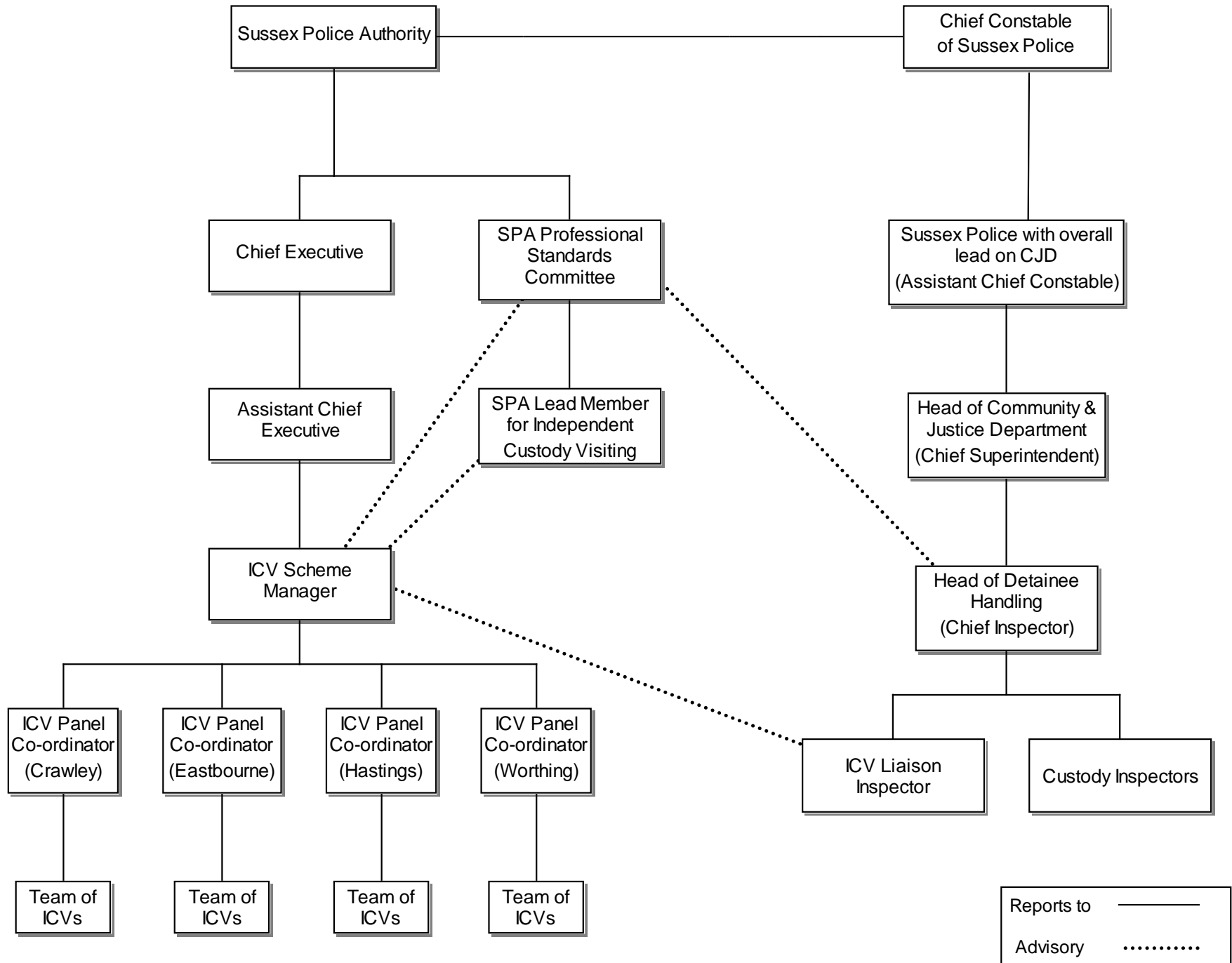
PO Box 1053, Colne, BB9 4BL

email: [info@icva.org.uk](mailto:info@icva.org.uk) web: [www.icva.org.uk](http://www.icva.org.uk)

**Your Local Police Authority**

Sussex Police Authority  
County Hall, St Anne's Crescent  
Lewes, East Sussex BN7 1UE  
Tel: 01273 481317

# Structural Chart for Independent Custody Visiting



## APPENDIX D

### **Role of the Lead Member for Independent Custody Visiting**

1	To report and present recommendations to the full Sussex Police Authority on ICV matters arising from the Professional Standards Committee
2	To lead the ICV recruitment and selection process
3	To actively publicise the ICV Scheme and raise its profile
4	To raise any areas of concern with the ICV Scheme Manager

## APPENDIX E

### Role of ICV Scheme Manager

1	To keep a record of all custody visit report forms and produce statistics on a six-monthly basis
2	To raise with the ICV Liaison Inspector any issues arising from custody visit report forms that were not resolved at the time of the visit, and to feed back on the actions undertaken
3	To arrange and chair bi-annual meetings for the six panel co-ordinators to discuss the operation of panels and consider the visiting statistics
4	To arrange for Sussex Police Authority representation at local panel meetings
5	To produce a bi-annual newsletter to be circulated to all custody visitors
6	To regularly liaise with other police authorities about their ICV Schemes in order to share good practice and encourage joint working
7	To undertake six-month probationary reviews of new custody visitors, assisted by their panel co-ordinator.
8	To undertake the initial six-month probationary reviews of newly-appointed panel co-ordinators in their new role
9	To undertake four-yearly re-appointment reviews of ICVs, assisted by their panel co-ordinator
10	To ensure that ICV Panel Co-ordinators are elected at panel meetings
11	To organise the recruitment and training of new ICVs
12	To actively publicise and raise the profile of the ICV Scheme to strengthen public confidence in procedures at custody centres
13	To organise refresher training for ICVs and tailored sessions where specific training requirements have been identified
14	To continuously monitor the effectiveness of the ICV Scheme and carry out four-yearly reviews of the Scheme
15	To regularly liaise with the Lead Member for ICV on custody visiting matters
16	To investigate all complaints about custody visitors and, where necessary, terminate the appointment of custody visitors due to poor performance or inappropriate behaviour
18	Process the refund of expenses for all custody visitors
19	Responsible for reporting to the Professional Standards Committee
20	To manage the ICV budget

## APPENDIX F

### **Role of ICV Panel Co-ordinator**

\* The Panel Co-ordinator may be provided with an annual honorarium from Sussex Police Authority, as an acknowledgement for undertaking the extra duties that this role entails.

1	To produce visiting rotas for circulation to all panel members
2	To arrange panel meetings twice a year
3	To keep a written record of panel meeting discussions for circulation to all panel members and the ICV Scheme Manager
4	To notify the Scheme Manager of any training requirements on the panel
5	To report directly to the ICV Scheme Manager on any issues relating to the panel
6	To ensure that panel members conduct the required number of visits per year, and to ensure that the rota is equally allocated to panel members
7	To regularly send a copy of the rota to the Scheme Manager
8	To ensure that visits are carried out at different times and days (on a 24-hour basis)
9	To oversee the work of the panel and ensure its smooth-running
10	To ensure that new custody visitors are supported by the panel
11	To organise a familiarisation visit once new custody visitors are appointed (following training)
12	To assist in the six-month probationary and four-yearly reviews of custody visitors, undertaken by the ICV Scheme Manager
13	To attend six-monthly Panel Co-ordinators' meetings, organised by the Scheme Manager
14	To help publicise the ICV Scheme and its benefits
15	To assist in informal complaint resolution

## APPENDIX G

### Role of Independent Custody Visitor

1	To regularly liaise with the ICV Panel Co-ordinator on custody-related matters
2	To arrange with the visiting partner a mutually-convenient time to undertake visits, following circulation of the rota by the Panel Co-ordinator
3	To complete report forms fully and concisely for every visit undertaken. Where visits are aborted, the reasons must be noted. One report form is to remain at custody centre, and two forms should be sent to the Panel Co-ordinator
4	To attend bi-annual local panel meetings, organised by the Panel Co-ordinator
5	To regularly (quarterly) submit expense claim forms to the ICV Scheme Manager
6	To ensure that, where detainees are not in a position to give their consent to have a conversation, custody records are observed
7	To remain impartial and refrain from becoming involved in any way in the process of investigation
8	To immediately declare if a detainee is known to them and withdraw from the visit
9	To ensure that custody visits are carried out at varying times of the day and night to ensure credibility
10	To develop and maintain a professional working relationship with police personnel based on mutual respect and understanding of each of each other's legitimate roles
11	To inform the Panel Co-ordinator of any training requirements
12	To attend training sessions
13	To maintain and respect confidentiality at all times

## APPENDIX H

### **Role of Chief Inspector, Head of Detainee Handling**

1	To represent the Community & Justice Department at Professional Standards Committees
2	To liaise with the SPA Lead member, the ICV Liaison Inspector and the ICV Scheme Manager to review and address pertinent issues.
3	To ensure all Investigation and Detainee Handling Centres comply with the guidance set out in the ICV scheme.
4	To ensure that issues of concern, raised in ICV reports, are acted upon and resolved, where appropriate.
5	To update the Community & Justice Command Team with information relating to the ICV scheme.

## APPENDIX I

### **Role of ICV Liaison Inspector**

1	To regularly liaise with the ICV Scheme Manager on custody-related matters
2	To attend and provide an oral update on custody matters at the bi-annual ICV Co-ordinators' meeting, organised by the ICV Scheme Manager
3	To act as the general point of contact between the ICV Scheme Manager and the other custody centre inspectors
4	To communicate to all custody inspectors any information relevant to custody issues following agreed actions with ICV Scheme Manager
5	To ensure that custody staff and officers are fully aware and respect the importance and necessity of the ICV role and Scheme.
6	To assist, where appropriate, in the training of Independent Custody Visitors
7	Like all custody inspectors, highlight any concerns or issues with the ICV Scheme Manager in relation to ICV conduct during custody visits

## APPENDIX J

### Role of Custody Inspector

1	To ensure that custody officers and staff request to see the identity card of all ICVs upon arrival in the custody area
2	To make all staff aware that Independent Custody Visitors are admitted immediately to the custody area. Access should be delayed only when the visitors' safety may be at risk, or where there is a valid operational reason. A full explanation should always be given to the visitors as to why access is being delayed.
3	To ensure that Independent Custody Visitors are accompanied at all times during visits, but where practicable, the escorting officer remains 'within sight but out of hearing' during discussions between ICVs and detainees
4	To regularly consult ICV report forms and ensure that custody staff and officers are aware of any issues recorded
5	To ensure that, where possible, any issues arising at the time of the visit are acted upon and promptly resolved during the visit
6	To act upon any issues arising from custody visit report forms that were not resolved at the time of the visit, and, where necessary, feed back to the ICV Scheme Manager on the actions undertaken
7	To communicate to all custody officers and staff any information relevant to ICV issues
8	To ensure that custody staff and officers are fully aware and respect the importance and necessity of the ICV Scheme and the visitors' role
9	To ensure that escorting officers are aware that they should use positive tone and body language when introducing Independent Custody Visitors to detainees
10	To assist, where appropriate, in the training of Independent Custody Visitors
11	To highlight any concerns or issues with the ICV Scheme Manager in relation to ICV conduct during visits
12	To ensure that Independent Custody Visitors have access to all parts of the custody area, except the medical cabinet.
13	To ensure that a copy of the ICV Scheme is available at all times at the custody centre, so that it can be referred to by all visitors, officers and staff.



## **INDEPENDENT CUSTODY VISITING**

### **MEMORANDUM OF UNDERSTANDING**

I \_\_\_\_\_, having been appointed by Sussex Police Authority (SPA) as an Independent Custody Visitor on the \_\_\_\_\_ ICV Panel for a period of two terms of four years, from \_\_\_\_\_, AGREE that I shall:

1. Carry out my duties with integrity, fairness, equity, justice and courage. I will actively build a culture in the Police Authority and will assist the Chief Constable to do so in Sussex Police, which is overtly hostile to those who discriminate on the grounds of race, religion, skin colour, sexual orientation, disability, gender, social class or any other inappropriate factor;
2. Promptly inform the ICV Scheme Manager of any change in my contact details, of any police cautions and any convictions, including motoring offences, that may be recorded against me during my term of appointment and also of any change in my circumstances that may affect my ability to continue my duties;
3. Attend, by appointment, Sussex Police Headquarters to be issued with an Identity Card, keep my Identity Card safely and use it for no purpose whatsoever other than to obtain entry to police premises to carry out my duties. I shall return my Identity Card to the Scheme Manager at the expiry or termination of my term of appointment together with the ICVA Training Manual issued to me and any other Sussex Police Authority property;
4. Maintain confidentiality and not discuss what I have seen and heard in the course of my duties other than with the police officers and staff, police authority representatives and fellow Independent Custody Visitors;
5. Make informed judgements in which the public can have confidence and which the police will accept as fair criticism;
6. Maintain effective working relationships with police officers and staff as set out in the Scheme guidelines;
7. Familiarise myself with the SPA ICV Complaints Procedure;
8. Carry out the duties of an Independent Custody Visitor in line with the Scheme guidelines and with the training provided. In particular, I shall:
  - Have due regard to health and safety issues for myself and for others at all times whilst carrying out my duties;
  - Carry out a minimum of four custody visits per year as set out in agreed Panel rotas and promptly inform the Panel Co-ordinator and fellow Custody Visitors if a rostered visit cannot be undertaken;
  - Attend at least one continuous training event organised by the SPA each year;
  - Attend at least half of the Panel meetings arranged by the Panel Co-ordinator each year;
  - Complete and submit claim forms for travel allowances to the Scheme Manager on a quarterly basis.

**Signed by Independent Custody Visitor** \_\_\_\_\_ **Date** \_\_\_\_\_



## **MEMORANDUM OF UNDERSTANDING REGARDING INDEPENDENT CUSTODY VISITING**

In order to support an effective ICV Scheme within Sussex, staff and officers working within Sussex Police custody facilities will:

9. Familiarise themselves with the Sussex Police Authority ICV Scheme
10. Treat Independent Custody Visitors with respect
11. Maintain effective working relationships with Independent Custody Visitors
4. Have due regard to health and safety issues concerning Independent Custody Visitors at all times whilst carrying out their duties
5. Consult ICV report forms regularly and consider issues raised