



INDEPENDENT CUSTODY VISITING PANEL – 25 APRIL 2016

ICVA NATIONAL CONFERENCE

REPORT BY THE SCHEME MANAGER

PURPOSE OF THE REPORT

To provide visitors with a summary of the presentations at the ICVA National Conference.

1. BACKGROUND

- 1.1 The annual conference of the Independent Custody Visiting Association (ICVA) was held at the International Convention Centre in Birmingham on 30 January 2015. The conference was attended by delegates consisting of independent custody visitors, scheme administrators and officers.
- 1.2 Attendance at the conference this year was open to all visitors and attended by the Chair of the ICV Panel, one Deputy Chair, four independent custody visitors and the Scheme Manager. Martyn Underhill also attended as Chair of ICVA.

2. CONFERENCE SPEAKERS

- 2.1 The conference speakers were:

- Matthew Ellis, Police and Crime Commissioner for Staffordshire
- Yvonne Mosquito, Deputy Police and Crime Commissioner for West Midlands
- Nick Ephgrave, Temporary Chief Constable, Surrey Police
- Arron Owen, Cranstoun Charity
- Tom Milsom, Associate Commissioner, IPCC
- Maneer Afsar, HMIP

**3. CUSTODY VISITING – A POLICE AND CRIME COMMISSIONER’S VIEW
MATTHEW ELLIS, PCC FOR STAFFORDSHIRE**

- 3.1 Mr Ellis acknowledged Mr Underhill’s work around mental health and explained his own background prior to becoming PCC for Staffordshire. He stressed that there remained plenty of work to do within the Criminal Justice Sector and how important it would be for organisations to work together to achieve the reform it required.
- 3.2 He shared the view that volunteers have critical roles within the police forces, especially in relation to special constables and how important it remained for the police service to be as transparent as possible. He stated that schemes should reflect the people they visited and there was a need for managers to ensure that younger people were encouraged to apply.

**4. THE VALUE OF PUBLIC REASSURANCE THAT ICV'S BRING
YVONNE MOSQUITO, DEPUTY PCC FOR WEST MIDLANDS**

- 4.1 Ms Mosquito began her presentation by thanking the visitors, stating that the most precious thing we can give is our time and how important the role of custody visitor were. She echoed PCC Ellis' comments about the importance of visitors being reflective of those detained. She explained that the West Midlands were currently in the process of building 2 new 'super' custody blocks.
- 4.2 She stated that from April 2014 through to March 2015, the 100 West Midlands visitors completed 373 hours of visiting. Visitors also contacted the OPCC on completion of a visit, which allowed the Scheme Manager to tweet on their behalf. She again thanked the visitors for carrying out this important role in ensuring that detainees had been held well and allay any mistrust from the public.

**5. CUSTODY – THE NPCC VIEW
NICK EPHGRAVE, TEMPORARY CHIEF CONSTABLE, SURREY POLICE**

- 5.1 Chief Constable Ephgrave began by talking about the purpose of custody, explaining that it was the 'Engine Room' for police investigation, which allowed for face to face contact between the officer and the detainee. Custody should only be used for progression of the investigation process and not for any other reason.
- 5.2 He went on to outline his own role in relation to custody and provided details of a number of national organisations with which he was involved. He noted that there has been a reduction in deaths in custody in the last 17 years, but there was a worrying trend in suicide following custody, which had risen in the last 5 years. This brought about the question on whether the police service was actually good enough at taking care of people leaving custody. He was pleased to see that the number of children being held had dropped and advised that they are never kept overnight, if at all possible.
- 5.3 There had been a number of developments in the lessons learnt area. Previously, individual forces would receive recommendations, but these would only be circulated more widely without intention. The College of Policing had developed the Approved Policing Practice, which was now reviewed and amended in light of lessons learnt to ensure that practice was always as efficient and effective as possible.
- 5.4 Work was also ongoing regarding the recording of the use of force; the development of a consistent method of detainee risk assessments and superintendent extensions of detainees. There had already been progress in many areas; 17 year olds were now treated as children rather than adults, which ensured that accommodation should be provided by Local Authorities rather than them being held in custody overnight. There had also been a mental health concordat to reduce the number of detainees being held under Section 136.
- 5.5 Work also continued to develop a National Custody Strategy, which would provide a clear national direction of travel and a consistent vision for the next 5 years. Forces continued to work collaboratively to build effective relationships with partners in health and local authorities.

**6. EFFECTIVE RESPONSE FOLLOWING A POSITIVE DRUG TEST IN POLICE CUSTODY
ARRON OWEN, CRANSTOUN CHARITY**

- 6.1 Mr Owen introduced himself and provided information on the support the Cranstoun charity gave to people with drug and alcohol problems. He advised delegates that there were

300,000 heroin and crack cocaine users in England and that 1.2 million people are affected by drug abuse in the family. The levels of Cannabis and Alcohol abuse were even higher. It is recorded that 70% of those people report having mental health issues.

- 6.2 He went on to state that any heroin or crack user not in treatment commits crime costing an average £26,074 a year and drug treatment prevented an estimated 4.9 million crimes every year. He shared that the criminal justice sector was the highest referrer to the Cranstoun Charity, making up 48% of all their referrals.
- 6.3 Following a referral to them, they review the whole picture for that person and provided them with the best possible support and interventions, ranging from clinical interventions, substitute prescribing, group programmes and 1-2-1 counselling. They also assisted with housing benefits, providing a complete wrap-around service. However, engagement with this service was not a soft option; people have to attend the services and undergo daily drug tests. The success rate was very high. He reported that if there were no drug treatment services then spread of disease, drug deaths and welfare dependence would increase and there would be an estimated 5 million more crimes.

7. EFFECTIVELY RESPONDING TO A DEATH IN CUSTODY TO PREVENT FURTHER HARM
TOM MILSOM, ASSOCIATE COMMISSIONER, IPCC

- 7.1 Mr Milsom introduced himself to delegates as the Associate Commissioner for the IPCC and outlined the role of the organisation and how they are involved in improving the care of detainees. He accepted that custody was a risky environment and ICVs had a role in increasing public confidence in that area.
- 7.2 He went on to advise that the Police had a statutory duty to refer deaths and serious injuries to the IPCC in all cases that met referral criteria. Forces also had the ability to make voluntary referrals and the IPCC had the power to call in cases.
- 7.3 He provided statistics regarding deaths in or following police custody. In the last year, 17 people had died in or following police custody; 8 of those had been identified as having mental health concerns and 16 had been known to have a link to alcohol or drugs. The pathologist had stated that 6 had alcohol and drug toxicity or long-term abuse as a contributing factor in the cause of death. There were 10 that had been restrained by officers before their death. Eight people had taken ill in a police cell; 3 died in a police cell and 5 who had been taken to hospital either died on arrival or sometime later. Four people had been taken ill at the scene of arrest and died either at the scene or after having been taken to hospital. Three had been taken ill, or concern had been raised, whilst they had been in a vehicle and 2 had died following release from police custody.
- 7.4 Mr Milsom added that police custody was not an appropriate place for those sectioned under 136 of the Mental Health Act and those who are drunk and incapable. Those with signs of a head injury would need to be medically assessed before being brought into custody. Those with acute behaviour disorder/disturbance should be dealt with as a medical emergency and those who have swallowed drugs should be taken to hospital. Custody was also not appropriate for those under the age of 18.
- 7.5 He went on to speak about the risk assessment process, which should be an ongoing process. National consistency was needed to improve risk assessment and that the Metropolitan Police Service had been piloting a new screening tool, which was part of that effort to improve. He was keen to add that if there had been no risk of self-harm then detainees should be able to keep asthma and angina pumps/sprays. All items connected with meals and drinks must be removed from the cells. Pregnant detainees should be cared

for appropriately and those with additional learning needs should be provided with an Appropriate Adult, custody was a difficult environment for people to disclose such needs.

- 7.6 Ultimately the custody officer would always be responsible for those in their care and if they chose to delegate tasks to other officers they should ensure that they are suitably trained and competent to fulfil that task and the custody officer should check that it had been carried out to the appropriate standard. There should always be a designated custody officer responsible for the detainee; handovers should be conducted in front of CCTV and involve any medical staff. Whoever accepted responsibility for the detainee should check them and enter the cell and wake them up if necessary. Checks and rousing need to be carried out at the frequency and standard expected. Rousing should include conversation and be recorded and any physical stimuli carried out should no adequate verbal response be received.
- 7.7 There were categories of people who should not be detained in custody; those who are drunk and incapable and those under 18. All use of force should be proportionate, lawful and only carried out for as long as necessary. The correct equipment should be used, someone should always be monitoring vital signs and prone restraint should be kept to a minimum to prevent positional asphyxia. Taser should only be used in exceptional circumstances in custody and all use of force should be recorded to determine whether it had been used disproportionately.
- 7.8 The IPCC would continue to work with the National Police Chiefs Council and the College of Policing to ensure national recommendations are reflected in guidance. They would also feed into the HMIC/P custody inspections. The IPCC also had powers that required forces to respond to learning recommendations and they would continue to work with PCCs to ensure those recommendations were implemented. He added that the IPCC were developing a briefing document specifically for ICVs. The IPCC also published a regular bulletin to help the police service learn lessons from investigations and other operations of the police complaints and conduct system. Bulletin 23 covered custody.
- 7.9 If ICVs witnessed anything they should make a note, raise it with the custody sergeant or Inspector or other senior officer. If they are very concerned then speak to the Scheme Manager, if the IPCC ended up involved then they may approach the ICV concerned for an account and if the force had failed/ignored to implement one of their recommendations it would be for the force to answer why.

8. THE NATIONAL PREVENTATIVE MECHANISM, OPCAT AND PREVENTING HARM MANEER AFSAR, HMIP

- 8.1 Ms Afsar introduced herself to the delegates as team leader for Her Majesty's Inspectorate of Prisons. The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. OPCAT requires that States designate a 'national preventative mechanism' (NPM) to carry out visits to places of detention and monitor the treatment and conditions for detainees and to make recommendations regarding the prevention of ill-treatment. Independent Custody Visiting was part of that preventative mechanism.
- 8.2 She acknowledged that there is a suggestion that 'torture doesn't happen here' but alluded to news items and programmes which uncovered ill treatment of vulnerable people.
- 8.3 The NPM sits on the national arena and has powers to access all places of detention. ICVA are represented by their Chief Executive, Katie Kempen. At an international level, the UK

NPM received assistance from the UN Sub-committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

- 8.4 The UK NPM is made up of 20 statutory bodies that independently monitor places of detention in the UK, including prisons, immigration, court and police custody, secure accommodation, and military detention facilities. They had key principles of independence, prevention, experience and diversity as well as Human Rights. It fulfilled its duties under OPCAT as a collective, in that it must fulfil the NPM mandate in the UK and as individual members as it must incorporate OPCAT into their detention-related work. The role is scrutinised by UN Human Rights bodies, including the SPT.
- 8.5 Their work involved strengthening how they monitor, in compliance with OPCAT, strengthening what they monitor and commenting on legislation and raising awareness. With regard to governance the NPM is based at HMIP and its role is to: promote collaboration, information sharing and good practice between members, facilitate joint activities between members, liaise and share experience with international Human Rights bodies, represent the NPM to Government and other UK stakeholders and preparation of the NPM annual report and other publications.
- 8.6 In the last 5 years, the NPM has expanded coverage of independent monitoring, focussed attention and strengthened approaches on important detention issues, brought NPM perspective into policy consultations and legislative debates, strengthened NPM governance and OPCAT compliance, introduced self-assessment and carried out thematic work on isolation and solitary confinement.

9. HOW CAN INSPECTORS PROTECT THE VULNERABLE IN CUSTODY MANEER AFSAR, HMIP

- 9.1 Ms Afsar also introduced the Police Custody Inspections presentation. Unannounced custody inspections began in 2011 carried out jointly by HMIC/P. For each inspection an inspection report is published, which contained recommendations to the Force inspected and would also include a follow up. The framework specifically focussed on detainee outcomes and the new Inspection Expectations was due to be published.
- 9.2 The main risks had been around the use of force/restraint, length of custody, poor physical conditions, poor handovers, inadequate recording/risk assessments, poor medical diagnosis and poor staff training. The main safeguards were information on Rights, request and provision of lawyers/doctors, recording on custody records, thorough/review/revision of risks, handovers, audio/video recording and regular/refresher training.
- 9.3 A Memorandum of Understanding had been agreed between the NPCC and HMIC/P. Any previous inspection reports and recommendations would be taken into account as well as any other information or intelligence that had been received – as part of that ICV Annual Reports are reviewed. Each inspection had 2 phases and the inspection group comprised healthcare specialists, CQC, HMIP/C Inspectors. They remain on site all week or longer and conduct evening, night, morning and weekend visits and carry out interviews and talks with ICVs and provide feedback during the inspection to the named single point of contact for the Force. At conclusion of the inspection there would be a debrief to the Deputy or Assistant Chief Constable, including written feedback. Within 8 weeks there would be a draft report to the Force for fact checks, then within 16 weeks the report would be published.
- 9.4 There were a number of themes ICVs need to consider including vulnerable detainees, appropriate adults, length of detention and the physical conditions detainees were held in. Also to be considered were liaison and diversion services – could the detainee go elsewhere – did they need to be in police custody? Further themes included use of force, risk

assessments and the relationship with the detainee, was it respectful, were there language issues and did officers have an understanding of diversity?

- 9.5 In relation to the value of ICVs, Ms Afsar confirmed that the role is not under-estimated. ICVs provide local intelligence and conduct regular visits by people who come from and live within the community. She added that there may be opportunities for ICVs to shadow inspectors during their inspection.

10. RECOMMENDATION

- 10.1 Visitors are asked to note the report and that copies of the presentations are available on request from the Scheme Manager or be downloaded from the ICVA website (www.icva.org.uk).

Yvonne Fenwick
Scheme Manager