

SCOTTISH POLICE
AUTHORITY

Meeting	Policing Performance Committee
Date	17 March 2022
Location	Video-Conference
Title of Paper	ICVS Quarter 3 Report
Item Number	3.4
Presented By	Scott Ross, SPA Head of Change and Operational Scrutiny
Recommendation to Members	For Consultation
Appendix Attached	Yes Appendix A – ICVS Quarter 3 Report

PURPOSE

This paper provides information on Independent Custody Visiting Scheme for the period October – December 2021 for consideration by the Committee.

BACKGROUND

- 1.1 Chapter 16 of the Police and Fire Reform Act states that the Independent Custody Visiting Scheme (ICVS) is to provide independent monitoring of Police Scotland custody to ensure that detainees are being treated fairly and in accordance with the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT recognises that people who have been detained are particularly vulnerable and require nation states to set up a national body that can support efforts to prevent ill-treatment in custody settings. This national body is called the 'National Preventive Mechanism' (NPM).
- 1.2 The UK NPM was established in 2009 to deliver the UK's obligations under OPCAT and ensure regular visits to places of detention in order to prevent torture and other ill-treatment. It is made up of 21 independent public bodies that have a role to monitor places of detention across Scotland, England, Wales and Northern Ireland. Places of detention include police custody, prison, court custody, immigration and military detention, secure accommodation for children and places where people are detained under mental health legislation. NPM members have the power to enter places of detention and speak to detainees and staff in private.
- 1.3 Chapter 16 of the 2012 Police and Fire Reform Act (Scotland) also states that the SPA should ensure that the ICVS visitors may:
 - Visit detainees;
 - Access information relevant to the treatment of detainees and conditions in which they are detained;
 - Monitor the treatment of detainees and the conditions in which they are detained.

The act also states that the Authority's arrangements must:

- Provide appointment arrangements for suitable persons to become a visitor;

- Authorise Independent Custody Visitors to do anything which the Authority considers necessary to enable them to visit and monitor treatment of detainees and the conditions in which they are held;
 - Provide for reporting on each visit;
 - Keep the arrangements under review and revise them as it thinks fit; and
 - Prepare and publish such reports on independent custody visiting as the Scottish Ministers may reasonably require.
- 1.2 The terms of reference for the Policing Performance Committee states that the committee will ensure reporting on the arrangements for, and feedback on custody from, the volunteers within the Independent Custody Visiting in Scotland (ICVS) scheme is carried out publicly at least twice per year, including publication of the Authority's annual review of ICVS. This report seeks to fulfil this commitment and report a summary of the visits for the ICVS Scheme for the period October – December 2021 for consideration by the Committee.
- 1.3 Reporting quarterly to the PPC is also a part of a key consideration from the ICVS Management Review which is currently being undertaken. The Management Review is directed towards ensuring the ICVS takes every opportunity to continually improve, maximising the contribution of the Service to the Authority and those who work in or are detained in Police Custody. The review considers all of the enabling tools and processes that underpin the ICVS, including: (i) governance; (ii) quality of data; (iii) criteria/thresholds for recommendations; (iv) processes (i.e. Human Resources, Legal and otherwise); (v) training and (vi) supporting documentation/handbooks.
- 1.4 This report will also detail the emerging key considerations from the Management Review.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 The ICVS Quarter 3 report is attached in Appendix A. During the 275 successful visits to custody suites and interviews with 398

detainees there were no recorded concerns relating to torture inhumane treatment or significant breaches of human rights and therefore no OPCAT related concerns.

- 2.2 In delivering this report SPA staff have reviewed all visitor report forms submitted during October – December 2021 and highlighted key findings and areas for continuous improvement within Police Scotland’s Custody estate.
- 2.3 Appendix A details key activity carried out by the scheme, access issues that visitors have experienced, feedback on custody staff and estate, detainee rights issues and any issues that have been escalated.
- 2.4 The ICVS Management Review described in section 1.3 of this report is due to be delivered by the end of March 2022. Some of the emerging key considerations from the review:

Key Consideration A: *A redesign of the ICVS operating model should be undertaken to ensure processes and procedures (including data collection/utilisation) are robust. The redesign should aim to ensure that the visitors’ observations provide assurance of good practice in Police Scotland Custody and have maximum impact in the continuous improvement of the care, welfare and dignity of those held in police custody. This redesign should use, where possible, the good areas of practice identified within the ICVS’ current operating model.*

Key Consideration B: *The ICVS, in consultation with the Visitors, should redesign the Visitor Form to ensure accurate capture of quantitative and qualitative data which will lead to improved reporting and continuous improvement of Custody provision.*

Key Consideration C: *As part of the redesign of the ICVS the Authority should seek to digitise their service.*

Initial Development Actions:

- i. SPA will engage with Police Scotland to establish a new project and to ensure that the solution will be designed by ICT using Visitors' requirements.
- ii. Ensure a digital method of completing ICVS forms (tablet/laptop etc.) is implemented
- iii. Ensure capability for information that is recorded digitally to be reported in real time
- iv. Implement a solution that allows reporting nationally on thematic issues and 'whole-system' recommendations
- v. Create a dashboard which is easily accessible and enables users to have a more granular view of recommendations and issues if required.
- vi. Create guidance and training for Coordinators and IC Visitors

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper.

There are reputational implications associated with this paper. The paper details areas for improvement in the Custody system. It is important that the Authority has effective oversight and independent custody visiting arrangements in place to monitor, observe and ensure areas of concern are highlighted to Police

Scotland at the earliest appropriate stage. This paper seeks to address this.

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 equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss and note the contents of this paper.

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APPENDIX A - INDEPENDENT CUSTODY VISITING SCHEME Q3 REPORT

February 2022

Kirsty Scott
ICVS national manager

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1. Introduction

1.1 Legislative Background

Chapter 16 of the 2012 Police and Fire Reform Act (Scotland) sets out the Authority's requirement for the provision of an independent custody visiting service in order that visitors may:

- Visit detainees;
- Access information relevant to the treatment of detainees and conditions in which they are detained;
- Monitor the treatment of detainees and the conditions in which they are detained.

The act also states that the Authority's arrangements must:

- Provide appointment arrangements for suitable persons to become a visitor;
- Authorise Independent Custody Visitors to do anything which the Authority considers necessary to enable them to visit and monitor treatment of detainees and the conditions in which they are held;
- Provide for reporting on each visit;
- Keep the arrangements under review and revise them as it thinks fit; and
- Prepare and publish such reports on independent custody visiting as the Scottish Ministers may reasonably require.

1.2 The Independent Custody Visiting Scheme

Independent Custody Visitors are volunteers from the community who make unannounced visits in pairs to police custody suites to check the treatment of detainees and assess the conditions in which they are detained. They also have a role in ensuring that detainees are properly informed, are being cared for and that their dignity, health and wellbeing are being appropriately protected. They do this by monitoring facilities, speaking to detainees, checking custody records and generally observing custody staff and facilities.

1.3 Report Purpose

The purpose of this report is to provide the Scottish Police Authority's Policing Performance Committee with a quarter 3 report for the visits carried out during October – December 2021.

To generate the data for this report the ICVS National Manager was tasked to review the visitor forms submitted for North, East and West for quarter 3 period. All reports were reviewed and re-entered into a database to ensure the accuracy of the information in this report.

The examination of the reports focused on a number of key elements to support the collation of this report.

- Whether the visit had been successful

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- Visit details, including date, custody suite and number of detainees
- Whether any OPCAT related concerns were identified
- Actions of the custody staff or access issues
- Facility improvements advised or defects identified
- Rights issues identified and whether these had been or were being addressed during the visit

2. Report Findings

The key findings extracted from visitor report forms for period October – December 2021 are detailed below.

2.1 Key Activity and Updates

During the month of October the majority of the visits conducted were physical face-to-face visits, with a small proportion still being undertaken via telephone monitoring.

In November Glasgow hosted COP26, the ICVS increased the number of visitors available during the event and continued to deliver a business-as-usual visit schedule.

On 17 December the SPA, in line with Scottish Government guidance, temporarily suspended physical visits due to the new Omicron variant.

There were **23,295** detainees processed through Police Scotland custody during Q3. In addition **101** detainees were processed through custody during COP26.

Region	Visits	No of detainees in custody at time of visit	Detainees not available	Detainees offered a visit	Detainees seen	COP 26 detainees seen
North	62	175	42	84	48	1
East	77	296	53	137	105	26
West	171	746	93	330	245	41
Total	310	1217	188	551	398	68

- A total of 310 visits were attempted. 62 in the North, 77 in the East and 171 in the West.
- 1,217 detainees were in custody at the time of visiting.
- 188 (15%) detainees were not available at the time of visiting, either at hospital, being visited by medical staff, providing forensic evidence or out of the cell for other reasons.
- 551 detainees were offered a visit
- 153 (28%) declined the offer of a visit
- Police Scotland advised against visiting 45 detainees due to safety issues such as Covid status or elevated risk of violence.

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- 12 detainees were observed as an alternative to holding a visit with them.
- Of the overall visits 19 were unsuccessful with the visitors either failing to gain access to the custody centre and visit detainees when intended or gaining access but having to wait to be escorted. Some examples of unsuccessful visits are given below and more details are contained in section 2.3.
 - Visit to Dundee: the initial visit took place on 29 Nov at 16:14 but could not be facilitated for 1 – 1.5 hours. ICVS raised this with Police Scotland and a reminder email was sent to all Dundee staff outlining that ICVS require to have immediate access to custody suites. The visit was carried out the following day.
 - Visit to St Leonards: This visit was unsuccessful due to telephone monitoring connection problems, this was flagged with the Inspector.
 - Visit to Coatbridge: This visit was conducted via telephone monitoring. The custody staff asked visitors to call back later on that evening due to shift change, this was not suitable for visitor 1.
 - Visit to Motherwell: This physical visit, was abandoned due to a member of staff having suffered an assault within the custody centre and the resultant reduced staffing levels. ICVS followed this up with Police Scotland to check on the member of staff and seek assurance that ICVS are allowed access under difficult circumstances.
- ICVS undertook visits during the duration of COP26. The scheme carried out a visit per day to each of the dedicated COP26 centres. A total of 68 detainees were seen during the event.

2.2 OPCAT Concerns

During the successful visits and interviews with 398 detainees there were **no** recorded concerns relating to torture inhumane treatment or significant breaches of human rights.

2.3 Access Issues

There were 19 unsuccessful/ abandoned visits and 14 instances where access to custody suites was delayed.

East - 12 abandoned visits

Examples include:

- In Coatbridge there were five instances of delayed or abandoned (i) abandoned visit due to short staffing; (ii) telephone monitoring abandoned asked to call back due to shift change; (iii) delayed access due to short staffing; (iv) visit abandoned due to covid outbreak; (v) abandoned as staff busy/engaged.
- In Falkirk two visits were abandoned due to ongoing Virtual Courts within the Custody Suite.
- In Kirkcaldy a visit was abandoned when there was no response from ringing the entry bell.
- In Motherwell a visit was abandoned upon notification that the custody centre was closed due to a member of staff being assaulted.

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West - 7 abandoned visits

Examples include:

- In Govan a telephone visit was abandoned as five detainees were being processed at the charge bar and staff were unable to accommodate. On a separate occasion a telephone monitoring visit was abandoned as the phone rang out after trying several times over sat/sun.
- In Clydebank a visit was abandoned after visitors waited 1 hour 5 minutes to speak with detainees. It was also noted that the visit report form was signed by the Public Enquiry Station Assistant (PESA) and not custody officer/ staff. The National Manager raised this matter with Police Scotland. The Custody Sergeant has since reviewed the National custody System and was unable to establish reason for wait. The Sergeant advised the group that was on shift at time was at the early days of the new shift pattern which incorporates two hour breaks and may have had an impact. The Sergeant has asked staff to ensure that decision and justification for visits not being supported is recorded and that any issues are immediately escalated.

2.4 Custody staff

There were 111 specific comments from visitors highlighting the helpful and professional behaviour of custody staff. There were 19 in the North, 25 in the East and 67 in the West.

Some of the feedback included:

- Warm welcome and attended to immediately;
- Staff were very pleasant and helpful;
- Warm professional and swift welcome;
- Staff were friendly and ready for action; and
- Staff were very professional and knowledgeable

2.5 Custody Estate and Facilities

Although it is recognised that the visitors are familiar with the material state of the custody suites and therefore may not report on long standing issues on every occasion there were relatively few negative observations:

- In the North cluster during the 61 visits there was 1 health and safety concern raised. A visit to Fraserburgh highlighted an issue with a shower and potential asbestos in the roof. It should be noted that this shower is still not operational.
- In the East cluster during the 75 visits there was 1 health and safety concern raised regarding COP26 temporary custody arrangements at Craigmiller. The finish inside the custody facility was raised as an issue as there were concerns that rough surfaces could be used for self-harm. This included large panels of wood which form the cell walls which had joints which were not smooth and screw holes which were sharp and had rough metal edges. Police Scotland responded and provided reassurance and that the structure has been inspected by Health & Safety and the walls have been treated with anti-pick sealant.

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- In the West cluster during the 156 visits there were no serious health and safety issues raised but there were 21 visits which highlighted cells being out of commission or other minor faults.

There were a total of 15 issues raised regarding supplies: 2 in the West, 4 in the East and 9 in the North. Some of these issues are detailed below:

- Two visits to Dundee had found limited supply of blankets and anti-harm clothing.
- Two Visits to Elgin highlighted an issue with the supply of blankets and anti-harm clothing.
- Three visits to Fraserburgh highlighted a stocking issue with anti-harm clothing, blankets and anti-harm shorts.
- Two visits to Aberdeen highlighted an issue with a shortage of anti-harm clothing and limited food choice due to recent supply issues.

2.6 Detainee Rights Issues

During October – December 2021, 292 visits took place while 1217 detainees were in the custody suites and 398 detainees were interviewed by the independent visitor pairs. The following section of this report provides details of the number of times a specific issue was observed by the visitors and also the number of occasions when this was not resolved during the visit. It is important to note that this information may not always be accurate as there will be instances when the issue was addressed at the custody suite however the visitor has not recorded this in the visit form. The ICVS Management Review plans to resolve this issue by introducing a new visitor reporting format.

- 55 detainees raised issues with being given their letter of rights. On 12 occasions there was no information reported that this was addressed during the visit.
- 18 detainees raised issues with being made aware of why they were being detained. On 7 occasions this was not reported as addressed during the visit.
- There was only 1 detainee in the North that required the services of an interpreter which was granted.
- 16 detainees made a request to Visitors for reading materials. Visitors informed custody staff of these requests. 8 were addressed during the visit and 8 were unknown an update was not recorded.
- 16 detainees raised food and drink related issues, with 9 having been addressed. 7 were shown as not addressed, this was where detainees requested extra food and no note of this being actioned was captured.
- 22 detainees either requested or were identified as requiring some form of medical support during the visit. 18 were noted as addressed, however there were 4 occasions where it did not state this had been actioned or followed up.
 - Visit to Stranraer, telephone monitor detainee had mentioned many injuries but no follow up or action mentioned.
 - Visit to Greenock detainee had asked for nurse, no follow up recorded
 - Visit to Cathcart detainee stated they did not have their inhaler with them, no comment of being addressed or raised with PS staff.

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- Visit to Govan, detainee suffers from back pain and requires regular medication, advised to tell staff but no mention of addressed.
- 36 detainees advised visitors they wished access to either a solicitor or that a person be notified they are in custody. This figure also included where detainees wanted to know if a solicitor or named person had been contacted. On 4 occasions this was not reported as addressed during the visit.
- 16 detainees raised issues with being given access to appropriate clothing, wash/shower facilities or issues relating to personal hygiene. One of these instances was not recorded as addressed at the time of the visit and there were incidences where Police Scotland could not facilitate a wash/shower due to staff shortages.
 - Visit to Greenock, 2 detainees requested a shower, however response from Police Scotland advised due to staff shortages they could not facilitate this.
 - Visit to Falkirk, none of the detainees had been offered a wash or shower, Police Scotland indicated that a wash was not required in line with the policy at the time of the request.
 - Visit to Motherwell, detainee requested a shower if possible prior to travelling, no follow up or addressed details recorded or reported to the visitor.
- 37 detainees requested either additional blankets or pillows, 3 were not recorded as being addressed. During a visit to Govan a detainee requested an extra blanket but no follow up was recorded in the visitor form. On a visit to Falkirk, 2 detainees complained of being cold and requested additional items, Police Scotland responded that there were no spare blankets for additional requests.

2.7 Issues for Escalation to Cluster Inspectors or above

During the reporting period 310 visits were carried out, the majority of areas highlighted were resolved at the time of the visit, however on 66 occasions these were noted for escalation and a response was requested from Police Scotland.

Of the 66 escalations, 60 are recoded as being resolved and no further action required. All escalated areas for improvement are discussed at Cluster meetings which are attended by Police Scotland inspectors, regional ICVS coordinators and visitors.

Only six of the escalated areas for improvement are currently outstanding. Three of these are in the East region and three in the North region. These areas for improvement may take longer to resolve due to their complex nature and usually involve upgrades or changes to the Police Scotland estate.

A summary of the outstanding issues and the response provided by Police Scotland is provided below:

EAST

- **Livingston** – Two custody cells are out of order due to a faulty skylight which is awaiting repair.
- **St Leonards** - Visitors highlighted that there was a lack of ventilation in a specific cell. Visitors enquired if there were short term solutions for the detainee. The issue has been flagged with Police Scotland who are considering a future solution.

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- **Falkirk** – Virtual Court technology has been piloted at the Falkirk facility. Visitors advised that the pilot has caused increased stress for both the staff and detainees. It has also been noted that the lack of weekend court provision has resulted in significant build-up of detainee numbers on Mondays. Police Scotland have indicated that they are aware of these ongoing issues and will ensure that the Visitors observations are flagged with the Project Virtual Courts Team.

NORTH

- **Aberdeen** – Visitors noted issues with woodlice on the premises. Police Scotland are aware of the issue and are taking steps to address this. A pest control contractor has been instructed to attend the site with a view to identifying options for addressing the problem long term.
- **Fraserburgh** – The female shower facility is out of use. Police Scotland are aware of the issue, however progress to repair the fault has been delayed as checks for asbestos were required. Police Scotland Estates have since given approval for the completion of the repair, however at the time of writing there had been no progress with the repair. Police Scotland have escalated this issue with their appointed contractor.
- **Aberdeen** - Visitors raised concern that the door-to-van dock was not operational resulting in detainees having to enter the facility by alternative means. Police Scotland have informed ICVS that one of the roller shutters is not working and that they are currently awaiting specialist parts. Police Scotland have escalated this within the estates service and have requesting an update with regards progress of the parts / repair.

An update on the 6 areas outstanding will be provided in Q4 report for members to note.