British Transport Police Authority

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Report to: Professional Standards Committee

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Agenda Item: 9b

Subject: BTPA Legislative Compliance - Custody

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For: Information

1. Purpose of paper

1.1 Following the enactment of s.2(1)(d) of the Corporate Manslaughter and Corporate Homicide Act 2007 (the 2007 Act) this paper provides the Committee with reassurance that the BTPA is compliant with its duties and responsibilities in respect of BTP custody facilities.

2. Background

2.1 This paper, in partnership with agenda item 9a, seeks to reassure the Authority that both the BTP and BTPA are fulfilling their relevant duties and responsibilities with respect to custody.

3. BTPA Duties and Responsibilities

3.1 BTPA has a general duty to provide an efficient and effective BTP, as part of which the Authority must be satisfied that BTP has appropriate policies and procedures in place (in the case of custody this reassurance is provided by paper 9b). In addition to this general duty there is a statutory duty under the Police Reform Act 2002 (the 2002 Act) for Home Office police authorities to make arrangements for and maintain panels of Independent Custody Visitors (ICVs). Specifically, these duties are to:

- Make arrangements for detainees to be visited by persons appointed under the ICV arrangements.
- Keep their ICV arrangements under review from time to time and revise as appropriate
- Appoint ICVs independent of the authority and force.
- Confer the powers they consider necessary on ICVs.
- Abide by the code of practice as issued by the Secretary of State with regard to the carrying out of their functions

3.2 Whilst this is not a statutory duty for the BTPA it was agreed at its Stakeholder Relations and Communications Strategy Committee on 1 July 2008 that BTPA should make ICV arrangements for the BTP custody facilities. Taking account of the national structure of BTP it was agreed that rather than

establishing its own panels BTPA would work in partnership with local police authorities using the panels they had already established.

3.3 At the present time BTPA has partnership agreements with the local police authorities in each location that there is a BTP custody facility. These include:

- London (Islington, CLPS, Ebury Bridge, Wembley, Hammersmith & West Ham)
- Manchester
- Liverpool
- Glasgow
- Edinburgh

3.4 The frequency of visits has been agreed with the relevant ICV panel in each location. Issues identified by ICVs tend to be minor environmental matters with very few serious issues being raised since the scheme was established in 2008 and none of these relating to individual welfare. There have been some performance issues but there has been significant improvement by the Metropolitan Police Authority in their completed visit quota. Merseyside have also assured the Authority that their visits will be starting shortly and should then continue on a monthly basis without interruption.

3.5 The Committee receives quarterly reports form all the partner providers giving details of their visits and any issues.

4. Conclusions

4.1 BTPA is fulfilling its statutory obligations with respect to custody.

5. Recommendations

5.1 The Committee note the contents of the report

5.2 Any further reassurance requested to be provided as soon as possible.