



Improving  
Policing  
Across  
Scotland

SCOTTISH POLICE  
AUTHORITY

## Memorandum of Understanding

HM Inspectorate of Constabulary in Scotland (HMICS)  
and

Independent Custody Visiting Scheme, Scottish Police Authority (SPA)

This Memorandum of Understanding (MoU) sets out how HM Inspectorate of Constabulary in Scotland (HMICS) and the Scottish Police Authority's Independent Custody Visiting Scheme (ICVS) intend to work together to fulfil their common purpose of monitoring the treatment of detainees and the conditions of detention in police custody centres in Scotland. It describes our respective roles and outlines ways in which we will work together to promote positive outcomes for detainees and to minimise our scrutiny footprint, while also maintaining our independence from one another and from Police Scotland.

### Background

In 2003, the UK government ratified the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires the UK to identify a 'National Preventive Mechanism', an independent body or group of bodies that regularly examine the conditions of detention and the treatment of detainees. HMICS and ICVS have both been designated as members of the UK's NPM by the government, and our work in respect of police custody centres contributes to the implementation of OPCAT in the UK and the prevention of ill-treatment of detainees in police custody.

### The role of HMICS

The statutory role of HMICS is set out in sections 71 to 82 of the Police and Fire Reform (Scotland) Act 2012. The role of HMICS is to make inquiries about the state, efficiency and effectiveness of the Scottish Police Authority and Police Scotland. HMICS carries out regular inspections of police custody to assess the treatment of and conditions for detainees, in keeping with its role as a member of the NPM. HMICS publishes reports of its inspections, highlighting effective practice and making recommendations to support improvement where necessary.

### The role of ICVS

The statutory purpose of independent custody visiting is set out in section 93 of the Police and Fire Reform (Scotland) Act 2012. The Act states that the purpose of custody visiting is the prevention of ill-treatment and the implementation of OPCAT. Volunteers from the local community known as independent custody visitors make regular visits to police custody centres in Scotland. ICVS publishes an annual report of their findings and observations.



## Working together

HMICS and ICVS have separate but complementary roles in respect of police custody centres. Inspections by HMICS and visits by independent custody visitors are carried out independently, but share a common purpose under OPCAT. This Memorandum of Understanding formalises the collaborative work and sharing of information that already takes place between HMICS and ICVS, with a view to supporting improvements in the delivery of police custody.

Such collaborative work will include:

- maintaining effective communication and liaison
- sharing knowledge, skills and experience
- sharing relevant information and respecting the confidentiality of shared information
- working together where appropriate.

Specifically, our collaborative work will include:

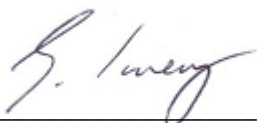
- HMICS will seek the views, experiences and observations of independent custody visitors to inform its inspections of police custody
- ICVS will consider the findings and recommendations made by HMICS and provide feedback on the implementation of recommendations where appropriate.

## Review

The partners will review this Memorandum of Understanding every two years to consider whether it requires updating to meet changing circumstances. This Memorandum may also be modified between regular reviews by mutual consent of the partners.

## Duration

This Memorandum shall become effective upon signature by authorised officials of the partners and will remain in effect (as modified from time to time by mutual consent as aforesaid) until terminated by either partner.



\_\_\_\_\_  
(Partner signature)

Date:

HM Chief Inspector of Constabulary in Scotland



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(Partner signature)

Date:

Scottish Police Authority

