MPA
Metropolitan Police Authority

London ICV Newsletter

December 2009

ICVA National Conference 2009

On a very wet and windy Friday 13th a group of hardy volunteers ventured north out of London to the East Midlands for the Independent Custody Visiting Association (ICVA) 2009 National Conference.

Undeterred by the weather the group met in Leicester for the conference which took place on the Saturday at the Ramada Jarvis Hotel, hosted by the East Midlands Area Police Authorities (Leicestershire, Derbyshire, Nottinghamshire, Lincolnshire and Northamptonshire).

A total of 42 Police Authorities from all over the UK were represented by some 300 delegates including the London ICVs.

The theme of the conference was 'safety and dignity in police detention' and provided an opportunity for delegates to listen to speakers on current issues and also network with other custody visitors from across the country.

Opening speaker ACC Gordon Scobbie from West Midland Police, in his role as Pre-Trial and Custody Manager for ACPO (Association of Chief Police Officers), explained the key features in the Safer Detention & Handling of Persons in Police Custody guidelines. He also spoke about the Corporate Manslaughter Act; the implications of this for the police and their authorities will start in April 2011.

Mark Hill from the Home Office discussed cell design and referred to the guidance on safer detention, citing examples of how risks can be reduced, removed or managed within custody.

Jim Symington from the National Mental Health Development Unit talked about the care of those held under Section 136 (of the Mental Health Act) and recommendations from the recent Bradley report.

Chief Executive of ICVA, Ian Smith OBE, highlighted the possible extension of the ICV role due to the current review of the Home Office Codes of Practice for custody visiting, the introduction of safer detention guidelines, human rights legislation and the Optional Protocol to the Convention Against Torture (OPCAT).

Finally Jim Donaghy, a senior investigator from the Independent Police Complaints Commission (IPCC), talked about measures to reduce the risk of deaths in custody with an interesting case study.

ICVA will be publishing a further conference report on its website soon at www.icva.org.uk

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Changes to ICV scheme arrangements - what does it really mean?

As outlined in the October newsletter, the MPA is undergoing a restructure.

As part of this process the resources allocated to the ICV Team will be reduced. The team will consist of five Coordinators rather than eight, and the post of ICV Scheme Manager will be replaced with the post of Criminal Justice and Custody Oversight team leader. The ICV Team will be located within the Policing Policy, Scrutiny and Oversight Unit, rather than the Engagement and Partnerships Unit.

The new arrangements are designed to ensure the MPA continues to run an effective and efficient custody visiting scheme.

With fewer Coordinators, the MPA will no longer be able to support the frequency of meetings which some panels currently have. From 1 January 2010 all panel meetings will be held quarterly with meeting dates set a year in advance by Coordinators where possible.

In order to maintain communication, Coordinators will liaise with the panel and police officers between meetings to ensure feedback is received from queries submitted in reports. Visitors will receive a report of all concerns raised, and police responses, at least every six weeks. They can then question and follow up these responses when necessary. Important and ongoing issues will continue to be brought to the quarterly meetings.

There will also be a standardisation of documents – agendas, minutes and rotas – to help the team provide cover in the event of staff shortages.

The changes will have a minimal impact on your work as ICVs, and with your cooperation we

can maintain an effective and robust independent custody visiting scheme that reassures Londoners about the work carried out in custody facilities.

A letter has been sent to all ICVs restating what will and will not change.

If you have any further questions about how these changes may affect you please contact your Coordinator.

New British Transport Police station visits

Two new British Transport Police (BTP) custody suites are to be visited by ICVs in London from 2010. Wembley Park custody suite is due to open in time for New Year's Eve and the Brent panel will initially be making monthly visits to this site.

The BTP Authority have also informed the MPA of their plans to open another custody suite on Caledonian Road in June 2010, and this will be covered by the Islington panel. This site is expected to be particularly large with a proposed 20 cells.

With these two new suites it will bring the number of BTP sites covered by the MPA scheme to six.

Corporate Manslaughter Act 2007: what does it mean for the police?

A new Act, which puts the law of corporate manslaughter on a new footing, came into force in April 2008.

The Corporate Manslaughter and Corporate Homicide Act 2007 means that an organisation can now be found guilty of an offence 'if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a relevant duty of care to the deceased. A substantial part of the breach must have been in the way activities were managed by senior management' (Ministry of Justice - A guide to the Corporate Manslaughter and Corporate Homicide Act 2007).

The majority of the Act was implemented in April 2008, with an exception at the time for custody providers (including the police, prisons, and young offenders institutions). The government confirmed in 2007 that it would work to implement the act for custody providers within three to five years of the original implementation date in 2008.

The Act will affect custody providers by applying a law which means they can be prosecuted 'if the way in which its (the police) activities are managed or organised:

(a) causes a person's death; and

(b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.'*

'An organisation is guilty of an offence under this section only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in subsection.'*

The offence is indictable only and a judge may only impose a (unlimited) fine if convicted.

In order to prosecute the following needs to be proved:

the defendant is a qualifying organisation;

the organisation causes a person's death;

there was a relevant duty of care owed by the organisation to the deceased;

there was a gross breach of that duty;

and a substantial element of that breach was in the way those activities were managed or organised by senior management;

and finally the defendant must not fall within one of the exemptions for prosecution under the Act.

A court will have to consider how the fatal activity was managed, or organised, throughout the organisation, including any systems and processes for managing safety and how these were operated in practice. A substantial part of the failure within the organisation must have been at a senior level.

Subject to certain exemptions, the police can be prosecuted for this new offence.

It is important to note that if a police force is prosecuted for corporate manslaughter it is the force itself that is indicted. However, if there is a prosecution under the Health and Safety at Work Act, it is the Chief Constable/Commissioner as a corporation sole (section 51A HSWA 1974 as amended by section 158 Serious Organised Crime and Police Act 2005).

Further information can be found at:

www.justice.gov.uk/guidance/manslaughteractguidance

*Information, references and quotes are all taken from The Corporate Manslaughter and Corporate Homicide Act 2007.

ICVA DIARIES

The ICVA diaries for 2010 have now arrived at the MPA and will be distributed by Coordinators throughout December.

If you have not received yours by the end of the first week of January 2010 please contact your Coordinator.

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Mount Kilimanjaro

Enfield ICV and Vice Chair Peter Waterhouse has set himself a big New Year challenge, to climb the highest freestanding mountain in the world, Mount Kilimanjaro.

As the highest mountain on the African continent at 5,896m, this climb will not be quick or easy, but Peter has been preparing for some time with training across the UK's highest peaks and roughest terrain.

During the 77km trek in Tanzania Peter will initially experience weather that is equatorial and pleasant, with cool breezes on the mountains. But although warm by day, the altitude will have a great effect on temperatures with it getting much cooler the higher he climbs. At night it will sometimes drop below freezing, and it will be even colder at the summit.

Peter's trip will take place from the 5-14 February 2010, with the actual climb (and descent) taking about 6-7 days.

The climb, apart from being a personal challenge for Peter, is also in aid of the Great Ormond Street Hospital Charity.

If you would like to sponsor Peter you can donate at www.justgiving.com/peter-waterhouse

The Spring edition of this newsletter will hopefully have details and pictures of how Peter got on.

Good Luck!

Smart water in Bexley

Special ultra-violet lights have been installed in Bexleyheath custody suite to routinely screen all detainees for anti-theft marking systems and help deter burglary and other crimes.

Property marking liquid can be used to mark property or as a spray to shower intruders when they enter protected premises.

Linked up to an alarm system, the spray can cover offenders with a harmless solution, which is invisible to the naked eye but is detectable on the skin, hair, footwear and clothing under special lights.

As part of the borough's ongoing priority to tackle burglary, officers have already visited 500 homes in Belvedere and Erith and marked property such as jewellery, ornaments and electrical equipment.

Officers at Bexleyheath will screen all detainees as they come into custody to check whether they have come into contact with marked property. Any property coming into police possession will also be scanned.