

**Independent Custody Visiting Scheme**

Annual Report

1 April 2017 – 31 March 2018



Police & Crime Commissioner for Northumbria

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**FOREWORD FROM THE POLICE & CRIME COMMISSIONER FOR NORTHUMBRIA**

I am delighted to present our Annual Independent Custody Visiting Report as the Police and Crime Commissioner (PCC) for Northumbria. The management of an effective Custody Visiting Scheme is a statutory function for the PCC and serves to raise public awareness on the treatment of detainees, the conditions in which they are held and that their rights and entitlements are being observed. It offers protection to both detainees and the police, and also reassurance to the community that those detained in Northumbria Police Custody are treated with respect and in a safe environment.

Through the management of the scheme, the PCC plays an active role in promoting fair treatment for people in police custody, ensuring that issues relating to individuals or the custody environment are addressed appropriately. As can be seen from the analysis provided on visits undertaken, the scheme is running effectively and is well placed to continue in its aim of reassuring the public across Northumbria that independent oversight of police detention centres is robust and effective.

I would like to extend my personal thanks to all our volunteers for their steadfast commitment to this vital role.

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**Dame Vera Baird QC**

Police & Crime Commissioner for Northumbria

**1. Introduction**

The Police & Crime Commissioner for Northumbria has a duty to implement and co-ordinate an Independent Custody Visiting Scheme. The primary purpose of the scheme is to provide independent scrutiny of Northumbria Police to ensure that detainees in custody are being treated fairly and in accordance with Code C of the 1984 Police and Criminal Evidence Act (PACE). The full version of the Act can be found at <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>.

The PCC has a dedicated member of her team who is responsible for organising and overseeing the delivery of custody visiting in Northumbria. Arrangements are kept under review and are revised as necessary and in accordance with any changes made to the Code of Practice and National Standards. Volunteers are supported in their role through contact with the office and regular meetings and training.

The scheme is reviewed on a four-yearly basis, and is written in conjunction with the Independent Visiting Association National Standards on Independent Custody Visiting and the Home Office’s Code of Practice on Independent Custody Visiting.

**2. The Northumbria Independent Visiting Scheme**

The Northumbria scheme currently has 23 Independent Custody Visitors covering the seven designated police custody suites in the three Area Commands: Forth Banks, Middle Engine Lane, Southwick, South Shields, Etal Lane, Bedlington and Berwick. The number of cells in each Custody Centre is provided in the table below;

|  |  |
| --- | --- |
| Custody Centre | No. of cells |
| Forth Banks | 50 |
| Middle Engine Lane | 40 |
| Southwick | 28 |
| South Shields | 12 |
| Etal Lane | 22 |
| Bedlington | 20 |
| Berwick | 6 |



There are currently four panels, each with a Co-ordinator, appointed by the panel members. The Co-ordinators are responsible for the day to day arrangements of their panel including setting the rota of visits and organising panel meetings. The Co-ordinators also meet quarterly with the Scheme Manager and Northumbria Police staff. The panel carry out weekly visits which can range from 1 to 3 hours depending on the number of detainees in custody. The Panel meetings are held after the Panel Co-ordinators meetings, ensuring panel members are kept up to date on developments on custody visits and addressing any concerns as well as sharing good practice amongst the visitors.

**2.1 The Custody Visiting Process**

Pairs of visitors arrive unannounced to the custody suite where immediate access is given unless there is a health and safety reason such as a violent detainee.

The custody officer informs the visitors of detainees held and any special circumstances relating to specific detainees or health and safety issues.

Visitors have access to virtually any person detained although access may be limited or denied for their safety or if such access could interfere with the process of justice. Visitors have access to all parts of the custody suite including medical rooms, interview rooms and detainee food preparation areas.

ICVs will also check:

* Cells and toilets have been maintained
* CCTV is present and working
* Reasonable temperatures are maintained within the cells and centres
* Any medical attention or medication required has been provided
* Any visible injuries have been explained
* Female detainees hygiene concerns are addressed
* Washing facilities and access to fresh clothing have been provided
* The custody facility, food preparation areas and bedding are in a clean, tidy and hygienic condition



* The detainee is satisfied with their treatment in custody
* A reasonable period of time to rest has been given if detained overnight
* With the consent of the detainee, visitors check the custody log to confirm the detainee’s account of their detention

The visitors then complete the CV3 record form, seeking clarification of their observations and in addition, they also complete a detainee questionnaire for each detainee visited and also a custody suite checklist which is completed quarterly for each main custody station. Visitors then hand over one copy of the CV3 to be kept within the custody suite, one copy is sent to the Head of Custody, one copy is kept by the custody visitor and the other copy is sent to the Office of the Police and Crime Commissioner where analysis is undertaken.

Issues of immediate concern are raised with the Custody Sergeant. Unresolved issues or those requiring a response from the PCC are brought to the attention of the Scheme Manager. All reports completed by ICVs are assessed by the Scheme Manager with a response to each issue being provided by Northumbria Police, these update reports are then added to the PCC website. Feedback is given to ICVs on comments raised following discussion with the scheme link Custody Inspector, or in more serious instances following discussion with the Chief Inspector, the force’s lead for custody.

On a quarterly basis a meeting is held between the Scheme Manager, Panel co-ordinators and the Head of Custody for Northumbria Police. This is an opportunity for issues to be directly raised by Co-ordinators with the senior officer in charge of custody and also receive relevant updates in relation to national developments effecting their role. An annual training seminar is also arranged for all visitors on an annual basis where any National changes effecting the visiting process can be communicated to volunteers. The seminar in October 2018 focused on Mental Health in Custody and the Use of Force.

**3. Statistics**

163 visits to custody took place and 422 interviews were held in the period 1st April 2017 to 31st March 2018. The table below shows the number of visits, the total number of detainees in custody, and the amount of detainees visited during this time.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Forth Banks | Middle Engine Lane | Southwick | Millbank | Etal Lane | Berwick | Bedlington | Total |
| Number of visits | 46 | 48 | 45 | 4 | 4 | 12 | 4 | 163 |
| Total in custody | 441 | 493 | 413 | 0 | 44 | 0 | 0 | 1391 |
| Detainees  visited | 153 | 206 | 128 | 0 | 10 | 0 | 0 | 497 |

**3.3 Detainee figures 2017/2018**

|  |  |
| --- | --- |
| Custody Centre | Number of Detainees |
| Forth Banks | 13,297 |
| Middle Engine Lane | 7,803 |
| Southwick | 8,107 |
| Millbank | Nil |
| Etal Lane | 263 |
| Berwick | 8 |
| Bedlington | Nil |
| Total | **29,478** |

A small number of detainees were unable to be interviewed for a variety of issues such as the detainee attending court, being asleep, in interview at hospital or receiving medical treatment. In some cases a recommendation from the custody staff that an individual was not safe to interview led to visual observation only being made.

42 detainees refused an interview. This is an improvement on the 74 refused visits the previous year. The level of refusal is always analysed and this is often due to the general unhappiness at being detained.

Custody records can be viewed by visitors with permission from the detainee or if custody visitors are concerned about the detainee’s welfare but are unable to gain direct permission due to incapacity.

**4. Issues Arising from Visits**

Most of the issues raised by ICVs are dealt with promptly at the time of the visit. By their nature, they tend to be low level issues relating to a detainee’s comfort and general level of satisfaction. Any issues of a more significant nature and which relate to a detainee’s rights or entitlements would result in an ICV consulting the custody record (where permission is granted).

Any issues which cannot be rectified at the time of the visit are highlighted on the visit report form and escalated by the Scheme Manager to the Head of Custody. This is done immediately upon receipt of the form and the matter is also raised at the Panel Co-ordinators meeting.

Feedback on all comments is made to the ICV by the Scheme Manager to the ICV on an individual basis, and where the issue relates to other custody centres, as an email to all.

**5. Overview of 2017/18**

The ICV Scheme Handbook was refreshed in November 2017.

In February 2018 Northumbria trained two experienced ICVs to conduct TACT visits (Terrorism and Counter Terrorism)

The Independent Custody Visitors Association launched its new website at this year’s ICV National Conference in March 2018.

One of ICVA’s priorities in the last year was round female hygiene whilst in Police Custody. They released a blog that went viral and helped schemes promote good practice – this can be viewed at <https://icva.org.uk/sanitary-custody/>. This is a priority of focus for the Northumbria scheme in 2018/19.

**6. Mental Health**

In December 2017, changes were made to the Policing and Crime Act 2017 which meant that police custody was not to be used as a place of safety for a person under the age of 18 under any circumstances.

A police station can only be used as a place of safety for adults in specific circumstances, set out in the Mental Health Act 1983 (Places of Safety) Regulations 2017:

* The behaviour of the person poses an imminent risk of serious injury or death to themselves or another person;
* because of that risk, no other place of safety in the relevant police area can reasonably be expected to detain them, and;
* so far as reasonably practicable, a healthcare professional will be present at the police station and available to them.
* The guidance envisages movement to a different place if the person’s behaviour has moderated, however such a judgement should also include an assessment of whether a person’s behaviour would pose the imminent risk were it not for the fact that they were in the police station. Moving a person multiple times is to be avoided.

**6.1 S136 detention date for Northumbria in 2017/18**

Following the Policing and Crime Act which came out in December 2017, it is now illegal to take anyone under the age of 18 into police custody under s136 so the return for Northumbria is nil. For adults, whilst it is possible, it’s very much a last resort with various hoops that have to be jumped through before this can be considered. Again, in Northumbria, there have been no case of an adult 136 being taken into custody. The place of safety at a Mental Health hospital is always the destination unless there is a physical injury requiring a trip to the Emergency Department.

Overall the numbers of S136 detentions in 2017/2018 average 15 a month. (Pre street triage this was 71).

**6.2 Street Triage**

There are two teams in Northumbria – the North of Tyne covering Newcastle, North Tyneside and Northumberland based at Ravenswood Clinic, Newcastle. The South of Tyne Team covers Gateshead, South Tyneside and Sunderland and is based at Hopewood Park Hospital, Sunderland.

Key features of Street Triage:

* 6 Police Officers
* 8 Mental Health Nurses
* Hours 10.00am – 3.00pm (Crisis Team)
* Resilience Cover



**6.3 Liaison and Diversion Services**

Mental Health and Learning Disability nurses, who work in police custody and the magistrates courts offer screening to:

* Identify needs as early as possible in the offender pathway (including prevention and early intervention).
* Inform subsequent decisions about where an individual is best placed to receive treatment, taking into account public safety, safety of the individual and the punishment of an offence.

**7. Priorities for 2018/19**

In November 2018, Northumbria participated in a pilot scheme, helping the Independent Custody Visitors Association working in partnership with universities to develop research work and an understanding of what is needed in custody suites to improve dignity of female detainees.

ICVA have launched the Quality Assurance Framework (QAF) – a framework that articulates what a good scheme looks like and that will grade schemes from Code Compliant to platinum. The QAF is an opportunity to share work, engage with colleagues and celebrate the work that ICVs complete. The Northumbria Scheme is participating in the QAF Award.

**8. Further Information and Contact Details**

**Nitin Shukla**

ICV Scheme Manager

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 The OPCC website: <https://www.northumbria-pcc.gov.uk>

ICVA website: <https://icva.org.uk>

**ACTION PLAN 2018 - 2019**

|  |  |  |
| --- | --- | --- |
| **ACTION – AREA OF FOCUS** | **LEAD** | **TIMESCALE** |
| Re-vamp the detainee questionnaire to ensure it is fit for purpose | Northern Area Panel Co-ordinator | October 2018 |
| Continue to monitor automatic provision of hygiene packs to female detainees | Head of custody | On-going |
| Investigate the provision of head injury training by Headway UK – to better support detainees with brain injuries | ICV Scheme Manager/Head of Custody | April 2019 |
| Quality Assurance Framework – Score the scheme against ICVA’s QAF’s gold standard | ICV Scheme Manager | February 2019 |
| Implement the necessary improvements to the scheme to achieve the gold standard rating of the Quality Assurance Framework | ICV Scheme Manager | March 2019 |