



Comisiynydd Heddlu a Throseddu
Dyfed-Powys
Police and Crime Commissioner

Independent Custody Visiting Scheme

Terms of Reference

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<u>Version</u>	<u>Date</u>	<u>Author</u>	<u>Reason for change</u>
1.0	March 2016	Hannah Hyde	
2.0	August 2019	Caryl Bond	Handbook updated to include further information on the scheme.
2.1	September 2020	Caryl Bond	Annual Review
2.2	November 2021	Caryl Bond	Further information added on the complaints procedure and ability to act as an Appropriate Adult.
2.3	February 2022	Caryl Bond	Custody record reviewing added.
3.0	June 2024	Ellen Jones	Full Review
3.1	September 2024	Tom Walters	Revised link to the volunteer policy which references updates to standards and welfare support.
3.2	June 2025	Tom Walters	Amendment to the ICV Chair

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1. Volunteer Policy

The Volunteer Policy is an overarching policy covering the broad principles of volunteering for the Police and Crime Commissioner (PCC). All volunteers will be provided with a copy of the Policy. It is also available on the PCC's [website](#) or by request to the Commissioner's office.

The Policy provides further information on the following aspects of volunteering:

- Management of the Schemes
- Eligibility
- Recruitment and applications
- Vetting
- Training
- Probationary period and reviews
- Volunteer Roles, Responsibilities and Standards
- Expenses
- Insurance
- Health and Safety
- Confidentiality
- Disposing of documentation
- Publicity Guidelines
- Welfare and Support
- Settling differences
- Termination of appointment
- Complaints against the Police
- Anti-Racism

2. Independent Custody Visiting Scheme Handbook

This Handbook provides detailed guidance on the custody visiting arrangements within Dyfed-Powys.

3. Introduction to the Independent Custody Visiting Scheme

The Lord Scarman Report on the Brixton riots in 1981 recommended a system of independent and unannounced inspections 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.

Section 51 of the Police Reform Act 2002 (as amended), requires PCCs to make arrangements for detainees to be visited by Independent Custody Visitors (ICVs). The Act is supported by [Codes of Practice](#) and [National Standards](#) jointly developed by the Home Office and Independent Custody Visiting Association (ICVA).

The purpose of these visiting arrangements is to enable members of the local community to observe, comment and report on the conditions under which persons are detained at police stations. These arrangements also provide an independent check on the way custody staff carry out their duties with regard to detained persons with the aim of increasing public confidence in these matters.

4. Management of the Scheme

The Scheme is co-ordinated by the Assurance team within the office of the Police and Crime Commissioner, with the scheme managers being the point of contact for volunteers. Volunteers will be informed of direct contact details on joining the scheme and will be kept updated of any changes.

5. Eligibility

The eligibility criteria to become an Independent Custody Visitor (ICV) are detailed in the role specification in [Appendix A](#). Each application will be treated on its merits, but the over-riding factor will be to prevent possible conflicts of interest for individuals and to maintain the independence and integrity of the scheme as a whole.

6. Recruitment and Training

The Office of the Police and Crime Commissioner will recruit ICVs by inviting applications from the general public. The Commissioner will seek to recruit ICVs from all sections of the local community to try and reflect its diversity in relation to gender, age, ethnicity and different backgrounds.

ICVs will be invited to take part in the recruitment process for new volunteers, including participating in an interview panel. This provides an opportunity for experienced members to contribute their insight in assessing the suitability of the applicant to join the scheme. This supports the OPCC's selection of individuals who reflect the values and responsibilities of the scheme.

All newly appointed ICVs will be invited to attend an initial one-day induction training course, organised by the PCC's office. Training will be provided by the PCC's office, ICVA, and Dyfed-Powys Police custody staff. This training will provide new ICVs with the basic knowledge and skills to make visits. ICVs will not be able to commence their volunteering duties until they have attended a training day.

ICVs are also expected to attend a minimum of two custody visits in the company of an experienced ICV prior to taking up their duties.

In support of the initial training, and to ensure a regular refresh of skills and knowledge, ICVs are asked to attend annual training days throughout their period of appointment. Annual training days are held at Dyfed-Powys Police (DPP) Headquarters in Carmarthen.

Opportunities to receive external training are also offered, although attendance at such events is not compulsory.

7. Appointment

Following being appointed, the ICV will sign a Memorandum of Understanding agreement (Appendix D); this sets out the Code of Conduct expected of them during their term of appointment. Each ICV will be issued with an identity card showing the holder's photograph. The identity card will allow the ICV to undertake visits to custody suites as per the arranged rotas provided by scheme managers.

Visits to custody suites outside the panel area that ICVs have been assigned will only take place with the prior approval of the Commissioner. ICV identity cards should only be used for making custody visits. If anyone is found to be using their identity card for any other purpose, it will be withdrawn and that ICV's appointment will be terminated.

Newly appointed ICVs will be required to satisfactorily complete a 6 month probationary period. Once ICVs have successfully completed their probationary period, they will be confirmed for an initial term of 3 years. Reviews are undertaken every 3 years as set out in our [Volunteer Policy](#).

We kindly ask that all ICVs try and commit to at least a minimum of one year on the scheme due to all ICVs requiring vetting clearance and training.

8. Expenses

The work is entirely voluntary, but travelling expenses will be payable to all ICVs where these are incurred for the specific purposes of the scheme. For further information on expenses please see our [Volunteer Policy](#).

9. Termination of Appointment

Visitors wishing to terminate their appointment should put this in writing to the Scheme Managers giving sufficient notice for rotas to be adjusted and to ensure that visits are not missed. Where possible visitors should complete any scheduled visits for the current rota.

Although the role is entirely voluntary, the Commissioner has the right to terminate the appointment for any ICV whose conduct is not considered to be of the expected standard. Each ICV will sign a Code of Conduct (Appendix D) on joining the scheme and will be expected to abide by the standards set out in that document. If conduct falls below that standard, the Commissioner will consider whether that person should continue in the role.

ICVs must notify the Commissioner's office if they are arrested and charged with a criminal offence or are under investigation. They will be suspended from undertaking further volunteering duties pending the outcome of any proceedings.

10. Settling Differences

Please see our [Volunteer Policy](#) for additional guidance on our complaints procedures and what to do if you have a complaint to make against a member of the Police or the Scheme Managers

Complaints made against ICVs by detainees, police personnel or others will be dealt with in accordance with the PCC's complaints procedures. Where an ICV has a concern about a fellow ICV's conduct which is not able to be resolved locally, these should be made in writing to the Scheme Managers as noted within Appendix D.

Appendix D details the ICV Code of Conduct, which represents the standard expected of all ICVs. This is the basis for their continued membership of the Scheme. The appointment of an ICV who is found to be in breach of the Code may be terminated, suspended or curtailed.

In the event that a complaint or allegation is made that an ICV has breached any part of this Code of Conduct, the following action will be taken:

- The OPCC will request that the complaint/allegation be made in writing, if it has not already been done so. No further action will be taken unless the complaint/allegation is made in writing.
- The OPCC, on receipt of the written complaint/allegation, will notify the ICV of its receipt and content. A discussion will be held between the ICV and an appropriate member of the OPCC to discuss the nature of the complaint.
- Depending on the nature of the complaint, the ICV will be given the opportunity of responding to the complaint/allegation either orally or in writing.
- The OPCC 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 OPCC will contact any or all of the following parties:
 - The Complainant
 - Fellow ICV(s)
 - Police Officer(s)
 - Any other person who is able to provide relevant information

Having made the necessary enquiries, the OPCC will prepare a report, with recommendations, which will be considered/confirmed by the Chief Executive of the OPCC and appropriate Panel Chair. The ICV will receive notification, in writing, of the decision.

11. Visiting Arrangements

11.1 Number of ICVs

A sufficient number of ICVs will be appointed to ensure that the appropriate number of unannounced visits can be made to all custody suites.

11.2 Visiting in Pairs

ICVs must visit in pairs. Any ICV attending a police station on his/her own will not be granted access. Pairing is rotated so that, as far as possible, ICVs carry out visits with different ICVs over the course of each rota period. No more than two ICVs should visit together, and ICVs must not be accompanied by any unauthorised persons, only other accredited ICVs.

11.3 Frequency and Timing of Visits – Rotas

ICVs are expected to make a minimum of two visits per month. This will vary depending on the area they cover as some custody suites do not require a visit every week, whilst other larger and busier custody suites do.

The frequency of visits will be determined by the PCC, but consideration will be given to the views of ICVs and DPP. Care will need to be taken to ensure that visits, whilst sufficiently frequent to meet the objectives of the scheme, do not take place so frequently that they impair the efficiency of the administration of the custody suite concerned, or the operational work of the officers.

The timings of visits are a matter for ICVs to decide. However, ICVs should consider the need to undertake visits across the week, and at different times of the day. Their visits must not become predictable to custody staff.

ICVs are assigned weekly or fortnightly periods within which they must make a visit. 'Visitor 1' will contact 'Visitor 2' to arrange the day and time of their visit. Further guidance on rotas will be provided directly to ICVs.

ICVs should bear in mind that their visits impose an unexpected responsibility on custody officers and they should also be aware of possible delays during custody officers' change-over periods.

12. ICV Panels and ICV Chair

The ICV Panel meeting will be chaired by a volunteer who has expressed an interest in carrying out the role. The Chair will be selected on the basis of receiving most votes by the other panel members. If there are more than two nominations for the role, the candidate receiving the second highest number of votes will be appointed as the Deputy Chair. In the unlikely event that there is a tie, the OPCC scheme managers will have the deciding vote.

The elected Chair and Deputy will take responsibility for the role for a period of 1 year; however, the length of time a person can Chair the Panel meeting is unlimited subject to successful annual elections. In the absence of the Chair, the Deputy Chair will assume the Chair's responsibilities and in panel-related duties. Only in exceptional circumstances will a member of OPCC staff undertake the role of Chair.

The role of the Chair is:

- To Chair Panel meetings in an inclusive, efficient and respectful manner with the priority to encourage participation from all panel members and ensuring all voices are heard.
- To ensure that they are conducted according to the agenda and stay focused on key issues.
- To ensure their own familiarity with all concerns and trends identified by ICVs during the preceding period to the meeting and collaborate with the scheme managers in prioritising matters related to custody in advance of meetings.
- To help address and resolve any concerns raised by the panel members by coordinating actions for follow up meetings.

12.1 Transport Arrangements

It is the individual responsibility of each ICV to make their own transport arrangements for visits. Whilst the PCC supports visitors in sharing transport where this is practicable, the onus is on any ICV without access to their own vehicle to make their own arrangements e.g. to travel by public transport.

Further information on transport insurance can be found within the Volunteering Policy.

12.2 Attendance at a Police Station

Custody officers will only respond to ICVs attending in person at a police station. Telephone enquiries will not be responded to. To emphasise their impartiality, ICVs should not combine a custody visit with any other business.

12.3 Visits at the Request of the Police

Whilst visits should normally be unscheduled, there may be instances when there is particular tension within the local community about the treatment or well-being of one or more detainees. In such circumstances, the Custody Inspector / Sergeant may invite ICVs to attend, to allay myth and rumour. Such requests must be made through the PCC's office, who will endeavour to facilitate visits as timely as possible.

12.4 High Profile Detainees / Incidents

A High-profile arrest places a lot of attention on the police from the public and, case depending, can be incredibly emotive for the police. The treatment of detainees under these circumstances is incredibly important, in particular where there are vulnerable detainees, or where detention times are extended up to 96 hours. Detainees are likely to be under increased stress due to the nature/severity of the crime for which they are being investigated.

In an event whereby there may be a High-Profile arrest, the OPCC may enquire to ascertain if/and how many ICVs would be willing to conduct an impromptu visit. In these circumstances, ICVs should prioritise those high-profile detainees especially children and vulnerable adults.

ICVs should adhere to the usual visiting procedure but with a higher consideration for accurate notes to be taken of discussions with detainees, the custody record (where it can be viewed) and general notes on the mood/culture of the suite. Any positive feedback in times of high-profile arrests can be valuable to police staff, ensure that as well as highlighting areas of concern, feedback of good practice is given at the time of the visit.

As ICVs are unable to discuss the visit outside of the scheme due to confidentiality, they should take up the opportunity to have a debrief with their scheme manager once detention has ended.

12.4 Effective Working Arrangements

For the scheme to be effective, it is essential that ICVs maintain a professional working relationship with police officers and staff, based on mutual respect and the understanding of each other's roles. Such relationships can only exist where there is politeness and consideration on both sides.

ICVs need to avoid overfamiliarity with custody staff and must remain independent of the police at all times. Should ICVs appear too friendly with custody staff, detainees may question ICVs' level of independence.

In addition, ICVs must have the same regard for their fellow ICVs. All ICVs must be supportive of their peers, work as a team and play an active and equal part during the visits. Please note that the differentiation between 'Visitor 1' and 'Visitor 2' within the rotas is included only to identify who is to take the lead in arranging the visit.

13. Custody Visiting Procedures

13.1 Dress Code for ICVs

ICVs need to consider what to wear when carrying out visits, both in terms of how they appear to detainees and custody staff, and with regard to health and safety matters. As a general guide, 'smart-casual' will be most appropriate.

ICVs are advised not to wear suits as this may give the impression that they are authority figures, which may deter detainees from allowing the visit to go ahead.

Consideration should be given to health and safety implications of some clothes and accessories such as ties, jewellery, scarves or high heels.

13.2 On Arrival at a Police Station

On arrival at the police station ICVs should present their identity cards to the staff member / officer greeting them, who should admit them into the station immediately. There should be no reason for a delay at this point. If there is a delay, ICVs should ask custody staff for an explanation and note this on their report form.

Where a station is closed, ICVs will contact the Force Communications Centre using the buzzer system outside the main entrance, to inform staff who they are and the purpose of their visit to the station. ICVs should request to speak to an officer in custody in order to gain access to carry out the visit. If this is not possible, ICVs should complete a report form indicating this and abort the visit.

13.3 Immediate Access to a Custody Suite

ICVs should be admitted immediately to the custody suite. If access is delayed this will affect the credibility of the ICV scheme. It is inappropriate for access to be delayed because the custody officer is busy. Access should be delayed only where ICVs may be placed in danger e.g. if there is a disturbance in progress within the suite. A full explanation should be given to ICVs as to why access is being delayed. This explanation should be included in the ICVs' report form and endorsed by the custody officer.

In other circumstances where there is a delay, ICVs may be admitted to custody and invited to wait until the custody officer or another officer is available to escort them on the visit. If a detainee is in the process of being booked in at the time of the ICVs' arrival, the custody officer must ask the detainee if she/he consents to them being present. If the detainee does not give consent, the ICVs may either wait or, with the permission of the custody officer, visit another part of custody.

13.4 Security and Safety

In the interests of the safety of ICVs and security, the Custody Sergeant or a member of custody staff must accompany ICVs during visits.

13.5 CCTV Footage

ICVs should carry out their functions in person and not by viewing live CCTV pictures or recorded footage. Their role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely.

13.6 Access to all Parts of Custody

ICVs should have access to all parts of the custody suite in which detainees may be held; including cells, detention rooms, charging areas, exercise yards

and food preparation areas (except interview rooms and medical rooms when in use).

13.7 Visits to Detainees

Within Dyfed-Powys, it is not often the case that there are more detainees present than the ICVs can feasibly visit. However, in the event of there being a high number of detainees, it may not be practicable to visit all, both from the ICVs' point of view and taking into account the additional work this places on custody staff. ICVs should determine how many they will see during each visit. It is important to select detainees who are considered to be vulnerable.

13.8 Consent by Detainee to See ICVs

Detainees are not obliged to see ICVs or to answer their questions. They must be asked if they are willing to meet with the ICVs. Either the officer escorting the ICVs can establish whether or not a detainee wishes to see them, or the ICVs may wish to do so themselves.

A standard form of words will be used when officers ask the detainees if they wish to be seen. It will usually take the following format:-

I have with me two members of the public known as Independent Custody Visitors. They would like to ask about the way you have been treated during your detention and find out whether your rights have been explained to you and granted. They are not employed by the Police. It is your choice whether you see them. Do you wish to see them?

NOTE: Although the standard form of wording is part of the scheme, on many occasions it is used only as a guide.

Provided ICVs are satisfied that an explanation of their role has been given (with particular emphasis on the independence of the ICVs) this is accepted as a reasonable approach.

Subject to paragraphs 13.10, 13.13 and 13.14 below, ICVs may have access to any person detained at a police station, including persons remanded in police custody under the provisions of the following Acts of Parliament:

- Police and Criminal Evidence Act 1984 (PACE);
- Magistrates' Court Act 1980 – persons remanded to police custody in accordance with Section 128 of the Act, as amended;
- Imprisonment (Temporary Provisions) Act 1980 – remand and sentenced prisoners held in police cells under Section 6 of the Act;
- Immigration Act 1971 and Immigration and Asylum Act 1999 – persons subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants;

- Mental Health Act 1983 – persons held under the Act for their own protection; and
- Children Act 1989 – children taken into police protection.

13.9 Detainees Recognised by ICVs

Prior to entering the cell, ICVs should make a visual check of the detainee through the spy-hole or hatch to ascertain if they recognise the detainee. ICVs should not visit friends or relations who are in custody, and both ICVs must withdraw from visiting a detainee if either ICV recognises an individual.

In the event that an ICV recognises a detainee as someone they know, but not as a personal friend or family member, they should exercise judgement as to whether to continue with the visit to that particular detainee. Care must be taken to ensure that impartiality is in no way compromised.

13.10 Detainees who are Unable to Consent to a Visit

If a detainee is under the influence of drink or drugs to such an extent that he or she is unable to give consent or otherwise or is for some other reason unable to indicate willingness or otherwise to be seen; the escorting officer should, if ICVs so desire, allow them access unless it is considered that their safety could be at risk.

If the escorting officer judges it to be too dangerous for ICVs to enter the cell they may wish to talk to the detainee through the hatch in the cell door. If the detainee is unresponsive the escorting officer should allow access if ICVs wish to satisfy themselves of the detainee's well-being. If they have concerns regarding the detainee's welfare, they may request access to the detainee's custody record. (See 13.19 below).

13.11 Translation Facility

Dyfed-Powys Police subscribe to telephone translation services to enable access to interpreters who are fully trained to have a good command of both English and the language from which they interpret.

If ICVs encounter a detainee who is unable to speak English and they wish to ask the detainee questions about his/her welfare, ICVs should explain to the custody officer that they wish to use the translation services. Once the interpreter is on the line, ICVs should explain their role and the questions they wish to ask of the detainee. The ICVs then pass the telephone handset back and forth between themselves and the detainee.

13.12 Refusal of Access to a Custody Suite or a Detainee

The police may limit or deny ICVs access to a specific detainee if an officer of or above the rank of Inspector reasonably believes that to be necessary for

ICVs' safety. Such an officer may also deny or restrict access where they reasonably believe that such access could interfere with the process of justice.

In such instances this information should be recorded in the detainee's custody record (together with the relevant authorisation) and by the ICVs in their report form.

13.13 Detainees Who Are Asleep

If detainees are asleep, ICVs should decide whether to have them awakened to establish whether or not they wish to be visited. ICVs should however bear in mind the provision under Code C of PACE that a detained person under investigation must be allowed a continuous period of eight hours rest.

In such circumstances, or where the detainee may become violent, the escorting officer will advise that the detainee must not be disturbed but can be observed through the cell hatch.

If ICVs consider it necessary to wake the detainee, it is the responsibility of the escorting officer to do this.

13.14 Visiting Children in Custody

A child in custody may be visited with his or her consent. It is not necessary to obtain the additional consent of a parent or guardian, although ideally this would be preferable.

If an Appropriate Adult is in attendance to support a child in custody or vulnerable person, the detainee's wishes should be sought and respected as to whether the Appropriate Adult should be present during the visit.

Children in custody should not be placed in cells unless there is no other secure accommodation available and the custody officer considers that it is not practicable to supervise them outside of a cell. If a child is kept in a cell, ICVs should seek an explanation from the custody officer and check that this has been recorded on the custody record.

13.15 Persons Detained Under Section 136 of the Mental Health Act 1983

Although not covered by the rights awarded to PACE detainees, it is recommended that if persons detained under the Mental Health Act are held when a custody visit takes place, that they too are considered for a visit, if appropriate.

A person may be detained and taken to a place of safety under section 136 of the Mental Health Act who appear to be suffering from mental disorder and to

be in immediate need of care or control. Changes to the Policing and Crime Act 2017 state that custody should not be used as a place of safety unless there are exceptional circumstances such as, a serious risk of injury or death to the person or to others, or that no place of safety in the police area can accept the detainee because of the above threat.

In the rare occasion that custody is used a place of safety, persons detained under the Mental Health Act are to be assessed by a health care professional every 30 minutes. No children should be taken to a police station as a place of safety under Section 136.

ICVs should examine why custody was considered the appropriate place of safety and whether alternative options have been exhausted prior to the detainee being authorised for detention.

13.16 Persons Detained Under the Terrorism Act 2000

Persons detained under the Terrorism Act cannot be taken to any of the custody suites within Dyfed-Powys. They must be taken to custody facilities specifically adapted for such detainees, and there are currently no such facilities within Dyfed-Powys.

Only ICVs who are vetted to a higher level and have been trained in undertaking visits to those detained under terrorism legislation may carry out visits to such detainees. They must also be ICVs from the area in which detention facility is situated. Therefore, it is not necessary for Dyfed-Powys ICVs to be trained or vetted to the higher level.

13.17 Appropriate Adults

ICVs must not volunteer to act as an "Appropriate Adult" (AA) in cases of children or any other category of detainee whilst being a member of the Independent Custody Visiting scheme.

New applications from interested custody visitors will not be accepted if they are currently an Appropriate Adult in the same area. This is due to a conflict of interests in the two roles, as custody visitors may, on occasion, have cause to give critical feedback regarding the provision of Appropriate Adult services in the area they visit. Therefore, the independence element of the Custody Visitor role precludes one person covering both ICV and AA roles in a suite.

Exceptions

ICVs may act as an AA if:

- in relation to a child, they are the parent or guardian; or
- in relation to a vulnerable adult, they are a relative, guardian or other person responsible for their care or custody.

13.18 Remand and Sentenced Prisoners

These prisoners are held under the Prison Service Order 1801 (PSO 1801) and require a higher degree of confidentiality by ICVs.

Remand and sentenced prisoners held in police stations may seek to complain about conditions in prisons or the treatment they have received there. ICVs must not involve themselves in such matters. There are recognised grievances procedures open to prisoners such as writing to or petitioning the Home Secretary or writing to their solicitor or Member of Parliament.

The contractors for the court escort service also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and H.M. Prison Monitor Service immediately. Any complaint made to the contractor which amounts to a police complaint will be referred to the police for investigation.

13.19 Access to a Detainee's Custody Record

It is recommended that ICVs should request access to a detainee's custody record if they have any concerns surrounding the detainee's welfare and / or concerns as to whether the detainee's rights and entitlements have been upheld. ICVs are also eligible to request the ICV report which is available on NICHE.

ICVs may access a detainee's record if they have concerns as noted above, and if either of the following conditions have been met:

- 1) ICVs receive verbal consent from the detainee, which must be documented on both the ICVs' report form and the detainee's custody record; or
- 2) ICVs consider that the detainee is incapable of deciding whether to grant consent. Whether a detainee is incapable of giving consent is down to the judgement of the ICVs, and the reasoning should be recorded on the visit report form and the detainee's custody record. ICVs take guidance on this from ICVA's National Standards, which states:

"The ordinary meaning of the word [incapable] applies - incapable concerns the person's capacity to make an informed decision as to whether they want to allow their custody record to be inspected by the ICVs at the point at which they would be asked for their consent. This will ensure that the welfare of persons who fall into the following categories can be monitored by ICVs; those who are drunk or under the influence of drugs, those who do not speak any English, and those who display mental health concerns."

When checking the contents of a detainee's custody record, ICVs may wish to verify:

- whether entitlements under PACE have been given and signed for;
- that medication, injuries, medical examinations and 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; and
- the timing of reviews of the continuing need for detention.

ICVs can check the contents of the custody record against what they have been told by the detainee.

The request to view a detainee's custody record should be made to the Custody Sergeant who will provide the ICV with a detention log. In most instances the Custody Sergeant will print off the document; although, some may allow ICVs to view it on their computer screen. Any paperwork should be returned to the Custody Sergeant immediately after use.

Access to a custody record can only be refused by an officer of the rank of Inspector or above. If this occurs, ICVs must record this on the report form, along with the reasons given.

This information must be treated confidentially and all ICVs are obliged to sign a declaration of confidentiality for every visit.

Should a detainee who is deemed incapable later feel aggrieved that the decision to access his/her custody record was taken by the ICVs, he/she may report this dissatisfaction to the PCC's office. Complaints will be dealt with in accordance with the [PCC's complaints procedures](#). PCC's complaints procedures.

13.20 Detainees Who Are Being Interviewed

If a person is being interviewed the interview cannot be interrupted. If the ICVs wish to see the person later in the visit after the interview has been completed, they may do so and may, if necessary, wait in the custody suite / waiting room for this purpose.

13.21 Conversations Between Detainees and ICVs

Where practicable, the escorting officer should move out of hearing, but remain in sight of the visitors, as much as practically possible. Where this is not possible, the escorting officer should not actively listen or take part in any part of the visit.

If for some reason officers decide that the escorting officer should remain within hearing, this decision must be taken by the duty officer or some other senior officer at the police station. ICVs should bear in mind, however, that some detained persons may be violent or under the influence of alcohol, drugs

or other substances and that the presence of the escorting officer may deter or frustrate assaults on the ICVs.

Discussions must focus on checking whether or not detainees have had their statutory rights explained and 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 the PACE Codes of Practice.

Please see [Appendix B](#) for further information on detainees' rights under PACE. Guidance is also provided on the back of the ICVs' report forms, for reference during visits.

ICVs should be alert to the possibility of unwittingly relaying / repeating information from one detainee to another. Discussions between ICVs and detainees are not privileged and ICVs have a civic responsibility to report / disclose any information given. It is the ICVs' responsibility to make detainees aware that any disclosure they make during their conversations will be reported to the custody officer.

ICVs must remain impartial and must not seek to involve themselves in any way in the process of investigation. If a detainee seeks to make admissions or otherwise discuss an alleged offender, ICVs must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

If a detainee indicates they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

13.22 Medical Conditions

ICVs will wish to pay particular attention to detained persons who are suffering from any form of illness, injury, physical or learning disability or mental health condition. They should satisfy themselves that, if appropriate, a medical examiner has been called and establish from the custody officer what instructions for medical treatment have been given. This should be confirmed by consulting the custody record, if the necessary permission has been granted. (See section 13.19).

ICVs may visit detainees (but not persons released from custody) in hospital, whether or not under police guard, subject to the agreement of both the custody officer and the hospital authorities. To prevent a wasted journey it may be advisable to establish via the hospital whether the detainee is willing to talk to ICVs. Where a detainee in hospital is under police guard, the police officer will remain at all times with the detainee. Access to the custody record can be permitted only if the detainee has given consent in the normal way.

The Custody Sergeant should inform ICVs if a detainee has been subjected to incapacitant (PAVA) spray. If ICVs believe that the detained person is suffering due to the effects of a PAVA spray or any other use of force, they should bring this to the notice of the custody sergeant who has responsibility for seeking medical assistance.

13.23 Environmental Checks

[Appendix C](#) provides a list of the environmental checks ICVs should consider.

13.24 Deaths in Custody

All deaths in custody are the subject of a Coroner's Inquest and investigation by the Independent Office for Police Conduct (IOPC) to which the police will report formally. Where a death in police custody occurs, the Chief Inspector for Custody will notify the PCC as soon as possible.

13.25 Complaints by Detainees

It is important to distinguish between complaints by detainees about their general treatment or conditions of detention and a complaint of misconduct by a police officer. The former may encompass complaints such as that detainees had not been notified of their statutory rights or had not received entitlements under the PACE Codes of Practice. Such complaints are clearly for ICVs to pursue with the custody officer or senior officers at the station at the time of the visit.

If a detainee wishes to make a complaint of misconduct and/or assault by a police officer, ICVs should advise the detainee to bring the matter to the attention of the duty Inspector. In order to maintain their strict impartiality, ICVs should not take up individual cases or make representations on behalf of detainees.

ICVs should also suggest that the detainee may wish to consider seeking legal advice before making the complaint. Where a complaint of physical assault has been made, ICVs should suggest that the detainee asks to see a doctor. (N.B. upon receipt of a formal complaint, the duty inspector will arrange for the detainee to be seen by a doctor in any event).

DPP will notify the ICVs (through the PCC's office) of the outcome of any such complaint when asked to do so by the PCC.

14. Impartiality and Confidentiality

14.1 Advice to Detainees

ICVs must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or co-operate

with police enquiries. Such advice would be inconsistent with the ICVs' independence from the processes of investigation.

14.2 Contact with Persons Outside the Police Station

ICVs should not agree to make contact with any person outside the police station at the request of a detainee. Neither should they agree to pass a message to any other detainee, or offer to perform other tasks on their behalf. If they are asked to do so, they must immediately inform the custody officer.

14.3 ICVs Giving Evidence in Criminal Proceedings

Conversations between ICVs and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of an ICV to give oral evidence or to produce documents such as a report on a particular visit. ICVs are under no obligation to give evidence or produce documents other than in response to a Court Order.

14.4 Confidentiality

ICVs will acquire considerable personal information about persons in police custody. The majority will not yet have appeared before a court and many never will. Personal information relating to detainees must be protected against improper or unnecessary disclosure. ICVs will therefore be asked to sign an undertaking (included on the visit report form) not to release the identity of, or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person).

It is desirable, in the interests of the strict application of the principles of confidentiality, that ICVs do not name or otherwise identify persons in custody even in reports to, or in discussion with, fellow ICVs or the PCC's office.

The names, addresses and telephone numbers of other ICVs are given to individual ICVs in strictest confidence. They are given purely for convenience in making personal contact to arrange visits etc. Such details should not be divulged to any other person. This condition applies equally to police staff.

14.5 Breach of Confidentiality

Breach of this undertaking may make an ICV liable to civil proceedings by the detained person concerned. ICVs need to be aware that the unauthorised disclosure of the facts concerning police operations or the security of police stations may constitute an offence under Section 5 of the Official Secrets Act 1989.

15. Visitor Report Forms and Follow Up Action

15.1 Completion of Report Forms

Notes of the visit shall be taken by both ICVs within the ICV forms provided. At the conclusion of the visit, both ICVs must sign the form.

The top copy of the report form (white) should be sent to the PCC's office using the pre-paid envelope provided. The second copy (yellow) should be left at the station and can be inspected on following visits. ICVs must not retain a copy of the report.

Following after the visit, ICVs are expected to complete an online Electronic Form (E-Form) which provides an opportunity for ICVs to expand on their notes taken from within custody and allows the OPCC to monitor progress via the data it provides.

Where visitors fail to agree on comments, the PCC's office will forward the details to the Chief Inspector and Inspector responsible for that custody suite, for comment and action where necessary.

15.2 Reports on Unsatisfactory Treatment and Conditions

If a visit discloses any aspect of the treatment of detainees or conditions at the station which are unsatisfactory, they should be included on the report form and raised with the custody officer at the time. Any action which the custody officer takes should also be recorded on the report form.

15.3 Reports on Issues Arising Out of Visits

Issues arising out of visits will also be submitted to the relevant Custody Inspector, who will be asked to provide an update / response to the comments and any resulting actions. Where necessary, the issues will also be brought to the attention of the Chief Inspector for Custody.

16. Monitoring the Scheme

To achieve the objectives of the scheme, reports of trends emerging from visits undertaken are presented to the PCC, who monitors all aspects of the scheme across Dyfed-Powys.

17. The Independent Custody Visiting Association

The OPCC for Dyfed-Powys is a member of the Independent Custody Visiting Association (ICVA). ICVA is a Home Office funded organisation set up to promote and support the effective provision of custody visiting nationally. ICVA works closely with government and criminal justice organisations to:

- raise public awareness on the rights, entitlements, health and wellbeing of people held in police custody;
- advise on best practice for Independent Custody Visiting schemes nationally; and

- provide training, publicity and support to Police and Crime Commissioners and ICVs.

Further information is available on the ICVA website at <http://icva.org.uk/>

Appendix A

Independent Custody Visitor – Role Specification	
The criteria contained within this role specification will form the basis for short-listing suitable applicants to become Independent Custody Visitors (ICVs). These criteria are the necessary requirements to enable effective performance within the role.	
Criterion	Competency
Eligibility	<ul style="list-style-type: none"> • Must be 18 years of age or over; • Must live, work or study within the Dyfed-Powys area; • Must have been resident in the UK for at least 3 years before applying; • Must be willing to attend ICV Panel meetings twice a year; • Must be willing to undertake regular visits to custody suites, as stipulated by the relevant rota; • Must be willing to attend annual training sessions; • Must not be a serving member of a police force or Office of the Police and Crime Commissioner, and have no conflicting involvement in the criminal justice system; • Have an understanding of the importance of equality and fairness for all; • Be able to communicate with different people both orally and in writing; • Must exercise independence and impartiality; • Must be able to report on findings in a constructive manner; • Must be able to maintain confidentiality; • Must be willing to undergo vetting and provide references.
Working with people	<ul style="list-style-type: none"> • Must be able to demonstrate the ability to work as part of a team;

	<ul style="list-style-type: none"> • The ability to establish and maintain good working relationships with a wide range of people.
Effective communication skills	<ul style="list-style-type: none"> • The ability to communicate effectively orally and in writing; • Must be able to demonstrate the ability to manage commitments and make a reliable contribution to the scheme.
Motivation	<ul style="list-style-type: none"> • Ability to demonstrate enthusiasm for the role.
Respect for people	<ul style="list-style-type: none"> • Capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference; • Demonstrate the ability to be open to new ideas and methods of working.

Appendix B

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 C

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

Appendix D

Independent Custody Visiting Scheme

Code of Conduct

This Code of Conduct sets out recommended standards for all members of the Independent Custody Visiting Scheme.

All of the Commissioner's Independent Custody Visitors (ICVs) are required, on accepting appointment, to declare that they will be guided by this Code.

The Code represents the standard expected of all ICVs and is the basis for their continued membership of the Scheme.

1. Misconduct

In the event of misconduct the Office of the Police and Crime Commissioner (OPCC) will consider whether it is appropriate to terminate the appointment of that ICV. Misconduct will encompass such matters as:-

- Misuse of Identification Cards
- Conviction of a criminal offence
- Disclosure of confidential information
- Non-compliance with the Visiting Guidelines

2. Required Standards

For Independent Custody Visiting to be effective it is essential that Custody Visitors and police staff develop and maintain professional working relationships based on a mutual respect and understanding of each others legitimate roles. In view of which it is important that ICVs do not create difficulties by:-

- Failing to appreciate police priorities
- Engaging in excessive petty criticism
- Adopting an over 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 Visitors' remit
- Getting involved with interpersonal conflict situations with police staff
- Telling the police what they should do
- Making promises to a detainee on behalf of the police

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. This will compromise the independence of ICVs in terms of providing objective and constructive observations and reports.

All custody visitors are also expected to refrain from using discriminatory language (e.g. sexist, racist, or homophobic language) and from displaying any form of discriminatory behaviour in their custody visiting role. Independent Custody Visiting is carried out with the need for impartiality regarding any detainees visited. This along with the need to work positively with other visitors and staff means that prejudiced and discriminatory attitudes are not acceptable within the scheme.

3. Failure to make visits

Where a visitor fails to make a visit within a three month period the OPCC will write to the person concerned to establish whether this is simply an oversight or to seek an explanation.

Where an individual has not made any visits within a six month period and no good reason has been notified to the OPCC, consideration will be given as to whether that person's appointment should be terminated.

4. Complaints against the Police

Where an ICV makes a complaint against the police which is recorded, whether in the role as an ICV, or as a private individual, the OPCC must be informed. The full details will then be put before the panel Chair who will decide in consultation with the OPCC whether the duties of the ICV should be suspended or curtailed in the interests of impartiality.

5. Working Relationships with other ICVs

In addition to maintaining a professional working relationship with police staff, ICVs must also have the same regard for their fellow visitors. All ICVs must therefore:-

- Be supportive and have a mutual respect for each other
- Work as a team
- Play an active and equal part during the visits
- Avoid dominating the partnership during the visits

6. Breach of Code of Conduct

As this Code of Conduct represents the standard expected of all ICVs, and is the basis for their continued membership of the Scheme, the appointment of an ICV who is found to be in breach of the Code may be terminated, suspended or curtailed.

In the event that a complaint or allegation is made that an ICV has breached any part of this Code of Conduct, the following action will be taken.

The OPCC will request that the complaint/allegation be made in writing, if it has not already been done so. No further action will be taken unless the complaint/allegation is made in writing.

The OPCC, on receipt of the written complaint/allegation, will notify the ICV of its receipt and content.

The ICV will be given the opportunity of responding to the complaint/allegation either orally or in writing.

The OPCC 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 OPCC will contact any or all of the following parties:

- The Complainant
- Fellow ICV(s)
- Police Officer(s)
- Any other person who is able to provide relevant information

Having made the necessary enquiries, the OPCC will prepare a report, with recommendations, which will be considered/confirmed by the Chief of Staff to the OPCC and appropriate Panel Chair.

7. Declaration

I have read and understood the contents of this Code of Conduct and I agree to abide by the provisions contained herein.

Name in capitals:

Signed:

Date:

Appendix E

Reprisals Policy Custody Visiting

Independent Custody Visitors (ICV) are volunteers who make unannounced visits to detainees in police custody to ensure the rights, entitlements and wellbeing of detainees are being met by the force. The Dyfed-Powys Police and Crime Commissioner has a responsibility to ensure that detainees are able to speak to ICV openly and without fear of reprisals from the force as part of its responsibility under the [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(OPCAT\)](#). OPCAT is an international human rights treaty designed to strengthen the protection of people deprived of their liberty.

The process

1. Should a detainee feel that they have suffered a reprisal having spoken to an ICV this should be raised within the complaints process which should be clearly advertised in all custody suites and on relevant websites.
<https://www.dyfed-powys.police.uk/en/contact-us/complaints-and-feedback/>
2. Where a detainee alerts an ICV to a reprisal, or fear of a reprisal, the custody visitor will include this in their report to the scheme manager at the office of the Police and Crime Commissioner for Dyfed-Powys.
3. Dyfed-Powys Police has agreed to escalate complaints with specific reference to reprisals from an interaction with an independent custody visitor to the office of the Police and Crime Commissioner for Dyfed-Powys.
4. Where there has been an allegation of a reprisals incident the office of the Police and Crime Commissioner for Dyfed-Powys will investigate it under their [complaints handling process](#).
5. Where there has been an allegation of a reprisals incident the office of the Police and Crime Commissioner for Dyfed-Powys will report the alleged incident to the Independent Custody Visiting Association, (ICVA) and the outcome of any investigations.
6. Should an allegation of a reprisal be proved, the office of the Police and Crime Commissioner for Dyfed-Powys will ensure that the appropriate steps are taken to deal with the instance with Dyfed-Powys Police and that there are steps in place to ensure the avoidance of future reprisals.

Should you have any questions or concerns regarding the reprisals policy, please email the scheme co-ordinator at: opcc@dyfed-powys.police.uk

Appendix F

Independent Custody Visiting and Holding The Police to Account.

Start by Choosing the Appropriate Level of Accountability

