

**SCOTTISH POLICE
AUTHORITY**

Meeting	Public SPA Board Meeting
Date	Tuesday 19 December 2017
Location	City Suite, Apex City Quay, Dundee
Title of Paper	Independent Custody Visiting Report
Item Number	10.2
Presented By	John McCroskie/Brian McFadyen
For Approval For Consultation	For Noting
Appendix Attached:	NO

PURPOSE

To provide an update on the activities and outcomes of the Scottish Police Authority's (SPA) Independent Custody Visiting Scheme covering the period 1 July 2017 to 31 October 2017.

1. BACKGROUND

1.1 This report highlights the key achievements and issues in the delivery of the national Independent Custody Visiting Scheme since last reported to the SPA in June, as well as detailing relevant statistics.

2. FURTHER DETAIL ON THE REPORT TOPIC

Volunteer Network and Activity

2.1 The scheme, as of 31 October 2017, has 150 volunteer custody visitors. There is still ongoing recruitment in selected areas in an effort to fill some specific geographical gaps.

2.2 Volunteers made 519 unannounced visits over the reporting period, a slight reduction (2.99%) on the equivalent period last year. Volunteers also attended 20 visitor meetings in their regional clusters during the period to allow issues to be shared and discussed with other visitors and Police Scotland.

2.3 *Breakdown of Activity*

		1/7/17-31/10/17	1/7/16-31/10/16
OVERALL NATIONAL ACTIVITY	Total custody throughput (figures obtained from Police Scotland)	46,087 (+24.4%)	37,040
	Number of visits	519 (-2.9%)	535
	Number of detainees in custody	2913 (+9.8%)	2653
	Number of detainees unavailable	204 (-16%)	243
	Number of detainees offered a visit	1400 (+4.5%)	1339
	Number of detainees accepting visit (73% of those offered)	1026 (+3.0%)	996

Commentary: Children in Custody (under 16 years) - during the period there were 702 children detained. Of this number, 17 male children and 3 females were in in custody during visits resulting in 10 males being seen and 2 observed. The 3 females were being released to their parents and not offered a visit.

Issues and outcomes arising from visits to Custody Suites

- 2.4 The prime consideration of the independent custody visiting scheme is to ensure the good treatment of those in custody. During the reporting period **NO** significant issues regarding care or ill treatment of detainees were raised, either by detainees or custody visitors. This has been consistent with reports from visitors since the inception of the national scheme.

New Issues

Healthcare

- 2.5 Healthcare in Custody is not a new issue but is one that has come to prominence recently. There is no healthcare provision in custody in Ayrshire, Lanarkshire and Grampian. In the recent period, visitors in Cluster 1 (Grampian) are reporting more frequently on the lack of provision of healthcare for detainees resulting in them having to be transported to hospital for treatment. This can entail considerable travel. It also impacts on victims of sexual crime who require to undergo Forensic medical examination. Police Scotland are obviously aware of this issue and have been trying for some considerable time to resolve it.

Non-Gender Specific Care and Welfare

- 2.6 Police Scotland have a policy of non-gender specific care and welfare of detainees. Searches and constant observations are carried out by same gender staff but routine welfare is not. Visitors have been reporting on this and the number of custody suites visited that have no female staff on duty. This has been highlighted by a campaign in England in respect of sanitary protection for women raised at the National Custody Forum. Police Scotland recently amended the Standard Operating Procedure regarding sanitary protection in Scotland to improve the level of care provided to female detainees.

Update on Issues Previously Raised in Last Report to Board

Access

- 2.7 As reported previously, the major issue for visitors is the access to custody suites and police stations. This continues to be a problem with the number of delays increasing during the reporting period due to a perceived lack of front counter staff or staff in custody

areas when visitors make their unannounced visits. As a result of this issue being raised again at the SPA board meeting in June 2017, the National Manager met with Deputy Chief Constable Gwynne. Following this visitors were provided with telephone numbers for Area Control Rooms to allow for prompt access. Visitors have reported that when they have used the number(s) that staff are unaware or have no understanding of the ICVS scheme. Given the relatively short period in which the use of ACR numbers has been running, it is too early to judge how effective this has been and will continue to be monitored.

Other previously reported issues

- 2.8 Stock and supplies, lack of washing facilities, the fabric of custody estate, and insufficient staffing levels were all previously raised and there has been no reported improvement based on visitor feedback.

Letter of Rights

- 2.9 Since the introduction of the National Custody System, detainees have reported to visitors that they have not been provided with their Letter of Rights. There is a statutory obligation on Police Scotland to provide this document to detainees under The Right to Information (Suspects and Accused Persons) (Scotland) Regulations 2014. Since being raised with Police Scotland, an improvement has been noted by visitors.

Short-notice Closures of custody centres

- 2.10 The dynamic process introduced by Criminal Justice Services division of closing custody centres at short notice was reported previously and continues to impact on the ability of the scheme to carry out its statutory function. As reported, visits are currently planned on a three monthly basis to allow volunteers to plan ahead for scheduled visits. The process of closures, sometimes with only one day notice, is difficult to manage as visitors are volunteers who require to balance their volunteering commitments with other aspects of personal, family, and working life. This is predominately in the west region but does affect other areas to a lesser extent. This has been raised frequently with Police Scotland but due to current staffing models is not improving.

Independent Custody Visiting Guidance for Police Scotland

- 2.11 Guidance in the form of a manual has been developed for visitors by SPA staff in 2016, the internal guidance for custody officers and staff on the Police Scotland intranet had not been revised since

2013. Significant work on revision has been completed and has been future proofed for the introduction of the Criminal Justice (Scotland) Act 2016. The document has now been posted to the Police Scotland intranet to allow access for all officers and staff as necessary.

Legalised Police Cells

- 2.12 Following the enactment of the Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 the responsibility for monitoring Legalised Police Cells passed to Independent Custody Visiting as of 31 August 2015. Basic training has been provided to visitors to allow visits to be conducted as necessary. However, due to Police Scotland being unable to comply with current prison rules relating to Legalised Police Cells (LPCs), and continuing dialogue with Scottish Government there has been no progress on the intended joint training programme for custody staff and custody visitors.

Recruitment & Appointment of Custody Visitors

- 2.13 The recruitment of custody visitors is an ongoing process, and as shown with the variance in visitor numbers, is an ongoing activity. Attracting volunteers in targeted areas such as Shetland and the Western Isles remains a particular challenge.
- 2.14 Delays in vetting for custody visitors, both new and on re-appointment, is no longer an issue. Staff at Police Scotland Vetting unit have worked hard to provide a good level of service to resolve this.

ICVS Developments

- 2.15 The focus of the ICVS professional staff team is on supporting visitors and considering implications in the following areas:
- 2.16 Preparing for Criminal Justice (Scotland) Act 2016 - The Criminal Justice (Scotland) Act 2016 will change the way that Criminal Justice Services Division conducts its day-to-day business when it comes into effect on 25 January 2018. Its introduction is likely to result in increased scrutiny of custody and detention. The National Manager and Regional Coordinators are preparing to deliver a bespoke training package for custody visitors in the forthcoming weeks.

UK Border Force

2.17 UK Border Force were recently subject of an inspection by Her Majesty's Inspectorate of Constabulary (HMIC) observed by HMIC(S). One of the recommendations was that arrangements should be made for custody visiting to their custody suite in Scotland. This was previously the subject of discussion with the SPA but was deferred by the previous chair at the beginning of his governance review. The board may wish to consider if it is now a task that ICVS can take on.

Angiolini Review on Deaths in Custody

2.18 The above review related only to England and Wales, however as a member of the UK umbrella organisation, Independent Custody Visiting Association (ICVA), input to the submission to the review was provided by ICVS. The outcome and recommendations will continue to be monitored by ICVS through its membership of ICVA.

3. FINANCIAL IMPLICATIONS

3.1 During the reporting period the SPA invested £86,798 in administering the Independent Custody Visiting scheme.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications as a consequence of this paper.

6. REPUTATIONAL IMPLICATIONS

6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equalities implications associated with this paper.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to:

Note the information contained within this report and endorse the collective contribution of the volunteers.