

UNITED KINGDOM

Civil society oversight of places of detention

In the United Kingdom civil society exercises oversight of the security sector by visiting and monitoring places of detention at both prisons and police custody units. Detention visits are conducted in different ways and by different actors. For example, expert teams may be appointed by the government, or ‘individual custody visits’ and ‘independent monitoring boards’ may be used. As part of these oversight activities, visiting teams and individuals also attempt to identify and address gender issues at places of detention.

Independent Custody Visits

The *Police Reform Act 2002* led to the establishment of an independent monitoring system which allows volunteers to visit police stations unannounced and inquire into the treatment of detainees, their living conditions and whether their rights are being respected. These volunteers - members of the local community - are called independent custody visitors.

Police authorities control the overall system and are in charge of recruiting, selecting and appointing independent custody visitors. Although no formal qualifications are required to become an independent custody visitor, candidates must be at least 18 years old and have no other direct involvement in the criminal justice system. For example, actively employed police officers are excluded.¹ The *Code of Practice on Independent Custody Visiting*, adopted in 2003, sets further criteria for the recruitment, selection and appointment of independent custody visitors.² For example:

- Recruitment must be based on clear job descriptions and specific qualities that are determined necessary for carrying out the role effectively.
- Recruitment must be open and non-discriminatory and well publicised.
- Selection must be made on the basis of a standard application form.
- Police authorities must take measures to ensure that the overall selection of independent custody visitors reflects a representative mix of the local community and provides a balance in terms of age, gender and ethnicity.
- Appointment of an independent custody visitor must be made after an interview and be based solely on merit.
- Appointed visitors must be independent persons who are able to make informed judgments that can be trusted by the community and accepted as “fair criticism” by the police when justified.
- The selection panel must record its reasons for decisions to appoint or not to appoint eligible candidates.

During a custody visit, the independent custody visitor asks detainees about their well-being and may also ask specific or personal questions related to what detainees have told them. The visitor checks information given by detainees against what is written in their custody records. He or she also examines the area where detainees are being held to determine whether conditions meet international standards. Detainees are entitled to make complaints to the visitor about how they have been treated or their living conditions. If the visitor identifies a problem or receives a complaint, he or she addresses the matter with the duty officer in charge of the police station.

After a custody visit, the visitor prepares a report about the detainees’ living conditions and the overall standards and procedures related to detainees in the police station. One copy of the visitor’s report is given to the officer in charge of the police station, and additional copies are sent to the police authority and the coordinator of the local independent custody visiting group. Local independent custody visiting groups collect issues and identify trends that emerge from visits to places of detention in their area and address problems with relevant police supervisors.

In addition, a nominated police authority staff member is responsible for the centralised administration of the independent custody visiting system and must produce regular reports

¹ See ICVA website: <http://www.icva.org.uk/about/becomeavisitor/> (accessed February 9, 2010).

² Code of Practice on Independent Custody Visiting, http://police.homeoffice.gov.uk/publications/operational_policing/independentcustodyvisit2835.pdf?view=Binary (accessed February 9, 2010).

UNITED KINGDOM

Civil society oversight of places of detention

for the police authority that summarise the conclusions of independent custody visiting and how concerns have or have not been addressed. These reports are discussed at police authority meetings and must be included as an entry into the police authority's annual report. Furthermore, the central administrator must have regular opportunities to raise concerns and issues with a designated senior officer who has force-wide responsibilities.

Local police authorities, often in partnership with the Independent Custody Voluntary Association (ICVA), organise training that is important to the custody visiting system. Formed in March 1999, ICVA promotes and supports independent custody visiting in police stations through monitoring, raising awareness, advocacy and training. ICVA delivers training on behalf of police authorities for volunteers who have applied to become independent custody visitors, and provides training materials to police authorities for their training activities. ICVA organises three types of training:

- *Initial* training covers basic knowledge and skills required to effectively carry out independent custody visits.
- *Continuous* training builds on previously acquired knowledge to address practical issues that emerge during and after the visiting process.
- *Evaluation* training involves a self-assessment conducted by police authorities on the effectiveness of the previous training.

Training for visitors normally takes place in the evenings or on weekends and police authorities reimburse travel and other out of pocket expenses, which may include childcare costs. ICVA has trained thousands of volunteers in the United Kingdom, the European Union and other places. It estimates that at least 50% of its trainees are women.³

ICVA attempts to ensure that gender issues are addressed in independent custody visiting. Examples of this include:

- In the initial and continuous training programmes ICVA explores the needs of female juvenile detainees held in custody. One training scenario portrays a visitor who receives a complaint from a female detainee claiming to have been assaulted by a male officer whilst in custody. ICVA shows volunteers how to respond to such scenarios as well as the response that should be expected from police working in the custody area.
- Through training, volunteers learn how to assess whether custody areas are providing appropriate items for women in detention, such as appropriate supplies of replacement clothing and sanitary-ware.⁴
- Independent custody visiting is always conducted in the presence of one female and one male visitor so that detainees may discuss matters with a visitor of their same sex.

ICVA covers human rights issues, cultural awareness and diversity in all its training. However, because of time constraints, it has acknowledged it is not in a position to provide in-depth coverage of these subjects.⁵ To remedy this gap, ICVA has produced a separate half day training course dealing with cultural awareness and diversity, and is also developing a module on human rights.

Independent Monitoring Boards

By law every prison and immigration removal centre (IRC) in England and Wales must have an Independent Monitoring Board (IMB). IMB members, currently totalling over 1,850, are volunteers who act in a personal capacity. The Home Secretary appoints volunteers to their local prison or IRC, following an interview by two members of the local board and an independent panel member from another IMB. IMB members have the right of access to every prisoner, their prison records and every part of the prison or IRC.⁶

Each IMB reports annually to the Home Secretary on how well the prison or IRC they monitor is meeting standards and requirements and what impact these standards and requirements are having on the detainees in custody. The Prisons Minister (who is responsible to the

3 Correspondence with Ian Smith O.B.E, Chief Executive ICVA, March 3, 2010.

4 ICVA, Annual Report 2007-2008, available at http://www.icva.org.uk/_source/downloads/annualreports/AR-0809.pdf (accessed January 27, 2010).

5 Correspondence with Ian Smith, March 3, 2010.

6 See IMB website: <http://www.imb.gov.uk/faqs/index.html> (accessed February 10, 2010).

UNITED
KINGDOM

Civil society oversight of places of detention

Home Secretary) responds to these IMB annual reports with feedback as to the measures taken to respond to any identified irregularities contained in the reports.

In order to reinforce the independent nature of IMBs, an Association of Members of Independent Monitoring Boards (AMIMB) was formed in 1980. The aim of the AMIMB is to maximise the effectiveness of its members by providing training in prisons for IMB members; best practice advice on the treatment of people in custody and on the administration of prisons; and relevant information on developments in penal affairs. A prominent instrument of the AMIMB's work is their *Practical Guide to Monitoring Prisons*.⁷ This Guide contains 900 questions that help IMB members in assessing whether detainees are being treated humanely and are living under appropriate conditions; it also serves as a reference for preparing IMBs' annual reports.⁸

The *Practical Guide to Monitoring Prisons* contains 28 questions concerning women prisoners and eight questions concerning mothers and babies. For example, IMB members are asked to monitor whether two female officers are always present during a strip-searching of a female prisoner; whether there are appropriate ratios of female to male staff; and whether there is evidence of sexual abuse or harassment of women by prisoners or officers and, if so, how the prison is dealing with such problems. If a female prisoner has a baby with her in prison, IMB members are asked to observe who cares for the child during the mother's absence from the unit and what practical support and guidance mothers receive to help them care for their babies.

In March 2009, ICVA, the IMBs for England and Wales and the IMB for Northern Ireland were (with others) designated members of the United Kingdom's National Preventative Mechanism to support the implementation of the United Nations *Optional Protocol to the Convention Against Torture*. The National Preventative Mechanism is mandated to carry out a system of regular visits to places of detention in order to prevent torture and other cruel, inhumane or degrading treatment or punishment. Members of the National Preventative Mechanism make recommendations to the government and relevant authorities for improving the situation of persons deprived of their liberty, taking into consideration relevant international norms. This mandate thus reinforces the obligation of members of the National Preventative Mechanism to address gender issues in their detention visiting activities.

- ▶ The importance of integrating gender into civil society oversight of the security sector is discussed in section 3 of the *Civil Society Oversight in the Security Sector and Gender Tool*.
- ▶ Ways of integrating gender into civil society oversight of the security sector are discussed in section 4 of the *Civil Society Oversight in the Security Sector and Gender Tool*.
- ▶ Ways of ensuring that oversight and complaints mechanisms address gender in prisons are discussed in section 4.2 of the *Civil Society Oversight in the Security Sector and Gender Tool*.

7 AMIMB, *Practical Guide to Monitoring Prisons*, February 2005, <http://www.amimb.org.uk/docs/Amimb%20practical%20guide%20final1.pdf> (accessed January 27, 2010).

8 IMB, *Annual Report Template & Guidance*, January 2007, http://www.imb.gov.uk/docs/IMB_Annual_Reports_Template1.pdf (accessed January 28, 2010).