

Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS)

Basics	Web site	www.nipolicingboard.org.uk
	Geographical coverage	<p>The Northern Ireland Policing Board (NIPB) is the single Board (similar to a police authority) for the whole of Northern Ireland and is responsible for running the Northern Ireland Independent Custody Visiting Scheme. Custody Visiting is statutory and the Board employs a Scheme Administrator. There are 4 geographical teams (panels) visiting a total of 21 PACE designated custody suites:</p> <ul style="list-style-type: none"> • Belfast/Antrim (9 Suites) • Tyrone/Fermanagh (4 Suites) • Down/Armagh (3 Suites); and • North West (5 Suites)
Constitutional Aspects	Legal Framework/Basis	<p>Section 73 of the Police (Northern Ireland) Act 2000 (http://www.opsi.gov.uk/acts/acts2000/ukpga_20000032_en_9#pt9-pb1-l1g73) places independent custody visiting on a statutory basis. The Scheme operates under its own Code of Practice which is primarily the Home Office Code of Practice (available at http://www.icva.org.uk/news/2010/april/) with local variations as appropriate in line with the Police and Criminal Evidence (Northern Ireland) order 1989 (Article 60, 60A and 65) The Scheme also operates under the TACT Act 2000 and its Codes of Practice in respect of Terrorist Detainees.</p>
	Independence	<p>Members must have no direct involvement in the criminal justice system, such as serving police officers, special constables or police authority members and staff. Others, such as solicitors or probation officers, may be excluded to prevent possible conflicts of interest for the individual. However each application is considered on its merits.</p> <p>s73(7) of the Police (Northern Ireland) Act 2000 states: The arrangements shall provide that a person may not be appointed as a lay visitor if— (a) he is a member of the Board; or (b) he is, or has been, a police officer.</p> <p>The Code of Practice states that in appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police of police authority staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace and members of the police authority.</p>
	Financial Independence	<p>The NIPB is a NDPB and receives its funding from the Department of Justice for Northern Ireland.</p>

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Membership	<p>Composition of body</p> <p>Website: The NIPB is composed of 19 members (10 MLAs and 9 Independents). NIPB’s Human Rights & Professional Standards Committee oversees the role and operation of the Independent Custody Visiting Scheme: (http://www.nipolicingboard.org.uk/index/theboard/the-committees/content-humanrightsprofstandards.htm).</p> <p>The Scheme operates within NIPB’s Planning Directorate. There is a part-time Scheme Administrator with overall management responsibility falling to the Service Monitoring Manager. The Service Monitoring manager is the Northern Ireland member of the ICVA Executive Committee.</p> <p>Independent custody visitors (ICVs) are local community members who check on the welfare of people in police custody, by visiting police stations unannounced. Representing various backgrounds and sections of the community, ICVs must be over 18 and have no direct involvement in the criminal justice system, such as serving police officers or special constables. Others, such as solicitors or probation officers, may be excluded to prevent possible conflicts of interest for the individual. However each application is considered on its merits. Their role is set out in section 73 of the Police (Northern Ireland) Act 2000(http://www.nipolicingboard.org.uk/custody_visitor_leaflet_2009.pdf).</p>
	<p>Appointment</p> <p>s73 of the Police (Northern Ireland) Act 2000 states: (1) The Board shall make, and keep under review, arrangements for designated places of detention to be visited by persons appointed under the arrangements (“lay visitors”). (2) The arrangements shall require a report on each visit to be made to the Board and the Chief Constable by the lay visitor concerned. (3) The report shall deal with— (a) the conditions under which persons are held in the designated place of detention concerned and with their welfare and treatment; (b) the adequacy of facilities at that place of detention; (c) such other matters as may be specified in an order made by the Department of Justice (as amended by the Northern Ireland (Devolution of Policing and Justice Functions) Act 1998). (4) The arrangements may confer on lay visitors such powers as the Board considers necessary to enable the report required as a result of subsection (2) to be made and may, in particular, confer on them a power to— (a) require access to be given to each designated place of detention; (b) examine records relating to the holding of persons there; (c) interview persons who are being held there; (d) inspect the facilities there including, in particular, washing and toilet facilities and the facilities for the provision of food.</p> <p>Code of Practice NIPB adopts the Home Office Code of Practice for the recruiting, selecting and appointment of Independent Custody Visitors. ICVs can only serve for a maximum of 6 years under local arrangements.</p>

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	Expertise	NIPB adopts the Home Office Code of Practice.
Visiting Mandate	Places of deprivation of liberty to be visited	All places of police detention designated under Article 36 of the Police and Criminal Evidence (Northern Ireland) Order 1989, except so much of the station as is for the time being designated for the purposes of paragraph 1 of Schedule 8 to the [2000 c. 11.] Terrorism Act 2000.
	Frequency of visits	Independent custody visitors visit police stations, always in pairs within their team area. The Scheme sets yearly guideline visits (approximately 4% of detainee throughput from the previous year). The frequency of visits is monitored, against the guideline visits and reported to the Human Rights & Professional Standards Committee on a quarterly basis. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.
	Types of visits	NIPB adopts the Home Office Code of Practice.
	Private interviews	NIPB adopts the Home Office Code of Practice.
	Access to information	NIPB adopts the Home Office Code of Practice. The Police (Northern Ireland) Act 2000 states: s 73 (4) The arrangements may confer on lay visitors such powers as the Board considers necessary to enable the report required as a result of subsection (2) to be made and may, in particular, confer on them a power to— (a) require access to be given to each designated place of detention; (b) examine records relating to the holding of persons there; (c) interview persons who are being held there; (d) inspect the facilities there including, in particular, washing and toilet facilities and the facilities for the provision of food.
	Publication of findings after visits	A report is completed after each visit, providing an insight into the running of the custody area at that time. Copies of the reports are provided to the PSNI, NIPB and independent custody visitors. The Scheme Administrator is responsible for the effective running of the 'Process for the resolution of unsatisfactory Custody Visits' which is also reflected in the PSNI General Order No: 40/2006 Custody Visitors. An escalation procedure to ACC Level is part of the process if required. NIPB publishes quarterly and annual statistics on Custody Visits on its website at www.nipolicingboard.org.uk
	Coordination of visits	This is the responsibility of the Scheme Administrator although the exact timing of visits are agreed within the regional teams.

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Other Aspects of Mandate	Recommendations and suggestions for amendments to legislation	<p>A report is completed after each visit, providing an insight into the running of the custody area at that time. Copies of the reports are provided to the PSNI, NIPB and independent custody visitors.</p> <p>The Service Monitoring Manager represents the Scheme on the following groups:</p> <ul style="list-style-type: none"> • PSNI Custody Working Group • Custody Healthcare Group • Northern Ireland Appropriate Adult Scheme <p>There is a dedicated senior officer within PSNI for dealing with all aspects of Custody.</p> <p>Possible areas for amendment to legislation:</p> <ul style="list-style-type: none"> • Visits to those arrested before detention is authorised (ie those held in police vehicles prior to detention being authorised) • Visits to non-designated custody areas.
	Preventive activities	<p>Independent custody visitors look, listen and report on what they find in the custody unit. Discussions must focus on checking whether detainees have been offered their rights and entitlements under PACE, their health and wellbeing, and confirming whether the conditions of detention are adequate.</p> <p>The guideline visits sets targets for:</p> <ul style="list-style-type: none"> • Visits at weekends (particularly Friday/Saturday nights); and • Visits at unsociable hours (midnight – 8am)
Standards	Legal standards applied	<p>With regard to visits to police custody detention, the legal standards for assessing a visit are based on the Police and Criminal Evidence (Northern Ireland) order 1989 (Article 60, 60A and 65) Code C Detention, treatment and questioning of persons by police officers.</p>
Reports	Annual reports	<p>NIPB Publishes an annual report which includes the Independent Custody Visiting Scheme at http://www.nipolicingboard.org.uk/nipb_ar.pdf</p> <p>The Scheme publishes its own annual report at http://www.nipolicingboard.org.uk/custody_visiting_annual_report.pdf</p> <p>In addition Chapter 10 of NIPB's Human Rights Annual Report is relevant to Custody Visitors http://www.nipolicingboard.org.uk/final_pdf_-_human_rights_annual_report_2010.pdf</p>