



SCHEME FOR INDEPENDENT CUSTODY VISITING TO POLICE STATIONS IN LINCOLNSHIRE

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SECTION 1 BACKGROUND

1. Custody visiting to police stations owes its origin to Lord Scarman, whose report on the Brixton riots in 1981 recommended a system of independent, unannounced inspection of procedures and detention in police stations by local community members. The main reason was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office ministers approved a Lay Visiting system, which was non-statutory.
2. In 1983 the Home Office produced provisional guidance and pilot Lay Visiting schemes were set up in Lambeth and six provincial police authority areas: Cheshire, Greater Manchester, Humberside, Leicestershire, South Yorkshire and West Midlands. Lay Visitors in Lambeth and Cheshire were recruited from members of the public, but in the other five areas they were appointed from the elected members of the police authorities. These pilot schemes were reviewed during 1984 and more London groups, called 'Panels', were set up in 1985 in North Westminster and Hammersmith and Fulham, based on the Lambeth model.
3. Locally, the Lincolnshire Police Committee established a Lay Visiting Panel within the City of Lincoln in January 1988. By the beginning of 1989, further Panels were operating successfully within the towns of Boston, Grantham, Skegness, and Gainsborough.
4. A Home Office report published in June 1990 concluded that the most effectively operated Lay Visiting schemes recruited volunteers directly from the general public.

The report recommended, amongst other things:

- revising guidance to provide clearer advice about recruitment and clarifying grey areas such as Lay Visiting procedures and access to detainees
 - better communication between Lay Visiting schemes in London and the provinces
 - that there should be regular conferences
 - the creation of an independent national agency to promote good practice
5. In the wake of this report and after extensive consultation with the Metropolitan Police, the Association of Chief Police Officers (ACPO), local authority associations and Lay Visitors, the Home Office issued detailed revised guidance to London Lay Visitors in July 1991. Subsequently Home Office Circular 4/92 was issued to provincial police authorities in January 1992 advising Lay Visiting scheme revisions.
 6. The recommendation of a national agency resulted in the formation of the National Association for Lay Visiting, whose inaugural conference was held in May 1993.
 7. In 2001, a working party that consisted of all interested parties issued further detailed guidance on how to administer a Lay Visiting scheme and carry out a Lay Visit and recommended the change of name from Lay Visiting to Independent Custody Visiting. The new guidance also led to the removal of police authority members as Independent Custody Visitors to maintain the independence of the Independent Custody Visiting Scheme.
 8. As a result of extensive lobbying and the support of Home Office officials and ministers, the Police Reform Act 2002 paragraph 51 placed a statutory obligation on police authorities to have in place an effective Scheme. The Act was supported by Codes of Practice and National Standards developed jointly by the Home Office and ICVA.

9. Today, Independent Custody Visiting has a number of connected purposes. First, and most obviously, it offers an extra level of protection to detainees by providing independent scrutiny of their treatment and the conditions in which they are held. By giving approved members of the local community an opportunity to observe, comment and report on these matters, it can reassure the community, improve citizens' understanding of procedures at police stations and strengthen their confidence that these are being properly applied. From a police perspective, it is a clear demonstration of their commitment to transparency and openness in relation to this critical aspect of their duties. Furthermore, it can improve police management of their own performance by pointing out areas where problems have occurred and which may have implications for policy, training, communications or the daily work of officers responsible for custody at police stations.
10. Independent Custody Visiting is an extremely important aid for Lincolnshire Police Authority in fulfilling its responsibility of ensuring that policing in the County is carried out fairly, in accordance with statutory and other rules and with respect for the human rights of all those coming into contact with the police.
11. This handbook provides detailed guidance on the Custody Visiting arrangements within Lincolnshire.

SECTION 2 POLICE STATIONS COVERED BY THE SCHEME

1. In Lincolnshire, the majority of Independent Custody Visits (“visits”) are made to Police Stations designated under Section 35 of the Police and Criminal Evidence (PACE) Act 1984 as stations to be used for the detention of arrested persons. These are as follows:
 1. Lincoln Lane, Boston
 2. Stonebridge Road, Grantham
 3. Westlode Street, Spalding
 4. Park Avenue, Skegness
 5. West Parade, Lincoln

2. A smaller number of visits are also undertaken at designated police stations that have restricted opening hours. These are as follows:
 6. Morton Road, Gainsborough
 7. Boston Road, Sleaford
 8. Eastfield Road, Louth
 9. Mayflower Way, Mablethorpe

Notes:

- Spalding and Louth have been designated as police stations to be used for the detention of persons held under the Terrorism Act 2000 (TACT).
- Sleaford and Mablethorpe police stations each have a forensically cleansed and sealed cell for the detention of individuals arrested on suspicion of murder.

SECTION 3 VISITS

Frequency of Visits

1. Having regard to the need for visits to be sufficiently frequent to meet the objectives of the Independent Custody Visiting Scheme (“the Scheme”), the merit of broad uniformity in arrangements and also the effect which too frequent visiting may have on the operational efficiency of the police stations, visiting will be undertaken on the following basis:

Designated Police Stations with 24 Hour Custody Suites:

- | | |
|---------------------------------|---|
| i. Lincoln Lane, Boston | - 2 visits per week by Boston & Spalding Panel |
| ii. Westlode Street, Spalding | - 2 visits per month by Boston & Spalding Panel |
| iii. Stonebridge Road, Grantham | - 2 visits per week by Grantham Panel |
| iv. Park Avenue, Skegness | - 2 visits per week by Skegness Panel |
| v. West Parade, Lincoln | - 2 visits per week by Lincoln Panel |

Designated Police Stations with Restricted Opening Hours:

- | | |
|--------------------------------|---|
| vi. Morton Road, Gainsborough | - min 1 visit per quarter by Lincoln Panel |
| vii. Boston Road, Sleaford | - min 1 visit per quarter by Grantham Panel |
| viii. Eastfield Road, Louth | - min 1 visit per quarter by Skegness Panel |
| ix. Mayflower Way, Mablethorpe | - min 1 visit per quarter by Skegness Panel |

2. Independent Custody Visitors (“Visitors”) have the right to visit any of the above police stations at any time of day without prior notice. A proportion of those visits will also be rostered at weekends and late at night (i.e. between 9.00pm and 2.00am).

Access to Police Stations with Restricted Opening Hours

3. As the level of cell occupancy at police stations with restricted opening hours varies on a daily basis, Visitors have the option of contacting the relevant custody suite on the day of a planned visit to ascertain if there are any persons being detained. Visitors will then be able to make an informed decision as to whether to proceed with or postpone a visit. If there are no persons being detained, Visitors may still undertake a visit in order to inspect the custody facilities, e.g. cells, toilet and shower facilities, kitchen/food preparation areas, medical room etc. In these circumstances, it will be permissible for just one of the Visitors to undertake the visit.
4. Police stations with restricted opening hours normally have a freephone facility located outside the main entrance for use by members of the public when stations are closed. The freephone facility is linked to the Force Communication and Control Centre at Force Headquarters. When using the telephone, Visitors should give their location and explain their role as Visitors. The operator will contact the custody suite within the station to ascertain if it is open and to arrange access for the Visitors.

Additional Visits

5. On occasions, Visitors may want to undertake an additional visit, for example, if they have an on-going concern about the welfare of a particular detainee. Visitors must first contact the Scheme Administrator to seek approval for any extra visits.
6. Exceptionally, circumstances may arise where the police may want to initiate a visit, particularly where there may be public concern about the treatment or well being of a

person in custody and where a special visit could help allay public fears. On such occasions, the responsibility for arranging a visit will be with the Divisional Commander. Details of such visits will be notified to the Scheme Administrator as soon as practicable.

Note:

The Scheme Administrator will be responsible for providing Divisional Commanders with contact details of local custody visiting Panel members.

Deaths in Police Custody

7. Where a death in police custody occurs, the Force must inform the Police Authority as soon as is practicable. Consideration will be given as to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it will be made on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in custody or some other major incident must not be allowed to interfere with any relevant investigation that may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident will need to refuse or restrict access to particular areas.

SECTION 4 WORKING ARRANGEMENTS

Panel Co-ordinators

1. A Visitor from each of the four Custody Visiting Panels will be appointed as a Panel Co-ordinator (the "Co-ordinator") by an Appointments Panel. The Co-ordinator's role will be to ensure the smooth operation of their particular Panel. Co-ordinators will be responsible for organising the day-to-day work of Panel members (for example, rostering pairs of Visitors through the issue of a quarterly visiting rota, arranging for reserves to cover visits and identifying possible training needs), act as a conduit for feedback to the Police Authority and Divisional Commanders, facilitate meetings and discussions between Panel members and form the interface between Visitors and the Scheme Administrator.
2. Whilst the level of support provided by the Authority to individual Co-ordinators will be determined over time, as a minimum, all Co-ordinators will be provided with advice and guidance, basic stationery materials, cost of meeting room hire where required and other incidental administrative costs.

Visiting in Pairs

3. Visits will normally be undertaken by pairs of Visitors working together. Visiting in pairs allows for mutual support and corroboration, a shared understanding of issues and problems that may be encountered and can also contribute to safety in the custody environment.

Identity Cards/Lapel Badges

4. Each Visitor will be provided with an identification card and badge on appointment. The identification card will function as their approval to visit any police station included within the Scheme. The badge, which does not identify the Visitor, will need to be worn visibly on the Visitor's outer clothing when moving around the custody area.

Access to Custody Suite

5. Visitors must be admitted immediately to the custody area as any delay will affect the credibility of the Scheme. Access should be delayed only when Visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances Visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on the visit. A full explanation must be given as to why access has been delayed, which should be recorded by the Visitors in their report.
6. Access should be granted to cells, toileting facilities, washing/showering facilities, medical/surgeon room, exercise area, detention/interview rooms (if unoccupied), charging area and kitchen/food preparation area.

Closed Circuit Television (CCTV)

7. Visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, Visitors should satisfy themselves that any CCTV systems installed to observe the custody area or individual cells are operating properly.

Cells

8. Empty cells should be clean and in a reasonable state of repair and decoration. Room temperature and ventilation/lighting should be adequate. Visitors should satisfy themselves that cell alarm buttons work. There should be sufficient bedding and it must be clean, and the mattress should be the right size for the bed. Check for leaks or mould, unpleasant/pungent smells/fumes and graffiti on wall/doors. Check for fixed points such as protruding cell hinges that could be used for ligatures.

Cell Block

9. There should be suitable facilities for storing mattresses and blankets, and for the cleaning of such. Visitors should be satisfied that the fire alarm works and that there are procedures in place for evacuating the cell area. Check for any safety/security hazards e.g. obstructions in the corridor or any loose items left lying around that could be used as a weapon.

Toilet Facilities

10. Toilets should be reasonably clean and hygienic. Check for leaks, and ensure that the flushing mechanisms work and that toilet seats are in place. Toilet paper should be provided.

Washing/Shower Facilities

11. Where washing/shower facilities exist, these should be reasonably clean and hygienic. Check water temperature and whether there are any leaks. Check for pools of water on the floor that might cause a slipping hazard. Towels/soap should be changed regularly.

Kitchen/Food Preparation Area

12. The food preparation area should be reasonably clean, tidy and hygienic. Meals should be checked to ensure that they are not out of date and that there is sufficient choice to cater for religious/special dietary requirements (e.g. diabetics).

Exercise Area

13. The exercise areas should be reasonably clean and tidy. Look out for loose items that could be used as a weapon (e.g. door mats).

First Aid

14. Visitors will want to satisfy themselves that first aid materials and trained First Aiders are available in the custody area.

Medical/Surgeon Room

15. The Medical Room should be reasonably clean, tidy and hygienic. Check for any drugs/hazardous substances that may have been left lying around and in easy reach. Ensure that the drugs cabinet is locked and that the lid of the sharp box is shut.

Notes:

- Visitors may not visit CID rooms or other operational parts of the station or attend police interviews with detainees.
- Occasionally, forensic evidence will be collected from detainees for evidential purposes and kept in special sample containers, which are stored in cupboards, fridges etc. As the collection and preservation of evidence, including equipment used to collect and store samples and any associated procedures are outside the remit of the Scheme (not being directly related to the welfare of detainees), Visitors will not involve themselves in this particular area of operational police work.
- Visitors will not be required to sample prisoner meals as part of their visiting duties. The Force is party to a national contract for the supply of meals and in-cup drinks developed specifically for the custody environment. Occasionally, a panel of volunteers will be appointed to assess the quality and flavour of such meals. "Tastings" will be organised by the Scheme Administrator in conjunction with the Force. Feedback points arising from these events will be passed onto the contract management.

Categories of Detainee

16. Subject to some exceptions, Visitors must have access to any person detained at a police station. Detainees usually fall into the following categories:
- (a) PACE Prisoners
These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.
 - (b) Home Office Prisoners
These are remanded or sentenced prisoners who would normally be held in prison.
 - (c) Immigration Detainees
These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.
 - (d) People at Risk
These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.
17. Persons detained by non-Home Office police forces such as the British Transport Police are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

Consent to a Visit

18. The privacy of the individual must be respected and only persons who consent to a visit may be seen. The escorting officer is responsible for establishing whether or not they wish to see the Visitors. This should be done within the hearing of the Visitors but, as far as practicable and in order to preserve the privacy of detainees, out of their sight. The escorting officer's introduction is a very important factor bearing on the effectiveness of the whole system of Independent Custody Visiting. All Visitors will have been allocated an introduction card (copy at Appendix A), and this should be handed to the escorting officer to read out to detainees.

19. Form P273 must be completed by the custody officer in respect of all detainees who are in custody at the time irrespective of whether they have indicated that they wish to be seen by a Visitor or not. Form P273 should be signed by the detainee in each case to indicate his/her willingness (or otherwise) to be visited. Whether or not the detainee agrees to see the Visitors the escorting officer should seek permission for them to have access to the detainee's custody record.
20. If a detainee is not in a position to give consent, perhaps because of the effects of drink or drugs or by virtue of a mental illness, the escorting officer should allow access unless it is considered that the Visitors' safety would be at risk. In such circumstances the Visitors may wish to speak to the detainee through the cell hatch. That may also apply where consent is given, but the escorting officer judges the Visitors would be in danger from a violent or potentially violent detainee if they entered the cell.
21. Sleeping detainees can be woken at the discretion of the escorting officer to seek consent to a visit. However, where that would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure will be not to wake the person but to observe them through the cell hatch.
22. Police interviews with detainees should not be interrupted to facilitate visits. However, Visitors may await the completion of the interview if they wish to see the person concerned.

Access Denied

23. In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by Visitors in order to avoid any possible risk of prejudicing an important investigation. Any decision to deny Visitors access to a detained person should be taken by an officer of or above the rank of Inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all the relevant circumstances. There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.

Safety and Security

24. In the interests of security and the safety of Visitors, the custody officer or a member of the custody staff will accompany them during visits. Conversations between detainees and Visitors will normally take place in sight but out of hearing of the escorting officer. However, Visitors should bear in mind that some detained persons may be violent or under the influence of drink or drugs and that the presence of a police officer may deter or prevent assaults on the Visitor. In any case, Visitors must position themselves between the door-way of the cell and the detainee so that they can exit the cell quickly and safely should the need arise.
25. In addition to the risk of violence from detainees, police staff should also be alert to any specific health or safety risks that Visitors might face and should advise them as appropriate. For example, visitors should always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray (see paragraph 48).

Hepatitis C

26. It is unlikely that Visitors will become contaminated by Hepatitis C during their time in custody areas, as it is usually transmitted by means of blood transfusion. Vaccination is not available for this form of Hepatitis.

The definition of contamination is as follows:-

“Blood or body fluids that enter the mouth, nose, ears or eyes or via a human bite that breaks the skin and contact with the skin which has cuts of 3 days old and under.”

Visitors are advised to cover all minor abrasions of the hands and wrists with waterproof plasters. Should visitors become contaminated, it is recommended that they visit their GP, Practice Nurse or Hospital Accident Emergency Department within 36 hours.

Hepatitis B

27. It should not be necessary for Visitors to be immunised against Hepatitis B since they do not come into direct contact with blood and body fluids.

Visitors may wish however to seek advice from their own Doctor about this and other appropriate immunisation.

Detainees subjected to CS Spray

28. Visitors may in the course of their visits encounter detainees who have been sprayed with CS spray during their arrest. The custody officer should advise Visitors when there is a possibility of cross contamination. Visitors should not enter the cells of contaminated detainees until such time as decontamination has been carried out.

Visitors are encouraged to check the health and well being of such persons. If the detained person is suffering due to the after effects of CS spray, they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.

If a Visitor becomes cross-contaminated, they should go to a well-ventilated area to recover or if they feel unwell or are concerned regarding their well being, they should seek medical advice.

Fire Alarm

29. A fire alarm or fire alarm test will require all staff and visitors in the police station and custody suite to be evacuated from the premises. Special provisions exist for detainees and the custody staff will deal with this.

In such an evacuation, Visitors should follow the instructions of the person designated as the Fire Marshall and should assemble at the place he/she instructs. In the event of an evacuation it is important that Visitors do not leave the police station until released by a member of the custody staff or a member of public enquiry staff who allowed entry to the building.

Visitors must only re-enter the building when advised that it is safe to do so. At that time the staff's first priority will be attending to the detainees and there may be some delay before the visit can be resumed.

Conversations with the Detainee

30. Conversations should focus on checking whether or not detainees have been offered their rights and entitlements under PACE and on confirming whether the conditions of detention are adequate. Visitors should satisfy themselves that the detainees have had their statutory rights explained and that they have been given the written notice of those

rights. They should also be satisfied that detainees have received those facilities to which they are entitled under Code C of PACE Act 1984.

31. Visitors must remain impartial and should not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the Visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings. If the detainee's concerns are linked to not yet having received legal advice that is something the Visitors should take up with the escorting or custody officer.
32. Visitors must not pass messages for detainees or perform other tasks on their behalf as this might compromise impartiality or the interests of justice.
33. Visitors will be primarily concerned with the overall conditions, standards and procedures at police stations. However, immediate concerns about the treatment of particular individuals should be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

Detainee known to Visitor

34. If a Visitor realises they know or are known by a detainee, they should consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the Visitor's impartiality. If a Visitor decides to voluntarily withdraw from a visit, their partner must do likewise as visits can only be conducted in pairs.

Cells with Double Occupancy

35. On occasions more than one person may be detained in the same cell. Lincolnshire Police have issued guidelines to custody officers to be followed when deciding whether or not to double-up detainees in a cell. If Visitors encounter two persons held in one cell, the escorting officer will be able to introduce the Visitors to the two detainees at the same time. If one or both individuals agree to receive a visit, each one must be held in private. The second person must, therefore, be removed temporarily from the cell until the visit has been completed or the discussions held in another part of the custody suite. This process will then be repeated if the second person has also agreed to be visited.

Juveniles

36. Juveniles should not be placed in cells unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise them if they are not placed in cells. If a juvenile is kept in a cell, Visitors should seek an explanation from the custody officer and check that this has been recorded on the custody record. As stated in the guidance on multiple occupancy of cells, juveniles should not be placed in the same cell as an adult.
37. Juveniles may be spoken to with their own consent. It is not necessary to obtain the additional consent of a parent or guardian. If an Appropriate Adult is in attendance to support a juvenile or vulnerable person, the detained person's wishes should be sought and respected as to whether the Appropriate Adult should attend any visit.

Note:

Visitors must not switch between the role of Custody Visitor and Appropriate Adult during the course of a visit. It is not compatible with their role as Visitors to take on any task which requires them to become directly involved with individual detainees, particularly in circumstances which might lead to them being called as witnesses when the detainee's case comes to court. Even where the police are unable to obtain the services of an Appropriate Adult and the juvenile or other detainee is being detained in police custody for an unacceptable length of time, Visitors must refuse to act as Appropriate Adults.

Mental Health Detainees

38. Police stations are not ideal places in order to assess persons detained under Section 136 of the Mental Health Act 1983. This has been recognised by all agencies and funding has been secured from the Home Office to implement a number of protocols. The protocols are currently in draft format and have been drawn up between Lincolnshire Police, Lincolnshire Health Authority and the Social Services.
39. The protocols identify 3 locations, the Pilgrim Hospital in Boston, the PHC centre at Lincoln County Hospital and Grantham Hospital, where persons detained under Section 136 will normally be taken for assessment by ambulance. The first location to go live will be the PHC centre at Lincoln County Hospital in September 2006. It is expected that the remaining locations will go live by the end of 2006.
40. Should a person detained under Section 136 be violent / drunk / under the influence of drugs, a police station will still have to be used to assess the person detained for obvious reasons of safety.

Non-English Speaking Detainees

41. Occasionally, Visitors will find individuals who do not speak English being detained in custody. The Authority is currently in discussion with the Force to allow Visitors access to the Language Line facility.
42. Sometimes it may be possible to conduct a visit in another language spoken by the detainee, if one of the Visitors is fluent in that particular language. However, in such circumstances care must be taken to ensure that the other Visitor present is kept informed about what is being said.

Custody Records

43. All custody facilities within Lincolnshire operate the NSPIS Custody and Case Preparation system. To access the e-custody record it will be necessary for a trained custody officer to open a variety of files on the system before the various elements of the custody record can be viewed. Each part of the record is opened and scrolled on a viewing screen. In some custody suites, a satellite screen has been provided in another room to allow Visitors to view the custody record in relative privacy.
44. Subject to obtaining the detainee's consent to view their custody record, Visitors should check its contents against what they have been told by the detainee. In particular, Visitors will wish to verify:
 - whether entitlements under PACE have been given and signed for
 - that medication, injuries, medical examinations, meals/diet are recorded

- that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
- the timing of reviews of the continuing need for detention

45. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption will be in favour of allowing the Visitors to examine the record.

Note:

It is recognised that accessing custody records on the NSPIS custody system can be a protracted exercise for all concerned, particularly if there are a number of records to be viewed. The Authority is currently in discussion with the Force to identify a less time consuming procedure.

Medical Issues

46. Visitors have no right to see a detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

Dealing with Issues and Complaints

47. Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, Visitors should (subject to the detainee's consent) take this up as soon as possible with custody staff or other staff at the police station in order to seek a resolution. The same applies to similar issues identified by Visitors in the course of their attendance.

48. If a detainee makes a complaint of misconduct by a police officer, he or she should be advised to address it to the duty officer in charge of the police station. With the detainee's consent, Visitors may notify the duty officer that the detainee wishes to make a complaint. In addition Visitors may want to remind them that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures which are laid down and there is no broader role for Visitors. Visitors will not involve themselves in individual cases or make representations on detainees' behalf.

49. Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that Visitors cannot involve themselves in such matters and that there are recognised procedures open to them such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

Effective Working Relationships

50. For Visiting to be effective it is essential that Visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles. Such relationships can only exist where there is politeness and consideration on both sides. On the other hand, there is a range of behaviour which has the potential to create tension and conflict and some examples are given below. Visitors may cause difficulties by:
- failing to appreciate police priorities
 - engaging in excessive petty criticism
 - criticising officers in reports without first bringing that criticism directly to their notice
 - adopting an overly adversarial approach
 - concentrating on finding fault and trying to catch the police out
 - becoming involved in an investigation or advising the detainee on that investigation
 - criticising police action or questioning their judgement in areas outside the visitor's remit
 - telling or suggesting to the police what they should do
 - making promises to a detainee on behalf of the police
 - breaching confidentiality
51. On the police side, problems may arise from:
- failing to accept visitors' status and recognise their responsibilities
 - demeaning or belittling visitors
 - treating visitors with indifference or disrespect
 - unreasonably delaying or limiting access to custody areas
 - being insufficiently positive when introducing visitors to detainees
52. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and developing a relationship that is too close and "cosy". Where the latter occurs it becomes increasingly difficult for Visitors to provide the objective and constructive review of procedures and conditions which is a key part of their role.

Reporting on a Visit

53. Recording the contents of a visit is one of the most important aspects of the Scheme. Visitors may wish to make notes in the course of their visit, but should explain to the detainee why they are doing so. When reporting on issues/concerns raised by a detainee, Visitors must identify that individual by their Custody Number and not by their name.
54. At the end of each Visit, and while they are still at the police station, Visitors must complete a form ICV.1 Custody Visiting Report (copy at Appendix B) in triplicate. Custody staff should not be present while Visitors discuss their findings and complete the report. Wherever possible they should be able to use a private area for this purpose. Details should include both specific matters (which may already have been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English even if the visit has been conducted in another language.
55. Visitors will retain the top white copy of form ICV1, which will be forwarded to the Scheme Administrator using a pre paid envelope.

Follow-up Action

56. Completed ICV1 forms are checked by the Scheme Administrator for any general issues or specific matters of concern that need to be raised with the relevant Force officials. Responses are recorded against the relevant entry in the 'Table of Visits', which is presented to the Authority's Complaints and Conduct Committee on a quarterly basis. Copies of the table are also provided to Visitors for their information.
57. Occasionally, specific matters of concern will be picked-up by the Divisional Commander, who will then write directly to the Visitors concerned explaining what action has been taken. Copies of any correspondence will also be forwarded to the Scheme Administrator.

Public Report

58. Responsibility for informing the public of the results of the programme of visits rests with the Police Authority. Reports on visits undertaken will be made to quarterly meetings of the Authority's Complaints and Conduct Committee. As with other public reports to the Committee, it will be widely circulated with the agenda for meetings to local press and libraries.

Confidentiality and Disclosure

59. Nominated Visitors will be required to sign an undertaking of confidentiality at the time of their authorisation. During the course of their duties, Visitors will acquire considerable personal information about persons connected with police inquiries, the majority of whom will not at that time have appeared in court and some of whom may never appear at court. That information must be protected against improper or unnecessary disclosure.
60. Form ICV1 includes an undertaking not to reveal confidential information obtained during the course of a visit. A breach of this undertaking may make a Visitor liable to civil proceedings by the detained person concerned. This extends to discussion of individual cases and identities with other Visitors and to the system of written reporting to the Complaints and Conduct Committee of the results of visits. The unauthorised disclosure of facts concerning police operations or the security of police stations may also constitute an offence under section 5 of the Official Secrets Act 1989.
61. Conversations between Visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of a visitor to give oral evidence or to produce documents such as a report of a particular visit. Visitors are under no obligation to give evidence or produce documents other than in response to a court order, but would be obliged to respond to such an order.

SECTION 5 RECRUITMENT AND CONDITIONS OF SERVICE

Recruitment

1. The Scheme Administrator will ensure that adequate numbers of suitably accredited and trained Visitors are available at all times and throughout the County to carry out the required programme of visits. Each of the nine stations included in the Scheme is served by four local visiting panels each consisting of a minimum eight visitors.
2. Recruitment will be managed through forward planning that focuses on factors such as the size of local Panels, the frequency of visits and the level of visitor retention.
3. Representatives of the local community will be recruited through advertising in the local media, Authority web site, targeting of specific groups, such as independent advisory groups, police/community consultative groups, via the newsletters of voluntary organisations, churches and other religious groups. Whilst word of mouth recommendations will remain a legitimate source for potential Visitors, care will be taken to ensure that this does not lead to an imbalance through existing Visitors recommending people from similar backgrounds to themselves.
4. The Authority will aim to provide a suitable balance for visiting panels in terms of factors such as age, gender and ethnicity. This inclusive approach will also extend to those with disabilities and those who do not have English as their first language. All reasonable efforts will be made to accommodate applicants in these categories where they are considered suitable candidates.
5. Prospective Visitors will be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified.
6. An Appointments Panel of three drawn from the membership of the Authority's Complaints and Conduct Committee will be appointed each year. The Panel will be responsible for selection, interview and appointment of Visitors and Panel Co-ordinators.

Selection Process

9. Persons enquiring about appointments to the Scheme will be sent an information pack covering the purpose of Independent Custody Visiting, the role of the Visitor, the commitment required and the terms and conditions applicable to the Scheme. This material will accompany the job description/person specification (see Appendix C) and standard application form.
10. The Appointments Panel will review the completed application forms and identify (by reference to the information on disqualification and the job specification) those candidates to be shortlisted for interview.
11. Shortlisted candidates will be invited to attend a formal interview with the Appointments Panel. Appointments will be confirmed subject to the receipt of satisfactory references, police vetting checks to verify information provided about criminal convictions, attendance at a familiarisation visit to a police custody suite and the completion of an Initial Training and Information day.

Disqualification

12. Whilst Visitors must be at least 18 years of age, there is no upper age limit.
13. Persons who have unspent convictions for criminal offences may not be suitable for the role of Visitor. Relevant factors will include the nature and number of any offences and how long ago they were committed. However, past offending will not be an automatic barrier to acceptance as a Visitor and each case will be considered individually. Having regard to the above, prospective Visitors will be asked to declare any such convictions,
14. Prospective candidates will also be subject to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, and as such, will not be entitled to withhold information regarding convictions which for other purposes will be 'spent' under the provisions of the Act. Failure to disclose convictions will generally lead to exclusion unless there are exceptional circumstances.
15. In appointing Visitors, it will also be important to avoid any potential conflict of interest. Serving police officers and police staff are unsuitable for that reason, as are special constables and Police Community Support Officers. In accordance with the stated policy of the Council of the Magistrates' Association, Justices of the Peace will not be considered for participation in the Scheme. Persons in these categories who have left or retired from the relevant duties for at least 5 years, may be considered for appointment.
16. Applications from others involved with the criminal justice system will be considered on an individual basis. For example, solicitors and members of the probation service may find the duties of a visitor conflicting with their professional responsibilities. However, there is no hard and fast rule in such cases and each application will be looked at on its individual merits, having regard to the public service principle of being seen to be independent and impartial.
17. Members of the Police Authority may not serve as Visitors themselves. The essential feature of Independent Custody Visiting is that it draws its volunteers from the community at large and there is an obvious difficulty with police authority members carrying out visits which should be conducted independently and form the basis of reports to them in their formal role.
18. Persons who act as Appropriate Adults and/or Lay Observers (i.e. persons appointed to inspect the conditions under which prisoners are transported and held) appointed under the Criminal Justice Act 1991, will not be excluded from becoming Visitors.
19. Visitors must notify the Scheme Administrator of any change in circumstances which will affect their position as a Visitor, for example, after becoming aware that they are subject of a Police investigation, after being charged with a criminal offence or a change of employment that might cause a conflict of interest. The Chief Executive (or his/her representative) has the power to suspend a Custody Visitor until any allegations made against the Visitor have been fully investigated by the Police and a decision made whether to charge that individual with a criminal offence.

Basis of service

20. Newly appointed Visitors will require a clear understanding of the expectations on them and of the support which the Police Authority will provide. Each Visitor will be required to sign a Memorandum of Understanding (see Appendix D), which will summarise the agreed responsibilities and legitimate expectations of both parties.

Tenure

21. Appointments will initially be made for a period of three years (confirmed following satisfactory completion of a minimum probationary period of six months), with a full review of continuing suitability at the end of that time.
22. Reviews will be conducted by the Scheme Administrator using form ICV8. The key factors in reviewing appointments for a further 3 year period will be the continuing ability and willingness of the individuals to do the job effectively and past performance in the role. Visitors will also be subject to Police vetting checks in accordance with the Authority's vetting policy. The reviewer will make a recommendation to the Chief Executive, who will make the final decision.

Exit Interviews

23. Exit Interviews will be conducted by the Scheme Administrator using form ICV7. If the Visitor does not want a face-to-face meeting, then the form may be completed solely by the individual and returned to the Scheme Administrator.
24. Interviews will assist in identifying any underlying reasons why Visitors want to leave the Scheme and help to assess any necessary steps that may prevent others leaving for similar reasons.
25. The interview will help the Scheme Administrator to conduct an effective role analysis and project training needs for other Visitors. It will also help to secure the goodwill of the volunteer and retain the Police Authority's reputation.

Complaints by Visitors

26. Visitors who wish to complain about their treatment by police personnel will be provided with a copy of the Force Complaints and Misconduct Procedure. Complaints about the general role and conditions of the Scheme or any other matters relevant to the work of Visitors will be directed to the Scheme Administrator.

Complaints against Visitors

27. Complaints against individual Visitors may come from a number of sources including detainees, police personnel or others who may come into contact with them in the course of their duties.
28. In the event that a complaint or allegation is made against a Visitor, the following procedure will be followed:
 - The Scheme Administrator will request that the complaint/allegation be made in writing, if it has not already been done so.
 - The Scheme Administrator, on receipt of the written complaint/allegation, will notify the Visitor of its receipt and content.
 - The Visitor will be given the opportunity of responding to the complaint/allegation to the Scheme Administrator either orally or in writing.
 - The Scheme Administrator will make the necessary relevant enquiries to determine the substance of the complaint/allegation. In doing so, and

depending on the nature of the complaint, the Scheme Administrator may need to contact any or all of the following parties:

- the Complainant
 - fellow Custody Visitor(s)
 - Divisional Commander
 - Any other person who is able to provide relevant information
- Having made the necessary enquiries the Scheme Administrator will prepare a report, with recommendations, which will be considered/confirmed by the Clerk to the Police Authority. Both the Visitor and complainant will receive notification, in writing, of the decision. The Visitor will have a right of appeal in accordance with the Appeals Procedure (see paragraph 114).

Sanctions

29. If a complaint against a Visitor is substantiated, the Clerk to the Authority may impose one or any combination of the following sanctions:
- a requirement to submit a written apology
 - a requirement to undertake training or co-operate in a conciliation process
 - suspension pending an apology
 - suspension pending training or conciliation
 - a written warning regarding future conduct
 - a final written warning regarding future conduct
 - termination of appointment

Termination of Appointment

30. The Police Authority has the right to terminate the appointment of any Visitor whose conduct is not of the required standard. The procedure for considering possible removal will be as follows:
- The Scheme Administrator will notify the Visitor of the grounds on which removal is being considered and advise them that they can make oral or written representations or both.
 - The Scheme Administrator will submit a report to the Clerk to the Police Authority, which will include any written responses from the Visitor. The Visitor will be notified in writing of the Clerk's decision. The Visitor will have a right of appeal in accordance with the Appeals Procedure (see paragraph 32).

Criminal Proceedings

31. Visitors will be required to notify the Scheme Administrator if they are charged with a criminal offence. In such circumstances, the Clerk to the Police Authority will suspend the appointment of the Visitor until the outcome of any criminal proceedings is known. If the Visitor is subsequently found not to be guilty, or if charges are dropped, he/she will be automatically reinstated.

Appeals Procedure

32. Appeals will be heard by an Appeals Panel consisting of three members drawn from the Complaints and Conduct Committee. A friend may accompany Visitors during an appeal hearing. The following procedure will be followed:

- The Appeals Panel will convene and elect a chairman of the meeting from its members
- The Scheme Administrator will present a report, which will include any written responses, or supporting documents received from the Visitor
- The Visitor will have an opportunity to question the Scheme Administrator
- The Panel will have an opportunity to question the Scheme Administrator
- The Visitor will present his/her case
- The Scheme Administrator will have an opportunity to question the Visitor
- The Panel will have an opportunity to question the Visitor
- All parties except for members of the Panel and any adviser to the Panel will leave the room
- The Panel will determine the appeal (note: the Panel may either dismiss, vary or allow the appeal and its decision need not be unanimous)
- The Clerk to the Police Authority will notify the Visitor, in writing, within 7 working days, of the decision of the Appeals Panel, setting out the reasons for their decision.
- The decision of the Appeals Panel will be final.

SECTION 6 ACCREDITATION AND TRAINING

Visit to Custody Suite

1. New appointees to the Scheme will be given the opportunity to visit a custody suite to get some experience of the custody environment prior to their initial training. Appointees will be accompanied either by a member of the Authority or the Scheme Administrator. Visits will be arranged with the relevant sector Inspector and will include a tour of the cell block and custody facilities such as the food preparation area, surgeon's room, exercise yard and interview rooms. Appointees will also receive a briefing on the process for booking-in detainees.

Initial Training and Information Day

2. In order to ensure that potential Visitors are sufficiently aware of the relevant requirements of the law in respect of the care and custody of prisoners, and to enable them to carry out their function in an efficient and credible manner, it is a pre-requisite of their authorisation that they attend an Initial Training and Information Day arranged by the Police Authority.
3. The training day will be delivered by an accredited trainer provided by the Independent Custody Visitors Association (ICVA), and will cover the basic knowledge and skills required to carry out visits effectively. Students will receive a detailed manual of guidance to support their training, which will include:
 - The purpose of and background to independent custody visiting
 - The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
 - Current Home Office Statutory requirements
 - Local guidance, conditions of service and working practices
 - The basic practicalities of conducting independent custody visits
 - Communication skills to assist effective contact with detainees and custody staff
 - Equal opportunities and race awareness issues
 - Health and Safety issues
 - Data protection considerations
 - The Police complaints system

Induction

4. Following successful completion of the Initial Training and Information Day, Visitors will be appointed for a six-month probationary period during which experience will be acquired in a supportive environment. Only once the probationary period has been successfully completed will full accreditation be granted.
5. The probationary period will be based around the carrying out of visits in tandem with experienced colleagues. This will allow new Visitors to develop and consolidate their visiting skills and to discuss practical issues and difficulties after visits have been completed.
6. Visitors who complete a visit with a Probationer will be given the opportunity to comment upon the performance of their partner by completing form ICV5. The Scheme Administrator will, if necessary, arrange for any suitable advice or additional training to be given to Probationers to address any areas of concern or weakness that might be highlighted.

7. On completion of their probationary period, newly accredited Visitors will also have the opportunity to comment upon their experiences, and to give their views on the operation of the Scheme in general through the completion of form ICV6.

Refresher Training

8. The Scheme Administrator will be responsible for organising at least two sessions of refresher training per year. Visitors must attend at least one session of training per year to refresh and enhance their general skills and knowledge. There may also be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process.
9. Attendance at regional and national conferences also provide further opportunities to benefit from others' knowledge and experience.

Evaluating Training

10. Visitors in receipt of training will be required to complete an evaluation form focusing on the effectiveness and format of the course so that any necessary changes can be made to future delivery.

SECTION 7 EXPENSES

1. Volunteers will be reimbursed their legitimate expenses incurred when carrying out visits including public transport fares, taxi fares, car parking and toll bridge charges. A travel allowance is payable for volunteers who use a motor vehicle or motor cycle, as follows:

Motor Vehicle Payable at Inland Revenue approved rates

(Currently for all car sizes
up to 10,000 miles a year 40p/mile
over 10,000 miles a year 25p/mile)

Motor Cycle Payable at Inland Revenue approved rates
(Currently 24p/mile)

2. Claim forms will be completed and returned to the Scheme Administrator for processing after each round of visits. Visitors claiming public transport/taxi fares, car parking charges etc, must ensure that they attach relevant receipts to their claim form.

Note:

It is recommended that the person driving the motor vehicle/cycle on visiting duties should first check with their vehicle insurance provider that their insurance policy covers this type of voluntary activity.

SECTION 8 PUBLICITY GUIDELINES

1. It is generally desirable that the role and aims of the Scheme should be promoted to the public. Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the Scheme and not to draw attention to individual cases or to themselves.
2. Visitors must not discuss the cases of individuals with whom they come into contact during visits to police stations and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the Scheme.
3. Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the Scheme Administrator and should not be undertaken by individual Visitors except at the request of the Scheme Administrator.
4. Visitors must remember that they are accountable to the Police Authority and not to the press or individual members of the public.

SECTION 9 CONTACT DETAILS

1. Scheme Administrator:

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