



COURT CUSTODY

THE DETENTION OF
PERSONS IN THE CUSTODY
OF THE COURT IN
NORTHERN IRELAND

MARCH 2022



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LIST OF ABBREVIATIONS

CCTV	Closed Circuit Television
CJI	Criminal Justice Inspection Northern Ireland
DoJ	Department of Justice
HMIP	Her Majesty's Inspectorate of Prisons (in England and Wales)
MMPR	Minimising and Managing Physical Restraint
NICTS	Northern Ireland Courts and Tribunals Service
NIPS	Northern Ireland Prison Service
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PACE	Police and Criminal Evidence (Northern Ireland) Order 1989
PECCS	Prisoner Escorting and Court Custody Service
PCO	Prisoner Custody Officer
PSNI	Police Service of Northern Ireland
PRISM	Prison Record Information System Management (in NIPS)
SPAR Evo	Supporting People at Risk Evolution
UK	United Kingdom
UN	United Nations
Woodlands JJC	Woodlands Juvenile Justice Centre

Terminology:

In this report the word 'detainee' is used to describe a person held in court custody. This includes those who have been transferred from police custody for a first appearance at court, those awaiting transfer to a prison after being remanded into custody and those who have been produced from prison for a court appearance.

CHIEF INSPECTOR'S FOREWORD

The continuity of criminal court business throughout the COVID-19 pandemic has accelerated reconsideration of the need for detainees to be physically present in a court room. This has provided an opportunity to recover prisoner escorting and court custody services, not to what they were, but to more effective services that provide better outcomes for detainees and the administration of criminal justice.

Prisoner Escorting and Court Custody Service staff play a vital role in keeping detainees safe and their needs met. Detainees may be experiencing their first time in a court cell, challenging to deal with, confused about the criminal justice process and angry about being there. Staff need skills, support and access to information to provide appropriate care and treatment for those detainees.

The limitations and challenges of maintaining an aging court estate, some with cell areas created centuries ago, balanced with local access to justice and maximising courtroom utilisation are not under-estimated. However, providing a safe environment where detainees, who may be held for several hours, can have their needs met as well as an appropriate working environment for Prisoner Escorting and Court Custody staff needs serious consideration within the Northern Ireland Courts and Tribunals Service estates strategy.

This report makes four strategic and nine operational recommendations that reflect the need to reposition the Prisoner Escorting and Court Custody Service and its staff as a more inclusive part of the Northern Ireland Prison Service.

The Police Service of Northern Ireland, Northern Ireland Courts and Tribunals Service and Northern Ireland Prison Service Prisoner Escorting and Court Custody Service have a strong partnership and I hope they build on it to reform services and deliver against Expectations and indicators for court custody.

The Lead Inspector for this inspection was Rachel Lindsay supported by Inspector Maureen Erne. I am grateful to all those involved in the inspection, particularly the Prisoner Escorting and Court Custody Service staff and importantly, those detainees who spoke to Inspectors about their experience being transported to and time spent in court custody.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

March 2022

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Northern Ireland**
a better justice system for all



EXECUTIVE SUMMARY

As a member of the United Kingdom's National Preventive Mechanism, Criminal Justice Inspection Northern Ireland (CJI) has a responsibility to monitor court custody in Northern Ireland. This inspection, CJI's second full inspection of court custody, commenced after the onset of the COVID-19 pandemic, with on-site visits undertaken in September 2021. The inspection utilised a set of *Expectations for detainees in court custody*. At the time of the inspection there were 17 courthouses in Northern Ireland in operation for court business.

Leadership and multi-agency relationships

Responsibility for court custody and escorting was shared between the Northern Ireland Prison Service Prisoner Escorting and Court Custody Service, the Northern Ireland Courts and Tribunals Service and the Police Service of Northern Ireland. The COVID-19 pandemic and associated restrictions had led to significant changes for the hearing of cases at court and consequently, where detainees were held before appearing in court during 2020-21 and during 2021-22 to the time of the fieldwork. In 2020-21 there was a throughput of 1,739 detainees in court custody, a significant decrease from 14,562 in 2019-20.

There were positive relationships between the partners at both strategic and operational level and these assisted with the effective delivery of court processes. The ongoing effect of the COVID-19 pandemic meant that very few detainees were held in court custody with the majority of first appearances being held remotely from police custody suites.

There was no specific COVID-19 recovery plan for the Prisoner Escorting and Court Custody Service and this had an impact on both the delivery of the court custody process as well as on detainees. It is recommended that the Prisoner Escorting and Court Custody Service develop a recovery plan within three months of this report.

At the time of the inspection the Prisoner Escorting and Court Custody Service faced challenges within its workforce in relation to recruitment and retention, pay and conditions, the number of staff available for deployment across the court estate and a need to ensure that management structures led to more effective decision making and leadership. The training provided to new recruits and existing staff did not appear to be sufficiently focused on the roles in court custody. There was a need for a greater focus on training in key areas related to the role including safeguarding, first aid, and criminal court practice and terminology.

Work in some of these areas had begun and Inspectors have recommended that a workforce review is undertaken to assist with these issues, including a training needs analysis for staff.

Data collection was mainly by paper-based methods and there was a lack of access to information technology throughout the court estate. This made analysis of data and trends difficult and data was not used sufficiently to inform service delivery or improvements. It is recommended that information technology hardware and software to facilitate such data collection and analysis be rolled out. Quality assurance was undertaken in relation to use of force but there was a need to develop more effective methods to consult and engage with staff.

Transfer to court custody

The information provided to inform risk assessments came from either police custody or the prison in which the detainee was held. Both these pieces of information could be improved to enhance the information available to escorting staff and staff at court about detainees.

The Prisoner Escorting and Court Custody Service had invested significantly in its fleet of escort vehicles and these were modern and suitable for the purpose. Travel times were not excessive and a positive impact of the pandemic was the reduction in unnecessary journeys for those travelling from prison to court for a short appearance, which could be held by video link. At some courts there was no secure parking area for vehicles, placing staff and detainees at risk of undue attention.

The pandemic had also led to an arrangement whereby the Prisoner Escorting and Court Custody Service collected detainees from police custody suites to transport them to prison rather than this being undertaken by Police Officers. This is a positive development and, as well as a review of the current Service Level Agreement, CJI recommends that options to continue this arrangement in the longer term should be explored.

In the custody suite: reception processes, individual needs and legal rights

Inspectors found that detainees were treated respectfully and with dignity by the Prisoner Escorting and Court Custody Service staff during their time at court. Staff demonstrated an awareness of the needs of detainees, particularly women and children, and tried to support them. Detainees reported being treated well by staff. The environment made it difficult to have confidential conversations and to cater for detainees with disabilities, but staff were able to accommodate those who spoke different languages.

A risk assessment was completed on arrival at the custody suite and staff had received training in procedures to support people at risk of suicide and/or self-harm. There is a need to review the risk assessment process and its outcomes to ensure detainees are adequately protected. Delays were common for those in court custody, either in waiting for the case to be heard or waiting for paperwork to be finalised for either bail or remand and onwards transfer to prison. Just under half the courts visited had suitable legal consultation rooms. There were few complaints made about court custody and those made mainly related to delays in the case being heard or the transfer to prison.

In the custody cell, safeguarding and health care

The quality of court custody areas within the courthouses ranged from an acceptable standard to not fit for purpose. Despite significant capital expenditure by the Northern Ireland Courts and Tribunals Service to fund modernisation programmes, some of the issues were impossible to rectify within the existing buildings. Some of the more modern courthouses provided suitable layouts with sufficient cells of a reasonable size and were in a good state of repair. However others suffered a range of problems relating to temperature, lack of natural light or ventilation, lack of running water, cramped conditions and an inability to have separate areas for storage, office space, booking in detainees and staff facilities.

Some suites had been refurbished immediately prior to or during the COVID-19 pandemic but there was evidence of graffiti in most suites visited. Daily checks and cleaning were undertaken but some areas would benefit from a more thorough clean. It is recommended that regular inspections are conducted jointly by the Court Premises Officer and Senior Prisoner Custody Officer to proactively identify such issues and actions to address them. A previous attempt to close courthouses considered unsuitable or underutilised had been halted following Judicial Review proceedings. The Northern Ireland Courts and Tribunals Service was undertaking further risk assessments of air quality as part of the COVID-19 response and was developing plans for a future estate strategy.

While recognising the challenges, Inspectors believe that action is still

required to ensure the current custody estate is fit for purpose. It is recommended that the *Expectations* relating to the physical environment of the court custody suite and the entrance by which detainees enter the courthouse be included in the strategic principles for the court estate.

There was a lack of closed circuit television throughout the court custody estate as well as few fixed assistance alarms. In conjunction with its partners, the Northern Ireland Prison Service should scope out the feasibility of the introduction of body worn video cameras in court custody. Use of force was low and staff were well aware of the need for de-escalation techniques. Detainees were positive about the care they had received during their time in court custody, including the provision of food and drink. Toilets were available for detainees with toilet paper, soap and paper towels in most courts but in some places there was no hot running water available for handwashing.

Staff had not been trained in safeguarding policies and seemed unsure of the procedures. Efforts were made to facilitate visits for vulnerable detainees, including children, where facilities were available. Court custody suites were designed for adults and the opportunities to make them more child-friendly were limited. It was operational policy that Police Officers undertook the escorting and custody duties for a child attending for a first appearance. It was positive that the Prisoner Escorting and Court Custody Service staff had been trained alongside staff from Woodlands Juvenile Justice Centre in an approved restraint technique for children and undertook escorting duties and care of children at court for subsequent appearances.

Inspectors believe that this progress could be developed further to improve the arrangements for holding children in court custody.

There was no direct health care provision in court custody and therefore staff relied upon advice from a prison or police custody health care professional, their own first aid training or calling '999' and requesting emergency assistance. A first aid box and defibrillator were available in the custody suite and some staff had been trained to use them. There was a lack of clarity around the administration of medicines and discussions were ongoing to develop a policy approach. In addition there were plans being developed about the collection of health care information to be shared digitally with prison health care. In some custody suites medications were not able to be properly stored. An action plan is required to address the issues surrounding the provision of health care at court.

Release and transfer from court custody

A pre-release risk assessment was conducted with detainees before they were transferred to prison or released. The Prisoner Escorting and Court Custody Service staff made significant efforts to contact those who could collect detainees or signpost them to services in the community. However, there did not appear to be formalised arrangements to share information about risk, vulnerability, health or safeguarding with relevant agencies and support organisations.

Detainees who arrived for court without money, phone, keys or other property were a concern for staff and it is recommended that this is addressed. Leaflets were available for detainees and their relatives about either release or committal into prison and these were available in a variety of languages. Detainees who had appeared before the court knew where they would be going when they left the custody suite.

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

A workforce review should be conducted of the Prisoner Escorting and Court Custody Service by the Northern Ireland Prison Service, within six months of the publication of this report, to include the following:

- how the anticipated outcomes of the Pay and Grading review affects the current and future recruitment and retention of staff and their job roles and responsibilities;
- management structure and roles and staffing numbers required at all levels based on projected service delivery requirements; and
- the training needs of staff for mandatory initial and refresher training and continuing professional development which meets the needs of the role in relation to criminal court practice, use of force, first aid, safeguarding and line management.

(paragraph 2.30)

STRATEGIC RECOMMENDATION 2

Within a year of the publication of this report, information technology hardware and software should be installed in all court custody areas to enable quality data to be collected effectively and analysed to identify trends that can inform organisational learning and improve outcomes for detainees.

(paragraph 2.31)

STRATEGIC RECOMMENDATION 3

The Prisoner Escorting and Court Custody Service and the Police Service of Northern Ireland should take action to improve the arrangements for the delivery of escorting services between police custody, courts and prisons:

- the current Service Level Agreement should be reviewed and enhanced within three months of the publication of this report to include performance indicators for service delivery; and
- a target operating model should be designed and scoped, within nine months of the publication of this report, whereby the Prisoner Escorting and Court Custody Service undertakes all escorting to court and to prison apart from in exceptional circumstances.

(paragraph 3.16)

STRATEGIC RECOMMENDATION 4

In developing the strategic principles for the court estate, the Northern Ireland Courts and Tribunals Service should include an assessment of the court custody area and areas used for escorting detainees against the relevant Criminal Justice Inspection Northern Ireland *Expectations* and indicators for court custody.

(paragraph 5.17)

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

Within three months of the publication of this report, the Prisoner Escorting and Court Custody Service should, in consultation with partners in the Police Service of Northern Ireland, the Public Prosecution Service and the Northern Ireland Courts and Tribunals Service, develop a court escort and custody specific COVID-19 recovery plan that takes a risk based and staged approach to returning to business as usual.

(paragraph 2.17)

OPERATIONAL RECOMMENDATION 2

Within three months of the publication of this report, an effective mechanism for consulting and engaging with staff within the Prisoner Escorting and Court Custody Service is developed, to identify lessons learned and areas of good practice that can be utilised to identify areas of improvement for service delivery.

(paragraph 2.33)

OPERATIONAL RECOMMENDATION 3

Within six months of the publication of this report, the Prisoner Escorting and Court Custody Service should, in conjunction with partners in prison receptions, review the current risk information provided for transfer from prison to court and identify how this can be improved to greater evidence the risks to and from the prison.

(paragraph 3.3)

OPERATIONAL RECOMMENDATION 4

The Prisoner Escorting and Court Custody Service should undertake a review of the risk assessment process at court within six months of the publication of this report to include:

- the ability of court custody staff to access prisoner records to further explore information for risk assessment purposes where required;
- the policy regarding how risk assessment links to pre-determined observation levels for detainees; and
- accurate recording of observations of detainees.

(paragraph 4.12)

OPERATIONAL RECOMMENDATION 5

The Northern Ireland Courts and Tribunals Service should ensure that its Estates Facilities Manager and the Prisoner Escorting and Court Custody Service Senior Prisoner Custody Officer jointly undertake a series of regular inspections of the custody areas to identify maintenance issues and refurbishment required.

(paragraph 5.5)

OPERATIONAL RECOMMENDATION 6

The Northern Ireland Prison Service, in conjunction with the Department of Justice and other partners, should consider the introduction of body worn video cameras for staff during escort, in court custody areas and when escorting detainees to the courtroom in areas not accessible to the public.

(paragraph 5.19)

OPERATIONAL RECOMMENDATION 7

Improvements should be made by the Prisoner Escorting and Court Custody Service in the arrangements for holding children in court custody within nine months of the publication of this report to ensure:

- that Prisoner Escorting and Court Custody Service staff are responsible for the care and escort of children from the time of arrival in court custody for a first appearance;
- children should only be held in cells when this is justified by an individual risk assessment; and
- sufficient staff are available across the court custody estate who are trained in Minimising and Managing Physical Restraint.

(paragraph 5.38)

OPERATIONAL RECOMMENDATION 8

The Prisoner Escorting and Court Custody Service should develop an action plan, within six months of the publication of this report, to address deficits in health care provision including:

- consistency of access to health care advice/assessment;
- appropriate first aid provision and training for staff in administration of medications; and
- appropriate medications storage, management and administration policies.

(paragraph 5.48)

OPERATIONAL RECOMMENDATION 9

The Northern Ireland Prison Service should ensure that small property is sent with any detainee who is produced from prison for a court appearance where there is reasonable potential for release.

(paragraph 6.3)

CHAPTER 1: INTRODUCTION

The need for monitoring of court custody

- 1.1 The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. It recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. The OPCAT requires that States designate a National Preventive Mechanism (NPM) to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations regarding the prevention of ill-treatment.¹
- 1.2 In 2003 the United Kingdom (UK) ratified the OPCAT and designated its NPM in 2009. At the time of this report the UK's NPM was made up of 21 visiting or inspecting bodies that visit places of detention including prisons, police custody, immigration detention centres, children's secure accommodation and mental health detention. The NPM is co-ordinated by Her Majesty's Inspectorate of Prisons (HMIP). Criminal Justice Inspection Northern Ireland (CJI) has responsibility for monitoring court custody in Northern Ireland. This complements CJI's role in inspecting police custody given the close interface between the detention of persons in police cells who are then transferred to court custody and held there until they are bailed or remanded into prison custody by the court. The escorting of prisoners and holding of detainees in court custody is an essential element of the criminal justice system. The Northern Ireland Prison Service (NIPS) Prisoner Escorting and Court Custody Service (PECCS), Northern Ireland Courts and Tribunals Service (NICTS) and Police Service of Northern Ireland (PSNI) work in partnership in Northern Ireland to deliver these services (see Chapter 2).

Legislative and policy framework

- 1.3 The Prison and Young Offenders Centre Rules (Northern Ireland) 1995 sets out the legal basis for transfer to and detention of those required to appear before a court.² In addition, The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) requires that a detainee is brought before a Magistrates' Court as soon as is practicable after charge.³

1 OPCAT and the UK's NPM accessed online at <https://www.justiceinspectorates.gov.uk/hmiprison/national-preventive-mechanism>.
2 See <https://www.justice-ni.gov.uk/publications/northern-ireland-prison-service-prison-rules>
3 See <https://www.legislation.gov.uk/nisi/1989/1341/article/47>

- 1.4 The College of Policing Authorised Professional Practice module on Detention and Custody outlines the responsibilities of the police Custody Sergeant in relation to the transfer of a detainee, particularly in relation to reviewing risk assessment and health care documentation. The Custody Sergeant is required to complete a Person Escort Record that is provided to the Police Officers or prisoner escort staff who transfer the detainee to court or prison and to the prisoner custody staff at the courts as appropriate.

Background to this inspection

- 1.5 In October 2010 CJI published its first inspection of the arrangements for prisoner escorting and detaining people in court custody as delivered by the PECCS.⁴ A Follow-up Review was conducted and published in April 2014.⁵ The Follow-up Review found that, of the 17 recommendations for improvement, 13 had been achieved with work undertaken in relation to the remaining four recommendations. The then Chief Inspector's Foreword commented, *"This review found that considerable progress has been made by the PECCS, through becoming more cost effective and at the same time, transforming the experience of prisoners. Inspectors particularly welcome the use of dynamic risk assessment to reduce instances of prisoners being handcuffed in cellular vehicles and the separation of female and male prisoners in the majority of cases. This review found that considerable progress has been made by the PECCS, through becoming more cost effective and at the same time, transforming the experience of prisoners."*
- 1.6 In common with inspections of prison and police detention the inspections of court custody conducted to date utilised a set of *Expectations for detainees in court custody*. These were developed for the rolling programme of inspections of court custody in England and Wales by HMIP. The *Expectations* were drawn up after consultation and are based on and referenced against relevant international and regional human rights standards. They also draw on the cumulative learning of court custody inspections to date and best practice.
- 1.7 HMIP updated the *Expectations* in 2020 and these were adapted for use in Northern Ireland and agreed with the PSNI, the NICTS and the PECCS. The five inspection areas were:
- Leadership and multi-agency relationships;
 - Transfer to court custody;
 - In the custody suite: reception processes, individual needs and legal rights;
 - In the custody cell, safeguarding and health care; and
 - Release and transfer from court custody.

A copy of the *Expectations* used in the inspection can be found at Appendix 1.

4 CJI, *An inspection of Prisoner Escort and Court Custody arrangements in Northern Ireland, October 2010*, available online at: <https://www.cjini.org/getattachment/cc81a484-6109-4d33-95db-5b9d71df3883/Prisoner-Escort-and-Court-Custody-arrangements-in-Northern-Ireland.aspx>.

5 CJI, *Prisoner Escort and Court Custody arrangements in Northern Ireland: A follow-up review of inspection recommendations, April 2014*, available online at: <https://www.cjini.org/TheInspections/Action-Plan-Reviews-Inspection-Follow-Up-Review/2014/Prisoner-Escort-and-Court-Custody-Follow-up-re>.

The 2021 inspection

- 1.8 This inspection was planned to take place in early 2020, shortly after the conclusion of CJI's inspection of police custody which was published in September 2020.⁶ However the onset of the COVID-19 pandemic and the associated lockdowns and health restrictions, which impacted on the delivery of court proceedings and the appearance of detainees at court, meant that the commencement of the inspection was delayed until Spring 2021.
- 1.9 Full details of the methodology for this inspection can be found in Appendix 2 and the Terms of Reference can be found at Appendix 3. Prior to the commencement of the inspection the PECCS, the NICTS and the PSNI undertook a self-assessment against the *Expectations*, providing supporting documentation and custody data.
- 1.10 Meetings were held between CJI and a number of stakeholder organisations during the inspection including Woodlands Juvenile Justice Centre (Woodlands JJC), the Prisoner Ombudsman for Northern Ireland, Children's Law Centre, the Criminal Law Committee of the Law Society for Northern Ireland, representatives of the Northern Ireland Judiciary and the Independent Monitoring Boards. Relevant documentation and statistics were also reviewed. Inspectors met with those responsible for police custody in the PSNI, as well as NICTS representatives from Court Operations Division and Estates Branch.
- 1.11 Fieldwork was undertaken on-site over a two week period in September 2021. Throughout this period Inspectors undertook unannounced visits to 13 court custody suites (every suite which was operational at the time). Inspectors also visited two courts that were closed during the period of the inspection. During these visits Inspectors spoke to the Prisoner Custody Officers (PCOs) and Senior PCOs, as well as two legal representatives present at one court. Focus groups were held with PCOs from the court regions as well as those who undertook escort duties, Senior PCOs, Principal PCOs, Governors and business support staff. Escorting vehicles were examined.
- 1.12 As part of the on-site fieldwork for the inspection, detainees held in court custody were asked a series of questions about their experience in the custody suite. Questions queried the arrangements for escorting them to the court, the physical conditions of the suite, provision of food, drinks, safety and treatment by custody staff, access to legal representatives and support with any health care needs and background details of the detainee themselves. The results of the full survey can be found in Appendix 4.

⁶ CJI, *Police Custody: The detention of persons in police custody in Northern Ireland, September 2020*, available online at: <https://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>.

- 1.13 It should be noted that, due to the COVID-19 pandemic and associated restrictions and resulting adaptations to court business, there were only 17 detainees present across three of the courts visited by CJI (Antrim, Laganside and Newry). Fifteen individuals agreed to complete a detainee questionnaire. Of these one was not able to complete the full questionnaire due to being called to the courtroom and therefore response numbers will vary between 14 and 15 as indicated. All of the detainees spoken to were adults as no children were being held in court custody during this period. The small number of responses means that results from the analysis of this data should be treated with caution. However, CJI sought information on the treatment of detainees from stakeholders and asked PECCS staff about their general treatment of detainees, as well as, how they would deal with detainees who presented particular risks or needs.
- 1.14 Journals relating to the activities undertaken during each court day and other documents were examined on-site during the fieldwork. The evidence collected was then assessed against each of the *Expectations*.

The court custody population held by the PECCS

- 1.15 In preparation for the inspection, the PECCS were asked to provide a range of data relating to their custody population over the previous three financial years. Data was provided on the numbers of detainees arrested and brought to court custody ('throughput')⁷ as follows for both age (Table 1) and gender (Table 2). PECCS does not routinely record any other monitoring categories.

Table 1: Court custody throughput for 2018-19 to 2020-21 by age

	2018-19		2019-20		2020-21	
	No.	%	No.	%	No.	%
Adults	13,674	98%	14,265	98%	1,739	100%
Children & young people	311	2%	297	2%	0	-
Total	13,985		14,562		1,739	

The overall number of detainees increased between the first two years but decreased significantly during 2020-21 due to COVID-19 restrictions and court closures (see Chapter 2). No children were produced from Woodlands JJC or brought through the court cells during this period.

⁷ This is the number of cases in total brought into custody; some of these cases will relate to the same individuals who have been brought to court more than once during the year.

Table 2: Court custody throughput for 2020-21 by gender

	Number	%
Male (inc. transgender)	1,538	88%
Female (inc. transgender)	201	12%
Total	1,739	

- 1.16 The PECCS were also asked to provide data illustrating where the detainee had originated from (Table 3) and where they were destined for after their court appearance (Table 4).

Table 3: Custody detainee origins for 2018-19 to 2020-21

	2018-19		2019-20		2020-21	
	No.	%	No.	%	No.	%
Police custody	6,422	46%	6,407	44%	1,255	72%
Prison production - Ash House	208	1%	284	2%	19	1%
Prison production - Hydebank Wood Secure College	516	4%	403	3%	7	0%
Prison production - Maghaberry	3,203	23%	3,674	25%	118	7%
Prison production - Magilligan	341	2%	365	3%	10	1%
Woodlands JJC production	197	1%	144	1%	0	0%
Body of court (remanded into custody after court hearing)	3,053	22%	3,219	22%	327	19%
Held in custody during break in court proceedings	136	1%	64	0%	3	0%
Total	14,076		14,560		1,739	

The greatest proportion of detainees arrived in court custody after being held in police custody at just under half the population. However this figure increased to just under three-quarters of detainees during 2021-21 due to the limited number of in person court appearances and trials where defendants were required to be produced from prison. As noted above, while normally children and young people held in Woodlands JJC account for only 1% of those arriving in court custody, this reduced to none in 2020-21.

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Table 4: Custody detainee destinations for 2018-19 to 2020-21

	2018-19		2019-20		2020-21	
	No.	%	No.	%	No.	%
Prison - Ash House	353	3%	468	3%	51	3%
Prison - Hydebank Wood Secure College	689	5%	538	4%	39	2%
Prison - Maghaberry	5,495	39%	6,061	42%	765	44%
Prison - Magilligan	321	2%	342	2%	7	0%
Woodlands JJC	248	2%	256	2%	0	0%
Released - on bail	5,984	43%	5,993	41%	746	43%
Released - unconditionally	985	7%	901	6%	131	8%
Total	14,075		14,559		1,739	

Consistently, across the three financial years, the greatest proportions of detainees were either transferred to Maghaberry Prison or released on bail by the court. While female detainees made up 12% of those held in court custody only 3% were transferred to Ash House Women's Prison during 2020-21.

CHAPTER 2: **LEADERSHIP AND MULTI-AGENCY RELATIONSHIPS**

There is a shared strategic focus on custody, including the care and treatment of all those detained, during escort and at the court, to ensure the well-being of detainees.

EXPECTATIONS - LEADERSHIP AND MULTI-AGENCY RELATIONSHIPS

Leadership and management structures

- 2.1 Responsibility for court custody and escorting was shared between the PECCS of the NIPS, the NICTS and the PSNI. There had been changes to the arrangements for court hearings due to the COVID-19 pandemic and associated restrictions (that are outlined later in this Chapter) but this section outlines the arrangements under normal circumstances and prior to March 2021.
- 2.2 The PECCS was responsible for the care and safe detention of those held in court cells, escorting detainees from court to prison or Woodlands JJC, where relevant, and escorting detainees from prison to courts when they were required to appear in person. The PECCS was also responsible for escorting prisoners to hospital or other external visits or transferring prisoners from one establishment to another, although those escorts were not the focus of this inspection. The NICTS was responsible for the courthouses in which the custody cells were located and the physical conditions of them as well as wider court business such as allocation and staffing of courtrooms to enable the administration of criminal court lists. The PSNI was responsible for escorting detainees from police custody to court custody (with the exception of a local arrangement at Laganside). The PSNI was also responsible for the care of children at court during their first appearance and onwards escort of those remanded to Woodlands JJC. PECCS escorted children for all subsequent court appearances (see 'children' in Chapter 5).

PECCS

- 2.3 The PECCS was part of the NIPS, an Executive Agency within the Department of Justice (DoJ). The PECCS mission statement was to provide '*a decent and secure transportation system, supported by court environments that deliver high levels of care whilst supporting the wider criminal justice system.*'

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- 2.4 At the time of the inspection fieldwork the PECCS was responsible for providing services to 13 courthouses that were currently operational (see Table 5). The PECCS had a regional structure covering the four court areas (Laganside and Newtownards, East/South, Antrim/Ballymena/Magherafelt and North and West) as well as the PECCS Base located at Maghaberry Prison. Each court had a Senior PCO (three at Laganside) as well as a number of PCOs, appropriate to the number of courtrooms and detainee volumes at the courthouse. There were also three teams of PCOs, led by a Senior PCO, located at the PECCS Base who undertook driver/escorting duties and on arrival at court, performed custody duties. A Senior PCO at the PECCS Base undertook allocation of resources and staff detail. Overseeing these staff were five Principal PCOs, three Governors and a Transport Manager who were supported by a team of business support staff involved in finance, administration and training.

Table 5: Cell capacity of court custody suites

Courthouse	Cells available for use*
Courts in use (September 2021)	
Antrim	10
Ballymena	8
Coleraine	8
Craigavon	12
Downpatrick	7
Dungannon	10
Enniskillen	4
Laganside	25
Lisburn	4
Londonderry	5
Newry	6
Newtownards	7
Omagh	5
Closed Suites	
Armagh	
Limavady	3
Magherafelt	2
Strabane	

* In some court custody suites one or more cells had been adopted for use as staff changing/break areas or for storage on either a permanent or temporary basis due to lack of other alternatives. These figures reflect the cell capacity available if those adopted temporarily were able to be converted back to cells.

2.5 The Head of PECCS at the time of the inspection had been in post since May 2021. There had been a lack of consistency in senior management in PECCS, with four previous Heads of PECCS in the last eight years. PECCS Governors were selected by the NIPS and often took up their roles having limited knowledge of court custody. Staff at Principal, Senior and PCO level were employed by the NIPS but recruited specifically into the PECCS and could not easily transfer into roles based within prisons nor avail of promotion opportunities within the wider NIPS. There had been an ongoing challenge to make the PECCS staff feel part of the wider NIPS family, due to these issues and reports of prevailing attitudes by prison staff that the PECCS staff were somehow inferior.

2.6 The management structures at the time of the inspection did not appear to be resulting in clear guidance regarding service delivery, open engagement with staff or consistency of decision-making. Staff reported feeling 'micro-managed' and of receiving inconsistent advice or guidance from managers. Senior PCOs, despite, on paper being responsible for the operation of their own court custody suites and deployment of staff on a given day, did not appear to have the authority to make operational decisions, nor did they have responsibility for basic aspects of staff line management, such as authorising annual leave. Senior PCOs were also responsible for the performance management reviews of PCOs, despite in some instances not working with them on a regular basis. There appeared to be confusion and duplication around decision-making and information gathered by the PECCS Base and staff at courts that wasn't always shared, for example, about staff deployment, vehicle availability and the number of detainees being transferred from the police. These issues had been recognised by the Head of PECCS and a move towards better devolved decision-making was beginning.

NICTS

2.7 Within the NICTS the support for the delivery of court business was the responsibility of Court Operations Division. The physical environment of the courthouses including the custody areas was the responsibility of Estates and Security Branch. This Branch sat within Modernisation Division whose responsibility also extended to delivery of an Estates Strategy, as part of the *Vision 2030* portfolio. Each courthouse had a Premises Officer who responded to maintenance and refurbishment reports from PECCS staff and passed these on to the NICTS Estates Branch for action.

PSNI

2.8 Within the PSNI there was a team responsible for the delivery of police custody located within District Policing Command. The Chief Inspector responsible for this team was the operational point of contact for the PECCS. Escorting from police custody to court custody was organised at a local level by Custody Sergeants and undertaken by Local Policing Officers. The PSNI produced a daily custody suite current status report, which informed court custody areas of potential detainees who may be attending their location for a first appearance.

Multi-agency relationships

- 2.9 At a strategic level the Head of PECCS was a member of the NIPS Executive Forum, Prison Service Management Board and Operational Management Board. The NIPS, the PSNI and the NICTS were represented at the DoJ-led Criminal Justice Improvement Group. The PECCS managers had regular engagement with representatives of the PSNI, Woodlands JJC and the NICTS on a range of issues including court venues, capacity, staffing custody suite maintenance, and adaptations in response to COVID-19 restrictions.
- 2.10 There was a Service Level Agreement in place between the PSNI and the PECCS for escorting of detainees between Musgrave Police Station and Laganside Court. This was very brief and focused on financial information. By contrast the Memorandum of Understanding between Woodlands JJC and the PECCS, for escorting of children to and from court, was much more detailed and included service delivery outcomes and how service delivery would be monitored (see further in Chapter 3: Transfer to court custody). There was also a Service Level Agreement between the PECCS and the NICTS, signed in May 2021, which was more comprehensive than the previous agreement and outlined the two organisations responsibilities in the delivery, management, care and control of prisoners in the court estate, including in the court custody suites.
- 2.11 There were excellent relationships reported between PECCS staff in each court, NICTS court staff, assigned Judiciary and local police custody suites. At an operational level PECCS were represented at Court User Groups, although these had only resumed recently and it was difficult to identify outcomes.
- 2.12 There were no operational partnerships with health or substance misuse services at the time of the inspection. There were discussions ongoing to develop plans for administering medication at court but these were at an early stage (see Chapter 5).

COVID-19 restrictions and impact on court business

- 2.13 On 23 March 2020 the UK Government announced a nationwide 'Stay at Home' order in response to the COVID-19 pandemic. The Northern Ireland Executive was responsible for introducing legislation and restrictions and issuing public health guidance in Northern Ireland. In advance of this, on 18 March 2020, the then Lord Chief Justice directed that Judges should not require the attendance at court of persons who do not need to be there, or who express individual concerns. A further practice direction on 24 April 2020⁸ confirmed that court business would be consolidated into five courthouses and only urgent matters would be dealt with. The Direction also advised that The Office of the Lord Chief Justice and the NICTS were working to increase the amount of court business that could be dealt with by way of video link, skype or telephone conference. Among other matters, the Coronavirus Act 2020, made provision for the use of live links in legal proceedings in Northern Ireland.⁹ Advice from the Public Health Agency and NICTS risk assessments for courts had been used to develop the approach to court hearings.

⁸ See **CORONAVIRUS (COVID-19) Court Business Continuity Arrangements** | Department of Justice (justice-ni.gov.uk)

⁹ See <https://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>

- 2.14 During the 18 months between the imposition of restrictions and this inspection there were significant changes to the way that court business was delivered, with the majority of defendants in criminal courts appearing before the court remotely, and therefore a reduction in the use of court custody cells (see Table 1). At the time of the fieldwork the most recent Practice Direction of the Lady Chief Justice, published in September 2021¹⁰, confirmed there would be no change to the current Covid arrangements in court or court buildings at the start of the new legal year.¹¹ It stated *'Courts are open for face to face hearings however legal representatives and those involved in proceedings should only attend in person when required by the judge.'*
- 2.15 At the time the fieldwork for this inspection took place the majority of detainees who had been charged by the police and were in court for a first appearance ('PACE detainees'¹²) were still appearing by *Sightlink*¹³ from the police custody suite where they had been charged, in accordance with the Practice Direction of the Lady Chief Justice. Due to the limits on how many detainees could be held in one cell due to social distancing requirements, the arrangements put in place by those responsible for delivering court custody were that detainees were only transferred to court custody to Laganside (up to a maximum of 20 detainees) and to Antrim (but only if the police had in excess of 10 detainees ready to appear before the court). Criminal trials, where the defendant was required to attend in person, had recommenced in some court venues. Court appearances from police custody suites had placed a significant additional workload onto Custody Sergeants and Custody Detention Officers, particularly as Inspectors were advised that detainee numbers in police custody had returned to pre-Covid levels. CJI Inspectors were advised that earlier in the pandemic some PECCS staff had worked alongside police custody staff on a voluntary basis, but that this had ceased except occasionally at Musgrave Police Station.
- 2.16 There was no specific COVID-19 recovery plan for the PECCS rather this was in reaction to the wider NIPS recovery plan. At the time of the inspection, the NIPS continued to maintain its policy, implemented in response to COVID-19, that all prisoners remanded into custody had to be held in isolation for 14 days¹⁴. This required that PACE detainees remanded into custody had to be escorted by the PECCS separately to any prisoners produced from the prison to appear in-person at court to avoid potential cross-contamination. In addition staff within the NIPS, including the PECCS, were required to self-isolate for 10 days following an alert that they were a COVID-19 close contact whether or not they tested negative for COVID-19.

10 Lady Chief Justice's Office, *Coronavirus (COVID-19): Update, 7 September 2021*, available online at: <https://www.judiciaryni.uk/sites/judiciary/files/media-files/Covid-19%20-%20Update%20-%2006%20Sept%2021.pdf>

11 A further Practice Direction was published in December 2021, following completion of the fieldwork.

12 This refers to detainees charged by the police who are brought before a Magistrates court as soon as is practicable after charge in accordance with the Police and Criminal Evidence (Northern Ireland) Order 1989. See <https://www.legislation.gov.uk/nisi/1989/1341/article/47>

13 *Sightlink* is a cloud based video conferencing solution that enables multiple parties to meet using video and/or audio in a Virtual Meeting Room from any type of device. The solution facilitates video and telephone conferencing. See [sightlink-a- consolidated-guide-for- the-public- \(updated-12-october-2020\).pdf \(justice-ni.gov.uk\)](#)

14 Subsequent to the fieldwork for this inspection, in November 2021, NIPS advised CJI that the isolation period was reducing to 10 days.

The impacts of these policies was as follows:

- staff unavailable for PECCS duty due to the requirement to isolate after being identified as a close contact;
- a small number of staff unavailable for PECCS duty due to staff backfilling absences in Maghaberry;
- insufficient staff being available to perform the full range of duties and Senior PCOs having to make local arrangements with the District Judge sitting in court about bringing detainees into custody from the body of the court;
- additional vehicles and staff required to escort PACE detainees separately from those produced from prison for trial; and
- increased time spent by detainees in court custody due to the additional requirement for vehicles and staff as above.

2.17 There did not appear to Inspectors to be a clear plan as to how PECCS would resume business as usual, when detainees were allowed into courts in greater numbers. The pace of recovery was slower than that of the general population and this was already starting to impact on service delivery. The PECCS appeared to have limited influence over decision-making around the suitability of court venues, based on the welfare needs of detainees or the suitability of the court custody areas to hold them safely. The continuing reliance on the police under the current arrangements was not sustainable in the longer term and created risks for both staff and detainees (see Chapter 4: Individual Legal Rights). In addition, reduced numbers of staff available for duty meant that it would be extremely difficult for the PECCS to resume the service delivery model that had existed before the COVID-19 pandemic.

OPERATIONAL RECOMMENDATION 1

Inspectors therefore recommend that **within three months of the publication of this report the Prisoner Escorting and Court Custody Service should, in consultation with partners in the Police Service of Northern Ireland, the Public Prosecution Service and the Northern Ireland Courts and Tribunals Service, develop a court escort and custody specific COVID-19 recovery plan that takes a risk based and staged approach to returning to business as usual.**

2.18 At the time this inspection was concluding the DoJ was considering how, given the ongoing COVID-19 pandemic, the use of video links provided for in the legislation could be continued after March 2022. In addition the increased use of remote or hybrid hearings was highlighted as a critical element in the March 2021 modernisation vision for courts and tribunals, which was agreed jointly by the then Lord Chief Justice, the Minister and the NICTS Director.¹⁵

¹⁵ NICTS, *Northern Ireland Courts and Tribunals Service - Modernisation vision, March 2021*, available online at <https://www.justice-ni.gov.uk/publications/northern-ireland-courts-and-tribunals-service-modernisation-vision>

2.19 The wider issue of how the criminal justice system should facilitate appearances at court by defendants, other than those appearing for trial, longer term will be discussed further in CJI's forthcoming inspection of bail and remand. The recommendations made in this report will inevitably have an impact on the utilisation of the court estate as well as the resourcing model required to manage service delivery. This will need to feed into planning by the criminal justice organisations, including the PECCS, the required staffing resource and service model for the future.

PECCS resources and training

2.20 At the time of the inspection the number of PECCS staff available for duty was well below the number of staff employed in the service. A report had recently been introduced for the PECCS management team which set out the daily court business and staffing numbers. On two days during the final week of September these reports showed a shortfall of 16 and six PCOs. This shortfall was due to a mixture of leave, absence due to sickness or COVID-19 isolation, working in Maghaberry Prison or performing Acting Senior PCO duties. Retention of staff was reported to be a huge issue with staff leaving to join other roles, which offered better pay, conditions and long-term career progression. The pay scales for staff at PCO, Senior PCO and Principal PCO level were below those of other comparable positions such as Police Officers and Custody Detention Officers, some Northern Ireland Civil Service posts, driving roles and Custody Prison Officers. There were particular concerns about staff retention in the North and West Region.

2.21 At management levels there were ongoing vacancies with staff 'acting-up' to Senior PCO and Principal PCO level on a regular basis, despite a recent promotion competition. There were some concerns expressed around the fairness of access to promotion opportunities as well as staff continuing to be asked to act-up into the role of Senior PCO even after they had been unsuccessful in the process to achieve a substantive position. The management structures appeared to be top-heavy which led to staff concerns around micro-management and duplication of decision-making. Existing management training was viewed to be of limited value.

2.22 The report 'A Review of Support Services for Operational Prison Staff' commissioned by the Minister for Justice and published in January 2021¹⁶, in common with this inspection, found that concerns around pay and career progression were impacting on staff morale. The report noted 'The review has taken longer than previously expected for a range of reasons from delays with receipt of Job Analysis Questionnaires, staff absence, internal staffing pressures within the unit, and the COVID-19 national pandemic resulting in prisons only being open to essential staff.' The roles of PCO, Senior PCO and Principal PCO were included as part of this review.

16 Keating, S. & Robinson, G. A review of support services for operational prison staff, November 2020 (published January 2021) available online at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/nips-report-jan-21.pdf>

The following recommendation was made: *'To bring the Pay and Grading review to a conclusion as soon as is practicable to do so. As outlined in the findings, this is impacting on morale and would be a significant step forward. This should assist NIPS and staff with flexibility in relation to deployment of resources and lateral development.'*

- 2.23 Inspectors were advised that the work to address the issues of pay and grading within the NIPS was an ongoing and incremental piece of work which was continuing at the time of the inspection. PECCS job descriptions conducted under the job analysis process had been agreed with staff. CJI would share the view of the Review Team that concluding the outcome of the Pay and Grading review as soon as is practicable would be a significant step forward. This would be an important element of a future staffing model for the PECCS. There were also concerns raised about inconsistencies in the approach to various issues linked to staff pay and conditions between the PECCS and prison based staff including the provision of additional payments for work completed during the COVID-19 pandemic, the requirement for staff to work at a court other than their normal base, as well as access to free parking in some locations. Inspectors would encourage an assessment of fairness and equality of opportunity considerations in these areas.
- 2.24 Staff who joined the service at PCO level undertook a period of initial training before being allocated to their duties and learning from colleagues. New PCOs were sometimes trained alongside colleagues who would be undertaking the role of Custody Prison Officer and staff felt that training was much more tailored towards the role of a Prison Officer working on a prison landing. There was no input during initial training about court processes, practices and language and staff had to learn this from their peers once they started in the courts. Despite efforts by training staff to visit courts and learn more about the role of a PCO, this had not resulted in significant changes to the training programme. Staff would welcome the opportunity for those working in courts to be involved in the design and delivery of initial training.
- 2.25 Staff received initial and annual mandatory refresher training on use of force but this was using the 'control and restraint' model which staff felt to be more appropriate for a prison landing where there was access to more staff, space and alternative locations for the prisoner to be moved to. It was suggested to Inspectors that a cuff-based approach to restraint, similar to that used by the police, would be more appropriate to the operational setting.

- 2.26 A large number of staff had been trained alongside staff from Woodlands JJC in Minimising and Managing Physical Restraint (MMPR). MMPR was the method of de-escalation and restraint used by staff in Woodlands JJC and therefore it was a requirement of the Memorandum of Understanding that PECCS staff were appropriately trained to escort and care for children and young people. Some PECCS staff had also been trained as MMPR co-ordinators. **The partnership approach to training between staff from the PECCS and Woodlands JJC was a positive example of joint working and had helped to build better relationships and understanding of the needs of children.** However staff retention issues impacted on those available in the courts who had been trained in this method (see Chapter 5: Use of Force).
- 2.27 A number of staff were also trained in emergency first aid at work (a basic one-day course) and some in first aid at work (a three-day course). Again some commented that the emergency first aid course was not relevant to the operational environment and that the three-day first aid course, which was suited to those working in high-risk environments, was more appropriate. Other training delivered in the last couple of years included mental health awareness and mental health first aid, Adverse Childhood Experiences (ACE), Makaton, diversity and fire training. Staff felt that elements of their training were not informed by the needs identified in personal development plans or by the specific needs of the role. Instead of the deployment of staff being in line with skills and training it generally appeared to be undertaken on a 'first come first served' basis.
- 2.28 Policies and Standard Operating Procedures were available in hard copy in the court management file held in the custody suites. Staff reported not being consulted in the development of, or trained in, new or amended policies and felt that some, particularly those that were NIPS-wide, were not appropriate to the operational environment. As a result there were examples of policies having to be amended or further clarified with staff after implementation. There was a PECCS intranet site within the main NIPS and DoJ intranet, which contained some information for staff, but computer access was limited to a few of the larger courts with many staff unable to access even their emails from their place of work. Inspectors were advised that there were regular meetings of the Principal PCOs and Senior PCOs and that staff forums had resumed under the current Head of PECCS but at the time of the inspection, it appeared that these had not yet led to a feeling that staff views were valued or had an effective impact on service delivery.

- 2.29 Safeguarding policies were not specific to the work of the PECCS and policies in the court management folder on adult and child safeguarding were lengthy without clear guidance on actions for staff in the event of concerns being raised. There had been no training to date on safeguarding issues and planned training on human trafficking and modern slavery had been postponed. Whistleblowing arrangements fell under the DoJ policy but staff did not have confidence that concerns raised internally or externally would be handled confidentially. There was no Lay Observer scheme operating in court custody as operates in England and Wales and external scrutiny was only provided through inspections by CJI. It may be helpful to consider extending the role of the Independent Monitoring Boards, who undertake regular visits to prisons, to court custody.
- 2.30 In response to the issues of staff retention and shortages, the NIPS Service Profiling Team had undertaken a review of the staffing numbers and working patterns of the PECCS staff. This had recommended a change in the working hours for new staff contracts but it was unclear whether this would address the current difficulties. The retention challenges were also impacted by the issue of pay, as outlined previously. They were also impacted by other issues which affected staff morale, such as perceived inconsistencies in treatment of and conditions for staff within the wider NIPS workforce and across PECCS. Due to the current resource shortages, staff detailing was based more on the numbers of staff available for duty than by service delivery requirements. The new Head of PECCS advised Inspectors that a wider review of the workforce was to be undertaken. Inspectors agreed that this should be conducted as a matter of urgency, in order to feed into plans for COVID-19 recovery (see Operational recommendation 1).

STRATEGIC RECOMMENDATION 1

It is recommended that a workforce review should be conducted of the Prisoner Escorting and Court Custody Service by the Northern Ireland Prison Service, within six months of the publication of this report, to include the following:

- how the anticipated outcomes of the Pay and Grading review affects the current and future recruitment and retention of staff and their job roles and responsibilities;
- management structure and roles and staffing numbers required at all levels based on projected service delivery requirements; and
- The training needs of staff for mandatory initial and refresher training and continuing professional development which meets the needs of the role in relation to criminal court practice, use of force, first aid, safeguarding and line management.

Performance management data

- 2.31 The ability to collate performance management data and information on throughput and detainee needs was hampered by the lack of digitalisation and access to computer terminals across the court custody estate. Some of the larger courts had computer terminals but these were not used to collate information digitally due to a lack of access to the NIPS Prison Record and Information System (PRISM). It was intended to roll-out computer terminals or tablets to ensure all courts had access to information technology and the PRISM system but this was hampered in some places due to the poor broadband signal or thickness of the walls of the custody suite. Information was therefore, in the main, collected by manual record keeping through paper journals or records. The information collected was limited and there was no evidence that data in relation to throughput, demographics (such as gender, age, ethnicity or previous experience of custody) or adverse incidents, where a 'near miss' had occurred, was used to inform service delivery or learning to improve outcomes for detainees.

STRATEGIC RECOMMENDATION 2

It is recommended that, within a year of the publication of this report, information technology hardware and software should be installed in all court custody areas to enable quality data to be collected effectively and analysed to identify trends that can inform organisational learning and improve outcomes for detainees.

- 2.32 The CJI inspection of equality and diversity in the criminal justice system considered how the criminal justice organisations used the role of Equality Manager to drive forward improvements in Section 75.¹⁷ In relation to the NIPS this inspection was encouraged to find that an Equality and Diversity Co-ordinator had been appointed towards the end of 2017. Inspectors were informed that the new post holder had also been liaising with the PECCS with a view to the creation of a PECCS Equality and Diversity lead role similar to that which existed within custodial services. This inspection of court custody found that one of the Principal PCOs had been appointed lead for Equality and Diversity, however this had not yet had a significant impact on outcomes for detainees.

¹⁷ CJI, *Equality and diversity within the criminal justice system: An inspection of the implementation of Section 75 (1) of the Northern Ireland Act 1998, September 2018*, available online at: <http://www.cjini.org/getdoc/94cca2ae-524d-43cd-b17b-a9c0856c8aaa/Equality-and-Diversity-within-the-Criminal-Justice.aspx>

- 2.33 Quality assurance was limited to records in relation to use of force where reports were reviewed and data was used to identify trends (see Chapter 5: Use of Force). There had also been health and safety reviews of some of the court custody areas but it was not clear what the outcome of these had been, particularly where concerns were raised about the suites not being fit for purpose. Staff did not appear to be involved in identifying lessons learned either through regular forums or in debriefs of specific incidents and similar concerns were raised about this lack of input to policy making and guidance. Despite a policy of holding hot and cold debriefs in relation to incidents, Inspectors were told of examples where these did not happen in accordance with policy or that it felt like the purpose was to apportion blame rather than identify lessons for future practice.

OPERATIONAL RECOMMENDATION 2

Inspectors therefore recommend that, **within three months of the publication of this report, an effective mechanism for consulting and engaging with staff within the Prisoner Escorting and Court Custody Service is developed, to identify lessons learned and areas of good practice that can be utilised to identify areas of improvement for service delivery.**

CHAPTER 3: **TRANSFER TO COURT CUSTODY**

Escort staff are aware of detainees' individual needs, and these needs are met during escort.

EXPECTATION – TRANSFER TO COURT CUSTODY

Detainee risk and needs

- 3.1 Risk assessment information was provided by either the Custody Sergeant in the police custody suite or by the prison from which the detainee was produced. Where the detainee had previously been held in police custody a Person Escort Record was generated from the custody system which included information about mental health issues, self-harm/suicide risks, drug/alcohol issues, health care needs and risk of aggression or violence to others. The information comprised of tick-boxes for each category as well as a space for additional detail where required. In addition, where the detainee had been reviewed by the Custody Nurse or a Forensic Medical Officer had examined the detainee and there was evidence of injuries or health care needs, a form 'PACE 15' was included. A handover was also completed and escort staff had access to tablets on which they could input risk information and open a record for those considered to be at risk (Supporting People at Risk Evolution; SPAR Evo). This information was uploaded to PRISM once the escort staff returned to the prison. The tablet could not be used to access information already held on PRISM.
- 3.2 Staff reported that although the information provided by the PSNI had improved, the quality and amount of detail included could vary, as well as whether the information was up to date. The PACE 15 Person Escort Record was a handwritten document and could be hard to read. In CJI's most recent inspection of Police Custody¹⁸ it was recommended that *'The Police Service of Northern Ireland should develop an action plan to improve the quality of analysis and recording of pre-release risk assessments within three months of the publication of this report (paragraph 6.2).'* The response to this recommendation should lead to further improvements in risk information transferred to court custody.

18 CJI, *Police Custody: The detention of persons in police custody in Northern Ireland, September 2020*, available online at: <https://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>.

- 3.3 A PECCS Prisoner Escort Record was completed by PECCS using information provided by the prison reception when the prisoner was produced for court in the morning. Risk information was generated from the PRISM system. A copy of this information was also provided to the PECCS staff in the court custody suite on arrival at court. Similar to the police Person Escort Record, the information related to violent and aggressive behaviour, drugs/alcohol issues, health care needs and issues with other prisoners. However it was predominately a list of security markers held on the detainee's record which were brief phrases and lacking in detail. Due to the lack of access to PRISM, the staff in courts were unable to seek further information except by contacting the prison or by asking further questions of the reception staff during the initial handover. They therefore largely relied on their own knowledge and experience. The case example below illustrates this issue.

CASE EXAMPLE 1

A male detainee produced to court from prison for trial had previously assaulted police officers and his solicitor and was therefore representing himself. The information about his previous violent behaviour was recorded in the briefest of detail with no context about when this had occurred or in what circumstances. The Senior PCO on duty was aware of the detainee from previous court appearances and therefore made the decision that three PCOs would be required to escort the detainee when he was in the dock in the courtroom but this decision was based on the Senior PCO's previous knowledge and experience rather than being informed by the risk information provided.

OPERATIONAL RECOMMENDATION 3

Inspectors recommend that, **within six months of the publication of this report, the Prisoner Escorting and Court Custody Service should, in conjunction with partners in prison receptions, review the current risk information provided for transfer from prison to court and identify how this can be improved to greater evidence the risks to and from the prison.**

- 3.4 Medications were transferred with the detainee from the police in only limited circumstances. As outlined in CJI's report on the inspection of police custody, the introduction of custody nurses to Musgrave custody suite had led to improvements in the management and storage of medicines. The impact of this approach on court custody was that detainees were less likely to be sent with medications to take during that day. In the few instances where medications were sent by the custody nurse or Forensic Medical Officer they were contained in a sealed bag for the purpose with instructions on administration written on them.

- 3.5 In the detainees survey 43% (6 of 14) of respondents said that they needed to take prescribed medication during their time in court custody. While it was not possible to verify this, it is unclear how the nurse or doctor who assessed the detainee in police custody could be expected to know how long they would spend at court before being released or assessed by prison health care.
- 3.6 A similar process was in place where detainees were transferred from prison and were allowed to self-medicate in the prison environment. The health care nurses provided medications in a bag, labelled with instructions, for administration by the court custody staff.

Escort vehicles

- 3.7 The NIPS had made a significant financial investment in the fleet of vehicles used by the PECCS and the vehicles were modern and suitable for the purposes. There was a range of different sized cellular vehicles as well as non-cellular vehicles suitable for transporting children, females and those who required wheelchair access. Vehicles were equipped with Closed Circuit Television (CCTV), ambient lighting and television/information screens. Water and a first aid kit were available. All seats were fitted with a seatbelt which could be stowed and locked if there were concerns that the detainee would attempt to self-harm. Each cellular vehicle had a 'safe cell'; a seat with a clear panel for greater observation by staff where required. Staff were able to communicate with detainees during the journey. Males, females and children were transported separately and female staff were available to transport females, particularly young women. Risk assessment information was used to make decisions about the most appropriate vehicle for detainees with particular needs or risks. Those transported by the police were transported either in a police car or in a small cellular vehicle. The PSNI had produced risk assessments relating to transport of the arrested/detained person and prisoner escort and court duties as well as a Service Instruction on transport used, maintenance and safety and Safety Alert Notices relating to transport vehicles.



- 3.8 A total of 86% (12 of 14) detainees said they were comfortable during the period of transport and the majority rated the vehicle as 'good' in terms of cleanliness (79%, 11), ventilation/air quality (57%, 8) and lighting (64%, 9). Detainees were less positive about the temperature (rated as 'good' by 43%, 6). No detainees reported they were transported with members of the opposite sex. There had previously been an arrangement whereby prisoners from Maghaberry Prison undertook deep cleaning of the vehicles at the weekend when they were not in use but this had lapsed during the pandemic. Staff were unclear who was responsible for anything other than a daily tidy of the vehicles and it appeared proper cleaning was not undertaken on a routine basis. PECCS managers should establish an interim arrangement until the previous procedure can be reinstated.
- 3.9 Almost all detainees said that they were in the vehicle for less than an hour (93%, 13). It should be noted however that as the majority of detainees spoken to were transported from Musgrave police station to Laganside Court this was a very short journey. Despite the introduction of the single court jurisdiction in 2015,¹⁹ most first appearances tended to be heard at the court sitting closest to where the offence was committed, rather than closest to the police station at which the detainee was held. For physical appearances, this therefore often necessitated a journey from the police station to court and under the current virtual arrangements necessitated Sightlink hearings with a number of courts from one police station. Inspectors were also advised that journeys to courts that were a greater distance from the prisons, particularly in the West, could be much longer. Figures provided for this inspection showed that the average travel time to court during 2020-21 ranged from 26 minutes to 105 minutes with six of the nine courts being reached on average in less than one hour. The majority of journey times therefore did not necessitate a rest stop or comfort break and these were rare.
- 3.10 The PECCS staff made their best efforts to reduce the waiting time for those arriving in escort vehicles but with only one reception desk in the court custody areas (even in Laganside) and the need to complete an interview with each detainee on arrival this could be a slow process. In the courts where detainees were observed arriving from prison or police custody they arrived before 10 o'clock in the morning.
- 3.11 Detainees arriving from police custody wore their own clothes or police issued tracksuits. Those appearing at court from prison were advised to dress appropriately for the court hearing and the current weather conditions, although they did not always do this (see Chapter 6: Release and transfer from court custody). Personal belongings for those arriving from police custody were brought in a police property bag, which had the contents recorded and was then sealed. Only Laganside Court had a specific room, covered by CCTV for storage of property. At other locations property bags were retained in a corridor or communal area.

19 See Part 1 of the Justice Act (Northern Ireland) 2015, available online at: <https://www.legislation.gov.uk/nia/2015/9/part/1>

- 3.12 At six of the 15 courthouses visited there was either no secure area out of public view in which vehicles could park or the larger cellular vehicles were too high to enter them. In Omagh and Enniskillen most notably this meant that detainees disembarked vehicles on the street and entered through the main door to the courthouse placing them, and staff, at risk and with a total lack of privacy. Where there were security concerns identified or cases of significant media interest, arrangements were made with the PSNI to ensure the safety of both detainees and staff.



- 3.13 As noted previously the Service Level Agreement in place between the PSNI and the PECCS for escorting of detainees between Musgrave Police Station and Laganside Court was brief and did not contain sufficient performance metrics against which service delivery could be assessed. By contrast the Memorandum of Understanding between Woodlands JJC and the PECCS, for escorting of children to and from court, was much more detailed and included this type of information.
- 3.14 In the 2010 inspection of court custody CJI highlighted the mixed arrangement of escorting in place at the time and the significant costs for the PSNI of using Police Officers (usually Police Constables from Local Policing Teams) to escort detainees to court. The report recommended that the *'PSNI contract out the escorting of prisoners and court custody duties at Special Courts, either as part of a wider contract or through negotiation with the current contractor (paragraph 7.31).'*²⁰ By the time of the 2014 Follow-up Review arrangements had been established for the PECCS to escort detainees from Musgrave Police Station to Laganside Court. It had been assumed by CJI that this would be the start of a further rolling out of the transfer of escorting arrangements from the PSNI to the PECCS but this had not occurred in the intervening period.

20 CJI, *An inspection of Prisoner Escort and Court Custody arrangements in Northern Ireland, October 2010*, available online at: <https://www.cjini.org/getattachment/cc81a484-6109-4d33-95db-5b9d71df3883/Prisoner-Escort-and-Court-Custody-arrangements-in-Northern-Ireland.aspx>

- 3.15 The NIPS advised that there had been some early discussion with the PSNI prior to the start of the COVID-19 pandemic about arrangements for escorting detainees between police stations and courts but these had been placed on hold since the pandemic. Since then, because of the significant increase in the use of Sightlink for first appearances an arrangement had been established across all police custody suites whereby the PECCS staff would collect detainees remanded into prison custody following a first appearance and transfer them to prison.
- 3.16 Inspectors believe this is a positive development which should be built upon. While appreciating the challenges in developing an alternative model of service delivery, not least in financial and resource terms, Inspectors are still of the view that a situation whereby the PECCS undertakes the vast majority of escorting of detainees across Northern Ireland should be an ambition post-pandemic, once the longer term arrangements for first appearances are established. Not only are there financial savings arising from the potential economies of scale, it is also clear that the staff of the PECCS, who are specifically trained in the escorting and needs of detainees, would be better equipped to care for those detainees than Police Constables from Local Policing Teams who are needed to undertake first response policing duties. The case example below of the escorting of detainees from Antrim Police Station to Antrim Court witnessed during the inspection evidenced the issues with the current arrangement.

CASE EXAMPLE 2

In accordance with the current arrangements for detainees in Antrim Police Custody Suite four detainees (two males and two females) were escorted by two Police Constables to Antrim Courthouse. The transfer of these detainees took place when Antrim Police Custody Suite had reached capacity and any additional detainees were brought to court for a first appearance by Sightlink. The first two detainees arrived at 10:10am. One of the escorting Officers was present with the detainees as they were booked into court custody by the Senior PCO and the other remained with the escort vehicle. They returned to Antrim Police Station (a journey of only a few minutes), collected the second two detainees and escorted them to the courthouse, arriving at 10:45am and repeating the process. It was around 11:15 am before they were free to leave.

Given the time that they would have spent in the Police Custody Suite prior to collecting the first two detainees and receiving a handover from the Custody Sergeant it is estimated that they were required for escort duty for at least 90 minutes.

In this example the police station is located only a few minutes' drive from the courthouse and there were only four detainees requiring escort, who did not require a lengthy booking in time. When considering the number of detainees who require escorting on any given day in normal circumstances and the distances between some police custody suites, it is clear that these duties take significant resources away from local policing response.

STRATEGIC RECOMMENDATION 3

It is recommended that **the Prisoner Escorting and Court Custody Service and the Police Service of Northern Ireland** should take action to improve the arrangements for the delivery of escorting services between police custody, courts and prisons:

- the current Service Level Agreement should be reviewed and enhanced within three months of the publication of this report to include performance indicators for service delivery; and
- a target operating model should be designed and scoped, within nine months of the publication of this report, whereby the Prisoner Escorting and Court Custody Service undertakes all escorting to court and to prison apart from in exceptional circumstances.

CHAPTER 4: **IN THE CUSTODY SUITE: RECEPTION PROCESSES, INDIVIDUAL NEEDS AND LEGAL RIGHTS**

Detainees receive respectful treatment in the custody suite and their individual needs are met. Detainees are held in court custody for no longer than necessary, are informed of their legal rights and can freely exercise these rights while in custody. All risks are identified at the earliest opportunity.

Expectation - Respect

- 4.1 As outlined in the introduction to this report, there were significantly fewer detainees held in court custody during the pandemic. This limited Inspectors' ability to observe interactions between staff and detainees, however the observations were supplemented by evidence sought from staff and stakeholders as to how they would deal with particular situations or types of detainees during the on-site conversations and focus groups as well as the views of detainees as to how they were treated by the PECCS staff.
- 4.2 Staff were dressed in the PECCS uniform (which was different to that of Prison Officers) and spoke to detainees by their first name. Inspectors observed and heard that staff treat detainees respectfully and with dignity during their time at court. Staff described both general and specific examples of detainees who had particular needs or risks and how they endeavoured to support them. They demonstrated an awareness of the potentially stressful nature of the court environment and processes and how this could impact on detainees. They described the efforts they went to in trying to support detainees by listening to their concerns, engaging in a positive and respectful way and keeping them informed, where possible, of what was happening with their case. Detainees who completed the survey all confirmed that they felt safe in the court custody suite, with 86% (12 of 14) reporting that they were treated 'very well' or 'well'. No detainees reported being victimised or having been injured.
- 4.3 In most courthouses the environment of the custody suite did not lend itself to being able to have confidential conversations in private. In many court custody suites the booking in area, where detainees were asked on arrival about their risks, needs and any concerns (see Chapter 3) was also used as the kitchen for staff and detainee meal preparation, the staff break area, and as a storage area for documentation, detainee property and supplies. In addition, in many places, the booking in desk was located in a busy corridor with lots of activity and noise, which prevented a confidential discussion.



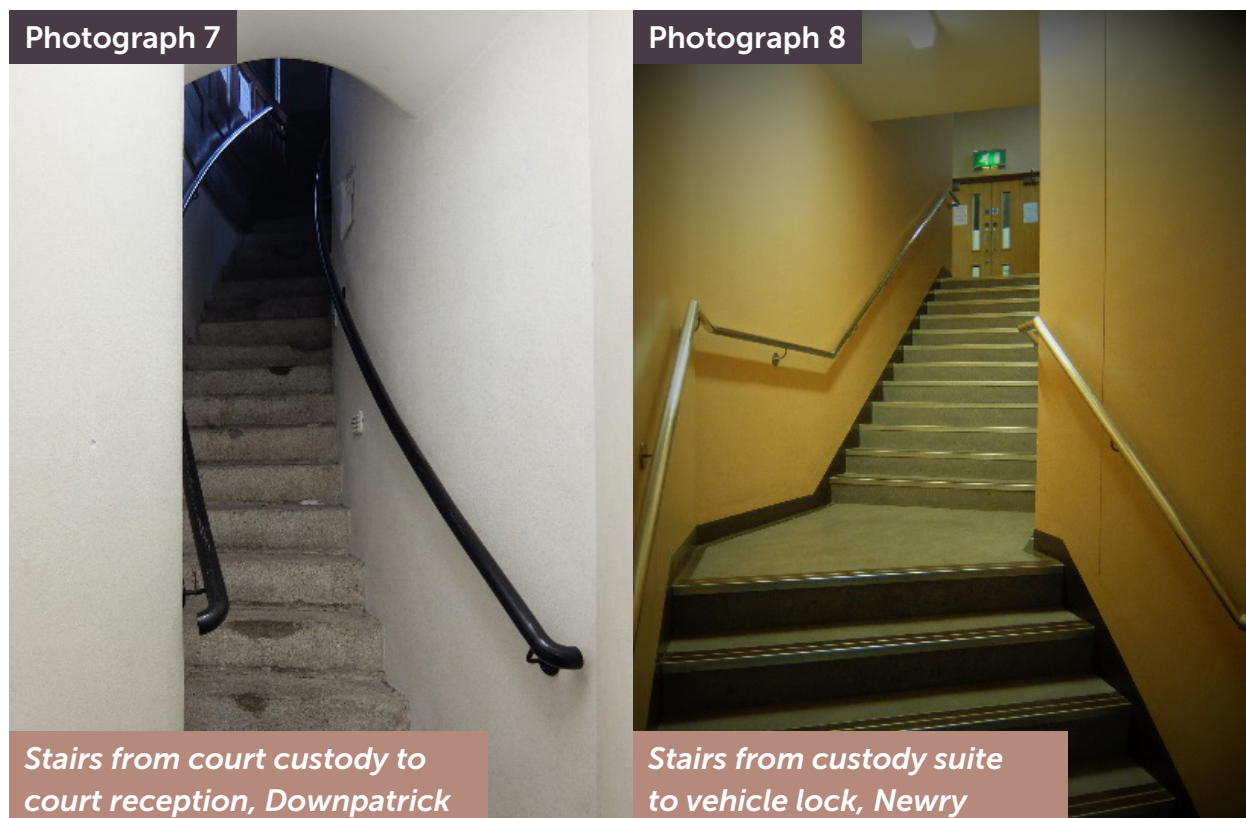
Expectation - Meeting individual and diverse needs

- 4.4 There was evidence that staff understood and provided support for detainees with specific needs, particularly those of women and children. Staff were well aware of the needs of care experienced young females or those who had suffered significant mental health issues. However there were challenges for staff about the extent to which they could support detainees who had multiple needs within the environment and operating context of a court custody suite and they felt anxious about this. An example of this is contained in case example 3.

CASE EXAMPLE 3

Staff in Coleraine court custody suite described an 18-year-old young women who frequently appeared in court and was held in their custody. She had significant mental health issues and had previously attempted self-harm. The last time she had been in custody she had been released on bail and staff described how they had contacted her father to arrange a surety and how he had discussed with them the difficulties he was experiencing in looking after her. While staff were of the view that she should not be in custody at all, they made efforts to avoid re-traumatising her during the time in the cells. She struggled to cope in confined spaces and therefore when she came into custody they placed a chair in the central area of the cell block for her to sit on rather than placing her in a cell. They had also shared this information with other custody suites, should she be taken to a different courthouse, due to the lack of electronic custody records (see Chapter 2: Leadership and multi-agency arrangements).

- 4.5 Comfort packs for menstrual care were available for female detainees and female staff on duty offered these. Both female detainees spoken to as part of the survey confirmed they had been offered menstrual care products. Around 40% of PECCS staff were female, however it was unclear how the staff group was managed to ensure a sufficient gender mix across the custody estate. There were no designated cells allocated to female detainees but staff would make their best efforts to locate them in separate blocks to male detainees where this was possible.
- 4.6 Most suites contained cells that were wheelchair accessible but the route to courtrooms required wheelchair users to be escorted through the public area. There was limited ability to cater for those with other disabilities, for example the lights in the cells were either on or off, with no ambient light option, however all cell seating was at a low level. There were no mattresses available so detainees would sit on hard benches for the duration of their stay. Some court buildings had a significant number of stairs between the custody suite and the courtroom which could be challenging for detainees with mobility issues.



- 4.7 There were leaflets and documents available in braille and in different languages. Telephone interpretation was provided through a contract with Big Word at the custody desk although, as outlined previously, this was not a confidential process given the lack of privacy. In addition prompt cards and picture dictionaries were available in different languages for the most common phrases so that detainees could make simple requests. Some staff had received Makaton training to assist in communicating with detainees. An impaired hearing and a braille communication and information card were also available. Staff also reported using on-line translation services on their personal mobile phones. Face-to-face interpretation was only available if the solicitor made a request to the court or this was arranged by the police. There were no detainees in custody during the inspection who required the support of an interpreter. A Bible, the Qur'an and a prayer mat was available in every suite although staff reported these were rarely used. A limited number of staff had received intercultural awareness training although, as outlined above, did not feel this was specifically related to their role.
- 4.8 There was specific guidance on searching for detainees who were wheelchair users, females and transgender detainees. A PECCS policy on older and/or disabled individuals in custody also set out the approach to be taken with detainees aged over 50 years of age or those with a range of disabilities. Staff seemed to lack confidence in how to deal with transgender detainees and felt that the policy with regard to their treatment, particularly around the issue of searching, was unclear. The policy on transgender detainees was designed for the whole prison service, rather than focusing on specific areas relevant to court custody and escorting. Staff would benefit from further training on the needs of transgender detainees, as part of wider training on diversity and individual needs.

Expectation - Risk assessments

- 4.9 The risk assessment process usually began with a review of the PSNI Prisoner Escort Record or the NIPS Prisoner Person Escort Record with the detainee on arrival (see Chapter 2 - Transfer to court custody). The member of PECCS staff responsible for booking in the detainee completed a paper-based 'short intake form' using the information provided from the Escort Record and information provided from the detainee. The ability to confidentially discuss self-harm markers, drugs and medication was hampered by the lack of privacy in the custody suite as outlined previously (see Respect). In addition, for those who had been brought from prison, the lack of access to the PRISM system hampered the ability of staff to undertake further checks on, or add risk information to, prisoner records (see Section 2 - Transfer to court custody). A significant number of staff had received training in Adverse Childhood Experiences, some had received mental health awareness training and a small number had received mental health first aid training.



- 4.10 There were plans to use court custody as the start of the prison committal process for those who were ultimately remanded into prison. Inspectors can see value in this, particularly the potential to reduce duplication. However, the challenges outlined previously around privacy and lack of access to PRISM as well as time pressures inhibiting proper completion and a lack of input from health care staff in the custody suites, would need to be addressed first.
- 4.11 The PECCS had introduced the NIPS SPAR Evo procedures to provide a person-centred approach to supporting people at risk of suicide and/or self-harm. This was designed to help the PECCS staff to identify, at an early stage, symptoms or behaviours that suggest a detainee may be in a personal crisis and may need additional and immediate support and care. The procedures required the PCO or Senior PCO to complete a risk assessment either in a paper booklet or on a digital tablet and then take action to mitigate the risk. Staff highlighted concerns about the length of the booklet and the time taken to complete this in a busy court environment or particularly, when detainees were being transferred to an escort vehicle. In addition, staff did not feel that sufficient training had been provided and reported a lack of confidence in the procedures and the responsibility they held.
- 4.12 For detainees who were assessed as being at risk and were to be managed under the SPAR Evo procedures they were required to be checked by the PCOs responsible for the cell areas every 15 minutes, which was recorded in the booklet. For other detainees not under these procedures there was no guidance about the frequency of observations or checks and no process to ensure any observations were accurately recorded. Staff undertaking cell visits carried anti-ligature knives.

OPERATIONAL RECOMMENDATION 4

Inspectors recommend that the Prisoner Escorting and Court Custody Service should undertake a review of the risk assessment process at court within six months of the publication of this report to include:

- the ability of court custody staff to access prisoner records to further explore information for risk assessment purposes where required;
- the policy regarding how risk assessment links to pre-determined observation levels for detainees; and
- accurate recording of observations of detainees.

4.13 Five of the 17 courts in Northern Ireland did not have call bells installed in the cells, which included three of the courts that had not been operational since the onset of the COVID-19 pandemic. In Lisburn and Londonderry Courthouses detainees had to bang on the door or shout to attract attention. Just under three-quarters of detainees spoken to (71%, 10 of 14) advised that they had been shown how to use the cell call bell. Detainee information was recorded manually on a whiteboard but, given the space restrictions, this was often in a communal corridor and was therefore not confidential. All staff were fully aware of the need to keep females, children and those suspected of sexual offences in separate cells. Detainees were placed together in cells where required, but detainees held before a first appearance and prison productions were not held together. The need to separate these different detainees presented challenges in smaller custody suites with limited numbers of cells. Staff described how, at busy times, four or five detainees could be required to share a cell which was really designed to hold two or three detainees at most.

Photograph 10



Small cell, Londonderry

Expectations - Individual legal rights

- 4.14 There were inconsistencies reported about the decision-making by the court over whether individuals on bail who had appeared and were to be released under varied bail conditions needed to be detained in a cell while their bail conditions were finalised. This often caused confusion for the detainee and annoyance, particularly if there was a delay in having their bail perfected. The approach should be clarified.
- 4.15 The PECCS staff described to Inspectors the efforts they made to contact the solicitor, family or friends on behalf of detainees to advise them of their whereabouts and assist in speeding up the court processes, particularly in relation to the perfection of bail. Good relationships with local solicitors supported these processes.
- 4.16 There was signage in the courts outlining the NICTS commitment to prioritising custody cases, but this was not always achieved. Inspectors were informed there was good communication between the PECCS staff, the District Judge (Magistrates' Court) and the court staff about children and vulnerable detainees to facilitate their case being heard as early as possible. Inspectors were told that a range of factors contributed to detainees spending longer in custody than was necessary, some of which had a cumulative impact. The provision of information from the police relating to the case or bail conditions and/or the case being resulted by the Court Clerk on the NICTS Integrated Court Operating System or the signing of a bail recognisance could cause delays impacting on detainees being remanded or released. Inspectors were told solicitors were not always present at the appropriate time or made requests to change the listing of cases to facilitate their caseloads.
- 4.17 From the detainees' perspective, Inspectors were told of the impact that such delays could have on their mental health and likelihood of attempting suicide or self-harm. In one example, provided by the PSNI, a detainee who had been granted bail in the police custody suite following a virtual hearing, was held for a further period of time waiting for his bail to be perfected which was subject to a delay. The detainee then threatened self-harm and harm to custody staff. As a result of his behaviour he was further arrested for criminal damage. This illustrates the detrimental effect delays can have on both detainees and the criminal justice system.
- 4.18 Data was provided by the PECCS for 2020-21 regarding average waiting times for detainees prior to court. These figures should be considered in the context of the COVID-19 pandemic where the number of cases at court was significantly less than usual. This data showed that the average waiting time for detainees prior to court ranged from 55 minutes to 175 minutes across each of the courthouses, with the average in all but one of the nine courts being over one hour. The average time spent in court by detainees across each courthouse ranged from nine minutes to 210 minutes. Finally, the average waiting time post-court ranged from 34 minutes to 95 minutes but in nine of the 12 courts, the waiting time was one hour or more.

- 4.19 The use of video link for court appearances had significantly reduced the need for detainees to be brought to court for a brief mention or a consultation with their solicitor. However, in the journal in Craigavon Court Inspectors noted that a detainee was held in the cells for three hours for the purpose of a legal visit. Inspectors believe this is an inappropriate use of the PECCS service both in terms of the costs of the staff and escorting vehicles required but also the impact on the detainee of being removed from the prison and required to sit in a court cell for such a long period of time.
- 4.20 Detainees were escorted quickly to the courtroom although in some buildings this could be hampered by the long distance or number of flights of stairs from the custody suite to the court as well as the number of staff required to escort detainees where there were concerns for safety.
- 4.21 Transfers to prison could be delayed by the availability of escort vehicles and escort staff to drive them as well as the NIPS COVID-19 guidance that prison productions could not return to prison in the same vehicle as those denied bail at a first appearance or remanded from the body of the court (see Chapter 2: Leadership and multi-agency arrangements).
- 4.22 The PECCS staff were proactive in contacting solicitors and had contact information available for local firms. Only seven of the 15 courts visited had suitable legal consultation rooms and so, in some custody suites, consultations had taken place in cells, which was unsatisfactory. In one court a detainee attending for trial was representing himself and it was positive to see staff supporting this by providing him with writing materials to make notes. Solicitors spoken to during the inspection raised concerns about their inability to consult with their clients properly, during the period of COVID-19 restrictions, due to the inability to meet their clients in person at court. This was raised as a particular issue in relation to children and vulnerable adults and their ability to engage appropriately in consultations and court processes undertaken by video link. The wider issue of the use of Sightlink for court appearances will be covered in CJI's forthcoming inspection of bail and remand (see Chapter 2: Leadership and multi-agency arrangements).

Photograph 11



Legal consultation room, Craigavon

Photograph 12



Legal consultation room, Laganside

Expectation – Complaints

- 4.23 Inspectors were advised that there were very few complaints recorded in court custody or which were raised in the prison on arrival. Where these occurred they normally related to delays in the case being heard or the transfer to prison. Only one fifth of detainees spoken to (21%, 3 of 14) stated that they knew how to make a complaint although they were asked if there were any issues they wished to raise as part of the pre-release interview. It would be helpful if an outline of the complaints process was included in the initial interview on arrival.
- 4.24 Complaints could be placed in a post box in the court or posted to the Head of PECCS and then would be investigated by the NIPS. Complaints could be escalated to the Prisoner Ombudsman for Northern Ireland if required, although Inspectors were advised this was rare. Complaints leaflets and policies were available in the custody suites but these contained out of date contact information. As outlined previously, the lack of privacy in most custody suites meant that it would be difficult for a detainee to raise a concern in a confidential manner.

CHAPTER 5: IN THE CUSTODY CELL, SAFEGUARDING AND HEALTH CARE

Detainees are held in a safe and clean environment in which their safety is protected at all points during custody.

Expectation - Physical environment

5.1 The quality of court custody areas within the courthouses ranged from an acceptable standard to not fit for purpose. The courthouses varied in age from modern buildings, such as Laganside and Newry, to listed buildings constructed over a century ago, such as at Enniskillen and Omagh. The cell areas in several places reflected the age of the building and the lack of design against modern standards. While the NICTS had undertaken modernisation programmes at various stages, in some places these were unable to address all the issues with the layout and conditions of the custody suites. In some buildings, such as Magherafelt, Limavady and Lisburn, there were a small number of cells and one single area for booking in, staff breaks and property storage. This resulted in a custody suite that was cramped, had insufficient space for staff and equipment and offered limited opportunity for confidential discussion. For these reasons, these suites were potentially unsafe.

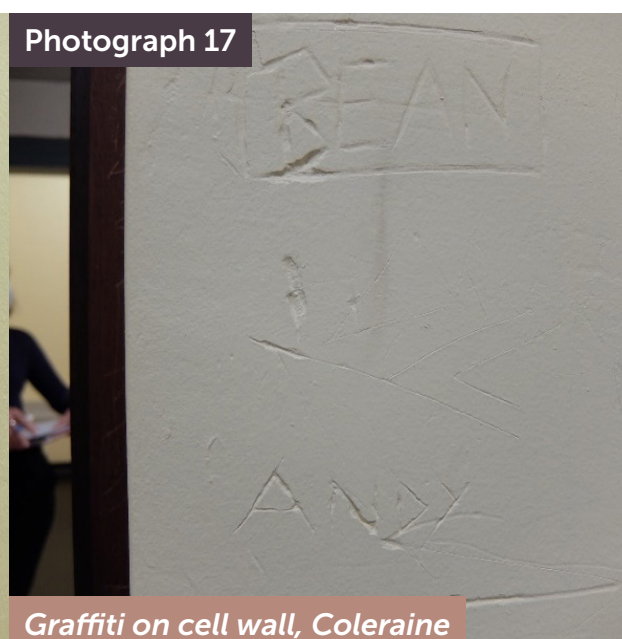
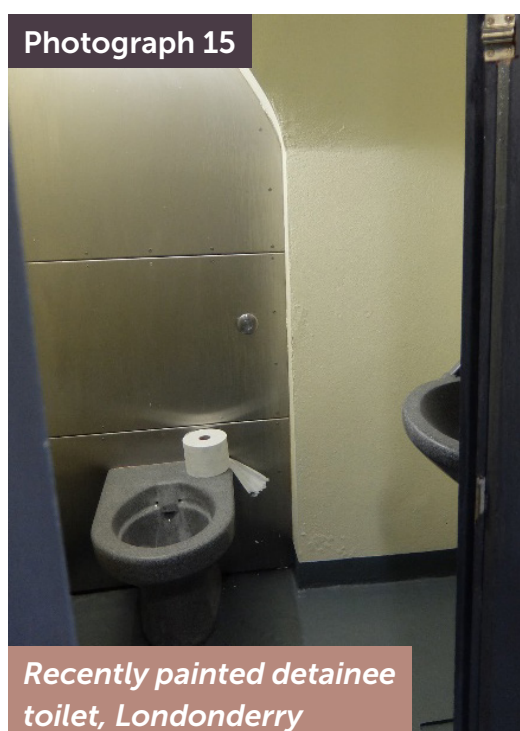


Booking in area and cells, Limavady



Booking in area with view towards cell area and toilets, Ballymena

- 5.2 There was an ongoing programme of refurbishment led by the NICTS Estates and Security Branch and Inspectors were advised that the PECCS staff were required to highlight issues to the NICTS Premises Officer. These were then either escalated for immediate rectification or included in the ongoing programme of maintenance works. A painting programme had commenced prior to the COVID-19 restrictions and lockdowns using groups of prisoners from Magilligan who formed a 'paint party'. This was positive in terms of both improving the quality of the suites as well as providing the opportunities for prisoners to develop their skills and employability prospects. Prior to COVID-19 restrictions, the NICTS had also progressed redecoration works carried out by external contractors, at eight venues which were unable to be completed by 'paint party'. Some PECCS staff had also undertaken some painting when the courts were not being fully utilised.
- 5.3 There was far less graffiti in evidence in the cells than during the last inspection, although there was some evidence of offensive words or names in the toilet areas or carved into the cells walls or doors. Sometimes this had been painted over but was still visible. In Craigavon there was offensive graffiti, particularly in the toilet area, and some of this was dated 2019. Inspectors did not identify any ligature points in the holding cells or other areas where detainees would be unsupervised.



- 5.4 Inspectors were informed that the custody suites were cleaned on a daily basis by cleaners from the main areas of the courthouse. The PECCS staff also had a COVID-19 'de-fogger' that they could use to spray the cell areas at the end of each day with a chemical to kill off the virus. In some courts, for example Craigavon and Enniskillen, despite the cleaning undertaken, the toilets and surrounding panelling looked stained, possibly due to a reaction between the cleaning products used and the metal they were made of. In others the cell walls looked grubby and in need of a deeper clean despite, in many cases, not having been used in some time. The Memorandum of Understanding between the PECCS and NICTS did not set out the requirements and arrangements for deep cleaning and this would be a helpful addition to the updated version.
- 5.5 Inspectors believe there is scope for greater proactivity to identify deficits and issues in the custody suite, for example in relation to graffiti and cleanliness, with a view to them being rectified more quickly.

OPERATIONAL RECOMMENDATION 5

Inspectors recommend that the Northern Ireland Courts and Tribunals Service should ensure that its Estates Facilities Manager and the Prisoner Escorting and Court Custody Service Senior Prisoner Custody Officer jointly undertake a series of regular inspections of the custody areas to identify maintenance issues and refurbishment required.

- 5.6 In Newtownards and Newry there was no drinking water in the custody suite so staff filled water bottles from a tap located in another area of the building to enable them to fill a kettle. In Lisburn staff used a tap in the cleaning cupboard to fill the kettle.



5.7 Some of the more modern courthouses had large cells and cell areas, which were in a good state of repair and sufficiently sized to meet the needs of detainees. In many locations however staff reported, or Inspectors observed, that cell areas were perceived to be too cold or too hot, usually depending on the time of year and the number of detainees in the cells. There was perceived to be poor ventilation in many custody suites and a lack of natural light in most of them. In Omagh there was an ongoing damp issue in the custody suite and the area used as a kitchen, booking in and staff break room had a portion of the wall missing where the plaster had come away. In Londonderry Courthouse the cells were small with low ceilings and Inspectors and staff considered them to have poor ventilation, leading to a claustrophobic feeling. Cells in Ballymena had natural light but due to the age of the building the heating system was in the form of an Air Handling Unit, which staff perceived to be inadequate. At the time of this inspection the heating system for the entire building was being upgraded in order to make the NICTS Estate more environmentally sustainable, and reduce carbon emissions. In Magherafelt there was evidence of mould on the woodwork in the courtroom due to the lack of heat. Inspectors were advised that, although this is a particular issue exacerbated by the courthouse currently being closed, even when it is open the court only sits once a week and therefore the heating is only on for limited periods.



Photograph 21



Custody area, Enniskillen

- 5.8 In many custody suites the lack of staff areas or storage facilities had meant that one or more cells had been adopted for use as staff changing/break areas or for storage on either a permanent or temporary basis due to lack of other alternatives. This had reduced the operational capacity of the suites, which was not an issue due to the small number of detainees. This is not a long term solution however, especially in some locations where cell numbers are limited.
- 5.9 The Senior PCO on duty conducted daily checks of the court custody facilities and any issues were reported to the Premises Officer at the court. Staff reported that minor issues were addressed quickly but issues considered less urgent, such as graffiti, were included in the ongoing maintenance programme. Cells in all suites, except Lisburn, had a call bell system that was in working order. Most courts were directly accessible from the custody suite but in six of the 15 courthouses visited, there was at least one courtroom which could only be accessed through the public area, in three of these this was the Youth Court. Concerns were raised with Inspectors about the lack of separate facilities for children, away from adults, to enter the courthouse and when waiting at court. As outlined earlier in most locations detainees in a wheelchair would need to be escorted through the public area. In most courthouses the Bail Office was not directly accessible from the custody suite and in some it was accessed by escorting detainees through the public area or outside the court building.
- 5.10 Staff were aware of the arrangements for evacuating the custody areas in the event of an emergency and Inspectors were advised that fire alarm tests were conducted weekly in each courthouse. The Evacuation Officers were members of NICTS staff and responsible for liaising with PECCS staff in the event of an incident. They were also responsible for ensuring the fire alarm and public address systems were operating effectively at all times.

- 5.11 In summary therefore, despite the efforts of the NICTS Estates and Security Branch over previous years to modernise the court estate, some court custody areas remained of a poor standard or not fit for purpose, in many cases due to the age and design of buildings, which proved an insurmountable challenge. There had been a series of inspections undertaken by the PECCS Compliance Manager and NIPS Health and Safety Manager prior to the onset of the COVID-19 pandemic, which reflected many of the issues identified by Inspectors. As a result of these inspections an action plan of works had been drawn up between the PECCS and NICTS but many of the custody areas still had evidence of unsuitable facilities during this inspection. As currently configured CJI do not believe that the court custody suites in Ballymena, Downpatrick, Enniskillen, Limavady, Lisburn, Londonderry, Magherafelt, Newtownards and Omagh Courthouses fulfil Expectation 4.1 *'detainees are held in a custody suite that feels and is safe, and is in a good state of repair'*.
- 5.12 In 2012 CJI published the report of an inspection of the adequacy of the court estate²¹. This assessed the quality of the estate overall (not specifically in relation to court custody) and graded the courthouses as good, medium and poor. Of those courts where there was a custody suite the report assessed Armagh, Ballymena, Craigavon, Downpatrick, Enniskillen, Londonderry, Newtownards and Omagh as medium and Limavady, Lisburn, Strabane and Magherafelt as poor. This report recognised the significant capital spending that the NICTS had used to attempt to modernise the court estate prior to this point and noted that *"Overall the general ranking of the NICTS courthouses has not changed a great deal in three years, despite £4.9 million spent on maintenance and £7.8 million on improvement works."*
- 5.13 On 8 February 2016 the then Minister of Justice, David Ford, announced to the Northern Ireland Assembly the intention to close Armagh, Ballymena, Lisburn, Magherafelt and Strabane Courthouses, having previously announced the closure of Limavady Courthouse.²² He also announced that Enniskillen should become a hearing centre. He referenced the CJI report and quoted the then Chief Inspector that *"The cost of maintaining a significantly underused court estate has hastened the closure of some courthouses and more must follow, particularly those where the facilities do not reach the current standards."* The Minister noted: *"...I have sought to balance the concerns expressed by local stakeholders against the facts, including the unprecedented financial pressures facing my Department, the clear evidence that many of our courts are underutilised because we have too many of them and business volumes are falling, and the pressures in the Courts and Tribunals Service as a result of falling staffing levels in the context of wider public-sector reform."*

21 CJI, Northern Ireland Courts and Tribunals Service: An inspection of the adequacy of the courts estate, May 2012, available online at: www.cjini.org/getattachment/473220da-9885-4d8e-b27a-194ddcb36e80/report.aspx

22 Northern Ireland Assembly, *Official report: Monday 8 February 2016*, available online at: <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2016/02/08&docID=257727>

- 5.14 In May 2016, judicial review proceedings were commenced, challenging the decision to close Ballymena, Lisburn and Strabane courthouses. In addition there was significant opposition to the proposals, including from legal, community and political representatives. In October 2016 the then Minister of Justice, Claire Sugden, announced to the Northern Ireland Assembly that “...I have concluded that now is not the time to proceed with court closures of the scale envisaged. Consequently, I have decided to reverse the decision taken in the previous mandate”.²³ As well as having an impact on all proceedings in these courts the decision resulted in the retention of court custody suites which were, for reasons outlined, below the expected standard for holding detainees or for staff to work in.
- 5.15 At the time of inspection fieldwork, in continuing to risk assess the use of courthouses in the face of the ongoing COVID-19 pandemic, the NICTS advised that they would be conducting ventilation assessments and using carbon dioxide monitors to identify poorly ventilated areas. This information would inform the use of social distancing and restrictions on numbers of people present in each court. Inevitably different sized rooms would result in differing levels of ventilation quality and therefore it was anticipated that some courts would be subject to greater levels of restrictions for a longer period of time than others which would impact the number of detainees required to appear at court.
- 5.16 The NICTS was also developing plans for a future estates strategy. The first stage of this was to develop strategic principles by June 2022 which would underpin the development of a new estates strategy. It was intended to undertake condition surveys and functional assessments of all court locations and custody suites would be included in this work. The NICTS recognised that there were condition and functional deficiencies in some court buildings, particularly in relation to the areas where detainees were held.
- 5.17 While recognising the challenges for the NICTS and previous attempts to modernise the court estate in general, CJI believes action is still required to ensure the current custody estate is fit for purpose. Inspectors believe there is an opportunity in these strategic principles to incorporate an assessment against CJI’s *Expectations for court custody* Expectation 4.1 ‘*Detainees are held in a custody suite that feels and is safe, and is in a good state of repair*’ and indicators as follows:
- Cells and communal areas are clean, free from potential ligature points and graffiti, of a suitable temperature, and well ventilated, with access to natural light. There are working fire alarms and equipment throughout the custody suite.
 - Staff conduct daily checks of the court custody facilities to ensure these are fit for purpose. Any defects or faults identified are reported and addressed promptly.

²³ Northern Ireland Assembly, *Official report: Tuesday 25 October 2016*, available online at: <http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2016/10/25&docID=277640>

- All cells are equipped with working call bell systems that cannot be permanently muted.
- The route to the courtroom does not pass through a public area and has sufficient alarms to call for assistance.
- There are adequate arrangements in place for daily cleaning, removing any biological hazards, regular deep cleaning and prompt repair of any defects.
- Staff can safely evacuate the custody area in the event of an emergency and evacuations are regularly practiced and recorded.

In addition the following indicator from Expectation 2.1 '*Detainees are transported to court safely and in accordance with their needs*' should be considered which relates to the availability of a secure vehicle dock:

- During their transfer and on arrival at the court detainees have their privacy and dignity maintained and are protected from insult, curiosity, publicity and media attention, including photography.

STRATEGIC RECOMMENDATION 4

It is recommended that in developing the strategic principles for the court estate, the Northern Ireland Courts and Tribunals Service should include an assessment of the court custody area and areas used for escorting detainees against the relevant Criminal Justice Inspection Northern Ireland *Expectations* and indicators for court custody.

5.18 There was a lack of CCTV throughout the court custody estate and of the 15 courts visited four had alarms to call for assistance in the cell area and only two had alarms in the areas for accessing the courtrooms. While staff carried personal alarms in some locations, the safety of staff and detainees, particularly in the route to the courtroom, was highlighted as a concern. At the time of the inspection although body-worn video cameras were used by staff in prisons there had been no extension of this to PECCS staff as the legislative basis for this was limited to within prisons. Body worn video cameras have also become widely used by PSNI officers in the community when dealing with victims and suspects. Inspectors were advised that staff from Woodlands JJC were also permitted its use when escorting children to appointments outside the JJC.

5.19 There is clear precedence for the use of body worn video for the safety and protection of both detainees and staff, particularly in areas of higher risk. Due to the restrictions on photographic and video recording within a courtroom the use of body worn video would be limited to the custody suite and areas of the court building through which detainees were being escorted which are not accessible to the public.

OPERATIONAL RECOMMENDATION 6

Inspectors recommend that **the Northern Ireland Prison Service, in conjunction with the Department of Justice and other partners, should consider the introduction of body worn video cameras for staff during escort, in court custody areas and when escorting detainees to the courtroom in areas not accessible to the public.**

Expectation - Use of force

- 5.20 Use of force was low with 20 incidents recorded in 2020. Staff were all acutely aware of the need to build relationships with detainees and use de-escalation techniques to avoid incidents arising that necessitated use of force. Use of force reports illustrated attempts made by staff to de-escalate conflict before using restraint techniques. The small numbers of staff available in most courts, especially those who were immediately available in the custody suite to deal with a restraint situation, was highlighted to Inspectors on a number of occasions as a key reason to de-escalate potential conflict. Equipment for cell extraction was available in most court custody suites visited, although again the number of staff available to undertake an extraction was raised as a concern.
- 5.21 As expected the majority of use of force incidents occurred in Lagside as the suite which had the greatest throughput. As outlined previously all staff were trained in Control and Restraint, the method used in the prisons, with some staff trained in MMPR in order to be able to escort and supervise children (see Children). Mandatory refresher training had been delayed due to the COVID-19 restrictions but had recommenced in person with physical contact as required.
- 5.22 The 2010 CJI inspection of court custody²⁴ recommended that '*Prisoners should not routinely travel handcuffed in secure vehicles unless individual assessments demonstrate a high level of risk*' (paragraph 6.2) and that '*The PECCS in consultation with the NICTS and the Office of the Lord Chief Justice should conduct a risk assessment of court custody suites to designate secure and non-secure areas with cuffing only used in the former*' (paragraph 6.8). The 2014 Follow-up Review assessed the first of these recommendations as achieved and the second as partially achieved.²⁵

24 CJI, *An inspection of Prisoner Escort and Court Custody arrangements in Northern Ireland*, October 2010, available online at: <https://www.cjini.org/getattachment/cc81a484-6109-4d33-95db-5b9d71df3883/Prisoner-Escort-and-Court-Custody-arrangements-in-Northern-Ireland.aspx>

25 CJI, *Prisoner Escort and Court Custody arrangements in Northern Ireland: A follow-up review of inspection recommendations*, April 2014, available online at: <https://www.cjini.org/TheInspections/Action-Plan-Reviews-Inspection-Follow-Up-Review/2014/Prisoner-Escort-and-Court-Custody-Follow-up-re>

- 5.23 In the fieldwork for this inspection five detainees reported that they had not been handcuffed during the period of escort, this included one female detainee brought from the police station, three detainees produced from prison and one detainee remanded from the body of the court. The remaining nine reported that their handcuffs were removed on arrival. The PECCS policy was that those being escorted from prison would not be handcuffed while in a vehicle unless they were a Category A prisoner. All detainees that Inspectors observed during the site visits were handcuffed from the custody suite to the courtroom and onto the escort vehicle where their handcuffs were removed.
- 5.24 The policy with regard to first appearances and new committals was that all detainees arriving from the police station should be handcuffed from locations not defined as secure (that is those without a secure vehicle dock) with the exception of children and women. Those being transferred from a secure location would not normally be handcuffed unless indicated by a dynamic risk assessment. Inspectors did not have an opportunity during the fieldwork to evaluate the application of this type of dynamic risk assessment. The need to handcuff those detainees on escort vehicles being transported from locations not defined as secure again highlights how the issues with the design of some courthouses leads to negative outcomes for detainees.
- 5.25 Use of force incidents were quality assured by a Principal PCO. This process involved an individual assessment of the details of the use of force, based on the statements of those involved, as well as looking for patterns and trends in use of force in particular locations or by particular members of staff. In addition this review considered incidents where there had been a health and safety response required, for example where a detainee had attempted self-harm or required the assistance of a paramedic. These reports evidenced the action the staff took to preserve the life of the detainee, for example by cutting a ligature, and then that medical assistance was sought.
- 5.26 The NIPS use of force policy, dated April 2013, and the PECCS operational guidance for use of force did not specify specific considerations around female detainees who may be pregnant nor the use of MMPR and the need to use this with children where trained staff were available, although the PECCS advised that the first of these was covered in training. Updated versions of these documents would be of assistance to staff.
- 5.27 The lack of health care staff in the court custody areas limited the ability for detainees to be examined after a use of force incident, unless emergency medical assistance was required, and this did not take place until they had their health care interview in the prison on committal. Inspectors were able to observe the searching of detainees at Antrim court, where it was undertaken sensitively and appropriately with the use of a metal detector wand.

Expectation - Detainee care

- 5.28 There were supplies of instant noodles, bottled water, tea, coffee and biscuits available in the custody suites. While not particularly nutritious, the decision to offer instant noodles rather than ambient meals was based on a survey of prisoners and this was a positive. In addition, they were vegetarian and therefore catered for most dietary and cultural requirements. Those who came from prison were provided with a sandwich lunch but most said that it was insufficient in quantity for a whole day at court. Detainees spoken to had been offered a drink (14, 100%) and all but one where it was relevant had been offered something to eat (12 of 13, 92%). Views on the quality of the food and drink were mixed with half (6 of 12, 50%) reporting that it was very good or good, a quarter (3 of 12, 25%) that it was neither and a quarter that it was bad or very bad (3 of 12, 25%), of whom two had come from Maghaberry Prison.
- 5.29 Reading materials were available in most suites in the form of books and magazines although there was inconsistency in whether they were able to be offered, given the COVID-19 situation. In some places these were available in different languages. In some suites chalk boards had been placed on the walls in an attempt to give detainees an alternative to writing on the walls. There were also radios available in some suites and some consideration had been given to how television screens could be safely introduced in Laganside. Given the length of time that detainees could spend in the cells it may be helpful to identify other types of activities, particularly to support those who had lower levels of literacy and numeracy.
- 5.30 There were no cells in the court estate with in-cell sanitation but all detainees had access to a shared toilet. In some courts, for example Enniskillen and Lisburn, there was only one toilet to be used by all detainees. In other locations, where facilities allowed, a toilet was allocated for use by female and vulnerable detainees and children. In Ballymena there was a toilet for use by detainees with disabilities but it was impossible to get a wheelchair into the custody suite due to the layout of the entrance. Toilet paper, hand towels and hand sanitiser were available in most suites visited. In Lisburn, Newtownards, the disabled toilet in Laganside and the male toilet in Downpatrick however there was no hot running water in the sink in the toilet area, which was unsatisfactory.
- 5.31 Detainees appearing from prison were advised to dress in clothes appropriate for the court and for the time of year. Those attending from police custody wore either their own clothes or police issued tracksuits. Spare jumpers and coats had been provided in some courts by the prisons for detainees who were cold or had arrived in insufficient clothing, particularly if they were being released.

Expectation - Safeguarding

5.32 Each custody suite had a copy of the NIPS child and adult safeguarding policies in the court management folder. These policies were lengthy and not specific to the role of a PCO or Senior PCO in the PECCS. There was also a PECCS specific policy on *Safeguarding People in our Care* but this again was lengthy and included mixed references to both court custody and prison establishments. It did not appear to clearly set out the procedures to undertake if a disclosure was made, except to escalate issues to a Principal PCO. Staff advised Inspectors that they had not received specific training on safeguarding although there were plans to deliver training on human trafficking and modern slavery in the coming months. Inspectors were informed that safeguarding children and adults did feature as part of induction training for new recruits.

5.33 When asked about safeguarding PECCS staff were not familiar with the correct procedures and responded based on their own common sense rather than an understanding of the policies and their responsibilities within them. The review of training as part of Strategic Recommendation 1 in Chapter 2 should include training based on safeguarding procedures that are specific to the PECCS role and easily able to be interpreted and actioned by staff.

5.34 The ability to facilitate visits for vulnerable detainees, including children, were limited in many areas by the lack of accommodation in the custody suite. In most suites staff described how and where they could facilitate visits from family members or social workers but in many places this was difficult and the only available location was in the detainees cell. In some suites vulnerable detainees were able to make a telephone call to family members but again this could be difficult to facilitate.

Expectation - Children

5.35 Staff were clear on the need to place children in a separate cell to other detainees and where the layout of the custody suite permitted they would accommodate them in a different block. The cells in each court were fairly standard and were designed for holding one or more adults. Court custody suites were not child-centred. Some courthouses had 'youth cells' located close to the Youth Court but these were unused due to the need to keep detainees in the same secure area where there were sufficient numbers of staff to care for them. There were no children present in custody and therefore it was not possible to check on the appropriateness of them being placed in a cell. However staff in one court described a young female who had a range of complex needs and assessed to have the mental capacity of a seven-year-old. Staff advised that when she was brought to custody she was cared for by a female PCO in the family room rather than being placed in a cell. Overall Inspectors believe that greater attempts should be made to avoid children being held in cells, unless justified by a risk assessment.

- 5.36 As outlined earlier there were differing arrangements for children appearing for a first appearance than those escorted for a subsequent appearance from Woodlands JJC. Inspectors were advised that this was founded in legislation but could find no provision for this arrangement and it appears to have become custom and practice; albeit not all Police Officers were aware of this. In practice however staff advised that they often undertook the care of children who were held in the cells but the escorting Police Officers were required to wait in the courthouse where they could be called on if required and to escort the child to Woodlands JJC if they were remanded.
- 5.37 As outlined in Chapter 2 there had been significant investment in training staff in approved restraint techniques for children, MMPR, alongside staff from Woodlands JJC as well as some staff being trained as MMPR Co-ordinators. There were very few incidents of restraint of children but the retention issues continued to mean there was a loss of skills across the workforce. The training was offered to staff who volunteered, rather than on a needs basis, which had led to inconsistencies in the numbers of staff trained across the regions. Staff highlighted the difficulties faced when only one member of staff on duty on a given day was trained in this restraint technique.
- 5.38 Inspectors appreciate that the passing of the responsibility for first appearances of children to the PECCS potentially creates additional resource, training and vehicle requirements for the current service. However given the escorting arrangements in place between the PECCS and Woodlands JJC, and for the same reasons as outlined in relation to Strategic Recommendation 2, it is entirely appropriate that PECCS staff take on this role. This will require early communication between the PSNI and the PECCS that a child is likely to be charged and brought to court custody for a first appearance.

OPERATIONAL RECOMMENDATION 7

Inspectors recommend that **improvements should be made by the Prisoner Escorting and Court Custody Service in the arrangements for holding children in court custody within nine months of the publication of this report to ensure:**

- **that Prisoner Escorting and Court Custody Service staff are responsible for the care and escort of children from the time of arrival in court custody for a first appearance;**
- **children should only be held in cells when this is justified by an individual risk assessment; and**
- **sufficient staff are available across the court custody estate who are trained in Minimising and Managing Physical Restraint.**

- 5.39 The PECCS staff used their relationships with court staff to seek prioritisation and progression of cases involving children. Inspectors did not see any evidence of age-appropriate activities for children while waiting in cell areas and this is an area that could be developed further.

Expectation - Health

- 5.40 There was no health care provision directly for those in court custody. In some instances staff told Inspectors they could seek advice from the nurses in Maghaberry Prison or from the Forensic Nurse or Forensic Medical Officer in police custody, although the latter had diminished in recent years. In a serious or emergency situation the only real option for staff was to call '999' and request an ambulance. In this respect health care had not progressed since the last inspection although the PECCS Senior Management Team advised that there had been discussions with the Belfast Health and Social Care Trust (who delivered the custody health care in Musgrave police custody) about how detainees could continue to receive medication during their time at court.
- 5.41 Detainees were assessed by the nurse or doctor in police custody as being fit for detention and interview and therefore there was an assumption that this continued to their time in court but there was no additional assessment of this. If staff had concerns about the health and wellbeing of detainees their options were limited to those outlined above or to apply the SPAR Evo procedures.²⁶
- 5.42 In relation to COVID-19 risks and precautions, the PECCS staff relied on the information provided by the prison or police custody on likelihood of infection or vaccination status. Those coming from prison had undertaken a period of isolation on their arrival in the prison. Detainees arriving from police custody had their temperature checked and the result recorded on their medical record by the custody nurse or doctor and were asked about their vaccine status. Staff felt most at risk from those who had been remanded into custody from the body of the court as they had neither had their temperature checked nor had undertaken a period of isolation. It was surprising at this stage in the COVID-19 pandemic that staff did not, at the very least, have access to a digital thermometer to enable them to undertake a basic check of the detainees' temperature.
- 5.43 There were no liaison and diversion health professionals available. In an emergency staff were clear of the need to contact '999' but there were no protocols in place with the Northern Ireland Ambulance Service to provide this and emergency response was provided based on assessment of need. The PSNI had a Protocol with the Northern Ireland Ambulance Service that covered emergency response to police custody.

²⁶ SPAR Evo provides a person-centred approach to supporting people at risk of suicide and/or self-harm, see Chapter 4.

- 5.44 Some staff had been trained in Emergency First Aid at Work and first aid boxes were available in every court custody suite. Some staff commented that this level of first aid was rarely required and that there was no designated first aider on-site. An automated external defibrillator was available in every court custody suite for resuscitation purposes and these were checked by the Senior PCO on a regular basis.
- 5.45 There were no health care records available to custody staff. Digital tablets introduced in Laganside enabled health care information, such as medication, collected on arrival to be transferred to the health care staff in Maghaberry Prison via a Digital Information Sharing Platform. This was used to check information against the detainee's medical record prior to their health care committal interview.
- 5.46 Medications transferred with the detainee from prison or police custody were contained in a clear plastic bag with instructions on the front as to how they should be administered. Given the lack of qualified health care staff to dispense medications, the PECCS staff could only hand over the medication with a drink for the detainee to self-administer. The PECCS staff advised that detainees who required an inhaler or insulin would be able to retain these in their possession for use.
- 5.47 Nicotine gum was available for staff to offer, with instructions in place around the frequency but only 30% (3 of 10) detainees who said they were smokers reported being offered this. There were no policies in place regarding the provision of ongoing opiate substitution therapy or symptomatic relief for those who were detoxifying. Only one detainee in the survey reported that they had been provided with prescribed medication to take during their time in court custody. Some detainees raised concerns about not being prescribed the medication that they believed they should receive in police custody, although Inspectors did not verify this. The issue of medication in police custody was covered in depth in CJI's inspection of police custody, published in September 2020.²⁷ In case example 4 a detainee who presented themselves to the court and was remanded into custody had concerns around his inability to access medication.

²⁷ CJI, *Police Custody: The detention of persons in police custody in Northern Ireland, September 2020*, available online at: <https://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>.

CASE EXAMPLE 4

At 10:45 an adult male who had arrived at Newry Court from home was remanded into custody. He was aware that he was likely to be remanded and therefore had brought a case of possessions with him. At 11:00 the Senior PCO requested an escort vehicle be sent to Newry Court to collect the detainee and transport him to Maghaberry Prison. At 13:00 the detainee asked about taking his medication and it was explained that he would be seen by a nurse and be given his medication on arrival at Maghaberry Prison. When speaking to Inspectors the detainee mentioned that he had not been able to take his medication as planned at lunchtime. He did not believe he had brought his own medication with him (a relative had helped him to pack) but even if this had been included in his property, PECCS staff would not have been able to access it.

At 15:10 the escort vehicle left Newry Court to transport the detainee to prison and he was committed into the prison at 16:35. At 18:30 he met a nurse who assessed that none of his medications were of an urgent nature and therefore he did not require medication that night. The medication he had planned to take at lunchtime was noted as having been prescribed for him to take three times a day 'as required'. The following day a doctor did not prescribe the medication as he assessed it to not be required.

Notwithstanding the fact that this medication was not urgent, this case emphasises the difficulties that could be faced by a detainee, who arrives from the community and who requires medication during the day (or believes he does). In this case it could have been several hours before that medication was prescribed and administered after arrival at the prison. Similarly, while this detainee was calm in demeanour, not all detainees may behave in this way, presenting challenges for both themselves and staff.

- 5.48 In some locations, medications could not be properly stored as the lockable cabinet available was small and used for the storage of cell keys. Where detainees had medication in their property, which had either been transferred from police custody or brought with them to court, the property, although sealed, could not be held securely due to the lack of lockable storage areas or CCTV coverage everywhere except Laganside. This created risks.

OPERATIONAL RECOMMENDATION 8

Inspectors recommend that the Prisoner Escorting and Court Custody Service should develop an action plan, within six months of the publication of this report, to address deficits in health care provision including:

- consistency of access to health care advice/assessment;
- appropriate first aid provision and training for staff in administration of medications; and
- appropriate medications storage, management and administration policies.

CHAPTER 6: **RELEASE AND TRANSFER FROM COURT CUSTODY**

Detainees are released or transferred from court custody promptly and safely.

Expectation - Release and transfer arrangements

- 6.1 A pre-release risk assessment was conducted with each detainee before they were either transferred to prison or released from court. Staff were very mindful of vulnerabilities of detainees and shared their concerns about occasions where detainees did not have someone to collect them. The PECCS staff outlined the assistance they provided in terms of contacting family, friends or solicitors. Concerns were raised particularly about those who were released who had come from prison, often not expecting to be granted bail or to be released after time served. Staff described how detainees arrived from prison with no money, phone, house keys or other property. While staff could provide some additional clothing and a travel warrant they described how some detainees asked if they could return to prison on the escort vehicle to be able to collect their property, a request that could not be granted. Staff reported that sometimes the only option available to them was to report a concern for safety to the police. One particular example provided to Inspectors highlights the challenges faced by staff.

CASE EXAMPLE 5

A foreign national detainee had been transferred from prison to the Magistrates' Court for a contest on a Friday just prior to Christmas. His case was heard and the District Judge concluded his case as having time served. He had arrived in court custody wearing a T-shirt, light trousers and flip-flops. The PECCS staff were able to provide him with additional clothing from the stock they held. He had no money or phone with him. Staff were able to contact his solicitor who said they would call his brother. The PCO used the numbers for organisations on the NIPS Release and Restart leaflet to try and get the detainee some support but as it was nearly five o'clock on a Friday evening everywhere was closed except a local housing association. He was released and was seen walking up and down the street trying to find someone to give him a cigarette. Eventually his brother came to collect him at the gate of the courthouse. The PCO explained to Inspectors how concerned he was for the safety of the detainee.

- 6.2 There did not appear to be formalised arrangements or procedures specific to the work of the PECCS in place to share information about risk, vulnerability, health or safeguarding to relevant agencies and support organisations. The lack of health care or liaison and diversion services in court custody meant that this was predominantly undertaken in the manner described above where the PECCS staff were attempting to gain support for a vulnerable person being released from custody. Despite the lack of formalised arrangements Inspectors were impressed by the descriptions staff gave of the efforts they made to assist those leaving court in their reintegration into the community.
- 6.3 Inspectors were told by staff that often small property was not transferred to court with detainees and some felt that this should be automatic where there was a potential for release, rather than prisoners having to request it 72 hours before their court appearance. It is unclear whether this is an issue related to the pandemic in that with the reduced number of detainees transferred to court this has been overlooked or whether this is a wider issue of detainees being unaware that they can or need to request small property prior to their court date. Inspectors believe that there is an onus on staff in the prison to ensure that detainees are aware about these procedures and avail of them when appropriate. **In addition, it is important that PECCS staff highlight any concerns to the legal representatives present about the risks to and from a detainee who has no property with them at court. This should assist in ensuring any concerns about safeguarding issues arising from the detainee's immediate release to be highlighted to the court and is an area for improvement.**

OPERATIONAL RECOMMENDATION 9

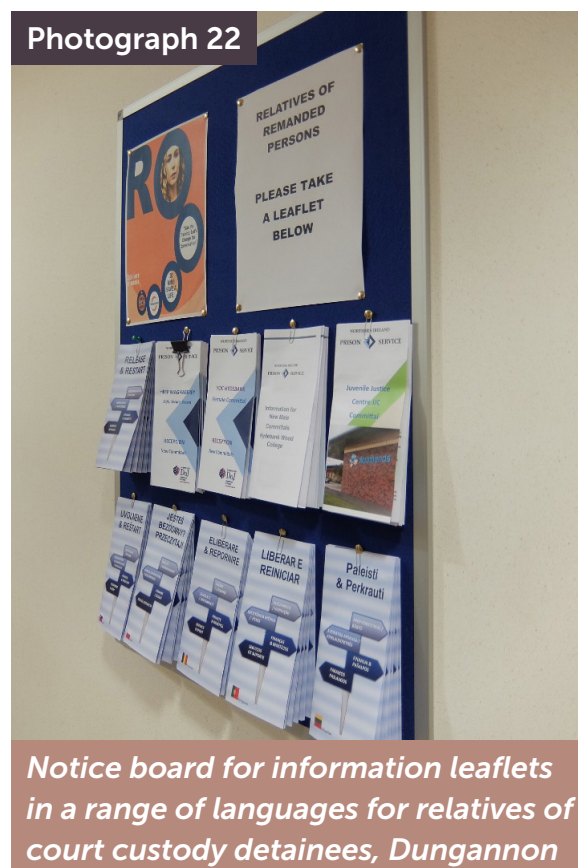
Inspectors recommend that **the Northern Ireland Prison Service should ensure that small property is sent with any detainee who is produced from prison for a court appearance where there is reasonable potential for release.**

- 6.4 As outlined in Chapter 3 there could be delays in finalising court paperwork to enable detainees to be released or escorted to prison in a timely manner and this was a source of concern for both the staff of PECCS and the detainees in their care. Children were usually transferred quickly in non-cellular vehicles by the police.

COURT CUSTODY:**THE DETENTION OF PERSONS IN THE CUSTODY OF THE COURT IN NORTHERN IRELAND
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6.5 PECCS staff were able to advise those being released at court about the '*Here to Help*' smartphone application (app), which was also used by prison establishments. This provided advice and support services for anyone in crisis or needing help. As outlined previously there was also a '*Release and Restart*' leaflet available for detainees who did not have access to a smartphone. These signposted them to organisations across Northern Ireland who could assist them with issues related to accommodation, health care and addictions, finance and benefits and support services. Staff also used these contact points when needing to seek assistance for those being released.

6.6 Leaflets were also available on the committal process for those remanded or sentenced to Maghaberry Prison, Ash House Women's Prison, Hydebank Wood Secure College and Woodlands JJC. Detainees were also able to access the '*Here to Help*' app. A leaflet entitled '*Information about prison for people at court*' was also available for family and friends but this was dated 2008 and some of the information was inaccurate. Inspectors were informed that work was underway to develop new leaflets, on the basis of consultation with prisoners about the content. All of those detainees who had appeared before the court before they completed the survey (8, 100%) knew where they would be going when they left the court.

Photograph 22

Notice board for information leaflets in a range of languages for relatives of court custody detainees, Dungannon

APPENDIX 1: **EXPECTATIONS**

CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND

EXPECTATIONS FOR COURT CUSTODY

Criteria for assessing the treatment of and conditions
for detainees in court custody.

Adapted for use from Her Majesty's Inspectorate of Prisons.

Version 2, 2020 (updated March 2020, adapted for use in Northern Ireland March 2021).

SECTION 1: LEADERSHIP AND MULTI-AGENCY RELATIONSHIPS

- Leadership and multi-agency relationships; and
- Performance management data supports the safe delivery of custody.

SECTION 2: TRANSFER TO COURT CUSTODY

- Transfer to court custody.

SECTION 3: IN THE CUSTODY SUITE: RECEPTION PROCESS, INDIVIDUAL NEEDS AND LEGAL RIGHTS

- Respect;
- Meeting individual and diverse needs;
- Risk assessments;
- Individual legal rights; and
- Complaints.

SECTION 4: IN THE CUSTODY CELL, SAFEGUARDING AND HEALTH CARE

- Physical environment;
- Use of force;
- Detainee care;
- Safeguarding;
- Children; and
- Health.

SECTION 5: RELEASE AND TRANSFER FROM COURT CUSTODY

- Release and transfer arrangements.

Introduction

This is the second version of *Expectations for detainees in court custody*, the standards by which we inspect outcomes for detainees in court custody facilities and the transfer of detainees to and from those facilities. Court custody inspections form part of a wider range of inspections, including police custody, prisons and immigration removal centres. These *Expectations* allow us to fulfil our responsibility to deliver independent and objective assessments of outcomes for detainees in court custody facilities. This is in accordance with the UK's responsibilities as signatory to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Expectations for detainees in court custody sets out the framework and criteria used by Her Majesty's Inspectorate of Prisons (HMIP) in England and Wales and Criminal Justice Inspection Northern Ireland (CJI) to assess court custody arrangements and the outcomes for those detained in court custody facilities. The expectations were drawn up after consultation and are based on and referenced against relevant international and regional human rights standards. They also draw on the cumulative learning of our court custody inspections to date and best practice.

The *Expectations* will be used to assess the treatment of and conditions for those transported to and from, and those held in, court custody facilities in Northern Ireland. It also offers a guide to the public, the Northern Ireland Courts and Tribunals Service (NICTS), the Northern Ireland Prison Service (NIPS) and the Police Service of Northern Ireland (PSNI) to the outcomes for detainees that we expect to see.

The expectations are grouped into five inspection areas:

- Leadership and multi-agency relationships;
- Transfer to court custody;
- In the custody suite: reception processes, individual needs and legal rights;
- In the custody cell, safeguarding and health care; and
- Release and transfer from court custody.

Expectations set out the outcome we expect court custody agencies to achieve.

Indicators suggest evidence that may demonstrate whether the outcomes have been met. Agencies do not have to meet each indicator; the list is not exhaustive and does not exclude other means of achieving the outcome.

This version of the *Expectations* takes effect from March 2021.



Jacqui Durkin

Chief Inspector of Criminal Justice in Northern Ireland

SECTION 1: LEADERSHIP AND MULTI-AGENCY RELATIONSHIPS

There is a shared strategic focus on custody, including the care and treatment of all those detained, during escort and at the court, to ensure the well-being of detainees.

Expectations - Leadership and multi-agency relationships

- 1.1 **Each Administrative Court Division has a strategic, multi-agency focus on custody and escort provision, which promotes shared working among all the organisations involved to ensure the safe and respectful delivery of custody.**

Indicators

- There is an effective management structure within the NICTS, NIPS Prisoner Escorting and Court Custody Services (PECCS) and the PSNI to ensure policies and procedures are in place. The policies and procedures are fully implemented and reviewed regularly to ensure appropriate care and treatment of detainees in court custody and while travelling under escort to and from court. Policies and procedures are accessible and staff understand them.
- There is constructive engagement between all relevant partner agencies - including the NICTS, the PECCS, and the PSNI, criminal justice agencies (including prisons and the Public Prosecution Service), health and substance misuse services and the Youth Justice Agency - to support the safe and respectful delivery of custody. Outcomes for detainees can be clearly demonstrated.
- There are sufficient resources to carry out the custody and escort functions to ensure the safety and well-being of detainees. Custody and escort staff are vetted and trained with the right skills, they understand how to respond to detainees, and their training needs are assessed and met so that they perform the requirements of their respective roles.
- Agencies involved in the delivery of court custody have clear whistleblowing procedures, and all staff know how to raise concerns.
- Safeguarding of children and vulnerable adults is embedded at a strategic level, and supported by clear policies and procedures specific to their needs. Court custody and escort staff are trained to recognise safeguarding issues and to understand the need to safeguard and promote the welfare of children and vulnerable people, and are supported to do so.
- Staff understand how to refer a potential victim of trafficking²⁸ to the National Referral Mechanism (NRM). Any referral to the NRM is made with informed consent whenever possible.
- Services provided to support court custody are monitored and scrutinised to hold providers to account.

28 Including modern slavery. See also Expectation 4.4 safeguarding.

- Court custody is open to external scrutiny. Issues and complaints raised by lay observers are responded to appropriately. This includes dealing with immediate complaints and issues raised during visits.

1.2 Performance management data supports the safe delivery of custody.

Indicators

- Accurate data (including for example, custody throughput, demographics, adverse incidents, use of force and complaints) are routinely collated and analysed to identify trends. They are used to inform organisational learning and to improve outcomes for detainees, including in relation to equality and diversity.
- Quality assurance processes promote the safe and respectful treatment of detainees and continuing professional development of staff.

References

In relation to expectations 1.1–1.2: Human rights standards require that all places of detention are managed to ensure that detention is prescribed by law and that detainees' human rights are respected, protected and fulfilled. That means that the humanity and inherent dignity of each and every detainee is recognised in policy and practice, that vulnerable detainees are identified and safeguarded and that managers ensure that all staff have the requisite knowledge, aptitude and skill to perform their duties and to meet the needs of different individuals. Policy and practice should ensure that staff and detainees are able and encouraged to raise concerns about safety or care at any time. A child (any person under the age of 18 years) must be treated as vulnerable by reason of age and their best interests must be a primary consideration. See ECHR 2, 3, 5; ICCPR 9, 10(1); ICESCR 12(1); CERD 2, 5; CAT 2, 10, 11, 12, 13, 16; OPCAT 19, 20, 21, 22; BOP 1, 2, 4, 5, 7, 9, 29; EPR 76, 81.2, 81.3; DEDRB 2; DRM 4; DHRIN 5(a); YP 9(a), (f), (g), (i), (j), 10. In relation to children specifically see CRC 3, 19, 24, 33–37, 40; HR 17, 84. See also CPT/Inf(2004)28-part, Combating impunity and CPT/Inf(2018)4-part, Complaints mechanisms.

SECTION 2: TRANSFER TO COURT CUSTODY

Escort staff are aware of detainees' individual needs, and these needs are met during escort.

Expectation – Transfer to court custody

2.1 Detainees are transported to court safely and in accordance with their needs.

Indicators

- Escort staff are aware of detainees' individual needs. All necessary information identifying any issues relating to risk or self-harm is recorded in the person escort record which is completed thoroughly and accompanies the detainee on their journey. Confidential information that travels with the detainee is securely sealed and is only accessed in an emergency (see expectation on release and transfer from court custody).
- Detainees who will require medication have sufficient supplies transferred with them.
- Cellular vehicles are safe, clean, comfortable, well ventilated, of a suitable temperature, provide sufficient light and space for detainees and are fully equipped (for example, with bottles of water, food, a first aid kit and sickness bags) to cater for all needs.
- Suitable alternative vehicles are available where necessary to meet individual needs, including for pregnant women, women with babies, children and those who have experienced previous trauma which makes use of a cellular vehicle inappropriate.
- Escort staff can easily observe detainees, and escort staff and detainees are able to communicate directly at all times. Escort staff regularly check on detainees' welfare.
- Escort staff can quickly and safely evacuate vehicles in the event of an emergency.
- Women, children and adult men are transported in separate vehicles.
- Women and girls are transported in vehicles with a female escort.
- Detainees are safeguarded from violence and intimidation from other detainees during transfer.
- Detainees do not experience long journeys and all efforts are made to reduce journey time.
- Detainees are offered rest stops or comfort breaks at appropriate intervals and the frequency of stops considers any individual circumstances, including health needs and the needs of women, children and detainees with disabilities.
- Detainees are disembarked quickly and are not made to wait outside the custody suite in cellular vehicles.
- Detainees arrive wearing suitable clothing for their transfer and court appearance.

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- Personal belongings accompany a detainee during their transfer to and from court.
- During their transfer and on arrival at the court detainees have their privacy and dignity maintained and are protected from insult, curiosity, publicity and media attention, including photography.
- Detainees know where they are going.

References

In relation to expectation 2.1: Human rights standards require detainees to be transported safely and in conditions which maintain their dignity and take into account their differing individual needs. Detainee's privacy must be maintained; personal and health information must only be accessed by those who require it and detainees should be exposed to public view as little as possible. Detainees must always know where they are going. See ECHR 2, 3, 5, 8, 14; ICCPR 6(1), 7, 10(1), 17, 26; ICESCR 12; CAT 2, 16; CEDAW 2, 4; CRPD 9, 10, 14, 15, 17, 22; EPR 1, 11, 15, 16, 20, 22, 31.7, 33, 34.1, 35.4, 36.1, 97; SMR 1, 2, 7, 9, 11, 20, 73; BOP 16, YP 5(a), 6(f), 9(a), (d). In relation to children see CRC 3, 24(1), 37 and HR 21, 22, 26, 29, 35, 36. See also CPT/Inf(2018)24, Transport of detainees.

SECTION 3: IN THE CUSTODY SUITE: RECEPTION PROCESSES, INDIVIDUAL NEEDS AND LEGAL RIGHTS

Detainees receive respectful treatment in the custody suite and their individual needs are met. Detainees are held in court custody for no longer than necessary, are informed of their legal rights and can freely exercise these rights while in custody. All risks are identified at the earliest opportunity.

Expectation - Respect

3.1 Detainees are treated with dignity while in custody.

Indicators

- Staff are easily identifiable and engage with detainees courteously. All detainees are treated with dignity from the first point of contact and throughout their detention.
- Detainees can disclose confidential information, and any situation or condition that makes them vulnerable, in private.
- Staff take into consideration the stress that detainees may be feeling when responding to and communicating with them.

Expectation - Meeting individual and diverse needs

3.2 Staff understand how to promote equality and diversity and recognise and respond to the specific needs of people with protected and other minority characteristics. All detainees are treated according to their individual needs.

Indicators

- Staff have a good understanding of and can meet the specific individual needs of people from diverse groups, such as older people, women (including women who are pregnant or breastfeeding), detainees from all racial and ethnic groups, detainees with disabilities, (including non-physical disabilities), detainees of all religions and beliefs, detainees of all sexual orientations, and transgender and intersex detainees. Staff understand that individuals may have multiple needs.
- There are sufficient female custody staff and appropriate provision and facilities to respond to the welfare needs of detained women. Female detainees are routinely provided (without having to ask) with menstrual care products suitable for their needs. Women are held separately from men.
- Reasonable adjustments are made for detainees with disabilities, including non-physical disabilities.
- There is a range of religious observance materials, and detainees are searched in a religiously and culturally sensitive way.
- Custody staff can identify and meet the distinct needs of older detainees, such as signs of mental and physical health problems, including the onset of dementia.

- Custody staff understand that young adults may have distinct needs and respond appropriately to differing levels of maturity.
- Custody staff identify and appropriately address the individual needs of transgender detainees.
- Staff have access to accredited translation and interpreting services where needed to help detainees understand their rights and other custody processes, and whenever accuracy or confidentiality is important.
- Telephone interpretation is conducted using equipment that enables effective communication in privacy and staff are confident in using it.
- Legal rights and other documents are provided for detainees to access information in a language and format they can easily understand, for example, easy read format, Braille and in languages which reflect the population in the relevant area. Detainees who experience difficulties in reading or understanding are helped with clear explanations by staff when needed (see expectations on individual legal rights).

Expectation - Risk assessments

3.3 **All detainees are held safely and any risk they pose to themselves and/or others is competently assessed and kept under review. Staff recognise they have a positive obligation to intervene to protect detainees from harm to themselves and from others.**

Indicators

- Staff know how to effectively assess and respond to any risk detainees pose to themselves and/or others.
- Escort staff communicate all relevant information to custody staff to contribute to the risk assessment process.
- A systematic risk assessment is carried out with all detainees on arrival into court custody.
- Staff make sufficient enquiries to ascertain whether there is any additional information which they should be aware of to reduce the risk of harm to the detainee or to others.
- Staff demonstrate awareness and understanding of the diverse ways in which detainees may present physical and mental health problems and other vulnerabilities, and respond appropriately.
- Observation levels reflect presenting risk. Assessments are ongoing and are reviewed throughout the period of detention and responded to where necessary.
- Levels of observation are conducted at the necessary frequency and custody staff engage proactively with detainees.
- Custody and escort staff have knowledge and understanding of self-harm and support detainees at risk of harming themselves.
- Staff explain to detainees how to use the cell call bell and activations are responded to promptly.

- There is a confidential process in place to ensure all staff are aware of any risks associated with detainees.
- Where there is a need for detainees to share cells, decisions are based on a systematic risk assessment that is undertaken before cells are shared.
- Staff undertaking cell visits always carry anti-ligature knives.

Expectations - Individual legal rights

3.4 Detention in court is only used where necessary and detainees are held for the shortest possible period.

Indicators

- Detainees are brought into court custody only when it is necessary to detain them.
- Detainees are accepted into custody without undue delay.
- Detainees held in court custody can inform someone of their whereabouts.
- Court custody cases are prioritised and progressed effectively to allow detainees to be released or transferred at the earliest opportunity.
- Information on vulnerability and associated risk factors is communicated between custody and court staff to inform decisions on the prioritisation and progression of cases. This ensures that children and vulnerable detainees spend as little time in custody as possible (see expectation on children).
- There are no delays in transferring detainees from the custody suite to the court room.

3.5 Detainees understand and receive their rights while in court custody. Detainees are given sufficient time before and after a court appearance to obtain legal advice and can communicate with a legal representative in private.

Indicators

- All detainees receive and are helped to understand their rights.
- Custody staff ensure that a detainee's legal representative has been contacted prior to their appearance in court. Custody staff provide information about legal aid and how to contact lawyers to detainees without legal representation.
- Detainees are given access to suitable consultation rooms to meet with their legal representatives in private.
- Detainees can retain their legal documents and are offered and provided with writing materials.
- Detainees who are foreign nationals can contact their relevant consulate, embassy or high commission, and are able to consult with them on request.

Expectation – Complaints

3.6 Detainees know how to make a complaint and are enabled to do before they leave court custody.

Indicators

- Complaints procedures are well promoted. On arrival detainees are told how to complain, including that someone may make a complaint on their behalf should they wish, and are provided with relevant information in a language and format that they understand.
- All detainees are asked if they would like to make a complaint before they leave custody. Complaints are taken and recorded before detainees leave custody.
- Detainees can make a confidential complaint and are able to request to make a complaint to a senior member of staff.
- Detainees' complaints are investigated fairly and swiftly and are monitored, with any significant concerns addressed and outcomes recorded.
- Detainees are not discouraged or deterred in any way from complaining. They are not subjected to any form of intimidation or disadvantaged in any way because they have made a complaint.
- Detainees are informed of the outcome of their complaint promptly.
- Detainees are not discouraged from or disadvantaged in any way because of speaking to Inspectors or lay observers while in custody.

References

In relation to expectations 3.1 to 3.6: Human rights standards prescribe a range of measures which apply to safeguard the rights of detainees as they arrive in custody and in the early stages of detention. The measures aim to ensure that detainees are treated in a manner that respects and meets their individual needs, that their vulnerabilities (including from detention itself) are identified and met and that they are safe from harm (whether self-harm or from others) from the outset of detention. They also require that detainees should be provided with and assisted to understand their rights, including: to contact those concerned for their welfare; to seek legal representation of their choice; to speak with their legal representative in private; to speak with other independent persons such as lay visitors; and to complain without fear of adverse consequences. Moreover, nothing should be done to infringe a detainee's right to a fair trial. See ECHR 2, 3, 5, 6, 8, 9, 10, 14; ICCPR 6(1), 7, 9, 10(1), 14, 17–19, 26; ICESCR 12(1); CAT 2, 10–13, 16; OPCAT 19–22; CERD 2, 5; CEDAW 2–4, 12; DEDRB 2, 4; CRPD 5–7, 13–15, 21, 22; BR 5, 25; BOP 1, 2, 5, 6, 11, 13, 14, 16–18, 24, 29, 33, 36–39; YP 7(b), 8; DHRIN 5; BPRL 1–3, 5–8. In relation to children specifically see CRC 3, 37, 40 and HR 2, 17, 18(a), 75–78, BeiR 7.1, 10, 13, 15. See also CPT/Inf(2004)28-part, Combating impunity; CPT/Inf(2018)4-part, Complaints mechanisms; and CPT/Inf(2000)13-part, Women deprived of their liberty.

SECTION 4: IN THE CUSTODY CELL, SAFEGUARDING AND HEALTH CARE

Detainees are held in a safe and clean environment in which their safety is protected at all points during custody.

Expectation - Physical environment

4.1 **Detainees are held in a custody suite that feels and is safe, and is in a good state of repair.**

Indicators

- Cells and communal areas are clean, free from potential ligature points and graffiti, of a suitable temperature, and well ventilated, with access to natural light. There are working fire alarms and equipment throughout the custody suite.
- Staff conduct daily checks of the court custody facilities to ensure these are fit for purpose. Any defects or faults identified are reported and addressed promptly.
- All cells are equipped with working call bell systems that cannot be permanently muted.
- The route to the court room does not pass through a public area and has sufficient alarms to call for assistance.
- There are adequate arrangements in place for daily cleaning, removing any biological hazards, regular deep cleaning and prompt repair of any defects.
- Staff can safely evacuate the custody area in the event of an emergency and evacuations are regularly practised and recorded.

Expectation - Use of force

4.2 **Any force used from first point of contact is strictly necessary, proportionate and lawful. It is used as a last resort and subject to robust governance to ensure accountability. It is carried out by trained staff using approved techniques.**

Indicators

- All staff are trained in and use effective de-escalation techniques.
- Where force is used, staff only use approved techniques in line with their training, with no more force and for no longer than is strictly necessary and proportionate.
- Detainees are only handcuffed in secure and controlled court custody environments when justified by an individual risk assessment.
- All staff involved in the use of force against a detainee complete individual use of force statements promptly, which clearly explain what happened and why force was used. Documentation is subject to robust quality assurance to ensure that the force is necessary and proportionate.
- When force is used, it is routinely recorded and monitored, with data analysed and action taken to address any concerns and trends.

- Staff can demonstrate awareness of the risks associated with forms of restraint and of how these risks can be minimised. When force is used detainees are examined by a health care professional if requested, or if there are any health care concerns.
- Court custody and escort staff are made aware when a female detainee is pregnant and are specifically trained in the control and restraint of pregnant women. Following restraint, pregnant women are routinely asked if they wish to see a health care professional.
- Detainees in need of mental health care who are restrained for their own or others' safety are treated as a medical emergency.
- Detainees are only subject to proportionate searching which is sensitively and properly conducted.

Expectation - Detainee care

4.3 Detainees are well looked after.

Indicators

- Detainees are offered sufficient nutritious food and drink in accordance with their dietary, cultural and religious requirements.
- Detainees are routinely offered suitable activities, including reading materials in a range of common languages and accessible formats.
- Detainees can use the toilet in private and toilet paper is readily available. Hand washing and drying facilities are provided.
- Detainees are presented to court appropriately dressed.

Expectation - Safeguarding

4.4 Detainees are protected from harm and neglect. They receive effective care and support.

Indicators

- Custody and escort staff understand the obligations and duties arising from safeguarding (protection of children and adults at risk).
- Staff are trained in safeguarding. They have the knowledge required to communicate with and protect vulnerable groups in their care and make suitable referrals to partner agencies.
- Current government and local guidance about safeguarding children and vulnerable adults is accessible, and safeguarding procedures are known and used by all staff.
- There are arrangements in place to inform the local Youth Justice Agency immediately if a child is held in custody.
- There are opportunities for the most vulnerable detainees, including children, to receive a family visit in exceptional circumstances. If a visit is not practicable, detainees may make a phone call to family members if appropriate.
- Staff engage with all relevant agencies to ensure detainees are appropriately cared for and supported.

Expectation - Children

4.5 Children are kept safe in custody and treated according to their needs. They are held for the minimum time possible.

- Children are kept safe in custody and separate from adults and those who might pose a risk to them. Where it is appropriate to do so, children are not held in cells.
- Children have a named member of staff they can turn to if they have a problem. Staff build positive relationships with children and effectively respond to children's concerns.
- Girls under the age of 18 are allocated and informed of the identity of a named female officer who is responsible for meeting their welfare needs while detained.
- Custody staff seek to prioritise and progress cases involving children so that they spend as little time in custody as possible.
- Children are offered age-appropriate activities.
- Only age-appropriate and approved restraint techniques are used for children. When force is used, children are always examined promptly by an appropriately qualified health care professional.

Expectation - Health

4.6 Detainees are cared for by health care practitioners who have the appropriate skills and training, in a safe, professional and caring manner that respects their decency, privacy and dignity.

Indicators

Governance

- The requirements for health services for detainees in court custody is assessed and the services provided are appropriate for the need.
- Clinical governance arrangements include regular meetings between providers and commissioners, robust incident management and learning, a confidential complaints process, and monitoring of response times for all the health and associated patient outcomes.
- Detainees are assessed and treated by easily recognisable, competent health care practitioners who can meet their needs. Health care practitioners receive ongoing training, supervision and support to maintain their professional registration and development.

Access and care

- Detainees are physically and mentally well enough to attend court, and clear escalation processes are in place if they are deemed not well enough to attend.
- Court staff are all aware of how to access timely health advice and attendance, and make referrals as appropriate.
- Detainees have ready access to liaison and diversion health professionals who can support individuals as required to ensure they can participate in court proceedings. Liaison and diversion staff provide timely advice about diversion out of the criminal justice system.

- All staff know what to do in an emergency, and a joint protocol is in place for obtaining emergency health care for detainees.
- An adequate number of court custody staff are trained in how to administer first aid. They have access to first aid and suitable resuscitation equipment, including an automated external defibrillator, which is regularly checked, maintained and ready to use.
- Health care practitioners are sensitive to detainees' diverse needs. Detainees can request a health care practitioner of the gender of their choice. Health care practitioners have access to professional confidential interpretation for both face-to-face and telephone consultations.
- Health staff have access to detainees' clinical and social care records, and manage them in line with professional practice and within appropriate information sharing protocols.
- Subject to data sharing legislation and guidelines, health care professionals ensure relevant health information is shared with other agencies to ensure continuity of care and medicines. Health information is transferred confidentially if it travels with the person escort record.
- Court custody staff support the role of health care staff in assessing and treating detainees needing health care.
- Clinical examination and health consultations are risk managed and undertaken within an appropriate environment that maintains privacy, dignity and decency.

Medicines

- Medicines are handled and transported safely, and stored securely. A protocol is in place for the administration of medication and, where clinically appropriate, detainees can access ongoing opiate substitution therapy and/or continue to receive symptomatic relief if detoxifying, including alcohol and nicotine withdrawal.
- Where medicines are not kept on-site there are arrangements in place for the legal prescribing and obtaining of relevant medicines.

References

In relation to expectations 4.1–4.6: Human rights standards require detainees to be held in safe and sanitary conditions that pay due respect to their dignity. The individual needs of detainees, including their health needs, must be met. There is a positive obligation to protect detainees from harm, including self-harm, while also giving due weight to the detainee's other rights, such as the right not to be subjected to inhuman or degrading treatment or punishment and the right to privacy and personal autonomy. See ECHR 2, 3, 8; CAT 2, 10–13, 16; OPCAT 19, 20; ICCPR 6, 7, 10; ICESCR 12(1); CRPD 3, 5–7, 13–17, 21, 22; CERD 2, 5; CEDAW 2, 12; YP 9, 10; EPR 18.2, 19.3, 19.7, 20.4, 22.3, 22.5, 54.3–54.5, 68.1; BR 5–8, 10, 19, 20, 26, 28; BOP 1, 5, 6, 19, 24, 26, 28, 29, 31; PME 1. In relation to children specifically see CRC 3, 6, 24(1), 31, 33–37, 40, HR 1, 17, 18, 34, 37, 41, 51, 52, 59, 81, 85 and BeiR 1.1 and 8.1. See also CPT/Inf(2018)24, Transport of detainees and CPT/Inf(2000)13-part, Women deprived of their liberty.

SECTION 5: RELEASE AND TRANSFER FROM COURT CUSTODY

Detainees are released or transferred from court custody promptly and safely.

Expectation - Release and transfer arrangements

5.1 **Arrangements are in place for ensuring detainees are safely released or transferred, without delay.**

Indicators

- Staff conduct good quality pre-release risk assessments in the presence of the detainee. These are documented and identify and mitigate any risks and vulnerability throughout a detainee's period of detention. Action is taken to reduce any risks and welfare concerns prior to release.
- Detainees with caring responsibilities are able to make a telephone call to dependants to organise care if this is not yet in place.
- Appropriate relevant information about risk, vulnerability, health or safeguarding is communicated confidentially to relevant agencies and support organisations.
- Vulnerable detainees and children are released safely and detainees who lack the means to return home receive appropriate assistance.
- The transfer or release of detainees is not delayed unnecessarily.
- Detainees who have travelled from prison, who are directed by the court to be released, are released without undue delay.
- There is up-to-date information, including contact details, for support organisations, and this is provided to detainees in a format and language they can easily understand.
- Warrants of further detention to support transfer to custodial establishments are issued in a timely manner.
- Detainees are given information, in a format they can understand, about the place to which they are being transferred.
- The transfer of children remanded or sentenced to remain in custody is prioritised and timely, and takes place in appropriate vehicles.
- Detainees who are being transferred to another custody facility are escorted safely and with consideration to their individual needs. Person escort records are completed clearly and accurately and include all relevant details, especially any issues relating to risk or self-harm. Any health information is shared confidentially.

References

In relation to expectation 5.1: Human rights standards require consideration be given to a detainee's need for assistance on release, including health needs. Release must occur without undue delay to ensure that detention is for the shortest possible duration. Detainees being transferred must be told where they are going. See ECHR 2, 3, 5, 6, 8; ICCPR 9, 10(1), 14; ICESCR 12; EPR 14, 33, 39; BOP 1, 13, 16, 31, 36, 37, 38, 39; PME 1. In relation to children specifically see CRC 3, 24(1), 37; HR 17, 20. See also standards relating to the transfer of prisoners (expectation 2.1).

GLOSSARY OF ACRONYMS

BeiR	United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)
BOP	Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment
BPRL	Basic Principles on the Role of Lawyers
BR	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)
CAT	United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of all Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DEDRB	Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief
DHRIN	Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live
DRM	Declaration on the Rights of Persons Belonging to National Minorities or Ethnic, Religious and Linguistic Minorities
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EPR	European Prison Rules
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
HR	United Nations Rules for the Protection of Juveniles Deprived of their Liberty (known as the Havana Rules)
OPCAT	Optional Protocol to the United Nations (UN) Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment
PME	Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
SMR	UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
YP	The Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity (including the plus 10 Additional Principles)

APPENDIX 2: **METHODOLOGY**

Desktop research and development of inspection Terms of Reference and question areas

Research literature and guidance documentation was reviewed in relation to court custody. A Terms of Reference was developed, based on that used for the previous inspections of court custody as well as the recent inspection of police custody (see Appendix 3). The *Expectations for detainees in court custody* were adapted for use in Northern Ireland and agreed with the NIPS, the NICTS and the PSNI. Other relevant documents included inspection reports from other jurisdictions.

Self-assessment and document review

The organisations were asked to provide documents and data against the framework of the *Expectations*. A review was undertaken of the documentation provided to cross-reference information against the *Expectations*. This was used also to inform interview questions during the fieldwork phase.

Fieldwork

Site visits were conducted to court custody suites during a two week period in September 2021. One-to-one and focus groups interviews were conducted with a range of personnel within the relevant agencies. Interviews were also conducted with stakeholders from across the voluntary and community sector.

Detainees

As in previous inspections, surveys were conducted of detainees who were held in court custody. The questionnaire developed for previous inspections was utilised. This covered all aspects of custody including the detainees' perspective on the escorting arrangements, the treatment and conditions of their detention, safety and health care. A total of 15 detainees completed questionnaires, although one was unable to complete the full questionnaire. The results can be seen in Appendix 4.

Stakeholder consultation

Stakeholders who have an interest in or provide services to those held in court custody were consulted about their views. CJI Inspectors met with representatives from the following organisations:

- Children's Law Centre;
- Community Union;
- District and Crown Court Judges and the Lady Chief Justice's Office;
- Independent Monitoring Boards;

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- Law Society of Northern Ireland Criminal Solicitor's Committee;
- Northern Ireland Human Rights Commission;
- Prisoner Ombudsman for Northern Ireland; and
- Woodlands Juvenile Justice Centre.

Court custody fieldwork

Visits were conducted to all court custody suites that were open at the time of the inspection fieldwork in:

- Antrim;
- Ballymena;
- Craigavon;
- Coleraine;
- Downpatrick;
- Dungannon;
- Enniskillen;
- Laganside (Belfast);
- Lisburn;
- Londonderry;
- Newry;
- Newtownards; and
- Omagh.

Inspectors also visited Limavady and Magherafelt courts, which were closed during the period of the inspection. Armagh and Strabane were also closed.

During the visits, CJI Inspectors spoke to detainees and staff who were present including PCOs, Senior PCOs, Principal PCOs. Given the restrictions on those allowed in the courthouses there were very few opportunities to speak to those who provided services to detainees. In one courthouse Inspectors were able to speak to two defence barristers who were representing a detainee held in custody.

Interviews and focus groups were held with the following individuals and groups in addition to those spoken to during the fieldwork visits.

- Head of PECCS and Senior Management Team;
- Principal PCOs;
- Senior PCOs;
- PCOs;
- PSNI Safer Custody Branch;
- NICTS Operations Branch; and
- NICTS Estates and Security Branch.

APPENDIX 3: **TERMS OF REFERENCE**

AN INSPECTION OF COURT CUSTODY AND ESCORTING

TERMS OF REFERENCE

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of the detention of persons in court custody and the escorting arrangements between court cells and other places of detention.

The inspection will assess the treatment of, and conditions for, those transported to and from and those held in court custody facilities by the various agencies and organisations who deliver these services, including;

- the Prisoner Escorting and Court Custody Service (PECCS) of the Northern Ireland Prison Service (NIPS) - responsible for escorting detainees to and from prisons to courts, staffing the court cell areas and escorting detainees to and from the body of the court at the appropriate time;
- the Northern Ireland Courts and Tribunals Service (NICTS) - responsible for the courthouses in which the court cells are located; and
- the Police Service of Northern Ireland (PSNI) - responsible for escorting detainees from police custody suites to court for initial bail hearings and, for Saturday and Bank Holiday courts only, staffing the court cell areas, escorting detainees to and from the body of the court and escorting detainees who have been remanded into custody to the receiving prison. In certain circumstances Police Officers are also responsible for supervising children and young people in court cells.

The United Nations General Assembly adopted the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment²⁹ ('the OPCAT') in 2002 with the aim to create a system of regular inspections of places of detention throughout the world, and provide a preventative measure to address potential torture or inhuman treatment. The United Kingdom signed the OPCAT in 2003. The United Kingdom Government subsequently designated a number of bodies across England, Wales, Scotland and Northern Ireland as members of the 'National Preventive Mechanism' (NPM).

²⁹ Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/57/199, adopted 18 December 2003; came into force 26 June 2006.

These organisations are required to conduct regular visits to places of detention in order to prevent acts of torture and cruel, inhuman and degrading treatment or punishment. CJI is a designated body of the NPM and this inspection serves in discharging these responsibilities.

Context

This is the second full inspection of court custody in Northern Ireland, which will consider the strategy, governance and delivery of custody in court cells throughout the detainees' journey.

CJI published the report of the first full inspection in 2010.³⁰ This included four strategic and 13 operational recommendations across the three agencies responsible for delivery. A report of a Follow-up Review published in 2014³¹ found that 13 had been fully achieved, two substantially achieved and two partially achieved. There were eight areas for improvement subject to assessment of which seven were implemented. The report concluded '*The progress made in delivering the recommendations and the areas for improvement identified in the original report is commendable*'.

CJI's report on an inspection of the treatment of persons in police custody was published in September 2020.³² It was intended that, given the role of the PSNI in escorting detainees and staffing court cells for weekend courts, this inspection would commence shortly after the fieldwork for that inspection. The impact of the COVID-19 pandemic lockdown public health regulations and restrictions has been significant on the conduct of criminal court work and utilisation of courthouses and court cells. Therefore a decision was made by the Chief Inspector to postpone this inspection until court cells could be visited safely and there were sufficient numbers of detainees being held in them to ensure the voice of the detainee was heard.

Aims of the Inspection

The broad aims of the Inspection are to assess delivery against the *Expectations for detainees in court custody* (see below) which set out the outcomes those delivering court custody services are expected to achieve. The following five areas of court custody will be inspected:

- Leadership and multi-agency relationships;
- Transfer to court custody;
- In the custody suite: reception processes, individual needs and legal rights;
- In the custody cell, safeguarding and health care; and
- Release and transfer from court custody.

30 CJI, *An inspection of Prisoner Escort and Court Custody arrangements in Northern Ireland*, October 2010. Available online at: <http://www.cjini.org/getattachment/cc81a484-6109-4d33-95db-5b9d71df3883/Prisoner-Escort-and-Court-Custody-arrangements-in-Northern-Ireland.aspx>

31 CJI, *An inspection of Prisoner Escort and Court Custody arrangements in Northern Ireland: A follow-up review of inspection recommendations*, April 2014. Available online at: <http://www.cjini.org/TheInspections/Action-Plan-Reviews-Inspection-Follow-Up-Review/2014/Prisoner-Escort-and-Court-Custody-Follow-up-re>

32 CJI, *The detention of persons in police custody in Northern Ireland*, September 2020. Available online at: <http://www.cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>

Other matters of contextual significance as they arise during the inspection will be considered.

Methodology

The inspection will focus on assessing the performance of the agencies involved in delivering court custody and escorting services against the current (version 2, 2020, updated March 2021) *Expectations for detainees in court custody*. The *Expectations* were developed by Her Majesty's Inspectorate of Prisons (HMIP) after consultation with relevant organisations and are based on, and referenced against, relevant international and regional human rights standards. They also draw on the cumulative learning of HMIP's court custody inspections to date and best practice. The agencies in Northern Ireland were assessed against these expectations in the previous inspection and these enable CJI to inspect them against a common standard with those delivering court custody in England and Wales.

The *Expectations* will be used to assess the treatment of, and conditions for, detainees transported to and from and held in court custody facilities in Northern Ireland. It also offers a guide to the public, the NICTS, the NIPS, and the PSNI that work in court custody facilities to the outcomes for detainees that Inspectors expect to see.

Design and Planning

Documentation such as policies, procedures and guidance documents as well as data provided by the organisations will be reviewed prior to the fieldwork.

Section 4 of the *Expectations for detainees in court custody* include standards regarding the provision of health care (such as access, care and medicines). The Regulation and Quality Improvement Authority have agreed to act as a professional advisor to CJI for the purposes of this inspection if support and advice is required.

Delivery

Self-assessment

The organisations will be asked to undertake a self-assessment based on the *Expectations* for court custody, which will be reviewed by CJI prior to the commencement of the fieldwork. Data on detainees who go through court custody will also be requested.

Stakeholder consultation

Stakeholders from external partner agencies and voluntary and community organisations will be consulted as part of the fieldwork. This will include:

- Commissioner for Children and Young People in Northern Ireland;
- Commissioner for Older People for Northern Ireland;
- Belfast Solicitor's Association/Northern Ireland Law Society;
- Equality Commission;
- Human Rights Commission for Northern Ireland;
- Independent Monitoring Boards for Maghaberry and Hydebank Wood;

COURT CUSTODY:

THE DETENTION OF PERSONS IN THE CUSTODY OF THE COURT IN NORTHERN IRELAND MARCH 2022

- Representatives of the Judiciary;
- Woodlands Juvenile Justice Centre;
- Prisoner Ombudsman for Northern Ireland; and
- Prison Service Reception Governors (Maghaberry and Hydebank Wood).

The views of both adult and child detainees will be sought via questionnaire survey/ interview on-site in the court custody suites.

Development of fieldwork plan

CJI will liaise with the inspection liaison points of contact in each organisation to arrange a series of meetings and focus groups with relevant Senior Managers, PECCS staff and Police Officers across the organisations. In addition, CJI will plan a series of unannounced visits to court custody suites during the fieldwork period. In conducting the inspection CJI will comply with Northern Ireland Assembly regulations and guidance to control the spread of COVID-19 as appropriate at the time of the on-site fieldwork. This may include wearing Personal Protective Equipment (PPE) such as facemasks and gloves while in courthouses and PECCS operational staff should be advised that Inspectors may be wearing PPE during unannounced visits.

Custody records and documents, where available, will be examined on-site in courthouses.

Feedback to agency

On conclusion of the fieldwork the evidence will be collated, triangulated and analysed and emerging recommendations will be developed. CJI will then present the findings to appropriate organisations.

Drafting of report

Following completion of the fieldwork and analysis of data, a draft report will be shared with the inspected bodies for a factual accuracy check to be completed in four weeks. The Chief Inspector will invite the inspected bodies to complete an action plan within six weeks to address the recommendations and if the plan has been agreed and is available, it will be published alongside the final inspection report. The inspection report will be shared, under embargo, in advance of the publication date with the inspected bodies.

Publication and Closure

A report will be sent to the Minister of Justice for permission to publish. When permission is received the report will be finalised for publication. A press release will be drafted and shared with the NIPS, the NICTS and the PSNI prior to publication and release. A publication date will be agreed and the report will be issued.

COURT CUSTODY:

THE DETENTION OF PERSONS IN THE CUSTODY OF THE COURT IN NORTHERN IRELAND
MARCH 2022

Indicative Timetable

Self-assessment/Research: April-June 2021.

Stakeholder consultation: May-July 2021.

On-site fieldwork: September-October 2021 (depending on resumption of normal court business).

Draft Report to agencies: December 2021.

Factual accuracy feedback received: January 2022.

The above timetable may be impacted by factors such as the easing of COVID-19 public health restrictions and subsequent impact on courthouse cell area utilisation and/or Ministerial request for an urgent inspection. The inspected organisation will be kept advised of any significant changes to the indicative timetable.

APPENDIX 4: DETAINEE QUESTIONNAIRE RESPONSES

Detainee questionnaire responses

Percentage relate to the proportion of detainees who answered 'yes' unless specified. Missing data have been excluded for each question. Questions relating to qualitative information have been excluded. Due to rounding not all totals add to exactly 100%. General information relates only to detainees surveyed (not to total detainees held in court custody).

		2021
Number of completed questionnaires:		15*
*15 detainees commenced the questionnaire but one was called to court and unable to complete it. Responses from Q29 onwards therefore relate to 14 detainees.		
SECTION 1: General information		
2	Courthouse held at:	
	Antrim	33%
	Laganside	53%
	Newry	13%
3	Are you under 21 years of age?	13%
4	Are you transgender/transsexual?	0
5	Are you from a minority ethnic group? (Inc all those who did not select white British, white Irish or white other categories)	7%
6	Are you a foreign national?	7%
7	What, if any, is your religion:	
	None	21%
	Presbyterian/Church of Ireland/Methodist/other Christian	43%
	Roman Catholic	29%
	Non-Christian (Buddhist, Hindu, Jewish, Muslim, Sikh)	7%
8	Are you homosexual/gay or bisexual?	0
9	Do you consider yourself to have a disability?	50%
10	Have you been in court custody before?	71%

2021		
SECTION 2: Travel to the court custody suite		
11	Where were you transported from to the court house today?	
	Police custody	79%
	Prison - Ash House	0
	Prison - Hydebank Wood Secure College	0
	Prison - Maghaberry	21%
	Prison - Magilligan	0
	Woodlands Juvenile Justice Centre	0
For those transported to the courthouse:		
12	How were you transported here?	
	In a police car	0
	In a police custody vehicle	29%
	In a prison custody vehicle	71%
	Don't know/Can't remember	0
13	How long did you spend in the escort vehicle going to and returning from the court?	
	Less than 1 hour	93%
	More than 1 hour, less than 2 hours	7%
	More than 2 hours	0
14	Were you offered breakfast before you left prison/police custody today?	50%
15	Were you comfortable during the period of transport?	86%
16	Would you rate the condition of the vehicle as 'good' for:	
	Cleanliness?	79%
	Ventilation/air quality?	57%
	Temperature?	43%
	Lighting?	64%
17	Were you handcuffed during your period of transport?	71%
18	Did you share the escort vehicle with other detainees?	
	Yes - detainees of the same sex	93%
	Yes - detainees of a different sex	0
	Yes - detainees of both sexes	0
	No	7%
	Don't know/can't remember	
19	Did you feel safe during the period of transport?	100%
21	Were you able to stop to use the toilet during the period of transport if you needed to?	0
22	Were you offered a drink during the period of transport?	7%

2021

SECTION 3: Your experience of this custody suite

23	How long have you been held at the court house?	
	Less than 1 hour	33%
	More than 1 hour, less than 2 hours	13%
	More than 2 hours, but less than 3 hours	7%
	More than 3 hours, but less than 4 hours	7%
	More than 4 hours, but less than 5 hours	40%
	More than 5 hours	0
24	Did you know what would happen today when you first arrived here?	67%
25	Can you use a toilet when you need to?	100%
26	When you use the toilet here, is toilet paper provided?	73%
27	Were you offered (and provided with) menstrual protection? (females only)	100%
28	Have you shared the cell/holding room with another detainee today?	0
29	Would you rate the condition of your cell as 'good' for:	
	Cleanliness?	60%
	Ventilation/air quality?	50%
	Temperature?	64%
	Lighting?	57%
30	Was there any graffiti in your cell when you arrived?	64%
31	Did staff explain the correct use of the cell bell?	71%
32a	Were you offered anything to eat?	92%
32b	Were you offered anything to drink?	100%
33	Was the offer of food and drink you received 'good'/'very good'?	50%
34	Was the food and drink suitable for your dietary requirements?	100%
For those who smoke:		
35	Were you offered anything to help you cope with not being able to smoke?	30%
36	Were you offered anything to read?	36%
For those who have spoken to their legal advisor:		
37	How long were you here before you were able to consult with your legal advisor today?	
	Have not yet seen my legal advisor	36%
	Less than 1 hour	43%
	More than 1 hour, less than 2 hours	0
	More than 2 hours	14%

2021		
For those who required support with understanding the court process		
38a	Needed the support of a registered intermediary/social worker/appropriate adult	7%
38b	Needed the support of an interpreter	0
39a	Received the support of a registered intermediary/social worker/appropriate adult	0
39b	Received the support of an interpreter	0
40	Court appearance lasted less than 15 minutes	75%
41	Do you know where you will be going when you leave here today?	71%
SECTION 4: Safety		
43	Did you feel safe?	100%
44	Were you victimised by a member of staff?	0
45	If you felt victimised, what did the incident involve?	
	Insulting remarks (about you, your family or friends)	0
	Physical abuse (being hit, kicked or assaulted)	0
	Sexual abuse	0
	Your race or ethnic origin	0
	Drugs	0
	Because of your crime	0
	Because of your sexuality	0
	Because of you have a disability	0
	Because of your religion/religious beliefs	0
	Because you are from a different part of the country than others	0
46	Were your handcuffs removed on arrival at the courthouse?	100%
47	Were you restrained while in the court custody suite?	0
48	Were you injured whilst in court custody, in a way that was not your fault?	0
49	Were you told how to make a complaint about your treatment?	21%
50	Were you treated well/very well by staff in the court custody suite?	86%
SECTION 5: Health Care		
52	Have you needed medical assistance whilst you have been here?	7%
53	Have you been seen by a health care professional or given first aid during your time here?	0
54	Do you need to take any prescribed medication while in court custody?	43%
For those who were on medication:		
55	Were you provided with your prescribed medication to be taken today at the police station/prison before you left?	8%
56	Were you able to continue taking your medication while in court custody?	0
57	If you have any drug or alcohol problems have you been able to take medication for your withdrawal symptoms?	7%



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