

# CUSTODY VISITING IN NORTHERN IRELAND DURING 2008/2009

NORTHERN IRELAND INDEPENDENT CUSTODY VISITING SCHEME



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## INTRODUCTION

This leaflet is about the work carried out in 2008/09 by Northern Ireland Independent Custody Visitors. It also contains general information about the Custody Visiting Scheme and details of how to contact the Northern Ireland Policing Board (the Board) if you would like further information on the Scheme.

## BACKGROUND

Custody Visiting came about as a result of Lord Scarman's inquiry into the Brixton disorders in 1981 (Scarman 1981). The Northern Ireland Custody Visiting Scheme was established in 1991, and was made statutory by the Police (Northern Ireland) Act 2000. Custody Visits are made to detainees held in custody under Code C of the Police and Criminal Evidence (NI) Order 1989 (PACE legislation), the Terrorism Act 2000 and the Immigration Act 1971.

### Role of Custody Visitors

Custody Visitors are volunteers from the community who make unannounced visits to police custody suites to check on the welfare of people being held in custody. They look, listen and report on what they find. In this way, Custody Visiting means that people unconnected with the police or the criminal justice system can inspect and report on how detained people are dealt with by the police and the conditions in which they are held. Custody Visitors do not investigate complaints – their role is to make sure that such complaints are referred to the Police Ombudsman for investigation.

During their visits the Custody Visitors can check that any requests made by a detainee, such as to make a phone call to their solicitor or family member have been dealt with by the

Custody Staff. Also during their visits, Custody Visitors may encounter detainees who have been assessed by the Custody Staff as being at risk of self-harm. The Custody Visitors can check that such detainees have been seen by the Forensic Medical Officer and that Custody Staff are carrying out regular checks on the detainees' well-being.

The work of the Independent Custody Visitors is reported to the Board and this assists the Board in monitoring PSNI compliance with the Human Rights Act 1998.

There are currently four Custody Visiting teams covering Northern Ireland. These teams are:

- **Belfast/Antrim**
- **Down/Armagh**
- **North West**
- **Tyrone/Fermanagh**

#### THE WORK OF THE BELFAST/ANTRIM CUSTODY VISITING TEAM DURING 2008/2009

During 2008/09 there were 20 Custody Visitors in the Belfast/Antrim team and they carried out visits in pairs to the custody suites in Antrim Road, Grosvenor Road, Musgrave Street, Strandtown, Antrim, Ballymena, Lisburn and Bangor. They made a total of 462 valid visits to these suites.

The overall visits for the 2008/09 year are shown in the following table.

| Station         | No of visits |
|-----------------|--------------|
| Antrim Road     | 79           |
| Grosvenor Road  | 87           |
| Musgrave Street | 87           |
| Strandtown      | 33           |
| Antrim          | 55           |
| Ballymena       | 40           |
| Lisburn         | 52           |
| Bangor          | 29           |
| <b>Total</b>    | <b>462</b>   |

(1 April 08 to 31 March 09)

There were 970 detainees in custody during these visits, and the Custody Visitors saw and spoke to 449 (46%) of the detainees. Custody Visiting is based on the consent of the detainee to see the visitors. Some 214 (22%) of the detainees did not want to see the Custody Visitors and the remaining 307 (32%) detainees were not seen for some other reason, for example because they were being interviewed or were asleep.

The Custody Visitors found that 282 (61%) of the 462 valid visits were entirely satisfactory. Valid visits are those where a Custody Visit successfully took place. Invalid visits are typically those where the visit was aborted for any reason such as, the Custody Suite was closed for maintenance or the Custody Staff were processing a detainee at the time of arrival to the Custody Suite. Therefore there are small discrepancies between the number of visits conducted and the number of visits classified as valid.

In relation to the treatment of detainees, it was noticed on the custody record of 11 detainees that they had not been checked within the specified time period. These oversights were pointed out to the Custody Sergeant for immediate attention. Most of the visits they found unsatisfactory were to do with the conditions of detention, such as safety/security hazards (112), sanitation (45) and cleanliness of cells (16). These matters are brought to the attention of the PSNI and the Board so that they can be addressed appropriately and in a timely manner.

#### The Serious Crime Suite

Between 1 April 2008 and 31 March 2009, Custody Visitors from the Belfast/Antrim team carried out 24 visits to the Antrim Serious Crime Suite where detainees are held in custody under the Terrorism Act 2000.

During these visits 27 detainees were being held in custody, 4 (15%) of which had consented to a Custody Visit or to have their interviews observed, however during most of the visits no interviews were in progress. Fifteen (55%) of the detainees did not want to see the Custody Visitors or to have their interviews observed and the remaining 8 detainees were not seen for some other reason, for example because they were asleep or with their solicitor or GP.

Overall, the Custody Visitors found that 17 (71%) of the 24 valid visits were entirely satisfactory and raised no issues about the treatment of detainees or the conditions in which they were being held. Most of the visits they found unsatisfactory were to do with the conditions of detention, such as sanitation (6) and safety/security hazards (1). These matters are brought to the attention of the PSNI and the Board so that they can be addressed as soon as possible.

## THE WORK OF THE DOWN/ARMAGH CUSTODY VISITING TEAM DURING 2008/2009

During 2008/09 there were 12 Custody Visitors in the Down/Armagh team and they carried out visits in pairs to the custody suites in Armagh, Banbridge, Downpatrick, Lurgan, Newtownards and Newry.

During 2008/2009 the Down/Armagh Custody Visiting Team made a total of 227 valid visits to custody suites in the Down and Armagh areas, as shown in the following table.

| Station      | No of visits |
|--------------|--------------|
| Armagh       | 49           |
| Banbridge    | 1            |
| Downpatrick  | 49           |
| Lurgan       | 52           |
| Newtownards  | 24           |
| Newry        | 52           |
| <b>Total</b> | <b>227</b>   |

(1 April 08 – 31 March 09)

There were 210 detainees in custody during these visits and visitors saw and spoke to 100 (48%) of the detainees. Some 52 (25%) of the detainees did not want to see the Custody Visitors and the remaining 58 (28%) detainees were not seen for some other reason, for example because they were being interviewed or were asleep.

The Custody Visitors found that 159 (70%) of the 227 valid visits were entirely satisfactory and raised no issues about the treatment of detainees or the conditions in which they were being held. Most of the visits that were found to be unsatisfactory were to do with the conditions of detention, such as safety/security hazards (42), cleanliness of cells (28) and sanitation (6). These matters are brought to the attention of the PSNI and the Board so that they can be addressed appropriately and in a timely manner.

## THE WORK OF THE NORTH WEST CUSTODY VISITING TEAM DURING 2008/2009

There were 12 Custody Visitors on the North West team during 2008/2009 and they carried out visits in pairs to the custody suites in Coleraine, Limavady, Strand Road and Waterside.

During 2008/2009 the North West Custody Visiting Team made a total of 202 valid visits to custody suites in the North West area, as shown in the following table.

| Station      | No of visits |
|--------------|--------------|
| Coleraine    | 89           |
| Limavady     | 52           |
| Strand Road  | 51           |
| Waterside    | 10           |
| <b>Total</b> | <b>202</b>   |

(1 April 08 – 31 March 09)

There were 256 detainees in custody during these visits and Custody Visitors saw and spoke to 97 (38%) of the detainees. Some 68 (26%) of the detainees did not want to see the Custody Visitors and the remaining 91 (35%) detainees were not seen for some other reason, for example because they were being interviewed or were asleep.

The Custody Visitors found that 144 (71%) of the 202 valid visits were entirely satisfactory and raised no issues about the treatment of detainees or the conditions in which they were being held. Most of the visits that were found to be unsatisfactory were to do with the conditions of detention, such as faulty equipment (20), safety/security hazards (18), cleanliness of cells (15) and sanitation (14). These matters are brought to the attention of the PSNI and the Board so that they can be addressed appropriately and in a timely manner.

## THE WORK OF THE TYRONE/FERMANAGH CUSTODY VISITING TEAM DURING 2008/2009

There were 10 Custody Visitors on the Tyrone/Fermanagh team during 2008/2009 and they carried out visits in pairs to custody suites in Cookstown, Dungannon, Enniskillen, Omagh and Strabane.

During 2008/2009 the Tyrone/Fermanagh Custody Visiting Team made 196 valid visits to custody suites throughout the Tyrone and Fermanagh areas, as shown in the following table.

| Station      | No of visits |
|--------------|--------------|
| Cookstown    | 30           |
| Dungannon    | 37           |
| Enniskillen  | 41           |
| Omagh        | 62           |
| Strabane     | 26           |
| <b>Total</b> | <b>196</b>   |

(1 April 08 – 31 March 09)

There were 117 detainees in custody during these visits and Custody Visitors saw and spoke to 52 (44%) of the detainees. Some 29 (25%) of the detainees did not want to see the Custody Visitors and the remaining 36 (31%) detainees were not seen for some other reason, for example because they were being interviewed or were asleep.

The Custody Visitors found that 170 (87%) of the 196 valid visits were entirely satisfactory and raised no issues about the treatment of detainees or the conditions in which they were being held. Most of the visits they found unsatisfactory were to do with the conditions of detention, such as safety/security (15), cleanliness (5) and faulty equipment (5). These matters are brought to the attention of the PSNI and the Board so that they can be addressed appropriately and in a timely manner.

## THE NORTHERN IRELAND POLICING BOARD'S ROLE

The Northern Ireland Policing Board (the Board) supports and administers the Custody Visiting Scheme. This includes recruiting volunteers to the scheme through open advertising and competency based interviews. The key skills we look for in volunteers are:

- Concern for the welfare of others;
- The ability to work as a member of a team;
- Impartiality and confidentiality;
- Effective communication skills; and
- Time to carry out visits and attend team meetings.

To prevent any possible conflict of interest, police officers, police support staff, people involved in the criminal justice system and members and staff of the Board cannot become Custody Visitors. We try our best to make sure that the Custody Visiting teams are as representative as possible in terms of community background, gender and age.

The Board's Human Rights & Professional Standards Committee carefully monitors the statistics relating to the Custody Visiting Scheme on a quarterly basis. This includes looking at the treatment of detainees in terms of Code C of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE), and the PSNI Code of Ethics with particular reference to the treatment of people held in custody and their human rights provisions. The Board has an agreed policy to follow up on any issues of concern which can involve escalation to Assistant Chief Constable level if issues are not resolved within a reasonable timeframe.

In addition to the regular recruitment, training and monitoring of visits conducted, the Board also delivers a range of events and activities in order to ensure the continued smooth running of the Scheme. For example:

- The Custody Visitors Annual General Meeting was held on 28 May 2008. This provided a forum for Custody Visitors to discuss relevant issues and was an occasion to acknowledge the work of the Visitors and express the Board's thanks to the volunteers involved in this role.

- In June 2008 the Board, assisted by PSNI, facilitated refresher training for Custody Visitors to provide an update on the revised PACE Codes of Practice in relation to custody.
- During July and August 2008 the Board undertook a survey of all Custody Visitors to gauge their views on:
  - The attitudes to Custody Visiting;
  - Training, Resources and Support;
  - Visits and Working Arrangements; and
  - The Overall Service provided by the Board.

As a result of the survey a number of improvements were made to the Scheme.

- In April 2008 the Board appointed 22 new Custody Visitors and in September 2008 a leaving event was held for 9 Custody Visitors who were leaving the scheme on completion of their 6 year term of appointment.
- In January 2009 the Board facilitated training for those members of the Belfast/Antrim team who make visits to the Antrim Serious Crime Suite where detainees held under the Terrorism Act 2000 are in custody. This training included an overview of the Code of Practice on detention, treatment and questioning in relation to detained terrorist suspects with particular emphasis on human rights issues. The training provided an opportunity to extend the role of Custody Visitors within Antrim Serious Crime Suite and addressed concerns raised by the Board's Human Rights Advisor.

#### MORE INFORMATION

If you would like more information about Custody Visiting or you are interested in volunteering for this role, you can contact the Custody Visiting Scheme Administrator as shown below:

Custody Visiting Scheme Administrator  
Northern Ireland Policing Board  
31 Clarendon Road  
Clarendon Dock  
Belfast BT1 3BG

Tel: 028 9040 8562  
Fax: 028 9040 8564  
Email: [custodyvisiting@nipolicingboard.org.uk](mailto:custodyvisiting@nipolicingboard.org.uk)



## **NORTHERN IRELAND POLICING BOARD**

Waterside Tower  
31 Clarendon Road  
Clarendon Dock  
Belfast BT1 3BG

Tel: 028 9040 8500  
Fax: 028 9040 8544  
Textphone: 028 9052 7668

Email: [information@nipolicingboard.org.uk](mailto:information@nipolicingboard.org.uk)  
Website: [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk)

## **DOCUMENT TITLE**

CUSTODY VISITING IN NORTHERN  
IRELAND DURING 2008/2009

**PUBLISHED JUNE 2009**

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