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HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

# Inspection of custody centres across Scotland – Terms of Reference

May 2018

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# HM Inspectorate of Constabulary in Scotland

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HM Inspectorate for 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 (SPA).<sup>1</sup>

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to 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 SPA 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 SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions.
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given.
- 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 SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.<sup>2</sup>

**This inspection will be undertaken by HMICS under section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and a report will be laid before the Scottish Parliament under section 79(3) of the Act.**

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<sup>1</sup> Chapter 11, Police and Fire Reform (Scotland) Act 2012.

<sup>2</sup> HMICS, [Corporate Strategy 2017-20](#) (2017).



# Our inspection

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## Aim

1. The aim of this inspection will be to assess the treatment of and conditions for those detained in police custody centres located across Scotland.

## Background

2. Police custody is a high risk area of policing business and, as such, has already been subject to considerable scrutiny by HMICS since Police Scotland was established. Since 2013, HMICS has published six police custody inspection reports. The first of these, a thematic inspection of arrangements for police custody, was published in 2014.<sup>3</sup> It reported on the national arrangements for the delivery of police custody, including an assessment of issues such as leadership and governance, resources, and partnerships. It drew on evidence gathered during numerous interviews and focus groups with people working in Custody Division (now known as Criminal Justice Services Division) and Police Scotland more broadly, and with stakeholders. In addition, it drew on evidence gathered about treatment and conditions in police custody during inspection visits to 22 custody centres across Scotland. The report resulted in 15 recommendations and 39 improvement actions.
3. The thematic inspection was followed by five inspections of police custody in particular areas, usually linked to inspections of local policing divisions.<sup>4</sup> These inspections involved visits to nine primary centres and 11 ancillary centres and resulted in a further 12 recommendations and eight improvement actions.<sup>5</sup>
4. Each inspection of police custody carried out by HMICS contributes 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.<sup>6</sup>

## Scrutiny Plan 2018-19

5. In our Scrutiny Plan 2018-19,<sup>7</sup> HMICS set out our intention to carry out two key pieces of scrutiny activity relating to custody. The first inspection includes a series of visits to custody centres across Scotland which will meet our obligations under OPCAT and provide information to support our planned strategic review of Police Scotland's custody arrangements. These visits will focus on the treatment and conditions in custody and will consider the custody-specific outcomes from the HMICS Custody Inspection Framework. The second inspection will involve HMICS assessing the strategic direction for the future delivery of Police Scotland's custody arrangements, including consideration of the broader HMICS Inspection Framework (including an assessment of leadership and governance, planning and process, people, resources and partnerships). Both inspections will result in published reports, and will follow-up on outstanding recommendations and improvement actions.

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<sup>3</sup> HMICS, *Thematic inspection of police custody arrangements* (2014).

<sup>4</sup> All custody centres in (then) [Aberdeen City](#), [Edinburgh](#), [Dumfries and Galloway](#), and [Tayside](#) Divisions were inspected as part of the HMICS Local Policing+ Inspection Programme. Two custody centres in Glasgow (at [London Road and Aikenhead Road](#)) were also inspected at the request of Police Scotland.

<sup>5</sup> Primary centres are those which are operated by officers and staff from Criminal Justice Services Division either permanently or between specific times (such as at weekends). Ancillary centres are generally used infrequently and are operated by local policing officers with custody training. They may be used, for example, to process a person who is not 'lodged' in a cell but who is released after a police interview.

<sup>6</sup> For more information, visit [www.nationalpreventivemechanism.org.uk](http://www.nationalpreventivemechanism.org.uk).

<sup>7</sup> HMICS, *Scrutiny Plan 2018-19*.



6. This Terms of Reference focuses on the first inspection – a series of visits to custody centres across Scotland.

## Scope

7. While progress has been made by Police Scotland in delivering a national custody function and in standardising policy and processes, HMICS continues to find variation in practice across Scotland. Of the 27 recommendations and 47 improvement actions made regarding custody since 2013, many remain outstanding. Some of those recommendations made in earlier reports have been reiterated more recently, meaning they have not yet been fully implemented across Scotland. Taken together with the HMICS role as a member of the UK's NPM in ensuring that all places of detention are regularly and independently inspected, HMICS considers that a series of visits to custody centres across Scotland would now be appropriate to assess the progress being made in:
  - achieving positive outcomes
  - adhering to national policy and processes
  - implementing previous HMICS recommendations.
8. The inspection will focus on the treatment of detainees and the conditions in police custody, assessed against the custody-specific outcomes of the HMICS Custody Inspection Framework. Consideration will also be given to the implementation of the Criminal Justice (Scotland) Act 2016, which is in its early stages.
9. It is also expected that this inspection will generate evidence and key lines of enquiry for the strategic inspection of police custody to be undertaken later in 2018.

## Methodology

10. A team of inspectors from HMICS will visit several custody centres across Scotland. The visits will be mostly unannounced, meaning the custody centres to be visited and the timing of the visits will be known only to HMICS. Announced visits are generally only carried out in relation to ancillary centres, which are not routinely staffed and therefore arrangements require to be made in advance for HMICS to access the centre.
11. During our visits, we assess the physical environment of the custody centre and assess how detainees are treated. We interview those held in custody at the time of our visit, as well as custody staff and any other professionals working within the custody centre such as nurses or appropriate adults. We observe key processes such as booking in and shift handovers, and review a sample of custody records.
12. We assess what we find using the HMICS Custody Inspection Framework which ensures a consistent and objective approach to our work.

## Publication and timescales

13. Our inspection of custody centres across Scotland will take place in Spring 2018. A report of our inspection will be published in Summer 2018. This report will be laid before the Scottish Parliament under section 79(3) of the Police and Fire Reform (Scotland) Act 2012. Copies of our report will be provided to the Scottish Police Authority, the Chief Constable and the Cabinet Secretary for Justice. Our report will also be made publicly available on the HMICS website.
14. For further information about our inspection of custody centres across Scotland, please contact Laura Paton, Lead Inspector ([laura.paton@gov.scot](mailto:laura.paton@gov.scot)).

**Gillian Imery QPM**

HM Chief Inspector of Constabulary



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### **About Her Majesty's Inspectorate of Constabulary in Scotland**

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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