



**Derbyshire  
Police and Crime  
Commissioner**

*Protecting Communities,  
Fighting Crime*



Police and Crime Commissioner for Derbyshire  
Scheme for Independent Custody Visiting  
to Police Stations in Derbyshire

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## **SECTION 1 – BACKGROUND**

1. Custody visiting to police stations owes its origin to Lord Scarman, whose report on the Brixton riots in 1981 recommended a system of independent, unannounced inspections of procedures and detention in police stations by local community members. The main reason was to counter growing mistrust of the police and to increase their accountability to the general public. Whilst Scarman advocated a statutory arrangement, Home Office ministers approved a Lay Visiting system, which was non-statutory.
2. The Police Reform Act 2002 paragraph 51 placed a statutory obligation on Police Authorities to have in place an effective scheme. The Act was supported by Codes of Practice and National Standards developed jointly by the Home Office and the Independent Custody Visiting Association (ICVA).
3. Today, Independent Custody Visiting has a number of connected purposes. First, and most obviously, it offers an extra level of protection to detainees by providing independent scrutiny of their treatment and the conditions in which they are held. By giving approved members of the local community an opportunity to observe, comment and report on these matters, it can reassure the community, improve the public's understanding of procedures at police stations and strengthen their confidence that these are being properly applied. From a Police perspective, it is a clear demonstration of their commitment to transparency and openness in relation to this critical aspect of their duties. Furthermore, it can improve police management of their own performance by pointing out areas where problems have occurred and which may have implications for policy, training, communications or the daily work of officers responsible for custody at police stations.
4. Independent Custody Visiting is an extremely important aid for the Police and Crime Commissioner for Derbyshire (hereafter referred to as 'the Commissioner') in fulfilling his responsibility of ensuring that policing in the County is carried out fairly, in accordance with statutory and other rules and with respect for the human rights of all those coming into contact with the police.
5. This handbook provides detailed but not exhaustive guidance on the Custody Visiting arrangements within Derbyshire.

## **SECTION 2 – POLICE STATIONS COVERED BY THE SCHEME**

1. In Derbyshire, the majority of Independent Custody Visits (hereafter referred to as “visits”) are made to Police Stations designated under Section 35 of the Police and Criminal Evidence (PACE) Act 1984 as stations to be used for the detention of arrested persons. These are as follows:-
  - I. Buxton Divisional HQ  
Silverlands  
BUXTON  
SK17 6QJ
  - II. Chesterfield Divisional HQ  
Beetwell Street  
CHESTERFIELD  
S40 1QP
  - III. Derby Divisional HQ  
St. Mary’s Wharf  
DERBY  
DE1 3AB
  
2. A smaller number of visits are also undertaken at non-designated police stations that have restricted opening hours. These are as follows:-
  - I. Glossop Police Station  
Ellson Street  
GLOSSOP  
Derbyshire  
SK13 8BX
  - II. Ilkeston Police Station  
Heanor Road  
ILKESTON  
Derbyshire  
DE7 8DY
  - III. Ripley Police Station  
Wyatts Way  
RIPLEY  
Derbyshire  
DE5 3SU
  - IV. Swadlincote Police Station  
Civic Way  
SWADLINCOTE  
Derbyshire  
DE11 OAE

## **SECTION 3 – VISITS**

### Frequency of Visits

1. Having regard to the need for visits to be sufficiently frequent to meet the objectives of the Independent Custody Scheme (hereafter referred to as “the ICV scheme”), and also the effect that too frequent visiting may have on the operational efficiency of the police stations, visiting will be undertaken on the following basis:

#### Designated Police Stations with 24 hour Custody Suites:

- I. Buxton - 1 visit per week
- II. Chesterfield - 1 visit per week
- III. Derby - 1 visit per week

#### Non - Designated Police Stations with Restricted Opening Hours:

- IV. Glossop - 1 visit per year by appointment with the Division
- V. Swadlincote - 1 visit per year by appointment with the Division
- VI. Ilkeston - 1 visit per year by appointment with the Division
- VII. Ripley - 1 visit per year by appointment with the Division

### Access to Police Stations with Restricted Opening Hours

2. The non-designated Police Stations with restricted opening hours are used on an ‘ad hoc’ and infrequent basis; because of this ICV will undertake just one visit per year in order to inspect the custody facilities only, e.g. cells, toilet and shower facilities, kitchen/food preparation areas, medical room etc. As detained persons will not be seen, ICV do not need to visit these suites in pairs. The Office of the Police and Crime Commissioner for Derbyshire (hereafter referred to as ‘the OPCC’) will arrange an appointment with the appropriate Division and roster an ICV to make a visit.
3. If the Force is aware of a forthcoming Operation which will necessitate the need to designate a Custody Suite to hold detained persons for a limited period of time, the OPCC will be informed. The Scheme Administrator will then contact two ICV to make a visit during this period of Designation.

### Additional Visits

4. Exceptionally, circumstances may arise where the police may want to initiate a visit, particularly where there may be a public concern about the treatment or well being of a person in custody and where a special visit could help allay public fears. On such occasions, the responsibility for arranging a visit will be with the Divisional Commander or Duty Gold Commander. Details of such visits will be notified to the Scheme Manager as soon as practicable.

### Note:

The Scheme Manager will be responsible for providing Divisional Commanders with contact details of local custody visiting members.

## Deaths in Police Custody

5. Where a death in police custody occurs, the Force must inform the Commissioner as soon as is practicable. Consideration will be given as to whether a visit would be helpful in terms of informing and reassuring the local community. If it is agreed that a visit should be made it will be made on the basis of a clear understanding as to how that feedback to the community will be achieved. Any visit following a death in custody or some other major incident must not be allowed to interfere with any relevant investigation that may be taking place. There may be circumstances in which the senior investigating officer dealing with such an incident will need to refuse or restrict access to particular areas.

## **SECTION 4 – WORKING ARRANGEMENTS**

### Area Allocation

1. Upon appointment ICV will be allocated to one of two areas: South consisting of Derby Custody, and North consisting of Chesterfield and Buxton Custody Suites. These will be the primary custody suites that the ICV will visit and area allocation will be based on proximity to their home address. ICV will also be rostered to visit the other custody suites at least once per year.

### Visiting Rota

2. The Scheme Manager will be responsible for organising ICV visits, and will draw up a rota on a monthly basis. The rota will ensure that each Custody Suite is visited the required number of times per month and at a variety of times and days of the week, including weekends.

ICV will be rostered to visit in pairs, normally making between one and four visits per month. It will be the responsibility of the ICV coloured purple on the visit roster to contact their visit partner to arrange a mutually agreeable date and time to make the visit. It is also the responsibility of the ICV to attempt to arrange cover if they cannot make a rostered visit and to inform the Scheme Manager of any changes relating to that visit. If, after attempting to arrange cover, the ICV is unable to do so they should report this to the Scheme Manager who will make other arrangements.

### Visiting in Pairs

3. Visits will be undertaken in pairs of ICV working together. Visiting in pairs allows for mutual support and corroboration, a shared understanding of issues and problems that may be encountered, and can also contribute to safety in the custody environment (See Page 19, paragraph 54 for exemptions).

### Identity Card

4. Each ICV will be provided with an identification card on appointment. The card will function as their approval to visit any police station included within the scheme and will be supplied with a lanyard. It is to be worn around the neck using the lanyard so that it is visible when moving around the custody area but may be removed when talking to a detained person. An emergency contact number must be written on a label and stuck to the reverse of the card so that your next of kin can be contacted in case of an emergency.

### Parking Arrangements at Chesterfield Police Station

5. The following procedure relates only to arrangements at Chesterfield Police Station, as this is the only station where special parking arrangements have been made. This is because there is no visitor parking at Chesterfield, unlike at Derby and Buxton.

### Use of the rear car park

- (a) During evenings and weekends (when the Station is less busy) ICV can park within the police station car park when making a visit to the custody suite. It is not to be used by ICV for any other purpose. The car park is accessed from the road to the rear of the police station.
- (b) ICV MUST NOT enter the car park without speaking to a member of staff via the entrance gate intercom. After announcing yourself via the intercom, the Custody Suite will receive notification that a visit is about to occur, and as visits should be unannounced, each ICV must arrive within close proximity to each other.
- (c) Once parked, ICV should wait in their car for their visit partner to arrive. ICV must not wander around the car park alone. When your partner arrives you should walk together directly to the rear van dock door and press the buzzer to be let in to the custody suite. You should note the time you pressed the door buzzer so that you can enter it in the 'time at the police station' box on the visit report form.
- (d) If the suite is busy and detainees are being processed there may be a delay in answering the buzzer. In this case ICV should not leave the yard and go to the enquiry office to be admitted. You should only make your way to the enquiry office if told to by a member of the custody staff. If there is no response to the buzzer within five minutes ICV should use the direct dial telephone number for Chesterfield custody suite to gain admittance.
- (e) If the difference between pressing the buzzer and entering the suite is more than five minutes, you should request a reason from the custody staff and complete the visit report form appropriately.

### Access to Chesterfield Police Station

- (i) During busy times of the day, ICV will need to park elsewhere and walk to the police station announcing their arrival at the enquiry office, if open. If the Enquiry Desk is closed you will be able to gain access via a bell to the right of the main door which sounds in the Detention Suite. If this does not elicit a response use the yellow phone to the left of the door.

### Other Instructions for travel to the Chesterfield Police Station

- (j) ICV should always enter the custody suite together to begin the visit, not separately. To facilitate this, ICV should not arrive at the police station by different methods, i.e. one walking and one driving, as this can lead to confusion as to where to meet to gain entry to the suite. The following is therefore suggested if this issue arises:

- (k) If one ICV intends to drive and one intends to walk, you should agree to meet at a mutually convenient point **before arriving at the police station**. You can then travel on to the station together, by whichever method is more convenient.
- (l) When an ICV local meeting takes place in the evening at Chesterfield, ICV will not be able to use the spaces, as it would not be possible to accommodate everyone who would be attending the meeting. ICV will be required to park elsewhere on these occasions.

#### Access to the Custody Suite

- 6. ICV must be admitted immediately to the custody area as any delay will affect the credibility of the scheme. Access should **ONLY** be delayed when ICV may be placed in danger, for example if there is a disturbance in progress in the custody area. It is inappropriate for access to be delayed because the custody officer is busy. In such circumstances ICV 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 must be given as to why access has been delayed, which should be recorded by the ICV in their report.**
- 7. Access should be granted to cells, toileting facilities, washing/showering facilities, medical/surgeon room, exercise area, detention/interview rooms (if unoccupied), charging area and kitchen/food preparation area. These areas should be checked to ensure they are clean, hygienic and, where applicable, in good working order. ICV should also ensure that meals are not out of date and that there is sufficient choice to cater for religious/special dietary requirements (e.g., Muslim/diabetic).

#### Cells

- 8. Empty cells should be clean and in a reasonable state of repair and decoration. Room temperature and ventilation/lighting should be adequate. ICV should satisfy themselves that cell alarm buttons work. There should be sufficient bedding and it must be clean, and the mattress should be the right size for the bed. Check for leaks or mould, unpleasant/pungent smells/fumes and graffiti on wall/doors. Check for fixed points such as protruding cell hinges that could be used for ligatures.

#### Cell Block

- 9. There should be suitable facilities for storing mattresses and blankets, and for the cleaning of such.

#### First Aid

- 10. ICV will want to satisfy themselves that first aid materials are available in the custody area. All Custody Detention Officers are first aid trained.

## Closed Circuit Television (CCTV)

11. Visits must be carried out in person and not by viewing either live or recorded CCTV footage. However, ICV should satisfy themselves that any CCTV systems installed to observe the custody area or individual cells are operating properly.

### Notes:

- ICV may not visit CID rooms or other operational parts of the station or attend police interviews with detainees.
- Occasionally, forensic evidence will be collected from detainees for evidential purposes and kept in special sample containers, which are stored in cupboards, fridges etc. As the collection and preservation of evidence, including equipment used to collect and store samples and any associated procedures are outside the remit of the Scheme (not being directly related to the welfare of detainees), ICV will not involve themselves in this particular area of operational police work.

### Categories of Detainee

12. Subject to some exceptions, ICV must have access to any person detained in Police custody within the custody suite. Detained Persons (hereafter referred to as "DP's") usually fall into the following categories:

- (a) PACE Prisoners

These will constitute the vast majority 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 immigrants.

13. Persons detained by non Home Office police forces, such as the British Transport Police, are not covered by these arrangements. However, they may be visited with the consent of the force concerned and the spirit of these guidelines should be applied to any such visits.

14. Terrorism (TACT) Detainees

ICV who make TACT visits are drawn only from areas where terrorism detention most frequently takes place and where specialist facilities exist. Those ICV undergo higher level security checks and extra training.

### Consent to a Visit

15. The privacy of the individual must be respected and only persons who consent to a visit may be seen. DP's may refuse to see an ICV should they not wish to see them.

16. The Commissioner operates a self-introduction scheme; ICV introduce themselves as per the laminated cue cards provided. The Escorting Officer will check that the DP is seated, will open the door and may make a brief introduction; but will take no other part in the visit.
17. If a DP is incapable of giving consent to a visit, perhaps because of the effects of drink or drugs, by virtue of a mental illness or because they are non-English speaking, the Escorting Officer should allow access unless it is considered that the ICV's safety would be at risk. In such circumstances the ICV may observe the DP either through the observation hatch or via the CCTV.
18. Sleeping DP's can be woken at the discretion of the Escorting Officer to seek consent to a visit. However, where that would involve interrupting the continuous period of eight hours rest provided for under PACE, the normal procedure will be not to wake the person but to observe them through the observation hatch.
19. Police interviews with DP's will not be interrupted to facilitate visits. However, ICV may await the completion of the interview if they wish to see the person concerned.
20. In exceptional circumstances the police may judge it necessary to deny an ICV access to a DP, either because the DP has been violent and there is a reasonable suspicion that they may be violent to the ICV; or to avoid any possible risk of prejudicing an important investigation. Any decision to deny ICV access to a DP should be taken by an officer of or above the rank of Inspector taking account of all relevant circumstances, and must be recorded in the custody record. 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.

#### Visiting Detainees

21. On arrival in the suite ICV are informed of the number of DP's in custody at that time and any other information that is relevant, such as the number of vulnerable DP's. ICV should ideally aim to see five to ten DP's as a minimum`
22. For the purposes of the ICVs, and recording outcomes on the Visit Report Form (VRF), the following applies:
  - (a) Where ICV have introduced themselves and the DP has consented to a visit, then this can be recorded as 'S' for Seen on the VRF.
  - (b) When ICV introduce themselves to a DP and the DP refuses the visit, this will be recorded as a refusal, with an 'R' written in the relevant column on the VRF.
  - (c) If the ICV has not had the opportunity to speak with a DP but has observed them through the observation hatch in the wall, this is to be recorded as an 'O' for observed. The reason for this should also be recorded, i.e. if the DP was asleep and the ICV did not want to disturb them.

- (d) If the DP is not in the cell for any reason this should be recorded as a 'U' for Unavailable. The reason they were not in the cell should also be recorded, i.e. in interview.
  - (e) There is no need to write details of any DP's who are not selected for a visit on the VRF.
23. When making the selection of DP's to visit, the following order should be followed:-
- (a) Any vulnerable DP's must be selected, unless the custody officer advises against it for safety reasons. For the purposes of the scheme, vulnerable DP's are classed as: all those under the age of 18 years and any adults who could be considered as vulnerable due to issues such as disability, learning difficulties and health issues (including mental health), etc.
  - (b) Dependent upon the above, after selecting all vulnerable DP's any number of other DP's may also be chosen for a visit.
24. Custody staff will print and redact the detention log and other relevant documents attached to the log, i.e. the risk assessment upon request by the ICV, providing the DP has given their permission to view the custody record.
25. When ICV have finished visiting DP's they should retreat to a quiet area with a PC and enter their findings electronically into the PCS App.
26. Any issues highlighted during the visit should be raised at the time with Custody Staff and any action undertaken at the time of the visit should also be recorded on the electronic reporting App.
27. Before leaving the Custody Suite any paperwork including printed detention logs and aide memoires should be handed to Custody to enable confidential disposal.

#### Custody Records/Detention Logs

28. All custody facilities within Derbyshire operate a computerised custody system. ICV have no right to view certain parts of the record, such as medical records or areas which would entail the ICV seeing personal information about the DP, but ICVs can view the risk assessment.
29. Subject to obtaining the detainee's consent, ICV can request the detention log to be printed out and the contents should be checked against what they have been told by the detainee. In particular, ICV will wish to verify:
- a. Whether entitlements under PACE have been given and signed for
  - b. That medication, injuries, medical examinations, meals/diet are recorded
  - c. That procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded
  - d. The timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees
  - e. The timing of reviews of the continuing need for detention

30. If detainees are incapable of giving consent, then ICV can presume consent. A detainee is deemed incapable if they suffer from mental health issues, under the influence of alcohol or drugs or non-English speaking.

### Safety and Security

31. Safety and security in the custody suite is the first priority for all involved. ICV will be escorted by a member of the custody staff whilst making visits to DP's. Conversations between ICV and DP's will normally take place **in sight but out of hearing** of the escorting officer. This is to ensure the DP feels confident enough to raise any issues with the ICV, but will allow for rapid intervention by the escorting officer should they see the DP becoming agitated or aggressive towards the ICV.
32. ICV must maintain a distance between themselves and the DP they are visiting. They should not walk too far into the cell, but should position themselves within the doorway or as near to it as possible. They can then exit the cell quickly and safely should the need arise.
33. Where one of the pair of ICV relies on mobility aids such as a walking stick, they must stand away from the detainee, preferably behind the other ICV.
34. In addition to the risk of violence, police staff should also be alert to any specific health or safety risks that ICV might face, and should advise them as appropriate. For example, ICV should always be told if there is a possibility of them coming into contact with detainees or cells exposed to CS spray (see paragraph 35).

### Detainees subjected to CS Spray

35. ICV may in the course of their visit encounter DP's who have been sprayed with CS spray during their arrest. The custody officer should advise ICV when there is a possibility of cross contamination. ICV should not enter the cells of contaminated detainees until such time as decontamination has been carried out.

ICV are encouraged to check the health and well being of such persons. If the detained person is suffering due to the after effects of the CS spray, they should bring this to the notice of the custody officer who has responsibility for seeking medical assistance.

If an ICV becomes cross-contaminated, they should go to a well ventilated area to recover, or if they feel unwell or are concerned regarding their well being they should seek medical advice.

### Hepatitis C

36. It is unlikely that ICV will become contaminated by Hepatitis C during their time in custody areas, as it is usually transmitted by means of blood transfusion. Vaccination is not available for this form of Hepatitis.

The definition of contamination is as follows:-

*“Blood or body fluids that enter the mouth, nose, ears or eyes or via a human bite that breaks the skin and contact with the skin which has cuts of 3 days old and under”.*

ICV are advised to cover all minor abrasions of the hands and wrists with waterproof plasters. Should ICV become contaminated, it is recommended that they visit their GP, Practice Nurse or Hospital Accident and Emergency Department within 36 hours.

### Hepatitis B

37. It should not be necessary for ICV to be immunised against Hepatitis B since they do not come into direct contact with blood and body fluids.

ICV may wish, however, to seek advice from their own Doctor about this and other appropriate immunisation.

### Fire Alarm

38. A fire alarm or fire alarm test will require all staff and ICV in the police station and custody suite to be evacuated from the premises. Special provisions exist for detainees and the custody staff will deal with this.

In such an evacuation, ICV should follow the instructions of the person designated as the Fire Marshal, and should assemble at the place he/she instructs. In the event of an evacuation it is important that ICV do not leave the police station until released by a member of the custody staff or a member of public enquiry staff who allowed entry to the building.

ICV must only re-enter the building when advised that it is safe to do so. At that time the staff's first priority will be attending to the detainees and there may be some delay before the visit can be resumed.

### Conversations with the Detainee

39. Conversations should focus on checking whether or not detainees have been offered their rights and entitlements under PACE and on confirming whether the conditions of detention are adequate.

ICV should satisfy themselves that the detainees have had their statutory rights explained and that 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 Act 1984.

40. ICV must remain impartial and should not seek to involve themselves in any way in the process of investigation. If detainees press them for advice about co-operating with the police, making a statement or anything in relation to their defence, they should explain that it is not part of their role. If a detainee seeks to make admissions or otherwise discuss an alleged offence, the ICV must tell them that the relevant contents of the visit may be disclosed in legal proceedings. If the detainee's

concerns are linked to not yet having received legal advice that is something the ICV should take up with the escorting or custody officer.

41. ICV must not pass messages for detainees or perform other tasks on their behalf as this might compromise impartiality or the interests of justice.
42. ICV will be primarily concerned with the overall conditions, standards and procedures at police stations: however, immediate concerns about the treatment of particular individuals should 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.

#### Detainee known to Visitor

43. If an ICV realises they know or are known by a detainee, they should consider whether to withdraw from the visit. The decision will depend on the nature of the relationship and its likely effect on the ICV's impartiality. If an ICV decides to voluntarily withdraw from a visit, their partner must do likewise, as visits can only be conducted in pairs.

#### Cells with Double Occupancy

44. On rare occasions more than one person may be detained in the same cell. If ICV encounter two persons held in one cell, they will be able to introduce themselves to the two detainees at the same time. If one or both individuals agree to receive a visit, each one must be held in private. The second person must, therefore, be removed temporarily from the cell until the visit has been completed, or the discussions held in another part of the custody suite. This process will be repeated if the second person has also agreed to be visited.

#### Young People

45. If a detainee appears to the age of 18 or under, they must, in the absence of clear evidence that they are older, be treated as a young person.
46. Young People 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 or if a cell provides more comfortable accommodation than other secure accommodation in the station. If a young person is kept in a cell ICV should seek an explanation from the custody officer and check that this has been recorded on the custody record. Young people should not be placed in the same cell as an adult.
47. Young People may be spoken to with their own 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 young person or vulnerable person, the DP's wishes should be sought and respected as to whether the Appropriate Adult should attend any visit.

### Note:

ICV cannot volunteer to be an Appropriate Adult. It is not compatible with the role of ICV to take on any task which requires them to become directly involved with individual detainees, particularly in circumstances which might lead to them being called as witnesses when the detainee's case comes to court. Even where the police are unable to obtain the services of an Appropriate Adult and the young person or other DP is being detained in police custody for an unacceptable length of time, ICV must refuse to act as Appropriate Adults.

### Young Females

48. Young females are required to be under the care of a woman while being detained, conveyed or waiting to be so. This requirement comes from Section 31 of the Children and Young Persons Act 1933 which takes precedence over the Sex Discrimination Act 1975. 'Under the care of a woman' in this context means that a female Detention or Police Officer must be assigned responsibility for the care of a female detained aged 18 or under while they are in Police custody. Subject to the risk assessment the 'carer' need not be physically present with the detainee at all times but must be readily available.
49. Where two male custody visitors wish to visit a young female and no female Detention or Police Officer is available to accompany them, they should liaise with the Custody Sergeant regarding the perceived risk of undertaking such a visit or whether or not the visit should be undertaken by way of a conversation through the hatch in the cell door.
50. Where a young female is in detention, and no female Detention or Police Officer is on duty in the custody suite, custody visitors should ascertain from the Custody Sergeant whether the young female is being moved to another custody suite where a female Detention or Police Officer is present or whether a female Detention or Police Officer will be available to attend. In both cases custody visitors should record the timescales for these arrangements on the visit report form.
51. In cases where no alternative arrangements are being made for a young female to come under the care of a female Detention or Police Officer, custody visitors should request to speak to the Duty Inspector and request that such arrangements are put in place. This should also be recorded on the visit report form.

### Mental Health Detainees

52. Check whether a Detainee is in custody under a section 136 and if so, ask why as Police stations should not be used as a place of safety to assess persons detained under Section 136. In addition, children should not be taken to a police station as a place of safety under s136.

### Non-English Speaking Detainees

53. In the course of their visits, ICV will encounter individuals being detained in custody who do not speak English, and should attempt to visit with them as with any other detainee. If they are then unable to verbally communicate when making the visit the

use of Language Line should be requested and should be facilitated where possible.

54. Sometimes it may be possible to conduct a visit in another language spoken by the detainee, if one of the ICV is fluent in that particular language. However, in such circumstances care must be taken to ensure that the other ICV present is kept informed about what is being said.

#### Medical Issues

55. ICV have no right to see a detainee's medical records, even where these are attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. ICV will wish to pay particular attention to DP's who are suffering from any form of illness, injury or disability. They should satisfy themselves, if appropriate, of what medical advice has been obtained, establish from the custody officer what instructions for medical treatment have been given, and confirm by consulting the custody record that these instructions have been carried out.

#### Dealing with Issues and Complaints

56. Where a detainee makes a complaint or raises an issue about their general treatment or conditions at the police station, ICV should (subject to the detainee's consent) take this up as soon as possible with custody staff or other staff at the police station in order to seek a resolution. The same applies to similar issues identified by ICV in the course of their attendance.
57. If a detainee makes a complaint of misconduct by a police officer, he or she should be advised to address it to the duty officer in charge of the police station. With the detainee's consent, ICV may notify the duty officer that the detainee wishes to make a complaint. ICV may also want to remind them that they can seek legal advice in relation to the complaint or ask to see a doctor if an alleged assault is involved. However, such complaints must be dealt with through the formal procedures which are laid down and there is no broader role for ICV. ICV will not involve themselves in individual cases or make representations on detainees' behalf.
58. Remand or sentenced prisoners held in police stations who seek to complain about their conditions or treatment in prison should be advised that ICV 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.

#### Effective Working Relationships

59. For visiting to be effective it is essential that ICV and police staff develop and maintain professional working relationships 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. On the other hand, there is a range of behaviour which has the potential to create tension and conflict and some examples are given below. Difficulties may arise from:

- Failing to appreciate police priorities
- Engaging in excessive petty criticism
- Criticising officers in reports without first bringing that criticism to their notice
- Adopting an overly adversarial approach
- Concentrating on finding fault and trying to catch the police out
- Becoming involved in an investigation or advising the detainee on that investigation
- Criticising police action or questioning their judgement in areas outside the ICV's remit
- Telling or suggesting to the police what they should do
- Making promises to a detainee on behalf of the police
- Breaching confidentiality
- Being impolite to Custody Staff

60. On the police side, problems may arise from:

- Failing to accept ICV status and recognise their responsibilities
- Demeaning or belittling ICV
- Treating ICV with indifference or disrespect
- Unreasonably delaying or limiting access to custody areas
- Unreasonably denying access to detainees.
- Being impolite to ICVs

61. All these issues must be seen against the background of the need to strike the right balance between establishing effective working arrangements and developing a relationship that is too close and "cosy". Where the latter occurs it becomes increasingly difficult for ICV to provide the objective and constructive review of procedures and conditions which is a key part of their role.

#### Reporting on a Visit

62. Recording the contents of a visit is one of the most important aspects of the Scheme. ICV should make notes during the course of their visit using the Aide-Memoir, Form ICV-19 (Appendix A, Page A-1), and should explain to the detainee why they are doing so. When reporting on issues/concerns raised by a detainee, ICV must identify that individual by their Custody Number and not by their name.
63. At the end of the Visit, and while they are still at the police station, ICV must complete an electronic visit report form using the information obtained from the DP and the custody record. Custody staff should not be present while ICV discuss their findings and complete the e-form and, where possible, ICV should be able to use a private area for this purpose. Details recorded should include both specific matters (which may have already been brought to the attention of police staff) and more general issues relating to custody conditions or procedures. All reports must be completed in English, even if the visit has been conducted in another language.
64. The Aide-Memoire and Custody Record must be handed to custody staff before leaving the custody suite, to be disposed of in the confidential waste bins within the suites.

65. In the event that an ICV arrives at the police station and their visit partner does not, the attending ICV has the choice of the following options:-
- a. To enter the custody suite and check on the detention facilities – for example that the custody area is clean and that there are adequate stocks of blankets, food etc. ICV can also ask if there are any vulnerable detainees for whom access to the Custody Record can be presumed, i.e., if detainees are incapable of giving consent due to the effects of drink or drugs, by virtue of a mental illness or because they are non-English speaking.
  - b. To enter the custody suite only to record their attendance and complete the Visit Report Form.

#### Follow-up Action

66. After submitting the electronic forms a copy will be received by the Scheme Manager and the Custody Inspector. Completed forms will be checked for any general issues or specific matters of concern that need to be raised with the relevant Force officials. All issues and concerns raised which did not require follow-up are recorded and are monitored for trends. Where an issue has been raised which requires follow-up, these and the responses are recorded and presented to the Strategic Priorities Assurance Board twice per year. This information will also be presented to ICV at their team meetings.
67. Occasionally, specific matters of concern will be picked up by the Divisional Commander, who will then write directly to the ICV concerned, explaining what action has been taken. Copies of any correspondence will also be forwarded to the Scheme Manager.

#### Public Report

68. Responsibility for informing the public of the results of the programme of visits rests with the Commissioner. Information presented to the Strategic Priorities Assurance Board will be published on the Commissioner's website.

#### Confidentiality and Disclosure

69. ICV will be required to sign an undertaking of confidentiality at the time of their authorisation. During the course of their duties ICV 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.
70. The Visit Report Form includes an undertaking not to reveal confidential information obtained during the course of a visit. A breach of this undertaking may make an ICV liable to civil proceedings by the detained person concerned. This extends to discussion of individual cases and identities with other ICV and to the system of written reporting to the Strategic Governance Board 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.

71. Conversations between ICV and detainees are not privileged, and it would be open to a court to issue a witness summons requiring the attendance of an ICV to give oral evidence or to produce documents such as a report of a particular visit. ICV 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.

## **SECTION 5 – RECRUITMENT AND CONDITIONS OF SERVICE**

### **Recruitment**

1. The Scheme Manager will ensure that adequate numbers of suitably accredited and trained ICV are available at all times and throughout the County to carry out the required programme of visits and, as such, a rolling programme of recruitment will be organised.
2. Recruitment will be managed through forward planning that focuses on factors such as the total number of active ICV, the frequency of visits and the level of ICV retention.
3. Representatives of the local community within the Derbyshire Commissioner's county boundary will be recruited through advertising via press releases, the Commissioner's website, volunteering websites and at local volunteering bureaus, through the police community messaging service and via posters distributed to voluntary organisations and hard to reach groups. Whilst word of mouth recommendations will remain a legitimate source for potential ICV, care will be taken to ensure that this does not lead to an imbalance through existing ICV recommending people from similar backgrounds to themselves.
4. The Commissioner will aim to provide a suitable balance of ICV 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.
5. Prospective ICV will be independent persons of good character who are able to make informed judgements in which the community can have confidence, and which the police will accept as fair criticism when it is justified.
6. An Appointments Panel of two, normally a serving ICV and the Scheme Manager will be responsible for selection, interview and appointment of ICV.

### **Selection Process**

7. Persons enquiring about becoming an ICV will be provided with information on the scheme and the requirements for applicants; they will be invited to attend an Open Evening at which more information will be given and any questions on the scheme will be answered.
8. An information pack covering the purpose of Independent Custody Visiting, the role of the ICV, the commitment required and the terms and conditions applicable to the Scheme will be available at the Open Evening. This material will accompany the role description/person specification and standard application form.
9. The OPCC will review the completed application forms (by reference to the information on disqualification and the role specification) and identify those candidates to be shortlisted for interview.

10. Shortlisted candidates will be invited to attend a formal interview with the Appointments Panel. Appointments will be confirmed subject to the receipt of satisfactory references, police vetting checks to verify information provided about criminal convictions and attendance at an Induction Training Day.

#### Disqualification

11. Whilst ICV must be at least 18 years of age, there is no upper age limit.
12. Persons who have unspent convictions for criminal offences may not be suitable for the role of ICV. Relevant factors will include the nature and number of any offences and how long ago they were committed. However, past offending will not be an automatic barrier to acceptance as an ICV and each case will be considered individually. Having regard to the above, prospective ICV will be asked to declare any such convictions.
13. Prospective candidates will also be subject to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975, and as such will not be entitled to withhold information regarding convictions which for other purposes will be 'spent' under the provisions of the Act. Failure to disclose convictions will generally lead to exclusion unless there are exceptional circumstances.
14. In appointing ICV, it will also be important to avoid any potential conflict of interest. Serving police officers and police staff are unsuitable for that reason, as are special constables and Police Community Support Officers. In accordance with the stated policy of the Council of the Magistrates' Association, Justices of the Peace will not be considered for participation in the Scheme. Persons in these categories who have left or retired from the relevant duties for at least five years may be considered for appointment.
15. Applications from others involved with the criminal justice system will be considered on an individual basis. For example, solicitors and members of the probation service may find the duties of a visitor conflicting with their professional responsibilities. However, there is no hard and fast rule in such cases and each application will be looked at on its individual merits, having regard to the public service principle of being seen to be independent and impartial.
16. Staff within the OPCC may not serve as ICV themselves. The essential feature of Independent Custody Visiting is that it draws its volunteers from the community at large, and there is an obvious difficulty with OPCC staff carrying out visits which should be conducted independently and form the basis of reports to them in their formal role.
17. Persons who act as Appropriate Adults and/or Lay Observers (i.e. persons appointed to inspect the conditions under which prisoners are transported and held) appointed under the Criminal Justice Act 1991, will also be excluded from becoming ICV.

18. ICV must notify the Scheme Manager of any change in circumstances which will affect their position as an ICV, for example becoming aware that they are subject of a Police investigation, after being charged with a criminal offence or a change of employment that might cause a conflict of interest. The Chief Executive (or his/her representative) has the power to suspend an ICV until any allegations made against the ICV have been fully investigated by the Police and a decision made whether to charge that individual with a criminal offence.

#### Basis of Service

19. Newly appointed ICV will require a clear understanding of the expectations on them and of the support which the OPCC provide. Each ICV will be required to sign a Memorandum of Understanding (MOU) which will summarise the agreed responsibilities and legitimate expectations of both parties.
20. To ensure that volunteers and the Office of the Police and Crime Commissioner are reminded of their responsibilities and expectations, ICVs will be asked to re-sign the MOU every three years, to coincide with the end of tenure review.

#### Tenure

21. Appointments are made for a period of three years, confirmed following satisfactory completion of a minimum probationary period of six months. At the end of the probationary period the Scheme Manager will conduct an interview with the probationer on behalf of the Commissioner to assess their ability and willingness to continue as a volunteer for the Scheme. The Commissioner will expect probationers to have made a minimum of six visits (equating to one per month) during the probationary period; where this has not occurred the Scheme Manager will extend the probationary period for a further three months and agree with the ICV a minimum number of visits to be made within this extended period.
22. At the end of the three month extended probation, the Scheme Manager will conduct a further interview with the ICV. If the ICV has still not fulfilled their required number of visits, as agreed at the previous meeting, their accreditation will be immediately withdrawn and they will no longer be an ICV. They will be required to hand in their ID badge at the interview. The withdrawal of accreditation for this reason will not prevent the ICV from re-applying for the scheme in the future should their circumstances change and they feel they can give the time to the scheme.
23. Once per year every ICV will be shadowed on a visit by a \*Peer Reviewer. The Peer Reviewer will complete an Observed Custody Visit Form to assess performance at the time of the visit. At the end of the visit immediate feedback will be given and the Observed Custody Visit Forms will be forwarded to the Scheme Manager for review. The forms will be an important tool to aid in assessing training needs and they will also form part of the three year review.
24. \*Peer Reviewers are volunteers from within the Scheme who wish to take on extra duties. Additional training will be given to the peer reviewers so that they are accredited to perform this role.

25. After a period of three years a full tenure review/renewal will be conducted. The key factors in renewing appointments will be the continuing ability and willingness of the individuals to do the job effectively, and their past performance in the role. The reviewer will make a recommendation and if the recommendation is to renew the appointment, ICV will be subject to a renewed Police vetting check in accordance with the Commissioner's vetting policy.
26. The maximum number of appointment renewals, after the initial term, is two. Each renewal of appointment will be for a term of no longer than three years. This means that the maximum anyone can serve as an ICV in Derbyshire will be nine years in total, or three complete terms. Limiting appointments to three terms will ensure there is a good mix of experienced and new ICV on the scheme.
27. In the event that a Visitor wishes to terminate their appointment before the end of their tenure, they should inform the Scheme Manager in writing of their intention to resign from the scheme. They must return any paperwork, documentation and their ID badge to the Scheme Manager.

#### Leave of Absence

28. The Commissioner recognises that people's circumstances can change due to illness, personal or work issues, which may affect a persons' ability to make visits under the scheme. In this case ICV should contact the Scheme Manager within the OPCC to request a leave of absence from the scheme.
29. The initial period of leave will be agreed between the ICV and the Scheme Manager; and will be a period of up to three calendar months. During this period ICV will only be contacted by the Scheme Manager to check on their welfare and agree a return date to the scheme.
30. If the ICV is not in a position to return at the end of three months, further leave can be agreed. This will be on a month-by-month basis for a maximum of a further three months; therefore the maximum length of any one period of absence will be six months.
31. If at the end of the six months the ICV is still not able to return, consideration will be have to be given to removing them from the scheme. The Chief Executive of the OPCC will be fully informed of the situation and will make a decision as to whether the ICV should be removed. ICV who are removed from the scheme for this reason will be able to apply to re-join the scheme at the next recruitment campaign, should they be in a position to do so. In this case they would be subject to the same recruitment process as the other applicants.
32. ICV will only take one period of absence in one year (which, for the purposes of the scheme, runs from 1<sup>st</sup> April to the following 31<sup>st</sup> March). ICV will then be expected to return to making visits. Further leave following immediately on from the first period will only be granted in exceptional circumstances and should be applied for in writing to the Scheme Manager.

### Insurance

33. The Commissioner has arranged for ICV to be covered by personal liability insurance whilst visiting a custody suite in their capacity as an ICV. This third party insurance will provide cover if the ICV causes accidental bodily injury to a third party or other accidental loss or damage.
34. Additionally, the Commissioner will indemnify ICV in respect of any claim received arising from actions carried out in the course of their duties as an ICV, provided that their actions are reasonable and in accordance with the guidance provided. However, should an ICV cause damage, injury or loss wilfully or whilst acting otherwise than in their capacity as an ICV then the ICV will indemnify the Commissioner in respect of that damage, injury or loss and for any claim received as a result thereof.

### Exit Interviews

35. Exit interviews will be conducted by the Scheme Manager using form ICV-10. If the ICV does not want a face-to-face meeting, then the form may be completed solely by the individual and returned to the Scheme Manager.
36. Interviews will assist in identifying any underlying reasons why ICV want to leave the Scheme, and help to assess any necessary steps that may prevent others leaving for similar reasons.
37. The interview will help the Scheme Manager to conduct an effective role analysis and project training needs for other ICV. It will also help to secure the goodwill of the volunteer and retain the Commissioner's reputation.

### 38. Complaint made against an Independent Custody Visitor

#### Making a Complaint

39. A complaint made by any person against an Independent Custody Visitor (the Visitor) due to the performance of his/her duties should be notified to the Scheme Manager as soon as possible after the alleged misconduct took place.

#### Criminal Offences

40. If a complaint made to the Scheme Manager contains an allegation of the commission of a criminal offence by a Visitor whilst carrying out their role, the Scheme Manager will immediately refer the complaint to Derbyshire Police.
41. The Complaints Procedure will be held in abeyance pending the outcome of any criminal investigation and proceedings in respect of that allegation.
42. The Complaints Procedure may be proceeded with in respect of any other related allegations that are not alleging a criminal offence.

### Criminal Proceedings

43. Visitors must notify the Scheme Manager if they are charged with a criminal offence. In such circumstances, the Scheme Manager will automatically suspend the Visitor until the outcome of any criminal proceedings is known.
44. If the Visitor is subsequently found not to be guilty, or if charges are dropped, then consideration will be given to reinstating the Visitor.

### Action upon receipt of a Complaint

45. Upon receipt of a complaint, the Scheme Manager will investigate the allegation by speaking to the parties concerned and seeking to address the complaint informally.
46. Should the severity of the allegation be significant or form part of a series of complaints relating to the Visitor, a formal process to remove him/her may be invoked.

### 47. Complaint made by an Independent Custody Visitor

48. An Independent Custody Visitor who wishes to make a complaint about their general role and conditions, or any other relevant matter, should notify the \*Scheme Manager as soon as possible.
49. Complaints will be investigated by speaking to the parties concerned and seeking to address the complaint informally.
50. If necessary, depending on the severity or consistency of the complaint, the Scheme Manager will review the circumstances leading to the complaint and consider what, if any, remedial action is required to resolve it.
51. A complaint about a Derbyshire Police employee must be notified to the Scheme Manager who will seek to resolve the matter in discussion with Derbyshire Police. Should the severity of the allegation be significant, then a referral will be made to the Derbyshire Police Professional Standards department.

\*A complaint about the Scheme Manager must be notified to the Chief Executive & Monitoring Officer to the Police and Crime Commissioner.

### 52. Suspension/Removal of an Independent Custody Visitor

53. There may be occasions when the Office of the Police and Crime Commissioner may need to consider suspending/removing a Visitor from the Scheme, either because of misconduct or unacceptable performance within the role. This may include such matters as:

- being convicted of a criminal offence
- breaching confidentiality
- inappropriate behaviour
- bringing the Scheme into disrepute
- unsatisfactory performance in the role
- falsifying an expense claim

*Updated October 2018*

54. If such an occasion should arise, the Scheme Manager will notify the Visitor concerned of their immediate suspension pending investigation.
55. The Scheme Manager will notify the circumstances and make a recommendation to the Chief Executive & Monitoring Officer for them to assess and make a determination on removal of the Visitor from the Scheme.
56. The Scheme Manager will advise the Visitor concerned that their removal from the Scheme is being considered. Details of the grounds for removal will also be given in writing.
57. The Scheme Manager will notify the Visitor in writing of the decision made by the Chief Executive & Monitoring Officer. A decision to remove the Visitor from the Scheme will take immediate effect.
58. Right of Appeal against Removal from the Scheme
59. Should the Visitor concerned be dissatisfied by the decision to remove them from the Scheme, he or she will have the right of appeal to the Police and Crime Commissioner.
60. The grounds for making the appeal will be made in writing and should be made within 14 calendar days of receiving the letter informing them of their removal.
61. The Visitor will be informed in writing of the outcome of their appeal.

## **SECTION 6 – ACCREDITATION AND TRAINING**

### Introduction

1. In order to ensure that potential ICV are sufficiently aware of the relevant requirements of the law in respect of the care and custody of detainees, and to enable them to carry out their function in an efficient and credible manner, it is a pre-requisite of their authorisation that they attend an Initial Training Day arranged by the OPCC.

### Initial Training Day

2. Training will cover the basic knowledge and skills required to carry out visits effectively. Students will receive a detailed manual of guidance to support their training, which will include:
  - The purpose of and background to independent custody visiting
  - The relevant aspects of the Police and Criminal Evidence Act 1984 and of its associated Code C covering Detention, Treatment and Questioning
  - Current Home Office statutory requirements
  - Local guidance, conditions of service and working practices
  - The basic practicalities of conducting independent custody visits
  - Communication skills to assist effective contact with detainees and custody staff
  - Equal opportunities and race awareness issues
  - Health and Safety issues
  - Data protection considerations
  - The Police complaints system

### Probationary Period

3. Following successful completion of the Initial Training Day, ICV will be appointed for a six-month probationary period during which time experience will be acquired in a supportive environment. Only once the probationary period has been successfully completed will full accreditation be granted.
4. The first visit will be made with a nominated ICV mentor and during the remainder of the probationary period, visits will be made in tandem with experienced colleagues. Immediately before the end of the six month probationary period the probationer ICV will visit again with the nominated ICV mentor so that performance can be assessed.
5. All ICV who complete a visit with a Probationer will be given the opportunity to comment upon the performance of their partner by completing form ICV-9, the Probationer Monitoring Form. The Scheme Manager will, if necessary, arrange for any suitable advice or additional training to be given to the Probationer to address any areas of concern or weakness that might be highlighted.
6. On completion of their probationary period, newly accredited ICV will also have the opportunity to comment upon their experiences, and to give their views on the operation of the scheme in general through an interview with the Scheme Manager.

To assist in this they will be asked to complete an End of Probation form, number ICV-8.

### Training

7. The OPCC will produce an annual training programme for ICV's and ICV must attend at least one session 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.

ICV should be aware that only a select number will be invited to attend the National Conference of the Independent Custody Visiting Association. The number will be dependent on the proximity or otherwise of the conference and the associated travelling/accommodation costs.

8. Attendance at these events provides further opportunities to benefit from others' knowledge and experience.
9. A reasonable explanation must be given to the Scheme Manager if an ICV is unable to attend any training sessions.

### Evaluating Training

10. ICV 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 future delivery.

## **SECTION 7 – EXPENSES**

1. Volunteers will be reimbursed their legitimate expenses incurred when carrying out visits, including public transport fares, taxi fares and car parking. A travel allowance is payable for volunteers who use a motor vehicle, as follows:-

Payable at the HMRC Allowance Rate.

2. Claim forms should be completed and returned to the Scheme Manager for processing each quarter.
3. ICV claiming public transport/taxi fares, car parking charges etc, must ensure that they attach relevant receipts to their claim form. Failure to do so will result in the claim being denied.

### **Note:**

It is recommended that the person driving the motor vehicle on visiting duties should first check with their vehicle insurance provider that their insurance policy covers this type of voluntary activity.

**ICV are encouraged to car-share wherever possible and ICV can claim passenger payments of 5p per passenger mile.**

## **SECTION 8 – PUBLICITY GUIDELINES**

1. It is generally desirable that the role and aims of the Scheme should be promoted to the public. ICV must, however, bear in mind that the purpose of publicity is to inform the public about the Scheme and not to draw attention to individual cases or to themselves.
2. ICV must not discuss the cases of individuals with whom they come into contact during visits to police stations 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.
3. Any invitation to speak to the press, or local groups or organisations about any aspect of custody visiting should be referred to the Scheme Manager and should not be undertaken by individual ICV except at the request of the Scheme Manager.
4. ICV must remember that they are accountable to the Commissioner and not to the press or individual members of the public.
5. ICV must sign up to guidance on the safe use of the internet and social media which confirms that the standards of behaviour expected are understood by all volunteers.

## **SECTION 9 - CONTACT DETAILS**

### **Scheme Manager**

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Meeting and Information Officer  
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### **Chief Executive:**

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