



HM INSPECTORATE OF  
CONSTABULARY FOR SCOTLAND

## **Thematic Inspection of the Care and Welfare of persons detained in police custody in Scotland**

**January 2013**



## Preface

### Her Majesty's Inspectorate of Constabulary for Scotland (HMICS)

HMICS operates independently of police forces, police authorities and the Scottish Government and exists to monitor and improve the police service in Scotland. HMICS does this on behalf of the Scottish public by:

- monitoring, through self-assessment and inspection, how effectively the police service in Scotland is fulfilling its purpose and managing risk;
- supporting improvement by identifying good practice, making recommendations and sharing our findings in order to achieve better outcomes for Scotland's communities;
- providing advice to Scottish ministers, police authority and joint police board members and police forces and services.

Even though HMICS is independent of the Scottish Government, ministers can call upon the Inspectorate to undertake particular pieces of work.

Although this particular thematic inspection took place within the existing policing landscape in Scotland, the provisions of the Police and Fire Reform (Scotland) Act 2012 will see the delivery of a single Police Service of Scotland (PSoS) on 01 April 2013.

Therefore, whilst the findings of this report are made within the overall framework of existing governance and accountability arrangements for the eight distinct police forces in Scotland, the proximity of the move to a single police service mean that they are also made with an eye to the future in order to assist the significant programme of reform.

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## **1. Foreword on Findings by HM Inspector of Constabulary for Scotland**

1.1 As Her Majesty's Inspector of Constabulary in Scotland, I hold a statutory responsibility to monitor and inspect policing in Scotland. This is done, in part, by reviewing areas of policing in the public interest and by offering independent commentary on effectiveness and efficiency to Scottish ministers, the service, and others. In terms of public reassurance, such independent inspection and commentary is particularly important in areas of policing that impact directly on human rights, such as the custody setting where the exercise of lawful power can deprive citizens of their liberty.

1.2 My overall assessment from this inspection is that persons detained in police custody in Scotland are treated with dignity and respect by professional staff and that there are generally high standards of care and welfare. During a series of unannounced weekend visits across Scotland, my inspection staff found 170 persons detained in police custody. Through physical inspection, direct engagement and dialogue with prisoners, they found that 168 of those spoken to were well looked after and that they themselves were satisfied that their individual care and welfare needs were being met. In one case it was not possible to engage directly with a recently arrested male deemed too violent to approach, and in another isolated case my staff had to intervene where it was felt that a detainee's health needs had not been adequately addressed.

1.3 Custody suites throughout Scotland were found to be varied in design but generally in good condition and clean. As would be expected, some were better than others and this is largely due to factors associated with their age and original design. Although issues remain at some locations around the provision of showers and washing facilities, it is clear that the basic needs of detainees throughout Scotland are being met.

1.4 The inspection also considered issues of diversity and equality and found that the care and welfare provision for female detainees was generally good. It was also found that bespoke arrangements were in place throughout Scotland to assist detainees from minority and other ethnic and religious groups including meeting any special dietary and religious needs. The inspection found no children detained in custody during the unannounced visits and confirmed that this is becoming an increasingly rare occurrence in Scotland.

1.5 Against this largely positive picture, the inspection also revealed wide disparity in a number of areas of custody management across the eight distinct forces in Scotland which will present significant convergence challenges in moving to a single police service by 01 April 2013. Those challenges include different approaches to the management of risk, different staffing and training models, differing models of healthcare provision, differing computerised custody management systems and a very mixed economy in relation to the design, condition and functionality of the cells complex within police buildings.

1.6 Therefore, whilst the findings of this report are made within the overall framework of existing governance and accountability arrangements for the eight distinct police forces in Scotland, it is equally clear that some of the recommendations are 'national' issues that will roll forward to the new Police Service of Scotland. Accordingly, the proximity of the move to that single police service means that this report is made mainly with an eye to the future in order to assist in ensuring the continued effectiveness and efficiency of policing in Scotland as it moves through a period of significant reform.

**Andrew Laing**

**HM Inspector of Constabulary for Scotland**

**January 2013**

## 2. Background to Inspection

2.1 This thematic inspection of the care and welfare of persons detained in police custody in Scotland aims to build on previous related inspections carried out by HM Inspectorate of Constabulary for Scotland. In 2008, three thematic inspections were carried out examining police custody facilities<sup>1</sup>, care of detained and arrested children<sup>2</sup>, and medical services for people in police custody<sup>3</sup>. The recommendations from these various thematic inspections were accepted by Scottish forces and influenced significant improvements in policy, practice and procedure.

2.2 Although related, this thematic differs significantly from previous inspections of the police custody environment by HMICS in that the inspection visits to individual custody locations across Scotland were completely unannounced. As such, this inspection was designed not only to assess the actual care and welfare of detained or arrested persons in police custody in Scotland, but also to contribute to the United Kingdom response<sup>4</sup> to wider international legal obligations<sup>5</sup> around the care and welfare of detained persons through independent and unannounced inspection of places of detention.

2.3 The primary objective of the inspection was to assess the care and welfare of persons detained in police custody through direct dialogue with all persons found arrested or detained during the inspection visits and through physical inspection of the conditions in which they were being held. As a secondary objective, the inspection also sought to consider the strategies and policies that set the standards of custodial care and the management of risk through assessment of staffing arrangements, staff training, healthcare arrangements, ICT provision and the condition and suitability of the detention facilities<sup>6</sup>.

2.4 For ease of presentation, this thematic inspection report has firstly presented the main findings of HM Inspector of Constabulary for Scotland. This has provided an executive summary of the main findings and set the remainder of the report in context. In subsequent sections, the specific detail of the findings relative to the actual custody care delivered by staff are considered before moving to reflect on findings relating to facilities and equipment, healthcare provision and other ancillary issues, such as staff training and development.

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<sup>1</sup> Custody Facilities Inspection: HMICS, 2008

<sup>2</sup> Care of Detained and Arrested Children: HMICS, 2008

<sup>3</sup> Medical Services for People in Police Custody: HMICS, 2008

<sup>4</sup> National Preventative Mechanism

<sup>5</sup> United Nations Optional Protocol to the Convention Against Torture (OPCAT)

<sup>6</sup> Recommended National Standards are described in the Home Office Custody Design Guide

### 3. Strategic Perspective

3.1 In Scotland, national police guidance in relation to the care and welfare of persons detained in police custody is contained within the ACPOS Custody Manual of Guidance. The guidance seeks to promote consistency of approach on all aspects of the custody setting and is based on the guidance devised in 2006 by ACPO for England and Wales.

3.2 Strategic leadership in relation to custody matters is provided through ACPOS and that leadership is exercised through the ACPOS National Custody Forum (NCF). The national custody forum has been actively involved in reviewing the national guidance manual to ensure that it remains fit for purpose, up to date and incorporates best practice and lessons learned.

3.3 In anticipation of the move to a single police service for Scotland, the national police reform team is currently developing a new standard operating procedure for the new service but in the meantime, the ACPOS Custody Manual of Guidance sets the strategic context as follows:

This document focuses on practical issues and sets out to provide a definitive guide on how police forces in Scotland should put in place strategic and operational policies to help raise the standards of custodial care for those that come into the care and custody of the police.

This guidance recognises that the core task of the police is to uphold the law and to tackle crime and disorder effectively. The evidence gathering process is crucial to this. Ensuring that a person who comes into custody receives the appropriate level of care to determine their fitness to be detained and fitness to be interviewed is a key element in the quality of evidence to assist in prosecuting offenders.

In addition, many people who come into custody or police contact often do so with physical or mental vulnerabilities or both. These are often problems around alcohol or drug related abuse or misuse. The police service often provides the gateway to healthcare services for those that come into custody; but a police station is not the most appropriate place for diagnostic assessment or healthcare treatment. This guidance recognises that and strongly promotes and advises on the engagement of the right healthcare professional at the right time and in the right place.

The high level of contact for police officers and police staff with custodies who may be violent or vulnerable, places significant risk and expectation on them. The guidance has a strong focus in helping staff to identify warning signs and to carry out effective risk assessment. Identifying the risks and acting on them in the best way possible should help the individual but equally important, help minimise risk to staff and others who come into contact with those in custody'.

#### **Exhibit 1 – Extract from the foreword of the ACPOS Custody Manual of Guidance**

3.4 From a strategic perspective, the United Kingdom also has obligations under the United Nations Optional Protocol to the Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (OPCAT). OPCAT requires that all place of detention are visited on an unannounced basis by regulatory bodies, known collectively as the National

Preventive Mechanism (NPM), which monitor the treatment of and conditions for detainees. HMICS is one of a number of bodies making up the NPM in the United Kingdom.

3.5 In Scotland, Police Authority Independent Custody Visitors conduct lay inspections of police custody on a force by force basis and report back to their local police authorities. However, the individual schemes have been introduced with varying degrees of success, meaning that some police custody facilities in Scotland do not receive regular visits. The Police and Fire Reform (Scotland) Act 2012 places lay custody visiting on a statutory footing in Scotland and, post-reform the administration of the scheme will fall to the new Scottish Police Authority.

3.6 As members of the NPM, HMICS and Scottish Custody Visitors (through Police Authorities membership of the Independent Custody Visiting Association) are able to conduct complementary activity by inspecting police custody in Scotland. This ensures that the care and welfare of persons in police custody is assessed from a professional and technical perspective and also from a lay perspective.

3.7 The legislative framework governing the majority of people who come into police custody in Scotland is set out in the broad provisions of the Criminal Procedure (Scotland) Act 1995.

## **4. Methodology**

4.1 The thematic inspection sought to focus on the care and welfare of persons detained in police custody through physical interaction and dialogue with prisoners. As a secondary but related objective, the inspection also sought to consider the strategies and policies that set the standards of custodial care and the management of risk through assessment of staffing arrangements, staff training, healthcare arrangements, ICT provision and the condition and suitability of the detention facilities. Therefore, by design, the inspection sought to assess:

- the extent to which detainees care and welfare needs were being addressed;
- how the diverse needs of prisoners were being delivered;
- whether healthcare arrangements were appropriate and accessible;
- the cleanliness, safety and maintenance of custody facilities;
- the competency of staff to assess and manage risk;
- whether custody records were auditable, accurate and kept up to date;
- the appropriateness of staffing models; and
- any other relevant matter observed by the inspection team.

4.2 In order to provide evidence for inspection, the following sources were used:

- a desk-top review of the National Custody Manual of Guidance, force standard operating procedures, current staffing models, healthcare provision, location of custody facilities and their annual throughput of custodies;

- unannounced visits to one main custody centre in each force and at the busy weekend period to maximise the number of prisoners who could be seen;
- dialogue and interaction with and physical inspection of prisoners;
- interviews with staff;
- confirmation of the knowledge and training of staff;
- examination of the custody facilities including cells, medical rooms, interview rooms, criminal justice sampling areas, storage areas and exercise yards;
- a dip-sample of custody records to ensure that effective recording mechanisms were in place and auditable records kept;
- an assessment of which computerised application was in use;
- a dip-sample of vulnerability assessments carried out as part of the admission process for persons brought into custody; and
- interviews with relevant practitioners involved in custody issues both in forces and as part of the national reform programme.

4.3 The use of these particular research instruments provided an eclectic range of data sources upon which to advance empirical findings.

## 5. Fieldwork

5.1 The inspection visited one main custody suite in all eight forces<sup>7</sup> selected on the basis of annual throughput of custodies. The general intention to conduct these inspections on an unannounced basis had been communicated previously to Chief Constables throughout Scotland and had received their unequivocal support. The location, times and dates of visits remained completely confidential so that staff at the custody centres would not be able to anticipate the actual inspection. The locations visited were as follows:

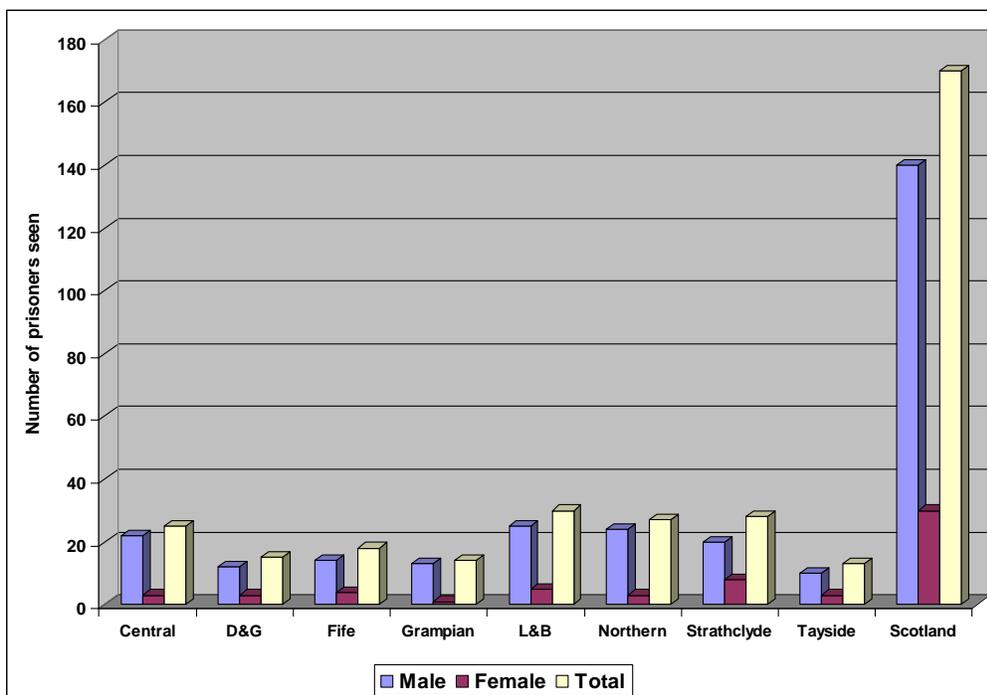
<b>Custody Suite</b>	<b>Number of cells</b>
Central Scotland Police Falkirk	32
Dumfries & Galloway Constabulary Loreburn Police Office, Dumfries	18
Fife Constabulary Dunfermline	18
Grampian Police Aberdeen	31
Lothian and Borders Police St Leonard's – Edinburgh	42
Northern Constabulary Burnett Road, Inverness	42
Strathclyde Police Stewart Street – Glasgow	46
Tayside Police Dundee	40

**Exhibit 2 – Location of custody suites visited and number of cells**

<sup>7</sup> British Transport Police in Scotland were not visited as part of this inspection due to lower prisoner volumes

5.2 From the above, it should be noted that there is no direct correlation between the number of cells in each custody centre and the annual throughput of prisoners. For example, St Leonard’s Police Station in Edinburgh is the busiest police custody centre in Scotland and, as such, it is equipped with specifically designed multiple-occupancy cells. By contrast, the facilities in Inverness and Falkirk were the most modern custody centres visited, with many innovative design features including sufficient capacity for single cell occupancy to be the norm at Inverness in particular.

5.3 A total of 170 persons were present in police custody over the unannounced inspection visits to the eight custody centres comprising 140 adult male prisoners and 30 adult female prisoners. Included in these totals were 19 persons whose self-ascribed ethnicity was not white European. The numbers in each custody centre are illustrated as follows:



**Exhibit 3 – Prisoner volumes by location and gender during HMICS inspection**

5.4 The findings from the fieldwork in each force area were then aggregated to enable HMICS to present national findings and to highlight good practice and any areas of concern, including consideration of any significant variations in process or practice from that advocated in the ACPOS Custody Manual of Guidance. Due to the focused nature of this inspection, the challenges faced in remote rural and island settings were beyond the scope of this particular thematic. Similarly, this report does not touch on the complexities of ‘legalised police cells’ as these fall within the statutory remit of the Prison Service Inspectorate.

## **6. Findings Relative to Custody Care and Welfare**

6.1 As indicated in the foreword by HM Inspector of Constabulary for Scotland, the overall assessment from this thematic inspection is that persons detained in police custody in Scotland are treated with dignity and respect by professional staff and that there are generally high standards of care and welfare.

6.2 The inspection found 170 persons detained in police custody. Through physical inspection, direct engagement and dialogue with prisoners, it was established that 168 of those spoken to were well looked after and that they themselves were satisfied that their individual care and welfare needs were being met. In one case, it was not possible to engage directly with a recently arrested male deemed too violent to approach, and in another isolated case inspection staff had to intervene where it was felt that a detainee's health needs had not been adequately addressed.

6.3 In this instance, a male prisoner was found to have badly swollen hand injury. He had been admitted the previous day and following his admission the injury had not been medically assessed, despite the presence of custody nursing staff. The force concerned acknowledges this shortcoming which was due to weak supervision and a breakdown in communication to nursing staff. In our view, the Sergeant in charge of the custody centre at the time of the inspection and the previous nightshift Sergeant had failed in their duty to assess properly all prisoners in their care and to provide effective guidance and direction to staff. This matter was drawn to the attention of the Deputy Chief Constable of the Force concerned.

6.4 The inspection also considered issues of diversity and equality and found that the care and welfare provision for female detainees was generally good, with bespoke arrangements also in place throughout Scotland to assist detainees from minority and other ethnic and religious groups including meeting any special dietary and religious needs. The inspection found no children detained in custody during the unannounced visits and confirmed that this is becoming an increasingly rare occurrence in Scotland.

6.5 Against this largely positive picture, the inspection also revealed wide disparity in a number of areas of custody management across the eight distinct forces in Scotland which will present significant convergence challenges in moving to a single police service by 01 April 2013. Those challenges include different approaches to the management of risk, different staffing and training models, differing models of healthcare provision, differing computerised custody management systems and a very mixed economy in relation to the design, condition and functionality of the cells complex within police buildings.

## **7. Findings relative to Custody Staffing Arrangements**

7.1 The inspection revealed a divergence of staffing models in the custody setting across Scotland. As a result, there is no common operational staffing model used by any of the existing forces in Scotland, resulting in some anomalies in prisoner care and challenges for staff involved. Examples of such anomalies from the thematic inspection were:

- a custody suite which had no female staff on duty despite having several female prisoners;
- one force with no dedicated custody sergeant, relying on an operational beat sergeant to provide remote decisions. This meant that there was no immediate direct supervision of staff or prisoners;
- the ratio of staff to prisoners varied widely from force to force; and
- the composition of staffing models was mixed. Some forces use a mix of police officers and police staff whilst some rely mainly on the use of police officers.

7.2 These observations are made mainly to assist the future Police Service of Scotland in providing a more consistent approach to such matters.

7.3 Those observations aside, it is clear that there are a range of variables which will influence staffing arrangements within the custody setting and this is reflected in the national guidance contained within the ACPOS Custody Manual of Guidance as follows:

### **Section 9: Resources**

There can be no 'one size fits all' model for staffing levels or resource composition. Forces should establish a staffing model which gives consideration to the following:

- The number of custodies processed each year
- The number of custodies anticipated in future years
- The efficiency of the custody process
- Peak times of day, month and year including seasonal variations
- Geographical considerations
- Resources for special events
- The physical structure and design of the custody suite
- Staff training
- Operational resilience
- Recognition that all custody staff, including the Custody Sergeant, are entitled to proper breaks away from the custody environment

**Exhibit 4 – Extract from paragraph 9.1 of the ACPOS Custody Manual of Guidance**

### **Recommendation No 1**

Consideration should be given to developing a staffing model for custody which is risk based, gender compliant, and flexible enough to meet demand. This recommendation is directed at all forces but in the expectation that this area will be reviewed through the establishment of the Police Service of Scotland (PSoS).

## **8. Findings relative to The Management of Risk**

8.1 The inspection found that risk assessments were carried out for all persons arriving in police custody. These were found to be comprehensive and thorough, with a generic system being used by all forces based on the custody risk assessment flowchart in the ACPOS Custody Manual of Guidance. It was also verified that these were regularly updated to reflect the changing needs of individual prisoners.

8.2 All forces carried out information handovers when shifts changed but the methods of doing so varied widely across Scotland. Individual custody records were found to be well maintained and detailed information clearly assisted in supporting team briefings and handover arrangements. HMICS also notes that a national 'handover' form is currently being designed by ACPOS, to ensure that key information is adequately exchanged and this is deemed to be a very positive development.

8.3 We found some minor variations in the methods used by staff to rouse and monitor prisoners to ensure their continued wellbeing but, on the whole, arrangements were found to be professional and thorough. All staff interviewed were aware of the contents of the Custody Manual of Guidance with regards to observations regimes which states '*...Under normal circumstances it will be sufficient to conduct observations on an hourly basis on people held in custody that pose no special risk. More frequent observations should be conducted for individuals under the influence of drugs or alcohol or those where medical circumstances dictate*'.

8.4 At the Grampian Police facility in Aberdeen staff are required to adhere to a more frequent pattern and carry out a minimum of 30 minute checks unless circumstances dictate otherwise. The inspection revealed that this was due to the absence of 'call button' facilities in any of the cells. HMICS view this as a very high risk to the safety and wellbeing of prisoners at that location. The force is aware of this risk and capital expenditure has been approved to deliver a new custody facility in Aberdeen.

8.5 Best practice guidance in relation to the design of police custody facilities in the United Kingdom is contained in the Home Office: Police Buildings Design Guide – Custody 2009 where paragraph 41 (m) states:

*'A call system is provided in cells to alert staff to detainee's needing assistance. The cell call plate or fitting must be secured, inset to the wall, so that there are no points for a detainee to work loose. It must not provide electricity or wires of sufficiency as to cause self harm or the fitting to be removable and used as a weapon. The call system can include a two-way intercom system'*.

8.6 Whilst accepting that the Aberdeen facility is of older design and has been identified by Grampian Police as no longer meeting its operational requirements, it was the only custody centre visited in Scotland that is not equipped with the vital 'cell call' facility which enables

prisoners in difficulty to immediately summon assistance. Accordingly, HMICS recommends that Grampian Police should urgently explore the feasibility and affordability of installing an interim cell call capability, until the move to a new custody facility takes place<sup>8</sup>.

### **Recommendation No 2**

The single 'handover' form under development by ACPOS is recognised as emerging good practice and should be introduced throughout Scotland to ensure an accurate, consistent and auditable means of transferring knowledge and responsibility for custodies from one shift to the next.

### **Recommendation No 3**

Grampian Police should urgently explore the feasibility and affordability of installing an interim cell call capability in all cells at the Aberdeen custody suite until the move to a new custody facility.

## **9. Findings relative to Facilities and Equipment**

9.1 The location of most police custody facilities in Scotland tends to have both a historical and a demand basis and, as such, they tend to be located in the main population centres. The current cell provision has therefore developed in areas where most arrests and detentions occur and conventionally they form part of a larger police station near to city or town centres with proximity to good public transport links.

9.2 During the inspection, we found that custody suites visited were varied in design and condition ranging from older facilities in Glasgow, Dundee and Aberdeen through to more modern and custom built facilities such as those in Falkirk, Edinburgh and Inverness. Some of the older properties had cell facilities covering more than one floor, whereas the more modern ones were on a single level as advocated by the Home Office Police Buildings Design Guide – Custody 2009.

9.3 The most modern facility visited in terms of meeting the local operational need was that in Inverness. Despite the variances in design across Scotland, all cell facilities were found to be clean and tidy and it was clear that professional staff were taking a pride in their working environment.

9.4 Cell designs were broadly similar and all cells examined were found to be clean and safe and based on approved Home Office design. As previously mentioned, the only concern highlighted from the inspection is the lack of 'cell call' buttons in the facility at Aberdeen.

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<sup>8</sup> This recommendation takes cognisance of the fact that a new build facility is proposed and as such may be some time off.

9.5 All police custody facilities in Scotland have enough cells to facilitate individual cell occupancy from Monday to Friday but as courts do not function in Scotland at weekends, it becomes necessary in most custody centres to adopt cell sharing arrangements out of operational necessity.

9.6 Different styles of observation cells for high-risk prisoners were also observed but all were more than adequate and met the criteria for situations where the risk assessment identified a need for closer observation of the individual concerned. All suites had fully integrated CCTV systems to maintain and record general observations of activity in the custody area and its confines. Whilst CCTV is not normally present within an individual cell, it was often found to be present in observation cells for high-risk or vulnerable prisoners and this is noted as good practice.

9.7 The inspection found that there was separate cell provision for female prisoners and, in some facilities, a separate female 'wing'. Segregation was found to be strictly observed and there was also consideration for the needs of minority or religious groups through for example the provision of prayer mats. Some of the older facilities did not have shower facilities for prisoners but basic washing facilities were present at all locations and all prisoners seen were found to be in a clean condition.

9.8 Pleasingly, there were no children found being detained in police custody during any of the inspection visits and it is clear that, although occasionally necessary, this is becoming an increasingly rare occurrence in Scotland.

9.9 In addition to variances in custody facilities, the inspection found wide variances between forces in terms of different type of equipment available. For example, some custody suites were equipped with defibrillators and blood glucose monitors whilst others were not. There were also wide variances in the types of blankets provided for prisoners and inconsistencies in the provision of anti-suicide or ligature suits for those vulnerable to self-harm. It was also noted that some staff wore full protective equipment whilst others wore none. In some cases custody staff were also seen to carry protective equipment such as CS spray which is not advocated for the custody environment, due to the proximity of air conditioning systems.

9.10 The inspection found five<sup>9</sup> different computerised custody systems in place across Scotland. This variation was also reflected in how staff note and retain information about transactions with prisoners. In some cases notebooks are used to chronicle events or note details of every observation of a prisoner, including what is said by the detainee. Some forces relied on staff memory before input onto the computerised system whilst one had clipboards at each cell to maintain a written log of activity or contact.

9.11 This wide variation between forces is not a major concern but some agreement on how information is noted, recorded and retained is required to provide some standardisation of practice and an auditable sequence of events. HMICS is, however, aware that a new national integrated recording system will be an early consideration by the Police Service of Scotland and that this will include custody as an entity and introduce a bespoke data management system. This will be an essential development as when receiving persons into police custody, it is

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<sup>9</sup> UNIFI, PrisPro, Cellfile and bespoke systems in Dumfries & Galloway and Northern.

absolutely essential that staff have immediate access to information from previous custody episodes in Scotland to inform the risk management process for each detainee and put in place an intelligence-led care and welfare package.

#### **Recommendation No 4**

In moving towards a single Police Service of Scotland, there is an early need for the new service to develop and implement a standardised method of recording information in the custody environment. In due course, a single data management system should also be introduced.

### **10. Findings relative to Healthcare Arrangements**

10.1 There is an expectation that any person brought into police custody in Scotland will have access, where required, to competent healthcare professionals who will address any physical health, mental health and substance abuse issues in a way which is sensitive and appropriate to their individual needs. This is reflected in the best practice advice contained within the ACPOS Custody Manual of Guidance which states:

#### **Paragraph 9.3**

Chief Officers have a statutory responsibility to ensure that custodies have access to appropriate healthcare whilst in custody. This should be provided in a timely and effective manner. Forces should develop a healthcare model that best suits their requirements and enables them to deliver an effective healthcare provision. The agencies and individuals providing this service must have the legal authority, qualifications, experience, capability and capacity to deliver a quality service continuously and within set timeframes. Records must be kept for audit purposes which detail each healthcare professional's qualifications, their job description and role profile. Relevant medical professionals must provide evidence of re-validation.

#### **Paragraph 9.4**

Forces should consider the following points when allocating healthcare provision in their custody suites:

- The healthcare professionals need to be allocated resources to enable them to do their job efficiently. Nurses should be given suitable equipment to allow procedures such as suturing to be done at the custody suite removing the need for custodies to be escorted to hospital for routine procedures
- Healthcare professionals should be based in busy custody suites at times of high demand to minimise the need to call them out
- All risk assessment documentation must be retained by the police for internal and external inspection, and monitoring of services provided
- The presence of healthcare professionals in custody suites increases the chance of identifying custodies that may be at risk and improves the coordination of care for vulnerable persons.

#### **Exhibit 5 – Extract from Paragraphs 9.3 and 9.4 of the ACPOS Custody Manual of Guidance**

10.2 The inspection found some excellent examples of healthcare provision, with some forces having dedicated nursing staff working in their custody suites. For example, St Leonard's Police Station in Edinburgh is the busiest police custody centre in Scotland and, as a consequence, Lothian and Borders Police have a custody nursing service with nursing staff on site constantly over the busy weekend period with a reduced level of cover on nights from Monday to

Thursday. This is clearly an example of best practice. Custody nursing staff were also observed in Falkirk and Dundee and it was noted that Strathclyde Police had also run a pilot scheme using the nursing staff from St Leonard's.

10.3 However, the inspection found a mixed picture across Scotland with other forces being more reliant on calling out forensic medical examiners (FME). This observation aside, the level of care at all locations visited was found to be good with the single exception previously highlighted in this report. Medical rooms were examined during the inspection and all were found to be well equipped, clean and in good condition.

10.4 The inspection revealed widespread variation in how forces responded to situations where the mental health of an individual was a cause for concern. This is a challenging and difficult area, particularly when those health concerns are exacerbated by the immediate presence of alcohol and/or drugs. Accordingly, forces find it difficult to provide definitive guidance which encapsulates the range of possible scenarios facing police officers and staff where there is a concern for the mental state of certain detainees.

10.5 Almost without exception, staff interviewed during the inspection expressed a desire to have clearer processes in place, including protocols with local mental health practitioners. Some of these factors are beyond the scope of resolution by the police service and accordingly the ACPOS Custody Manual of Guidance only offers advice on assessments under the Mental Health (Scotland) Act 2003.

10.6 HMICS is aware that there is currently an ongoing project sponsored by ACPOS, to engage with NHS Scotland, with a view to producing an appropriate healthcare model to support the care and welfare of any person brought into police custody and to reduce the associated costs that are currently borne by the police service. It is anticipated that this will extend to the identification and treatment of any persons coming into police custody with mental health issues. There is therefore an opportunity to introduce some uniformity of approach to ensure a standardised approach throughout Scotland.

### **Recommendation No 5**

Post-reform, the Police Service of Scotland should examine healthcare provision across the entire police custody estate to consider the most appropriate needs at each location based on both assessment of risk and affordability. This should extend to providing clear direction to staff for the effective management of the care and welfare of prisoners with mental health issues.

## **11. Findings relative to Staff Learning and Development**

11.1 During the inspection visits, HMICS found highly motivated and professional police staff working at all locations. It was clear throughout that staff were dedicated to providing high standards of care and welfare to persons detained in police custody and that they did so whilst working in a sometimes very challenging environment.

11.2 Whilst the majority of staff interviewed had received role specific training, a small number of officers used as reliefs or for temporary cover stated that they had received no role-

specific training leaving them feeling slightly vulnerable. The inspection also revealed that all Scottish forces provide local training courses based on the national Custody Manual of Guidance but the exact content varies from force to force meaning that there is no national standard.

11.3 HMICS is aware that ACPOS is considering the introduction of a standard national training course from April 2013 and would support this with the additional recommendation that this should include a 'refresher' element covering both supervisory and other roles.

### **Recommendation No 6**

Post-reform, the Police Service of Scotland should develop a standard national training course for staff working in the custody setting and that this should include a refresher training programme to support ongoing staff development.

## **12. Concluding Remarks**

12.1 It is acknowledged that custody is a complex, high-risk and important core area of business for the police service. Internal changes, through the creation of a single Police Service of Scotland and external influences, such as the Carloway review, will significantly impact on the future shape and provision of custody facilities and on the care and welfare of persons detained in police custody. The challenge will be to provide a consistent level of service throughout Scotland, with appropriate levels of care for all persons brought into police custody.

12.2 The need for significant financial savings by the Police Service of Scotland adds to this complexity and may make it difficult, in the short term, to make the change necessary to bring all custody centres up to the same standard. It is, however, imperative that custody provision is consistent, equitable and fair to everyone who comes into police custody, regardless of where they are detained.

12.3 The move to a single Police Service of Scotland, therefore, delivers an opportunity to transform the police approach to custody, by promoting consistency of practice and by providing standardisation of training and delivering governance structures that are clearly understood. Within that context, the current efforts by ACPOS to engage with NHS Scotland and produce a more appropriate national healthcare model is crucial to supporting the care and welfare of any person brought into police custody and this should also extend to mental health issues.

12.4 In the context of the current policing landscape in Scotland, it is accepted that the national police reform team are actively addressing many of the issues found during this inspection. The introduction of a single Standard Operating Procedure (SOP) will provide the procedural direction to practitioners and build on the lessons learned during the development of the ACPOS Custody Manual of Guidance. Therefore the recommendations from this report are largely made as a signpost to certain aspects of custody provision where further improvements could be made.

12.5 In conclusion, this thematic inspection has confirmed, through unannounced inspection, that persons detained in police custody in Scotland are treated with dignity and respect by professional police staff and that there are generally very high standards of care and welfare.

This primary finding is an important public reassurance message that must not be lost within the ancillary context of some secondary recommendations that have been made for further improvement.

12.6 It is the intention of HMICS to conduct a similar unannounced inspection programme each year in Scotland to provide ongoing reassurance that standards of care and welfare remain high. This will also assist in discharging the United Kingdom obligations under OPCAT which require regular, functional and professional independent inspections of places of detention.

## **Summary of Recommendations**

### **Recommendation No 1**

Consideration should be given to developing a staffing model for custody which is risk based, gender compliant, and flexible enough to meet demand. This recommendation is directed at all forces but in the expectation that this area will be reviewed through the establishment of the Police Service of Scotland (PSoS).

### **Recommendation No 2**

The single 'handover' form under development by ACPOS is recognised as emerging good practice and should be introduced throughout Scotland to ensure an accurate, consistent and auditable means of transferring knowledge and responsibility for custodies from one shift to the next.

### **Recommendation No 3**

Grampian Police should urgently explore the feasibility and affordability of installing an interim cell call capability in all cells at the Aberdeen custody suite until the move to a new custody facility.

### **Recommendation No 4**

In moving towards a single Police Service of Scotland, there is an early need for the new service to develop and implement a standardised method of recording information in the custody environment. In due course, a single data management system should also be introduced.

### **Recommendation No 5**

Post-reform, the Police Service of Scotland should examine healthcare provision across the entire police custody estate to consider the most appropriate needs at each location based on both assessment of risk and affordability. This should extend to providing clear direction to staff for the effective management of the care and welfare of prisoners with mental health issues.

### **Recommendation No 6**

Post-reform, the Police Service of Scotland should develop a standard national training course for staff working in the custody setting and that this should include a refresher training programme to support ongoing staff development.