



HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

North East Scotland Custody Inspection

December 2021

Improving Policing Across Scotland

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HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012¹ 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).

We have a statutory duty to ensure that the Chief Constable and the SPA 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.²

This inspection was undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and is 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 2017-20](#) (2017).



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Our inspection

The aim of this inspection was to assess the treatment of and conditions for individuals detained in police custody centres located in the North East Scotland police division. This division is served by three primary centres located in Aberdeen (Kittybrewster), Fraserburgh and Elgin. There are several ancillary centres within this division but these were not within the scope of this inspection. This inspection report will outline issues that are common across the three custody centres and will also highlight differences between the centres where these occur.

Police custody is a high risk area of policing business and, as such, has been subject to considerable scrutiny by HMICS since Police Scotland was established. Since 2013, HMICS has published nine custody inspection reports.³ Our most recent reports include an inspection of custody centres across Scotland,⁴ which was based on the findings from 17 custody centres; and an inspection of custody centres in Greater Glasgow, published in 2019.⁵ In addition, we published a report on the strategic arrangements for the delivery of police custody in 2019.⁶ These reports remain relevant as Police Scotland continue to address recommendations made within these since publication.

Police Scotland has made considerable progress in implementing previous recommendations and improvement actions in respect of custody services and are actively working to address those that remain outstanding. This report contains three new recommendations that have specific relevance for the custody centres that were subject of this inspection. We recognise that some of these will be equally applicable to other custody centres across Scotland and should be taken into account in improvement planning by Police Scotland's Criminal Justice Services Division.

HMICS recently completed and published an independent assurance review of specific aspects of the policing arrangements of COP26.⁷ The review identified a number of areas for development across key processes that were designed to support the delivery of the COP26 policing plan. In our report, we highlighted our intention to undertake a progress review with a focus on custody preparation for the operation. As part of the progress review, we visited several custody centres that had been designated for use during the COP26 event. This provided us with reassurance that sound progress was being made against the key areas for development outlined within our report.

Our inspection in the North East of Scotland is part of an on-going 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.⁸

³ All of our reports are available on our website at www.hmics.scot.

⁴ HMICS, [Inspection of custody centres across Scotland](#), 19 October 2018.

⁵ HMICS, [Inspection of custody centres in Greater Glasgow Division](#), 12 June 2019.

⁶ HMICS, [Inspection of the strategic arrangements for the delivery of police custody](#), 6 June 2019.

⁷ HMICS, [An Assurance Review - Policing of the 26th Conference of the Parties \(COP26\)](#), 24 June 2021.

⁸ For more information about the UK NPM, visit www.nationalpreventivemechanism.org.uk.



Our inspections are based on an inspection framework which ensures a consistent and objective approach to our work. The framework consists of six themes:

- Outcomes
- Leadership and governance
- Planning and process
- People
- Resources
- Partnerships

Each theme is supplemented by a range of indicators setting out what we expect to find during our inspection. In relation to custody, the Outcomes theme contains additional indicators specific to the treatment of and conditions for detainees. Our custody inspections are predominantly focused on these custody-specific outcomes, but we will comment on other themes from our framework where relevant.

Our inspection of the primary custody centres located in North East Division were unannounced and took place in September 2021. During our inspection, we analysed a sample of custody records relating to 30 detainees. We assessed the physical environment, interviewed detainees, custody staff and other professionals working in the custody centre (such as nurses) and observed key processes. Unannounced visits can limit what we see during our inspections as we may only observe what we find at the time of our visit.

This report highlights our concerns regarding inconsistency in the provision of healthcare services to the police custody centres we visited as part of this inspection. We have noted the impact that this can have for detainees and the effective operation of the centres. This is in accordance with comments made in our annual report⁹ where we highlighted the importance of establishing a joint inspection programme in partnership with Healthcare Improvement Scotland in order to examine and report on the availability and quality of healthcare services in custody.

HMICS wishes to thank the officers and staff of the Criminal Justice Services Division for their assistance during our inspection. The inspection was carried out by Ray Jones and Tina Yule with support from our associate inspectors.

Gill Imery

HM Chief Inspector of Constabulary in Scotland
December 2021

⁹ HMICS, [Annual Report 2020-2021](#), 13 August 2021.



Key Findings

- Staff working at the custody centres in Kittybrewster, Fraserburgh and Elgin were professional and respectful towards detainees and those we spoke to were generally satisfied with how they were treated.
- The physical condition of the custody centres was variable. Kittybrewster was very well presented and had good facilities, while the Elgin centre was in need of refurbishment. Fraserburgh had benefitted from relatively recent refurbishment, which had improved the environment.
- All three custody centres were carrying a number of vacancies for permanent staff and were reliant on local policing support to cover these. This had an impact on the ability of some officers to fulfill their responsibilities as tutors for police probationers. We also noted that some police officers had been covering custody posts for a considerable period of time.
- Detainees at Kittybrewster benefited from full-time, nurse-led healthcare provision based at the custody centre. Whilst healthcare professionals were not based at Fraserburgh, suitable arrangements were in place for healthcare provision. However, healthcare provision at the Elgin custody centre was inconsistent and did not adequately meet the needs of detainees nor the centre.
- Remote supervision of Police Constable-led custody centres was being undertaken effectively by police Sergeants with responsibility for the role.
- Overall, we observed thorough and robust risk assessment and care planning procedures taking place during our inspection across the custody centres.
- The relatively new CJ PCSO role has had a positive impact on custody centre operations. Staff we spoke to welcomed the omni-competence aspect of their role. The PCSO team leader role is a positive introduction but has not yet become fully established.
- PCSOs carried out the booking-in of detainees professionally and efficiently.
- We found that a positive culture had been established whereby custody staff were making well-informed decisions in each case in order to determine whether or not detention was required. Staff were also proactive in reducing the time detainees spend in custody wherever possible.
- Staff at Kittybrewster had made considerable efforts to engage with and involve partner agencies from the local area including third sector organisations, health and social work, and drug and alcohol services in order to provide positive referral pathways for individuals leaving custody.
- We found that custody staff were not using the hand-held electronic devices that had been introduced to record detainee information during cell checks.
- There were effective handovers between shifts, with good briefing of incoming teams on the history and needs of individual detainees.
- The majority of the improvement actions highlighted in our previous inspection report on the inspection of Kittybrewster custody centre in 2015,¹⁰ have been completed satisfactorily.

¹⁰ HMICS, [Local Policing+ Inspection Programme - Inspection of custody centre located in Aberdeen City Division](#), 14 May 2015.



Recommendations

Recommendation 1

Police Scotland should replace the existing paper-based recording system at Kittybrewster with an effective and reliable electronic system that can be updated in real time from the location that cell checks are being undertaken.

Recommendation 2

Police Scotland should review the potential risks and benefits of utilising local policing to cover shifts and other custody operations in the North East cluster and build resilience in CJSD capacity where required.

Recommendation 3

Police Scotland should continue to engage with the responsible health boards and Health and Social Care Partnerships to ensure that a consistent, accessible and quality healthcare service is provided to the Elgin custody centre as soon as possible.



Context

1. Custody is delivered throughout Scotland by the Police Scotland Criminal Justice Services Division (CJSD). This division is one of several national divisions which sit alongside and support the thirteen local policing divisions. CJSD is led by a Chief Superintendent who reports to an Assistant Chief Constable and in turn, to the Deputy Chief Constable for local policing. Custody is delivered in accordance with the custody standard operating procedure, which is updated and amended regularly to reflect changes in practice guidelines and expectations.¹¹
2. Custody centres in Scotland are organised into clusters, each led by a cluster Inspector. The custody centres we visited during this inspection make up Cluster 1. The centres at Kittybrewster, Fraserburgh and Elgin are permanently staffed and open to receiving detainees at any time. Kittybrewster services a busy urban area while Fraserburgh and Elgin custody centres are located in relatively small towns and therefore process fewer individuals. This is reflected in a lower level of throughput than Kittybrewster and fewer cells required to meet the needs of their respective locations (Table 1).
3. It is notable that while the three primary centres are part of a single cluster they are a considerable distance apart and depending on road conditions, it can take an hour to travel from Kittybrewster to Fraserburgh and almost two hours to travel from Kittybrewster to Elgin. This can present challenges as it is sometimes necessary to transport detainees from one centre to another, though decisions to do so are based on a risk assessment that considers detainee safety and wellbeing.
4. Kittybrewster is a purpose built custody centre that opened in June 2014. The centre was designed to operate as a criminal justice hub that brings together the main functions of police criminal justice business including the management of productions and the records management function. The building also accommodates local policing. Building work on a bespoke productions facility had commenced at the time of our inspection. The centres at Fraserburgh and Elgin are significantly older and do not benefit from the modern layout and facilities available at the Kittybrewster centre. Further details on the condition of the centres is outlined within this report.
5. Staffing arrangements vary between the three primary custody centres. Kittybrewster operates with four teams of eight people, which are made up of police custody officers and Police Custody and Security Officers (PCSO), and PCSO Team Leaders. Police Sergeants provide oversight to the teams at the centre, and also to the staff based at Fraserburgh and Elgin. The custody cluster Inspector is based at Kittybrewster. The centres at Fraserburgh and Elgin each have five teams of two people; one police custody officer and one PCSO. These teams do not have a custody Sergeant based within the custody centres as they are Police Constable-led centres, which operate under a remote supervision arrangement. However, custody staff could access guidance from Sergeants based locally when required. We comment further on this in paragraph 47 of this report.
6. All three custody centres were carrying a number of vacancies for permanent staff and were reliant on local policing support to cover these. This had an impact on the ability of some officers to fulfill their responsibilities as tutors for police probationers. We also noted that some police officers had been covering custody posts for a considerable period of time.

¹¹ Police Scotland: Care and welfare of persons in police custody - Standard Operating Procedure (2019).



7. A new post of Criminal Justice Police Custody and Security Officer (CJ PCSO) was introduced in 2018 with the intention that newly appointed CJ PCSOs will be multi-skilled and able to carry out criminal justice tasks in addition to their core custody role. This is referred to within CJSD as omni-competence and includes records management tasks and working in productions facilities. The CJSD therefore had a mix of pre-existing PCSO staff and CJ PCSOs working together across custody centres in Scotland, including within Cluster 1. However, the majority of existing PCSOs moved over to the new CJ PCSO role on 4 October 2021, and all remaining posts migrate to the new job description on 10 January 2022. HMICS made detailed comment on the introduction of CJ PCSOs in our 2019 report on the strategic arrangements for police custody.¹²
8. This change also introduced a new 12-hour shift pattern for PCSO and CJ PCSOs. This was introduced for staff at Kittybrewster however, based on previous trials of the shift pattern, it will not be applicable to staff at Fraserburgh and Elgin as the two-person teams will not have the necessary capacity to cover the breaks that are required as part of the pattern.
9. For the financial year 2020/21, national custody throughput was 101,204. This was a reduction from the previous year as the total number of detainees through custody in 2019-20 was 115,126. There are a number of contributory factors for this reduction. These include the impact of the pandemic on custody numbers and the ongoing impact of the Criminal Justice (Scotland) Act 2016,¹³ which has been utilised more fully as a result of the pandemic. However, some of the reduction can also be attributed to Police Scotland's positive approach to divert people away from custody centres through working more closely with partners to address reoffending by tackling the underlying causes and referring individuals to a range of services.

Table 1 - Custody centre throughput and cell capacity

Custody centre	Type	Number of cells	Throughput April 2020 - March 2021
Kittybrewster	Primary	60	6,973
Fraserburgh	Primary	12	1,139
Elgin	Primary	14	1,151

Covid-19 Pandemic

10. In August 2020, HMICS and Her Majesty's Inspectorate of Prosecution in Scotland (IPS) undertook a joint inspection to assess the use and impact of key emergency criminal justice provisions introduced in response to the Covid-19 pandemic. These provisions were established in the Coronavirus (Scotland) Act 2020.¹⁴ In our joint report on the inspection,¹⁵ we highlighted that the Lord Advocate's Guidelines on Liberation by the Police,¹⁶ which were revised in March 2020 in response to the Covid-19 pandemic, had a considerable impact on reducing the number of people detained in police custody and those held for court. We noted that whilst it was not possible to quantify the public health outcomes of the reduced custody throughput, it demonstrated that due consideration was being given to limiting the potential spread of Covid-19 when custody decisions were made.

¹² HMICS, [Inspection of the strategic arrangements for the delivery of police custody](#), paragraphs 78-88, 6 June 2019.

¹³ [Criminal Justice \(Scotland\) Act 2016, Part 1, Chapter 6](#).

¹⁴ [Coronavirus \(Scotland\) Act 2020](#)

¹⁵ HMICS, [Joint Inspection of emergency criminal justice provisions](#), paragraph 153, September 2020.

¹⁶ [Lord Advocate's Guidelines on Liberation by the Police: Covid-19 or Coronavirus \(2020\)](#)



11. This was the first inspection of custody facilities undertaken by HMICS since we paused our inspection activity at the start of the pandemic and as such, it is important to acknowledge the considerable challenges that this has brought to the CJSD and custody centres across Scotland. While the CJSD response to the impact of Covid-19 on custody centre operations was not within the scope of this inspection, we recognise the additional demands on staff in terms of maintaining high standards of health and safety practice to limit the potential spread of the virus as well as adapting to operational changes including the introduction of virtual custody courts in several centres. In order to manage ongoing risks as the pandemic continues, our inspectors complied with the local PPE practices in place during site visits.
12. Kittybrewster has been operating as a Covid-19 custody centre throughout the pandemic and has designated cells for individuals that have presented with symptoms or who have informed custody staff that they have Covid-19. Whilst virtual custody court facilities were available, these were not being used routinely other than for the small number of individuals presenting with Covid-19 symptoms or having tested positive for the virus.

Independent custody visitors

13. Under the Police and Fire Reform (Scotland) Act 2012, the Scottish Police Authority (SPA) is required to make arrangements for independent custody visitors (ICVs) to monitor the welfare of people detained in police custody.¹⁷ Regular visits to custody centres are carried out by volunteer independent custody visitors from the local community. Independent Custody Visiting Scotland (ICVS) is a member of the UK's NPM.
14. Since the early stages of the pandemic, ICVs have undertaken virtual observations of custody centres and detainees through a range of remote monitoring processes. From 16 August 2021 onwards interviews with detainees have taken place face-to-face. During the period 25 June 2021 to 30 September 2021, which includes the time of our onsite inspection, ICVs have undertaken several visits to custody centres in this cluster and have spoken to detainees regarding their detention in custody. We have used information regarding any recent issues identified by ICVs during their visits to inform our understanding of detainee experiences.

Ongoing investigation

15. We are aware that there is an ongoing Fatal Accident Inquiry in relation to an individual who died in custody at Kittybrewster in 2014. We do not intend to comment on the circumstances surrounding this case as it is subject to an ongoing inquiry. Our inspection focused on the conditions and operation of the centres and the treatment of detainees at the time of our visit.

Previous Inspection

16. HMICS previously carried out an unannounced inspection of Kittybrewster custody centre and reported on this in May 2015.¹⁸ The report on our inspection outlined a number of positive findings and highlighted eight areas for improvement. The majority of these improvement actions have been completed and an update against our current inspection findings can be found in Appendix 1.

¹⁷ Police and Fire Reform (Scotland) Act 2012, Chapter 16.

¹⁸ HMICS, [Local Policing+ Inspection Programme - Inspection of custody centre located in Aberdeen City Division](#), 14 May 2015.



Outcomes

Condition of custody centres

17. The primary custody centres at Kittybrewster, Fraserburgh and Elgin differed in their general condition and facilities. Kittybrewster benefits from its purpose-built design and is spacious, well-laid out and bright; having skylights in corridors and good natural light in cells. It has four charge bars and a raised area above these that allows the custody Sergeant a view of the charge bars and the ability to listen to all booking-in processes. Not all charge bars were being used during our inspection in order to create a degree of separation for detainees and staff due to the impact of Covid-19. The centre also has a separate private charge bar that is set at a low height. This can accommodate individuals that use a wheelchair or have mobility difficulties and was also used for booking in potentially high risk or high profile individuals. The centre has 60 cells, most of which are located along five corridors with two observation cells on each corridor. One of the corridors is designated for female detainees.
18. The centre was well maintained and cells were in good condition. CCTV cameras had been fitted in all cells. The beds within the cells were all fitted at a low height and could therefore pose a challenge for individuals with mobility difficulties. Detainee holding areas had useful posters on the walls to inform people of potential referrals that could be made for them while in custody. Each of the holding areas also had a monitor sited high on a wall with rotating presentations, some in foreign languages, on referral pathways and useful contacts.
19. As indicated above, the centres at Fraserburgh and Elgin are significantly older, however Fraserburgh had been subject to a degree of refurbishment in recent years, which included a new charge bar, fingerprint room and upgrades to the kitchen and office areas. The single charge bar, while functional and well-equipped, would not provide easy access for individuals with mobility difficulties. Cells were in good condition and had natural light. All were fitted with CCTV cameras, installed as part of the upgrade. One of the showers in the corridor designated for female detainees was not working and staff advised us that it had not been operating for around two months. Whilst the centres at Kittybrewster and Fraserburgh had cells that could be monitored via CCTV, pixilation of toilet areas had been installed on all monitoring screens to preserve detainee privacy.
20. The Elgin custody centre was in general need of refurbishment. While the cells were in reasonable condition, the required level of cleanliness was lacking, particularly in respect of the toilets. Three out of the 12 cells in operation had CCTV cameras fitted. There were also two window observation cells. The CCTV observation monitors used by staff to maintain enhanced levels of observation of detainees were located in a small room principally used to house the computer servers and was not adequate for the intended purpose. One of the cells was accessible and had a raised bed with a call button situated within easy reach. The centre had a useful holding area and a single charge bar which was private and secure. There were two interview rooms and facilities to accommodate a solicitor / reasonably named person.
21. We were informed by staff that a programme of refurbishment was planned for the Elgin centre. We were shown the drawings for the refurbishment, which outlined an improved design of the charge bar, observation rooms and holding area. Police Scotland plan to undertake the refurbishment during 2022.
22. We view the installation of CCTV cameras in all cells at Kittybrewster and Fraserburgh as positive and would encourage this as part of the planned refurbishments at Elgin. It is our position that there should be CCTV in every cell with modern systems capable of recording, observing, and recovering images. This is important not only for undertaking observations but also to provide evidence in relation to complaints that may be made by detainees regarding their treatment in custody.



23. We found no obvious ligature points within cells. Ligature cutters were stored at the custody bar and were also worn by custody staff on their belts. We noted that custody staff were undertaking weekly cell checks in order to monitor the condition of cells and raise any issues regarding maintenance. As a potential ligature point can be created or develop over time, monitoring should continue to be undertaken regularly and thoroughly by custody staff across the centres.

Arrival in and release from custody

24. Procedures for arrival and release from custody were well managed and carried out safely and securely at all three custody centres. Kittybrewster has particularly good facilities, which include a large secure yard with CCTV coverage and ample parking space for police vehicles and prisoner escort vehicles used to take detainees to court. It also has a secure vehicle dock that provides access to the custody area and can accommodate a large prisoner escort vehicle as well as up to four police vans. There were variable wait times and queue levels throughout the week but a 30 minute average processing time is achieved in most cases. Custody Sergeants prioritise individuals awaiting processing based on presenting risk and needs.
25. The centre at Fraserburgh has a good-sized secure yard with an electronic gate and CCTV coverage. It has ample parking space for police vehicles. The centre did not have a vehicle dock and vehicle access to the custody centre entrance was narrow but suitable. Due to the set-up of the charge bar, only one person at a time can be booked in to custody as there is no holding area. This is not problematic as police vehicles can wait in the secure yard and will be contacted via radio by custody officers when the charge bar is available. Prioritisation of detainees for booking-in is based on initial discussions between custody staff and local police about potential risks. Individuals arrested for driving while impaired will usually be prioritised in order that they can access the required testing in a timely manner.
26. Similar processes for detainee prioritisation were in place at the Elgin custody centre. The centre had a gated and secure vehicle docking area that had good access to the custody holding area. The main yard had ample parking for police vehicles but was not fully secured as the electronic gate was not operational at the time of our visit. A CCTV camera sited at the custody door captures most of the docking area but there were no cameras in the rear yard.
27. There has been a significant shift over the past two years in booking-in practice at custody centres across Scotland whereby a process that was predominantly carried out by custody Sergeants is now being undertaken by PCSO / CJ PCSOs. However, this approach has been in place for several years at Kittybrewster and has therefore become more established. HMICS inspectors observed several booking-in procedures across the three custody centres, all of which were carried out efficiently and to a good standard.
28. Detainees were provided with clear information on the criminal justice charges relevant to them and were advised about solicitor access. The Letter of Rights (a booklet explaining detainee rights) was explained well and a copy was provided along with leaflets on referrals options. Detainees were asked if they wanted a relative or friend notified of their detention (this is referred to by CJSD as a reasonably named person). Risk assessment questions were gone through systematically and slowly to ensure understanding, and we saw particular care around care/medical questioning regarding any potential issues related to anxiety, depression and self-harm. Arresting officers contributed appropriately to the booking-in process, chatting to the detainee during pauses, checking how they felt, noting any additional information they had collected during arrest/transport and building good rapport in most cases.



29. We observed good interaction between PCSOs, custody Sergeants, local police and health staff at Kittybrewster, which included discussions about detainee risks and care plans. One detainee, booked in at the private charge bar due to potential risk of flight, self-harm and violence, was accompanied by four police officers. We observed local officers, custody staff and healthcare staff deal with the individual very professionally and sympathetically and as a result, the detainee calmed down considerably. We also observed the nurse coming to the charge bar several times during the course of one evening to discuss detainee risk levels with the custody Sergeant and the Sergeant subsequently updating the National Custody System (NCS).
30. Foreign nationals brought in to custody were offered an interpreter, though this was refused in most cases as the detainees had a good understanding of English. However, an interpreter was provided for one individual that required the service during our inspection and this was clearly beneficial to the detainee. A detainee who informed staff that they were dyslexic was offered an easy-read version of the Letter of Rights.
31. On arrival, detainees can remain in holding areas pending checks being carried out to identify if there were any warning markers that may indicate a history of violence or self-harm. At busier times, detainees may also be held in these areas until a booking-in desk and custody staff become available to process them. Custody Sergeants informed us that the booking-in process can be expedited when arresting officers notify the custody centre that they are en-route with a detainee, in accordance with the custody policy. This provides custody staff with the opportunity to start carrying out checks on the detainee prior to their arrival. We found no indication of problematic queuing levels at any of the primary custody centres visited during this inspection.
32. We recognise that making the correct custody decisions based on the presenting circumstances can sometimes take longer than the average processing time noted above. This impacts on the time local police officers spend in custody centres and can reduce their capacity to undertake operational duties. It is important therefore, that when decisions are being made to detain or release an individual, due consideration is also given to the potential impact on local policing.
33. Fingerprints and DNA procedures were carried out by custody staff. Custody staff have also taken over responsibility from local policing for undertaking Nexus¹⁹ checks in relevant cases. We see this as a positive development, which has the potential to improve the frequency and efficiency of these checks taking place. Custody staff have welcomed the additional task and CJSD are considering rolling this out across the country in order to deliver efficiencies for local policing.
34. A particularly positive aspect of the booking-in processes undertaken across the three custody centres was the careful consideration given to the requirement for detention in all cases that we observed. The introduction of the Criminal Justice (Scotland) Act 2016²⁰ has had a positive influence on this approach although it is notable that it wasn't until restrictions were introduced to limit the spread of Covid-19 that custody centres increased the use of undertakings and correspondingly, began to reduce the number of those detained in custody.
35. Similarly, the Lord Advocates Guidelines on Liberation by the Police,²¹ which were revised in March 2020 in response to the Covid-19 pandemic, have had a positive impact on custody decision making and on reducing the number of people held in police custody. We referred to this in detail in our report on the joint inspection of criminal justice provisions, introduced in response to the Covid-19 pandemic.²²

¹⁹ Operation Nexus is a joint initiative between the Home Office and Police divisions across the UK to verify the immigration status of, and gather information from, foreign nationals, including EEA nationals.

²⁰ [Criminal Justice \(Scotland\) Act 2016, Part 1, Chapter 6](#).

²¹ [Lord Advocate's Guidelines on Liberation by the Police \(2020\)](#).

²² HMICS, [Joint Inspection of emergency criminal justice provisions](#), paragraph 36-40, September 2020.



36. However, this approach has also been influenced by the ethos of the CJSD to minimise the use of detention wherever it is safe and appropriate to do so. We established that a culture of minimising the use of detention was clear and well-established within this cluster and decisions to detain an individual were only made when it was absolutely necessary. As a result, we found that detention was appropriately authorised in all cases during our inspection.
37. Relatively few children had been processed through the custody centres in the year prior to our inspection. Children were only taken to custody as a last resort and the division uses alternatives where appropriate. When a young person is brought to a custody centre (one case observed during our inspection) their time in detention is kept to a minimum and a reasonably named person was informed of their circumstances. In the case observed, the young person was not placed in a cell at any point but was processed and released pending further investigation.
38. A pre-release risk assessment (PRRA) was carried out for detainees being released to determine whether they posed a risk to themselves or others. PRRAAs are typically undertaken by a PCSO carrying out the assessment in the cell whilst preparing the detainee for leaving custody. We observed good liaison between custody Sergeants and healthcare professionals in order to consider the physical and mental state of the detainee before releasing them.
39. In respect of the PC-led custody centres, we observed custody staff contacting remote supervisors for their input and authorisation for the release of detainees. We also observed the remote supervision Sergeants undertaking their duties in this regard. They posed relevant questions, liaised with healthcare staff where required, and explored a number of relevant issues with custody staff in order to satisfy themselves that it was safe and appropriate to release the detainee.
40. Each morning, a private contractor, GEOAmey,²³ attended the custody centres to collect and escort detainees who were due at court. A Person Escort Record (PER), providing information about the detainee and any risk factors, was prepared by custody staff and given to escorting staff. Staff advised us that PER forms were always completed as soon as possible, but that any relevant risk issues would be added throughout the detainee's stay. At Kittybrewster, we observed the efficient handover of detainees and their records.

Support on release from custody

41. During the PRRA process, there is an opportunity for detainees to be referred to other agencies for support. This has become a well-established process at Kittybrewster. The centre has worked closely with partner agencies, including those from the third sector, in order to encourage their presence within the custody centre wherever possible and to ensure that referral pathways are in place. This approach has been part of ongoing development work undertaken by the CJSD to increase the presence of partner organisations in custody to provide greater support and intervention opportunities for detainees.
42. It is notable however, that the extent to which the CJSD can achieve its vision of using custody as an opportunity for positive interventions is limited by the level of resource and commitment from partner agencies over which Police Scotland has little influence.

²³ GEOAmey provide secure transportation and custody centre services for prisoners and young people in custody across the UK.



43. In terms of specific supports and interventions available to detainees; drug and alcohol referral workers from Drugs Action attended Kittybrewster twice a week to meet with detainees and take referrals. Kittybrewster has also introduced the provision of 'take home Naloxone', which is intended to support detainees with problematic drug use and reduce the number of drug related deaths where possible. The Quarriers Arrows Service²⁴ provided a service to detainees leaving the Elgin custody centre with substance or alcohol misuse issues.
44. Kittybrewster has engaged the services of SAMH²⁵ workers in order to provide detainees with advice and support in respect of mental health difficulties they may be experiencing. Fraserburgh and Elgin were able to offer detainees support from Breathing Space Scotland²⁶ should they be experiencing similar difficulties. A wide range of referral leaflets and information was provided to detainees either during booking-in processes or placed within their property bag on release. In addition, healthcare professionals based at Kittybrewster provided a range of referrals to other NHS-related services.
45. The Kittybrewster custody centre has introduced an innovative approach whereby food parcels are provided to those detainees who require them on release. This has been developed in partnership with a local foodbank initiative and has been very well received. The approach has been introduced with the express intention of alleviating the challenges and anxieties that exist for individuals leaving custody with limited funds for food and other essentials.
46. Whilst some of these supports and interventions have been introduced as a result of the leadership and culture that exists within the custody estate in the North East, it is also reflective of the policy changes that have been taking place within CJSD over several years, which position the care and welfare of detainees at the centre of custody provision.

Remote Supervision of custody centres

47. The centres at Fraserburgh and Elgin did not have a custody Sergeant based within the custody centres as they are operated by a Police Constable with support from PCSO colleagues. The CJSD introduced Police Constable-led (PC-led) custody centres following extensive review and trials of the process undertaken as part of CJSD custody transformation. PC-led custody centres have become an integral part of the overall National Custody Operating Model. While they are a relatively new addition to some locations, the PC-led concept itself is a well-established means of delivering custody services that formed part of various legacy Force arrangements.
48. The premise of the PC-led model is that suitably trained, experienced and approved Police Constables, who have the ability and confidence to perform the duties of Custody Officer, take the lead for coordinating onsite custody operations under the remote supervision of a custody Sergeant. Remote supervision of Fraserburgh and Elgin is carried out by a cadre of custody Sergeants based at custody centres including Kittybrewster, Inverness, Dundee and Perth. Custody Sergeants observe booking-in processes via CCTV monitors from whichever police office they are based and provide oversight of key processes. They also provide guidance and direction to custody staff as required on issues of arrest approval, the requirement for detention, risk assessments and care planning and fit-for-release decisions.

²⁴ Arrows is a Quarriers drug and alcohol support service based in Moray, which provides assessment and support for Adults experiencing substance or alcohol misuse.

²⁵ SAMH is the Scottish Association for Mental Health, operating in communities to provide a range of mental health support and services.

²⁶ Breathing Space is a free, confidential phone and web-based service for people in Scotland experiencing low mood, depression or anxiety.



49. We found the quality of remote supervision to be largely effective. There were some delays at times when custody staff awaited decisions from the remote supervisors on approval for detainee arrest, but these did not have a significant impact on the process or on detainees. Custody staff told us that there can also be delays in getting Force Custody Inspector (FCI) and Quality Assurance Inspector (QAI) authorisations via email; an example of holding someone for two hours longer than needed was provided to our inspectors. We understand that the CJSD have recently reviewed the role of QAIs in particular, and are planning changes to the role in order to increase efficiency and effectiveness.
50. Given the additional responsibility placed upon police officers undertaking the role of Custody Officer in PC-led centres, we consider it to be essential that CJSD continue to select suitably trained and experienced officers that are confident in the role.
51. As part of the CJSD custody remodelling programme and with a view to future developments, a Custody Officer pilot was undertaken between July and November 2020. This was trialled at two custody centres; one in South East Scotland and the other in the West of Scotland. The pilot was introduced following the outcome of a CJSD review during 2019/20, of the role of the Custody Officer. The proposal for the pilot was to test the concept of on-site custody operations being coordinated by suitably trained, experienced and approved custody staff at locations where the role was currently undertaken by a Police Constable. These staff are referred to as approved Custody Officers and would include police officers and custody staff. They would have the role of operating Custody Officer-led centres as part of the National Custody Operating Model.
52. CJSD Command are giving careful consideration to extending the Custody Officer role to include custody staff and introducing it at designated sites where it is considered to be safe, practicable and appropriate.



Risk Assessment and Care Plans

53. During the booking-in process, a risk assessment is carried out for each individual who comes into police custody. Effective risk assessment is vital so that detainees can be managed and cared for appropriately. A key element of the assessment is the vulnerability questionnaire, whereby custody staff ask the detainee questions relating to drug or alcohol use, medical history, mental health issues etc.
54. The initial risk assessment process allows custody staff to determine a care plan for detainees. This involves deciding whether the individual is high or low risk, and what level of observation they should receive. The approach is based on an assessment of risk, threat and vulnerability. The responses to the vulnerability questionnaire and the subsequent care plan are recorded onto NCS. Based on the outcome of the risk assessment, detainees are subject to observations and rousing²⁷ according to the following scale:
- Level 1 - general wellbeing observations. For an initial period of six hours, all detainees are roused at least once every hour. Thereafter, hourly visits are still undertaken but detainees need not be roused for up to three hours. This level is suitable for detainees who are assessed as low risk.
 - Level 2 - intermittent observations. Detainees are visited and roused at 15 or 30-minute intervals. This level is the minimum for detainees suspected of being under the influence of alcohol or drugs, whose level of consciousness causes concern or where there are other issues necessitating increased observation.
 - Level 3 - constant observations. The detainee may be under constant observation via CCTV, a glass cell door or window, or a door hatch. Visits and rousing may take place at 15, 30 or 60-minute intervals.
 - Level 4 - close proximity observations. Appropriate for those detainees at or posing the highest risk, this involves detainees being supervised by staff in the cell or via an open cell door.
55. We have based our assessment of the quality of risk assessments and resulting care plans on a combination of our review of detainee records on the NCS system and our observation of practice during our onsite visits to the respective centres.
56. In terms of our review of detainee records, a proportional sample of custody records from the centres at Fraserburgh, Elgin and Kittybrewster, was gathered prior to our onsite inspection. We chose to review a sample of 30 custody records based upon the annual throughput of each centre over the past year. The sample was selected to be broadly representative of the proportions of men, women, children and foreign nationals who were held in custody across the three centres.
57. The records selected, related to individuals detained in custody between the 15th August and 15th September 2021. We reviewed the records on the NCS system during our visit and analysed the outcome thereafter. The sample selected, related to 21 males and nine females. Of these, two records were for children aged under 16 years and one was for a young person aged between 16 and 17 years that was not subject to a statutory supervision order. 26 (87%) of the sample were from the UK and four (13%) were from other countries. None of the sample were immigration detainees.

²⁷ Rousing involves gaining a comprehensive verbal response from a detainee, even if it involves waking them while sleeping. If a detainee cannot be roused, they should be treated as a medical emergency.



58. Through our review of custody records, we found that the majority of detainees (70%) spent fewer than six hours in detention with almost all others spending between six and 12 hours in detention. The one exception related to an individual that was in custody for over 48 hours as a result of being apprehended on a Friday for court on a Monday for failure to comply with bail conditions. The time taken between arrest and arrival into custody was less than an hour in 90% of cases.
59. We were able to observe the vulnerability questionnaire being delivered at each of the primary centres during our inspection. This was carried out efficiently and to a good standard. Within our review of records, 28 detainees were subject to the risk assessment process as two individuals were rejected from custody based on appropriate consideration of the presenting circumstances. Of the 28 detainees, 22 were assessed as high risk and six were assessed as low risk.
60. During our review of records, it was sometimes difficult to know why a certain vulnerability level had been chosen as there was limited rationale recorded in several cases. The recording of a full rationale would make it easier to undertake quality assurance reviews of the process in future. However, based on the available information, we considered that the given vulnerability level was not appropriate in two cases. This related to two detainees assessed as low vulnerability where, we believe, this should have been set as high. That said, there was no indication from the records of any adverse issues or incidents as a result.
61. This indicates therefore that over 90% of risk assessments reviewed in our sample were well-informed and accurate. This outcome provided us with reassurance that custody staff were making the correct decisions in the majority of cases and that the risk assessment and care planning process had improved since our previous inspection at the centre.
62. Of the 28 cases with a care plan, we considered these to be correct in approximately 80% of cases. In respect of four of the remaining cases, we felt that undertaking 30 minute observations would have been more appropriate than the 60 minute observations that were set. In two further cases, where 60 minute observations had also been put in place, we noted that these had been quickly overturned by the Sergeant on duty at the time and were increased to a more frequent rate. This demonstrated a sound level of oversight by custody Sergeants of the observation levels initially imposed.
63. We found that observation levels were met satisfactorily in almost all cases. When these had not been met, it was by approximately 10 minutes. In six cases, evidence was recorded of the care plan having been reviewed, with changes (downgrades) to the observation levels made in four of these cases. It is positive to note that the practice of reviewing observation levels is taking place as it has implications for staff resources as well as being important for detainees that the observation levels that they experience are only as intrusive as they need to be.
64. From our review of custody records we noted that a PRRA was recorded as having been done in 20 of the 30 cases. In the remaining 10 cases, two had not had their custody authorised so had been released; seven were in custody for a very short time and/or were with officers the whole time, and the remaining individual had been brought into custody to facilitate a search. Therefore, all of the individuals subject to a longer period of detention had been released with a PRRA in place.
65. Overall, we observed thorough and robust risk assessment and care planning procedures taking place during our inspection across the custody centres we visited. At Kittybrewster in particular, we saw clear and ongoing shared input to the process between custody Sergeants, CJ PCSOs, PCSO Team Leaders, healthcare professionals and arresting officers. This collaboration strengthens the assessment process and as a result, contributes to a safer custody environment.



Handover procedures

66. The handover of information between custody staff and partners as shifts change is an important element of the risk assessment and care planning process and promotes a shared understanding of any ongoing issues and concerns regarding the care and welfare of detainees.
67. During our inspection, we observed effective shift handovers across the primary centres. In particular, the handover model at Kittybrewster was well-established and took place at the beginning of each shift change. These were ordinarily led by the custody Sergeant and routinely included custody staff and healthcare staff as well as the oncoming custody supervisor. We observed the custody Sergeant or custody supervisor that was ending their shift, briefing the incoming supervisor about each detainee held; discussing any vulnerabilities and risks, care plans, observation levels and other relevant information. The oncoming Sergeant then recorded the relevant details onto NCS and followed this up by doing the rounds of detainees to check in on them.
68. Our inspectors were informed that the handover practice at Kittybrewster has been recognised as good practice by the CJSD and arrangements were being put in place to introduce the model across all custody centres.
69. It is not possible for all custody staff to attend handovers at the same time due to their responsibilities for detainee welfare. However, we observed a number of good handovers taking place between PCSOs, although this was not consistent across all shifts or locations. The role of the PCSO team leader in shift handovers was less distinct. The CJSD should consider what role team leaders should play in shift handovers in future as this has the potential to improve communication and to further establish the team leader role.
70. As indicated, the sharing and recording of clear and accurate information is essential at all times in the custody environment but particularly when custody staff are changing shifts. In order to support the process of recording detainee cell checks, which include relevant information regarding risk, wellbeing and observation levels, the CJSD had introduced hand-held electronic devices for use by custody staff at Kittybrewster. The technology built into these allows real-time updates to be recorded onto the NCS system; meaning that other staff and supervisors could access live and updated information whenever it was required. This replaced a previous system where a Prisoner Contact Record or 'cell sheet' was used for this purpose.
71. During our inspection, we noted that these devices were not being used by custody staff at the centre. This appeared to be as a result of IT and Wifi difficulties. As an interim measure, a paper-based system was being used by custody staff to record information as they undertook cell checks. Staff would then return to computer stations to enter information onto NCS. However, this process has the potential to result in delays in information being recorded onto the NCS system. We consider it important therefore that the paper-based system is replaced as soon as possible with a system that can be updated in real time from the location that checks are being undertaken.

Recommendation 1

Police Scotland should replace the existing paper-based recording system at Kittybrewster with an effective and reliable electronic system that can be updated in real time from the location that cell checks are being undertaken.



Staffing levels

72. All three custody centres were carrying a number of vacancies for permanent staff and were reliant to varying degrees, on local policing support to cover these. Kittybrewster were carrying nine vacancies at the time of our inspection, primarily for custody staff. Vacancies for police custody officers and PCSOs also existed at the centres in Fraserburgh and Elgin. In most instances, officers from local policing were utilised to cover these vacancies and the resultant gaps in shift teams. This practice is often referred to as backfill arrangements.
73. We spoke with local policing Sergeants supervising the custody centre at Kittybrewster that had been providing varying degrees of backfill cover over several months. Some police officer staff at custody centres in Fraserburgh and Elgin had become a permanent backfill resource, some of whom had been in the role for between one and three years.
74. We noted that these arrangements could have a positive impact on some aspects of the service and individual staff. For example, we spoke to police officers covering custody centre vacancies that highlighted that they had learned a great deal from being in the environment and had taken their enhanced understanding of custody centre operations back to their role in local policing. They advised that this had improved their approach to engaging with individuals on the street and helped them to make better informed decisions about taking an individual into a custody centre.
75. We also found that the custody centres relied on local policing officers to remain within the custody centre to carry out the observation of detainees when these had been set at an enhanced level. This was predominantly the case at Fraserburgh and Elgin as they had smaller staff teams than their counterparts at Kittybrewster who had less reliance on local policing for this task.
76. Local police officers also had a role in transporting detainees from custody centres to and from hospital when this was required, and would of course remain with them to ensure that safety and security was maintained. Again, this was more prominent at Elgin and Fraserburgh. These activities resulted in police officers being removed from their usual operational duties.

Recommendation 2

Police Scotland should review the potential risks and benefits of utilising local policing to cover shifts and other custody operations in the North East cluster and build resilience in CJSD capacity where required.

Detainee care

77. During our inspection we spoke with a relatively small number of detainees. In part, this was as a result of low detention numbers during our inspection but also the fact that several of those in detention at that time were not able to engage with us. Those we did speak to, stated that they were generally satisfied with the treatment and care that they had received and were positive about the attitude of custody staff towards them.
78. All cells at Kittybrewster (with the exception of two purposely designed dry cells) were fitted with a toilet and sink for washing hands. These had an external water purging system that was used routinely by custody staff to refresh the water and maintain decent hygiene standards. The cells at Fraserburgh and Elgin were fitted with toilets but not basins, though these were located nearby within the cell corridors.



79. Some staff at Kittybrewster highlighted that the small basins at the end of corridors were not suitable for washing due to their size and design. Showers were made available to detainees every day before court and anytime on Saturday and Sunday. Only a small number of detainees within our records review sample were recorded as having taken showers.
80. We found that washing facilities were adequate and showers were in good condition with the exception that one of the showers at Fraserburgh was not working and had been out of operation for a couple of months prior to our visit. The design of shower doors at Elgin was not appropriate as they would afford limited privacy to female detainees as they had a mid-height, stable door design. The standard of cleanliness of toilets and washing facilities was good with the exception of the cell toilets at Elgin, which was generally poor.
81. Mattresses and blankets were in good condition across the centres, however no pillows were available at any of the sites.
82. Custody staff offered food options to detainees although they tended to stick to regular mealtimes. If a detainee requested additional meals (as the portion size of the standard meals provided is relatively small), these were provided routinely. All PCSOs were food-safety trained. There were good supplies of food, drinks, blankets and other items required for detainee care within the custody centres. The general running of the custody centres stock control, which was largely undertaken by PCSOs, was efficient.
83. Our review of custody records indicated that nine of the 28 detainees brought in to custody had been subject of a strip search. These had been authorised appropriately in all cases. No detainees within our records sample had been subject to an intimate search. Force was recorded as having been used in respect of one detainee within our sample. Our review of this record indicated that the response of officers had been proportionate.
84. An exercise area is available at Kittybrewster but access to this was dependent on staff availability, which could often be limited. Similarly, limited opportunities for exercise were available at Fraserburgh and Elgin as there was no designated exercise area. Our review of custody records found that no detainees within our sample were recorded as having had exercise.
85. Custody staff were aware of the need to identify and cater for the religious needs of detainees. Religious texts and prayer mats were available, as were meals to suit a range of dietary requirements. Custody staff were particularly aware of the need for the respectful storage of religious texts and had done so accordingly.
86. We found that a good stock of reading material for detainees was maintained at each centre, some of which were in foreign languages suited to the needs of detainees that were received into custody within the region. Reading materials were also accepted from relatives/visitors and provided to the detainee after examination. However, there was limited material for those with a learning disability or visual impairment in any of the centres. We noted that staff did not always proactively offer reading materials.
87. All three custody centres had introduced designated corridors and cells for female detainees. This reflects positive progress as it had previously been highlighted as an area for improvement in our inspection of Kittybrewster in 2015.²⁸

²⁸ HMICS, [Local Policing+ Inspection Programme - Inspection of custody centre located in Aberdeen City Division](#), 14 May 2015.



Legal rights

88. As indicated previously in this report, custody staff and supervisors were routinely making well-informed and collaborative decisions on the requirement for detention in custody. As a result, appropriate grounds for detention were in place for all of the detainees in custody at the time of our inspection. Custody staff gave careful consideration to the length of time detainees spent in custody and whether or not it was necessary for an individual to be placed within a cell during their detention. This meant that an increasing number of individuals brought to custody were being processed at the charge bar and released on an undertaking to appear at court on a later date. Similarly, other individuals were being brought to custody for interview and released thereafter.
89. The majority of detainees spent less than six hours in custody during our inspection. This was supported by the outcome of our review of custody records, which reflected a similar picture. Overall, we found that detainees were held for no longer than was required.
90. Detainees were routinely provided with a Letter of Rights, which was explained to them during the booking-in process. An 'easy read' version was available and provided to those that required it. Custody staff informed us that they had recently received a list of the most common countries of origin for foreign nationals brought to detention in the cluster. This was based on custody data and examination of the number of foreign nationals detained at the centre over the previous year. The CJSD had provided the centre with copies of the Letter of Rights in a range of corresponding languages in order that foreign nationals could be provided with a copy in their own language wherever possible.
91. We observed a good example of an interpreter attending in person to assist with a detainee interview at the Elgin custody centre. However overall, the availability of interpreters was not consistent across the centres and could present challenges for staff and detainees as waiting times could elongate the booking-in process.
92. Appropriate Adults provide communication support to vulnerable victims, witnesses, suspects and accused persons, aged 16 and over, during police investigations. Local authorities are responsible for ensuring the availability of Appropriate Adults across Scotland. Appropriate Adults were not used for any detainees during our inspection, nor in the cases reviewed in our sample of custody records. However, custody staff told us that accessing this service, particularly out-of-hours and at weekends, could be inconsistent and challenging.
93. In respect of the two children that were included within our records review, we noted that in one case the child's mother was present throughout their time in custody and in the other, a reasonably named person (RNP) was noted as having been present throughout. Custody staff informed us that when they had young people in custody they would encourage and support visitors wherever possible and safe to do so.
94. A reasonably named person was asked to be notified by 10 detainees out of the 28 individuals included in our records sample. The notification took place in all cases, and generally the detainee was informed that the notification had been made. However, information relating to whether detainees had been informed that an RNP or solicitor had been contacted, did not appear to be recorded on NCS. This issue has been raised previously by HMICS and we recognise that the CJSD has made efforts to address this, however it is an ongoing issue that requires improvement.



Health care

95. Across Scotland, the provision of police custody healthcare has been developed by individual health boards through a variety of models ranging from full-time custody-based nurse teams, supported by forensic physicians, to remote healthcare provided by local hospitals and GP-led services. This diverse provision has, at times, led to disparity in the quality and reliability of services provided. Police Scotland has worked in close collaboration with health boards to establish sustainable and reliable provision wherever possible.
96. We examined the provision of healthcare services to the custody centres in this cluster and found that service provision differed considerably between the three centres. These differences impacted considerably on detainee experience and custody centre operations.
97. Kittybrewster benefited from a full-time onsite nursing model with on-call Forensic Physician cover provided. Nurses, referred to as healthcare professionals (HCP) (although this term also relates to other medically qualified practitioners that provide services to detainees) were based at the centre 24 hours a day. A mental health lead and community psychiatric nurses were also available to the centre. Nurses had a good mix of skills and experience and were mental health trained. Detainees had good access to healthcare assessments, many of which were carried out in person by the nurses onsite. We found that in the main, detainees were able to access specialist assessments that were followed up by referrals to relevant services.
98. Nursing staff at the centre made all of the referrals for detainees to support agencies; a model which is apparently unique in Scotland. The centre therefore has a high referral rate to support services including drug and alcohol, mental health and third sector services.
99. There were no HCPs based at Fraserburgh nor Elgin custody centres. It had previously been agreed by NHS Grampian and Police Scotland that nurses would provide 24/7 coverage for both centres from their base at local hospitals. It was intended that they would provide scheduled visits to custody centres to dispense medication and also be available for phone advice and visits as and when required.
100. At Fraserburgh, healthcare is provided by HCPs based at the minor injuries unit at Fraserburgh Hospital. This can involve nurses attending the custody centre or local police officers taking the detainee to the hospital depending on the individual's needs. In addition, HCPs would attend the centre four times per day at set times and also attend as required. Custody staff informed us that while there were delays and gaps in the service at times, it generally operated well.
101. The healthcare service provided at Elgin was considerably less consistent. In terms of the model in place at the time of our inspection, Elgin custody staff were required to contact the healthcare nurse on duty at Kittybrewster in the first instance, who would then contact either Dr Gray's Hospital in Elgin during working hours or Grampian Medical Emergency Department (GMED) out of hours, to arrange for a healthcare professional to examine the detainee. However, this invariably resulted in custody staff being informed that no one was available to attend and they were often advised to arrange for the detainee to be conveyed (by local policing officers) to their own GP's surgery, which could be anywhere in Morayshire; to Dr Gray's Hospital in Elgin or to Kittybrewster custody centre - a round trip of 130 miles. Alternatively, detainees could be transported to hospital in Inverness (a different health board area) in order to access services.
102. Healthcare staff visits to the Elgin custody centre were sporadic. There have also been ongoing difficulties in ensuring a consistent service for blood samples to be taken for contraventions under the Road Traffic Act 1988. Custody staff informed us that some HCPs have indicated that they have not received the relevant training to do this.



103. The CJSD has a Healthcare and Interventions (H&I) unit that provides oversight of relevant partner services provided to custody centres across Scotland. The team engage with partners to encourage the provision of healthcare and interventions across custody centres and promote improvements where these can be achieved. As part of the oversight process, custody centres are required to submit service review forms to the unit in order to highlight any issues of concern or particular challenges. The Elgin custody centre has submitted more service reviews to the H&I team regarding concerns about healthcare provision than most other custody centres serving much larger divisions.
104. This highlights the considerable level of concern that exists at the centre regarding detainee outcomes and the impact on custody staff and local policing.
105. A number of issues were brought to our intention in relation to the impact of the inconsistent service received. These included:
 - Delays in a detainees being examined by a medical practitioner
 - Delays in detainees being released pending the attendance of a HCP
 - Delays in medication being administered
 - Increased level of detainee observations being carried out for longer than necessary
 - Local policing having to divert from operational duties to take detainees to hospital, GP surgeries or Kittybrewster custody centre for them to access healthcare or have forensic samples taken.
106. This reflects an unacceptable situation which puts detainees at risk and places considerable pressure on custody staff and local policing colleagues.
107. We are aware that CJSD and the Healthcare and Interventions team have been making strenuous efforts for some time to resolve the issues and improve the quality and consistency of the healthcare service provided. However, so far this has had limited success.
108. It is essential therefore that effective collaboration takes place between Police Scotland, the responsible health boards and Health and Social Care Partnerships in the region, to ensure that a consistent, accessible and quality healthcare service is provided to the Elgin custody centre as soon as possible.

Recommendation 3

Police Scotland should continue to engage with the responsible health boards and Health and Social Care Partnerships to ensure that a consistent, accessible and quality healthcare service is provided to the Elgin custody centre as soon as possible.

109. In terms of healthcare facilities, equipment and supplies, we found well-presented and well-equipped medical rooms within all of the centres. As indicated above, the medical rooms at Kittybrewster were utilised constantly, however facilities at Fraserburgh and Elgin were used infrequently.
110. We acknowledge the limitations of our ability to assess the quality of healthcare provision effectively as we do not have the clinical expertise within our inspection teams to do so. Over several years we have sought the participation in our inspections of Healthcare Improvement Scotland (HIS), the regulatory and scrutiny body for the NHS. As highlighted in our recent annual report,²⁹ we see the joint inspection of the provision of healthcare in police custody as being central to improving outcomes for detainees. We continue to collaborate with HIS on developing a framework for the joint inspection of custody centres that we hope to deliver during 2022-23.

²⁹ HMICS, [Annual Report 2020-2021](#), 13 August 2021.



Appendix 1

The table below outlines the improvement actions highlighted in the HMICS 2015³⁰ report on Kittybrewster custody centre, and the status of these at the time of our inspection in September 2021.

Kittybrewster Inspection Report - May 2015			
	Improvement action	Status	Inspection 2021 Update
1	Custody Division should assess demand and ensure that a sufficient number of custody staff on each shift at Kittybrewster are trained to carry out checks.	Completed	We found the number of staff trained to carry out checks for warning markers to be at an appropriate level.
2	Custody Division should ensure that custody staff make use of interpreters whenever needed, in accordance with Police Scotland policy.	Completed	We found that CJSD had made efforts to improve access to interpreter services.
3	Custody Division should encourage custody staff to provide and record a more detailed rationale for their risk assessment and care plan.	Partially Completed	As indicated in paragraph 60 of this report, risk assessment practice is strong. However, there remains room for improvement in the quality of recording of the rationale for decisions.
4	Custody Division should ensure that age is taken into account alongside other factors when carrying out risk assessments in custody. Risk assessments should also take account of whether it is a detainee's first time in custody.	Completed	As indicated in paragraphs 61 and 65, inspectors observed through and robust risk assessment practice.
5	Custody Division should ensure that male and female detainees are held in separate areas within the cell accommodation wherever possible.	Completed	Designated corridors and cells have been identified for female detainees and this has now become established practice.
6	Custody Division should review the availability of adaptations or aids at Kittybrewster to improve accessibility of cells used by detainees with mobility difficulties.	Partially Completed	Two wheelchairs are available at Kittybrewster for detainees with mobility difficulties. The height of beds/benches within most cells was low and not considered to be easily accessible.
7	Custody Division should review the washing facilities at Kittybrewster.	Partially Completed	We found washing facilities to be generally good. We have highlighted some exceptions to this in

³⁰ HMICS, [Local Policing+ Inspection Programme - Inspection of custody centre located in Aberdeen City Division](#), 14 May 2015.



			paragraphs 79 and 80 of this report.
8	Custody Division should satisfy itself that it has identified the correct resourcing model for Kittybrewster.	Partially Completed	While efforts have clearly been made to improve the structure and complement of staff teams, the division continues to rely on backfill from local policing. While this is not considered inappropriate in principle, the division should review the impact of this and build CJSD resilience where required.



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