



**COMISIYNYDD  
HEDDLU A THROSEDDU  
DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER**

**DYFED-POWYS  
POLICE AND CRIME COMMISSIONER**

**INDEPENDENT CUSTODY VISITING  
SCHEME**

**ANNUAL REPORT**

**APRIL 2019 – MARCH 2020**

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## 1. Foreword from the Dyfed-Powys Police and Crime Commissioner



Independent Custody Visiting was borne out of Lord Scarman's report on the Brixton riots in 1981 which recommended that a system of independent, unannounced inspection of procedures and detention in police stations by local community members be introduced. This was formalised in 2002 by the Police Reform Act which places a statutory duty on all Police and Crime Commissioners to implement an Independent Custody Visiting Scheme.

An Independent Custody Visiting Scheme was established in Dyfed-Powys in 2001. Since its roll out, thousands of visits have been made to custody suites across the Dyfed-Powys area, ensuring detainees are treated with respect and dignity irrespective of the reason for their detention.

Custody Visiting has introduced transparency of police custody processes. Independent Custody Visitors (ICVs) have a crucial role in ensuring the Human Rights of detainees are upheld and that the Police and Criminal Evidence Act 1984 is complied with.

It has been a busy year for my ICVs, with my scheme taking part in the National Independent Observers Pilot and receiving the Gold standard award in the Independent Custody Visiting Associations Quality Assurance Framework. All this could not be achieved without the dedication of all volunteer Independent Custody Visitors and I would like to take this opportunity to thank them for their support, enthusiasm and flexibility. The continued commitment shown by all ICVs is instrumental in the success of the Scheme, and I would like to offer my personal thanks to them all.

A handwritten signature in black ink, appearing to read 'Dafydd Iwan'.

Dyfed-Powys Police and Crime Commissioner

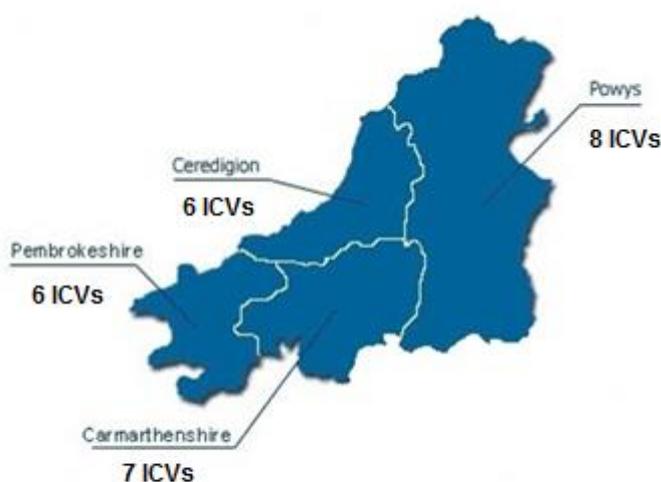
## 2. Introduction

Independent Custody Visitors (ICVs) are volunteers from our local community who visit police custody suites in pairs, unannounced, to check on the welfare of detainees and to ensure that their rights are upheld. ICVs also undertake checks on the custody environment to ensure it is safe and of a good standard. If any concerns are identified, these are raised by ICVs initially with the Custody Police Sergeant and also via the Police and Crime Commissioner's office for discussion with Police Inspectors. Updates are then provided to the Office of the Police and Crime Commissioner (OPCC) for consideration. Any overarching themes are fed into Policing Board for consideration for further action to be taken if appropriate. The ICVs' role offers protection to detainees and transparency of detention processes.

## 3. Independent Custody Visitors

At the end of March 2020 there were 27 Independent Custody Visitors (ICVs) on the Scheme, spread across the 4 ICV Panel areas; Carmarthenshire, Ceredigion, Pembrokeshire, and Powys.

Figure 1: Number of ICVs in each Panel Area

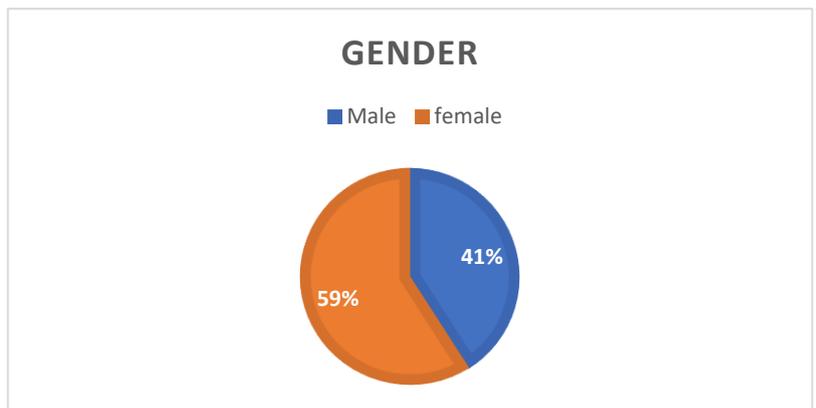


Sadly one ICV passed away in March 2020. We also had two ICVs resign from the Scheme between 1 April 2019 and 31 March 2020. 5 new ICVs joined the ICV rotas within this period. Two ICVs successfully completed their probationary period in September 2019 and the remaining three are due for their 6 month probationary review in June 2020.

Every effort is made for the Scheme to represent the demography of Dyfed-Powys, but critically, volunteers who show a genuine commitment and interest in the Scheme are appointed to the Team. However within our last recruitment drive, every effort was made to recruit individuals from a diverse range of ages, making a slight improvement on last year’s overview.

Figure 2: Gender and Age of ICVs

Age:	Percentage
18-24	15%
25-34	0%
35-44	4%
45-54	4%
55-64	22%
65-74	33%
75+	22%



#### 4. ICV Rotas

Ammanford, Aberystwyth, Haverfordwest, Brecon and Newtown are the main Custody Suites in the Dyfed-Powys area. Ammanford, Aberystwyth and Haverfordwest are visited once a week with Brecon and Newtown being visited on a fortnightly basis. This is due to their varying size and use. There are two other Custody Suites in Dyfed-Powys; Cardigan and Llanelli. They are used as overspill suites and ICVs do not routinely visit these Custody Suites. However,

should these overflow suites be used, the OPCC will be notified and can arrange an ICV visit if necessary.

<b><u>Custody Suite</u></b>	<b><u>Cell Capacity and detention rooms (used for the detention of children)</u></b>	<b><u>Custody throughput</u></b> <u>01/04/2019 -</u> <u>31/03/2020</u>
Ammanford	6 cells 2 detention rooms	2,251 detainees
Haverfordwest	17 cells 2 Detention rooms	1,798 detainees
Aberystwyth	7 cells 1 Detention room and 1 dry room	875 detainees
Brecon	8 cells 1 Detention rooms	804 detainees
Newtown	9 cells 1 Detention room	734 detainees
Llanelli (Only used as an overflow)	8 cells 2 detention rooms.	22 detainees
Cardigan (Only used as an overflow)	6 cells	10 detainees

ICVs are provided with a rota assigning a pair of ICVs to a week/ fortnight. They then arrange the day and time of the visit within the specified week/ fortnight.

Within their six-monthly ICV Panel meetings, ICVs are provided with data on their recent visits as well as the profile of custody throughput. They are asked to consider this data when arranging visits, to ensure visits are conducted at varied days and times throughout the week.

ICVs had the option of visiting a custody suite in a different Panel area during 2019/20. This ensures good practice is shared across the areas, and has already resulted in new issues being brought to light on ICVs' first visits to a different custody suite. These cross-Panel visits will continue to be offered prior to each new rota being issued.

## **5. Visiting Data**

### **I. Number of visits**

The target number of visits per year is 208 across the 5 main custody suites: 52 each for Ammanford, Aberystwyth and Haverfordwest custody suites, and 26 each for both Brecon and Newtown, a total of 208 for the Force area

Due to Covid-19 a decision was made to suspend ICV visits into custody from the 18<sup>th</sup> of March and therefore, ICVs were unable to fulfil the initial target number of visits (Please see the Covid-19 section for further information). However, ICVs completed 163 visits between 1<sup>st</sup> April 2019 and the 2<sup>nd</sup> of March 2020, which is 85% of the revised target number of visits.

### **II. Number of detainees**

During 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020, a total of 5,955 detainees were held in the Custody Suites across Dyfed-Powys. Of these, 305 were in custody at the time of the ICVs' visits. 48% of those detainees present were visited by ICVs (146).

<b><u>Custody Suite</u></b>	<b><u>April 2019 – March 2020</u></b> <b><u>throughput</u></b>
Ammanford	2,056
Llanelli (Only used as an overspill)	17
Haverfordwest	1,655
Aberystwyth	801
Cardigan (Only used as an overspill)	8
Brecon	740
Newtown	677

Figure 4: A breakdown of the number of detainees visited by ICVs

<b>Custody Suite</b>	<b>No of ICV visits</b>	<b>No of detainees in Custody at time of Visit</b>	<b>Detainees Visited</b>	<b>% of detainees visited</b>	<b>Detainees observed</b>	<b>Detainees not visited</b>
Ammanford	30	86	45	52%	21	20
Haverfordwest	45	125	67	54%	31	27
Aberystwyth	41	54	22	41%	8	24
Brecon	20	17	9	53%	5	3
Newtown	15	6	4	67%	1	2

*\* There are a number of reasons why detained persons are not visited, for example the police may advise not to for health & safety reasons. Those who were "not available" were either in interview, asleep, or the individual was providing fingerprint/DNA evidence.*

### III. Timings of visits

Figure 5: The number of visits during 1st April 2019 to 31st March 2020

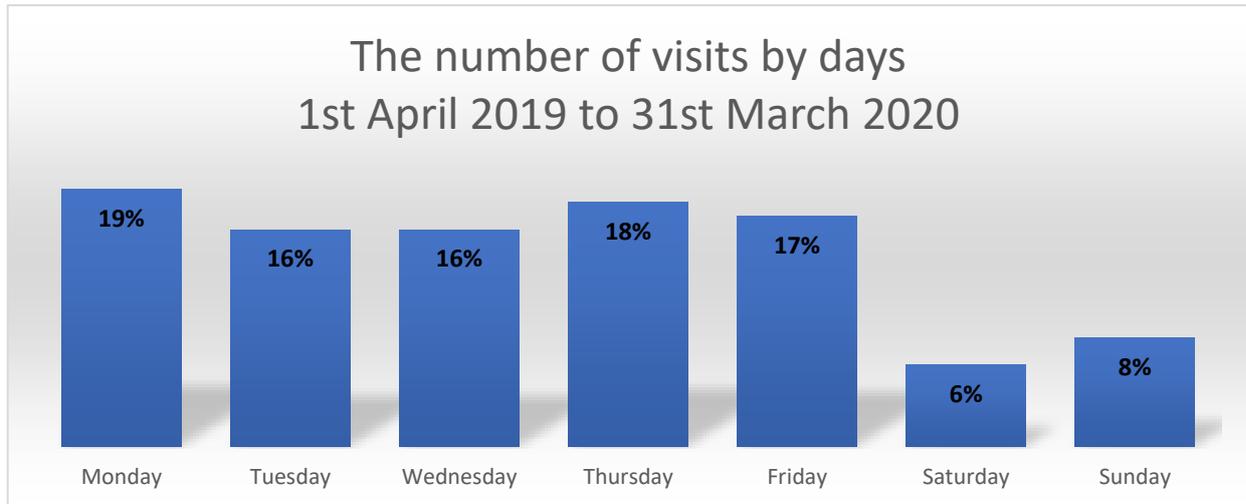
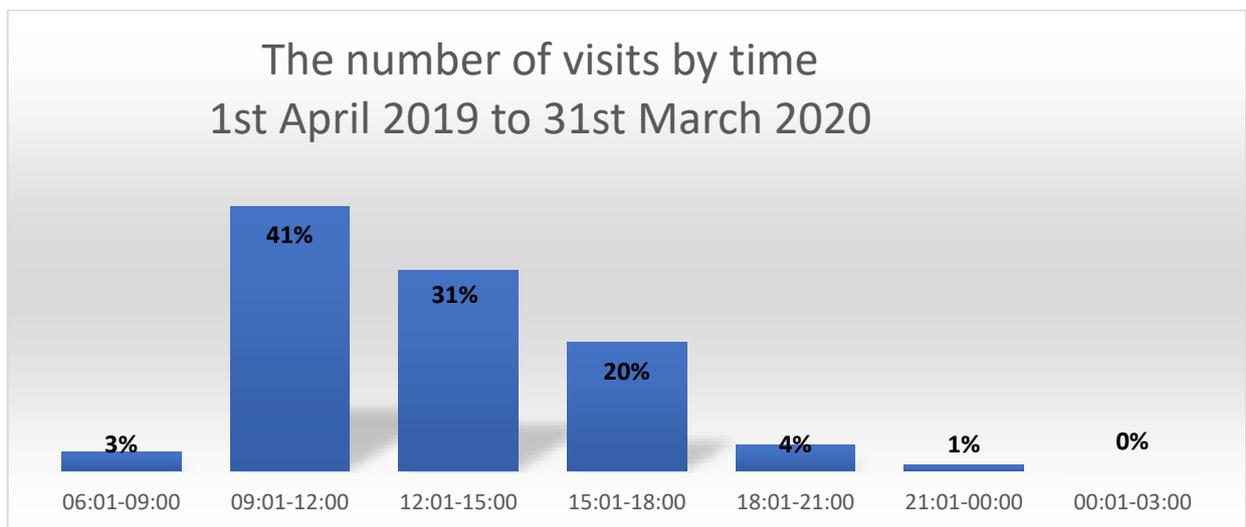


Figure 6: The number of visits during 1 April 2019 to 31 March 2020



Visits mid-week continue to be evenly distributed and still the most common time for ICVs to undertake visits. The number of visits undertaken on the weekend is significantly lower.

ICVs most commonly visit between 09:00 and 12:00. ICVs carry out visits most commonly in the morning which is the busiest time in custody, therefore maximising the chance of seeing as many detainees as possible. Not many visits are carried out after 21:00 as detainees tend to be sleeping and therefore ICVs are likely to have a lower number of detainees to speak to during later hours. ICVs however, try to carry out visits during a variety of times including weekends as well as week days so as to ensure a level of unpredictability in terms of the days and times they visit.

## 6. Issues Raised

During their visits ICVs check on the welfare of the detainees as well as the conditions in which they are held. ICVs are mindful of the rights afforded to detainees whilst held in Custody as per Code C of the Police And Criminal Evidence (PACE) Act 1984. A summary of these can be found in Appendix B.

ICVs are expected to discuss any minor welfare or environmental issues with the Custody Sergeant or accompanying officer at the time of the visit.

Any issues which cannot be resolved during a visit, or which ICVs feel need to be dealt with at a higher level are reported to the Scheme Administrator within the OPCC.

These are then recorded and followed up with Dyfed-Powys Police's (DPP) Custody Chief Inspector or the relevant Inspectors. They then consider the issues, provide the scheme administrator with an update / report, and take any necessary actions.

Positive comments and observations are also noted on the forms and reported back to senior custody staff.

The scheme administrator notifies ICVs of the outcome of their report, and further discussions around the issue are held at the next ICV Panel Meeting.

Should any issues need to be considered at a higher level, the Police and Crime Commissioner takes the matter to a Policing Board to discuss with the Chief Constable.

Please find below a list of concerns raised by ICVs Between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2020 and a response as to the progress made against each concern:

Concern identified	Progress made
Concern about the length of time an immigration detainee spent in custody. Representatives from immigration needed to be made to speed up the process.	Ongoing: Custody was aware of this concern and will continue to monitor any future delays.
CCTV in Brecon having blind spots.	Ongoing: Work was scheduled for completion this year, due to Covid-19 this has been delayed. However, work will recommence when appropriate.
CCTV timings incorrect in Aberystwyth.	Resolved: CCTV timings were amended and are now correct.
No thermometer in food preparation room in Ammanford.	Resolved: New thermometer ordered.
Concern over the food temperature log records in Haverfordwest.	Resolved: New food temperature log sheets were created to ensure that nil returns are also captured to ensure that no gaps are seen day to day.
Detainee clothing being kept on the floor outside cells due to a lack of storage space in Ammanford.	Resolved: Since this being raised, detainee clothing is now to be kept in individual bags outside the cells.
Closure of a cell in Aberystwyth due to defective light.	Resolved: This was an ongoing issue, due to the need to close the suite to change the light switchboard. This issue has now been resolved.
Gate to vehicle yard in Aberystwyth requires attention.	Ongoing: This issue has been reported to Estates and has been incorporated into their work plans.

No Bible in Ammanford.	Resolved: An order for a new bible was made.
A concern was raised regarding the cleanliness and accessibility of the glass toilet room in Ammanford.	Resolved: This issue has been reported to custody and improvements were made. ICVs will continue to monitor this.
Cracks in custody floor within Brecon.	Ongoing: The estates team have been made aware of this concern and maintenance work on the flooring of the Custody suite will be carried out over the coming year.
ICVs noted that the step for one of the showers in Aberystwyth suite was a health and safety issue due to the steepness and width of the step.	Resolved: Following this concern the shower is no longer being used, detainees now use the alternative shower within the suite.

Over the last year many positive comments have been noted. ICVs regularly note within their findings that custody is clean and tidy with everything in good order. On a few occasions ICVs commented that although custody staff were extremely busy, they were still very helpful and welcoming to the Visitors, as well as maintaining their high standards of cleanliness. Through ICVs cross visiting suites in Dyfed-Powys a number of areas of good practice have also been identified, these include; good practice found in Ammanford in terms of the provisions of female menstrual products being distributed in packs, the storage of religious items in Haverfordwest and the recording of food temperature logs in Powys. From these cross visits good practice has been able to be identified and shared.

## 7. Panel Meetings

ICV Panel Meetings are held twice a year in each area, where ICVs have the opportunity to discuss any issues that have been raised with the Custody Inspector. They must satisfy themselves that the explanations given are adequate, and that the result ensures no adverse impact on a detainee's welfare, human rights or health and safety. It is also an opportunity to reflect

on the last 6 months; how the Scheme is running and if any improvements could be made.

## 8. Training and Events

- An Annual training day was arranged for the 13<sup>th</sup> of March 2020. Contributions during the day were to include an input on Health and Safety within custody suites, the Dyfed-Powys Diversionary Scheme, Changes to PACE in relation to females in custody and an input on the Booking in process for detainees. Unfortunately due to the circumstances with Covid-19 the difficult decision was made to postpone this event. This training day will be rearranged at the earliest opportunity.
- Training sessions were also held in October and January for those ICVs involved in the Custody record reviewing pilot (see section 10 below) and the changes to visits being trialled in Haverfodwest custody.
- On the 7<sup>th</sup> of November the Commissioner accompanied ICVs on one of their visits to Newtown custody.
- On the 28<sup>th</sup> of February the Commissioner held a thank you Celebration afternoon for all the ICVs involved in the Independent Custody Observers Pilot. This was an opportunity for the Commissioner and custody to thank ICVs for their willingness to take part and the contributions they have made, but to also to reflect on the findings over the six month period of reviewing records.



## 9. ICVs' involvement in Custody Staff training

ICVs and Scheme Administrator are routinely involved in training for new Custody staff, the most recent of which was conducted in January 2020. This opportunity helps ensure that all new staff within custody are aware of the ICVs and their role, also giving the opportunity for them to ask any questions they have regarding the scheme.

## 10. Independent Custody Observers Pilot

In September 2019 Dyfed-Powys was one of five Forces across England and Wales and the only Force in Wales to take part in the National 'Independent Custody Observers Pilot' (ICOP).

The 6 month Pilot is run by the Independent Custody Visiting Association (ICVA) which aims to further protect the welfare of those identified as vulnerable within police custody, including young people. The Pilot allows ICVs to undertake more detailed checks during their visits. Since September, ICVs have routinely met to review the custody records of vulnerable detainees, giving them an opportunity to consider a detainee's entire journey through custody, helping us to build a better understanding of any current local issues.



When reviewing the records the ICVs report on a range of criteria, examining whether the vulnerable individuals have been detained according to their needs and in line with PACE Regulations. This includes checks such as whether they received access to an Appropriate Adult (To ensure that children and vulnerable adults understand their rights and entitlements and are given access to necessary support), how long this took, and whether they were given information on their rights and entitlements. This has helped identify both areas of good practice and areas for improvement.

In addition to Custody record reviewing, the Pilot also included some changes to ICV visits. This second phase of the Pilot launched on the 24th of January 2020 and is initially being trialled in Haverfordwest suite. With consent from the detainees, ICVs are able to observe some of the custody procedures which they previously did not review, such as the booking in and release process. The ICVs answer a range of questions on the custody records and their observations, such as ensuring that individuals have been read their rights and entitlements and that an Appropriate Adult (AA) is called if required. These additional checks opens up more of custody for ICVs to

review, giving them a better insight into the totality of care extended to vulnerable detainees across DPP custody suites.

#### Overview of key findings:

127 Records were reviewed in total from September 2019 to February 2020.

#### Areas of Good Practice:

- It was found that all DPs were explained their rights and entitlements (in presence of AA if required).
- Positively all children in custody were provided with an AA.
- All female children were assigned a female officer.
- There were no issues identified with religious requirements or dietary requirements not being catered for.
- All observation levels set were adhered to with detainees continuously being risk-assessed. ICVs noted that detainees were well looked after, with many examples of difficult situations being handled professionally and with care.



#### Areas of improvement identified:

- Initially, it was identified that there was a lack of some details being recorded in logs, resulting in ICVs being unable to accurately assess whether certain things were taking place, such as whether detainees were being informed of the use of the cell call bell and that the toilet area is pixelated.
- A lack of detail being recorded in relation to female adults and whether they had access to a female member of staff or were offered any menstrual products.

It is positive to note that the Force has responded positively to these findings by introducing prompts to the custody system in relation to dietary requirements and food allergies; religious requirements whilst in detention; whether female detainees will require any menstrual products; and explaining the cell call bell and toilet pixilation.

Since these changes the ICVs have been unable to carry out a review due to Covid-19, however, the positive impact of these changes has been identified through the fortnightly dip-sampling of records by the Commissioner's Office in the absence of ICV visits.

## 11. Quality Assurance Framework

The Independent Custody Visiting Association (ICVA) Quality Assurance Awards were presented at a ceremony at the House of Lords on the 15<sup>th</sup> of May 2019. There were four graded levels of award, and the Dyfed-Powys Scheme was delighted to have received the Gold standard; meaning the Scheme provides an excellent standard of custody visiting and volunteer management.



## 12. Covid-19

As a result of the rapid developments of the Coronavirus pandemic towards the latter part of the financial year, Dyfed-Powys Police made the decision to postpone all non-essential visits to Police sites in order to safeguard the resilience of policing in Dyfed-Powys, and in particular the sensitive sites of Police Stations. The Force therefore made the decision that only essential visits should be made to Custody in order to protect both the custody staff and custody environment. As a result of the above Force decision, our Visitor demographics, and in response to a number of our Independent Custody Visitors (ICVs) asking to withdraw themselves from ICV visits until the current situation with coronavirus eases, the OPCC agreed to suspend all ICV visits until further notice on the 18<sup>th</sup> of March 2020. The situation will be regularly reviewed with the aim for Visits to re-commence as soon as practically possible.

In the absence of ICV visits, members of the OPCC staff have undertaken a number of steps to ensure that the Commissioner's statutory oversight of the police custody environment is maintained whilst visiting has been put on hold. This involves undertaking independent dip-sampling of custody records on a fortnightly basis to ensure that checks on the welfare of detainees continue, and that all rights and entitlements continue to be granted during this unprecedented time.

In addition, the Scheme Administrator remotely attends weekly custody contingency planning meetings on their response to Covid-19, as well as co-ordinating a response to a weekly questionnaire on detainees' access to healthcare and Appropriate Adults from the Independent Custody Visiting Association.

The OPCC continues to keep a close eye on Dyfed-Powys Police's performance data including the volume of crime, calls for service and the number of detainees going through custody on a weekly basis. This allows the PCC to understand the current pressures on the Force as well as ensuring oversight is proportionate and supportive.

### **13. Deaths in Custody**

Sadly Dyfed-Powys Police had one fatality in custody on the 23<sup>rd</sup> of November. A male detainee fell ill whilst in Newtown custody, was taken to hospital where he sadly subsequently died. As with any incident of this nature, the man's death is being investigated and the matter has been referred to the Independent Office for Police Conduct.

### **14. Future Plans**

In the coming year, the OPCC will be working with the Independent Custody Visiting Association, ICVs and Dyfed-Powys Police to review the impact of the Independent Custody Observers Pilot and how the whole approach may be implemented across Dyfed-Powys.

### **15. Interested in becoming an ICV?**

If you are interested in volunteering for the Police and Crime Commissioner and becoming an ICV within the Dyfed-Powys area, and would like some further information, then please visit:

<http://www.dyfedpowys-pcc.org.uk/en/the-office/volunteer-schemes/independent-custody-visitors/>

Or contact Caryl bond on 01267 226097 Or Email:

[caryl.bond.opcc@dyfed-powys.pnn.police.uk](mailto:caryl.bond.opcc@dyfed-powys.pnn.police.uk)

## Appendix A:

**A detainee's rights under Code C of PACE are summarised below. This is the information provided to detainees at the police station. Full details are available in the Police Code of Practice C.**

- 1.** Tell the police if you want a solicitor to help you while you are at the police station. This is free.
- 2.** Tell the police if you want someone to be told where you are. This is free.
- 3.** Tell the police if you want to look at their rules – they are called the Codes of Practice.
- 4.** Tell the police if you need medical help. Tell the police if you feel ill or have been injured. Medical help is free.
- 5.** If you are asked questions about a suspected offence, you do not have to say anything. However, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.
- 6.** The police must tell you about the offence they think you have committed and why you have been arrested and are being detained.
- 7.** The police must let you or your solicitor see records and documentation about why you have been arrested and are being detained and about your time at the police station.
- 8.** If you need an interpreter, the police must get you one. You can also have certain documents translated. This is free.
- 9.** Tell the police if you are not British and you want to contact your embassy or consulate or want them to be told you are detained. This is free.
- 10.** The police must tell you how long they can detain you for.
- 11.** If you are charged and your case goes to court, you or your solicitor will have a right to see the prosecution evidence before the court hearing.

## Appendix B

<b>The environmental checks that ICVs undertake whilst visiting Custody:</b>
- Check that the cells are clean (both occupied and empty cells where possible).
- Check that the kitchen and food preparation area is clean and tidy.
- Check that all other areas within Custody are clean and tidy.
- Check that the heating, lighting and ventilation is adequate.
- Check that the medical room is locked if no healthcare professional is present.
- Check that a first aid kit is readily available.
- Check that there are sufficient stocks of bedding, anti-rip suits & spare clothing.
- Check that there are sufficient stocks of food.
- Check that the Custody Suite is clear of any apparent health and safety hazards.
- Check that the cell buzzer and CCTV systems are in working order.
- Check that religious materials are readily available to detainees.
- Check that there are no ligature points posing a risk to detainees.

<b>The welfare checks that ICVs undertake whilst visiting Custody:</b>
- Are they being treated reasonably?
- Have they been made aware of their legal and visitor rights?
- Do they understand their rights as they have been explained to them?
- Has someone been informed of their detention (if they have requested this)?
- Have they seen a solicitor (if they have requested this)?
- Have they been offered/ provided with food/drink?
- Have they requested / received medical attention if needed?
- Have they been given access to toilet/ hygiene/ washing facilities?
- Has additional bedding/ replacement clothing/ blanket been provided, if required?
- Have suitable rest periods and/or exercise been made available, if appropriate?