



# ANNUAL REVIEW 2017-18

Independent Custody Visiting Scotland

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## FOREWORD

On behalf of the Scottish Police Authority (SPA) I am delighted to introduce the Annual Report of Independent Custody Visiting Scotland (ICVS). This report outlines the activities of the many dedicated people who contribute their own time to the scheme, and summarises the outcomes and key issues raised about the care and welfare of those held in police custody from 1 April 2017 to 31 March 2018.

Custody visiting in Scotland continues to be essential in providing independent scrutiny of the treatment of detained persons and the conditions in which they are held. The scheme helps to build partnerships between Police Scotland and the community it serves to help raise public confidence.

The ICVS scheme has enabled the SPA to fulfil its responsibility under the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to ensure that the wellbeing of those held in police custody is monitored and issues relating to detainees or custody estates are addressed.

The focus in the past year has been on adapting to Police Scotland's dynamic custody estate model ensuring the scheme reflects these changes. Also achieving the necessary training inputs to visitors and staff on the new Criminal Justice (Scotland) Act 2016. This legislation presented the biggest change to criminal procedures in Scotland in a generation and it is a testament to the efforts of Police Scotland that this change has been implemented effectively.

I would like to thank all our volunteers for their dedication and hard work throughout 2017-18 and, on behalf of the SPA Board, record our appreciation for the vital contribution they make to help improve the standard of custody across Scotland.



Susan Deacon CBE

Chair, Scottish Police Authority



## OVERVIEW

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.

OPCAT ensures that an established system of regular visits is undertaken by independent custody visitors to places where persons deprived of their liberty are held.

Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 requires that the SPA has an established system of regular visits in place undertaken by independent custody visitors to places where persons deprived of their liberty are held. It provides visitors with the necessary authority to carry out various tasks relating to the detention of persons there. Chapter 16 of the Act also established custody visiting in Scotland on a statutory basis. This report therefore details the fifth year of the fulfilment of that responsibility.

The prime consideration of the Independent Custody Visiting Scheme in Scotland is to provide community oversight on the rights, entitlements and wellbeing of detainees which can lead to improved outcomes in ensuring the good treatment of those in custody. ICVS prioritise visits made to vulnerable detainees and recognises the importance of oversight of these individuals.

This year ICVS's recruitment campaign focused on a target requirement to fulfil numbers within specific geographical areas, namely: Fife, Edinburgh and Shetland.

### Key inputs

All custody suites in the Police Scotland estate were visited during the period 1 April 2017 to 31 March 2018, fulfilling one of the scheme's prime obligations under OPCAT.

The SPA invested **£238,698** in facilitating and administering the Independent Custody Visiting Scheme.

### Key assurance outcomes

The SPA is pleased to report that, in over 1,400 unannounced visits, there were no reports of ill treatment.

The vast majority of routine care and welfare issues raised were resolved immediately by the custody officers at the time of the visit.

The percentage of detainees accepting visits as a proportion of those offered a visit has remained consistent at **73%** for the second year running.

## POLICE CUSTODY WITHIN SCOTLAND

Police Scotland has **33** custody centres which are open to receive custodies on a full-time basis, 24-hours a day, 365 days a year, **40** ancillary centres in outlying areas (e.g. rural/island which can be opened when required), **two** that may be open for a period over the weekend and **four** contingency centres that have been designated for overspill capacity e.g. for large events.

During 2017-18, **six** centres were closed on a permanent basis and removed from the custody estate. This was due to a variety of reasons including low throughput enabling better use of Police Scotland staff and resources.

These changes require ICVS to act quickly to review and revise visiting arrangements, often at short notice.

On the 25 January 2018, the Criminal Justice (Scotland) Act 2016 was implemented which introduced some of the most significant changes to the laws of criminal procedure in Scotland for at least a generation. It brought significant changes to the criminal justice system, protecting the rights of suspects while equipping the police with the necessary powers to carry out their role of Investigative Liberation (ongoing investigative purpose) and Post Charge Questioning (further interview).

### Engagement with Police Scotland

In order to ensure that there is consistent awareness and understanding about the purpose of, and need for, an ICV scheme in Scotland, the regional coordinators and national manager regularly engage with partners in Police Scotland.

The ICVS national guidance document went live in July 2017 to aide officers and staff when overseeing a visit from an independent custody visitor.

## UNDERPINNING THE SCHEME

### ICVS team

The ICVS team is made up of a national manager and three regional coordinators (covering the North, East and West). The coordinators are responsible for the day to day management of the custody visitors and are the first point of contact for help and support.

### Scheme governance

Regional coordinators arrange meetings between the custody visitors and the cluster inspector. Such meetings are arranged on a quarterly basis and provide an opportunity to discuss day to day issues and any problems which may arise. The national manager will highlight issues that are being raised consistently with Criminal Justice Chief Superintendent and/or SPA Board members.

### Scheme costs

In 2017-18, the SPA invested **£238,698** in administering the Independent Custody Visiting scheme. This includes the ICVS team salaries, recruitment campaigns, visitor expenses, training materials and training days, ICVS conference, meetings and induction days.

### Frequency of visits

The regional coordinators determine the frequency of visits by considering the throughput in each cluster, splitting them into weekly, fortnightly, monthly, quarterly, bi-annually and annually. The rotas are provided to the custody visitors on a quarterly basis, based on their availability.

## ICVS VISITOR

As of the 31 March 2018 there were a total of **141** independent custody visitors. During 2017-18, **27** Visitors were reappointed following their three year review, **29** custody visitors left the scheme and **13** new visitors joined.

The scheme is broadly reflective of the communities it represents and the gender ratio is **77** Female and **64** Male. The age range is evenly spread from 21 to 83 years old.

ICVS also carries out visits under the TACT (custody visitors who visit those detained under the Terrorism Act). Currently the scheme has **nine** volunteers, however, during 2017-18 there were no activations and a visit was carried out to check on the estate only at the centre.

<b>TABLE 1: Number of Independent Custody Visitor Volunteers</b>				
<b>Region</b>	<b>Number of current custody visitors</b>	<b>Custody visitors reappointed</b>	<b>Leavers</b>	<b>Custody visitors joined</b>
<b>North</b>	39	3	10	4
<b>East</b>	31	9	12	4
<b>West</b>	71	15	7	5

### Visits made

A total of **1,455** visits were carried out in police custody centres between the periods of 1 April 2017 – 31 March 2018.

**7,176** detainees were in custody at the time of the visits. Of these, **3,685** people were offered a visit which resulted in **2,701** detainees being interviewed by ICVs. The reasons detainees might not have been interviewed can include them being out of the cell at the time of visit and detainees declining the offer of an interview.

<b>Table 2: Visits undertaken 2017-18</b>		
<b>Details</b>	<b>Figures for 2017-18</b>	<b>Previous figures 2016-17</b>
<b>Total custody throughput (figures obtained from Police Scotland)</b>	130,755	143,620
<b>Number of visits</b>	1,455	1,567
<b>Number of detainees in custody</b>	7,176	8,069
<b>Number of detainees not available</b>	582	710
<b>Number of detainees offered a visit</b>	3,685	4,199
<b>Number of detainees accepting visit</b>	2,701	3,080
<b>Children throughput (figures obtained from Police Scotland)</b>	2,145	Not available
<b>Number of children offered a visit</b>	36	Not available
<b>Number of children seen by a visitor</b>	26	Not available
<b>Number of children not available</b>	12	Not available
<b>Refused access</b>	3	Not available

### Children in custody

Children in custody until 25 January 2018 were those who were under the age of 16 (including 16-17 year olds who were under supervision). After the implementation of the Criminal Justice (Scotland) Act 2016, children were determined as under the age of 18.

\*64 children were in custody centres at the time of these visits\*



<b>Table 3: Male and Female Detainee Visits 2017-18</b>							
<b>No of detainees</b>		<b>Offered</b>	<b>Observed</b>	<b>Seen</b>	<b>Not available</b>	<b>Refused access</b>	<b>Visits declined</b>
Adult (M)	6,054	2,951	48	2,163	453	209	788
Adult (F)	1,058	698	15	512	117	26	186

### Recruitment and appointment of custody visitors

The recruitment of custody visitors remains a continuing process for the ICVS scheme. This year focused on a targeted requirement to fulfil the numbers within Fife, Edinburgh and Shetland.

This included:

1. Advertising on websites – Volunteer Scotland and local volunteer organisations, such as Fife Voluntary Action and Volunteer Centre Western Isles.
2. ICVS section on the SPA website - an online application and Equality and Diversity monitoring form.

In order to ensure its continuing effectiveness, the scheme must maintain a constant flow of new custody visitors. During the reporting period **65** expressions of interest were received. The ICVS team maintain this on a regular basis.

### Training for custody visitors

Current custody visitors require to be supported in their role and it is essential that they receive appropriate training. This is achieved through a variety of activities.

1. **Criminal Justice (Scotland) Act 2016** – Training on the changes to legislation and how this may impact on custody visitors was delivered at the cluster meetings by the regional coordinators.
2. **Induction/information** - **Two** events were held over the course of the year for prospective custody visitors who had submitted application forms and wished to learn more about the scheme.
3. **Training days** - **Three** events were held for custody visitors who fully signed up to the scheme following the initial induction/information days.

4. **National conferences** - held at the Royal College of Physicians and Surgeons, Glasgow in May 2017. Speakers included Max Hill QC, Independent Reviewer of Terrorist Legislation and representatives from the Scottish Refugee Council, Police Scotland, PIRC and the Glasgow Drug Court. The 2018 conference was held in Edinburgh and attracted another significant cross section of the visitor community, with a particular focus on the impact of new legislative changes and a continuing focus on the underlying issues of vulnerability that lead to many detentions. More information will be captured in next year's annual report.
5. **TACT training - One** training event was delivered in conjunction with Police Scotland to both existing and prospective TACT custody visitors which included a series of practical exercises involving a rehearsed activation.
6. **Cluster meetings - 50** meetings (including **one** in Orkney and **one** in Shetland) were held to provide custody visitors opportunities to discuss any issues or points of note arising from previous visits. Guests are also invited to attend and this year these included representatives from Signpost Recovery, a substance misuse service operating across Forth Valley, who delivered an awareness session to visitors within this cluster area on their arrest-referral service. Police Scotland provided an input to the West volunteers on the various detainee meals being proposed for future roll out.
7. **ICVS newsletter** - the newsletter is now well established and has proven popular with custody visitors. Published on a quarterly basis, it is used to provide the custody visitors with updates and highlight good practice. During 2017-18, our newsletter highlighted personal and online security, the sanitary protection campaign developed by ICVA and Dame Elish Angiolini's review on deaths in police custody in England and Wales.

## WHAT WE FOUND

During the reporting period 2017-18, no reports of ill treatment were recorded. The majority of issues raised by detainees and custody visitors related to routine care and welfare issues and were often resolved at the time of the visit.

However, broader issues of environment, policy and practice have been raised - often connected to the physical state of Police Scotland custody centres, or the availability of adequate custody staff to deliver anything more than a very basic service.

### Visitors' comments/views

Based on views and feedback of the ICVS custody visitors:

#### 1. Access

Custody visitors continue to report on delays in gaining access.

In total **28** visits were delayed (30 minutes or more) and **73** were abandoned. Reasons included detainee processing times, custody centre too busy, medical emergencies, the introduction of the Criminal Justice (Scotland) Act 2016, centres closed due to shortage of staff and centres closed with no prior notice.

Police Scotland provided the custody visitors with the duty inspector force overview contact details to help improve the communication link and to allow them to make direct contact with the relevant custody supervisor. There were mixed reviews on this process but, in the main, custody visitors felt that the information they had been provided with at the time of visit was sufficient to decide to abandon the visit or accept the delay.

#### 2. Non-gender specific care

Custody visitors reported that, in a number of custody centres across the country, female detainees' care and welfare routine had been carried out by male staff and on some occasions there had been no female staff on duty.

During the reporting period, Police Scotland amended their Standard Operating Procedure regarding sanitary protection in order to improve the level of care provided to female detainees.

#### 3. Healthcare provision

Custody visitors expressed their views on the lack of health care provision within Grampian and raised their concerns over detainees having to be transported to hospital for treatment. Within Ayrshire, Lanarkshire and Dumfries and Galloway, it was mentioned that there are no custody nurses within the custody centres.

#### 4. Stock and supplies

Custody visitors also raised concerns over the lack of stock and supplies such as blankets and anti-harm suits across custody centres. This remains the same and custody visitors highlighted that some of the blankets/anti harm suits looked torn and worn out and didn't appear to be fit for purpose. Custody visitors noted that, within the east region, the single size garment did not meet the sizing needs of all detainees requiring to wear one.

#### 5. Washing facilities

The lack of washing facilities available and offered to detainees within custody centres continues to be reported by custody visitors. Within the West region, it was noted that there was an issue with the cleanliness of some shower areas.

Custody visitors noted that female detainees did not have ready access to a sink within their cells to wash their hands, when requiring to change sanitary protection.

#### 6. Fabric of custody estate

Custody visitors continued to report on the general lack of repair to the fabric of the custody estate throughout Police Scotland.

#### 7. Staffing

During the reporting period, custody officers and staff raised concerns to custody visitors over the use of "Remote Supervision", whereby a custody sergeant in one custody centre will be responsible for detainees in another suite.

#### 8. Cell lighting

It was highlighted in the North that the night lights were too bright and that they were not able to be dimmed to create an improved setting for detainees to be able to sleep.

#### 9. Food safety record

Custody visitors mentioned that on some occasions custody staff were not completing the food safety record sheet when recording the temperature of meals being prepared for detainees.

## **Issues for ICVS scheme**

### **Short notice closures**

The opening and closing of the custody centres continues to have an impact on the efficiency of the scheme. Short notice closures is an issue for ICVS in terms of allowing sufficient time to reschedule visits and plan ahead.

### **How Police Scotland responded**

A large number of issues raised throughout the year were resolved immediately by the custody officers at the time of the visit and, given the preventive nature of the scheme, this provided the most satisfactory resolution for the majority of the visits. Those that were unable to be resolved immediately were escalated by the regional coordinators and outcomes were discussed at the cluster meetings with Police Scotland.

In general the ICV reporting forms, completed by custody visitors, identified and praised the good work of officers and staff. However, there were occasions where visitors had commented on members of staff being negative and unhelpful towards them and the detainees. These were escalated to cluster inspectors for further investigation and further discussions with individual members of staff.

Overall Police Scotland were responsive and took action to resolve any matters promptly.

## ACTIVITIES DURING 2017-18

To help maintain a national standard of excellence, support the team and volunteers' learning needs, networking and information-sharing, it is important that ICVS does not operate in isolation from other similar bodies in the United Kingdom. ICVS engages with the following organisations and networks:

### NPM membership

ICVS is a designated member and works alongside members of the National Preventive Mechanism (NPM) to help raise awareness of the NPM role in prevention and to work together to help strengthen the protection of those in detention in the UK. The national manager attends regular meetings and provides specialist advice at various sub group meetings.

### ICVA

ICVS is also a member of the Independent Custody Visiting Association (ICVA) which is an organisation that promotes custody visiting across the UK through advocacy, training, publicity and ongoing support to all involved in the process. It aims to assist the ICVS scheme and others throughout the United Kingdom to establish best practice and increase public awareness and understanding. ICVA also hosts the Terrorism Act Network and National Expert Forum.

### Activities

There were three main areas of focus for ICVS during 2017-18, these were:

- improvement
- training
- recruitment

There were also a number of events and networks that both the ICVS professional team and custody visitors attended to support information sharing and the development of the scheme in Scotland.

- ICVS national manager attended the ICVA AGM in July 2017 to discuss the ICVA annual review.
- ICVS national manager and the east coordinator attended ICVA National Expert Forum.
- ICVS west coordinator, alongside Police Scotland partners, attended the National TACT conference in August 2017.

- ICVS east coordinator attended the Independent Custody Visiting Association (ICVA) national conference along with four custody visitors in Birmingham in March 2017, and also attended the ICVA scheme managers' conference in November 2017.
- The ICVS professional team facilitated a visit from the chief executive officer of ICVA in May 2017, which included a visit to a custody suite and the Scottish Terrorist Detention Centre.
- Regional coordinators delivered inputs on the scheme at a number of Police Scotland's custody officer training courses.
- The north and east coordinators attended Volunteer Scotland management training events. This was additional training which enabled them to take back learnings to the cluster meetings.
- Two of our visitors attended the SPA Board meeting in December 2017. This provided board members with a more in-depth knowledge of the work of the volunteers, was very well received by all and featured in national media coverage of the event.
- ICVS national manager and regional coordinators completed training on the Criminal Justice (Scotland) Act 2016 and Mental Health Awareness.

Feedback from attendees at these events demonstrate the value of our attendance, where best practice and new approaches are discussed.

## LOOKING AHEAD – ICVS

ICVS is seeking to continue to improve the effectiveness and impact of its work in improving outcomes for detainees and public confidence as part of the wider SPA improvement journey. In 2018-19, the scheme will:

- Continue to promote and raise awareness of the work of the volunteers.
- Maintain the consistently high proportion of detainees accepting visits.
- Work in collaboration with our criminal justice partners to continue to monitor changes brought about as a result of the Criminal Justice (Scotland) Act 2016, focusing on the change in demand and how this will impact the ICVS scheme.
- Further engage with partners, including HMICS, to build a wider knowledge to help shape and support a shared evidence base.
- Focus on recruitment - by reviewing our waiting list and approaching those individuals who expressed an interest during 2017-18.
- Ensure all data that SPA retains for the purposes of custody visiting continues to meet data management obligations – as laid down under new General Data Protection Regulations that came into force in May 2018.
- Identify new training priorities for custody visitors and members of staff to support their development and improve our performance.
- ICVS team undertake additional engagement with Police Scotland to ensure that training and information provided to officers and staff is in line with the statutory mandate.
- Continue to work closely with Police Scotland on the changing police custody estate to ensure the scheme continues to evolve in the new landscape.



## WANT TO KNOW MORE?

If you are interested in becoming an Independent Custody Visitor then please contact:

ICVS  
Scottish Police Authority  
1 Pacific Quay  
Glasgow  
G51 1DZ  
Email: [icvs@spa.pnn.police.uk](mailto:icvs@spa.pnn.police.uk)

For more information on the role of ICVS, please visit [www.spa.police.uk](http://www.spa.police.uk)



