

**INDEPENDENT CUSTODY**

 **VISITING SCHEME**

**ANNUAL REPORT**

**2022/23**

**DYFED-POWYS**

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# Foreword from the Dyfed-Powys Police and Crime Commissioner

Independent Custody Visiting was borne out of Lord Scarman’s report on the Brixton riots in 1981 which recommended that a system of independent, unannounced inspection of procedures and detention in police stations by local community members be introduced. This was formalised in 2002 by the Police Reform Act which places a statutory duty on all Police and Crime Commissioners to implement an Independent Custody Visiting Scheme.

Custody Visiting has introduced transparency in police custody processes. Independent Custody Visitors (ICVs) have a crucial role in ensuring the Human Rights of detainees are upheld and that the Police and Criminal Evidence Act 1984 is complied with.

An Independent Custody Visiting Scheme was established in the Dyfed-Powys area in 2001. Since its roll out, thousands of visits have been made to custody suites across the Force area, ensuring detainees are treated with respect and dignity irrespective of the reason for their detention.

2022-23 continued to be a busy year for my ICVs, and I would like to take this opportunity to thank them all once again for their support, enthusiasm and flexibility. The continued commitment shown by all ICVs is instrumental in the success of the Scheme.



Police and Crime Commissioner

# Introduction

Independent Custody Visitors (ICVs) are volunteers from our local community who visit police custody suites in pairs, unannounced, to check on the welfare of detainees, ensuring that their rights are upheld.

ICVs also undertake checks on the custody environment to ensure it is safe and of a good standard. If any concerns are identified, they are raised by ICVs initially with the Custody Police Sergeant and then via the Office of the Police and Crime Commissioner (OPCC), for discussion with senior officers in charge of custody matters.

Updates on progress made in relation to matters of concern are provided to the OPCC in a timely manner. Any overarching themes are fed into the appropriate governance boards for consideration of further action to be taken if appropriate. The ICVs’ role offers protection to detainees and transparency of detention processes.

# Independent Custody Visitors

At the end of March 2023 there were 24 Independent Custody Visitors (ICVs) on the Scheme, spread across the 4 ICV Panel areas; Carmarthenshire, Ceredigion, Pembrokeshire, and Powys.

We had two ICVs resign from the Scheme between 1 April 2022 and 31 March 2023. 3 ICVs took a break from the Scheme during this time, with 20 remaining on our system as ICVs. They are hopefully returning during 2023-24.

Every effort is made for the Scheme to represent the demography of Dyfed-Powys, but critically, volunteers who show a genuine commitment and interest in the Scheme are appointed to the Team. 80% of ICV volunteers are of the age range from 55 years and above. It has been acknowledged that this is not representative of the demographic area of Dyfed & Powys and this will be a target for in the plans for next year’ recruitment commencing from April 2023 to March 2024.

Figure 1: Gender of ICVs Figure 2: Age of ICVs

|  |  |  |
| --- | --- | --- |
| Age | Percentage 2021/22 | Percentage 2022/23 |
| 18-24 | 4% | 5% |
| 25-34 | 8% | 10% |
| 35-44 | 4% | 0% |
| 45-54 | 4% | 5% |
| 55-64 | 32% | 25% |
| 65-74 | 32% | 35% |
| 75+ | 16% | 20% |

# ICV Rotas

## **Number of Visits and ICV Calls**

Ammanford, Aberystwyth, Haverfordwest, Brecon and Newtown are the main Custody Suites in the Dyfed-Powys area.

Ammanford, Aberystwyth and Haverfordwest are visited once a week with Brecon and Newtown being visited on a fortnightly basis. This is due to their varying size and use.

There are two other Custody Suites in the Dyfed-Powys area; Cardigan and Llanelli. They are used as overspill suites and ICVs do not routinely visit these Custody Suites. However, should these overspill suites be used, the OPCC will be notified and can arrange an ICV to visit if necessary.

|  |  |
| --- | --- |
| **Custody Suite** | **Cell Capacity and detention rooms****(used for the detention of children)** |
| Ammanford | 6 cells2 detention rooms |
| Haverfordwest | 17 cells2 Detention rooms |
| Aberystwyth | 7 cells1 Detention room and 1 dry room |
| Brecon | 8 cells1 Detention rooms |
| Newtown | 9 cells1 Detention room |
| Llanelli | 8 cells2 detention rooms |
| Cardigan  | 6 cells |

ICVs are provided with a rota assigning a pair of ICVs to a week / fortnight. They then arrange the day and time of the visit within the specified week / fortnight.

Within their six-monthly ICV Panel meetings, ICVs are provided with data on their recent visits as well as the profile of custody throughput. They are asked to consider this data when arranging visits to ensure visits are conducted at varied days and times throughout the week.

ICVs also have the option of visiting a custody suite in a different Panel area. This ensures good practice is shared across the areas. Cross visits started back in March 2022, following the Covid-19 levels decreasing.

# Visiting Data

## **Number of Visits**

During 2022-2023, a total of 181 ICV visits were conducted to custody suites across the Force area; during which time there were 440 detainees in custody. Of these detainees, 197 consented to being visited and 87 were observed.

## **Number of Detainees**

During 1st April 2022 to 31st March 2023, a total of 8,557 detainees were held in the custody suites across Dyfed-Powys. Of these, 440 were in custody at the time of the ICVs’ visits. 45% of those detainee’s present were visited by ICVs.

|  |  |  |
| --- | --- | --- |
| **Custody Suite** | **Number of Detainees** **April 22 –March 23** | **Number of ICV Visits undertaken** |
| Ammanford | 73 | 43 |
| Llanelli (Only used as an overspill) | 3 | 0 |
| Haverfordwest | 77 | 28 |
| Aberystwyth | 53 | 30 |
| Cardigan (Only used as an overspill) | 0 | 0 |
| Brecon | 17 | 9 |
| Newtown | 14 | 8 |

*The data above, in the column for the Number of Detainees, represents the number of detainees that were in custody during the ICVs visits from April 2022-March 2023.*

## **Timings of visits**

Figure 5: The number of calls and visits during 1st April 2022 to 31st March 2023

Figure 6: The number of visits during 1st April 2022 to 31st March 2023

ICVs carry out visits most commonly in the morning, which is the busiest time in custody, therefore maximising the chance of seeing as many detainees as possible. No visits were carried out after 21:00 as detainees tend to be sleeping and therefore ICVs are likely to have a lower number of detainees to speak to during later hours. ICVs do however try to carry out visits during a variety of times including weekends as well as weekdays to ensure a level of unpredictability in terms of the days and times they visit.

# Issues Raised

During their visits ICVs check on the welfare of the detainees as well as the conditions in which they are held. ICVs are mindful of the rights afforded to detainees whilst held in Custody as per Code C of the Police and Criminal Evidence (PACE) Act 1984. A summary of these can be found in Appendix B.

ICVs are expected to discuss any minor welfare or environmental issues with the Custody Sergeant or accompanying officer at the time of the visit.

Any issues which cannot be resolved during a visit, or which ICVs feel need to be dealt with at a higher level are reported to the Scheme Administrator within the OPCC. These reports have now moved from paper copies into electronic forms, with the purpose to reduce paper used within the office environment and to ensure a more instantaneous method of ICVs reporting to the Scheme Administrator.

These are then recorded and followed up with Dyfed-Powys Police’s (DPP) Custody Chief Inspector or the relevant Inspectors. They then consider the issues, provide the scheme administrator with an update / report, and take any necessary actions.

Positive comments and observations are also noted on the forms and reported back to senior custody staff.

The Scheme Administrator notifies ICVs of the outcome of their report, and further discussions around the issue are held at the next ICV Panel Meeting.

Should any issues need to be considered at a higher level, they are discussed at the appropriate governance board, including Policing Board where the Police and Crime Commissioner holds the Chief Constable to account.

Below is a list of concerns raised by ICVs Between 1st April 2022 and 31st March 2023 with a response as to the progress made against each concern.

|  |  |
| --- | --- |
| **Concern identified** | **Progress made** |
| There have been ongoing staffing concerns in custody from July 2022. | Resolved: 3 new Detention Escort Officers have started from the 24th October 2022. They will be trained and in the suite by the 21st November 2022. |
| Difficulty in obtaining a Latvian translator. | Resolved: Language Line provide the translator service.  There has not been any further re-occurring problems in securing the services of a Latvian translator. This will be continued to be monitored by the Custody Inspector and the ICVs. |
| Custody staff actively taking part in ICV visits and ensuring that all ICVs are not left unescorted. | Ongoing: This issue has been reoccurring with the additional issue of ICVs being left unaccompanied whilst visiting a cell. As note in the CoP and the OPCC handbook, that ICVs must be escorted at all times when they are visiting detainees. Local Inspector sent out a polite reminder that was circulated in relation to: *Discussions between detainees and ICVs must, wherever practicable, take place in the sight, but out of the hearing, of the escorting police officer. Where this is not possible, the police officer will not take any active part in the conversation. Police officers should not actively listen to conversations between ICVs and detainees.* This issue will be continuously monitored. |
| Ensuring that ICVs are given access to vulnerable detainees – AAs are not required. | Resolved: Both adults and children are able to speak with ICVs without an appropriate adult as long as they are happy to accept a visit. Custody will send out an email to remind staff of this. The code of practice does state that ICVs should be allowed to speak to detainees through the hatch, should ICVs be unable to visit detainees within the cell. In terms of speaking to detainees who are deemed volatile or are unable to receive a visit, the Code states speaking through the hatch as an option. Custody will circulate a reminder in relation to the above. |
| Shortage of solicitors in the Ceredigion area. | Ongoing: Custody are monitoring the situation advising that new firms will be joining the scheme. |
| An ongoing issue with the laundry service for blankets often returned a lot lower numbers than what was being originally sent, plus the station are receiving old and scruffy looking blankets back instead.  | Resolved: Discussed in Octobers Panel meeting that all items are now labelled and logged to try and monitor all items. The laundry issue has improved however, custody still cannot guarantee having the same items back, but the items returned are like for like. |
| Heating concerns approaching winter. | Resolved: Cells are temperature checked and detainees will not be placed in cells when they go beyond a certain temperature, in colder spells, heaters will be brought in should the temperature fall beyond a certain temp. |
| Universal chargers should be in place in all police stations to ensure that detainees are able to make contact with relatives/ friends to let them know they are in custody. | Resolved: This was agreed and a charger was purchased on the 17th November 2022. |
| Medical cover issues with delays in HCP (Health Care Practitioner) arriving in custody. | Ongoing: The force will remain in a joint tender process with South Wales and Gwent Police to appoint a new contract prior to June 2023 to the preferred service provider.There is a protocol to guide staff when a HCP is not on duty and they have to travel across the local regions. Work is in progress to recruit more HCPs whilst a reginal tender with South Wales Police and Gwent is in place. On the 28th March 2023 a protocol is now embedded when a HCP is not on duty and from the 1st May, a 6 month pilot begins whereby video medical consultations will be used to reduce conveyancing to A&E or other suites and provide medical services swiftly.  |
| Rear yard vehicle access security gate requires an immediate response for repairs to prevent detained persons from possibly absconding when being transferred from vehicles to the custody area.  | Resolved: The rear gate has been repaired again and the motor seems to be working well. We are soon to move over to a new card reading system which will sort out access and security issues. |
| Custody CCTV cameras are positioned directly above the custody desk which appear to be almost built into the ceiling. Due to the position and angle of the CCTV screens, this makes it very uncomfortable and almost impossible to be able to view them for more than a few seconds without causing severe discomfort to the neck region, this is obviously a serious concern for the welfare of the custody officers especially when having to monitor vulnerable detained person’s more closely. | Resolved: The CCTV monitors are due to be moved to a bulkhead above the staff and this will improve the working environment, plus prevent detainees at the desk being able to view what is currently shown on screens. |

# Training and Events

* On the 2nd of August 2022 the annual training day took place at Dyfed-Powys Police Headquarters, which included an overview of a detainee’s journey from being booked into custody through to release, an input on equality and diversity and an input on detainee dignity.
* ICV Panel meetings were conducted virtually via Microsoft Teams. Panel meetings took place in April and October 2022.

# Independent Custody, Custody Record Reviewing

During 2022-23, ICVs continued their reviews of custody records, separate to their ICV custody suite visits, with 174 custody records reviewed in total. Findings are shared with the Chief Inspector of Custody and any issues are highlighted.

Main findings:

* On average, detainees were being booked in within 13 minutes or less.
* 90% of detainees were offered religious items.
* 84% of detainees were asked if they had any allergies or special dietary requirements within their risk assessments.
* 92% of detainees were offered food and refreshments regularly.
* 93% of detainees who were kept in detention were instructed of the use of the cell call bell and toilet pixilation.
* Only 48% of female detainees were recorded as officially assigned a female member of staff. It was noted that majority of women were offered the opportunity to speak with a female member of staff if requested.
* 63% of female detainees were offered female hygiene products.
* Consistent with last year’s Annual Report, hygiene provisions are not regularly recorded in logs. Only 36% of detainees were recorded as being offered provision of appropriate hygiene provisions e.g. soap, access to showers, and access to handwashing.
* 95% of detainees were given their rights when booked in, or later in the presence of an Appropriate Adult.
* Consistent with last year’s report, there are no major delays in Appropriate Adults or solicitors identified.

## Anti-rip suit pilot

In March 2022 our ICV Scheme commenced an Anti-Harm Suit pilot scheme between Dyfed-Powys Police and the Independent Custody Visiting Association (ICVA). Dyfed-Powys is currently leading on this as the only pilot area.

Anti-rip clothing or anti harm suits are clothing that are used in many custody suites across the UK. The material of the clothing is made to prevent detainees being able to rip the material and make ligatures.

This Pilot has come about following a thematic review of the use of anti-harm clothing in police custody by ICVA.

ICVA found that Inspectorate reports reveal consistent concerns with the use of anti-harm clothing in custody, some of the concerns found nationally include;

* Poor recording and practice in terms of both proportionality and justification of the use of the suits,
* The suits are recorded as being used in the absence of risk information, often with difficult detainees, by force, and have been noted as being potentially punitive,
* Concerns regarding detainee dignity being effectively maintained during clothing removal by force.
* Detainees have been left naked in an endeavour to manage harming behaviours, in suites both where the clothing is used, and those where it is not.

The Pilot will see our ICVs independently review the custody records of individuals within Dyfed-Powys custody suites who have been issued with an anti-harm suit, looking particularly at:

* Are the suits are being issued appropriately,
* Are they being removed as soon as possible,
* Is there sufficient rationale for their use recorded within Custody logs.

Records have been reviewed using the following rag rating:

|  |  |
| --- | --- |
| Reason for Rating | Follow Up Action |
| Drop down in use, full rationale for use of suit, which is both justifiable and proportionate to risk posed. | No further action required at this point.  |
| Suit removed as soon as practicable.  |
| Clear de-escalation, distraction items etc. used to mitigate risk of detainee DSH. |
| Little or unlclear justification for the use of the suit. | Advice/further training given to custody staff. |
| Insuffcient information to determine the proportionality of the use of the suit.  |
| Detainee left in suit for elongated periods of time. |
| Suit drop down used but no further information.  | Further exploration required as to use/rationale. Cases to be raised with custody inspector. |
| Suit used in absence of risk information but no other rationale. |
| Suit used by force with no further information.  |
| Drop down not used, information on suit discovered as part of routine CRR by ICVs |

The following ratings were taken from the 12 records reviewed from April 2022 to March 2023:

|  |  |
| --- | --- |
| Green | 78  |
| Amber | 50 |
| Red | 15 |

The aim is that the pilot will dramatically reduce the number of anti-rip suits being issued and ensure that sufficient rationale is recorded should a suit be used. Findings are discussed monthly with ICVA and the Chief Inspector of Custody. Any custody records that receive a red grading are highlighted to the Chief Inspector of Custody and the record numbers are provided. This allows for constructive feedback to be given to the owners of those records, to help raise awareness and spread good practice.

As part of the pilot ICVs will continue to meet on a monthly basis to review approx. 15 records per month with a focus on those who have been issued with an anti-rip suit. It is proposed that this pilot will run up until August 2023.

# Future Developments

* A Recruitment Strategy Plan will be established to target specific upcoming events to promote a wider pool of ICV volunteers in October 2023.
* ICV Planning day has been arranged for the 18th October 2023 which will review the running of the ICV scheme within Dyfed-Powys, and involve ICVs, local Custody Inspectors and the Chief Inspector for Custody Services.
* An overview of ICV Panel meetings will take place to review whether all regions can be merged into one overall meeting to continue discussions on ongoing issues and for continued learning.
* On the 14th March 2023, the Police and Crime Commissioner was invited to attend the new Custody site tours of Dafen in Llanelli, Carmarthenshire. As part of the open doors event, members of the public were shown around a construction of approximately 4000m2 over two storeys, that includes 18 new cell custody suites, interview rooms, cells, charge desk, open plan office space and associated meeting rooms and a significant area for mechanical and electrical plant. The construction work is ongoing and Dafen custody suite is expected to be open from May 2023.

# Interested in becoming an ICV?

If you are interested in volunteering for the Police and Crime Commissioner and becoming an ICV within the Dyfed-Powys area, or would like some further information, please visit:

<http://www.dyfedpowys-pcc.org.uk/en/the-office/volunteer-schemes/independent-custody-visitors/>

Or contact Caryl Bond on 01267 226440

Or Email: caryl.bond@dyfed-powys.police.uk

# Appendix A:

|  |
| --- |
| **A detainee’s rights under Code C of PACE are summarised below. This is the information provided to detainees at the police station. Full details are available 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 documentation 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. |

# Appendix B

|  |
| --- |
| **The environmental checks that ICVs undertake whilst visiting Custody:** |
| - Check that the cells are clean (both occupied and empty cells where possible). |
| - Check that the kitchen and food preparation area is clean and tidy.  |
| - Check that all other areas within Custody are clean and tidy. |
| - Check that the heating, lighting and ventilation is adequate. |
| - Check that the medical room is locked if no healthcare professional is present. |
| - Check that a first aid kit is readily available. |
| - Check that there are sufficient stocks of bedding, anti-rip suits & spare clothing. |
| - Check that there are sufficient stocks of food. |
| - Check that the Custody Suite is clear of any apparent health and safety hazards.  |
| - Check that the cell buzzer and CCTV systems are in working order.  |
| - Check that religious materials are readily available to detainees.  |
| - Check that there are no ligature points posing a risk to detainees.  |

|  |
| --- |
| **The welfare checks that ICVs undertake whilst visiting Custody:** |
| - Are they being treated reasonably? |
| - Have they been made aware of their legal and visitor rights?  |
| - Do they understand their rights as they have been explained to them? |
| - Has someone been informed of their detention (if they have requested this)? |
| - Have they seen a solicitor (if they have requested this)? |
| - Have they been offered/ provided with food/drink? |
| - Have they requested / received medical attention if needed? |
| - Have they been given access to toilet/ hygiene/ washing facilities?  |
| - Has additional bedding/ replacement clothing/ blanket been provided, if required?  |
| - Have suitable rest periods and/or exercise been made available, if appropriate?  |