



**POLICE & CRIME
COMMISSIONER**
for Leicester,
Leicestershire & Rutland
Your Communities - Your Commissioner



LEICESTERSHIRE INDEPENDENT CUSTODY VISITING SCHEME

VOLUNTEER POLICY STATEMENT

The Police and Crime Commissioner (PCC) welcomes volunteer involvement and recognises the value of their work.

Those who volunteer care about where we live and the communities we belong to and volunteer to help improve the quality of life for others.

People from all walks of life volunteer for many different reasons and for the benefit of others, and the PCC encourages volunteer involvement equally across the community in order to reflect the diversity of our society.

We provide continuous training for all our volunteers and strive to ensure that the environment in which our volunteers operate is safe, secure and healthy and free from harassment, intimidation, bullying, violence and discrimination.

The PCC ensures that volunteers are paid out-of-pocket expenses to make volunteering accessible to all and to ensure that they do not suffer a financial burden as a result of their volunteering.

Volunteer Expenses Policy

Statement of Policy

1. The Police and Crime Commissioner ensures that volunteers are paid out-of-pocket expenses to make volunteering accessible to all and to ensure that they do not suffer a financial burden as a result of their volunteering.

Rationale

2. Volunteers give their time and skills free of charge, so it is fair that they should be reimbursed for any expenses they incur whilst doing so. For equal opportunities reasons, the opportunity to volunteer should be available to all. The potential cost of volunteering should not be a factor that discourages anyone from becoming a volunteer.

Scope of Policy

3. The document provides information on expenses that can be reimbursed and the process for claiming them.
4. Volunteers are never remunerated; they are simply reimbursed for out-of-pocket expenditure. This is to prevent problems both for the organisation and the individuals themselves in respect of tax and income maintenance benefits.

Expenses Eligible for Reimbursement

5. Volunteers are expected to choose the most cost effective means available for travel and support expenditures, whilst also continuing to meet their personal requirements.
6. The following are considered legitimate expenses:
 - Travel from home to the location of volunteering.
 - Travel undertaken in the course of volunteering.
 - Car park charges (where appropriate).
 - Telephone calls.
 - Costs to enable volunteering/involvement such as a signer, carer, interpreter or translator.
7. The office will make necessary arrangements for costs involved in conference and training events. Health and safety equipment will also be provided if required (e.g. protective clothing).

Allowances

8. Travel allowances are aligned to HM Revenue and Customs rates as follows:

| | |
|--------------------------|--------------|
| Car/Van | 45p per mile |
| Motorcycle | 24p per mile |
| Bicycle | 20p per mile |
| Carrying extra passenger | 5p per mile |

9. Taxi fares will be reimbursed in justifiable circumstances, for example volunteers requiring particular accessible transport or when limited public transport is available for carrying out work during unsocial hours.

10. Expense claims in relation to taxi fares and all other legitimate expenses will be reimbursed provided that receipts are attached to the claim form. Expenses incurred from telephone bills will be compensated upon receipt of itemised bills with relevant calls marked.

Procedure for Claiming Expenses

11. The individual responsible for managing volunteer activities will supply claim forms regularly.
12. Claims should be submitted on form E18 on a monthly basis, or within a 2 month period of the expense being incurred, direct to the OPCC. Claims submitted outside of this timescale may not be reimbursed.
13. Claims without evidence (i.e. itemised bills or receipts) where required not be reimbursed.
14. All expense forms must be signed by the volunteer, checked against attendance data and signed by the authorised post holder before submission to the Finance team.
15. The Office of the Police and Crime Commissioner (OPCC) intends to make payment by the Bank Automated Clearing System (BACS) within 14 days of receipt of a claim form. In exceptional circumstances, a cheque or cash payment can be made.
16. Volunteers are encouraged to claim expenses as this enables the OPCC to accurately measure costs.

Publicity of the Policy

17. Staff members are responsible for ensuring that all current and future volunteers are made aware of their entitlement to claim expenses and the process for doing so.

Review of the Policy

18. The policy will be reviewed annually.

Next review date: 15/06/2023

Operation of the Independent Custody Visiting Scheme: Leicester, Leicestershire and Rutland

1. Independent Custody Visiting: How it began and why

- 1.1 The origins of independent custody visiting, originally known as lay visiting, are to be found in the Scarman report into the Brixton disorders in 1981. One of the recommendations of the report was that a system be introduced whereby local community members could make independent, unannounced visits to police stations for the purpose of inspecting procedures relating to the detention of persons in police custody. The purpose of this recommendation 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 at this time approved a custody visiting system which was non-statutory.

Development

- 1.2 In 1983 the Home Office produced provisional guidance and pilot schemes were set up in Lambeth and six provincial police authority areas: Cheshire, Greater Manchester, Humberside, Leicestershire, South Yorkshire and West Midlands. Custody visitors in Lambeth and Cheshire were recruited from members of the public, but in the other five areas they were appointed from the elected members of the respective police authorities. These pilot schemes were reviewed during 1984. More London groups, called 'panels', were set up during 1985 in North Westminster, Hammersmith and Fulham, based on the Lambeth model.

Research

- 1.3 In 1987 the Home Office commissioned research from the Bristol and Bath Centre for Criminal Justice to study the extent to which custody visiting schemes had been introduced and the effectiveness of their arrangements.

Revised guidance: Home Office Circulars

- 1.4 In July 1991, following the results of the research, and after extensive consultation with the Metropolitan Police, Association of Chief Police Officers, local authority associations and custody visitors, the Home Office issued detailed revised guidance to London custody visitors. Subsequently Home Office Circular 4/92 was issued to provincial police authorities in January 1992 advising of scheme revisions.
- 1.5 The recommendation of a national agency resulted in the formation of the National Association for Lay Visiting (NALV), whose inaugural conference was held in May 1993. Subsequently the Association changed its name to the Independent Custody Visiting Association (ICVA). Leicestershire is currently a subscribing member to ICVA who provide training sessions, promotional material and guidance on the administration of local schemes.
- 1.6 Home Office Circular 4/92 was subsequently replaced by Home Office Circular 15/2001 which provided guidance based on research into custody visiting undertaken by the Police Foundation. At the time the Scheme still remained non-statutory. This Home Office guidance changed the name of the Scheme from Lay Visiting to Independent Custody Visiting (ICV).
- 1.7 Section 51(1) of the Police Reform Act 2002 placed independent custody visiting on a statutory basis. The Act came into force on 1 April 2003 and part of the requirement contained in the Act was for the Home Secretary to issue a relevant

Code of Practice to which police authorities and independent custody visitors should have regard in carrying out their relevant functions. A copy of the Code of Practice is included in Part III of the Handbook.

- 1.8 To accompany the Code of Practice the Independent Custody Visiting Association (ICVA) produced National Standards which form the third and final part of the framework of rules and guidance to support effective custody visiting. A copy of National Standards is contained in Part IV of the Handbook.

Home Office role

- 1.9 Currently, responsibility for national policy rests with the Policing Powers Directorate of the Home Office, located at 2 Marsham Street, London.
- 1.10 Under the Police Reform and Social Responsibility Act 2011 police authorities were abolished and replaced by a Police & Crime Commissioner (PCC) as the local policing body. The statutory duty to have in place an Independent Custody Visiting Scheme transferred to Police & Crime Commissioners at that time.

Provincial arrangements

- 1.11 The responsibility for custody visiting arrangements lies with each Police and Crime Commissioner (PCC) in consultation with the Chief Constable. Each Commissioner operates his or her own scheme according to local arrangements.

Principles

- 1.12 The principles of custody visiting are indivisible from its purpose: to provide independent oversight of the detention of people in police custody. The purpose of 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 and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater public understanding and confidence in these matters. Custody visiting arrangements also provide an independent check on the way police officers carry out their duties with regard to detained persons. Crucial to the Scheme is the independence and impartiality of custody visitors. They may not champion the cause of either the police or the detainee. Their function is to look, listen and report.

Mutual consent

- 1.13 Custody visiting is carried out by consent: the consent of the community from which the visitor has been appointed; the PCC which makes the appointment; the police; and the detainee. Consent may be implied or expressed, but without its presence a scheme would lose its integrity.
- 1.14 Custody visitors need to be aware of the law as it applies to the detention of people in police custody and so must have a knowledge of detainees' rights and the limits of police powers. From that, custody visitors know what they may ask, (and of whom), what to see and what may be done. A custody visiting scheme's credibility depends on the way in which it operates. Custody visits to police stations must be random, unannounced, and carried out with a frequency which is appropriate to the area.

2. The Organisation of the Scheme in Leicestershire

- 2.1 The PCC is responsible for the independent custody visiting scheme in Leicester, Leicestershire, and Rutland. The PCC oversees Custody Visiting arrangements and receives regular reports on the operation of the Scheme.
- 2.2 The Scheme is overseen by the Chief Executive and is administered by the Volunteer Manager. The Volunteer Manager will support the Co-ordinator and Deputy Co-ordinators in their role and provide a point of contact for custody visitors.
- 2.3 Contact details for OPCC staff involved in the custody visiting process are contained in Part II Appendix 1.
- 2.4 Within Leicestershire Police the responsibility for addressing any issues or problems that arise with the scheme lies with the Chief Inspector in Criminal Justice.
- 2.5 Leicestershire Police has 3 custody suites all of which are Police and Criminal Evidence Act (PACE) designated sites. The custody suites operate on a 24/7 basis. The custody suites are located as follows:-
 - Beaumont Leys - 14 cells
 - Euston Street - 36 cells Weekend, 18 Cells Mid Week
 - Keyham Lane - 17 cells

Role of Independent Custody Visitor (ICV)

- 2.6 A copy of the role description for Independent Custody Visitor is contained in Part II Appendix 2.

Role of the Co-ordinator

- 2.7 The custody visiting team will be led by an experienced volunteer who undertakes the role of Co-ordinator, and two Deputies. The Co-ordinator will be elected annually by vote from the whole team. The role of the Co-ordinator is to ensure that a suitable pattern of visiting is established, facilitating team meetings to keep custody visitors informed of current developments and acting as the link between the individual custody visitor and the OPCC. A copy of the role description for the Co-ordinator can be found in Part II Appendix 3. The Co-ordinator and Deputy Co-ordinators will be paid an allowance for incidental expenses. The level of the allowance is determined by the PCC.
- 2.8 The Co-ordinator will be supported by two deputy Co-ordinators; Deputy Co-ordinators will be elected by the ICV team following the election of the Co-ordinator. All elections will take place at the March ICV team meeting. Deputy Co-ordinators will attend meetings held with the representatives from the OPCC and Criminal Justice. A copy of the role description for the Deputy Co-ordinator can be found at Part II Appendix 4.

Meetings

- 2.9 The Co-ordinator will chair meetings with the team of custody visitors on a quarterly basis to discuss developments, problems, good practice and availability for visits. The Volunteer Manager will be in attendance to provide advice and to raise any issues that may have arisen since the last Co-ordinators' meeting. A copy of the Terms of Reference for team meetings can be found in Part II Appendix 5.

- 2.10 The Volunteer Manager will organise quarterly meetings with the Co-ordinator, Deputy Co-ordinators and the Custody Inspector. The purpose of these meetings is to address issues affecting custody suites, receive feedback from teams, address the issues arising from visits and the response from the Force, ensure that visits are being undertaken and assess the number of occasions on which detainees refuse to speak to visitors. These meetings will be chaired by the Volunteer Manager. A copy of the Terms of Reference for Co-ordinators' meetings can be found in Part II Appendix 6.

E-newsletters

- 2.11 E-newsletters will be forwarded to all ICVs from the OPCC on the last Friday of every month. The e-newsletters provide feedback on issues arising from visits and will set out forthcoming events including dates of team meetings and training sessions as well as informing of latest national and local developments.

3. Regional Collaboration

- 3.1 OPCC officers with responsibility for custody visiting within the East Midlands region, being Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire, meet on a regular basis to share good practice, identify areas where schemes can be aligned and where collaboration can take place in the interests of efficiency and cost saving. An annual regional advanced training day will be organised at this forum, for custody visitors across the region to meet together for training purposes and to discuss the wider aspects of their work.
- 3.2 A copy of the Terms of Reference for this meeting is enclosed at Part II Appendix 7.

4. Appointment of Custody Visitors

Qualifications

- 4.1 Custody Visitors should be independent persons of good character, able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified. Any person over the age of 18 years living or working in Leicester, Leicestershire or Rutland and resident in the UK for at least three years prior to the date of application, may be appointed as a custody visitor, however in order to avoid any potential conflict of interest, staff of the OPCC, police staff, special constables, magistrates, employees of the Probation Service and serving and former police officers will be excluded. This list is a guideline and other conflicts may occur, applicants should contact the OPCC if they have any queries.
- 4.2 All reasonable adjustments will be made to accommodate those with a disability as defined in the Equality Act 2010, 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.
- 4.3 Applications from others involved in the criminal justice system will be considered individually, having regard to the public service principle of being seen to be independent and impartial.

Recruitment Process

- 4.4 The OPCC is responsible for the recruitment, selection and appointment of independent custody visitors. The recruitment process will strive to ensure that individuals appointed to the role are representative of the local community and provide a suitable balance in terms of age, disability, gender re-assignment, race, religion or belief, sex, and sexual orientation. Data on the breakdown of these groups is monitored and reported to the PCC and included in the PCC's annual report published on the PCC's website.
- 4.5 Periodically, advertisements are placed in a variety of local media outlets as well as libraries, universities, community centres, public buildings, supermarkets, places of religious worship and volunteering websites for new custody visitors. Interested persons can apply via the Leicestershire Police HR e-recruitment portal. The e-recruitment portal will consist of an application form, role description, person specification and information about the scheme. At times of recruitment there will be a link to the e-recruitment portal via the PCC's website.
- 4.6 Appointments are subject to vetting or security clearance to an appropriate level as determined by the Association of Chief Police Officers (ACPO) Vetting Policy which will be at NPPV Level 2 Abbreviated. Past offending is not an automatic barrier to acceptance and each case will be considered on its specific circumstances. Relevant factors will include the nature and number of any offences and how long ago they were committed. Any failure to disclose convictions will be treated very seriously and lead to exclusion. For those visiting persons detained under the Terrorism Acts vetting will be undertaken at NPPV Level 3.
- 4.7 Vetting renewal will be undertaken for all visitors as part of the three-year reappointment process.
- 4.8 Leicestershire Police will provide information to enable the Chief Executive to make a decision with regard to the suitability of each applicant. The Chief Executive will be informed by Leicestershire Police as to the reason(s) for recommending that a volunteer should not be appointed. The final decision on whether or not to appoint will be the responsibility of the Chief Executive.
- 4.9 Each shortlisted applicant will be interviewed and all applicants will be notified in writing of the outcome of the interview. Appointments will be made solely on merit subject to the outcome of vetting. Successful candidates will be provided with an appointment letter informing them of a commencement date and details of induction training. Included with the appointment letter will be a written memorandum of understanding summarising the agreed responsibilities and the legitimate expectations of the custody visitor and the OPCC. Successful candidates will also be provided with a consent form. These documents will be required to be signed and returned to the Volunteer Manager.
- 4.10 Upon appointment independent custody visitors will be provided with a copy of the ICV Manual together with contact details of the Co-ordinator and fellow team members.

Confidentiality Undertaking

- 4.11 All custody visitors must sign a confidentiality undertaking and need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

Identification Card

4.12 All custody visitors will be issued with a personal identification card and a lanyard. The identification card will be presented at the time of undertaking a custody visit and the lanyard worn when attending all training and team meetings held on police premises. The identification card will be valid for a three-year term. Lanyards should not be worn during the course of a custody visit. The identification card will be required for entry into the custody suite only and should not be displayed thereafter.

Tenure of Post

4.13 There is no maximum stated length of appointment for custody visitors. However all appointments will be made on the basis of a three-year appointment. At the end of every three-year period, from the initial date of appointment, a custody visitor's performance will be examined and the Co-ordinator or Deputy Co-ordinator will undertake a visit with the individual and feedback to the Co-ordinator. A copy of the questions is included in Part II Appendix 8. The Co-ordinator will then be asked to provide written feedback on the visitor's performance and indicate whether or not they endorse a further three year term. A copy of the questions is included in Part II Appendix 9. The ICV will then have a one-to-one meeting with the Volunteer Manager which will allow a full and frank discussion of the role. The ICV will receive a copy of the questions to be asked in the one-to-one in advance of the meeting. A copy of the questions is included in Part II Appendix 10. The key factors in renewing appointments for further periods will be the reliability of the visitor in undertaking visits, attendance at team meetings and advanced training sessions and the continuing ability and willingness of the individual involved to carry out the role effectively.

Support and Supervision

4.14 Formal supervision takes place during the three year review process for experienced custody visitors and 6 months to one year for newly recruited custody visitors. The Volunteer Manager is available for informal support at any time during the working week by email or telephone, a face to face meeting can also be arranged at a date and time that is convenient. The Co-ordinator team are also available by email and telephone to provide informal support and assist with queries. ICVs must inform the Volunteer Manager of any medical conditions that could affect their ability to carry out the role, this would enable the Volunteer Manager to put reasonable adjustments in place to support them.

4.15 At the time of the three-year review vetting will be undertaken and the outcome may affect re-appointment to the role. It is a requirement that custody visitors inform the Volunteer Manager immediately if there are any changes in personal circumstances during their appointment. Changes to personal circumstances include the following:

- Any new persons residing in same household
- Change in step parents and step siblings
- Arrest, police caution, civil or criminal proceedings brought against you
- Any new criminal associations through close relatives (brought about by marriage, civil partnership, friendship, residence, overseas etc)
- Involvement in, or approaches by, any political, religious or protest group of an extreme nature
- Association with any individual involved in criminal activity or any person who associates with others involved in criminal activity

- 4.16 All new custody visitors will be required to complete a six month probationary period during which initial training must be completed. Appointments will be confirmed following the successful completion of the six month probationary period. This will include the ICV undertaking an observed custody visit with the Co-ordinator or a Deputy Co-ordinator and discuss the individual's progress and development needs. A copy of the questions is included in Part II Appendix 8. The ICV will have a 'one-to-one' interview with the Volunteer Manager at the end of the probationary period and attend a more informal review after 1 year in the role which will again consist of Co-ordinator feedback and discussions with the Volunteer Manager regarding their continued performance in the scheme. A copy of the questions is included in Part II Appendix 10.
- 4.17 Upon leaving the Scheme the exit process will be utilised. A copy of the process is included in Part II Appendix 11.

Removal

- 4.18 There may be occasions when the OPCC has to consider the removal of an independent custody visitor from its accredited list, either because of misconduct or poor performance. Misconduct covers such matters as conviction for a criminal offence or abusing the position of an independent custody visitor by failing to act in accordance with agreed guidance or expectations. Poor performance relates to such matters as failure to attend for visits, team meetings, training sessions, the completion of adequate reports or inappropriate behaviour.
- 4.19 Where poor performance has been identified the Volunteer Manager will inform the custody visitor by meeting with him/her to explain the issue/s. This will be confirmed in writing, providing the custody visitor with a period of time in which to demonstrate improved performance in the area identified. If there is no improved performance during this time removal will be considered.
- 4.20 Where removal is being considered, the Volunteer Manager will notify the custody visitor concerned in writing, of the grounds on which removal is being considered. At this stage the custody visitor will be allowed to make oral or written representations, or both as to why they should remain in the scheme.
- 4.21 Based on the evidence for removal, and the representations received, the Chief Executive in consultation with the Volunteer Manager will determine whether or not to remove the custody visitor from the accredited list.
- 4.22 If the decision is to remove the custody visitor, the custody visitor will be informed in writing. The custody visitor will also be informed that if they disagree with the decision they have a right to appeal to the Chief Executive for reinstatement. An appeal must be lodged within 14 calendar days of the decision to remove the custody visitor.
- 4.23 If an appeal against the decision is lodged within the timescale, a report presenting the evidence for the decision and the representations from the custody visitor shall be presented to the Chief Executive who will adjudicate on the matter. The decision of the Chief Executive will be final.

5. Training

- 5.1 Training will be provided by the Independent Custody Visiting Scheme within a structured training plan identifying the objectives to be achieved. A copy of the Training Strategy is included in Part II Appendix 12 Initial training, prior to the

commencement of any custody visit will be provided over five evenings and one full Saturday.

- 5.2 Optional refresher training will be provided for all custody visitors at initial recruitment stage.
- 5.3 Advanced training will be provided on an annual basis and will focus on scenarios of difficult situations arising during custody visits and to address any new legislation. Training issues raised by custody visitors themselves will also be provided at relevant times.
- 5.4 All training will be evaluated against the learning objectives outlined through the utilisation of feedback forms. Training will be reviewed annually, with Co-ordinators, based on comments and data received from the feedback forms.
- 5.5 Optional training will be provided to those who wish to take part in the 'Buddy Scheme' which sees experienced custody visitors act as mentors to those newly appointed. These volunteers will be trained on how to successfully mentor a colleague. A role description, criteria and person specification for the role of a 'Buddy' is included in Part II Appendix 13, as well as the application process. The 'Buddy' process for visits with new Custody Visitors is included in Part II Appendix 14.

6. Complaint Procedures

Complaints Received Against Independent Custody Visitors

- 6.1 All complaints against independent custody visitors made by detainees, police personnel, other custody visitors or others who may come into contact with visitors whilst in the course of their duties, should be referred, in writing, to the Volunteer Manager at the earliest convenience. This will allow for an early resolution to the complaint.
- 6.2 The Volunteer Manager will consult with the Chief Executive, and, if necessary the relevant ACPO officer, to ensure resolution of the complaint and provide feedback to both parties.

Criminal Offences

- 6.3 If a complaint made to the Volunteer Manager contains an allegation of the commission of a criminal offence by a custody visitor whilst carrying out their role, the Volunteer Manager will immediately refer the complaint to Leicestershire Police.
- 6.4 The Complaints Procedure will be held in abeyance pending the outcome of any criminal investigation and proceedings in respect of that allegation.
- 6.5 The Complaints Procedure may be proceeded with in respect of any other related allegations that are not alleging a criminal offence.

Criminal Proceedings

- 6.6 Custody visitors must notify the Volunteer Manager if they are charged with a criminal offence. In such circumstances, the Volunteer Manager will automatically suspend the Visitor until the outcome of any criminal proceedings is known.

- 6.7 If the custody visitor is subsequently found not to be guilty, or if charges are dropped, then consideration will be given to reinstating the custody visitor.

Action upon receipt of a Complaint

- 6.8 Upon receipt of a complaint, the Volunteer Manager will investigate the allegation by speaking to the parties concerned and seeking to address the complaint informally.
- 6.9 Should the severity of the allegation be significant or form part of a series of complaints relating to the Visitor, a formal process to remove him/her may be invoked.

Complaints Made by Custody Visitors Relating to Police Personnel

- 6.10 Complaints made by custody visitors relating to police personnel (officers and staff) may amount to a complaint against police and should be reported to the respective supervisor. Where a complaint is about a member of staff other than the Custody Sergeant, the Custody Sergeant should be informed immediately. Where the complaint concerns the Custody Sergeant, the Chief Inspector or in their absence any Inspector, should be notified at the earliest convenience. This will allow for the opportunity for an early resolution to the complaint in accordance with the procedures for the handling of complaints against police.
- 6.11 If it is not possible to report the complaint immediately then full details should be forwarded, in writing, to the Volunteer Manager who will liaise with the Head of Professional Standards to ensure resolution of the complaint and provide feedback to the custody visitor concerned.
- 6.12 In either situation, all complaints relating to police personnel must be notified to the Volunteer Manager, in writing, by the custody visitor concerned.
- 6.13 A complaint about the Volunteer Manager must be notified to the Chief Executive & Monitoring Officer to the Police and Crime Commissioner.

7. Visits

- 7.1 Establishing and maintaining a programme of frequent visits is fundamental to the effectiveness of the system. Infrequent visiting is unsatisfactory in terms of community reassurance, building appropriate relationships with police staff and developing independent custody visitors' relevant skills.
- 7.2 Custody visits should be unannounced and not made at regular or predictable times. For shared understanding, safety, and in case of the need for corroboration, visits will always be undertaken in pairs. If one member of the team is not able to undertake their scheduled visit on the arranged date and time for any reason the procedure will be for that ICV to attempt to swap the allocated time with another team member and inform their visiting partner, the Co-ordinator and the Volunteer Manager. A 'solo' visit will not be allowed and Custody Staff have been instructed not to allow admission under these circumstances. Should an ICV fail to attend for a visit, the visit will be abandoned. In order to claim expenses for an abandoned visit, custody visitors can ask a member of custody staff to sign a paper confirming they attended at the custody suite. This should be attached to the expense claim form.

Number of Visits

- 7.3 Each custody suite will receive a minimum of one visit per week. More than one visit can be undertaken at a custody suite during the week however one visit is the allocated minimum requirement.
- 7.4 On occasions where large scale or sensitive planned police operations are foreseen as resulting in numerous arrests, the OPCC will be notified and the Co-ordinator will be informed. On such occasions custody visitors may be requested to undertake custody visits to the relevant custody suite, being mindful of the fact that too many visits may risk interfering with the efficient running of the Custody Suite at a particularly busy time.

Organising the Visits

- 7.5 All visits are co-ordinated by the Volunteer Manager who will arrange a rota for the team. The first named visitor on the rota for the week will be responsible for making the initial contact with their partner to make arrangements for the visit to take place.
- 7.6 Custody visitors are asked to arrange their visit rotas as soon as they have received the previous week's visit gap chart from the Co-ordinator. If contact cannot be made with their allocated partner during this time the Co-ordinator should be informed and other arrangements put into place to ensure the visit goes ahead. A flowchart for arranging visits is included in Part II as Appendix 15.
- 7.7 Each week a 'visit gaps' chart is forwarded to independent custody visitors who are due to go on a visit during the next fortnight. The chart identifies timeslots by colour code where visits are required. Those identified by red squares indicate that no further visits are required at that time and those with green squares indicate that visits are required in that timeslot. Teams should aim towards all green squares being turned white by the end of the financial year.
- 7.8 If a visit is missed the independent custody visitors allocated to that week on the rota will be asked to complete a form outlining the reasons why the visit did not go ahead. Information from these forms will be taken into consideration at the time of re-appointment and will also be used to review the process for visits so improvements can be identified. A copy of the form is included in Part II Appendix 16.

Access at the Police Station

- 7.9 When it is foreseen that a custody suite is closed for any length of time, Leicestershire Police will notify the OPCC and notify them further when the suite reopens. The OPCC will notify the Co-ordinator and Deputy Co-ordinators.
- 7.10 A custody visit cannot occur without police consent and co-operation. Custody sergeants are responsible for all matters relating to the detention of prisoners in police station custody suites and, as such, will be receiving and co-operating with custody visitors. Custody sergeants are required to admit custody visitors to the custody suite immediately they are informed by the person in charge of the reception desk that there are custody visitors at the police station. Delay in admittance is only permitted when custody visitors may be placed in danger. If delay occurs a full explanation should be provided to the custody visitors who will record this on the visit report form. Independent custody visitors should not expect, or demand at any time that the business being conducted in the custody suite should

be suspended to facilitate a custody visit. A Protocol for Custody Visits is included in Part II at Appendix 17.

- 7.11 It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the visitors should be admitted to the custody area but invited to wait and observe proceedings until the custody officer, or another officer, is available to escort them on the visit.
- 7.12 All parts of the custody areas are open to custody visitors, including cells, detention rooms, kitchens, relevant storage areas, the chute, showers, medical rooms and interview rooms (unless they are in use). Custody visitors can comment upon the general cleanliness and tidiness of the custody suite. An aide memoire is included at Part II Appendix 18.
- 7.13 If a visit cannot commence immediately independent custody visitors must be allowed to observe and listen to the activity taking place.

Security and Safety of Visitors

- 7.14 Custody visitors will be escorted during the visits by a member of the custody suite staff.
- 7.15 Police staff will advise custody visitors if there are any specific health and safety risks custody visitors may face e.g. coming into contact with detainees or cells exposed to CAPTOR spray, and advise them accordingly at the commencement of the visit.
- 7.16 Each custody visitor will be provided with a generic risk assessment for the role. A copy of this can be found in Part II Appendix 19.
- 7.17 Custody visitors who use a walking stick should position themselves slightly behind their partner and be nearest to the cell door to reduce the risk of their walking stick being taken by a detainee. This is included in the risk assessment outlined in paragraph 7.16.
- 7.18 If a custody visitor has an accident, or near miss while in the custody suite, an entry should be made in the accident book and reported to the Volunteer Manager. The incident should also be reported on the visit report form.
- 7.19 A protocol for the exposure to blood and body fluids is in place and is included in Part II Appendix 20.

Access to Detainees

- 7.20 Custody visitors will be allowed access to any person detained at a police station.
- 7.21 If a detainee is being interviewed, the interview will not be interrupted. If custody visitors wish to see the person later in the visit, after the interview has been completed, they may do so.
- 7.22 Juveniles, being persons aged 17 and under, may be spoken to with their own consent.
- 7.23 A protocol is in place for custody visitors to visit female detainees and this is contained in Part II Appendix 21.

- 7.24 Female hygiene packs should be available in all custody suites. Custody visitors should enquire that supplies are available during their visit and female detainees have been asked if they require or are likely to require any menstrual products while they are in custody. They should also ensure that such detainees had the opportunity to speak to their assigned female officer or staff. A protocol is in place for two male custody visitors visiting female juvenile detainees and this is contained in Part II Appendix 22.
- 7.25 All detainees must be asked if they wish to speak in private with a member of custody staff about any matter concerning their personal needs relating to health, hygiene and welfare; if the detainee wishes to take this opportunity to raise any needs, this member of staff may be of the same sex and arrangements should be made as soon as practicable.
- 7.26 Access to toilet and washing facilities must take account of the detainee's dignity. For example, in cells subject to CCTV monitoring, privacy in the toilet area should be ensured by any appropriate means and detainees should be made aware of this when they are placed in the cell.
- 7.27 The above provisions around health, hygiene and welfare products take into account the possible needs of transgender individuals. ICVA have produced a checklist contained at Part II Appendix 23.
- 7.28 In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen and/or spoken to 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 must be taken by an officer of or above the rank of Inspector and recorded in the custody record. The decision to deny access must be taken in each case in the light of all relevant circumstances and where either:-
- (i) after a thorough risk assessment has been carried out the officer reasonably believes that to be necessary for the visitor's safety, or
 - (ii) if the officer reasonably believes that such access could interfere with the process of justice.
- 7.29 In such cases consideration should be given to allowing the visitors some limited access to the detainee such as speaking to them through the cell hatch. There must 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.
- 7.30 A detainee is entitled to 8 hours undisturbed rest. Disturbing a detainee can lead to a new 8 hour period starting and this could lead to the time during which he/she may be detained, expiring. In such circumstances the custody visitors must be guided by the Custody Sergeant's views on whether or not a detainee can be disturbed. If the decision is not to wake the person the custody visitors may request to observe him/her through the cell hatch.
- 7.31 Any decision to deny or limit access must be recorded in the detainee's custody record (together with the relevant authorisation) and by the independent custody visitors in their report of the visit.

Category of Detainees

- 7.32 Detainees will fall into the following categories:

- PACE Detainees

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

- Home Office Prisoners

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

- 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. Detention in police cells must be reviewed by a senior immigration officer after 24 hours, 72 hours and every 24 hours thereafter up to a maximum of 5 days (120 hours).

- People at Risk

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

As part of the Places of Safety Regulations 2017 within the Mental Health Act adults can only go to police custody as a place of safety under s136 in exceptional circumstances. As part of the Places of Safety Regulations 2017 within the Mental Health Act children under the age of 18 must not be taken to a police station as a place of safety under S136.

- Other Detainees

Home Office prisoners released to the police for a short period to assist with enquiries.

Detention of Juveniles and Persons who are Vulnerable

7.33 Special provisions apply regarding the detention of juveniles and persons who are vulnerable. A person is classified as a juvenile if they are aged 17 or under.

7.34 Juveniles should not be placed in cells unless there is no other secure accommodation available and it is not practicable to supervise them in any other way.

7.35 The Concordat for Children in Custody clarifies the roles of different agencies in providing accommodation for children. ICVA have produced a checklist which is contained at Part II Appendix 24 and provides custody visitors with areas to consider when monitoring the treatment of children in custody.

7.36 The police have a responsibility to notify persons responsible for the juvenile's welfare, regardless of whoever else the juvenile nominates. This person is known as the 'appropriate adult'.

7.37 'Appropriate adult' in the case of a juvenile means:-

- the parent, guardian or, if the juvenile is in the care of a local authority or voluntary organisation, a person representing that authority or organisation
- a social worker of a local authority

- failing these, some other responsible adult aged 18 or over who is not:
 - an independent custody visitor
 - a police officer
 - employed by the police
 - under the direction or control of the chief officer of a police force
 - a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force)
- 7.38 If at any time an officer has any reason to suspect that a person of any age may be vulnerable an 'appropriate adult' must be called.
- 7.39 'Appropriate adult' in the case of vulnerable person's means:-
- a relative, guardian or other person responsible for their care or custody;
 - someone experienced in dealing with vulnerable persons
 - failing these, some other responsible adult aged 18 or over who is not:
 - an independent custody visitor
 - a police officer
 - employed by the police
 - under the direction or control of the chief officer of a police force
 - a person who provides services under contractual arrangements (but without being employed by the chief officer of a police force)
- 7.40 Custody visitors may not act as an 'appropriate adult' in addition to their custody visiting role. They must not switch between roles or perform both roles simultaneously.
- 7.41 Following judicial review into the provision of appropriate adults, the Home Office provided revised guidance in 2013 which outlined that an appropriate adult should be provided to all children and young people aged 10 to 17 years old. This may be a parent or guardian or a professional Appropriate adult, depending on the child or young person's preference. ICVA have produced a checklist which is contained at Part II Appendix 25 and provides custody visitors with areas to check when carrying out visits to this group of detainees. The guidance further advises that once the child or young person has been given an opportunity to speak to the appropriate adult, if they do not wish to have the appropriate adult present for a part or the whole of the custody process, this should be respected.
- 7.42 A Place of Safety Assessment Unit is located alongside the Bradgate Unit at Glenfield Hospital. This is the preferred Place of Safety for all Section 136 Mental Health detainees other than those persons who are violent and those in need of medical treatment or are intoxicated (who will be taken to the Leicester Royal Infirmary).
- 7.43 ICVA have worked alongside post-doctoral fellow Dr Miranda Bevan (post-doctoral fellow, London School of Economics) who detailed her research and findings into children and young people in police custody to produce a more extensive checklist including all aspects of the detention of children and young people in custody. This can be found at Part II Appendix 26.

Prioritising Visits to Vulnerable Detainees

- 7.44 On arrival in the suite, ICVs are informed of the number of detainees in custody at that time. If in the view of the ICVs the suite is particularly busy, short staffed or a prolonged visit would impede the running of it, they should select a reasonable

number of detainees to visit. When making the selection, ICVs should use their own judgement regarding which detainees to visit however it is suggested that the following order would be beneficial:

- (a) Where possible vulnerable detainees should be selected, unless the custody officer advises against it for safety reasons. For the purposes of the scheme, vulnerable detainees are classed as all juveniles and any adults who could be considered as vulnerable due to issues such as disability, learning difficulties and health issues (including mental health) etc. ICVA have produced a checklist which is contained at Part II Appendix 27 and provides ICVs with areas to consider when monitoring the treatment of people with poor mental health in custody.
- (b) Dependent upon the above, after selecting vulnerable detainees, any number of other detainees may also be chosen for a visit.

Introduction to Detainees

- 7.45 Custody visitors will be escorted to the cell by a member of staff from the Custody Suite who will ascertain that it is safe for custody visitors to enter the cell of a detainee. With the member of staff remaining outside the cell, custody visitors will enter the cell and introduce themselves to the detainee. A protocol for this introduction is contained in Part II Appendix 28.
- 7.46 A prompt card outlining the words to be used in the self-introduction is contained at Part II Appendix 29.
- 7.47 At all times during the visit to the detainee the member of custody staff will remain outside the cell door.

Conversation with the Detainee

- 7.48 Detainees may only be spoken to with their consent.
- 7.49 Visits should normally be conducted in English. Translation support will be provided where necessary by the use of translation sheets or BigWord telephone interpreting service. Translation sheets are available in over 30 languages at each custody suite where each language sheet has been printed and laminated, so that it can be photocopied and disposed of after use. Depending on the detainee's risk assessment, the custody officer will hand over a pencil for them to complete the translation sheet or they can point to the appropriate answers. On occasions it may be more appropriate to conduct a visit in another language spoken by the detainee, if one of the independent custody visitors is fluent in that language. However, in such circumstances care must be taken to ensure that the other custody visitor present is kept informed about what is being said. A full list of the translation sheets are included in Part VI of the ICV Manual.
- 7.50 Discussions between detainees and custody visitors must normally take place in sight, but out of hearing, of the escorting officer where that is practical.
- 7.51 The conversation between the detainee and custody visitors should focus on the detainee's rights and entitlements under the Police and Criminal Evidence Act and Human Rights Act 1998 ensuring their welfare by assessing whether the conditions of detention are adequate. A full list of the rights and entitlements of all detainees is included in Part II Appendix 30. A full list of the articles of Human Rights Act 1998 is included in Part II Appendix 31.

Dealing with Issues from Conversations with the Detainee

- 7.52 Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, independent custody visitors must, (*subject to the detainee's consent*), take this up as soon as possible with the custody sergeant, or custody staff, in order to seek a resolution.
- 7.53 If a detainee wishes to make an official complaint against a police officer or member of police staff, the procedure is to record full details on the 'Complaint against Police' (BC21) form. This is then forwarded to the Professional Standards Department where it is assessed and allocated for investigation. The nature of the complaint influences whether it is dealt with by the PSD or sent for local investigation. The aim is to conduct all investigations in a timely and proportionate way during which the complainant will be updated every 28 days.
- 7.54 Custody Visitors must not pass messages to or from detainees or offer to perform other tasks on their behalf. If they are asked to do so they must immediately inform the custody officer.
- 7.55 If detainees press custody visitors for advice about co-operating with the police, making a statement or anything in relation to their defence, custody visitors should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit will be made known to the custody officer and may be disclosed in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice that is something the visitors should take up with the escorting or custody officer.
- 7.56 Any 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.
- 7.57 If a custody visitor realises they know or are known by a detainee, they must consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the visitor's impartiality.
- 7.58 Detainees must not be offered inducements by custody visitors.
- 7.59 Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison where they are serving their sentence should be advised that independent custody visitors cannot involve themselves in such matters.

Complaints of Police Misconduct made by the Detainee

- 7.60 If a detainee makes a complaint of misconduct by a specific police officer or detention officer, they must be advised to address it to the Custody Inspector in charge of the police station. With the detainee's consent, it may be appropriate for visitors to notify the Custody Inspector that the detainee wishes to make a complaint.
- 7.61 Custody visitors can remind the detainee that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. Such complaints must be dealt with through formal procedures which are laid down and there is no broader role for custody visitors who must not involve themselves in individual cases or make representations on the detainee's behalf.

Reprisals

- 7.62 The Office of the Police and Crime Commissioner (OPCC) for Leicestershire has a responsibility to ensure that detainees are able to speak to custody visitors openly and without fear of reprisals from the force as part of its responsibility under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
- 7.63 Where a detainee alerts a custody visitor of a reprisal or fear of a reprisal, the custody visitor shall inform the custody sergeant reprisal (with the permission of the detainee); if the reprisal is about the custody sergeant, the custody inspector must be informed. The custody visitor will include this in their report to the Volunteer Manager in the OPCC.
- 7.64 If complaints of reprisals are made as a result of interaction with custody visitors, Leicestershire Professional Standards Department will inform the Volunteer Manager of the complaint, actions taken and the outcome.
- 7.65 All complaints regarding reprisals as a result of interaction with custody visitors will be reported to the Commissioner through reports to the Strategic Assurance Board. Such complaints will also be reported to ICVA.

Access to Custody Records

- 7.66 Each detainee's details are recorded on a custody record, which is a legal document that can be used in court as evidence. Custody records are held electronically on a system known as NICHE. A protocol is in place for viewing electronic custody records and this is included in Part II Appendix 32. Custody Visitors may not view the front sheet of the custody record as this contains personal details as well as details of the offence. Custody visitors will not be required to sign the custody record to confirm they have viewed it.
- 7.67 It is necessary to obtain the permission of the detainee to view their custody record. If permission is given, the custody visitor should check that the information provided by the detainee about their detention accords with what is recorded on the custody record. Discrepancies should be raised with custody staff and noted on the visit report form.
- 7.68 If the detained person is, for whatever reason, incapable of deciding whether to allow access to their custody record the presumption must be in favour of allowing the custody visitor to examine it. This **does not** apply to detainees who are asleep.
- 7.69 Custody visitors have no right to see other documents concerning the detainee; (e.g. their medical records), however they can see the level of risk assessment for the detainee as well as the custody record.
- 7.70 Specific points to look for when reading custody records are:-
- whether entitlements under PACE have been given and signed for;
 - that medication, diet, injuries and medical examinations 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 Inspectors' and senior officers' reviews of the continuing need for detention.
- 7.71 The custody visit itself will be recorded on the custody records of detainees. The names of the custody visitors will not be included.
- 7.72 Any printed pages of custody records provided to independent custody visitors must not, under any circumstances, be removed from the custody suite, with the exception of custody records, for the purpose of the Independent Custody Observers Pilot (ICOP) at Force Headquarters.

Confidentiality

- 7.73 Report forms include an undertaking not to reveal the names of persons visited or other confidential information obtained in the course of a visit. Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Independent custody visitors also need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under section 5 of the Official Secrets Act 1989.
- 7.74 Conversations between custody visitors and detainees are private but 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 produce documents such as a report of a particular visit. In such a case the report of the visit would be produced by the OPCC who hold all such records. Custody visitors are under no obligation to give evidence other than in response to a court order, but would be obliged to respond to such an order.

Reporting Process and Forms

- 7.75 Custody visitors must use the ICV Custody App using the provided electronic device located in each custody suite to record findings from their visit. A user guide on how to use the App and record a visit can be found at Part II Appendix 33. In situations where custody visitors are unable to utilise the App (for example the electronic device battery is dead), paper forms are available. A copy of the paper report form is contained in Part II Appendix 34. Once completed, the top white copy of the report should be forwarded to the OPCC, the second yellow copy should be provided to the Custody Sergeant and the third pink copy should be retained by an ICV until the Volunteer Manager informs the team that the white copy has been received and logged onto the App.
- 7.76 Custody staff should not be present while visitors discuss and complete reports and wherever possible they should be able to use a private area for this purpose. Details must include both specific matters (which may already have been brought to the attention of police officers/staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English even if the visit has been conducted in another language.
- 7.77 If custody visitors have issues of concern of a serious nature regarding the state of the custody suite or the attitude or behaviour of officers or staff they should contact the Custody Inspector prior to the conclusion of the visit.

- 7.78 Any issues raised from visits will be reported to the Co-ordinator's meeting where a response will be provided by the Chief Inspector, Criminal Justice. Identifying trends emerging from visits will also be addressed at this time.

Feedback

- 7.79 Immediate practical issues relating to the detainee will be addressed at the time of the visit in conversation between the custody visitors and custody staff. Responses to issues raised will be included on the report form.
- 7.80 Trends relating to the timing of visits and the issues raised from report forms will be reported to the quarterly Co-ordinators meetings. Custody Inspector will respond to any issues which were not dealt with at the time of the visit.
- 7.81 Any issues raised, which in the opinion of the Volunteer Manager are of a more serious nature, will be brought to the attention of the Assistant Chief Constable who is the portfolio holder for Criminal Justice. Feedback will be provided directly to the custody visitors concerned with a copy of the response being forwarded to the Co-ordinator.

8. Role and Responsibilities of Personnel in the Custody Suite

- 8.1 Each of the three primary Custody Suites is staffed by a number of trained Custody Sergeants; known as the Custody Officer. Occasionally, non-dedicated Sergeants trained in this area of work are called upon to perform the role of Custody Officer.
- 8.2 The role of the Custody Officer is directed by the Police and Criminal Evidence Act 1984 (PACE) – Code C. A copy of the code is contained in Part V of the Manual. In brief, the Custody Officer is responsible for the welfare of all detained persons in their care and for the expeditious dealings of all matters that relate to their detention.
- 8.3 A custody record must be opened for every person arrested and detained in police custody. All dealings relating to the detained person must be recorded on the custody record (unless specified in the PACE Codes of Practice).
- 8.4 All of the three primary Custody Suites are also staffed by Custody Detention Officers (CDOs). These are civilian support staff employed to assist the Custody Sergeant in carrying out the duties and activities relating to detained persons. They take the primary role in dealing with the physical needs of the detained person and in maintaining a well ordered Custody Suite. Senior Custody Detention Officers are also in place and they have the additional duties to manage daily health and safety checks, weekly audit and health and safety risk assessments, chase up repair works, ensure there are sufficient provisions within the custody suite, amend duties and identify training gaps that are identified for individual Custody Detention Officers.
- 8.5 Other officers who may be in the Custody Suite include Custody Site Managers. These are Police Inspectors with overall responsibility for the management of Custody Suites.

- 8.6 Other persons who may be present in the Custody Suite are nurses, forensic physicians, solicitors and legal representatives, arrest referral workers, appropriate adults, care or social workers, parents and drug testing staff.
- 8.7 Patrol and resolution team Inspectors are on duty 24 hours of the day to provide a tier of supervision to operational policing. This includes specific areas of responsibility in the Custody Suite; mainly to undertake reviews of detention of detained persons, in accordance with PACE.

9. Other Issues in the Custody Suite

Staffing Levels

- 9.1 The East Midlands Criminal Justice Service Command Team are responsible for ensuring staffing levels, shift patterns and support services in each suite are fit for purpose. If custody visitors are concerned about staffing levels this should be recorded on the visit report form.

Medical Issues

- 9.2 Independent custody visitors have no right to see the detainee's medical records. However, key points relevant to medical treatment should be recorded in the custody record. Custody visitors will wish to pay particular attention to detained persons who appear to be suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained, establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

Deaths in Custody

- 9.7 Where there is a death in police custody consideration will be given by Leicestershire Police as to whether a custody visit would be helpful in terms of informing and reassuring the local community. If this is deemed to be the case the OPCC will be informed as soon as possible. Any visit following a death in custody or some other major incident should not be allowed to interfere with any relevant investigation which may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident needs to refuse or restrict access to particular areas. Advice from Independent Office for Police Conduct (IOPC) on Deaths in Custody can be found in Part II Appendix 35.
- 9.8 In the course of an investigation into a death in police custody, custody visitors who may have recently visited the suite may be interviewed and/or asked to provide a statement. Records of custody visits may also be examined and possibly used in evidence.
- 9.9 Custody visitors may also be invited to visit the custody suite at such times when it is perceived that such a visit could assist in defusing any community tension which may be present.

Access to a Solicitor

- 9.10 Any person arrested and held in custody in a police station or other premises may, at any time, consult and communicate privately, whether in person, in writing or on the telephone with a solicitor.

- 9.11 The person may choose their own solicitor or a 'duty' solicitor.
- 9.12 Where a person has been permitted to consult a solicitor, and the solicitor is available at the time the interview begins or is in progress, he/she must be allowed to have the solicitor present whilst being interviewed.

Smoking

- 9.13 Leicestershire Police is a totally non-smoking organisation. No person will be allowed to smoke in any part of the Custody Suite. This includes detainees, custody staff and visitors to the suite.

Access to a Telephone

- 9.14 Detained persons may be allowed to make personal telephone calls but this is at the discretion of the Custody Sergeant. Custody visitors who may have a mobile phone in their possession at the time of the visit must not allow the detainee to use their mobile to make any call.

Meals and Sleep

- 9.15 All detainees are entitled to food which is wholesome, nutritious and well prepared. Special arrangements should be made to cater for special dietary or religious needs. At least two light meals and one main meal shall be offered in any period of 24 hours however all cutlery should be removed from cells immediately after use to prevent self-harm. These meals will be offered at recognised meal times, although in exceptional circumstances food may be offered at other times. All meal times are dependent upon the exigencies of duty at the time so may vary slightly.
- 9.16 Cells in use should be adequately heated, cleaned and ventilated. They must be adequately lit and blankets and mattresses should be of a reasonable standard. Access to toilet and washing facilities must be provided.
- 9.17 Brief outdoor exercise shall be offered daily, if practicable. Non-English speaking detainees should be spoken to daily by custody staff via BigWord to ensure all their welfare needs are being met.

Handover Times

- 9.18 Staff handover times take place at the following times:

0700 hours – Sergeants and Detention Officers
1500 hours – Sergeants
1900 hours – Detention Officers
2200 hours – Sergeants

Chute Waiting Times

- 9.19 The chute is a holding area where detainees are placed on arrival and while waiting to be booked into the custody suite.

Reading Material

- 9.20 Detainees can request reading material during their time in custody. Any such material provided should have all staples removed.

10 Miscellaneous

Authorised Professional Practice (APP)

10.1 The College of Policing authorises APP as the official source of professional practice on policing including a section on detention and custody. This is contained in the College of Policing website <https://www.app.college.police.uk/detention-and-custody-index/>

Effective working relationships

10.2 For independent custody visiting to be effective 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. Such relationships can only exist where there is politeness and consideration on both sides. There is behaviour which has the potential to create tension and conflict. On the custody visitor side, problems may arise from:-

- Failing to appreciate police priorities
- Criticising officers in reports without bringing that criticism directly to their notice
- Adopting an overly adversarial approach by concentrating on finding fault
- Criticising police action or questioning their judgement in areas outside the visitor's remit
- Offering inducements to the detainee

10.3 On the police side, problems may arise from:-

- Failing to recognise independent custody visitors' status and their responsibilities
- Demeaning or belittling visitors
- Treating visitors with indifference or disrespect
- Unreasonably delaying or limiting access to custody areas
- Being unhelpful or obstructive during the course of a visit.

CCTV

10.12 Custody visitors will not have access to CCTV footage but can ask the Custody officer to demonstrate that the CCTV equipment is in working order.

10.13 They must also check that detainee privacy is respected and that no detainees are displayed on public screens without their consent.

10.14 A detainee may be displayed (with consent) if in an exercise yard. The APP states that outside areas have ligature points, so custody staff are required to make detainees aware that they will be placed on CCTV in this setting.

Role of Healthcare Professionals

10.15 Detainees must have access to medical support. The custody officer retains overall responsibility for the safety and welfare of detainees in custody and should consider advice offered by Health Care Professionals. When a person appears to be suffering from an illness or injury, the Custody Officer must immediately call a Force Medical Practitioner. This could be either a doctor or nurse. This applies even if the person makes no request for medical attention.

- 10.16 Medical services to detainees in police custody are provided by an external supplier. The contract includes the requirement for 95% compliance within an overall response time of 60 minutes against all service levels. The response times for all categories is contained in Part II Appendix 36.
- 10.17 Within custody suites all detainees can access a mental health assessment by a mental health practitioner from the liaison and diversion team. A team of nurses, and a nurse manager, are based at Euston Street Custody Suite to provide support to forensic physicians and an enhanced care regime to detainees.
- 10.18 Custody visitors should pay particular attention to detained persons who appear to be suffering from any form of illness, injury or disability.

11 Data Protection Act 2018, General Data Protection Regulations (GDPR)

- 11.1 The PCC has published a privacy notice which is documented on the PCC's website. There may be changes to the Privacy Notice from time to time and a copy of the Privacy Notice is contained in Part II Appendix 37. If there are changes that affect the way the scheme handles personal data of custody visitors, the Volunteer Manager will contact custody visitors directly.

12 Motor Insurance

- 12.1 If using their own motor vehicle to undertake custody visits, custody visitors must ensure their insurance cover for the use of their vehicle for this purpose is covered within the policy.

13 Insurance

- 13.1 Personal accident insurance for Independent Custody Visitors is covered by a policy with AON UK Limited insurance. There is no upper age limit but cover is restricted for persons aged 75 years or over to:-
 - Death, loss of limb(s), eye(s) - maximum benefit amount of £100,000.
 - Permanent disabling injuries – limitations apply
 - Injury – limitations apply
- 13.2 Custody visitors are insured in the event of any civil claims being made against them.

14 Equality and Diversity Statement

- 14.1 The PCC is firmly committed to promoting equality of opportunity for all local people and communities. It aims to ensure that in its organisational structures, decision-making processes, ways of working, communicating and managing, diversity is welcomed and embraced.
- 14.2 The OPCC shall treat all individuals, regardless of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation with dignity and respect. It shall provide a working environment which is free from harassment, bullying, victimisation or discrimination and in all our contacts with members of the community the principles of respect, dignity and fairness will be upheld.
- 14.3 Staff and volunteers of the OPCC will demonstrate their commitment to this statement by ensuring that all policies and procedures reflect these aims and by challenging any behaviour which fails to uphold these principles.

14.4 The OPCC extends this commitment to cover all aspects of diversity.

15 **Memorandum of Understanding for Custody Visitors**

- 15.1 A memorandum of understanding is in place which reflects the hopes and intentions of the volunteer and the PCC and is not contractually binding in any way on either party.
- 16.2 Custody visitors are expected to abide by a memorandum of understanding, which is as follows:-
- (a) maintain high standards of personal conduct, integrity and appearance;
 - (b) arrange custody visits with fellow custody visitors, in line with agreed rosters;
 - (c) keep the Volunteer Manager, Co-ordinator and fellow custody visitors informed of any problems with rostered custody visits;
 - (d) carry out custody visits to designated police stations in line with the Scheme guidelines with at least one visit per year being undertaken after 8pm on a Saturday and Sunday;
 - (e) produce their ID card at the start of a custody visit;
 - (f) check on the conditions in which a detainee is kept, their health and wellbeing and their legal rights and entitlements, with reference to PACE;
 - (g) consult, where appropriate, the detainee's custody record to clarify and check concerns raised by the detainee;
 - (h) discuss with the custody officer any concerns and requests arising from the custody visit, and to bring to the custody officer and Volunteer Manager's attention any issue that needs to be dealt with;
 - (i) complete the Independent Custody Visitor Report form, ensuring that all relevant information is recorded correctly, clearly and concisely;
 - (j) maintain confidentiality and impartiality in relation to all parties involved in the Independent Custody Visiting process;
 - (k) make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified;
 - (l) complete and submit expense claims in line with the Scheme guidelines;
 - (m) attend ongoing training sessions;
 - (n) attend at least two quarterly team meetings of Independent Custody Visitors annually;
 - (o) carry out the duties of an Independent Custody Visitor with regard to the Health and Safety requirements of the Custody Visiting Scheme;

- (p) carry out the duties of an Independent Custody Visitor with regard to Equality and Diversity;
- (q) carry out the duties of an Independent Custody Visitor as set out in the Scheme guidelines;
- (r) maintain effective working relationships with police staff as set out in the Scheme's guidelines;
- (s) complete a six-month probationary period and attend all induction training;
- (t) attend at least one advanced training course within each 3 year period;
- (u) inform the OPCC when withdrawing from the role.

15.3 In return, the PCC will:

- (a) ensure that custody visitors are properly supported in performance of their role;
- (b) pay close regard to Home Office/Independent Custody Visiting Association (ICVA) guidelines and best practice;
- (c) keep custody visitors informed of developments in Independent Custody Visiting both locally and nationally;
- (d) ensure where necessary that any issues/concerns arising from custody visits are dealt with by Leicestershire Police and reported back;
- (e) provide a visiting rota and updated contact details for the team as necessary;
- (f) provide ongoing training sessions;
- (g) process expense claims in a timely and efficient manner;
- (h) have regard to the Scheme's guidelines in respect of the process for dealing with complaints made against custody visitors;
- (i) have regard to the Scheme's guidelines in respect of the process for removing custody visitors from the Leicestershire Scheme;
- (j) provide each custody visitor with a Custody Visitors' Handbook, relevant to the Leicestershire Scheme;
- (k) provide identification cards to each visitor;
- (l) hold regular meetings with Co-ordinators to report back on issues raised and to further the development of the Scheme;
- (m) issue a monthly e-newsletter to all visitors informing them of recent developments.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

INDEPENDENT CUSTODY VISITOR

ROLE DESCRIPTION

1. To carry out the duties of an Independent Custody Visitor (ICV) in accordance with the scheme's guidelines, training provided and Home Office Code of Practice for Independent Custody Visiting (March 2013).
2. To check on the conditions in which detainees are kept, their health and well-being and that they are receiving their rights and entitlements with reference to the Police and Criminal Evidence Act 1984 (PACE).
3. To arrange visits to designated custody suites with fellow ICVs during allotted periods and/or in accordance with the agreed roster. This will involve some weekend and late night visits.
4. To advise the Co-ordinator (or the OPCC if there is no appointed Co-ordinator) and fellow ICVs of any problems with scheduled visits. If required, make arrangements for another ICV to substitute as necessary.
5. To consult detainee custody records to clarify and check any concerns raised by the detainee.
6. To discuss with the Custody Officer any concerns or requests arising from the custody visit.
7. To record visits electronically using a provided handheld device, ensuring that all relevant information is recorded correctly and concisely.
8. To have attention to detail to examine custody records on pre-set criteria in accordance with training provided (optional).
9. To attend a minimum of two team meetings per year unless there are exceptional circumstances for non-attendance.
10. To remain up to date with matters relating to custody by attending initial and ongoing training sessions, including the Annual Regional Advanced Training Day which should be attended at least once during each 3 year term.
11. To complete and submit expense claims in accordance with scheme guidelines.
12. To maintain confidentiality at all times and adhere to the Health and Safety requirements of the scheme.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

INDEPENDENT CUSTODY VISITOR

PERSON SPECIFICATION

Essential Criteria:

1. Live or work in Leicester, Leicestershire or Rutland.
2. At least 18 years of age.
3. Not an officer or employee of the Office of the Police and Crime Commissioner (OPCC), Police Force or a Justice of the Peace. Not volunteering as an Appropriate Adult. Other conflicts may occur; please contact OPCC with queries.
4. Able to communicate with a diverse range of people both verbally and in writing.
5. Ability to work as part of a team, being flexible, reliable and have enough time to carry out the role.
6. Good listening skills and attention to detail.
7. Objective, impartial and able to constructively challenge when necessary.
8. Knowledge and awareness of diversity and equality issues.
9. Able to maintain confidentiality relative to detainees and custody visits.
10. Able to travel by public or private transport to undertake custody visits.
11. Portray a positive image of themselves and the organisation.

Desirable Criteria:

1. Some knowledge of custody visiting.
2. An interest in the rights and welfare of individuals in the Criminal Justice System.
3. IT skills.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

ICV CO-ORDINATOR

ROLE DESCRIPTION

1. To ensure the smooth running of custody visits.
2. To provide an updated visit gaps chart to relevant team members to encourage a wider variety of visit cover.
3. To be available to ICVs and able to take remedial action to ensure that all visits are covered.
4. To bring to the attention of the OPCC any problems arising from the roster, including missed custody visits.
5. To ensure all issues arising from custody visits are reported to the OPCC and to discuss these with the OPCC and/or the Custody Manager as appropriate.
6. To identify any training needs, either for individuals or the team as a whole, and bring these to the attention of the OPCC.
7. To informally address any performance issues at the time they arise.
8. To ensure that new ICVs are welcomed and supported by the team and have the opportunity to visit all three suites at a variety of times.
9. To provide feedback on performance and complete a review form for each ICV within the group.
10. To organise introductory visits as appropriate with new ICVs and undertake visits as appropriate for training purposes.
11. To attend quarterly Co-ordinators' meetings with representatives of the OPCC and Leicestershire Police, and to arrange representation from a deputy if unavailable.
12. To chair quarterly team meetings and forward agenda bundles to the team beforehand.
13. To ensure that team meeting minutes are circulated within 4 weeks of the date of the meeting.
14. To establish a working relationship with relevant Custody Managers.
15. To liaise with the Deputy Co-ordinators regarding issues relating to the team.
16. To provide feedback on any consultation documents received from the OPCC and to give input to any proposed amendments.
17. To undertake observed custody visits with ICVs undergoing their three-year review process and to complete the appropriate feedback pro-formas.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

DEPUTY ICV CO-ORDINATOR

ROLE DESCRIPTION

In the absence of the Co-ordinator:

1. To ensure the smooth running of custody visits.
2. To provide an updated visit gaps chart to relevant team members to encourage a wider variety of visit cover.
3. To be available to ICVs and able to take remedial action to ensure that all visits are covered.
4. To bring to the attention of the OPCC any problems arising from the roster, including missed custody visits.
5. To ensure all issues arising from custody visits are reported to the OPCC and to discuss these with the OPCC and/or the Custody Manager as appropriate.
6. To identify any training needs, either for individuals or the team as a whole, and bring these to the attention of the OPCC.

At all times:

7. To ensure that new ICVs are welcomed and supported by the team and have the opportunity to visit all three suites at a variety of times.
8. To provide feedback on performance and complete a review form for each ICV within the group.
9. To organise introductory visits as appropriate with new ICVs and undertake visits as appropriate for training purposes.
10. To attend quarterly Co-ordinators' meetings with representatives of the OPCC and Leicestershire Police.
11. To attend and minute quarterly team meetings and to support the Co-ordinator in the planning and arrangement for such meetings.
12. To establish a working relationship with relevant Custody Managers.
13. To liaise with the Co-ordinator regarding issues relating to the team.
14. To undertake such delegated duties as are agreed between the Co-ordinator and Deputy Co-ordinator.
15. To undertake observed custody visits with ICVs undergoing their three-year review process and to complete the appropriate feedback pro-formas.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

ICV TEAM MEETINGS – TERMS OF REFERENCE

ICV team meetings will be scheduled quarterly to provide the following opportunities:

- ICVs to raise any issues or concerns relating to their role.
- The Co-ordinator to provide an update on changes in legislation, procedures or guidelines.
- To share best practice identified at the Co-ordinators' meeting.
- To consult on new ICV policies and/or procedures.
- To obtain feedback from ICVs on issues identified at custody visits.
- To review the team rota to ensure visiting targets are achieved.
- To undertake further training exercises when appropriate.
- ICVs and the Co-ordinator to address issues with the Custody Manager.
- The Custody Manager to update on custody suite activities.
- To network with team members.

Working arrangements:

- The meeting will be chaired by the Co-ordinator.
- The Co-ordinator and Volunteer Manager will draft the agenda for the ICV team meeting at the Co-ordinators meeting.
- The Co-ordinator will distribute papers 5 days before the meeting.
- The meeting will generally take place at Police Headquarters.
- Minutes of the meeting will be prepared by one of the Deputy Co-ordinators.
- Minutes will be distributed within 4 weeks of the date of the meeting.

Attendees:

- Volunteer Manager OPCC
- Co-ordinator
- Deputy Co-ordinators
- ICV team members
- Custody Manager (PACE Inspector with responsibility for custody suites)



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

ICV CO-ORDINATORS MEETING - TERMS OF REFERENCE

ICV Co-ordinators meetings will be scheduled quarterly to provide the following opportunities:

- To agree and monitor the frequency with which visits are undertaken.
- To provide feedback from Leicestershire Police on issues raised from visits.
- To review the number of ICVs available in the Scheme.
- To provide the Co-Ordinator and Deputy Co-ordinators with the opportunity to raise any issues with the OPCC or Leicestershire Police, and provide feedback from team meetings.
- To discuss the future development of the Scheme.
- Receive updates from Leicestershire Police on any developments within custody.
- Receive updates on the developments and recommendations relating to all custody issues.

Working arrangements:-

- The meeting will be chaired by the Volunteer Manager.
- The agenda will be drafted 2 weeks prior to the meeting date and distributed to those preparing reports.
- The Volunteer Manager will distribute papers 5 days before the Co-ordinators' meeting.
- The meeting will generally take place at Police Headquarters
- The Co-ordinator and Volunteer Manager will draft the agenda for the next ICV team meeting at the Co-ordinators meeting.
- Minutes will be drafted and distributed within 4 weeks of the date of the meeting.

Attendees:

Volunteer Manager, OPCC

Co-ordinator

Deputy Co-ordinators

Chief Inspector, Criminal Justice

Custody Manager (PACE Inspector with responsibility for custody suites)



NOTTINGHAMSHIRE POLICE & CRIME COMMISSIONER

REGIONAL CUSTODY VISITING SCHEME MANAGERS NETWORK

TERMS OF REFERENCE

Background

- Under Section 51 to the Police Reform Act 2002, as amended by Section 117 of the Coroners and Justice Act 2009 and paragraph 299 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, Police & Crime Commissioners' are required to make arrangements for detainees to be visited by persons appointed under the arrangements ("independent custody visitors") and to keep those arrangements under review and from time to time revise them as they see fit.
- The Association of Police & Crime Commissioners' (APCC) has established a network of collaborating Police & Crime Commissioners and the Independent Custody Visiting Association (ICVA) has wherever possible encouraged regional working to look at particular areas of development and training needs.

Membership

- The East Midlands Regional Custody Visiting Scheme Managers Network ("the Network") is available to all Police & Crime Commissioners' Officers in the East Midlands region who have a responsibility for the maintenance and operation of an efficient and effective scheme for the independent inspection of custody facilities and the welfare of detained persons.

Meetings

- The Network will meet virtually via Microsoft Teams 4 times a year (on a quarterly basis).
 - Wednesday 17th November 2021 at 10am (**Northamptonshire** to host)
 - Monday 21st February 2022 at 10am (**Lincolnshire** to host)
 - Tuesday 17th May 2022 at 10am (**Derbyshire** to host)
 - Tuesday 16th August 2022 at 10am (**Nottinghamshire** to host)
 - Tuesday 22nd November 2022 at 10am (**Leicestershire** to host)
 - Tuesday 21st February 2023 at 10am (**Northamptonshire** to host)
- The chairmanship of Network meetings will alternate around the region.

Aims

6. The Network will focus on exchanging information, sharing good practice, identifying areas for mutual collaboration, discussing latest national and regional issues, identifying potential savings and offering practical solutions to custody visiting related matters.
7. The Network will also act as an informal forum to share professional practice and experiences (both positive and negative).
8. The Network will make links, where necessary, with national and regional partners including the ICVA, Home Office and APCC.

Administration

9. The responsibility for hosting a Network meeting will alternate around the region.
10. The host member will be responsible for compiling the agenda, producing draft minutes of the meeting and updating the Action Plan.

ICVA National Expert Forum (NEF)

11. Regional representation on the ICVA National Expert Forum will alternate around the region.
12. Representatives will be appointed for a period of one year and attend four meetings in July, October, January and April.
13. The current rota is as follows:
 - Northamptonshire May 2021 – April 2022
 - Leicestershire May 2022 – April 2023
 - Nottinghamshire May 2023 – April 2024
 - Lincolnshire May 2024 – April 2025

EMCJS Operational Custody Leads Meeting

14. Regional representation on the EMCJS Operational Custody Leads Meeting will alternate around the region, with the exception of Derbyshire and Northamptonshire.
15. Representatives will be appointed for a period of one year and attend four meetings in July, October, January and April.
16. The current rota is as follows:
 - Leicestershire May 2021 – April 2022
 - Nottinghamshire May 2022 – April 2023
 - Lincolnshire May 2023 – April 2024
 - Leicestershire May 2024 – April 2025

Commencement of these Terms of Reference

17. These Terms of Reference came into effect on 27 August 2021 on the decision of the Regional Custody Visiting Scheme Administrators Network meeting. They replace all previous Terms of Reference



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

APPENDIX 8

OBSERVED CUSTODY VISIT FORM

| | |
|-------------------------|-------------------|
| Name of ICV: | Name of Observer: |
| Date and Time of visit: | Custody Suite: |

1) Was the ICV confident with the self-introduction:

Yes Mostly Not entirely No

2) Was the ICV confident with the visit process and covered all aspects of rights and entitlements:

Yes Mostly Not entirely No

3) Was the ICV able and confident to take the lead in speaking with detainees:

Yes Mostly Not entirely No

4) Did the ICV ask the detainee the appropriate questions:

Yes Mostly Not entirely No

5) Was the ICV confident and able to check and report on conditions in which detainees are kept, such as condition of cells, exercise yard, washing facilities, kitchen:

Yes Mostly Not entirely No

6) Was the ICV confident in correctly filling in the visit report form:

Yes Mostly Not entirely No

7) Was the ICV confident in viewing custody records:

Yes Mostly Not entirely No

Please provide comments on any of the above, particularly where the answer is 'no'

(Large empty box for comments)

Please comment on areas in which the ICV did well:

OBSERVED CUSTODY VISIT FORM

Please comment on areas where there is room for improvement:

Please suggest any training or specific development this ICV could benefit from:

General Comments from ICV and Observer:

Signed (Observer):

Signed (ICV):



THREE YEARLY REVIEW FORM - CO-ORDINATOR TO COMPLETE

Independent Custody Visitor Name:

Date of Appointment:

3 Year Review Date:

All ICVs are appointed on a 3-year rolling appointment. At the end of every 3-year period, from the initial date of appointment, the ICV's record will be examined and the Co-ordinator will be asked to provide feedback on performance. The key factors in renewing appointments for further periods will be the continuing ability and willingness of the individual involved to carry out the job effectively.

In the last three years:

| | |
|----|---|
| 1. | Has the ICV demonstrated knowledge of the visiting process? If not, what areas require further training? |
| 2. | Has the ICV demonstrated flexibility for covering visits within a variety of time slots? |
| 3. | Have there been occasions when the ICV has been unable to carry out a rostered visit? What action have they taken to cover the visit? |
| 4. | Does the ICV display good communication skills when interacting with detainees and custody staff? |
| 5. | Has the ICV built good relationships with yourself as Co-ordinator and other team members? Have there been any problems in this area? |
| 6. | Have you had to provide constructive advice or criticism to the ICV? If so, how has this been received by the ICV? |



THREE YEARLY REVIEW FORM - CO-ORDINATOR TO COMPLETE

| | |
|----|---|
| 7. | Has the ICV attended at least two team meetings per year and has the ICV contributed to team meetings? |
| 8. | Do you feel the ICV displays the necessary ability and commitment required to carry out the role effectively? |
| 9. | If you would like to provide any further comments, please do in the section below: |

Signed (Co-ordinator):

Date:

**Please return this form to the Office of the Police & Crime Commissioner,
Police Headquarters, St Johns, Enderby, Leicester LE19 2BX**

FOR OFFICE USE ONLY

COMMENTS:

OUTCOME OF REVIEW:

Signed (Volunteer Manager):

Date:



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

ONE TO ONE DISCUSSION FORM

Name of Volunteer:

Time and Date of Meeting:

Venue of Meeting:

1. Attendance in last twelve months:

- (a) Custody Visits and Time Slots covered: _____
- (b) Team Meetings _____
- (c) Training Sessions _____

2. Are you finding your role as an ICV rewarding?

3. Are there any aspects of the role you find particularly frustrating, difficult or not rewarding? How could these be improved/prevented?
4. How do you feel about your current commitments to the scheme? Are you making enough visits to keep you involved or are the number of visits you are required to do encroaching too much on your time?
5. Do you think you are sufficiently supported by your Co-ordinator/Deputy Co-ordinator/team members/the OPCC?

6. Do you enjoy team meetings and do you feel able to contribute to the discussion?

7. Have there been any situations whilst in your ICV role where you have felt unprepared? How did you cope? Is there any training that could have been provided earlier to help with such a situation?

8. Has the training provided to date been at the right level? Did you feel well prepared to do the role following the training?

9. Is there any support or training which can be provided to help you to develop your role?

10. Is there anything about the ICV Scheme that you feel could be improved?

11. Are you regularly claiming for out of pocket expenses that you incur as a volunteer for the Police and Crime Commissioner and are these expense claims paid quickly?

12. Are there any comments you would like to make or concerns you would like to raise?

We agree that the information in this form is a correct record of the discussion:

Comments from Volunteer Manager

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.....

Signed (Volunteer):

Signed (Volunteer Manager):

Date:



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

INDEPENDENT CUSTODY VISITING SCHEME

EXIT INTERVIEW PROCESS

Independent Custody Visitors (ICVs) who resign from the Scheme are provided with the opportunity to meet with the Volunteer Manager for an 'exit interview' to discuss their reasons for leaving, any issues they would like to raise from their time in the Scheme, and to offer suggestions for any improvements which they feel could be made.

ICVs will be asked to contact the OPCC to arrange a mutually convenient time for this interview to take place. If necessary the interview can be at the ICV's home address.

During the interview the form below, (Interview Exit Form) will be completed.

If ICVs do not wish to attend for interview they can complete the form themselves and return it to the OPCC.

The reasons for leaving the Scheme will be reported, anonymously, to the Police and Crime Commissioner.

Any issues raised for further development will be reported to the Co-ordinators' meeting for discussion and for agreement on any future changes to the Scheme.

LEICESTERSHIRE OFFICE OF THE POLICE & CRIME COMMISSIONER

INDEPENDENT CUSTODY VISITING SCHEME

EXIT INTERVIEW FORM

The purpose of this form is to identify any underlying reasons for ICVs leaving the Scheme and to help assess any necessary steps that may prevent other volunteers from leaving for similar reasons. This interview will also assist the OPCC to conduct an effective role analysis and project training need for other Independent Custody Visitors.

ICV Name: _____

Date Appointed: _____

Leaving Date: _____

1. What is your reason for leaving?

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2. If you have accepted another volunteer role, what attracted you to it?

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3. In relation to your time as an Independent Custody Visitor, do you have any suggestions for improvement e.g. should the Role Description or Memorandum of Understanding be changed or updated?

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4. How do you feel about the Memorandum of Understanding and other conditions of appointment?

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5. How do you feel about the training you have been offered or received?

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6. What have the relationships been like between yourself, your Co-ordinator, fellow Custody Visitors and OPCC staff and could they be improved?

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7. Are there any other comments that you wish to make?

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Comments of the Volunteer Manager and any suggested future

action:.....

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SIGNATURE OF CUSTODY VISITOR:

.....

DATE:

SIGNATURE OF VOLUNTEER MANAGER:

.....

DATE:

Please note that this form should be completed during an exit interview, ideally with the Volunteer Manager and the Independent Custody Visitor. However, it is acceptable for the person to decline an interview and be given the form for self-completion.

If self completion, please return this form to the Volunteer Manager via email



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

ICV TRAINING PLAN AND OBJECTIVES

| <u>Topic</u> | <u>Mandatory or optional</u> | <u>Aim</u> | <u>Objectives</u> | <u>Delivered by/ Cost</u> | <u>Measured By</u> |
|--|--|--|---|---|--|
| Induction Training | Mandatory for new ICVs Optional as refresher training for existing ICVs | To inform newly appointed custody visitors of the background to the development of the Scheme, the National Standards and Code of Practice and how the Scheme operates in Leicestershire. To allow the new ICVs the opportunity to hear about the role from a current ICV. To use ICVA's training manual to inform new visitors about the ICV role, the role of ICVA, human rights, the process of a visit and custody records. | <ul style="list-style-type: none"> Understand the background, development and context of independent custody visiting. Understand local procedures, documents and forms. Completion of custody forms using the ICV Custody App. Hear the experiences of a current ICV Understand the responsibilities of the role and the details of the role such as the rota. Be aware of the National Standards and Code of Practice under which the Scheme operates. Have a basic understanding of the Governance Arrangements in Leicestershire. Understand the importance and role of ICVA Understand how Human Rights are crucial to the detention of individuals Understand which articles of the Human Rights Act are relevant to the role of Independent Custody Visiting Understand how detainees' Human Rights are being maintained while in Custody To be familiar with the Custody visitors manual and how to use as a reference guide. | OPCC Opportunity Costs only | <ul style="list-style-type: none"> One-to-one discussions during six month reviews Evaluation Form |
| Code C of the Police & Criminal Evidence Act (PACE) | Mandatory for new ICVs Optional as refresher training for existing ICVs | To provide an understanding of the aspects of Code C of PACE which are relevant to the role of Independent Custody Visitor. | <ul style="list-style-type: none"> Understand the different categories of persons who can be detained in police custody. Understand the rights and entitlements of each category of detainee including juveniles, immigration and Home Office detainees. Understand the detention procedures stated in Code C. Be familiar with detention procedures including duration, reviews and authorisation. Understand the implications of non-compliance with Code C of PACE | Custody Sergeant Opportunity Cost Only | <ul style="list-style-type: none"> Evaluation form ICV Performance discussed at one-to-one meeting Feedback from Co-ordinator |

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| The role of the Custody Sergeant and Detention Officer | Mandatory for new ICVs Optional as refresher training for existing ICVs | To provide an understanding of the role of the Custody Sergeant and Custody Detention Officer | <ul style="list-style-type: none"> Understand the roles and responsibilities of the Custody Sergeant and of other individuals in the Custody Suite Understand the booking in procedure at custody suites Have a basic understanding of the risk assessment carried out for each detainee. Understand the procedures for the assessment, care and supervision of persons detained in police custody. Understand the process following arrest Understand the meaning of lawful arrest under Article 2 – everyone's right to life is protected by law. Understand the Custody Officer's responsibilities under Article 3 – no one shall be subjected to torture or inhumane or degrading treatment or punishment. | Custody Sergeant Opportunity costs only | <ul style="list-style-type: none"> One-to-one discussions during six months reviews Monitoring of any issues recorded on report form Evaluation form Feedback from Co-ordinators |
| Understanding custody records | Mandatory for new ICVs Optional as refresher training for existing ICVs | To ensure ICVs fully understand the purpose of the custody record and how best to utilise it in their role | <ul style="list-style-type: none"> Understand the reasons a custody record is held Understand the layout and workings of the electronic custody record Understand how different individuals view and use the record Understand what sections ICVs are and aren't entitled to see and why Understand what information should be gained from the custody record and how best to find this Be familiar with how to read custody records and what ICVs should be looking for. | Custody sergeant Opportunity Costs Only | <ul style="list-style-type: none"> Understanding in-session discussion and tasks Issues in relation to custody records recorded on report form Discussion in one-to-one meetings |
| Custody record reviewing | Mandatory for new ICVs Optional as refresher training for existing ICVs | To provide an understanding of the purpose of custody record reviewing and the process. | <ul style="list-style-type: none"> Understand the reasons for scrutinising full custody records Understand the process in doing so using pre-set criteria Understand findings and how to raise issues Understand the background to separate viewings from custody records outside of visit arrangements | Volunteer Manager | <ul style="list-style-type: none"> One-to-one discussions at six months and 3 year reviews Discussions during custody record review sessions Assessment of understanding by Scheme manager |

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| Police Complaints Procedure | Mandatory for new ICVs Optional as refresher training for existing ICVs | To give a basic understanding of police complaints procedures and their application within the Custody Suite. | <ul style="list-style-type: none"> Understand the process of how complaints against the police are dealt with. Understand the role of the Independent Office of Police Conduct Understand the roles and responsibilities of those involved in the complaints process within the force. Understand the role of the Independent custody visitor in relation to detainees wishing to make a complaint about a police officer and what happens thereafter | PSD Staff Opportunity Costs Only | <ul style="list-style-type: none"> Evaluation forms |
| Data Protection | Mandatory for new ICVs Optional as refresher training for existing ICVs | To provide an understanding and awareness of Data Protection within the Custody Suite and its application to the role of Independent Custody Visitor. | <ul style="list-style-type: none"> Understand the Data Protection Act 2018 Understand General Data Protection Legislation (GDPR) and consent rights for volunteers Have an understanding of Information Management Have an understanding of Information Security | Leicestershire Police Data Protection Officer | <ul style="list-style-type: none"> Evaluation Form One-to-one discussions |
| Healthy and Safety | Mandatory for new ICVs Optional as refresher training for existing ICVs | To provide an understanding and awareness of health and safety within the Custody Suite and its application to the role of Independent Custody Visitor. | <ul style="list-style-type: none"> Understand Leicestershire Police responsibilities and duties. Understand individual responsibilities and duties. Have a basic understanding of reporting procedures for health and safety issues – what to report including near misses and where to report it including accident books/forms. Understand emergency fire procedures and the provision of first aid. Have a basic understanding of the risk assessment process and how it applies to custody visitors. Go through the generic risk assessment form and protocol for blood and bodily fluids for custody visitors. Have an awareness of risk assessments undertaken for each custody suite. Have an understanding of the health and safety issues to look for in the custody suite. | Leicestershire Police Health and Safety Manager Opportunity Costs Only | <ul style="list-style-type: none"> Evaluation Form One-to-one discussions Feedback from Co-ordinator |

| | | | | | |
|--|---|--|---|---|---|
| | | | <ul style="list-style-type: none"> • Have an awareness of own health and safety and that of detainees. • Have an awareness of health and safety in custody environment. | | |
| Equality & Diversity Training | Mandatory for new ICVs Optional as refresher for existing ICVs | To raise awareness of equality and diversity issues and their application to the role of Independent Custody Visitor. | <ul style="list-style-type: none"> • Recognise and value individual differences. • Have an understanding of the duties in relation to race, disability and gender. • Have a basic understanding of the Equality Act 2010 and the general duty placed on public authorities to tackle racial discrimination, promote equality of opportunity and good relations. • Have an awareness of different cultures and the differing needs of detainees whilst in custody. | Head of Diversity Unit, Force Opportunity Costs Only | <ul style="list-style-type: none"> • Evaluation form • One-to-one discussion • Co-ordinator feedback |
| Mental Health Training | Mandatory for new ICVs Optional as refresher for existing ICVs | To ensure ICVs have knowledge of the Mental Health Act, issues surrounding it and how this will affect the delivery of their role and to ensure ICVs can recognise individuals in custody who may display signs of mental health concerns. To use ICVA's bitesize training presentation | <ul style="list-style-type: none"> • Understand the Mental Health Act 2007 • Understand s136 may result in individuals with mental Health issues being held in police custody • Have a understanding of how Leicestershire Police manage individuals with mental heath needs • Understand what services and support should be made available to detainees with mental health difficulties • Understand and recognise the signs an individual may have mental health needs. | Leicestershire Police Liaison and Diversion service Opportunity costs only | <ul style="list-style-type: none"> • Evaluation forms • One-to-one discussions |
| Tour of custody suite | Mandatory for new ICVs | To provide an insight into the environment of custody suites | <ul style="list-style-type: none"> • Undertake a tour of a custody suite • Familiarise with the layout of the booking-in area/kitchen/chute/medical rooms/interview rooms etc • Have an understanding of the facilities available for detainees at custody suites such as washing facilities, exercise yard | Custody Sergeant Opportunity costs only | <ul style="list-style-type: none"> • Evaluation forms • One-to-one discussions |

| | | | | | |
|------------------------------------|------------------------|--|---|---|--|
| Police Protective Equipment | Mandatory for new ICVs | To give a basic understanding of the protective equipment used by police officers. | <ul style="list-style-type: none"> • Receive a demonstration on the protective equipment used by police officers. • Have a basic understanding of the equipment used and its likely physical effect on detainees. | Force Training Department Opportunity Costs Only | <ul style="list-style-type: none"> • Evaluation forms |
| Unconscious Bias Training | Mandatory | To examine what bias is, how it can affect custody visiting and how to mitigate against it. | <ul style="list-style-type: none"> • Consider the hidden unconscious bias within us • Explore how people get stereotyped and how to break the cycle of misunderstanding • Gain practical approaches to override unconscious bias and reduce its impact as part of custody visiting | Head of Diversity Unit, Force Opportunity costs only | <ul style="list-style-type: none"> • Evaluation forms • One-to-one discussions |
| Dementia Friends Training | Mandatory | To give ICVs an insight into this condition and to recognise how it may affect detainees they may encounter in a custody suite and to provide ICVs knowledge to act as a 'dementia buddy' in wider situations. | <ul style="list-style-type: none"> • Understand more about the condition and the signs and symptoms of dementia • Understand the ways in which individuals can support those with dementia and how this may arise in the course of a custody visit | Head of Diversity Unit, Force Opportunity costs only | <ul style="list-style-type: none"> • Evaluation forms • One-to-one discussions |
| Soft Skills Training | Mandatory | To provide ICVs with soft skills on how to be a skilled communicator and challenge appropriately. | <ul style="list-style-type: none"> • Explain how to use a variety of interpersonal skills which include; active listening, giving feedback, fact-finding techniques, interpreting body language, assertiveness and dealing with conflict. • To give a full definition of assertiveness and assertive behaviour • How to be a skilled communicator, body language and cultural implications • How to challenge appropriately and give constructive feedback • Critical friend • Problem solving approaches • How to be a good team player | Learning and Development Leicestershire Police | <ul style="list-style-type: none"> • Evaluation form • One-to-one discussions |

| | | | | | |
|---|-----------------------------|--|--|----------------------------------|--|
| Chairing Meetings Training | Mandatory for Co-ordinators | To ensure Co-ordinators understand the methods to chair productive and efficient meetings that engage the whole team and to increase the confidence of Co-Ordinators in handling meetings. | <ul style="list-style-type: none"> • Be able to chair a meeting in the most efficient and productive way possible • Be able to effectively deal with potential difficulties that may arise in a meeting • Understand how to deal with potential disagreements in a meeting. • Understand how best to set and meet objectives for a meeting | To be sourced | <ul style="list-style-type: none"> • In session exercises and tasks • Behaviour at meetings moving forward • Outcome of future meetings • Feedback from ICVs |
| Police Link Officer for the Deaf Training (PLOD) | Optional | To ensure ICVs have a knowledge of the Police Link Officer for the Deaf service and how this may come into use on a visit. | <ul style="list-style-type: none"> • Understand more about those who are deaf or hard of hearing and the issues that may affect these individuals in custody • Understand do's and don'ts of communicating with those who are deaf or hard of hearing • Understand who PLOD are and what their purpose is • Understand how and when to contact PLOD in the course of a visit | PLOD team Opportunity Costs Only | <ul style="list-style-type: none"> • In session question and answers • Evaluation form • ICV Performance |
| Buddy Mentoring Training | Optional | To provide ICVs the opportunity to be a 'buddy' to new members joining the scheme and to expand opportunities available to ICVs. | <ul style="list-style-type: none"> • To understand what it means to be a mentor • To have knowledge of the actions and attitude needed to support a volunteer | Volunteer Manager | <ul style="list-style-type: none"> • Evaluation form • One-to-one discussions • Feedback from new ICVs |

ICV TRAINING PLAN AND OBJECTIVES

Advanced

| <u>Topic</u> | <u>Mandatory or optional</u> | <u>Aim</u> | <u>Objectives</u> | <u>Delivered by/Cost</u> | <u>Measured By</u> |
|-----------------------------------|---|--|---|--|---|
| Advanced Regional Training | Mandatory – once within a 3 year period | <ul style="list-style-type: none"> • Look in depth at areas of Custody Visiting to provide greater knowledge and awareness within the role. • To share best practice from across the region. | <ul style="list-style-type: none"> • Be able to deal with a variety of difficult situations which may arise during the course of a custody visit. • Be able to interpret custody records more effectively. • Understand any new legislation relating to the role of custody visitor. • Reinforce National Standards and Code of Practice. | ICVA, Officers from regional forces, external speakers Some costs incurred – shared amongst the region Estimated cost £500 | <ul style="list-style-type: none"> • Evaluation forms • One-to-one discussions • Co-Ordinator feedback |



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

INDEPENDENT CUSTODY VISITOR BUDDY

ROLE DESCRIPTION

1. To carry out the role of a Buddy to newly recruited Independent Custody Visitors (ICVs) in order to develop their understanding and confidence in the role.
2. To act as a first contact for the new ICV should they have any concerns, doubts or queries.
3. To provide advice and guidance around the role, taking the new ICV through the process and demonstrating good practice.
4. To help the ICV implement their training into their new role.
5. To encourage and allow the new ICV to take the lead during visits.
6. To ensure that the new ICV feels appropriately supported and welcomed within the team.
7. To remain as a Buddy for the first 12 months of the new ICV's term.

CRITERIA AND PERSON SPECIFICATION

Essential Criteria:

1. Completed a minimum of one 3 year term of appointment.
2. Able to demonstrate a degree of flexibility and availability within previous visits.
3. Attendance to at least three out of four quarterly team meetings.
4. Attendance to at least one regional training event in the last 3 years.
5. Evidence of high quality visit report forms.

Person Specification:

1. Positive and patient approach.
2. Able to demonstrate enthusiasm for the role.
3. Excellent communication skills.
4. Open, approachable and willing to share experiences.
5. Willing to promote the principles of the Independent Custody Visiting Scheme.
6. Prepared to report any issues from visits to the Co-ordinator, Deputy Co-ordinator or Volunteer Manager.
7. Confident in highlighting and challenging any examples of bad practice.



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INDEPENDENT CUSTODY VISITOR BUDDY

APPLICATION PROCESS

1. The ICV Newsletter will include expressions of interest for Buddies prior to the next recruitment campaign. Those who wish to volunteer must inform the Volunteer Manager.
2. The Volunteer Manager will assess attendance to training and team meetings, spread of visits and visit report forms submitted by ICVs that have expressed an interest in the role.
3. ICVs interested will be invited for an informal discussion with the Volunteer Manager to discuss the role.
4. The Volunteer Manager will then make a decision on which ICVs will be appointed as a Buddy/s.
5. Training will be provided. Previous Buddies will be required to refresh their training.
6. Those unsuccessful will be provided with opportunities for further training to enhance their development to undertake the role.
7. Newly appointed ICVs will be assigned with a Buddy.
8. ICVs that have previously undertaken the role of a Buddy will be required to re-apply and refresh their training.



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BUDDY PROCESS FOR VISITS WITH NEW ICV

Arranging the Visit

- Ensure you arrange the visit with the new ICV via telephone call so that you are able to speak to them and discuss where to meet.
- Remember they may be slightly nervous! Explain that this is their first visit so they will not be expected to speak to detainee/s unless they feel comfortable in doing so; the visit can be used as an opportunity to observe and become familiar with the process.

On Arrival

- Try to arrive at the venue earlier than the agreed meeting time so that you are there to greet the ICV.
- Once the ICV arrives, explain the process reassuring them that you will take things slowly and that they can ask any questions.
- Inform them that the custody suite clocks may be slow, so they should use the time on their own watch to record timings.

In the Custody Suite

- Once you have been provided with access into the custody suite, explain the next part of the visit and show them where to locate the iPad (remember to keep your voices down).
- Inform the CDO that this is a new ICV so you will be explaining things throughout the visit. This may also prompt the CDO to share information.

Speaking to Detainees

- Before the cell door is opened, explain where to stand and that you will speak to the detainee whilst the ICV watches. After the conversation with the detainee, ask the ICV what they observed and show them how you are inputting information into the ICV Custody App.
- If the detainee is asleep, explain what they should look for when they observe through the spyhole.
- If the detainee is non English speaking, show them how to use the translation sheets.

Kitchen and Exercise Yard

- When checking the kitchen and exercise yard, explain why you are doing so and what you are looking for. Make specific reference to ligature points and why they are a risk. Show the ICV where to include comments relating to the kitchen and exercise yard on the ICV Custody App.



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BUDDY PROCESS FOR VISITS WITH NEW ICV

Checking Custody Records

- Explain to the ICV why you are choosing particular custody records to view.
- Once the custody record has been displayed, point out things you are looking for.

Check and Submit the Visit Form

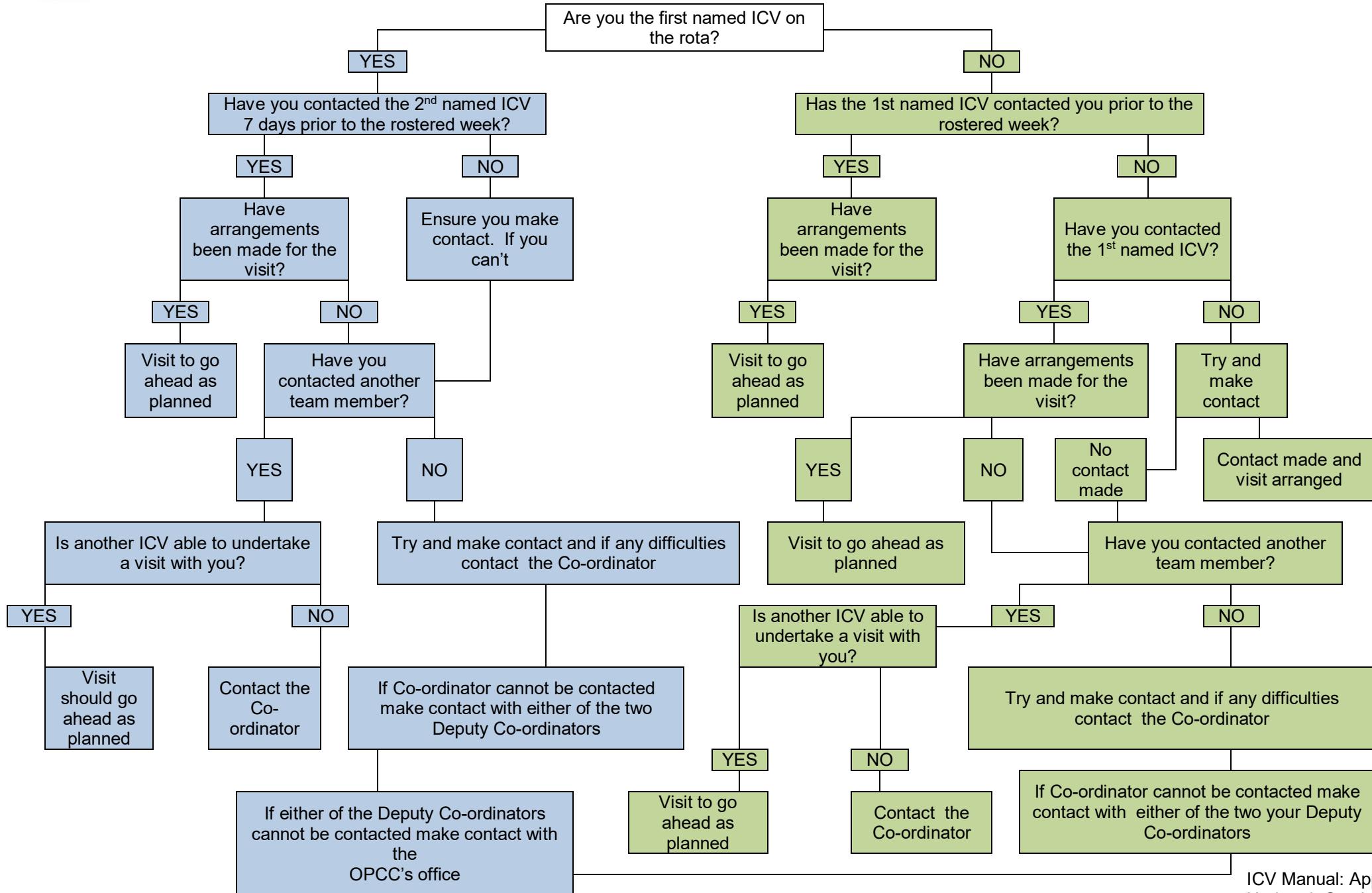
- Check through the visit form with the ICV and ask if they wish to add anything.
- Show them how to submit the visit form and log out of the App.
- Ensure you remind the ICV to place the iPad on charge upon returning it into the locker. If at Euston Street they must ask the CDO to leave it on charge.

Feedback

- After leaving the custody suite, ask the ICV how they felt about the visit. You may want to ask the following questions:
 - i) What did you observe?
 - ii) Was there anything you weren't sure about?
 - iii) Do you have any further questions?
- Let them know that they can contact you as their Buddy (you may want to specify your availability) if they have any further questions. They can also contact the Co-ordinator or Deputy Co-ordinators if they wish.

Leave them feeling positive and happy!!!

**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE
FLOWCHART FOR ARRANGING CUSTODY VISITS**



POLICE & CRIME
COMMISSIONER

for Leicester,

Leicestershire & Rutland

Your Communities - Your Commissioner

INDEPENDENT CUSTODY VISITING SCHEME MISSSED VISIT FORM

CUSTODY SUITE: _____

DATE OF MISSED VISIT: _____

NAME: _____

What is the MAIN reason the visit was not undertaken?

| | | | | |
|--|---|---|--|--|
| <input type="checkbox"/> I forgot it was my week on the rota | <input type="checkbox"/> I was ill and could not contact anyone | <input type="checkbox"/> I was unable to contact my partner | <input type="checkbox"/> I arrived at the custody suite and my partner did not turn up | <input type="checkbox"/> I was too busy to undertake a visit |
|--|---|---|--|--|

Other reason.....

.....

.....

How did you try to contact your partner?

| | | | |
|--------------------------------|-------------------------------|--|---|
| Email <input type="checkbox"/> | Text <input type="checkbox"/> | Phoned mobile <input type="checkbox"/> | Phoned home number <input type="checkbox"/> |
|--------------------------------|-------------------------------|--|---|

Comments

.....

.....

If you were unable to contact your partner, how many other team members did you approach to do the visit with you?

Continued overleaf

Number

How many of these:

| | | |
|---|--|---|
| Were un-contactable <input type="checkbox"/> | Unable to assist <input type="checkbox"/> | Did not respond to messages <input type="checkbox"/> |
|---|--|---|

Comments

.....
.....

Did you contact the Co-ordinator to report any difficulties?

| | |
|---------------------------------|--------------------------------|
| Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|---------------------------------|--------------------------------|

Comments

.....
.....

Please provide any further comments below:

.....
.....
.....
.....
.....
.....

Please return your completed form in the enclosed pre-paid envelope or via email to the Volunteer Manager



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FOR LEICESTERSHIRE**

PROTOCOL FOR CUSTODY VISITS

On Arrival

- All ICVs to be in possession of a current identification badge which includes an expiry date and a photograph.
- When arriving at the front desk, ICVs will introduce themselves, produce their identification badge and request that contact is made with the custody suite.
- If the front enquiry office is closed, the custody suite can be contacted using the yellow telephones available at all custody suites, or via the custody suite landline numbers using a mobile phone. In such circumstances, ICVs will be required to provide their names and/or collar numbers to the call taker.
- In order to maintain safety, clearance must be provided from custody staff confirming that it is safe for ICVs to enter the custody suite. ICVs should not request to be escorted without this clearance.
- Whenever possible, ICVs will be given immediate access into the custody suite. If staff are unable to admit ICVs immediately due to health and safety issues, an explanation must be sought from the Custody Sergeant and recorded on the visit form.
- After receiving clearance, ICVs will wait in the reception area until a member of custody staff is available to collect them. Under no circumstances should ICVs attempt to make their own way into custody. The time of arrival at the police station and time of arrival into the custody suite should be recorded.
- ICVs must ensure they wash their hands before and after visits, use personal protective equipment (PPE) as provided and maintain the recommended social distance of 2m between colleagues at all times. Where this is not possible, 1m should be maintained.

Once in the Custody Suite

- ICVs will need to locate the electronic device to record details of their visit. This can be found within designated lockers in each custody suite:
 - Beaumont Leys – corridor to interview rooms
 - Keyham Lane – Inspectors office – (before entering the custody suite)
 - Euston Street – ICVs to ask a member of custody staff to provide the device as the locker is situated behind the booking in desk).
- Locker details and the iPad passcode can be obtained from the OPCC, Co-ordinator or Deputy Co-ordinators.
- Before logging on, ICVs should ensure that they wipe down the device with wipes provided. Custody staff will provide details of each detainee's cell number, custody reference number, type, gender and category (PACE, Home Office or other).
- After logging into the ICV Custody App, ICVs can use their preferred method of recording the visit (for example, directly into the App or make notes and input the information at the end of the visit).



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PROTOCOL FOR CUSTODY VISITS

Starting the Visit

- If there is a delay in custody staff facilitating a visit, ICVs will be placed in a safe position to observe proceedings until a member of staff is available. Any such delay should be recorded on the visit report form.
- Whilst waiting for the visit to begin, the Custody Sergeant may agree for ICVs to check areas such as the kitchen unaccompanied; otherwise ICVs should simply wait for an available staff member to commence their visit. Once the visit begins, this time should be recorded.
- ICVs will be escorted to each cell and should introduce themselves to detainees (Protocol for Self-Introduction can be found at Appendix 28).
- If difficulties arise in communicating with a detainee, ICVs can utilise the translation sheets located in the ICV locker at each custody suite. They can be photocopied and dependant on the risk assessment of the detainee, the CDO will hand over a pencil, or the detainee can point to the appropriate answers.
- Detainees that are asleep can be observed through the spyhole or hatch. If the CDO advises the ICV not to speak to a particular detainee, an explanation must be provided (for example, the detainee is volatile).
- Any requests and/or issues raised by detainees can be discussed with the CDO and must be clearly recorded onto the visit form using Issue Tags and comments on whether the issue/s were resolved.
- Once ICVs have been escorted to all cells, they will inspect other areas of the custody suite such as the kitchen, showers and exercise yard/s. Any issues should be recorded on the visit form.
- ICVs will then be assisted in viewing custody records and be provided with the opportunity to discuss any further issues or serious concerns about observations or anything they were told with the Custody Sergeant or PACE Inspector (if such issues/ or concerns are raised, they should be recorded on the visit form).

Upon Completion of the Visit

- Once the visit has been completed, ICVs must check through the visit form and provide any general comments if they wish. The form can then be submitted using the 'Submit' button which will also record the time that the visit ended.
- ICVs must remember to log out of the App and wipe the device down before returning it to its locker, and leave it to charge ready for the next ICV to use (if at Euston Street, ICVs to remind custody staff to place the device on charge).
- Before leaving the custody suite, ICVs must return to the hygiene station.

What to do if an ICV feels unwell during a Visit

- Inform the escorting officer and custody sergeant, and abort the visit immediately.



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FOR LEICESTERSHIRE**

PROTOCOL FOR CUSTODY VISITS

- Both ICVs must make their way home and follow Public Health guidelines i.e. self-isolate.
- Inform the ICV Co-ordinator and Volunteer Manager as soon as possible.

All ICVs to be made aware of this Protocol.



AIDE MEMOIRE FOR CUSTODY VISITS

DETAINEES:

Given Rights and Entitlements - & these are understood

Access to Interpreter

If vulnerable or juvenile – access to Appropriate Adult

Had someone informed

Legal advice

Right to custody record copy

Physical comfort

Offered food & drink – special dietary requirements catered for

Religious requirements catered for

Access to toilets & showers

Offered reading material

Offered replacement clothing & footwear

Medical attention

8 hours rest in 24

Offered to speak to a member of staff in private

Female detainees:

Access to female officer/staff

Offered menstrual care products

Any other concerns?

ICVs TO CHECK:

| | |
|--|---|
| <p>Prioritise:</p> <p>Those identified as such by risk assessment at booking in time, juveniles, females & those with disabilities - check whether additional needs have been catered for</p> <p>Environment – adequate heating / ventilation / lighting / safety or security hazards</p> <p>Cells – cleanliness / excess crockery or food removed / adequate bedding</p> <p>Kitchens – cleanliness / food in date</p> <p>Toilets & showers – working & clean</p> <p>Hand sanitiser & hand washing facilities readily available</p> | <p>The holding chute - cleanliness</p> <p>CCTV – working & detainee privacy</p> <p>Interview rooms (if not in use)</p> <p>Detainee property stored appropriately</p> <p>Availability of Personal Protective Equipment (PPE)</p> <p>Female detainee care:</p> <p>Products stock – good selection & in date</p> <p>Staff – awareness of pro-actively offering menstrual products to all female detainees</p> |
|--|---|

Any other concerns?

USEFUL TELEPHONE NUMBERS

| | |
|---|---------------|
| Beaumont Leys Custody Suite | 0116 248 3244 |
| Keyham Lane Custody Suite | 0116 248 3544 |
| Euston Street Custody Suite | 0116 248 5744 |
| Office of the Police & Crime Commissioner | 0116 229 8980 |



LEICESTERSHIRE POLICE ROLE RISK ASSESSMENT FORM**APPENDIX 19****TYPE OF RISK ASSESSMENT: Assessment of risks posed to third parties****TASK/TITLE: Independent custody visits to custody suites****AREA/DEPT: OPCC****THOSE AT RISK:** Independent Custody Visitor (ICV), other visitors, police personnel, G4S staff, other custody staff**AUTHORISING MANAGER:** Lizzie Starr, Interim Chief Executive, OPCC**AUTHORISING COMMITTEE AND CHAIR** (to be ratified within the committee minutes): Ch. Supt. Corporate Services, Support Health and Safety Committee

| Version control – complete each time risk is reviewed | | | | |
|---|---------|---|----------------------|-----------------------|
| Date | Version | Reason for amendment | Completed by | Date sent to H&S unit |
| 24/10/17 | 1 | First version on new format and introduction of translation sheets | M Jones and D Dave | 24/10/17 |
| 27/06/18 | 2 | Audit of control measures on risk assessment completed | P Hindson | 06/07/18 |
| 20/08/18 | 3 | Slight amendment to number of ICVs | D Dave | 20/08/18 |
| 08/10/20 | 4 | Amendments to operation of scheme, number of ICVs and COVID-19 pandemic | S Mandhu and M Jones | 09/10/20 |
| 07/09/21 | 5 | Amendment – ICVs must not wear ties and ideally not carry a handbag whilst in the custody suite | D Dave | 07/09/21 |

Further information about the role: The Police and Crime Commissioner (PCC) has a statutory responsibility for the Independent Custody Visiting scheme in Leicester, Leicestershire, and Rutland and appoints volunteer independent custody visitors (ICVs) to carry out this function. ICVs make visits in pairs to primary custody suites within Leicestershire. It is their responsibility is to check on the conditions in which detainees are held, the detainee's health and well-being and that they receive their rights and entitlements. ICVs also make visits into the PCC's office to scrutinise custody records to obtain a fuller understanding of what transpires in custody suites (this is currently on an optional basis). The PCC oversees Custody Visiting arrangements and receives regular reports on the operation of the Scheme. Within Leicestershire Police the lead officer for custody visiting is the Custody Manager in Criminal Justice.

| SUB TASK | | ACCIDENT, INJURY, HAZARD | | | | LIKELIHOOD | | | RISK |
|----------|---|--|--|-----------------|------------------|--|--|----------------------------|------------------|
| No. | Description of sub-task including who is involved | Accident (how and why) | Reasonably Foreseeable Worst Case Injury | Hazard | Hazard level (H) | Likelihood factors (e.g. previous harm, frequency of activity, special groups etc) | Existing Controls in place | Likelihood level (L) (1-5) | Risk level (HxL) |
| 1. | <p>Independent Custody Visitors entering cells in pairs to introduce themselves to detainees to ascertain if they wish to speak to them about their welfare whilst in police detention.</p> <p>Issues discussed are recorded on an iPad (or in cases where this is not possible, on paper form using a pen) by the custody visitors at the time of the visit.</p> | <p>Violence caused by detainee towards ICV. This could involve a weapon, for example a pencil or pen, or iPad.</p> | <p>Life changing injury.</p> | <p>Detainee</p> | <p>5</p> | <p>There are 2 custody visitors per visit.</p> <p>A detention officer is outside the cell to intervene if needed for the duration of the visit.</p> <p>There is one detainee per cell.</p> <p>20 ICVs (as at October 2020) undertaking 1 visit per week, per custody suite.</p> <p>No known previous harm other than a ICV who</p> | <p>ICV is told to inform the custody Sergeant of any pre-existing medical condition they may have or any other issue that may impact on their own health and safety.</p> <p>ICVs apply to become an ICV and are trained on induction. This training includes a health and safety input discussing this risk assessment. Visitors who use walking sticks are instructed how to position themselves in the cell to reduce the risk of the stick being taken and used as a weapon. This is communicated to all visitors during OPCC induction training. ICVs are also trained by the Volunteer Manager on the national standards set out by the Independent Custody Visiting Association. The training addresses the physical signs to be aware of in changes of attitude and behaviour of people reacting to stressful situations. In such cases ICVs are instructed to bring conversations to a speedy end and leave the cell.</p> <p>ICVs to inform Volunteer Manager of any medical conditions which may impact upon this role.</p> | <p>1</p> | <p>5 (Low)</p> |

| | | | | | | |
|--|--|--|--|---|--|--|
| | | | | <p>collapsed, which was linked to a pre-existing medical condition that had not been disclosed.</p> <p>The escorting officer remains with the ICVs for the duration of the visit.</p> | <p>ICVs are trained in how to summon help. The health and safety training includes how to report an accident or near miss. ICVs are instructed to ensure they always locate themselves between the detainee and the cell door for quick egress if needed.</p> <p>Pre-assessments are undertaken at the start of each visit with the Custody Sergeant to ensure the visit does not have unacceptable risk and to ensure the ICV's health and safety is managed. ICVs will be told of any detainees that they should not approach.</p> <p>When using the translation sheets the pencil is given to the detainee and they then return it as soon as the form is completed. If custody staff recommends that the detainee must not be provided with a pencil, the translation sheet will not be used.</p> <p>The ICV is escorted by a police officer or detention officer who waits outside the cell and can be called upon immediately if needed.</p> <p>A protocol is in place for how such visits are to be conducted.</p> <p>The Detention Officer views the detainee through the cell hatch prior to ICVs entering the cell to ascertain if the detainee is likely to be receptive for a visit.</p> <p>At the start of a visit the custody sergeant will communicate with the ICVs. Access to potentially violent detainees is controlled</p> | |
|--|--|--|--|---|--|--|

| | | | | | | | | |
|--|--------------------|----------------------|--------------------------|---|--|--|---|---------|
| | | | | | | <p>and communicated to custody visitors prior to entering the cell. Visitors are briefed accordingly if a detainee is aggressive/violent and advised not to visit.</p> <p>Alarms are fitted along cell corridors in all custody suites and can easily be activated to summon assistance from other officers present in the custody suite. These are tested weekly and records kept in custody.</p> <p>ICVs are shown location of panic alarms.</p> <p>Custody visitors brief the escorting officer on the format of the visit.</p> <p>Custody staff are trained in first aid.</p> <p>Bolt on cell door can be positioned to ensure the cell door cannot be closed from the inside.</p> <p>Visits to detainees are always in pairs.</p> <p>ICVs are instructed to not hand over the pen and to keep it with them at all times, although they will hand over a pencil for the purposes of the translation form if needed and assessed as safe to do so by the officers present.</p> <p>Personal belongings of ICVs are left at the custody desk at the start of any visit.</p> <p>Risk assessment for each custody suite are provided to ICVs on induction and included in the ICV Handbook.</p> | | |
| | Fire and explosion | Life changing injury | Heat / smoke / explosive | 5 | | | 1 | 5 (Low) |

| | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |

| | | | | | | | | | |
|--|--|--|----------------------------------|--|---|---|---|---|-----------------|
| | | Trips whilst walking around the custody suite | Minor injury requiring first aid | Items left on floor, such as a mop bucket or clothing outside a cell | 2 | | walkthrough to hazard spot. Custody staff undertake daily checks to ensure good housekeeping. Work such as contractor work is planned such that work is cleaned and cleared. Any concerns reported immediately to Estates. | 1 | 2 (Very Low) |
| | | Slips whilst walking around custody suite | Minor injury requiring first aid | Wet floor surface | 2 | | All floors have a painted non-slip treatment. Cleaning contact in place to ensure floors are clean and safe. | 1 | 2 (Very Low) |
| | | Direct or indirect exposure to COVID-19 during custody visits and when ICVs visit the PCC's office to complete custody record reviews. | Contracting COVID-19 | COVID-19 | 4 | Vulnerable and extremely vulnerable groups (refer to government advice) | Refer to: ICV information in OPCC Risk Assessment and COVID-19 Risk Assessment for Custody. Refer to: Risk Assessment for Undertaking police work in a building | 2 | 6 (Low) |

FURTHER ACTION REQUIRED

| No | Further Control Measures Required | Who is responsible and by When | Date and detail of action | Residual risk level |
|----|--|---|---------------------------|---------------------|
| 1. | ICVs to be told difference in panic and fire alarms and what to do in each case. | Include in Induction Training 2020/21 M Jones | | |
| 2. | ICVs to inform Volunteer Manager of any medical conditions – to include in ICV Handbook. | S Mandhu 08/10/20. | | |

Planned review date: 01/11/2022

Risk rating

Severity of injury/hazard level (potential for harm)

| | |
|---|---|
| 1 | Very minor injury/ill-health requiring no first-aid |
| 2 | Minor/less serious injury/ill-health requiring first-aid or medical attention |
| 3 | Serious injury/ill-health (non-RIDDOR) lasting up to seven days |
| 4 | Major injury as defined by RIDDOR or over seven day absence from full duties. Major ill-health with over seven days absence. |
| 5 | Single or multiple fatality or life/career changing injury/ill-health. |

Likelihood (of hazard being realised) level

| | |
|---|--|
| 1 | Very unlikely (occurring once every five years or more). |
| 2 | Unlikely (occurring once every 1-5 years). |
| 3 | Likely (occurring once every 6-12 months). |
| 4 | Very likely (occurring every 1-6 months). |
| 5 | Certain (occurring at least once a month). |

Risk matrix

| | | Likelihood level | | | | |
|--------------|---|------------------|----|----|----|----|
| | | 1 | 2 | 3 | 4 | 5 |
| Hazard level | x | 1 | 2 | 3 | 4 | 5 |
| | 1 | 1 | 2 | 3 | 4 | 5 |
| | 2 | 2 | 4 | 6 | 8 | 10 |
| | 3 | 3 | 6 | 9 | 12 | 15 |
| | 4 | 4 | 8 | 12 | 16 | 20 |
| | 5 | 5 | 10 | 15 | 20 | 25 |

| | |
|-------|-----------|
| 1-4 | Very low |
| 5-9 | Low |
| 10-14 | Medium |
| 15-19 | High |
| 20-25 | Very high |



EMCHRS- OHU

CUSTODY: VISITORS TO THE CUSTODY SUITE ACTION ON EXPOSURE TO BLOOD & BODY FLUIDS

GENERAL HYGIENE PRECAUTIONS

Intact skin is your body's best defence against all types of infection and transmissible disease. Therefore, good basic hygiene precautions are essential: -

- You should cover any open wounds with a waterproof plaster or similar dressing prior to attending the Custody Suite
- If plasters or dressings become wet or soiled, they should be changed immediately
- Do ensure that you thoroughly wash your hands with soap and water both **before and after** your cell visit.

WHAT SHOULD I DO IF THE FOLLOWING INCIDENTS HAPPEN?

- If your skin has been punctured with a needle or other sharp instrument that may be contaminated with blood / body fluids.
- If blood/body fluids (i.e. saliva) have been splashed over any part of your body which has cuts or abrasions.
- If blood/body fluids have been splashed into your eyes or mouth.
- If you have received a human bite which has resulted in a break in the surface of your skin.

IMMEDIATE FIRST AID TREATMENT THAT MUST BE CARRIED OUT

1. If your skin has been punctured you must encourage the wound to **bleed** by force bleeding / squeezing. **DO NOT SUCK THE WOUND!**
2. **Wash** the wound thoroughly with soap and warm water (warm water helps to dilate the blood vessels and encourages bleeding).
3. If blood or body fluids (i.e. saliva) has entered your eyes or mouth, **rinse** your mouth or eyes thoroughly with copious amounts of cold tap water.

DO NOT SWALLOW THE WATER.

If contact lenses are worn, then rinse before and after removal.

4. **Cover** any open wounds with a waterproof plaster.



5. You must ensure that the incident is immediately **reported to the on-duty Custody Sergeant** who will ensure that an incident form is completed. If the detainee is willing to have their blood evaluated for the presence of blood borne viruses (source bloods), this will need to undertaken at the Leicester Royal Infirmary Accident and Emergency department.
6. **During Office hours contact Occupational Health on 0116 248 2073** to arrange for:
an assessment of risk of the incident and consideration of
 - an accelerated course of Hepatitis B vaccinations (this consists of 3 vaccines 1 month apart). This should be given as soon as possible after exposure.
 - a '**Serum Save**' blood test and arrangements for any **ongoing blood tests**
 - **Outside of Office hours attend the Accident and Emergency Department at Leicester Royal Infirmary where a similar process will be followed.** Please contact Occupational Health Department at the start of the following business day so that we can ensure that you are followed up appropriately.

IMPORTANT NOTE – HIV Exposure

In addition to Hepatitis B, there are other viruses that can be transmitted via the blood / body fluids of an infected person. These are Hepatitis C and HIV. *To date, there are no vaccines to protect against HIV and Hepatitis C.*

- If you have been exposed to blood or body fluids, and have any concerns about HIV, you are encouraged to contact the **Leicestershire Sexual Health Service**. This clinic offers a free and confidential counselling service. To arrange an appointment at one of the clinics in Leics, please contact :
- **Leicestershire Sexual Health Service - tel. 0300 124 0102 or 0800 318 908**

Diane Romano-Woodard
R N SCPHN -OH QN BSc M Med Sc (OH)
Clinical Governance Advisor
Updated 30.10.18



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

PROTOCOL FOR VISITING FEMALE DETAINEES

Visiting of females under the age of 18 in custody – Females under the age of 18 must be under the care of a woman while being detained, conveyed to and from court, or waiting to be so conveyed. This is a requirement under section 31 of the Children and Young Persons Act 1933.

- i) **Females under the age of 18 must be “under the care of a woman”** whilst being detained, transported or in custody for any other purpose. This refers to a female police officer or female member of police staff. Subject to the risk assessment, the carer need not be physically present and with the detainee at all times, but must be readily available and assigned to the detainee throughout the period of detention. Officers and staff must treat each case individually and should always give consideration to whether a carer needs to be physically present or not. The assigned responsibility can be shared by more than one female carer and may be transferred at shift handover. The assigned carer should arrange with the custody officer to visit the detainee and check on her welfare needs.
- ii) **Females aged 18 and over** must have access to a female member of staff who is responsible for checking on their welfare needs. The selection of the assigned person is as per that for the carer for a female under 18.

The custody officer must:

- Reassure the detainee that she can speak to the staff member at any time
- Provide access to the a nominated member of staff promptly and, in any case, as soon as is practicable after it is requested
- Ask the detainee whether she requires or is likely to require any menstrual products whilst in custody
- Inform that they will be provided free of charge and that replacement products are available

- iii) All visits by the carer/female member of staff, the outcome of the visit and actions taken and changes to the person undertaking the role must be recorded on the custody record.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

PROTOCOL FOR TWO MALE ICVS VISITING JUVENILE DETAINEES

Visiting of females under the age of 18 in custody – Females under the age of 18 must be under the care of a woman while being detained, conveyed to and from court, or waiting to be so conveyed. This is a requirement under section 31 of the Children and Young Persons Act 1933.

The following has been agreed regarding two male ICVs custody visits to females under the age of 18:

- (i) Where two male custody visitors wish to visit a female juvenile and no female Detention or Police Officer is available to accompany, they should liaise with the Custody Sergeant regarding the perceived risk of undertaking such a visit or whether or not the visit should be undertaken by way of conversation through the hatch in the cell door;
- (ii) Where a female juvenile is in detention, and no female Detention or Police Officer is on duty in the custody suite, custody visitors should ascertain from the Custody Sergeant whether the juvenile is being moved to another custody suite where a female Detention or Police Officer is present or whether a female Detention or Police Officer will be available to attend. In both cases custody visitors should record the timescales for these arrangements on the visit form; and
- (iii) In cases where no alternative arrangements are being made for a female juvenile to come under the care of a female Detention or Police Officer, custody visitors should request to speak to the Duty Inspector and request that such arrangements are put in place. This should also be recorded on the visit form.

Menstrual Care and Dignity PACE Code C and H changes ICV Checklist



As a result of ICV reports, a campaign from ICVA and a subsequent review of PACE Code C and H legislation by the Home Office, there have been changes made to the entitlements for women and girls in custody. There have also been changes made in terms of the wording on dignity for all detainees during strip-searches and clothing removal. This checklist is designed to go alongside the Menstrual Care – Pace Code C and H changes bitesize training, available to scheme managers in the ICVA members library. The checklist is for ICVs to use when monitoring the adherence to the new legislation in custody.

In the custody suite

- Rights and Entitlements leaflets** – are detainees being given the most up to date copy, including the changes? Check and report if they are not!
- Stock** – does the suite have a good selection of products, individually wrapped and in date?
- Staff** – are the staff aware of and pro-actively offering women and girls in custody the chance to speak to a female member of staff?
- Staff** – are the staff aware that they need to pro-actively offer menstrual protection to all female detainees?

When talking to a detainee

- Has the detainee been offered a chance to speak to a member of staff of the same sex?
- Has the detainee been offered menstrual protection?
- Is the detainee aware that the toilet area is pixelated?
- Does the detainee report having been treated with dignity throughout their time in custody?

When looking at the custody record (with permission)

- Does the custody record contain that a female detainee has been offered the opportunity to speak to a female member of staff?
- Has this discussion been offered to be private?
- Does the custody record state that menstrual protection has been offered and by whom?
- If the detainee requires and has been given menstrual protection, does the custody record note when replacement products have been offered?

When completing your report

- Report on rights, entitlements and wellbeing as normal.
- Ensure you report areas of good practice as well as those of concern.

If you have had access to the custody record:

- Record if the detainee was informed that they could speak to a member of staff of their own sex in private.
- Record whether menstrual care was offered.
- Note anything that seems unusual in the custody record.

- Comment on the quality of the custody records information regarding detainee dignity and menstrual care.

Scheme managers

- Please highlight any problems, themes or strengths to your PCC.
- Please report themes and issues to ICVA as part of your quarterly report.

The Concordat for Children in Custody



A checklist of considerations for ICVs

The Concordat for Children in Custody clarifies the roles of different agencies in providing accommodation for children who have been refused bail. ICVs have a role in monitoring the treatment of children; this checklist provides ICVs with areas to consider when going on custody visits.

When you arrive in custody

- Ask how many children are currently in police custody.
- Try to visit children as a priority, vulnerable group of detainees.

During your visit

- Check on rights, entitlements and wellbeing as you would for any visit.
- Check whether the detainee has had timely access to an Appropriate Adult.
- Ask to see the custody record.

When looking at the custody record (with permission)

- Check how long the child has been in custody.
- Check whether the child has been charged.
- If the child has been charged, check whether local authority accommodation has been requested.
- If accommodation has been requested, check whether it will be provided and in what timescale.

When completing your report

- Note how many children are in custody.
- Note how many children you were able to visit and reasons why you could not visit.
- Report on rights, entitlements and wellbeing as normal.
- Report on whether an Appropriate Adult has been requested and provided.
- Note if you have not been able to access the custody record and why.

If you have had access to the custody record:

- Report when the child came into custody and how long they have been there.
- Note whether or not the child has been charged.
- If the child has been charged, please report on what has happened next – whether local authority accommodation has been requested, agreed or not provided.

Scheme managers

- Please collate visit reports on children and highlight any problems, themes or strengths to your PCC.
- Please raise issues on children with staff in the constabulary as required.
- Please report themes and issues to ICVA as part of your quarterly report.

Appropriate Adults ICV Checklist



The Appropriate Adults, (AA), is a statutory role established by PACE 1984 and its Codes of Practice, a framework that applies to police forces in England, Wales and Northern Ireland. The role's origins lie in a miscarriage of justice in which two children and a young adult with a learning disability were convicted of serious offences on the basis of false confessions.

The below represents a brief checklist for ICVs when carrying out visits to this group of detainees. ICVs may also wish to consider if all detainees in the suite who could be vulnerable have been considered as requiring an ICV, and reasons for not requesting an AA where thought not necessary have been recorded.

When you arrive in custody

- Prioritise visits to children or vulnerable adults.

During your visit

- If the detainee is a child or vulnerable adult, check that an AA has been requested and that they have attended, making note of repeat visits.
- Check on rights, entitlements and wellbeing as you would for any visit.
- If, during your conversation you think a detainee is vulnerable, ask if they have had an AA.
- Ask the detainee if you are able to check the custody record.

When looking at the custody record (with permission)

- Check to see if an AA was requested for all children and vulnerable adults.
- Check to see if when an AA was not requested for an adult that could be considered vulnerable, that the rationale for custody staff not requesting an AA is fully recorded.
- Check what time an AA was requested.
- Check what time the AA arrived in custody.

When completing your report

- Report on rights, entitlements and wellbeing as normal.
- Check that the detainee has had access to an AA and knows what an AA is there for.

If you have had access to the custody record:

- Note rationale for custody staff requesting/not requesting an AA.
- Report on what time the AA was requested.
- Note what time the AA arrived and if they were present for rights and entitlements, DNA and fingerprinting, a private conversation and interview.

Scheme managers

- Please highlight any problems, themes or strengths to your PCC.
- Please report themes and issues to ICVA as part of your quarterly report.



Checklist for Children and Young Persons

This checklist is for ICVs to take on a visit to help monitor all aspects of the detention of children and young people in custody. Please ensure that you check all of the areas below, and record them on your visits report form.

Has the offer of rights and entitlements been effective?

- Does the child/young person (C/YP) have a copy of a child-specific/easyread rights and entitlements leaflet (Code C 3.3A)? (if not provide)
- Did the officer at booking-in explain to the C/YP about the possible benefits and importance of legal advice (Code C 3.1 and APP (C/YP) 3.3)?
- If they declined legal advice, has C/YP been offered legal advice on the telephone (Code C 6.5)?
- Is the C/YP aware of right to have a paper and pen and to make a phonecall (on request) (Code C 5.6)?
- Is the C/YP aware of entitlement to washing facilities/exercise (if practicable) (Code C 8.4, 8.7)?
- Is the C/YP aware of toilet pixilation/toilet paper (Code C Note 8D)?
- If the C/YP is a girl, has a female officer spoken with her about welfare needs (Code C 3.20A)?

Appropriate adult support

- Did the officer at booking-in explain about what the AA can do to support them (including that they can talk privately with the AA 'at any time') (Code C 3.15)?
- Has the C/YP had contact in private with their AA?

Is the C/YP being held in conditions appropriate for a child or young person?

- Is the CYP detained in an adult cell (contrary to Code C 8.8)?
- Have blankets/food/drink been provided?
- Are there any apparent adjustments to conditions in the cell/juvenile detention room to account for their youth/vulnerabilities? (APP (C/YP) 3.1, Article 37 UNCRC)
- Is the C/YP in possession of any items for support - personal possessions or distraction items (book etc)?
- Is C/YP aware of the availability of books/magazines etc

Items to check for on the custody record

- If detained in an adult cell – has the reason been recorded on the custody record (Code C 8.10)?
- How long has the C/YP been in custody? *Record the total length of time in custody*
- How long between arrival of C/YP and private contact with their AA? *Record the length of time from arrival in custody until an AA met with the C/YP*
- Has C/YP been seen by the Liaison and Diversion service (if operating in the suite)?
- Has the C/YP been charged?
- If so, has local authority accommodation been requested (PACE S38)?

Mental Health in Custody



A checklist of considerations for ICVs

ICVs have a role in monitoring the treatment of people with poor mental health in custody; this checklist provides ICVs with areas to consider when going on custody visits and supports the bitesize training.

When you arrive in custody

- Ask how many people who have / are suspected of having poor mental health are currently in police custody.
- Try to visit these detainees as a priority, vulnerable group of detainees.

During your visit

- Check on rights, entitlements and wellbeing as you would for any visit.
- Check whether the detainee has had timely access to an Appropriate Adult.
- Ask to see the custody record (or assume consent in line with National Standards).

When looking at the custody record

- Check whether detainee is in custody under s136. If so, ask why.
- Check for 30 minute medical checks.
- Check that risk is being monitored so that the detainee can be moved out of police custody once the risk has subsided.
- For all detainees – ask whether a mental health bed or assessment has been requested.
- If requested, note time and ask how long it is expected to take.
- Check the length of time that the detainee has spent in custody.

When completing your report

- Note how many detainees with / suspected of having poor mental health are in custody.
- Note how many of these detainees you were able to visit and reasons why you could not visit.
- Report on rights, entitlements and wellbeing as normal.
- Report on whether an Appropriate Adult has been requested and provided.
- Note if you have not been able to access the custody record and why.

If you have had access to the custody record:

- Note if detainee is in custody under s136 and, if so, why.
- Note whether medical checks are taking place as required (minimum every 30 minutes).
- Note whether risk is being monitored so that the detainee can be moved out of police custody once the risk has subsided.
- Note whether a mental health bed / assessment has been requested and how long this is likely to take.
- Note the length of time the detainee has spent in custody

Scheme managers

- Collate visit reports on mental health and highlight any problems, themes or strengths.
- Raise issues on mental health with staff in the constabulary as required.
- Report themes and issues to ICVA as part of your quarterly report.



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

PROTOCOL FOR SELF-INTRODUCTION

1. All ICVs to have their own copy of the introduction card to take with them on custody visits (see Appendix 29).
2. Each pair of ICVs to agree beforehand who will deliver the self-introduction to the detainee and their chosen method to record details of the visit onto the ICV Custody App.
3. On arrival at the custody suite, the Custody Sergeant will provide details of the detainees in custody. ICVs must ensure that they have with them the introduction card, aide memoire and the handheld iPad to record the visit details.
4. ICVs to inform the Custody Sergeant that they will introduce themselves to the detainees. Taking this into consideration, the Custody Sergeant will advise if there are any detainees who should not be visited due to risk to the ICVs.
5. ICVs will be accompanied to the cell by the detention officer (DO). Before unlocking the cell door, the DO will view the detainee through the cell hatch to confirm that the visit can go ahead. Once checked, the DO will unlock the cell door and stand back to allow the custody visitors to enter and speak to the detainee.
6. ICVs must ensure that they are positioned between the detainee and the cell door, maintaining at least 2m social distance (where this is not possible, 1m must be maintained). The DO will remain immediately outside the cell door for the duration of the visit (generally out of view but at a safe distance).
7. On entering the cell ICVs will introduce themselves to the detainee and ask them to sit down (if not already seated). The wording on the introduction card will be used for this purpose. Custody visitors are encouraged to deliver this in an informal manner without reading verbatim from the card if possible.
8. If the detainee states they do not wish to receive a visit the custody visitors will ask the detainee if they can view the log kept on them since their arrival to check that they are being looked after properly.
9. If a visit is refused the ICVs will leave the cell and note this outcome on the visit report form, including whether or not permission is given to view the detention record.
10. When a visit has been refused at no time will the ICVs endeavour to dissuade the detainee from changing their mind. This also applies if the detainee has refused permission to view the detention record.
11. Where the detainee indicates they do wish to speak to ICVs the visit will proceed as normal.
12. Any issues raised by the detainee will be brought to the attention of the DO. All issues raised will be recorded on the visit form, including actions taken and whether they were resolved during the course of the visit.

13. ICVs will indicate on the visit report form where they have viewed a detention record of a detainee and include any issues arising from the record.

All custody staff to be made aware of this Protocol.

**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

SELF-INTRODUCTION FOR INDEPENDENT CUSTODY VISITORS

We are Independent Custody Visitors who would like to speak to you.

We are members of the public and are nothing to do with the police.

**We are here to see how you are being treated by the police and
to have a look at the conditions in which you are being kept.**

Can we speak to you for a couple of minutes?

Can we also have a look at the log kept on you since you have been here?



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR LEICESTERSHIRE

RIGHTS AND ENTITLEMENTS

Detained persons – normal procedure

When a person is brought to a police station under arrest or arrested at the station having gone there voluntarily, the custody officer must make sure the person is told clearly about:

- (a) the following continuing rights, which may be exercised at any stage during the period in custody:
 - (i) their right to consult privately with a solicitor and that free independent legal advice is available as in section 6;
 - (ii) their right to have someone informed of their arrest as in section 5;
 - (iii) their right to consult the Codes of Practice (see Note 3D); and
 - (iv) if applicable, their right to interpretation and translation (see paragraph 3.12) and their right to communicate with their High Commission, Embassy or Consulate (see paragraph 3.12A).
- (b) their right to be informed about the offence and (as the case may be) any further offences for which they are arrested whilst in custody and why they have been arrested and detained in accordance with paragraphs 2.4, 3.4(a) and 11.1A of this Code and paragraph 3.3 of Code G.

Detainees must be given written notice setting out

The detainee must also be given a written notice, which contains information:

- (a) setting out:
 - (i) their rights under paragraph 3.1, paragraph 3.12 and 3.12A;
 - (ii) the arrangements for obtaining legal advice,
 - (iii) their right to a copy of the custody record as in paragraph 2.4A;
 - (iv) their right to remain silent as set out in the caution in the terms prescribed in section 10;
 - (v) their right to have access to materials and documents which are essential to effectively challenging the lawfulness of their arrest and detention for any offence and (as the case may be) any further offences for which they are arrested whilst in custody. The decision about whether particular documents or materials must be made available for the purpose of this requirement therefore rests with the custody officer who determines whether detention is necessary, in consultation with the investigating officer who has the knowledge of the documents and materials in a particular case necessary to inform that decision. This sub-paragraph also applies (with modifications) for the purposes of sections 15 (Reviews and extensions of detention) and 16 (Charging detained persons) under note 3ZA and in accordance with paragraphs 3.4(b), 15.0, 15.7A(c) and 16.7A of this Code
 - (vi) the maximum period for which they may be kept in police detention without being charged, when detention must be reviewed and when release is required.
 - (vii) their right to medical assistance in accordance with section 9 of this Code
 - (viii) their right, if they are prosecuted, to have access to the evidence in the case before their trial in accordance with the Criminal Procedure and Investigations Act 1996, the Attorney General's Guidelines on Disclosure, the common law and the Criminal Procedure Rules.

(b) briefly setting out their other entitlements while in custody, by:

- (i) mentioning: ~ the provisions relating to the conduct of interviews; ~ the circumstances in which an appropriate adult should be available to assist the detainee and their statutory rights to make representations whenever the need for their detention is reviewed.
- (ii) listing the entitlements in this Code, concerning ~ reasonable standards of physical comfort; ~ adequate food and drink; ~ access to toilets and washing facilities, clothing, medical attention, and exercise when practicable.

Detention can be authorised in order to

- Secure or preserve evidence.
- Obtain evidence by questioning.
- Or for another lawful reason such as breath test/breach of the peace/warrant.

Detained Persons – Special Groups

If the detainee appears to be someone who does not speak or understand English or who has a hearing or speech impediment, the custody officer must ensure:

- (a) that without delay, an interpreter is called for assistance in the action under *paragraphs 3.1 to 3.5*. If the person appears to have a hearing or speech impediment, the reference to 'interpreter' includes appropriate assistance necessary to comply with *paragraphs 3.1 to 3.5*. See *paragraph 13.1C* if the detainee is in Wales. See *section 13* and *Note 13B*;
- (b) that in addition to the continuing rights set out in *paragraph 3.1(a)(i)* to *(iv)*, the detainee is told clearly about their right to interpretation and translation;
- (c) that the written notice given to the detainee in accordance with *paragraph 3.2* is in a language the detainee understands and includes the right to interpretation and translation together with information about the provisions in *section 13* and *Annex M*, which explain how the right applies (see *Note 3A*);
- (d) that if the translation of the notice is not available, the information in the notice is given through an interpreter and a written translation provided without undue delay.

If the detainee is a citizen of an independent Commonwealth country or a national of a foreign country, including the Republic of Ireland, the custody officer must ensure that in addition to the continuing rights set out in *paragraph 3.1(a)(i)* to *(iv)*, they are informed as soon as practicable about their rights of communication with their High Commission, Embassy or Consulate set out in section 7. This right must be included in the written notice given to the detainee in accordance with *paragraph 3.2*.

If the detainee is a juvenile, the custody officer must, if it is practicable, ascertain the identity of a person responsible for their welfare. That person:

- may be:
the parent or guardian; if the juvenile is in local authority or voluntary organisation care, or is otherwise being looked after under the Children Act 1989, a person appointed by that authority or organisation to have responsibility for the juvenile's welfare;
any other person who has, for the time being, assumed responsibility for the juvenile's welfare.

- must be informed as soon as practicable that the juvenile has been arrested, why they have been arrested and where they are detained. This right is in addition to the juvenile's right in section 5 not to be held incommunicado.

If a juvenile is known to be subject to a court order under which a person or organisation is given any degree of statutory responsibility to supervise or otherwise monitor them, reasonable steps must also be taken to notify that person or organisation (the 'responsible officer'). The responsible officer will normally be a member of a Youth Offending Team, except for a curfew order which involves electronic monitoring when the contractor providing the monitoring will normally be the responsible officer

If the detainee is a juvenile, mentally disordered or otherwise mentally vulnerable, the custody officer must, as soon as practicable:

- inform the appropriate adult, who in the case of a juvenile may or may not be a person responsible for their welfare, of:
the grounds for their detention;
their whereabouts.
- ask the adult to come to the police station to see the detainee.

If the detainee is blind, seriously visually impaired or unable to read, the custody officer shall make sure their solicitor, relative, appropriate adult or some other person likely to take an interest in them and not involved in the investigation is available to help check any documentation. When this Code requires written consent or signing the person assisting may be asked to sign instead, if the detainee prefers.

Rights and Entitlements

- Right not to be held incommunicado.
- Detainee may have one friend or relative or other person notified of arrest.
- If first person nominated is not available, detainee may choose up to two alternatives.
- Detainees to be allowed visits at custody officer's discretion.
- Enquiries as to whereabouts of detainee to be answered subject to the detainee's agreement.
- Detainee to be supplied with writing materials on request. Letters (other than those to a solicitor) may be read.
- Detainee may be allowed to speak on the phone for a reasonable time to one person. The call will be listened to (except when to a solicitor) and terminated if abused.

Conditions

- So far as it is practicable, not more than one detainee should be detained in each cell.
- Cells in use must be adequately heated, cleaned and ventilated. They must be adequately lit, subject to such dimming as is compatible with safety and security to allow people detained overnight to sleep. No additional restraints shall be used within a locked cell unless absolutely necessary and then only restraint equipment, approved for use in that force by the chief officer, which is reasonable and necessary in the circumstances having regard to the detainee's demeanour and with a view to ensuring their safety and the safety of others. If a detainee is deaf, mentally disordered or otherwise mentally vulnerable,

particular care must be taken when deciding whether to use any form of approved restraints.

- Blankets, mattresses, pillows and other bedding supplied shall be of a reasonable standard and in a clean and sanitary condition.
- Access to a toilet and washing facilities must be provided.
- If it is necessary to remove a detainee's clothes for the purposes of investigation, for hygiene, health reasons or cleaning, replacement clothing of a reasonable standard of comfort and cleanliness shall be provided. A detainee may not be interviewed unless adequate clothing has been offered.
- At least two light meals and one main meal should be offered in any 24-hour period. Drinks should be provided at meal times and upon reasonable request between meals. Whenever necessary, advice shall be sought from the appropriate healthcare professional, on medical and dietary matters. As far as practicable, meals provided shall offer a varied diet and meet any specific dietary needs or religious beliefs the detainee may have. The detainee may, at the custody officer's discretion, have meals supplied by their family or friends at their expense.
- Brief outdoor exercise shall be offered daily if practicable.
- A juvenile shall not be placed in a police cell unless no other secure accommodation is available and the custody officer considers it is not practicable to supervise them if they are not placed in a cell or that a cell provides more comfortable accommodation than other secure accommodation in the station. A juvenile may not be placed in a cell with a detained adult.
- Detainees should be visited at least every hour. If no reasonably foreseeable risk was identified in a risk assessment, there is no need to wake a sleeping detainee. Those suspected of being under the influence of drink or drugs or both or of having swallowed drugs, or whose level of consciousness causes concern must, subject to any clinical directions given by the appropriate healthcare professional: be visited and roused at least every half hour; have their condition assessed and clinical treatment arranged if appropriate.
- Complaints regarding treatment of detainee must be referred to an officer of rank of Inspector or above, who is not connected with the investigation.

Treatment – Medical

The custody officer must make sure a detainee receives appropriate clinical attention as soon as reasonably practicable if the person: (a) appears to be suffering from physical illness; or (b) is injured; or (c) appears to be suffering from a mental disorder; or (d) appears to need clinical attention. If detainee is suffering from significant infectious disease, person and property are to be isolated; medical advice as to fumigation and precautions to be sought.

This applies even if the detainee makes no request for clinical attention and whether or not they have already received clinical attention elsewhere. If the need for attention appears urgent the nearest available healthcare professional or an ambulance must be called immediately.

- If a person is required to take medication on medical directions, the custody officer is responsible for safe-keeping and ensuring administration at proper times. No police officer may administer drugs which are “controlled” under the Misuse of Drugs Act 1971 and administration of such drugs must be administered by a Forensic Medical Examiner.
- If it appears to the custody officer, or they are told, that a person brought to a station under arrest may be suffering from an infectious disease or condition, the custody officer must take reasonable steps to safeguard the health of the detainee and others at the station. In deciding what action to take, advice must be sought from an appropriate healthcare professional. The custody officer has discretion to isolate the person and their property until clinical directions have been obtained
- If a detainee requests a clinical examination, an appropriate healthcare professional must be called as soon as practicable to assess the detainee's clinical needs. If a safe and appropriate care plan cannot be provided, the appropriate healthcare professional's advice must be sought. The detainee may also be examined by a medical practitioner of their choice at their expense.
- If a detainee has in their possession, or claims to need, medication relating to a heart condition, diabetes, epilepsy or a condition of comparable potential seriousness then, the advice of the appropriate healthcare professional must be obtained.

Remember your rights whilst detained

The rights in this Notice are guaranteed to you under the law in England and Wales and comply with EU Directive 2012/13 on the right to information in criminal proceedings.

Your rights at the police station are summarised on this page.

There is more information in paragraphs 1 to 11 on the next pages.

Full details are in the police Code of Practice C.

1. Tell the police if you want a solicitor to help you while you are at the police station. This is free.
2. Tell the police if you want someone to be told where you are. This is free.
3. Tell the police if you want to look at their rules - they are called the Codes of Practice.
4. Tell the police if you need medical help. Tell the police if you feel ill or have been injured. Medical help is free.
5. If you are asked questions about a suspected offence, you do not have to say anything. However, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.
6. The police must tell you about the offence they think you have committed and why you have been arrested and are being detained.
7. The police must let you or your solicitor see records and documents about why you have been arrested and are being detained and about your time at the police station.
8. If you need an interpreter, the police must get you one. You can also have certain documents translated. This is free.
9. Tell the police if you are not British and you want to contact your embassy or consulate or want them to be told you are detained. This is free.
10. The police must tell you how long they can detain you for.
11. If you are charged and your case goes to court, you or your solicitor will have a right to see the prosecution evidence before the court hearing.

If you are not sure about any of these rights, tell the police custody officer



Home Office



Legal Aid
Agency



The Law
Society

See the pages after the summary for more information about how the police should treat and care for you

This version of the Notice of Rights and Entitlements has effect from 21 August 2019



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR LEICESTERSHIRE

ARTICLES OF HUMAN RIGHTS ACT 1998

(Article 1 is introductory and is not incorporated into the Human Rights Act.)

Article 2: Right to life

A person has the right to have their life protected by law. There are only certain very limited circumstances where it is acceptable for the state to take away someone's life, e.g. if a police officer acts justifiably in self defence.

Possible custody issues: Failure to adequately monitor and respond to detainees who are a suicide risk may lead to a breach of Article 2.

Article 3: Prohibition of torture

A person has the absolute right not to be tortured or subjected to treatment or punishment which is inhuman or degrading.

Possible custody issues: breaches can include physical or psychological abuse, neglect/carelessness ie, failing to provide medical treatment, poor conditions in custody, strip searches without regard to dignity, excessive force used to restrain, authorities failing to protect individual from abuse, malnutrition and dehydration.

Article 4: Prohibition of slavery and forced labour

A person has the absolute right not to be treated as a slave or to be required to perform forced or compulsory labour.

Article 5: Right to liberty and security

A person has the right not to be deprived of their liberty – 'arrested or detained' – except in limited cases specified in the article (e.g. where they are suspected or convicted of committing a crime) and provided there is a proper legal basis in UK law.

Article 6: Right to a fair trial

A person has the right to a fair and public hearing within a reasonable period of time. This applies both to criminal charges against them and to cases concerning their civil rights and obligations. Hearings must be carried out by an independent and impartial tribunal established by law. It is possible to exclude the public from the hearing (though not from the judgment) if it is necessary to protect things like national security or public order. If it is a criminal charge, the person is presumed innocent until proven guilty according to law and has certain guaranteed rights to defend themselves.

Article 7: No punishment without law

A person normally has the right not to be found guilty of an offence arising out of actions which at the time they committed them were not criminal. They are also protected against later increases in the maximum possible sentence for an offence.

Apart from the right to hold particular beliefs, the rights in Articles 8 to 11 may be limited where that is necessary to achieve an important objective. The precise objectives for which limitations are permitted are set out in each article, but they include things like protecting public health or safety, preventing crime and protecting the rights of others.

Article 8: Right to respect for private and family life

A person has the right to respect for their private and family life, their home and their correspondence. This right can be restricted only in specified circumstances.

Possible custody issues: lack of dignity in respect of personal care needs, refusal to allow family visits or contact, inappropriate use of restraint or medication, negative and patronising attitudes and insufficient attention paid to confidentiality.

Article 9: Freedom of thought, conscience and religion

A person is free to hold a broad range of views, beliefs and thoughts, and to follow a religious faith. The right to manifest those beliefs may be limited only in specified circumstances.

Article 10: Freedom of expression

A person has the right to hold opinions and express their views on their own or in a group. This applies even if those views are unpopular or disturbing. This right can be restricted only in specified circumstances.

Article 11: Freedom of assembly and association

A person has the right to assemble with other people in a peaceful way. They also have the right to associate with other people, which include the right to form a trade union. These rights may be restricted only in specified circumstances.

Article 12: Right to marry

Men and women have the right to marry and start a family. National law will still govern how and at what age this can take place.

(Article 13 is not included in the Human Rights Act.)

Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 1 of Protocol 1: Protection of property

(A ‘protocol’ is a later addition to the Convention.)

A person has the right to the peaceful enjoyment of their possessions. Public authorities cannot usually interfere with things people own or the way they use them, except in specified limited circumstances.

Article 2 of Protocol 1: Right to education

A person has the right not to be denied access to the educational system.

Article 3 of Protocol 1: Right to free elections

Elections for members of the legislative body (e.g. Parliament) must be free and fair and take place by secret ballot. Some qualifications may be imposed on who is eligible to vote (e.g. a minimum age).

Article 1 of Protocol 13: Abolition of the death penalty

These provisions abolish the death penalty.

Main source: <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1>



**OFFICE OF THE POLICE & CRIME COMMISSIONER
FOR LEICESTERSHIRE**

**PROTOCOL FOR ICVS VIEWING CUSTODY RECORDS VIA THE NICHE
SYSTEM**

1. Detainees who consent to a visit are to be asked if custody visitors can have permission to view their custody record whether or not a visit takes place. The custody record to be referred to as 'the log kept on you since being here'.
2. 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 custody visitors to view the custody record.
3. Where time permits, custody staff should assist custody visitors in viewing the relevant custody records on a terminal in the custody suite.
4. Custody visitors should be allowed to view the 'Detention Log view' of the custody record and know the risk assessment outcome. Custody visitors may not see the full custody record or risk assessment as these outline details of the offence and other sensitive or medical information.
5. If the custody suite is busy and staff are unable to assist on-screen viewing, a printed copy of non-police version of the custody record (minus any sensitive information) will be provided to custody visitors along with a suitable work space.
6. All printed documentation should be returned to custody staff for disposal. Under no circumstances should any paperwork be taken from the custody suite.
7. Custody visitors should not be asked to electronically sign the custody record.
8. Any issues arising from examination of the custody record or regarding the process for viewing records should be recorded on the visit form.
9. All staff working in the custody suite to be made aware of this Protocol.



**POLICE & CRIME
COMMISSIONER**
for Leicester,
Leicestershire & Rutland
Your Communities - Your Commissioner

INDEPENDENT CUSTODY
VISITING SCHEME

ICV CUSTODY APP HANDBOOK



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1. How to get started

iPad Instructions

- 1.1 Turn the iPad on by pressing down the small black button on the top right hand corner.

You may need to keep it down for a few seconds before it turns on.

- 1.2 Type the 6 digit passcode for the iPad which you were given by the OPCC Volunteer Manager.

If the iPad locks at any point, you will need to press the bottom centre button and type the 6 digit passcode again.

- 1.3 Click on the 'Custody App' icon.

- 1.4 You should see this screen:

The screenshot shows the 'Custody App' login interface. At the top, a blue header bar displays the text 'Custody App'. Below this is a white login form with a light gray border. The form has a title 'Login' centered at the top. Below the title is a yellow rectangular callout containing the text '* denotes a required field.' In the main area, there are two input fields: 'Email*' and 'Password*'. Each input field has a placeholder text ('Email Address' or 'Password') and a small orange warning icon with a yellow exclamation mark to its right. At the bottom of the form are two buttons: a dark blue 'Login' button on the left and a white 'Reset Password' button with a dark blue outline on the right.

2. Logging into the App

- 2.1 You will have received an email to set your password which enables you to log into the App. If you have been unable to set your password in the time set, or have forgotten your password please contact the OPCC Volunteer Manager.
- 2.2 To log in, input your username (personal email address) and password.
- 2.3 Once you have logged in, you should see this screen:



- 2.4 Once you have access to the system, you can now begin to manoeuvre yourself around the App.
- 2.5 Navigation is made simple with the dark grey sidebar navigation.

3. Dashboard

- 3.1 The dashboard is basically the home page for the App. Here, you as an ICV will have access to several links which are used to navigate to different areas of the App.
- 3.2 The 'New Visit' button will allow you to start the process of recording information regarding your visit.

You can also do this by selecting 'Visits, which will reveal further drop down boxes 'Visits' and 'Add Visit'. Select 'Add Visit'.

3.3 Below this, you will see a list of the most recent Independent Custody Visits. This is in descending chronological order, with the most recent at the top. You can see information relating to the individual visit log, including:

- Reference number
- ICV Name
- Location
- Number of Detainees
- Status
- Date Created
- Status
- Visit Date
- Actions

4. How to Add a Visit

4.1 After selecting a ‘New Visit’, you should see this screen:

The screenshot shows the 'Add Visit' page from a software application. At the top, there's a breadcrumb navigation: Dashboard / Visits / Add Visit. Below it, a yellow bar contains the note: '* denotes a required field.' The main area is titled 'Details' and contains several input fields and dropdown menus. On the left side, there are fields for 'Date*' (set to 2019-03-25), 'Time*' (set to 12:03), and 'Suite*' (with a dropdown menu showing 'Select...'). There's also a checkbox for 'Delayed by more than 5 minutes?' which is unchecked. On the right side, there are sections for 'Escorting Officer' (with a badge number field), 'Sergeant' (a dropdown menu with 'Sergeant' selected, accompanied by a tooltip and a 'Add New Sergeant' button), and 'Additional ICVs' (a dropdown menu with 'Additional ICVs' selected, accompanied by a tooltip). At the bottom of the form, there are fields for 'Time at police station*' and 'Time arrived at police station', both with dropdown menus. A 'Save Draft' button is located at the very bottom center.

4.2 Here, you will input details about the visit, such as:

- Date
- Time (time the visit started)
- Suite (there is a drop down list to select the Custody Suite you are visiting)
- Escorting Officer - input their collar number only i.e. 1234
- Sergeant name – start typing the name, then select the desired option from the list
- Additional ICVs (you must add your visit partner)
- If you have been delayed by more than 5 minutes, this box should be ticked and more information provided
- Time at police station
- Time at Custody Suite

4.3 Please ensure that all fields are filled with the correct and relevant information to enable you to progress onto the next step.

4.4 Now click 'Save Draft' at the bottom of the screen.

4.5 You should see this screen:

The screenshot shows a web-based application for managing visits. At the top, there's a navigation bar with 'Dashboard / Visits / Add Visit / ICV-10'. A blue 'Save Draft' button is located in the top right corner of the main form area. Below the navigation, a green success message box displays 'Added new visit ICV-10'. A yellow warning message box below it states '* denotes a required field.' The main form is titled 'Add Visit' and contains tabs for 'Visit Details', 'Add Detainee' (which is currently active), and 'Summary'. The 'Add Detainee' section includes fields for 'Cell Number*', 'Detainee Category*', 'Custody Record Number*', 'Detainee Type*', 'Gender*', and 'Available for Visit?*'. Each field has a dropdown menu with a yellow warning icon. Below these fields is a section for 'Additional Detainee Comments' with a large text input field. At the bottom of the form is another 'Save Draft' button.

5. How to Add a Detainee

- 5.1 Click on the next tab, 'Add Detainee'.
- 5.2 Input the Cell Number, Detainee Category (select from drop down), Custody Record Number, Detainee Type (select from drop down whether Adult or Juvenile), Gender (select from drop down) and whether or not the Detainee was available by selecting **Yes** or **No**.
- 5.3 If selecting **No**, a reason box appears. Select the reason as to why a visit was not offered, select 'Save Draft' then continue to **section 6**.
- 5.4 If selecting **Yes**, more options will appear further down the page for you to add more information about that conversation. These are:
 - Visit Consent Given?
 - Custody Record Consent
 - Custody Record Viewed
- 5.5 If Visit Consent not given, select **No** in the reasons box, select 'Save Draft' and continue to next detainee - *skip to section 6*.
- 5.6 If Visit Consent given, complete the Custody Record Consent box (**Yes/No**).
- 5.7 If Custody Record Consent not given, select **No** in the Custody Record Viewed box.
- 5.8 If Custody Record Consent is given, complete the Custody Record Viewed box after viewing it.

Issue Tags

- 5.9 Located at the bottom of the screen, you should see what we call 'Issue Tags', which are a means of highlighting particular issues that Detainees may have. For example:
 - Drink Requested/Awaited
 - Reading Material Requested/Awaited
 - Medication Requested/Awaited
 - Temperature of Cell/Too Hot
- 5.10 If any of these issues are raised during your conversation with the Detainee, you would select the relevant Issue Tag. Once the Issue Tag is selected, a box will pop up below that issue for you to tick whether it was resolved. If it was not resolved, you would leave the box blank.

- 5.11 Whether you ticked the resolved box or not, you will notice that further narrative boxes appear. This enables you to provide further information to the issues identified. They will be displayed under the headings 'Issues Resolved' and 'Issues to Resolve'.

It is important that your comments are registered within the comments box shown underneath these headings. Please include all detail about the issue and action you took, e.g. DP wants someone notified. Checked with Escorting Officer who said this has happened. This was confirmed after checking Custody Record. Suggested to CO that DP could be informed that this has happened.

- 5.12 Once all the correct information has been input, you can then select 'Save Draft' at the bottom of the screen in order to save this information. **Do not select save draft until you have selected all the issues relating to that Detainee.**

The form contains a grid of checkboxes for various detainee issues. A red arrow points from the 'Issues Resolved' section down to the 'Save Draft' button.

| | | |
|--|---|--|
| <input type="checkbox"/> Female Hygiene Pack Not Offered | <input type="checkbox"/> Female Officer / Staff Not Assigned | <input type="checkbox"/> Food Requested / Awaited |
| <input type="checkbox"/> Have Someone Notified | <input type="checkbox"/> Legal Advice / Solicitor requested / | <input type="checkbox"/> Medication Requested / Awaited |
| <input type="checkbox"/> Not Notified of Rights and Entitlements | <input type="checkbox"/> Nurse Requested / Awaited | <input type="checkbox"/> Other |
| <input type="checkbox"/> Phone Call Requested / Awaited | <input checked="" type="checkbox"/> Reading Material Requested / Awaited | <input type="checkbox"/> Religious Materials Requested / Awaited |
| | <input type="checkbox"/> Resolved | |
| <input type="checkbox"/> Shower Requested / Awaited | <input type="checkbox"/> Temperature of Cell - Too Cold | <input type="checkbox"/> Temperature of Cell - Too Hot |
| <input type="checkbox"/> Toilet Paper Requested / Not Received | <input type="checkbox"/> Toilet Pixelation Not Explained | <input type="checkbox"/> Unsanitary Condition of Cell |
| <input type="checkbox"/> Update on Case Requested | <input type="checkbox"/> Other Please describe in the relevant section below | |

Issues to Resolve

Drink Requested
Comments

Reading Material Requested / Awaited
Comments

Additional Detainee Comments

Save Draft

- 5.13 You should now see this screen:

Add Visit

Dashboard / Visits / Add Visit / ICV-122 

There are 1 detainees with incomplete details, these are highlighted in red. Correct these detainees before being able to save.

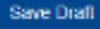
Successfully added detainee details to visit ICV-122

* denotes a required field.

Visit Details Detainees Add Detainee Edit Detainee Summary

Detainees

| Cell | Category | Type | Gender | Visit Details | Issue | Actions |
|------|------------------|-------|--------|--|-------|---|
| 1 | Home Office (HO) | Adult | Male | Custody Record Number 12345 Available for Visit? Yes Visit Consent Given? Yes Custody Record Consent: Yes Custody Record Viewed: To Complete | Yes |   |



- 5.14 If you see the error message at the top in red, this is only highlighted because you have not viewed the Detainee's custody record yet (instructions on what to do after you have viewed the custody record are included later on in the Handbook).

6. How to add Another Detainee

Add Visit

Dashboard / Visits / Add Visit / ICV-122 

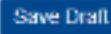
There are 1 detainees with incomplete details, these are highlighted in red. Correct these detainees before being able to proceed.

Successfully added detainee details to visit ICV-122

* denotes a required field.

| Visit Details | Detainees | Add Detainee | Edit Detainee | Summary | | |
|---------------|------------------|--------------|---------------|--|-------|---|
| Detainees | | | | | | |
| Cell | Category | Type | Gender | Visit Details | Issue | Actions |
| 1 | Home Office (HO) | Adult | Male | Custody Record Number 12345 Available for Visit? Yes Visit Consent Given? Yes Custody Record Consent: Yes Custody Record Viewed: To Complete | Yes |   |


Add Detainee



- 6.1 You will need to select 'Add Detainee' in order to repeat the same process. Do this for each Detainee and select 'Save Draft' after each one.
- 6.2 If you only have the one Detainee to enter into the system, then you can proceed onto the following steps.

7. Summary

- 7.1 After you have completed all the Detainee information, you can then select 'Summary'. Here, you can add general comments. You should see this screen:

The screenshot shows the 'Add Visit' interface. At the top, there's a navigation bar with 'Dashboard / Visits / Add Visit / ICV-122'. Below it, a message says 'There are 1 detainees with incomplete details, these are highlighted in red. Correct these detainees before being'. A green success message states 'Successfully added detainee details to visit ICV-122'. A note below says '* denotes a required field.' The main area has tabs: 'Visit Details', 'Detainees', 'Add Detainee', 'Edit Detainee' (which has a red arrow pointing to it), and 'Summary'. A large red oval highlights the 'Summary' tab and its content. The 'Summary' section includes a 'General Comments' input field and a note 'General custody report comments about visit.' Below this are two sections: 'Visit Issues Resolved' (with 'Drink requested') and 'Visit Issues Not Resolved' (with 'Medication Requested'). A 'Save Draft' button is at the bottom.

- 7.2 All issues identified whether they have been resolved or not, will be shown below the Summary box in order to help highlight these and actions to be taken.

After viewing the Custody Record

- 7.3 Once you have viewed the Custody Record, you will need to go back into the appropriate record by clicking 'Edit' and selecting **Yes** in the Custody Record Viewed section.

Add Visit

Dashboard / Visits / Add Visit / ICV-122

There are 1 detainees with incomplete details, these are highlighted in red. Correct these detainees before being able to add a visit.

Successfully updated detainee details for visit ICV-122

Successfully updated visit ICV-122

* denotes a required field.

Visit Details Detainees Add Detainee Summary

Detainees

| Cell | Category | Type | Gender | Visit Details | Issue | Actions |
|------|------------------|-------|--------|---|-------|---|
| 1 | Home Office (HO) | Adult | Male | Custody Record Number 12345 Available for Visit? Yes Visit Consent Given? Yes Custody Record Consent: Yes Custody Record Viewed: No | Yes | Edit Delete |

[Save Draft](#)

Edit Detainee

Cell Number* 1 Detainee Category* Home Office (HO) Custody Record Number* 12345

Detainee Type* Adult Gender* Male Available for Visit?* Yes

Visit Consent Given?* Yes

Custody Record Consent* Yes Custody Record Viewed* Select.. Yes (highlighted with a red arrow pointing to it)

Issue Tags

| | | |
|---|--|---|
| <input type="checkbox"/> Access to PACE | <input type="checkbox"/> Appropriate Adult requested / Awaited | <input type="checkbox"/> Bed unclean |
| <input type="checkbox"/> Blanket requested / awaited | <input type="checkbox"/> Child in Custody Post Charge | <input type="checkbox"/> Clothing / Footwear requested / awaited |
| <input type="checkbox"/> Communication Issues: Language/Autism requested / | <input type="checkbox"/> Condition of cell dirty | <input checked="" type="checkbox"/> Drink requested <input checked="" type="checkbox"/> Resolved |
| <input type="checkbox"/> Exercise requested | <input type="checkbox"/> Female Hygiene pack requested | <input type="checkbox"/> Food requested |
| <input type="checkbox"/> Graffiti on wall | <input type="checkbox"/> Have someone notified | <input type="checkbox"/> Legal Advice / Solicitor requested / awaited |
| <input checked="" type="checkbox"/> Medication Requested <input type="checkbox"/> Resolved | <input type="checkbox"/> Mental Health Issues | <input type="checkbox"/> Nurse / Doctor Requested |

7.4 Select 'Save Draft' at the bottom of the screen.

8. How to Submit a Visit

8.1 Once everything is in order and you have completed the visit (and spoke to the relevant Custody Staff, e.g. Inspector about any issues), you can proceed by going back to the Summary page. You should see this screen:

The screenshot shows the 'Add Visit' interface. At the top, there are tabs for 'Visit Details', 'Detainees', 'Add Detainee', and 'Summary'. The 'Summary' tab is highlighted with a red circle and a red arrow pointing to it from below. Below the tabs, there is a success message: 'Successfully updated detainee details for visit ICV-125' and 'Successfully updated visit ICV-125'. A note says '* denotes a required field.' The main area is titled 'Detainees' and shows a table with one row. The table columns are Cell, Category, Type, Gender, Visit Details, Issue, and Actions. The row details a detainee in cell 2, category Home Office (HO), adult female. Visit details include Custody Record Number 123456, Available for Visit Yes, Visit Consent Given Yes, Custody Record Consent Yes, and Custody Record Viewed Yes. Action buttons for 'Edit' and 'Delete' are shown. At the bottom is a 'Save Draft' button.

8.2 Once you have reached the Summary page, you can now select Submit:

The screenshot shows the 'Add Visit' interface on the 'Summary' tab. It has sections for 'General Comments' (containing 'Staff friendly. Kitchen clean.') and 'General custody report comments about visit'. Below these are two lists: 'Visit Issues Resolved' (containing 'Blanket requested / awaited' and 'Toilet Paper - requested / not received') and 'Visit Issues Not Resolved' (containing 'Condition of cell dirty'). At the bottom are 'Save Draft' and 'Submit' buttons, with a red arrow pointing to the 'Submit' button.

- 8.3 Once you have submitted your visit, you will be presented with the following screen:

Successfully updated visit ICV-125

Added new visit ICV-125

| | | | |
|----------------|-----------------------------|------------------------|-------------------|
| Ref # | ICV-125 | Additional ICVs | Lea M |
| Start of Visit | 26 Mar 2019 at 12:20 | Custody Inspector | |
| End of Visit | 26 Mar 2019 at 12:35 | Sergeant | John Smith #12345 |
| Location | Leicestershire Keyham Lane, | Escorting Officer | #1234 |
| ICV | Test ICV | Time at police station | 12:10 |
| | | Time at Custody Suite | 12:13 |

Detainees

| Cell | Category | Type | Gender | Visit Details | Has Issue | Actions |
|------|------------------|-------|--------|--|-----------|-----------------------|
| 2 | Home Office (HO) | Adult | Female | Available for Visit? Yes Visit Consent Given? Yes Custody Record Consent? Yes Custody Record Viewed? Yes Record Number? 123456 | Yes | <button>View</button> |

Unresolved Issues

| Cell 2 | Tag | Comment |
|--------|-------------------------|---------|
| | Condition of cell dirty | |

ICV General Comments

Staff friendly. Kitchen clean.

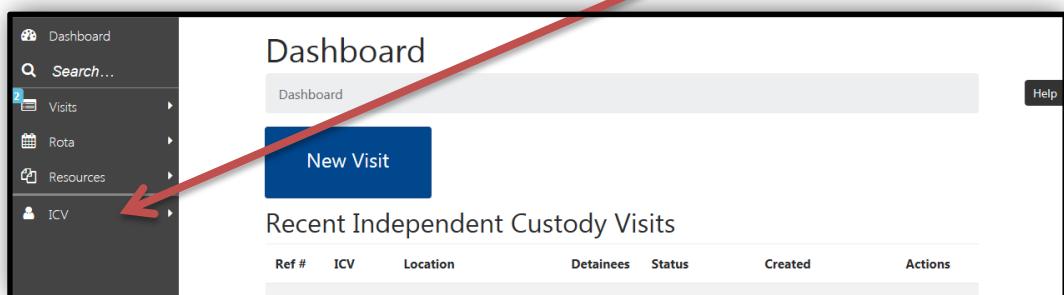
Custody Inspector General Comments

- 8.4 Now that your visit has been successfully submitted, you can log out.

9. Logging out and Turning the iPad off

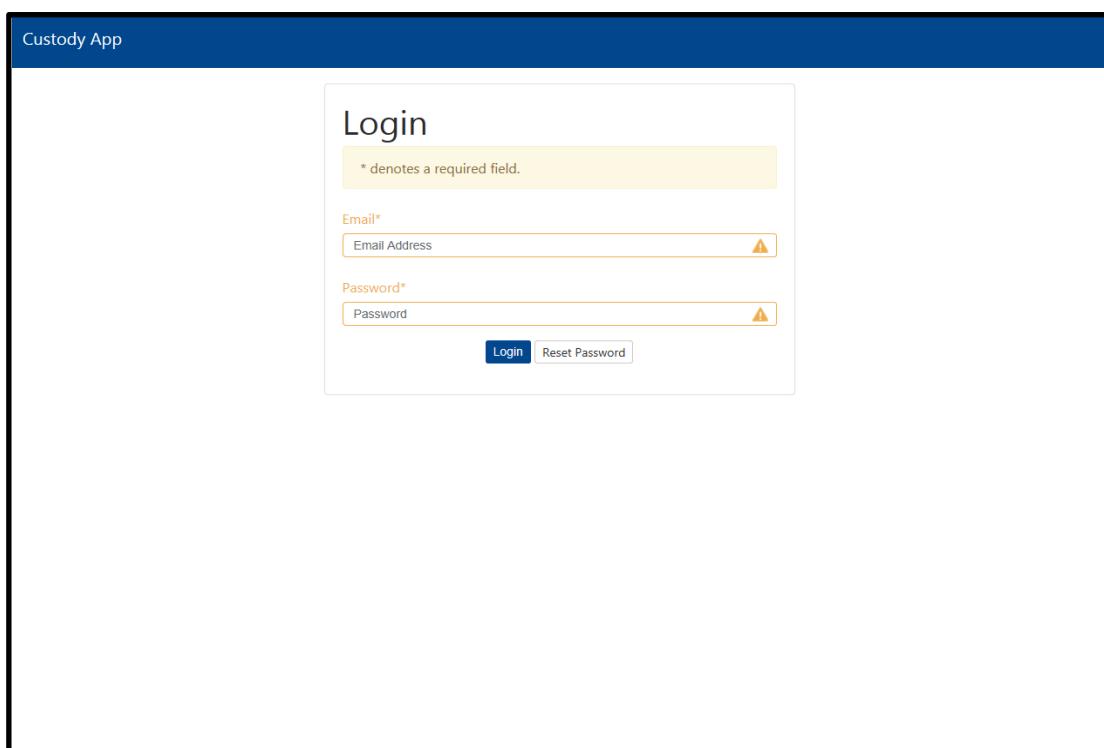
iPad Instructions

- 9.1 On the navigation on the left, select your name, which will reveal a drop down box.



- 9.2 Select 'Logout'.

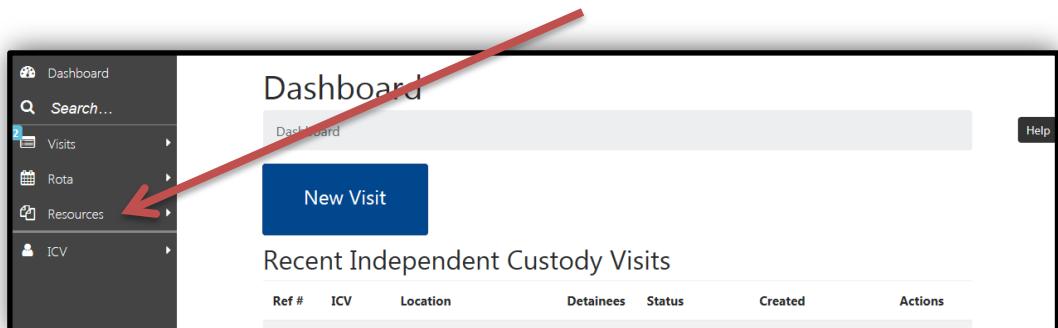
- 9.3 You will then see the screen you were originally presented with when you selected the Custody App icon.



- 9.4 You can now turn the iPad off by holding down the small black button on the top right.
- 9.5 Please ensure the iPad is left on charge by connecting the charger at the bottom of the device.

10. Resources

- 10.1 The resources tab is where you will find forms and documents that are relevant to you.



- 10.2 You should see this screen, which will present all the resources available:

| Name | Description | Expires | Actions |
|--------------------|--------------------|---------|---------|
| ICV App User Guide | ICV App User Guide | N/a | |

- 10.3 You can view the resource by selecting the icon in the 'Actions' section, which will ask if you want to Open or Download. Select Open to view.

11. Profile

- 11.1 If you select your name, this will bring up a Profile page which is information about you.

The screenshot shows the 'Profile' page in the ICV system. The left sidebar has a dark background with white text and icons. It includes links for Dashboard, Search..., Visits, Rota, Resources, and Profile (which is highlighted in blue). Below these are Logout and a large empty space. The main content area has a light gray header with 'Profile' and 'Dashboard / Profile'. A yellow banner at the top says '* denotes a required field.' Below this, there are tabs for Details, Misc., and Resources, with 'Details' selected. The form fields are arranged in pairs across the page:

| | | |
|-----------------|-------------------|---|
| Title* | Mr | Building |
| First Name* | ICV | Address Line 1 |
| Initials | Initials | Address Line 2 |
| Last Name* | User | Address Line 3 |
| Email* | hello@glowt.co.uk | Town/ County <small>Start typing for list of matching towns.</small> |
| Landline | Landline | Postcode |
| Mobile | Mobile | |
| Existing Avatar | | |

- 11.2 Here, you can view and edit personal information about yourself as an ICV, such as your Contact Details, Address and Avatar (picture of yourself) if you wish.

12. Contact Details

- 12.1 If you have any issues, please contact the OPCC Volunteer Manager on (0116) 229 8980700.

**INDEPENDENT CUSTODY VISITING SCHEME
VISIT REPORT FORM**

Custody Suite

Date: Page of

| Time at Police Station | Time in Custody Suite | If immediate access to Custody Suite not gained please state why Immediate access is: entering the custody suite within 5 minutes or less of informing staff of your arrival | Time Visit Started | No in Custody | Time Visit Ended |
|------------------------|-----------------------|---|--------------------|---------------|------------------|
| | | | | | |

I UNDERTAKE NOT TO REVEAL TO ANY UNAUTHORISED PERSON ANY PERSONAL INFORMATION I MAY OBTAIN DURING THIS VISIT

Visitors general comments about access and other issues.....

Visitor Name (Print) **Signature**

Visitor Name (Print)..... **Signature**

Custody Officer (Name & Rank)..... **Collar No.** **Signature**

Escorting Officer (Name & Rank) **Collar No.** **Signature**

Key: Category* Column: PACE (P); Home Office (HO); Other (O) **DP Seen** Column:** Observed (O); Seen (S); Refused Visit (R); Unavailable (U)



A Death in Custody

Advice from the Independent Office for Police Complaints (IOPC)

Background

Unfortunately, deaths and serious incidents occur in police custody. These may be referred to the Independent Office for Police Complaints (IOPC) and Independent Custody Visitors (ICVs) may become involved in investigations. ICVA recognises that scheme managers and ICVs may need additional support through these investigations and has submitted questions to the IOPC. This document comprises the questions and the IOPC's responses in order to help prepare scheme managers prior to an investigation, and to support them in the event of an investigation.

1. What incidents, within a custody environment, would be referred to the IOPC?

The majority of complaints against the police are dealt with by the relevant police force without IOPC involvement. However, certain types of complaints and incidents must be referred by the police to the IOPC.

The 'appropriate authority' (e.g. a police force) must refer to the IOPC all 'Death and Serious Injury' (DSI) matters. A DSI matter means any circumstances in, or as a result of which, a person has died or sustained serious injury and:

- at the time of death or serious injury the person had been arrested by a person serving with the police and had not been released or was otherwise detained in the custody of a person serving with the police; or
- at or before the time of death or serious injury the person had contact of any kind - whether direct or indirect - with a person serving with the police who was acting in the execution of his or her duties and there is an indication that the contact may have caused - whether directly or indirectly - or contributed to the death or serious injury.

The appropriate authority must also refer:

- complaints alleging that conduct has resulted in death or serious injury
- allegations of conduct which constitutes:
 - serious assault
 - serious sexual offence
 - serious corruption
 - criminal offence or behaviour which is liable to lead to misconduct proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status identified in paragraph 8.18 of the IOPC's statutory guidance
 - a relevant offence
- complaints which the IOPC notifies the appropriate authority that it requires to be referred.

In addition, the appropriate authority can make voluntary referrals. The IOPC encourages appropriate authorities to refer matters that do not have to be referred but where the gravity of the subject matter or exceptional circumstances justifies referral.

2. What is the process after an incident is referred?

Once an incident has been referred the IOPC then decides what level of involvement it should have in any investigation of the matter. It may choose to conduct its own independent investigation, manage or supervise a police investigation, or decide that the matter can be dealt with locally by the police. The IOPC will always carry out an independent investigation if it appears that Article 2 of the European Convention on Human Rights is engaged.

In an independent investigation, our investigators will obtain evidence to establish all the circumstances. This may involve taking witness statements, interviewing police officers or members of police staff, analysing CCTV footage and obtaining other documents and records. An investigation may also include forensic analysis; the use of experts to provide independent evidence; liaison with the Coroner, Crown Prosecution Service and/or other agencies - for example, the Health and Safety Executive.

If someone dies during police contact, the police will always be on the scene before the IOPC. The local police force should immediately secure the scene and refer the matter to the IOPC. As soon as that happens, the IOPC make a decision about whether to send investigators to the scene straight away. It can take some time for their investigators to reach the scene depending on how far they need to travel. During this time, the local force is responsible for securing the scene (for example, cordoning off the area where the death occurred) under the IOPC's direction. The police must by law assist the IOPC during this process.

In an independent investigation, IOPC investigators take responsibility for direction and control of the scene - for example, deciding the extent of any forensic examination of the scene and what, if any, specialist forensic scientists are required to attend. The actual forensic examination is carried out by police crime scene examiners under the IOPC's direction. They are either from a neighbouring force or the force where the incident took place.

IOPC investigators ensure that initial accounts are obtained from the police officers and staff and arrange for police witnesses to attend interviews if required. Throughout this time, the police remain under an obligation to ensure the preservation of evidence and the integrity of our investigation, to assist the IOPC and to carry out activities as directed.

3. Will the IOPC notify the Police and Crime Commissioner (PCC) after they receive a complaint?

Although complaints can be made via the IOPC, under the police complaints system all complaints against the police must be recorded by the relevant police force or, in the case of chief officers, the relevant Police and Crime Commissioner (PCC). The IOPC therefore do not ordinarily notify a PCC when they receive a complaint, unless the complaint is about a chief officer.

Statutory responsibility for informing a PCC about a matter that involves their force lies with the chief officer for the force. However, the IOPC will also provide information to PCCs / the Mayor's Office of Police and Crime on cases involving their force at regular liaison meetings.

4. How long would an IOPC investigation be likely to take?

The length of an investigation will depend on many elements, such as the scope of the investigation and the volume and complexity of the evidence.

5. What information might the IOPC request from a scheme manager as part of an investigation?

This would depend on what information a scheme manager has about the incident under investigation and what their connection is to the incident. They might be asked for any information they have that is relevant to the investigation.

6. Who can ICV scheme managers contact in the IOPC to ask questions about the investigation and seek clarification on the involvement of ICVs and scheme managers?

If an ICV and / or scheme manager is a witness in an IOPC investigation they will be provided with the contact details of an IOPC investigator. The investigator will be able to answer questions about the process of the investigation, but cannot provide information about the investigation itself.

7. What might ICVs be expected to do if they are involved in an investigation? For example, will ICVs written notes be used in court? What will ICV involvement look like? Will ICVs' data be used as part of disciplinary proceedings?

If someone has died in the custody of the police, or immediately following their release, or as been involved in a serious incident, and an ICV has recently spoken to or seen them, or reviewed their custody record, it is possible that the IOPC might wish to talk to the ICV as part of the investigation.

If contact has been significant the ICV might be treated as a witness. This might involve the IOPC asking the ICV to provide a statement and / or asking them for any relevant notes they might have taken during their visit to the custody centre.

It is possible that the ICV could be asked to give evidence to a court if any prosecution takes place or at disciplinary proceedings. If their evidence is not in dispute written evidence might be agreed by the parties without the need for the ICV to give evidence in person.

An ICV might also be asked to give evidence to an inquest in person or by providing a statement. This would be the same for any member of the public who has significant evidence about what happened. The Coroners' Society and office of the Chief Coroner can provide more information about the inquest process.

8. How should ICVs and scheme managers interact with custody staff following an incident? Do they face any restrictions?

There is a risk that if witnesses discuss an incident their evidence could be contaminated, whether consciously or unconsciously. There are guidelines for police officers and staff in relation to not conferring following a death or serious injury. Non-police witnesses are also routinely warned not to discuss the incident either before or after they have given their accounts.

9. What might happen if it becomes clear that ICVs have made recommendations for change that have not been implemented by custody staff and have contributed to a problem? Will ICVs data be used as part of disciplinary proceedings?

If it became apparent that a recommendation relevant to the investigation had previously been made by another party this would be considered alongside the other evidence in the case.

If the IOPC considered it appropriate, in light of the evidence in the case, it may wish to make a recommendation. The IOPC can make recommendations both in relation to disciplinary proceedings for individuals, and in relation to organisational learning - for example if the IOPC thinks a change to policy or practice is required to help prevent a similar matter happening again.

Organisational learning recommendations might be made to a single police force or organisation, or on a national level - i.e. where the recommendation relates to a change to the law, national policy or national practice.

National recommendations relating to policing may be made to organisations such as the College of Policing or the National Police Chiefs' Council (NPCC). By law, the recipient of an organisational learning recommendation must respond to the IOPC. With some limited exceptions, the IOPC publish organisational learning recommendations and the responses of the recipients on its website.

It is possible that an ICV could be asked to give evidence at disciplinary proceedings. If their evidence is not in dispute written evidence might be agreed by the parties without the need for the ICV to give evidence in person. Evidence might include ICV data if it is relevant to the proceedings. However, please be aware that as the employer, the police force will be responsible for arranging disciplinary proceedings.

10. What, if any, feedback or recommendations can volunteers or OPCCs expect from an investigation?

The IOPC is able to make organisational learning recommendations. Recommendations can be made to any relevant organisation.

It is unlikely that the IOPC would provide feedback about an individual investigation to an ICV scheme manager or volunteer. However, the IOPC are always happy to discuss our work more generally with stakeholders wherever we are able to do so.

Further information

You can read about the process of IOPC investigations more generally on its website, here:

<http://www.policeconduct.gov.uk/>

And about organisational learning recommendations here:

<https://www.policeconduct.gov.uk/research-and-learning/learning-and-recommendations>

MITIE MEDICAL PROVIDER – RESPONSE TIMES

| Category | Incident Description | Service Type Description | Contract Response Time (minutes) |
|----------|--|---|----------------------------------|
| 1 | Requires immediate attention or transfer to Hospital | | 15 minutes (Immediate) |
| | | Resuscitation cases | |
| | | Unconscious patient | |
| | | Major bleed | |
| | | Chest pains | |
| | | Open wounds that require stitches | |
| | | Collapsed, difficulty in breathing | |
| | | Breathless detainee | |
| | | Detainees unable to bear weight or walk 4 steps | |
| | | Fractured bones | |
| | | Head injury with vomiting | |
| | | Intoxicated with head injury, giving cause for concern | |
| | | Altered consciousness | |
| | | Chest/abdominal injuries | |
| | | Major RTC | |
| | | Cold/clammy detainee | |
| | | Fitting detainee or suffered fit whilst in custody | |
| | | Pregnant female complaining of vaginal bleeding or abdominal pain | |
| | | Abdominal pain after assault or trauma | |
| 2 | Fitness for Detention | FTD13 - Injuries to Treat | 60 |
| 2 | Fitness for Detention | FTD14 - Return from Hospital | 60 |
| 2 | Fitness for Detention | FTD15 – Juvenile | 60 |
| 2 | Fitness for Detention | FTD01 - Suspected Overdose | 60 |

MITIE MEDICAL PROVIDER – RESPONSE TIMES

| | | | |
|---|--|--------------------------------------|----|
| 2 | Fitness for Detention | FTD02 - Drugs Related | 60 |
| 2 | Fitness for Detention | FTD03 - Alcohol Related | 60 |
| 2 | Fitness for Detention | FTD04 - Medication | 60 |
| 2 | Fitness for Detention | FTD05 - Methadone User | 60 |
| 2 | Fitness for Detention | FTD06 - Mental Illness Suspected | 60 |
| 2 | Fitness for Detention | FTD07 - Self Harm/Suicide Risk | 60 |
| 2 | Fitness for Detention | FTD08 - CS Spray/Tasered | 60 |
| 2 | Fitness for Detention | FTD09 – Pregnant | 60 |
| 2 | Fitness for Detention | FTD10 - Head Injury | 60 |
| 2 | Fitness for Detention | FTD11 - Pre-existing Illness | 60 |
| 2 | Forensic Examination: Intimate Search | IS1 - Intimate Search | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA1 - Drink Drive Bloods (Station) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA6 – Drink Drive Bloods (Hospital) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA3 – Impairment Test (Station) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA4 – Failure to Provide (Station) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA5 – Other (Station) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA8 – Impairment Test (Hospital) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA9 – Failure to Provide (Hospital) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA10 – Other (Hospital) | 60 |

MITIE MEDICAL PROVIDER – RESPONSE TIMES

| | | | |
|---|--|--|--------------------------------|
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA7 – Drug Drive Bloods (Hospital) | 60 |
| 2 | Forensic Examination: Drink Drive/Blood/Drugs/Impairment | RTA2 – Drug Drive Bloods (Station) | 60 |
| 3 | Forensic Examination: Intimate Samples | FE6 - Intimate Samples | 90 |
| 3 | Forensic Examination: Non-intimate Samples | FE5 - Non Intimate Samples | 90 |
| 3 | Forensic Examination: Both Intimate and Non Intimate Samples | FE7 - Both Intimate and Non Intimate Samples | 90 |
| 3 | Forensic Examination | FE2 - Murder/GBH Suspect | 90 |
| 3 | Forensic Examination | FE3 - Assault / Other | 90 |
| 3 | Forensic Examination | FE4 - Complaint against Police | 90 |
| 2 | Telephone Advice | TEL1 - General Tel Advice | 10 |
| 2 | Telephone Advice | TEL2 - Meds Authorisation | 10 |
| 2 | Telephone Advice | TEL3 - HCP to HCP | 10 |
| 3 | Fitness for Travel | FTT1 - Fit for Travel/Transfer | 90 |
| 3 | Fitness for Interview | FTI1 - Murder Suspect | 90 |
| 3 | Fitness for Interview | FTI2 - Intoxication | 90 |
| 3 | Fitness for Interview | FTI3 - Withdrawal | 90 |
| 3 | Fitness for Interview | FTI4 - Mental State | 90 |
| 3 | Fitness for Interview | FTI5 - Pre-existing Illness | 90 |
| 3 | Fitness for Interview | FTI6 - Other | 90 |
| 3 | Fitness for Release | FTR1 - Fit to Release | 90 |
| 3 | Fit to Charge | FTC1 - Fit to Charge | 90 |
| 3 | Injury assessment and treatment | IA1 - Injury Documentation Murder Suspect | 90 |
| 3 | Injury assessment and treatment | IA2 - Injury Documentation Other | 90 |
| 3 | Injury assessment and treatment | IA3 - Police/Civilian Officer Examination | 90 |
| 3 | Sexual Offence Examination: Victims | SO1 - Sexual Offence – Complainant (16+) | 90 - unless appointment agreed |

MITIE MEDICAL PROVIDER – RESPONSE TIMES

| | | | |
|---|-------------------------------------|---|---------------------------------|
| 4 | Sexual Offence Examination: Suspect | | 120 - unless appointment agreed |
| 4 | Suspicious/Sudden Death | SD1 - Sudden/Suspicious death | 120 - unless appointment agreed |
| 5 | Mental Health (s.136) Examination | MH1 - Section 136 Examination | 240 |
| 6 | Appointments | Appointments | OIC request |
| | | Attendance at scene of Death (NB: if body in public place, immediate appointment can be made) | Appointments |
| | | Examination of victim of historic sexual offence | Appointments |
| | | Nurse to Nurse referral | Appointments |
| | | Nurse to FME referral | Appointments |
| | | Forensic interpretation of injuries | Appointments |
| | | Detainee requests medical attention for any other reason | Appointments |
| | | Detainee already seen by HCP that requests further visit (no obvious change in condition) | Appointments |



Privacy Notice

Contact details

| | |
|--------------------|---|
| Address – | Office of the Police and Crime Commissioner for Leicestershire Police Headquarters St Johns Enderby, Leicester LE19 2BX |
| Telephone – | 0116 2298980 |
| Email – | police.commissioner@leics.pcc.pnn.gov.uk |
| Twitter – | @LeicsPCC |
| Facebook – | www.facebook.com/LeicsPCC |

Introduction

The General Data Protection Regulation 2016/679 (GDPR) and the Data Protection Act 2018 (DPA '18), replaced the previous Data Protection Act 1998. These laws give you more rights over how your personal data is used, whilst also imposing greater obligations on the organisations holding and processing your personal data.

One of the key rights enshrined in the legislation is a right to be informed, which means that the Office of the Police and Crime Commissioner (OPCC) must give you detailed information about the ways in which we use, share and store your personal information.

We may need to make changes to our Privacy Notice from time to time, so please continue to check our website for updates. If there are important changes that affect the way we handle your personal data we will contact you directly, in compliance with the requirements of the legislation.

Who are we?

We are the Office of the Police & Crime Commissioner for Leicester, Leicestershire and Rutland (the OPCC). In accordance with the GDPR and DPA '18, the Police and Crime Commissioner's (PCC) Chief Executive Officer (CEO) is registered as a Data Controller with the Information Commissioner's Office (ICO).

The PCC takes the responsibility for handling personal data very seriously; we take great care to ensure that all personal data is handled in accordance with the law in order to have the public's trust and confidence in the PCC and the OPCC.

This Privacy Notice will explain:

- How we collect, store, use, disclose (pass on), retain and destroy personal data;
- The steps we take to ensure that your personal data is kept securely; and
- Your rights regarding your personal data held by the OPCC.

Personal data – what is it?

Personal data is any information about a living individual which allows them to be identified from that data (for example a name, photographs, video, email or personal address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual. The processing of personal data in the United Kingdom is governed by the GDPR, the DPA '18 and other key legislation such as the Human Rights Act 1998. The GDPR is the prevailing legislation for the processing of personal data by the OPCC as this covers 'general processing' rather than processing for law enforcement purposes.

The role of the Data Protection Officer

In accordance with the legislation the OPCC have appointed a Data Protection Officer (DPO) to advise on all data protection compliance matters, and to ensure that your individual rights are upheld.

In order to be transparent, members of the public and organisations can contact our DPO directly to discuss any data protection issues or concerns that they may have.

Our current Data Protection Officer is Steven Morris, Head of Information Management and his contact details are:

| | |
|--------------------|--|
| Address – | Information Management Leicestershire Police Headquarters St Johns Enderby, Leicester LE19 2BX |
| Telephone – | 0116 248 5222 |
| Email – | DPO@leicestershire.pnn.police.uk |

What data do the OPCC collect and process?

In order to carry out our functions the OPCC may collect personal data about you which includes (but is not limited to) the following:

- Name, address and any other contact details such as email addresses and telephone numbers;
- Age, date of birth and biographical details;
- Employment documentation including previous employment history, references and educational history;
- Gender, ethnicity, religion and nationality data;

- Passport/Visa details;
- Health and disability Information;
- Criminal antecedent history (where the information is necessary to carry out a legislative function);
- Complaint, incident and accident information;
- Offences including alleged offences;
- Criminal proceedings, outcomes and sentences;
- Family details;
- Lifestyle and social circumstances;
- Photos and videos;
- Finance data to provide payments – e.g. to employees, contractors etc.;
- Additional information you provide;
- Education and training details; and/or
- Certain manual files linked to the previous police authority.

Which legislation does the PCC's main statutory functions derive from?

- Police and Social Responsibility Act 2011
- Police Act 1996
- The Accounts and Audit Regulations 2011
- Local Government & Housing Act 1989 (S155)
- Local Government & Finance Act 1988 Sec 112 and 114
- Local Authorities (Goods & Services) Act 1970
- Elected Local Policing Bodies (Specified Information Order 2011 and amendment order 2012, S1 2012 / 2479)
- Police Pension Fund Regulations 2007
- Police Pensions Act 1976
- Freedom of Information Act 2000
- Police Reform Act 2002
- Employment Rights Act 1996
- The Equality Act 2010

What role and services do the PCC provide?

- Communication from and to members of the public;
- Management of Freedom of Information requests;
- Management of complaints;
- Management of public relations, journalism, advertising and media;
- Vetting;
- Commissioning Services;
- Management of finance;
- Internal review, accounting and auditing;
- Training;
- Property management;
- Insurance management;
- Vehicle and transport management;
- Payroll and benefits management;
- Management of information technology systems;

- Recruitment;
- Sports and recreation;
- Procurement;
- Planning;
- Security;
- Performance management;
- Legal services;
- Health and safety management;
- HR management;
- Information provision;
- Licensing and registration;
- Pensioner administration;
- Staff administration, occupational health and welfare; and
- Research, including surveys.

What is the lawful basis for processing your personal data?

Under Article 6 of the GDPR, the PCC may process personal data for the following reasons:

- Where you have given **consent** to provide us with the information;
- For the performance of a **contract** with you, the data subject, in order to assist you with your desire to work with the Police and Crime Commissioner;
- Where there is a **legal obligation** to do so (to comply with the law);
- Where the processing is necessary to protect the **vital interests** of the data subject or another individual; and/or
- Where the processing is necessary in the performance of a **task carried out in the public interest** which is laid down in law.

Under Article 9 of the GDPR, the PCC may process special categories of personal data¹ for the following reasons:

- Where you have given **explicit consent** to the processing;
- Processing is necessary for the purposes of carrying out obligations and exercising specific rights of the Data Controller – the PCC – or of you, the Data Subject in the field of **employment and social security and social protection law** and providing for appropriate safeguards for the fundamental rights and the interests of you, the data subject;
- Processing is necessary to protect **the vital interests** of you as the data subject, or of another natural person where you the data subject is physically or legally incapable of giving consent;
- Processing relates to personal data which is already in the **public domain** by you the data subject;

¹ Special categories of personal data, as defined within the GDPR, includes: racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life or sexual orientation, or trade union membership, and genetic data and biometric data

- Processing is necessary for the **establishment, exercise or defence of legal claims** or whenever courts are acting in their judicial capacity; and/or
- Processing is necessary for reasons of **substantial public interest**.

What is meant by 'consent'?

The GDPR sets a high standard for consent – this means that organisations such as the OPCC must offer individuals real choice and control over their personal data where consent is the lawful basis for processing. Much of the data processed by the OPCC uses consent as the lawful basis, and the OPCC recognises that managing this is essential for accountable compliance with Data Protection legislation, and also for building trust and confidence with the public.

In order to be valid, consent must be:

- **Clear and concise** – explicit consent requires a very clear and specific statement of consent, clear plain language must be used and the request should be separate from any terms and conditions;
- **Freely given** – this cannot be a precondition for a service – public authorities and employers must take extra care to show that consent is freely given, and should avoid over-reliance on consent;
- **Evidenced** – a record should be kept re who, when, how and what you told people;
- **Reviewed** – periodically or if there is an intention to change the processing;
- **Granular** – this should be specific to the purpose – different purposes require separate consent, and vague or blanket consent is not appropriate;
- **A positive opt-in** – pre-ticked boxes or any other form of default consent are not permitted;
- **Able to be withdrawn** – it should be as easy to withdraw consent as it is to give it – if this is not the case, it is unlikely to be the appropriate lawful basis.

If you have given consent for the OPCC to process your data and you have changed your mind – please make contact with the OPCC via the details at the top of this Privacy Notice to advise that you wish to withdraw your consent.

How do the OPCC get the personal data and why do they have it?

Most of the personal data the OPCC process is provided to us directly from you (the data subject) for one of the following reasons:

| Source of the personal data | Data type | Lawful basis |
|--|--|---|
| Persons making an enquiry or complaint | Personal data, (potentially also special category data, criminal offence data) | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task • Made public by the data subject • Legal claims or judicial acts |
| Individuals themselves | Personal data, (potentially also special category data, criminal offence data) | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation |

| | | |
|--|--|---|
| | | <ul style="list-style-type: none"> • Public task • Made public by the data subject • Legal claims or judicial acts |
| Relatives, guardians or other persons associated with the individual | Personal data, (potentially also special category data, criminal offence data) | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task • Made public by the data subject • Legal claims or judicial acts |
| Other Police and Crime Commissioners | Personal data | <ul style="list-style-type: none"> • Public task • Legal obligation |
| Leicestershire Police | Personal data, special category data, criminal offence data | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task • Vital interests • Legal claims or judicial acts |
| HM Revenue and Customs (HMRC) | Personal data | <ul style="list-style-type: none"> • Contract • Legal obligation • Public task |
| International law enforcement agencies and bodies | Personal data | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task • Vital interests |
| Legal representatives | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Local Authority and Parliamentary representatives | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Partner agencies involved in crime and disorder strategies | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public Task |
| Private sector organisations and people working with the Police and PCC | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task • Contract |
| Voluntary sector organisations | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task • Contract |
| Approved organisations and people working with the Police and PCC | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task • Contract |
| The Independent Office for Police Conduct (IOPC) | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Auditors | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |

| | | |
|---|--|--|
| Central government, governmental agencies and departments | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Local government | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Emergency services | Personal data, (potentially also special category data, criminal offence data) | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task • Vital interests |
| Current, past or prospective employers of an individual | Personal data, (potentially also special category data, criminal offence data) | <ul style="list-style-type: none"> • Explicit consent • Employment, social security and social protection |
| Healthcare, social and welfare advisors or practitioners | Personal data, (potentially also special category data, criminal offence data) | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task • Vital interests |
| Education, training establishments and examining bodies | Personal data | <ul style="list-style-type: none"> • Consent • Contract |
| Business associates and other professional advisors | Personal data | <ul style="list-style-type: none"> • Consent • Contract |
| Employees and agents of the Police | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Suppliers, providers of goods and services | Personal data | <ul style="list-style-type: none"> • Contract |
| Financial organisations and advisors | Personal data | <ul style="list-style-type: none"> • Contract |
| Credit reference agencies | Personal data | <ul style="list-style-type: none"> • Explicit consent • Contract |
| Survey and research organisations | Personal data (potentially also special category or criminal offence data) | <ul style="list-style-type: none"> • Consent (potentially explicit depending on content) • Public task |
| Trade, employer associations and professional bodies | Personal data and special category data | <ul style="list-style-type: none"> • Explicit consent |
| Voluntary and charitable organisations | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| The media | Personal data (potentially also special category or criminal offence data) | <ul style="list-style-type: none"> • Public task • Reasons of substantial public interest (with a basis in law) |
| Data Processors working on behalf of the PCC | Personal data | <ul style="list-style-type: none"> • Contract |
| Members of Parliament | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| Commissioned service providers | Personal data | <ul style="list-style-type: none"> • Contract |

| | | |
|---|---|---|
| The PCC may also obtain personal information from other sources such as internal correspondence | Personal data, special category data, criminal offence data | <ul style="list-style-type: none"> • Consent (explicit for special category data) • Legal obligation • Public task |
| Ombudsmen and regulatory authorities | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |
| The Information Commissioner's Office | Personal data | <ul style="list-style-type: none"> • Legal obligation • Public task |

Our Data Protection Obligations

The OPCC is required to comply with Data Protection Law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent manner;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes;
- Be accurate and up-to-date;
- Kept only as long as is necessary to carry out our functions; and
- Storing your personal data is a secure manner and ensuring its secure destruction when it is no longer necessary to process your personal data.

For more information on the data protection legislation please visit the ICO website which can be found here www.ico.org.uk

How do we use your personal data?

We know that your personal data belongs to you and not us. That's why when you, or a third party share your personal information with the OPCC, we make sure that we keep it private and safe. Our main aim in gathering your personal information is to provide you with a customised service. If you input your details into our 'Contact Us' section, we use your personal information in order that we can contact you and respond to any questions and needs that you may have. We use your personal information so that we can carry out your requests or to follow up complaints you have made.

We may also use aggregate personal information and statistics for the purposes of monitoring website usage in order to help us develop the website and our services and may provide such aggregate personal information to third parties. These statistics will not include any data that can be used to identify any individual. If, at some time in the future, we wish to use your personal data in ways other than those set out in this privacy notice, then we will notify you about this and seek your permission to do so.

When will we share your personal data?

In order to carry out the role and duties of the OPCC we may disclose personal data outside of the OPCC. This may include disclosures to the Police and other law enforcement agencies, other PCCs, partner agencies working on crime reduction initiatives, partners in the Criminal Justice arena, Victim Support and to bodies or individuals working on our behalf such as IT contractors or survey organisations.

Where appropriate and required to do so, the OPCC may share your information with Leicestershire Police in order to resolve any complaints or queries that you have raised with us directly, or to facilitate and support the PCC's role and remit, and to deliver statutory functions.

We may also engage the services of commercial companies to store and manage your information on our behalf. Where we have these arrangements, there is always a contract, memorandum of understanding or information sharing agreement in place to ensure the requirements of the data protection legislation are met. The PCC may also disclose to other bodies (including the Police) or other individuals where necessary to prevent harm to individuals.

Information will only be shared with other agencies where there is a clear legal basis for doing so and this will predominantly be undertaken with your consent. Disclosures of personal information will only ever be made on a case-by-case basis, using the personal information appropriate to a specific purpose and circumstances, and with necessary controls in place.

We do not currently envisage our wishing to transfer personal information about you outside of the European Economic Area, but in the unlikely event we should wish to do so in future, we will only do so to the extent that it is permitted under all privacy and communications legislation applicable within the United Kingdom. Of course if we need your specific and express consent to do this, we will obtain it before transferring any personal information. In all cases, any use of your personal information by the OPCC will comply with this privacy policy.

How long do we keep your personal data?

Personal data will be kept in line with our Retention Policy which can be found on our website. We keep your personal information as long as is necessary for the particular purpose or purposes for which it is held. This varies for different types of personal data and documents. Personal information is retained, reviewed and deleted in accordance with agreed retention times which are subject to review.

How do we keep your information secure?

Your information is securely stored within a sectioned off part of the Leicestershire Police infrastructure. This is segregated from the Police systems and data, and **cannot** be accessed by the Force.

We are committed to ensuring that your personal data is safe. In order to prevent unauthorised access or disclosure, we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information that we hold about you. These include:

- Secure work areas;
- Data protection and information security awareness for our staff;
- Appropriate policies and procedures;
- Access controls on relevant systems;
- Audit and monitoring;
- Encryption of personal data; and
- Testing, assessing and evaluating the effectiveness of technical security controls.

The internet is not a secure medium and the OPCC cannot absolutely guarantee the security of your personal information provided over the internet. However we have put in place various security measures as set out below. Our website and associated databases are protected by certified firewalls in order to protect your

personal information from access by unauthorised persons and against unlawful processing. The website uses the latest technology with full backups. We also keep your personal information confidential. All outgoing and incoming emails are scanned for viruses.

Your rights and your personal data

You have more control over your data than ever before and this includes various rights within the law. The GDPR supports your right to have your privacy respected and your data protected. It is designed to give you confidence that the personal information we hold about you is accurate, up-to-date and well managed, and to give you easier access to that information if you wish to check or change it.

These requests (associated to the rights detailed below) can be made in **writing**, by **phone** or by **email**. Please contact the **Data Protection Officer** (using the contact details shown above) with the following information:

- Your name and contact details;
- Any information used by the organisation which would distinguish you from others with the same name (reference numbers, date of birth etc.); and
- Specific details of the information you are referring to, together with any relevant dates – this should help the OPCC deal with your request more quickly.

Please be aware that you may be asked to provide further information so that your identity can be confirmed.

Right to be Informed

You have the right to be informed about the collection and use of your personal data. We will endeavour to provide information which is concise, transparent and easy to understand. We must provide you with information including:

- Our purposes for processing your personal data;
- How long we keep your personal data (i.e. the retention periods);
- Who it will be shared with.

We call this ‘privacy information’ and this is within this Privacy Notice. We must provide privacy information to you at the time we collect your personal data, this is why the PCC’s email address has an automatic acknowledgement and contains a link to this Privacy Notice. If we obtain personal data from other sources, e.g. third-parties, then we must provide you with privacy information within a reasonable period of obtaining the data and no later than one month. There are a few circumstances in which we do not need to provide you with privacy information, such as if you already have the information or if it would involve a disproportionate effort to provide it to you.

All information provided to you by the OPCC should be concise, transparent, intelligible, easily accessible, and it must be in clear and plain language. We provide privacy information to people at different times and in a number of formats, such as in an email reply, on the PCC’s website and on our telephone recorded message. If you have any feedback on how effective the delivery of our privacy information is then we would welcome your comments.

We regularly review, and where necessary, update our privacy information. If we have any new uses of your personal data then we will bring it to your attention before we start the processing. Getting the ‘right to be

'informed' correct helps us comply with other aspects of the GDPR and to build trust with you. Getting it wrong means that we may be fined and can also lead to reputational damage for us. There may be occasions when it is necessary and proportionate to restrict the provision of information in the context of law enforcement.

Right of Access

The most commonly exercised right is that used by individuals to obtain a copy (subject to exemptions) of their personal information processed by the OPCC – commonly referred to as a Subject Access Request (SAR). Making a SAR is free of charge and can be requested by contacting the DPO.

If the request is considered excessive or for any further copies requested by you, we will either charge a reasonable fee based on our administration costs or we may refuse the request and give reasons for doing so. We will always discuss this with you and explain the reasons for any charges. We will reply without delay and will use all reasonable measures to verify your identity if you request access to your personal information. We will send a final response within one month of receiving the request.

Right to Rectification

We want to make sure that your personal information is accurate and up-to-date.

You have the right to ask us for the rectification of inaccurate personal information concerning you. Taking into account our purposes for the holding and processing of your data, you have the right to have incomplete personal information completed, including any supplementary statement you wish to make for us to hold.

Right of Erasure ('Right to be forgotten')

You have the right to ask us to erase your personal information and we will do this without undue delay where your personal data is no longer necessary for the purpose that we were collecting and holding or processing it. This is subject to compliance with any legal obligation for us. We will also inform any third-party if we have shared your personal information, to inform them of the erasure.

Right to Restriction of Processing

You have the right to ask us for a restriction on the processing of your personal information if it is inaccurate, unlawful or we no longer need your personal information, but we are required by you to store the data regarding a legal claim, or you object to our processing and whilst this is reviewed. We can continue to store your personal information, but we will be restricted to the ways that we can use it.

Right to Data Portability

You have more access and control over what happens to your personal information. You have the right to receive your personal data that you have provided to us and you have the right to directly transmit your personal data to another Data Controller (an organisation that controls personal information) without undue delay from us. This is only where you have given consent or where there is a contract for us to handle your

personal information, and the processing that we do is carried out in an automated way. This doesn't apply where we are acting under official authority or in the public interest.

Right to Object

You have the right to object to, at any time (on grounds relating to your particular situation), the processing of your personal data where the processing is necessary for the performance of a task carried out in the public interest or official authority for us; or provides the legal foundation of legitimate interests of us. We will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Automated Decision-Making, including Profiling

Please note that we do not use automated decision-making or profiling. However, for completeness we want to confirm this general right.

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. This right doesn't apply if it is necessary for entering into, or performance of, a contract between you and us as the Data Controller; or it is authorised by a Union or Member State law to which our Data Controller is subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests; or it is based on your explicit consent.

Right to request the Information Commissioner to assess our Processing

You can ask the ICO to make an assessment if you believe that you have been adversely affected by the handling of your personal information by us, or if you believe that we have not complied with the requirements of Data Protection Law. You can directly contact the ICO using the contact details below.

Generally if you have any concerns about the way that your personal information is handled by us or the lawfulness, fairness or quality (accuracy, relevance, non-excessiveness) of your personal information, then you are welcome to raise them with us in the first instance in order to allow us to try and address your concerns (see Contact Details).

The ICO is the independent regulator responsible for enforcing Data Protection regulations and can provide useful information about the requirements and your rights. ICO may be contacted in the following ways:

Post – The Information Commissioner's Office, Wycliffe House, Wilmslow, Cheshire, SK9 5AF **Telephone** – 0303 123 1113 (local-rate) or 01625 545 745 if you prefer to use a national-rate number.

How do the OPCC use cookies?

Cookies are small text files that websites put on your computer or mobile device while you're browsing. The OPCC website uses cookies – please see the Cookie Policy on our website for details of how this is used.

Further Processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use. This will be provided prior to commencing the new processing and will set out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Monitoring

Subject to the law, we'll monitor or record and retain your telephone calls, texts, emails, social media posts and other communications in relation to your dealings with us.

We do this for regulatory compliance, self-regulatory practices, crime prevention and detection, to protect the security of our communications systems and procedures, to check for obscene or profane content, for quality control and staff training and when we need to see a record of what's been stated. We aim to communicate and correspond efficiently and effectively with you and to assist the role and remit of the PCC.

Changes to this notice

We keep this privacy notice under regular review and we will place any updates on the website

www.leics-pcc.police.uk