



**Sussex  
Police & Crime  
Commissioner**

# ICV Handbook

Independent Monitoring Scheme  
for CCTV Usage

October 2016

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## **1. Introduction**

- 1.1 The Office of the Sussex Police & Crime Commissioner (OSPCC), like all other PCC offices in England and Wales, has a duty to implement and co-ordinate an Independent Custody Visiting Scheme. The primary purpose of the Scheme is to provide an independent scrutiny of Sussex Police to ensure that detainees in custody are being treated fairly and in accordance with Code C of the 1984 Police and Criminal Evidence Act (PACE). The full version of the Act can be found at <http://police.homeoffice.gov.uk>. The Police Reform & Social Responsibility Act, Schedule 16, part 3, paragraph 299 (i) placed a statutory obligation on all PCCs in England and Wales to have in place an effective independent custody visiting scheme. Please refer to Appendix A for further details.
- 1.2 The purpose of this document is to provide the context of Independent Custody Visiting and the procedures that are involved in the process. A review has been carried out to maintain and enhance the effectiveness of the Scheme. The Police Authority\* approved this Scheme at its meeting on 30 July 2009. It was further updated in July 2012 to include a Risk Assessment, Complaints Procedure and Support for Volunteers, and was combined with the Independent Monitoring Scheme for CCTV Usage.
- 1.3 Sussex Police has six custody centres (Investigation and Detainee Handling Centres) in the county: Brighton, Chichester, Crawley, Eastbourne, Hastings and Worthing.
- 1.4 Independent Custody Visitors (ICVs) are members of the local community who visit police custody centres to observe, comment and report on the conditions under which persons are detained. All visits are carried out in pairs, and are always unannounced. They can take place at any time of the day or night.
- 1.5 The OSPCC will be responsible for organising and overseeing the delivery of custody visiting in Sussex. It will keep the arrangements under review and revise them as it sees fit and in accordance with any changes made to the Code of Practice and National Standards. Central administration of the Scheme will be the responsibility of the Scheme Administrator, supported as necessary by other personnel.
- 1.6 Another essential purpose of independent custody visiting is to strengthen public confidence in procedures within custody. Raising awareness is also vital to supporting effective recruitment of independent custody visitors.
- 1.7 The Scheme is reviewed on a four-yearly basis, and is written in conjunction with the Independent Custody Visiting Association's (ICVA) National Standards on Independent Custody Visiting, and the Home Office's Code of Practice on Independent Custody Visiting. Both the National Standards and Code of Practice can be found on the ICVA website at [www.icva.org.uk](http://www.icva.org.uk)

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**\* Sussex Police Authority was replaced by the Office of the Police and Crime Commissioner on 22 November 2012.**

- 1.8 The ICV Scheme is a very important statutory duty of the OSPCC. It focuses primarily on detainee welfare and conditions in custody. Visitors have stated that they are made welcome and their position is valued and respected by custody staff. Visitors find it a positive experience as it provides an independent and impartial scrutiny of the police service, which increases public confidence. The OSPCC appreciates the commitment and dedication of the six teams as they carry out their duties on behalf of the community.

## **2. Recruitment, Selection and Retention**

- 2.1 The commitment to diversity is clearly demonstrated in the OSPCC's recruitment process for Independent Custody Visitors. The OSPCC places equality at the centre of its work when forming policy or strategy, providing a service, consulting with the public or employing people.
- 2.2 Recruitment of Independent Custody Visitors (appointees) is open, non-discriminatory and well publicised. The OSPCC will aim to provide a suitable balance for visiting panels in terms of factors such as age, gender and ethnicity. This inclusive approach will also extend to those with disabilities and those who do not have English as their first language. All reasonable efforts will be made to accommodate applicants in these categories where they are considered suitable candidates. Prospective visitors should be independent persons of good character who are able to make informed judgments in which the community can have confidence.
- 2.3 The ICV Scheme Administrator, will recruit, select and appoint Independent Custody Visitors. The ICV Scheme Administrator, with advice from the local Panel Co-ordinator, will ensure that adequate numbers of Independent Custody Visitors are available at all times. Panel Co-ordinators are invited to attend the interviews and offer their advice.

### Publicity

- 2.4 The ICV Scheme Administrator will ensure that vacancies are openly advertised, using means such as the OPCC website, local radio, press releases and volunteer bureaux. Information will be made as clear and accessible as possible, both in paper and electronic format. An example of a publicity poster can be found at [Appendix B](#).

### Application Process

- 2.5 An application pack will be sent to candidates, by e-mail or by post, which will include general background information about independent custody visiting, a role description, person specification, application form and equal opportunities monitoring form. The equal opportunities monitoring forms will help the ICV Scheme Administrator to ascertain the demographics of applicants and where improvements could be made to ensure that applicants are

representative of the local community. The information provided on equal opportunities monitoring forms is solely for monitoring purposes, and will not in any way form part of the selection process. All the information and forms will also be available and downloadable on the OSPCC website.

- 2.6 In appointing Independent Custody Visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police or OSPCC staff will not be eligible. The same will apply to Special Constables and Justices of the Peace and Members of the Police & Crime Panel. These factors are clearly detailed in the application pack.

#### Short-listing Process

- 2.7 Following the deadline for receipt of application forms, the ICV Scheme Administrator will assess each application form received, using a scoring system, to determine candidates' suitability for the role on the basis of the person specification.
- 2.8 Applicants that have been selected in the shortlist will then be invited to attend an interview.
- 2.9 Unsuitable applicants will be notified in writing.

#### Interview – Skills and Abilities

- 2.10 Interviews will be conducted by the ICV Scheme Administrator. The local ICV Panel Co-ordinator will be invited to attend if they wish. An agreed list of questions will focus on the skills, values and experiences of the candidate and their ability to carry out the role effectively. A scoring system will be used by the selection panel for each interview to allow for constructive feedback to be given following the process, both for suitable and unsuitable candidates. The selection panel will record the reasons for decisions about appointment and non-appointment.

#### References and Vetting

- 2.11 Following interview, references will be taken up for the successful applicants. All applicants will be required to undertake and successfully fulfil the Sussex Police vetting procedure.

#### Initial Training

- 2.12 Successful interview candidates will be required to undertake the initial training session prior to formal appointment. The interactive training session will enable candidates to understand better the role and procedures. Further refresher training sessions will be provided to ensure that Independent Custody Visitors can carry out their duties as efficiently as possible.

## Appointment

- 2.13 Once training has been completed, candidates will be formally appointed and asked to sign the Memorandum of Understanding, which summarises their agreed responsibilities and legitimate duties (Appendices N1 and N2).
- 2.14 The ICV Scheme Administrator will arrange for each Independent Custody Visitor to be issued with a Sussex Police identity card, which is to be carried at all times during custody visits.

## Tenure

### *Independent Custody Visitors*

- 2.15 Appointments will initially be subject to a six-month probationary review, carried out by the ICV Scheme Administrator. Independent Custody Visitors will then be appointed for a term of four years, with an optimum of two terms (eight years). Informal annual one-to-one meetings will take place between the Panel Administrator and their panel members to discuss any concerns, training requirements and ability to carry out the role.
- 2.16 After four years, a formal re-assessment will be carried out by the ICV Scheme Administrator, in conjunction with the local ICV Panel Co-ordinator. The key factors in renewing appointments for a further term of four years will include the continuing ability and willingness of the Independent Custody Visitor to carry out the role effectively.

### *Panel Co-ordinators*

- 2.17 The appointment of Panel Co-ordinator will be for a maximum term of two terms of four years. The ICV Scheme Manager will arrange annual one-to-one meetings with Panel Co-ordinators. These informal discussions will be a valuable opportunity to discuss panel matters and developments.

## Exit Questionnaires

- 2.18 Exit questionnaire forms will be provided to ICVs who step down from their roles. The information provided will be used solely by the ICV Scheme Administrator for monitoring the operation of the Independent Custody Visiting Scheme and making the necessary changes to it.

## Communication

- 2.19 In order for the Scheme to be effective, efficient communication is vital in ensuring that the process runs smoothly and that all parties involved are informed of custody-related matters.
- 2.20 The ICV Scheme Administrator will mostly liaise with the six Panel Co-ordinators, who will subsequently inform their respective panels of relevant information in relation to the OSPCC.

- 2.21 The ICV Liaison Inspector (see [Appendix I](#)) should act as the conduit between the ICV Scheme Administrator and the other custody inspectors.
- 2.22 Independent Custody Visitors should generally liaise with their Panel Co-ordinator on local custody-related matters. The respective roles and responsibilities are summarised later.
- 2.23 [Appendix C](#) shows the Independent Custody Visiting structural framework, and [Appendices D to J](#) set out the details of the individual roles and responsibilities that contribute to the Independent Custody Visiting process.

### **3. Training**

#### Induction Training

- 3.1 Following the initial training session prior to formal appointment, further refresher training sessions will be provided to ensure that Independent Custody Visitors can carry out their duties as efficiently and effectively as possible.
- 3.2 The probationary period will be based around the carrying out of visits in tandem with experienced colleagues. This will involve developing and consolidating skills at the custody centre, as well as discussing at local panel level practical issues and difficulties after visits have been completed.

#### Refresher Training

- 3.3 Under the Memorandum of Understanding ([Appendix N](#)), visitors will be required to attend at least one session of training per year to refresh and enhance their general skills and knowledge. There may also be specific issues to address in relation to changing legal, procedural and Health and Safety requirements, developing best practice or practical issues emerging from the visiting process. Meetings between members of local visiting panels will also provide an opportunity to share information and experience.

#### Evaluating Training

- 3.4 Visitors in receipt of training will be required to complete an evaluation form focusing on the effectiveness and format of the course so that any necessary changes can be made to improve delivery of training in the future.

## **4. Visiting Procedures in Custody**

### Frequency and Coverage of Visits

- 4.1 Visits must be sufficiently regular to support the effectiveness of the system, but not so frequent as to unreasonably interfere with the work of the police. It has been agreed that custody visits will be organised to the six custody centres at the minimum frequency set out below:

Brighton Custody Centre –	1 visit every week
Chichester Custody Centre –	1 visit every two weeks
Crawley Custody Centre –	1 visit every two weeks
Eastbourne Custody Centre –	1 visit every two weeks
Hastings Custody Centre –	1 visit every two weeks
Worthing Custody Centre –	1 visit every two weeks

### Conducting a Visit

- 4.2 Custody visits are to be undertaken in pairs at all times. This allows for visitors to remain objective and make informed judgments in which the community can have confidence and which the police will accept as fair. No more than two visitors should normally attend at any one time as any more may place an excessive burden on custody staff. Visits should always be unannounced and should not develop a regular pattern.
- 4.3 It is therefore necessary for ICVs to contact each other in plenty of time to arrange a mutually-convenient time to carry out their visit. Should an ICV be unable to carry out their visit at short notice, they should contact their Panel Co-ordinator as soon as possible, so that a substitute partner can be contacted. It may be that the visit will have to be postponed. Independent Custody Visitors should try and be as flexible as possible to ensure that visits are carried out on a random, 24-hour basis. This will boost the credibility of the Scheme, thereby increasing public confidence.
- 4.4 It is essential that Independent Custody Visitors and police staff develop and maintain professional working relationships based on mutual respect and understanding of each others' legitimate roles.

### Arrival

- 4.5 Independent Custody Visitors must be admitted to the custody area immediately upon arrival. Access should be delayed only when the visitors may be placed in danger, for example if there is a disturbance in progress in the custody area. It is unacceptable for access to be delayed simply because the custody officer is busy, unless there is a valid operational reason. In such circumstances, the visitors should be admitted to the custody area but invited to wait until the custody officer or another officer is available to escort them on the visit. A.



full explanation should always be given to the visitors as to why access is being delayed, which must be recorded by the visitors in their report.

- 4.6 Sussex Police ID cards must be carried (but not displayed) by ICVs at all times, and should be presented to officers and staff when requested. ICVs are encouraged to wear their 'ICV badges', which will enable staff and detainees to identify them easily and quickly.

#### Inspecting Custody Facilities

- 4.7 In the interests of security and the safety of Independent Custody Visitors, the custody officer or a member of the custody staff must accompany them during visits at all times. This person is known as the escorting officer. However, the escorting officer should remain, where reasonably practicable, 'within sight but out of hearing' during discussions between visitors and detainees. The escorting officer must inform the ICVs of any health or safety risks at the start of the visit and advise them as necessary.
- 4.8 Independent Custody Visitors must have access to all parts of the custody area including cells (unless exceptions have been made), detention rooms, charging areas, washing facilities, kitchen or food preparation areas and medical room (with the exception of the medical cabinet). Independent Custody Visitors should carefully observe these areas to ensure that they are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. Relevant storage areas may also be seen and visitors should check that there are adequate stocks of bedding and other necessary items. Independent Custody Visitors may inspect empty cells and detention rooms to check heating/ventilation systems and that cell intercoms and toilet flushing mechanisms are working properly.
- 4.9 Independent Custody Visitors may wish to use a checklist to assist them in carrying out their inspections.
- 4.10 Cross-panel visiting, whereby Independent Custody Visitors arrange to visit other custody centres, is permitted with the agreement of the two Panel Co-ordinators concerned.

#### CCTV

- 4.11 Independent Custody Visitors should check that the CCTV systems in custody are operating properly, although they should not view CCTV footage. However, where specific incidents or circumstances arise as issues and have been captured on CCTV, visitors might reasonably be allowed access where both the police and the detainee(s) concerned give their consent. Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration of the system if necessary. Home Office advice is that viewing custody CCTV recordings beyond this and viewing public place CCTV are both outside the statutory remit of ICVs and would be governed by data protection legislation. Data Protection falls under the remit of the Information Commissioner's Office (ICO),

not the Home Office, and holders of the information (Sussex Police) would hence be responsible for ensuring compliance with the legislation and that each individual they allow/invite to view CCTV footage (live or recorded) is lawfully entitled to do so.

#### Access to Detainees

4.12 Subject to some exceptions, visitors may normally have access to any person detained at a custody centre. Detainees usually fall into the following categories:

(a) PACE prisoners

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

(b) Home Office prisoners

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

(c) 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.

(d) People at risk

These may be persons held under the Mental Health Act 1983 for their own protection.

4.13 Subject to the exceptions referred to below, ICVs must be allowed access to any person detained at the custody centre, unless advised otherwise, in which case they should be allowed to make visual checks.

4.14 Detainees can only be visited with their consent. It is the Independent Custody Visitors' responsibility to establish whether or not detainees wish to see them. The manner in which Independent Custody Visitors introduce themselves is a key factor in the process. By using simple yet positive wording, tone and body language, the detainee is more likely to agree to a conversation with the Independent Custody Visitors.

4.15 If a detainee is not in a position to give consent, perhaps due to the effects of drink, drugs or mental health disorders, the escorting officer must allow limited access such as observation through the cell hatch. This may also apply where consent is given, but the escorting/custody officer judges the visitors would be in danger from a violent or potentially violent detainee if they entered the cell.

4.16 Sleeping detainees may be woken at the discretion of the custody officer to seek consent to a visit; however, the normal procedure should be to observe them through the cell hatch.

4.17 Police interviews with detainees should never be interrupted to facilitate visits. However, Independent Custody Visitors may await

the completion of the interview if they wish to see the person concerned.

- 4.18 Juveniles may be visited with their own consent.
- 4.19 In exceptional circumstances, the police may judge that it is necessary for a detained person not to be seen by Independent 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.

#### Conversations with Detainees

- 4.20 Once the detainee has consented to seeing the two Independent Custody Visitors, the detainee will be requested to remain seated for the duration of the conversation.
- 4.21 The ICVs will enter the cell, and the escorting officer will remain within sight but out of hearing, usually just outside the cell door.
- 4.22 Conversations should normally be conducted in English, but translation support should be provided where necessary and where available. Where an Independent Custody Visitor is fluent in a detainee's language, it may be appropriate to conduct the visit in that language as long as the other visitor is kept informed about what is being discussed.
- 4.23 Conversations must focus on ascertaining whether or not detainees have been offered their rights and entitlements under PACE Code C (including receipt of the necessary paperwork) and on confirming whether the conditions of detention are adequate. Independent Custody Visitors should encourage an open exchange with the detainee and may wish to refer to a checklist to ensure that they cover all the relevant issues.
- 4.24 Independent Custody Visitors must remain impartial and must not seek to involve themselves in any way in the process of investigation. Should detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, ICVs should explain that it is not part of their role to be involved. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the visitor must tell them that the relevant contents of the visit may be disclosed to the police and may be later used in legal proceedings. If the detainee's concerns relate to their treatment in custody, or their rights and entitlements, the custody visitors should raise these with the escorting officer following their discussion.

- 4.25 Should an Independent Custody Visitor know the detainee, they must withdraw from the visit, as impartiality may be affected.
- 4.26 Independent Custody Visitors are primarily concerned with overall conditions, standards and procedures at custody centres. However, immediate concerns about the treatment of particular individuals must be passed on to those in a position to take corrective action. If a detainee indicates that they may harm themselves or any other person, this must immediately be brought to the attention of custody staff.

#### Custody Records

- 4.27 Custody records can be viewed by Independent Custody Visitors, only where the detainee has given his/her consent. If a detainee is, for any reason, incapable or giving his/her consent, the presumption will be in favour of allowing the visitors to examine the record.

In particular, visitors will wish to verify that:

- entitlements under PACE have been given and signed for;
- medication, injuries, medical examinations, meals/diet are recorded;
- 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.

#### Medical Issues

- 4.28 Independent Custody Visitors should not, under any circumstances, have access to the detainee's medical records, even where these are attached to the custody record.
- 4.29 Visitors should pay particular attention to detained persons who have any form of illness, injury, disability or mental disorder. They should satisfy themselves that, if appropriate, medical advice has been obtained and establish from the custody officer what instructions for medical treatment have been given. This information should be noted in the detainee's custody record.

#### Dealing with Complaints Arising from Visits

- 4.30 Where a detainee makes a complaint or raises an issue about their treatment or conditions in custody, Independent Custody Visitors must (subject to the detainee's consent) inform custody staff as soon as possible. The same applies to similar issues identified by visitors during their visit.

- 4.31 If a detainee makes a complaint of misconduct by custody staff, he or she must be advised to address it to the custody inspector/duty officer. With the detainee's consent, it may be appropriate for Independent Custody Visitors to notify the custody inspector/duty officer that the detainee wishes to make a complaint. Furthermore, Independent Custody Visitors may remind the detainee that they are entitled to free legal advice about the complaint or ask to see a doctor if an alleged assault is involved. Independent Custody Visitors must not involve themselves in individual cases or make representations on behalf of detainees.
- 4.32 Remand or sentenced prisoners held in custody centres who seek to complain about their conditions or treatment in prison should be advised that Independent 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.

#### Confidentiality and Disclosure

- 4.33 Independent Custody Visitors will be required to sign a Memorandum of Understanding at the time of their appointment. During the course of their duties, visitors will acquire considerable personal information about persons connected with police inquiries, the majority of whom will not at that time have appeared in court and some of whom may never appear at court. That information must be protected against improper or unnecessary disclosure.
- 4.34 The custody visiting report forms include an undertaking not to reveal confidential information obtained in the course of a visit. A breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. This extends to discussion of individual cases and identities with other custody visitors and to the system of reporting to the OSPCC of the results of visits. The unauthorised disclosure of facts concerning police operations or the security of police stations may also constitute an offence under Section 5 of the Official Secrets Act 1989.
- 4.35 Conversations between visitors and detainees are not privileged and it would be open to a court to issue a witness summons requiring the attendance of a visitor to give oral evidence or to produce documents such as a report of a particular visit. Visitors are under no obligation to give evidence or produce documents other than in response to a court order, but would be obliged to respond to such an order.
- 4.36 A Sussex Police Memorandum of Understanding sets out how custody staff and officers will support Independent Custody Visitors in their role (Appendix N2).

## **5. Central Administrative Arrangements**

### Insurance

- 5.1 All Independent Custody Visitors are covered by Sussex Police Authority's Public Liability Insurance. This will provide cover in respect of damage or injury caused to Independent Custody Visitors by Sussex Police's negligence and will also indemnify Sussex Police in respect of the Independent Custody Visitors' negligent acts.
- 5.2 In addition, there is cover under Sussex Police's Personal Accident Policy for Volunteers, which provides various sums insured in respect of death and permanent or partial disablement.

### Expense Claims

- 5.3 Independent Custody Visitors are entitled to be reimbursed for their legitimate expenses incurred in carrying out their role. This will cover personal vehicle mileage, public transport, and parking charges. Consideration will also be given to the use of taxis in certain circumstances. Independent Custody Visitors may claim their expenses by regularly posting a form to the ICV Scheme Administrator. Claims should be submitted on a quarterly basis.

### Report Forms

- 5.4 All visits carried out will be recorded on a report form. These will be completed at the time of the visit, and photocopies will be made so that one copy remains at the custody centre and two copies will be sent to the Panel Co-ordinator. The Panel Co-ordinator will then send a copy to the Scheme Administrator. The Scheme Administrator will assess all report forms and will ensure that any outstanding issues (not resolved at the time of visit) are resolved. By referring to the report forms, six-monthly statistics will be drawn up, which will be considered by the local ICV panels, the Panel Co-ordinators and the OSPCC.

### Newsletter

- 5.5 An annual newsletter will be sent to all Independent Custody Visitors.

### Regional ICV Scheme Administrators' Meetings

- 5.6 The ICV scheme administrators from Hampshire, Kent, Surrey, Sussex and Thames Valley PCC offices find it useful to meet regularly to discuss ICV developments and share best practice.

### Annual Report

- 5.7 An Annual Report will be produced at the end of each financial year, detailing the activities of the ICV Scheme, the oversight of the Scheme, visiting statistics, vulnerable categories of detainee and their care. Major issues arising from custody will be detailed, and finally, priorities for the coming year.

## **6. Procedures for Dealing with Complaints Against Independent Custody Visitors**

### Making a Complaint

- 6.1 Any complaint made by any person against an Independent Custody Visitor due to the performance of his or her duties should be communicated to the ICV Scheme Administrator as soon as possible, but must be reported within 14 calendar days following the conduct that is subject of the complaint.
- 6.2 The Scheme Administrator will request a full written report of the complaint to be provided by the complainant within 14 calendar days of original notification of the complaint.
- 6.3 The full Complaints Procedure can be seen at [Appendix L](#).

### Criminal Offences

- 6.4 If a complaint made to the Scheme Administrator contains an allegation of the commission of a criminal offence by an Independent Custody Visitor whilst carrying out their role, the Scheme Administrator will refer the complaint to the Head of Custody for investigation.
- 6.5 The ICV Complaints Procedure will be held in abeyance pending the outcome of any criminal investigation and proceedings in respect of that complaint.
- 6.6 The ICV Complaints Procedure may be proceeded with in respect of any other related complaints that are not alleging criminal offences.

### Action upon Receipt of a Complaint

- 6.7 Upon receipt of the written report from the complainant, the Scheme Administrator will immediately inform the Independent Custody Visitor, in writing, that a complaint has been made against him or her. This notification must include the date, time and place and the type of conduct subject of the complaint, and invite the Independent Custody Visitor to make a written response to the complaint within 14 calendar days.
- 6.8 The PCC will decide whether the complaint is such that the Independent Custody Visitor's appointment should be suspended pending the outcome of the Complaints Procedure and inform the Independent Custody Visitor in writing of the decision.
- 6.9 The PCC may dismiss a complaint if it appears vexatious, malicious or otherwise lacking in merit. They will inform the complainant and the relevant Independent Custody Visitor in writing of this decision.

### Informal Resolution

- 6.10 Where the PCC deems appropriate, it will seek to resolve the matter via informal mediation between the complainant and the Independent Custody Visitors involved. Upon resolution of the issue, any suspension imposed may be rescinded.

### Investigation of a Complaint

- 6.11 Where the informal resolution of a complaint has not been achieved, or where the complaint was not deemed suitable for informal resolution, the ICV Scheme Administrator will inform the Independent Custody Visitor that an investigation will be held into the complaint.
- 6.12 The PCC will decide whether it will investigate the complaint itself.
- 6.13 The person conducting the investigation will obtain all available evidence about the conduct complained of from the complainant, witnesses, the person subject of the complaint and other possible sources, such as written records and CCTV recordings.
- 6.14 The investigator will interview the Independent Custody Visitor and make a written record of the visitor's response to the complaint. The Independent Custody Visitor may be accompanied by a friend or relative, but not by a legal representative, during the interview.
- 6.15 The investigator should aim to complete the investigation within 14 calendar days following the interview, except in exceptional circumstances.

### Decision on Complaint

- 6.16 The ICV Scheme Administrator or PCC will consider all the evidence and decide whether the complaint has been substantiated. If the ICV Scheme Administrator or PCC decide that the complaint has been substantiated, he or she will decide whether:
- no further action should be taken;
  - the ICV should receive advice about future conduct;
  - the ICV should be required to undergo further training;
  - the ICV should receive a written warning that if another complaint should be substantiated against the Independent Custody Visitor within the following 12 months, his or her appointment will be automatically terminated;
  - the ICV should have his or her appointment terminated with immediate effect.
- 6.17 The ICV Scheme Administrator will immediately inform the Independent Custody Visitor, the Panel Co-ordinator and the complainant of the outcome of the complaint in writing.
- 6.18 If the Independent Custody Visitor's appointment was suspended and the complaint is not substantiated, or is substantiated but



termination of appointment is not imposed, the suspension will be lifted.

### Appeal

- 6.19 Should the Independent Custody Visitor (subject of the complaint) be dissatisfied by the ICV Scheme Administrator or PCC's decision that the complaint was substantiated and/or by the disciplinary penalty imposed, he or she may appeal to the Chief Executive of the OSPCC.
- 6.20 The Appeal should be made in writing, addressed to the Chief Executive of the OSPCC, and should be made within 14 days of receiving the letter informing them of the outcome.
- 6.21 The Appeal will take place by means of an oral hearing within one month of the appeal being received, before two members of staff of the OSPCC not previously involved in the complaint.
- 6.22 A written record will be made of the appeal hearing, which will be chaired by an additional member of staff of the OSPCC. The outcome will be decided by a majority vote.
- 6.23 The Independent Custody Visitor will be allowed to cross-examine the witnesses to the complaint, give his or her own evidence and call his or her own witnesses.
- 6.24 The Independent Custody Visitor may be assisted by a friend or relative at the hearing, but may not be legally represented.
- 6.25 The OSPCC will not be responsible for paying the cost of any legal advice obtained by the Independent Custody Visitor in respect of the complaint procedure and appeal hearing.
- 6.26 The Independent Custody Visitor and the complainant will be informed in writing of the outcome of the appeal within 14 days of the hearing.

### Complaint that an Independent Custody Visitor has Failed to Perform Duties

- 6.27 If a Panel Co-ordinator becomes aware that an Independent Custody Visitor has failed to attend rota visits, Panel meetings and training sessions as required, he or she will raise the matter with the Independent Custody Visitor concerned as soon as possible. The Panel Co-ordinator should seek assurance from the ICV that his/her performance will improve.
- 6.28 If no such assurance is given, or if the performance continues to be poor, the Panel Co-ordinator will, in writing, refer the matter to the ICV Scheme Administrator.
- 6.29 Within 14 calendar days of the receipt of the Panel Co-ordinator's report, the ICV Scheme Administrator will inform the Independent Custody Visitor of the complaint that he or she has failed to perform his or her duties. The ICV Scheme Administrator will decide whether

or not to suspend the appointment, pending the outcome of the complaint investigation.

- 6.30 The ICV Scheme Administrator will invite the Independent Custody Visitor to make a response to the complaint in writing within 14 calendar days.
- 6.31 The ICV Scheme Administrator will consider the details of the complaint and of the response thereto, make any further necessary inquiries and decide whether on the balance of probabilities the complaint has been substantiated.
- 6.32 If the complaint is substantiated, the ICV Scheme Administrator will decide which of the disciplinary actions should be imposed.
- 6.33 The ICV Scheme Administrator will inform the Independent Custody Visitor and the Panel Co-ordinator in writing of the decision on the complaint and, if appropriate, the disciplinary action imposed and the lifting of the suspension of appointment.
- 6.34 There is a right of appeal as set out in paragraph 6.19 above.

#### Complaint that an Independent Custody Visitor is no Longer Fit for Duties

- 6.35 If a complaint is made by any person that an Independent Custody Visitor is no longer mentally or physically fit to perform his or her duties, or has received a criminal conviction or a police caution since appointment, the ICV Scheme Administrator will immediately inform the Independent Custody Visitor of the complaint and invite the Independent Custody Visitor to make a written response within one month.
- 6.36 The ICV Scheme Administrator may suspend the Independent Custody Visitor's appointment whilst the complaint is investigated, and will inform the visitor of this decision in writing.
- 6.37 Offences for which a conviction or police caution may result in a decision to terminate an Independent Custody Visitor's appointment may include (but are not restricted to):
- Any serious offence of violence or threat of violence
  - Burglary, robbery or theft
  - Trafficking
  - Corruption or fraud
  - Drug-related offences
  - Any serious offence of criminal damage or arson
  - Sexual offences
- 6.38 The OSPCC will decide whether the complaint has been substantiated and, if so, whether to terminate the Independent Custody Visitor's appointment.
- 6.39 The ICV Scheme Administrator will immediately inform the Independent Custody Visitor, the complainant and the Panel Co-ordinator in writing of the outcome of the decision of the OSPCC.

6.40 If the complaint is not substantiated, any suspension of appointment will be lifted and the Independent Custody Visitor will be informed of this in writing.

6.41 There is a right of Appeal as at Paragraph 6.19.

#### Confidentiality

6.42 All persons involved in the complaints procedure will be advised to maintain confidentiality and not to discuss the complaint other than in the course of its investigation.

#### Monitoring of Complaints

6.43 The ICV Scheme Administrator will report on complaints received and their outcome to the OSPCC.



## APPENDICES

Appendix A – The Police Reform & Social Responsibility Act	33
Appendix B – ICVA recruitment poster	35
Appendix C – Structural chart for Independent Custody Visiting	37
Appendix D – Role of ICV Scheme Administrator	39
Appendix E – Role of ICV Panel Co-ordinator	41
Appendix F – Role of Independent Custody Visitor	43
Appendix G – Role of Chief Inspector, Head of Detainee Handling	45
Appendix H – Role of ICV Liaison Inspector	47
Appendix I – Role of Custody Inspector	49
Appendix J – Risk Assessment	51
Appendix K – Complaints Procedure	63
Appendix L – Support for Volunteers	65
Appendix M1 – Memorandum of Understanding for ICVs upon appointment	67
Appendix M2 – Memorandum of Understanding for Sussex Police regarding Independent Custody Visitors	69



# **INDEPENDENT MONITORING SCHEME FOR CCTV USAGE**

**OCTOBER 2012**





## **Independent Monitoring Scheme for CCTV Usage**

### Introduction

Closed Circuit Television (CCTV) has proved to be a useful tool to deter and detect crime. However, if misused, it can have a negative impact on public confidence. The Office of the Sussex Police & Crime Commissioner therefore feels it is in the public interest to have an effective independent oversight of the CCTV that is managed by Sussex Police in Sussex.

Much of the work carried out by CCTV systems is of a confidential nature, in accordance with the provisions of the Human Rights Act 1998 and the Data Protection Act 1998, together with other legislation.

This Scheme is the first of its kind within England and Wales. The OSPCC will have oversight of the Scheme. This Scheme will be reviewed every four years.

The Independent Monitoring Scheme for CCTV Usage utilises the skills of independent volunteers from around the county who have been trained, security cleared and managed by the OSPCC to perform this important public scrutiny role.

## Aims of the Independent Monitoring Scheme for CCTV Usage

Some of the benefits to be derived from a scheme are summarised below:

- 1) Efficiently administered, the Independent Monitoring Scheme for CCTV Usage will promote public confidence in the Sussex Police CCTV system's integrity and transparency. Additionally, regular external scrutiny will help to ensure that the use of public place CCTV is more widely accepted.
- 2) Independent CCTV Monitoring Visitors are able to express unvoiced opinions or concerns reflective of the local community, and these views will be free from political or internal pressures. This will also promote continuous improvement and bring innovative ideas.

### Implementation of a Scheme

#### Recruitment and Selection of Independent Monitoring Visitors

The commitment to diversity is clearly demonstrated in the OSPCC's recruitment process for any volunteer or member of staff. The OSPCC places equality at the centre of its work when forming policy or strategy, providing a service, consulting with the public or employing people.

Prospective visitors should be independent persons of good character who are able to make informed judgments in which the community can have confidence.

Volunteers for the Independent CCTV Monitoring Scheme will be recruited from the OSPCC's existing group of Independent Custody Visitors.

This arrangement is efficient and effective, as Independent Custody Visitors have already been selected following a rigorous selection process, have been appropriately vetted and possess the following attributes that are wholly appropriate for this separate role:

- a) be of good character
- b) have credibility within the local community
- c) have no criminal record
- d) promote respect for the decisions they make
- e) be intelligent and inquisitive
- f) be enthusiastic and keen
- g) have a general experience of life with a mature and responsible attitude

An officer of the OSPCC will recruit, select and appoint Independent Monitoring Visitors.

As is the case for the appointment of Independent Custody Visitors, to avoid potential conflict of interest the following people are excluded from becoming Independent Monitoring Visitors:

- a) Members and officers of the OSPCC
- b) Police officers and police staff
- c) Those currently involved in the criminal justice system (e.g. magistrates)

### **Tenure**

Visitors will be appointed for an initial period of four years, with a maximum of two terms (eight years). All appointments will be subject to a probationary period of six months.

The OSPCC has the right to terminate an Independent Monitoring Visitor's appointment at any time.

### **Co-ordination of the Scheme**

Similar to the Independent Custody Visiting Scheme, this Scheme will be co-ordinated by an officer from the OSPCC. The officer will ensure that the Scheme operates correctly and that visits are arranged and carried out monthly, at the Police Monitoring Centre, Sussex Police HQ in Lewes. Substitute Visitors will be identified during periods of holiday or sickness.

### Primary Elements of an Effective Independent Monitoring Scheme for CCTV Usage

#### a) Frequency of Visits and Number of Visitors

In order to be effective, the frequency of visits should be sufficient to provide an accurate, ongoing assessment of CCTV activities without being so frequent as to disrupt the operation of the control room. One visit per month is recommended to the Police Monitoring Centre.

Visitors must always inspect as a pair. This will help ensure that there is a degree of mutual support, which may result in a more effective and productive examination, together with corroboration of events reported. This will be particularly relevant should anything untoward arise from the visit. In order to achieve one visit per month, a total team of six visitors is required. This prevents the frequency of visits becoming too onerous for individual visitors, or so infrequent as to make familiarisation with the CCTV operation difficult. Each visitor will hence make a visit approximately every three months.

b) Format of visits

In order for the Independent CCTV Monitoring Scheme to be as credible as possible, visits to the Brighton and Haywards Heath Police Monitoring Centres will be both unannounced and scheduled.

1) Unannounced

Using this method, Visitors are authorised to visit the Police Monitoring Centre unannounced, at any time. The obvious strength of this method is its completely random nature and the inability of the CCTV control room staff to 'prepare' for the visit. Such a method conveys a powerful message to the communities of Sussex.

2) Scheduled

In order to maximise the value of a visit, it is also beneficial for the CCTV Manager/Supervisor to spend some time with the Visitors and discuss any matters if needed. It would be necessary to give 24 hours' notice of an intention to visit. It will be the responsibility of Visitors to make contact with the Police Monitoring Centre and arrange a mutually convenient time.

c) Rota

A rota of visits to the Police Monitoring Centre will be drafted in advance for a period of one year. The rota will be prepared by an officer at the OSPCC.

It will be the responsibility of the individual Visitors to arrange a mutually convenient date and time for the visit to take place.

d) Duration of Visits

In order to ensure a thorough inspection, visits should take at least 30 minutes, but no longer than two hours to prevent them becoming particularly disruptive. It will be advantageous for a management representative to be present in order to answer questions concerning the overall management and administration of the system.

Managers are recommended to allow Independent Monitoring Visitors time to observe and talk to CCTV operators about monitoring activities. Independent Monitoring Visitors may well wish to test, through the actions of the CCTV operators, the policies identified in the Sussex Police Code of Practice for CCTV usage.

e) Additional Visits

Additional visits may be undertaken at the request of the CCTV Centre Supervisor, as this can be particularly useful, for example, where a complaint from a member of the public has been received regarding the use of public place CCTV. The investigation into the complaint may benefit from an independent assessment of facts, or any other incident requiring an external perspective.

f) Initial Training and Annual Meeting

Training for Independent Monitoring Visitors is essential, together with a period of familiarisation of the CCTV system. Although Visitors will not require a detailed knowledge of the technology used, they will need a good understanding of the Code of Practice for CCTV operators. It is how the system is used by operators and the level of conformity with rules and procedures that Independent Monitoring Visitors will monitor.

Training, therefore, should cover:

1. How the CCTV system operates – a summary of the technology used.
2. The Sussex Police CCTV Code of Practice.
3. Partners and their relationship with the CCTV system in Sussex.
4. Geographical areas covered by the system.
5. Legislation affecting the operation of CCTV.
6. How the Independent CCTV Monitoring Scheme will operate and its objectives.
7. The importance of the Independent CCTV Monitoring Scheme and its impact on public confidence in policing.
8. The importance of confidentiality.

g) Annual Review Meeting

An annual review meeting will take place (with Sussex Police), providing the opportunity to consider the following factors:

- 1) The strengths and weaknesses of the Independent CCTV Monitoring Scheme.
- 2) Particular successes and failures.
- 3) Future development of the Scheme.
- 4) Future development of the CCTV system in general.
- 5) Other issues of concern.

h) Areas to be Visited and Observed in the Police Monitoring Centre

For a truly independent and effective Independent CCTV Monitoring Scheme, access to all areas of CCTV operation must be granted. This should include spot checks on randomly-selected digital video footage from the system hard drive. All aspects of public place CCTV

usage should be opened up for scrutiny.

It has been argued that such unlimited access could lead to a breach of the provisions of the Human Rights Act. However, provided a CCTV system is controlled in accordance with a Code of Practice and complies with the provisions of the Data Protection Act 1998, the introduction of a well-managed Independent CCTV Monitoring Scheme will help to ensure compliance with human rights matters.

A copy of the Code of Practice will be made available to each Visitor to enable them to gain an understanding of how the CCTV system operates. This would enable Visitors to pick areas of interest to inspect and provides a focus and direction.

The majority of inspections should focus around issues of privacy and the investigation of any complaints received. According to the national CCTV Users' Group, these are areas of particular concern to the public.

i) Reporting on Visits (Written Records)

It is vital that a written report is produced by the Independent Monitoring Visitors at the end of their inspection. Visitors will be provided with forms for completion and they should be given access to a private area away from control room staff in order to put together their report. The completed reports will be sent to the Chief Executive's office, who will ascertain whether any actions need to be taken following the visits. A copy of the report will be also be sent to the Head of Communications Department at Sussex Police so that the necessary actions/changes can be implemented promptly. The findings will also allow Visitors on subsequent inspections to assess whether areas of concern/non-compliance have been rectified.

j) The Office of the Sussex Police & Crime Commissioner

The OSPCC will be responsible for organising and overseeing the delivery of the independent monitoring of public place CCTV in Sussex. The OSPCC will keep the arrangements under review and revise them regularly enough in line with technological advances and national developments.

## Conclusion

A successful Independent CCTV Monitoring Scheme will prove to be an asset to policing in Sussex.

Recruitment of the correct volunteers, who are continually motivated and encouraged to challenge the way in which public place CCTV systems are operated, can be invaluable. Visitors can prove to be an additional resource to call upon to assess or develop new ideas and can form a vital part of the system's integrity.

Above all, the Scheme aims to increase public confidence in local policing.

## **EXAMPLES OF CHECKLIST PROFORMAS**

### **CHECKLIST FOR INDEPENDENT MONITORING VISITORS'** **INSPECTION**

- 1) Ensure no deliberate monitoring of people carrying out legitimate business.
- 2) Availability of the Sussex Police Code of Practice on CCTV.
- 3) Availability of the Code of Practice for inspection by the general public.
- 4) Details of complaints received from members of the public to the Commissioner and the action taken.
- 5) Ensure that the CCTV Manager undertakes regular checks of the system as well as regular supervision of CCTV Operators.
- 6) Access to the Control Room is restricted to authorised personnel.
- 7) Police officers are only allowed to review footage with the correct authorisation.



**The Police Reform & Social Responsibility Act, Schedule 16, part 3, paragraph 299 (i)**

- 1.** Every Police & Crime Commissioner Office shall:
  - (a) make arrangements for detainees to be visited by persons appointed under the arrangements ("Independent Custody Visitors"); and
  - (b) keep those arrangements under review and from time to time revise them as they think fit.
  
- 2.** The arrangements must secure that the persons appointed under the arrangements are independent of both:
  - (a) the PCC; and
  - (b) the Chief Officer of police of the police force maintained by that authority.
  
- 3.** The arrangements may confer on Independent Custody Visitors such powers as the PCC considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers:
  - (a) to require access to be given to each police station;
  - (b) to examine records relating to the detention of persons there;
  - (c) to meet detainees there for the purposes of a discussion about their treatment and conditions while detained; and
  - (d) to inspect the facilities there including in particular, cell accommodation, washing and toilet facilities and the facilities for the provision of food.
  
- 4.** The arrangements may include provision for access to a detainee to be denied to Independent Custody Visitors if:
  - (a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
  - (b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
  - (c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.
  
- 5.** Grounds shall not be specified in any arrangements for the purposes of subsection (4)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).
  
- 6.** The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by Offices of the Police & Crime Commissioners and Independent Custody Visitors of their functions under the arrangements.
  
- 7.** Before issuing or revising a Code of Practice under this section, the Secretary of State shall consult with:
  - (a) persons whom he considers to represent the interests of PCCs;
  - (b) persons whom he considers to represent the interests of chief officers of police; and
  - (c) such other persons as he thinks fit.

**8.** The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.

**9.** PCCs and Independent Custody Visitors shall have regard to the Code of Practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.

**10.** In this section "detainee", in relation to arrangements made under this section, means a person detained in a police station in the police area of the PCC.



# What is an Independent Custody Visitor?



For more information see our "What is a Custody Visitor" leaflet, available from your local police authority or direct from ICVA.

Independent custody visitors are members of the local community who visit police stations unannounced to check on the welfare of people in police custody. Their reports provide an insight into the running of the custody area at the time of the visit.

Independent custody visitors must maintain their independence and impartiality. They do not take sides but look, listen and report on what they find.

**ICVA**  
the independent custody  
visiting association

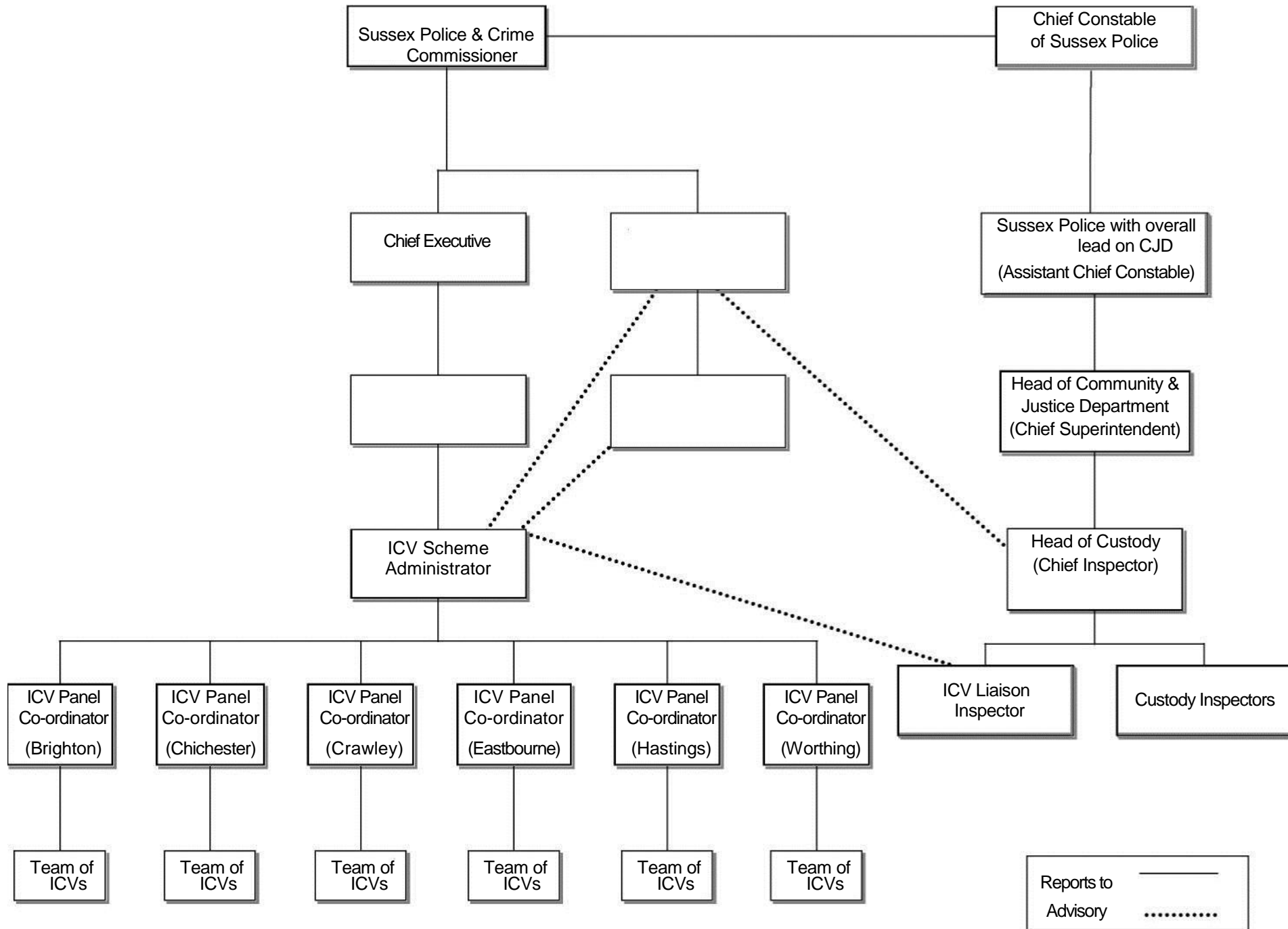
ICVA, PO Box 3119, Reading, RG1 9QR  
email: [info@icva.org.uk](mailto:info@icva.org.uk) web: [www.icva.org.uk](http://www.icva.org.uk)

**Your Local Police Authority**

Sussex Police & Crime Commissioner  
Sackville House, Brooks Close, Lewes, East  
Sussex, BN7 1FZ. Tel: 01273 482326



# Structural Chart for Independent Custody Visiting





**APPENDIX D**  
**Role of ICV Scheme Administrator**

1	To keep a record of all custody visit report forms and produce statistics on a six-monthly basis.
2	To raise with the ICV Liaison Inspector any issues arising from custody visit report forms that were not resolved at the time of the visit, and to feed back on the actions undertaken.
3	To arrange and chair bi-annual meetings for the six panel co-ordinators to discuss the operation of panels and consider the visiting statistics.
4	To arrange for OSPCC representation at local panel meetings.
5	To produce an annual newsletter to be circulated to all Independent Custody Visitors.
6	To regularly liaise with other Offices of the Police & Crime Commissioners about their ICV Schemes in order to share best practice and encourage joint working.
7	To undertake six-month probationary reviews of new Custody Visitors, assisted by their Panel Co-ordinator.
8	To undertake the initial six-month probationary reviews of newly-appointed Panel Co-ordinators in their new role.
9	To undertake four-yearly re-appointment reviews of ICVs, assisted by their Panel Co-ordinators.
10	To ensure that ICV Panel Co-ordinators are elected at panel meetings.
11	To organise the recruitment and training of new ICVs.
12	To actively publicise and raise the profile of the ICV Scheme to strengthen public confidence in procedures at custody centres.
13	To organise refresher training for ICVs and tailored sessions where specific training requirements have been identified.
14	To continuously monitor the effectiveness of the ICV Scheme and carry out four-yearly reviews of the Scheme.
15	To investigate all complaints about Independent Custody Visitors and, where necessary, terminate the appointment of Independent Custody Visitors due to poor performance or inappropriate behaviour.
16	Process the refund of expenses for all Independent Custody Visitors.
17	To manage the ICV budget.





**Role of ICV Panel Co-ordinator**

1	To produce visiting rotas for circulation to all panel members.
2	To arrange panel meetings twice a year.
3	To keep a written record of panel meeting discussions for circulation to all panel members and the ICV Scheme Administrator.
4	To notify the Scheme Administrator of any training requirements on the panel.
5	To report directly to the ICV Scheme Administrator on any issues relating to the panel.
6	To ensure that panel members conduct the required number of visits per year, and to ensure that the rota is equally allocated to panel members.
7	To send a copy of the rota to the Scheme Administrator.
8	To ensure that visits are carried out at different times and days (on a 24-hour basis).
9	To oversee the work of the panel and ensure its smooth-running.
10	To ensure that new Independent Custody Visitors are supported by the panel.
11	To organise a familiarisation visit once new Independent Custody Visitors are appointed (following training).
12	To assist in the six-month probationary and four-yearly reviews of Independent Custody Visitors, undertaken by the ICV Scheme Administrator.
13	To attend six-monthly Panel Co-ordinators' meetings, organised by the Scheme Administrator.
14	To help publicise the ICV Scheme and its benefits.
15	To assist in informal complaint resolution.
16	To be a point of contact, where necessary, for ICVs conducting out-of-hours visits, should they need to talk to someone about their experience.



**Role of Independent Custody Visitor**

1	To regularly liaise with the ICV Panel Co-ordinator on custody-related matters.
2	To arrange with the visiting partner a mutually-convenient time to undertake visits, following circulation of the rota by the Panel Co-ordinator.
3	To complete report forms fully and concisely for every visit undertaken. Where visits are aborted, the reasons must be noted. One report form is to remain at custody centre, and two forms should be sent to the Panel Co-ordinator.
4	To attend bi-annual local panel meetings, organised by the Panel Coordinator.
5	To regularly (quarterly) submit expense claim forms to the ICV Scheme Administrator .
6	To ensure that, where detainees are not in a position to give their consent to have a conversation, custody records are observed.
7	To remain impartial and refrain from becoming involved in any way in the process of investigation.
8	To immediately declare if a detainee is known to them and withdraw from the visit.
9	To ensure that custody visits are carried out at varying times of the day and night to ensure credibility.
10	To develop and maintain a professional working relationship with police personnel based on mutual respect and understanding of each of each other's legitimate roles.
11	To inform the Panel Co-ordinator of any training requirements.
12	To attend training sessions.
13	To maintain and respect confidentiality at all times.



**Role of Chief Inspector, Head of Detainee Handling**

1	To represent the Community & Justice Department at Panel Co-ordinators' Meetings.
2	To liaise with the SPA Lead member, the ICV Liaison Inspector and the ICV Scheme Administrator to review and address pertinent issues.
3	To ensure all Investigation and Detainee Handling Centres comply with the guidance set out in the ICV Scheme.
4	To ensure that issues of concern, raised in ICV reports, are acted upon and resolved, where appropriate.
5	To update the Community & Justice Command Team with information relating to the ICV scheme.



**Role of ICV Liaison Inspector**

1	To regularly liaise with the ICV Scheme Administrator on custody-related matters.
2	To attend and provide an oral update on custody matters at the bi-annual ICV Co-ordinators' meeting, organised by the ICV Scheme Administrator.
3	To act as the general point of contact between the ICV Scheme Administrator and the other custody centre inspectors.
4	To communicate to all custody inspectors any information relevant to custody issues following agreed actions with ICV Scheme Administrator.
5	To ensure that custody staff and officers are fully aware and respect the importance and necessity of the ICV role and Scheme.
6	To assist, where appropriate, in the training of Independent Custody Visitors.
7	Like all custody inspectors, highlight any concerns or issues with the ICV Scheme Administrator in relation to ICV conduct during custody visits.





**Role of Custody Inspector**

1	To ensure that custody officers and staff request to see the identity card of all ICVs upon arrival in the custody area.
2	To make all staff aware that Independent Custody Visitors are admitted immediately to the custody area. Access should be delayed only when the visitors' safety may be at risk, or where there is a valid operational reason. A full explanation should always be given to the Visitors as to why access is being delayed.
3	To ensure that Independent Custody Visitors are accompanied at all times during visits, but where practicable, the escorting officer remains 'within sight but out of hearing' during discussions between ICVs and detainees.
4	To regularly consult ICV report forms and ensure that custody staff and officers are aware of any issues recorded.
5	To ensure that, where possible, any issues arising at the time of the visit are acted upon and promptly resolved during the visit.
6	To act upon any issues arising from custody visiting report forms that were not resolved at the time of the visit, and, where necessary, feed back to the ICV Scheme Administrator on the actions undertaken.
7	To communicate to all custody officers and staff any information relevant to ICV issues.
8	To ensure that custody staff and officers are fully aware and respect the importance and necessity of the ICV Scheme and the Visitors' role.
9	To ensure that escorting officers are aware that they should use positive tone and body language when introducing Independent Custody Visitors to detainees.
10	To assist, where appropriate, in the training of Independent Custody Visitors.
11	To highlight any concerns or issues with the ICV Scheme Administrator in relation to ICV conduct during visits.
12	To ensure that Independent Custody Visitors have access to all parts of the custody area, except the medical cabinet.
13	To ensure that a copy of the ICV Scheme is available at all times at the custody centre, so that it can be referred to by all visitors, officers and staff.



**INDEPENDENT CUSTODY VISITING SCHEME AND  
INDEPENDENT MONITORING SCHEME FOR CCTV USAGE**

**Appendix J**

<b>Risk Ref. No:</b> 1				<b>Work Activity and/or Location Assessed:</b> Sussex Police Custody Centres/CCTV Monitoring Stations	
<b>Brief of Work Activity and/or Location:</b>				Managed volunteers undertaking visits to Sussex Police Custody Centres/viewing CCTV footage	
<b>RISK MATRIX</b>	<b>Unlikely to Happen</b>	<b>Likely to Happen</b>	<b>Highly Likely to Happen</b>	<p align="center"><b>OTHER DOCUMENTS REFERENCED WITHIN ASSESSMENT (i.e.);</b>  <b>POLICIES;</b>  <b>RISK ASSESSMENTS (COSHH; manual handling; PPE);</b>  <b>SAFE OPERATING PROCEDURES;</b>  <b>PREMISES INSURANCE CERTIFICATE (external training venues);</b>  <b>INSPECTION AUDITS;</b>  <b>OTHER ORGANISATIONAL EVENT PLANS.</b></p> <p align="center"><i>(This is not an exhaustive list)</i></p>	Code of Practice on Independent Custody Visiting (2010)
<b>Minor Injury</b>	VERY LOW	LOW	MEDIUM		ICVA - Training Suites
<b>Major Injury</b>	LOW	MEDIUM	HIGH		Memorandum of Understanding
<b>Severe Injury or Death</b>	MEDIUM	HIGH	VERY HIGH		Sussex Police Health & Safety Policy (Ref: 1022/2011)
Manage for continuous improvement					National Centre for Policing Excellence document – "Guidance on the Safer Detention & Handling of Persons in Police Custody" 2006
Implement control measures and where possible identify further controls to reduce risk rating to as low as is possible					Police and Criminal Evidence Act (PACE)
Ensure existing control measures are strictly complied with <b>and</b> further measures to reduce the risk rating are <b>immediately identified and implemented</b>					CCTV Code of Practice
					Charter for a Democratic Use of Video-Surveillance (European Forum for Urban Security)
					ICV National Standards
					Custody Contingency Plans: Fire Evacuation Plan; Bomb Evacuation Plan
<b>Name of Assessor(s):</b> Dinah Longden, The Scheme Administrator				<b>Date:</b> 2.3.12	<b>Planned Review Date:</b> 5.3.13
<b>Reviewed by:</b> Rob Mann - Sussex Police				<b>Date:</b> 6.3.12	

Task No.	Hazard	Effect of Hazard	Persons Affected	Risk Rating	Existing Controls in Place	Residual Risk		Additional Controls		Responsible
						Residual Risk Rating	Risk Suitably Managed Yes - No	Additional / Proposed Controls	Proposed Risk Rating	
Ref	Provide a description of the hazard likely to cause injury or loss	Provide a description of the injury or loss that could occur	Provide a description of who could be affected by the hazard	See Risk Matrix H-M-L	Provide information on the existing measures currently in place to reduce the risk of harm or loss from occurring	See Risk Matrix H-M-L		Detail the proposed improvements identifying any additional documents or references	See Risk Matrix H-M-L	Person responsible for implementing controls
1	Theft/damage to personal vehicle or property whilst undertaking visit	Personal distress / trauma - arrangements needed for alternative transport post visit.	Scheme Member	L	Where possible vehicle is to be parked within confines of police station/custody centre  Use well lit areas if during hours of darkness  Parking at Brighton Custody Centre is authorised during night time visits	L	Y	Safety briefings/advice given at relevant meetings etc.	L	Scheme Volunteers / Administrator
2	Use of floor area & pedestrian traffic routes	Injuries caused by slips, trips and falls arising from:  Trailing cables and  Failure of or damage to Memberwires.	Scheme	M	Good general housekeeping in place by Custody provider.  All areas well lit, including stairs.  No trailing leads or	L	Y	Maintain personal awareness of working environment.	L	Scheme Member

		flooring. Obstructions on walkways, corridors and access/egress routes. Spillages on floor.			cables on pedestrian routes or workplace. Immediate cleaning of spillages by custody staff.			Clear signalisation of offending areas/wet floors by use of board warning signs.		
3	Viewing sensitive CCTV material, which may include serious incidents, violence, etc.  Witnessing a death or serious incident in Custody Centre / public place	Stress, anxiety from risk of visitors viewing sensitive / confidential information.  Trauma, psychological ill health effects	Scheme Member	M	Formal ICV induction training. Relevant briefings by ICV Scheme Administrator  Supervision by Custody Staff / Police Officer  Occupational health service is provided by Health Management Ltd	L	V	If volunteer is physically or psychologically affected by observing sensitive, confidential information etc. they must report to the Scheme Administrator asap and consider seeking professional advice from Occ Health provider, Health management Ltd.  Scheme Administrator should seek to establish if volunteers have health implications that might be triggered in a	L	Scheme Member / Administrator

								<p>custody environment.</p> <p>Awareness that ICV could also be called as a witness for an external investigation by IPCC/HSE etc.</p>		
4	Fire, explosion, bomb threat etc.	Burns, impact injuries and/or psychological health effects	Scheme Member	M	<p>All Sussex Police premises are fitted with proprietary fire/smoke alarm systems and have evacuation plans in place - volunteers to familiarise themselves with alarm type/s and emergency evacuation procedures at each site visited.</p> <p>Trained first aid personnel on site.</p>	L	V	<p>An instruction sheet with plan to be given to visitors to the building.</p>	L	Scheme Member / Administrator

					To a large extent, training of volunteers identifies risks.					
5	Physical assault to ICV, inc. ICV being taken hostage by detained person/s	Physical and/or psychological injuries caused by assault/attack by detained persons	ICV Scheme Member	M	<p>ICV Induction Training</p> <p>ICVs should be admitted immediately to the Custody suite to avoid being identified as such in reception areas</p> <p>ICVs' names or personal details are not put in the public domain (unless with the express permission of individual ICV).</p> <p>As part of the established duties expected of the ICVs on a custody visit there is a need to pass along all the corridors and bridge areas where detainees may be taken to/from their cell for interview, medical attention etc. or to be booked in, charged, bailed or</p>	L	V	<p>Assessment made as to whether the detainee should be visited and whether the detainee is to be physically supervised in close proximity at all times.</p> <p>Custody staff must consider detained person's behaviour and custody record to determine if they present a risk.</p> <p>Custody staff have the right to stop ICVs seeing a detainee if he/she is considered a threat or risk to the safety of the ICVs.</p> <p>ICVs must be accompanied at</p>	L	ICV Scheme Member  Custody Sergeant / Custody personnel
			ICV Scheme Member	M		L	V		L	

					<p>released. In all cases of transfer they are escorted and for the booking in process have two or more officers present.</p> <p>There is a 2-way assessment of risk: the escorting officer to warn the ICV of a perceived danger and the ICV to take responsibility for their own safety. Should the ICV have any doubts about personal safety in a restricted area, a check with the officer(s) must be made before any passing occurs.</p> <p>A panic strip runs along the wall outside the cell which, when activated, would bring immediate assistance from staff on duty.</p> <p>All police officers and relevant police staff are trained on personal safety which, combined with conflict</p>			<p>all times in the custody suite by a member of staff.</p> <p>When talking to detainees the member of custody staff should remain in sight of the volunteers.</p> <p>All ICVs visit in pairs and <b><u>MUST NEVER</u></b> make physical contact with a detainee (eg handshake) or give detainees any items.</p> <p>Conversations with detainees should not be held within hearing distance of the escorting officer but ICVs should stay within easy reach of the cell door.</p> <p>Custody staff should remain outside the cell <b>and out of sight</b></p>		<p>ICV Scheme Member</p> <p>Custody Sergeant / Custody personnel</p>
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				<p>management techniques, helps to minimise the risk to themselves and members of the public.</p> <p>Trained First Aid personnel on site.</p> <p>All detainees must be searched (where practicable) prior to detention being authorised.</p> <p>Visitors are not to bring items into Custody Suites unless:</p> <ul style="list-style-type: none"> <li>○ For the purposes of their work activity or,</li> <li>○ With prior approval of the Officer in Charge.</li> </ul> <p>ICVs SHALL NOT take unnecessary items into cells (i.e. keys, handbags). These can be left in the Custody <u>Inspector's office.</u></p>			<p>of the detainee during the entire discussion with the detainee - under no circumstances should the cell door be closed.</p> <p>ICVs can refuse to carry out any visit where they feel their safety could be compromised.</p>	
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6	Infection / contamination from detained persons	Bites, inhalation of airborne infections, bites by infected insects / parasites etc.	ICV Scheme Member	M	<p>Formal ICV induction training.</p> <p>Relevant briefings by ICV Scheme Administrator</p> <p>ICVs <b>MUST NEVER</b> make physical contact with a detainee (e.g. handshake)</p> <p>When inspecting the Custody Suite, ICVs should avoid contact with sharp edges or other similar items.</p> <p>ICVs should not enter cells prior to, or whilst they are being fumigated.</p> <p>ICVs must avoid contact with soiled blankets, towels or other items. Latex gloves are available in all Custody Suites for ICVs to use if required.</p> <p>Vaccination against certain diseases (eg Tetanus or Hepatitis B) can be provided to ICVs on request.</p>	L	Y	<p>ICVs may be denied access on medical grounds – taking into account the health of the DP and the visitors themselves</p> <p>On appointment, all ICVs to be informed of the availability of vaccination</p>	L	ICV Scheme Administrator
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					<p>Sanitisers are available and strategically placed for ICVs' use.</p> <p>Trained first aid personnel on site.</p>					
7	Treatment of minor injuries	Minor accidents requiring first aid	Scheme Member	L	All unit members are First Aid trained. A staff member is on site at all times to deal with minor first aid requirements.	L	V	Ensure first aid provision at all times and first aid boxes to be maintained and checked at regular intervals. Report via accident reporting system.	L	Inspector



## Complaints Procedure

This document aims to provide Volunteers with clear information on how they can raise a complaint about their treatment, and how they can raise a complaint against another Volunteer, police officer (including contracted staff) or OSPCC personnel, and will be referred to as the **Complaints Procedure**. The Procedure should be read in conjunction with the General Obligations, outlined below.

The Complaints Procedure comprises four different elements of a complaint:

- 1. Complaint of treatment by/behaviour of another Volunteer.**
- 2. Complaint of treatment by/behaviour of custody staff.**
- 3. Complaint of treatment by/behaviour of a member or officer of the OSPCC.**
- 4. Complaint by a member of the public of treatment by/behaviour of a Volunteer.**

### General Obligations

You must treat others with respect.

You must not —

(a) do anything which may cause a breach of any of the equality enactments relating to the protected characteristics (as defined by current equalities legislation);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be

(i) a complainant, or

(ii) a witness

(d) do anything which compromises or is likely to compromise your impartiality.

### You Must Not

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where you are required by law to do so;

(b) conduct yourself in a manner which could reasonably be regarded as bringing the OSPCC into disrepute.

(c) use or attempt to use your position as a Volunteer improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

### **1. Complaint of Treatment by/Behaviour of Another Volunteer**

Any complaint made by a Volunteer against another Volunteer based on his or her treatment or based on his or her performance whilst carrying out his/her duties should be communicated to the Scheme Administrator as soon as possible, but must be reported within 14 calendar days following the conduct that is subject of the complaint.

The Scheme Administrator will request a full written report of the complaint to be provided by the complainant within 14 calendar days of the original notification of the complaint.

### **2. Complaint of Treatment by/Behaviour of Custody Staff**

Any complaint made by a Volunteer against a member of custody staff (to include Police officer, police staff, Force Medical Examiner or other medical practitioner, member of Reliance staff or anyone else working in the custody environment) based on his or her treatment or based on his or her performance whilst carrying out his/her duties should be communicated to the Scheme Manager as soon as possible, but must be reported within 14 calendar days following the conduct that is subject of the complaint.

The Scheme Administrator will request a full written report of the complaint to be provided by the complainant within 14 calendar days of the original notification of the complaint.

### **3. Complaint of Treatment by/Behaviour of a Staff Member of the OSPCC**

Any complaint made by a volunteer against a staff member of the OSPCC based on his or her treatment or based on his or her performance whilst carrying out his/her duties should be communicated to the Scheme Administrator as soon as possible, but must be reported within 14 calendar days following the conduct that is subject of the complaint.

The Scheme Administrator will request a full written report of the complaint to be provided by the complainant within 14 calendar days of the original notification of the complaint.

#### **4. Complaint by a member of the public of treatment by/behaviour of a volunteer**

Any complaint made by a member of the public against a volunteer based on his or her treatment by the volunteer or based on the volunteer's performance whilst carrying out his/her duties should be communicated to the Scheme Manager as soon as possible, but must be reported within 14 calendar days following the conduct that is subject of the complaint.

The Scheme Administrator will request a full written report of the complaint to be provided by the complainant within 14 calendar days of the original notification of the complaint.

#### **5. Investigation of Complaints**

The Scheme Administrator will inform the Panel Co-ordinator, where appropriate, of any complaints or issues of concern regarding a Volunteer on their panel.

Complaints of a more serious nature, and complaints relating to the Panel Co-ordinator, will be dealt with in conjunction with the PCC.

Where the Scheme Administrator receives a written complaint of misconduct against a Volunteer, the Volunteer will be notified in writing and his/her appointment may be suspended until such time as the complaint is resolved.

After a full investigation of the complaint, if the Scheme Administrator and the PCC, where appropriate, agree that removal of the Volunteer from the Scheme is the appropriate action to take, the Volunteer will be advised in writing and have the right to appeal against this decision to the Chief Executive of the OSPCC. The Chief Executive's decision will be final.

Complaints by Volunteers against police personnel (including police officers and contracted staff) or OSPCC personnel should be addressed to the Chief Executive of the OSPCC.

<p>Further information on the handling of complaints following their disclosure can be read in the Scheme (pp 15 - 19).</p>
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## **Support for Volunteers**

The supervision and support provided by the OSPCC to its Volunteers ensures that all Volunteers can access a level of support appropriate to the responsibility and potential emotional demands of the roles they undertake. It is acknowledged that some Volunteers will be more affected than others if they were to experience, for example, a death in custody or other serious incident. In such cases, Post Incident Trauma Support with a trained occupational health specialist would be considered. It would be the responsibility of the Custody Inspector on duty to liaise with the Force Occupational Health Department and arrange for this provision.

Upon appointment, Volunteers are informed of whom to contact regarding their role. Day-to-day support is via the Panel Co-ordinator (for Independent Custody Visitors) and the Scheme Administrator (for Independent CCTV Monitoring Volunteers). Support is provided on an "as required" basis. Further support is available from the Scheme Administrator on request.

Training events are held on a regular basis, and Volunteers are invited to request themes for training. Afterwards, feedback forms are always distributed and Volunteers' comments are analysed and suggestions incorporated where possible into future planning.

Ad hoc meetings are arranged for those Volunteers who wish to meet with professionals with specific expertise, e.g. mental health issues in police custody.

New Volunteers are supported by the OSPCC initially through the induction training programme, and further through the support of their Panel Co-ordinator for the familiarisation visit and escorted visits. The time needed by individual Volunteers to feel comfortable with their role varies, and a minimum of two escorted visits take place before the new Volunteer is paired with an experienced Independent Custody Visitor. However, if the Volunteer feels more time is required, this is supported by the Panel Co-ordinator.

Important changes to working practice as they affect ICVs are communicated directly with all Volunteers, as are changes to legislation and the National Guidelines. Additionally, matters affecting Volunteers at a local level (e.g. pilot projects affecting just one site) are communicated at the earliest opportunity. Further news can be gained from the Independent Custody Visiting Association diary, which is given to all Volunteers, and the Scheme Administrator's Newsletter, issued annually. The Scheme Administrator can call on the expertise of the national body for any support required by Volunteers.

For those with computers, the Sussex Police and Crime Commissioner's internet pages provide updates on the work of the OSPCC and links to committee papers. Volunteers can follow the public meetings as they are all webcast. Paper copies of relevant material are provided to those who do not have computer access.

Panel Co-ordinators are invited to assist in the recruitment of Volunteers, thereby shaping the make-up of their panels.

**INDEPENDENT CUSTODY VISITING  
MEMORANDUM OF UNDERSTANDING**

I, having been appointed by the Office of the Sussex Police & Crime Commissioner as an Independent Custody Visitor on the \_\_\_\_\_

ICV Panel for a period of two terms of four years, from \_\_\_\_\_,  
AGREE that I shall:

1. Carry out my duties with integrity, fairness, equity, justice and courage. I will actively build a culture in the organisation, and will assist the Chief Constable to do so in Sussex Police, which is overtly hostile to those who discriminate on the grounds of race, religion, skin colour, sexual orientation, disability, gender, social class or any other inappropriate factor;
2. Promptly inform the ICV Scheme Manager of any change in my contact details, of any police cautions and any convictions, including motoring offences, that may be recorded against me during my term of appointment and also of any change in my circumstances that may affect my ability to continue my duties;
3. Attend, by appointment, Sussex Police Headquarters to be issued with an Identity Card, keep my Identity Card safely and use it for no purpose whatsoever other than to obtain entry to police premises to carry out my duties. I shall report the loss of my ID card. I shall return my Identity Card to the Scheme Manager at the expiry or termination of my term of appointment together with any other OSPCC property;
4. Maintain confidentiality and not discuss what I have seen and heard in the course of my duties other than with the police officers and staff, OSPCC representatives and fellow Independent Custody Visitors;
5. Make informed judgements in which the public can have confidence and which the police will accept as fair criticism;
6. Maintain effective working relationships with police officers and staff as set out in the Scheme guidelines;
7. Familiarise myself with the ICV Complaints Procedure;
8. Carry out the duties of an Independent Custody Visitor in line with the Scheme guidelines and with the training provided. In particular, I shall:
  - Have due regard to health and safety issues for myself and for others at all times whilst carrying out my duties;
  - Carry out a minimum of four custody visits per year as set out in agreed Panel rotas and promptly inform the Panel Co-ordinator and fellow Custody Visitors if a rostered visit cannot be undertaken;
  - Attend at least one continuous training event organised by the OSPCC each year;
  - Attend at least half of the Panel meetings arranged by the Panel Co-ordinator each year;

**I HAVE READ THE VOLUNTEER HANDBOOK AND HAVE PAID PARTICULAR  
ATTENTION TO THE RISK ASSESSMENT**

**Signed by Independent Custody Visitor** \_\_\_\_\_

**Date** \_\_\_\_\_



## APPENDIX M2

THE OFFICE OF THE SUSSEX POLICE & CRIME COMMISSIONER AGREES that it will:

1. Ensure that all its members, officers and volunteers are asked to sign a declaration against discrimination in the following terms: "We the members, officers and volunteers of the Office of the Sussex Police & Crime Commissioner are dedicated to the values which underpin the Police Service, integrity, fairness, equity, justice and courage. We will actively build a culture in the OSPCC and will assist the Chief Constable to do so in Sussex Police, which is overtly hostile to those who discriminate on the grounds of race, religion, skin colour, age, sexual orientation, disability, gender, social class or any other inappropriate factor."
2. Adequately resource the ICV Scheme;
3. Appoint one of its officers as Scheme Administrator;
4. Have regard to health and safety matters affecting custody visitors;
5. Maintain adequate insurance for its Volunteers;
6. Regularly review the ICV Scheme and its operation and inform Independent Custody Visitors of any changes made to it;
7. Maintain close contact with representatives of Sussex Police regarding custody visiting matters and ensure that any issues and concerns arising from custody visits are responded to and dealt with by Sussex Police;
8. Pay close regard to Home Office and Independent Custody Visiting Association guidelines and best practice on custody visiting and keep custody visitors informed of developments relating to custody visiting both locally and nationally;
9. Arrange for the issue of Identity Cards to custody visitors;
10. Operate procedures for dealing with complaints about custody visitors and for terminating the appointment of custody visitors in accordance with the Scheme;
11. Provide support for custody visitors and Panel Co-ordinators;
12. Arrange meetings for Panel Co-ordinators bi-annually with a representative of Sussex Police Community & Justice Department.
13. Whenever possible, arrange for a representative of the OSPCC and/or the Scheme Administrator to attend Panel meetings;
14. Provide initial training for new custody visitors and two sessions of further training or information each year;
15. Publicise the ICV Scheme and the work of Independent Custody Visitors;
16. Process travel allowance claims promptly and efficiently.

Signed: \_\_\_\_\_ Scheme Administrator (on behalf of  
the OSPCC)  
(print name) \_\_\_\_\_

Date:

