

The Role of an ICV

A briefing for Custody Staff and Schemes

October 2024



Introduction

This briefing is to introduce the role of the Independent Custody Visitor (ICV) to new custody staff and outline the remit of the ICV, what their role entails and how custody staff can assist ICVs when they are carrying out their role.

What is an ICV?

According to the Code of Practice of Independent Custody Visiting, the ICV scheme is a “*system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed. It offers protections and confidentiality to detainees and the police and reassurance to the community at large*”.¹ The role of an ICV has a statutory footing in the Police Reform Act 2002 para 51 and has a human rights underpinning in the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.² ICV Schemes are managed locally by the OPCC/OPFCC/Combined Authority or Mayoral Office.

What is the remit of an ICV?

The role of the ICV and OPCCs are outlined in the [Code of Practice on Independent Custody Visiting](#). ICV visits should be unannounced and random so they may attend custody at any time in order to speak to detainees. The main focus of the ICV role is the wellbeing and treatment of the detainees in custody but they may also look at some other areas of the custody suite for example ensuring there is enough stock of dietary requirement specialised foods or respectful storage of religious items. Below are a few examples of things (not exhaustive) ICVs may look at on their visit:

- Prioritising visits to children and vulnerable detainees and ensuring they have been assigned an Appropriate Adult.
- Ensuring female detainees have had the opportunity to speak to a female officer about menstrual care.
- Ensuring detainees have been offered appropriate meals and drinks, exercise/fresh air and any distraction items such as reading materials or fidget toys depending on what your suite has available.
- Check that they have been made aware of their rights and entitlements.
- Ensure detainees feel they have been treated with respect and dignity.

Some important things to note when an ICV is in custody

- ICVs must be admitted into the custody area immediately. The only instance when this is permitted to be delayed is if there is an immediate danger present

¹ Point 2: https://icva.org.uk/wp-content/uploads/2018/11/Independent_custody_visitors_code_of_practice-1.pdf

² PRA: <https://www.legislation.gov.uk/ukpga/2002/30/contents> & OPCAT: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

and the reason for the delay must be explained to the ICVs for them to record in their report. *This is outlined in the Code in paragraph 49.*

- When escorting ICVs it is vital that the escorting officer remains within sight but out of hearing reach of the discussions taking place to ensure detainees feel they are able to speak freely where practicable. *This is outlined in the Code in paragraph 58.*
- ICVs must be allowed access to anyone detained in the police station and only in the below two circumstances can this be limited: i) after a risk assessment has been carried out the officer reasonably believes that to be necessary for the visitors' safety, or ii) if the officer reasonably believes that such access could interfere with the process of justice. *This is outlined in the Code in paragraphs 53 and 55.*
- There may be some detainees that are advised not to be seen by ICVs, however, depending on circumstances, ICVs may be able to speak to them through the hatch instead if this makes the visit safer or seek consent to review their custody record instead. ICVA has a [briefing](#) on detainees who are advised not to be seen for schemes which may be helpful.
- Any issues raised by the detainees or spotted by the ICVs will be dealt with at the time of the visit by seeking a resolution with the custody officer. If the detainee makes a complaint of misconduct by a specific police officer then the ICVs will advise them to address it to the duty officer in charge of the police station. *This is outlined in the Code in paragraphs 74 and 75.*
- At the end of their visit ICVs will complete a report based on their findings from the visit. One copy will remain at the station for the attention of the officer in charge, and the other will go to the PCC or equivalent office. These report forms are a helpful record of visits but also instrumental in identifying trends or ongoing issues. *This is outlined in the Code in paragraphs 77 and 78.*

Briefing ends.