



ANNUAL REVIEW 2015/16

Independent Custody Visiting Scotland

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Foreword

For a human being to have their liberty taken away from them, even for a short period of time, is one of the most onerous and serious responsibilities carried out by the state.

Such action is a necessary part of law enforcement and protects both society and the individual. Increasingly, the decisions and actions that lead someone to be detained are influenced by a much broader set of factors than crime itself - such as alcohol, addiction, mental health that are also having broader impacts on our communities.

Police custody facilities therefore represent a highly-pressured part of our community where police officers and staff have the responsibility of care, as well as detention, of sometimes vulnerable people in very difficult situations. It is into those testing spaces, and in such sensitive human circumstances, that the volunteers of Independent Custody Visiting Scotland (ICVS) step. Together, they did so on nearly 1,500 unannounced occasions last year.

The visitors fulfil a unique role in contributing to our national confidence and assurance that detainees are held in appropriate conditions while ensuring our international obligations to respect their human rights are maintained. This could not be done effectively without the invaluable personal contribution of volunteers the length and breadth of the country.

Volunteers who invest their own time for the benefit of fellow individuals in times of crisis, and volunteers who by their very independence also bring benefits to policing in terms of the feedback they provide and the confidence they engender.

I am grateful to all those who have contributed in the past year and on behalf of the SPA I thank them all for their continued commitment.

Andrew Flanagan
Chair
Scottish Police Authority

Purpose

- 1.** To provide the annual review of the Scottish Police Authority's Independent Custody Visiting Scheme covering the period 1 April 2015 to 31 March 2016.

Section 1: Background

- 2.** On 1 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.
- 4.** On 3 December 2013 the SPA scheme 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.** The scheme is independent of both Police Scotland and the Scottish Government. This allows reporting of custody visitor findings with integrity and impartiality.
- 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.
- 8.** In 2015/16 the SPA spent £247,706 in administering Independent Custody Visiting.

Section 2: Performance & Statistics

9. Number of Volunteer Independent Custody Visitors

The scheme currently has 148 volunteer custody visitors. This figure includes 10 custody visitors who are currently off rota, either through illness or due to other personal commitments.

During the course of 2015/16 20 existing custody visitors were reappointed, 19 custody visitors left the scheme and 37 new custody visitors joined the scheme. All custody visitors have to clear vetting at Non Police Personnel Level 1 (NPPV1).

The scheme is broadly reflective of the communities it represents with an almost even split on gender. The age range is again evenly spread, from university students to the oldest current visitor who is an octogenarian. The scheme is slightly underrepresented in ethnic minorities but following a positive effort to address this it is hoped that with new volunteers currently going through the recruitment process this will be remedied in the near future.

TABLE 1: Number of Volunteer Independent Custody Visitors as at 31 March 2016					
Region	Number of Current Custody Visitors	Number of Custody Visitors in 2014/2015	Custody Visitors Reappointed	Leavers	New Custody Visitors
North	31	16	0	3	18
East	42	46	0	9	5
West	75	68	20	7	14
Total	148	130	20	19	37

10. Cluster meetings

Custody visitors are placed into one of 12 geographical clusters which mirror the structure of Custody Division (now Criminal Justice Services Division) within Police Scotland. These clusters are supported by a team of three Regional Coordinators, who maintain regular contact with the volunteers and chair quarterly cluster meetings.

48 cluster meetings took place during the course of 2015/2016 and were attended by custody visitors, Police Scotland cluster inspectors and invited guests (Table 2).

TABLE 2: Number of Cluster Meetings as at 31 March 2016			
Region	Number of Clusters in Region	Number of Cluster Meetings in 2015/16	Number of Cluster Meetings in 2014/15
North	3	12	12
East	3	12	13
West	6	24	24
Total	12	48	49

11. Custody Suites

The National Scheme aims to ensure that all custody suites are visited by trained volunteers, according to a minimum schedule as detailed below.

TABLE 3: Breakdown of Custody Suites Types in each Region			
Region	Custody Suite Type	Number in Police Scotland Estate	Frequency of Visits Required
North	Primary/weekend	7	W/F*
	Ancillary	26	M/Q/Bi/A*
East	Primary/weekend	8	W/F*
	Ancillary	11	M/Bi/A*
West	Primary/weekend	26	W/F/M*
	Ancillary	17	M/Q/Bi/A*
OVERALL NATIONAL ESTATE	Primary/weekend	41	
	Ancillary	54	

*The frequency of visits are categorised as Weekly / Fortnightly / Monthly / Quarterly / Bi-annually / Annually. The regional coordinators determine the frequency of visits by considering the throughput in each centre.

The Custody Estate is separated into three categories by Police Scotland –

- a. Primary Custody Centre – a centre which is open to receive custodies on a full time basis.
- b. Weekend Opening Centre – a centre which is routinely used at peak weekend times.
- c. Ancillary Custody Centre – a centre which may be opened due to demand or location.

All custody suites featuring in the Police Scotland Custody Estate were visited during the period 1 April 2015 to 31 March 2016 meaning that the scheme has fulfilled its responsibilities as a member of the United Kingdom's NPM and also complied with its obligations under OPCAT.

12. Visits undertaken to Custody Suites

Whilst the SPA has a statutory requirement to maintain an Independent Custody Visiting Scheme, it is not obligatory for detainees to accept a visit from custody visitors. Also, given that custody visitors are entitled to turn up at custody suites at any time without prior notice, there can be occasions where there are no detainees in custody. This is likely to be the case at Ancillary centres where only the estate is monitored.

At the outset of a visit the custody visitors will review an anonymised custody record that details the numbers of detainees currently held within that custody suite and thereafter select at random a number of detainees to whom visits are offered.

All statistics relating to the visit are recorded by the custody visitors on a standard form which is returned to the SPA, together with any additional comments on issues which the custody visitors may have identified during their time in the custody suite.

TABLE 4: Analysis of Visits Undertaken 2015/2016			
Region	Details	Figures for 2015/16	Figures for 2014/15
North	Total custody throughput (figures obtained from Police Scotland)	37,810 (-0.9%)	38,159
	Number of visits	342 (+44.3%)	237
	Number of detainees in custody	1350 (+31.1%)	1030
	Number of detainees unavailable	152 (+171.4%)	56
	Number of detainees offered a visit	650 (+31.1%)	496
	Number of detainees accepting visit	426 (66% uptake)	311
East	Total custody throughput (figures obtained from Police Scotland)	46,483 (-7.5%)	49,985
	Number of visits	402 (-3.6%)	417
	Number of detainees in custody	2588 (+7.6%)	2406
	Number of detainees unavailable	256 (+15.9%)	221
	Number of detainees offered a visit	1385 (+4.6%)	1324
	Number of detainees accepting visit	897 (65% uptake)	863
West	Total custody throughput (figures obtained from Police Scotland)	78,323 (-5.1%)	82,342
	Number of visits	749 (-1.3)	759
	Number of detainees in custody	3901 (+2.7%)	3797
	Number of detainees unavailable	266 (+24.8%)	213
	Number of detainees offered a visit	2158 (+1.3%)	2131
	Number of detainees accepting visit	1180 (55% uptake)	1302

OVERALL NATIONAL ACTIVITY	Total custody throughput (figures obtained from Police Scotland)	162,616 (-18.5%)	192,854
	Number of visits	1493 (+5.7%)	1413
	Number of detainees in custody	7839 (+8.3%)	7233
	Number of detainees unavailable	674 (+37.6%)	490
	Number of detainees offered a visit	4193 (+6.1%)	3951
	Number of detainees accepting visit	2503 (60% uptake) (+1.1%)	2476

Commentary:

- a. *Increase in North visits* – by the latter part of 2015/16 an additional 18 custody visitors had been appointed to the region. This allowed the scheduling of visits based on detainee throughput to increase accordingly.
- b. *Increase in the number of visits accepted by detainees* - from 2014/15 to 2015/16 there has been an increase in both the number of detainees offered visits (+6.13%) and in the number of detainees accepting visits from custody visitors (+1.09%). Observations on the good rapport between detainees and custody staff regularly feature on visit report forms, alongside positive comments in relation to the introductions given by custody staff when reading out the cue card to detainees.
- c. *Increase in the number of detainees unavailable for a visit* – detainees will be considered unavailable for a visit in the following circumstances - if they are at hospital, if they are undergoing interview, for health and safety reasons or if they are consulting with their solicitor.
- d. *Reduction in custody throughput but increase in the number of detainees in custody during visits* – although the actual custody throughput for 2015/16 dropped by 18.5%, the number of detainees in custody at the time visits were carried out increased by 8.3%. Custody visitors are permitted access to custody suites at any time. During the review period custody visitors were encouraged to vary the times of their visits throughout the 24 hr period, paying particular focus to peak times such as weekends and evenings, particularly in areas where it was noted that visits were frequently occurring at the same time or on the same day.

13. Major issues arising from visits to Custody Suites 2015/16

There were no major issues regarding care or ill treatment of detainees raised during the reporting period, either by detainees or custody visitors.

Access to custody suites and police stations continues to be an issue, causing visits to be abandoned due to a lack of front counter staff or staff in custody areas. This issue has been raised with Police Scotland.

Other concerns highlighted to Police Scotland during the reporting period include:

- a. The disparity of stock and supplies such as blankets and anti-harm suits across custody suites;
- b. The lack of washing facilities offered/ provided to detainees;
- c. The general lack of repair of the fabric of the custody estate; and
- d. Concerns over the level of staffing within custody suites and the use of backfill staff.

Section 3: Milestones & Achievements

14. 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.

Legalised Police Cells (LPCs), which are unique to certain parts of Scotland, derive historically from the inaccessibility of the Scottish courts in outlying districts and islands. These police cells have been “legalised” and as such are used to hold prisoners awaiting trial locally, or who have been returned from prison for sentencing or following conviction, pending transfer to prison. Prisoners held in the LPCs are detained under the provisions of the Prison and Young Offenders Institutions (Scotland) Rules 2011. There are four police stations which may be designated to be used as legalised cells. These are Lerwick, Kirkwall, Stornoway and Hawick.

The National Manager has liaised with counterparts in Police Scotland and the Scottish Prison Service with a view to creating a bespoke training programme for custody visitors who may be required to visit prisoners detained in LPCs. This work is ongoing and visitors will be updated in due course.

15. Recruitment & Appointment of Custody Visitors

As part of the ongoing initiative to attract new custody visitors, as well as raising the overall profile of the SPA ICV Scheme, a number of activities were undertaken over the course of 2015/16.

These included:

- a. The National Manager and North Regional Coordinator being invited to talk about the scheme on BBC Radio Orkney. This was aligned with engagement with Voluntary Action Orkney and resulted in a good response from interested individuals. As a result of this work six applications were received from local residents. Of the six, three applicants are already on the rota, one applicant is awaiting training, and two are currently progressing through the recruitment process.
- b. Advertising on websites – Volunteer Scotland and Local volunteer organisations.
- c. Circulation of ICVS volunteer posters and information leaflets.
- d. ICVS section on SPA website with online application and Equality and Diversity form

During the reporting period 69 expressions of interest were received. There are currently 21 candidates progressing through the recruitment process with a view to being appointed as custody visitors in the near future.

Delays experienced with the vetting process, which have extended beyond the 12 week Vetting Unit guidelines, have caused issues in relation to the introduction of new custody visitors. Custody visitors from across the country have been utilised to carry out visits in clusters particularly impacted by the delays. Given the location of some custody suites, and the distances travelled, this has led to a cost implication for the scheme.

Protracted delays in the vetting process are a particular issue in terms of the recruitment of volunteers as applicants may choose to devote their time to other commitments and volunteering opportunities. Therefore in order to ensure its continuing effectiveness, the scheme must maintain a constant flow of new custody visitors.

16. Training for Custody Visitors

In order to successfully retain current custody visitors it is essential that they receive appropriate training, and feel appropriately supported. This is achieved through a variety of activities which include, but are not restricted to, the following:

- a. Quarterly Visitor Meetings – aside from the opportunity to discuss issues arising from their visits, the local cluster Inspector from Criminal Justice Services Division also attends these meetings, and on occasion there have been guest speakers invited to speak, including representatives from HMICS.
- b. The ICVS Newsletter 'The Visitor' has now become established and has proved popular with custody visitors. It is published on a quarterly basis and is a regular opportunity to provide updates to those custody visitors who may have missed quarterly meetings, in addition to focusing on common issues being identified throughout the clusters. The newsletter is also used to highlight good practice in custody visiting.
- c. Initial Information / Induction days – two of these events were held over the course of 2015/16.
- d. Training days – these are for custody 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 2015/16.
- e. Development day – this was held in May 2015 at Tulliallan Castle for existing volunteers and included a range of speakers. Topics included Information Assurance and online security and Health and Safety within the custody setting.
- f. TACT training – the ICV scheme also have a responsibility to undertake visits at the Scottish Terrorist Detention Centre (STDC). Custody visitors are required to undergo additional training and vetting in order to be selected to carry out this role. There are currently nine trained volunteers who attended four training events at the STDC during the course of 2015/2016.
- g. Mentor training- additional training was provided to experienced custody visitors to enable them to act as mentors for new visitors. Two events were held during 2015/16 to roll this out.
- h. Training DVD – this has now been completed and is in use at information and training days.

17. Recruitment & Development of ICV Professional Staff Team

Following the resignation of the West coordinator a new permanent coordinator to cover the East Region was appointed in June 2015. The existing east coordinator subsequently moved to cover the west region.

In relation to staff development, in August 2015 the west coordinator attended a summer school at the University of Bristol's Human Rights Implementation Centre on 'The prevention of torture and ill-treatment of female detainees through gender-sensitive monitoring'.

18. Police Scotland

In order to ensure that there is consistent messaging and understanding about the purpose of, and need, for the ICV scheme in Scotland, the National Manager engages regularly with partners in Police Scotland, and has provided inputs on Independent Custody Visiting at Custody Officer training courses. Information on ICVS continues to be made available on the Police Scotland intranet site.

Additionally the National Manager - in conjunction with the SPA Communications Team - assisted in the preparation of an article on ICVS for the Police Scotland internal magazine "*The Beat*" due for publication in the first quarter of 2016/17. The publication is made available to all Police Scotland personnel via the Police Scotland intranet site. Print copies are also available.

19. NPM & ICVA

It is important that the SPA ICV Scheme does not work in isolation to other similar bodies in the United Kingdom and remains mindful of its OPCAT obligations. As such there were a number of events and networks that both the SPA ICVS professional staff team and custody visitors attended during 2015/16;

- a. Attendance at the ICVA National Conference – the East Coordinator and six custody visitors represented ICVS at the National Conference held at the International Convention Centre, Birmingham in January 2016.
- b. Regular attendance at the NPM business meetings and relevant sub groups by the National Manager.
- c. Attendance at ICVA Board meetings by the National Manager.
- d. Attendance at the ICVA Scheme Managers Conference by the National Manager and Regional Coordinators held at the International Convention Centre, Birmingham in November 2015.

20. Other Achievements

Additional work completed in 2015/16 included:

- a. Introduction of a new Cue Card –the cue card is used by custody officers when introducing custody visitors to detainees to ascertain whether or not they are prepared to accept a visit. The wording was amended following a successful pilot in Forth Valley, which demonstrated the effectiveness of the amended text in relation to the rate of acceptance by detainees.
- b. Development of the ICVS Custody Visiting Handbook – a small working group was set up to review the document, comprising of volunteers from across the three regions.
- c. Development of a new training manual – an updated training manual has been produced to accompany the training DVD.

Section 4: Challenges & Opportunities in 2016/2017

21. Priorities for 2016/17

During 2016/17 the ICVS professional staff team will focus on the following areas:

a. 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 2017. An emphasis will be placed on the presumption of liberty which will lead to an 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 2016/17.

b. National Preventative Mechanism -

The National Manager will contribute to the NPM's thematic work on "*Pathways and Transitions*". This project aims to have NPM bodies examine the impact on the treatment of detainees arising from their movement between settings and ensure the continuity of monitoring in such circumstances.

c. Engagement with ICVA -

Throughout 2016/17 the National Manager will continue to liaise with ICVA to ensure that issues of particular interest and significance to custody visiting in Scotland are recognised at a national level.

d. Legalised Police Cells -

The work to ensure that a suitably trained cadre of visitors in respect of LPCs specialised visits is ongoing in liaison with Police Scotland.

