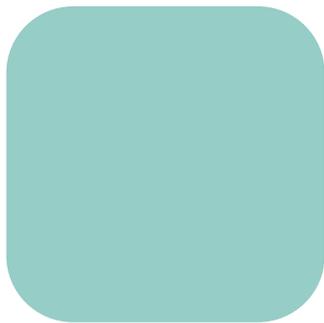
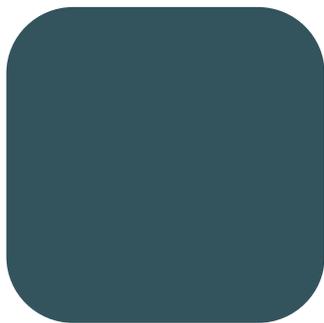




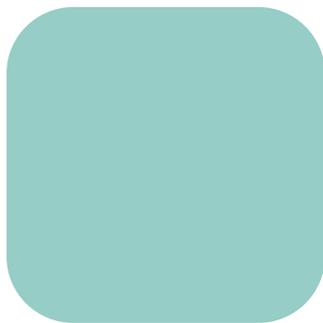
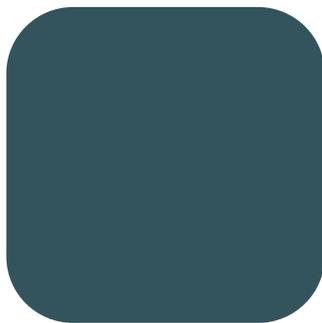
TACT  
FOR STUDENTS



ICVA  
The Independent Custody  
Visiting Association



1. TRAINING OVERVIEW
2. WELCOME / HELPFUL TIPS
3. PRESENT KNOWLEDGE QUESTIONNAIRE
4. LEGISLATION
5. VISITING TACT DETAINEES
6. APPENDICES



## **TRAINING** OVERVIEW

1. INTRODUCTION
2. LEARNING OBJECTIVES
3. TIPS FOR EFFECTIVE LEARNING

# TRAINING OVERVIEW

## INTRODUCTION

This training manual has been produced to accompany the independent custody visiting TACT detainees information and training session.

It contains relevant information, exercises and models to help you understand the role of visitors and the visiting processes for TACT detainees. It has been designed to allow you to make your own notes throughout your training and to remove the need for lots of handouts.

## LEARNING OBJECTIVES

### BY THE END OF THIS TRAINING COURSE WE BELIEVE THAT YOU WILL:

- Understand the procedures involved in visits to TACT detainees.
- Have increased knowledge of Code H / Lord Advocates Guidelines and the Independent Reviewer of Terrorism Legislation (IRTL).
- Be aware of the differences between PACE / Criminal Procedure Scotland Act and TACT visits.
- Have the knowledge required to carry out TACT visits.
- Explain the role of the Independent Reviewer of Terrorism Legislation (IRTL).
- Identify further sources of help and information to help you carry out visits effectively.

## TIPS FOR EFFECTIVE LEARNING

In order to help you learn and understand the contents of the course, you are encouraged to be:

### ORGANISED

Remember to bring with you accompanying information you will have been sent.

### PUNCTUAL

It's a busy session and your trainer is obliged to keep to their timetable. Try to make sure you are clear of other personal obligations – give yourself the space to learn away from distracting thoughts. At the same time, turn any mobile phones off – they can interrupt the session.

### POSITIVE

The aim of this course is to increase your awareness about issues related to independent custody visiting to TACT detainees – it is not expected that you will have a degree in the visiting process after the course.

### OPEN

Independent custody visiting is full of quirks and paradoxes and 'boxing' situations as Either / Or is restrictive. Things can, and often are, Both / And (e.g. a custody suite can be both well managed and lacking in facilities).

### ENTHUSIASTIC

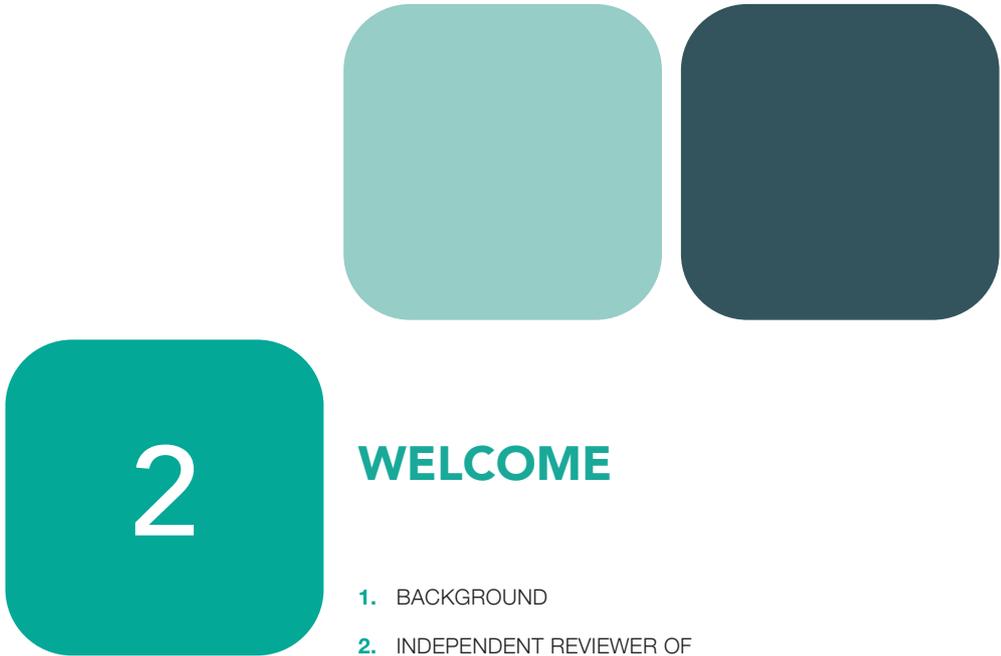
Trainers universally agree that they train better when learners are enthusiastic.

### OBJECTIVE

Focus on technical information and not individual personalities. Visitors must behave in a non-judgmental manner throughout their work – 'stick to the facts, not the faces'.

### THOROUGH

The session has been designed to encourage you to share the responsibility for your learning – make notes in the sections provided throughout the session, ask questions and concentrate. Your trainer cannot do the learning for you – they are there to facilitate and support your learning.



# 2

## WELCOME

1. BACKGROUND
2. INDEPENDENT REVIEWER OF TERRORISM LEGISLATION
3. TERRORISM ARRESTS
4. YOUR EXPECTATIONS



## WELCOME

Firstly, and most importantly, thank you so much for giving your time as a custody visitor, and wishing to go that extra step and become a TACT visitor. We acknowledge and appreciate that this particular role comes not only with additional time commitment, but also with an intensive security check and the emotional demands of visiting this group of detainees. We hope this session gives you a good knowledge and confidence to carry out this specific area of custody visiting.

## BACKGROUND

Terrorism detainees are those who have been arrested on suspicion of being persons who are or have been concerned in the commission, preparation or instigation of acts of terrorism or have been arrested for statutory offences as detailed in the Terrorism Act (for example fundraising or directing terrorism).

Throughout the United Kingdom, ICVs have visited suspected terrorist detainees for several years with Northern Ireland and London having the most detainees. These locations have also been supplemented with the establishment of regional detention facilities in Greater Manchester, West Midlands and West Yorkshire, and a facility for Scotland. These facilities have now been in place for some time and a uniform process is in place that enables visits to all of those held in police detention.

ICV visits to TACT detainees, under the revised Code of Practice with a separate code for Scotland, began in April 2013, mainly in the specialist regional TACT centres. The establishment of these regional detention facilities means that a uniform process for custody visits to suspected terrorist detainees was rolled out at this time.

The revised Codes of Practice for custody visiting, now includes guidance for Police and Crime Commissioners, The Scottish Police Authority and The Northern Ireland Policing Board to recruit a diverse, experienced and reliable pool of ICVs across the UK to carry out visits to suspected terrorist detainees. The revised Code of Practice also requires that all such selected ICVs undertake this training module developed by ICVA.

## THE INDEPENDENT REVIEWER OF TERRORISM LEGISLATION

Jonathan Hall QC is a barrister in independent practice who was appointed as Independent Reviewer of Terrorism Legislation (IRTL) in May 2019, succeeding Max Hill QC. His principal role is to report to Parliament on the operation of United Kingdom terrorism legislation.

Before taking up his role, Jonathan worked as a barrister on high profile national security and policing cases, such as the 7/7 Inquests and the Undercover Policing Inquiry.

He writes:

*“When a person is arrested for terrorism, the stakes are high for everyone. Because of this, and because our laws allow lengthy pre-trial detention, sometimes in conditions of near isolation, the importance of your role cannot be overemphasized.*

*You have volunteered for a difficult, sometimes thankless role but one which helps ensure that people in terrorist detention are treated with respect and decency at all times. You do this by bringing independence and experience to your task.*

*Consistency across every part of the United Kingdom is important, and so I am delighted that the ICV Report Form at Appendix 2 is to be used by all visitors. This will make my task of understanding the conditions of detention easier and will enable me, if appropriate, to recommend changes to the law and to practice.*

*But the key role belongs to you. The pillars on which the independent monitoring of conditions of terrorism detention are built, are the visits of the independent custody visitors.”*

Jonathan Hall QC

UK Independent Reviewer of Terrorism Legislation November 2019



## TERRORISM

The terrorism picture in the UK is an ever-changing landscape and includes both domestic terrorism and international terrorism. Your scheme manager will be able to update you on statistics regarding recent terrorism arrests. You can also find the most up to date statistics on the Home Office website. There have been some large-scale terrorist attacks in the UK in recent history and, as part of the investigations, large-scale TACT arrests and detentions. TACT arrests are often part of planned operations in order to disrupt and prosecute planned terrorist activity for both domestic and international terrorist activity.

## YOUR EXPECTATIONS

Set out below are two questions for you to complete with your thoughts or views on making visits to TACT detainees. You will be given an opportunity to discuss this with your trainer or colleagues before moving on to the next section.

- What are your expectations of visiting TACT detainees?

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- What are your concerns or reservations about TACT visits?

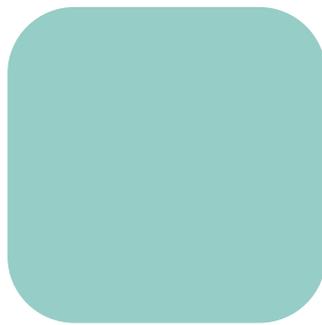
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**PRESENT KNOWLEDGE**  
QUESTIONNAIRE

# PRESENT KNOWLEDGE QUESTIONNAIRE

Please complete the following questionnaire. A discussion will then be held to confirm the correct answers.

1. Who does Code H of PACE / Lord Advocate Guidelines apply to?

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2. Who is the Independent Reviewer of Terrorism Legislation and what is his role?

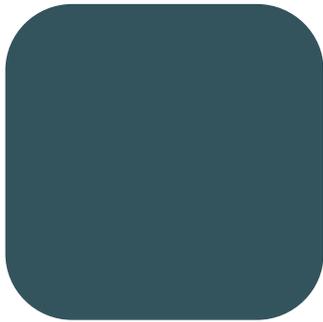
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3. Where are TACT detainees held in your area?

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4. Are TACT visits unannounced?

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## LEGISLATION

1. TERRORISM ACT 2000
2. PACE CODE H / LORD ADVOCATES GUIDELINES
3. CORONERS AND JUSTICE ACT 2009  
SECTION 117(6)
4. ICVA CUSTODY VISITING CODE OF PRACTICE  
(REVISED 2013)
5. COUNTER TERRORISM COMMAND AREAS



# LEGISLATION

## TERRORISM ACT 2000

Counter Terrorism Act 2000 (amended in the Counter Terrorism Act 2008) This act was again amended to the Counter Terrorism and Security Act 2015 to include legislation regarding seizure of passports, temporary exclusion orders and permits to return.

### TERRORISM IS DEFINED, IN THE FIRST SECTION OF THE ACT, AS FOLLOWS:

#### SECTION 1

1. In this act “terrorism” means the use or threat of action where:
  - the action falls within subsection (2),
  - the use or threat is designed to influence the government [or an international governmental organisation] or to intimidate the public or a section of the public, and
  - the use or threat is made for the purpose of advancing a political, religious [racial] or ideological cause.
  
2. Action falls within this subsection if it:
  - involves serious violence against a person,
  - involves serious damage to property,
  - endangers a person’s life, other than that of the person committing the action,
  - creates a serious risk to the health or safety of the public or a section of the public, or
  - is designed seriously to interfere with or seriously to disrupt an electronic system.

3. The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

Section 41 of the Act also provided the police with the power to arrest and detain a person without charge for up to 48 hours if they were suspected of being a terrorist.

This period of detention could be extended to up to seven days (up to a maximum of 14 days) if the police can persuade a judge that it is necessary for further questioning.

Section 41: power to arrest on reasonable suspicion of being a terrorist

Schedule 8:

- Detain for up to 48 hours
- Inspector / Superintendent reviews every 12 hours
- Court may issue warrant for further detention
- Maximum 14 days
- No power to release on police bail



## PACE CODE H / LORD ADVOCATES GUIDELINES

PACE Code H / Lord Advocate Guidelines refers to people in police detention following their arrest under section 41 of the Terrorism Act 2000 - and persons in respect of whom an authorisation under section 22/23 of the Counter-Terrorism Act 2008. It was updated in 2012 and provides guidance on:

- Custody records
- Initial action
- Property
- Incommunicado
- Right to legal advice
- Care and treatment
- Cautions
- Interviews
- Interpreters
- Reviews and Extensions of Detention

PACE Code H was again updated in 2017. These revisions primarily addressed the ability for interpretation services to be provided to detainees by live link, and re-defines the age for a juvenile or child in custody as under 18, replacing the previous age of 17.

## CORONERS AND JUSTICE ACT 2009

### **(NOT APPLICABLE IN SCOTLAND) SECTION 117(6) POLICE AND FIRE REFORM (SCOTLAND) ACT 2012 (CONSEQUENTIAL PROVISIONS AND MODIFICATIONS) ORDER 2013**

The Act created a new power to listen to audio / view video recordings of interviews with suspected terrorist detainees. It also created a new duty to submit report of any visit to a suspected terrorist detainee to a Police and Crime Commissioner and Independent Reviewer.

PACE Code H was further amended in 2018. These revisions primarily give all women in custody the right to speak to a female officer, enhance arrangements for menstrual care for female detainees and ensure that dignity is maintained for menstruating women during strip and intimate searching.

## ICVA CUSTODY VISITING CODE OF PRACTICE

The following excerpts from the revised codes of practice provide an insight to expectations of ICV visits to TACT detainees.

### ICVs VISITING TACT DETAINEES

17. All ICVs must be at least 18 years old and must be living or working within the police area, having been resident in the UK for at least 3 years prior to the date of application. ICVs accredited to visit TACT detainees will need to have completed the I training and is a condition of selection for this role. ICVs must have successfully completed 18 months of PACE custody visits before they can be considered for TACT detainee visits.

23. The selection of ICVs for TACT detainee visits will draw on the existing structures whereby ICVs are associated with schemes administered by individual PCCs and carry out visits only in that police area.

24. ICVs for TACT detainee visits will be drawn from those areas where terrorism detention takes place.

### VISITING TACT DETAINEES

43. In respect of PACE detention, ICVs regularly conduct unannounced visits to police stations. This element of “spot-checking” is an important tool in ensuring ICVs are able to provide an accurate “snapshot” account of detention conditions. Appropriately trained and security cleared ICVs may still undertake unannounced visits to terrorism detention suites, but given the low number of TACT arrests in comparison to PACE arrests, it is unlikely that a terrorist suspect will be in detention during visits which are conducted on an ad-hoc basis. For this reason, the relevant ICV scheme administrator will be notified when terrorist arrests take place and where those arrested are being detained.

44. This notification will be made by the police custody officer as soon as practicable after the detainee has arrived at the detention suite.

45. The ICV scheme administrator will inform appropriately trained and security cleared ICVs that an individual has been arrested under TACT and of the detention facility at which they are, or will be, held.

46. One of the nominated ICVs will make contact with the police custody detention suite to inform them of their intention to visit. The selected pair of ICVs may visit unannounced but a police officer of at least Inspector rank may delay access until such a time as is practicable (as set out in Section 51(4)(a) of the Police Reform Act 2002 and in paragraphs 49 and 55 of this Code). The police will accommodate an initial visit as early as possible, although visits may need to be delayed where multiple arrests take place simultaneously in order to allow suspects to be “booked in”. This ensures that suspects are able to receive notice of their statutory rights, and to exercise their right to inform someone of their arrest and receive legal advice. The process also ensures that the police are able to collect any necessary physical evidence from a person for analysis (e.g. forensic samples, DNA profiles, fingerprints etc). However, ICVs should be able to conduct an initial visit as soon as is practicable after the detainee has arrived at the detention suite.

47. Pre-charge detention under TACT can continue up to a maximum of 14 days. Therefore, subsequent visits by appropriately trained ICVs may be appropriate but this will depend on the length of the detention. Subsequent visits may take place until the detainee is charged or released. As a matter of good practice, different pairs of ICVs should visit the same detainee in the same pre-charge detention period. The police cannot direct when ICVs should conduct their visits; ICVs can visit a detainee whenever they wish – subject to the detainee’s consent (see paragraphs 64 and 72).

## ACCESS TO DETAINEES

53. Subject to the exceptions referred to in paragraph 55, ICVs must be allowed access to any person detained at the police station. However, only ICVs who have undergone the appropriate security vetting and training will be permitted access to TACT detainees, irrespective of where they are being held. Detainees may only be interviewed with their consent which will be established either by:

- i) self-introduction – the ICVs will introduce themselves and their purpose and seek permission to speak to the detainee.
- ii) the escorting officer explaining the purpose of the ICV visit and asking the detainee whether they are willing to speak with the visitors.

## DISCUSSIONS WITH DETAINEES

58. Discussions between detainees and ICVs must, wherever practicable, take place in the sight, but out of the hearing, of the escorting police officer. Where this is not possible, the police officer will not take any active part in the conversation. Police officers should not actively listen to conversations between ICVs and detainees. For TACT detainees, discussions may take place in either the interview room, the solicitor's consulting room or some other convenient place.

## AUDIO AND VIDEO RECORDING OF TACT INTERVIEWS

66. ICVs visiting TACT detainees may request that they are given access to audio or video recordings of interviews. ICVs may only request access to the whole or part of the audio or video recordings of any interview that has been conducted during the period of detention:

- a. at the request of the detainee; or
- b. where the ICVs have particular concerns about the conduct of an interview (the consent of the detainee will still be required).

Such a request will only be in order to:

- a. ensure that the detainee has been offered their rights and entitlements under TACT;
- b. that their health and wellbeing has been ensured throughout; and
- c. that the relevant statutory code of practice has been followed.

67. Given the interests of the detainee will be protected by their legal representative and, if relevant, an appropriate adult, during the interview, the ICV will not routinely need to access audio or video recordings of TACT interviews. Should the ICV continue to have concerns after viewing the recording, they should take this up as soon as possible with the custody officer in order to seek a resolution and follow the complaints procedures set out in the PCC arrangements.

68. Access to the whole or part of an audio or video recording of an interview may only be denied to ICVs if:

- a. it appears to an officer of, or above, the rank of inspector that there are grounds for denying access (as set out in paragraph 69) at the time it is requested; and
- b. the procedural requirements imposed by the arrangements in relation to a denial of access to such recordings are complied with.

69. The only permitted grounds for denying access to the whole or part of an audio or video recording of an interview under paragraph 68 (a) above are:

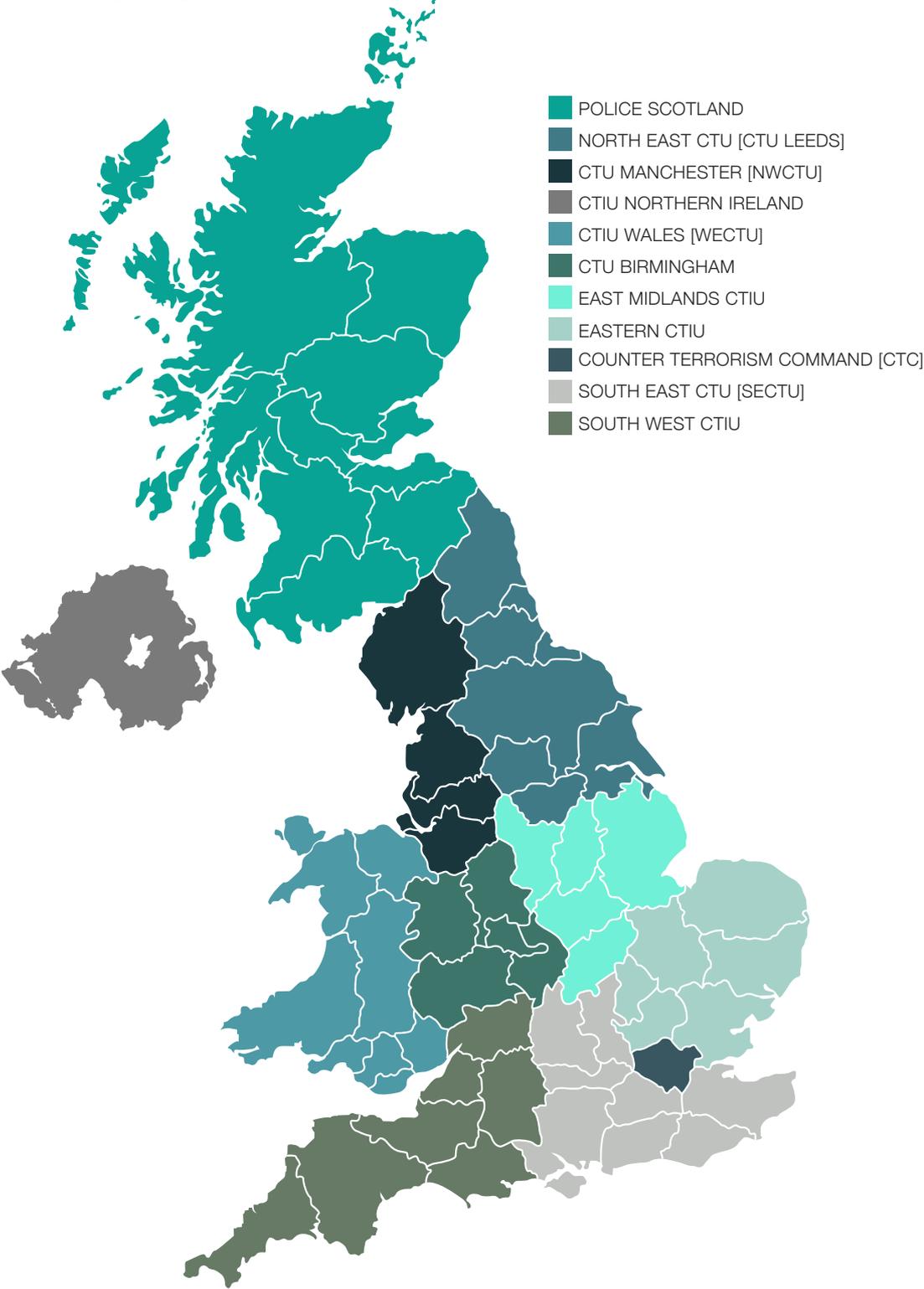
- a. if the officer reasonably believes that it is not practicable to provide access at the time it is requested; or b) if the officer reasonably believes that such access could interfere with the process of justice.

70. In the case of access being denied to audio or video recordings, an explanation must be given to the ICVs and this must be recorded on both the visit report form and the custody record.

71. ICVs will not be permitted to watch or attend live interviews of terrorist suspects.

72. ICV access to audio or video recordings of interviews must always be subject to obtaining the consent of the detainee. Consent will need to be obtained at each separate visit.

# UK COUNTER TERRORISM UNITS





# 5

## **VISITING TACT** DETAINEES

1. WHAT HAPPENS DURING A VISIT?
2. OVERVIEW OF RIGHTS AND ENTITLEMENTS OF TACT DETAINEES
3. VIEWING RECORDED INTERVIEWS
4. WHAT TO EXPECT
5. PACE / CRIMINAL PROCEDURE SCOTLAND ACT V TACT: THE DIFFERENCES
6. DURATION OF DETENTION
7. VISITING PRACTICES
8. REPORTING BACK

# VISITING TACT DETAINEES

## WHAT HAPPENS DURING A VISIT?

### PROCESS FOR CONDUCTING VISITS

- On arrival you should check in at the holding centre in the normal way.
- You should specifically check that the detainee is held under TACT legislation.
- If held under TACT were you able to make a visit immediately – if not, what is the reason for the delay?
- You must always obtain the detainee's consent before you can either examine the detainee's custody record or view the recorded interview. The consent is vital as the custody record will contain information to help you effectively carry out your role.
- Remember that consent can be withdrawn by the detainee at any time during the visit and you will need obtain consent for each subsequent visit.

### KEY DIFFERENCES:

- Carry out early visit within first 24 hours of detention.
- May view/listen to interview tapes at the request of the detainee or with detainee consent where concerns are recorded by the ICV's.
- Copy of report to IRTL as well as PCC / Scottish Police Authority / Northern Ireland Policing Board.
- Initial visits are arranged.
- Arrangements for monitoring interviews on CCTV and the electronic time-stamping of interview notes.
- ICVs act as IRTL 'eyes and ears' and ICV report will inform IRTL's response.

### WHAT WILL YOU NOTICE?

- Similar visiting arrangements to PACE / Criminal Procedure Scotland Act detainees.
- Role of ICV remains unchanged.
- Focus on welfare.

#### IMPORTANT:

VISITORS HAVE A STATUTORY REQUIREMENT TO PASS ON TO THE POLICE ANY INFORMATION THAT THE DETAINEE MAY SHARE WITH THEM CONCERNING THE FURTHER COMMISSION OF TERRORIST ACTS (SECTION 38 TACT) AND ALSO INCLUDES INFORMATION PERTINENT TO THE CURRENT INVESTIGATION AND ARREST.

## OVERVIEW OF RIGHTS AND ENTITLEMENTS OF TACT DETAINEES

### CONDITIONS OF DETENTION

- One person to a cell.
- Cells must be adequately heated, cleaned and ventilated.
- Adequate lighting which can be dimmed to allow overnight sleep but retaining security.
- Only approved handcuffs.
- Restraint only when absolutely necessary.
- Blankets mattresses, pillows and other bedding should be supplied.
- Should be of reasonable standard in clean and sanitary condition.
- Meals offered should provide a varied diet, respect dietary requirements and religious beliefs.
- Brief outdoor or alternatively indoor exercise daily.
- Selected reading materials supplied by custody staff.

### MEDICAL CONSULTATION

- Automatically offered on arrival.
- Offered before release.
- Before transfer to another police station.
- At least once every 24 hours after being in detention 96 hours (does not apply in Scotland).
- Before release to court.
- If detainee requests one.

### INTERVIEWS

- In any 24 hour period detainee must be allowed 8 hours continuous rest free from investigation, normally at night.
- Takes place in interview rooms, well-lit etc.
- Detainee shall not be required to stand.
- Each interviewing officer identifies themselves.
- Regular breaks – at meal times and after approximately 2 hours.

## VIEWING RECORDED INTERVIEWS

ICVs will not routinely need to view a recorded interview and there are circumstances when a request to do so will be legitimately denied. Here are some do's and don'ts should you be asked to view the interview by a detainee or have concerns regarding the interview and the detainee gives permission for you to view it.

### DO

- ✓ Treat this area sensitively, permission may not always be given to view interviews.
- ✓ Only request to view the interview at the detainee's request, and if ICVs are concerned about the process, (still requiring consent).
- ✓ Check if solicitor/AA appears present.
- ✓ Check If detainee is seated.
- ✓ Note if interviewer is using a raised voice.
- ✓ Note if interviewers are using abusive/inappropriate language.
- ✓ Note if interviewers are repeating questions excessively.
- ✓ Note if interviewers are interrupting the detainee consistently.
- ✓ Note any behaviour that causes you concern.
- ✓ Include the reason you requested to view the recording of the interview and your observations on your report form.
- ✓ Record reasons for refusal to review interview recordings if relevant.

### DON'T

- ✗ Insist on viewing all recorded interviews regardless of consent or objections from custody staff.
- ✗ Focus on the physical aspect of the interview room.
- ✗ Record the content of the discussions on the interview (you may keep notes on treatment, but not content).
- ✗ Be afraid to raise concerns with the custody officer.
- ✗ Forget to note any concerns on rights, entitlements and wellbeing on your report form.



## WHAT TO EXPECT

DISCUSS WITH YOUR GROUP/TRAINER AND THEN RECORD THE FINAL ANSWERS TO EACH OF THE SCENARIOS IN THE SPACE BELOW.

1. The detainee starts to explain to you why they feel they have been arrested, giving details of the case.

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2. The detainee claims that they have been intimidated and threatened in their interview.

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3. The detainee does not know why they have been detained. They want to let their family know where they are, but they are not allowed to speak to anyone.

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4. The detainee stands up and offers to shake your hand.

.....

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.....

## PACE / CRIMINAL PROCEDURE SCOTLAND ACT

THIS SECTION LOOKS AT THE DIFFERENCES BETWEEN TACT AND PACE/ CRIMINAL PROCEDURE SCOTLAND ACT DETAINEES AND WHAT PROCESSES ICVS MUST BE AWARE OF BEFORE THEY UNDERTAKE THEIR VISITS.

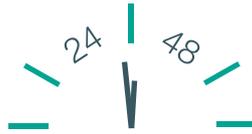
	PACE/CRIMINAL PROCEDURE SCOTLAND ACT	TACT
Custody Records	Custody Records Computerised	Custody Records on paper
	Name, Rank, Number of Officers	Rank, Number of Officers
	Solicitor, AA etc can inspect on arrival and receive a printed copy to read	Solicitor, AA etc can read on arrival if agreed with Custody Officer
Rights	Right to a solicitor	Right to a solicitor
	Right to have someone informed	Right to have someone informed
	Right to consult the PACE codes of practice	Right to consult the codes of practice
	Right to request a copy of custody record upon release	Codes of practice used for Terrorism are code H PACE/ Lord Advocates Guidelines. Code C does not apply
		Read custody record upon release
		Right to request a medical consultation
Reviews	First review after 6 hours and then at periods of 9 hours	First review as practicable and then at periods of 12 hours by the Inspector
	First review within 12 hours, maximum extension to 24 hours (Scotland only)	Reviews after 24 hours carried out by a Superintendent
Duration of Detention	Detention after 24 hours authorised by Superintendent (does not apply in Scotland)	Detention after 48 hours authorised by High Court but no further reviews
	After 36 hours authorised by Magistrates Court but reviews continue by Inspector (does not apply in Scotland)	Detention maximum 14 days
	Detention maximum 96 hours (24hrs in Scotland)	Detention time goes from time of arrest
	Detention time goes from time of arrival at Station	

## DURATION OF DETENTION



### UP TO 24 HOURS

(within 12 hour intervals) reviews carried out by Inspector



### BETWEEN 24-48 HOURS

reviews carried out by Superintendent



### AFTER 48 HOURS

unless a further period of detention has been applied for, the detainee must be released or charged



**UP TO 7  
DAYS**



**UP TO 14  
DAYS**

A judge / sheriff may grant a further extension of up to 7 days up to a maximum of 14 days but no further reviews of detention will be carried out by the police during these periods. The reviews become the responsibility of the judges / sheriff.

## VISITING PRACTICES – SCENARIO EXERCISE

The scenarios below are more complex and will allow you to consider specific situations which may occur during a TACT visit and identify concerns about the detainees:

- Legal Rights & Entitlements.
- Conditions of Facilities.
- Health & Wellbeing.
- Special Needs.

Consider the Scenarios below in pairs/groups and only record answers after full group discussion. Extra paper can be given for group notes.

## REPORTING BACK

### THE CODE OF PRACTICE STATES

79. Reports of visits should be submitted to the IRTL and to the PCC for both the police station where the suspect was held and also the police area in which the arrest was made. Co-ordination of reports will be done via the PCC and the ICV Scheme Administrator.

- Important to ensure that a visit report is completed for all TACT visits. A copy is attached at Appendix 1.
- Report on observing a recorded interview is included (where appropriate).

The visit report form is self explanatory (completed in the same way as a PACE / Scottish Police Authority visit) but you must ensure that all sections are completed. You should aim to include two to three sentences in each section, as a minimum including praise or challenges. You do not need to record which questions you have asked the detainee.

### SCENARIOS TO CONSIDER

1. The detainee has been detained for a few days and hasn't been offered any books or entertainment.

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2. The detainee is a breastfeeding mother.

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3. The detainee has been there for three days and is complaining that they have only been provided with ready meals.

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It is integral that all report forms, both those from visits and those from interviews are completed fully and that all areas are completed to the highest standard - Then the rest of the text as already present.

Comments on matters of concern may include – any oppressive behaviour by interviewing officers – did they:

- Use raised voices
- use abusive language
- excessively repeat the same questions
- keep interrupting the detainee

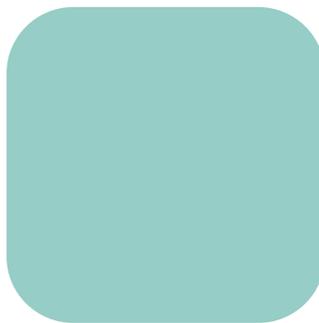
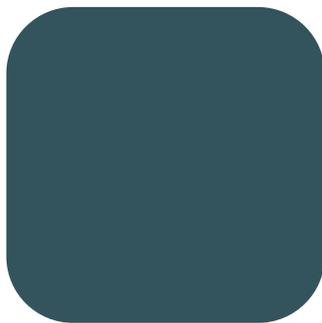
**If you are completing the matters of concern you must be very clear and carefully record exactly what you saw that made you concerned – you should refer to the aide memoire as a checklist for each visit to ensure that you have covered all of the relevant areas.**

Both custody visitors should complete the report and use their ID reference to identify themselves. This is your personal undertaking not to discuss anything you have seen or heard during the course of your visit.

The report form should be returned to the Police & Crime Commissioner / Scottish Police Authority / Northern Ireland Policing Board and a copy must be sent to the Independent Reviewer of Terrorism Legislation, (ICV/Custody Staff/PCC or SPA may all do this depending on local arrangements, please ensure that you are clear on the process in your area).

IT IS INTEGRAL THAT THESE REPORTS ARE COMPLETED FULLY AND THAT ALL AREAS ARE COMPLETED TO THE HIGHEST STANDARD, SIMPLY RECORDING THAT THERE ARE NO ISSUES THROUGHOUT IS NOT ENOUGH TO PROVIDE EFFECTIVE INSIGHT.

FOR TACT VISITING, PLEASE COMPLETE ONE SHEET PER DETAINEE, OR PER VIEWING OF CCTV ON THE OCCASIONS WHERE THIS IS THE CASE.



## USEFUL INFORMATION AND WEBSITE LINKS

### PACE CODE H 2017

<https://www.gov.uk/government/publications/pace-code-h-2017>

### NATIONAL PREVENTATIVE MECHANISM

<https://www.nationalpreventivemechanism.org.uk/>

### ICVA CODE OF PRACTICE

[http://icva.org.uk/uploads/publications/ICV\\_Code\\_of\\_Practice-APR2013.pdf](http://icva.org.uk/uploads/publications/ICV_Code_of_Practice-APR2013.pdf)

### SCOTLAND CUSTODY VISITING

<http://www.spa.police.uk/icvs/>

### HOME OFFICE TERRORISM ARREST DATA

<https://www.gov.uk/government/collections/counter-terrorism-statistics>

### INDEPENDENT REVIEWER OF TERRORISM LEGISLATION WEBSITE

<https://terrorismlegislationreviewer.independent.gov.uk>

# APPENDIX 1

## TACT DETAINEE VISIT: AIDE MEMOIRE

### RIGHTS AND ENTITLEMENTS

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#### Reviews

- As soon as possible after arrest – Inspector
- Within 24 hours (within 12 hour intervals) – Inspector
- After 24 hours – Superintendent
- After 48 hours (if no further detention) – Release or Charge
- If warrant of further detention is granted – No reviews
- Warrant in existence – No reviews – responsibility of judges/sheriff
- All custody records must be handwritten

### HEALTH AND WELFARE

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- Welfare checked daily
- 8 hours rest each night
- Breaks for food during questioning
- Offered exercise
- Medical problems
- Food & Drink
- Detained persons offered two big meals and one light meal (because of length of time in custody).  
Description of meals given written on custody record
- Offers of food & drink (inc special dietary requirements)

### CONDITIONS AND FACILITIES

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- Cell temperature
- Adequate bedding
- Change of clothing
- Wash & shower
- Toilet facilities
- Cell intercom

### SPECIAL NEEDS DURING DETENTION

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- Religious requirements
  - Cell clean for hygiene / religious beliefs
-

## APPENDIX 2

### TACT DETAINEE VISIT: ICV REPORT FORM – ONE FORM PER DETAINEE

VISIT REPORT NO: ..... Location: .....  
Day / Date: ..... In custody suite: .....  
Time (24 clock) at Front Desk ..... Escorting Officer ID .....  
Visit to DP started: ..... Visit to DP ended: .....  
Detainees ID .....

Section 41 / PACE Code C (delete as appropriate)

Male / Female / Child (delete as appropriate)

Were you able to visit detainee?

Yes /  no

Issues from previous visit? - Was it rectified? yes/no (delete as appropriate)

Comment below:

#### REASON FOR NO VISIT:

Detainee on designated rest hours / with solicitor / doctor (delete as appropriate)

Consent to view custody record Yes / No (delete as appropriate)

**Please record your full comments on the visits below, your response needs to be written clearly so that copies stand alone and are accessible to all stakeholders who may need to view them: (the questions are prompts and should not be the limit of your conversation please refer to the aide memoire for full lists).**

1	<p><b>RIGHTS AND ENTITLEMENTS</b> (First visit to DP only)</p> <p>Has the detainee been given their rights? Did they understand them? Do they know why they are in custody? Have they had a review as soon as possible after arrest?</p>
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2	<b>HEALTH AND WELFARE</b> Has the detainee seen a medical professional? Have they received 8 hours rest each night? Have they been able to have exercise? Had the detainee been offered varied food and enough food?
3	<b>CONDITIONS AND FACILITIES</b> Is there adequate bedding? Has the detainee had a wash & shower?
4	<b>SPECIAL NEEDS</b> Have all religious requirements been met for the detainee? Is the cell clean for hygiene and religious purposes?

ICV Overview of visit and record of concerns

Custody Staff Response

ICV DECLARATION: I UNDERTAKE NOT TO REVEAL TO ANY UNAUTHORISED PERSON INFORMATION I MAY OBTAIN DURING MY VISIT.

ICV 1 .....

ICV 2 .....

# APPENDIX 3

TACT DETAINEE VISIT:

## ICV CCTV REPORT - ON OBSERVING AN INTERVIEW VIA REMOTE MONITOR

Location .....

Day / Date .....

ICV ID Number 1 .....

ICV ID Number 2 .....

1. Was there anyone in custody who you could speak to?  Yes /  no

2. Detainees consent given to observe the recording of the interview?  Yes /  no

3. Did you observe the recording of the detainees interview?  Yes /  no

4. Reason viewing was refused

.....  
.....  
.....

5. Did you observe the interview (N. Ireland only)?  Yes /  no

<b>INTERVIEW</b>			
Custody Number	Adult or Child	Time started observing recorded interview	Time finished observing recording of interview
Solicitor Present		<input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> no	
Appropriate Adult Present		<input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> no	
Interpreter Present		<input checked="" type="checkbox"/> Yes / <input checked="" type="checkbox"/> no	

<b>COMMENTS ON ANY MATTERS OF CONCERN</b>

I CONFIRM THAT I WILL NOT REVEAL ANY CONFIDENTIAL INFORMATION I HAVE OBTAINED DURING THIS VISIT TO ANY UNAUTHORISED PERSON

ICV 1 .....

ICV 2 .....

