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| <b>Meeting</b>                   | <b>Policing Performance Committee</b>                                     |
| <b>Date</b>                      | <b>11 June 2024</b>   |
| <b>Location</b>                  | <b>Video Conference</b>   |
| <b>Title of Paper</b>            | <b>Independent Custody Visiting Scotland (ICVS) Annual Report 2023-24</b> |
| <b>Presented By</b>              | <b>Scott Ross, Head of Change and Operational Scrutiny</b>                |
| <b>Recommendation to Members</b> | <b>For Discussion</b>   |
| <b>Appendix Attached</b>         | <b>Appendix A – ICVS Annual Report 2023-24</b>                            |

**PURPOSE**

The purpose of this paper is to provide the SPA Policing Performance Committee with an update and opportunity to comment on the Independent Custody Visiting Scotland Annual Report for 2023/24.

## **1 Background**

- 1.1 On 1 April 2013, a statutory duty was placed on the Scottish Police Authority to maintain and manage the Independent Custody Visiting Scotland (ICVS) Scheme to monitor the welfare of people detained in police custody facilities throughout Scotland.
- 1.2 Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 states that the ICVS is to provide independent monitoring of Police Scotland custody to ensure that detainees are being treated fairly and in accordance with the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT recognises that people who have been detained are particularly vulnerable and require nation states to set up a national body that can support efforts to prevent ill-treatment in custody settings.
- 1.3 The Scheme plays an important role supporting the Authority to meet its obligations in relation to ensuring people in custody are treated fairly, with integrity and that their human rights are protected. It also offers independent assurance that Police Scotland is treating detainees with dignity and respect, and provides assurance that police custody in Scotland is upholding international standards set by the United Nations to prevent torture, cruel, inhuman or degrading treatment of detainees.
- 1.4 The 2023-24 Annual Report is attached as an appendix to this cover paper. The report highlights the activities, insights and independent assurance provided by the ICV scheme, which is delivered by 88 volunteers (Independent Custody Visitors – ICVs) who are supported by a small team of Authority Corporate staff.

## **2 FURTHER DETAIL ON THE REPORT**

- 2.1. During 2023/24, ICVS carried out over 1,057 visits to custody centres and spoke to over 1,500 people in custody.
- 2.2. This Annual Review highlights to the Authority, the Scottish Justice System, the public, and the United Nations that during 2023-24 ICVs have raised no OPCAT concerns.
- 2.3. Indeed, many visitors have commented on the progress that Police Scotland has made in the provision of custody services. Notably, ICVs have praised the roll-out of enhanced training for CJSD officers and staff and have noted progress in partnership working

arrangements to enhance the support available to vulnerable people when they are held in police custody.

- 2.4. ICVs have however continued to make observations for how the provision of custody services and the care and welfare of detainees can be improved. The report highlights some of these observations which cover a broad and varying range of issues – from detainees having access to washing facilities to understanding the letter of rights.
- 2.5. ICV findings from this year have raised an instance of concern where an individual's underwear was observed outside of cells rather than stored in appropriate areas as per custody procedures. Police Scotland responded swiftly to this isolated incident and reinforced policy across the force accordingly. ICVS have recorded no further instances since January 2024 and will continue to monitor this.
- 2.6. There are key and thematic areas for continuous improvement highlighted in the Annual report. In the majority of cases, the responsibility to act on ICVs findings falls to Police Scotland and these findings are addressed at the time by the custody staff/officer. However, a small number of findings will require input from other public sector partners or investment in order to address the actions identified.
- 2.7. The following key thematic areas for continuous improvement for Police Scotland have been raised within the report:
  - **Finding 1:** Mental Health impact;
  - **Finding 2:** Children in custody;
  - **Finding 3:** Access and offering of a wash/shower; and the provision of shaving kits, 124 issues were raised with 94 being resolved.
  - **Finding 4:** Letter of Rights being issued and understood by individuals in custody; 218 issues reported of which 193 were resolved.
  - **Finding 5:** Named person for instance partner, parent or relative, Solicitor; 172 were reported and 143 resolved.
  - **Finding 6:** Medical; 171 issues reported and 153 resolved.

- **Finding 7:** Access to reading and writing materials; 157 related to this of which 153 were resolved.
- **Finding 8:** Police Scotland's custody estate

- 2.8. It should be noted that for all data presented in the report, that data labelled as 'issues' can be raised by a detainee and be found to have already been addressed by Police Scotland. In total, ICVs raised 1539 detainee requests with custody staff in the 2023/24 period. Of these, 1315 (85%) were resolved at the time of the visit. This reflects the partnership approach that ICVs and Police Scotland staff take, ensuring that in most instances any issues that are observed to be affecting detainees are resolved rapidly.
- 2.9. This cover report will summarise two of the key findings: Mental Health and Access to Washing and Showering Facilities.
- 2.10. Mental health remains the most frequently declared vulnerability for those coming into police custody, with 43% of individuals in the 23/24 period coming into police custody self-declaring mental health vulnerabilities. ICVs have continued to note the increased demand that mental health vulnerabilities are putting on the provision of police custody services.
- 2.11. His Majesty's Inspectorate of Constabulary in Scotland (HMICS) thematic review of policing Mental Health in Scotland, report was published in October 2023. The review assessed the state, efficiency and effectiveness of Police Scotland's provision of mental health related policing services and made a number of recommendations for Police Scotland and partner organisations.
- 2.12. ICVs continue to report positively on Police Scotland's partnership approach to supporting individuals with mental health vulnerabilities. However, it is often observed that the demands mental health vulnerability places on custody provision is far greater than what services and partnership arrangements are in place. ICVs have noted instances where people exhibiting mental health vulnerabilities have not had access to specialist organisations/services as they are either unavailable or do not have capacity to assist.
- 2.13. This ultimately can lead to distress for detainees and add to the significant challenges that custody officers and staff already face

while carrying out their day-to-day duties. This is an area that ICVS will continue to closely monitor and ICVs will highlight any concerns to staff.

- 2.14. In terms of access to washing and showering facilities, 75% of these concerns were either addressed immediately, or had already been addressed by Police Scotland. ICVS have previously recommended that Police Scotland should continue to offer access to wash/shower facilities regardless of the time spent in custody. Access to washing, showering and hand washing facilities is fundamental to the care, welfare and dignity of people in custody.
- 2.15. This is a continued area of concern for the ICVs as washing/showering should be seen as a basic right of an individual. Police Scotland should seek to ensure any reasonable request to wash and/or shave more often than once per day should be met, where possible. Access to hand washing facilities should also be facilitated where possible.
- 2.16. 2023-24 has been a positive year for Independent Custody Visiting in Scotland, achieving a gold accredited award from the Independent Custody Visiting Association. This accreditation represents a significant milestone for ICVS and outlines the quality and the standard of the scheme in Scotland. The Scheme has also had demonstrable success in influencing changes within police custody in Scotland, these are outlined in the report. Many visitors have commented on the progress that Police Scotland has made in the provision of custody services and the Annual Report highlights areas of continuous improvement, which Police Scotland are aware of and are committed to helping deliver.

### **3 FINANCIAL IMPLICATIONS**

- 3.1. There are no direct financial implications in this report.

### **4 PERSONNEL IMPLICATIONS**

- 4.1. There are no direct personnel implications in this report.

### **5 LEGAL IMPLICATIONS**

- 5.1. There are no direct legal implications in this report.

## **6 REPUTATIONAL IMPLICATIONS**

6.1 There are reputational implications associated with this paper.

There are potential reputational implications associated with this paper given the nature of reporting. However, in the majority of cases issues raised by visitors are resolved immediately by Police Scotland and there should be assurance taken from the fact that no OPCAT issues have been observed.

## **7 SOCIAL IMPLICATIONS**

7.1. There are no direct social implications in this report.

## **8 COMMUNITY IMPACT**

8.1. There are no direct community implications in this report.

## **9 EQUALITIES IMPLICATIONS**

9.1. There are no direct equalities implications in this report.

## **10 ENVIRONMENT IMPLICATIONS**

10.1. There are no direct environment implications in this report.

### **RECOMMENDATIONS**

Members are requested to: discuss, comment and note the ICVS Annual Report.

Subject to any changes discussed at the Committee the document will be designed for publication on the SPA website by end of July 2024.

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**VISION** – Ensure every person held in police custody in Scotland is treated fairly, with dignity, and free from ill-treatment.

**MISSION** – Promote and support our independent custody visitors in providing public reassurance on whether police custody in Scotland is meeting the highest international standards, is safe, and complies with all relevant Human Rights obligations.

# Annual Report 2023-24

Independent Custody Visiting Scotland

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## **FOREWORD**

I am pleased to introduce this year's Annual Report, highlighting the vital work of our Independent Custody Visitors (ICVs). These committed individuals generously devote their time to ensure the rights and entitlements of people held in police custody are respected and upheld.

This year's report underscores the Independent Custody Visiting Scotland's (ICVS) continued commitment to upholding human rights and providing oversight of Police Scotland custody. I am encouraged to hear ICVs noting the positive progress that Police Scotland have made in the provision of custody services over the last year. This includes examples of improved training for custody staff and progress in partnership working arrangements to enhance the support available to vulnerable people when they are held in police custody. The report does however acknowledge local challenges and issues relating to custody provision, many of which continue to relate to the condition of the custody estate.

The Scottish Police Authority continues to invest in the development of Independent Custody Visiting in Scotland. Over the last year we have taken a significant step forward in the digitisation of the service, which will see ICVS moving from a predominantly paper-based system to real-time digital evidence gathering and sharing. Not only will this deliver efficiencies but it will also support quicker identification and resolution of any observations that ICVs make when visiting custody facilities.

I was also delighted that following an extensive review process, ICVS were awarded Gold level from the Independent Custody Visiting Association (ICVA) for their Quality Assurance Framework (QAF). This level represents a significant milestone for ICVS and outlines the quality and the standard of the scheme in Scotland.

I extend my heartfelt gratitude to our team and all custody visiting volunteers in Scotland. Your feedback and observations are essential in providing oversight to those held in police custody across Scotland. Thank you for your continued commitment and contributions.

Catriona Stewart

Scottish Police Authority

## **BACKGROUND AND INTRODUCTION**

### **The Scottish Police Authority**

The Police and Fire Reform (Scotland) Act 2012 sets out principles which underpin the policing of Scotland. These are:

- that the purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland; and
- that the Police Service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way that:
  - is accessible to, and engaged with, local communities, and
  - promotes measures to prevent crime, harm and disorder.

The work of the Scottish Police Authority (the Authority) is focused on maintaining and improving policing in Scotland. We keep the state of policing under review, monitor performance, and seek assurances from the Chief Constable about how Scotland is being policed, based on information and evidence. The Authority draw on a range of evidence and on independent, expert opinion from a number of bodies, including inspectorates, auditors, Independent Custody Visitors and other experts and organisations.

The Authority consist of a Board of up to 15 members, including a Chair and Vice Chair, who are selected through an impartial public appointments process and appointed by Scottish Ministers.

Through our Board and Committee meetings, a series of checks and balances are implemented to ensure that major decisions about the policing of Scotland are made transparently and appropriately. This helps to ensure that Scottish policing is based on public consent, in a way that commands respect and builds public trust and confidence.

The Authority's Policing Performance Committee (PPC) provides oversight of continuous improvement in policing. It does this through reviewing policing performance against agreed strategies, plans and statutory requirements.

### **What is Police Custody?**

If somebody is detained in police custody, they are held in a secure location, typically at a Police Station, and are under the supervision of police officers or staff. Police custody are places of safety, wellbeing and support, scrutinised and assured by independent bodies.

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Police Scotland utilise three types of custody centres:

**Primary Custody Centre** – a centre which is open to receive persons in custody on a full-time basis.

**Weekend Opening Facility** – a centre which is routinely used at peak weekend times.

**Ancillary Custody Centre** – a centre which may be opened due to demand or to meet the needs of a specific location.

The care and welfare of individuals in police custody is paramount. Within police custody facilities, police officers and staff have the responsibility of care, as well as detention, of persons in custody. Many may be vulnerable or have additional needs, which should be considered and accommodated, whilst carrying out these responsibilities.

Police custody facilities are a necessary part of law enforcement and serve to protect both society and the individual. The decisions and actions that lead to someone being detained can be influenced by a broader set of factors than the crime itself – such as alcohol or substance misuse or mental ill-health. To take away the liberty of a human being, even for a short period of time, is one of the most serious responsibilities carried out by police officers.

Custody centres across Scotland are organised into 12 geographical clusters, each led by an officer of Police Inspector rank, known as the 'Cluster Inspector'. These clusters are also grouped and overseen by Chief Inspectors who report into Superintendents. (See Figure 1 on the following page for more information on the geographical clusters).

### **How does an individual find themselves in custody?**

Police officers have the power to arrest an individual if they have reasonable grounds for suspecting that a crime has been committed, or is in the process of being committed. Upon arrest, the individual must provide the police officer with their name, date of birth, address and nationality.

The police officer will explain to the individual why they are being arrested and then escort the individual to a police custody facility. Typically this will be the closest facility to the site of arrest, however, occasionally an alternative custody facility will be used if the closest facility is busy, unavailable or has a queue for processing people in custody.

Police custody is an inherently high risk area for policing. Custody is often a point where individuals with complex needs, compounded by societal issues, are under the care and welfare of Police Scotland.

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Once at a custody facility, the custody officer will provide the individual with an explanation of their rights. The custody officer will then go through a list of vulnerability-based questions to establish any risks or concerns and determine whether the individual is fit to be detained.

If the individual being detained is suspected of a crime but has not yet been charged, Police Scotland has the power to hold them for up to 12 hours before they have to formally charge them with a crime or release them. This can be extended to a maximum of 24 hours, but only if authorised by a senior officer. Police Scotland only uses this power in rare cases and when absolutely necessary. Police Scotland can also release the individual whilst investigations continue.

In addition to ensuring the welfare of individuals whilst in police custody, Police Scotland also has a duty of care to ensure that those who are being released from custody are fit, able and prepared to look after themselves, and that any identified threats or vulnerabilities are managed. This is done via a pre-release risk assessment, which is a thorough assessment carried out for every person in custody prior to release or transfer to court.

All officers and staff within custody, irrespective of rank, are responsible for the care and welfare of people in custody. There are various roles that allow for the efficient and effective delivery of custody in Scotland:

The role of Cluster Inspector is central to the delivery of efficient and effective custody management, balancing a range of operational priorities. Cluster Inspectors may oversee multiple custody centres in their area.

The Custody Sergeant is responsible for local criminal justice decision-making and the day-to-day running of the custody centre. Custody Sergeants also provide information and guidance to staff. They are there to ensure the safety and welfare of staff, officers and persons in custody and to ensure that custody supervisors are sufficiently trained and supervised whilst undertaking their responsibilities.

A Force Custody Inspector (FCI) is on duty 24/7 and provides advice, guidance and support to Custody Supervisors nationally.

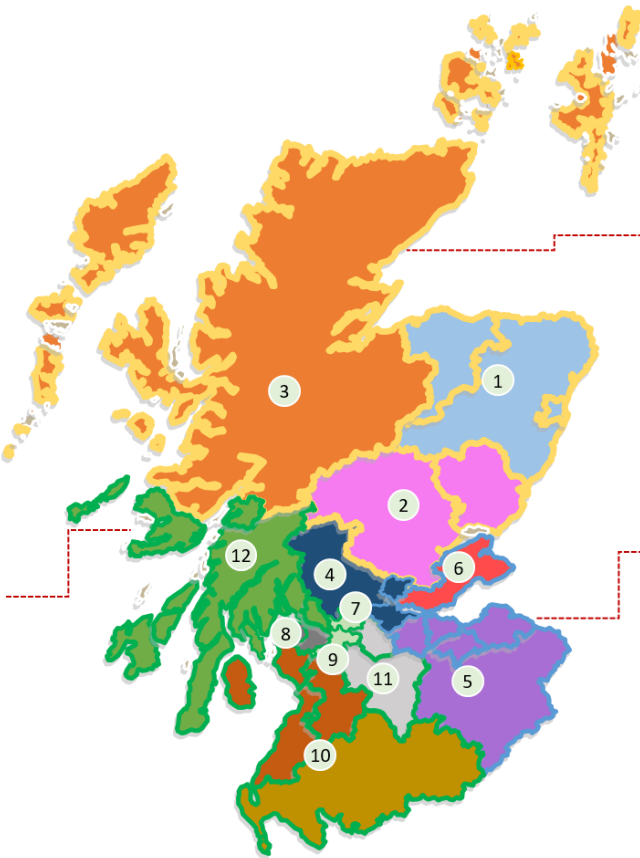
Criminal Justice Team Leaders lead a multi-disciplinary team within Criminal Justice Services Division to ensure the efficient and effective operation of the function. Similar to a Custody Sergeant, the Team Leader has responsibility for decisions relating to the care and welfare of persons in custody. This is a critical role and allows Custody Sergeants to focus on criminal justice decision-making whilst ensuring that the welfare of persons in custody remains a priority.

Criminal Justice Police Custody and Security Officers (CJ PCSO) are police staff who work within custody, managing and maintaining the safe custody, care and welfare of persons in custody.

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Figure 1: Map of Custody Clusters and Regions

- ### West Region
- Cluster 7 – Glasgow North:
    - London Road (*Primary*)
    - Stewart Street, Baird Street (*Ancillary*)
  - Cluster 8 – Renfrewshire & Inverclyde:
    - Greenock, Rothesay, Dunoon (*Primary*)
  - Cluster 9 – Glasgow South:
    - Govan (*Primary*)
    - Cathcart (*Ancillary*)
  - Cluster 10 – Ayrshire and Dumfries & Galloway:
    - Kilmarnock, Saltcoats, Dumfries, Stranraer (*Primary*)
    - Ayr, Annan, Castle Douglas, Lamlash, Lockerbie, Millport, Newton Stewart, Sanquhar (*Ancillary*)
  - Cluster 11 - Lanarkshire
    - Motherwell, Coatbridge (*Primary*)
  - Cluster 12 – Argyll & West Dunbartonshire
    - Campbeltown, Clydebank, Lochgilphead, Oban (*Primary*)
    - Bowmore, Craignure, Tiree, Tobermory (*Ancillary*)



- ### North Region
- Cluster 1 – North East:
    - Elgin, Kittybrewster, Fraserburgh (*Primary*)
    - Ballater, Banchory, Banff, Ellon, Forres, Huntly, Inverurie, Stonehaven (*Ancillary*)
  - Cluster 2 – Tayside:
    - Dundee (*Primary*)
    - Perth, Arbroath (*Ancillary*)
  - Cluster 3 – Highlands & Islands
    - Inverness (*Primary*)
    - Alness, Aviemore, Benbecula, Castebay (Barra), Dingwall, Fort William, Kirkwall, Kyle of Lochash, Lerwick, Nairn, Portree, Stornoway, Thurso, Ullapool, Wick (*Ancillary*)

- ### East Region
- Cluster 4 – Forth Valley:
    - Falkirk (*Primary*)
  - Cluster 5 - Edinburgh City and Lothian & Scottish Borders:
    - Hawick, St Leonards, Livingston (*Primary*)
    - Dalkeith, Drylaw, Duns, Eyemouth, Galashiels, Peebles (*Ancillary*)
  - Cluster 6 - Fife:
    - Kirkcaldy, Dunfermline (*Primary*)
    - Levenmouth (*Ancillary*)

## **What is the Independent Custody Visiting Scheme?**

Independent Custody Visiting Scotland (ICVS) has an essential role to ensure that the dignity and human rights of any individual in custody are respected and upheld. Through the ICVs' observations and reports, the scheme provides the Authority with assurance and identifies areas where improvement could be considered, thus supporting the Authority to maintain and improve policing in Scotland. The scheme allows the Authority to draw together thematic areas for continuous improvement and identify trends emerging from visits to help support Police Scotland to address these.

ICVs are volunteers from the community who make unannounced visits in pairs to police custody centres to check the treatment of persons in custody and assess the conditions in which they are detained. They also have a role in ensuring their dignity, health and wellbeing are being appropriately protected and cared for. They do this by monitoring facilities, speaking to persons in custody, checking custody records and generally observing custody centres.

Chapter 16 of the Police and Fire Reform (Scotland) Act 2012, sets out the Authority's responsibility for making arrangements in order that ICVs may:

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

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

- Provide appointment arrangements for suitable persons to become a visitor;
- Authorise ICVs to do anything which the Authority consider necessary to enable them to visit and monitor treatment of persons in custody and the conditions in which they are held;
- Provide for reporting on each visit;
- Be kept under review and revised as the Authority sees fit;
- Prepare and publish such reports on independent custody visiting as the Scottish Ministers may reasonably require.

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### United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 states that the ICVS is to provide independent monitoring of Police Scotland custody to ensure that persons in custody are being treated fairly and in accordance with the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT recognises that people who have been detained are particularly vulnerable and requires nation states to set up a national body that can support efforts to prevent ill-treatment in custody settings. This national body is called the 'National Preventive Mechanism' (NPM).

Police Scotland has specific obligations in pursuance of OPCAT. Police Scotland's Code of Ethics, to which every officer and staff member must adhere, is an essential mechanism that underpins the rights of persons in custody and ensures that these are upheld to the highest standard.

The Police Scotland Code of Ethics sets out the standards expected of all those who contribute to policing in Scotland. The code provides a practical set of measures that are reflective of the Police Service of Scotland. The code recognises that all staff and officers are responsible for delivering a professional policing service to all people across the country. This includes individuals in custody. The code sets out four key areas: integrity, fairness, respect and human rights. The code has some key statements which set clear standards for Policing in Scotland in pursuance of OPCAT:

- *I will show respect for all people and their beliefs, values, cultures and individual needs.*
- *I will have respect for all human dignity as I understand that my attitude and the way I behave contribute to the consent communities have for policing.*
- *I shall treat all people, including detained people, in a humane and dignified manner.*
- *I will not encourage, instigate or tolerate any act of torture or inhuman or degrading treatment under any circumstance nor will I stand by and allow others to do the same.*
- *I understand that the humane treatment of prisoners is an essential element of policing and that the dignity of all those I am trusted to care for remains my responsibility. (Article 3)*
- *I understand that people have an equal right to liberty and security. Accordingly, I will not deprive any person of that liberty, except in accordance with the law (Article 5).*

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### **National Preventive Mechanism (NPM)**

The UK NPM was established in 2009 to deliver the UK's obligations under OPCAT and ensure regular visits to places of detention in order to prevent torture and other ill-treatment. It is made up of 21 independent public bodies that have a role to monitor places of detention across Scotland, England, Wales and Northern Ireland. Places of detention include police custody, prison, court custody, immigration and military detention, secure accommodation for children, and places where people are detained under mental health legislation. NPM members have the power to enter places of detention and speak to persons in custody and staff in private.

### **Independent Custody Visiting Association (ICVA)**

ICVA provides leadership to Independent Custody Visiting schemes in the UK, helping them to define their aims and ensuring that schemes remain up to date in policing reforms. Their activities include responding to the increase in terrorism-related arrests in the UK, developing and delivering the Quality Assurance Framework for schemes to be recognised for their work, and working with schemes to develop data collection standards and corresponding documentation.

### **Independent Custody Visiting Scotland**

Independent Custody Visitors are trained to make observations and ask a series of questions to ensure that persons in custody treatment is fair, dignified, and that their human rights are protected. ICVs are also trained to identify an individual's specific needs and focus their observations and conversations with persons in custody on key areas: reason for their detention; the letter of rights being issued to them; general appearance; characteristics; specific/diverse needs; health and wellbeing; and overall experience. ICVs are also trained to establish whether a person in custody has any specific needs. Examples include: unique dietary requirements; access to religious materials; or translation requirement or communicates via British Sign Language (BSL). Where an individual does not speak English or use BSL, the use of an interpreter is available, and ICVs have access to this service when required.

At the beginning of each visit, ICVs are informed of the number of persons in custody at the time. The ICVs are also there to observe and check the custody centre facilities. During each visit, ICVs complete a report form detailing their visit and identifying any areas for improvement.



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During this reporting period, there were **88** ICVs operating in three regions – North, East and West. In addition, there are four dedicated ICVS staff members who support the scheme. The staff team includes a National Manager and three Regional Coordinators, all of whom are employees of the Authority.

When carrying out a custody visit, the ICVs will raise any concerns directly with the on-duty custody officers and staff. This ensures the quickest possible resolution to any issues or observations, and that the welfare of persons in custody is safeguarded as a matter of priority. ICVs complete a report following each visit and submit this to the ICVS Regional Coordinators for analysis. ICVS Regional Coordinators then follow this up by speaking with the Cluster Inspector or checking custody records to raise observations, concerns and areas of good practice at formal Cluster meetings on a quarterly basis, with ICVs and police officers. This provides an opportunity to discuss the ICVs' reports, address any new areas of concern that have been raised, and follow up on previous actions taken to address ICVs' observations. During these meetings, the Custody Inspector/Sergeant is tasked with any outstanding actions and asked to provide an update at the next quarterly meeting.

Where an ICV has asked for a specific update, the ICVS Regional Coordinators may, prior to the next meeting, link in with the ICV to provide a response/update.

Issues which the ICVs consider to be more serious are escalated to the ICVS Regional Coordinators and National Manager immediately following a visit. The National Manager then contacts Police Scotland, requesting that immediate action is taken to resolve any high priority concerns.

There are three levels of escalation for feedback from ICVs:

1. Raised directly with custody officers and staff at the time of visit, e.g. immediate areas for improvement;
2. Escalation to Regional Coordinators or the ICVS National Manager who then contacts Police Scotland for a response/update; Escalation at this stage can also occur between the ICVS National Manager and the Head of Change and Operational Scrutiny for direct liaison with the Divisional Commander of Criminal Justice Services Division (CJSD);
3. Escalation through the Policing Performance Committee and/or Authority Board, if necessary.

For escalation routes 2 and 3 above, feedback will be provided to ICVs on the action taken by Police Scotland to resolve any of the issues or areas for improvement identified, ensuring that the welfare and conditions for persons in custody continue to be safeguarded.

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## Police Scotland

Police custody is an area where arrested individuals are detained, with many often suffering from a range of short to long-term vulnerabilities. Custody staff and officers deal with a diverse range of conditions, needs and vulnerabilities that include mental and physical health conditions, substance misuse, intoxication, learning disabilities and gender-specific needs, all of which can be intensified by being held in police custody. Police Scotland has a responsibility to ensure that detained people are kept safe and that their needs, human and legal rights are adhered to and accommodated.

### Custody Throughput Figures

Between 1st April 2023 – 31st March 2024, **102,716 individuals** were detained by Police Scotland. This represents a 4% increase from 1st April 2022 – 31st March 2023. Table 2 below details Police Scotland's official custody throughput figures from 2019-20 to 2023-24:

| Table 2: Annual Custody Throughput Figures |         |         |         |         |         |
|--|---------|---------|---------|---------|---------|
|  | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 |
| <b>Custody Throughput</b>                  | 115,126 | 101,203 | 96,170  | 98,960  | 102,716 |

Table 3 provides a breakdown of people in custody by age and gender. Males continue to be more likely to be held in custody than females and the 26-35 age category had the highest number of people in custody. Approximately 2% of those that experienced custody in the 2023-24 reporting period were under the age of 16.

| Table 3: Age Range of Persons in custody in Custody |        |       |             |
|---|--------|-------|-------------|
| 2023-24   | Female | Male  | Unassigned* |
| <b>U16</b>  | 214    | 1021  | 2           |
| <b>16-25</b>  | 3324   | 17160 | 30          |
| <b>26-35</b>  | 5630   | 24515 | 10          |
| <b>36-45</b>  | 5650   | 21510 | 2           |
| <b>46-60</b>  | 3044   | 13261 | 6           |

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|                |       |       |    |
|----------------|-------|-------|----|
| <b>Over 60</b> | 544   | 3033  | 0  |
| <b>Total*</b>  | 18406 | 80500 | 50 |

\*In addition there were **3760** individuals that came into custody and provided no details of their date of birth. Not all custody records contain a DOB which allows age to be discerned due to either refusal or other circumstances which results in incomplete recording.

When an individual is brought into police custody, custody officers and staff will speak with the individual and undertake a vulnerability assessment. Table 4 provides a summary of the vulnerabilities or specific characteristics that were declared by people when they came into police custody. The data show that 43% of people that came into police custody self-declared as having a mental health vulnerability and 16% disclosed having a drug dependency.

**Table 4: Self-Declared Vulnerability / Specific Characteristics**

| <b>2023-24</b>           | <b>U16</b> | <b>16-25</b> | <b>26-35</b> | <b>36-45</b> | <b>46-60</b> | <b>Over 60</b> | <b>% of total Persons in Custody with characteristic</b> |
|--------------------------|------------|--------------|--------------|--------------|--------------|----------------|--|
| <b>Alcohol Dependent</b> | 13         | 1538         | 4122         | 4253         | 2785         | 391            | 13%  |
| <b>Drug Dependent</b>    | 50         | 2669         | 5760         | 5734         | 2441         | 76             | 16%  |
| <b>Mental Health</b>     | 247        | 7553         | 14375        | 13314        | 7427         | 941            | 43%  |
| <b>Foreign Nationals</b> | 87         | 2469         | 3807         | 3467         | 1702         | 247            | 11%  |

*\*Please note, each person in custody may have disclosed more than one/multiple vulnerabilities. These vulnerabilities would have been declared by the person in custody as part of the vulnerability assessment.*

**ICVS Key Figures**

During the reporting period, there were **88** ICVs available to undertake visits to police custody premises (this excludes 18 who joined during the reporting year). Six of these ICVs are fully qualified and trained for specific visits to those arrested under the Terrorism Act. The table below shows the breakdown of ICVs across geographic areas and by gender during this reporting period.

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| Number of current ICVs | Male | Female | Leavers |
|------------------------|------|--------|---------|
| North                  | 9    | 18     | 5       |
| East                   | 13   | 16     | 8       |
| West                   | 15   | 17     | 10      |
| Total                  | 37   | 51     | 23      |

The total financial cost to the Authority for supporting ICVS was £**271,354**. This includes salaries, recruitment campaigns, visitor expenses, and training and induction events and quarterly cluster meetings. This is an increase from 2022-23 due to conferences and courses costs, custody visits being carried out by visitors in other regions and recruitment and advertising.

In 2023-24 **1057** visits were carried out to police stations across Scotland with **4579** detainees in custody at the time of visit. ICVs have spoken to 1525 persons in custody (this includes 39 observed). Overall ICVs advised they were satisfied with 1051 visits out of 1057 - 99.4%



\*From the figures above relating to detainee visits refused and not available a person can be included one or more categories

\*An unavailable visit is when the person in custody is currently not in the cell or is otherwise occupied. Example reasons for this are:

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1. having fingerprints taken;
2. forensic tests;
3. out of cell for questioning, or with a solicitor; or
4. receiving a medical assessment.

There are also instances where Police Scotland will refuse access under ministerial determined grounds for refusal. There are specific reasons for which access to a person in custody can be refused:

1. denying a visit is necessary for an independent custody visitor's safety;
2. such access could seriously interfere with the process of justice;
3. there are urgent and compelling grounds of public safety;
4. there is serious disorder in the place to be visited that temporarily prevents the carrying out of such a visit;
5. there is a period of emergency, either national or more local, for example a health pandemic;
6. there is natural disaster.

Throughout the reporting period, ICVs continued to undertake unannounced visits to custody facilities on weekdays and at weekends. The following table shows on which days of the week visits were conducted during 2023-24:

| <b>Table 6: Days of the Week Visits Occur</b> |                  |
|---|------------------|
| Day   | Number of Visits |
| Sunday  | 54               |
| Monday  | 135              |
| Tuesday                                       | 179              |
| Wednesday                                     | 189              |
| Thursday                                      | 234              |
| Friday  | 164              |
| Saturday                                      | 102              |

### **Legalised Police Cells (LPC)**

Legalised Police Cells (LPC), which are unique to certain parts of Scotland, derive historically from the inaccessibility of the Scottish courts in outlying districts and islands. These police cells have been 'legalised' and as such are used to hold individuals awaiting trial locally, or who have been returned from prison for sentencing, or following conviction, or pending transfer to prison. There are four designated police stations which may be used as legalised cells. These are Lerwick, Kirkwall, Stornoway and Hawick.

- Police Scotland is responsible for the care and welfare of individuals held in LPCs.
- The cells are no different to those used for routine persons in custody, but the conditions of detention differ.
- Prisoners held in the LPC are detained under the provisions of the Prison and Young Offenders Institutions (Scotland) Rules 2011.

ICVS were informed of 17 activations over the last year. ICVs attended and spoke to detainees at 11 of these activations.

### **Terrorism Act (TACT)**

Specially-trained ICVs visit persons in custody who have been arrested on suspicion of being persons who are, or have been, concerned in the commission, preparation or instigation of acts of terrorism, or who have been arrested for statutory offences as detailed in the Terrorism Act (for example fundraising or directing terrorism). Scotland has one detention centre for this purpose. During the reporting period, there were no TACT activations. Two new ICVs are in the process of being trained in TACT visiting due to two leaving the scheme. This ensures that ICVS maintains its current cadre of six TACT trained ICVs. During the reporting period, a TACT training visit was carried out to ensure readiness should there be a TACT activation.

### **Border Force**

The Border Force is a law enforcement command within the Home Office where officers deal with threats from international and domestic terrorism and the exploitation of borders and ports from serious organised crime. Independent Custody Visiting is not a statutory requirement for Border Force, however, the Authority decided that for reasons of public confidence and transparency, arrangements should be made for Border Force custody facilities to be visited by

ICVs in line with the rest of the UK. During the reporting period, there was no activations of Border Force facilities, however one training input event was carried out along with an estate visit.

## **KEY THEMATIC FINDINGS**

Scotland's Independent Custody Visiting Scheme (ICVS) was primarily established to undertake independent monitoring of Police custody to ensure that detainees are being treated fairly and in accordance with the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

This Annual Review highlights to the Authority, the Scottish Justice System, the public, and the United Nations that during 2023-24 ICVs have raised no OPCAT concerns.

Indeed, many visitors have commented on the progress that Police Scotland has made in the provision of custody services. Notably, ICVs have praised the roll-out of enhanced training for CJSD officers and staff and have noted progress in partnership working arrangements to enhance the support available to vulnerable people when they are held in police custody.

ICVs have however continued to make observations for how the provision of custody services and the care and welfare of detainees can be improved. The following pages will highlight some of these observations which cover a broad and varying range of issues – from detainees having access to washing facilities to understanding the letter of rights,

ICV findings from this year have raised an instance of concern where an individual's underwear was observed outside of cells rather than stored in appropriate areas as per custody procedures. Police Scotland responded swiftly to this isolated incident and reinforced policy across the force accordingly. ICVS have recorded no further instances since January 2024 and will continue to monitor this.

The majority of ICVs observations can be grouped into seven thematic areas. These are:

- **Finding 1:** Mental Health impact;
- **Finding 2:** Children in custody;
- **Finding 3:** Access and offering of a wash/shower; and the provision of shaving kits, 124 issues were raised with 94 being resolved.
- **Finding 4:** Letter of Rights being issued and understood by

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individuals in custody; 218 issues reported of which 193 were resolved.

- **Finding 5:** Named person for instance partner, parent or relative, Solicitor; 172 were reported and 143 resolved.
- **Finding 6:** Medical; 171 issues reported and 153 resolved.
- **Finding 7:** Access to reading and writing materials; 157 related to this of which 153 were resolved.
- **Finding 8:** Police Scotland's custody estate;

In total, ICVs raised 1539 detainee requests with custody staff in the 2023/24 period. Of these, 1315 (85%) were resolved at the time of the visit. This reflects that partnership approach that ICVs and Police Scotland staff take, ensuring that in most instances any issues that are observed to be affecting detainees are resolved rapidly.

### **Finding 1: Mental Health Vulnerability – A growing demand**

As mentioned earlier in the report Mental health remains the most frequently declared vulnerability for those coming into police custody, with 43% of individuals in the 23/24 period coming into police custody self-declaring mental health vulnerabilities. ICVs have continue to note the increased demand that mental health vulnerabilities are putting on the provision of police custody services.

His Majesty's Inspectorate of Constabulary in Scotland (HMICS) thematic review of policing Mental Health in Scotland, report was published in October 2023. The review assessed the state, efficiency and effectiveness of Police Scotland's provision of mental health related policing services and made a number of recommendations for Police Scotland and partner organisations.

ICVs continue to report positively on Police Scotland's partnership approach to supporting individuals with mental health vulnerabilities. However, it is often observed that the demands mental health vulnerability places on custody provision is far greater than what services and partnership arrangements are in place. ICVs have noted instances where people exhibiting mental health vulnerabilities have not had access to specialist organisations/services as they are either unavailable or do not have capacity to assist.

This ultimately can lead to distress for detainees and add to the significant



challenges that custody officers and staff already face while carrying out their day-to-day duties. This is an area that ICVS will continue to closely monitor and ICVs will highlight any concerns to staff.

## **Finding 2: Children in custody**

ICVs continue to focus on children and young people. Both the Authority and Police Scotland have been clear that they do not consider police custody to be a suitable place of safety for a child and Police Scotland continue to take steps to minimise the number of children that are held in police custody.

The Criminal Justice (Scotland) Act 2016 contains provisions which provide differing rights to children (aged under 16 years or those aged 16 or 17 subject to supervision) and those aged 16 or 17 and not under supervision whilst they are in Police custody. Scottish Government have recently consulted on a change to legislation that would ensure that all of those under 18 will be defined as a child.

Currently, the definition of a child, as per the relevant legislation is:

- Those aged under 16 years;\*
- Those aged 16 and 17 years who are subject to compulsory measures of Supervision under;
- Section 199 of the Children's Hearing (Scotland) Act 2011, and;
- Older children are those aged 16 or 17 years of age who are not subject to Compulsory Measures of Supervision.

*\*Under the Age of Criminal Responsibility (Scotland) Act 2019 any child under the age of 12 cannot be arrested by the police.*

Table 7 below provides a breakdown of the number of children that experienced police custody in 2023-24 by age. Table 8 then provides details of the custody classification for each child.

**TABLE 7: Age of Children in Custody**

| <b>Age</b> | <b>Number of persons in custody</b> |
|------------|-------------------------------------|
| <b>12</b>  | 44                                  |
| <b>13</b>  | 191                                 |
| <b>14</b>  | 417                                 |
| <b>15</b>  | 678                                 |

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|           |      |
|-----------|------|
| <b>16</b> | 1229 |
| <b>17</b> | 1524 |

There were a total of **4083** children held in custody from 1st April 2023– 31st March 2024. This is a decrease in comparison with **4261** children in custody in 2022-23 and slight increase from **3965** in 2021-22. The Authority understand that Police Scotland continue to commit to ensuring that, where possible, children are not brought into or held in custody except when no suitable alternative is available. ICVS understand that challenges persist in the availability of suitable places of safety that can be accessed and used as an alternative to police custody.

| <b>TABLE 8: Custody classification for those under 18</b> |    |     |     |     |      |      |
|---|----|-----|-----|-----|------|------|
| <b>2023-24</b>  | 12 | 13  | 14  | 15  | 16   | 17   |
| <b>Not Officially Accused</b>                             | 9  | 46  | 113 | 189 | 212  | 297  |
| <b>Officially Accused</b>                                 | 34 | 145 | 299 | 481 | 971  | 1142 |
| <b>Other</b>  | 0  | 0   | 1   | 2   | 17   | 9    |
| <b>Transit</b>  | 0  | 0   | 0   | 0   | 2    | 3    |
| <b>Court Review</b>                                       | 0  | 0   | 0   | 0   | 0    | 2    |
| <b>S.23 Detention</b>                                     | 0  | 0   | 2   | 5   | 13   | 15   |
| <b>Warrant</b>  | 0  | 0   | 0   | 0   | 11   | 51   |
| <b>Voluntary Attendant</b>                                | 1  | 0   | 2   | 1   | 3    | 5    |
| <b>Total</b>  | 44 | 191 | 417 | 678 | 1229 | 1524 |

In April 2023 the Authority and Police Scotland issued a public briefing that reaffirmed the organisational commitment to reducing the number of children that experience police custody and the work that is underway to deliver on this ambition. The briefing provided detail about circumstances that may lead to a child being brought into police custody as well as the additional safeguards that exist for a child whilst in custody.

*“Holding our children in police custody cells is not an appropriate setting and not in the interest of the child. What is lacking is suitable and available alternatives.”—Martyn Evens, SPA chair*

The ICVS continue to monitor Police Scotland custody facilities to ensure these are suitable to minimise trauma and ensure the best possible environment for children in custody through their Criminal Justice Services Division transformation programme.

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During the reporting period ICVs visited 33 children while they were in police custody. On all occasions, ICVs noted that children were being appropriately cared for and that custody staff were aware of the additional welfare needs that are required for any individual under the age of 18 when in police custody.

### **Finding 3: Access to washing and shower facilities and provision of shaving kits**

When a person is arrested and held in police custody they should be offered the opportunity to a wash/shower, ICVS maintain its position that when a person is held in police custody they should be offered access to washing and shower facilities at the earliest possible convenience'.

However, ICVs continue to observe, and comment on, the lack of washing facilities that are available at custody centres, as well as the lack of staff available to accommodate people to make use of facilities when they are available.

The Custody Care and Welfare of Persons in Police Custody SOP states that only when a person is detained in custody for more than a full day should they be offered facilities to wash and/or shave at least once per day. The SOP extends to cover that any reasonable requests to wash and/or shave more often than this should be met, where possible, and there are specific provisions made for menstruating persons in custody that washing and showering facilities are available, as and when required.

Police Scotland should seek to ensure any reasonable request to wash and/or shave more often than once per day should be met, where possible. Access to hand washing facilities should also be facilitated where possible.

Of the 1,510 persons in custody visited or observed by ICVs in 2023-24, the total number of issues raised by persons in custody in relation to **washing or showering facilities** was 124 which continues to represent 8% of all visits.

75% of these concerns were either addressed immediately, or had already been addressed by Police Scotland.

ICVs highlighted inconsistencies with the provision of shaving kits, where staff had advised that they were removed from stock list and were available only to be used for certain individuals or that they had no knowledge of this provision being available. The provision of shaving kits is included within Police Scotland's Care and Welfare Standard Operating Procedure. Shaving kits are available throughout Police Scotland estate but are sometimes not being offered to people in custody. ICVS recommend that staff and officers ensure this is provided and offered where an individual has been suitably risk assessed.

At a minimum, people held in custody should be provided with access to washing, showering and shaving facilities as described in the Care and Welfare for Person

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in Police Custody SOP. ICVS also maintain the view that any reasonable requests to wash and / or shave more often than outlined in the SOP should be met wherever possible.

**Table 12: Washing/Showering**

|              | Issues Raised by Persons in Custody | Addressed Immediately | Resolution Rate |
|--------------|-------------------------------------|-----------------------|-----------------|
| <b>Total</b> | 124                                 | 94                    | 75%             |
| <b>East</b>  | 70                                  | 53                    | 75%             |
| <b>North</b> | 2                                   | 2                     | 100%            |
| <b>West</b>  | 52                                  | 39                    | 75%             |

## **CASE STUDY 1**

### **Access to wash/shower facilities – Case Study 1**

In the West region a female was visited by custody visitors on the Sunday and she advised them that she had not been offered a wash/shower or toothbrush however had been supplied with sanitary provision due to advising she required menstrual care. On receiving the report the regional coordinator followed this up for clarification by checking the female's custody record. It was noted on the following day that the female had been offered only one wash and this was accepted.

The case study above is an example of where offering a wash/shower prior to what the Custody Care and Welfare of Persons in Police Custody Standard Operating Procedure (SOP) states would have benefited this female detainee.

ICVS have previously recommended that Police Scotland should continue to offer access to wash/shower facilities regardless of the time spent in custody. Access to washing, showering and hand washing facilities is fundamental to the care, welfare and dignity of people in custody.

### **Finding 4: Letter of Rights**

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The Letter of Rights leaflet gives important information on the freedoms and support to which everyone has a right under Scots Law. The Letter of Rights helps people in custody understand their rights and, in turn, can help ensure the individual is treated fairly whilst in police custody. The Letter of Rights should be provided to a person at the earliest possible opportunity and typically when they are first processed at the custody charge bar.

During the reporting period, Scottish Government has been developing a Letter of Rights for children and designing a new easy read version aimed at children. This has since been implemented and ICVs will monitor adoption and seek feedback from children that have been issued the easy read version.

ICVs continue to highlight instances where people in custody did not have, or did not understand their Letter of Rights. Notably, instances have been reported where persons held in custody have not been able to understand their rights due to them being unable to read or because the person has disposed of the letter early on in the custody process.

ICVs noted occasions when individuals had refused the Letter of Rights when arriving at the custody facility. In such cases, ICVs will request that further attempts are made to issue or appropriately communicate the Letter of Rights to the detainee.

ICVs also reported instances where people did not understand the Letter of Rights. In such instances, ICVs would seek assurance that people who are not fully engaged or under the influence are offered the Letter of Rights at the first available opportunity.

Table 9 shows the number of times a person in custody has raised an issue with the issuance and understanding of the Letter of Rights in each of the three regions. The table also shows how many were addressed by Police Scotland and the resolution rate at the time of raising the issue.

11% of those visited in 2023-24 were noted as having an issue with the provision or understanding or recall receiving of the Letter of Rights. This represents an improvement from the 2022-23 reporting period where 15% of visits were noted as having an issue with the provision or understanding or recall receiving of the Letter of Rights.

| <b>Table 9: Letter of Rights</b> |                                     |           |                 |
|----------------------------------|-------------------------------------|-----------|-----------------|
|                                  | Issues Raised by persons in custody | Addressed | Resolution Rate |
| <b>Total</b>                     | 216                                 | 192       | 89%             |

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|       |     |    |      |
|-------|-----|----|------|
| East  | 107 | 93 | 87%  |
| North | 25  | 25 | 100% |
| West  | 84  | 74 | 88%  |

## CASE STUDY 2

### Letter of Rights – Case Study 2

In the North region a detainee advised ICVs that they could not recall receiving the Letter of Rights. On further investigation it was confirmed that the individual had been given this at the time of being booked in, however they had destroyed it and it was no longer readable.

ICVs at the time were able to identify that the individual spoke Russian/Latvian and requested that they be provided with a replacement in those languages to ensure they fully understood their rights and entitlements.

The Letter of Rights states:

- 1. You have the right to know why the police are keeping you at the police station.*
- 2. You have the right to know what the police think you have done.*
- 3. You have the right not to speak. You do not have to answer any questions the police ask you. **But** you do have to give your name, address, date of birth, where you were born and your nationality.*
- 4. You have the right to have someone else told you are at the police station. If you are under 16, this must be a parent or guardian. If you are 16 or over, this might be a family member, a carer or a friend.*
- 5. You have the right to have a lawyer told that you are at the police station. This is free.*
- 6. You have the right to speak to a lawyer in private at any time. This is free.*
- 7. You have the right to have a lawyer present if the police interview you. This is free.*
- 8. If you are under 16, a lawyer must be present when the police interview you unless there are exceptional circumstances. If you are 16 or 17 and subject to a compulsory supervision order, a lawyer must be present when the police interview you unless there are exceptional circumstances.*
- 9. If you are under 16 you have the right to be visited by your parent or guardian at the police station.*
- 10. If you are 16 or 17 and subject to a compulsory supervision order you have*

*the right to be visited by your parent or guardian at the police station.<sup>11</sup> You have the right to medical help if you are ill or injured.*

**Finding 5: Named person**

The Criminal Justice (Scotland) Act 2016 section 38 affords a person in police custody the right to have someone else informed that they are in police custody and where they are being held. This intimation must be sent as soon as reasonably practicable after the person arrives at a police station unless delay is considered necessary in the interest of the investigation or prevention of crime, the apprehension of offenders or safeguarding and promoting the wellbeing of the person. Authorisation to delay intimation must be given by a constable of the rank of sergeant or above who has not been involved in the investigation. Where such delay is required, it should be for no longer than necessary. If the person in custody is under 16 years of age, a parent must be informed, regardless of whether the person requests this or not. The definition of a parent includes a guardian and any other person who has the care responsibility of the person.

Where a detainee advises police that they request a named person to be informed ICVs are reporting the detainees are not always notified that this has been carried out or an update provided. There are also instances where detainees have advised police they wish a named person to be contacted however are unable to recall their contact details. Where ICVs find that a person is unaware if their Solicitor or Named Person has been informed they are in custody, ICVs will request that the person receives an update. ICVs continue to seek assurance that people in custody are updated on the outcome of contact requests.

| <b>Table 10: Named Person</b> |                                     |           |                 |
|-------------------------------|-------------------------------------|-----------|-----------------|
|                               | Issues Raised by persons in custody | Addressed | Resolution Rate |
| <b>Total</b>                  | 172                                 | 143       | 83%             |
| <b>East</b>                   | 94                                  | 76        | 80%             |
| <b>North</b>                  | 33                                  | 30        | 90%             |
| <b>West</b>                   | 45                                  | 37        | 82%             |

### Finding 6: Medical

Medical provision remains an ongoing area of concern for ICVS. Persons in custody should all have access to medical advice/help and this should be available as and when required under their rights and entitlements. The provision of healthcare in custody centres remains an area of particular challenge. Not all custody facilities have medical provision on site with medical practitioners instead being requested to attend the custody centre as required. This can cause delays in persons in custody receiving non urgent medical treatment or being provided with specific medication.

ICVs have recorded instances where detainees that take regular prescription medicine require to see a doctor/nurse so as they can be issued with the medication while in custody. In some cases, detainees are not informed of how long it may be before a doctor or nurse is able to attend and issue prescription medication. This can add to the anxiety and stress that detainees may already experience while in custody.

Healthcare Improvement Scotland has published a framework in January 2024 which seeks to help inspect healthcare provision within police custody centres. A copy of the framework can be found at [www.healthcareimprovementscotland.scot](http://www.healthcareimprovementscotland.scot). The framework details Healthcare Improvement Scotland's commitment to inspect facilities using a human rights-based approach and aligned with Healthcare Improvement Scotland Quality Assurance System (QAS) Quality Framework quality indicators (QIs).

| Table 11: Medical provision |                                     |           |                 |
|-----------------------------|-------------------------------------|-----------|-----------------|
|                             | Issues Raised by persons in custody | Addressed | Resolution Rate |
| <b>Total</b>                | 171                                 | 153       | 89%             |
| <b>East</b>                 | 68                                  | 59        | 86%             |
| <b>North</b>                | 24                                  | 22        | 91%             |
| <b>West</b>                 | 79                                  | 72        | 91%             |

### Finding 7: Access to reading and writing materials

Detainees are provided with a welfare leaflet that provides them with information relating to their time in custody and what rights and entitlements they can receive. It is not mandatory that custody staff provide detainees with this leaflet, but it is considered good practice to provide detainees with a copy. The leaflet details that detainees can request reading materials which can be a welcome distraction for individuals that are detained in a custody cell. These items are only provided to low risk detainees and ICVs have noted many instances where the provision of



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reading materials has provided comfort to individuals when held in a police custody cell.

However, the provision of reading materials to detainees lacks consistency across the custody estate. Notably, in the North region ICVs observed that detainees were regularly provided with reading material and that if not in possession of it at the time of the visit they assured visitors that they knew how to request reading materials. Contrary to this, in the East region, 97 reports were received of reading materials not being made available to detainees.

ICVS are aware that Police Scotland's Care and Welfare of Persons in Police Custody Standard Operating Procedure (SOP) does not currently provide details for the provision of reading materials. ICVS would encourage Police Scotland to consider providing clear written guidance to officers and staff to make sure there is a consistent approach to accessibility of reading material across the custody estate.

In instances where ICVs observe that a person has not been provided with reading materials, ICVs will inform people that books and magazines are available. ICVs will also seek assurance that people who are not fully engaged or under the influence when first arriving in custody are offered distraction items such as book/magazine at the first appropriate opportunity.

### Finding 8: Police Scotland Estate

In 2023-24, Police Scotland custody operations continue to be organised into 12 clusters, with 71 custody centres. This consisted of 26 primary centres; 41 ancillary; 4 that were closed (one of which was closed for refurbishment).

A key aspect of custody visits is also to observe the general custody estate and note any areas for improvement. These observations refer to a range of issues within the custody estate, with examples including:

- Custody cell buzzers not working;
- Issues with the intercom not working;
- Cells requiring skylights and brickwork;
- Cells reported as being cold;
- Cell damage (paintwork or lighting);
- Stores and supplies not being available;
- Hand washing facilities not working or not available.

**259 cell  
issues  
recorded**

**50 washing  
facility  
issues**

Where there are issues identified in the cells, these cells are designated as out of

order by Police Scotland and are not used for holding people in custody until work has been undertaken to resolve the issue. A total of 260 facility concerns were raised by custody visitors. 176 of these (67%) remain outstanding and repairs have still not been completed.

**Table 13: Estate issues**

|              | Issues Raised by ICVS | Resolution Rate |
|--------------|-----------------------|-----------------|
| <b>Total</b> | 260                   | 32%             |
| <b>East</b>  | 78                    | 79%             |
| <b>North</b> | 136                   | 32%             |
| <b>West</b>  | 46                    | 65%             |

The Police Scotland custody estate remains in need of modernisation and this has been a long-standing area for improvement noted by Police Scotland, the Authority and ICVS. Police Scotland are looking to modernise the custody estate and several improvement initiatives are underway which will support improved quality of Police Scotland's custody provision.

ICVS officers continue to engage with CJSD to discuss estate improvements. ICVS are aware that CJSD are currently developing a revised Estates Strategy which will place the health, safety and wellbeing of officers, staff and people in custody at its heart. ICVS will continue to engage with CJSD to represent the views of ICVs during the development of this strategy.

The Authority is acutely aware that the whole of the Police Scotland estate is in need of investment. In the context of custody provision, and while acknowledging the severe financial constraints within which this can be delivered, the Authority is keen to see early implementation of effective investment in custody centres.

#### **4. AREAS OF FOCUS FOR ICVS**

ICVS staff and volunteers are committed to continually improving the service to ensure that the ICVs' observations have the greatest possible impact, and that independent oversight of the care and welfare of people held in custody continues to be carried out to the highest standard.

### **Where ICVS influenced change**

The removal of a person's clothing is an extreme measure to ensure their safety whilst in custody. Individuals identified as high risk will be placed in Anti Ligature clothing and closely monitored by officers and staff.

ICVS raised the issue of safety and dignity issues observed whilst carrying out their visits. Many of the items of anti-ligature clothing were not suitable for all sizes and ICVs witnessed anti ligature bottoms being very loose and not fit for purpose. This was raised with the CJSD Chief Superintendent and subsequently a new contract was agreed for the provision and supply of anti-ligature suits in varying sizes. The new supply arrangements are now in place and will be closely monitored by ICVs.

There is still work to be done on the use of anti-ligature clothing and where this measure is used, to ensure it is done so proportionately, with full justification and only in circumstances where all other options have been exhausted. To take away someone's clothing can add to their vulnerability and place them in further distress.

Some large forces in England such as Metropolitan Police Service (MPS), Thames Valley, Leicestershire and Kent have stop using this method and instead utilising observations only to mitigate risk.

### **Improvements across Police custody estate**

ICVs have reported on many improvement areas across the country and examples of good practice from custody staff and officers. ICVs commented on the following:

- Officers and staff offering detainees partnership referrals where they see individuals requiring further help and advice for example alcohol, drug addiction.
- Cell toilets now fixed and back in commission reported in 2022-23.
- Kitchens well stocked for detainee food provisions and a variety of options available.
- Constant observation rooms now cleaned and refreshed fit for officer's use.
- Ongoing cell skylight issues now fixed and resolved.
- New contract with service provider - excellent cleaning materials and new and improved blankets available.
- Ramadan meal times displayed clearly on front of kitchen cupboard door area for staff.

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### Areas of good practice and positive comments from people in custody.

ICVs have received a number of positive comments from individuals in Police Custody on how they were cared for, some of these are noted below:

- Fruit is being provided in some custody centres throughout Scotland to promote healthy eating.
- Positive outcomes project (POP+) a unique outreach team that aims to break the cycle between addiction and offending.
- Distraction devices are in place and available for instance new reading materials, balls etc.
- On leaving custody – food parcels and electricity top up being arranged for detainees.
- 48 people in custody reported positive treatment such as
  - 'All very kind staff, listened and responded'
  - ' Advised all staff had been nice'
  - 'Staff were kind and helpful'
  - 'I've been treated well' 'Staff have been good'
  - ' Brilliant treatment' ' Looked after well' ' best custodial officers I have ever come across'
  - ' happy with way been looked after and would leave a 5 star review on trip adviser'
  - 'You get treated alright here. If you treat them with respect they treat you with respect'

### Quality Assurance Framework

ICVA currently have a Quality Assurance Framework (QAF). The framework is designed to bring continuity between schemes and unify the way in which custody visiting is managed and delivered across the UK. It is there to help schemes to;

- Reflect on how they comply with the Code of Practice, the legislation that underpins custody visiting.
- Celebrate areas of strength
- Promote custody visiting and the achievements made.
- Drive performance and increase sharing of good practice.

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- There are four graded levels in the framework;
  - **Code compliant:** Scheme meets statutory requirements and necessary volunteer standards
  - **Silver:** Scheme provides a good standard of custody visiting and volunteer management
  - **Gold:** Scheme provides excellent standard of custody visiting and volunteer management
  - **Platinum:** Scheme provided an outstanding standard of custody visiting and volunteer management.

The scheme in Scotland is pleased to report that it achieved Gold level and will continue to develop to ensure it achieves the final level and consistently maintains this level of service.

### Recruitment

Recruitment remains a priority for ICVS and the team have engaged with Police Scotland to utilise their social media channels to advertise. The response has been very encouraging and the team are seeing a mass intake of responses to this. A number of small induction events took place throughout the year and existing volunteers were invited to share their experiences.

### Digitisation Project

The ICVS Digitisation Project was officially launched in the 2023-24 reporting period. The project aims to digitally transform processes underpinning ICVS. This includes equipping independent custody visitors with a digital solution to replace paper custody visiting forms where possible and launching a platform to help ICVS Regional Coordinators carry out their role. The project also aims to provide enhanced analysis and reporting capabilities to continue to improve the oversight capabilities of ICVS.

The project presented a business justification case to the Authority's Senior Leadership Team in December 2023 and gained approval to progress with procuring a digital solution. Procurement activity has progressed throughout the previous reporting period and will follow the Scottish Government Procurement Journey. The project has begun discussions with internal delivery partners and users to understand how a new solution would be embedded in the Authority and Police Scotland. Thorough engagement with all stakeholders and users is planned for the 2024/25 reporting period to ensure the solution is fit for purpose and that it is successfully implemented. All stakeholders and users will be regularly updated as the project progresses.

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## **ICVS conference**

The ICVS team hosted the ICVS Conference in June 2023 held during 'Volunteer Week'. The event which included a celebration of the custody visitor's contribution and 10 years of the scheme under the Authority. 50 custody visitors joined Jane Ryder OBE, SPA Vice Chair and ICVS Champion, Chief Superintendent Divisional Commander for Criminal Justice, and two external speakers.

Kira McDiarmid, Senior Policy and Public Affairs Officer, Change Mental Health gave an 'insight into Mental Health' the engagement with stakeholders and campaigning to improve services, fight stigma, raise awareness and influence so that no one has to face mental illness.

Gail Porter, TV presenter and Ambassador for mental health awareness shared her own experiences of mental illness to help raise awareness of the challenges she faced.

The day also included an interactive sessions where the custody visitors looked back over the last 10 years and remembered some milestones events.

Some illustrations from the conference can be seen below:



### Visit Report Form (VRF)

During the reporting year the new Visit Report Form (VRF) went live at the start of April 2023, training and learning is still ongoing and where necessary feedback from coordinators is provided upon receipt of the VRF. Quality assurance checks are carried out by the national manager on a quarterly basis and these are discussed at the ICVS team meetings for further action.

## **5. CONCLUSION**

2023-24 has been a positive year for Independent Custody Visiting in Scotland, achieving a gold accredited award from the Independent Custody Visiting Association. This accreditation represents a significant milestone for ICVS and outlines the quality and the standard of the scheme in Scotland. The Scheme has also had demonstrable success in influencing changes within police custody in Scotland, these are outlined in this report. Many visitors have commented on the progress that Police Scotland has made in the provision of custody services and the Annual Report highlights areas of continuous improvement, which Police Scotland are aware of and are committed to helping deliver.



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### **Become an Independent Custody Visitor**

Custody visiting continues to be essential in providing independent scrutiny of the treatment of people held in police custody and the conditions in which they are held. The scheme helps to build partnerships between police and the communities in Scotland. We are looking to recruit within the North and East regions of Scotland and if this is something that you could be involved with please contact:

ICVS  
Scottish Police Authority  
1 Pacific Quay  
Glasgow  
G51 1DZ  
Email: [icvs@spa.police.uk](mailto:icvs@spa.police.uk)

For more information on the role of ICVS, please visit [www.spa.police.uk](http://www.spa.police.uk)

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