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# ESSEX INDEPENDENT CUSTODY VISITING SCHEME 2019/20 ANNUAL REPORT

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Office of the Police, Fire and Crime Commissioner for Essex

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OPFCC  
Kelvedon Park

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## Foreword by Roger Hirst, Police and Crime Commissioner for Essex



Welcome to the 2019/20 Essex Independent Custody Visiting (ICV) Scheme Annual Report, which incorporates visits taking place from April 1<sup>st</sup> 2018 to March 31<sup>st</sup> 2019. The Independent Custody Visiting Scheme in Essex provides oversight and accountability at eight police custody suites situated across the county. Our volunteers are all members of the public who have undergone training that equips them to go unannounced into custody suites and check on the welfare and dignity of detainees. Bridging the gap between custody staff and detainees, means ICVs are able to raise concerns as well as highlight good practice taking place.

This year saw the implementation of the Independent Custody Visiting Association's (ICVA) Quality Assurance Framework, which has helped lift the standards of the scheme on a national level. Essex was peer assessed and awarded 'silver', which recognises the scheme as providing a good standard of provision.

I was pleased that overall detainees were happy with how they were treated in custody, and of the concerns that were raised none were of a serious nature. Improving the dignity of detainees continues to be a priority through the efforts of ICVA and Essex Police Custody Command. This year ICVs in Essex have worked with police to improve the reporting and recording of detainee vulnerability and access to personal effects as well as encouraging good interpersonal relationships by custody staff with detainees. The scheme will continue to review and develop these reporting and recording systems as new themes emerge.

I would like to personally thank the commitment and efforts of all the ICV Scheme volunteers who visit custody suites week in and week out, without whom this important work would not be possible.

A handwritten signature in black ink, appearing to read 'R. Hirst'.

Roger Hirst  
Police, Fire and Crime Commissioner for Essex

## About the Independent Custody Scheme

Under the Police Reform Act 2002, all police forces have to have an Independent Custody Visiting (ICV) scheme in place. The ICV scheme gives the public reassurance that detainees are being treated fairly by carrying out independent checks to ensure they understand their rights and entitlements and to check that their welfare and dignity are being maintained.

The Essex ICV scheme involves appointed members of the public visiting local police stations unannounced in order to observe and report on the treatment of detainees and the conditions in which they are held. The scheme offers protection to both detainees and the police and reassurance to the community.

ICVs speak to detainees, asking them about their experiences, and checking that they have been given and understand their legal rights and entitlements.

ICVs check all areas of the custody environment. While there may be an issue with the general environment recorded in one area of custody, the report might also comment on good standards of cleanliness in another area.

ICVs should have immediate access to police custody but accept a short wait for reasons such as a health and safety issue or if ICVs arrive during operational police handover. ICVs should always expect an explanation and can escalate a concern to the Custody/Duty Inspector if they feel it necessary.

They complete visit reports, alerting the scheme manager at The Police, Fire and Crime Commissioner's office of their findings and raising any problems or concerns. The Essex ICV scheme also shares findings, themes and learning with the Independent Custody Visiting Association (ICVA) as well with other schemes in the Eastern Region.

In Essex the issues raised in custody are drawn together and any emerging trends are identified and channeled through the appropriate police command team and at Police, Fire and Crime Commissioner's performance and scrutiny boards. [SEP]

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. The Commissioner incurs other related costs for running the scheme including training, printing, catering for panel meetings, conference booking fees, and office membership of the Independent Custody Visiting Association (ICVA). ICVA leads, supports and represents PCCs with the Independent Custody Visiting Scheme helping to shape the schemes, equip managers to deliver effective schemes and keep them informed of legislative changes and reforms.

## Profile of the Independent Custody Visitors

For the year 2019-2020 there were 15 ICV's who live, work or study in Essex. Of that number 9 are male volunteers and 6 are female volunteers. The demographics of our ICVs are predominantly white British and recruitment work is being done to attract more diverse members to the scheme. Of the 15 ICVs, most have volunteered in that capacity for several years, including one for over 29 years. They bring a wealth of experience and knowledge to the role and understand the concerns faced by detainees as well as having the confidence to raise challenges where required.

ICVs are kept abreast of the current issues and trends in custody and will adapt their dialogue with detainees to take into account concerns such as sign posting once detainees leave custody, access to interpreters, signs of mental health issues and the availability of AAs.

A number of new ICVs are keen to visit multiple custody suites across the county. This gives the scheme a lot more flexibility and allows for more visits to take place to each of the stations

ICVs also attend training events and are encouraged to complete online courses which are provided by ICVA. Through the year, ICVs visited each custody suite three times per month on different times and days so as to gain a wider view of custody. By being designated the same suite for that month it enables ICVs to follow up on any outstanding issues, especially maintenance issues such as cells being out of use due to faulty CCTV and buzzer alarms. In some cases where the maintenance issue has not been resolved and is having significant impact such as the telephone outside the custody not working, the issue has been raised via the PFCC and the matter has been brought to a swift resolution.

## Profile of Police Custody

Station	Cells
Southend Police Station	30 cells
Colchester Police Station	16 cells
Harlow Police Station	14 cells
Basildon Police Station	20 cells
Grays Police Station	17 cells
Clacton Police Station	12 cells
Chelmsford Police Station	15 cells

From April 2019 to March 2020, Essex Police had a number of suites undergoing refurbishment and upgrades due to their age. Colchester was closed in April and May, Harlow in June and July and Chelmsford Police Station closed in August 2019 for an 18 month refurbishment programme.

Chelmsford was one of the busiest suites in the county, and detainees are being diverted to Basildon instead. Following pressures on staffing Clacton closed in December with detainees diverted to Colchester. With the closure of both Chelmsford and Clacton it has reduced available cells by 25 out of the maximum 124 to 99.

In the 12 months from April 2019 to March 2020 there were 24769 detainees passing through custody. From an ethnicity perspective it is not currently mandatory on the Athena custody system for officers to ask detainees to state their ethnicity when being booked into custody if they are already known on the police management system. It will be left as 'Not Recorded' unless specifically asked during the booking in process. As a result, 2359 'self-defined' ethnicity records during 2019/20 were listed as 'Not Recorded'.

Detainees through custody by Custody Suite	
Custody Suite	Total
Chelmsford	1828
Clacton	1630
Colchester	4038
Basildon	5266
Southend	4609
Grays	4242
Harlow	3156
Total	24769

Basildon was the busiest suite with 21% of total detainees through custody. This was followed by Southend with 18.6% and Grays with 17%.

Chelmsford would usually be the busiest suite but as the station is closed for refurbishment for the foreseeable future this may have an impact on transporting detainees across the county to other available suites.

ICVs will monitor how the closure affects other custody suites in respect of any increase in booking in times for detainees and how this may affect use of force or adverse incidents and detainees gaining

access to medical care.

## Visits to Custody

- The Essex Independent Visiting Scheme made on average three visits per month to each of the custody suites.
- In the year 2019 to 2020 they interviewed/observed 592 detainees out of a possible 848 in custody at that time.
- Of those they were unable to see they were either with solicitor, in interview, with a medic or at hospital.
- 27 detainees declined to be interviewed which is lower than the previous year. The continued use of ICVs being able to self introduce themselves and build a rapport with detainees is key to creating a good dialogue and understand how detainees felt the time in custody was going.

## Concerns raised during custody visits

<b>Sample of issues raised by detainees visited by ICVs</b>		
<b>Issue</b>	<b>Concern</b>	<b>Outcome</b>
Rights and Entitlements	Detainees could not remember being given R&E	ICVs checked custody records and on each occasion R&E had been given but detainees were under the influence. Custody staff reissued R&E so detainees understood.
Access to translators	Telephone service not reliable in providing translators leading to delay in accessing legal representation.	This is an ongoing service issue which has been mitigated by custody staff being able to access an alternative NPCC approved translation service where required.
Detainees requesting updates	Some detainees visited were frustrated as they had not been updated on what was happening.	Often this can be due to delays while awaiting CPS outcome. Custody acknowledge more could be done to explain and update.
Access to exercise yard	Some exercise yards were not accessible due to maintenance issues.	These issues are scheduled for repairs and are followed up by ICVs on future visits.
Food/drink/blankets	Detainees requesting extra food and drink.	Custody staff happy to comply with requests.
Maintenance	Due to aging custody suites ICVs noted a variety of maintenance issues including faulty buzzers, CCTV, lights, toilets, flaking paint that was sharp and could allow detainees to self harm.	Upgrades to custody suites have been planned as well as investment in CCTV. Issues are raised with custody command who update on repairs and replacements.
Out of Date Food	When checking food prep areas ICVs find out of date food items	A new menu is being introduced which has a more popular, better quality menu which should result in less food wastage.
Cold/hot cells	Detainees complained of cells being cold in Clacton custody suite during winter and the reverse in summer.	Issues were caused by a centrally controlled temperature system and has been raised with maintenance.

- ICVs have identified concerns specifically relating to vulnerable detainees in custody obtaining Appropriate Adults. In some areas of the county provision is good while in others out of hours service in particular can be very patchy and can lead to long delays. Work is being progressed between police, Clinical Care Commissioning Groups (CCGs) and the Police, Fire and Crime Commissioner commissioning lead to look at an approach that can be adopted by local authorities and the county council. This will continue to be monitored by the ICV scheme.
- Lack of available PACE beds continues to be a challenge although juveniles will only keep children in custody overnight where there is no other workable alternative. Again, work is ongoing with CCGs to make more beds available should the need for them arise.





## Good Practice and Improvements

Overall ICVs reported receiving positive feedback from detainees about their treatment while in custody. Most detainees understood their rights and entitlements and understood why they had been detained. Where they did not understand, due mainly to intoxication, officers provided another opportunity. They also reported being treated well by custody staff and being treated with respect.

**Onsite Medics** - Access to onsite medical staff has vastly improved from the previous year following the bedding in of a new medical provider. The main issue was recruitment of medical staff, which took some time to process. This meant medics were not embedded in all suites and long waiting times ensued as officers either had to wait for medics from other suites or transfer the detainees to hospital A&E. This also impacted the investigative process as officers on occasion faced delays in obtain samples or conducting an interview.

Mitigation included escalation of the issues in corporate vetting and the employment by CRG of a new regional manager who worked closely with the Criminal Justice Command to deliver system improvements and put in place the cross-vetting plan with another force.

For the year 2019 – 2020 ICVs reported far fewer medical related issues being raised by detainees and custody staff and ICVs regularly reported that detainees had already seen a medic or were due to imminently and that any regular medication had been noted and was made accessible. They also recorded instances where officers attended home addresses in order to obtain medication.

Where detainees are brought into custody and exhibit concerns around their mental health, custody staff will request access to the mental health triage team so the detainees can be assessed by a mental health care practitioner. Custody staff reported there were some delays in accessing the service due to demand out (specifically overnight). However, with medics onsite at custody suites detainees were provided with a level of care until the mental health practitioner arrived. There were also no complaints made to ICVs by detainees or staff.

**Translation Service** - In 2017 following a procurement procedure, the translation contract was awarded to a new supplier. While initial feedback was positive, the standard of the service began to slip in August 2018, with custody officers often having difficulty in obtaining a translator for detainees. Dialogue with the service indicated a change in contract had led to some staff members leaving. In some cases the failure to obtain a translator meant detainees were having to be released or bailed as the 24 hour custody window had expired.

Essex Police Custody Command and Senior Officers met with the supplier to discuss how the service regularly failed to meet the expected levels of service which resulted in significant operational impact for victims, witnesses and suspects due to delays in the processing of non-English speaking suspects. A contingency plan was put in place to meet the shortfall in service in custody through direct use of the Association of Court and Police Interpreters (APCI). This was outside of the contracted provision from the supplier. As of December 2018 Detention Officers and ICVs reported that the mitigation put in place. In 2019 – 2020 delays in obtaining translators were still

being reported although on a lesser scale and the option to use ACPI interpreters was being implemented.

## Looking Ahead

Covid 19 - as the year drew to a close, the effects of the Covid-19 pandemic resulted in a temporary suspension of ICV visits to maintain the welfare of both volunteers, staff and officers. To meet the Commissioner's statutory responsibility a Home Office approved method of dip sampling custody records to check that rights, entitlements and welfare needs were being met was initially undertaken. Phase two saw ICVs involved in discussions to expand the process to a conference call into custody and speaking to detained persons via mobile telephone link within their cells. This has proven to be very successful and allowed the ICVs to undertake visits remotely in pairs while further work will continue to enable them to return to physical visits at the earliest opportunity and when safe to do so.

**Recruitment of ICVs** is ongoing but will be challenging due to the constraints around vetting, following a large officer recruitment drive with Essex Police. Any risks to the effective delivery of the scheme will be raised and escalated through the appropriate channels and requests for fast tracking ICVs will be made.

**Issues with aging estates** - while the plans for a new custody estate are still being considered, it means we must continue to be vigilant around potential ligature, self-harm issues and faulty equipment. Essex Police are implementing refurbishment of the oldest suites in the interim and we will continue to raise any issues and follow them through.

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