



ANNUAL CUSTODY VISITORS REPORT

APRIL 2022 - MARCH 2023





## **GLOSSARY**

Board Northern Ireland Policing Board

CCTV Closed Circuit Television

COVID Coronavirus

DP Detained Person(s)

ICVs Independent Custody Visitors

FMO Forensic Medical Officer

NW North West Team

PACE Police and Criminal Evidence (Northern Ireland) Order 1989

PSNI Police Service Northern Ireland

Scheme Independent Custody Visiting Scheme

SCS Serious Crime Suite

SE South East Team

TACT Terrorism Act 2000

TyFer Tyrone-Fermanagh Team





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## 1. CHAIR'S FOREWORD

As Chair of the Northern Ireland Policing Board (the Board) I am pleased to present the Independent Custody Visitor's Annual Report 2022-2023 which provides a comprehensive source of monitoring data in relation to the Custody Visiting Scheme.

The Northern Ireland Policing Board is responsible for the oversight and running of the Independent Custody Visitors (ICV) Scheme which involves impartial volunteers from across the community fulfilling a key function in ensuring the protection of the



human rights of detained people in custody. The ICVs are independent of the police and the criminal justice system. Our system is part of the overall responsibility of the UK state in complying with the duty required by the United Nations human rights treaty to ensure that every place of detention anywhere in the four countries is inspected or visited by independent monitors to check on the welfare of those detained and to prevent ill-treatment.

The Annual Report provides a comprehensive source of monitoring data in relation to the Custody Visiting Scheme. It highlights statistical evidence including:

- the number of detainees arrested under the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) and detained under the Terrorism Act (2000) (TACT) who were interviewed by an ICV; and
- the number of valid and invalid visits

I would like to thank our Independent Custody Visitors for their continued dedication and commitment to their volunteering roles.

**Deirdre Toner** 

Chair – Northern Ireland Policing Board





## 2. INTRODUCTION

The Northern Ireland Independent Custody Visiting Scheme was first established in 1991 by the Police Authority. The importance of an independent scheme which ensured the rights, health and wellbeing of the detainee and the facilities and conditions of detention was also recognised in 1999 by the Report of the Independent Commission on Policing for Northern Ireland (the Patten Report). The Scheme was subsequently given a statutory footing by virtue of section 73 of the Police (Northern Ireland) Act 2000 which requires the Policing Board to make and keep under review arrangements for designated places of detention to be visited by lay visitors (now referred to as custody visitors).

Independent Custody Visitors (ICVs) are impartial volunteers from across the community and are independent of the police and the criminal justice system.

As of the end of March 2023 there were 29 active ICVs. They were a mixed composition of gender, age and community background and are based in 3 Custody Visiting Teams regionally across Northern Ireland, namely; the North West; the South East; and Tyrone Fermanagh, referred to throughout the report as TyFer.





## 3. DEFINITIONS

The majority of visits carried out by ICVs will be to detainees held under the Police and Criminal Evidence (Northern Ireland) Order 1989, known as a **PACE** arrest. ICVs are also required to visit the Serious Crime Suite (SCS) in Musgrave Police Station (Antrim Police Station is also used as a SCS contingency suite) and visit those detained under the Terrorism Act (2000) known as **TACT** detainees.

Custody visits are categorised by two types, namely, **Valid** and **Invalid**. A Valid visit is where ICVs gain entry to a custody suite and carry out a visit. An Invalid visit is where ICVs are unable to gain entry to a custody suite to carry out a visit for an identified reason.





## 4. OVERVIEW OF ANNUAL PERFORMANCE

This Annual Report is for the period April 2022 - March 2023 and highlights the statistical information available in relation to the Custody Visiting Scheme. It includes figures in relation to all visits, including those defined above. The report also provides information in relation to detainees in custody, the review of custody records and provides a breakdown of those detained in the Serious Crime Suite (SCS) at Musgrave Police Station (Antrim Police Station is also used as an SCS contingency suite).

Figure 1 – Annual ICV Data Summary



#### **KEY FACTS**

- PSNI advised that 21,595 detained persons were processed through custody during the period April 2022 to March 2023 with a total of 1,136 detainees at the time of the ICV visits;
- There were a total of 489 visits made by ICVs between April 2022 March 2023; and
- 16 visits (3%) were not completed (invalid), thus there were 473 valid visits.





#### **OVERALL VISITS ANALYSIS**

- The length of visits ranged from 6 minutes to 2 hours 42 minutes, with the average length of time spent on a visit being 34 minutes;
- The highest number of visits were made on a Saturday (18%);
- The highest number of visits were made between 3pm and 6pm (31%); and
- There were 17 occasions when ICVs were delayed for more than 10 minutes when gaining
  or attempting to gain entry to a custody suite, with these delays being between 11 and 25
  minutes.

#### **DETAINEES**

- At the time of ICV visits, a total of 1,136 detainees were in custody and ICVs spoke to 549
   (48%) detainees, a 2% increase from the 2021/22 uptake rate of 46%;
- The most common reasons for detainees not being seen was 'asleep' (60%);
- The overall refusal rate for April 2022 March 2023 was 1.6% which is a 0.1% increase of that recorded in the previous year's report; and
- During the visits 84.5% (960) of Custody Records were inspected to check on the rights, health and wellbeing of detainees and conditions of detention which was a 9.2% increase from 2021/22 (75.3%).

## **TACT VISITS ANALYSIS**

- There were 38 visits made to detainees held under the Terrorism Act 2000 (TACT), no visits were invalid.
- There were 48 detainees held during this period, compared to 65 in the previous year, ICVs saw 17 (35%) detainees, which is a 3% decrease from that recorded in the previous year's report.
- The Custody Records for 29 of the 48 detainees were checked by ICVs representing 60.4%.





## 5. ANALYSIS OF DATA

This section outlines the data collected on the Custody Visiting Scheme. Information is predominantly presented in table format and covers the three main areas of treatment, effectiveness and the Serious Crime Suite (SCS).

## PACE AND TACT VISITS

The majority of detainees visited by ICVs are held under the Police and Criminal Evidence (Northern Ireland) Order 1989 known as a PACE arrest. However, ICVs are also required to visit detainees arrested under the Terrorism Act (2000) known as a TACT detainee. The Serious Crime Suite is currently situated in Musgrave Police Station (Antrim Police Station is also used as an SCS contingency suite).

As highlighted in Table 1 below, ICVs carried out a total of 489 visits during the reporting year. 16 visits were not completed so deemed invalid, hence there were 473 valid visits. These include 38 visits to detainees held under TACT. The invalid visits for this reporting year represent 3.3% of the total visits which is a decrease of 3.1% from the previous year (6.4%).

Table 2 which follows shows the breakdown of the 16 invalid visits across stations with Table 3 highlighting the reasons for the visit being deemed invalid.

TABLE 1 - BREAKDOWN OF VALID/INVALID VISITS BY TEAM

Team	Total Visits	Invalid Visits	% of Invalid Visits
North-West	153	8	5.2
South-East	225	7	3.1
Tyrone-Fermanagh	111	1	0.9
Total Visits	489	16	3.3%





TABLE 2 - BREAKDOWN OF INVALID VISITS BY STATION

Team	Station	Invalid Visits
	Antrim*	0
North-West	Coleraine	1
	Strabane*	0
	Strand Road	7
	Sub-total	8
	Antrim	2
	Antrim SCS Announced	0
	Banbridge	1
South-East	Bangor**	0
	Musgrave	4
	Musgrave SCS Announced	0
	Musgrave SCS Unannounced	0
	Sub-total	7
	Dungannon	1
Tyrone-	Lurgan	0
Fermanagh	Omagh	0
	Sub-total	1
TOTAL INVALID \	VISITS: 16	

<sup>\*</sup> North-West team visit Antrim and Strabane as contingency suites

<sup>\*\*</sup> South-East visit Bangor as a contingency suite





**TABLE 3 - REASONS FOR INVALID VISITS** 

Date	Custody	Reason	Conditions Comments
	Suite		
14 April 2022	Strand Road	Medical reasons	Visit aborted due to detainee in custody suite testing positive for Covid 19
29 May 2022	Musgrave	Suite busy/staff busy	Visit abandoned after 25 mins in reception. Custody was extremely busy and under pressure.
16 July 2022	Strand Road	Medical reasons	Covid outbreak in Custody Suite.
7 Aug 2022	Antrim	Suite busy/staff busy	Busy custody suite and alarms sounding.
13 Sept 2022	Musgrave	Suite busy/staff busy	Visit aborted after 10 minutes. Custody extremely busy and staff were fully occupied.
16 Sept 2022	Antrim	Other	Custody Suite closed for maintenance. (Please note that this was a planned closure which had been issued to ICVs at the beginning of the year and quarterly. The last reminder was sent out on 01.09.22).
8 Oct 2022	Banbridge	Other	No detained persons and second ICV could not attend.
25 Oct 2022	Strand Road	Other	Custody suite closed for maintenance. (Please note that this was a planned closure which had been issued to ICVs. The last reminder was sent to the team leader on 01.09.22).
6 Nov 2022	Dungannon	No staffing/personnel to	ICVs not collected by staff.
		allow entry	
8 Nov 2022	Coleraine	Other	Visit carried out earlier by two other ICVs - miscommunication on rota.
19 Nov 2022	Musgrave	Waiting time exceeded	Waiting time exceeded.
31 Jan 2023	Strand Road	Other	Custody suite closed for maintenance. (Please note that this was a planned closure which had been issued to ICVs at the beginning of the year and quarterly. The last reminder was sent to the team leader on 01.09.22).





Date	Custody	Reason	Conditions Comments
	Suite		
17 Feb 2023	Musgrave	No staffing/personnel to	Visit aborted. No staff to allow
		allow entry	access.
4 Mar 2023	Strand Road	Medical reasons	ICVs advised of ongoing medical emergency in custody suite.
11 Mar 2023	Strand Road	Medical reasons	Contagious disease in custody suite.
12 Mar 2023	Strand Road	Medical reasons	Infectious disease still present in
			custody suite.
TOTAL VI	SITS NOT	16	
CARRIED OU	Т		

## **Wellbeing of Detainees**

An ICV's role is to check on the welfare of detainees held in police custody, to ensure they are being treated in accordance with PACE Codes of Practice and therefore human rights principles. Custody visiting provides an independent check on the treatment of people held in custody. Matters regarding health and safety procedures as well as general maintenance within custody suites are recorded by ICVs during their visits. ICVs will raise each matter with custody staff, however they are unable to wait in the custody suite for every resolution, such as where a detainee has requested a GP/nurse, but the health care professional had not arrived before the end of the visit.

The most frequent matters of wellbeing raised during the year related to medical attention, where there was a request by the detainee to see a health care professional (34), this was followed by detainees requiring an appropriate adult (23), requiring to inform somebody of their arrest (17) and adequate food and drink (17). There were 3 allegations of concern expressed to ICVs during the year. These allegations included concerns raised about excessive handling by the arresting officer, use of force in detention and allegation of sexual assault by a custody officer.





**TABLE 4** - CATEGORIES OF TREATMENT AND WELFARE MATTERS RAISED BY DETAINEES

Category	North-West	South-East	Tyrone- Fermanagh	Total
Access to toilet/washing facilities	1	2	0	3
Adequate bedding	0	2	0	2
Adequate food and drink	0	16	1	17
Allegations made/concerns raised	2	1	0	3
Being told rights	1	2	0	3
Checks on detainees	2	4	0	6
Code of Practice	0	1	0	1
Dietary/personal requirements	1	3	0	4
Exercise	1	1	1	3
Informing somebody	4	13	0	17
Legal advice	1	8	1	10
Medical attention	3	28	3	34
Other	0	1	0	1
Parent/Guardian responsibilities	2	0	0	2
Requiring an appropriate adult	11	10	2	23
Requiring an interpreter	1	4	2	7
Total	30	96	10	136

Table 5 which follows provides a breakdown of other reasons for concern which are provided to Board Officials for monitoring purposes.





# **TABLE 5** - THE REASONS FOR CONCERN REGARDING THE CONDITIONS OF DETENTION OF DETAINEES

Conditions	North-West	South-East	Tyrone-	TOTAL
			Fermanagh	
Alarm	0	0	0	0
Cleanliness	0	3	5	8
Faulty Equipment and Maintenance	2	19	11	32
Heating/Lighting	0	0	1	1
Medical Rooms/Health Equipment	2	5	1	8
Other	0	0	1	1
Safety/Security Hazards	0	3	0	3
TOTAL	4	30	19	53





## 6. MONITORING THE EFFECTIVENESS OF THE SCHEME

#### **VISITS MADE**

ICVs made 489 visits (valid and invalid) during April 2022 - March 2023. Table 6 shows a contrast of the number of actual visits made to each station during this period, compared to the number of guideline visits as set by the Board which is based on the size of the custody suite, footfall of detainees and the number of active ICVs within each of the 3 teams.

TABLE 6 - COMPARISON OF GUIDELINE VISITS AGAINST ACTUAL VISITS CARRIED OUT

Team	Station	Guideline Number of Visits <sup>1</sup>	Actual Number of Visits
	Antrim*	0	1
North-West	Coleraine	72	76
NOI (III-WES	Strand Road	72	76
	Sub-total	144	153
	Antrim	60	53
South-East	Antrim SCS Announced	0	1
	Banbridge	36	45
	Bangor <sup>2</sup>	8	4
	Musgrave	84	85
	Musgrave SCS Announced	48	33
	Musgrave SCS Unannounced	6	4
	Sub-total	242	225
	Dungannon <sup>3</sup>	50	49
Tyrone-	Lurgan <sup>4</sup>	6	10
Fermanagh	Omagh	48	52
	Sub-total	104	111
TOTAL VISIT	TS	490	489

<sup>\*</sup>North West team visit Antrim as a contingency suite.





- 1 Guideline Number takes into account any station closures including closures due to maintenance and also the resources within each ICV team.
- 2 Bangor is used as a contingency suite.
- 3 Dungannon was closed from February 2021 and reopened in June 2022
- 4 Lugan was closed for a major refurbishment from June 2022 until June 2023

There is a requirement for 10% of visits to be undertaken during unsociable hours (outside of 09:00-18:00). During the reporting period, April 2022 - March 2023 ICVs undertook 146 (30%) of visits during unsociable hours, as outlined in Table 7 which follows. There was 1 completed form which failed to state the time of the visit.

TABLE 7 - VISITS CARRIED OUT BY TIME OF DAY

Time	North- West	South- East	Tyrone- Fermanagh	Number of visits	%
Midnight – 8.59am	0	1	0	1	0.2
9.00am - 11.59am	38	12	13	63	12.9
Midday – 2.59pm	45	49	35	129	26.4
3.00pm – 5.59pm	42	64	45	151	30.9
6.00pm – 8.59pm	27	97	18	142	29.0
9.00pm – 11.59pm	1	1	0	2	0.4
Not stated	0	1	0	1	0.2
TOTAL	153	225	111	489	100%

As highlighted in Table 8 below, the majority of visits (18%) were carried out on Saturday; with the fewest visits (8%) carried out on Sunday.





TABLE 8 - DAYS ON WHICH VISITS WERE CARRIED OUT

Day	North-West	South-East	Tyrone-	Number of	<b>%</b> *
			Fermanagh	Visits	
Monday	29	15	17	61	12.5
Tuesday	33	36	8	77	15.7
Wednesday	28	46	10	84	17.2
Thursday	20	32	20	72	14.7
Friday	7	37	23	67	13.7
Saturday	29	34	25	88	18.0
Sunday	7	25	8	40	8.2
TOTAL	153	225	111	489	100%

## **DETAINEES SEEN BY ICVs**

Table 9 below highlights that there were 1,136 detainees selected for a visit, of which ICVs saw 549 detainees (48%). In comparison during April 2021 - March 2022 ICVs saw 2% less detainees (46%) equating to 557 out of the 1,207 selected for a visit.

TABLE 9 - DETAILS OF DETAINEES INTERVIEWED/NOT INTERVIEWED

Team	Valid Visits	Detainees selected for a visit	Detainees Seen	Detainees Refused	Detainees Not Seen – Other Reason
North-West	145	346	127	1	218
South-East	218	591	315	13	263
Tyrone- Fermanagh	110	199	107	4	88
TOTAL	473	1,136	549 <sup>5</sup>	18	569

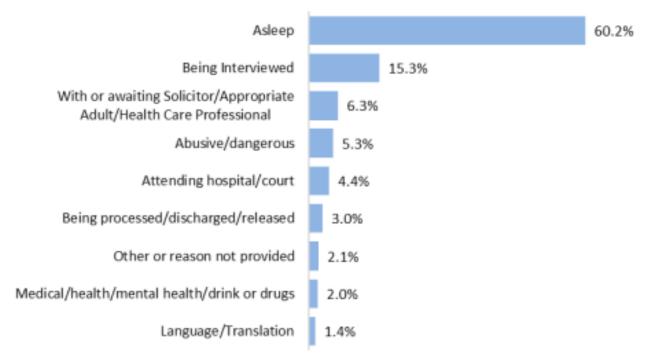
<sup>5</sup> ICVs may see more than 1 detainee in a visit





Only 1.6% of detainees refused to be seen, which is increase of 0.1% from the 2021/22 reporting year. There were 569 detainees not seen for other reasons as outlined in Table 9 above, in comparison to 632 in the previous year.

FIGURE 2: REASONS FOR DETAINEES NOT BEING SEEN (EXCLUDING REFUSALS)



#### **DETAINEE REFUSAL RATE**

As highlighted in Table 10 below, 1.6% (18) of detainees refused to be seen/interviewed, which is 0.1% higher than the 2021/22 reporting year. The following table provides a breakdown of the 18 detainees across stations.





**TABLE 10 - REFUSAL RATE BY STATION** 

Team	Station	Valid Visits	Detainees Selected for Visit	Detainees Refused to be interviewed	% Refusal Rate
	Antrim*	1	1	0	0.0
North-West	Coleraine	75	124	0	0.0
North West	Strand Road	69	221	1	0.5
	Sub-total	145	346	1	
	Antrim	51	133	1	0.8
	Antrim SCS Announced	1	1	0	0.0
	Banbridge	44	104	1	1.0
	Bangor*	4	10	0	0.0
South-East	Musgrave	81	296	6	2.0
30utii-Last	Musgrave SCS Announced	33	47	5	10.6
	Musgrave SCS Unannounced	4	0	0	0.0
	Sub-total	218	591	13	
	Dungannon	48	93	2	2.2
Tyrone-	Omagh	10	12	0	0.0
Fermanagh	Lurgan	52	94	2	2.1
	Sub-total	110	199	4	
TOTAL		473	1,136	18	1.6%

<sup>\*</sup>North West team visit Antrim as a contingency suite

<sup>\*</sup>South East team visit Bangor as a contingency suite





#### **CUSTODY RECORDS CHECKED**

Custody records are checked to ensure that detainee's rights and entitlements have been adhered to for example, detention review times. ICVs checked 960 of the 1,136 custody records (84.5%). ICVs checked 909 custody records in the 2021/22 reporting year and based on the number of detainees held it equated to 75.3% of records checked. Therefore, the percentage of custody records checked in this reporting year shows a significant increase of 9.2% on the previous year.

**TABLE 11 - CUSTODY RECORDS CHECKED** 

Team	Detainees Held	Custody Records Checked	% Checked
North-West	346	265	76.6
South-East	591	513	86.8
Tyrone-Fermanagh	199	182	91.5
TOTAL	1,136	960	84.5%

#### **DELAY TO VALID VISITS**

On occasion ICVs can be delayed entry to a custody suite. If the delay is greater than 10 minutes, but upon waiting the ICVs do gain access and carry out a visit, the visit is classed as a valid visit and also recorded against our statistics as a delayed visit.

Of the 473 valid visits made there were 14 occasions when ICVs were delayed entry to a custody suite, compared to 8 in the previous reporting year. There were also 3 visits classified as 'Invalid' where ICVs were delayed entry into the custody suite therefore, there were a total of 17 occasions of delayed entry reported against the total number of visits (489) within this reporting period.

Table 12 which follows provides a breakdown of these delays across the teams. The longest recorded delay was 25 minutes, which is less than the previous reporting year, where the longest delay was 28 minutes. Table 13 provides an overview of any delays by team and station in addition to the reason(s) for these delays.





# TABLE 12 - DELAYS TO VISITS BY TEAM AND STATION

Team	Station	Total Number of Delays  Greater than 10 mins	
	Antrim*	0	
North-West	Coleraine	0	
	Strand Road	0	
South-East	Antrim	3	
	Antrim SCS Announced	0	
	Banbridge	0	
	Bangor*	0	
	Musgrave	9	
	Musgrave SCS Announced	2	
	Musgrave SCS Unannounced	0	
TyFer	Dungannon	2	
	Lurgan	1	
	Omagh	0	
TOTAL visits (which were delayed): 17			

<sup>\*</sup>North West team visit Antrim as a contingency suite

<sup>\*</sup>South East team visit Bangor as a contingency suite





TABLE 13 - TIME DELAY DETAILS AND REASON/S

		Time	
Date	<b>Custody Suite</b>	Delay	Reason for Delay
		(mins)	
20 April 2022	Musgrave	20	Advised custody busy
15 May 2022	Musgrave	15	No reason given
21 May 2022	Lurgan	12	No reason given
26 June 2022	Musgrave	14	Advised custody busy
29 June 2022	Musgrave SCS	13	Advised custody busy
	Announced		
14 July 2022	Musgrave	11	Reception desk busy, ICVs
			weren't seen right away
16 July 2022	Dungannon	13	No reason given
7 August 2022*	Antrim	25	Advised custody busy
29 August 2022	Antrim	16	No reason given
13 September	Musgrave	23	Advised custody busy
2022*			
20 September 2022	Musgrave	12	Staff resource
24 September 2022	Musgrave	17	Detainee issues
6 November 2022*	Dungannon	15	Not collected by staff
14 January 2023	Musgrave	12	No reason given
19 January 2023	Antrim	13	distressed detainee at
			booking desk plus shift change over
31 January 2023	Musgrave SCS	13	Confused advice from CDO
	Announced		& Police Officer
17 March 2023	Musgrave	15	Security staff (G4S) did not
			grant ICVs access into custody suite car park. ICVs
			waited at security barrier
			until a member of staff from the custody office came to
			escort them in

<sup>\*</sup>relates to Invalid Visits





# 7. MONITORING THE SERIOUS CRIME SUITE (SCS)

This section provides a breakdown of statistics captured in relation to those detainees held in the SCS in Musgrave Police Station (Antrim Station is also used as a SCS contingency suite). As highlighted in Table 14 below, 38 valid visits to the SCS were recorded across the reporting year with 48 detainees. ICVs interviewed 35% of detainees (17), which is 3% less compared to the 2021/22 reporting year.

Five out of 48 detainees refused an interview with ICVs (10%), which is an increase of 2% compared to 2021/22 which saw five of 65 (8%) detainees refusing to speak to ICVs.

TABLE 14 - DETAILS OF DETAINEES INTERVIEWED/NOT INTERVIEWED IN THE SCS

Team	Valid Visits	Detainees Selected for Visit	Detainees Seen	Detainees Refused	Detainees Not Seen - Other Reason
SCS	38	48	17	5	26

**TABLE 15** – REASONS FOR SCS DETAINEES NOT BEING SEEN

Reason	Total	%
Asleep	1	3.2
Refused	5	16.1
Being Interviewed	12	38.7
Being processed/discharged/released	1	3.2
With Solicitor/ Appropriate Adult/ Health Care Professional	9	29.0
Other	3	9.7
TOTAL	31	100.0%





## 8. CONCLUSION

The Board is committed to ensuring that the human rights of those detained in custody is maintained to the highest standard by the PSNI. It is apparent from the data analysed that improvements have been made in the following areas;

- 3.1% reduction in the number of invalid visits;
- 9.2% increase in the number of custody records being viewed and;
- 2% increase in the number of detainees being interviewed by ICVs.

The Board note that there was a 3% decrease in the number of TACT detainees that ICVs visited during this reporting period. Although, it should be noted that only 5 out of the 48 detainees held (10.4%) refused a visit from an ICV.

The Board also note that a high proportion of delays in ICVs gaining access to custody suites (those greater than 10 minutes) were in relation to Musgrave Custody Suite (nine of the 17 delays, 52.9%) which is a decrease of 9.6% from the previous reporting year. The Board are continuing to raise this with PSNI in order to firstly, ascertain the reasons for delay and subsequently to address the issue to ensure delays to visits are minimised.

In addition, it is evident through the data provided in the ICV reports that there is a high standard and high volume of monitoring taking place by very committed volunteers. The Board are also committed to supporting and enhancing the role of ICVs through ongoing training, recognition events and the provision of a conference to recognise the contribution made by all volunteers.







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#### DOCUMENT TITLE

Annual Custody Visitors Report April 2022 – March 2023

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