

SCOTTISH POLICE  

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AUTHORITY

**2014-15 ANNUAL REVIEW**  
**INDEPENDENT CUSTODY VISITING SCOTLAND**

## **PURPOSE**

1. To provide the annual review of the Scottish Police Authority's Independent Custody Visiting Scheme covering the period from 01 April 2014 to 31 March 2015.

## **SECTION 1: BACKGROUND**

2. On 01 April 2013, Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 established custody visiting in Scotland on a statutory basis.
3. In 2003, the United Kingdom (UK) Government adopted the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT obligates the UK to identify a 'National Preventive Mechanism' (NPM) to ensure the prevention of ill treatment in places of detention. Custody visiting, alongside monitoring by Her Majesty's Inspector of Constabulary (HMICS) has been identified as an inspection process that satisfies as a National Preventive Mechanism (NPM) recognised in 2009 by the UK Government in pursuit of its OPCAT obligation.
4. Custody visiting in Scotland was previously represented within the NPM by membership of the Independent Custody Visiting Association (ICVA). On 3 December 2013 it was agreed that the SPA scheme had progressed sufficiently and achieved OPCAT compliance and was designated in the UK parliament as a stand-alone member of the NPM.
5. Chapter 16 states that the provisions within it are in pursuance of the objective of OPCAT. The purpose of this is to ensure that an established system of regular visits is undertaken by independent custody visitors to places where persons deprived of their liberty are held. During these visits they observe, monitor and report on the welfare of people held in police custody and also on the custody facilities.
6. On 8 March 2013, the Scottish Police Authority Board approved the following recommendations:
  - (i) agree the appointment of an interim National Co-ordinator as soon as practicable;
  - (ii) authorise that short-term SLAs be negotiated between the SPA and the 6 Local Authorities currently employing a scheme administrator to extend the administrators' input for 6 months;
  - (iii) approve a National ICV Scheme as outlined above;
  - (iv) allocate funds to support such a national Scheme;
  - (v) approve the development of a national training pack; and

(vi) approve the National Guidance.

7. This report seeks to highlight the key achievements in the delivery of the national Independent Custody Visiting Scheme, as well as detailing relevant statistics. For completeness in reporting in this format to the Scottish Police Authority for the first time, this report also includes comparator information from 2013/14 where relevant.

## **SECTION 2: PERFORMANCE & STATISTICS**

### **8. Number of Volunteer ICV Visitors**

Overall, the scheme currently has 132 volunteer visitors (6 who are off rota either through illness or other personal commitments). 33 existing visitors have been re-appointed (having cleared NPPV1). 24 visitors have left the scheme and 24 new visitors (having cleared NPPV1) have joined the scheme. (Table 1)

<b>TABLE 1: Number of Volunteer ICV Visitors as at 31 March 2015</b>					
<b>Region</b>	<b>Number of Current Visitors</b>	<b>Off Rota</b>	<b>Re-appointed</b>	<b>Leavers</b>	<b>New</b>
North	18	1	9	8	7
East	46	2	17	5	7
West	68	3	7	11	10
	<b>132</b>				

Visitors are placed into geographical clusters, of which there are 12 in total, this mirrors the structure of Custody Division within Police Scotland. These volunteer clusters are supported by the team of 3 SPA Regional Coordinators, where regular contact is offered through quarterly Cluster meetings, with opportunities to attend alternative cluster meetings if dates are not convenient.

49 Cluster meetings were attended by visitors, Regional Co-ordinators, Police Scotland Cluster Inspectors and invited guests. (Table 2)

<b>TABLE 2: Number of Cluster Meetings as at 31 March 2015</b>			
<b>Region</b>	<b>Number of Clusters in Region</b>	<b>Number of Cluster Meetings in 2014/15</b>	<b>Number of Cluster Meetings in 2013/14</b>
North	3	12	5
East	3	13	15
West	6	24	24
	<b>12</b>	<b>49</b>	<b>44</b>

## 9. Custody Suites

The National Scheme sets out to ensure that all custody suites are visited by trained volunteers, according to a minimum schedule as detailed below. (Table 3)

<b>TABLE 3: Breakdown of Custody Suites Types in each Region</b>			
<b>Region</b>	<b>Custody Suite Type</b>	<b>Number in Police Scotland Estate</b>	<b>Frequency of Visits Required</b>
North	Primary/weekend	7	W/F*
	Ancillary	27	M/Q/Bi/A*
	Contingency	0	n/a
East	Primary/weekend	9	W/F*
	Ancillary	11	M/Bi/A*
	Contingency	0	n/a
West	Primary/weekend	26	W/F/M*
	Ancillary	15	Q*
	Contingency	5	Bi/A
<b>OVERALL NATIONAL ESTATE</b>	<b>Primary/weekend</b>	<b>42</b>	
	<b>Ancillary</b>	<b>53</b>	
	<b>Contingency</b>	<b>5</b>	

- The frequency of visits are categorised as Weekly / Fortnightly / Monthly / Quarterly / Bi-annually (every 6 months) / Annually – the actual frequency is determined by the throughput in each centre.

The Custody Estate is listed in 3 categories by Police Scotland, and definitions of each of these categories are that Primary centres are permanently open, however some are weekend only suites. Ancillary centres are demand led and Contingency centres are only opened to meet particular needs but opened rarely.

In terms of OPCAT the scheme is compliant as all custody suites on Police Scotland custody estate have been visited (Sanguhar Police Station has been closed for refurbishment).

## 10. Visits Undertaken of Custody Suites

While SPA have a statutory requirement to make provision for an Independent Custody Visiting Scheme, it is not mandatory for detainees to accept a visit from our volunteers. Equally, given that visitors are entitled to turn up to any custody suite at any time without prior notice, there can be occasions where there are no detainees in custody. This includes visits to contingency centres where only the estate is monitored.

Where a visit to a Custody Suite takes place, the visitors review the anonymised records for detainees currently in situ, and randomly select a number of detainees they wish to offer visits.

Where visits are refused or there are detainees who are unavailable due to being interviewed, all statistics are recorded on a standard form and returned to SPA, with any additional comments which visitors may have noticed from their time in attendance at the Custody Suite.

<b>TABLE 4: Analysis of Visits Undertaken</b>			
<b>Region</b>	<b>Details</b>	<b>Figures for 2014/15</b>	<b>Figures for 2013/14</b>
North	Number of visits	237	198
	Number of detainees in custody	1030	666
	Number of detainees unavailable	56	36
	Number of detainees offered a visit	496	375
	Number of detainees accepting visit	311 (63% uptake)	218 (58% uptake)

East	Number of visits	417	424
	Number of detainees in custody	2406	2330
	Number of detainees unavailable	221	309
	Number of detainees offered a visit	1324	1340
	Number of detainees accepting visit	863 (65% uptake)	816 (61% uptake)
West	Number of visits	759	818
	Number of detainees in custody	3797	4440
	Number of detainees unavailable	213	259
	Number of detainees offered a visit	2131	2457
	Number of detainees accepting visit	1302 (61% uptake)	1471(61% uptake)
<b>OVERALL NATIONAL ACTIVITY</b>	<b>Number of visits</b>	<b>1413</b>	<b>1440</b>
	<b>Number of detainees in custody</b>	<b>7233</b>	<b>7436</b>
	<b>Number of detainees unavailable</b>	<b>490</b>	<b>604</b>
	<b>Number of detainees offered a visit</b>	<b>3951</b>	<b>4172</b>
	<b>Number of detainees accepting visit</b>	<b>2476 (63% uptake)</b>	<b>2505 (60% uptake)</b>

#### 11. Main Issues Arising from ICV Volunteers visits to Custody Suites

- a. There have been NO significant issues regarding care and welfare were raised during the period, either by detainees or visitors.
- b. Access has been an issue for some visitors, ending up with visits being abandoned or delays experienced in accessing stations and/or custody areas.

This has been raised with the relevant Cluster Inspector when these occur, as well as being highlighted through the National ICV Manager to the Head of Custody within Police Scotland.

### **SECTION 3: MILESTONES & ACHIEVEMENTS**

#### **12. Recruitment and development of ICV Professional Staff Team**

Following the initial agreement with the Local Authorities to continue their own scheme administration for the first 6 months of SPA existence, a National Manager and 3 Regional Coordinators were appointed between August – December 2013 to oversee the process, rota visits, chair regular meetings and generally support the visitors.

The West Regional Co-ordinator finished for maternity leave in February 2014 and resigned in February 2015. A maternity cover appointment was made in July 2014 and a permanent Regional Co-ordinator is currently being recruited.

In relation to staff development, both the East and North Regional Co-ordinators have attended Scottish Women's Development Forum 'Springboard' programme, and the National Manager has been successful in achieving certification in 'Developing Leadership in Volunteer Development' through Volunteer Development Scotland and Institute of Leadership and Management.

#### **13. Recruitment of ICV Volunteers**

As part of an ongoing initiative to attract new volunteers, as well as raising the overall profile of the SPA ICV Scheme, a number of activities have been undertaken over the course of 2014/15.

These include:

- a. Radio advertising campaign on Tay FM, Moray Firth, West Sound and Clyde 1. Brian McFadyen and Douglas Yates were invited to talk about the scheme on Glasgow based AWAZ FM and Brian along with North Regional Co-ordinator, Alison Garrigan, spoke about the SPA and ICVS on SHMU FM, Aberdeen.
- b. Advertising on websites – Volunteer Scotland and S1 Jobs.
- c. Attending and giving input at University volunteer days.
- d. Visitor profiles in Strathclyde University student magazine.
- e. ICVS volunteer posters and information leaflet.
- f. ICVS section on SPA website with on line application and Equality and Diversity form

Overall, this activity generated 143 expressions of interest to find out more about volunteering for the SPA ICV Scheme, and a large percentage of these have since become new volunteers, with others currently in the process of attending information sessions and going through the vetting process.

It is important that SPA maintain a constant stream of new volunteers to the service to share the visiting workload and also to ensure that there is a continual refresh of different volunteers visiting different locations in order to gain broader experience across all volunteers., as well as the ability to have fresh perspective on the different custody suites and working practices.

#### **14. Training for ICV Volunteers**

Part of the continuing success of retaining our ICV Volunteers is to ensure that they receive appropriate training, and feel appropriately supported. This is undertaken through a variety of activities which include, but are not restricted to:

- a. Quarterly Cluster Meetings – aside from the opportunity to discuss issues arising from their visits, the local Cluster Inspector from Custody Division also attends these meetings, and on occasion there has been guest speakers invited to speak at meetings, including on such topics as Mental Health Welfare and Health and Safety.
- b. Two issues of the ICVS Newsletter ‘The Visitor’ – this was initially trialed to address the issue that not everyone could meet cluster meetings, and therefore there was a risk that important messages could be missed. There were also common issues being identified between clusters and this newsletter was also used to highlight good practice in completion of the standardised forms.
- c. Distribution of a national Visitor Questionnaire - this asked for feedback on what individual support requirements were going forwards, and seeking engagement on planned items for the future development of the National ICV Scheme.
- d. Annual Thank You Events – since December 2014, eight small social events were arranged to offer recognition and thanks to our volunteers for giving up their time to conduct this service on behalf of SPA.
- e. Initial Information / Induction days – due to the recruitment drive, there have been three sessions offered over the course of 2014/15 (May, October and January)
- f. Training days – these are for visitors who have fully signed up following the initial induction / information days, and who have been through their interview and vetting process. Two of these sessions were run during 2014/15 (November and February)

- g. National Conference-‘Year One’ was held in March 2014 at the Scottish Police College for existing visitors. This provided inputs and presentations from a wide range of speakers on topics relevant to custody visiting.
- h. Development day – this was held in October 2014 at Tulliallan Castle for existing volunteers and included a range of speakers, including Chief Superintendent Paul Main who gave an overview of the forthcoming Criminal Justice Bill, and its potential impact for detainees in the future.
- i. TACT training – the ICV scheme also have a responsibility to carry out visits at the Scottish Terrorist Detention Centre, but they require additional training and vetting in order to be qualified to be selected to do this type of visit. There were 6 visitors previously trained, this has been reduced by one due to ill health of a visitor. A further 4 have now been trained and vetted to strengthen the resilience for this role.
- j. Training DVD – an external company was tendered for and appointed to create a training DVD which can be updated easily and will include all training relevant to the ICV scheme in Scotland.

## **15. Training for Police Scotland**

In order to ensure that there is consistent messaging and understanding about the purpose and need for the ICV scheme in Scotland, the National Manager engages regularly with partners in Police Scotland, and has provided input to the training for Custody Officers. On a more general note, there has also been ICVS information made available on the Police Scotland intranet site.

## **16. Other activities of note**

It’s important that the SPA ICV Scheme does not work in isolation of other similar bodies in the UK being mindful of its OPCAT requirements. As such there are a number of events and networks which both the professional team within SPA and volunteers have attended during the course of 2014/15.

- a. Attendance at the ICVA National Conference – the National Manager and seven volunteers represented ICVS at the National Conference held in November 2014.
- b. Attendance at Fife Safer Communities – the National Manager and SPA Board Member Douglas Yates were invited to attend on 12 March 2015 to give an update on issues facing custody visiting in the region.
- c. Attendance at Justice Sub Committee at Scottish Parliament – the National Manager and a volunteer were invited to present evidence to the Sub Committee in October 2014, regarding the scheme in the overall context of custody in Scotland.

- d. Regular attendance at the NPM Business meetings and relevant sub groups by the National Manager.
- e. Attendance at ICVA Board meetings by the National Manager

Other activities of note also include:

- a. Approval of the Code of Practice – SPA Members approved this at their Public Board Meeting in December 2014
- b. Pilot of new Cue Card – this is the cue card used by Custody Officers when introducing the ICV volunteers to detainees. This pilot has demonstrated the effectiveness of what message is used and in what tone, in relation to the rate of acceptance by detainees to accept a visit.
- c. Creation of the ICVS Communications Plan for 2015/16 – an operational document which indicates the range of activities and work required to maintain the effective operation of the scheme.