

Meeting	SPA Policing Performance Committee
Date	26 August 2020
Location	Video Conference
Title of Paper	Police Scotland Custody Update Report
Presented By	ACC Kenny MacDonald, Criminal Justice
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this paper is to address points raised by ICVS within their annual report.

Members are invited to discuss the content of this paper.

1. BACKGROUND

- 1.1 Within the ICVS annual report there were six specific points raised relating to Custody Transfer Timescales, consistency of national stock issue, delivery of national repairs and maintenance, consistency of supplying meals, washing/showering facilities, exercise facilities and the provision of healthcare.
- 1.2 There were also some additional COVID-19 specific related points raised covering, time spent in transportation vehicles with regards to COVID-19 cases, Powers of Police Scotland and issuing of tickets, offering of shower facilities to those suspected of having COVID-19, Lack of reading material, recording of handwashing requirements and consistency of approach to COVID-19 testing.

2. FURTHER DETAIL ON THE REPORT TOPIC

Journey Transport Times

- 2.1 Table 1, below, shows the National average travel times for persons in custody and were calculated by analysing NCS custody records from time of arrest to time of arrival at a custody centre.

Timescales considered:

- 1st April 2019 to 31st March 2020
- 1st April 2020 to 31st May 2020

Table 1

Average Travelling Time From Locus				
	1 Apr 2019 to 31 Mar 2020	1 Apr to 31 May 2020	Change	Change % + / -
National	00:34:13	00:34:04	-00:00:09	-0.4%

- **Travelling time** - the time a person was arrested at a locus until the time they arrived at a police station

- 2.2 Many variances exist when attempting to analyse data as contained in Table 1. Various anomalies and operational impact factors have direct bearing on many prisoner transfer times. These include:

- Arresting officers awaiting transport to uplift prisoner from locus of arrest.

- Prisoner being treated at locus by paramedic or taken to hospital prior to attending at a custody centre.
- Loss of nearest custody centre due to emergency incident or capacity issues requiring officers to travel greater distances.
- Time differential between 'on peak' and 'off peak' travel for similar journeys.
- When dealing with co-accused in circumstances where separate custody centres are preferred.
- Lack of essential elements to facilitate criminal justice process (intoximeter unavailable, dry cell capacity).
- Limit to available custody centres due to custody operating model in place (COVID-19 and weekend only).

2.3 Table 2, below, details a comparison between **April to May 2020 and the same period in 2019** for the total number of prisoners processed, transferred and percentage thereof.

- Between April - May 2019, there were 773 transfers against a throughput of 20,074 giving a transfer rate of 3.85%.
- Between April – May 2020, there were 494 transfers against a throughput of 15,309 giving a transfer rate of 3.23%.

Table 2

Internal Transfer Totals		
	1 Apr 2019 to 31 May 2019	1 Apr 2020 to 31 May 2020
Throughput	20074	15309
Transfer	773	494
Transfer %	3.85%	3.23%

2.4 The above figures demonstrate that since the onset of the current pandemic Police Scotland have transferred fewer people both in terms of overall volume and as a proportion of people coming into custody. There are also fewer cross command area transfers occurring which would seem to indicate that recent transfers have been over shorter distances.

- 2.5 Table 3, below, shows the National average time spent transferring prisoners across the custody estate for the period **1 April 2019 to 31 March 2020** and **1 April 2020 to 31 May 2020**.
- 2.6 Table 3 below identifies the National average time for the year **2019/20** and **April/May 2020**. The reduction of persons brought into custody, due to COVID-19 legislative changes, is most likely the cause in reducing the requirement for these to be carried out.

Table 3

Average National Transfer Times			
1 Apr 2019 to 31 Mar 2020	1 Apr to 31 May 2020	Change	Change % + / -
00:59:39	00:48:18	00:11:21	- 19%

- 2.7 Transfer times between custody centres was calculated by differentiating the **Custody Centre Arrival Time** from **Custody Centre Departure Time** and then taking an overall mean average. At a National level, average transfer time in custody during 1 April 2019 to 31 March 2020 was 59 mins 39 secs.
- 2.8 Internal prisoner Transfers can be authorised for a number of reasons including:
- Capacity Operating Model– nominal capacity reached and/or closure of custody centre due change in operating model.
 - Medical considerations – transferred to provide enhanced health care treatment.
 - Violence / High Risk– moved to larger / PS led custody centre in accordance with site/role specific Risk Assessments (includes transfers for observation cells).
 - Major incidents involving high numbers of arrests.
- 2.9 As with Table 1 above, similar disparities exist when attempting to analyse this data.
- There is likely to be a significant correlation between actual numbers of transfers carried out i.e. the higher, then more likelihood of adverse impact factors directly affecting timescales.

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- Time differential between 'on peak' and 'off peak' travel for similar journeys.

Limit to available custody centres due to custody operating model in place (COVID-19 and weekend only).

- 2.10 Since 23 March 2020, Police Scotland has processed 12,942 persons through police custody which compares with 19,555 persons during the same period in 2019. As a result of revised Lord Advocate Guidelines and further training and support to key decision makers, the proportion of people held in custody to attend court has reduced from approximately 50% to 30% and police undertakings have seen a corresponding increase from approximately 15% to 35% of throughput. In addition to this the average time a person spends in police custody has reduced by approximately 40%.
- 2.11 A reduced operating model was introduced to better manage demand, address health and safety requirements whilst also freeing up resources to support front line policing operations. The operating model is under continual review with the current model having 17 centres open, 10 closed and 5 are demand led.

Consistency of National Stock Issue

- 2.12 There is now a national process in place that is regularly reviewed by the CJSD SMT. There is currently work ongoing to realign stock levels in all our custody centres which was an exercise that had commenced just prior to the COVID-19 pandemic and was then delayed. Stock has since been getting transferred between custody centres that are closed to open centres. We are in consultation with our supplier when they will be in a position to carry out a realignment exercise to ensure there will be sufficient stock in all our custody centres in the event that any require to be opened up at short notice.

Delivery of National Repairs and Maintenance

- 2.13 CJSD has an Estates Management Group, chaired by the Support Superintendent. This group oversees the governance of expenditure from the Capital and Revenue Budgets. Both are supported by a programme of regular single (CJSD internal inspections) and multi-agency inspections to ensure the suitability and operational effectiveness of our Custody, Productions and Records estate.

This inspection regime allows for local managers to identify and escalate matters of concern relating to Health and Safety, Fire Risk

Assessment as well as areas of innovation to improve working conditions. The process allows Local Managers to bid for funding to address repairs, replacements or indeed the introduction of new structures and/or equipment. The bids received are considered by the CJSD Estates Management Group and prioritised for expenditure and implementation.

The additional element to this group is the multi-agency collaboration with partners in Police Scotland Estates and preferred contractors: MITIE, which allows for oversight and close scrutiny of ongoing work and to offer collaborative support for projects which extend beyond agreed deadlines or require reassessment. This collective ability to provide audit and compliance governance is essential to maintain our CJSD Estates portfolio.

Consistency of national contract for supplying detainee meals

2.14 The majority of our custody centres use Bidfood which procurement have confirmed are a suitable supplier and uses the Kent Police National Framework. Bidfood meals are deemed suitable in terms of nutritional value and calorific intake. Some of our custody centres have other food suppliers due to oven and freezer facilities in their kitchens and some of the remote custody centres use the local supermarkets. It would be beneficial for all our food supplies to be from Bidfood but that would require significant investment in the kitchen areas for specialised microwaves.

There is a menu of food available to provide choice with vegetarian, vegan and halal options. We provide fruit in some custody centres which was initially trialled in Kittybrewster, Aberdeen and proved to be popular with detainees. There has also been a fruit trial in the West which was similarly popular and was due to extend to further custody centres but paused as a result of the COVID-19 pandemic. This trial will be extended on a wider basis once CJSD and our sources are in a position to be able to supply fruit.

Provision of Washing/Shower Facilities

2.15 HMICS have made previous improvement actions and recommendations in relation to washing/shower facilities, namely:

- IA7 - Custody Division should review the washing facilities at Kittybrewster and
- R8 - Police Scotland should review the availability of showers and exercise for detainees to develop a consistent approach

and reflect this within any future estate improvement programme.

Nationally, there are total of 297 sinks available across the estate, which vary from sinks contained within individual cells to communal sinks per-group of cells. Overall, the ratio of sinks to cells is approximately 1:3. There are a total of 93 showers across the estate which amounts overall to approximately 1 shower per 10 cells.

A capital bid was submitted to improve facilities relating to washing throughout the estate, however as a result of a halt on capital spending and withdrawal of approximately £7M in funding in February 2019 to make improvements to the CJSD estate, the bid was not progressed.

In addition the Care and Welfare of Persons in Custody SOP was updated to provide clear guidance to all staff to ensure that a shower/wash is offered to detainees. In addition the weekly custody audit sheet was amended to include reference to whether a wash was offered to a detainee in custody. A dip sample of audits from November 2019 showed that 92% of records reviewed recorded that a wash/shower had been offered.

Updates were provided direct to HMICS who have closed both the improvement action and recommendation with the recognition that Police Scotland is fully aware of the issues surrounding this, the constraints in relation to their budget and the improvements made to the number of people being offered and accepting a wash.

Lack of Exercise Facilities

2.16 Only 8 of the 66 total custody facilities have an exercise yard as part of their footprint and Police Scotland is constrained by what was inherited from legacy forces and its capital budget. Lack of exercise is an issue and Police Scotland are in the process of trying to address same, however the caveats provided above in relation to capital spending limit opportunities.

Provision of Healthcare within Custody Centres

2.17 The provision of healthcare in police custody centres is the responsibility of the NHS and the 14 individual Scottish health boards have the autonomy to deliver this service as they see fit. To ensure appropriate service delivery nationally and to strive for consistency, the boards meet fortnightly with Criminal Justice

Services Division at a national meeting chaired by the Chief Inspector, Custody Healthcare and Interventions. This forum is used to jointly respond to the global pandemic and, more generally, to tackle emerging issues and share good practice.

Time Spent in Transportation Vehicle with regards to COVID-19

2.18 The time spent in relation to transportation of persons in custody suspected/having COVID-19 could not be avoided as health and safety of the escorting officers, custody staff and other prisoners was essential. As soon as custody centres had sufficient personnel trained and processes in place, they were stood up to reduce transportation times. The number of COVID-19 ready custody centres increased to ten but due to significant reduced numbers of COVID-19 prisoners, the number of COVID-19 custody centres has also reduced as per the requirements of each region in relation to current throughput and cells required. Police Scotland is in a position to stand up additional centres again if there are additional localised spikes in cases. There were no alternatives available to reduce the time spent in the holding vehicles, this is a health and safety requirement and part of mitigating the risk against staff and other prisoners and unfortunately unavoidable.

Powers of Police Scotland under COVID-19 legislation

2.19 Police Scotland has adopted the following approach to the emergency legislation that officers should engage with individuals, explain the risks to public health, encourage voluntary compliance with the regulations and as a last resort enforce. Police Scotland also commissioned an independent Advisory Group chaired by John Scott QC to provide oversight to Police Scotland's approach to the emergency powers and ensure that a human rights based approach is adopted and no individual is disproportionately affected by the use of the regulations. This oversight group regularly reports to the SPA and whilst, owing to the speed with which the regulations were drafted and implemented mistakes will be made by both public and police, generally the approach adopted by Police Scotland has been commended. Police Scotland treat everyone according to our values of integrity, fairness, respect and human rights and feedback from the IAG helps refine process to ensure that no individual is treated disproportionately as a result of the regulations.

Shower Facilities for COVID-19 (suspected/actual) Detainees

2.20 NHS Healthcare leads working within custody stated that a shower may make the virus airborne and therefore be a risk to custody

staff and other prisoners within the custody complex. This was later challenged and an Infection Control Lead from Health Protection Scotland reviewed this decision and provided instruction that showering was safe if clear hygiene processes were followed. This was then included in the Custody Coronavirus Guidance document.

Lack of Reading Materials within Custody Centres

2.21 A generic process was put in place for the books and magazines to be separated into days of the week, not to be used by more than one prisoner a day, and this would provide much more than 72 hours between each person touching them. This is in line with the scientific evidence and public health advice that the virus is known to survive on surfaces for up to 72 hours. This was included in the Custody Coronavirus Guidance document.

Handwashing Requirements not recorded

2.22 Police Scotland have encouraged staff to ask prisoners to clean their hands at every opportunity. Due to the contamination risk to staff and other prisoners, where someone is being treated as having the virus, their movements within the custody centre are kept to an absolute minimum. This means that the ability to hand wash for compliant prisoners is brought to the prisoner's cell which is normally in the form of hand sanitiser. All staff are encouraged to record all interactions with every prisoner which should be on a Prisoner Contact Record sheet which is outside each cell and on the National Custody System. Regular audits are carried out to ensure procedures are being carried out correctly and for development and learning of our staff.

Lack of Consistency of COVID-19 Testing

2.23 Testing of persons in police custody for COVID-19 has been discussed by group chaired by the Chief Inspector, Custody Healthcare and Interventions. Each health board is working with Public Health Scotland to explore whether it is practicable, in their individual areas, to carry this out in the police custody setting. This is a live area for debate at time writing.

3. FINANCIAL IMPLICATIONS

3.1 This paper is an update and response to concerns raised in the latest ICVS report/update and there are no new financial implications.

4. PERSONNEL IMPLICATIONS

4.1 There are no new personnel implications contained within this report.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no additional social implications to report.

8. COMMUNITY IMPACT

8.1 There are no additional community impact.

9. EQUALITIES IMPLICATIONS

9.1 There are no additional equalities implications.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss the content of this paper.