

Complaints in Police Custody

An ICV Briefing

March 2023



Background

At the NEF meeting in April 23, members discussed what resources they felt might be of use and a request was made for a briefing on complaints and independent custody visiting. Specifically, schemes wanted a short overview of how ICVs should act when a complaint is made.

Concern or Complaint

Firstly, it is important to distinguish between:

A Concern

This is something that you would report back to the custody staff for them to rectify to your point of contact at the time of the visit.

A Complaint

This is something that you need to let the detainee know is a complaint, and that you as an ICV are unable to take any further, but you will let them know of the complaints process and raise with an officer in charge of the suite unconnected with the complaint to investigate further.

Some Examples

Here are some examples of issues that are likely to be considered as a concern (please note that this is not an exhaustive list and that a detainee is more than welcome to make a complaint on any of the issues below as well as having it raised at the visit):

- A detainee has not been offered food or drink or would like another one.
- A detainee has not been offered a shower.
- A detainee has not been offered something to read.
- A detainee would like an update on their case progression.

Here are some examples of issues that might be a complaint:

- A detainee alleges that an officer has punched them/used unreasonable force.
- A detainee makes an allegation that they have been treated in a discriminatory manner by custody staff.
- A detainee states that the custody staff have denied them access to a safeguard such as an appropriate adult or a solicitor.

As noted, these lists are not exhaustive, and some personal discretion will need to be used in order to ensure that the right course of action is followed.

What does PACE Code C say on complaints?

[PACE Code C](#) states:

9.2 If a complaint is made by, or on behalf of, a detainee about their treatment since their arrest, or it comes to notice that a detainee may have been treated improperly, a report must be made as soon as practicable to an officer of inspector rank or above not connected with the investigation. If the matter concerns a possible assault or the possibility of the unnecessary or unreasonable use of force, an appropriate healthcare professional must also be called as soon as practicable.

What does the Code of Practice say?

The [ICV Code of Practice](#), the Statutory Instrument governing independent custody visiting, states:

74. Where a detainee makes a complaint or raises an issue about their general treatment or conditions, ICVs must (subject to the detainee's consent) take this up as soon as possible with the custody officer in order to seek a resolution. The same applies to similar issues identified by visitors in the course of their attendance.

75. If a detainee makes a complaint of misconduct by a specific police officer, they must be advised to address it to the duty officer in charge of the police station.

ICVs need to ensure that the detainee, in the case of point 75, is advised that they need to raise this themselves. An ICV may ask that the duty officer in charge of the police station attend the detainee's cell to hear the complaint but no more than that.

The Independent Office of Police Conduct (IOPC)

Please find below some links to the IOPC website which contain information and guidance on the complaints system:

- [Make a complaint | Independent Office for Police Conduct](#)
- [IOPC A guide to complaint system 2020.pdf \(policeconduct.gov.uk\)](#)
- [Police complaints: A quick guide for young people | Independent Office for Police Conduct](#)

Overall – ICVs and Detainee Complaints

Each custody suite should have well displayed information about how detainees can make a complaint themselves if they would like to and ICVs may wish to point out where this is located to detainees.

ICVs can also let detainees know that they are able to complain via policing websites once they have left custody if they would prefer to do so.

Briefing Ends.