

---

# **STATES OF JERSEY**



## **INDEPENDENT CUSTODY VISITOR REPORT JERSEY 2014**

---

**Presented to the States on 19th May 2015  
by the Minister for Home Affairs**

---

**STATES GREFFE**

## REPORT

### **Independent Custody Visits in Jersey**

This is the third report on the Independent Custody Visitor (ICV) scheme. The scheme was established in Jersey as the result of Proposition 122/2009, brought by the then Deputy of St. Martin, Mr. F.J. (Bob) Hill, based on a similar system which by then was well-established in the UK.

Annual Reports were presented by the Minister for Home Affairs for the complete years 2012 and 2013 as [R.80/2013](#) and [R.27/2014](#) respectively. The background to the ICV Scheme and the principles upon which it functions, for reference is set out in those reports, and no significant changes have taken place in 2014.

### **Independent Custody Visitors during 2014**

At the beginning of 2014 there were 12 visitors on the Panel. However, in January the person who had been the Chairman during 2013 resigned due to other commitments. During 2014 the role of Chairman was shared between 2 visitors.

Two more volunteers left for personal reasons and another died, so that by September, the number of visitors was down to 8. Home Affairs had advertised for volunteers in June, and 5 new visitors were trained in October, bringing the number up to 13. Training is conducted in a one-day session by a facilitator from the ICV Association in the UK, of which the Jersey Scheme is a subscribing member. No refresher training was conducted in 2014.

It should be noted that having enough visitors is important, not only so that the personal commitment is kept at reasonable levels, but also because if any given person goes too frequently to the Police Headquarters there is a tendency towards familiarity, which could compromise the Scheme's independence. It is also desirable that the group of visitors should represent as wide a range of age, gender and life experience as possible. Further, as all visits are made in pairs, the Chairman compiling the rota needs a reasonable-sized pool to ensure different pairings. Visits are at random times, with the police having no advance notice whatsoever.

### **Visiting statistics**

During 2014 the aim was to conduct a visit once a week; if the rota were only once a fortnight, the inevitable missed visits would result in gaps of a month.

In 2014 a total of 44 visits were made, an increase on the 37 of 2013, to the custody suite at Police Headquarters. A breakdown of the visits during 2014 is set out in the attached **Appendix**; one graph shows the days of the week on which visits took place, and another shows times. Wednesdays and early evenings were again the most frequently selected days and times. The way the rota works is that each week, Monday to Sunday, is allocated to 2 visitors who then decide between themselves when to visit. While people are encouraged to avoid the 'popular' times, volunteers will naturally opt for something convenient to both.

During 2014 the joint Chairman introduced an “emergency reserve” system, with a third person being allocated for each week in case one of the paired visitors has some crisis. This has resulted in fewer missed visits and less need for the Chairman to urgently fill the breach.

### **Issues that have arisen during ICV visits**

When the pair of visitors arrive at Police HQ, they present themselves at the reception desk. Their ICV identity cards are checked and this aspect, which was patchy in 2013, has much improved. Once admitted to the custody suite they find out from the custody officer how many detainees are held, and whether they are male or female, juvenile or otherwise vulnerable, such as being mentally challenged. The custody officer will advise which detainees can be offered a visit: some are too drunk, or too violent; others are being interviewed; some may be asleep, in which case the visitor may look through the hatch to see if he/she looks reasonably alright. A judgment is made in all such cases on what to do and whether to insist on the detainee being asked whether they would like to see the visitor. In one 2014 case, the custody officer refused access on the grounds that the detainee was categorised as “Annex B” (enquiries being made and no visitors, including legal, being allowed); the visitors in question did not feel sure enough to press the point, but it was later confirmed by the police that an Annex B order does not preclude an ICV visit. The Chairman meets with the Police Inspector in charge of custody a few times a year so that such matters can be raised.

The custody officer reads, in the hearing of the visitors, a pre-determined statement to the detainee, explaining why the visitors are there and asking if he/she agrees to see them; the detainee can refuse without giving any reason. It is important that the statement read to the detainee is the correct one, and that it is read in the hearing of the visitors; there have been problems with this, and although it has improved over time, new or inexperienced custody officers sometimes make mistakes. Once the detainee has agreed to the visit, the custody officer remains within eyesight but out of hearing, for the security of the ICV visitors and because the cell door will be open.

When a visit takes place, a variety of situations may arise. The identity of the detainee and the reason for his or her detention should not be known to the ICV visitor, but occasionally the visitor recognises the detainee, in which case the visit should be stopped. Sometimes the reason for detention is not difficult to deduce, or may even be announced by the detainee. While confidentiality always must be maintained, it is easier with hindsight to see how the visit could have been better handled. A few times in 2014 the visitor felt embarrassed or vulnerable due to the behaviour of the detainee; once this was because he insisted on standing up and shaking hands; for security and health reasons physical contact must be absolutely avoided.

In 2014 complaints about not having a cigarette decreased, compared to 2013, as the prohibition against smoking became known and accepted. The limited food available (muffins in the morning and ‘Pot Noodle’ at other times) also caused less complaint than in previous years.

Generally detainees were happy, if that word can be used in their circumstances, with their treatment by the Police, and it should be noted that some were full of praise for them. Sometimes comments were made about the temperature in the cells, the need to see a doctor, the need to get medication, and other matters. All such requests or complaints are included in the report prepared at the time by the visitor, which is

signed off, with comments if appropriate, by the custody officer. The original report is kept in the ICV file at Police HQ for the whole calendar year, with copies being immediately sent to Home Affairs and to the Inspector in charge of the custody process.

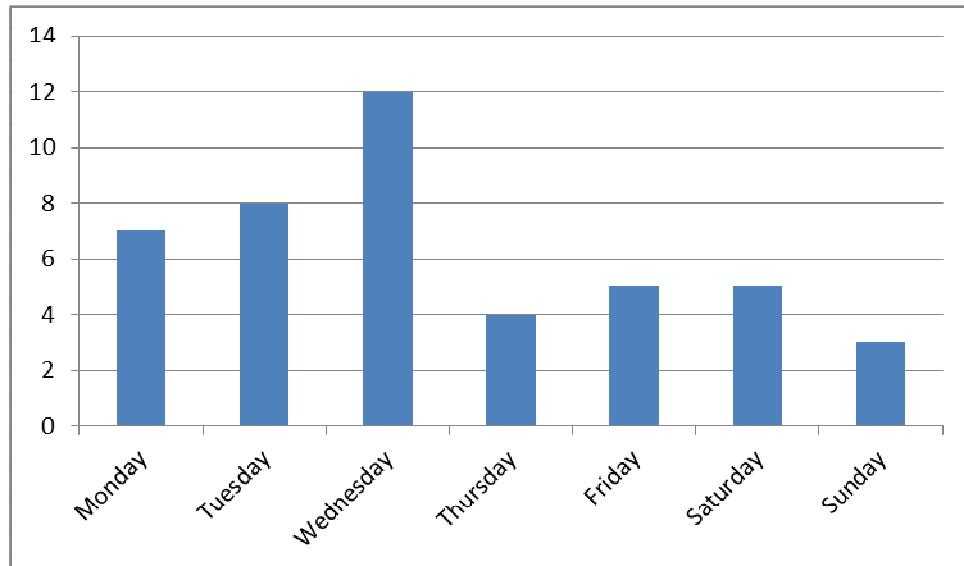
### **General matters of management**

The current joint Chairmen are of the view that the Scheme itself needs greater independence and self-control than it has enjoyed hitherto, as the rôle of Chairman is ambiguous and can be seen as reduced to an administrative function of compiling rotas and calling meetings. The Chairman has no powers normally attributed to the chairman of any association or body, being entirely excluded from the functions of recruitment, training, budget, discipline or requesting a resignation. Thus the Scheme as a whole is deprived of the direct experience of both the Chairman and the rest of the volunteers.

The Independent Custody Visitor Schemes in the UK fall under the umbrella of the relevant Police Authority. The States of Jersey set up the Scheme in the knowledge that a Police Authority was not in place but that when it was, it should probably take over from Home Affairs. During 2014 this was discussed in outline by the joint Chairmen with Home Affairs, bearing in mind that the Police Authority, though established, was still in its infancy. It may be that 2015 should be the year in which this transfer takes place, with greater independence being gained for the Scheme as a result.

**APPENDIX**

Days on which visits took place:



Times at which visits took place:

