



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Custody Inspection Framework

Improving Policing Across Scotland



HMICS Custody Inspection Framework

This Custody Inspection Framework sets out what we expect to find when we assess how Police Scotland delivers its custody service. It includes the six themes which make up the HMICS Inspection Framework¹ (outcomes, leadership and governance, planning and process, people, resources and partnerships) but supplements the first theme with a range of custody-specific outcomes that should be delivered. Inspections of specific custody centres, such as those which take place during our Local Policing+ programme, are primarily focused on these custody-specific outcomes, although some broader themes will also be considered. The framework is used in its entirety when we assess not just custody centres but also how the custody service is being led, governed, planned, resourced, and held accountable.

This framework helps our inspectors to develop a consistent approach when inspecting custody centres and helps inspected bodies to know what to expect from HMICS. The framework draws on international human rights standards that are relevant to police custody. This second edition of the Custody Inspection Framework takes account of revisions to the HMICS Inspection Framework and recent developments in law and policy regarding police custody. We will continue to keep both frameworks under review in light of our experience of what works as well as any developments or changes in the context in which we operate.

Our regular inspections of police custody 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.

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HM Chief Inspector of Constabulary in Scotland
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¹ HMICS, [Inspection Framework](#) (May 2018).

A. Outcomes	
A1	Outcomes are clearly articulated, reflect key strategies and partnership activities, and demonstrate a contribution to national priorities.
A2	There are measures in place to monitor community and service user perceptions and levels of confidence and satisfaction.
A3	The demand for custody is understood and monitored. This information is used to make improvements in the way custody is prioritised, resourced and delivered.
A4	There are clear indicators of efficiency and effectiveness linked to the stated outcomes. These measure both the service delivered and wider community impact such as identifying and responding to vulnerability, public confidence and compliance with ethical standards.
A5	There are clear indicators in place linked to the stated outcomes which measure the efficiency and effectiveness of the strategies for people management.
A6	Evidence and measures collected as part of a comprehensive performance management framework are compared with relevant benchmarks and trends, are appropriately segmented and used to understand strengths and areas for improvement.
A7	Performance management enables the demonstration of quality of service and best value, linking effectively with risk management and continuous improvement processes.

Custody-specific outcomes	
<i>Arrival in custody</i>	
1	<p>The arrival of detainees in custody is managed safely. Detainees are apprehended and taken to the custody centre without delay and with the minimum amount of force necessary.</p> <ul style="list-style-type: none"> • Consideration is given to diverting vulnerable people from custody and using alternatives to custody. • Vehicles used for conveying detainees to custody and vehicle docking areas are safe and secure. • On arrival, detainees are booked in to the custody centre without unreasonable delay. The booking in of vulnerable detainees is prioritised.
<i>Release and transfer from custody</i>	
2	<p>The release and transfer of detainees from custody is managed safely.</p> <ul style="list-style-type: none"> • Pre-release risk assessments are carried out for all detainees. These set out the actions to be taken to address any risks and vulnerabilities identified. • Particular attention is given to safely managing the release of those under the age of 18 and other vulnerable detainees, including those who may be vulnerable due to their alleged offence. • Any relevant information about risk and vulnerability is communicated to relevant agencies. • Where appropriate, detainees are provided with information about relevant support agencies. • Detainees who are being transferred to another custody centre or court are escorted safely. Person escort records are completed with all relevant information, including known risks. Detainees' property is transferred at the same time as detainees. • Detainees appear at court promptly either in person or via video link. They are not held in custody for any longer than is necessary.

Respect	
3	<p>Detainees are treated with respect for their human dignity. They are treated fairly and equitably and as individuals with specific and diverse needs.</p> <ul style="list-style-type: none"> • Staff interactions with detainees are positive and courteous. • The individual needs of detainees are identified and managed. Consideration is given to the specific needs of children and young people under the age of 18; women; black and minority ethnic detainees; foreign national detainees; immigration detainees; detainees whose first language is not English; those with learning and physical disabilities; older detainees; detainees of all religions; detainees of all sexualities; transgender detainees; and detainees who are otherwise vulnerable. • When making decisions regarding a child or young person under the age of 18, the need to safeguard and promote the wellbeing of the child is treated as a primary consideration.
Risk assessment	
4	<p>Detainees are held safely and any risk they pose to themselves or others is assessed and kept under review.</p> <ul style="list-style-type: none"> • Detainees are able to disclose confidential or sensitive information in private. • Staff use all information available about a detainee to inform their risk assessment. • Effective risk assessment and care planning systems are in place. • Risk assessments and care plans are reviewed regularly and revised where necessary. Care plans are always proportionate. • Where detainees share cells, they do so only after a cell sharing risk assessment has been completed. Detainees under the age of 18 do not share cells with adults and women are held separately from men.
Searches	
5	<p>Detainees are searched in a respectful, sensitive and proportionate manner.</p> <ul style="list-style-type: none"> • Searches are carried out in a manner that is sensitive to the detainee's gender (including transgender) and their age, culture and religion. Searches are carried out by a member of staff of the same gender as the detainee. • The type of search to be carried out is decided following an assessment of the individual circumstances and is proportionate. • Strip searching is only carried out when strictly necessary. It is authorised by an officer of appropriate rank (sergeant or above) and the reason for the strip search is recorded. Strip searches are carried out in private and by two members of staff who are both of the same gender as the detainee. Strip searching is carried out in stages – detainees are not required to remove all clothing at once. • Intimate searching only takes place under the authority of a Sheriff's warrant. Such searches are carried out by health care professionals in a hospital. • Personnel receive appropriate training on searching detainees.
Use of force	
6	<p>Force is used only when strictly necessary and is lawful and proportionate. Force is used as a last resort.</p> <ul style="list-style-type: none"> • The extent and duration of the force used are no more than necessary. • Staff use only those techniques in which they are trained. Age-appropriate techniques are used for children and young people under the age of 18. Careful consideration is given to the use of force on other vulnerable detainees (such as those with disabilities or pregnant women).

	<ul style="list-style-type: none"> • The use of force is recorded on the detainee's custody record. • Following the use of force, detainees are examined by a health care professional if requested or if there are health care concerns. • The use of force is monitored at a service-wide level to assess trends and identify lessons to be learned.
Physical conditions	
7	<p>Detainees are held in a custody centre that is clean and in a good state of repair.</p> <ul style="list-style-type: none"> • Cells are free from ligature points or the risks they present are managed. • Cells are equipped with call buttons which are pointed out to detainees on arrival. Call buttons are responded to promptly. • Cells are of a reasonable size and there are effective maintenance and cleaning arrangements in place. These include arrangements for daily cleaning, regular deep cleaning and the removal of biological hazards. • Cells are well ventilated and have natural light. Where this is not the case, arrangements are made for detainees occupying those cells. • Staff are able to safely evacuate detainees from the custody facility in the event of an emergency.
Detainee care	
8	<p>Detainees are able to be clean and comfortable when in custody.</p> <ul style="list-style-type: none"> • Detainees are provided with a mattress, pillow and clean blankets. Sufficient blankets are provided according to the temperature of the cell. • Hygiene packs for women are available and are routinely offered on arrival and provided on request. • Detainees are able to use a toilet in privacy. Toilet paper and hand washing facilities are provided. • Detainees who require a shower are offered the opportunity to do so. • Detainees whose clothing is seized are provided with appropriate alternatives as soon as reasonably practicable. • Changes of clothing are facilitated.
9	<p>Detainees are offered sufficient food and drink.</p> <ul style="list-style-type: none"> • Detainees are offered food and drink at recognised mealtimes and at other times taking into account when the detainee last had a meal. • Reasonable requests, such as for water or a hot drink, are met. • The food available meets dietary and religious requirements. • Food and drink are of adequate nutritional value.
10	<p>Detainees are offered outdoor exercise and reading materials.</p> <ul style="list-style-type: none"> • Detainees held for over 24 hours are offered outdoor exercise each day.
Individual rights	
11	<p>Detention is appropriate, authorised and lasts no longer than is necessary.</p> <ul style="list-style-type: none"> • Appropriate grounds for detention are established and alternatives to detention are considered. • Detention is reviewed regularly. Extensions to detention are appropriately authorised and recorded. • Detainees are informed of the reasons for their arrest and the nature of any charges against them. • Immigration detainees are not held for longer than is necessary.

12	<p>Detainees understand their legal rights and can exercise those rights while in custody.</p> <ul style="list-style-type: none"> • Detainees are informed of their legal rights in a manner which they understand. • Detainees are given written information about their legal rights (a Letter of Rights). • Interpretation and translation services are used for those detainees whose first language is not English.
13	<p>Detainees are able to notify a solicitor of their detention in custody and are able to consult with a solicitor.</p> <ul style="list-style-type: none"> • Solicitors are contacted as soon as reasonably practicable. • Legal visits and telephone consultations with solicitors take place in private. Any delays in solicitor consultations taking place are appropriately authorised, recorded and justified.
14	<p>Detainees are able to notify a third party of their detention in custody.</p> <ul style="list-style-type: none"> • The third party is notified without delay except in exceptional circumstances which must be recorded. Delays should be no longer than necessary. • For detainees under the age of 18, rules about notifying a third party such as a parent, guardian, other reasonably named adult or the local authority are adhered to.
15	<p>Investigative interviews are conducted appropriately.</p> <ul style="list-style-type: none"> • Detainees understand they do not have to say anything. • Detainees understand they have a right to have a solicitor present during interview. Rules about interviewing detainees without a solicitor present are adhered to. • Vulnerable adults are not interviewed without an appropriate adult present. • Detainees are not interviewed while under the influence of alcohol or drugs, or if they are medically unfit. • Detainees are not interviewed for excessive periods without break.
16	<p>Detainees under the age of 18 and vulnerable detainees have access to appropriate support while in custody.</p> <ul style="list-style-type: none"> • Detainees under the age of 18 have access to a parent, guardian or other appropriate person while in custody. • Appropriate adult services are in place and are used. • Consideration is also given to offering visits to those detainees who are vulnerable or who are held for a prolonged period.
17	<p>Detainees know how to make a complaint and are enabled to do so.</p> <ul style="list-style-type: none"> • Detainees are told how to complain and there are systems in place to facilitate complaints. • Complaints are monitored for patterns and trends and these are acted upon.
Health care	
18	<p>Detainees are cared for by health care professionals and substance misuse workers who have the appropriate skills and training, in a safe, professional and caring manner that respects their decency, privacy and dignity.</p> <ul style="list-style-type: none"> • Health care professionals and drug treatment workers are sensitive to detainees' situations and diverse needs, including language needs. • Clinical governance arrangements include management, training and supervision and accountability of staff. • Patients are treated by health care staff who receive on-going training, supervision and support to maintain their professional registration and development. Staff have the appropriate knowledge and skills to meet the particular health care needs of detainees

	<p>in police custody.</p> <ul style="list-style-type: none"> • Clinical examinations are conducted confidentially unless risk assessment suggests otherwise. Treatment rooms provide conditions that maintain decency, privacy and dignity. Infection control facilities are implemented. There is at least one room that is appropriate for taking forensic samples, and it is cleaned in accordance with current forensic operational procedures. • All equipment (including the resuscitation kit) is ready for use and regularly checked and maintained, and all staff (health care and custody staff) understand how to access and use it effectively. All staff have had appropriate initial and refresher training.
19	<p>Detainees are asked if they wish to see a health care professional. They are able to request to see one at any time, for both physical and mental health needs, and are treated appropriately.</p> <ul style="list-style-type: none"> • Each detainee seen by health care staff has a clinical record containing an up to date assessment and any care plan conforms to professional guidance from the regulatory bodies. • Any contact with a health care professional is recorded in the custody record and a record made of any medication provided. The results of any clinical examination are made available to the detainee and, with detainee consent, his or her solicitor. • Treatments are appropriate to the clinical needs of the detainee.
20	<p>Detainees receive prescribed medication if needed and according to an agreed protocol with the relevant health board.</p> <ul style="list-style-type: none"> • Medications on site are stored safely and securely and disposed of safely if not consumed. There is safe pharmaceutical stock management and use. • Detainees are prescribed medication to meet any clinical signs, symptoms or conditions. • Detainees received medication to provide relief for drug and alcohol withdrawal symptoms if clinically indicated. • Prescribed medication is received at the designated times.
21	<p>Police Scotland works effectively with partners to establish referral and diversion schemes for detainees experiencing mental health problems and/or engaging in substance misuse.</p> <ul style="list-style-type: none"> • Staff have training in mental health awareness. • Staff know how to identify signs of mental distress and disorder and refer appropriately.
22	<p>Police custody is not used as a place of safety under section 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003.</p> <ul style="list-style-type: none"> • Police Scotland liaises with health boards, local authorities and the Mental Welfare Commission for Scotland regarding mental health assessments and the provision of places of safety other than police custody. • Management information is collected and monitored regarding the use of place of safety legislation.

B. Leadership and governance

B1	Leaders act as role models, They develop and communicate the mission, future vision, values and ethics, while demonstrating and maintaining a focus on outcomes. <ul style="list-style-type: none">• <i>There is a strategic focus on delivering custody safely, efficiently and effectively.</i>
B2	Leaders promote a culture of efficiency and sustainability and drive and support change, improvement and best value.
B3	Leaders create a positive, supportive and inclusive culture that inspires people, encourages success, ensures equal opportunities and promotes diversity.
B4	Leaders exhibit the values of their organisation and review and improve the effectiveness of their personal performance and behaviours.
B5	Leaders actively build, support and participate in strategic partnerships.
B6	Leaders reinforce a culture of excellence within the organisation and future leaders are identified and developed.
B7	There are clear governance and accountability arrangements for custody that hold leaders to account for delivering the service efficiently and effectively. These facilitate effective decision making. <ul style="list-style-type: none">• <i>There are effective procedures in place to learn from adverse incidents and to identify and share good practice.</i>• <i>There are effective internal audit processes.</i>• <i>The Scottish Police Authority holds the Chief Constable to account for the delivery of custody.</i>• <i>Independent custody visitors are facilitated to carry out their statutory role and their feedback is acted upon.</i>
B8	Policy and strategy decisions are based on robust evidence and include anticipated impact. This is used to subsequently review the effectiveness of the policy or strategy implementation.
B9	There is effective, objective and transparent scrutiny that allows challenge of strategy and policy implementation, decision making and performance. This is encouraged by senior staff and actively engages the relevant partners.
B10	Performance and delivery against outcomes is reported to the relevant staff, partners, the public, service users and stakeholders. This is used to facilitate continuous improvement.

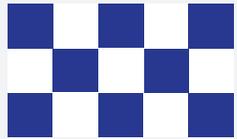
C. Planning and process

C1	<p>There are organisational structures, strategies, policies, plans and processes in place that are evidence based and intelligence led. These support the delivery of the desired outcomes effectively and efficiently.</p> <ul style="list-style-type: none">• <i>Policies and procedures are accessible.</i>• <i>Staff are aware of and understand policies and procedures.</i>• <i>Policies and procedures are reviewed regularly and updated where necessary.</i>• <i>Changes to policies and procedures are communicated to all relevant personnel.</i>• <i>A senior officer has ownership of policies and procedures.</i>
C2	<p>Key processes (including statutory duties) are mapped, reviewed and improved. These take into account the impact they may have on other areas of the organisation or other organisations, including processes undertaken in partnership.</p> <ul style="list-style-type: none">• <i>Police Scotland is aware of the wider legal and political context of custody and plans for changes.</i>• <i>Decisions taken in relation to the delivery of the custody service are assessed for their impact on other areas of policing, particularly local policing.</i>
C3	<p>A culture of innovation, learning and improvement is promoted by identifying internal and external risk factors and good practice that could impact upon the delivery of outcomes and priorities. Information is shared widely to facilitate improvement.</p>
C4	<p>Change is managed through structured processes to ensure the defined impact and benefits from improvement actions are realised at an appropriate pace.</p>
C5	<p>Engagement with the public, partners and stakeholders is an integral part of planning and improving services, ensuring services are accessible. Information is available in ways that meets community needs and preferences.</p>
C6	<p>There is an effective complaints procedure, which includes a commitment to investigate and resolve them within a defined time limit. This information is used to improve services.</p>
C7	<p>There are effective quality assurance and audit processes to support learning and continuous improvement.</p>

D. People	
D1	There is a people strategy and flexible workforce plan in place aligned to organisational strategy and demand for custody.
D2	There are appropriate structures and processes in place that support core values and ensure that staff have the skills and competencies required to deliver on the agreed outcomes and priorities.
D3	Staff groups and trade unions are involved in developing and reviewing people policies, strategies and plans.
D4	A culture of equality and fairness, social responsibility and contribution to wider community wellbeing is promoted and encouraged.
D5	Effective communication and engagement strategies are in place that meet the needs of staff and keep them informed and involved.
D6	The perceptions and satisfaction levels of the people that work in custody and across Police Scotland are regularly measured and used in continuous improvement.
D7	People understand the outcomes and priorities they are working towards and their contributions are valued and recognised.
D8	People are encouraged to share information, knowledge and good practice and are involved in reviewing and improving the custody service while working together as a team.
D9	<p>People's performance is reviewed and appropriate training and development opportunities provided, including induction processes.</p> <ul style="list-style-type: none"> • <i>All those working in custody centres are appropriately trained for their role. They receive initial and refresher training.</i> • <i>Training is broad and includes first aid, use of force and managing the diverse needs of detainees (including vulnerable detainees such as children and young people or those with mental disorder).</i>
D10	The impact that the investment in training and development has had on performance and service delivery is evaluated.
D11	Staff are empowered and encouraged to be creative and innovative and to act as ambassadors for policing.
D12	A healthy and safe working environment is provided, a work life balance is encouraged and there is a focus on the wellbeing of employees.

E. Resources	
E1	Resources and assets are managed in the most efficient and effective way to secure best value and deliver sustainable outcomes. <ul style="list-style-type: none"> <i>Custody is sufficiently resourced to provide a safe environment for detainees in which their needs are adequately met. Staff levels are sufficient in custody centres across Scotland.</i>
E2	There is a clearly aligned financial strategy, financial management and governance processes which include risk assessment and transparent reporting.
E3	There are supporting aligned resource strategies in place to underpin the overarching financial strategy (workforce, ICT, procurement, estates, fleet, knowledge etc). <ul style="list-style-type: none"> <i>There is a strategy for the maintenance and development of the custody estate.</i>
E4	Investment decisions align to strategy and are subject to the production of robust business cases which are appropriately prioritised and scrutinised through internal and external governance. Business cases have clearly articulated benefits which can be measured as part of performance reporting.
E5	Procurement processes ensure that resources are used efficiently and effectively and take into account environmental sustainability and the use and disposal of resources.
E6	Information and intelligence is managed appropriately and people have access to the information they require to make evidence-based decisions and deliver an efficient, improving custody service.
E7	Intelligence and information resources are effectively protected and made available securely to appropriate and relevant people and partners.
E8	The benefits and opportunities of using digital technologies are understood. Technology is used effectively and efficiently to support organisational strategy, manage resources and assets, and support and improve the custody service.

F. Partnerships	
F1	There is an agreed vision, purpose and objectives for partnership work that supports the delivery of outcomes for communities <i>and service users</i> . Consideration is given to working with internal partners and those in the public, private, voluntary and academic sectors. <ul style="list-style-type: none"> <i>Police Scotland works effectively with partners such as health care providers and commissioners, local authorities, social work services, Crown Office and Procurator Fiscal Service, Scottish Court and Tribunal Service, escort providers and immigration authorities.</i>
F2	The partnership understands local context and communities and assesses, prioritises and manages shared risks.
F3	Communities are effectively engaged in partnership activity. This helps to deliver community capacity building and empowerment.
F4	Effective governance arrangements are in place to manage, deliver and review the partnership and progress against shared outcomes and priorities.
F5	Resources are used and shared by all partners to deliver custody effectively and in a way that contributes to the achievement of positive outcomes for the community.
F6	The impact and outcomes of partnership activity are measured.



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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.