

Meeting	SPA Policing Performance Committee
Date	17 November 2020
Location	Video Conference
Title of Paper	Police Scotland Custody Update Report
Presented By	Chief Superintendent Garry McEwan
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this paper is to provide an update and information in respect of:

1. Custody Transfer Timescales
2. Case and Evidence Quality Improvement Programme
3. Custody Healthcare

Members are invited to discuss the content of this paper.

1. BACKGROUND

- 1.1 This report provides a further update on the Custody Transfer Timescales, which were reported on in the Criminal Justice Performance Report to the SPA Performance Committee meeting held on 26 August 2020.
- 1.2 Information is also provided in respect of ongoing continuous improvement in the quality of Case Reports, Evidence, and Custody Disposals.
- 1.3 An update is provided in respect of Custody Healthcare.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1. Custody Transfers - Journey Transport Times

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 2019	1 Apr to 30 Sep 2020	Change	Change % +/-
National	00:34:13	00:33:48	-00:00:25	-1.2%

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

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.

OFFICIAL

- 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).

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

- Between April – September 2019, there were 2410 transfers against a throughput of 59,616 giving a transfer rate of 4.04%.
- Between April – September 2020, there were 2368 transfers against a throughput of 53,133 giving a transfer rate of 4.46%.
 - There were 408 transfers related to facilitating Virtual Court appearances between April – September 2020. If these are excluded then total transfers for the period were 1960 giving a transfer rate of 3.69%

Table 2

Internal Transfer Totals		
	1 April 2019 to 30 September 2019	1 April 2020 to 30 September 2020
Throughput	59,616	53,133
Transfer	2410	2368
Transfer %	4.04%	4.46%

Table 2 Internal Transfer Totals (excluding Virtual Court movements)

Internal Transfer Totals (excluding Virtual Court movements)

OFFICIAL

	1 April 2019 to 30 September 2019	1 April 2020 to 30 September 2020
Throughput	59,616	53,133
Transfer	2410	1960
Transfer %	4.04%	3.69%

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

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 30 September 2020**.

The reduction of persons brought into custody, due to COVID-19 legislative changes, and fewer people being held custody for court, are the most likely causes 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 2020 to 30 Sep 2020	Change	Change % +/-
00:59:39	00:52:06	-00:07:33	-12.7%

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.

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.

OFFICIAL

- 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.

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.
- 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).

Since 23 March 2020 (to 30 September 2020), Police Scotland has processed 54,505 persons through police custody which compares with 62,653 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 30% of throughput. In addition to this, the average time a person spends in police custody has reduced by approximately 20%.

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 22 centres open, 5 closed and 5 are demand led.

Cluster	Current Business Continuity Operating Model (22 Primary)
1 (A)	Kittybrewster
	Elgin
	Fraserburgh
2 (D)	Dundee
	Perth (closed)
3 (N)	Inverness

OFFICIAL

4 (C)	Falkirk
5 (E/J)	St Leonards
	Livingston
	Dalkeith (closed)
	Hawick
6 (P)	Kirkcaldy
	Dunfermline
7/9 (G)	London Road (closed for refurb)
	Cathcart
	Govan
	Stewart Street (demand)
8/12 (K/L)	Greenock
	Clydebank
	Oban
	Campbeltown (demand)
	Lochgilphead (demand)
	Rothesay (demand)
10 (U/V)	Dunoon (demand)
	Kilmarnock
	Saltcoats
	Ayr (closed)
	Dumfries
11 (Q)	Stranraer
	Motherwell
	Coatbridge
	Lanark (closed)

Case and Evidence Quality Improvement Programme

Background

The Case and Evidence Quality Improvement Programme aims to upskill staff, release capacity into local policing and the wider CJ system, deliver financial savings in custody and court attendance, and enhance our reputation with Criminal Justice partners.

Key elements include developing a continuous improvement function, developing a quality assurance framework and processes, improving case preparation and evidence delivery, identifying and implementing appropriate and effective disposals, and agreeing standards in case and evidence along with relevant performance indicators, with our CJ partners and local policing.

There are 3 work streams identified in respect of improving case preparation and evidence delivery:

Work stream 1 - Maximise the use of appropriate alternatives to prosecution.

Work stream 2 - Improve the quality of Standard Police Report (SPR) submissions.

Work stream 3 - Improve staff delivery of evidence at Court.

Update on Work stream 2 Improve the quality of SPRs

The volume and quality of police reports is under scrutiny, due in part to the introduction of the Summary Case Pilot. Through this Pilot the early sharing of Standard Police Reports with prosecutors, defence agents and Sheriffs, has highlighted an urgent need to refresh the guidance on report writing, to identify common errors and best practice, to provide support and increase the confidence of staff in case preparation, and to introduce a gate-keeping, quality assurance remit to ensure deficient reports are returned for re-work.

Work is ongoing in the following areas:

Reports and Statement Writing Guide – This comprehensive guide has been reviewed and updated following consultation with subject matter experts and Crown Office Procurator Fiscal Service (COPFS). The guide provides officers step by step direction for compiling reports and statements to meet national standards of reporting.

Common Errors Aide Memoire - Following consultation with subject matter experts and COPFS, a 'Top Ten Errors' list has been created as a quick reference guide for officers submitting SPR's.

Pro-forma Reports – An extensive number of Abbreviated Report Templates (ARTs) are available for officers via word documents to populate in their legacy case applications and have been for many years. A detailed review has been completed; updating and condensing the number of templates

Supervisory Checklist - A checklist has been devised, in conjunction with the writing guide, to support first line managers with clear direction on their requirements to ensure that all cases meet fundamental standards prior to submission.

Intranet Page – There will be a refresh of CJSD guidance, links and templates available to staff via the Intranet.

Training – Engagement is ongoing in respect of probationers and First Line Managers' training. A proposal has been made for a mentoring scheme and for additional training and inputs for individuals requiring enhanced levels of intervention.

Management Information Internal – A template has been developed by Edinburgh City Division, manually completed by staff which provides the level of detail that supports targeted intervention and justifies the short time required to populate.

Management Information External – Work is ongoing with the PF to develop appropriate and relevant minimum standard and performance indicators.

Benefits

Getting it right first time and having well presented, accurate, sufficiently evidenced cases, submitted at the right time should increase early pleas and agreement of evidence, reduce citations and court attendance, and reduce the volume of case related PF memos to be addressed and serviced.

Update on identifying and implementing appropriate and effective disposals

Despite the intentions of the Criminal Justice (Scotland) Act 2016 and the Lord Advocate's Covid guidelines to apply a presumption of liberation, a considerable percentage of custodies are held for court, only to be immediately released after their court appearance, often on standard bail conditions. The new Quality Insurance Inspectors' role is to review custody disposals on an intrusive live time basis. The aim is straightforward – to provide support to decision makers in the improvement in recording of rationale, to encourage wider disposal consideration and to enhance understanding of risk identification, management and mitigation.

Whilst still very much early days, the Quality Assurance Inspectors have immediately had an impact across the board, with robust and defensible reviews in respect of disposal being made and revised, where appropriate, in an auditable and defensible process. In addition, they are positively impacting the culture of risk aversion and risk transference through their support, advice and guidance to Custody Sergeants.

From 23 March to 30 September 2020, Police Scotland has processed **54,505** persons through police custody which compares with **62,653** 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 30%** of throughput. In addition to this, the average time a person spends in police custody has reduced by approximately **20%**.

Custody Healthcare

Across Scotland, the provision of custody healthcare has been developed by all 14 health boards through a variety of models ranging from full-time custody-based nursing teams supported by forensic physicians, to a more remote healthcare model provided by local hospitals and GP-led services. This diverse provision has, at times, led to disparity in the quality and reliability of service provided. However, close collaboration with the boards, particularly during the COVID-19 pandemic, has however resulted in a significant improvement in sharing of best practice and collaborative working. This has seen improved sustainability and reliability of custody healthcare provision, with only a few issues remaining in some more remote areas. A recent example has been a national agreement with COPFS, to enable nurses to take blood samples for some road traffic offences, negating the need for a doctor to be called out; realising reduced waiting times and improved processes for police and financial savings for health boards.

There is also a national programme of work ongoing at present, to enable the NHS Near Me video conferencing app to be used in police custody. This will enable certain medical assessments, such as mental health assessments, to be carried out remotely by NHS custody healthcare staff and on call doctors, rather than having to wait for them to attend in person.

All of this work, in conjunction with the support provided to persons in custody through partner interventions, feeds into the Criminal Justice Services Division Harm Reduction Strategy's 4 pillars of accidental drug overdoses, substance use, mental health and social inequalities.

3. FINANCIAL IMPLICATIONS

- 3.1 Total costs associated for the Quality Assurance Inspectors for six months are £17,946 (five temporary PI and one temporary PS.) Should a further two temporary PS posts be considered necessary then 6-month costs will rise to £20,736.

It is anticipated that these costs will be able to be offset by other proposed savings.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

- 6.1 Improving the standard of police reports and achieving appropriate custody disposals will improve our reputation with key Criminal Justice partners.
- 6.2 Reducing the variations in custody healthcare provision will enhance our reputation with key Criminal Justice and Health partners.

7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

- 8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no equalities implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss the content of this report.