

# Police Service of Northern Ireland

HQ Ref: TRIM 3264-07

PD 05/09

## POLICY DIRECTIVE

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### CUSTODY

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#### 1. POLICY IDENTIFICATION

**POLICY TITLE:** Custody

**POLICY OWNERSHIP:**

**DEPARTMENT** Operational Support Department

**BRANCH** Operational Policy and Support

**POLICY APPROVED BY:** Assistant Chief Constable,  
Operational Support Department

**CCF REF/OTHER  
DATE OF APPROVAL** 28 April 2009

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**DATE OF ISSUE** 7 July 2009

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**2. POLICY STATEMENT**

The Police Service of Northern Ireland (PSNI) is committed to ensuring that it complies fully with its legal obligations in relation to persons in police custody. These obligations include, but are not limited to, those set out in the Police and Criminal Evidence (PACE) (Northern Ireland) Order 1989, the PACE Codes of Practice and the Human Rights Act (HRA) 1998. Legislation and Codes of Practice are supported where required by national guidance and PSNI Policy, Procedure and Guidance.

**3. INTRODUCTION**

(1) This Policy Directive outlines the expected standards for the treatment of persons arrested, detained and subsequently departing from custody, either on release or on transfer to other partners in the Criminal Justice System or other agencies. These standards also apply to persons detained at custody suites having been brought there by other law enforcement agencies.

(2) Custody suites are located at police stations designated by the Chief Constable as per Article 36 PACE (Northern Ireland) Order 1989. The Chief Constable has designated the following police stations as having adequate accommodation suitable for the detention of arrested persons:

Antrim	Antrim Road	Ballymena	Banbridge	
Bangor	Coleraine	Downpatrick	Dungannon	Enniskillen
Grosvenor Road	Limavady	Lisburn	Lurgan	Musgrave Street
Newtownards	Omagh	Strand Road	Strandtown	Waterside

(3) Detained persons can also be held in any police station as per Article 32 PACE (Northern Ireland) Order 1989.

(4) The Secretary of State has designated the PSNI Serious Crime Suite, Antrim as suitable for the detention of persons detained under Section 41 and Schedule 7 of the Terrorism Act 2000. Grosvenor Road PSNI station has been designated as a back up facility to Antrim Serious Crime Suite.

**(a) Drivers for Change**

(i) The PSNI Custody Working Group brings together representatives from the following areas that have an organisational responsibility for a particular area of the custody environment:

- (aa) Operations Branch;
  - (bb) Criminal Justice Department;
  - (cc) Assistant Chief Constable (ACC), Urban;
  - (dd) Assistant Chief Constable (ACC), Rural;
  - (ee) Training and Development Branch;
  - (ff) Custody Officer, Urban;
  - (gg) Custody Officer, Rural;
  - (hh) Serious Crime Suite, Antrim;
- (ii) Fingerprint Branch;

- (jj) Health and Safety Unit;
  - (kk) Information and Communications Services (ICS);
  - (ll) Estate Services Business Unit (ESBU);
  - (mm) Procurement and Logistics Services (PALS).
- (ii) The Northern Ireland Policing Board (NIPB) Service Monitoring Manager also attends the Custody Working Group as an observer.
- (iii) The terms of reference for the Custody Working Group are to provide support for police officers and staff in order that the highest standard of detainee care is provided in the safest possible environment. The Custody Working Group also considers the recommendations of the Safer Detention and Handling of Persons in Police Custody (SDHP). Some recommendations require a long-term strategic approach and agreement from statutory organisations outside the Criminal Justice System and not all will have been implemented at the time of the publication of this Policy Directive. This Policy Directive will therefore be updated to reflect progress in implementing the SDHP recommendations and other legislative/procedural changes.

**(b) Aims**

The high level of contact police officers and staff have with detainees who may be violent or vulnerable or both, places significant risk and expectations on them. This Policy Directive focuses on helping to identify the risks and managing them accordingly to minimise the risk to the detainee but equally important, help minimise the risk to police officers, staff and others who come into contact with those in custody. The procedures and guidance will assist in this aim as well as providing the safest possible conditions where evidence can be secured and preserved. Detained persons can then be taken into the Criminal Justice System where necessary or onto other agencies where a benefit to the detainee has been identified or legislation directs such action.

**(c) Application**

This Policy Directive applies to all police officers and staff involved in the arrest and/or detention of persons either directly or indirectly. Each District Commander will appoint an officer of at least the rank of Inspector as Custody Manager. The Custody Manager is responsible for carrying out audits of custody suites to ensure compliance with the procedures and guidance of this Policy Directive.

**(d) Legislative Requirements**

Whilst there is no legislative requirement to produce a Policy Directive on custody, there is an operational requirement to provide police officers and staff with procedures and guidance in support of that contained in legislation and Codes of Practice for the treatment of arrested/detained persons. There are several areas of legislation that provide powers to detain and secure/preserve evidence. Codes of Practice also outline the expected standards for the treatment of persons whilst in police custody. These include, but are not limited to:

- (i) The PACE (Northern Ireland) Order 1989;
- (ii) The PACE (Northern Ireland) Order 1989 Codes of Practice;
- (iii) The Terrorism Act 2000;
- (iv) The Human Rights Act (HRA) 1998;

- (v) Common Law;
- (vi) Section 3 of the Criminal Law Act 1967.

#### **4. IMPLICATIONS OF POLICY**

##### **(1) Consultation**

- (a) Internal consultation has taken place with the following:
  - (i) Area Commanders;
  - (ii) United Kingdom Borders Agency (UKBA) (Seconded PSNI officers);
  - (iii) Criminal Justice Department;
  - (iv) Enterprise Solutions;
  - (v) Foreign National Unit;
  - (vi) Health and Safety Unit;
  - (vii) Human Rights Legal Adviser;
  - (viii) Legal Services Branch;
  - (ix) Training and Development Branch;
  - (x) Professional Standards Department (PSD);
  - (xi) Belfast Regional Control (BRC).
- (b) External consultation has taken place with the following:
  - (i) Northern Ireland Policing Board (NIPB);
  - (ii) Police Ombudsman for Northern Ireland (PONI).
- (c) This Policy Directive also contains areas of current Policy, Procedure and Guidance that for information are cross referenced. Each Policy, Procedure and Guidance will therefore have received consultation in the relevant area both internally and externally where required. Further consultation will also occur where considered necessary during annual reviews.

##### **(2) Training**

- (a) All police officers and staff working in the custody suite should be trained to the required standard to allow them to perform their duties. Guidance is available at Section 10 of the SDHP Manual.
- (b) Training will follow national guidelines. Where any deviation is made, this should be clearly documented. Police officers and staff are reminded of their personal responsibility to identify their training needs and to bring these to the attention of their immediate supervisor. Police officers and staff are also required to maintain a high level of knowledge in relation to Policy, Procedure, Guidance and current legislation.
- (c) Whilst it is acknowledged that there is a statutory requirement for the Police Service to provide adequate training, there is equally an onus upon all police officers and members of staff to co-operate and attend relevant training courses as and when required.

- (d) Any individual not attending or participating in all aspects of training may not only compromise their ability to protect themselves and others, but may also leave themselves liable to committing a disciplinary offence and a breach of their individual legal obligation under health and safety legislation. Such non-attendance should be brought to the attention of a supervising officer for necessary managerial action or referral to Occupational Health and Welfare (OHW) as deemed appropriate.
- (e) District Commanders are responsible for ensuring that those under their command are provided with regular opportunities to attend for required training in the appropriate areas in line with organisational need.

**(3) Risks**

The arrest and detention of persons brings with it associated risks to the general public, to police, to staff and to the detained person hence the need to ensure that any actions comply with accepted operational and training procedures. Where possible all anticipated risks should be the subject of a properly conducted Health and Safety Risk Assessment.

**5. HUMAN RIGHTS/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION**

- (1) This Policy Directive and accompanying procedures and guidance are deemed to be Human Rights compliant. It has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.
- (2) This Policy Directive is suitable for public disclosure in accordance with the Freedom of Information Act 2000 however the accompanying procedure and guidance is suitable for internal dissemination only.

**6. MONITORING AND REVIEW**

- (1) This Policy was first approved in April 2009 by ACC, Operational Support Department.
- (2) The Head of Operations Branch is responsible for reviewing the contents of this Policy Directive on an annual basis.
- (3) The Head of Operations Branch will review this Policy Directive in June 2010.
- (4) Feedback relating to this Policy Directive should be made to Operational Policy and Support, Operational Support Department.