The Home Office produces a Code of Practice on Independent Custody Visiting, which this policy is based on. The Code is available on the internet, and should be read in conjunction with this policy.
1. **SCHEME OBJECTIVES**

The purpose of the Scheme is to enable people from the local community to observe and report upon the conditions under which people are detained at Custody Suites. The aim is to increase public confidence in the fair and proper treatment of detainees by the Police and offers protection to both detainees and the Police and reassurance to the community.

2. **ESTABLISHMENT OF THE SCHEME**

This Scheme has been established by the Office of the Police and Crime Commissioner North Wales in consultation with the Chief Constable of North Wales Police. The operation of the Scheme is the responsibility of the Office of the Police and Crime Commissioner.

2.1 **Management of the Scheme**

The day to day management of the Scheme is delegated to the Scheme Administrator by the Chief Executive of the Office of the Police and Crime Commissioner.

2.2 **The Scheme Administrator**

The role of the Scheme Administrator is to ensure that the Scheme is properly run and in particular to:

- Assist with the recruitment, selection and arranging training of new Custody Visitors
- Take appropriate action to follow up any concerns or issues about conditions or procedures in custody suites raised by Custody Visitors in their reports
- Keep Custody Visitors up to date with developments in the North Wales Scheme
- Carry out six-month review meetings
- Deal with any problems or issues that arise in the running of the Scheme, including any concerns about the conduct, performance or participation of individual Custody Visitors

3. **INDEPENDENT CUSTODY VISITORS**

3.1 **Eligibility**

Subject to the requirements set out below, any person over the age of 18 years (at the time of appointment) and residing or working within the six counties which comprise the North Wales policing area may be considered by the Office of the
Police and Crime Commissioner for appointment as an Independent Custody Visitor. Independent Custody Visitors should be independent persons of good character. All applicants will be asked to include on their application forms details of any convictions, other than those which are spent by reason of the Rehabilitation of Offenders Act 1974, to consent to police vetting enquiries being made prior to initial appointment and prior to the renewal of existing contracts. Applicants will be expected to demonstrate good communication skills and the ability to work with others.

Applicants will also be required to complete a medical health questionnaire prior to appointment, prior to the renewal of existing contracts, and on attaining the age of 70 years.

The Office of the Police and Crime Commissioner will not appoint serving magistrates, serving or former police officers or special constables as Independent Custody Visitors. Other people may be excluded, after discussion with the individual applicant, if they have a direct involvement in the criminal justice system such as solicitors or probation officers.

3.2 Recruitment

The Office of the Police and Crime Commissioner will recruit Independent Custody Visitors by inviting applications from, and representative of, the local community. This will be done by advertisements or other publicity via local media and any other means which the Office of the Police and Crime Commissioner may consider suitable.

The Office of the Police and Crime Commissioner will seek to recruit Visitors from all sections of the community to reflect its diversity in relation to race, disability, gender, sexual orientation, religion and belief, age and Welsh language in accordance with the Office of the Police and Crime Commissioner’s policies. On the website of the Office of the Police and Crime Commissioner we ask people to contact us if they would be interested in becoming a Custody Visitor, details are kept on a database by the Scheme Administrator and contact made when a vacancy arises.

3.3 Application Process

Interested parties will be sent an Application Pack containing background information about the Independent Custody Visiting Scheme, an Application Form, Job Description, Person Specification and an Equal Opportunities Monitoring Questionnaire. (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.

Where an applicant has convictions (whether spent or unspent) for criminal offences, or has received any formal caution, warning or reprimand, or has failed to
disclose any such finding, the specific circumstances will be considered in assessing suitability to become an Independent Custody Visitor. However, past offending is not an automatic barrier to acceptance.

3.4 Selection

Applicants will be invited to a formal interview conducted by the Chair or Vice-Chair of the Independent Custody Visitors Panel, the Chief Executive or his representative, and the Co-ordinator for the area to which the applicant may be appointed.

Following the interviews, a decision will be made by the interviewing panel as to whom should be appointed and this will be reported to the Independent Custody Panel at its next meeting. The Office of the Police and Crime Commissioner will not enter into discussions or correspondence concerning unsuccessful applications. No person shall be appointed as an Independent Custody Visitor without an interview taking place.

The Office of the Police and Crime Commissioner will endeavour to ensure that the overall team of Independent Custody Visitors is representative of the local community and provides a suitable balance in terms of age, gender and ethnicity.

All reasonable adjustments will be made to accommodate those with disabilities and those who do not have Welsh or English as their first language where they are considered suitable candidates.

3.5 Training

(i) One-day Training Course

All Independent Custody Visitors will be required to attend a one-day training course prior to taking up their custody visiting duties.

The Office of the Police and Crime Commissioner will provide training on the role and responsibilities of the Independent Custody Visitor. The training is designed to equip newly appointed Custody Visitors with the knowledge and skills to be effective in carrying out their role.

(ii) Training Visit to a Custody Suite

All Independent Custody Visitors are required to attend a training visit to a custody suite prior to taking up their duties.

(iii) Training Accompanied Visits

Custody Visitors are required to complete at least two custody visits in the company of experienced Custody Visitors as part of their training and prior to taking up their role. The “trainee” will be the third person in each of these training visits (see para 4.2 – Visiting in Pairs).
In addition to the initial training, Custody Visitors are required to attend training seminars arranged, as appropriate, during their period of appointment. These training seminars may be held as part of the quarterly panel meetings.

3.6 Appointment and Accreditation

Successful applicants will be invited to become an Independent Custody Visitor and asked to sign an agreement (Appendix B) summarising their agreed responsibilities and the legitimate expectations of both parties.

The Office of the Police and Crime Commissioner will issue each Custody Visitor with an identity card stating their name, title, their photograph and expiry date. The identity card will authorise the holder to visit any “designated” or “non-designated” Custody Suite in North Wales. In practice, visits will normally be confined to the police area for which the Custody Visitor is appointed, or another previously agreed area. This will be confirmed to each individual on appointment. Custody visits outside these areas will only take place with prior approval of the Co-ordinators appointed by the Office of the Police and Crime Commissioner in the areas concerned and the Scheme Administrator.

Independent Custody Visitors’ identity cards must be used only for the purpose of making custody visits. If anyone is found to be using their card for any other purpose, it will be withdrawn and that person’s appointment as an Independent Custody Visitor may be terminated.

3.7 Probationary Period

On appointment, Custody Visitors will serve a six-month probationary period. The number of visits made and any issues raised during the probationary period will be monitored by the Scheme Administrator and any areas of concern will be discussed with individual Custody Visitors at their six-month review meeting.

Successful completion of the six-month probationary period will be confirmed in writing to individual Custody Visitors. Appointments will subsequently be renewable after a period of three years, however the key factors in renewing appointments of further periods must be the continuing ability and willingness of the Custody Visitors to carry out the role effectively.

Custody Visitors may only serve 3 terms of 3 years, a maximum of 9 years, this is to protect the independence of the scheme.

3.8 Termination of appointment of Custody Visitors

Although the work is entirely voluntary, the Office of the Police and Crime Commissioner has the right to terminate the appointment of any Custody Visitor whose participation, performance or conduct is not of the required standard. Poor performance can relate, for example, failure to attend for visits or complete adequate reports. The Custody Visitor will have a right to appeal against the Chief Executive’s decision as set out in the Appeals Procedure (Appendix C).
In the event of misconduct the Chief Executive of the Office of the Police and Crime Commissioner will consider whether it is appropriate to terminate the appointment of that Custody Visitor (Appendix F). Misconduct may include matters such as misuse of the identity card, conviction for a criminal offence or abusing one’s position as a Custody Visitor.

Custody Visitors **MUST** notify the Office of the Police and Crime Commissioner if they are arrested and charged with a criminal offence. In such circumstances, the Office of the Police and Crime Commissioner will suspend the appointment of that Custody Visitor until the outcome of any criminal proceedings is known. If the Custody Visitor is subsequently found to be not guilty, or if charges are dropped, s/he will be reinstated.

Where a visitor fails to make a custody visit within a 4-month period the Chief Executive will write to the person concerned to establish whether this is simply an oversight (e.g. because report forms have not been submitted), or to seek an explanation.

Where an individual has not made any visits for a 12-month plus period, and no acceptable reason for this has been notified to the Scheme Administrator, the Office of the Police and Crime Commissioner will consider terminating that person’s appointment.

Non-attendance at training sessions without good reason may result in the termination of your appointment contract.

Continuous non-attendance at panel meetings without good reason or notice may result in the termination of your appointment contract.

**4. INDEPENDENT CUSTODY VISITING ARRANGEMENTS**

**4.1 Number of Custody Visitors**

The Office of the Police and Crime Commissioner, in consultation with the Chief Constable, will appoint sufficient Custody Visitors to ensure that appropriate numbers of random visits are made to designated Custody Suites throughout North Wales.

**4.2 Visiting in Pairs**

Independent Custody Visitors are required to visit in pairs at all times (except for training purposes). Any Custody Visitor arriving at a Custody Suite on their own will not be granted access to the custody area to make a custody visit.

Custody Visitors must not be accompanied by any unauthorised persons. Custody visits can only be made when accompanied by another accredited Custody Visitor.
The Scheme Administrator will periodically accompany the visiting pairs to ensure effective visits are carried out.

4.3 Co-ordinators

The Office of the Police and Crime Commissioner will appoint one Independent Custody Visitor in each of the three areas of North Wales (Eastern, Central and Western) to act as Co-ordinators for the scheme. (Appendix D). The Co-ordinator for each area will be responsible for making arrangements for visiting in pairs, ensuring the minimum number of visits is carried out both by Custody Visitors and to Custody Suites. The Co-ordinator will be provided with other Independent Custody Visitors’ telephone numbers for this purpose.

Independent Custody Visitor Co-ordinators are responsible for ensuring that each Custody Suite within their division receives adequate numbers of custody visits. Co-ordinators will also carry out periodic visits with each of their custody visitors to monitor standards.

Appointment of Co-ordinators will be considered at each AGM.

4.4 Role of the Chair / Vice-Chair

A Chair and Vice Chair of the Independent Custody Visitors Panel will be appointed at the AGM. The Chair and Vice Chair will assist the Scheme Administrator in monitoring the effectiveness of the Scheme on matters of recruitment, training, and support of Independent Custody Visitors. They will keep an overview of visiting in North Wales. Their role will also be to ensure good practice, the introduction of best practices and will act as a link with Co-ordinators and a conduit for items emanating from across the areas.

The Chair and Vice-Chair will serve for one year only. The Chair and Vice Chair will be representatives from two different divisions. The Vice-Chair shall succeed to be the Chair at the following AGM; the Vice-Chair will be succeeded by a person from the third currently non-represented Division at the AGM.

4.5 Frequency and Timing of Independent Custody Visits

Frequency and timings of custody visits are agreed between the Area Co-ordinators and Custody Visitors and should reflect the minimum/maximum number of recommended visits per annum. However, Independent Custody Visitors will normally be expected to make at least 10 visits per year. Care will need to be taken that custody 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 Suites concerned or the operational work of the officers attached to it. Custody Visitors should bear in mind that visits impose an unexpected responsibility on custody officers, and they should also be aware of possible delays during custody officers’ change-over periods.
Custody Visitors should arrive at the Custody Suite without prior notice, and should try to avoid making visits at regular or predictable times.

<table>
<thead>
<tr>
<th>Custody Suite</th>
<th>Recommended minimum number of visits per annum</th>
<th>Recommended maximum number of visits per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wrexham (Eastern)</td>
<td>40</td>
<td>45</td>
</tr>
<tr>
<td>St Asaph (Central)</td>
<td>40</td>
<td>45</td>
</tr>
<tr>
<td>Caernarfon (Western)</td>
<td>36</td>
<td>40</td>
</tr>
<tr>
<td>Mold (Eastern) (Mothballed 2011)</td>
<td></td>
<td>Fortnightly when activated</td>
</tr>
<tr>
<td>Holyhead (Western) (Mothballed 2012)</td>
<td></td>
<td>Fortnightly when activated</td>
</tr>
<tr>
<td>Dolgellau (Western) (Mothballed 2017)</td>
<td></td>
<td>Fortnightly when activated</td>
</tr>
</tbody>
</table>

4.6 Attendance at the Custody Suite

Custody officers will only respond to Custody Visitors attending in person at a Custody Suite. Telephone enquiries as to the custodial situation at a Custody Suite will not be responded to.

To emphasise their impartiality, Custody Visitors should not combine the making of a visit with the conduct of any other business at a Custody Suite.

4.7 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 persons being detained at a Custody Suite. In such circumstances, the duty officer at that Custody Suite may invite Custody Visitors to attend, to allay myth and rumour. The police officer requesting the visit will be responsible for contacting the Area Co-ordinator who will make arrangements for two Visitors to make the visit. Names and telephone numbers of Area Co-ordinators, and in fact all Custody Visitors, will therefore be kept in the appropriate custody office, for this purpose. (Appendix E).

It is recommended that police officers initially contact the Scheme Administrator or the Custody Visiting Co-ordinator for that area, who may be able to assist.
4.8 Effective Working Arrangements

For the Scheme to be effective, it is essential that Custody Visitors maintain a professional working relationship with police staff based on mutual respect and understanding of each others’ legitimate roles.

Such relationships can only exist where there is politeness and consideration on both sides.

In addition to maintaining a professional working relationship with police staff, Custody Visitors must also have the same regard for their fellow Visitors. All Custody Visitors must therefore be supportive and have a mutual respect for each other; work as a team, and play an active and equal part during the visits.

North Wales Police Force has adopted a Code of Ethics which applies to everyone who works for and visits North Wales Police.

5. CUSTODY VISITING PROCEDURES AT CUSTODY SUITES

5.1 On arrival at a Custody Suite

On arrival at the Custody Suite Custody Visitors must present their identity cards to the Custody Suite Assistant who should then admit them into the Custody Suite immediately. There should be no reason for a delay at this point.

Where a Custody Suite is not staffed the Custody Visitors will use the phone outside the Suite concerned to inform the Force Communication Centre on 0300 330 0101 or 101 who they are and the purpose of their visit to the Suite. They will request to speak to an officer in the custody area to gain access to carry out a visit. In the event that the phone call, once transferred, remains unanswered, the Custody Visitors will hang up and phone the Communication Centre again in 5 minutes to confirm with the phone operator that the custody area is presently un-resourced. The Custody Visitors are then able to complete a report form indicating this and abort the visit.

5.2 Immediate Access to Custody Area

Custody Visitors should be admitted immediately to the custody area. If access is delayed this may affect the credibility of the custody visiting scheme. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances the Custody Visitors should be admitted to the custody area and invited to wait until the custody officer, or another officer who has been authorised by the custody officer, is available to escort them on the custody visit. It is recommended that access should be delayed only where the Custody Visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. A full explanation should be given to the Custody Visitors as to why access is being delayed. This explanation must be included by the Custody Visitors in their report and endorsed by the custody officer as appropriate.
5.3 Access to the Custody Area

Custody Visitors will be allowed to inspect all parts of the custody area where the detainee has access e.g. cells, detention rooms, charging areas, kitchens or food preparation areas and medical room (this does not however include access to locked drugs cabinets). Custody Visitors will wish to satisfy themselves that these areas are clean, tidy and in reasonable state of repair and decoration, and that bedding in cells, when appropriate, is clean and adequate. It is not necessary to inspect stores but Visitors should establish that suitable arrangements exist for adequate stocks of mattresses and blankets and for the cleaning of such items, and for regular replacement of necessary furnishings and equipment. Visitors should also ensure that there are adequate supplies of appropriate food and drinks and religious material. Visitors are also asked to ensure that the Defibrillator checks have been carried out by Custody Staff. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied. They should check that any CCTV systems installed to observe the custody area of individual cells are operating properly. Custody Visitors may not visit CID rooms or other operational parts of the Custody Suite.

5.4 CCTV Footage

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

5.5 Security and Safety

In the interests of security and the safety of Custody Visitors, the custody officer or a member of the custody staff will accompany Custody Visitors during visits.

In addition to any risk of violence from detainees, police staff should also be alert to any specific health and safety risks Custody Visitors might face and should advise them as appropriate. For example Custody Visitors should always be told if there is a possibility of them coming into contact with detainees or cells exposed to Captor Incapacitant.

5.6 Access to Detainees

Subject to paragraphs 5.9 and 5.13 below, Custody Visitors may have access to any person detained at a Custody Suite.

Detainees will fall into the following categories:

PACE prisoners
These will constitute the vast majority and are held under the provisions of the Police and Criminal Evidence Act 1984.

**Home Office prisoners**
These are remanded or sentenced prisoners who would normally be held in prison.

**Immigration detainees**
These are persons held under the Immigration Act 1971 and Immigration and Asylum Act 1999 who are subject to deportation proceedings or who are waiting to be removed from the UK as illegal entrants.

**People at risk**
These may be persons held under the Mental Health Act 1983 for their own protection or children taken into police protection under the Children Act 1989.

**Operation Safeguard**
Operation Safeguard refers to the re-housing of prisoners from HMP into police cells nationwide. Since the statutory regulations relating to Independent Custody Visiting came into effect in the Police Reform Act 2002, section 51 of the Act and paragraph 2 of the Independent Custody Visiting Codes of Practice make no distinction as to the status of the detainee (i.e. whether they are being detained under PACE, terrorism powers, immigration powers, etc). On that basis Independent Custody Visitors should be given access to Operation Safeguard detainees held at Custody Suite or Police Stations unless the standard exceptions apply.

Clearly the rights and entitlements of Operation Safeguard detainees differ from other detainees and the Office of the Police and Crime Commissioner should ensure that Custody Visitors are aware of the rights and entitlements of Operation Safeguard detainees. As with all detainees, grievances or concerns should continue to be raised with the custody officer.

Custody Visitors may also have access to remand and sentenced prisoners held in magistrates’ courts cells. They are not however, permitted to visit persons held in magistrates’ courts cells awaiting their case being heard in court.

The custody sergeant should inform Custody Visitors if a detainee has been subjected to Captor Incapacitant (see para 5.28 for further details). However it would be in the Custody Visitor’s interests for them to acknowledge on each visit whether any of the detainees has been subject to Captor Incapacitant.

5.7 **Persons detained under Section 136 of the Mental Health Act 1983**

Custody Visitors should have access to persons detained under S. 136 of the Mental Health Act 1983. The North Wales Police has a policy with regard to persons detained under Section 136 of the Mental Health Act 1983. The Act states that persons who appear to be suffering from mental disorder and to be in immediate need of care or control can be held for up to 72 hours in a place of safety one of which is a designated Custody Suite. The Force Policy is for those persons to be
assessed by a Doctor and an Approved Mental Health Professional (AMHP) as soon as possible after arrival at the place of safety.

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

5.8 Consent to Custody Visits by Detainees

Detained persons are not obliged to see Custody Visitors or to answer questions. The Scheme in North Wales operates a “self introduction” procedure. Before the custody officer opens the cell door he/she will check to ensure that the detainee is not agitated and is sitting down, etc.

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

We are Independent Custody Visitors. We are here to see how you are being treated by the Police and to have a look at the conditions in which you are being kept. Can we speak with you for a couple of minutes?

Can we also have a look at your custody record for this occasion?

NOTE: Although the standard form of wording is part of the Independent Custody Visiting Scheme, it is used only as a guide. Provided the Custody Visitors are satisfied that they have explained their role (with particular emphasis on the independence of the Custody Visitors) this is accepted as a reasonable approach.

Visitors must get a verbal acceptance for the visit and this must be noted on the relevant paperwork, ie the checklist. A verbal acceptance must also be noted if the detainee agrees that the custody record can be viewed. The visit can proceed if the detainee agrees.

If the detainee refuses the visit, the Visitors must leave the cell. This is considered a refusal even though the Visitors have made verbal contact with the detainee.

Visitors must always follow the advice given by custody staff not to visit a detainee if there is a risk of aggress/violence.

The custody officer may be out of hearing during the visit, but must remain in sight of Custody Visitors and detainees at all times.

5.9 Detainees who are unable to consent to a custody visit

If a detainee is under the influence of alcohol, drugs, or other substance, 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 the Custody Visitors 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 the Custody Visitors to enter the cell they may wish to talk to the detainee through the hatch in the cell door. If the detainee is comatose the escorting officer should allow access if the Custody Visitors wish to satisfy themselves of the detainee’s well-being.

5.10 Detainees who are Asleep

If detainees are asleep the Custody Visitors should decide whether or not to have them awakened to establish whether or not they wish to be visited. Custody Visitors should however bear in mind the provision in Code C of the Codes of Practice under the Police and Criminal Evidence Act 1984 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 the Custody Visitors consider it necessary to wake the detainee, it is the responsibility of the escorting officer to do this.

5.11 Access to Juveniles

A juvenile may be visited with his or her consent. It is not necessary to obtain the additional consent of a parent or guardian. If an Appropriate Adult is in attendance to support a juvenile or vulnerable person, the detained person’s wishes should be sought and respected as to whether the Appropriate Adult should be present during the visit.

Juveniles should not be placed in cells unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise them if they are not placed in cells. If a juvenile is kept in a cell, Custody Visitors should seek an explanation from the custody officer and check that this has been recorded on the custody record.

5.12 Appropriate Adults

Independent Custody Visitors may not act as appropriate adults except for their own child or vulnerable adult, if they are a relative, guardian or other person responsible for their care or custody.

5.13 Detainees who are being Interviewed

If a person is being interviewed, the interview will not be interrupted. If the Custody Visitors wish to see the person later in the visit after the interview had been completed they may do so but may, if necessary, have to wait for this purpose.

5.14 Restrictions on Access to Detainees

In exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by Custody Visitors in order to avoid any possible risk of prejudicing an important investigation.
Any decision to deny visitors’ access to a detained person should be taken by an officer of or above the rank of inspector and recorded in the custody record. The decision to deny access should be taken in each case in the light of all relevant circumstances.

There should be no presumption that access should be denied to any particular category of detainee or because a decision has been made that a person should be held incommunicado.

An explanation of the reasons for refusal should be given to the Custody Visitors on each occasion and recorded in the custody record e.g. Terrorism Act (TACT prisoners).

5.15 Conversations between Detainees and Custody Visitors

Where practicable, the police officers will be out of hearing during the visit, but must remain in sight of both Custody Visitors and detainees. If for some reason the police 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 Custody Suite. Custody Visitors 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 assaults on the Custody Visitors.

Conversations must focus on checking whether or not detainees have been offered their rights and entitlements under PACE.

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

Custody Visitors 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, the Visitor must tell them that the relevant contents of the visit may be disclosed in legal proceedings.

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

5.16 Interpreter Service

North Wales Police subscribe to a contracted interpreter service (currently Applied Language Solutions). Interpreters are fully trained to have a good command of both English and the language from which they interpret.
If Custody Visitors encounter a detainee who is unable to speak English, the Custody Visitors should explain to the custody officer that they wish to use the Force’s contracted interpreter service facility.

Having got the interpreter on the line, the Custody Visitor should explain his/her role and the questions s/he wishes to ask of the detainee. The Custody Visitor then passes the telephone handset back and forth between him/herself and the detainee.

Each Custody Visitor will have a translation booklet with a list of questions in the most used languages in North Wales which can be used to communicate with detainees.

5.17 Access to Custody Record

If any detainee, including a juvenile, refuses access to the custody record, Custody Visitors will not be allowed to see it. If a person is incapable of giving consent by virtue of mental illness, disability, being comatose or incapacitated through the influence of drugs, alcohol or other substance, the presumption must be in favour of allowing the Custody Visitors to examine it. Except where a detainee objects, the Custody Visitors will be shown the parts of the custody record relating to the provision of welfare, and those aspects covered by the Codes of Practice contained within the Police and Criminal Evidence Act 1984, whilst within police detention.

5.18 Documentation

The proper maintenance of contemporaneous records plays an important part in the application of the rules governing the treatment of detained persons and the process of supervision. Custody Visitors will therefore wish to satisfy themselves that the custody record fully and properly records the action taken in connection with detainees while in police custody. Custody Visitors may not see other police documents concerning the detainee or medical records. The custody record should include all relevant information about necessary medication for a detainee and the frequency of administering it. Custody officers are responsible for ensuring that medication is given at appropriate times.

Subject to obtaining the detainee’s consent to view their custody record, Custody Visitors should check its contents against what they have been told by the detainee. In particular, Custody Visitors will wish to verify:

- whether entitlements under PACE have been given and signed for
- that medication, injuries, medical examinations, meals/diet are recorded
- that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded
- the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
- the timing of reviews of the continuing need for detention

5.19 Treatment of Detainees
Custody Visitors should satisfy themselves that the 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, or Code H for those held under the Terrorism Act.

5.20 Medical Conditions

Custody Visitors 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 and confirm by consulting the custody record. If the necessary permission has been granted, that these instructions have been carried out. Custody Visitors 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 the Custody Visitors. 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.

5.21 Deaths in Custody

All deaths in custody are the subject of a Coroner’s inquest and investigation by the Independent Police Complaints Commission (IPCC) to which the police will report formally. Where a death in police custody occurs, the Chief Inspector Custody Lead or Custody Policy Inspector will notify the Scheme Administrator with such information as they consider appropriate. The Scheme Administrator will notify the Custody Visitors for that area - out of courtesy and for information only.

5.22 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 made by a detainee against 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 Custody Visitors to pursue with the custody officer, or senior officers at the Custody Suite, at the time of the visit.

5.23 Complaints of Misconduct against a Police Officer

In order to maintain their strict impartiality, Custody Visitors should not take up individual cases or make representations on behalf of detainees.
However, where a detainee, during the course of a visit, complains about misconduct and/or assault by a police officer, the Custody Visitors need to establish if the detainee wishes the complaint to be pursued.

If a detainee wishes to make a complaint of misconduct and/or assault by a police officer, the Custody Visitors should initially advise the detainee to bring the matter to the attention of the duty inspector. The Custody Visitors 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, the Custody Visitors should suggest that the detainee asks to see a doctor. (N.B. upon receipt of a formal complaint, the duty inspector will, in any event, arrange for the detainee to be seen by a doctor).

North Wales Police will notify the Custody Visitors, through the Office of the Police and Crime Commissioner of the outcome of any such complaint, in general terms, where asked to do so by the administrator of the scheme.

5.24 Complaints of Misconduct against an Independent Custody Visitor

For details of the procedure the Office of the Police and Crime Commissioner will follow if a complaint is received about the misconduct by a Custody Visitor see Appendix F.

5.25 Complaints against the Police

Where a Custody Visitor makes a complaint against the police which is recorded, whether in the role as a Custody Visitor or as a private individual, the Scheme Administrator must be informed. The full details will then be put before the Chair and Vice-Chair of the Custody Panel who will decide, in consultation with the Chief Executive, whether the duties of the Custody Visitor should be suspended or curtailed in the interests of impartiality.

5.26 Prisoner Escort and Custody Services and Custody Observers

The Criminal Justice Act 1991 makes provision for the contracting out of the court escort and custody service. Section 81(1)(b) of the Act requires the appointment of a panel of custody observers who will inspect and report to the Secretary of State on the work of the contractor. Custody observers will be responsible for inspecting the conditions of both Crown Court and Magistrates Court cells within their areas. In addition, they will inspect conditions at police cells when those cells are being used to hold remand and sentenced prisoners in the contractors custody. They will also inspect conditions in which remand and sentenced prisoners are conveyed and will have access to prisons within the area solely to perform that inspection.

In practice, Custody Visitors will continue to have access at all times to:

- All PACE detainees
- Persons held under immigration regulations
• Persons held under S. 136 of the Mental Health Act 1983
• Remand and sentenced prisoners (NOT in the contractors custody)
• All areas of a Custody Suite in which detainees may be held (except interview rooms and medical rooms when in use)
• Additionally, Custody Visitors will be allowed access to remand and sentenced prisoners in the contractors’ custody at Custody Suites when they have become the responsibility of the custody officer.

5.27 Remand and Sentenced Prisoners

These prisoners are held under the Prison Service Order 1801 (PSO 1801) and require a higher degree of confidentiality when undertaking visits with Custody Visitors under this order. Custody Visitors must give an undertaking not to disclose the names of the persons visited or information obtained in the course of the visit. There is no requirement for Custody Visitors to be made aware of the reason why the person is being detained at the Custody Suite. In such instances Custody Visitors are to ensure that the rights and entitlements granted by the Governor and the general requirements under PACE Code C, sections 8 and 9 are complied with.

However, there are categories of prisoners held under PSO 1810 who are assisting police with their inquiries and wish knowledge of their identity and engagement with the police to be confidential and limited. Therefore the Governor of Directors of Contracted Out Establishments will inform the prisoner of their entitlement to be visited by an Independent Custody Visitor. If the prisoner wishes such a visit to take place, the Chief Executive of the Office of the Police and Crime Commissioner will be notified and suitably vetted Custody Visitors will be appointed to conduct the visit. The content of the Custody Visitors’ report will be treated as confidential and passed to the Chief Executive of the Office of the Police and Crime Commissioner.

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

The contractors for the court escort services also have their own procedures for recording complaints about their staff. Any complaint alleging a criminal offence will be reported to the police and the 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 as at present.

5.28 Detainees who have been subjected to Captor Incapacitant

Custody Visitors may in the course of their visits encounter detainees who have been sprayed with Captor Incapacitant during their arrest. Custody Visitors may wish to assure themselves of the health and well being of such persons however, they should bear in mind the advice contained in Appendix G of these Guidelines. If Custody Visitors believe that the detained person is suffering due to the after effects
of Captor Incapacitant they should bring this to the notice of the custody sergeant who has responsibility for seeking medical assistance.

6. **IMPARTIALITY AND CONFIDENTIALITY**

6.1 **Advice**

Custody Visitors must not involve themselves in individual cases to the extent of offering advice about whether or not detainees should make a statement or otherwise co-operate with police enquiries. Such advice would be inconsistent with the Custody Visitors’ independence from the processes of investigation. Custody Visitors should therefore confine their discussions to the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask advice about their possible defence, particularly if they have not already received legal advice. In the interests of maintaining impartiality Custody Visitors must not visit friends or relations who are in custody.

If an Independent Custody Visitor encounters someone who is known to them, a decision must be taken whether to abort the visit.

6.2 **Contact with Persons outside the Custody Suite**

Custody Visitors must not agree to make contact with any person outside the Custody Suite at the request of a detainee. Neither must they agree to pass on a message to any other detainee within the Custody Suite or offer to perform other tasks on their behalf, and must immediately notify the custody officer of any such request.

6.3 **Custody Visitors giving evidence in Criminal Proceedings**

Conversations between Custody Visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of Custody Visitors to give oral evidence or to produce documents such as a report on a particular custody visit. Custody Visitors are under no obligation to give evidence or produce documents otherwise than in response to a Court Order, but would be obliged to respond to such an Order.

6.4 **Confidentiality**

Custody Visitors will acquire considerable personal information about persons in police custody.

The great 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. Custody Visitors will therefore be asked to give an undertaking (included on the custody 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 Custody Visitors do not name or otherwise identify persons in custody even in reports to or in discussion with fellow Custody Visitors or the Office of the Police and Crime Commissioner.

Custody Staff are not to disclose the details of the offence or any information on why a person is detained to the Custody Visitors.

6.5 Breach of Confidentiality

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

7. CUSTODY VISITOR REPORTS AND FOLLOW-UP ACTION

7.1 Completion of Custody Reports

A combined report of the two Custody Visitors shall be made on the form provided. The top copy (white) of the Custody Visitor report should be sent to the Office of the Police and Crime Commissioner using the pre-paid envelope provided. Both Custody Visitors should sign the form along with the custody officer. The pink and yellow copies will be left at the custody suite, the pink copy will be retained there and can be inspected on following visits. The yellow copy of the report will be referred to the Policy Custody Inspector, St Asaph Custody for any necessary action relating to comments made by the Custody Visitors.

7.2 Reports on Unsatisfactory Treatment and Conditions

If Custody Visitors discover any aspect of the treatment of detainees or conditions at the Custody Suite which are unsatisfactory, they should be included in the report and raised with the custody officer at the time. All such comments must be drawn to the immediate attention of the appropriate Custody Inspector. This action should be taken, for example, if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on their custody record. Any action which the custody officer takes at the time of the custody visit should also be recorded on the report form.

7.3 If the custody officer is not in agreement with the comments recorded on the report form of any unsatisfactory treatment and conditions the custody officer should raise the issue during the visit so that any misunderstanding can be immediately rectified. In the event of extreme pressure of business during the time of the visits any further comment must be made in writing and forwarded to the Custody Inspector and Scheme Administrator within 24 hours of the visit.

7.3 Reports on Conduct during the Visit
Any issues relating to conduct of a member of the Custody Staff must be included on the report form and brought to the immediate attention of the appropriate Custody Inspector.

7.3 Reports on Issues Arising out of Custody Visits

The Scheme Administrator will call regular meetings of Custody Visitors which will allow the discussion of visiting arrangements within the area and any concerns to be brought to the attention of the Policy Custody Inspector. Issues arising out of visits will also be submitted to the Office of the Police and Crime Commissioner.

8 MONITORING OF THE SCHEME

The Chief Executive will be responsible for monitoring the scheme.

Should any difficulties arise during a custody visit, the problem should be brought to the attention of the Scheme Administrator by the Custody Visitors or the custody officer, as appropriate. See Appendix E for contact details.

9 ADDITIONAL INFORMATION

9.1 Expenses

The work is entirely voluntary, but expenses will be payable to all Custody Visitors as noted in the Scheme’s Travel and Subsistence Expenses Policy (Appendix I). Only public transport fares or private car mileage at the agreed rate will be paid. Taxi fares are recoverable only when attending events approved by the Office of the Police and Crime Commissioner. Other reasonable expenses incurred could be payable at the discretion of the Chief Executive. Claims must be made on the appropriate form (Appendix H). Custody Visitors using their own motor vehicles to and from their visits and associated meetings need to advise their insurers about the duties.

Car Sharing is encouraged for all journeys.

9.2 Insurance

The Office of the Police and Crime Commissioner has arranged appropriate insurance for Custody Visitors to cover them during a custody visit to a Custody Suite.

9.3 Vaccinations

Custody Visitors are advised to be immunised against Hepatitis B and Tetanus. The cost of immunisation will be paid for by the Office of the Police and Crime Commissioner upon receipt of a paid account.

9.4 Guidelines
A copy of these Guidelines will be placed within the custody area of every “designated” Custody Suite within North Wales for the information of custody staff, and so that they may be referred to by Custody Visitors and police officers alike.

9.5 Disposing of Documentation

At the termination of their agreement, Independent Custody Visitors must ensure that any documentation relating to their role is returned to the Scheme Administrator.

9.6 Equal Opportunities and Diversity

The Office of the Police and Crime Commissioner is firmly committed to equality and diversity in all areas of its work.

We believe that we have much to learn and profit from diverse cultures and perspectives, and that diversity will make our organisation more effective in meeting the needs of our stakeholders. We are committed to developing and maintaining a body in which differing ideas, abilities and backgrounds are fostered and valued, and where those diverse backgrounds and experiences are able to participate and contribute. The Office of the Police and Crime Commissioner will regularly evaluate and monitor its progress towards diversity.

10 PUBLICITY GUIDELINES

10.1 General

It is generally desirable that the role and aims of the scheme should be promoted to the public. Custody Visitors must, however, bear in mind that the purpose of publicity is to inform the public about the scheme and not draw attention to individual cases or to themselves. Custody Visitors should not discuss the cases of individuals with whom they come into contact during visits to Custody Suites and under no circumstances should individual contacts or specific events be discussed except in general, anonymous, terms which support any explanation of the purpose of the scheme. Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the Office of the Police and Crime Commissioner and should not be undertaken by individual Custody Visitors except at the request of the Office of the Police and Crime Commissioner, who will in normal circumstances have consulted with the Chief Constable.

Custody Visitors should remember that they are accountable to the Office of the Police and Crime Commissioner and not to the press or individual members of the public.

10.2 Confidentiality
Custody Visitors’ names and telephone numbers are given by the Office of the Police and Crime Commissioner in strictest confidence, purely for convenience in making contact. Such details must not be disclosed to any other person.

Attention is also drawn to paragraphs 6.4 and 6.5 regarding confidentiality whilst undertaking the duties of a Custody Visitor.