

West Mercia Independent Custody Visiting Scheme Report

2019

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Foreword

My Independent Custody Visitor (ICV) Scheme sees trained volunteers make unannounced visits to all West Mercia's custody suites to check on the welfare and treatment of detainees. They fulfil a crucial role in providing reassurance to communities about how police are handling people under detention. I have accompanied ICVs on their visits on numerous occasions and my Deputy attends ICV Panel meetings in order to understand and support their roles and experiences.

I have been committed to the ongoing development of the scheme, ensuring it has both the resources and resilience to be as effective as possible. This has seen the introduction of an electronic recording system to enable ICVs to submit their visit reports as quickly as possible and promotion of the scheme with students at Worcester University resulting in a number of new younger volunteers. In 2019, the scheme was successful in attaining compliance with the new National Independent Custody Visitors Association Quality Assurance Framework.

I have always supported those who actively want to make a difference in their communities, and are committed to making improvements and identifying solutions where possible. We have over 50 ICVs willingly giving up their time, of which the age range spans from 18 to 88. I am truly grateful to all of our volunteers for their invaluable contributions, particularly those with many years of experience and service. particularly those with many years of experience and service. West Mercia Police and Crime Commissioner.



John Campion
West Mercia Police and Crime Commissioner

A handwritten signature in black ink that reads "John Campion". The signature is stylized with a long horizontal line extending from the end.

Introduction

This report emphasises the crucial work that West Mercia Independent Custody Visitors (ICVs) carry out in helping to ensure that custody suites across the force area are a safe and dignified environment for detainees.

ICVs are appointed and overseen by the Office of Police and Crime Commissioner and are totally independent of the police force. They carry out an important and highly valued role that helps strengthen police accountability.

ICVs are volunteers drawn from all walks of life, and they provide an independent check on the welfare of people who are detained in police custody. They do this by making unannounced visits in pairs to police custody facilities throughout the force area, and reporting their findings. ICVs play an important part in the PCC holding the force to account.

As public servants the police should uphold principles of accountability and openness which are relevant to custody visiting. The police should also maintain a relationship with the public that reflects that the police are the public, and that the public are the police. Custody suites should therefore be an area where members of the public can visit to check that all is as it should be.

Custody visiting was set up in response to the Scarman Report of 1981 which followed civil disorders. The scheme gave members of the public from the local area the ability to inspect custody facilities and to make sure detainees are treated properly and in accordance with the law.

There are 5 Custody suites in the West Mercia force area, Worcester, Hereford, Kidderminster, Telford and Shrewsbury. The West Mercia Independent Custody Visiting Scheme has four ICV panels across the force area. South Worcestershire panel visits the Worcester suite; Herefordshire panel visits the Hereford suite; North Worcestershire panel visits the Kidderminster; Shropshire panel visits the Shrewsbury and Telford suites.

An overview of custody data

All suites are active, there are no facilities used for operations or overflow. The following tables show the number and demographic of detainees going through custody this year, and is further broken down to show ethnicity and gender of detainees, and arrests made under the Mental Health Act.

In 2012 the revised Police and Criminal Evidence Act Code G was implemented. It demanded a more detailed consideration by arresting officers of the necessity to arrest than had previously been the case. It increased emphasis on the use of alternatives to arrest, such as the use of street bail and, specifically from an interview perspective, the use of voluntary interviews under caution.

The implications of arrest on an individual even if no prosecution follows can be significant, including loss of reputation and reduced employment opportunities as a result of the arrest record appearing on enhanced DBS checks. The revision of PACE Code G was driven by a desire to prevent unnecessary arrests.

In West Mercia total arrests over 7 years have shown a steady decrease, down from around 25,000 in 2012 to just over 16,000 in 2019.

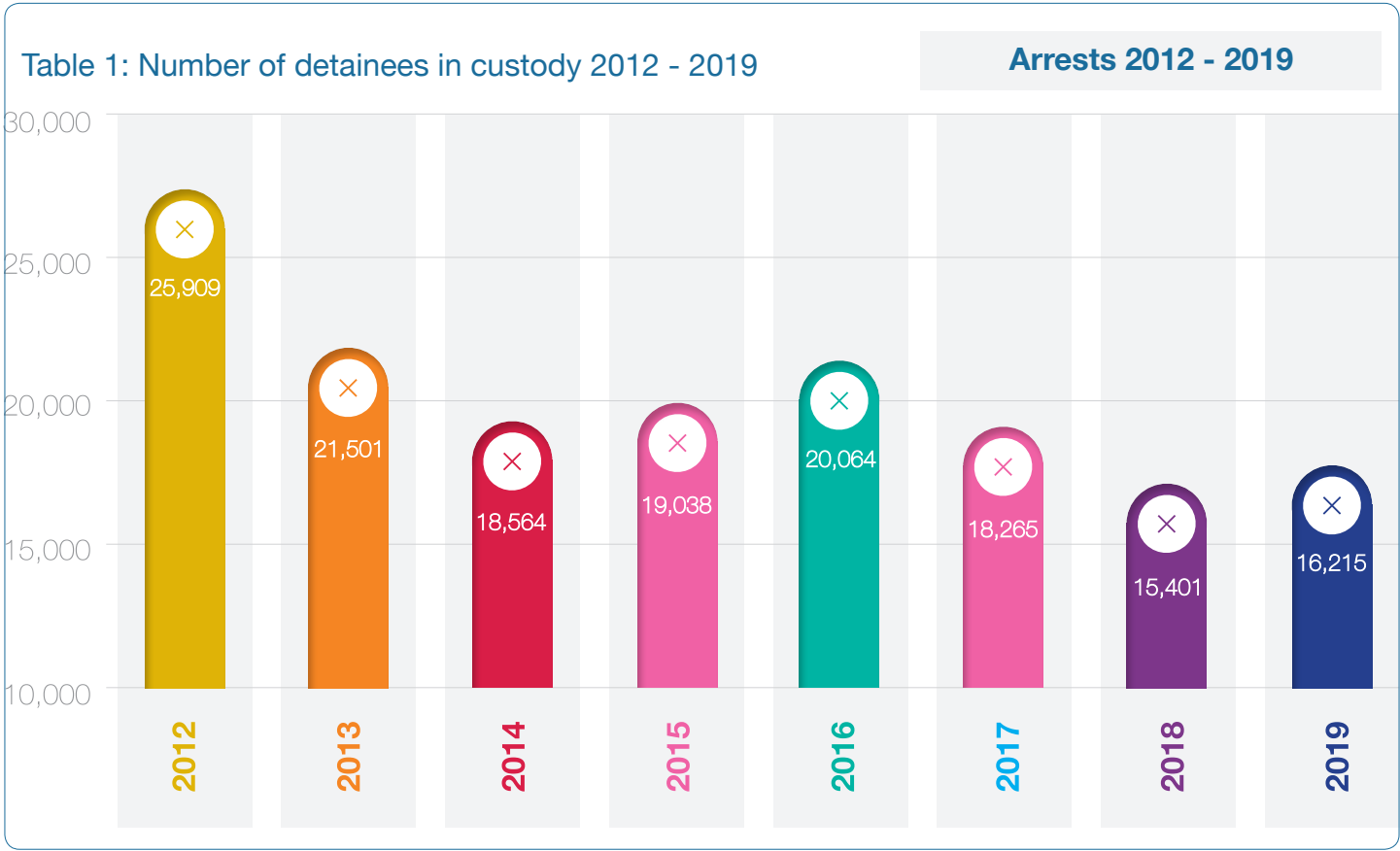
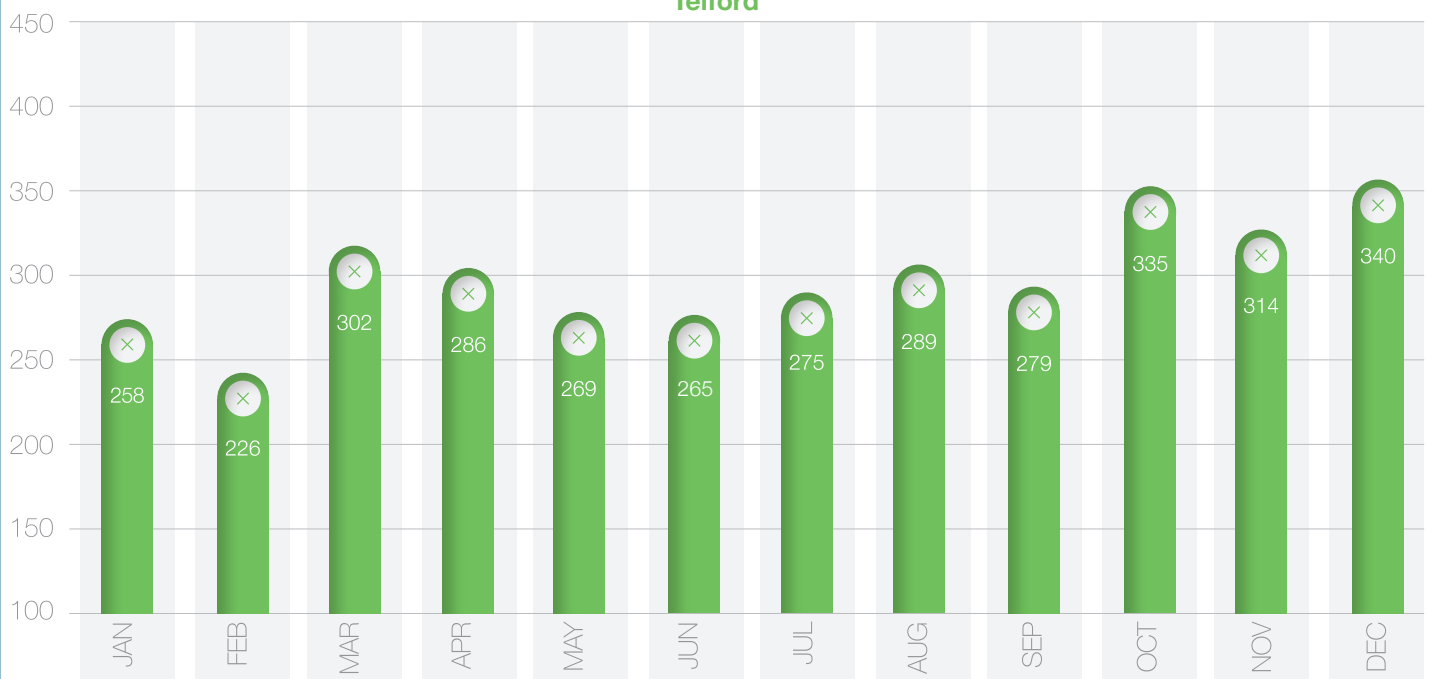


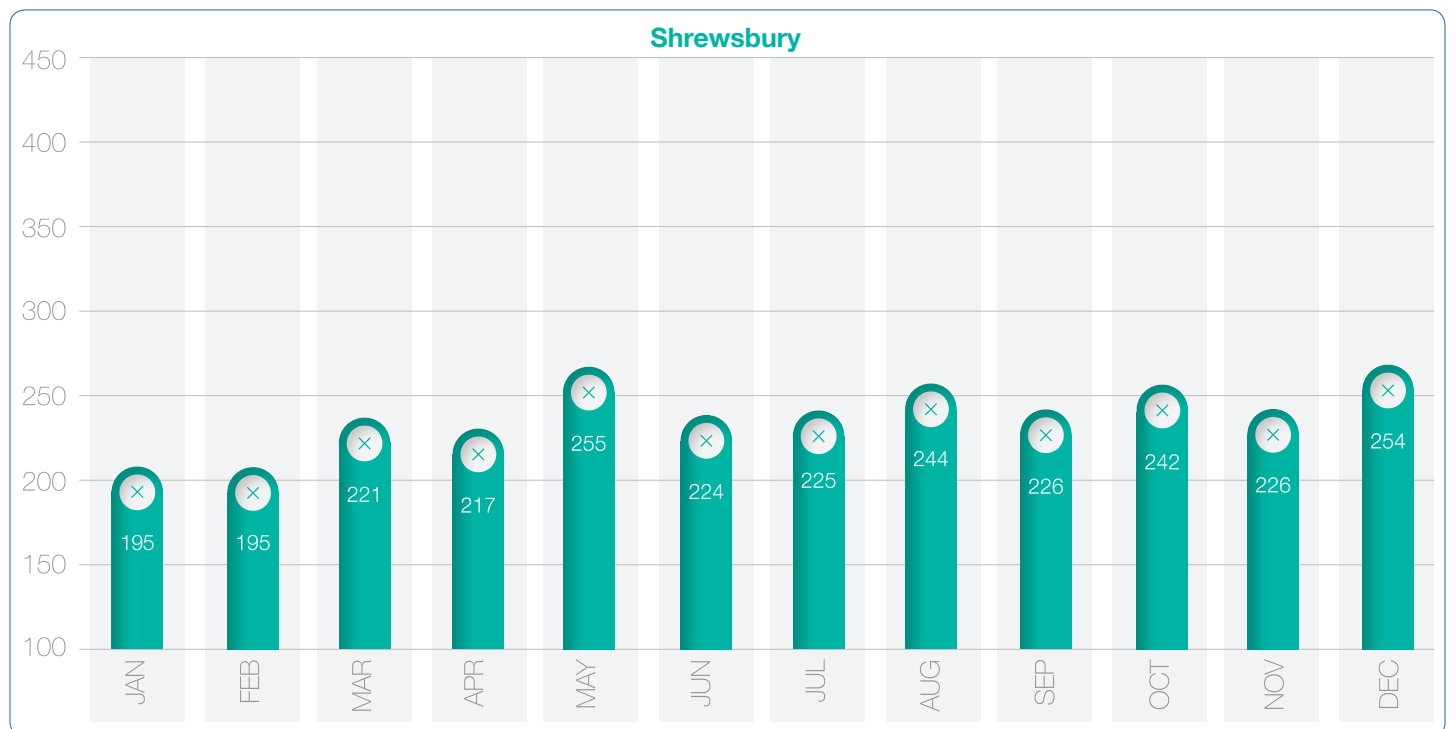
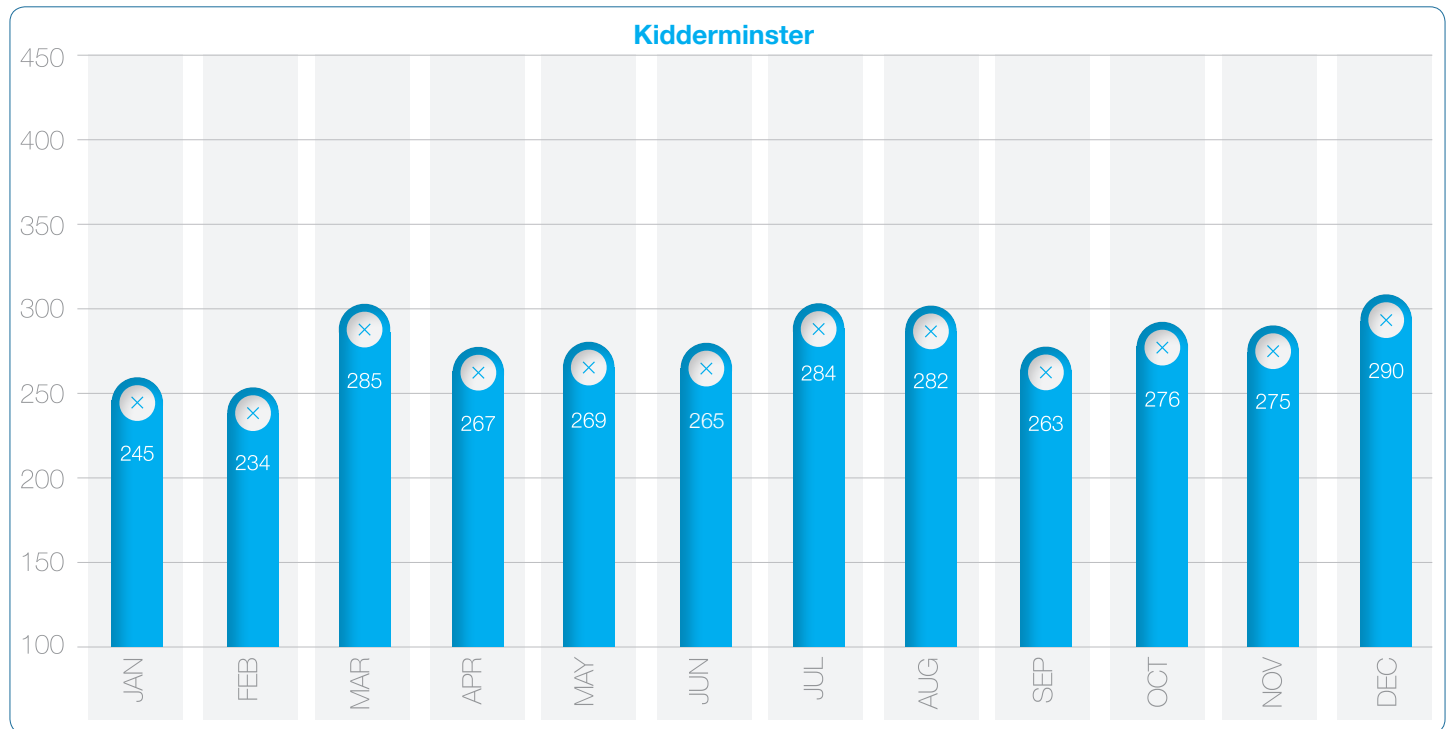
Table 2: Arrests by custody suite 2019

Worcester



Telford





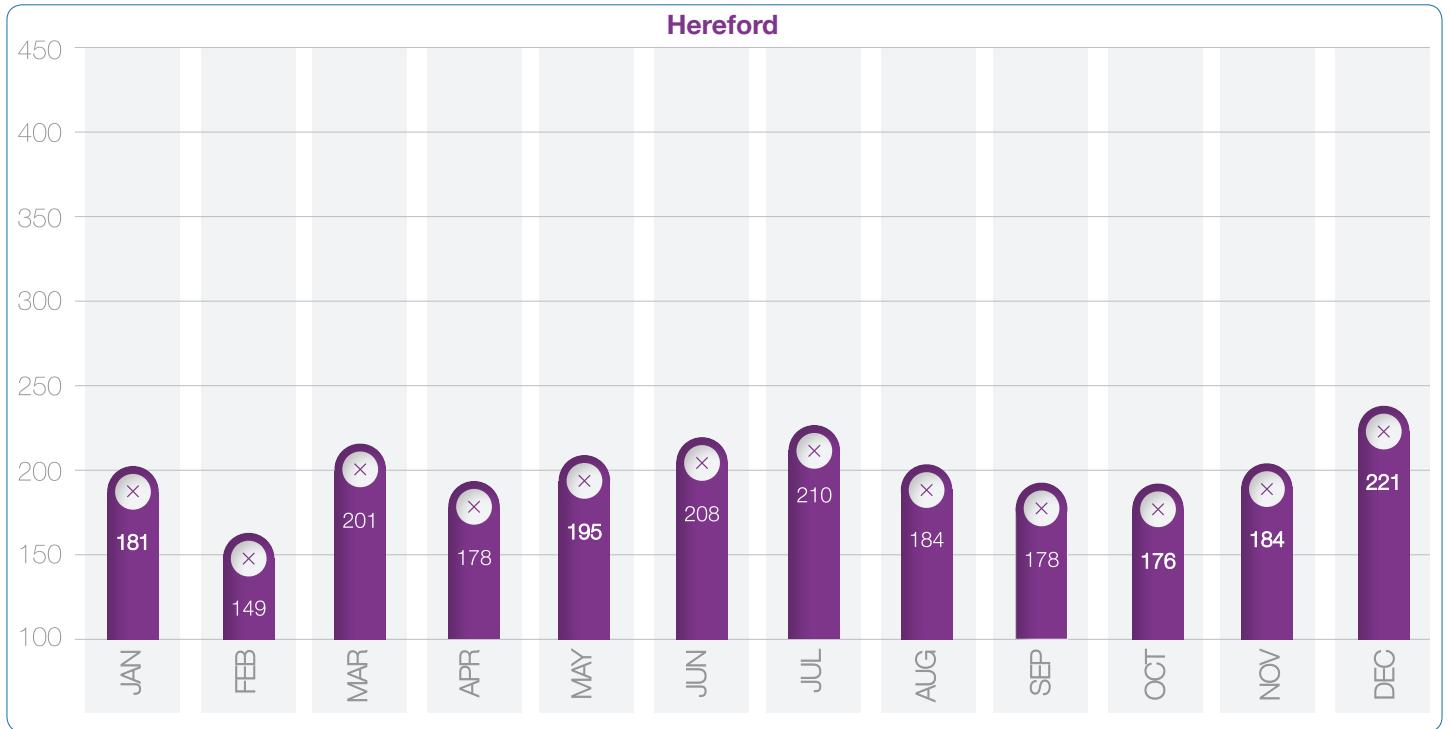


Table 3: Total arrests by month 2019

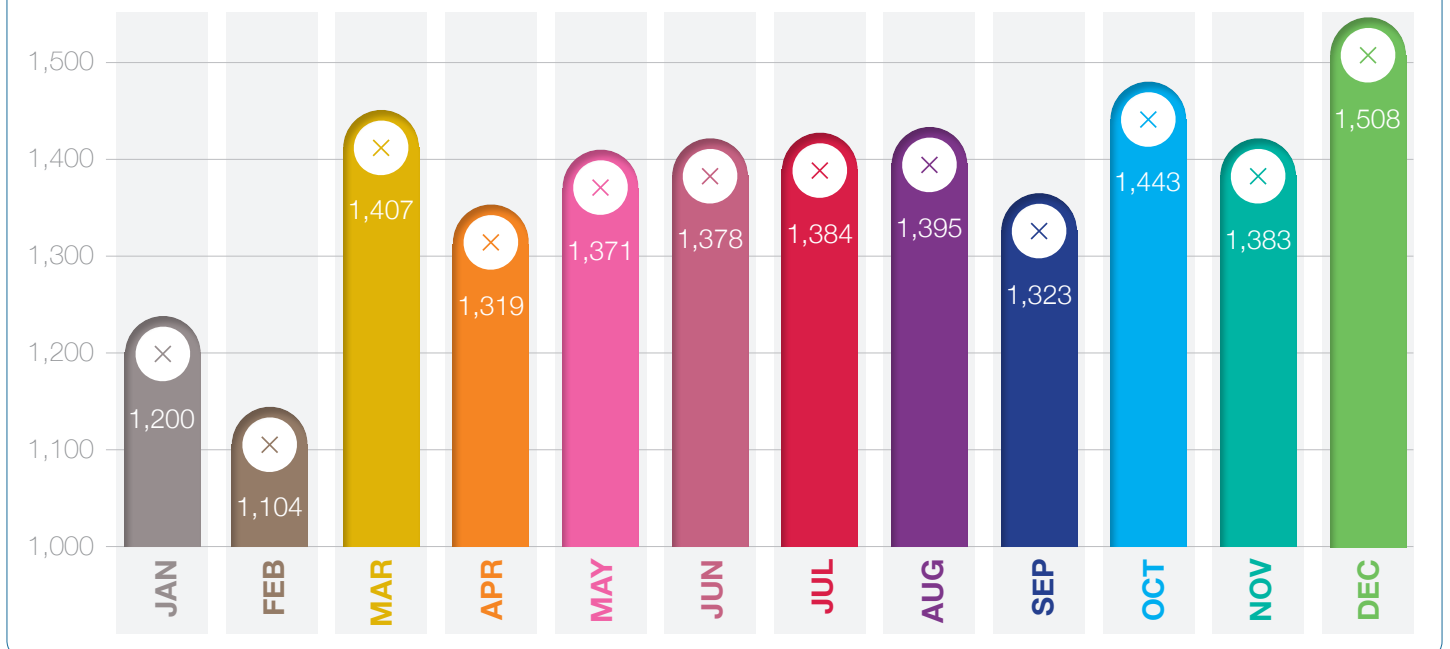


Table 4: Arrests by ethnicity 2019

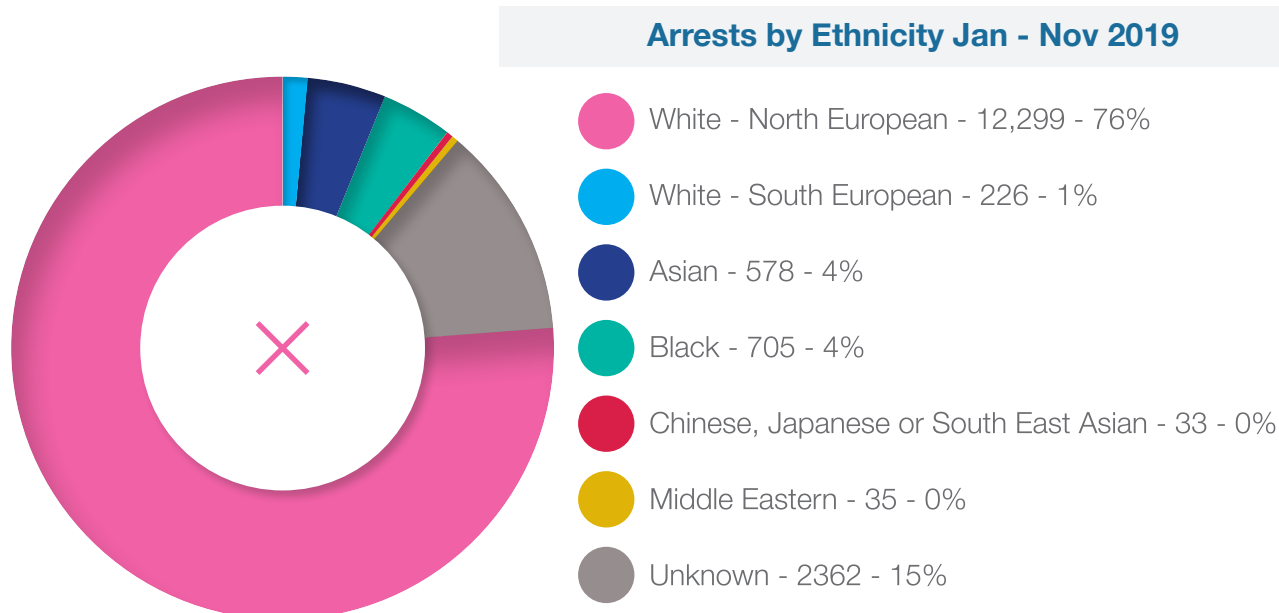
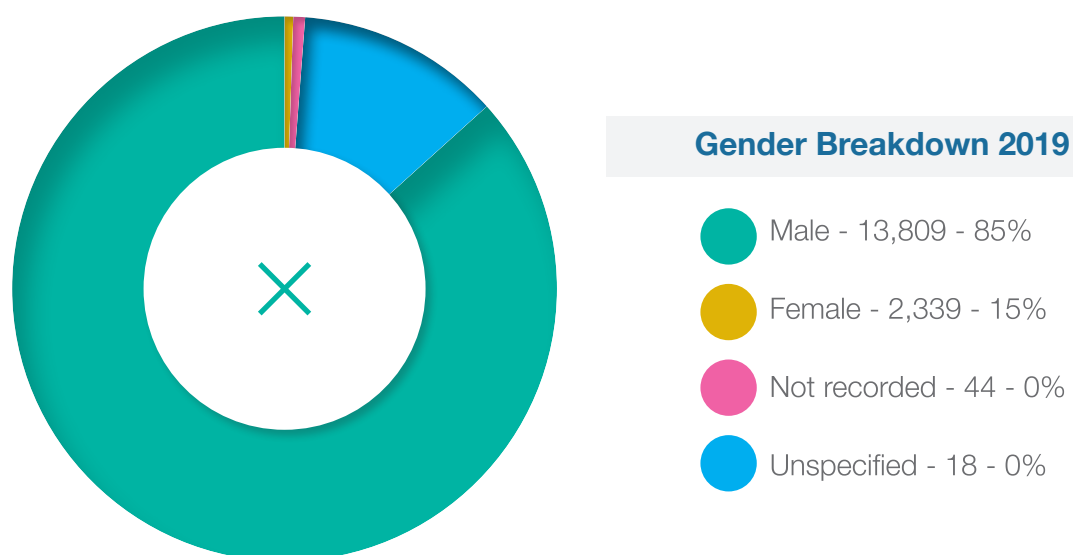


Table 5: Arrests by gender 2019



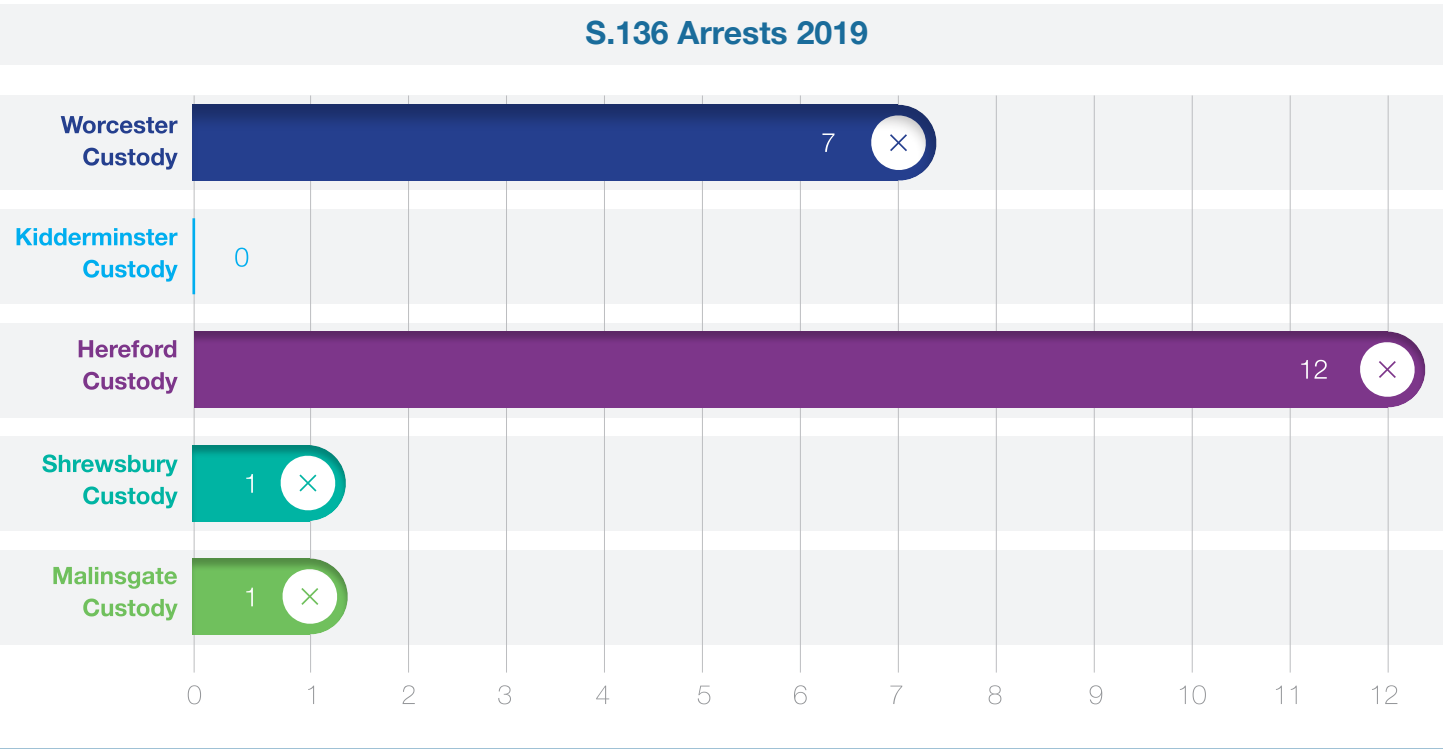
Vulnerable people in custody

Mental Health

Police cells are not suitable places to detain people thought to have mental health problems. Anyone under 18 years should not be detained in a police station as a place of safety, in any circumstances. Adults should only be detained in exceptional circumstances. This table does not relate to

officers making such arrests under s136 Mental Health Act on the street, but where a detainee has been arrested for a criminal offence and it then became apparent that they may be mentally vulnerable or mentally disordered and require assessment or hospital admission while in police custody.

Table 6: Arrests under S.136 Mental Health Act 2019



Children and Young Persons (under 18 years of age) in custody

The age of criminal responsibility in England and Wales is 10 years old. Officers must take into account the age of a child or young person when deciding whether any of the Code G statutory

grounds for arrest apply. They should pay particular regard to the timing of any necessary arrests of children and young people and should ensure that they are detained for no longer than needed. The police should avoid holding children overnight in police cells unless absolutely necessary.

Table 7: Children and young person arrests by custody suite 2019

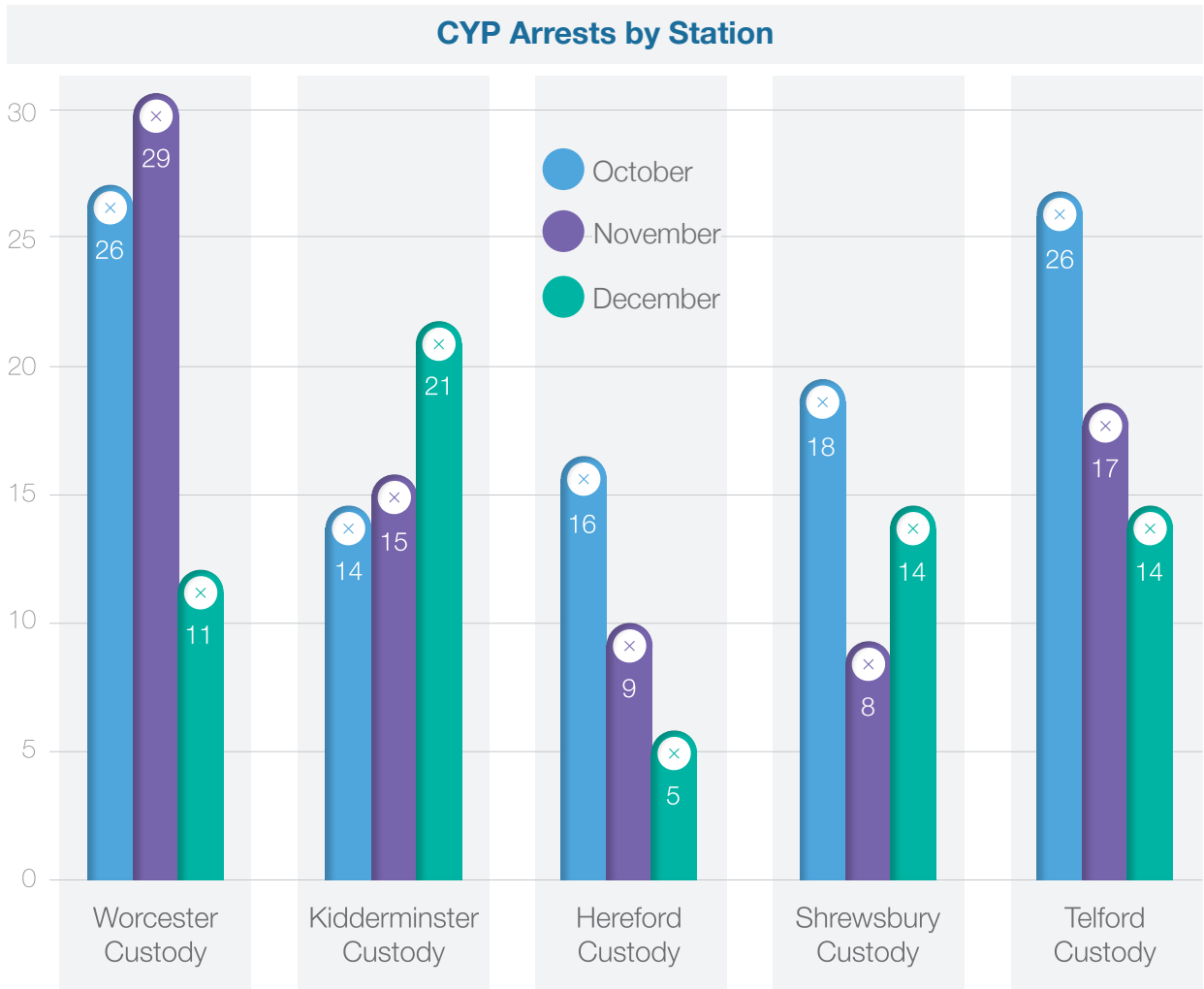
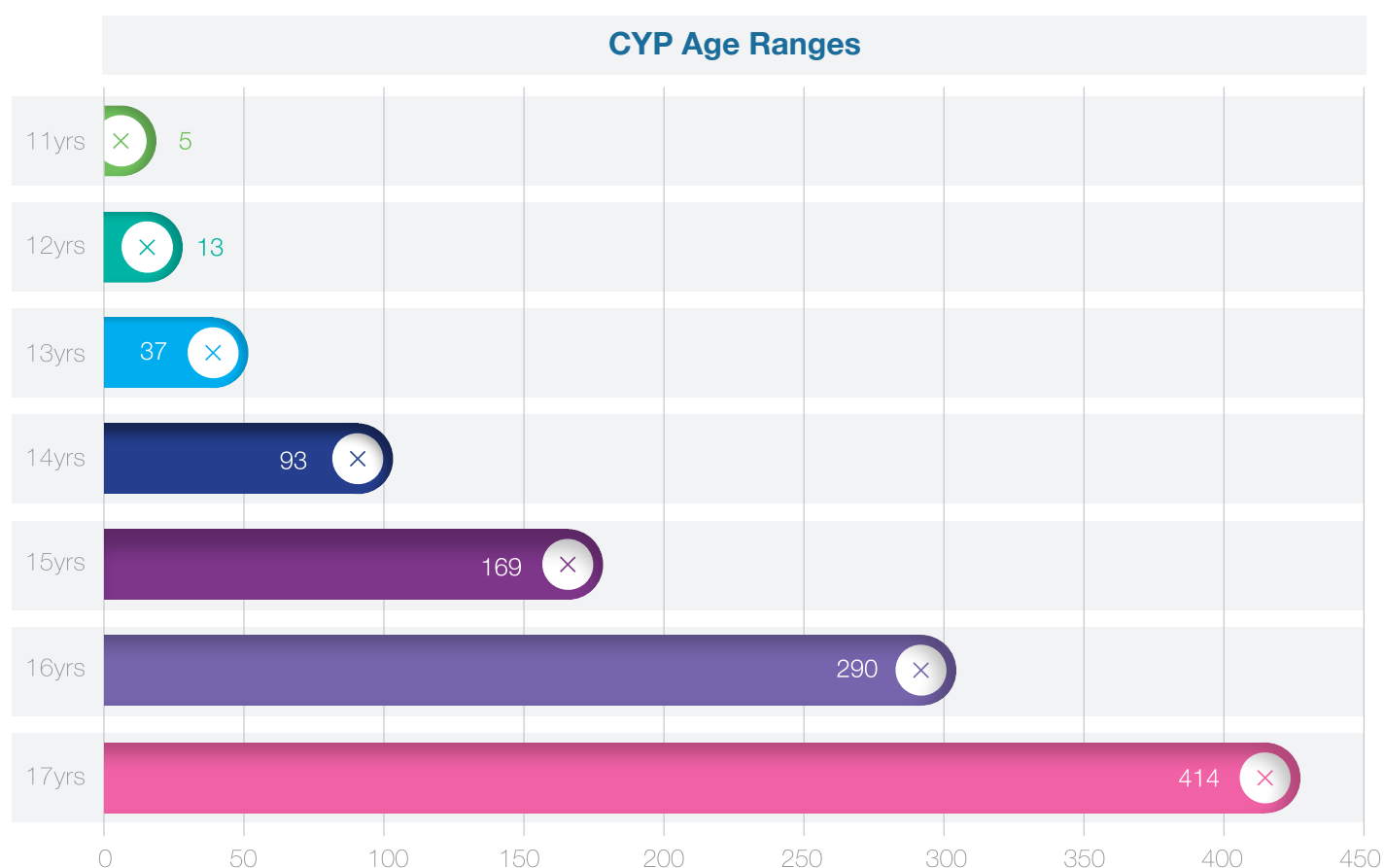


Table 8: Children and young person arrests age ranges 2019



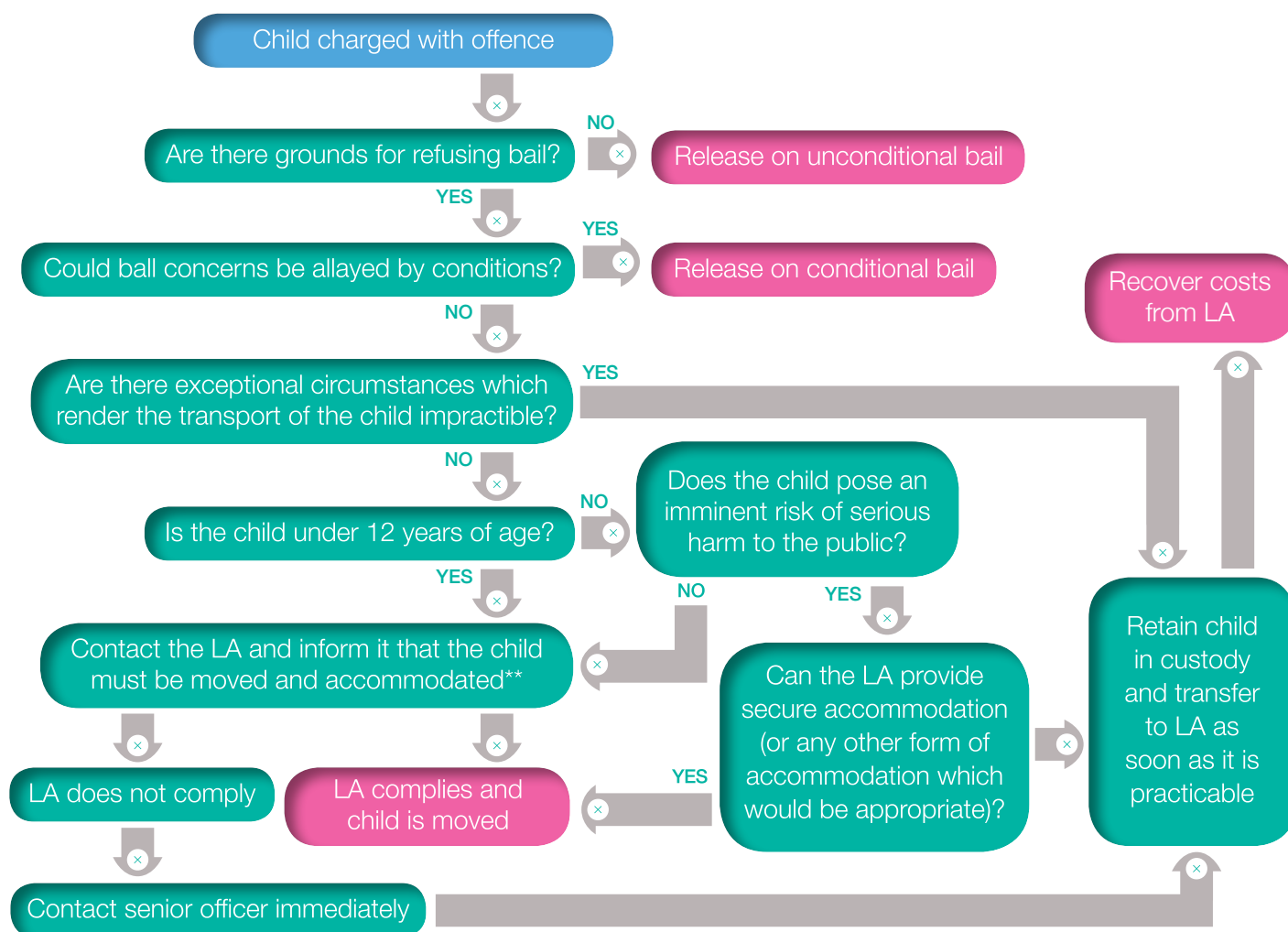
Protocols concerning children charged with an offence

Whenever possible, charged children will be released on bail. Children denied bail should be transferred to Local Authority accommodation whenever possible. Secure accommodation should be requested only when necessary, and Local Authorities should always accept requests for non-secure accommodation. ICVs from the West Mercia scheme prioritise vulnerable detainees

such as children, and are able to scrutinise and where necessary challenge police decisions to keep a child in a cell overnight. All children refused bail and kept in police cells overnight are reviewed by the Head of Custody and Local Policing Area Command Teams. There is also a national online flagging mechanism that allows any suspected failures on the part of the force or Local Authority to transfer a child to Local Authority accommodation to be brought to the force's attention.

Table 9: Process for children in custody charged with an offence

Police process for children in custody
under section 38(6) of the Police and Criminal Evidence Act 1984



* Circumstances which would render transfer impracticable do not include the availability of Local Authority accommodation, the nature of accommodation offered by the Local Authority, the child's behaviour, nature of offence, or the availability of transport.

**Custody officers should ensure that the Local Authority is provided with all relevant information about the child and the offence for which they are charged, including reasons for the denial of bail.

Table 10: Total CYP charged and remanded 2019

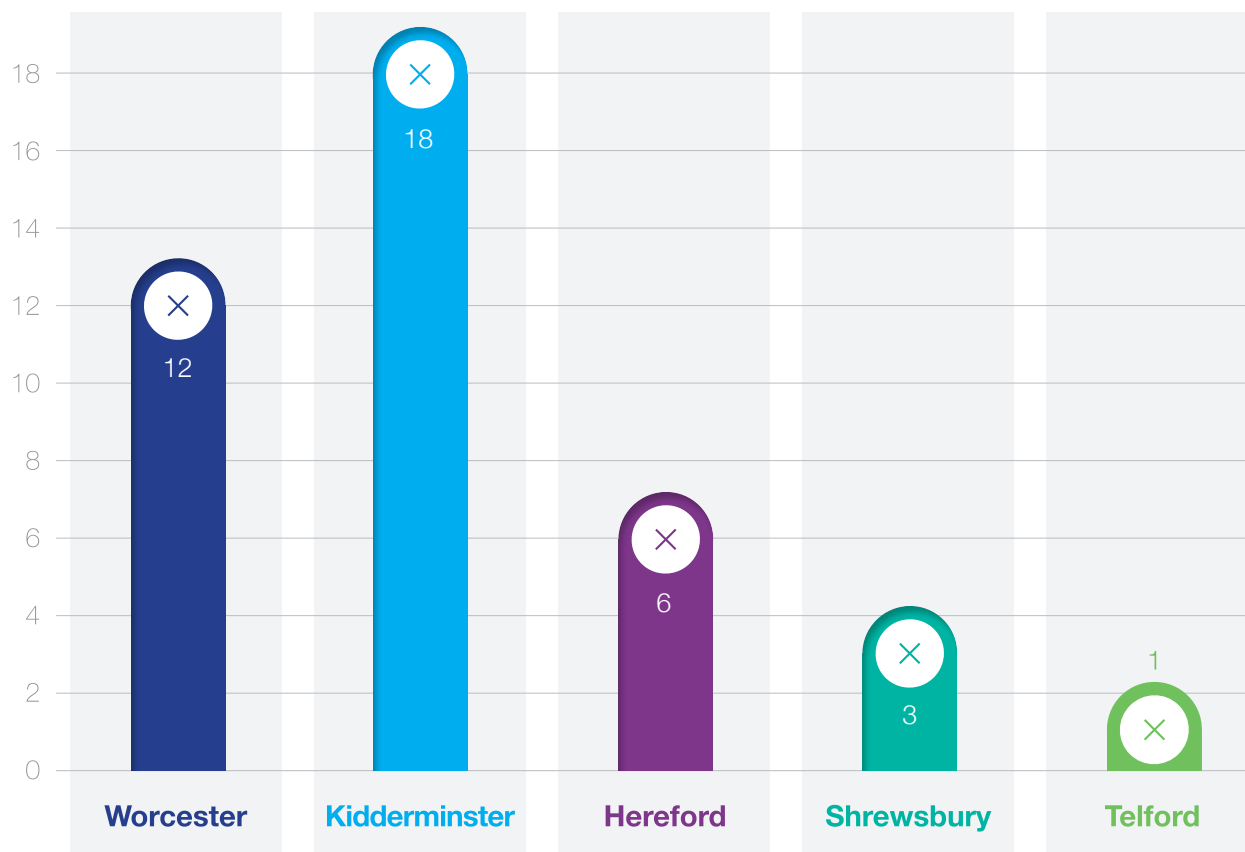
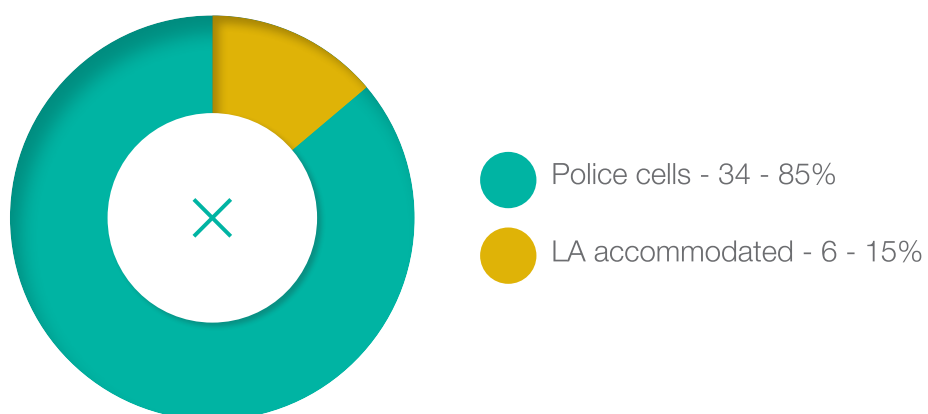


Table 10: CYP cells v Local Authority accommodation 2019



In 2017, under the new Policing and Crime Act, the Government introduced a new 28-day pre-charge bail limit. Before this under PACE, there was no limit on how long a suspect could be bailed for (apart from summary offences needing to be charged within six months of the commission of the offence).

The police can authorise three main bail periods:

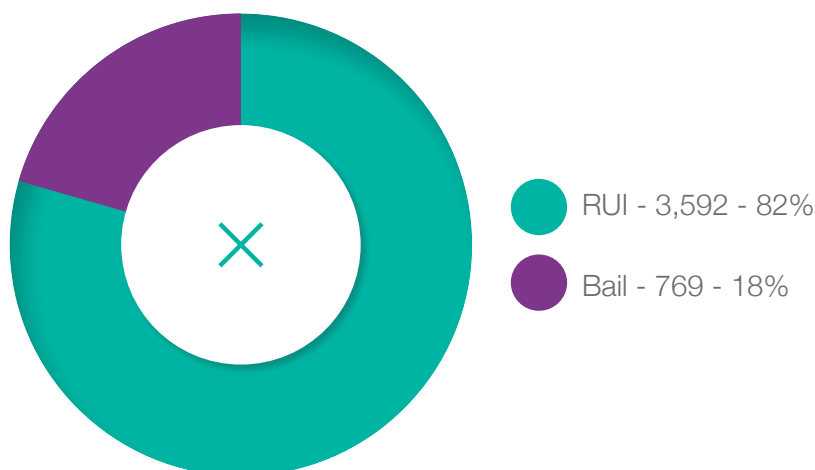
- ➡ Initial applicable bail period for 28 days authorised by an Inspector.
- ➡ Extension to the initial bail to three calendar months from the bail start date authorised by a Superintendent.
- ➡ Further extension to the bail period of three calendar months for cases designated as being exceptionally complex, authorised by an Assistant Chief Constable.

Normally, within 28 days, the police are expected to have concluded their enquiries and obtained a decision as to whether the suspect on bail should be charged.

Since this change in legislation, release under investigation (RUI) is used by the police instead of bail, but unlike bail it has no time limits or conditions. With RUI the police investigation will continue and like pre-charge bail, RUI must be capable of withstanding scrutiny, having due regard to proportionality and necessity.

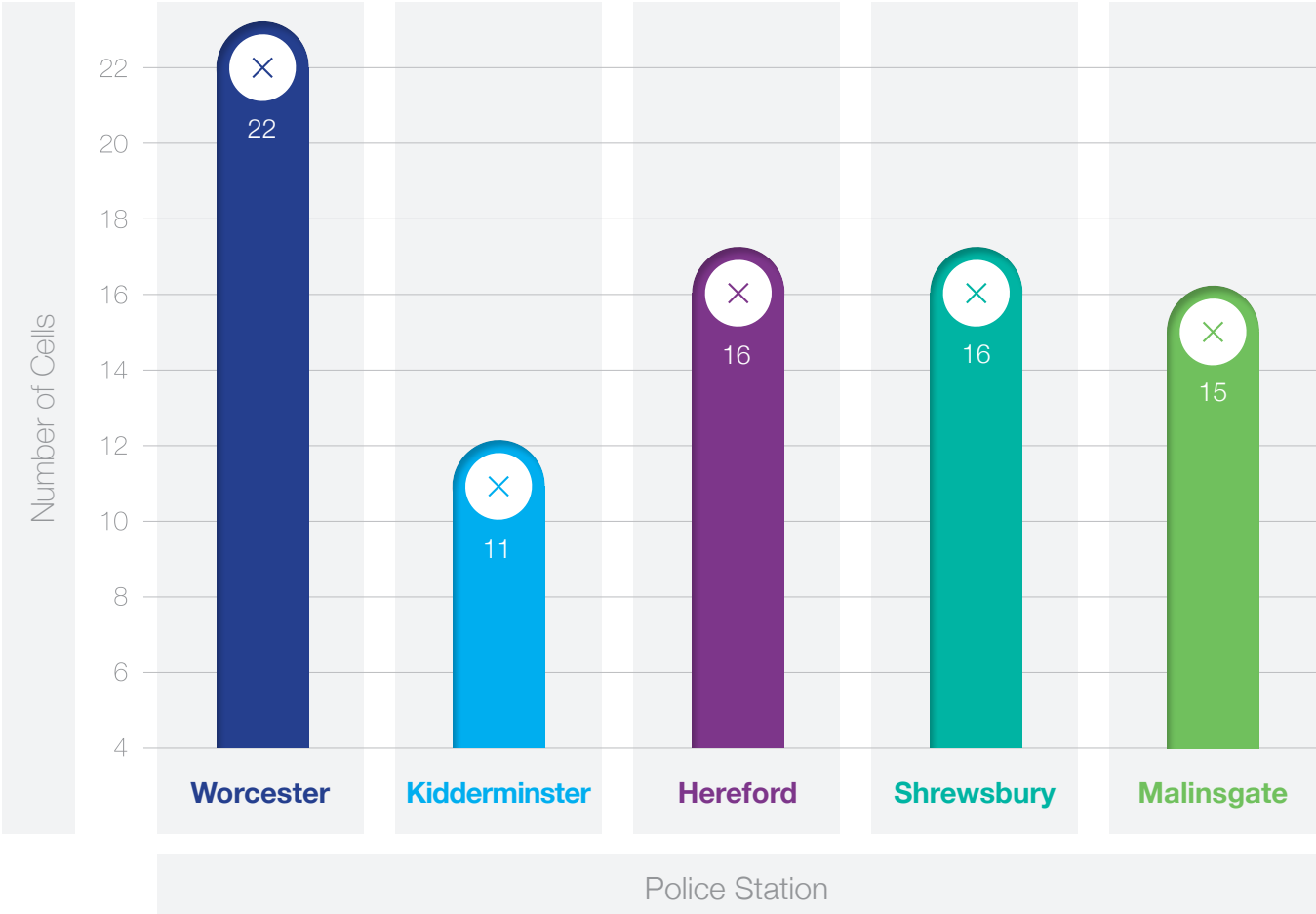
The following chart details the use of pre charge bail/RUI in West Mercia.

Table 12: Bail V RUI 2019



West Mercia's custody capacity

Table 13: Capacity of each custody suite 2019



There is a new custody unit planned for Hereford as part of a new police station, with a prospective opening date late in 2021. There are early discussions around a new custody unit for the Northern part of the force, which would provide

a custody unit between Telford and Shrewsbury, though there are currently no firm plans. There are no plans for any refurbishment at Kidderminster, interview and consultation rooms at Worcester are due for refurbishment in February 2020.

West Mercia ICV scheme and governance

Members work in pairs and make on average one visit to custody a month. ICVs report their findings, which are generally resolved by custody staff or Custody Inspectors. There are currently 54 ICVs in the West Mercia scheme, with ages between 18 and 88 years old. Three ICVs have over 25 years' experience of custody visiting. Each ICV panel has a co-ordinator and deputy co-ordinator. Part of their role is to produce a rota of visits, this ensures that each suite is visited on a weekly basis.

Generally ICVs report that they are well received at custody suites across the force area, with the majority of any issues raised by them being dealt with immediately by custody staff.

ICVs give feedback to the Custody Sergeant at the end of the visit. They record findings on a digital app, which notifies the Custody Inspector and Scheme Administrator as soon as a visit has been made, and of any associated problems.

If ICVs aren't able to resolve an issue at the time of visiting e.g. a defect in the estate, the matter will normally be actioned by the relevant Custody Inspector retrospectively, who will also provide feedback via the app. Reports can also be used by the Scheme Administrator to identify any themes or ongoing problems across the force area, and follow these up with the Head of Custody if necessary.

If ICVs are not happy with the response they get to an issue whilst they are still at the custody suite, there is an escalation policy in place, which enables them to refer the matter straight away to the Duty Inspector for resolution.

Police representatives attend ICV panel meetings

where ICVs are able to raise issues and seek feedback, ICV panel co-ordinators are invited to attend a Custody Review Group held by the head of Custody. This meeting provides additional opportunities for ICVs to hold the force to account and provide commentary and feedback in relation to the proportionate and safe use of custody.

If there are any issues that occur on a day to day basis that the Scheme Administrator thinks needs addressing, then these matters can be raised with either one of the Custody Inspectors or the Head of Custody, and a response can be given to ICVs on how the force has dealt with a particular issue.

The Scheme Administrator provides a link between panel co-ordinators, ICVs, custody staff and the PCC. Problems in custody are usually identified by the submission of a record of visit, but ICVs are also able to phone or e-mail the Scheme Administrators with any issues that they might have.

The first point of contact in the police for unresolved issues during a visit is normally the relevant Custody Inspector for that suite. Routine matters are usually expedited by that Inspector. More serious issues or themes, or those not satisfactorily resolved will be referred by the Scheme Administrator to the Head of Custody.

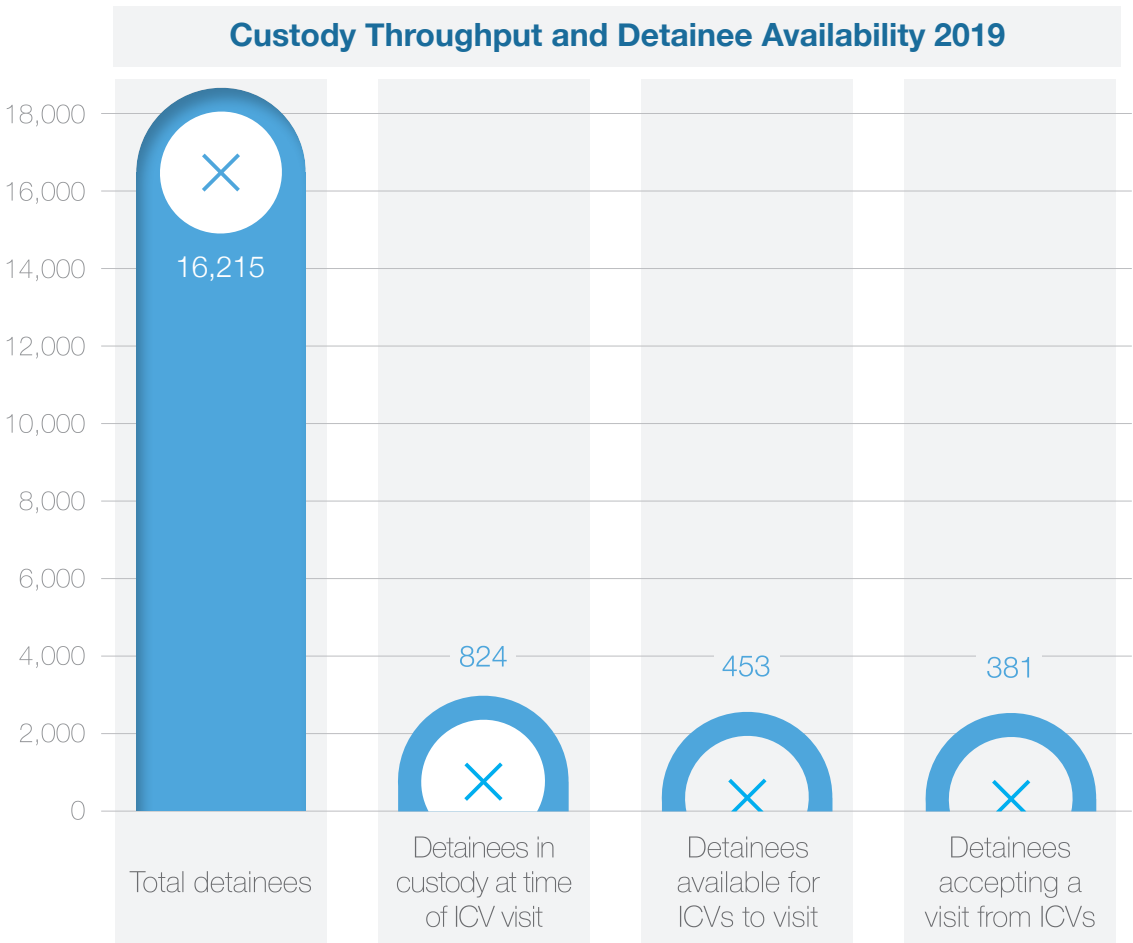
The Code of Practice on Independent Custody Visiting requires regular opportunities for the PCC to raise any issues and concerns with a designated senior officer with force wide responsibility – normally ACC rank or above. The PCC holds a number of formal holding to account meetings with the Chief Constable during each year. These meetings allow for closer scrutiny of a specific

policing theme and enables the PCC to discuss strategic custody issues. In the event of a problem being very difficult to resolve, the advice of the Independent Custody Visiting Association (ICVA) can be sought. They have a national perspective and may be aware of other schemes encountering a similar situation or be able to refer to other national bodies who may be able to help.

Custody Visiting Data

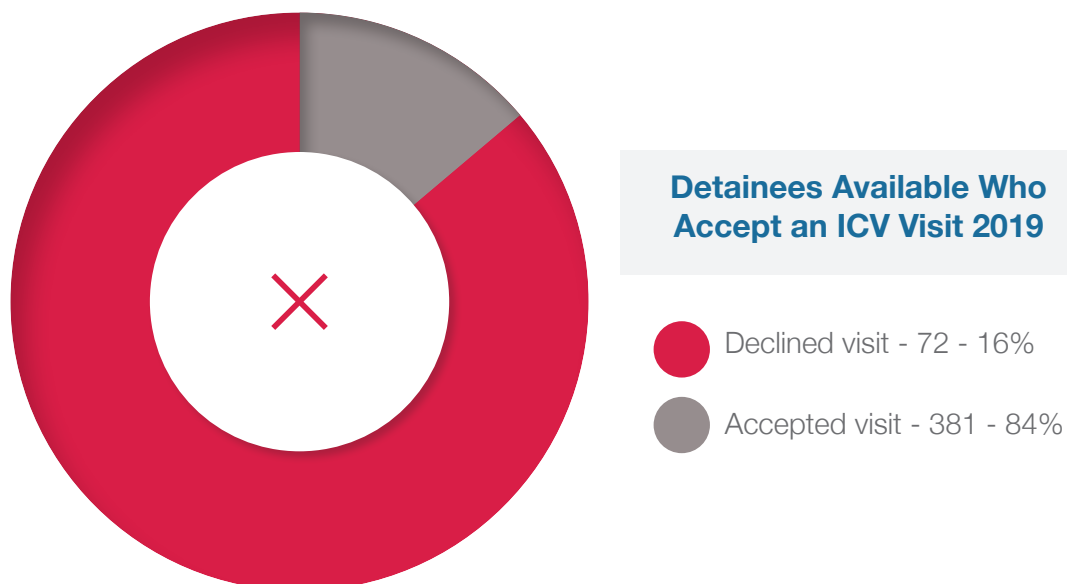
There are a variety of reasons that a detainee might be unavailable to see ICVs e.g. in an interview with the police, consulting with a solicitor, being examined by a healthcare professional or sleeping. Some detainees may simply not wish to speak to ICVs despite being available to see them.

Table 14: Total custody throughput v detainees in custody at time of ICV visit 2019



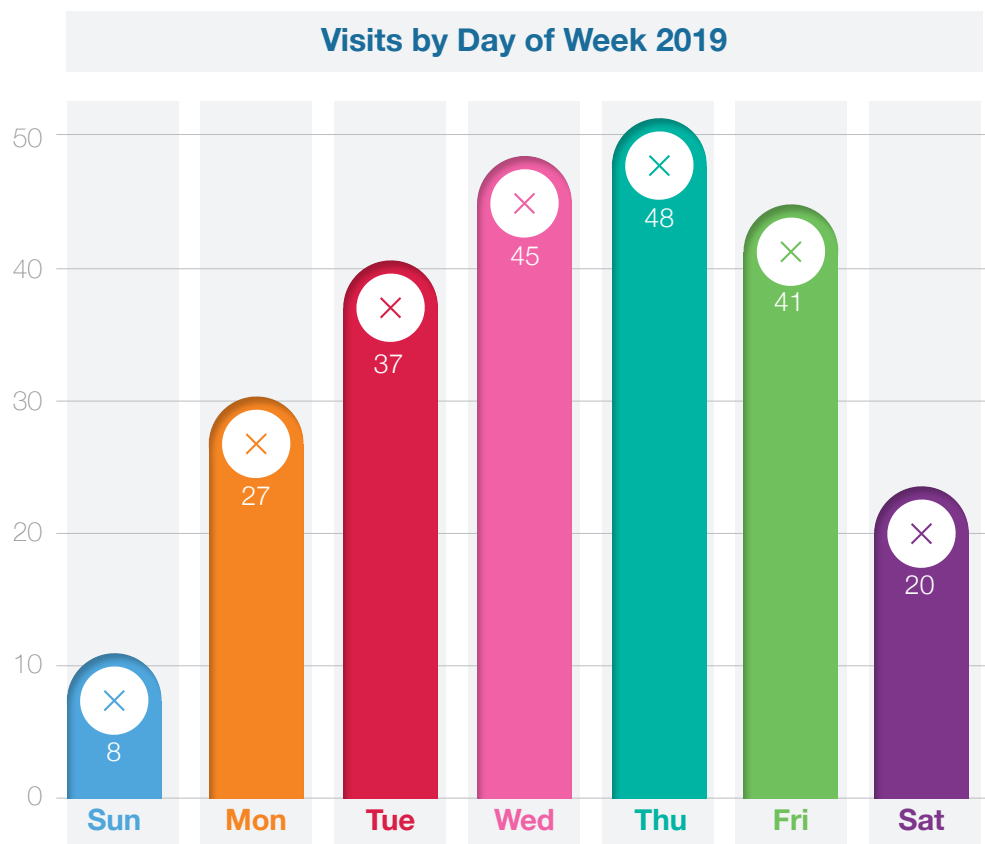
The West Mercia ICV Scheme has averaged a success rate of 84% in speaking to detainees who are available to see them, with just 16% declining a visit.

Table 15: Portion of available detainees accepting ICV visit 2019



ICVs made a total of 226 visits to custody suites across the force area during 2019 with a spread across the week as follows.

Table 16: Number of ICV visits by day of week 2019



Scheme Findings

ICVs focus on dignity in custody, in line with ICVA's national theme. They try to prioritise those detainees who are vulnerable e.g. under 18 yrs. of age or those who have mental health issues. They are asked to feedback on issues such as the use of anti-rip suits and nakedness or semi-nakedness in custody.

There have been several changes to the law in 2019 that have come about as a result of ICV feedback to ICVA nationally. As a result detainees now have access to someone of their own gender to discuss hygiene needs, women must be offered menstrual products, detainees must be advised that they can use the toilet without CCTV filming and dignity has been included in the PACE Codes of Practice. ICVs have received training in these revisions.

ICVs check that rights and entitlements have been given, that PACE and the Codes of Practice are being complied with, the length of time detainees have been in custody, and any apparent delays in accessing legal advice, appropriate adults or intimation of arrest. They check stocks of food and clothing, medical rooms, the function of CCTV, the availability of personal hygiene products and the storage of religious items.

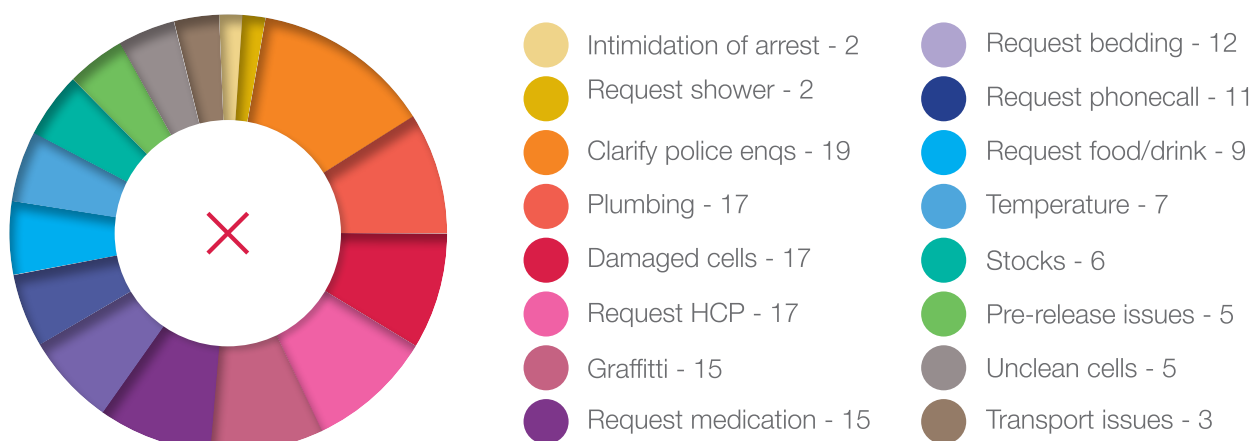
The Scheme Administrator reports quarterly to ICVA about the number of visits made to each custody suite, the numbers of detainees in custody, the proportion of detainees available for a visit and the percentage of those detainees that then accept a visit. Also included in the reports are any causes for concern or examples of good practice.

In 2019 ICVs have reported that they are usually well received by custody staff when conducting visits, and there have only been two reported occasions in the year when there was a delay in them being granted immediate access to a custody suite. A satisfactory explanation was provided for these occasions. There have been no high impact findings during any visits that have taken place. General issues reported during visits have included

- ➡ 19 occasions where detainees have asked for clarification on police enquiries
- ➡ 17 occasions of problems with plumbing e.g. blocked drains and leaks
- ➡ 17 occasions of reports of damage to cells
- ➡ 17 occasions where detainees have requested to see a healthcare professional
- ➡ 15 occasions of graffiti reported
- ➡ 15 occasions where detainees made requests for medication
- ➡ 12 requests for bedding from detainees
- ➡ 11 requests for phone calls from detainees
- ➡ 9 requests for food and drink from detainees
- ➡ 7 occasions where the temperature has been unsuitable
- ➡ 6 occasions where there has been an issue with stock of bedding or food
- ➡ 5 pre-release issues with detainees identified
- ➡ 5 occasions of unclean cells
- ➡ 3 occasions of detainee transport issues
- ➡ 2 requests by detainees for an intimation of arrest
- ➡ 2 requests for a shower by detainees

Table 18: General issues reported to ICVs 2019

General Issues Reported 2019



ICVs noted a lack of provision for them to access a telephone interpreter to enable them to speak to a large number of non-English speaking immigration detainees at the Worcester suite. The force has responded to this by looking at the whole of the custody estate, and the provision of cordless phones for ICV use via a planned upgrade of telephony across the whole of the custody estate will take place.

ICVs have recorded examples of detainees being held in custody for the whole weekend, having been arrested for being recalled to prison by the Home Office. This has led in some cases to a deterioration in the detainees' behaviour, in turn impacting on the police managing that custody facility. This matter is beyond the control of the police and transport contractors, as new prison inmates are not received by prisons over the weekend.

The condition and design of the showers at Kidderminster suite has been reported by ICVs as being inadequate, particularly in relation to any detainee with mobility issues. The force is currently looking at this issue.

There have been two occasions where ICVs have challenged the necessity for the police to have held a young person in custody overnight pre charge. On both occasions the relevant Custody Inspector investigated and the decisions were shown to be necessary and proportionate.

ICVs from the Shropshire panel raised concerns about the condition of several cells at Shrewsbury police station. The walls of some cells are cracking, and the repairs that have been made appear inadequate i.e. the filler used can be picked out and ingested/used to self-harm. This has been raised with the force and will be actioned by force's building contractors.

ICVs regularly praise the professionalism of custody staff throughout the force area. The Head of Custody and Custody Inspectors are very responsive to any issues that are raised by ICVs, and are open and transparent.

Other areas of note

The PCC John Campion has a keen interest in custody visiting and has accompanied ICV visits to different custody suites across the force area. The Deputy PCC Tracey Onslow attends ICV panel meetings across the force.



The PCC shadowing a visit by ICVs to Kidderminster custody suite

The ICV scheme has attained code compliant status within ICVA's Quality Assurance Framework. This is an assessment that ensures custody visiting schemes achieve consistency around recruitment and training, managing volunteers, communications, holding the force to account, transparency and public reassurance, detainee welfare and support of scheme managers.

BBC Radio Hereford and Worcester accompanied a visit by ICVs to Worcester custody suite. They interviewed the ICVs and custody staff and produced an interesting and informative piece about custody visiting which was broadcast as part of the station's breakfast show.

This year the scheme has completed a switchover to the digital recording of visits. ICVs use a bespoke app and tablets within custody suites to allow a more expedient method of recording visits and findings.

At the start of the year, the scheme was approximately 25% under strength. A successful recruitment campaign has resulted in 15 new ICVs joining the scheme, which is now back to full strength. As successful collaboration between the PCC's office and the University of Worcester has led to several undergraduate students taking up ICV roles on the South Worcestershire panel.

The scheme handbook for ICVs has been completely re-written and re-issued for all existing and newly recruited ICVs.

Up to date custody throughput data has been published on the PCC's website, including total detainee numbers by custody suite, ethnicity, gender, strip searches and use of force in custody, and details of those arrested under the Mental Health Act.

In addition to embedded Health Care Professionals within custody suites, 2019 has seen the introduction of Liaison and Diversion staff across the force area. The Liaison and Diversion programme is led by NHS England. It aims to provide improved access to healthcare and support services for vulnerable individuals through effective liaison with appropriate services, and the diversion of individuals into health or other supportive services. Feedback from ICVs about the scheme have been very positive.

Future Plans

Actions for the scheme over the next year will include

- Establishing a bank of reserve ICV applications
- Implementing any necessary improvements to work towards achieving a silver ICVA Quality Assurance Framework rating
- Increasing the scheme's social media profile
Improving the content and availability of publicity material about the scheme within custody suites.

Further Information and Contact Details:

Scheme Administrator

Philip Compton
OPCC, West Mercia Police, Hindlip Hall,
Worcester, WR3 8SP

philip.compton@westmercia.pnn.police.uk

Other Resources

Further details about the West Mercia Independent Custody Scheme can be found on the PCC's website:

<https://www.westmercia-pcc.gov.uk/working-together/independent-custody-visitors/>

Details about the Independent Custody Visiting Association can be found at the following website:

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

Details about the National preventative Mechanism can be found at the following website:

<https://www.nationalpreventivemechanism.org.uk/>



To contact your Police and Crime Commissioner:

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