



Agenda Item
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| Meeting | Policing Performance Committee |
| Date | |
| Location | |
| Title of Paper | ICVS Quarter 3 2022-23 Report |
| Presented By | Scott Ross, SPA Head of Change and Operational Scrutiny |
| Recommendation to Members | For Discussion |
| Appendix Attached | Yes – Appendix A - ICVS Q3 Report |

PURPOSE

This paper provides information on Independent Custody Visiting Scotland for the period October – December 2022 for consideration by the Committee.

1 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) 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 (ICVs) 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.

1.4 The terms of reference for the Policing Performance Committee state that the Committee will ensure reporting from 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 and the observations from the visitors within the ICVS Scheme for the period October – December 2022 for consideration by the Committee.

2 Summary of Findings October – December 2022

2.1 During the reporting period the majority of the visits conducted were physical face to face visits to Police Scotland Custody Suites. Throughput during October - December 2022 was **24,438** (19,915 males, 4508 female and 15 unknown).

| Region | Throughput | Visits | No of detainees in custody at time of visit | detainees not available | Detainees offered | Detainees seen |
|--------------|---------------|------------|---|-------------------------|-------------------|----------------|
| North | 5,452 | 64 | 189 | 34 | 99 | 63 |
| East | 6,523 | 86 | 456 | 62 | 172 | 130 |
| West | 12,463 | 109 | 488 | 57 | 264 | 195 |
| Total | 24,438 | 259 | 1133 | 153 | 535 | 388 |

*Cluster 11 (West) sits within the East visit stats above

- A total of 259 visits were attempted, 254 were successful.
- 19 of these visits were carried out via telephone monitoring.
- Of the 1133 detainees in custody at the time of visit 535 (47%) were offered a visit. (114 female, 413 male, 8 children).
- 388 detainees were seen by an ICV's (34%) (82 female, 299 male, 7 children)
- 153 (13%) detainees were not available at the time of visit.
- 147 (13%) detainees declined the offer of a visit.
- 5 visits had to be abandoned, all of which were face to face visits.
- **Overall 254 (98%)** visits were reported by ICV's as being successful visits.
- 228 of these visits ICV's recorded/commented on positive feedback regarding custody staff/ officers.
- 4 Legalised Police Cell activations reported and recorded.

- 2.2 During the 254 successful visits there was no recorded concerns relating to torture inhumane treatment.
- 2.3 The visitors continue to highlight in their observations that that there appear to be ongoing issues regarding the timely and appropriate offering and/or providing detainees with access to washing and showering facilities which has been articulated by PS colleagues during the visit as being due to the availability of staff to facilitate washing. The Police Scotland Care and Welfare Standard Operating Procedure (SOP) states that *where an arrested person is to be detained in custody for more than a full day, they must be offered facilities to wash and/or shave at least once per day.*
- 2.4 It is the view of a number of the ICVs that detainees' wellbeing and treatment would be improved if they were offered access to washing facilities at the first opportunity after being processed in custody where capacity and facilities allow and in particular where the detainee is due for court the next lawful day regardless of time spent in custody.
- 2.5 170 out of 254 successful visits (67%) had no outstanding issues as these were resolved at the time of visit.
- 2.6 During the reporting period 59 visits (23%) were resolved after the regional coordinators followed up with cluster Inspector.
- 2.7 25 visits (10%) were noted as having an outstanding issue/concern. The majority of these are related to continuing estate issues. The ICVS is aware that Inverness, Rothesay and Dunoon are all part of a refurbishment plan and work is currently ongoing.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

4 PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications in this report.

5 LEGAL IMPLICATIONS

- 5.1 There are no legal implications in this report.

6 REPUTATIONAL IMPLICATIONS

6.1 There are no adverse reputational implications in this report and public confidence is enhanced by the ICVS recording no OPCAT issues in the period.

7 SOCIAL IMPLICATIONS

7.1 There are no social implications in this report.

8 COMMUNITY IMPACT

8.1 There are no community implications in this report.

9 EQUALITIES IMPLICATIONS

9.1 There are no equality implications in this report.

10 ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of this paper

11 APPENDIX A



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

INDEPENDENT CUSTODY VISITING SCOTLAND QUARTER 3 REPORT

February 2023

1 INTRODUCTION

Independent Custody Visitors (ICV's) are members of the local community who volunteer to visit police stations unannounced to check on the treatment and welfare of people held in police custody in Scotland.

ICV visits and recommendations can require the police to make improvements for the welfare of detainees. Working as part of the oversight of police custody they play a valuable role in maintaining public confidence in this high risk area of policing by making sure detainees are treated right.

Our volunteers are made up of a diverse group of people from Scotland including highlands and islands.

The Scotland ICV scheme is a member of the Independent Custody Visiting Association (ICVA).

ICV's visits are in line with Chapter 16 of the 2012 Police and Fire Reform Act (Scotland) which sets out the Authority's requirement for the provision of an independent custody visiting scheme.

1.1 Report Purpose

The purpose of this report is to provide SPA Policing Performance Committee with an update on the visits carried out and observations made by visitors, during the quarter two reporting period (July - September 2022). The report includes a number of key considerations:

- Whether visits have been successfully completed (i.e were visitors able to access custody facilities in order to make their observations)
- Whether any OPCAT related concerns were identified
- Facility improvements advised or defects identified
- Issues identified and whether these had been addressed during the visit or are still unresolved.
- Remedial actions committed to by custody staff or issues which require to be followed up or escalated

2 Report Findings

2.1 Key Activity

During the reporting period the majority of the visits conducted were physical face to face visits to Police Scotland Custody Suites.

Throughput during October – December 2022 was **24,438** (19,915 males, 4508 female and 15 unknown).

| Region | Throughput | Visits | No of detainees in custody at time of visit | detainees not available | Detainees offered | Detainees seen |
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| North | 5,452 | 64 | 189 | 34 | 99 | 63 |
| East | 6,523 | 86 | 456 | 62 | 172 | 130 |
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| Total | 24,438 | 259 | 1133 | 153 | 535 | 388 |

*Cluster 11 (West) sits within the East visit stats above

- A total of 259 visits were attempted, 1133 detainees in custody at the time. 254 were successful
- 19 of these visits were carried out via telephone monitoring.
- Of the 1133 detainees in custody at the time of visit 535 (47%) were offered a visit. (114 female, 413 male, 8 children).
- 388 detainees were seen by an ICV's (34%) (82 female, 299 male, 7 children)
- 153 (13%) detainees were not available at the time of visit.
- 147 (13%) detainees declined the offer of a visit.
- 5 visits had to be abandoned, all of which were face to face visits.
- **Overall 254 (98%)** visits were reported by ICV's as satisfactory.
- 228 of these visits ICV's recorded/commented on positive feedback regarding custody staff/ officers.
- 4 Legalised Police Cell activations reported and recorded.

2.2 OPCAT concerns

During the 254 successful visits there was **no recorded concerns** relating to torture inhumane treatment.

The visitors continue to highlight in their observations that there appear to be ongoing issues regarding the timely and appropriate offering and/or providing detainees with access to washing and showering facilities which has been articulated by PS colleagues during the visit as being due to the availability of staff to facilitate washing. The Police Scotland Care and Welfare Standard Operating Procedure (SOP) states that where an arrested person is to be detained in custody for more than a full day, they must be offered facilities to wash and/or shave at least once per day.

It is the view of a number of the ICVs that detainees' wellbeing and treatment would be improved if they were offered access to washing facilities at the first opportunity after being processed in custody where capacity and facilities allow and in particular where the detainee is due for court the next lawful day regardless of time spent in custody.

2.3 Children in Custody

During the reporting period 1,063 children were processed through police custody (297 younger child, 633 older child, 16/17 under supervision 133) the below table is broken down into East, North and West.

| Category | East | North | West |
|-------------------------|------------|------------|------------|
| Younger Children | 62 | 85 | 150 |
| 16/17 CSO | 19 | 21 | 93 |
| Older Children | 133 | 242 | 258 |
| TOTAL | 214 | 348 | 501 |

**CSO – Compulsory Supervision Order*

**Older Children – those ages 16 and 17 not on a CSO.*

During the conduct of their visits ICVs visited/observed 7 older children and 2 younger children in custody.

7 males, in the older children category, visited by ICVs were reported that they had been given appropriate attention and provided with relevant services.

- 1 male older child had asked for his Letter of Rights (LoR) and requested that his own lawyer is required. He had not been offered a wash at the time the visit and requested a shower. This was

flagged with Inspector and they confirmed that the LoR was provided and accepted and wash was offered and accepted.

- 1 male older child refused a visit however the ICVs had concerns regarding age (16 years) and contacted the East Co-Ordinator to follow up and check the National Custody System. Appropriate processes had been followed and the individual was released on an undertaking.
- 1 male older child very upset and concerned he was going to be homeless after custody. ICVs spent some time with the older child to provide reassurance and to ensure that there was appropriate support available i.e. social work, community alternatives. ICVs were able to encourage him to work with all services and help alleviate his concerns.
- 1 younger child who was male and under CSO, knew the reason for their detention.
- 1 female younger child, when ICVs asked if she was aware of reason for detention replied "not really". ICVs asked the CJPCSO (Criminal Justice Police Custody Security Officer) to explain the reason and she was also given a book to read.

2.4 Access Issues

The ICVS continues to see a drop in the number of abandoned visits with only 5 being recorded this quarter, as opposed to Q2 which saw 14 visits reported as abandoned. All 5 visits which were abandoned this quarter were planned to be face to face.

ICVs attending Lerwick have raised concerns with the ICVS and with the Cluster Inspector that when they attended Lerwick they could hear officers in the building but no-one answered the door or phone and when they did get access the centre did not appear to be busy.

Aberdeen officers and staff forgot about the ICVs being on site, they had been left in one of the closed off offices. After 45 minutes the ICVs had no choice but to try find help. They were then asked to wait a further 5 – 10 minutes.

Both visits were raised with senior officers and highlighted to staff the importance of access and supporting ICVs whilst in custody.

Code of Practice section 48 states ICVs must be admitted to the custody area immediately. Delay is only permitted when immediate access may place the ICVs or another individual within the custody area in danger. A full explanation must be given to the ICVs as to why access is being

delayed and that explanation must be recorded by the ICVs in their report.

ICVS are finding that there is issues with 101 call staff not being aware of who ICVS are and there is a need to raise awareness within this area of policing.

2.5 Custody Estate and Facilities

During visits ICVs monitor and note any observations in relation to the estate and facilities. They are asked to note the general upkeep of the building and to explore specific aspects of the custody suites such as the operation of CCTV, any cells out of use, the state of lighting and condition of toilets and washing facilities.

ICVs continue the practice of partnering with visitors from other localities to cross cover to mitigate the limited visitor numbers and also to help visitors have an input and cast fresh eyes on unfamiliar custody centres. This reduces the risk of issue fatigue where a visitor presented with the same issue across a number of visits may stop recording repeat issues. By pairing visitors up from other clusters it ensures a continue focus on escalating related issues to allow resolution to be pursued. This is something the ICVS team will continue to maintain, allowing visitors to share best practice across clusters.

Estates and Facilities Observations – East

| Facility Concern | Number of facility concerns |
|--------------------|-----------------------------|
| Cells | 7 |
| Other | 7 |
| Stores/supplies | 5 |
| Temperature | 1 |
| Ventilation | 1 |
| Washing facilities | 5 |

In last reporting period (Q2) there were 20 facility estate issues recorded in the East, this is up to 26 for this quarter. The below bullet points summarise some of the estate related observations made by visitors for the East region.

- There were clothes recorded as lying on the floor, this has since been flagged with the inspector and advised that bags for clothing will be ordered.
- Some cells were being used as property stores for detainees clothing. This site was awaiting lockers for detainees' property. A health and safety issue was spotted due to large boxes being

stacked up with a risk of injury. Response from Inspector – We are waiting on the new boxes arriving and these will be set up in another area as originally planned. These boxes have still not arrived and this will continue to be highlighted at cluster meetings.

- Visitors highlighted issues at custody suites in North Lanarkshire where food was being stored in cells, after highlighting on a few occasions ICVS can report that visitors recorded in December that all food had been removed and stored appropriately near the kitchen area.

Estates and Facilities Observations – West

| Facility Concern | Number of facility concerns |
|--------------------|-----------------------------|
| Cells | 18 |
| Stores/supplies | 7 |
| Other | 6 |
| Washing facilities | 3 |
| Cleanliness | 2 |
| Temperature | 2 |
| CCTV | 1 |

For the west there were 39 facility concerns raised, in Q2 there were 40. The below bullet points summarise some of the estate related observations made by visitors for the West region:

- There continues to be multiple cells out of use across the estate.
- There appears to be an issue with stock of clothing and blankets in the West. Multiple centres all received reports of stock issues where items were not being returned on time or returned at all after washing. In particular one suite seems to have a long term issue with clothing and anti-ligature suits.
- At one custody suite delivery of clothing and bedding received in October 2022 was delivered damp due to a leak in the van, items had to be dried on site by custody staff. Update from Sgt advised that the laundry got sent back and emergency supplies were brought from Dumfries. These issues continue to be raised at cluster meetings.

Estates and Facilities Observations – North

| Facility Concern | Number of facility concerns |
|--------------------|-----------------------------|
| Cells | 20 |
| Other | 11 |
| Alarm | 9 |
| Stores/supplies | 9 |
| Toilet facilities | 5 |
| Lighting | 3 |
| CCTV | 2 |
| Temperature | 2 |
| Washing facilities | 2 |
| Capacity | 1 |
| Cleanliness | 1 |

The below bullet points summarise some of the estate related observations made by visitors in the North:

- On suite continues to have laundry issues, what goes to the supplier is not being returned so shortages are occurring on a regular basis. Another custody suite are providing items to help out, however this is leaving them also short.
- One suite has 10 cells out of use due to flooding issues.
- At another suite the male shower has been out of order for some time and reported several times however still not resolved.
- Visitors in the North reported that there was a lack of choice of food and felt that the options were of poor calorific value.

2.6 Detainee Rights Issues

Summary Table:

| Detainee Concern | Number of detainee concerns |
|----------------------|-----------------------------|
| Letter of Rights | 56 |
| Medical | 34 |
| Wash | 31 |
| Named Person | 29 |
| Reading/Writing | 28 |
| Solicitor | 25 |
| Bedding/Blanket | 20 |
| Food/Drink | 18 |
| Other | 14 |
| Reason for Detention | 13 |
| Clothing | 12 |
| Terminated | 12 |
| Comfort | 5 |
| Toilet facilities | 4 |
| Complaint/Allegation | 3 |
| Dietary | 3 |
| Buzzer Isolation | 2 |
| Anti Harm Suit | 1 |
| Exercise | 1 |

Only those issues/concerns that are outstanding during the reporting period and not addressed at the time of visit or where it had to be followed up by the regional coordinator are now recorded as an issue/concern below.

Letter of Rights

The majority of points raised regarding letter of rights were in relation to detainees advising they had not received and/or understood the LoR. This is being recorded on a regular occurrence by ICVs. Detainees are provided with the LoR during first stage of the process and are usually disposed of

by the detainee throughout their stay. On most occasions ICVs are able to request a copy or request that the officer/staff re-explain to the detainee.

Healthcare

Healthcare provision continues to be an issue with regards to timing of when detainees receive their medication and the type of medication they are given.

For instance if a detainee advises they are on a particular medication and a nurse/doctor won't administer this or where police have called the pharmacy for a prescription but advised that the person has not had that medication for a number of years.

HMICS joint base line review with Healthcare Improvement Scotland will be published in January where recommendations were made which ICVS fully support. These recommendations are regarding the improvement of healthcare provision within custody. The full report can be found on the [HMICS website](#).

Washing and Showering Facilities

Reports are still being received where ICVs advise that detainees are not being offered a shower/wash due to staffing availability, showers out of operation or where they do not have the facilities. Wash kits are being provided, however, this is not always effective depending on the individual needs. Everyone has a right to a wash and it is the view of the ICVS that this is something that should be offered at the point of booking in.

2.7 Issues for Escalation to Cluster Inspectors or above

170 out of 254 successful visits (67%) had no outstanding issues as these were resolved at the time of visit.

During the reporting period 59 visits (23%) were resolved after the regional coordinators followed up with cluster Inspector.

25 visits (10%) were noted as having an outstanding issue/concern. The majority of these are related to continuing estate issues. The ICVS is aware that Inverness, Rothesay and Dunoon are all part of a refurbishment plan and work is currently ongoing.

Some key issues that have been escalated are outlined below:

OFFICIAL

- At one suite the ICVs observed one detainee in part anti-ligature clothing this was due to the individual's vulnerability, however a full suit was not provided due to lack of suitable sizes.
- All showers at one suite were noted as messy, shower in 2nd corridor, floor dirty, and water not draining properly. This has been reported previously and an issue with the floors and drains identified, however not yet resolved.
- At another suite there is also shower facilities still not working efficiently, this has also previously been reported several times.
- At one suite the temperature of the cells is an issue and requires to be addressed.

2.8 Positive reports

Out of the 254 successful visits 228 (88%) the ICVs recorded positive comments about custody officers and staff and their friendly approach to not only dealing with ICVs but the way in which they dealt with vulnerable detainees.

ICVS is seeing more positive work happening in and around custody, the linked up partnership approach with having charities on site is a positive approach, however the team are seeing really good work at local levels not being rolled out nationally.

At Dumfries ICVs were informed about a new pilot scheme 'Gambling Harm' which is an anonymous questionnaire that requires to be filled in, and self help guide given out to all detainees.

3 Review Actions

The below lists details of some progress towards the ICVS Improvement Plan:

- ICVS database and quality check of data recording ensuing only issues/concerns outstanding are recorded.
- New visitor record and visit report form has been signed off, this is will provide a more rich and detailed and streamlined way of reporting. Thus providing the ICVS team with a more informed record of the visit. Training was carried out in Q4 for all ICVs.
- ICVS are looking into producing a proposal to incorporate menopause into Police Custody policies and procedures. This will help enhance care and welfare procedures for persons in custody to ensure additional support for female detainees that are experiencing symptoms associated with the menopause.
- Partnership approach required with 101 staff and officers to raise awareness of ICVS. ICVs are required to use the police centre call button which directly goes through to 101 for access and access is not being granted through 101.