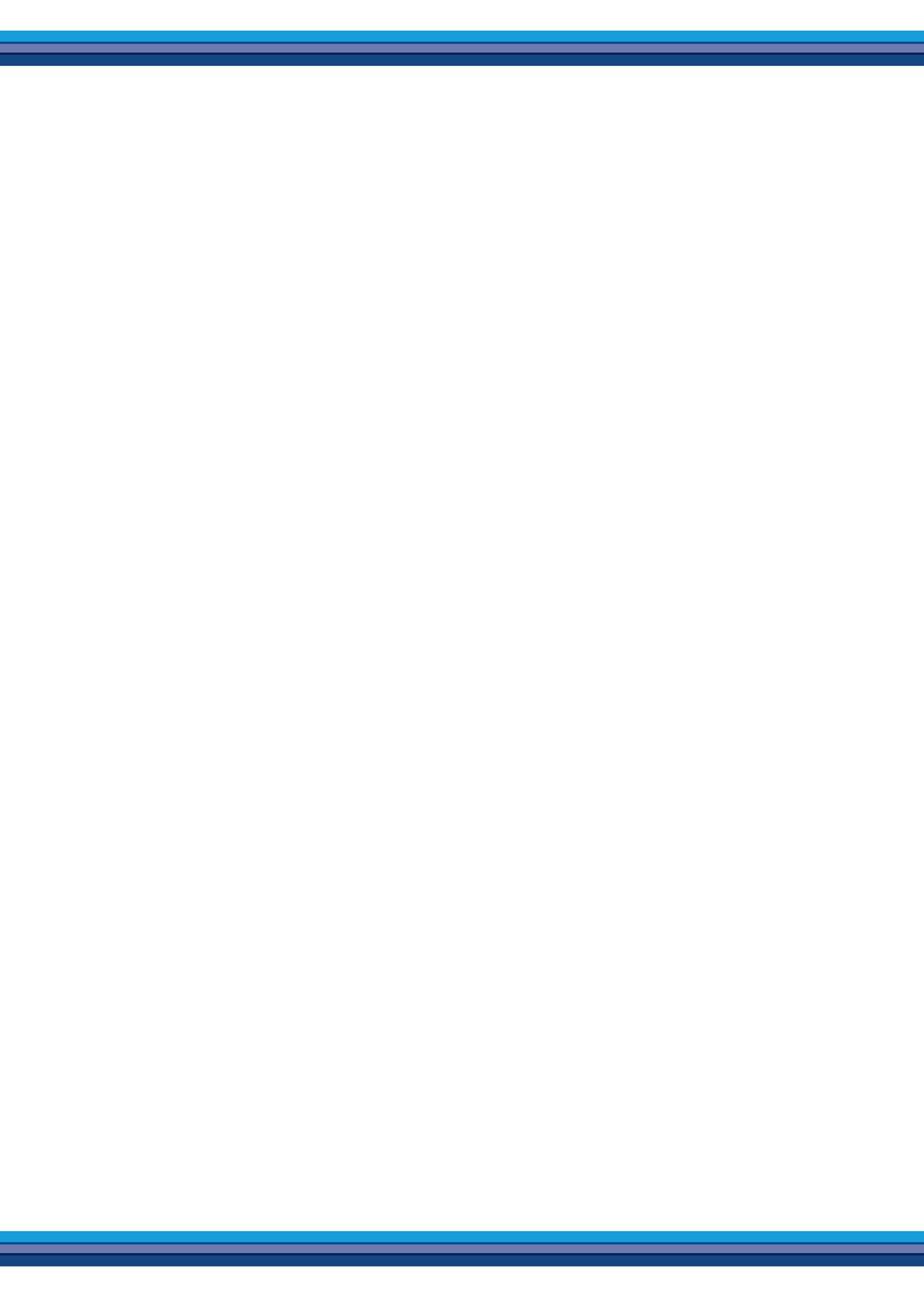


— **David Lloyd** —
**Police and Crime
Commissioner**
for Hertfordshire



ANNUAL REPORT
**INDEPENDENT CUSTODY
VISITORS SCHEME**
2018 – 2019



Foreword by David Lloyd

The Independent Custody Visitors (ICV) Scheme provides public and transparent assurance that the rights, entitlements, wellbeing and dignity of detainees in police custody in Hertfordshire is being maintained. It provides oversight and accountability, preventing the ill-treatment of detainees and ensures that a high-level of welfare is maintained. Members of the public, who have undergone extensive vetting and training, voluntarily perform the role of custody visits which fulfils the statutory obligations of the Police Reform Act 2002. These volunteers perform a crucial intermediary role between detainees and police, allowing detainees to raise any concerns about their treatment or their environment when in custody without feeling intimidated or uncomfortable by officers.

The scheme continues to build on success of previous years, and this report highlights the progress and the excellent work that has been made to the Hertfordshire ICV Scheme over the past year. I am delighted that this year my office were awarded Silver Award standard by the Independent Custody Visitors Association (ICVA) Quality Assurance Framework. To achieve this award, the Hertfordshire scheme was peer-assessed by nationwide schemes, and the award recognises our provision of a good standard of custody visiting and volunteer management.

I am pleased that over the past year 85 per cent of detainees did not raise any concern over their welfare to their custody visitors. Of the 15 per cent who did express some level of concern, there were no serious issues raised; these matters are discussed in the body of the report. The national campaigns for improvements to the treatment and welfare of female detainees have seen service provision in Hertfordshire exceeding national good practice following the good work of ICV volunteers. Through ICVs raising concerns from custody visits, the level of dignity of female detainees in Hertfordshire has been improved; female detainees can now be assured to receive services such as feminine hygiene packs and having access to female officers while in custody.

The development of accurate and detailed reporting will continue to feature as a key area of improvement for the scheme. Transparent reporting and data collection enables evidence-based improvements to custody standards and services provision for detainees. Changes to reporting this year has helped us to better identify specific areas of concern for detainees.

Looking to the future, the scheme is continuing to work towards achieving high ICVA accreditation which will accurately reflect the excellent work undertaken by the dedicated volunteers. I would like to thank the ICV volunteers of Hertfordshire for their valuable contributions over the past year, and I look forward to working with them over the upcoming year to continue to build on their impressive success.



David Lloyd

Police and Crime Commissioner for Hertfordshire

Comments from Custody Chief Inspector Mike Todd



Police Custody is a fundamental element of policing and it remains of significant national interest. Recent developments in the service's approach to topics such as mental health and children in custody and the current Independent Review on Deaths and Serious Incidents in Police Custody have served to maintain the high profile nature of this essential activity.

Custody remains one of the highest risk and most challenging areas of policing - with significant risk and expectations being placed upon Custody Officers, Detention Officers and PACE Inspectors on a daily basis. We are charged with the responsibility of looking after arguably our most chaotic, unpredictable and vulnerable individuals in society.

Our aim is to deliver a consistent and transparent custody operation that is safe, effective and efficient. The ICV volunteers' role is to ensure the Constabulary is delivering upon that aim and thereby reinforcing the already strong public confidence in its local police force.

There is much to reflect on over the last 12 months, which has seen significant change affecting Hertfordshire Custody. We have implemented a new IT system across the organisation – Athena. Athena is the largest collaborative police IT project ever to take place. It provides Hertfordshire with a new 'one-stop-shop' for its core policing functions. It joins up intelligence, investigations, custody and defendant management, helping Hertfordshire identify criminals more quickly and cut crime, in conjunction with many other Athena forces across the Country. The training, implementation and embedding of Athena has been a challenging time for Custody staff, but I am pleased to say that we are now realising the benefits.

The regional Custody healthcare contract naturally came to an end on 31st March 2019. Following a competitive procurement process, the new contract, effective 1st April 2019 has been awarded to CRG Medical Services.

We have continued to embed the most fundamental change to Bail since the introduction of the Police and Criminal Evidence Act decades earlier. This change created the default position that suspects will be released without bail unless pre-conditions are satisfied.

I previously reported building work that has taken place where custody cells across Bedfordshire, Cambridgeshire and Hertfordshire have been fitted with video screens to facilitate remote Inspector reviews via Skype. This innovative and creative project is the first of its kind in the country following successful securing of funding from the Police Transformation Fund and go – live is anticipated imminently. Following post implementation review further work will continue to add other features including; remote interpreter's services, legal consultation and Appropriate Adult Services – in addition to facilitating positive media messaging.

The work of the ICVs is highly important and I have worked closely with the Police and Crime Commissioner's Office this year to help promote further the status and impact of the Independent Custody Visitors Scheme in Hertfordshire. I welcome and value the work of the ICV volunteers; independently visiting Stevenage and Hatfield Custody suites to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed.

The inspections and subsequent feedback - more important than ever following significant change, helps inform and reassure me that we remain effective, efficient and legitimate. We continue to focus on HMIC / HMIP visits across the country – identifying best practice and together – with the introduction of The National Custody Strategy will look to target ICV visits in the future to support strategy and deliver improvements to custody services.

I would like to thank all of the ICV Volunteers for their outstanding effort last year, and look forward to working with you in the forthcoming year.

Mike Todd, Chief Inspector
Hertfordshire Constabulary

Overview of the scheme

Under the Police Reform Act 2002, all police force areas are required to have a custody visiting scheme in place. The scheme gives the public reassurance that detainees are being treated fairly by carrying out independent checks to ensure their legal rights and entitlements¹ are given as well as checking their welfare and dignity are being maintained. For detainees this is a time when they may be feeling vulnerable or confused. ICVs also review the custody suites for issues around cleanliness and maintenance.

Following the introduction of Police and Crime Commissioners (PCC) under the Police Reform and Social Responsibility Act (2011), David Lloyd was elected as PCC for Hertfordshire and took on responsibility for the operation of the Independent Custody Visiting Scheme in Hertfordshire. The Commissioner's office manages and supports the smooth running of the scheme including the day to day enquiries, recruitment of the volunteers and ensures improvements and development of the scheme.

ICVs are unpaid volunteers who live, work or study in Hertfordshire. Currently there are 37 ICVs from across the county, visiting the custody suites at Hatfield and Stevenage. All visits are unannounced and take place throughout the 24 hour period 7 days a week. The ICVs are trained to introduce themselves to people in custody and ask questions to ensure that their treatment is fair and that they have access to their rights and entitlements. At the beginning of each visit, ICVs are informed of the number of detainees in custody at the suite being visited. These detainees are then introduced to the ICVs and seen by them subject to the detainees availability and consent.

During each visit, ICVs complete a report form summarising their visit to individual detainees. This is forwarded to the Scheme Administrator and the hard copy left with custody staff. Concerns raised by ICVs are reported to the Custody Inspector or escorting officer at the time of the visit, and to the Scheme Administrator in the PCC's Office via the report form. The Scheme Administrator highlights any concerns to the Custody Chief Inspector via email, telephone or during regular meetings depending on the urgency. The ICVs also have an opportunity to raise general concerns and matters arising from visits at their regular half yearly meetings.

Although the role of an Independent Custody Visitor is an unpaid voluntary role, all ICVs are encouraged to complete an expenses form to allow any costs associated with visiting to be reimbursed. Additionally the Commissioner continues, as in previous years, to incur other minimal costs for running the scheme such as training costs, printing costs, catering for panel meetings, conference booking fees and office membership to the Independent Custody Visiting Association (ICVA). ICVA provides leadership to Independent Custody Visiting schemes in the UK, helping to define their aims and ensuring that schemes remain up to date in policing reforms.

¹ An extensive list of these legal rights are provided under the section Rights of Detainees

Introduction to Police Custody in Hertfordshire

During the reporting period (1st April 2018 to 31 March 2019), 14,667 detainees passed through both custody suites, 8,611 at Hatfield and 6,056 in Stevenage. This compares to a total of 16,362 detainees, a decrease of 10.5 per cent, from the previous year. Over that time period, ICVs made a total of 146 custody visits seeing a total of 777 detainees from a possible 921 who were available to visit. 144 detainees did not consent to be visited by an ICV (see Figure 1).

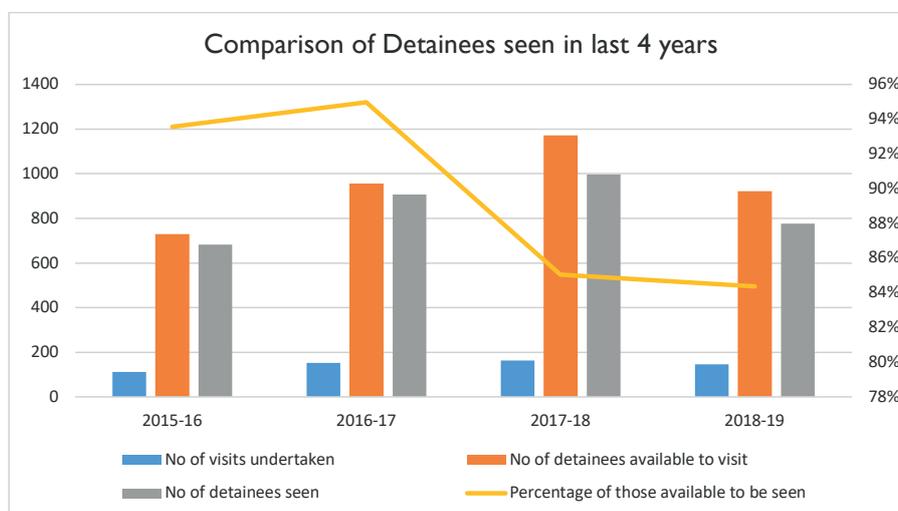
ICVs are not always able to see detainees for a variety of reasons. This includes those who are unavailable or unable to consent to have a visit. This is often due to detainees: being asleep, intoxicated, deemed too violent by custody staff, being interviewed, in Court, with a health care professional or providing a DNA sample.

Figure 1: Breakdown of the visits for the period 1st April 2018 to 31st March 2019

Custody Suite Visited	No. of visits undertaken	No. of detained persons held	No. of detainees available to visit	No. of detained persons visited	% of detainees visited (of those available)	No. of detained persons not visited
Hatfield	78	1138	591	507	86%	573
Stevenage	68	692	330	270	82%	364
TOTAL	146	1830	921	777	84%	937

The number of persons detained at the time of ICV visits is lower than last year, proportionally to the reduction of detainees generally, the percentage of those visited is one per cent less, reduced to 84 per cent from 85 per cent. In the last two years there has been a lower percentage of detainees seen due to the introduction of anti-social hours visiting where many detainees have entered their rest periods.

Figure 2: Comparison of detainees seen in the last 4 years



Profile of the Independent Custody Visitors

There are 37 Independent Custody Visitors who live, work or study in Hertfordshire. 58 per cent are male volunteers and 42 per cent female volunteers. The demographics of our ICVs show that they are broadly representative of the Hertfordshire population with regards to ethnicity (Figure 3²) but they are not in terms of age (Figure 4³), this will be an area of focus for recruitment in the coming year. Of the 37 ICVs, most have volunteered in that capacity for several years, including one for 30 years.

Figure 3: Ethnicity of the Independent Custody Visitors (2018-2019)

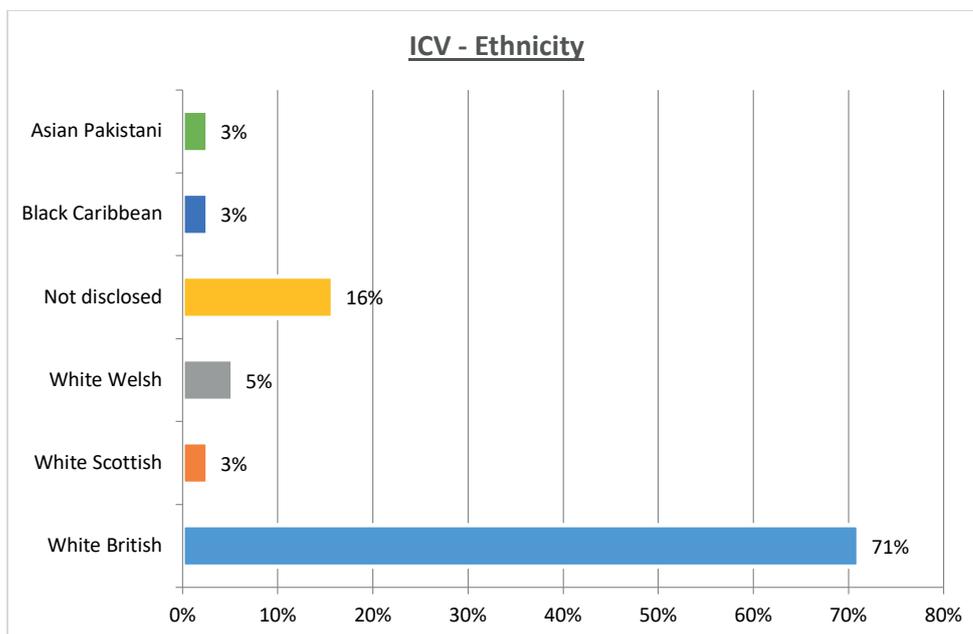
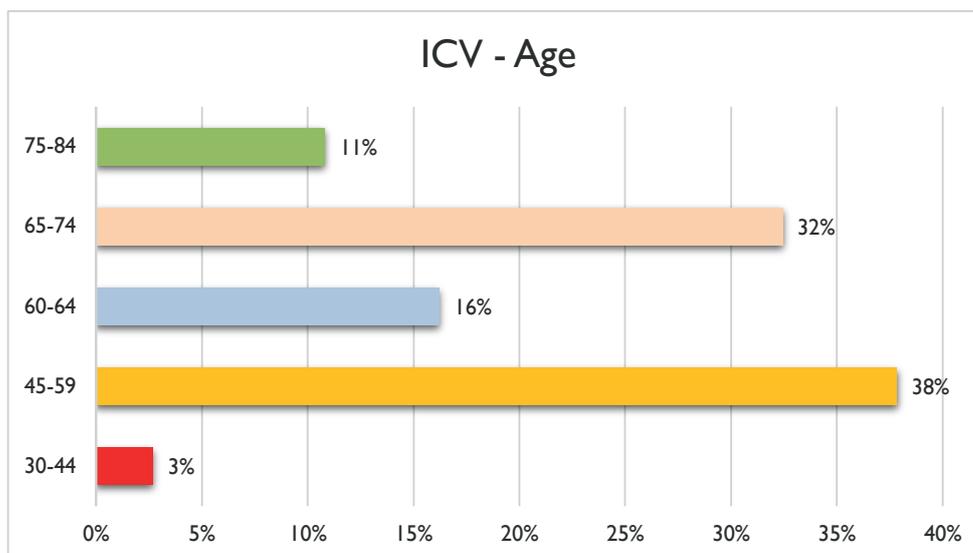


Figure 4: Age of ICVs



² According to the Office for National Statistics 2011 Census Hertfordshire ethnicity is represented by 80% White English/Welsh/Scottish/British, 1% Asian Pakistani, 1% Black Caribbean

³ According to the Office for National Statistics 2011 Census the comparable age range in Hertfordshire was represented by 22% aged 30-44, 20% aged 45-59, 6% aged 60-64, 8% aged 65-74 and 5% aged 75-84.

Matters arising from custody visits

Hertfordshire Custody Visitors plan to make two visits per week to each custody suite. The visits take place to provide coverage over a 24 hour period, but are scheduled to ensure that both suites are not visited at exactly the same time in order to minimise operational disruption. In order to better understand the needs of those in custody and interrogate the data, the Commissioner made amendments to the ICV reporting framework. These changes have allowed for a fuller data collection, collation and reporting to take place, which is reflected in the report data contained in this report.

During 2018/19 of the 777 detainees visited, issues were noted from 117 (15 per cent) detainees. In total 193 issues⁴ were reviewed. Positively, 85 per cent of detainees did not raise any issues regarding their welfare whilst in custody. 42 (five per cent) detainees gave positive comments surrounding their detention whilst ICVs recorded 42 positive comments predominantly around custody staff and facilities in the care of the detainees.

Owing to the way data was collected during 2017/18 it appeared that medical and mental health issues represented a significant proportion of the concerns. The categories were revised in 2018/19 with more detailed sub-categories in accordance with national practice and have provided a more accurate and detailed picture of the specific areas in custody that cause detainees concern. These changes have ensured that data collected is accurate and representative.

The revised categories are listed below in Figure 5.

Figure 5: Categories of issues raised by ICVs

	Categories of issues raised	Number of issues raised	% of total
1	Rights of detainee	109	39%
2	Cleaning	19	7%
3	Vulnerable detainees	16	6%
4	Food drink reading	13	5%
5	ICV staff issues	12	4%
6	Access to amenities	10	4%
7	Maintenance	9	3%
8	Services available	3	1%
9	Detention issues PACE	2	1%
	Positive feedback	84	30%
	Total concerns/comments noted	277	

⁴ More than one issue may have been reported by each detainee or may have been expressed by an ICV and exclude the positive comments

I. Rights of Detainee

The category reporting the largest number of issues was Rights of Detainee not being given in one form or another, this is sub-categorised as follows:

Figure 6: Sub-categories of issues relating to the Rights of Detainee

	Number of Issues raised	% of total
Access to medical help	32	34%
Phone call	26	24%
Access to free legal advice	19	17%
Access to drink	16	15%
Access to food	13	12%
Not given rights	1	1%
Someone informed of their location	1	1%
Contact Embassy	1	1%
Privacy while receiving legal advice	0	0%
Access to "Codes of Practice"	0	0%
Can see written notice of rights	0	0%
Access to interpreter/language cards	0	0%
Access to complaints procedure	0	0%
Total issues noted	109	

Access to medical help was the area which required most attention. Of the 32 issues raised 14 detainees asked the ICVs to see a Health Care Practitioner (HCP) relating to physical health issues, 17 wanted medication and one person was waiting for the HCP to arrive. Where the HCP was required either custody staff had or did inform the HCP, the need for medication was addressed and was either being taken to custody by a family member or appropriate alternative medication was prescribed by the HCP.

Issues relating to rights to telephone calls were generally initiated in conversation with ICVs. These were instances where there had been operational reasons for the delay and those recently arrived in custody. 19 areas of concern related to access to legal advice. On arrival into custody, detainees may decline free legal advice when asked by an officer during the booking into custody process. In some instances a concern may have been raised if a solicitor had not arrived at the time of an ICV visit. In other cases, the detainee, when speaking to someone independent who is not a police officer may take the opportunity to change their mind, and legal advice is then requested. Food and drink are frequently refused initially by a detainee and then requested when ICVs are present, particularly those unfamiliar with the process of being taken into custody.

Figures 7 and 8 breakdown issues raised by the ethnicity of the detainee. They show that there are no issues regarding disproportionality.

Figure 7: Access to Medical Help by ethnicity category

Ethnicity	Percentage
White British	31%
White Irish	3%
Any other white	25%
Asian/British Indian	3%
Black/British Caribbean	3%
Any other ethnic group	3%
Refused/Not Stated (when detainee asked)	13%
Not recorded by ICV (nothing recorded by ICV either as Refused/Not Stated as above or blank from the Athena snapshot)	19%

NB: In terms of access to medical help the ethnicity breakdown of the 32 is as follows (3% = 1 person)

Figure 8: Rights of Detainee by ethnicity category

	Rights Of Detainee	Vulnerable Detainees	Access to Amenities	Services Available	Cleaning	Maintenance	Food/Drink/Reading	Detention Issues PACE	ICV Staff Issues	Positive Feedback
White British	17%	1%		1%	2%	2%	4%	1%		12%
White Irish	1%									
Any other White	14%	1%	1%				1%			1%
White and Black Caribbean										1%
White and Black African										
Mixed White and Asian										
Any other Mixed										
Asian/British Indian	1%									
Asian/British Pakistani	1%									
Asian/ British Bangladesh										
Any other Asian										
Black/British Caribbean	1%									
Black/British African		1%	1%							1%
Any other Black	1%		1%	1%						1%
Chinese										
Any other Ethnic Group	1%									
Refused/Not Stated	10%	3%	2%		2%	1%	1%			5%
Not Recorded By ICV	2%	1%	1%				3%		2%	4%

2. Cleanliness

Cleanliness issues were of the second highest concern recorded by ICVs. Most of the 19 comments relate to cells awaiting cups and plates being removed. There was also some concern regarding a few general cleaning matters such as cells awaiting cleaning following the release of a detainee and showers/toilets requiring cleaning after use.

Figure 9: Issues relating to cleanliness

	Totals
Individual cell	13
Showers	3
Corridor	2
Exercise yard	1
Kitchen	0
Interview room	0
Reception	0
Prayer room	0
Total issues noted	19

3. Vulnerable Detainees

The term vulnerable⁵ applies to any person who, because of a mental health condition or mental disorder :

- (i) may have difficulty understanding or communicating effectively about the full implications for them of any procedures and processes connected with:
 - their arrest and detention; or (as the case may be)
 - their voluntary attendance at a police station or their presence elsewhere, for the purpose of a voluntary interview; and
 - the exercise of their rights and entitlements.

- (ii) does not appear to understand the significance of what they are told, of questions they are asked or of their replies:

- (iii) appears to be particularly prone to:
 - becoming confused and unclear about their position;
 - providing unreliable, misleading or incriminating information without knowing or wishing to do so;
 - accepting or acting on suggestions from others without consciously knowing or wishing to do so;or
 - readily agreeing to suggestions or proposals without any protest or question.

ICVs have identified 16 concerns specifically relating to vulnerable detainees in custody and these equate to four concerning children and 12 to adults

The concerns raised by the ICVs were brought to the attention of the force custody lead as an area for improvement. As a result of this the force custody lead reviewed the concerns raised by the ICVs and opportunities for learning identified were formally addressed through a custody action plan.

The action plan included refreshing training of custody staff with regards to Appropriate Adults and there has been significant recruitment of the additional Appropriate Adults for children. The provision of Appropriate Adults for children is a statutory responsibility of Hertfordshire County Council.

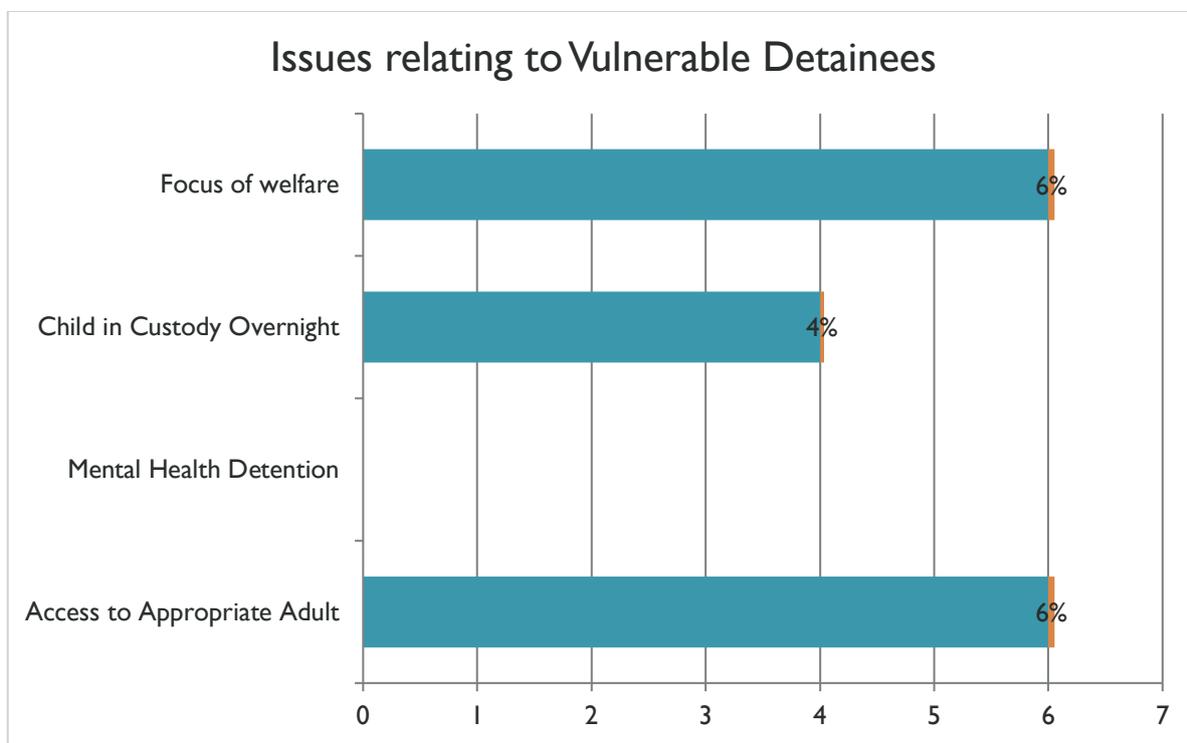
16 new children appropriate adult volunteers have been recruited and they have been supported by the delivery of joint local authority and police training sessions. The contract in place in relation to the provision of Appropriate Adults for Vulnerable Adults is with The Appropriate Adult Scheme (TAAS) and which is closely monitored by the force custody lead to ensure it remains fit for purpose.

The availability and numbers of Appropriate Adults is now monitored by the Force Head of Criminal Justice who reports to the Strategic Executive Board which is the forum for issues related to the effectiveness and efficiency of the policing service delivered in Hertfordshire.

Figure 10 shows that for the fourth year running, the Constabulary have not held anyone in a custody suite who has been detained under Section 136 of the Mental Health Act 1983, they are instead taken to a designated medical facility as a place of safety.

⁵ Police and Criminal Evidence Act 1984 (PACE) Code C – Revised July 2018 section 1.13(d)

Figure 10: Issues raised relating to vulnerable detainees



4. Food, Drink and Reading Material

With specific reference to food, drink and reading category, detainees reported that there was a lack of reading material available within custody. All matters raised in this regard were addressed promptly.

Figure 11: Issues raised relating to Food, Drink or Reading Material

Issues relating to Food, Drink or Reading	Totals	% of total
Detainee access to reading materials	13	12%
Food correctly stored	0	0%
Food in date	0	0%
Dietary / Religious requirements	0	0%
Guidance to staff available and visible	0	0%
Religious items - storage/condition/availability	0	0%
Total issues noted	13	

5. ICV Staff issues

ICVs have reported occasional long waiting times for them to be admitted into custody. Access for ICVs should be prompt but due to pressures in the custody suites sometimes access is delayed. When this occurs reasons behind the delays are investigated and addressed.

6. Access to Amenities

Comments were also noted with regards to accessing amenities including those related to having a shower or exercising which had not previously been relayed to custody staff. In each instance this was addressed promptly.

7. Maintenance

Nine (three per cent) maintenance issues raised related to cell temperature (four), litter within the shower area (one) and toilet plumbing (four – rectified promptly).

8. Services Available

Services available related to three issues in all. One surrounding female dignity⁶, another referenced an extended delay before seeing a health care professional and one other detainee suggesting they required a nurse but after investigation it was found not to be the case.

9. Detention Issues PACE

Two suggestions of detention or PACE issues, relating to their length of stay, were perception issues by the detainee. ICVs checked custody records confirming that the detention was lawful.

Positive Feedback

ICVs also recorded a number of positive comments by detainees regarding their welfare in custody. Of the 84 positive comments, 40 detainees (22 per cent of those visited) chose to comment about their welfare saying they had been well treated. 38 ICVs (21 per cent of those visited) commented that the facilities were clean and generally supplies of equipment and food were good. ICVs also said that police staff were helpful and professional when dealing with detainees.

⁶ Please refer to areas of focus, care of female detainees section.

Areas of focus this year

Care of Female Detainees in Custody

Nationally, there have been campaigns for improvements to the welfare of females in custody. It was and continues to be a national issue but due to the work by ICVs supported by ICVA it is anticipated Parliamentary time will be available this year for changes to be written into legislation with amendments to the Home Office Code of Practice and the Police and Criminal Evidence Act (PACE) Codes C & H. ICVs highlighted concerns at a local level in Hertfordshire and the Constabulary have taken on board the importance of this issue raising the bar to exceed national good practice for feminine hygiene packs and ensuring there is always a female officer available for female detainees. As a result, ICVs have received more guidance in the standards they can expect to see in this area within custody.

Supplies

Supplies of blankets and towels were frequently found to be in short supply at the end of weekends and especially Bank Holiday weekends. Continual observation by ICVs reporting and subsequent discussions with the Constabulary have brought about the purchase of more supplies and generated better stock control.

IT Systems

The changes to police IT systems, following the introduction of Athena in May 2018 have taken a while to embed with officers. By September a bespoke “snapshot” of those in custody was available for ICVs. This now provides both custody staff and ICVs with all relevant information prior to visiting detainees. This bespoke addition to Athena, suggested by the Commissioner’s Volunteer Team has been shared as good practice with other forces.

Quality Assurance Framework

April 2018 saw the introduction of a Quality Assurance Framework by the Independent Custody Visiting Association (ICVA) which enables schemes to reflect on how they comply with the Code of Practice, the legislation which underpins custody visiting. It seeks to encourage schemes to celebrate areas of strength, promote custody visiting and the achievements schemes have made, drive performance and increase sharing of good practice.

The end of March 2019 saw results from the Quality Assurance Framework announced where Hertfordshire OPCC were confirmed at a Silver Award standard, showing a good standard of custody visiting and volunteer management. The award serves as a credit to our committed and dedicated custody visitors who have not only accepted change as driven by the Commissioner, but whose input has helped to drive forward changes both at a local and national level.

Going Forward

In the coming year ICVs reports will continue to be carefully reviewed to ensure all detainees receive their rights and entitlements and are treated with dignity and respect.

Working in collaboration with the force custody lead, the appropriate adult provision will continue to be monitored to both children and vulnerable people to ensure sufficient appropriate adult services.

The Independent Custody Visiting Association will monitor issues raised by scheme managers to review national trends and cascade details of legislative changes and reforms.

Hertfordshire OPCC will be actively recruiting more volunteers to ensure, where possible, that the volunteers reflect the demographics of the county.

If you are interested in becoming an Independent Custody Visitor please contact:

Independent Custody Visiting Scheme Administrator
Office of the Police and Crime Commissioner for Hertfordshire
15 Vaughan Road
Harpenden Police Station
AL5 4GZ

Telephone: 01707 806100
Email: pccadmin@herts.pcc.pnn.gov.uk

For more information regarding the role of ICVs and that of the Office of the Police and Crime Commissioner for Hertfordshire, please visit www.hertscommissioner.org.

For more information on the role of the Independent Custody Visiting Association (ICVA), please visit www.icva.org.uk