

## Independent Custody Visiting Association (ICVA)

<b>Basics</b>	<b>Web site</b>	<a href="http://www.icva.org.uk">http://www.icva.org.uk</a>
	<b>Geographical coverage</b>	<p>Whole of the UK: England, Wales, Northern Ireland and Scotland. Jersey and Guernsey are also in membership</p> <p>Throughout each of the countries the schemes are run through local police and crime commissioners within England and Wales and Northern Ireland Policing Board. The process is statutory and there is a requirement for each police and crime commissioner / policing board to provide a scheme administrator. The scheme in Scotland will become statutory under the new Scottish Police Authority with effect from April 2013.</p>
<b>Constitutional Aspects</b>	<b>Legal Framework/Basis</b>	<p>The Police Reform Act 2002 (available at <a href="http://www.opsi.gov.uk/Acts/acts2002/ukpga_20020030_en_1">http://www.opsi.gov.uk/Acts/acts2002/ukpga_20020030_en_1</a>) places independent custody visiting on a statutory basis</p> <p>The revised Code of Practice on independent custody visiting (available at <a href="http://www.icva.org.uk">http://www.icva.org.uk</a> ) describes the functions of the ICV.</p>
	<b>Independence</b>	<p>Members must have no direct involvement in the criminal justice system, such as serving police officers, special constables or police authority members and staff. Others, such as solicitors or probation officers, may be excluded to prevent possible conflicts of interest for the individual. However each application is considered on its merits.</p> <p>Police Reform Act 2002 §51 (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</p> <p>The Code of Practice states: 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, of police and crime commissioners' staff will be unsuitable for that reason. The same will apply to special constables and justices of the peace.</p>
	<b>Financial Independence</b>	<p>ICVA receives its income via a grant from the Home Office membership subscription sales/services.</p> <p>The Code of Practice on Independent Custody Visiting states:</p> <ul style="list-style-type: none"> <li>➤ The responsibility for organising and overseeing the delivery of independent custody visiting lies with police and crime commissioners', in consultation with chief constables. Police and crime commissioners' must therefore ensure that they have in place robust and effective procedures for establishing and maintaining their independent custody visiting schemes, including the allocation of appropriate resources to this function.</li> <li>➤ Independent custody visitors are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role.</li> </ul>

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<b>Membership</b>	<b>Composition of body</b>	<p>Website: The Executive Committee is composed of 12 members; there is also a Secretariat, led by Chief Executive.</p> <p>In England &amp; Wales the schemes are run through local police and crime commissioners' and there is a requirement for each police and crime commissioner to provide a scheme administrator. In Scotland and Northern Ireland the process is also statutory and is administered through the Scottish Police Authority and the Northern Ireland Policing Board.</p> <p>Independent custody visitors (ICVs) are local community members who check on the welfare of people in police custody, by visiting police stations unannounced. Representing various backgrounds and sections of the community, ICVs must be over 18 and have no direct involvement in the criminal justice system, such as serving police officers or special constables. Others, such as solicitors or probation officers, may be excluded to prevent possible conflicts of interest for the individual. However each application is considered on its merits.</p>
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	<b>Appointment</b>	<p>Police Reform Act 2002 §51, amended by the Coroners and Justice Act 2009, reads (1A) Every police authority must ensure- (a) that the arrangements made by it require independent custody visitors to prepare and submit to it a report of any visit made under the arrangements to a suspected terrorist detainee (b) that a copy of any report submitted under paragraph (a) is given to a person appointed under section 36(1) of Terrorism Act 2006 (independent reviewer of terrorism legislation).</p> <p>The Revised Code of Practice state :</p> <ul style="list-style-type: none"><li>➤ Police and crime commissioners' are responsible for recruiting, selecting and appointing independent custody visitors and must ensure these functions are adequately resourced.</li><li>➤ Adequate numbers of suitably trained and accredited independent custody visitors must be available at all times.</li><li>➤ Recruitment must be based on clear role descriptions, as well as person specifications setting out the qualities independent custody visitors require to carry out their role effectively.</li><li>➤ Recruitment must be open, non-discriminatory and well publicised.</li><li>➤ All selections must be made on the basis of a standard application form with adjustments based on local circumstances.</li><li>➤ No person shall be appointed as an independent custody visitor without an interview taking place. The selection panel must record the reasons for decisions about appointment or non-appointment. Any appointment is subject to vetting or security clearance for all custody visitors (to an appropriate level as determined by the Home Office). Vetting renewal must be undertaken for all visitors before their appointments are renewed.</li><li>➤ Any appointment must be made solely on merit and all independent custody visitors must be at least 18 years old and must be from those living or working within the police and crime commissioners' boundary and who have been resident in the UK for at least 2 years prior to the date of application.</li></ul>
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	<p><b>Expertise</b></p>	<p>Various backgrounds, representing community.</p> <p>The Code of Practice:</p> <ul style="list-style-type: none"> <li>➤ The police and crime commissioners’ must seek to ensure that the overall set of independent custody visitors is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.</li> <li>➤ All reasonable adjustments must be made to accommodate those with a disability, as defined in the Disability Discrimination Act 1995, and those who do not have English as their first language but who are able to communicate effectively so as to be understood, where they are considered suitable candidates.</li> <li>➤ Visitors must be independent persons who are able to make informed judgements and unbiased observations in which the community can have confidence and which the police will accept as fair criticism when it is justified.</li> <li>➤ The basic responsibility for initial and ongoing training lies with the police and crime commissioners’ and a structured plan with clear objectives must be developed in consultation with the police service and the local independent custody visiting community.</li> <li>➤ The police and crime commissioners’ must evaluate the effectiveness of training and the extent to which it is achieving its objectives.</li> </ul>
<p><b>Visiting Mandate</b></p>	<p><b>Places of deprivation of liberty to be visited</b></p>	<p>All places of police detention.</p> <p>The Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ Consideration must be given to making visits to all police stations where detainees are held even where they are only accommodated for relatively short periods of time.</li> </ul>
	<p><b>Frequency of visits</b></p>	<p>Website: Independent custody visitors visit police stations on a weekly basis, in pairs within their local area.</p> <p>The Code of Practice :</p> <ul style="list-style-type: none"> <li>➤ The police and crime commissioners’ should liaise with the chief officer about the frequency with which visits should be carried out.</li> <li>➤ 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.</li> <li>➤ The frequency of visits must be monitored against expectations and reported to the police and crime commissioners’ at regular intervals. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.</li> </ul>

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	<p><b>Types of visits</b></p>	<p>Website: ICVs visit police stations randomly and unannounced. "ICVs may occasionally be denied immediate access to the custody unit for safety reasons and asked to wait."</p> <p>The Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ Independent custody visitors must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the visitors in danger. A full explanation must be given to the visitors as to why access is being delayed and that explanation must be recorded by the visitors in their report.</li> <li>➤ Independent custody visitors must have access to all parts of the custody area and to associated facilities such as food preparation areas and medical rooms. However, it is not part of their role to attend police interviews with detainees. Custody visitors will be allowed access to CCTV cameras to ensure that they are operational.</li> </ul>
	<p><b>Private interviews</b></p>	<p>The Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ Discussions between detainees and independent custody visitors must, wherever practicable, take place in the sight, but out of the hearing, of the escorting officer.</li> <li>➤ However, as per (55) of the Revised Code of Practice, the custody officer may limit or deny independent custody visitors' access to a specific detainee only if authorised by an officer of or above the rank of inspector and where either:             <ul style="list-style-type: none"> <li>• after a thorough risk assessment has been carried out the officer reasonably believes that to be necessary for the visitors' safety, or</li> <li>• if the officer reasonably believes that such access could interfere with the process of justice.</li> </ul> </li> </ul>

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<b>Access to information</b>	<p>The Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ Independent custody visitors must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the visitors in danger. A full explanation must be given to the visitors as to why access is being delayed and that explanation must be recorded by the visitors in their report.</li> <li>➤ Independent custody visitors must have access to all parts of the custody area and to associated facilities such as food preparation areas and medical rooms. However, it is not part of their role to attend police interviews with detainees. Custody visitors will be allowed access to CCTV cameras to ensure that they are operational.</li> <li>➤ Subject to obtaining the detainee’s consent to examine their custody record, the independent custody visitors should check its contents against what they have been told by the detainee. Visitors may also have access to other relevant documentation, which relates to a detainee e.g. risk assessment. All such information must be treated confidentially.</li> <li>➤ If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption must be in favour of allowing the independent custody visitors to examine it.</li> <li>➤</li> </ul> <p>Police Reform Act 2002 §51 (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; (ba) in relation to suspected terrorist detainees, to listen to the audio recordings and view the video recordings (with or without sound) of interviews with those detainees which have taken place during their detention there and which were conducted by a constable (amended by Coroners and Justice Act 2009) (c) to meet detainees there for the purpose 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.</p> <p>(3A)The arrangements may include provision for access to the whole or part of an audio or video recording of an interview of the kind mentioned in subsection (3)(b a) 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 to such recordings are complied with. (Coroners and Justice Act 2009)</p> <p>(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 purpose 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.</p>
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	<p><b>Publication of findings after visits</b></p>	<p>The Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ At the end of each visit, and while they are still at the police station, independent custody visitors must complete a report of their findings to include conditions and facilities, rights and entitlements and health and well being. One copy of the report must remain at the station for the attention of the officer in charge. Copies must go to the police and crime commissioners' and other parties as determined locally.</li> <li>➤ Report forms must include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit.</li> </ul> <p>Website: A report is completed after each visit, providing an insight into the running of the custody area at that time. Copies of the reports are provided to the police, the police and crime commissioners', independent custody visitors and the Home Office. These provide a vital source of information on the environmental and welfare conditions in which detainees are held; their content is analysed and areas for action highlighted.</p>
	<p><b>Coordination of visits</b></p>	<p>Website: ICVA works in partnership with a number of key organisations involved in the criminal justice system to encourage the provision and development of appropriate support and services for all involved in the custody visiting process.</p>
<p><b>Other Aspects of Mandate</b></p>	<p><b>Recommendations and suggestions for amendments to legislation</b></p>	<p>Website: "A report is completed after each visit, providing an insight into the running of the custody area at that time. Copies of the reports are provided to the police, the police and crime commissioners', independent custody visitors and the Home Office. These provide a vital source of information on the environmental and welfare conditions in which detainees are held; their content is analysed and areas for action highlighted."</p> <p>The Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ The central administrator must have a regular and formal opportunity to raise concerns and issues with a designated senior officer with force-wide responsibilities. It will usually be appropriate for that officer to be of Assistant Chief Constable rank. The central administrator must also produce regular reports for the police and crime commissioners' summarising the output from independent custody visiting and the way in which concerns have or have not been addressed. These reports must be discussed at police and crime commissioners' meetings as appropriate and reflected in an entry about independent custody visiting in the police and crime commissioners' own annual report.</li> </ul>

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	<p><b>Preventive activities</b></p>	<p>Independent custody visitors look, listen and report on what they find in the custody unit (Website).</p> <p>The Revised Code of Practice states:</p> <ul style="list-style-type: none"> <li>➤ Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE and confirming whether the conditions of detention are adequate.</li> </ul>
<p><b>Standards</b></p>	<p><b>Legal standards applied</b></p>	<p>With regard to visits to police custody detention, the legal standards for assessing a visit are based on the Police and Criminal Evidence Act 1984, Revised Edition - Codes of Practice, in particular Sections 8 (conditions of detention) and 9 (care and treatment of detained persons) of Code C on Detention, treatment and questioning of persons by police officers.</p>
<p><b>Reports</b></p>	<p><b>Annual reports</b></p>	<p>The ICVA produces an annual report of its visiting activities. The ICVA Annual Report reviews the year past and presents a vision for the year ahead. It provides regional updates on custody visiting from scheme administrators throughout the UK as well as a summary of the year's finances.</p>