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Kit Malthouse MP
Minister of State for Crime, Policing and the Fire Service
Home Office
2 Marsham Street
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12 May 2020

Dear Minister

Video Enabled Justice during COVID-19

The Independent Custody Visiting Association (ICVA) leads, supports and represents local independent custody visiting (ICV) schemes. These schemes, run by Police and Crime Commissioners, monitor police custody to check on detainee welfare and the conditions of custody. They therefore have a unique insight into the on the ground activity and arising issues in custody, from a human rights perspective.

We would like to thank the Home Office for your support for independent custody visiting throughout the pandemic. We understand that the Home Office is working with partners to ensure that police custody continues its work as an essential gateway to the criminal justice system. Within this climate, the role of ICV schemes is increasingly important to provide independent feedback.

ICVA receives weekly feedback from OPCCs. We have shared this feedback with the Policing Powers Unit and their operational partners group, which we are a member of. The feedback from schemes has uncovered some concerns about video enabled justice within custody suites.

A small number of areas had used video enabled justice and video remand hearings prior to COVID-19, and its use has become more widespread to manage detainees throughout the pandemic. The process has some advantages. It can reduce detainee travel time and contact with others. However, a number of ICV schemes have raised significant concerns about its use.

The first concern is that video enabled justice results in significantly longer stays in police custody for detainees. Rather than be transported to court, detainees must wait for their hearings, attend them and wait for transport to prison within police custody suites. Where hearings take place later in the day, this may mean an additional night's stay in police custody before moving to prison is possible. This additional time in police custody can have a detrimental impact on the welfare of a detainee and reduces access to the services that would normally support them as they transfer to prison. Police custody is designed for short stays and does not have the facilities to support detainees for longer detention periods.

Our second concern relates to the additional demand that this places on police custody staff. The longer stays place additional stress on custody staff when staffing has already been stretched by the pandemic. Staff must care for detainees over a longer period of time and across different phases of risk. ICV schemes are concerned about the impact this will have on detainee care such as accessing independent monitoring or entitlements such as exercise or showers. An overstretched workforce is unlikely to be able to deliver the full needs of detainees.

Finally, ICV schemes have reported concern on the additional services required in police custody to support virtual courts. This includes supporting the running of the courts and services such as cleaning. As before, this places additional demands on an already stretched system.

In summary, the implementation of virtual remand hearings creates additional demand on custody suites that were already under pressure. We are concerned that this will be detrimental to staff and detainees alike. We will continue to provide ongoing ICV scheme feedback to the Policing Powers Unit as the changes develop.

We understand that work is underway to resolve these issues and ask that detainee and staff welfare is central to this work. We would be grateful for an update on what considerations the Home Office and Ministry of Justice are making in this area.

I look forward to your reply.

Yours sincerely



Martyn Underhill
Chair of the Independent Custody Visiting Association
Police and Crime Commissioner for Dorset