



# CHESHIRE CUSTODY VISITING SCHEME

GUIDANCE ON THE DUTIES AND  
RESPONSIBILITIES OF CUSTODY VISITORS

## **Objectives of the Scheme**

1. The former Cheshire Lay Visiting Scheme was one of the first custody visiting schemes to be established in the country, following the recommendations of Lord Scarman in 1983. In accordance with Section 51 of the Police Reform Act 2002, all police authorities are required to:-
  - (a) make arrangements for persons 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 Scheme comprises of volunteers from the local community recruited by the Authority as Custody Visitors to visit custody suites. The Custody Visitors concern is the welfare of persons in custody and the operation in practice of the statutory and other rules governing their welfare. Custody Visitors make unannounced visits at varying times of the day and night, having access to custody suites and are concerned with the conditions of detention and the treatment of individual detainees. Part of the visiting process entails discussions with custody staff and subject to their consent being obtained, detainees are visited. Custody Visitors may raise issues, which require immediate attention by the custody staff and following every visit, will provide a written report of their findings. Custody Visitors have the opportunity to discuss experiences from visits at Panel meetings and raise issues with the Authority. The Authority has a commitment to publicising the work and the findings of the Custody Visiting scheme.

## **Appointment of Custody Visitors**

3. Any person over 18 residing in Cheshire can be appointed as a Custody Visitor, with the exception of serving Magistrates, police officers (including Special Constables), police staff and Members of the Police Authority. Special consideration will be given to the appointment of solicitors and employees of the probation service and persons closely working within the Criminal Justice System.
4. The Authority's Engagement Committee is responsible for monitoring the Scheme. The Chief Executive is authorised on behalf of the Authority to appointment or re-appointment Custody Visitors and terminate appointments if considered necessary.
5. The term of office for a Custody Visitor will initially be for a probationary period of six months. Each Panel will consider the outcome of the probationary period and where appointments are confirmed they will be for a period of two years (including the probation period), with a full review of continuing suitability at the end of that period.
6. Custody Visitors will be eligible for re-appointment every two years subject to support by the appropriate Panel. Re-appointments beyond six years will require confirmation by the Chief Executive. The Authority acknowledge that effective and committed Custody Visitors are a precious resource and experience is valuable, however, this is balanced against the need to avoid staleness and introduce fresh perspectives.

7. A condition of an offer of appointment will be that each Custody Visitor signs a Memorandum of Understanding, which will provide details of the Authority's expectations of the Custody Visitor (copy attached as Appendix 1). The Memorandum includes issues such as undertaking a minimum number of visits per year, attendance at training seminars and Panel meetings and the support which the Authority will provide.
8. Before appointment, applicants must declare any conviction for a criminal offence, and if they have ever served a term of imprisonment or detention (other than those which are spent by reason of Rehabilitation of Offenders Act 1974). Criminal record checks will be undertaken before appointment.
9. Three Panels of Custody Visitors operate in the following areas:-

<u>Eastern Panel Area</u>	<u>Northern Panel Area</u>	<u>Western Panel Area</u>
Crewe	Halton	Chester
Macclesfield	Warrington	Ellesmere Port
Congleton		Vale Royal

There are three custody suites serving the Constabulary, one in each of the Panel Areas. The Eastern and Northern custody suites both have 35 cells and the Western custody suite, 20 cells. The suites are located at:-

Eastern - Pochin Way, Middlewich  
 Northern - Manor Farm Road, Sandymoor, Runcorn  
 Western - Blacon Avenue, Chester

### **Termination of appointment**

10. Although the work is entirely voluntary, there may be occasions when the Authority has to consider the termination of the appointment of a Custody Visitor either because of misconduct or poor performance. Misconduct encompasses matters such as misuse of the identity card, inappropriate behaviour or comments made during a visit or towards a fellow custody visitor, detainee, police officer or police staff, conviction of a criminal offence, abusing the position of Custody Visitor, for example, by consistently flouting the guidelines covering the conduct of Custody Visitors. Examples of poor performance are detailed in paragraph 14.
11. Custody Visitors **must** notify the Chief Executive if they are arrested, cautioned or charged with a criminal offence. In such circumstances, the Authority will suspend the appointment of that Custody Visitor until the outcome of any criminal proceedings are known. If the Custody Visitor is subsequently found to be not guilty, they may be reinstated. In the case of a caution, the Chief Executive will review the appointment of the Custody Visitor with regard to the nature of the offence.
12. Where a Custody Visitor fails to make a visit within a three month period, the Convenor will advise the Chief Executive who will write to the custody visitor concerned to seek an explanation.
13. If a satisfactory reason for not undertaking visits has not been provided, the Chief Executive after consultation with the Convenor, will consider whether that persons appointment should be terminated.

14. Where a visitor fails to make a minimum of 10 visits and/or fails to attend at least two panel meetings during the year and the annual training seminar, and no good reason for this has been notified to the Scheme Administrator, the Chief Executive will consult with the appropriate Convenor and consider whether that persons appointment should be terminated.
15. An Appointment and Appeals Procedure for Custody Visitors has been adopted by the Authority and a copy is attached as Appendix 2.

### **Visiting Programme**

16. Each Custody Visitor Panel shall appoint a 'Convenor' to be responsible for the co-ordination of visits and the administration of the Panel. The Convenor's role is to act as a contact point and offer advice and support to Custody Visitors. The responsibilities include chairing Panel meetings; preparing the agenda for meetings (in consultation with the Scheme Administrator) and subsequently the minutes; the compilation of the visiting statistics; attendance and the presentation of their half yearly report to the Engagement Committee; and attendance at conferences and training seminars as requested by the Scheme Administrator.
17. The Custody Suites must be visited at least twice weekly. These are suites at which persons are detained under arrest and are staffed 24 hours a day. Visits should be made without appointment, but remember that your visit may not always be convenient.

### **Conduct of Visits**

18. Custody Visitors must carry their identity card, which will include your photograph. The identity card must be shown on arrival to the reception staff and custody staff on request.
19. Custody Visitors must visit in pairs and no more than two Custody Visitors can visit at any one time and cannot be accompanied by unauthorised persons.
20. Custody Visitors will only have access to those parts of the custody suite where members of the public are detained including all parts of the custody area - cells, detention rooms, charging areas, washing facilities, kitchen/food preparation area and medical room (but not the drugs cabinet). Custody Visitors should ensure that these areas are clean, tidy and in a reasonable state of repair and decoration, and that bedding in cells is clean and adequate. They may inspect empty cells and detention rooms to check heating/ventilation systems and that cell bells and toilet flushing mechanisms are working properly. They may visit interview rooms in the custody area if unoccupied.
21. Custody Visitors must remember that visits will cause some disruption to the normal operational efficiency of a custody suite. Visits should therefore be brief and business-like.

### **Visiting Procedures**

22. The following paragraphs detail the procedure for Custody Visitors when visiting the custody suites:-

- On arrival at the Custody Suite, park in the car park and proceed to the pedestrian gate and press the buzzer on the intercom. On receiving a response Custody Visitors should introduce themselves by advising of their names and role – this information will be relayed to the Custody Desk. The gate will then be opened remotely by a Detention Officer or Custody Sergeant located within the Custody Suite. Custody Visitors are advised that there may be on occasions a short delay at this point. As is current practice, if the delay is in excess of 10 minutes Custody Visitors should enquire with the Custody Sergeant how long their entry is likely to be and the reason for the delay. Any delays must be recorded on the CV/2 Form to enable the effective operation of the Scheme to be monitored. When Custody Visitors are admitted through the gate they will then gain access to the main reception area.
- On arrival at reception, Custody Visitors may be asked to hand over any mobile telephones and bags and any other personal possessions to the officer. At times, Custody Visitors will only be allowed to take a pen, CV/2 Form/paper, Custody Visiting Scheme Handbook and clipboard into the cell area. The Custody Visitors will then proceed through a 'security lock' to the secure area.
- Whilst in the security lock, Custody Visitors may be 'scanned' with a metal detector prior to proceeding to the charge desk.
- At the charge desk, Custody Staff will outline the situation regarding the persons being detained in the custody suite at the time. The Custody Sergeant will allow Custody Visitors to view a computer screen (custody board) detailing the detainees being detained at the time of the visit. When viewing the screen Custody Visitors will be aware that information about the detainee's name and reason for detention are also logged and this should be disregarded.
- Custody Visitors are recommended to identify between 6 and 8 detainees to be visited, which should include a selection of juveniles, vulnerable persons and male and female detainees. If the majority of the first selection do not wish to receive a visit, Custody Visitors may wish to return to the charge desk and select further detainees to visit or to inspect the other facilities in the custody suite. During the visit, other areas as detailed in paragraph 20 may be inspected as you deem appropriate. CCTV surveillance equipment can also be checked to ensure that it is operational. This should result in a visit lasting a maximum of 1½ hours.
- Following the visit, Custody Visitors will be required to complete a CV/2 Form. Custody Visitors should ask the Custody Sergeant if they can use a quiet room to enable the CV/2 Form to be completed in private. Custody Visitors will, therefore, be required to inform the Custody Sergeant of any issues, which require immediate action at the time of the visit and before leaving the secure area. The completed CV/2 Form should be handed to the Custody Sergeant in the reception area.
- Custody Visitors should ensure that if a custody record is printed out for information, that it is returned to the Custody Sergeant before leaving the secure area, and not taken outside the custody suite.

### **General Visiting Procedures**

23. Custody Visitors should focus on whether detainees have been offered their rights and entitlements under the Police and Criminal Evidence Act (PACE) (including receipt of the necessary paperwork) and confirm whether the

conditions of detention are adequate. Custody Visitors should encourage an open exchange with the detainee.

24. Care must be taken to differentiate between the visit and the pursuing of individual cases. For instance, if called to the custody suite in a private capacity as counsellor or friend by an individual detainee, or if nominated by a detainee under the 'intimation of arrest' procedure, you cannot adopt or thereafter revert to the Custody Visitor function and see other detainees.
25. In general, you may see anyone detained at the Custody Suite at the time, subject to the following qualifications:-
  - (a) no detained person is required to receive a visit and answer any questions. Custody Visitors will introduce themselves to the detainee using the agreed introduction text. The accompanying Custody Sergeant/Detention Officer shall be within view but out of earshot during the visit. If the detainee is asleep at the time, they can be woken at the discretion of the Custody Sergeant/Detention Officer to seek consent to a visit. As a general rule, to avoid interrupting the continuous period of eight hours rest provided for under the PACE, sleeping detainees should not normally be woken, but may be observed through the communicating hatch. If a detainee is not in a position to give consent, perhaps because of the effects of alcohol or drugs or by virtue of a mental illness, the Custody Sergeant should allow access unless it is considered that the Custody Visitors' safety would be at risk. In such circumstances the Custody Visitors may wish to speak to the detainee through the communicating hatch. That may also apply where consent is given, but the Custody Sergeant considers the Custody Visitors would be in danger from a violent or potentially violent detainee if they entered the cell.
  - (b) if a detainee is being interviewed the interview may not be interrupted; you will not be admitted to an interview in progress. Custody Visitors may wish to wait until after the interview has finished.
  - (c) the PACE – Codes of Practice govern the way in which the Police question suspects or witnesses. They also deal with the rights of the individual who is in custody, including their ability to communicate with people outside. The Police can delay contact in exceptional circumstances by the Codes of Practice. The Police may decide for similar reasons that a detained person should not be seen by the Custody Visitors, to avoid any risk of prejudicing an important investigation. Any decision to deny Custody Visitors access to a detained person can be taken only by the Custody Sergeant, who must explain his/her reasons on each occasion. Custody Visitors should also record this fact, and the reasons given and whether they were satisfied with the explanation on the CV/2 Form.
  - (d) there may be very rare instances where, in view of prevailing circumstances, the Custody Sergeant is incapable of permitting access to the custody suite. On such occasions the Custody Sergeant shall explain the circumstances and the visit may be deferred. You must record this on the CV/2 Form.

- (e) juveniles (below the age of 17) in custody will normally be accompanied by a parent or guardian (or other persons known as an appropriate adult). A visit will be permitted if an appropriate adult is not present, subject to the juveniles' consent. If an appropriate adult is in attendance to support a juvenile the detained person's wishes should be sought and respected as to whether the appropriate adult should attend the visit.
26. When visiting persons in custody, Custody Visitors will at all time be accompanied by either the Custody Sergeant or Detention Officer. Any conversation with the detainee, which the Custody Visitor instigates, must be confined to the welfare and custodial arrangements only. The reason for detention, evidential matters relating to the investigation, and the question of bail are **not** matters which fall within the remit of the Custody Visiting Scheme.
27. Custody Visitors must **not** involve themselves in individual cases to the extent of offering advice about whether or not a detainee should make a statement or otherwise co-operate with the police enquiries. Custody Visitors must also decline to convey messages from detained persons, however innocuous they may seem. Custody Visitors must take care, in conversation with the detainee, not to invite comments on matters related to the circumstances of his/her arrest or other aspects of the investigation and in particular should avoid any suggestion that you are soliciting complaints about such matters. All questions should relate to the detainee's welfare and the conditions in which they have been detained.
28. The detainee may wish to raise matters outside those governing his/her welfare and on those occasions, particularly if the matter is construed as a complaint against any police officer, reference should be made immediately to the Custody Sergeant, who will take the appropriate action.
29. Custody Visitors should constantly be aware of the likelihood of their subsequent evidential involvement, should the detainee make spontaneous comment, which has evidential value, either for the prosecution or defence. Questions likely to elicit such comment should be avoided if possible. If a Custody Visitor witnesses such evidential comment, they will be invited to make a statement on the matter for subsequent submission in evidence.
30. If a Custody Visitor recognises or has knowledge of the detainee in custody, they must immediately declare that interest to the Custody Sergeant and abandon the visit to that specific detainee.
31. A Custody Visitor may, with the consent of the detainee, be present during the formal charge process. On these occasions you must not make any comment which might interrupt the procedure. Similar conditions will apply should you wish to observe the documentation procedure of a recently arrived detainee. The presence of the Custody Visitor will be recorded on the Custody Record.

### **Custody Records**

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

- whether entitlements under PACE have been given and signed for;
  - that medication, injuries, medical examinations, meals/diets are recorded;
  - that procedures to assess special risks/vulnerabilities presented by the detainee have been properly recorded;
  - the timing and frequency of cell inspections of inebriated or otherwise vulnerable detainees; and
  - the timing of reviews of the continuing need for detention
33. If a detainee is for any reason incapable of deciding whether to allow access to their custody record, the presumption should be in favour of allowing the Custody Visitors to examine the record.

### **CCTV footage**

34. Custody Visitors must carry out their functions in person and not by viewing either live CCTV pictures or recorded footage. The role is fundamentally interactive with both detainees and police staff and cannot be discharged remotely. There may also be issues about infringing the privacy of detainees who have not consented to Custody Visitors observing them using CCTV. However, where specific incidents or circumstances arise and have been captured on CCTV, Custody Visitors might reasonably be allowed access where both the police and the detainee(s) concerned, consent.

### **Medical Issues**

35. Custody Visitors have no right to see a detainee's medical records, even when attached to the custody record. However, key points relevant to medical treatment should be recorded in the custody record itself. Custody Visitors should pay particular attention to detained persons who are suffering from any form of illness, injury or disability. They should satisfy themselves that, if appropriate, medical advice has been obtained and established from the Custody Sergeant what instructions for medical treatment have been given and confirm by consulting the custody record that these instructions have been carried out.

### **Police Initiated Visits**

36. Exceptionally, circumstances may arise where the Police will wish to initiate a visit, in particular where there may be serious local concern about the treatment or well-being of a person in custody and a special visit could help allay public fears. The senior officer in charge of the Custody Suite shall be responsible on those occasions for contacting the appropriate Convenor.

### **Confidentiality**

37. During the course of undertaking visits, a Custody Visitor may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. That information must be protected against improper or unnecessary disclosure and you will therefore be asked to sign an undertaking of confidentiality. That undertaking will be signed at the time of your appointment. Custody Visitors should be aware that improper disclosure of information acquired during the course of a visit may attract civil or criminal proceedings. Improper disclosure extends to discussion of individual cases and

identities with other Custody Visitors and to the system of written reporting to the Police Authority of the results of visits. Additionally, unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1989.

### **Persons informally present at the custody suites**

38. There may exceptionally be persons at the custody suite who, whilst not detained under the formal arrest procedure, are there having attended freely to offer evidence as a witness to some occurrence, to provide fingerprints, photographs or DNA or to be interviewed as a possible suspect for an offence. Such persons will not fall within the provision of the Custody Visiting Scheme. However, should a Custody Visitor wish to satisfy themselves as to the welfare of such persons, their consent should first be ascertained by the Custody Sergeant.
39. The following persons may also be present in a custody suite and may be visited by Custody Visitors when they are under the control and responsibility of the police service:-

#### Home Office Prisoners

On occasion remanded and sentenced prisoners are held in Custody Suites. They are known, in the police context, as Home Office prisoners. Home Office Circular 74/91, 'Remand and sentenced prisoners held in police cells', sets out the categories of prisoner who may be held and can be visited.

#### Group 4 Prisoner Escort and Custody Service

Group 4 are responsible for escorting prisoners from custody suites to court and if sentenced, onward to prison. Lay Observers have been appointed by the Home Office to monitor Group 4's performance and to inspect the conditions in which prisoners are transported and held. From time to time, it may be necessary for Group 4 detainees to be held in the custody suites.

#### Immigration Detainees

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

#### People at Risk/Police Protection

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

### **Completion of CV/2 report forms and follow-up action**

40. Recording the contents of a visit is one of the most important aspects of the scheme. Custody Visitors may wish to make notes in the course of the visit, but should explain to the detainee why they are doing so. Custody Visitors shall report on each detainee visited at the end of the visit. The CV/2 report form – should be completed in a private area, not in the presence of custody staff. You should record all aspects of the visit – complementary comments and your

concerns, which may include:- delays in accessing the custody suite and whether you were satisfied with the reasons given; the reception by custody staff; the cleanliness of the custody suite; etc. One copy should be given to the Custody Sergeant who will in turn forward it to the Custody Inspector responsible for that particular suite, one copy should be retained by the lead Custody Visitor and the remaining copies forwarded to the Panel Convenor. The Convenor will retain a copy and forward a copy to the Scheme Administrator.

41. If a visit discloses any aspects of the treatment of persons detained at the Suite or conditions there, which are unsatisfactory, **it must be recorded on the CV/2 Form**. If a matter appears to require urgent attention, the Custody Sergeant should be informed immediately. This action must be taken if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on the Custody Record. If the Custody Visitors are not satisfied with the response or actions of the Custody Sergeant with regard to the welfare of a detainee they must raise their concerns with the Custody Inspector at the time of the visit.
42. The following escalation procedure has been developed to ensure that out of normal office hours, serious concerns are effectively addressed:-
  - Where an incident occurs as a result of a visit and is of a routine nature, Custody Visitors should note the issue on the CV/2 Form and forward to the Authority via the Convenor, in the usual manner.
  - Where an incident occurs and immediate resolution is desirable, the Custody Visitors should raise the issue with the Custody Inspector, if it cannot be resolved by the Custody Sergeant in the first instance.
  - Where an incident occurs that requires urgent resolution, but no actual risk to an individual is suspected and the matter has been raised with the Custody Inspector but there is no satisfactory resolution, then this should be raised the next working day with the Custody Chief Inspector via the Police Authority.
  - If the matter cannot be resolved with the Custody Inspector and the Custody Visitors consider the matter is urgent and there is a serious risk to an individual, the Force Incident Manager should be contacted on 01244 612270 who may then refer the matter to the locum Superintendent. (It should be noted that this officer is responsible for major incidents and may not be available at that time).
  - Custody Visitors should also advise the Convenor of any unresolved issues to ensure that the most appropriate course of action is being taken.
43. References in reports to individual detainees must be by their Custody Number in order to preserve anonymity.

### **General Provisions**

44. There is no barrier to Custody Visitors also acting as Appropriate Adults in certain circumstances. Individuals must not switch between the role of Custody Visitor and Appropriate Adult during the course of a visit to the same police station. Changing roles in that way can blur responsibilities and create confusion

for all concerned. However, those fulfilling the role of Custody Visitors are not prevented from acting as Appropriate Adults on separate and distinct occasions, preferably at completely different stations.

45. Custody Visitors may also act as Lay Observers who are appointed under the Criminal Justice Act 1991 to inspect the conditions under which prisoners are transported and held.
46. Custody Visitors must before commencing duties, attend an Induction Seminar so that they are fully aware of their duties, relevant requirements of the law and local Force Orders with regard to custodial arrangements.
47. A copy of the Custody Visiting Scheme Guidance is on deposit at each custody suite and kept under the charge of the Custody Sergeant.

### **Panel Meetings**

48. Custody Visitors shall meet on a Panel basis, four times a year, to review their work and report through the Convenor to the Authority's Engagement Committee.

### **Expenses**

49. Travelling expenses are payable to all Custody Visitors at the same rates payable to Members of the Police Authority.
50. Travelling expenses will also be payable to those Custody Visitors formally appointed by their Panels to attend Have Your Say meetings and conferences/meetings subject to prior consent being given by the Chief Executive.
51. Reasonable out-of-pocket administrative expenses shall be payable to Convenors together with travelling expenses for attending meetings of the Authority's Engagement Committee or any other meeting at the request of the Authority. An honorarium of £500 is awarded to Panel Convenors in recognition of their significant time commitment over and above being an active Custody Visitor.
52. Any Custody Visitor who is required to pay a carer in order to undertake a visit or attend a Panel meeting or training event may claim a carers' allowance. This allowance shall be paid upon the production of a valid signed receipt, and shall be for actual expenditure incurred up to a maximum of £6 per hour.
53. A carers' allowance may be claimed for the total hours it takes for a Custody Visitor to leave home and return home after undertaking a visit or attending the Panel/training. The allowance shall not be payable in respect of care provided by a member of the claimant's family.
54. Payments may be claimed in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required.

## **Insurance**

55. All Custody Visitors are covered by the Authority's insurance against personal injury whilst undertaking visits on police premises. Custody Visitors are responsible for advising their motor vehicle insurers that they are undertaking a volunteer role and to ensure that their vehicle is insured for 'business use'.

## **Publicity**

56. It is helpful to use opportunities to raise public awareness about Custody Visiting. Custody Visitors should ensure that the purpose of the publicity is to inform about the Scheme and not to draw attention to themselves. In any article or presentation, Custody Visitors must not discuss individual cases or specific events except in general anonymous terms. It is up to the Custody Visitor to decide whether or not to reveal their own identity, however, anonymity can lead to misunderstanding in the media and where possible Custody Visitors should be prepared to reveal their identities. There is no necessity to reveal full personal addresses. The inclusion of photographs in any such articles is a matter of personal discretion. The advice of the Scheme Administrator must be sought not only prior to an interview/presentation being given, but before any articles are submitted for publication by individual Custody Visitors.
57. Under no circumstances should Custody Visitors make themselves available to respond to requests for specific information from the media or other organisations about individual cases or events in the Custody Suite.
58. A response to general enquiries from the media may only be provided by the Convenors and only if they are satisfied that the required information is of sufficiently general nature to enable a reply to be made. Advice should always be sought from the Scheme Administrator before a response is given. Any enquiry concerning a particular case should be referred to the Chief Constable via the Constabulary's Press Office on tel. no. 01244 615157.

For further information contact the Scheme Administrator:-

Martin Eaton  
Cheshire Police Authority  
Constabulary HQ  
Oakmere Road  
Winsford  
CW7 2UA

Tel: (01244) 614005

Fax: (01244) 614006

Email: [martin.eaton@cheshire.pnn.police.uk](mailto:martin.eaton@cheshire.pnn.police.uk)

MARCH 08



## CHESHIRE POLICE AUTHORITY CUSTODY VISITING SCHEME

### MEMORANDUM OF UNDERSTANDING

You will be issued with a copy of the full guidance for the scheme, but you should particularly note the following points, which highlights the Police Authority's expectations of a Custody Visitor.

#### 1. ROLE AND RESPONSIBILITIES

The purpose of your role is to observe and report upon the conditions under which persons are detained at custody suites in Cheshire. Your concern is for the welfare of the person in custody and the operations in practice of the statutory and other rules governing their welfare.

#### 2. APPOINTMENT

Your appointment is initially for a probationary period of six months.

Your Custody Visitor Panel will consider the outcome of your probationary period and where appointments are confirmed they will be for a period of two years (including the probation period). This procedure will be undertaken by the existing Custody Visitors in the absence of the probationer Custody Visitor(s).

You will be eligible for re-appointment every two years subject to the support of the appropriate Panel. Re-appointments beyond six years will require the confirmation by the Chief Executive.

#### 3. IDENTITY CARDS

Your identity card will be valid for the period that you are appointed as a Custody Visitor. The identity card authorises you to visit the custody suite. The identity card should only be used for the purpose of making visits. If it is used for any other purpose, it will be withdrawn and your appointment as a custody visitor may be terminated. Identity cards must be returned on termination of appointment as a Custody Visitor.

#### 4. UNDERTAKING VISITING

You are required to make visits in pairs at all times. There are no exceptions to this requirement, and custody staff are aware that they should not allow anyone who is unaccompanied to make a visit. You

can only make a visit when accompanied by another custody visitor from your Panel.

## 5. VISITS

You are expected to make a minimum of 8 visits per year; if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Scheme Administrator is aware of these. If you have not made a visit within a three month period, the Convenor of your Panel will advise the Chief Executive who will write to you to ascertain the reason and seek an explanation.

## 6. DOCUMENTATION

You are required to complete reports for every custody visit made (even when there were no detainees in custody) and submit copies promptly to the Convenor.

## 7. CHANGE IN CIRCUMSTANCES

You are expected to notify the Scheme Administrator of any change in circumstances which will affect your position as a custody visitor, e.g. if you are charged with a criminal offence or become a Magistrate, Special Constable, Police Officer or undertake any other work which may present you with a conflict of interest.

## 8. ATTENDANCE AT TRAINING SEMINARS

You will be expected to attend the Induction and annual Training Seminars arranged by the Police Authority and encouraged to attend regional or national conferences where appropriate.

## 9. ATTENDANCE AT PANEL MEETINGS

You will be expected to attend the quarterly Panel meetings. If you have not attended at least two Panel meetings within a twelve month period, the Convenor of your Panel will advise the Chief Executive who will write to you to ascertain the reason and seek an explanation.

## 10. IMPARTIALITY AND CONFIDENTIALITY

During the course of your duties, you may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. That information must be protected against improper or unnecessary disclosure. You should be aware that improper disclosure of information acquired during the course of a visit may attract civil or criminal proceedings. Additionally, unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1989.

You must undertake not to disclose any information related to persons connected with police enquiries or police operations that you may acquire as part of your duties as a Custody Visitor.

11. QUERIES

Queries on any aspect of the scheme should be addressed to the Scheme Administrator:-

Martin Eaton,  
Cheshire Police Authority,  
Constabulary HQ,  
Oakmere Road,  
Winsford, CW7 2UA

tel. 01244 614005  
fax 01244 614006  
email martin.eaton@cheshire.pnn.police.uk

You should sign below to indicate your agreement to be bound by the guidance for the custody visiting scheme. A copy of this agreement will be returned to you for your reference.

M Sellwood  
Chief Executive  
Cheshire Police Authority

Name: .....  
(BLOCK CAPITALS)

Signed: .....

Date: .....

March 2008



## CHESHIRE POLICE AUTHORITY

### CUSTODY VISITOR CONFIRMATION OF APPOINTMENT AND APPEALS PROCEDURE

1. On appointment each Custody Visitor is required to sign a Memorandum of Understanding which sets out the Police Authority's expectations of Custody Visitors and also what levels of support/training/feedback that will be provided.
2. All appointments are subject to a probationary period and appointments will only be confirmed on successful, completion of this period. In deciding what is successful the appropriate Custody Visitor Panel will take into account the following:-
  - Number of visits undertaken.
  - Feedback from fellow Custody Visitors.
  - Any feedback from other involved agencies e.g. custody staff, police staff.
  - Views from the Scheme Administrator.
3. Following a satisfactory probationary period, a Custody Visitor will be appointed for a two year period during which they will carry out their duties in accordance with the terms of the Memorandum of Understanding.
4. If at the end of the probationary period a Custody Visitor appointment is not confirmed, the Chief Executive will notify the Custody Visitor, in writing of the decision and have a right of appeal to the Police Authority's Engagement Committee. The appeals procedure is set out in paragraph 7.
5. At the end of the each two year period and subject to the Custody Visitor personally wishing to continue, the following will be taken into account by the appropriate Custody Visitor Panel:-
  - Number of visits carried out to comply with previously advised rota.
  - Feedback from fellow Custody Visitors.
  - Any feedback from other involved agencies e.g. custody staff, police staff.
  - Views from the Scheme Administrator.
  - Attendance at training seminars.

- Attendance at Panel meetings.

The Panel will offer advice to the Chief Executive on whether an appointment should be extended.

6. Each Custody Visitor will receive notification, in writing of the decision of the Chief Executive whether or not to extend the appointment by a further period. There is a right of appeal to the Authority's Engagement Committee. The appeals procedure is set out below.
7. The appeals procedure in relation to all matters regarding the confirmation of appointment/termination of Custody Visitors will be carried out as follows:-
  - The Custody Visitor will be told in writing of any matters of concern regarding the confirmation of appointment/re-appointment as determined by the Chief Executive.
  - The Custody Visitor will be asked to respond in writing within 21 days to the issues raised.
  - The Chief Executive will report to the Authority's Statutory Purposes Committee including any written responses, or supportive documents from the Custody Visitor.
  - The Custody Visitor will be invited to attend and hear any discussions and to answer any questions, which the Members of the Committee may ask.
  - The Custody Visitor will be excluded from the decision making process which will be held immediately after the discussion.
  - The Scheme Administrator will notify the Custody Visitor within seven working days of the final decision of the Committee.

August 2006

Mark Sellwood  
Chief Executive  
Cheshire Police Authority