



<b>Meeting</b>	<b>Policing Performance Committee</b>
<b>Date</b>	<b>10 December 2024</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>ICVS 6 Monthly Report 2024</b>
<b>Presented By</b>	<b>Kirsty Scott, ICVS National Manager</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

This paper provides information on the activities of the Independent Custody Visiting Scheme for the period April – October 2024.

## **1. BACKGROUND**

1.1. Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 sets out the Authority's requirement for the provision of an independent custody visiting service in order that visitors may:

- Visit detainees;
- Access information relevant to the treatment of detainees and conditions in which they are detained;
- Monitor the treatment of detainees and the conditions in which they are detained.

1.2. The Act also states that the Authority's arrangements must:

- Provide appointment arrangements for suitable persons to become a visitor;
- Authorise Independent Custody Visitors to do anything which the Authority considers necessary to enable them to visit and monitor treatment of detainee and the conditions in which they are held;
- Provide for reporting on each visit;
- Keep the arrangements under review and revise them as it thinks fit; and
- Prepare and publish such reports on independent custody visiting as the Scottish Ministers may reasonably require.

## 2 ICVS ACTIVITY

### OVERALL ACTIVITY

2.1. During the reporting period of April – October 2024, a total of 609 visits were completed. The majority (95%) were conducted face to face, with 34 (5%) conducted via telephone monitoring. Police Scotland have advised the custody throughput during the reporting period was 60,180.

Region	Throughput	Visits	No of persons in custody at time of visit	Persons in custody not available	Persons in custody offered	Persons in custody seen
North	12623	144	435	97	196	144
East	15495	213	920	193	456	295
West	32062	252	1198	208	576	414
<b>Total</b>	<b>60,180</b>	<b>609</b>	<b>2553</b>	<b>498</b>	<b>1228</b>	<b>853</b>

\*Cluster 11 (West) sits within the East visit stats above

### KEY FACTS

- 2.2. A total of 2,553 detainees were in custody at the time Independent Custody Visitors (ICVs) attended custody suites.
- 2.3. There was a total of 609 visits attempted by ICVs during the reporting period. Four of these visits were reported as being unsuccessful in gaining access to custody, resulting in 605 valid visits.
- 2.4. All reports relating to valid visits contained positive comments with regards to custody staff and officers.

### DETAINEES

- 2.5. There were 2,553 detainees in custody at the time of the visit.
- 2.6. 1228 (48%) detainees were offered a visit. Of these detainees, 853 detainees (69%) accepted a visit and 375 (31%) declined a visit. ICVs also observed 28 detainees.
- 2.7. 697 (27%) detainees were not offered a visit by ICVs.

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- 2.8. 498 (20%) detainees were not available at the time of visit. Reasons for this include being at interview, hospital admission or with solicitor.
- 2.9. Police Scotland advised that 102 (4%) of detainees should not be visited due to concerns for visitor safety.
- 2.10. Of those spoken to, 666 were adult males, 163 were adult females and three were recorded as "unknown". There was also 1 female older child, 15 male older children and 5 male younger children spoken to by ICVs.

### POSITIVE COMMENTS

- 2.11. ICVs recorded many positive comments from detainees on how they had been treated by police custody officers and staff. These included comments such as 'custody staff have been brilliant', 'treated very well' and one detainee made mention to 'female staff have been lovely and brilliant'.
- 2.12. One visitor report commented about a male detainee being very chatty, he advised the visitors of the difference in the way he had been treated in custody to that of being arrested and advised the calmness of custody staff and officers was very positive.

### OVERALL VISIT ANALYSIS

- 2.13. The average wait time for a visit to start was 7 Minutes and 4 seconds.
- 2.14. On 18 occasions, ICVs waited more than 30 minutes at the front desk to gain access to the custody suite.
- 2.15. After being granted access to the custody suite, there were nine occasions where ICVs were delayed more than 30 minutes before the visit could commence.
- 2.16. The longest delay for a visit to start was 1 hour and 20 minutes, due to lack of staff to accommodate the visit. ICVs were advised it could be over an hour wait and as a result had to abandon the visit. This has been escalated to the cluster Inspector by the ICVS National Manager.
- 2.17. The days of the week on which the highest proportion of visits were made was a Tuesday and Wednesday (22% each). ICVs are encouraged to visit at weekends and in evenings where possible.

## **LEGALISED POLICE CELL VISITS**

2.18. The ICVS team were made aware of two activations during the reporting period.

## **TACT VISITS**

2.19. There were no Terrorism Act 2000 (TACT) activations during the reporting period.

## **BORDER FORCE VISITS**

2.20. There were no Border Force activations during the reporting period.

## **OPCAT CONCERNS**

2.21. During the 605 successful visits, there were no concerns recorded by ICVs relating to torture inhumane or degrading treatment.

2.22. There were concerns raised by ICVs relating to another custody suite where individual's underwear was observed outside of cells rather than stored in appropriate areas as per custody procedures. This does not conform with International Standards and therefore was raised at the October cluster meeting in which ICVs, National Manager and Cluster Inspector were in attendance.

Communication was circulated thereafter to all staff and officers reminding them of the use of appropriate storage facilities.

This is being closely monitored by ICVS and ICVs to ensure correct procedures are in place.

## **WELLBEING OF DETAINEES**

2.23. ICVs raised 795 concerns regarding detainee welfare during the reporting period. 675 were resolved at the time of the visit (85%) and 120 were unresolved during the visit (15%).

2.24. The five most frequent wellbeing issues raised by ICVs where there was a request by the detainee were:

- Detainees requiring access to solicitor and update on outcome (101). 14 incidents were unresolved during the visit.
- Detainees requiring reading/writing material was raised (98). 13 incidents were unresolved during the visit.

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- Detainees being informed or aware of their Letter of Rights was raised (99). 18 incidents were unresolved during the visit.
- Detainees requiring informing somebody of their arrest (91). 16 incidents were unresolved during the visit.
- (71) detainees required or requested medical attention. Nine incidents were unresolved during the visit.

### ICVS TEAM ACTIVITY

- 2.25. A new ICVS logo was designed to represent the full name of Independent Custody Visiting Scotland. The logo is Scottish themed and represents the ICVs.
- 2.26. The ICVS team have delivered new ICV induction and training. At time of writing, eight new ICVs have joined the scheme.
- 2.27. Five ICVs attended TACT training in July 2024 to keep up to date with any changes in legislation.
- 2.28. The ICVS team joined the National Preventive Mechanism (NPM) webinar in June to learn about two new guidance documents outlining key skills and approaches to inspections and monitoring visits for those working in detention scrutiny. The first guidance document is aimed at leaders and managers, with the second providing guidance to inspectors and monitors.
- 2.29. Finally, the ICVS team raised awareness and provided training on the new Menopause Toolkit jointly launched by the NPM and Independent Custody Visiting Association (ICVA).

### **3 FINANCIAL IMPLICATIONS**

3.1. There are no financial implications in this report.

### **4 PERSONNEL IMPLICATIONS**

4.1. There are no personnel implications in this report.

### **5 LEGAL IMPLICATIONS**

5.1. There **are** legal implications in this report.

5.2. Under the Police and Fire Reform (Scotland) Act 2012, the Authority has a statutory obligation to provide an independent custody visiting service. This report details the fulfilment of this obligation.

### **6 REPUTATIONAL IMPLICATIONS**

6.1. There **are** reputational implications in this report.

6.2. As the Authority is responsible for an independent custody visiting service, the activity and oversight detailed in this paper may have a positive impact on the reputation of the Authority.

### **7 SOCIAL IMPLICATIONS**

7.1. There are no social implications in this report.

### **8 COMMUNITY IMPACT**

8.1. There are no community implications in this report.

### **9 EQUALITIES IMPLICATIONS**

9.1. There **are** equality implications in this report.

9.2. This report details the wellbeing of those detained in Police Scotland custody as recorded by Independent Custody Visitors.

### **10 ENVIRONMENT IMPLICATIONS**

10.1. There are no environmental implications in this report.

#### **RECOMMENDATIONS**

Members are invited to discuss this report.