



Office of the Police and Crime Commissioner for Lancashire

# **Independent Custody Visitor Scheme Annual Report 2021-2022**

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## 1. INTRODUCTION

The Police Reform & Social Responsibility Act 2011 placed a statutory obligation on all Police and Crime Commissioners (PCCs) in England and Wales to have in place an effective Independent Custody Visiting Scheme (the Scheme).

The primary purpose of the Scheme is to provide independent scrutiny of Lancashire Constabulary to ensure that detainees in their custody are being treated fairly and in accordance with Code C, G and H of the 1984 [Police and Criminal Evidence Act](#) (PACE).

The PCC, through his Governance Team is responsible for organising and overseeing the delivery of custody visiting in Lancashire. 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.

## 2. INDEPENDENT CUSTODY VISITS AND THE REPORTING MECHANISM

Lancashire has 6 custody centres: Greenbank (Blackburn), Burnley, Skelmersdale, Preston, Blackpool, and Lancaster. Visits take place to each Custody Suite, in pairs every week as this is considered an adequate number of visits. Burnley has been closed throughout 2021-2022 for operational reasons. Skelmersdale Custody has also been closed throughout 2021-2022 as the whole station has been undergoing a major refurbishment.

On attendance at a custody suite, an Independent Custody Visitor (ICV) completes a report form, a copy of which stays within the custody suite. This allows access to the most recent report for the Custody Management Inspector (CMI) and the ICVs visiting the following week to be able to check any outstanding issues or matters which need further attention. A copy of the report is also sent to the PCC's Office and a copy is forwarded to the relevant Area Panel Co-ordinator and to the CMI.

Issues of immediate concern are raised by the visiting pair of ICVs with the Custody Sergeant. Unresolved issues or those requiring a response are brought to the attention of the PCCs Office. Feedback is given to ICVs on comments raised following discussion with the CMIs or, in more serious instances, following discussion with the Custody Liaison Chief Inspector. During 2021-2022 it was agreed that the ICV Scheme Manager would have a special point of contact (SPOC) to deal with all ICV issues. This has improved liaison between the PCC's Office and the Constabulary as the SPOC has oversight of all the suites across the 3 policing divisions.

The ICV Scheme Manager attends the Custody Management Policy Group and the Child in Custody Panel meetings which is attended by representatives from all custody stakeholders/partners including:

- Health care providers
- Civilian Detention Officers Managers
- Appropriate Adult Service (Child Action North West)
- Youth Offending Teams (County and two Unitary authorities)
- Criminal Justice, Liaison & Diversion Teams
- Health & Safety Team (Lancashire Constabulary)
- Prisoner Transport (Geo Amey)

- Professional Standards Department (Lancashire Constabulary)

### 3. ICV SCHEME OVERSIGHT

The Police & Crime Commissioner through his Office has oversight of the operation of the Scheme. Lancashire is a participating member of the national Independent Custody Visiting Association (ICVA) and Lancashire's Scheme Manager is the North West & North Wales Region's representative on ICVA's National Expert Forum and attends quarterly meetings with Scheme Managers from across the UK. Scheme Managers from Cheshire, Cumbria, Greater Manchester, Lancashire, Merseyside, and North Wales liaise regularly to share good practice, examine benchmarking data, and provide feedback to the national association.

The medical provision for Lancashire Constabulary is CRG (Castle Rock Group) who provide a 24/7 service. They are not embedded within custody but are aligned to area in Lancashire and utilised via a 'call out system'. Nurses cover different suites and there is one Doctor aligned per day for the County.

The current medical contract is up for renewal in March 2023 and preparations for retender are being made by the Constabulary. The provision of custody medical services is currently subject of a national review by Blue Light Commercial. Lancashire Constabulary will continue to monitor progress as the tendering process progresses.

Lancashire Constabulary follows the Standard Operating Procedure for 'near misses' and recorded 366 between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2022. These are recorded as 'custody incidents' which include all incidents within custody. As it records all incidents, this number may appear high compared with other Forces. Lancashire Constabulary believe this is a fair and open way of recording risk. Each incident is audited by a Custody Inspector to check for any officer or organisational learning. Preservation of life is the initial and obvious action for custody staff and an investigation will take place after. This may include for example a detained person suffering a cardiac arrest and first aid administered and is admitted to hospital and is diagnosed safe and well. This will be investigated by the Custody Inspector and reviewed that the appropriate action was taken, and this will be recorded by the staff involved on the detainees custody record.

If the incident is more serious the same recording and review process will take place, but it is also likely that a Post Incident Procedure will take place with the Investigators being Professional Standards Department and/or Independent Office of Police Conduct. A Post Incident procedure will take place if there is a death or serious incident in custody and where appropriate ICVs and the Office of the PCC will assist.

## **4. OVERVIEW OF 2021/2022**

### **COVID-19**

As COVID-19 restrictions were eased during 2021-2022 the PCC's Office resumed regular weekly visits in addition to the telephone monitoring process introduced in the previous year lockdowns. This ensured that monitoring of detainee welfare remained in place. Full details of the visits undertaken can be found in section 7 of this report.

Throughout this period, full Personal Protective Equipment (PPE) was available within all custody suite for all ICVs including, masks, face shields, gloves and aprons. A number of ICVs who were vulnerable or had family members who were vulnerable, chose not to undertake physical visits during this year and particularly when there were high levels of infections in the Northwest. The Office followed guidance from Constabulary Custody Management regarding individual suites and any increased risk of infection.

The PCC's Office was mindful of its duty of care to the volunteers in all the decisions made in relation to the operation of the Scheme throughout the pandemic whilst maintaining as much as possible the scrutiny function of the PCC.

### **Quarterly Panel Meetings**

Lancashire's ICVs continued to attend quarterly Panel Meetings, which for the first time were held via Skype, Teams etc. These meetings took place for each custody suite and a Custody Management Inspector/Custody CDO Manager always attended.

### **Training**

Quarterly Training Sessions were resumed this year and face-to-face training took place including 3 Induction Training Sessions for new ICVs recruited to the Scheme. Again, at these sessions there was always senior Constabulary management present.

### **Lancashire Volunteer Partnership**

The ICV Scheme works alongside Lancashire Volunteer Partnership whose ambition is to bring together volunteers from the whole of Lancashire's public services. The number of hours recorded by Independent Custody Visitors during 2021-2022 is 205 hours although it has been noted only a handful of ICVs are recording their hours via a website. A training session is planned in autumn of 2022 for all ICVs on how to submit their hours of volunteering.

## **Volunteer Thank You Lunch**

The PCC was unable to host its Annual Volunteer Lunch due to the pandemic restrictions. This is an important event as it is a thank you to the ICVs for their dedication, hard work and commitment over the year. It is intended to prepare for this event later in 2022.

## **Internal Audit**

The ICV Scheme was subject to an Internal Audit Review during the 2021-2022 year and received an overall assurance rating of "Substantial."

## **5. CONSTABULARY UPDATE**

Lancashire Constabulary and Lancashire Independent Custody Visitors continue to share a very positive working relationship. The Constabulary and Scheme Manager actively offer to assist with any training and communication engagements to ensure a consistent message is going out to all parties. Visits to all police stations indicates that detainees are treated with dignity and respect and in accordance with Police & Criminal Evidence Act 1984. Whilst the role of the ICV is an independent function, we welcome the close liaison with custody staff and divisional and senior management in order to identify and correct any issues or concerns at the earliest opportunity. The Scheme Manager and Constabulary lead hold regular engagement meetings to ensure any issues are dealt with in a timely manner.

The success of the scheme is due to the commitment of the ICVs and the leadership of the Scheme Manager supported by a Governance Support Officer who all play a vital role in maintaining public confidence in this high-risk area of business to ensure that safeguarding of some of our most vulnerable people is at the forefront of everything we do.

## **6. INDEPENDENT CUSTODY VISITORS**

During the year 2021-2022 the scheme had 39 Independent Custody Visitors.

13 new Custody Visitors joined the Scheme during the year and 5 left the Scheme for a variety of reasons.

We are looking to recruit at least another 14 new members across the County during 2022/2023.

Potential applicants who express an interest in the Scheme are invited to interview to fulfil vacancies.

Wherever possible, recruitment needs to be specifically targeted towards groups that are underrepresented on panels, especially young people, and individuals from black and minority ethnic communities.

Lancashire ICVs span a range of ages and backgrounds. 5 of the current ICVs are from diverse ethnic background and ideally the ratio should be increased.

## **7. VISIT STATISTICS**

Physical visits to custody suites commenced in February 2021 with due consideration having been given to ensure the ICV's were not put at risk. As mentioned above, full protective equipment was available for all ICVs within the custody suite and those ICVs who were comprised or who wished not to attend were not expected to attend physical visits.

**172** visits to four custody suites have taken place

**11** telephone monitoring visits.

**576** interviews have been held with detainees in the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.

**234** detainees refused the offer of an interview.

Skelmersdale and Burnley were closed during 2021/22.

In the year 2021 -2022, the total throughput in Lancashire Custody Suites was **22,732** compared with **21,451** the previous year.

A percentage of detainees were unable to be interviewed for a variety of issues such as the detainee being asleep, in a police 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 observations only being made.

This level of refusals will need to be addressed. Often this is a case of the detainee refusing to interact with the ICV, and this can be for several reasons: lack of understanding due to language difficulties, general unhappiness at being detained or tiredness. In a small number of cases, ICVs have felt that the introduction by the Escorting Officer has been lacking in enthusiasm. This does not often happen, but in every instance, custody staff are reminded of the agreed wording to achieve the best possible outcome., i.e. uptake of an ICV visit.

Custody records can be viewed by ICVs with permission from the detainee or if ICVs are concerned about the detainee's welfare but are unable to gain direct permission due to incapacity. It is planned to deliver specific training on the viewing of custody records, explaining 'what to look for and why', to make this a routine part of the visiting regime and improving the quality of visits. These checks on custody records will be included in our data analysis with effect from 2022-2023.



Division	Station	Number of cells	Number of Physical Visits to Custody
West	Blackpool	42	49
	^Lancaster	24	28
South	*Skelmersdale	9	0
	Preston	31	51
East	Greenbank	44	44
	^Burnley	20	0
<b>TOTAL:</b>			<b>172</b>

*^Burnley was closed for the year 2021-2022 for operational purposes. Lancaster closed a number of times during the year hence the lower number of visits.*

*\*Skelmersdale has been closed for major refurbishment of the Police Station and its Custody Suite.*

## 8. ISSUES ARISING FROM VISITS

Most of the issues raised by ICVs were dealt with promptly at the time of the visit. By their nature, they tend to be less serious issues relating to custody accommodation. Any issues of a more significant nature and which relate to a detainee's rights or entitlements and treatment would have resulted in an ICV consulting the custody record (where permission is granted).

There have been concerns raised by ICVs that occasionally, the Constabulary are reluctant for ICVs to see detainees who may have been aggressive or disruptive with officers during arrest and/or with the custody staff during detention. In the experience of ICVs, detainees behave differently with ICVs and are often very polite and respectful. Ongoing liaison is being undertaken between the PCC's Office and Constabulary to find a balance between giving the detainee the offer of an opportunity to speak to ICVs as independent persons and ensuring the Constabulary manage the risk of harm.

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 Divisional Custody Management Inspector/SPOC. This is done immediately upon receipt of the form and the matter is also raised at the Quarterly Panel Meeting. Feedback on all comments is made by the Scheme Manager to the ICVs individually, and where the issue relates to other custody suites, as an email to all.

In the past, issues of a significant nature and/or where comments raised by ICVs have remained unresolved over a period, have been escalated by the PCC's office and have resulted in action by the Constabulary. These instances have become less frequent because of an increased level of understanding of the ICV role by the Constabulary and challenges to the relevant facilities department in relation to maintenance issues.

Issues highlighted by ICVs over the past year included:

- Raising staffing issues within custody suites
- Suggesting the provision of disposable prayer mats to ensure there was no COVID-19 cross-infection
- Dietary requirements
- Lack of camera cells within a custody suite
- Adequate provision of blankets
- Disproportion sizes of safety suites available

## **9. PRIORITIES FOR 2022/2023**

There are four main priorities for the 2022/2023 year:

1. To recruit new ICVs to ensure that each Panel has enough volunteers to provide resilience within the Division. Within that recruitment the PCC 's Office will be looking to increase the number of volunteers and ensure our Scheme is more representative the community of Lancashire.
2. Review of the Scheme's existing report form to ensure it records all relevant and appropriate information from ICV visits.
3. Finalise the review of the Scheme documents and roll out the new Handbook to all ICVs, including, the new Memorandum of Understanding, Report Form and Expenses Policy.
4. Ensure all new ICVs have received appropriate training to enable them to confidently undertake visits.
5. Sneed training on electronic completion of hours - should be daring and out electronic transmission of mileage too !