

Briefing Paper for the Police and Crime Panel in relation to the Independent Custody Visitor Scheme in Lancashire.

1. INTRODUCTION

The Office of the Police & Crime Commissioner for Lancashire, like all other PCC offices in England and Wales, 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 Lancashire Constabulary to ensure that detainees in custody are being treated fairly and in accordance with Code C, G and H of the 1984 Police and Criminal Evidence Act (PACE). The full version of the Act can be found at <http://police.homeoffice.gov.uk>. The Police Reform & Social Responsibility Act placed a statutory obligation on all PCCs in England and Wales to have in place an effective independent Custody Visiting Scheme.

The Commissioner, through his office, 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 VISITORS

During the year 2020-2021 the scheme had 34 Independent Custody Visitors. In the year 2020-2021 there were 14 male visitors and 20 female visitors, spanning a range of ages and backgrounds. Only 1 ICV is from diverse ethnic background and ideally the ratio should be increased.

Eight new Custody Visitors joined the Scheme during the year and five left the Scheme for a variety of reasons. We are looking to recruit at least another 8 new members across the County once the COVID-19 national restrictions allow. 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.

3. 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 at a minimum every week as this is considered an adequate number of visits.

ICVs complete a duplicate report form, the bottom 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. The top copy is sent to the Scheme Administrator at the OPCC who sends an electronic copy to the Panel Co-ordinator and to the CMI.

Issues of immediate concern are raised by the visiting pair with the Custody Sergeant. Unresolved issues or those requiring a response from the OPCC are brought to the attention of the Scheme

Administrator. 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.

The ICV Scheme Administrator attends Custody Practitioners Group and the Custody Management Policy Group 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)

4. ICV SCHEME OVERSIGHT

Through his office, the Police & Crime Commissioner has oversight of the operation of the Scheme and is actively involved in recruitment, meetings, training and thank-you events. Lancashire is a participating member of the national Independent Custody Visiting Association (ICVA) and Lancashire's Scheme Administrator is the North West & North Wales Region's representative on ICVA's National Expert Forum and attends quarterly meetings with Scheme Administrators from across the UK. Scheme Administrators from Cheshire, Cumbria, Greater Manchester, Lancashire, Merseyside and North Wales hold regular meetings to share good practice, examine benchmarking data and provide feedback to the Association.

5. OVERVIEW OF 2020/2021

COVID-19

In March 2020 the OPCC decided to suspend the Independent Custody Visitor Scheme due to COVID-19 to comply with Government guidance and local restrictions. To ensure that monitoring of detainee welfare remained in place, several measures were put in place including:

- Telephone monitoring process
- Agreement with Child Action North West to offer Detainees a call to the ICV Scheme Administrator as an Independent party.
- Weekly meetings with Custody Inspectors
- Online meetings for ICVs continued throughout.

Visits briefly resumed in September 2020 although the high levels of infections in the North West and guidance from Constabulary Custody Management (who had closed two Custody Suites due to increased risk of infection) the Scheme was re-suspended within a few weeks.

With the agreement of the Custody Management team and an appropriate risk assessment, physical visits were reinstated at the end of January 2021 (due to low number of infections in the County). All ICVs were asked to complete a COVID-19 Self-Assessment Form regarding returning to physical visits.

All decisions made in relation to the operation of the Scheme throughout the pandemic was one of having a duty of care to the volunteers and maintaining as much as possible the scrutiny function of the PCC.

Medical Provision

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

The medical contract is undergoing tender and is being managed by the Constabulary's Estates Department. – The medical contract is up for renewal in March 2022. In September of this year Lancashire Police will commence the tendering process via their procurement department. 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 approaches.

Near Misses

Lancashire Constabulary follows the Standard Operating Procedure for 'near misses' which is guidance where there has been a near miss and death or serious injury was a likely outcome. 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 PSD and/or IOPC.

Quarterly Panel Meetings

Lancashire's ICVs also attended quarterly Panel Meetings which for the first time were held via Skype, Teams etc. These meetings take place for each Custody Suite and a Custody Management Inspector always attends.

Training

Quarterly Training Sessions were postponed during the Scheme's suspension; however, online training has been prepared and face-to-face training is due to recommence in August 2021.

Sanitary Packs

The provision of sanitary packs for female detainees was raised on a national level and ICVs in Lancashire confirmed that they are rarely requested by detainees. ICVs have been asked to check regularly that there is sufficient provision of these sanitary packs within the Custody Suite during their visit. ICVs recognise that some detainees may find it difficult to request these items and ICVs have also been asked to make female detainees aware that they can ask for these personal items. The Constabulary have a dedicated female member of custody staff for each female detainee.

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. Along with the OPCC, other organisations currently participating in LVP are Lancashire County Council, Lancashire Fire & Rescue Service, Lancashire Constabulary (including Specials and Cadets), Blackpool Borough Council, Blackburn-with-Darwen Borough Council, Preston City Council, Neighbourhood Watch, Lancashire Adult Learning and East Lancashire Hospitals NHS Trust. From the 1st April 2020 to 31st March 2021, LVP recorded 86,641 hours of volunteering across these groups. The number of hours contributed by Independent Custody Visitors during 2020-2021 is 59 hours. The previous year the total was 762 hours which reflects how the pandemic affected the direct interaction with Detainees.

5. CONSTABULARY UPDATE

Lancashire Constabulary and Lancashire Independent Custody Visitors continue to share a very positive working relationship. 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 Custody Visitor 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 success of the scheme is due to the commitment of the Independent Custody Visitors 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.

7. VISIT STATISTICS

The Scheme was suspended during w/c 16th March 2020 due to the Government guidelines around the COVID-19 pandemic to ensure the Commissioner's volunteers were not put at risk. This is reflected in the lower than normal number of visits undertaken and therefore also the number of Detainee interviews.

86 visits to custody have taken place including **57** telephone monitoring visits. **76** interviews have been held with detainees in the period 1st April 2020 to 31st March 2021.

In the year 2020 -2021, the total throughput in Lancashire Custody Suites was 21,451 compared with 24,354 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.

24 detainees refused the offer of an interview.

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.

Custody records can be viewed by visitors 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', in order to make this a routine part of the visiting regime and improving the quality of visits.

Division	Station	Number of cells	Number of Telephone Visits	Number of Physical Visits to Custody
West	Blackpool	40	23	7
	^Lancaster	24	2	0
South	*Skelmersdale	14	0	0
	Preston	31	17	11
East	Greenbank	44	15	11
	^Burnley	27	0	0
TOTAL:			57	29

^Both Burnley and Lancaster Custody Suites were closed for part of the year 2020-2021 for operational purposes. Lancaster has since re-opened and it is anticipated Burnley will reopen before the end of December 2021.

**Skelmersdale has been closed for major refurbishment of the Police Station and its Custody Suite. It is expected to re-open in December 2021*

8. 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 Administrator to the Custody Management Inspector for that Division. 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 Administrator to the ICVs individually, and where the issue relates to other custody centres, 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 of time, have been escalated by the PCC's office and have resulted in action by the Force. These instances have become less frequent as a result of an increased level of understanding of the ICV role by the Force and challenges to the relevant Facilities Department in relation to maintenance issues.