

**SCOTTISH POLICE
AUTHORITY**

Meeting	Public SPA Board Meeting
Date	22 June 2017
Location	Carlton Hotel, Edinburgh
Title of Paper	SPA Independent Custody Visiting Report
Item Number	12
Presented By	John McCroskie
Recommendation to Members	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.

1. BACKGROUND

- 1.1 On 1 April 2013, Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 established custody visiting in Scotland on a statutory basis.
- 1.2 This report highlights the key achievements in the delivery of the national Independent Custody Visiting Scheme, as well as detailing relevant statistics and issues.

2. Volunteer Network and Activity

- 2.1 The scheme, as of 31 March 2017, has 159 volunteer custody visitors (an increase of 11 on the previous year). There is no optimum target figure for volunteers within the scheme but recruitment in selected areas will continue to fill current gaps (e.g. island communities).
- 2.2 Volunteers made 1,567 unannounced visits over the year, an increase of 5 per cent over the previous year. Volunteers also attended 49 visitor meetings in their regional clusters during the course of 2016/2017 to allow issues to be shared and discussed with one another and Police Scotland.
- 2.3 The National Scheme aims to ensure that **all** custody suites are visited by trained volunteers. As a result of the activities of visitors through 2016-17, **all** custody suites featuring in the Police Scotland Custody Estate were visited during the period 1 April 2016 to 31 March 2017, fulfilling one of the scheme's prime obligations under OPCAT.
- 2.4 *Breakdown of Activity.*

The 2012 act requires the SPA to maintain an Independent Custody Visiting Scheme, however it is not obligatory for any detainee to accept a visit from custody visitors. Also, given that custody visitors are entitled to turn up unannounced at custody suites at any time, there can be occasions where there are no detainees in custody.

OVERALL NATIONAL ACTIVITY	Total custody throughput (figures obtained from Police Scotland)	143,620 (-11.7%)	162,616
	Number of visits	1567 (+5%)	1493
	Number of detainees in custody	8069 (+3%)	7839
	Number of detainees unavailable	710 (+5.3%)	674
	Number of detainees offered a visit	4199 (+0.1%)	4193
	Number of detainees accepting visit	3080 (+23%)	2503

Commentary:

- a. *Increase in North visits* – The ongoing recruitment in the North region has increased visitor numbers again this year allowing for a significantly higher number of visits.
- b. *Increase in the number of visits accepted by detainees* - from 2015/16 to 2016/17, despite the fall in detainees going through custody there has been an increase in both the number of detainees offered visits (+0.1%) and in the number of detainees accepting visits from custody visitors (+23%).
- c. *Increase in the number of detainees unavailable for a visit* – The visits carried out are only a 'snapshot' of custody at that time. There has been an increase in the number of detainees not available for a visit during the reporting period. This occurs if detainees are at hospital, if they are undergoing interview or if they are consulting with their solicitor.
- d. *Reduction in custody throughput but increase in the number of detainees in custody during visits* – custody throughput for 2016/17 has dropped by 11.7%, however the number of detainees in custody at the time visits were carried out increased by 3%. Visit report forms are analysed to ensure that the spread of visits is varied on both time and day of the week and safeguard against any predictable patterns appearing.

2.5 Issues and outcomes arising from visits to Custody Suites in 2016/17

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 is the third consecutive year in which this positive outcome has been recorded.

Update on Issues Raised in 2015-16

Access

As reported previously in the 2015-16 annual review, 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 lack of front counter staff or staff in custody areas when visitors make their unannounced visits. Visit report forms received and feedback from visitors indicates that this problem has been exacerbated during the period by the introduction of the National Custody system.

Stock and supplies

The disparity of stock and supplies such as blankets and anti-harm suits across custody suites was raised in the 2015-16 review. This is predominately an issue in the north region and visitors have reported improvements since last reporting.

Washing facilities

The lack of washing facilities offered/ provided to detainees continues to be reported by visitors.

Fabric of Custody Estate

The general lack of repair of the fabric of the custody estate continues to be reported by visitors.

Staffing

Concerns over the level of staffing within custody suites and the use of backfill staff both continue to be the subject of visit report forms.

New Issues in 2016-17

Letter of Rights

A new issue raised by custody visitors is the frequency of detainees

reporting that they have not been issued 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.

Short-notice Closures of custody centres

The dynamic process introduced by Criminal Justice Services division of closing custody centres at short notice is impacting on the ability of the scheme to carry out its statutory function. Visits are currently planned on a three monthly basis to allow volunteers to plan ahead for scheduled visits. The current process of closures, sometimes with only one day notice, is becoming increasingly difficult to manage as visitors are volunteers who require to balance their volunteering commitments with other aspects of personal, family, and working life. This has been raised frequently with Police Scotland in attempt to find a resolution.

Independent Custody Visiting Guidance for Police Scotland

While fresh 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 has not been revised since 2013. The document was prepared at the inception of the single service and introduction of the statutory scheme and is now outdated. Work on revision has been in progress for much of the past year, with input from a member of the SPA ICVS team. However this has still to be finalised and published by Police Scotland.

Legalised Police Cells

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. The first visit under the new process was carried out in January 2017 within Kirkwall Police office. This was a successful visit with no issues raised. However, due to continuing dialogue between Police Scotland and the Scottish Government on complying with current prison rules relating to Legalised Police Cells (LPCs), the intended joint training programme for custody staff and custody visitors has not yet been finalised.

Recruitment & Appointment of Custody Visitors

The recruitment of custody visitors is a continuing process, with particular challenges still in targeted areas such as Shetland and the Western Isles.

The previous reported delays experienced with the Police Scotland vetting process have now been resolved, and at time of reporting there were no outstanding requests in respect of custody visitors.

2.6 Priorities for SPA team 2017/18

During 2017/18 the ICVS professional staff team will focus on supporting visitors in the following areas:

a. 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 in early 2018. Its introduction is likely to result in increased scrutiny of custody and detention. The National Manager and Regional Coordinators are currently completing training on the new legislative provisions with the view to delivering a bespoke training package for custody visitors during the course of 2017.

b. 2026 Strategy

Throughout 2017/18 the ICV team will ensure that visitors are kept abreast of how the implementation of the overall 2026 strategy may impact on the custody environment.

3. FINANCIAL IMPLICATIONS

- 3.1 In 2016/17 the SPA invested £238,698 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 in 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 no equality implications associated with this paper.

10. ENVIRONMENT 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.