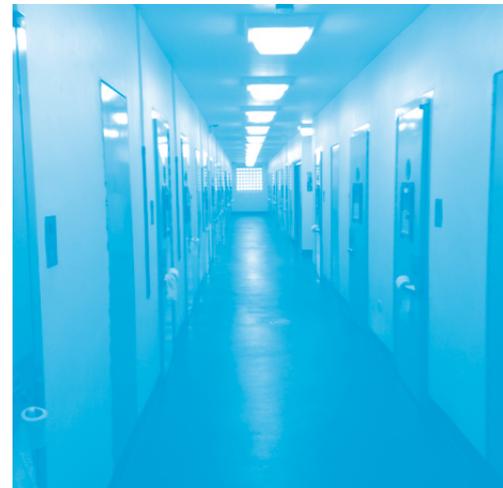

HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Thematic Inspection of Police Custody Arrangements in Scotland

August 2014





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HM Inspector of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide-ranging powers to look into the ‘*state, effectiveness and efficiency*’ of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (The Authority).¹

We have a statutory duty to ensure that the Chief Constable and the Authority meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the Authority or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.
- The Authority and the Chief Constable must provide us with such assistance and co-operation as we may require to carry out our functions.
- When we publish a report, the Authority and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.
- Where we make recommendations, we will follow them up and report publicly on progress.
- We will identify good practice that can be applied across Scotland.
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the Authority to deliver services that are high quality, continually improving, effective and responsive to local needs.²

This thematic inspection was undertaken by HMICS in terms of the Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and laid before the Scottish Parliament in terms of Section 79(3) of the Act.

¹ Chapter 11, Police and Fire Reform (Scotland) Act 2012.

² HMICS, [Corporate Strategy 2014-17](#) (2014).



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Our inspection

The aim of this thematic inspection was **to assess the state, effectiveness and efficiency of police custody arrangements in Scotland and to assess the care and welfare of detainees.**³ Depriving people of their liberty for any reason comes with significant responsibility for their safety and welfare and presents risks that must be carefully managed. The police service is responsible for the proper care and protection of those in custody, including their physical, mental and welfare needs. The risks associated with depriving people of their liberty can be mitigated by high standards within custody centres, robust operating procedures and effective partnership working.

This inspection is part of an ongoing programme of custody inspections which contribute to the United Kingdom's response to its international obligations under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by a National Preventive Mechanism (NPM), an independent body or group of bodies which monitor the treatment of and conditions for detainees. HMICS is one of several bodies making up the NPM in the UK.⁴

This inspection builds on previous inspections in 2008, 2009 and 2012. Our last inspection in 2012, prior to the introduction of the single service, focused on the care and welfare of detained or arrested persons in police custody and consisted of unannounced visits to the main custody centres in each of the eight legacy force areas. In this inspection, we have taken the opportunity to review and close our legacy recommendations. Appendix 4 sets out our assessment and the status of legacy custody recommendations.

Our fieldwork took place during February and March 2014, which was only 10 months after the creation of the Police Service of Scotland. Our findings should be considered against a background of major reform. Police Scotland has implemented a new model for the delivery of custody, which moved from local divisional control to a single national division. Our inspection provided a timely opportunity to assess how well the new national approach to custody has been implemented by Police Scotland.

We visited 22 custody centres (see Appendix 3) and observed key custody processes, spoke with detainees, frontline staff, independent custody visitors and key partners. We also interviewed senior managers in Police Scotland and in Custody Division. We reviewed documentation and

³ In this report, the term 'detainee' is used to refer to all those held in police custody. It includes those who have been arrested and those who have been detained under section 14 of the Criminal Procedure (Scotland) Act 1995 and other salutatory provisions.

⁴ For more information about the UK's NPM, see its [website](#).



analysed a sample of 310 custody records. We took the opportunity to test the values of integrity, fairness and respect set out by Police Scotland in its Annual Police Plan as well as the principles set out in its Code of Ethics.⁵

The inspection activity was carried out under our new Inspection Framework⁶, with a systematic examination of:

- *Outcomes*
- *Leadership and governance*
- *Planning and processes*
- *People*
- *Resources*
- *Partnerships*



More detailed information on our inspection methodology is provided in Appendix 2.

The Scottish Government set three objectives for police reform: *(i) to protect and improve local services; (ii) to create more equal access to specialist support and national capacity; and (iii) to strengthen the connection between police services and communities.*⁷ We have taken the opportunity during this inspection to reflect on the extent to which these reform objectives are being achieved in terms of police custody.

HMICS wishes to thank Assistant Chief Constable Campbell Thomson, Chief Superintendent Ciorstan Shearer and their staff for their support and co-operation during our inspection.

Our inspection team was led by Tina Yule, supported by Laura Paton, Stephen Whitelock, and Justine Menzies (all Lead Inspectors), and Carol Dobson (Associate Inspector).

Derek Penman QPM

HM Inspector of Constabulary (Scotland)

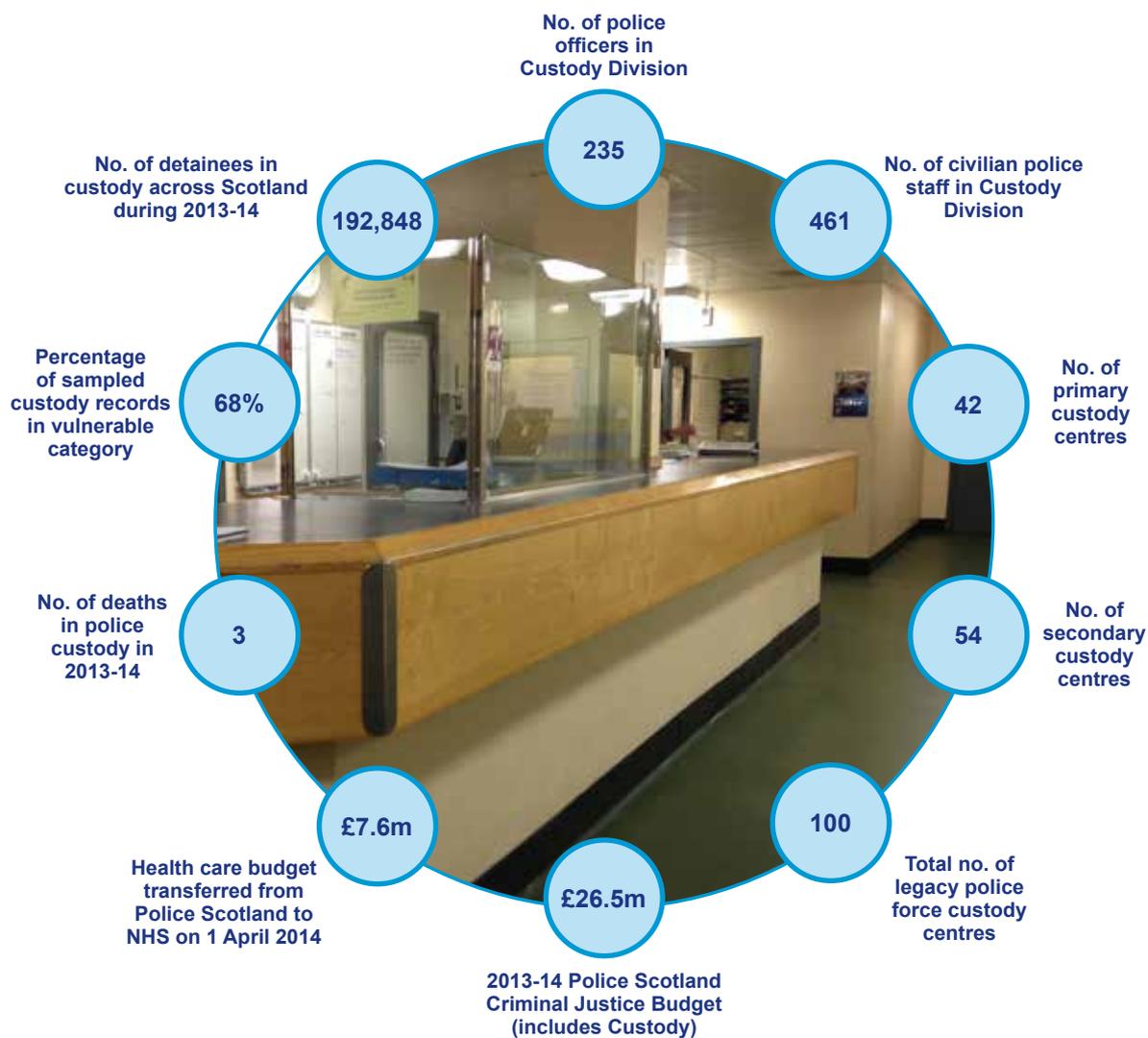
August 2014

⁵ Police Scotland, [Annual Police Plan 2014/15](#) (2014) and Police Scotland, [Code of Ethics for Policing in Scotland](#) (2014).

⁶ HMICS, [Corporate Strategy 2014-17](#) (2014).

⁷ Scottish Parliament, [Police and Fire Reform \(Scotland\) Bill: Policy Memorandum](#) (2012).

Key facts





Prior to 1 April 2013, police custody in Scotland was delivered by the eight legacy forces. Under Police Scotland, a new single Custody Division has been established to promote consistency of working practices and levels of service across the country. Custody Division sits alongside the 14 local policing divisions which form part of the local policing directorate in Police Scotland. Custody is one of three national divisions within the directorate (as well as the Criminal Justice and Contact, Command and Control Divisions) which support local policing and work alongside the national specialist divisions such as the Specialist Crime and Operational Support Divisions. Custody Division is still developing its structure, practice and culture whilst continuing to deliver 'business as usual' in custody centres across Scotland.

There are currently 12 geographical clusters of custody centres with 42 primary centres, 54⁸ secondary centres and six contingency centres. Primary centres are the main sites used for holding detainees. Secondary centres tend only to be used where there are issues of capacity in a particular area. The specialist Scottish Terrorist Detention Centre (STDC) at Govan is also staffed by custody personnel when activated. At the time of our inspection there were 696 people working within Custody Division (police officers and civilian staff) with a throughput of approximately 200,000 detainees per annum. A budget of £26.5m was allocated jointly to the Criminal Justice and Custody Divisions for 2013-14, however, this budget was not disaggregated across the divisions and we were therefore unable to ascertain the full cost of delivery of the custody function at the time of our inspection. There are no national performance indicators or targets currently in place for custody.

The division is led by a Chief Superintendent, who reports to the Assistant Chief Constable (ACC) for local policing (north area). This ACC reports to the Deputy Chief Constable (DCC) for local policing. There are now three superintendents within the division managing different aspects of custody delivery, and three chief inspectors managing the three operational areas (north, east and west). A divisional co-ordination unit provides central support.

A standard operating procedure for custody (the 'custody policy') has been implemented.⁹ This custody policy is supported by a number of other complementary or subsidiary policies and guidance. The initial version of the custody policy reflected legacy force variations in practice which were often associated with physical constraints of specific custody centres, local geography or ICT systems. Custody policies have been updated and new iterations reflect further consolidation of

⁸ Subsequent to the fieldwork being carried out this figure is now 53.

⁹ Police Scotland, *Care and Welfare of Persons in Police Custody Standard Operation Procedure* (version 2.0, 2014).



practice and organisational learning.

A major project has been undertaken to transfer responsibility for health care provision in custody centres to NHS Scotland. This involves the transfer of £7.6m from Police Scotland to local health boards. Although the transfer was due to take place in 2013, the project has experienced delays and was implemented in most areas on 1 April 2014.

The future structure, resourcing, estate and delivery models for custody are being developed including a revised vision and strategic delivery plan. The draft strategic proposal was to be considered by Police Scotland in May 2014.

Legislative framework

The legislative framework for dealing with the majority of people who come into police custody in Scotland is the Criminal Procedure (Scotland) Act 1995. The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010 has also had an impact on police custody through changes to access to solicitors by detainees.

The implications of the Carloway review¹⁰ and the Criminal Justice Bill, currently before the Scottish Parliament, are the subject of a Police Scotland project to assess operational impact and costs. Currently these are still being developed but are likely to have a significant impact on day-to-day custody operations. Once enacted, implementation of the Criminal Justice Bill is likely to commence in 2015-16, possibly in advance of a new custody ICT implementation. This will require the division to implement manual systems to meet any new demands placed on it.

The Police and Fire Reform (Scotland) Act 2012 sets out the arrangements for independent custody visiting which must be made by the Scottish Police Authority (SPA). Independent custody visiting forms an important part of the assurance process around the care and welfare of detainees. Like HMICS, independent custody visitors in Scotland are members of the UK's NPM.

¹⁰ Lord Carloway, [The Carloway Review: Report and Recommendations](#) (2011).

Key findings

- Our overall assessment of the objectives of police reform in relation to custody is that the function has improved significantly through an increased specialism and consistency of practice compared to legacy forces. The new single division has also strengthened its connection with partners.
- The new Custody Division inherited a disparate landscape of eight legacy force functions and faced challenges in bringing these together at a time of significant wider change in order to ensure consistency and manage risk.
- Custody remains a high risk environment. The increasing proportion of detainees with complex needs is changing a short-term custodial setting into a care environment for highly vulnerable individuals.
- Detainees are well cared for and treated with respect and dignity.
- Custody staff exhibit patience, professionalism and a genuine desire to care for those in custody.
- Custody conditions across Scotland vary widely, with many custody centres requiring significant investment to maintain or improve detainee and staff security and health and safety.
- The goal of single cell occupancy is welcome, but is currently creating capacity and resourcing issues that are unlikely to be resolved until there is significant investment in the custody estate and a new model informed by improved management information is in place.
- The transfer of health care responsibility from Police Scotland to the NHS on 1 April 2014 was a major undertaking that followed on closely from the formation of Police Scotland and the parallel establishment of the national Custody Division on 1 April 2013.
- Arrangements for referral and diversion from police custody are often ad hoc and dependent on local relationships. Access to mental health referral schemes is limited. A review of the scope of current referral and diversion schemes is required to address any gaps in provision.
- While we welcome the division's strong focus on risk management, its approach is sometimes disproportionately risk averse. Effective risk management is essential and while a risk averse approach is understandable, the universal application of policies and the removal of discretion from staff may adversely affect some detainees.
- The new Custody Division is operating effectively with strong leadership and a genuine focus on improvement and organisational learning, but still has more to do to achieve consistency of practice at local level.



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- Custody Division currently has no comprehensive plan in place for its workforce and relies strongly on local policing resources. A consistent and comprehensive approach to training needs to be addressed as a matter of priority.
 - There is limited management information available on resourcing or custody delivery. A lack of baseline financial data is preventing effective identification and understanding of custody costs and efficiencies.
 - National partners were positive about their interactions with Custody Division. They welcomed the single point of contact that a national service provided and thought this led to greater consistency and clearer lines of communication.
 - Custody Division needs to consult and engage with staff more effectively as well as its key partners and stakeholders when planning and developing policy, and specifically when developing the strategic proposal for the future of custody.
 - We are satisfied that the new division is effective and efficient and is embracing continuous improvement.
 - We are satisfied that all outstanding recommendations from HMICS thematic inspections of custody conducted since 2008 have now been closed. All relevant improvement activity has been captured and will be taken forward by Police Scotland.



Recommendations

Recommendation 1

Police Scotland should introduce more efficient processes to better manage capacity across the custody estate. These processes should allow officers to be effectively directed to custody centres where there is sufficient available capacity to accept their detainees.

Recommendation 2

Police Scotland should review its approach to single cell occupancy and consider a more proportionate approach to risk assessment allowing local discretion to use multiple cell occupancy where appropriate.

Recommendation 3

Police Scotland should reassess the future level of demand and need for detainee transfers alongside the wider management of capacity across the custody estate in order to develop a more sustainable model. The current transfer protocol should be reviewed and incorporated within custody policy.

Recommendation 4

Police Scotland should review the wider security of the custody environment and conduct a physical security audit at each custody centre.

Recommendation 5

Police Scotland should undertake routine health and safety inspections within custody centres, including a wider review of equipment standards and availability, staff awareness of accident and fire records, and fire evacuation procedures and drills.

Recommendation 6

Police Scotland should review its approach to use of force in custody and focus on raising awareness, providing clear guidance and monitoring the use of restraint and force at a divisional level in order to inform policy and training.

Recommendation 7

Police Scotland should review its hourly rousing policy and whether it is necessary and proportionate when applied to all detainees regardless of risk.



Recommendation 8

Police Scotland should review the availability of showers and exercise for detainees to develop a consistent approach and reflect this within any future estate improvement programme.

Recommendation 9

Police Scotland should engage with criminal justice partners and review the solicitor access recording form to improve accessibility. Police Scotland should ensure officer guidance and training emphasises the need to communicate the form's contents in a manner that is better understood. Police Scotland should also ensure that the Letter of Rights is issued when required during the booking-in process and this is verified in the custody audit process.

Recommendation 10

Police Scotland should join with its partners in the NHS, voluntary sector and local authority social care, recognising the role of community planning partnerships and alcohol and drugs partnerships across Scotland, to review the scope of current referral and diversion schemes and seek to address any gaps in provision.

Recommendation 11

Police Scotland should secure more robust management and performance information and develop a stronger evidence base to enable the evaluation of benefits and outcomes for the division.

Recommendation 12

To further address inconsistencies in practice, Police Scotland should build on its approach to custody audit, with frequency of audits being reviewed and consideration given to additional cross cluster audits. Consideration should also be given to a centralised resource to further support and undertake the additional work.

Recommendation 13

Police Scotland should develop a custody training strategy and implementation plan. This should be informed by a training needs analysis which covers all staff working within custody.



Recommendation 14

As a matter of urgency, Police Scotland should finalise the Custody Estate Strategy and work in partnership with the Scottish Police Authority and Scottish Government to prioritise investment in the custody estate.

Recommendation 15

Police Scotland should seek to engage with its stakeholders as part of its development of a strategic proposal for custody ensuring that there is a shared vision and that further opportunities for joint working are optimised.

Improvement actions

HMICS has identified 39 areas for improvement in this report for consideration by Police Scotland and its partners (see Appendix 1). It is expected that these areas will be considered for inclusion in improvement plans at a local level and embedded in the division's learning approach. Improvement actions have been identified in italics throughout the report.

HMICS views these actions as less strategic than our recommendations: improvement actions are aimed at a more operational level.

Outcomes

1. Custody keeps the wider community safe through the detention of those who may pose a threat to others or themselves, and keeps those who are held within custody centres safe during their stay. However, custody also supports the delivery of wider justice outcomes such as public confidence, efficient and effective service delivery, lowering the risk of unintentional harm, working in partnership and delivery of fair and accessible services.
2. Police Scotland has a statutory purpose to improve the safety and wellbeing of people, places and communities in Scotland. It has also identified six policing priorities for 2014-15 with an overall focus on keeping people safe:
 - violence, disorder and antisocial behaviour
 - road safety and road crime
 - protecting vulnerable people
 - serious organised crime and counter terrorism
 - major events and resilience
 - implementing a corporate strategy¹¹

Custody supports all of these priorities and has the potential to support the wider public sector shift toward preventative work through opportunities for diversion schemes and work with other partners to access 'hard to reach' groups for key services.

¹¹ Police Scotland, [Corporate Strategy 2014](#) (2014).



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3. Our inspection of custody sought to assess outcomes for detainees, concentrating on their treatment and conditions, individual rights and health care.

We have assessed detainee treatment and conditions on a number of key areas:

- Is the arrival and departure of detainees from custody managed safely?
- Are detainees apprehended and taken into custody quickly and with the minimum amount of force necessary?
- Are detainees treated with respect for their human dignity?
- Are they treated fairly and equitably and as individuals with specific and diverse needs?
- Are detainees held safely?
- Are detainees searched in a respectful, sensitive and proportionate manner?
- Is any use of force lawful and proportionate?
- Are detainees held in a centre that is clean and in a good state of repair?
- Are detainees able to be clean and comfortable when in custody?
- Are detainees offered sufficient food and drink?
- Are detainees offered outdoor exercise and reading materials?

Source: HMICS Custody Inspection Framework



Treatment and conditions

Key messages

- The custody centre is increasingly a setting of care for those with complex and multiple needs.
- People are kept safe and there is no evidence of deliberate ill-treatment.
- Detainees feel they are treated fairly and respectfully, reflecting Police Scotland values.
- Custody staff demonstrate patience, professionalism and a genuine desire to care for those in custody.
- There is strong adherence to the main custody policy with a focus on risk management.
- There is still variation in practice at local level and greater consistency in day-to-day processes is required.
- Conditions vary widely and there are significant legacy estate issues and constraints in many centres.
- The goal of single cell occupancy is welcome, but is currently creating capacity and resourcing issues that are unlikely to be resolved until there is significant investment in the custody estate and a new model informed by improved management information is in place.
- Detainee transfer is being used to manage capacity issues but is not sustainable at current levels.
- Detainees have limited access to showering and exercise.

4. It is evident that the custody centre is increasingly a setting of care for those with complex and multiple needs. Of the 310 custody records we sampled, 68% of detainees declared either medical, mental health or substance misuse issues. This was confirmed in our on-site observations and in discussions with detainees, senior management and staff. Similarly, the three deaths and eight serious incidents in custody centres in 2013-14 all involved vulnerable detainees. Fundamentally, rather than providing an interim custodial service, Police Scotland is increasingly caring for highly vulnerable individuals within limited policing resources. Further opportunities to work with partners in the NHS, social care and voluntary services across community planning partnerships should be explored to ensure that people in our communities are cared for in the most appropriate setting and that vulnerability is suitably managed.



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5. There is strong adherence to the main custody policy. Standards of care are generally good but are variable across the country.

Arrival, processing and departure

6. On arrival at the custody centre, most detainees are routed through a vehicle access area. These were generally observed to be secure and of an adequate size, often with an accessible ramp to the centre itself. However, a number of docking areas were unsecured, too small to receive vehicles of required size, without a ramp and with limited CCTV coverage. We recognise that these issues are mainly a result of legacy design and ad-hoc estate development by legacy forces.
7. Many, but not all, custody centres have a holding area at the entrance to the centre. Detainees will be held in a queue in this area until they can be booked in at custody reception ('the charge bar'). As privacy can be a concern at booking-in, and often these areas have restricted capacity by design, numbers being processed simultaneously can be limited. If a holding area was present, there was usually a restriction in place on the maximum number of detainees allowed with their arresting officers in order to prevent overcrowding and minimise risk. This often results in queues outside the custody entrance, both standing and in vehicles, at peak periods with an accompanying security risk which must be managed. *Custody Division should ensure that proportionate risk management procedures are in place to ensure effective detainee control at the point of arrival at custody centres.*
8. Prior to detainee arrival, either arresting officers or custody staff will usually conduct a number of checks to identify if there are any previous warning signals (e.g. history of violence or self-harm) before initial processing takes place. These checks can be undertaken over radio by control rooms, by public counter staff or by custody staff. We saw custody staff consistently completing a 'pre-arrival check' form prior to detainee arrival to support the risk assessment process. However, one centre we visited was not notified of the impending arrival of detainees and checks were not completed prior to their presentation at the charge bar. Although custody policy states that these checks must be completed prior to the detainee being placed in a cell, we view that any delay may pose additional risk to detainees, custody staff and arresting officers and *suggest that Custody Division review its policy to ensure that checks are completed at the earliest opportunity and prior to presentation at the charge bar.*



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9. We saw some centres in the west of Scotland refuse to accept a detainee when cells were available. This was a result of historical practice where cell capacity was ‘reserved’ or ‘blocked’ in anticipation of other events in the area. As the onus of finding available accommodation thereafter falls on arresting officers, they can spend valuable time away from operational duties searching for available cells, extending travel time for detainees and increasing risk. We accept that with limited ICT systems, the management of spare capacity can be a challenge. However, arresting officers should be able to ascertain in advance of arrival if a cell is available and should never be turned away from a custody facility where this is the case. We deem the practice of ‘cell blocking’ and placing the onus on arresting officers to find available accommodation to be inefficient given the additional time cost to local policing in sourcing custody capacity. Police Scotland should introduce processes to better co-ordinate capacity across the custody estate and direct officers to custody centres where there is sufficient available capacity to accept their detainees.

Recommendation 1

Police Scotland should introduce more efficient processes to better manage capacity across the custody estate. These processes should allow officers to be effectively directed to custody centres where there is sufficient available capacity to accept their detainees.

Booking-in

10. A key element of the booking-in process is risk assessment, carried out on every individual who comes into custody. The assessment is specific to the individual and is based on numerous factors which include:
- antecedent history and previous custodial records/incidents
 - circumstances which have led to the arrest/detention
 - information supplied by arresting/detaining officers
 - observations by custody staff
 - responses to vulnerability assessment questions
11. From the information provided, a tailored detainee care plan is formulated for every individual. This is recorded on the relevant detainee processing system and is subject to continual review by custody staff to ensure that it remains proportionate and effective.



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12. We saw a consistent set of questions being asked of detainees at the charge bar. Staff were observed to be respectful and attempted to establish rapport with the detainee in order to illicit full responses to support an effective risk assessment. The risk assessment was reviewed at key points during detention, e.g. when a detainee sobered up or prior to the detainee being transferred. We found that in general there was a strong focus on risk management.
 13. The design of many charge bar areas results in a lack of privacy for detainees. To undertake an informed risk assessment, it is essential that detainees be encouraged to divulge any pertinent information as early in their detention as possible. Staff were seen to manage this process effectively at the charge bar, encouraging detainees to notify any risk factors and persisting with questioning when detainees appeared evasive. The consequences of failing to obtain as much information as possible from a detainee can significantly increase risk to them and to custody staff. We have raised the constraints of charge bar design in previous reports and this remains a concern for existing facilities due mainly to legacy estate restrictions (see recommendation 14).
 14. The custody policy is clear that, as a minimum, custody supervisors¹² should conduct the risk assessment process (or review the risk assessment plan as soon as is reasonably practicable thereafter) and satisfy themselves that grounds for detention/arrest exist. We saw inconsistency in the application of this policy across Scotland. Whilst flexibility in allocation of duties is desirable, we were concerned that custody supervisors were not always directly involved in the booking-in or risk assessment process. *Custody Division should review the appropriate roles and responsibilities of custody supervisors, police officers and police custody and security officers (PCSOs) and ensure a consistent application of policy particularly when undertaking risk assessment.*
 15. Similarly, there is variation in practice regarding who obtains and processes forensic samples and fingerprints. Arresting officers, PCSOs and custody officers were all observed undertaking these processes to differing degrees. Whilst we found that this flexibility in approach can be positive where resources are stretched, Custody Division should seek to minimise officer abstraction in local policing and consideration should be given to taking primary responsibility for this process. This would better reflect the division's key priority to effectively support the objectives of Police Scotland and the needs of local policing.

¹² The 'custody supervisor' is the police officer, irrespective of rank, who has completed the custody officer course and is responsible for the custody and care of those persons in custody at any particular time.



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16. Standard searches were consistently and methodically undertaken at the charge bar, predominantly by arresting officers. Officers consistently explained the process. We saw no inappropriate searches. Staff were aware of the process for strip searches and intimate searches in line with the custody policy. Strip searches were conducted by staff of the same gender in cells with no CCTV. We were told intimate searches were performed by medical practitioners in a hospital setting under Sherriff's warrant.
 17. The receipt, storage, transfer and return of detainee property was observed and deemed to be secure. Property, except for jackets and shoes, was secured in a sealed bag and recorded on the custody system. Most centres used secure lockers numbered to match cell allocation. However, some centres still use shared cupboards or open plastic storage boxes which are less secure. *Detainee property should be stored in fully secure and/or CCTV monitored locations.*
 18. Once the booking-in process is complete, detainees are escorted to their cells. In some centres, staff were observed clearly explaining the operation of call bells, entitlement to food and drink, etc. Some centres also had printed posters inside cells explaining entitlements, although some of these were out of date. Provision of such information is required in England and Wales according to the statutory code of practice under the Police and Criminal Evidence Act 1984 (PACE).¹³ We observed that staff did not consistently provide information to detainees with some detainees unaware of their entitlements or that they were being observed on CCTV. We saw posters with clear explanations, but *suggest that a checklist for custody staff at the point of cell entry is considered. This should be incorporated into custody policy to improve the consistency of communication with detainees and included in the regular audit process for assurance purposes.*
 19. We found that the booking-in process was conducted in a professional manner in all locations. However, St. Leonards in Edinburgh, one of the busiest custody centres, is currently not operating as efficiently as it should be. Booking-in time is lengthy compared to other locations, privacy in the charge bar area is poor, lack of capacity is a frequent issue and waiting times can be lengthy with a crowded holding area. This was the only centre we visited twice and within the limited time of our inspection we could not undertake a full study to identify all issues or areas for improvement. *We therefore suggest that this custody centre merits further review by Custody Division.*

¹³ Paragraph 3.2, Home Office, *Police and Criminal Evidence Act 1984 (PACE) – Code C – Revised Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers*; and Home Office, [Notice of rights and entitlements](#) (May 2014).



Single occupancy

20. The current custody policy states only one detainee should be held in a cell wherever possible. This policy is informed by the ACPOS Custody Manual of Guidance,¹⁴ human rights law and previous Fatal Accident Inquiry determinations. The policy is not absolute and more than one detainee may still be held in a single cell on occasion (mainly when no other cells are available). Nonetheless, single cell occupancy was the norm on our visits with significant steps being taken across Scotland to avoid multiple occupancy.

‘Whenever possible, only one custody is to be placed in each cell. Lodging more than one person in a cell must only be considered when absolutely necessary.’

Source: Police Scotland, Care and Welfare of Persons in Police Custody Standard Operating Procedure (version 2.0)

21. Most legacy forces operated a similar policy but allowed routine multi-celling within the constraints of their estate and staffing resources. A single custody division allows capacity to be managed flexibly across Scotland and for detainees to be taken across legacy force boundaries. The custody policy therefore sets out factors to be considered and criteria which will allow custody supervisors to use their discretion to allow more than one person in a cell, based on appropriate risk assessment.
22. In England and Wales, there is no national policy on single cell occupancy however Home Office guidelines on cell construction were clearly developed with the intention of single cell occupancy. Whilst we view the approach to single occupancy as sound in terms of minimising risk to detainees, dependencies on the current custody estate mean that other measures (such as detainee transfer or opening secondary centres) must be used to manage this approach, which can introduce other risks and resource demands. Until there is significant investment in the custody estate, and a new model informed by improved management information is in place, achieving single occupancy will continue to be a challenge.

Recommendation 2

Police Scotland should review its approach to single cell occupancy and consider a more proportionate approach to risk assessment allowing local discretion to use multiple cell occupancy where appropriate.

¹⁴ Association of Chief Police Officers in Scotland, *Custody Manual of Guidance* (2012). This guidance was in place prior to the creation of Police Scotland.



Detainee transfer

23. Detainee transfer between custody centres existed to some degree within legacy forces and was necessary to manage the constraints of individual custody centres. These transfers were limited to legacy force boundaries and very seldom would detainees be transferred to custody centres in another force to alleviate capacity issues. Since 1 April 2013, legacy force boundaries are no longer relevant and Police Scotland has been able to transfer detainees more easily. Since its inception, Custody Division has used detainee transfers to manage a lack of capacity in some custody centres, particularly at weekends. A formal protocol for this process has been implemented. Moving detainees around the custody estate has allowed the division to ensure single cell occupancy, thereby managing the risks associated with holding more than one detainee in a cell.

24. Figure 1 shows how many detainees were transferred out of each cluster during the initial 10-month period of Custody Division. It also shows the number of detainees received into each cluster and the average number of transfers which took place each weekend. Capacity is a particular issue in Edinburgh (part of cluster 5), with transfers happening every weekend. Although detainees from the west of Edinburgh are now being taken to Livingston, other detainees are routinely transported a considerable distance across the country to Govan or Greenock.



Figure 1 – Detainee transfers 1 June 2013-31 March 2014

Cluster	Area	Transfers out	Average per weekend	Transfers received	Average per weekend
Cluster 1	North	249	6	143	3
Cluster 2	North	57	1	174	4
Cluster 3	North	25	1	55	1
North Area Total		331	8	372	8
Cluster 4	East	72	2	35	1
Cluster 5	East	1,057	24	135	3
Cluster 6	East	268	6	42	1
East Area Total		1,397	32	212	5
Cluster 7	West	88	2	725	16
Cluster 8	West	177	4	621	14
Cluster 9	West	47	1	848	19
Cluster 10	West	84	2	63	1
Cluster 11	West	697	16	128	3
Cluster 12	West	170	4	18	0
West Area Total		1,263	29	2,403	55
Total		2,991		2,987	

Source: Police Scotland

25. We were consistently told by staff that they thought capacity issues were caused by a lack of legacy investment in the custody estate prior to establishment of Police Scotland and the single cell occupancy policy (for which custody centres were not designed, many having large cells suitable for multiple occupancy). Some staff also felt there had been an increase in the number of persons detained for domestic abuse offences since the creation of Police Scotland, but we were unable to confirm this due to a lack of management information (see paragraphs 230 and 231). A joint protocol on domestic abuse is currently in place between Police Scotland and Crown Office and Procurator Fiscal Service (COPFS) which outlines the procedures and practices that will be followed.¹⁵ The protocol states that the accused will either be detained in custody pending appearance at court, or in exceptional circumstances

¹⁵ Joint protocol between Police Scotland and Crown Office and Procurator Fiscal Service, [In partnership challenging domestic abuse](#) (2013).



only, released on an undertaking to appear at court at an early diet. HMICS has identified that domestic abuse will be the subject of future scrutiny.

26. There have been no adverse incidents associated with the detainee transfer process to date. It is widely accepted amongst senior managers and staff that the current level of transfers is not sustainable in the medium to longer term with no imminent alternative being available other than significant investment in the custody estate.
27. The custody policy states that transfer should not take place unless the detainee is assessed as low risk and is willing to be relocated, and until a solicitor and family member are contacted, and forensic samples taken. In practice, we saw that rather than low risk detainees being transferred, those detainees who presented the *lowest* risk of those in custody were the ones often being transferred. Thus, detainees posing a higher risk than the policy intended may be being transferred.
28. Although all police vehicles used for detainee transfer are legally compliant, most have no seat belts with an associated risk of injury. The custody policy clearly states that when determining the most appropriate form of transport, custody supervisors must take account of all circumstances, including weather conditions. *Suitability of vehicles used for detainee transfer for longer journeys is questionable and should be fully risk assessed.*
29. Police officers or staff are required to transport detainees. This has associated costs or potentially impacts on their other duties. Attempts are made to carry out transfers when shifts overlap and staffing levels permit. Detainees who are due to appear in court are collected from the custody centre to which they have been transferred by G4S. The contractor is contracted to escort detainees and prisoners to court under a national contract managed by the Scottish Prison Service. There is a clear opportunity to consider the viability of future contract extension to include transfer between Police Scotland custody centres.
30. Capacity pressure is being addressed progressively through the planned custody estate programme, but may also be addressed by weekend courts.¹⁶ This has the potential to reduce the number of detainees kept in police custody over weekends, thereby increasing cell capacity. *We would also suggest that use of court cells at Livingston and other viable locations should be investigated further for weekend use to increase capacity.*

¹⁶ This project is part of the Scottish Government's [Making Justice Work programme](#). See paragraph 242.



Recommendation 3

Police Scotland should reassess the future level of demand and need for detainee transfers alongside the wider management of capacity across the custody estate in order to develop a more sustainable model. The current transfer protocol should be reviewed and incorporated within custody policy.

Shift handover

31. We observed a number of shift handovers taking place and saw the effective use of a handover checklist defining a set of issues to be covered during the process. This provided a degree of consistency in communicating care plans and risk assessments as well as detainee history and current status. However, we did note that this process most often took place between custody supervisors or sergeants and that other staff were not always directly involved or briefed after handover. *Handover processes should be as inclusive as possible involving, as a minimum, custody supervisors who should fully cascade details to their teams after their one-to-one handover.*

Release

32. We saw a number of detainees being released from custody. Custody staff asked a number of questions to ascertain the detainee's destination and care arrangements and some exhibited a genuine concern for the wellbeing of the detainee.
33. However, unlike the risk assessment undertaken at booking-in, there appeared to be no consistent set of pre-release questions. Custody policy sets out a number of issues to be considered prior to release:
- time of day
 - location
 - weather conditions
 - clothing
 - means to get to home address
 - detainee's personal ability to get home
 - detainee's personal vulnerability and/or health.



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34. Guidance published by the Association of Chief Police Officers (ACPO) in England and Wales states that the custody officer must complete a pre-release risk assessment.¹⁷ This should not be left until point of release, but should be an ongoing process throughout the period of detention. Officers should decide what action, if any, is appropriate to support vulnerable detainees. The guidance emphasises the duty of care and the need to make a decision on the best lawful course of action for a detainee on release. Options include offering advice, welfare support on release or onward referral of detainee to local services. The guidance also notes that police forces should agree with partner agencies exit and aftercare strategies for mentally vulnerable detainees on release from custody. *Consideration should be given to a more formalised pre-release process to assure, as far as possible, that detainees will be safe after release from police custody.*

Physical environment

35. The condition and suitability of the custody estate varied widely. This reflects the age of many buildings, their physical constraints and legacy levels of investment (see paragraphs 220-225).
36. Cells are checked regularly with consistent checklists used by staff to ensure that conditions are maintained. Checklists are reviewed by cluster inspectors and any work required is prioritised and submitted for action. We noted work being deferred, e.g. floor re-painting, to avoid operational impact. We did see some ligature points such as proud hinges and ventilation/heating grilles, although staff noted that these would be mitigated by use of CCTV and placing low risk detainees in these cells. Some light fittings and tiled areas, and some concrete windows also presented potential hazards. There was a significant number of 'out of action' cells in the west of Scotland. In general, the physical environment was reasonably well maintained, though condition is often determined by the age and design of the property.
37. All custody centres have observation cells usually with observation windows and/or doors and CCTV. *Conditions for observing officers are often cramped and custody supervisors should ensure that observation time is limited for each officer with regular breaks.*
38. In terms of layout, many centres have a general office outwith the cell area (often shared with public counter staff). These are too remote and often too far to hear activity within cells. Interview, detention and solicitor rooms are mostly located close to the custody centre rather than within the centre itself. In a number of centres, we observed interview rooms in

¹⁷ ACPO, [Guidance on the safer detention and handling of persons in police custody](#) (2012).



office areas a considerable distance from cells. These issues are most often attributable to historical layout of buildings and are mitigated through the use of CCTV and call buttons. However, we recognise that taking detainees in and out of secure custody areas poses safety and security risks which should be actively managed.

39. The conditions for both staff and detainees vary widely across Scotland. Staff facilities are sometimes cramped and very limited. Three sites visited posed particular health and safety concerns: Hamilton; Kirkcaldy; and Paisley. This was due to cramped and noisy working conditions, limitations on and age of the physical environment, and accompanying security constraints. At the time of our inspection we were told that no recent risk assessments had been conducted. *These sites require further risk assessment of both health and safety and security with the engagement of staff associations and unions.*

Safety and security

40. All custody visited centres had some CCTV provision, but in the main not all cells are covered by CCTV. Privacy is ensured by 'pixelisation' of toilets in the majority of centres – but some cameras need adjustment, have blind spots or pixelisation is absent on multi-screen viewing. We observed a number of cameras which had stickers placed on their lenses to block viewing of toilet areas in cells. However, these often required further adjustment to provide privacy. *The division should review CCTV usage and camera positioning and make necessary adjustments.*
41. Ligature knives of a number of designs were observed, most often stored behind the charge bar area. These are rarely carried by staff and therefore not readily available in the cell area. In many custody centres, we encountered an inconsistent approach to the signage, visibility and location of first aid equipment, often remote from the cell block. Most staff do not wear belts with first aid, ligature knives or other equipment. Good practice in England and Wales includes availability of standard equipment, consistently located and easily accessible within the cell block area. *The division should review police officer and staff personal protective equipment, first aid and any other appropriate equipment.*
42. Most routes through custody centres are relatively open but are closely monitored and controlled by custody staff to ensure no incidents occur. CCTV covers all general areas of each custody centre to facilitate this.



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43. Maintaining the security of the custody environment is essential to the safety of detainees and staff. We saw that entrances to custody centres and cell blocks were not always locked and some were accessible by non-custody staff. Arresting officers and other non-custody staff were observed unrestricted in some custody centres. We observed a limited number of sets of keys available in each custody centre, rather than a set for each member of staff. This often required keys to be borrowed or left unmonitored.

Recommendation 4

Police Scotland should review the wider security of the custody environment and conduct a physical security audit at each custody centre.

44. Panic alarms were available in all custody centres. Alarms all sounded in charge bar, custody office and main building areas. Only one centre had personal alarm tags available. Most facilities had smoke detectors in corridors rather than in cells. *Previous incidents have highlighted the need for smoke detectors or sensors within cells and this should be considered as part of the estate investment programme.*
45. The current custody policy only covers visits by solicitors, appropriate adults, independent custody visitors and referral schemes. The policy does not cover friends or family visits to detainees, although some staff said this would be risk assessed. A lack of resources and lack of secure visiting facilities were noted as the main restrictions. We were pleased to see the use of appropriate discretion in allowing visitors, particularly for young people, those who are vulnerable or those detained over a weekend.

Health and safety

46. We observed that fire signage in a number of centres was either absent or poorly displayed. We were also told in the majority of centres that although alarms were regularly tested, no fire evacuation drills had been undertaken to the knowledge of the staff interviewed. This was confirmed by staff association and union representatives. We did note that recent evacuations had been undertaken in Livingston and Aberdeen due to issues with electrical supply. More concerning was the lack of sufficient handcuffs to restrain the maximum number of detainees should an evacuation be required.



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47. We did observe some effective practice with detailed plans displayed setting out instructions for a full evacuation. In one centre, we noted that a neighbouring court had an escape route via the police cell block. There is a strict no-smoking policy within police custody and police buildings in general. However, there was some anecdotal and circumstantial evidence of recent or historical smoking in interview rooms.
 48. Accident and fire records were not always available for inspection. Custody staff presumed that these were held elsewhere in the shared building and maintained by another division. Custody Division should ensure that all staff are aware of the existence and location of accident and fire records and sufficiently trained and exercised in fire evacuation procedures. A programme of fire evacuation drills should be introduced to regularly test fire evacuation procedures.
 49. A Custody Division health and safety committee has been established and is chaired by the Chief Superintendent. Staff association and union representatives also confirmed that local health and safety committees were in operation within the three custody regions, chaired by chief inspectors, but that joint health and safety inspections had not yet commenced.

Recommendation 5

Police Scotland should undertake routine health and safety inspections within custody centres, including a wider review of equipment standards and availability, staff awareness of accident and fire records, and fire evacuation procedures and drills.

Use of restraint and force

50. Most custody centres display posters as reminders on how to hold detainees. We observed that most arresting officers and custody staff take a proportionate, risk assessed approach to holding their detainees. Handcuffs, leg restraints and spit hoods are the main forms of restraint available. All detainees observed had their handcuffs removed when presented at the charge bar on instruction of the custody supervisor.
51. Any use of force must be lawful, necessary and proportionate in the circumstances. Custody policy clearly states that use of force must be recorded on the custody record and reported on a 'Use of Force Form' either manually or on SCOPE (Police Scotland's human resources ICT system). While there are different legacy force procedures still in place for recording the use of force, those procedures are consistent in the need for the officer concerned to submit



a report prior to termination of duty or as soon as possible thereafter. We asked staff about the recording of restraint and use of force in police custody. Most were clear that this would be recorded on custody records and on the SCOPE system. However, they were less clear or consistent on the responsibility for recording or the level of incident requiring system entry. No evidence was found of management information or reporting on use of restraint and force.

52. Use of force has been a recent topic of interest in England and Wales due to several deaths in custody where restraint has been a factor. The Independent Advisory Panel on Deaths in Custody has completed work around use of force and published ‘common principles’ in 2013 which apply to all types of custody.¹⁸ Their research is worth consideration in the context of police custody in Scotland.

Recommendation 6

Police Scotland should review its approach to the use of force in custody and focus on raising awareness, providing clear guidance and monitoring the use of restraint and force at a divisional level in order to inform policy and training.

Detainee care

53. HMICS always considers the views of service users in our inspections. We interviewed 94 detainees held in cells across the custody centres we visited. All detainees interviewed felt they were being treated fairly and respectfully. This was confirmed by the independent custody visitors we spoke to. We saw no evidence of deliberate ill-treatment.
54. We observed frequent checks on detainees’ welfare during their time in custody – these were carried out at hourly, 30 or 15-minute intervals depending on the risk posed by the detainee. We also saw detainees being subject to ‘constant observation’ where the risk assessment indicated this was necessary. All detainees were subject to at least an hourly rousing policy. Rousing involves eliciting a comprehensible verbal response from a detainee, even when they are sleeping. While this is good practice where indicated by a risk assessment, we were concerned that the hourly rousing of all detainees was disproportionate in lower risk cases.

¹⁸ Independent Advisory Panel on Deaths in Custody, [Common principles for safer restraint](#) (2013). The Independent Advisory Panel was established to provide independent advice and expertise to the Ministerial Board on Deaths in Custody in England and Wales.



‘All custodies detained in cells are to be visited at least once per hour. It is good practice to conduct visits at irregular intervals, reducing the opportunities for custodies to commit acts that would put their safety at risk. **At each visit, all custodies are to be roused and spoken to and are to give a distinct verbal response.** The only exception will be when an HCP (Health Care Professional) has given a direction that continued hourly rousing will have a detrimental effect on a custody due to a specific medical condition. In such circumstances a full rationale including medical opinion must be recorded on the relevant custody record.’

Source: Police Scotland, Care and Welfare of Persons in Police Custody Standard Operating Procedure (version 2.0)

55. The previous ACPOS Custody Manual of Guidance contains the same guidance on the rousing procedure itself but states that *‘the frequency of rousing determined by a care plan must be adhered to unless the Custody Officer directs that rousing should be more frequent’*. In England and Wales, the statutory code of practice under PACE states that detainees should be visited at least every hour but explicitly states that, *‘If no reasonably foreseeable risk was identified in a risk assessment, there is no need to wake a sleeping detainee.’*¹⁹
56. Police Scotland’s policy on rousing could negatively impact detainees, particularly when they spend more than one night in custody. Some detainees complained about being woken so frequently. While some staff welcomed this policy as they felt it helped to minimise risk, others felt it was too risk averse. Some staff told us they would only depart from the rousing policy on the instruction of a health care professional.

Recommendation 7

Police Scotland should review its hourly rousing policy and assess whether it is necessary and proportionate when applied to all detainees regardless of risk.

57. Custody policy states that detainees should be offered three meals between 0600 and 1900 hours. All detainees were offered food and drink during our visits. Most centres offered ambient meals. Detainees found these to be of poor quality with limited take up and associated high wastage levels. Different types of meal were available including vegetarian, halal and gluten-free. *Custody Division should consider consistent provision of food and drink and balance cost efficiency with quality and take up levels.*

¹⁹ Paragraph 9.3, Home Office, *Police and Criminal Evidence Act 1984 (PACE) – Code C – Revised Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers.*



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58. Custody policy states that each detainee is to be supplied with a mattress and sufficient blankets except in exceptional circumstances. All cells were seen to have mattresses, and blankets were offered in most cases. In some centres, there was a limit on how many blankets each detainee was allowed. *The division should implement a consistent needs-based approach to the provision of bedding.*
59. The provision of spare clothing and footwear was inconsistent. Some centres held stocks of jogging bottoms, tops and plimsolls. Many centres still rely on clothes donations or purchasing from petty cash. Most centres offered different sizes of anti-ligature clothing. These were typically 'paper' style or padded shorts/tops in variable condition. Centres in the legacy Strathclyde area do not provide anti-ligature clothing. Laundry processes are inconsistent with some centres reporting running out of blankets and clothes due to infrequency of laundry returns. *The division should implement a consistent needs-based approach to provision of clothing.*
60. It is important that detainees be allowed to maintain personal hygiene during their stay in police custody. We saw toilet paper, feminine hygiene products and soap in all centres. Razors, shower gel and toothbrushes were observed in some but not all centres. The majority of centres provide toilet paper on request only and many cells have toilets which can only be flushed by a staff member from outside the cell. Although sinks were observed in all cell blocks, these were not routinely offered for hand washing. Newer modular cells did have hand washing facilities. Only a few centres had hand sanitisers for staff and detainees.
61. Custody policy states that where a detainee is to be held in custody for more than a full day, they are to be offered facilities to wash and/or shave at least once per day. Any reasonable requests to wash and/or shave more often than this are to be met where possible. Facilities are also to be made available to a detainee to wash and shave if they so desire prior to appearing in court. At all times when a custody is shaving, washing or showering, custody staff are to be in attendance to ensure the security and safety of the detainee.
62. Not all centres had showers and even where available, showers were not routinely offered. We saw some showers used for storage. Many detainees commented on restrictions imposed on washing. Independent custody visitors also told us of their concerns regarding a lack of access to showering facilities. Staff cited resource restrictions as the primary reason for not offering showers. Provision of towels is rare, with detainees expected to use sinks and
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paper towels with limited privacy for whole body washing in some centres. During a visit to police custody centres in Scotland in 2012, the European Committee for the Prevention of Torture (CPT) noted that some detainees held over a weekend had not been able to wash. The CPT recommended that all detainees held for more than 24 hours be able to shower. We support this recommendation.²⁰

63. Most cells were clean but cleaning arrangements varied across the country. Some centres still have cleaners, some use PCSOs. All centres had arrangements in place for deep cleaning, which is usually required after some form of contamination of the cell environment.
64. Exercise is not required – and is not mentioned in Police Scotland’s custody policy. A right to exercise during a period of detention lasting more than a short time is a generally accepted international standard. For example, Rule 21(1) of the Standard Minimum Rules for the Treatment of Prisoners, which have been adopted by the United Nations and set out standards which are generally accepted as being good practice, state that prisoners, including those in police custody, should receive outdoor exercise. In addition, the CPT has published standards which recommend that those detained in police custody for more than 24 hours should, as far as possible, be offered outdoor exercise every day. Indeed, during its most recent visit to Scotland, the CPT specifically recommended that detainees held for more than 24 hours should be offered the possibility of access to outdoor exercise.²¹
65. These international standards are reflected in statutory guidance in England and Wales. PACE Code of Practice C says that brief outdoor exercise shall be offered daily if practicable. This is confirmed by the ACPO guidance on safer detention and handling of persons in police custody which states that, *‘Detainees are entitled to brief daily outdoor exercise where practicable. Exercise should be provided individually and be adequately supervised. Exercise areas should be thoroughly searched for any potential hazards prior to use. Depending on the design of the exercise area, the nature of the exercise and the detainee’s risk assessment, constant supervision may be necessary.’*

²⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, [Report to the Government of the United Kingdom on the visit carried out from 17 to 28 September 2012](#) (2014).

²¹ See note 20.



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66. During our inspection, we saw few custody centres with exercise yards. Even where yards were available, exercise was rarely offered to detainees. While many detainees are held in police custody for relatively short periods of time and access to exercise may not therefore be required, some detainees may be held for a few days. Staff said outdoor exercise was not provided due to a lack of resources as well as a lack of facilities. We were pleased to see however that the new custody centre at Kittybrewster features an exercise yard and we will monitor its use. We support the recommendation made by the CPT, that detainees held for more than 24 hours should be offered access to outdoor exercise.

Recommendation 8

Police Scotland should review the availability of showers and exercise for detainees to develop a consistent approach and reflect this within any future estate improvement programme.

Respect, fairness and equality

67. Patience, tolerance, professionalism and a desire to care for those in custody was evident throughout the inspection. All detainees interviewed felt they were being treated fairly and respectfully. Some staff clearly understood the need for rapport building with detainees – a key element of ‘dynamic security’ – but this was not a view expressed consistently.
68. Custody policy states that it is essential that all detainee religious, cultural, language and dietary requirements be ascertained. The general principle, in relation to detainee care, is to grant any reasonable request which does not interfere with operational requirements or security. We saw consistent provision of religious texts, prayer mats and compasses. We were pleased to see these being stored appropriately and suitable meals also being provided.
69. There were very limited or no reading materials in foreign languages (other than some religious texts). *Consideration should be given to extending the availability of reading materials in conjunction with community groups reflecting local demographics.*
70. Detainees were not routinely asked if they had any dependents as part of the risk assessment process. In the majority of centres, particular cells were designated for the use of women, although there was an observed and reported lack of female custody staff across the country, with female officers often required to attend from local policing.



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71. Given the aging custody estate, there is limited accessibility in the majority of custody centres: many had stairs and narrow corridors and doors. A small number of accessible cells with raised benches and lowered call bells were observed. Most sites had made reasonable adjustments using stacked mattresses or detention rooms to accommodate specific needs. There were very few accessible toilets. While a number of custody centres had hearing loops, not all staff were confident in how to use them. We did not see any information available in Braille. *Consideration should be given to extending availability and training in the use of accessibility facilities.*
 72. When staff were asked how they would deal with transgender detainees, most had a general awareness, but would need to refer to the custody policy to ensure compliance.
 73. The level of CCTV signage was variable and was not consistently pointed out to detainees on arrival. Many CCTV signs were not compliant with data protection law, i.e. they did not clearly state the operator, purpose and contact details for the scheme.

Individual rights

Key messages

- Although not a statutory requirement at the time of our inspection, the provision of a Letter of Rights to detainees was inconsistent across Scotland and some detainees seemed uncertain as to what their rights in custody might be when asked.
- The solicitor access recording form (known as the SARF form) is used by police officers to inform detainees of their rights and to record any waiver of those rights. We found the form's language and flow to be unnecessarily cumbersome and confusing.
- Staff in the division report a 25% reduction in the number of young people held in police custody.



74. We have assessed individual rights based on a number of key areas:

- Is detention appropriate, authorised and lasts no longer than is necessary?
- Do detainees understand their legal rights and are they able to exercise those rights while in custody?
- Are detainees able to consult with a solicitor?
- Are detainees able to notify a solicitor or third party of their detention in custody?
- Are detainees under the age of 16, those between the ages of 16 and 18 who are under a supervision order, and vulnerable adults interviewed with a relative, guardian or appropriate adult present?
- Are investigative interviews with detainees conducted appropriately?
- Do detainees know how to make a complaint and are they enabled to do so?
- Do detainees appear at court promptly?

Source: HMICS Custody Inspection Framework

Letter of Rights

75. Since 1 July 2013, those held in police custody should be given a Letter of Rights, a short booklet setting out their rights. At the time of our inspection, the need to provide a Letter of Rights was highlighted in the custody policy but was not yet a statutory requirement. The provision of the Letter of Rights became a statutory requirement on 6 June 2014.²² Although not a statutory requirement at the time of our inspection we noted that some detainees did not receive a Letter of Rights and seemed uncertain as to what their rights in custody might be when asked. Solicitors we spoke to confirmed that in some areas, receipt of this booklet was 'patchy'. However, in other areas, detainees were routinely given a copy of the booklet and custody staff were aware that it is available online in 34 languages. Staff in different centres told us that it would be helpful if the booklet could be available in additional languages (Bengali was the language most often mentioned).

²² The Right to Information (Suspects and Accused Persons) (Scotland) Regulations 2014.



Access to a solicitor

76. Detainees have the right to consult a solicitor prior to being questioned by the police or at any other time during questioning. A solicitor access recording form (known as the SARF form) is used by police officers to inform detainees of their rights and to record any waiver of those rights. Custody policy states that it is the sole responsibility of the investigating officer to complete the SARF procedure and this is not a custody function. The form contains complex but vital information and we were not content that it was easily understood by all detainees. We agree with many officers and partner organisations who told us they found the form's language and flow to be unnecessarily cumbersome and confusing.
77. During the SARF process, detainees are reminded that if they initially waive their right of access to a solicitor, they can change their mind at a later time. However, several detainees we spoke to said they had changed their minds post-interview and although a solicitor had then been contacted on their behalf, this solicitor would generally elect not to attend the custody centre to speak with them but would instead be available at court. Those detainees found this confusing and frustrating, particularly when they were held over a weekend and had a considerable period of time to wait before attending court. The rights as described in the SARF process had raised their expectation that they could speak to a solicitor at any time.
78. The SARF process may be repeated several times, for example, each time the detainee is to be interviewed. While we saw the process being repeated in most centres, it may not always be repeated when a detainee was inebriated during the initial SARF process and subsequently sobers up.
79. Partner organisations and solicitors we spoke to felt that some police officers lack understanding about the role of a solicitor during interviews. This is hindered by the lack of guidance on the solicitor role in Scotland as there is in England and Wales. Solicitors felt more could be done to raise awareness of their role among police officers through improved training. This applies equally, if not more so, to investigating officers as to custody staff. *Partners also felt additional training could be given on the procedures to follow when contacting solicitors.*



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80. The availability and quality of solicitor access rooms varied across the custody estate with some rooms being upgraded during our visits. The requirements of the Criminal Justice Bill for solicitor access will necessitate considerable investment in additional consultation rooms which, due to physical restrictions in many sites, may be difficult to deliver.

Recommendation 9

Police Scotland should engage with criminal justice partners and review the solicitor access recording form to improve accessibility. Police Scotland should ensure officer guidance and training emphasises the need to communicate the form's contents in a manner that is better understood. Police Scotland should also ensure that the Letter of Rights is issued when required during the booking-in process and that this is verified in the custody audit process.

Use of interpreters

81. For detainees whose first language is not English, custody staff use telephone interpretation services or can request the presence of an interpreter. These services appeared to be used when required although we would urge custody staff to always consider using an interpreter for those detainees whose conversational English is adequate but who may not understand legal terminology.

Children and young people

82. Custody Division has emphasised to its staff that, in line with law and prosecution policy, children and young people should not be held in custody except in exceptional circumstances. The division told us this had led to a 25% reduction in the number of young people held. We were pleased to see adherence to custody policy with only a small number of young people in custody during our visits. Staff in some areas expressed concern at their inability to access local authority secure accommodation which sometimes made it difficult to minimise young people's time in custody. Young people were prioritised during booking-in and were usually afforded greater privacy by ensuring other detainees were not present in the charge bar area while the young person's risk assessment was being completed. Effective and appropriate management of children and young people who are particularly vulnerable during their stay in custody is vital. We noted that few staff had received any training or awareness raising around managing child detainees or the more general *Getting it Right for Every Child* agenda. *Such training should be considered for inclusion in general custody training programmes.*



Appropriate adults

83. Appropriate adults should be called to help facilitate communication between the police and detainees with mental disorder or a learning disability. In the majority of cases we observed, appropriate adults were used when required. On one occasion, we saw a person with Asperger's Syndrome being carefully and patiently booked into the custody centre with support from an appropriate adult. However, while the risk assessment process includes questions to assist in assessing if the detainee has a learning disability, feedback from staff indicated that they tended to rely on their own experience to make a subjective assessment.
84. Custody policy states that where there is uncertainty about the need for an appropriate adult, consideration should be given to seeking advice from a forensic physician. While the views of health care staff may be helpful, we were concerned that in some centres, there was an over-reliance on health care staff when assessing whether an appropriate adult was required.
85. Appropriate adults services are provided by each local authority and while most custody staff were positive about the service in their area, some said they experienced delays with the out-of-hours service. *Custody Division should consider the national requirement and engage at an appropriate level with providers of adult services to highlight and address any issues with consistent provision.*

Appropriate detention

86. Detention must always be lawful and appropriate. Custody policy states that custody supervisors must satisfy themselves that proper grounds exist for the arrest or detention of an individual prior to accepting that person into police custody. This will be determined by reference to legislation and Lord Advocate's procedural guidelines or protocols.²³

²³ Guidelines and protocols available on [COPFS](#) website.



Health care

Key messages

- The transfer of health care responsibility from Police Scotland to the NHS was a major undertaking that followed closely on from the formation of Police Scotland and the parallel establishment of the single national Custody Division.
- Legacy models of health care provision varied widely from area to area and there will continue to be a variety of models implemented after 1 April 2014.
- There are high levels of awareness of health needs amongst custody staff and detainees are given appropriate access to health care.
- Arrangements for referral from police custody are often ad hoc and dependent on local relationships with access to specific mental health referral schemes being limited. A review of the scope of current referral and diversion schemes is required in order to address any gaps in provision.
- Anticipating and analysing trends in health care needs must be addressed in order to effectively plan for the future.

87. We have assessed health care based on a number of key areas:

- Are detainees cared for by health care professionals and substance use workers who have the appropriate skills and training?
- Is this carried out in a safe, professional and caring manner that respects their decency, privacy and dignity?
- Are detainees asked if they wish to see a health care professional?
- Are they able to request to see one at any time, for both physical and mental health needs, and are they treated appropriately?
- Do detainees receive prescribed medication if needed and according to an agreed protocol with the partner health board?
- Does Police Scotland work effectively with partners to establish referral and diversion schemes for detainees experiencing mental health problems and/or engaging in substance misuse?
- Is police custody ever used as a place of safety under section 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003?

Source: HMICS Custody Inspection Framework



Transfer of health care

88. Our inspection was carried out in the weeks immediately preceding the transfer of the delivery of health care in police custody and provision of forensic medical services to the NHS on 1 April 2014. Inevitably much of the time and energy of senior police managers in Custody Division and their health partners in the preceding year was dedicated to managing the complexities of the transfer. We acknowledge that this was a major undertaking that followed closely on from the formation of Police Scotland and the parallel establishment of the single national Custody Division on 1 April 2013.
89. In the course of our unannounced visits, we found a wide spectrum of understanding and confidence in the future arrangements for health care. In some areas, we were told by staff they expected little change; others looked forward to a model which offered a more integrated service for detainees and more on-site health support for custody staff. In several areas staff told us they had ‘no idea’ what was going to happen to health care after 1 April 2014. There was limited awareness of or reference to the newsletter jointly produced by NHS National Services Scotland and Police Scotland which was the main communication tool to keep staff up to date with progress on the transfer. We note that custody policies will now need revision to reflect the new health care landscape which should assist with understanding of the new arrangements.
90. Senior police managers acknowledged that service delivery on 1 April 2014 would still use a variety of models and might not meet all initial expectations but expressed confidence that at a local level, police and health care practitioners would work together. We were told that measures had been put in place by Custody Division to ensure that staff on the ground knew what to expect and who to contact for health care in custody under the new arrangements. We were unable to test the effectiveness of these measures but we expect the division and the Police Strategic Health Group, in a revised role as an internal governance board, to review the transition arrangements and continue to monitor the provision of health care in custody.

On-site health care

91. The legacy models of health care provision varied with a range of local arrangements in place, from nurse-led services to self-employed forensic medical examiners (FMEs) to local contractual arrangements with general practitioners (GPs). Areas which had experience of nurses on site reported high levels of satisfaction with the service. In some areas, we were told GPs could be very slow to respond to call-outs.



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92. Almost universally, police welcomed the transfer of health care to the NHS. The majority of FMEs welcomed the increased presence of nurses in custody and anticipated improved health provision after transfer.
 93. Although this inspection did not specifically examine the quality of health care services, links with mental health provision, social care or other agencies, we saw much to commend in relation to health care in custody in the course of our unannounced visits. We will also take this opportunity to comment on those aspects of the current provision of health care that caused us some concern, in order that Police Scotland and the NHS can consider and address them in future monitoring and audit.

Health and risk assessment

94. We found high levels of awareness of health needs amongst custody staff and appropriate risk assessment and health screening questions asked during risk assessment. Questions on medication, physical and mental health and other risk factors were routinely asked on arrival. In the main, we heard appropriate questioning to ascertain a person's health history and custody staff understand the need for clinical examinations to be conducted confidentially.
95. The most skilled staff take care to ask the health and risk questions sensitively. Detainees are given appropriate access to health care and those we spoke to commented favourably on their contact with health professionals. We observed an example of appropriate risk assessment of an insulin dependent person's ability to self-administer insulin.

Health care facilities

96. As this inspection was carried out in the month prior to the transfer of responsibility for health care to the NHS, it coincided with major refurbishment of medical facilities within the custody estate (estimated at a cost of £665,000 funded by Police Scotland). The current condition of medical facilities in the custody estate ranges from very poor to excellent. While some medical rooms had already been refitted, others were in the process. Although we did not observe a consistent approach to infection control, this will now be an NHS responsibility. In many centres, the medical room was closed for refurbishment and temporary facilities were in place.
97. Although we were told that access to treatment rooms was restricted to health professionals, on occasion we saw other staff members accessing these rooms, sometimes for storage purposes and in one case, to access the custody centre heating controls.



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98. In most custody centres, cleaning of the medical room is carried out by the same janitor or cleaner as the rest of the centre. We were not made aware of any specific cleaning schedule or cleaning audits pertaining to the medical facilities. We found hand sanitising gel in only a few centres.
99. Few custody centres have a defibrillator and we understand there are none in legacy Strathclyde centres. Life-saving equipment can only be effective if custody staff know where to find it quickly in an emergency and are trained in its use. *Police Scotland should engage with their NHS partners to consider the requirement for consistency of type and location of life-saving equipment and training in its use.*

Medication and prescribing

100. Arrangements for prescribing and administering medication vary widely across the country. In the majority of locations, medication was safely stored. We did however encounter instances where old medication had not been disposed of. In one medical room, old medication was found in an unlocked drawer.
101. In some facilities, stock levels are monitored by the custody sergeant; in others, by the visiting health professional. Drug/alcohol withdrawal relief is universally available. Nicotine Replacement Therapy (NRT) is not routinely offered but in some centres is available on request.
102. Generally, prescribers advised waiting for a six-hour period after booking-in before administering any prescribed medication.
103. Wherever we encountered lax standards of cleanliness, health care procedures or medical confidentiality, it could be attributed to lack of clear ownership of the health facility. This will be addressed in the transfer of responsibilities to the NHS.
104. Implementing a consistent national protocol relating to the safe and secure handling of medicines and to the prescribing and administration of medicines to detainees as outlined in the *National Guidance on the Delivery of Police Custody Health Care and Forensic Medical Services* is an early priority under the new NHS delivery arrangements.



Referral and diversion schemes

105. With the increasing vulnerability of detainees in police custody, there is a statutory duty as well as an obvious opportunity for Police Scotland and their partners in the public and voluntary sectors to work together to tackle what can be a hard to reach group. A detainee will often present with complex and multiple needs and already be known to a number of agencies. Local community planning partners will have community safety and health and social care partnerships set up to address many of these needs, but may not necessarily focus on police custody as a referral or delivery point for these services.
106. Across the country, arrangements for liaison between health care practitioners, mental health services and substance misuse services vary widely. At best, there is a coherent model of provision, with formalised referral and liaison (e.g. Tayside). More often, arrangements are ad hoc and dependent on local relationships. Staff are aware of local referral schemes. For example, we heard of referrals being made to the women offender's diversion pilot in Glasgow and to the West Lothian arrest referral service which supports people who have just been arrested to help them address issues related to their drug or alcohol use.
107. Access to specific mental health referral schemes is more limited – a finding reflected in the mapping exercise of criminal justice diversion schemes for those with mental health problems carried out by the Scottish Centre for Crime and Justice Research.²⁴ This study identified a gap in the delivery of schemes which address offending behaviour conjoined with poor mental health.
108. Custody staff told us that the most effective referral schemes (in terms of take up) are those substance misuse schemes which provide workers to attend custody centres daily to meet detainees and offer referrals.

Recommendation 10

Police Scotland should join with its partners in the NHS, voluntary sector and local authority social care, recognising the role of community planning partnerships and alcohol and drugs partnerships across Scotland, to review the scope of current referral and diversion schemes and seek to address any gaps in provision.

²⁴ Scottish Centre for Crime and Justice Research, [Mapping of Active Criminal Justice Diversion Schemes for Those with Mental Health Problems in Scotland](#) (2013).



Mental health

109. Training in mental health awareness remains limited. Staff frequently told us they would appreciate the opportunity to undertake such training. Staff who had undertaken face-to-face training such as 'Mental Health First Aid' said it was more helpful to their role in custody than the e-learning provision provided by Police Scotland.
110. Given our previous recommendation²⁵ that there should be clear direction to staff for the effective management of care and welfare for detainees with mental health issues, we would have expected to see more progress made towards widening access to training in mental health awareness and the effective management of detainees with mental health issues. This remains as an area for improvement. *The division should consider widening access to training in mental health awareness and further developing effective policy guidance on the management of detainees with mental health issues.*
111. We are pleased to note that generally custody staff understand the inappropriateness of using police custody as a 'place of safety' under section 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003. This practice is almost universally discouraged, with police being encouraged to take people whom they believe to be in need of a mental health 'place of safety' to more appropriate local health care facilities. The use of police custody under section 297 is not appropriate and partners should support Police Scotland in this regard.
112. With one or two exceptions, there was little evidence of police stations being used as the 'first point of call' place of safety under section 297. The exceptions cited were a lack of co-operation from local mental health services and reluctance by local hospitals to accept people brought in under section 297.
113. In 2012-13, the year preceding the creation of Police Scotland, police officers notified the Mental Welfare Commission for Scotland that they conveyed 101 people to a police station under section 297 of the 2003 Act. In the course of our inspection, we met no detainees who were detained under this legislation.

²⁵ Recommendation 5 in HMICS, [Thematic inspection of the care and welfare of persons detained in police custody in Scotland](#) (2013). See also Appendix 4.



Liaison with local health providers

114. We were told of ineffective liaison and communication of changes in policy or process between partner agencies, particularly between Police Scotland and NHS Accident and Emergency departments. A common frustration frequently expressed to us was the inefficient use of local policing resource when officers are required to stay with a detainee they have taken to hospital and there are delays in the detainee receiving treatment.
115. Given that Police Scotland is now working with a national network of NHS providers, there is an opportunity for improved engagement to maximise efficiency of resources whilst providing the most effective care. Police Scotland and the NHS should properly assess the impact of strategic or operational decisions which may directly affect resource planning or strategic change within partner agencies.
116. Throughout the inspection we were told that the proportion of people in custody with health care needs is rising although there is limited evidence to fully quantify this assertion. Our own sample data demonstrated that 68% of detainees presented with multiple needs. Although detainees answer a set of health care and risk assessment questions at booking-in, their responses do not contribute to an overall data set which could be used for management or planning purposes. NHS staff will now be recording information on their own ICT systems in all custody centres which provides an opportunity for improved information analysis.
117. Throughout our inspection, interviewees at all levels and in a range of partner organisations raised the issue of alcohol and drug misuse and its implications in offending behaviour. They reiterated the established understanding that addressing this health and social problem in Scotland would have a significant impact on offending, on police custody and on wider community wellbeing. Custody staff are aware of the inappropriateness and the risk of detaining people who present as drunk and incapable. Given the lack of alternative alcohol or drug detox facilities, Police Scotland feels obliged to accept such detainees into custody as the only means of keeping them safe.
118. We observed a local scheme in Inverness which provided ambulance cover on the streets of the city. This allows arresting officers to request an evaluation of a suspected drunk and incapable detainee 'on site' by paramedics, who can indicate whether the person needs immediate ambulance or other NHS care at the time or whether the detainee has withheld consent or declined assistance. This saves officer time and is complemented by



a custody nurse service at the Inverness custody centre. The scheme is part of an agreed health assessment protocol in the legacy northern area in line with a memorandum of understanding agreed by ACPOS and the Scottish Ambulance Service in October 2010 which is now under review.

119. We were also made aware of other initiatives to secure the wellbeing of individuals under the influence of drugs and alcohol. These included street pastors, safety buses in Glasgow and Aberdeen, and Albyn House in Aberdeen which provides a unique secure unit for those found drunk and incapable in a public place by the police. The service works in partnership with Police Scotland and NHS Grampian and is staffed 24 hours a day, 365 days a year by appropriately qualified staff. The Scottish Government's report, *Managing the needs of drunk and incapable people in Scotland: a literature review and needs assessment* (2009) acknowledged the value of such 'Designated Places', and noted that they '*should have strong links to other services, including treatment and rehabilitation services*'.
120. Although these initiatives are in place to keep people safe, local community planning partnerships often do not have the resources to meet the need. It is not within the remit of either Police Scotland or NHS Scotland alone to initiate measures to address this issue but we would be remiss if we did not bring it to the attention of the Scottish Government for further consideration.

Future monitoring of health care

121. We support the proposal by Police Scotland that its Strategic Health Group re-defines its terms of reference to exercise a quality assurance function for health care in custody and to work in collaboration with NHS Scotland to develop best and consistent practices in delivering appropriate health care in the custody setting. Many of the issues we identified in relation to inconsistency in the provision of medical facilities and health care across the custody estate have already been recognised and addressed by the police and NHS partners. Others are incorporated in the recently developed National Guidance document underpinned by the national *Memorandum of Understanding for the Delivery of Police Custody Health Care and Forensic Medical Services*. We will be interested in monitoring progress by Police Scotland and NHS Boards and are liaising with Healthcare Improvement Scotland to consider future joint inspections of health care in police custody and forensic medical services.

Leadership and governance

Key messages

- Custody Division has visible and effective leadership which should continue to further develop its engagement approach with staff, local policing and partners.
- There is a genuine focus on improvement and organisational learning within the division which is consistently articulated and evidenced through business processes.
- There are good governance and accountability arrangements.
- The availability of an escalation system, with senior managers being readily available for consultation or decision making is viewed as highly supportive and positive by staff.
- Senior staff had a strong focus on risk management, but their approach was sometimes disproportionately risk averse. Effective risk management is essential and while a risk averse approach is understandable, the universal application of policies and the removal of discretion from staff may adversely affect some detainees.
- The SPA has put an independent custody visiting scheme in place which will be further considered by HMICS.

Vision

122. The initial vision for the Custody Division was to combine the eight legacy force custody functions and build a viable operating model for a single national division which kept people safe. This has been the focus of activity for the first year of operation. At present, a short vision statement is in place for Custody Division. It reiterates that custody is high risk and fundamentally is about keeping people safe. It confirms the use of the National Decision Model (NDM)²⁶ and the service values. It also sets out to align with service objectives, the needs of local policing and other divisions.

123. This vision, although articulated clearly at the most senior ranks, is not widely recognised or owned by frontline staff, although they do recognise the Police Scotland values. In the context of ongoing change across the organisation, custody staff are unclear as to the future of the division or any associated plans. This is to be expected given that strategic plans for the development of the division are not yet fully developed or agreed in order to be fully communicated to staff.

²⁶ ACPO, [National Decision Model](#).

124. The division has also set out its focus in a diagram (see Figure 2) which details the link between force priorities and the single priority for Custody Division. Four high-level outcomes are detailed and actions are set out on how these will be delivered.

Figure 2 – Custody Division Priorities and Outcomes (March 2014)

Police Scotland Priorities	Custody Division Priority	Custody Division Outcomes	To deliver our priorities and achieve our outcomes we will:
<p>‘Keeping People Safe’</p> <ul style="list-style-type: none"> • Reduce violence, disorder and anti-social behaviour • Protect the public • Increase road safety and reduce road crime • Tackle serious organised crime and terrorism • Effectively police major events and threats • Maintain high levels of public confidence in policing • Deliver our equality and diversity outcomes 	<p>‘To provide safe, secure and accessible custodial services in support of local policing.’</p>	<p>The provision of accessible, safe and secure accommodation to users of Police Scotland custodial services.</p>	<p>Ensure Custody Division accommodation is a safe environment for all who use it, being benchmarked against national standards</p> <p>Ensure that custody staff all have relevant and current skills set and profile, accompanied by proper supervisory cover, to meet the Custody Division and Police Scotland priorities</p>
		<p>More efficient, effective and accountable custodial services.</p>	<p>Carry out a workforce remodelling programme to maintain service delivery in line with Divisional budgetary requirements</p> <p>Provide an appropriate range of victim centred services to those reporting crimes or offences to Police Scotland</p> <p>Ensure that all forensic examinations undertaken provide best evidence and the highest level of support to victims and meet national standards</p> <p>Ensure healthcare and forensic facilities and services have an appropriate supervisory cover with all staff having the correct staff profile and knowledge to meet the Custody Division and Police Scotland priorities</p>
		<p>Effectively support the objectives of Police Scotland and Divisions.</p>	<p>Provide a secure environment for health assessment and treatment as required</p> <p>Ensure that all relevant information and best evidence is gathered consistently, preserved, analysed and exchanged in line with national guidelines</p> <p>Will review custodial systems and procedures to increase effectiveness and realise efficiency gains</p> <p>Provide consistency of care, allowing for variations in practice where justifiable (i.e. CBRN considerations), and taking account of evidence based national clinical guidelines and good practice</p> <p>Improve custody’s access to an appropriate range and quality of NHS healthcare services according to their needs</p>
		<p>Deliver a quality service that meets Police Scotland equality and diversity responsibilities.</p>	<p>To act with fairness, integrity and respect at all times when dealing with people in the care of the Police Scotland</p> <p>Support the reduction in health inequalities by increasing the opportunity for referral to integrated health services</p> <p>Encourage mutual respect for stakeholders and partners through an overarching healthcare and staff governance structure</p>

125. The division also has two supporting plans in operation – an Improvement Plan structured around best value characteristics, and an Optimum Operating Model Plan. These plans recognise the scope of work still to be addressed and represent effective practice. There is a genuine focus on improvement and organisational learning within the division which is consistently articulated and evidenced through business processes.



126. There is clear acknowledgment at senior levels that much change and improvement work is yet required and a strategic proposal is now in development which will consider future resourcing and delivery models for custody. A recent Audit Scotland report found that in setting budgets, public bodies need to focus more on their priorities, making clearer connections between planned spending and the delivery of outcomes.²⁷ We therefore suggest that plans should be consolidated, linking more effectively to a future vision and business plan for the division as well as demonstrating how they contribute to the wider priorities and outcomes for Police Scotland. We will monitor progress in this area.

Leadership

127. There is high visibility of leadership at command level and more generally throughout the division. Cluster inspectors provide local leadership and engage well with frontline staff. The divisional structure is outlined at paragraph 154.
128. At the inception of the single division, the requirement to establish immediate consistency in a number of high risk areas necessitated a centralised management decision making process. Staff often felt that decisions were imposed on them rather than made through a process of genuine consultation and engagement. However, there is an evidenced move toward an increasingly values-led, collaborative style of management which is now supported by a new expanded management team. We welcome this development.
129. The availability of an escalation system, with senior managers being readily available for consultation or decision making, is viewed as highly supportive and positive by staff. The 24-hour availability of custody inspectors based at St Leonard's custody centre in Edinburgh for information and guidance in relation to disposal decisions, young people and other operational matters, is also now highly valued as a national resource.
130. Senior staff were very focused on the effective management of risk in terms of detainees, staff and the public. This is evidenced in the custody policy, ongoing risk and vulnerability assessment throughout detention and in daily discussion at management meetings. The approach is well embedded with frontline staff, and reflects the often vulnerable nature of detainees. However, the approach taken may sometimes be overly risk averse.

²⁷ Audit Scotland, [Scotland's Public Finances – A follow-up audit: Progress in meeting the challenges](#) (2014).

131. This risk aversion is evidenced in both hourly rousing (see paragraph 54) and single cell occupancy (see paragraph 20) where application of policy may be disproportionately stringent for some detainees. While effective risk management is essential and risk aversion is understandable, the removal of staff discretion may negatively affect some detainees.

Governance and accountability

132. A comprehensive strategic management meeting structure is in place within Custody Division (see Figure 3). Some groups have only met two or three times and are still developing their role, outcomes and delivery plans.

Figure 3 – Custody Division Meeting Structure (March 2014)





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133. Line management reporting and accountability is viewed as strong. There are regular monthly divisional senior management team meetings, which are comprehensive and usually last a full day, extending to chief inspector level. The Chief Superintendent meets regularly with the ACC, who meets weekly with the DCC as part of her local policing management team to review performance and progress. This provides regular opportunities for key issues to be highlighted and support to be given.
134. There are regular 'grip' meetings within Custody Division to ensure that overall capacity, detainee transfers, risks, issues and adverse incidents are managed effectively. Similarly, there are daily executive level meetings to review major issues across Police Scotland, which would include any custody-related issues or adverse incidents. The Chief Superintendent also attends the monthly local policing commanders' performance meeting and regularly reports on custody issues.
135. Both the Senior Leadership Board (SLB) of Police Scotland and its 'Star Chamber'²⁸ have discussed the development process and next steps for custody. Relatively few formal reports have been submitted to the SLB or to the SPA, although scrutiny and challenge on key issues such as the health care project and physical estate constraints is regularly taking place.
136. A new custody strategic proposal was to be considered in draft by the end of May 2014 and considered thereafter by the Local Policing Programme Board, Corporate Change Board, SLB and SPA. We will review the development of the new vision, strategy and strategic proposal/plan as part of our future inspection programme.
137. There is a significant lack of management and performance information to support governance and accountability. Restrictions on the extent and availability of baseline data from the eight legacy force ICT systems has required the division to collect basic throughput and incident data manually overnight since 1 April 2013. This allows some analysis to support resourcing and policy decisions, but limits the evidence available to assess and challenge effective performance, success of the single division model or to shape future strategy. *The restrictions on the extent and availability of data from the eight legacy force ICT systems should be reflected in the Police Scotland custody and corporate risk registers with suitable mitigation actions.*

²⁸ As part of the identification of financial savings with associated business change projects, a weekly meeting was instituted at senior leadership level to process proposals. This will be replaced with a standing Finance and Investment Board as part of internal governance.



Scottish Police Authority

138. SPA Board members interviewed evidenced a full appreciation of the risks and issues facing Custody Division. This was also evidenced by a visit to St. Leonard's custody centre by the Finance and Investment Committee to examine capacity issues and demonstrate their support for custody staff.
139. SPA committees and working groups have indirect custody oversight through their work on audit and risk management, human resources, business change, finance, estates and ICT. Approval of the custody strategic proposal and associated implementation monitoring through the overall change programme and benefits realisation process should be of continued interest to the SPA Board. The SPA also has the opportunity to comment on Police Investigations and Review Commissioner (PIRC) case handling reviews and hold Police Scotland to account for any associated improvement actions.²⁹

Independent custody visitors

140. Visits to police custody by volunteers from the local community who check on the treatment and conditions of detainees have been carried out in Scotland for a number of years. For the first time in Scotland, the Police and Fire Reform (Scotland) Act 2012 placed independent custody visiting on a statutory footing and allocated responsibility for custody visiting to the SPA. Independent custody visitors, like HMICS, are members of the UK's NPM.³⁰
141. The SPA has appointed a national custody visiting co-ordinator and three regional co-ordinators. The co-ordinators manage and support approximately 133 volunteers who conduct the visits to police custody centres across Scotland. A board member also acts as a champion for the visiting scheme.
142. The SPA formally approved its custody visiting scheme at a full public meeting on 8 March 2013. Since that time, the Board has considered one update report in December 2013. No specific issues were raised regarding the care and welfare of detainees. The report noted that between 1 April and 30 September 2013, 721 visits were carried out by volunteer visitors. Of these, 420 visits were in the west, 218 visits in the east and 83 in the north. The SPA also hosted its first annual conference for independent custody visitors in March 2014.

²⁹ PIRC operates independently of Police Scotland. Its role is to undertake independent investigations into the most serious incidents involving the police and to provide independent scrutiny of the way police bodies operating in Scotland respond to complaints from the public.

³⁰ See note 4



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143. Custody visitors have a statutory power to access, without prior notice, any place in which a detainee is held, to examine records and to speak to detainees in private about their treatment and conditions. Visitors fill out a form at the end of every visit; one copy of which goes to the SPA and one to Police Scotland. Any visitor concerns are also discussed at regular meetings of visitors attended by the local cluster inspector. An example of action taken by Custody Division based on visitor feedback were concerns about hygiene raised in the north which were acted on by the relevant cluster inspector.
144. We welcome progress in the development of the new scheme and the oversight this provides to the SPA. HMICS will consider the independent custody visiting scheme after a reasonable timescale for implementation and review this as part of our Continuous Review work and powers to inquire into the state, effectiveness and efficiency of the SPA.

Local scrutiny and engagement

145. As required by the 2012 Act, each local authority now has a responsibility to engage in the setting of priorities and objectives for the policing of its area, also providing views and recommendations for its improvement. The local authority may also specify policing measures to be included within the local policing plan and provide feedback. Similarly, the local commander must provide reports on the carrying out of these functions, complaints information and any other data as may reasonably be required. Authorities are exercising these responsibilities through local scrutiny and engagement committees.
146. A local authority may monitor and provide feedback to a local commander on the policing of its area. It may also request reports or other information on the carrying out of police functions within its area. Aspects of custody may be of interest to local scrutiny and engagement committees and they may seek information which links with wider outcomes and the preventative agenda for communities in their area recognising the opportunity custody presents for contributing to Community Safety and Single Outcome Agreements. The lack of current measures of performance within Custody Division may limit these opportunities.

Planning and processes

Key messages

- Custody Division exhibits effective practice in its approach to improvement and learning lessons. A culture of improvement and learning is evident.
- There is a comprehensive policy framework in place with processes for regular review and which is updated to reflect the latest developments.
- Further development is required in many custody business processes including strategic planning, risk management, complaints handling and audit.
- There is a lack of basic management and baseline information which would allow full assessment of outcomes, comparison or benefit assessment.
- The management of adverse incidents is effective practice addressing legacy practices and culture directly, thereby improving consistency and honing policy.
- There is a need for greater engagement with local policing generally to improve understanding and ensure participation in development of policy and in the strategic direction of Custody Division.

Policy and planning

147. A comprehensive set of custody standard operating procedures are in place for Police Scotland. A custody policy has been implemented and is supported by a number of other complementary or subsidiary policies.³¹ The initial versions of the custody policies reflected legacy force variations in practice often associated with physical constraints of specific custody centres, local geography or ICT systems. The custody policies have been subject to regular review and updated to better reflect operational experience to date.
148. Staff are aware of the new custody policies and use them as a valuable reference tool, though most have not read them in their entirety. Regular memos are issued to all staff to emphasise points of practice or to notify custody policy changes. Memos are valued by staff as the primary means of communicating changes in professional practice. However, it was noted that staff complained of a high volume of email communications which can result in key messages not being prioritised or being lost.

³¹ Police Scotland, *Care and Welfare of Persons in Police Custody Standard Operating Procedure* (version 2.0, 2014).



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149. Custody management features on the Police Scotland corporate risk register as an operational risk. Under corporate risk policy, the divisional commander has a responsibility to identify, analyse and manage divisional level risks. At the time of our inspection, the division had a risk register which was reviewed regularly but did not specify mitigation actions, risk ownership or timescales. It is clear that although risk management is embedded in service delivery at the front line, the more formal business risk management process needs to develop and mature. We welcome the commitment of Custody Division to implement a full risk register as part of the development of its strategic proposal.
150. As noted previously, Custody Division has well developed improvement and development plans informed by learning from audit, adverse incidents and PIRC findings. These plans could be supplemented and improved through consultation and communication with staff. Staff made a number of suggestions to us for improvement which could potentially add value to existing plans. Custody Division should *implement more effective consultation and engagement with staff when developing custody policy and plans and specifically use the opportunity when developing the future strategic proposal to engage with staff more proactively.*
151. The key deliverables or outcomes for Custody Division are:
- the provision of accessible, safe and secure accommodation to users of Police Scotland custodial services
 - more efficient, effective and accountable custodial services
 - effectively support the objectives of Police Scotland and Divisions
 - deliver a quality service that meets Police Scotland equality and diversity responsibilities (see Figure 2).
152. There are currently no available budget figures, costs or performance information which would allow full assessment of whether these outcomes have been achieved. Similarly, the lack of legacy baseline information does not allow comparison with previous throughput or safety statistics. We welcome plans to undertake benchmarking with England and Wales in the near future to support the development of performance management and improve key business processes.
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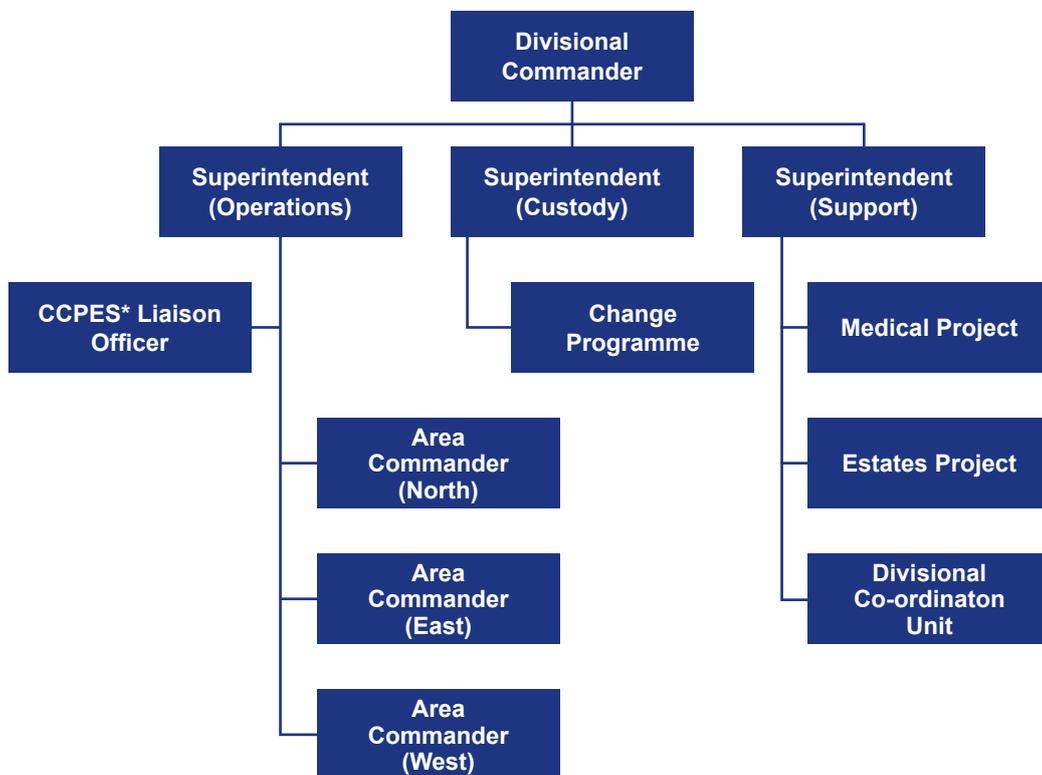
Recommendation 11

Police Scotland should secure more robust management and performance information and develop a stronger evidence base to evaluate benefits and outcomes for Custody Division.

Structure

153. Custody Division is structured as a single autonomous division within local policing. In legacy forces, the majority of custody centres were managed as part of local policing within subdivisions. Strathclyde Police implemented a single division model late in 2012 after undertaking an extensive review and remodelling exercise. Evaluation of the Strathclyde model was not undertaken due to the creation of the single service and evaluation of the single divisional structure within the new force has since been deferred.

Figure 4 – Custody Divisional Structure (April 2014)



*CCPES – Court Custody and Prisoner Escort Services



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154. The current structure (Figure 4) is to be reviewed as part of the development of the custody strategic proposal and will address legacy resource imbalance across clusters as well as the most effective balance between police officers and PCSOs. *However, other structural options should also be explored to ensure that the rationale for a single division remains valid and criteria established to allow proper evaluation.*
155. The benefits of the single division structure have been described as:
- clear structure and divisional identity
 - effective escalation and support structure
 - clarity of custody sergeant role and authority
 - consistency of care and decision making
 - efficient delivery of custody processes
 - single national approach to engaging with key partners
156. These benefits were consistently expressed by the majority of both senior and frontline staff, though some frontline staff felt there was no material difference in how they did their jobs. Although there is limited direct alignment with national reform objectives, it is clear that service improvement, developing a national ‘specialism’ and improved connectivity through national partnerships have been realised to some degree.

Change, improvement and learning

Adverse incidents

157. All adverse incidents which occur within custody are recorded and submitted to the Divisional Co-ordination Unit (DCU) daily for collation. Adverse incidents are reviewed on a daily basis by Custody Division management and appropriate actions are taken. These can be wide ranging and can include full procedural reviews, estates maintenance, policy decisions, managerial advice, etc. Custody Division also undertake full incident reviews in advance of any PIRC findings where an incident is serious. Staff are clear on the process involved in identifying, grading and reporting adverse incidents, although some staff reported a slight relaxation of approach in recent months. *Custody Division needs to satisfy itself that the adverse incident processes in place ensure consistency of approach.*



Minor adverse incident

A minor adverse incident involving a person in police custody is described as ‘*any unplanned event, incident, accident or emergency which did not result in any injury, but could have done so but for luck, skill, judgement, would have become an “adverse incident”*’. This includes damage to property but not actual injury whether it be to the custody or another, e.g. smoking in the cell, possible lighter, items taken in to cell that can damage them.

Adverse incident

An adverse incident involving a person in custody is described as ‘*any event that caused/involves injury to a person or could have resulted in injury or illness but was prevented through the actions of another or good fortune*’. These are incidents that could involve a more serious outcome, i.e. possibility of drugs on the person, punching/ head butting the cell furniture, placing blankets/clothing around the neck as a ligature and minor self-harm.

Serious adverse incident

A serious adverse incident involving a person in police custody is described as ‘*any adverse incident where a death takes place or where there is serious injury*’. A serious injury should be considered as:

- any fracture
- deep cut
- deep laceration or injury causing damage to an internal organ or the impairment of a bodily function.

Source: Police Scotland Custody Division, Definition of adverse incidents

158. We consider the adverse incident recording system as effective practice as part of the improvement process. It addresses legacy practices and culture directly, thereby improving consistency and honing policy.
159. The process for reviewing adverse incidents is viewed by senior management as core to monitoring risk levels, local management processes and supporting learning and improvement in the division. The senior management team reviews adverse incident statistics on a monthly basis and makes a historical log of all adverse incidents available to all custody staff – as both a learning tool and a means to cross check new detainees against



previous incidents. We saw this log being used at a number of custody centres and the majority of staff were aware of its existence. A number of memos issued to staff evidence the link between a reported adverse incident and either reminders or remedial action being taken to improve practice. Limited evidence was available to demonstrate that senior management systematically follow up improvement actions in order to ‘close the loop’ and ensure that performance has actually improved. *Robust internal governance is required to ensure improvement has been implemented and verifies that the desired impact has been realised. Similarly, sharing lessons learned with key partners, including independent custody visitors, would refine the approach further.*

Audits

160. In the early weeks, shortly after the establishment of Custody Division, a number of critical incidents in custody involving PIRC reviews highlighted risks and issues with legacy processes. A weekly audit process was introduced which acknowledged the risk associated with custody and reflected the need to establish national consistency. The audit process aims to assess practice and raise standards. The approach has been implemented across Custody Division and involves chief inspectors and cluster inspectors undertaking regular audits on a random selection of custody records. The process covers all activity from point of entry to the custody facility to departure and includes viewing records and CCTV footage to assess adherence to custody policy and evaluate practice.
161. The audit process is viewed positively but can be resource intensive dependent on the requirement to access ICT systems and CCTV footage. This is viewed as a limiting factor in the number of audits which can be undertaken. However, senior managers are committed to the audit process as both a risk assurance and improvement tool.
162. As with adverse incidents, the response to an audit could vary from a full procedural review to individual feedback to a member of staff. The feedback from audit processes to frontline staff was not evidenced consistently, although senior managers were clear that the impact has been considerable, supporting divisional learning, identifying weak practice and identifying individual development needs.
163. In one cluster, custody sergeants are auditing each other for a trial period. This is effective practice in encouraging constructive challenge and learning, however staff did view this as a resource burden and felt uncomfortable giving feedback to their peers. We view the



approach as valuable and worth considering as part of a less formal peer review process. We also recognise the opportunity to drive further improvement and consistency through the extension of the process using an independent team providing a dedicated and consistent resource.

Recommendation 12

To further address inconsistencies in practice, Police Scotland should build on its approach to custody audit, with frequency of audits being reviewed and consideration given to additional cross cluster audits. Consideration should also be given to a centralised resource to further support and undertake the additional work.

Complaints

164. As with all areas of policing, we expect that monitoring of complaints, alongside audit and adverse incident processes, will contribute to the division's improvement approach. However, the PIRC holds the statutory duty to review Police Scotland complaints handling procedures. HMICS engages regularly with the PIRC and takes account of his findings to inform our scrutiny plans.
165. Within Custody Division, complaints are managed according to Police Scotland policy standards through a complaints log. This allows management to consider trends, identify issues and provide oversight of ongoing work. However, this information is limited and evidence gathered at custody centres showed a lack of consistency in complaints handling at local level. Custody Division has acknowledged that improvement is required in complaints handling with actions included in its improvement plan. *The lack of contribution of complaints analysis to the improvement process in the division should be addressed.*

People

Key messages

- Custody Division currently has no comprehensive plan in place for its workforce.
- Significant work has been undertaken on PCSO recertification which has been successfully concluded, but has delayed other work.
- There is strong reliance on local policing resources to provide cover, but a lack of management information prevents this being further quantified.
- There is still much work to do in defining roles within the custody environment and harmonising terms and conditions for PCSOs.
- A consistent and comprehensive approach to training should be addressed as a matter of priority, including a number of previously ad hoc areas such as mental health and child protection.

166. As part of the development of a strategic proposal, we expect that Custody Division will develop a comprehensive plan for its workforce to support its future plans. The division has so far been inhibited in developing such a plan by a number of factors including:

- considerable efforts and resources during the division's first 10 months of operation have been dedicated to urgently addressing the issue of PCSO recertification³²
- the division has been unable to easily access information about custody staff, because their details are still held on the eight legacy force systems
- at the time of our inspection, the division had not yet received an indication of how many staff would be allocated to it in the future
- the absence, as yet, of a strategic proposal for custody
- limited leadership and management capacity within the division itself caused by absence and under-resourcing. (This has now been addressed with the appointment of three superintendents and additional staff for the divisional co-ordination unit.)

³² The PCSO recertification process involved ensuring that all PCSOs were appropriately authorised and trained to take samples from those in custody (such as fingerprints, photographs and DNA).



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167. In devising the most effective and efficient delivery model for custody, the division must take into account its significant reliance on local policing officers to provide cover and support within custody. This reliance on local policing is intentional to some extent: if Custody Division was not to rely on local policing for support and was to be self-sufficient, then it would require significant additional resources which would have to be drawn from other areas of policing. While these additional resources would be useful at peak times and to cover absences and leave, it seems likely that they would be under-used at other times. Therefore it is appropriate that Custody Division draws on local policing resources when required.
168. The need for local policing flexibility has not necessarily been communicated effectively and supported throughout Police Scotland – while it is understood by some, others remain concerned about the need to provide cover. Some custody staff told us that local policing divisions would be more willing to provide cover if the divisions themselves were not so lean. In some areas, it was reported there can be a strong reluctance to provide support to Custody Division and custody will sometimes run below its minimum staffing model during quieter periods to minimise abstractions from local policing.
169. Despite this need to rely on support from local policing, we were surprised at the extent of cover we saw during our visits to custody centres which may highlight that Custody Division could currently be under-resourced. At the time of our inspection, staff told us that cover was used more extensively than planned due to a failure to fill vacancies within Custody Division. Our visits to custody centres across Scotland were hampered at times by the inability of those providing cover to answer our custody-related questions. As a result of under-resourcing, many staff we met worked long hours often without a break which is unsustainable. Custody Division has sought to reassure us, however, that it monitors compliance with Working Time Regulations at local level and that all staff were reminded of their responsibilities to record their working time in a recent memo from Police Scotland’s Director of People and Development.
170. The division is considering a range of staffing options for the future delivery of custody. These include ensuring the most appropriate balance between police officers and PCSOs within custody; assessing shift patterns; increasing the use of peripatetic custody staff and both demand-led custody centres and constable-led custody centres; and identifying an appropriate level of abstraction from local policing. We anticipate that these staffing options will be addressed in the strategic proposal for custody.
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171. More than 60 applications for voluntary redundancy or early retirement have been received from police staff within Custody Division. If accepted, these applications would result in savings of over £2m, however, some police staff would need to be replaced by police officers. In seeking to accommodate these applications, the division has been considering its staffing model and the balance of officers and police staff. The current balance is one-third police officers to two-thirds police staff, but this varies across legacy force areas with a lower proportion of police staff in, for example, legacy Lothian and Borders.
172. We understand Custody Division is considering the optimum balance of police staff and officers. While an increased proportion of officers has some benefits (including, for example, flexibility around deployment), we were impressed by the skills, commitment and sensitivity shown by many of the PCSOs we met during our inspection. Some PCSOs had many years of experience (some more than a decade) and were adept at managing difficult situations and de-escalation. This was often due to their skills and experience, but at times was also because detainees engaged with them differently simply because they were not police officers.
173. PCSOs also bring a degree of consistency of practice and a repository of knowledge and experience, where police officer turnover can be limiting. While it is acceptable that police officers can be used as temporary or short-term replacements for PCSOs as part of workforce planning to provide cover until a permanent structure is in place, this is not a sustainable or effective resourcing model. Custody Division must ensure that whichever staffing model is chosen, it is evidence-based and has clear business benefits, not only in terms of savings but in promoting positive outcomes for detainees.
174. At present, there are at least three main shift patterns in operation across Custody Division, reflecting local policing patterns. This supports the development of relationships between custody and local policing shifts. We heard that shift patterns in some areas posed challenges and the division should work to resolve these, taking into account the needs of the division nationally as well as those of local policing. We welcome the division's intention to review shift patterns as part of its change programme.
175. In the west of Scotland, a pool of experienced peripatetic sergeants from the division are used to provide cover for custody sergeants who are absent or on leave across the area. Many people we spoke to welcomed the idea of peripatetic custody staff and felt this model could alleviate to some extent the need for local policing to provide cover. We note that the division is considering how it could maximise the benefits of peripatetic staff across Scotland.
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176. Demand-led custody centres are those which are only open at peak times. For example, some centres in or near Glasgow (including those at Partick and Paisley) only open at weekends. These centres are staffed by part-time PCSOs and officers from local policing who, when the custody area is operational, check the custody area to ensure that following a period of closure the custody suite is fit for operational use. We view these centres positively, but would emphasise that throughput and level of detainee transfer requires to be continuously monitored to ensure appropriateness of the model at each location.
177. The majority of custody centres are led by a sergeant but there are some centres in the west of Scotland which are managed by a constable. The division is considering increasing the use of constable-led centres as an efficiency measure. While we were impressed by constables we met who managed custody centres, others we spoke to within and outwith Police Scotland expressed concern at this staffing model. They felt managing a custody centre was a significant responsibility and one which was appropriately undertaken at the rank of sergeant. Others felt constable-led centres were a viable option, but more careful consideration should be given to the location of the centre, the throughput of detainees and the proximity and availability of a supervisory sergeant. It is essential that the supervisor is suitably experienced and trained. The role of custody supervisor requires a level of responsibility and ability to directly oversee staff commensurate with a sergeant or acting sergeant. *We expect Police Scotland to carefully consider and fully assess flexible options for both the level of responsibility and remuneration associated with such responsibilities.*

Gender balance

178. Many of those we spoke to during our inspection felt there were insufficient women working in custody. Indeed, we saw many shifts in custody centres across Scotland with no female staff. While the majority of detainees are male, female staff are needed particularly to participate in key processes involving female detainees such as searches or constant observations. A potentially disproportionate demand is therefore placed on female officers from local policing divisions who are called upon to provide assistance. Custody Division is hampered in its efforts to effectively plan its workforce by the absence of management information about the number of male and female detainees. Such information will assist the division to better plan its workforce and ensure there is a proportionate gender balance across shifts in each custody centre.



Roles and responsibilities

179. We found the roles and responsibilities of custody staff to vary substantially across Scotland. The roles of sergeants, constables and PCSOs may vary depending on the size of the custody centre, the throughput and the staffing model. In many centres, booking-in was completed by a PCSO with oversight from a sergeant. In some custody centres, arresting officers played a larger role than in others. For example, in some centres, arresting officers took detainees to their cells following the booking-in procedure while in other centres, this was done by custody staff. The division has recognised the need for a review of job responsibilities and will shortly commence a review of PCSO terms and conditions as part of a wider corporate strategy action with associated timescales.³³
180. In one custody centre, we noted a weekly timetable on display setting out the key tasks to be completed on each shift throughout the week. This task sheet ensured key tasks were completed and would be particularly helpful to those officers from local policing who were providing cover.
181. In several police stations, we saw custody staff carrying out front counter and other duties. In some centres, these duties were provided as cover or 'mutual aid' arrangements to public counter staff. However, in a few centres, custody staff also undertook public counter duties as part of their role. We were assured by these staff that their custody-related duties took precedence, often temporarily closing the public counter. This dual role for some PCSOs further complicates the ability to implement nationally consistent roles, responsibilities and terms and conditions. We deem that in a high risk environment such as custody, that this shared role may either compromise the safety of detainees or the quality of service to the public. *Custody Division should consider the appropriate staffing model to address associated risks with custody staff undertaking a dual role.*

³³ See Police Scotland, [Corporate Strategy 2014](#) (page 14) in which the service states that it will diversify its workforce through the promotion of attractive, inclusive and responsible working practices, including by standardising its terms and conditions of employment.



Training

182. Prior to 1 April 2013, custody-related training was delivered by the eight legacy forces. The current custody policy states that all staff working primarily in custody must be suitably trained to fulfil their role.³⁴ During our visits to custody centres, we came across staff with a hugely variable training experience. This variation was attributable to the different training arrangements put in place by each of the legacy forces. Some staff had been on courses lasting up to six weeks, while others had only a single day of training. The courses most often attended included those on the general care and welfare of detainees, personal safety, first aid and emergency life-saving, food hygiene, carrying out PNC checks and training on the relevant custody records system. We met several members of staff who said they did not have training in a key area, such as a custody sergeant who was not given the level of first aid training required for the post.
183. Legacy training arrangements ceased on 31 March 2013 without a new, national training programme taking their place. Custody Division has now allocated the training portfolio to a member of its senior management team which we welcome. This senior officer has been tasked with developing a training strategy for the division and sufficient time should be allocated for him to do so. To help develop this strategy, an attempt has been made to establish the training needs of Custody Division personnel although the results were not known at the time of our inspection.
184. The training strategy should set out the core learning requirements for different roles within Custody Division (such as sergeant or PCSO). The strategy should address not just formal training, but also work-based learning opportunities such as shadowing which were much valued by the staff we spoke to. Custody Division should also engage with its staff regarding what training they would benefit from over and above the core learning requirements. For example, some of the staff we spoke to said they would welcome mental health, child protection and suicide awareness training. They felt this would be particularly useful given the current detainee profile.

³⁴ In relation to PCSOs, section 29 of the Police and Fire Reform (Scotland) Act 2012 specifically states that PCSOs should receive training to carry out their role.



185. The training strategy should also take into account long term changes facing Custody Division. Both the Criminal Justice Bill and the implementation of i6 (the new integrated national police ICT system) will place significant training demands on custody staff. The strategy should also take into account what training can be provided by partner agencies such as the Scottish Legal Aid Board, independent custody visitors and those managing appropriate adult services. For example, under legacy force arrangements, there appears to have been a well-developed training initiative in Fife on the role of appropriate adults and such initiatives should continue.

Non-Custody Division staff

186. Another key risk relates to the inadequate training of those officers from local policing divisions who provide cover for custody staff. This risk is particularly acute given the extent of cover – we rarely visited a custody centre where there was not at least one officer who was providing cover. As with custody staff, the extent of training received by those providing cover was variable. Some had received extensive training while for others it consisted of a one-day course.

187. Of particular concern were those officers who had received their custody training several years previously and who had not had the opportunity to work in custody very often during the intervening period. On occasion, we heard about officers working in custody with no custody training at all. Not only does this put detainees at risk, it also places increased demands on Custody Division staff. Moreover, some officers providing cover said they felt exposed: they were expected to undertake a demanding role without sufficient experience or expertise. The custody policy states that untrained staff may only work in exceptional circumstances and only where a trained member of staff is present.

188. Trained officers providing cover also told us that it can be difficult keeping up to date with developments in custody. They rely heavily on Custody Division staff highlighting any recent changes in policy and procedure. We were therefore concerned when we saw shifts with more than one officer providing cover. For example, in one centre, we met two officers providing cover for two PCSOs. While one had received training and provided cover fairly regularly, the other had very limited training and experience. Neither were able to answer all of our questions about custody practice and both said they felt more comfortable when providing cover alongside a PCSO.



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189. The extent to which those providing cover actually assisted custody staff also varied. We heard that some continued to focus on their day-to-day role, often catching up on paperwork, while working in custody.
190. The inadequate training of police officers used for cover is as much an issue for local policing as it is for Custody Division. It is the local policing divisions which decide whether cover can be provided and who should provide it. Currently, it is up to those divisions to ensure that trained cover is available on each shift and that it is provided when required. In extreme circumstances, if a custody centre cannot be staffed appropriately, then it may be closed. In some areas, custody staff told us that their local policing division had a resource management unit which actively sought to identify trained and experienced officers to provide cover.
191. HMICS considers that all staff working in custody centres should be trained and kept up to date with developments in policy and procedure. The proposed training strategy should be owned by Custody Division and cover all Custody Division officers and PCSOs as well as local policing officers who provide cover. This training strategy should be informed by a training needs analysis. Custody Division and local policing divisions should work together to ensure that officers with sufficient training and experience are available and are provided to Custody Division when cover is required.

Recommendation 13

Police Scotland should develop a custody training strategy and implementation plan. This should be informed by a training needs analysis which covers all staff working within custody.

Performance assessment

192. There is a lack of clarity in Custody Division as to how the performance of individual staff members is assessed. This appears to be a service-wide issue as there is no Police Scotland standard appraisal system in place as yet. Pending its introduction, the appraisal procedures of legacy forces are still being used in some areas. In other areas however, no appraisals had been carried out over the last year.



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193. The absence of performance assessments hampers the identification of individual training and development needs. We often came across staff members who lacked training on specific but important areas. Police Scotland has noted its intention to develop a national force-wide Performance and Development Review (PDR) process. *Custody Division should implement the Police Scotland PDR process at the earliest opportunity to help consistently identify individual training and development needs.*
194. Performance does appear, however, to be addressed in a more ad hoc way. Individuals receive feedback following an adverse incident for example, or regarding a specific instance of good practice. Indeed, on several occasions, we observed the divisional commander recommending that an individual receive positive feedback about their performance. However, many staff simply have no idea how their performance is, or will be, assessed.
195. Some PCSOs we spoke to noted that they have no opportunities for career progression and, in the absence of such opportunities, would appreciate the division thinking more broadly about development opportunities (for example, working in another centre or better access to training). *Police Scotland should consider both staffing structures and development programmes for PCSOs in the Custody Division workforce plan.*
196. The senior management team have introduced an awards scheme to recognise the efforts of those working in custody. While some staff felt this showed their work was valued, others were cynical about the awards scheme (including some recipients). Some staff felt they received awards for simply doing their day-to-day job and would rather be recognised for doing something truly outstanding. We welcome the senior management team's efforts to recognise the work of staff but *suggest that the awards scheme be aligned with the wider force Recognition and Reward framework to ensure consistency with other areas of Police Scotland and is reviewed in consultation with staff at all levels to ensure it achieves its purpose.*

Staff development

197. It is critical that Custody Division is staffed by individuals who are skilled and motivated to ensure that detainees are held safely and that custody is delivered in a way that meets the wider needs of Police Scotland. The division's senior management team is aware that to attract high quality officers, custody must be regarded within the police service as an attractive place to work. It should be a division which officers are promoted to and from, and



in which they have development opportunities. The senior management team acknowledges that they have much to do to overcome traditional perceptions among many officers that custody is not an attractive or worthwhile career option.

198. Some of those we spoke to during our inspection thought that those traditional perceptions of custody are beginning to shift and that it is increasingly being seen as an attractive specialism. This shift appears to be a result of the heightened profile of Custody Division within the police service. It is being seen as an increasingly professional environment and there is growing awareness of the support structures within the division as well as development opportunities. However, most of the officers we spoke to were less positive about working in custody and still did not see custody as a desirable career path. *Attracting high calibre officers must form part of the senior management team's workforce plan to develop the division.*

Communication and engagement

199. Custody Division has developed a communication plan using a number of different channels. Key messages, such as changes in policy or procedure, are communicated to custody personnel in a variety of ways. Staff receive emails and memos from the commander as well as their own supervisors, there is a custody newsletter, and staff have access to a custody intranet site. One area commander also described visiting custody centres and checking with staff that key messages had been received and understood.
200. Most staff were aware of these methods of communication although the extent to which they used and valued them varied. Some staff complained of email overload: they received the same messages several times as well as information that was not relevant to their role. We were concerned however that some custody staff remained unaware of some methods of communication (including memos, the newsletter and the intranet site) and key messages were not reaching all staff.
201. We observed a forum for inspectors held by the divisional commander and attended by other members of the senior management team. This forum was used to update inspectors on recent developments and to provide an opportunity for them to comment on key issues and provide general feedback to the management team. While such a forum is to be welcomed, other staff felt they lacked opportunities to influence policies or decisions or to raise issues.



202. During our inspection we met with representatives from Unison and the Scottish Police Federation. At the time of our inspection, only one formal meeting had taken place with custody management but regular informal engagement was taking place. The creation of a single Custody Division was viewed positively and as a good foundation for further development. Further engagement was highlighted as required around health and safety, the review of adverse incidents and effectiveness of control measures implemented.

Morale

203. Some custody staff told us that their morale had improved following the creation of Custody Division. Being part of a specialist division had strengthened their sense of identity and they were pleased to be working in an increasingly professional environment. Some staff said they felt protected to some extent from more significant changes occurring elsewhere in Police Scotland. However, we found that PCSO morale is generally low, primarily due to uncertainty as to the impact of harmonisation of their terms and conditions. Prior to harmonisation, temporary PCSOs are being recruited at a higher salary than that earned by some current PCSOs (many of whom have several years' experience). PCSO morale is also affected by uncertainty over their future and that there may be no viable redeployment options for them. They feel little has been done by senior management to alleviate this fear.
204. Some staff were also frustrated by the failure to fill vacancies which resulted in an increased workload and a perceived expectation that they work past the end of their shift during busy periods without recompense. Difficulties in taking leave were also cited as an issue due to difficulties in securing cover. *Custody Division senior managers should consider improved engagement mechanisms with staff to improve two-way communication and provide opportunities to address concerns and participate in the planning process, discuss issues and provide feedback.*

Resources

Key messages

- Overall, there is limited management information available on resourcing.
- Lack of baseline financial data is preventing effective identification and understanding of custody costs and efficiencies. To ensure best value and continuous improvement, there needs to be a clear understanding of costs and how this links to resourcing and performance.
- The condition and suitability of the estate is widely variable and capacity is a critical issue in some areas. A risk assessment of every centre is required urgently.
- There are eight ICT systems (five applications) still in operation with no interoperability or centralised data store to support management information and analysis. This will not be remedied until the planned implementation of i6 in 2015 requiring manual processes in the interim.
- The physical 'ownership' of custody centres is often unclear due to co-location with other divisions and can result in a lack of clarity over the responsibilities for health and safety and maintenance.

Police reform

205. The financial aspects of police reform were examined as part of the *Police Reform: Progress Update 2013* published by the Auditor General.³⁵ This highlighted that the costs and savings estimates for reform, based on the Outline Business Case for police reform (OBC) prepared in September 2011 had not been updated nor a full business case prepared.³⁶

206. In terms of custody, the OBC identified potential savings of £6.8m for criminal justice services (including custody). This figure was estimated as 10% of existing costs and included rationalisation of custody, shared processing, process improvement and optimisation of existing contracts. The subsequent strategic proposal developed by the reform programme in 2012 for criminal justice set out a total cashable savings estimate of £5.69m and non-cashable savings of £1.25m, including a 188 FTE reduction in police staff numbers across both custody and criminal justice.³⁷ Cashable and non-cashable savings, including FTE reduction in police staff numbers across both custody and criminal justice, cannot be verified as yet.

³⁵ Auditor General, *Police reform: Progress update 2013* (2013).

³⁶ Scottish Government, *Police Reform Programme - Outline Business Case* (September 2011).

³⁷ Internal Police Scotland report made available to HMICS during our inspection.



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207. We recognise that the lack of accurate baseline data was not limited to the custody function and note a number of recommendations have been made by the Auditor General to Police Scotland generally.³⁸ These include the need for the SPA and Police Scotland to work together to identify accurate financial baseline data and agree a financial strategy by the end of March 2014, informed by evidence-based options for achieving savings, and taking joint responsibility for its delivery.
208. Whilst recognising the significant ongoing challenges, and the need to exercise strategic financial control, it is clear that senior police managers also require and expect greater visibility over functional costs. This is necessary to support best value and continuous improvement. We would therefore encourage the greater provision of financial data to senior custody managers so that they have a clear understanding of functional costs and how this links to resourcing and performance.
209. We fully support the position of the Auditor General and the Public Audit Committee³⁹ with regard to the need for a fully developed business case or financial strategy to ensure that projected savings associated with reform are clearly identifiable, that the savings being made are the right ones, and that they will deliver sustainable policing for the long term. While the Auditor General will review progress against her specific recommendations, we will maintain an interest in this area through our planned Continuous Improvement Reviews of both the SPA and Police Scotland.
210. At the point of inspection, we found that some progress had been made but there were also a number of inhibitors associated with the ongoing challenges of reform. These inhibitors included delays in establishing full staffing structures for corporate functions including finance, human resources, corporate communications and ICT, and legacy ICT application system issues.

³⁸ See note 35.

³⁹ Paragraph 40, Scottish Parliament Public Audit Committee, [3rd Report, 2014 \(Session 4\): Report on police reform](#) (May 2014).



Finance

211. A joint budget of £26.5m was allocated for Criminal Justice and Custody Divisions for 2013-14. At the time of our inspection, much of this budget was still centrally controlled or not yet devolved from Criminal Justice, although non-pay budgets were progressively moved to custody during 2013-14. Therefore, the main financial data available to the division related to overtime. Similarly, Custody Division had at that time no defined establishment numbers or salary budget. Work has since been completed to develop an independent budget and associated reporting arrangements for 2014-15. This lack of effective financial and resource reporting prevents identification of areas of high or low spend and limits control and governance of divisional resources. The lack of baseline financial data also prevents accurate identification of any cost efficiencies which have been realised as part of the creation of a single division.
212. The majority of the Division's budget is identified as staffing, with £7.6m identified for health care with an estimated £1m for supplies and services. The overall Police Scotland savings target for 2013-14 was £64m of which £42m was identified and removed from the base budget prior to allocating individual budgets to business areas, which included Custody Division. In 2014-15, a further £9.5m unidentified savings have been allocated to DCC portfolios, but no specific target has as yet been identified within Custody Division.
213. The custody senior management team scrutinise spending on a monthly basis with a focus on overtime. At the time of our inspection, the division had an identified overspend of £197,000 overtime on a budget allocation of £596,000 in 2013-14. This budget had been allocated based on a national algorithm and did not take account of the operating requirements for cover within custody. This led to initial higher spend on overtime, whilst local policing came to terms with the level of cover it would require to provide. Overtime levels have now been reduced to a level where frontline staff stated that overtime is no longer used.
214. Similarly, from early analysis, transport and fleet costs have also significantly outstripped initial budget allocation levels. This may be attributable to the detainee transfer protocol, but may also relate to an initial under estimate of budget allocation.



215. The Police Objective Analysis (POA) data for 2012-13 provides budget figures for the legacy forces (see Figure 5).⁴⁰ The total estimated custody budget across Scotland was £34.8m prior to 1 April 2013. Similarly the analysis for Criminal Justice prior to 1 April 2013 equated to £38.7m, totalling a national spend of £73.5m in 2012-13.

Figure 5 – Analysis of Legacy Custody Resources 2012-13

Legacy force	Police officer £'000	Police staff £'000	Direct non-staff £'000	Apportioned non-staff costs £'000	Police officer FTE	Police staff FTE	Total cost £'000
Central	1,343	428	474	12	24.00	11.37	2,258
Dumfries and Galloway	118	271	227	6	2.40	8.66	622
Fife	998	1,098	0	0	17.00	26.06	2,096
Grampian	1,484	1,157	939	16	26.41	34.49	3,596
Lothian and Borders	4,926	1,633	1,471	16	92.00	45.00	8,046
Northern	694	243	902	0	15.00	10.00	1,839
Strathclyde	6,247	7,685	503	30	112.37	256.60	14,465
Tayside	580	641	694	7	10.00	21.97	1,922
Total	16,391	13,156	5,210	87	299.18	414.15	34,844

Source: Police Scotland

At the time of our inspection there were 235 police officers (a reduction of 64 FTE from 2012-13 POA figures) and 461 police staff in the division (an increase of 47 FTE from 2012-13 POA figures).

216. Police Scotland has noted that Police Objective Analysis was at an early stage of development when these figures were produced and budget apportionment may not have been consistent. The significant disparity therefore between an estimated total national spend of £73.5m in 2012-13 and a 2013-14 joint budgeted figure of £26.5m in 2013-14 and the variation in staffing levels cannot be fully explained.

⁴⁰ Police Objective Analysis is a common tool for analysing the costs of policing in key functional areas.



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217. The primary income source for Custody Division is an agreement with Home Office Immigration Enforcement (HOIE) which sees the division charge a fee for each immigration detainee held in police custody per 24-hour period. Similar arrangements in place are:
- Royal Naval Police (RNP) (21 November 2013). This is a formal agreement for the provision of custody and detention facilities including the interviewing of suspects. The agreement enables Police Scotland to provide RNP with custody, detention and interviewing facilities as required for those individuals arrested or detained by RNP officers. There is a daily fee per detainee.
 - Chief Constable of the British Transport Police (Scotland Area) (1 April 2013). This is a formal agreement for the provision of custody and detention facilities including the interviewing of suspects and associated services and products linked to custody and detention. British Transport Police (Scotland Area) second two custody sergeants for custody duties to the national Custody Division of Police Scotland.
218. In terms of cost reduction, focus has been on the operational set up of the division to date. Efficiencies have been achieved through consolidation to the single national division, but cannot be quantified. However, virtually all civilian administrative/clerical support resources appear to have transferred elsewhere in Police Scotland or have been removed from the custody structure.
219. Opportunities are now being sought through workforce modernisation and adoption of a national procurement strategy for further efficiencies. The development of the new strategic proposal will consider VR/ER options, use of peripatetic sergeants and future workforce balance between police officers and police staff. However, savings will have significant dependencies on other work streams, particularly regarding any harmonisation of job roles, definition of operational base levels, review of shift patterns and allowances, and flexible demand-led models of resourcing. These options will be progressed as part of broader organisational change within Police Scotland and may yield some longer-term financial savings.



Estate

220. The Police Scotland Property Asset Management Plan was approved by the SPA Board in October 2013. The plan provides an overarching framework for the development of the physical estate and states that, *'Police Scotland will consider the options for the future provision of the Custody Division which is linked to operational demand and provide appropriate and cost effective custody centres across Scotland.'* The plan also requires Custody Division to review capital projects inherited from legacy forces and ensure alignment with the future custody strategy. Currently bids for national projects such as upgrade of medical facilities are made nationally and local maintenance is funded by the estates function.
221. The Custody Division undertook a review of its estate in August 2013 and this provides a comprehensive assessment of current centres, ongoing property works and physical relationships with courts. The report highlights issues across the three areas in terms of both legacy plans and existing capacity challenges. The review provides a good baseline assessment and was used as part of project initiation with the new custody Estate Management Group (first meeting 21 August 2013). The review also sets out the intention to have a Custody Estate Strategy in place for implementation in 2014. The strategic direction for the custody estate will be set out in the strategic proposal being developed for the division.
222. As previously noted, capacity in some areas is a critical issue. At the time of our inspection, a number of immediate priorities had been agreed for the custody estate which include the opening of a new 60-cell centre in Kittybrewster, Aberdeen; the upgrade of medical facilities across the estate; and a number of projects to address existing capacity issues in the Edinburgh area. These priorities were confirmed by senior managers and reflect analysis of throughput and detainee transfer data.
223. We found the condition and suitability of the estate to be widely variable. This reflects the age of many buildings, their physical constraints and legacy levels of investment. Custody centres are also co-located with local policing divisions, which limits options for expansion or refurbishment and requires joint planning for the future. The 'ownership' of custody centres is often unclear due to this co-location and can result in a lack of clarity over the responsibilities for health and safety and maintenance.



224. The impact of the recent review of public counters on custody operations is not insignificant.⁴¹ A number of custody centres are no longer directly accessible to the public via a public counter service on a 24-hour basis. Independent custody visitors, appropriate adults, solicitors and detainee visitors are now required to use handsets linked to the '101' non-emergency number placed outside main entrances at these locations. This requires the control room to understand the basis for such visits and expedite access to the location by calling the custody centre and arranging for a member of staff to collect visitors. Delays in this process have the potential to impact on the care and welfare of detainees. In December 2013, the independent custody visitor scheme reported to the SPA that their only issue was repeated delayed entry to custody suites which had been raised with Custody Division. *Accessibility at custody centres for key stakeholders must be maintained and consideration should be given to a standard control centre response to those who require entry.*
225. With the development of a strategic proposal for custody, estate requirements are fundamental to any future operating model. The physical requirements (see paragraph 80) and impact of the Criminal Justice Bill need to be taken into consideration, as well as the potential physical separation of custody centres from other police buildings. A perceived lack of capital funding has constrained the division in its ambitions for a future custody estate – any new approach should consider all options available, including other criminal justice partner facilities, and attempt to minimise the amount of detainee transfers.

Recommendation 14

As a matter of urgency, Police Scotland should finalise the Custody Estate Strategy and work in partnership with the SPA and Scottish Government to prioritise investment in the custody estate.

Information management and ICT

226. ICT is a core element of the Police Scotland Corporate Strategy. The strategy sets out a high-level plan which includes the implementation of i6, a consolidated national SCOPE system and new national infrastructure. During our inspection, we found that the constraints of legacy force systems were limiting the effectiveness and efficiency of police reform and the ability of custody division to obtain management information on a national basis. HMICS

⁴¹ For further information, see [paper](#) presented by Police Scotland to the SPA Board on 4 December 2013 on public counter service provisions.



will be monitoring the implementation of the ICT plan as part of its Continuous Improvement Review programme.

227. There are eight separate legacy custody ICT systems (five common ICT applications) in operation across Scotland with varied levels of local functionality. Some areas also require manual forms and logs to be completed and filed where their ICT system does not meet all requirements, e.g. staff in legacy Tayside complete cell sheet logs for each detainee and staff in legacy Northern require a form to record detainee care plans. Some systems also work in a 'standalone' mode where information either cannot be shared or requires data transfer to another system to allow it to be viewed. We observed that all locations had manual processes available as contingency for ICT failure.
228. The new arrangements with the NHS to provide health care in custody centres will involve NHS staff recording detainee information on their own ICT system, which could potentially improve management information availability. The NHS ICT system ('ADASTRA') was being rolled out to custody centres at the time of our inspection.
229. We also saw that the legacy Lothian and Borders system appears to be 'data hungry', requiring significantly more data input than other systems. This prolongs the processing time for detainees and waiting times for others yet to be processed.
230. Management information from these systems is limited and is not available at a national level. A limited set of information is submitted manually every night to the divisional co-ordination unit and is collated centrally. The following data is collected from each custody location in Scotland:
- throughput
 - number of persons held in custody for court
 - proportion held in custody for court
 - juveniles held in custody for more than four hours
 - juveniles held in custody for more than 12 hours
 - section 14 detention extensions
 - detainee transfers



Throughput includes:

- all new arrests
- all new detentions
- persons detained for purposes of a search
- persons attending on a voluntary basis to assist with enquiries
- detainees transferred in to the custody centre from another centre
- detainees attending for identification parade

This data will provide baseline information for 2013-14.

231. This lack of management information and collated national data means there is limited reporting and no analytical products available to the division. Technical challenges and limited ICT resources have prevented any attempt to extract information from the eight source systems to provide an improved baseline from which to measure progress. Whilst this remains an important issue for the division, the data captured manually provides some basic information until a new system is in place. The division will require analytical skills when improved data becomes available and *we would encourage continued dialogue with analytical services to ensure a dedicated analytical resource is available for advice and guidance in development of options to meet the gap until delivery of an integrated ICT solution.*
232. The new integrated police ICT system, i6, will deliver a new custody system commencing 2015. Staff from Custody Division are involved in specification of requirements and are actively participating in the programme. However, specification of the full legislative requirements of the Criminal Justice Bill is still unclear and is likely to require the introduction of manual processes until i6 is available in all custody centres. Awareness of i6 and future plans for ICT amongst frontline staff was poor.
233. There are also limitations on availability of human resource information. This is attributed to a delay in creating a unified single instance of the Police Scotland SCOPE system. This has until very recently prevented division-wide analysis of resourcing, sickness and equalities. Both senior and local management expressed frustration at the lack of management and performance information.



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234. As previously described, the main resource issue at all levels was the need to rely on local policing divisions to supply resources to cover for leave, sickness or other absences. This places significant pressure on both local policing and custody, whereas in legacy forces, being located within local policing under a single ICT system, resources were able to be more flexibly deployed across shift patterns. However, in the majority of divisions, the supply of cover is being managed effectively, albeit sometimes with difficulty. The exception to this is the legacy Strathclyde area, where in a small number of divisions, there is ongoing difficulty in securing trained officers to cover from local policing for custody centres (see paragraphs 186-191).
235. Greater dialogue and engagement is required both by Custody Division senior managers and local police commanders to ensure that a positive operating culture exists. A superintendents meeting provides such an opportunity with local policing to discuss issues and progress solutions and to consider the factors that hinder effective working and the benefits or otherwise of introduction of service level agreements with local policing divisions.
236. The appointment of new superintendents in February 2014 has increased the division's capacity to build effective partnerships. The Chief Superintendent has taken the lead on many occasions in terms of partnership engagement and building on this effort *we suggest merit in empowering the new custody command team to maintain and develop those relationships further.*

Partnerships

Key messages

- Strategic partners are clear that the national Custody Division provides a single point of contact for all custody related policing issues ensuring greater consistency and clearer lines of communication.
- The Strategic Partnership Group has been welcomed by partners as a means of consistent national engagement with the custody function.
- There is good partnership working between Custody Division and a range of external agencies and organisations to support delivery of the care and welfare of detainees in police custody.
- Police Scotland needs to work with partners to introduce robust and proportionate processes to ensure that foreign national offenders are managed appropriately.
- Custody Division need to more effectively engage with partners in the strategic planning process to develop a shared vision and align resources around a number of common goals.

237. During our inspection, we met with a range of representatives from partner agencies and organisations and discussed:

- strategic planning processes for partners that support delivery of partnership and single agency outcomes in an efficient and sustainable way
- governance arrangements in place to deliver partnership and review overall progress against agreed outcomes and priorities
- effective working arrangements between Custody Division and partners
- the role partners have in the assessment and management of risk
- suggestions on how Custody Division could be improved

238. We interviewed a variety of internal and external partners who commented in positive terms on the personal drive, determination and visibility of the Chief Superintendent, Custody Division in advancing partnership activity.

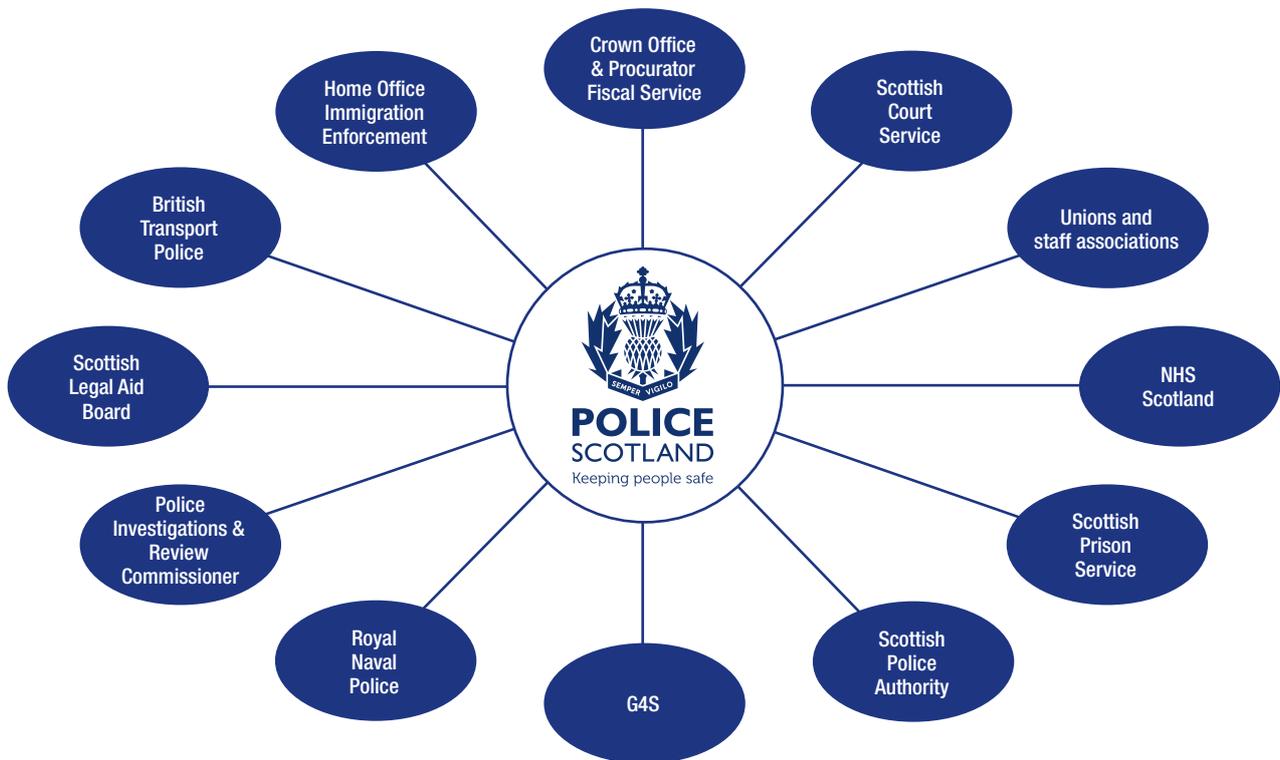
239. We found evidence of good partnership working between Custody Division and a range of external agencies and organisations to support delivery of the care and welfare of persons in police custody. There is a clear desire amongst partners for continued visibility and access



to the Custody Division senior management team. Strategic partners are also clear that the national Custody Division provides an effective single point of contact for all custody related policing issues ensuring greater consistency and clearer lines of communication. This improved connectivity fulfils a number of the objectives for police reform including improved access to specialist support and national capacity and improved connectivity between services.

240. Relationships were reported as positive and there is mutual respect and a sense of shared responsibility in working together to improve care and welfare of detainees and the investigation, prevention and detection of crime.

Partnership governance





241. During our inspection we found that Custody Division understands the needs of its different stakeholders and in addition to informal liaison, formal structures are in place to work with partners, including a Custody Strategic Partners Group. The aim of this group, which met for the first time on 29 November 2013, is to ensure effective partnership working and address relevant issues. All partners were very positive about the engagement process through this group. However, effective consultation with partners on the impact of national policing decisions still remains a challenge for Police Scotland.

Custody Strategic Partners Group		
Scottish Court Service	Scottish Prison Service	Independent Custody Visitors Scheme
NHS/Health Boards	Scottish Legal Aid Board	
Crown Office and Procurator Fiscal Service	Home Office Immigration Enforcement	

Criminal justice partners

242. Both civil and criminal justice will continue to be subject of reform following the reviews by Lord Gill,⁴² Lord Carloway,⁴³ Sheriff Principal Bowen,⁴⁴ and the implementation of the Victims and Witnesses (Scotland) Act 2014. The Scottish Court Service, COPFS and Police Scotland are fully engaged in the process given the impact on the wider criminal justice community. Both Criminal Justice Division and Custody Division are involved in a number of projects instigated by the wider Making Justice Work programme and the overarching Justice Board.⁴⁵ Police Scotland, the SPA and chief executives of other criminal justice bodies sit on this Board.

243. Given the range and complexity of the Making Justice Work programme and the common interests between Criminal Justice and Custody Divisions, it is to be expected that there may be some overlaps in representation in some projects. We were told that regular meetings take place between the two divisions and their shared ACC and DCC. Partners however noted that this can become confusing in terms of primary contacts in Police Scotland and where responsibilities lie for delivery. *There may be merit in taking stock and defining clearer responsibilities between Criminal Justice and Custody Division in terms of partnership working and delivery of the Making Justice Work programme.*

⁴² Lord Gill, [Report of the Scottish Civil Courts Review](#) (2009).

⁴³ See note 10.

⁴⁴ Sheriff Principal, [Independent Review of Sheriff and Jury Procedure](#) (June 2010).

⁴⁵ Scottish Government, [Making Justice Work Programme](#) includes a range of reforms to the structure and processes of the courts, access to justice and tribunals and administrative justice.



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244. COPFS are represented on the Custody Strategic Partners Group which has been welcomed and provides a useful platform for joint working and information exchange in relation to custody matters. We saw evidence of positive engagement particularly in the implementation of joint protocols and Lord Advocate Guidelines across a range of areas from domestic abuse to the detention of young people.
245. The Scottish Legal Aid Board (SLAB) has a duty under the Criminal Legal Assistance (Duty Solicitors) (Scotland) Regulations 2011 to arrange for solicitors to be available for the purpose of providing advice and assistance to suspects to whom Section 15A of the Criminal Procedure (Scotland) Act 1995 applies. We spoke to representatives of SLAB who were positive about their relationship with the police. They felt the creation of Custody Division had made engaging with the police easier to manage and provided greater opportunities for consistency of approach across Scotland.

Scottish Prison Service

246. There is a national prisoner escort contract between the Scottish Prison Service (the purchaser) and G4S (the supplier). Under this contract, G4S transport detainees from police custody to court as well as escorting prisoners. Police Scotland benefits from the full-time secondment of a police inspector to the Scottish Prison Service's Escort Monitoring Team.
247. We found that on a daily basis, custody staff are encouraged to complete a service standard form on the overall service provided by G4S. The forms are collated by the custody divisional co-ordination unit and forwarded to Scottish Prison Service where they are analysed for trends and issues and passed to G4S for action.
248. A multi-agency liaison group (MALG) brings together all agencies with an interest in the escorting contract, including Police Scotland, and is a useful forum to discuss strategy, risks and issues with the service provider. We are satisfied that Police Scotland has processes in place to capture performance around escort provision which is taken forward with the escort service provider. We heard that levels of service are variable but are content that Police Scotland is aware of the issues and is addressing these through the contract monitoring process.
249. We were told that Custody Division plans to engage further with the Scottish Prison Service to identify further opportunities for joint working. Given their common facilities and expertise in the care and welfare of detainees and prisoners, there is potential to explore resource sharing, co-location and improvement processes.



Home Office Immigration Enforcement

250. A key partner and external user of police custody centres is Home Office Immigration Enforcement (HOIE). During our inspection, we saw productive engagement including a fortnightly joint custody immigration enforcement tasking meeting to discuss operational activity that may impact on the management of detainees across custody centres.
251. During our inspection, we identified an issue in the effective management of foreign national offenders across Police Scotland. Police Scotland and HOIE have subsequently addressed this issue and established a Foreign National Offenders Strategic Governance Group, chaired by the Assistant Chief Constable (Organised Crime and Counter Terrorism), to oversee delivery of Operation Nexus, a joint campaign between Specialist Crime Division International Assistance Unit, Custody Division and HOIE. The operation will ensure that all possible routes for gathering information and intelligence on foreign national offenders are explored.

Joint working

253. Collaboration and integration are key to realising the wider benefits of public sector reform. We believe that a single national police service creates new opportunities for further capacity building through joint or parallel working initiatives with partner agencies, including forging stronger links around custody facilities for preventive, diversionary or referral work. Custody Division also has the opportunity to further build on its recent work with the NHS, particularly in ensuring those with mental disorder are kept safe.
254. The Making Justice Work programme continues to draw together key agencies to improve criminal justice outcomes. The potential introduction of weekend courts and the use of video-conferencing will have a direct impact on police custody. Similarly, the use of court cells at weekends to hold police detainees offers a further opportunity to address capacity issues.
255. Custody Division has shown a genuine commitment to pursuing these partnership projects in order to improve its effectiveness. In this report, we have highlighted the need to engage more effectively with partners in the strategic planning process to develop a shared vision and align resources around a number of common goals. In developing a new strategic proposal for the division, setting out a blueprint for its future, it is vital that partners can meaningfully contribute to its development.



256. Opportunities for expanding joint working with partners still exist. Police Scotland should pursue further shared services projects such as the West Lothian Civic Centre (Livingston police office) and the Scottish Crime Campus where multiple public agencies share facilities and improve efficiency. Custody Division in particular can benefit from wider strategic estate and asset planning with partners and the private sector.

Recommendation 15

Police Scotland should seek to engage with its stakeholders as part of its development of a strategic proposal for custody ensuring that there is a shared vision and that further opportunities for joint working are optimised.

Appendix 1

Improvement actions

Number	Paragraph reference	Improvement action
1	7	Ensure that proportionate risk management procedures are in place to ensure effective detainee control at the point of arrival at custody centres.
2	8	Review custody policy to ensure that detainee PNC/SCRO checks are completed at the earliest opportunity and prior to presentation at the charge bar.
3	14	Review the appropriate roles and responsibilities of custody supervisors, police officers and PCSOs and ensure a consistent application of policy particularly when undertaking risk assessment.
4	17	Ensure that detainee property is stored in fully secure and/or CCTV monitored locations.
5	18	Develop a checklist for custody staff at the point of cell entry which is incorporated into custody policy to improve the consistency of communication with detainees – and is included in the regular audit process for assurance purposes.
6	19	Conduct a review of the operation of the custody centre at St Leonard's, Edinburgh.
7	28	Undertake full risk assessment of vehicles used for detainee transfer for longer journeys.
8	30	Further investigate using court cells at Livingston and other viable locations at weekends to increase capacity in the area.
9	31	The handover process should be as inclusive as possible involving, as a minimum, custody supervisors who should fully cascade details to their teams after their one-to-one handover.
10	34	Consider a more formalised pre-release process to assure, as far as possible, that detainees will be safe after release from police custody.
11	37	Conditions for observing officers are often cramped and custody supervisors should ensure that observation time is limited for each officer with regular breaks.
12	39	Undertake further risk assessment of Hamilton, Paisley and Kirkcaldy custody centres of both health and safety and security with the engagement of staff associations and unions.
13	40	Review CCTV usage and camera positioning and make necessary adjustments.
14	41	Review police officer and staff personal protective equipment, first aid and any other appropriate equipment.
15	44	Consider the provision of smoke detectors or sensors within all cells as part of the estate investment programme.
16	57	Consider consistent provision of food and drink and balance cost efficiency with quality and take up levels.
17	58/59	Implement a consistent needs-based approach to the provision of bedding and clothing.



Number	Paragraph reference	Improvement action
18	69	Extend the availability of foreign language reading materials in conjunction with community groups reflecting local demographics.
19	71	Consideration should be given to extending availability and training in the use of accessibility facilities.
20	79/82	Review core training to consider the inclusion of procedures to follow when contacting solicitors and the handling of young detainees (including the <i>Getting it Right for Every Child</i> agenda).
21	85	Consider the national requirement and engage at an appropriate level with providers of adult services to highlight and address any issues with consistent provision of appropriate adults.
22	99	Engage with NHS partners to consider the requirement for consistency of type and location of life-saving equipment and training in its use.
23	110	Consider widening access to training in mental health awareness and further developing effective policy guidance on the management of detainees with mental health issues.
24	137	Reflect the restrictions on the extent and availability of data from the eight legacy force ICT systems in the Police Scotland custody and corporate risk registers with suitable mitigation actions.
25	150	Implement more effective and proactive consultation and engagement with staff when developing custody policy and plans, and specifically when developing the future strategic proposal.
26	154	Explore other structural options within the new strategic proposal to ensure that the rationale for a single division remains valid and criteria established to allow proper evaluation.
27	157	Check that the adverse incident processes in place ensure consistency of approach.
28	159/165	Develop robust internal governance to ensure improvement has been implemented and verifies that the desired impact has been realised. Consider sharing lessons learned with key partners, including independent custody visitors, to refine the approach further. Ensure that complaints analysis effectively contributes to the improvement process in the division.
29	177	Consider and fully assess flexible options for both the level of responsibility and remuneration associated with sergeant or acting sergeant in custody centres.
30	181	Consider the appropriate staffing model to address associated risks with custody staff undertaking a dual role (public counter role and custody role).
31	193	Implement the Police Scotland Performance and Development Review process at the earliest opportunity to help consistently identify individual training and development needs.



Number	Paragraph reference	Improvement action
32	195	Consider both staffing structures and development programmes for PCSOs in the Custody Division workforce plan.
33	196	Review the divisional awards scheme in consultation with staff to ensure it achieves its purpose and align the scheme to the wider force Recognition and Reward framework to ensure consistency with other areas of Police Scotland.
34	198	Implement a plan to attract high calibre officers as part of wider workforce planning to develop the division.
35	204	Consider improved engagement mechanisms with staff to improve two-way communication and provide opportunities to address concerns and participate in the planning process, discuss issues and provide feedback.
36	224	Maintain accessibility at custody centres for key stakeholders and consider a standard control centre response to those who require entry.
37	231	Maintain dialogue with analytical services to ensure a dedicated analytical resource is available for advice and guidance in development of options to meet the gap until delivery of an integrated ICT solution.
38	236	Empower the new custody command team to maintain and develop external and internal (including local policing) relationships further.
39	243	Review and define clearer responsibilities between Criminal Justice and Custody Division in terms of partnership working and delivery of the Making Justice Work programme.

Appendix 2

Inspection methodology

1. The purpose of this inspection was to assess the state, efficiency and effectiveness of the new single Custody Division in Police Scotland and to assess the care and welfare of detainees, concentrating on the following key lines of enquiry:
 - strategy and governance
 - operational management and procedures
 - treatment, conditions, individual rights and health care.
 2. This programme of inspection is also designed to meet HMICS obligations under OPCAT, by examining the treatment and conditions under which people are detained in police custody in Scotland. In addition to providing an operational and strategic overview of the state, efficiency and effectiveness of an important area of policing, it will also provide assurance of adherence to common standard operating procedures.
 3. This inspection examines the current and proposed delivery model of health care to those in custody but does not specifically examine the quality of provision of these services, links with mental health provision, social care or other agencies.
 4. Although the inspection engaged with the SPA and independent custody visiting scheme co-ordinators, no judgments have been made on the effectiveness of the new national visiting scheme due to the relatively early stage of implementation. Feedback will be provided to SPA following our engagement with custody visitors and the scheme co-ordinators.
 5. A formal information request for documents was made to Police Scotland which included:
 - governance, reporting and structural charts
 - strategies, policies and standard operating procedures
 - agendas and minutes
 - risk registers and improvement plans
 - locations of custody centres, cell capacity and operating hours
 - plans for development of facilities and ICT
 - staffing structure and numbers, including any planned changes
 - management information regarding detainee numbers, profile of detainees, peak demand times and complaints.
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6. The inspection was undertaken in four phases:
- pre-visit/pre-interview preparation, literature review, development of inspection tools and document review
 - interviews with key stakeholders and observation of meetings
 - fieldwork including unannounced visits to 22 custody centres across Scotland. These visits included observation of the facilities and key processes, and interviews with staff and with 94 detainees. 310 custody records were also sampled to ensure that effective recording mechanisms are in place and auditable records kept
 - report preparation and publication.
7. The inspection process also incorporated an assessment of how well Police Scotland has embedded its values of integrity, fairness and respect and how these are reflected in the day-to-day work of Custody Division.

Appendix 3

Custody centres visited by HMICS

Area	Cluster	Custody centre	Number of cells	Annual throughput 2013-14
North	1	Aberdeen	13	11,696
North	1	Fraserburgh	15	2,626
North	1	Elgin	14	2,577
North	2	Perth	17	3,969
North	2	Dundee	40	8,377
North	3	Inverness	42	5,447
East	4	Stirling	21	4,888
East	5	St. Leonards, Edinburgh	40	17,850
East	5	Dalkeith	14	4,623
East	5	Livingston	16	6,753
East	6	Kirkcaldy	15	4,841
East	6	Glenrothes	12	4,817
West	7	Stewart Street, Glasgow	46	11,415
West	8	Paisley	24	2,047
West	9	Helen Street, Glasgow	50	8,948
West	9	London Road, Glasgow	38	7,768
West	10	Dumfries	18	3,386
West	10	Stranraer	7	1,293
West	10	Kilmarnock	24	4,085
West	11	Hamilton	10	3,049
West	11	Motherwell	24	5,885
West	12	Clydebank	29	6,800

Note that this is not a complete list of all custody centres across Scotland, only those that HMICS visited during the inspection period.



Appendix 4

Review of previous recommendations

The aim of the review of recommendations was to assess all outstanding recommendations from HMICS thematic inspections relating to custody, conducted since 2008, to ensure all relevant improvement activity has been captured and taken forward by Police Scotland.

This review provides a full list of legacy recommendations relating to custody made by HMICS to the eight legacy police forces and the Association of Chief Police Officers in Scotland (ACPOS), including those which had not been completed prior to the creation of Police Scotland. It provides a definitive assessment of the progress made in relation to these recommendations and gives greater clarity to Police Scotland in terms of what, if any, outstanding action may still be required. Importantly, this review aims to ensure that the value from HMICS thematic custody inspections conducted since 2008 is captured and taken forward by Police Scotland.

We have reviewed each of our legacy recommendations. This entailed an examination of Police Scotland's current position with respect to each recommendation, discussions with the relevant service lead and, where appropriate, an examination of relevant policies and standing operating procedures. We used this information to assess whether the recommendation still required further action ('open') or whether there was sufficient evidence to conclude that it had been fully completed or was no longer relevant ('closed'). Where any legacy recommendations were still considered relevant, these have been reframed to reflect the current policing landscape and refreshed into new recommendations in this report.

This approach ensures that all outstanding recommendations from HMICS thematic custody inspections conducted since 2008 have been objectively assessed and that Police Scotland can move forward with clarity over what, if any, improvement activity is still required.



Thematic inspection of the care and welfare of persons detained in police custody in Scotland (January 2013)

Background: This inspection sought to assess the care and welfare of people detained in police custody through direct dialogue with all people found arrested or detained during the inspection visits and through physical inspection of the conditions in which they were being held. It also sought to consider the strategies and policies that set the standards of custodial care and the management of risk through assessment of staffing arrangements, staff training, health care arrangements, ICT provision and the condition and suitability of the detention facilities. The report made six recommendations for the eight legacy forces and Police Scotland.

At the time of our 2014 inspection, all recommendations remained open.

Recommendations	Status	Comments
Recommendation No 1: Consideration should be given to developing a staffing model for custody which is risk based, gender compliant, and flexible enough to meet demand. This recommendation is directed at all forces but in the expectation that this area will be reviewed through the establishment of the Police Service of Scotland.	Closed	This recommendation is superseded by the creation of Police Scotland and the implementation of a single national Custody Division. The new division is currently developing a new strategic proposal which will address workforce balance and demand profile.
Recommendation No 2: The single 'handover' form under development by ACPOS is recognised as emerging good practice and should be introduced throughout Scotland to ensure an accurate, consistent and auditable means of transferring knowledge and responsibility for detainees from one shift to the next.	Closed	A single handover checklist is now part of the standard operating procedure for police custody across Scotland.
Recommendation No 3: Grampian Police should urgently explore the feasibility and affordability of installing an interim cell call capability in all cells at the Aberdeen custody centre until the move to a new custody facility.	Closed	Grampian Police implemented call buttons in all cells shortly after this recommendation was made. However, this facility is now closed and replaced with the new centre at Kittybrewster.



Recommendations	Status	Comments
Recommendation No 4: In moving towards a single Police Service of Scotland, there is an early need for the new service to develop and implement a standardised method of recording information in the custody environment. In due course, a single data management system should also be introduced.	Closed	The advent of Police Scotland has resulted in the need to develop new national recording systems. The i6 programme currently has within its scope responsibility for the development of a custody ICT solution. This element forms part of a wider networked system that aims to provide analytical, investigative and management information easily and efficiently. This is still in its early stages and delivery of the custody system is expected to commence in late 2015.
Recommendation No 5: Post-reform, the Police Service of Scotland should examine health care provision across the entire police custody estate to consider the most appropriate needs at each location based on both assessment of risk and affordability. This should extend to providing clear direction to staff for the effective management of the care and welfare of detainees with mental health issues.	Closed	The transfer of health care in police custody to the NHS has been the subject of a major programme of change and was implemented for the majority of areas on 1 April 2014.
Recommendation No 6: Post-reform, the Police Service of Scotland should develop a standard national training course for staff working in the custody setting.	Closed – New Recommendation	This recommendation is now subsumed into Recommendation 12 of this report.



Thematic inspection: Medical services for people in police custody (October 2008)

Background: This report sought to stimulate improvement and contribute to continuing debate on the manner in which medical services for people in custody were provided by contributing to a wider discussion about how and by whom such services should be provided. The inspection examined the following key areas:

- existing provision of medical services for people in custody in Scotland
- force plans for improving provision in the future – both in terms of the cover provided and the manner in which it is sourced
- examples of good practice in other police forces in the UK
- examples of good practice in other organisations with a responsibility for the care and custody of individuals.

The report made five recommendations for the eight legacy forces and ACPOS, one of which remained open as of 1 April 2013 (Recommendation 5).

Recommendations	Status	Comments
Recommendation 1: We find merit in the projects currently taking place in Fife involving the Scottish Ambulance Service (SAS), National Health Service (NHS) Fife and Fife Constabulary. Individual police forces are therefore encouraged to work in partnership with local authorities, health and other agencies to establish best practice in dealing with drunk and incapable people, within the context of locally available services and resources.	Closed	See paragraph 119. We note that there remain limitations on facilities outwith police custody where those who are drunk and incapable can be kept safe.
Recommendation 2: That the police service in Scotland actively participates in proposed research on identifying appropriate means of supporting and dealing with drunk and incapable people including the use of designated places of safety.	Closed	See above.
Recommendation 3: That, whilst the long-term approach could be to transfer responsibility for medical services to the NHS, forces in the meantime collaborate with the NHS to introduce multidisciplinary clinical personnel into their custody centres.	Closed	The transfer of health care in police custody has been the subject of a major programme of change and was implemented for the majority of areas on 1 April 2014.



Recommendations	Status	Comments
Recommendation 4: That the Tayside Psychiatric Assessment Protocol be viewed as good practice, and that other police forces in Scotland pursue a similar approach.	Closed	With the implementation of a single service and the transfer of responsibilities to the NHS, a consistent protocol will be implemented.
Recommendation 5: That the Association of Chief Police Officers in Scotland (ACPOS), via its National Custody Forum, create and incorporate common performance management information within the developing national custody system. This would give forces, police authorities/boards, and the health service a shared understanding of what should be expected and delivered across Scotland.	Closed	Following problems with the ICT infrastructure a decision was taken in December 2011 that the National Custody System would not be implemented. The advent of Police Scotland has resulted in the need to develop national operating systems. The i6 programme currently has within its scope responsibility for the development of a custody ICT solution. This element forms part of a wider networked system that aims to provide analytical, investigative and management information, easily and efficiently. This is still in its early stages and delivery of the custody system is expected to commence in late 2015.



Thematic inspection: Care of detained and arrested children (June 2008)

Background: This inspection examined training, understanding of relevant legislation and associated guidelines, and how the legacy forces in Scotland worked together with partners and stakeholders to provide for detained and arrested children. Activity focused specifically on the period when children are brought into custody and held at a police station until a decision is taken on how their cases are to be dealt with. The report made six recommendations for the eight legacy forces, Scottish Police Services Authority (SPSA) and ACPOS. Two recommendations remained open as of 1 April 2013 (Recommendations 3 and 5).

Recommendations	Status	Comments
Recommendation 1: That forces adopt a policy where the decision not to liberate the child and instead either cause the child to be kept in a place of safety or detained at a police station, must be endorsed by a police officer of superintendent or higher rank.	Closed	Now encompassed within new Police Scotland Standard Operating Procedures.
Recommendation 2: That forces make sure that whenever a child is held in custody at a police station, as a minimum, a formal review is carried out: <ul style="list-style-type: none">■ by custody staff, every four hours■ by a police inspector or higher rank, every eight hours■ by a police superintendent or higher rank, every 24 hours and that, where appropriate, all these reviews are conducted in consultation with social work or other agency staff. A detailed record of each review should be recorded on the custody system.	Closed	Now encompassed within new Police Scotland Standard Operating Procedures.



Recommendations	Status	Comments
<p>Recommendation 3: That forces refer to the certificate required to record the retention of a child in custody at a police station as a child retention certificate (CRC) or child detention certificate (CDC), and provide their respective police boards or authorities with anonymised details of the number of certificates completed on a monthly basis.</p>	Closed	<p>The issue was re-examined as part of the 2012 HMICS Custody Thematic, which found that child detentions in custody are infrequent and as a consequence the collation of data relating to them added no value. Wider issues relating to the collation of management information relating to custody have been made known to the i6 development project, which seeks to introduce standard ICT systems for a number of police activities across Scotland. This recommendation also intended to provide appropriate management information to Police Boards and Authorities. These ceased to exist on 1 April 2013 and have been superseded by the formation of the Scottish Police Authority (SPA). Given the HMICS review in 2012 concluded that the collation of data around child detentions added no value and that individual information is provided to Scottish Children's Reporter Administration, then we currently assess the provision of such information to the SPA is unnecessary. This recommendation is no longer relevant and can be closed.</p>
<p>Recommendation 4: That forces, in conjunction with the Scottish Police Services Authority, seek to develop a joint training and awareness programme to ensure that the guidelines, relevant legislation and good practice are clearly understood and implemented in Scotland by all those involved in the care of detained and arrested children.</p>	Closed	<p>Now encompassed within new Police Scotland Standard Operating Procedures. See also Recommendation 13 of this report and Improvement Action 20.</p>



Recommendations	Status	Comments
<p>Recommendation 5: That forces engage with the Scottish Police Services Authority to ensure that the National Custody System (NCS) is capable of recording and recalling all actions, issues and incidents involved in the custody process and of providing analytical, investigative and management information on each of these, easily and efficiently.</p>	Closed	<p>This recommendation anticipated the delivery of a single national custody ICT application. This did not happen during the existence of the eight legacy forces and ACPOS, however as highlighted above, this has now been specified as part of the i6 development project, which seeks to introduce standard ICT systems for a number of police activities across Scotland. This will provide for a single national custody solution for Police Scotland. We assess that this recommendation is no longer relevant and can be closed.</p>
<p>Recommendation 6: In order to ensure that the best possible response for each child is provided whenever police forces wish the child to be kept in a place of safety, they should work together with local authority social services and/or other agency staff, to implement a process of joint risk assessment, in line with <i>Getting it Right for Every Child (GIRFEC)</i> and promote the sharing of knowledge and expertise.</p>	Closed	<p>Now encompassed within new Police Scotland Standard Operating Procedures.</p>



Thematic inspection: Custody facilities (April 2008)

Background: This inspection examined the design and development of custody facilities. There were no outstanding recommendations as of 1 April 2013.

Recommendations	Status	Comments
Recommendation 1: That forces combine to develop a clear strategy for custody management that will direct future design and development of custody centres, taking account of all available information on police custody practice.	Closed	This recommendation is superseded by the creation of Police Scotland and the implementation of a single national Custody Division with standard operating procedures for all custody centres.
Recommendation 2: That forces develop a robust and sustainable common model to help calculate cell requirements and to inform strategic proposals for refurbishing or building new custody centres. To support such a model, forces will also need to establish clear policies on cell sharing.	Closed	This recommendation is superseded by the creation of Police Scotland and the implementation of a single national Custody Division. The new division is currently developing a new strategic proposal which will include future estate requirements. Cell sharing policy is now included within the national custody policy.
Recommendation 3: That forces review their custody centres with regard to detainees' welfare and rights, and consult appropriate bodies to determine what facilities should be provided.	Closed	This recommendation is superseded by the creation of Police Scotland and the implementation of a single national Custody Division. Home Office guidelines are available for the design and construction of custody centres and have been used in the development of the Kittybrewster facility.
Recommendation 4: That forces review their custody centres with reference to detainee privacy, taking account of staff and detainee safety, to determine how custody centre functions, including cells and charge desks, should be designed.	Closed	See paragraphs 7, 12, 19, 40, 62 and 82. As above.
Recommendation 5: That forces consider staff welfare requirements in the design of custody centres, and take all steps to ensure that these are not compromised by future custody planning.	Closed	As above.



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