
HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Inspection of the strategic arrangements for the delivery of police custody

June 2019



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HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).¹

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given
- Where we make recommendations, we will follow them up and report publicly on progress
- We will identify good practice that can be applied across Scotland
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.²

This inspection was undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and is laid before the Scottish Parliament in terms of Section 79(3) of the Act.

¹ Chapter 11, Police and Fire Reform (Scotland) Act 2012.

² HMICS, [Corporate Strategy 2017-20](#) (2017).



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Our inspection

The aim of this inspection was to assess the strategic arrangements for the delivery of police custody in Scotland.

Police custody is a high risk area of policing business and, as such, has already been subject to considerable scrutiny by HMICS since Police Scotland was established. Since 2013, HMICS has published seven police custody inspection reports. While the majority of our previous inspections focused on the treatment and conditions for detainees, this inspection focused on Police Scotland's strategic arrangements for the delivery of police custody. This included an assessment of leadership and governance of custody, planning and process, people, resources, and partnership working.

Police Scotland has delivered significant changes in custody since 2013, all of which have required significant time, effort and commitment on the part of its staff. We commend the progress made but note that further progress has been hampered in part by the under-resourcing of custody. In this report, we note many recent positive developments, including the recruitment of custody staff which has allowed Police Scotland to reduce its dependence on backfill provided by local policing officers to deliver its custody service. Benefits sought from the custody remodelling project are being realised and the challenge now is for senior leaders to transmit their vision for custody to frontline staff and to drive improvements in the delivery of custody across Scotland. Extensive efforts are being made to involve statutory and voluntary sector partners in promoting better outcomes for detainees and communities. A lack of capital investment in the custody estate will, however, continue to impede efforts to deliver as efficient and effective a custody service as possible.

As reported in 2018, our ability to assess the extent to which some of the most vulnerable people in police custody receive appropriate support continues to be impeded by the lack of independent scrutiny by Healthcare Improvement Scotland of health services delivered in police custody.

During our inspection, we reviewed outstanding custody recommendations and closed 11 recommendations and 18 improvement actions.

We carried out our inspection between December 2018 and March 2019. We reviewed documents relating to custody provided by Police Scotland and observed a range of meetings regarding custody. We carried out almost 60 interviews and focus groups with officers and staff working in Criminal Justice Services Division, and with a range of people with an interest in custody, including internal Police Scotland stakeholders and external partner organisations. We also drew on evidence gathered during our inspection of custody centres across Scotland in 2018 and our inspection of custody centres located in Greater Glasgow Division in January 2019,³ particularly our discussions with frontline personnel.

In response to our inspection, Police Scotland will be asked to create an action plan so that our recommendations can be addressed. We will monitor progress against this plan, and will continue to monitor progress against outstanding custody recommendations.

HMICS would like to thank all those who participated in our inspection and particularly the officers and staff of Criminal Justice Services Division who assisted us throughout.

This inspection was led by Laura Paton with assistance from other lead, support and associate inspectors at HMICS.

Gill Imery QPM

Her Majesty's Chief Inspector of Constabulary
June 2019

³ This inspection was linked to our review of local policing in Greater Glasgow Division. A report of this custody inspection will be published in Spring 2019.



Key findings

Leadership and governance

Senior leaders have a transformative vision for police custody which they hope will result in better outcomes for detainees and communities.

There is, however, a need for this vision to be better understood by others and for more clarity on how it will be delivered in all custody settings across Scotland.

A significant project to remodel custody and to create Criminal Justice Hubs at key locations is underway and benefits are already being realised. Its delivery has been slowed by the unexpected deferral of capital funding in 2019-20.

A key driver for the project has been the desire to increase resilience in the custody workforce and decrease the reliance on local policing backfill to deliver custody.

Senior leaders within Criminal Justice Services Division have adopted an inclusive, supportive approach, and have sought to improve communication within the division.

In recent years, turnover in key custody leadership roles has inhibited the division's ability to drive forward the changes needed to transform custody into as effective and efficient a service as possible.

There is an increasingly widespread view within Police Scotland that custody should remain a national function.

Criminal Justice Services Division has recently begun to make better use of management and performance information, but more work is needed to ensure such data routinely informs policy and decision making.

There is a lack of publicly available information about custody. In particular, there is a lack of easily accessible information about deaths in custody.

Planning and process

There is some resistance among frontline custody personnel to changes in policy and practice.

The contribution made by force custody inspectors and custody review inspectors is appreciated by custody personnel across Scotland, and the roles illustrate what benefits can be achieved by a national police service.

Criminal Justice Services Division has a good approach to learning within custody and there is scope to develop this further. It has recently renewed its focus on continuous improvement which should result in a better quality and more consistent service.

There has been a reduction in the volume of custody-related complaints.

The division is exploring ways in which it can engage service users with a view to making improvements.

Within Police Scotland, there is a lack of intelligence gathering from those held in police custody. This is a missed opportunity.



People

A new post of Criminal Justice Police Custody and Security Officer (CJ PCSO) has been created. The job description has been extended so that CJ PCSOs will be multi-skilled and can carry out criminal justice tasks in addition to their core custody role. CJ PCSOs now make up almost half of the custody staff workforce.

Multi-skilled staff have so far contributed over 1,500 hours to other criminal justice business areas. However, there has been a lack of organised training in these other areas as well as other challenges which need to be addressed.

Efforts are being made by Criminal Justice Services Division to reduce the amount of time arresting officers spend in custody, allowing them to return to their duties as soon as possible.

Custody staff are increasingly involved in the booking in of detainees, however some have lacked the necessary training, support and supervision when doing this for the first time.

A mobility clause in the contracts of CJ PCSOs has provided greater flexibility in their deployment, meaning they can provide cover at custody centres within a 25-mile radius of their usual place of work.

A new 12-hour shift pattern is being trialled by custody staff at three centres. Their views on the shift pattern are being regularly monitored, and increased efforts are being made to ensure staff receive the breaks to which they are entitled.

A new team leader role is being piloted, creating an opportunity for staff to advance within custody for the first time. However, there is a lack of clarity and direction about the role's purpose which must be resolved.

The division has highlighted improving the wellbeing of its staff and officers as a key focus in the coming years.

Induction training for custody staff has been revised and work is underway on a long overdue custody training strategy.

Resources

An additional 150 custody staff were appointed between July 2018 and April 2019. This, coupled with the secondment of 62 officers to custody and other work by the division, has reduced the reliance on local policing officers to deliver the custody service.

It could be argued that the recruitment of the 150 staff simply brings custody staffing back to an appropriate level and, to some extent, restores capacity that was previously lost due to unfilled and deleted vacancies.

Following an assessment of demand for custody, a National Operating Model has been developed.

The model envisages an increase in the number of constable-led custody centres. More effective safeguards are needed for these centres to operate safely and effectively.

The division lacks a dedicated resource management unit which has hampered its ability to deploy resources as efficiently and effectively as possible.

There is a need for a custody workforce plan which sets out the current state of the workforce, the required future state and the means of getting from one to the other.



A custody estate strategy is being developed to help address the varied quality of custody centres across Scotland. Without significant capital investment, however, the custody estate will continue to present a risk to the effective management of detainees and fail to provide appropriate working conditions for staff in some areas.

Partnerships

The division's internal partners feel they are increasingly being seen as customers of custody and this shift has resulted in greater efforts to improve the quality of the service provided.

The reduction in the need for backfill has reduced tension between custody and local policing divisions and improved relationships, although some outstanding areas of concern require to be addressed.

Significant work has been undertaken to develop relationships with external partners to increase their footprint in the custody environment. In many areas, new initiatives are being taken forward in collaboration with the NHS, local authorities and third sector organisations.

There has been increased recognition within custody that it must work via its local policing colleagues to forge strong local partnerships.

The ambitions of the division and its local partners to improve outcomes for detainees and communities are inhibited by a lack of funding.

Recommendations

Recommendation 1

Police Scotland should clearly articulate and communicate its strategic direction for the future of custody to its staff and partners, as well as how it will be delivered.

Recommendation 2

Police Scotland should ensure there is sufficient expertise and continuity within the Criminal Justice Services Division leadership team.

Recommendation 3

Police Scotland should ensure that Criminal Justice Services Division receives the necessary analytical support from the Analysis and Performance Unit.

Recommendation 4

Police Scotland should regularly publish data about police custody.

Recommendation 5

Police Scotland should review its standard operating procedure on deaths and serious injury in police custody, ensuring it is up to date and reflects current practice.

Recommendation 6

Police Scotland, the Scottish Government, the Police Investigations and Review Commissioner and the Crown Office and Procurator Fiscal Service should work together to ensure that data about deaths in police custody in Scotland is published regularly.

Recommendation 7

Police Scotland should ensure that Criminal Justice Police Custody and Security Officers receive appropriate training and support for any non-custody roles they may carry out.

Recommendation 8

Police Scotland should ensure that any personnel being asked to book detainees into custody have received recent training and are appropriately supported and supervised.

Recommendation 9

Police Scotland should develop a site induction protocol for each custody centre so that those providing cover or remote supervision can quickly and easily learn about the centre, any risks and how they should be managed.

Recommendation 10

Police Scotland should ensure that appropriate safeguards are in place for constable-led custody centres. These should include training and support for constables, and the designation of an appropriate supervising sergeant.

Recommendation 11

Police Scotland should review custody procurement practice to identify further savings and efficiencies.

Recommendation 12

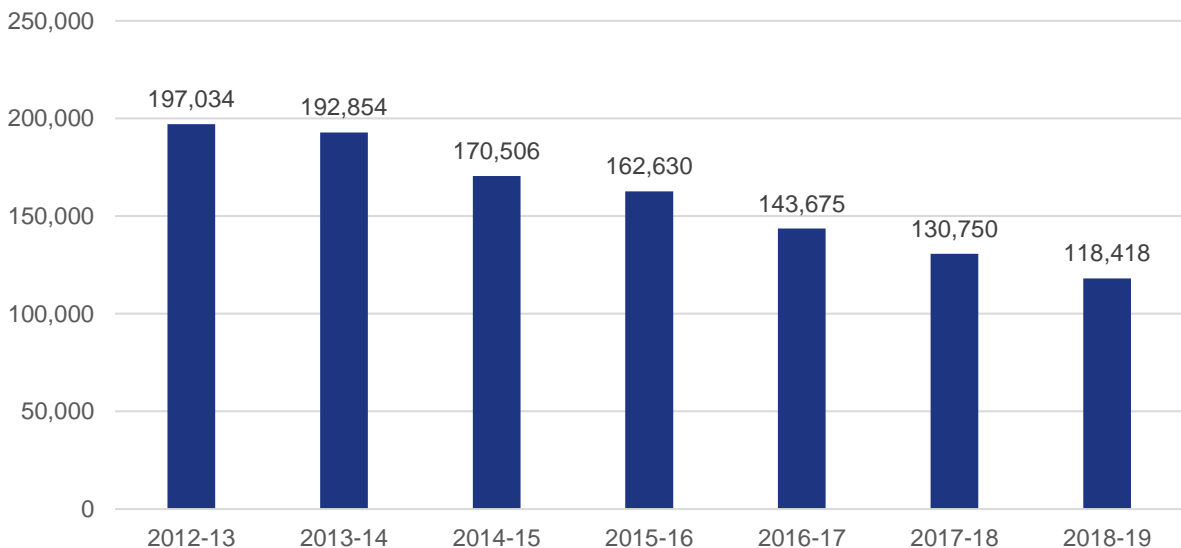
Police Scotland should develop an ICT roadmap for custody.



Context

1. Upon the creation of Police Scotland in 2013, a national Custody Division was established to promote consistency in working practices across custody centres in Scotland. In 2016, this division merged with another focusing on criminal justice matters to become Criminal Justice Services Division (CJSD). CJSD is responsible for delivering custody across Scotland. It is one of several national divisions which sit alongside and support the 13 local policing divisions. The division is led by a Chief Superintendent, who reports to an Assistant Chief Constable and, in turn, to the Deputy Chief Constable with responsibility for local policing.
2. Custody centres across Scotland are organised into clusters, each led by an inspector. Currently, there are 77 custody centres organised into 12 clusters. There are three types of custody centre – primary, weekend only and ancillary. Primary centres are permanently staffed and are open to receiving detainees at any time. They are operated by custody staff from CJSD. Weekend only centres operate in a similar way to primary centres, but are only open to receiving detainees between a Friday and Monday. Ancillary centres are those which are used only when needed. They are often located in rural or island areas, and are staffed by local policing officers who have received custody training. Custody centres are led by the custody supervisor who is generally a sergeant, although there are an increasing number of constable-led custody centres.
3. In 2018-19, the number of people detained in custody (the ‘throughput’) fell by 9.4% (see Chart 1). It had been widely anticipated that the implementation of the Criminal Justice (Scotland) Act 2016 in January 2018 would result in a reduction in the number of detainees in custody. While there has been a reduction in throughput, it is not possible to wholly attribute this to the Act itself as throughput had already been declining for several years.

Chart 1 – Annual custody throughput 2012-2019





Previous custody inspections

4. Police custody is a high risk area of policing business and, as such, has already been subject to considerable scrutiny by HMICS since Police Scotland was established. Since 2013, HMICS has published seven police custody inspection reports. The first of these, a thematic inspection of arrangements for police custody, was published in 2014.⁴ It reported on the national arrangements for the delivery of police custody, including an assessment of issues such as leadership and governance, resources and partnerships. It drew on evidence gathered during numerous interviews and focus groups with people working in Custody Division (now known as Criminal Justice Services Division) and Police Scotland more broadly, and with stakeholders. In addition, it drew on evidence gathered about treatment and conditions in police custody during inspection visits to 22 custody centres across Scotland. The report resulted in 15 recommendations and 39 improvement actions.
5. The thematic inspection was followed by five inspections of police custody in particular areas, usually linked to our inspections of local policing divisions.⁵ These inspections involved visits to nine primary centres and 11 ancillary centres and resulted in a further 12 recommendations and eight improvement actions.
6. Most recently, in October 2018, HMICS published a report following inspections of 17 custody centres across Scotland.⁶ This report included seven new recommendations and noted that, of 27 recommendations made previously regarding custody, 12 were now closed and one was closed in part. Of the 47 improvement actions previously made, 26 were closed. The report also identified three recurring themes which present challenges in delivering a custody service that best meets the needs of today's detainee population:
 - the quality of the custody estate varies significantly across Scotland and, in some areas, hampers the effective and efficient management of detainees
 - inconsistencies in practice across custody centres persist
 - while Police Scotland is working to manage the high level of vulnerability and complex needs of the detainee population, the needs of many detainees may be better met by others, such as health, social care and addiction services.
7. While our inspection in 2018 focused on the outcomes for those held in custody and their treatment and conditions, our current inspection focused on Police Scotland's strategic arrangements for the delivery of police custody. This has involved consideration of the following themes drawn from the HMICS Inspection Framework:
 - leadership and governance
 - planning and process
 - people
 - resources
 - partnerships.

⁴ HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014).

⁵ HMICS, [Inspection of custody centre located in Aberdeen City Division](#) (2015); [Inspection of Edinburgh Division](#) (2015); [Inspection of Dumfries and Galloway Division](#) (2016); [Inspection of custody centres at Aikenhead Road and London Road, Glasgow](#) (2016); [Inspection of custody centres located in Tayside Division](#) (2018).

⁶ HMICS, [Inspection of custody centres across Scotland](#) (2018).



Overview

8. The delivery of police custody in Scotland has undergone significant changes in recent years. In 2013, upon the creation of Police Scotland, the eight legacy force custody services were merged to form a national Custody Division. In 2014, the provision of health care in police custody transferred from the police to the NHS. In 2016, the division was merged with another to form a national Criminal Justice Services Division. In 2017, a national custody IT system was rolled out across Scotland. In 2018, the Criminal Justice (Scotland) Act 2016, making significant changes to arrest and detention procedures, was implemented. Finally, also in 2018, the division secured approval for its business case to remodel custody and introduce Criminal Justice Hubs at four sites in 2018-19, before rolling out to five further sites.
9. Each of these developments required time, effort and commitment on the part of divisional staff and represent significant achievements. We commend the progress that has been made. We consider that further progress has been hampered in part by under-resourcing of custody, forcing the division to rely on support from local policing divisions which has tested relationships and unfairly damaged the reputation of the custody service within Police Scotland. In our inspection, we note many recent positive developments in the division's strategic arrangements for the delivery of police custody. We are reassured that several areas for improvement identified by our inspection team have already been noted by the division, and work is underway to address them. Many of the desired benefits of the custody remodelling project are already being realised.
10. Nonetheless, there remains somewhat of a disconnect between the positive developments we observed at a strategic level and the service being delivered in custody centres across Scotland. This may be due, in part, to some strategic work being relatively recent and not yet having delivered. There remains scope to transmit the vision of leaders into changes on the ground, not least in addressing the unnecessarily inconsistent practices that we have previously reported. There is also a risk that much of the division's strategic work will primarily benefit only some custody centres or only those that are operated by its own personnel. Further consideration requires to be given to how benefits will accrue to more remote primary custody centres and the thousands of detainees who are held in ancillary custody centres operated by local policing officers.
11. Police Scotland's budget settlement for 2019-20 required it to review its financial planning for the year. It chose to prioritise funding for several key projects, whereas the custody remodelling project was only partly funded.⁷ This will impede delivery of the full project as planned. However, key elements of the project have already been delivered, not least the recruitment of 150 custody staff to help address the division's lack of resources and the development of a National Operating Model for custody. Other work associated with the project can still be taken forward, albeit at a slower pace or on a smaller scale, and the division should focus on improving the quality of its service with the resources available to it. That said, without significant investment, the quality of the custody estate will continue to inhibit the effective and efficient management of detainees. As we noted in 2018, Police Scotland should work with the SPA and the Scottish Government to prioritise investment in the estate and to help the division to achieve equity of experience and outcomes for detainees.

⁷ Examples of projects that were prioritised for full funding include the rollout of 10,000 mobile devices to frontline officers, the introduction of a single national IT network, Staff Pay and Reward Modernisation, and the introduction of a new Contact Assessment Model.



Leadership and governance

Vision

12. Senior leaders within the division are clear that a vision for custody exists and that it involves custody no longer being seen as a place where individuals are simply 'detained and maintained'. Instead, custody should be a place of opportunity, where interventions to support health, wellbeing and desistance from offending are available. This vision is welcome, and reflects both the policing principles set out in the Police and Fire Reform (Scotland) Act 2012 which state that the main purpose of policing is to improve the safety and wellbeing of persons, localities and communities,⁸ and the Scottish Government's justice strategy.⁹
13. This vision did not appear to have been articulated in writing for the benefit of divisional personnel, although it had been shared with external partners. While well understood by senior leaders within the division, the vision was not always reflected among officers at lower ranks, frontline staff and some internal partners. They considered that the vision for custody was the creation of Criminal Justice Hubs, a divisional initiative outlined in its custody remodelling project. Criminal Justice Hubs have become synonymous with the remodelling project, but it appears to us that the project is broader than the Hubs and is intended to bring benefits to policing that go beyond transforming practice at a few key sites. Moreover, we view the Hubs as being one means of delivering the vision for custody, rather than the vision itself.
14. We also noted that while the concept of the Hubs is made up of various elements, this was not always well understood by staff and partners. Essentially, the Hubs represented something different to different people. Some said the Hubs were about multi-skilled staff, while others said the Hubs were about partnership working. Despite significant work around communicating the division's plans for the Hubs, few people seemed to have grasped the Hubs (or the remodelling project) as a whole. Those working in non-Hub areas were concerned what the future held for them, highlighting the need for a broader vision or strategic direction for custody that encompasses delivery in all settings, including those custody centres operated by local policing.

Recommendation 1

Police Scotland should clearly articulate and communicate its strategic direction for the future of custody to its staff and partners, as well as how it will be delivered.

⁸ Section 32, Police and Fire Reform (Scotland) Act 2012.

⁹ Scottish Government, [Justice in Scotland: Vision and Priorities](#) (2017).



Custody remodelling project

15. The custody remodelling project was the subject of a full business case which was approved within Police Scotland and by the SPA in June 2018. The project is part of a wider CJSD change programme which has also included projects on productions, records management and speed awareness. The remodelling project comprises several elements, broadly grouped under the themes of people, operating model and estate.
16. In relation to **people**, the business case envisaged:
 - the recruitment of 150 new police staff in custody. Recruitment was initially spread over two years with 70 staff being recruited in Year 1 and 80 in Year 2, but this was later expedited so that attempts were made to recruit all 150 staff in 2018-19.¹⁰
 - the creation of team leader posts for police staff within custody Hubs, creating opportunities for career advancement for the first time. The team leader roles are for an 18-month trial period and will be subject to review.¹¹
 - the development of a new job description requiring the 150 new custody staff to be multi-skilled and to work across both custody and criminal justice functions. The new job description will also feature a mobility clause, allowing custody staff to be redeployed to other locations within a 25-mile radius of their usual place of work. Staff operating on this new job description are to be known as Criminal Justice Police Custody and Security Officers (CJ PCSOs). Existing PCSOs will continue to be known as such and will work to their current job descriptions (unless they choose to apply to become a CJ PCSO).
 - the introduction of 12-hour shifts for police staff in custody on a trial basis at three Criminal Justice Hubs.
17. In relation to a custody **operating model**, the business case refers to the establishment of four Criminal Justice Hubs in Year 1 at the existing custody centres at Falkirk, Inverness, Kittybrewster (Aberdeen) and London Road (Glasgow). A further five Hubs will be established in Year 2, likely to be at Dundee, Kirkcaldy, Kilmarnock, St Leonards (Edinburgh) and Motherwell. The Hubs are not defined, but the business case notes that the multi-skilled CJ PCSOs will be allocated to these custody centres, and that the Hubs will benefit from 'innovation changes' such as:
 - the installation of wifi allowing for the use of mobile devices by staff to enable the remote updating of detainee records on the National Custody System
 - the remote monitoring of detainees' vital signs while they are in custody.
18. The business case also refers to a 'Hub and Spoke' concept, although little information is provided as to how Spoke custody centres will operate, except to say they may be led by police constables and receive support from sergeants based at Hubs. The establishment of the Hubs sits alongside work done by CJSD to create a new National Operating Model for custody. This model is not described in any detail in the business case, but represents a significant piece of work undertaken by the division. The model is informed by demand data to ensure that custody centres across Scotland are resourced appropriately, and is discussed further at paragraph 124.

¹⁰ 135 staff were appointed in 2018-19, with 15 staff appointed in April 2019 due to a slow uptake of the roles.

¹¹ Twenty five team leader posts were planned but only 24 have been filled to date as that is all that is required during the 12-hour shift trial. The 25th post is currently filled by a CJ PCSO. The team leader posts are included within the 150 custody staff recruited.

19. In relation to **estate**, the business case notes that many custody centres lack the facilities to cope with the challenges of modern policing. It acknowledges that disparity in the estate results in people's experience of custody varying across Scotland and warns that Police Scotland risks falling behind the standards set by other UK police forces. The business case sets out various plans to remodel the Year 1 Hubs at Falkirk, Inverness and London Road,¹² and all the Year 2 Hubs. This includes, for example, creating additional booking in desks and updating the cell areas.
20. The business case also highlights the scope for greater partnership working in custody, but this is not developed in any detail (see from paragraph 157 regarding partnership work being taken forward since the full business case was approved).
21. The predicted cost range to deliver plans set out in the business case was £1.2 million of capital revenue, £138,000 of reform revenue and £254,000 of non-reform revenue in 2018-19; and £2.8 million of capital revenue, £13,000 of reform revenue, and £4 million of non-reform revenue in 2019-20 (plus around £4 million in non-reform revenue every year thereafter).¹³
22. The benefits sought as a result of the custody remodelling project focus on the increased resilience of the custody service due to the uplift in staff. This will reduce custody's reliance on local policing divisions to provide backfill. Custody staff will also take on more tasks within the custody environment, allowing arresting officers to return to their duties as soon as possible. Team leaders will provide more support to custody sergeants, reducing the number of sergeants needed and, consequently, the need for sergeant backfill. Other benefits sought include the creation of development opportunities for police staff in custody, improved partnership working, and efficiencies in productions and records management, the criminal justice business areas which are intended to benefit from the multi-skilled CJ PCSOs.
23. Significant progress has already been made in delivering the project. This progress, and benefits realised so far, are discussed further below (for people issues, see from paragraph 77; for the National Operating Model, see from paragraph 124; for estate, see from paragraph 138; and for partnership working, see from paragraph 157). We also note, however, that there are areas where we have not yet seen much evidence of progress or benefits being realised, although we acknowledge that the project is still a work in progress. At the time of our inspection, we saw limited evidence regarding how custody remodelling and the Hubs will lead to process re-engineering within custody to improve consistency, efficiency and quality, as envisaged in the business case. The division also described the Hub at Falkirk as becoming a centre of excellence which would help support improvements across the division. There was a lack of information about how Falkirk would become a centre of excellence and how it would drive improvements. Indeed, we were concerned that Falkirk was experiencing greater difficulties settling into its role as a Hub compared to other centres, possibly due to a lack of consistent local leadership.
24. There was also a general lack of progress in relation to the estates and technological innovations elements of the project although this is due to a deferral of funding for the project, rather than any fault on the part of the division. In late 2018, the division became aware that due to Police Scotland's budget settlement for 2019-20 and the subsequent re-prioritisation of available funding, the custody remodelling project would no longer be fully funded for 2019-20. This has required the division to reconsider which aspects of the project can still be delivered with the resources available to it.

¹² Remodelling is generally not required at Kittybrewster, the fourth Hub. Opened in 2014 at a cost of £12 million, Kittybrewster is a state-of-the-art 60-cell custody centre which HMICS has previously described as offering one of the best, if not the best, physical environment for detainees in Scotland.

¹³ Police Scotland, *CJSD Custody Remodelling (Criminal Justice Hub) Project Full Business Case* (2018).

25. The custody remodelling project supersedes in part the strategic proposal for custody that we referred to in our thematic inspection as being under development in 2014. The strategic proposal was to address the future vision, structure, resourcing, estate and delivery models for custody. The strategic proposal went through various iterations over a considerable period of time and under various lead officers. There is no doubt that the absence of a strategic proposal for custody in the intervening years has inhibited the development of an efficient and effective national custody service. We therefore welcome the custody remodelling project. Once delivered, the project will make a significant contribution to improving the delivery of custody even with the loss of funding already experienced. However, we would also caution the division to think more broadly than the project and about delivery of custody across all types of custody centre in the medium and long term, and to focus on business as usual improvements.

Leadership

26. The division is led by a chief superintendent, supported by a senior management team made up of four superintendents, 10 chief inspectors and a chief inspector police staff equivalent.¹⁴ Amongst the superintendents and chief inspectors, some have responsibility for particular geographical areas, while others have portfolio responsibilities. Almost all are responsible for both custody and criminal justice, although the majority told us that custody issues take up most of their time.
27. Many we spoke to, including external partner organisations, told us that senior managers had adopted an inclusive, supportive approach in which feedback from others was welcomed. Those working in centralised roles and those at inspector level and above described senior managers as approachable and said they felt empowered to do their role effectively. They described a division in which open communication was the norm.
28. However, some of those working in frontline roles were either unfamiliar with senior managers or less positive about them, and their sense of divisional identity was less apparent. This is a challenge for any national division where staff are located across Scotland, but it is nonetheless important to foster a supportive team approach in which all those working in the division are engaged and have a sense of common purpose. This has been acknowledged by senior leaders who have made sustained efforts to improve communication within the division and their engagement with all staff, driven in part by a staff survey in 2016.¹⁵ This survey highlighted dissatisfaction among staff regarding communication and their ability to put forward ideas. In response, various initiatives have been taken forward to address those concerns. While recent improvements have been noted, these initiatives require to be sustained further if the positive and supportive culture observed in some areas is to extend to the whole division.
29. As already noted, the division has experienced significant change since its inception. It has also experienced significant churn in its leadership which has inhibited progress. While the divisional commander has been in post since 2015, providing much needed stability, there have been eight Assistant Chief Constables with responsibility for custody since 2013. Some have held this responsibility for only short periods of time and been unable to help drive forward the changes needed to transform custody into an efficient and effective modern service. In contrast, others have helped the division make significant progress, illustrating the need for continuity in leadership and support at an executive level.
30. Similarly, there has been significant turnover in officers at superintendent level within the division. This has negatively affected the division and meant that new superintendents had only just begun to understand their role and the custody environment before leaving. As a national, specialist service, particular consideration should be given by Police Scotland to ensuring there is sufficient expertise and continuity within the division's leadership team.

¹⁴ The member of police staff whose role is equivalent to that of a chief inspector is the National Productions Manager who has no custody responsibilities.

¹⁵ SPA/Police Scotland, *Staff Survey 2016* (2017).

Recommendation 2

Police Scotland should ensure there is sufficient expertise and continuity within the Criminal Justice Services Division leadership team.

Governance

31. We heard that governance of custody arrangements had recently improved, with senior management maintaining oversight of delivery via regular national, local and issue-based meetings. These meetings focused on custody operations and on issues such as health and safety, human resources, training, estates and information governance. Clear terms of reference existed for these, as well as for the divisional senior management meeting. When necessary, the division establishes short life working groups to tackle particular issues and we found evidence that these groups were wound up once issues were addressed. Staff were positive about a recent restructuring of the divisional coordination unit, saying it had allowed them to specialise in different areas, bringing greater clarity to their work and a fairer distribution of tasks. The unit is now divided into two workstreams focusing on people and development, and performance. While these governance arrangements within the division appeared effective, some personnel told us they were not clear where responsibility within the division lies for some issues, suggesting there may be a need to map out the arrangements for the benefit of staff.
32. At the force level, the divisional commander routinely attends the national commanders' meeting and the Local Policing Management Board, as well as other fora such as the Senior Leadership Board when custody or criminal justice issues are on the agenda. We heard that the force executive had shown greater interest in custody issues in recent years, partly due to the work on custody remodelling and the Criminal Justice Hubs. Nonetheless, we noted little or no information about custody in Police Scotland's force-wide strategic or tactical assessments. CJSD also lacks its own strategic assessment, despite other divisions having these in place.
33. During our inspection activity between 2013 and 2018, we often heard officers and staff question the need for a national division with responsibility for custody. They felt that the custody service could be delivered best if it was returned to local policing divisions and managed locally. In our current inspection, however, we noted a significant change in views regarding custody. The vast majority of those who spoke to us said that custody should remain separate from local policing and should be managed nationally. This approach recognises custody as a specialism and maximises opportunities to improve standards and for consistency in delivery across Scotland. Separate custody arrangements are also now seen as being more in keeping with the Criminal Justice (Scotland) Act 2016, which was implemented in January 2018. Those working in local policing who now see the value in separate custody arrangements linked their change in view to what they perceive as recent improvements in the quality of the custody service. This is due to the increased number of custody staff and the consequent reduction in the need for custody roles to be backfilled by local policing officers.¹⁶
34. As noted above, Custody and Criminal Justice Divisions were merged in 2016. While our inspection focused on custody, we observed that there is still a sense of separation between the two business areas, although attempts are being made to strengthen integration. Custody tends to be the focus of the merged division and takes up a greater proportion of senior managers' time, although criminal justice has received more attention recently. The criminal justice remit of the division still appears undefined to some extent, and there is a need for Police Scotland to consider what business falls within its remit and to set out a vision for criminal justice integration as and when systems across Scotland allow.

¹⁶ See also paragraph 152.



Management information

35. In 2014, we reported that there was a significant lack of management and performance information about custody to support governance and accountability arrangements. At that time, Police Scotland still operated eight legacy custody systems and some data could only be collated manually. We recommended that it secure more robust management and performance information to support evidence-based decisions about the custody service.¹⁷
36. Since then, the introduction of the National Custody System (NCS) in January 2017 has facilitated the collation of management information. During our inspection, we observed that the division was beginning to use information drawn from NCS, and other data, to monitor activity and performance, particularly in relation to the benefits being achieved in the Criminal Justice Hubs. A 'Hub dashboard' has been developed which includes data on the three custody centres operating as Hubs at the time of our inspection (Falkirk, Inverness and Kittybrewster). The dashboard includes data relating to operational efficiency, service provision, costs and staff. For example, the dashboard notes the number of hours CJ PCSOs spend on non-custody tasks, the number of shifts in custody that require to be filled by local policing officers, and the queuing and processing times for booking detainees into custody. It also includes information on the time detainees spend in custody, and whether they have been seen by a health care practitioner, taken to hospital or been referred to a partner organisation. The dashboard is used to support discussions at Hub management meetings and to monitor the benefits being realised as a result of the Hub model.
37. In addition to the Hub dashboard, CJSD also worked with colleagues in the national Analysis and Performance Unit (APU) in late 2018 to develop a monthly divisional tactical assessment for the first time. We welcome this input from the APU given that there has been a lack of analytical support for custody since 2013. The tactical assessment is still at an early stage of development, but draws together useful data on the division's activity, including in relation to custody.
38. We welcome the division's use of the dashboard and the development of its tactical assessment although consideration should be given to developing both products further. For example, it would be useful to gather and monitor some of the data in the dashboard for non-Hub custody centres. Such data, particularly that relating to queuing, processing times and backfill, could be shared proactively with local policing divisions. While some local policing commanders told us they had received data on an ad hoc basis, they would welcome receiving data more routinely.
39. To develop these products further, and to ensure they are accurate and timely, CJSD will require further support from the APU. We have previously noted¹⁸ a lack of capacity within the APU and understand that this requires to be addressed before CJSD can secure the assistance it needs.

Recommendation 3

Police Scotland should ensure that Criminal Justice Services Division receives the necessary analytical support from the Analysis and Performance Unit.

¹⁷ HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014), paragraph 137 and Recommendation 11.

¹⁸ HMICS, [Thematic review of Police Scotland's approach to the development and operational delivery of the Annual Police Plan \(2018-19\)](#) (2018), from paragraph 143.



40. The division should also consider how it uses the data and products now available. Some officers told us that they are aware of these new products but are not sure how the information is being used, or whether it is influencing policy or decision making. Data in the tactical assessment suggests variations in custody practice by region and cluster. Consideration of the data at a senior level should prompt further exploration of the reasons for variation and whether there are areas of effective practice to be shared with others. We also noted that the data gathered tends to be reactive and believe there may be scope for more forecasting and predictive analysis to be carried out (for example, in relation to resource planning).
41. Some of the data held currently on NCS is capable of disaggregation by some – but not all – protected characteristics, such as sex, age and race. As the analytical capability and capacity available to the division develops, it should consider how further analysis of its data can help it deliver its public sector equality duties.
42. There is a lack of publicly available information about custody. Whereas Police Scotland publishes management information monthly on call handling and quarterly on incidents and crimes, there is not even minimal information available regarding custody throughput. Nonetheless, custody is of interest to the public, parliamentarians, media and other stakeholders. Police Scotland receives numerous Freedom of Information (FOI) requests regarding custody (150 requests in 2018 and 160 in 2017 made reference to ‘custody’) to which CJSD is obliged to respond. We believe that the regular publication of data about custody would increase transparency and accountability around the custody service. Analysis of previous FOI requests could help identify custody issues of most interest. We appreciate that there may be some concerns about the accuracy of the data held on the NCS (for example, because staff have incorrectly entered a detainee’s age), but data could nonetheless be made public with the appropriate caveats as to its quality.

Recommendation 4

Police Scotland should regularly publish data about police custody.

External scrutiny

43. Custody is regularly subject to external scrutiny by HMICS and independent custody visitors, both members of the UK’s National Preventive Mechanism which monitors the treatment and conditions for detainees under international law.
44. In 2016, the then chair of the SPA carried out a review of the governance of policing.¹⁹ He noted that in addition to its oversight and governance role of Police Scotland, the SPA had certain service delivery functions, one of which was management of the independent custody visiting scheme. He recommended that consideration should be given to reorganising or removing the SPA’s service delivery functions to help reinforce its purpose as a governance body. This recommendation as it relates to independent custody visiting has since received little attention.

¹⁹ Andrew Flanagan, [Review of governance in policing](#) (2016).



45. In particular, little attention has been given to whether it is appropriate that independent custody visitors are managed by the same body which oversees funding for custody. While the visitors themselves feel a strong sense of independence, this may be undermined by the governance arrangements for custody visiting. Further consideration could also be given to whether the visiting scheme is sufficiently impactful given the frequency with which visits are made. While visitors do meet regularly with cluster inspectors to provide feedback, there is limited, publicly available information about their findings²⁰ and their work can receive limited attention at SPA Board level. Acknowledging their much more frequent visits to custody, HMICS has recently developed a memorandum of understanding with the custody visiting scheme, which will facilitate the sharing of information and encourage visitors to follow up on our own findings.
46. While policing generally is subject to regular scrutiny by local scrutiny committees in each local authority area in accordance with the Police and Fire Reform (Scotland) Act 2012, custody receives little or no scrutiny at this level. However, as local authority run or funded services increasingly seek to support those in police custody (see paragraph 159), the local scrutiny of custody should increase.

²⁰ A brief summary of findings is included in an annual report. Independent Custody Visiting Scotland, [Annual Review 2017-18](#) (2018).



Planning and process

Custody policy

47. Police Scotland's approach to custody is mostly set out in its standard operating procedure on the Care and Welfare of Persons in Police Custody (the 'custody policy'). This is supported by other procedures on specific issues also relevant to custody, such as deaths in custody, appropriate adults, the use of force and the Criminal Justice (Scotland) Act 2016. The custody policy has been updated regularly since it was first created in 2013 to take into account new developments, evolving standards and learning. We noted that the standard operating procedure on deaths or serious injury in police custody, currently owned by Specialist Crime Division rather than CJSD, has not been updated since 2013 and now requires review.

Recommendation 5

Police Scotland should review its standard operating procedure on deaths and serious injury in police custody, ensuring it is up to date and reflects current practice.

48. The custody policy is referred to routinely as a useful source of guidance by many officers and staff working in custody, although some told us they would generally refer to their colleagues or supervisors if they had queries. Some said the policy was too long and should be less prescriptive, but others felt detail and prescription was necessary in such a high risk area of policing.
49. While custody policy is updated regularly and there are efforts to communicate this to those working in custody, we have found that changes are not always heard, understood and effectively implemented. Although some cluster inspectors said they tried to check that changes had been implemented, such checks were not routinely carried out across Scotland. That the communication and implementation of policy changes requires improvement is evidenced by our outcomes-focused custody inspections in which we have commented on inconsistent practice and apparent misunderstandings of policy.²¹
50. Policy changes are communicated to custody staff via memos, a weekly e-briefing and other channels. While staff must take responsibility for self-briefing, there is clearly a need to supplement current approaches. Greater use could be made of face-to-face briefings by supervisors and refresher training. This may help staff to understand not just that changes are being made, but why. The division should also ensure that all those working in custody, including those who only provide cover in custody from time to time and those local policing officers who manage detainees in ancillary centres, are aware of new approaches.
51. During our inspection, we asked a range of officers and staff why inconsistencies in practice persist despite custody being a national service supported by a national policy for six years. The most common answer was that legacy force cultures persisted and many personnel continued to do what they had always done before and were resistant to change. This is concerning, given that custody practice has evolved significantly and will continue to do so. The effective management of change is an area the division must target for improvement to ensure that all personnel are delivering a consistent service in accordance with the custody policy and to maximise the success of new initiatives and policy changes.

²¹ See, for example, HMICS, [Inspection of custody centres across Scotland](#) (2018) from paragraph 10.



Force custody inspector and custody review inspector

52. The role of force custody inspector (FCI) was introduced in October 2014 to provide advice, guidance and support to custody supervisors across Scotland. The FCI is available 24/7 and focuses on issues relating to the care and welfare of those in custody. In 2018, the role of custody review inspector (CRI) was created to support implementation of the Criminal Justice (Scotland) Act 2016. The CRI is also a national resource who is available 24/7. The CRI carries out reviews after a person who is not officially accused has been detained for six or 18 hours, and authorises the extension of detention after 12 hours. The CRI is involved in other processes under the 2016 Act, such as the application of conditions to undertakings, and acts as the key source of advice on any aspect of the legislation.
53. The work of the FCI and CRI is well regarded within the division and both roles contribute to the effective and efficient delivery of the custody service. They are widely seen by frontline personnel across Scotland as a source of support. Both roles may be carried out from any location within Scotland. The FCIs and CRIs are able to monitor developments in all custody centres via the NCS and much of their work is conducted by telephone. This offers opportunities to progress and to work in a national role for those living in rural and remote locations.
54. There is a need to keep the two roles under review, to ensure they continue to meet the needs of the division and to ensure there is an appropriate and equitable split of work between them. Some divisional officers were of the view that FCIs carried a heavier workload than CRIs and that tasks should be more fairly distributed. We also heard of difficulties in securing cover for both roles, and that there is a need to spread responsibility for providing cover more evenly across others within the division. During our inspection, all FCIs and CRIs had the opportunity to come together and discuss their roles and experiences for the first time. We welcome the division's intention to repeat this meeting at regular intervals. The division has also begun to review the roles, focusing on their shift patterns, providing cover and the distribution of tasks.

Cluster inspector

55. There are 12 cluster inspectors in the division and each is responsible for the day to day running of the custody centres in their area. The size of each cluster varies: in one cluster, there is just one primary centre; while in another, there are five primary centres and seven ancillary centres dispersed over a large area encompassing two local policing divisions. Since the merger of Custody and Criminal Justice Divisions, cluster inspectors are increasingly taking on responsibility for criminal justice in their area in addition to their custody duties. This includes management of criminal justice staff.
56. Given that almost all cluster inspectors have oversight of multiple custody centres, we see their role as key to driving consistent practice and, supported by first line supervisors, ensuring that policy changes are implemented effectively. This appears to work better in some areas than others. During previous inspections of custody centres, staff have described varying levels of cluster inspector visibility. Some report good communication with their cluster inspector, feel well supported and say the inspector is accessible. While we appreciate some cluster inspectors have particular challenges, low levels of visibility do not always correlate to the number of centres or the size of their area. Indeed, we heard very positive comments about one inspector with an area that looks more challenging than several others.
57. Cluster inspectors themselves told us that their role can sometimes be too focused on administrative and other tasks that could best be managed by others. This would allow them to take a greater role in driving improvements and developing local partnerships. While we were carrying out our inspection, we heard some discussion of whether cluster inspectors should work a shift pattern, partly so as to offer cover more easily for FCIs and CRIs. However, working shifts may inhibit their ability to work effectively with partner organisations, who often work office hours, particularly as the division expands its focus on working with others. Much depends on what the division expects cluster inspectors to do and there may be benefit in reviewing the scope of the role.

Adverse incidents

58. In 2014, we reported that an adverse incident process was in place for custody.²² Guidance is available to staff setting out what constitutes an adverse incident, and how such incidents should be managed and reported. The details of all adverse incidents are entered on the Adverse Incident Spreadsheet. This document is checked when any person is booked into custody, to see whether the person has previously been involved in an adverse incident. This check forms part of the wider risk assessment of the person and informs their care plan. The Adverse Incident Spreadsheet has been a useful tool for custody staff, particularly prior to the introduction of NCS when details of a previous period that a person had spent in custody would not be available to those in a different legacy force area.
59. With the NCS now in place, the division is reviewing its approach to the recording of adverse incidents with a view to ensuring all such incidents are recorded, avoiding duplication in recording and improving compliance with data protection rules. We welcome this review and the division's intention that all information which is relevant and proportionate will still be captured for effective risk assessments of individuals. The division should ensure that whatever new approach is taken to the recording of adverse incidents, it still allows for a strategic review of incidents to identify any recurring themes and learning.

Continuous improvement

60. Senior managers within the division are committed to continuous improvement within custody. A divisional improvement plan is in place which sets out a series of required improvements, who is responsible for taking them forward, and what progress or outcome has been achieved. At the time of our inspection, the improvement plan featured 10 actions covering a range of issues from the need for a policy on the use of CCTV in custody to the need to update the divisional training strategy. The division also has a three-year operational and organisational plan which, during our inspection, featured 20 activities, such as the development of an estates strategy. This plan is supported by an 'activity tracker', providing detailed updates on the progress of each activity. While we welcome the division's identification of areas for improvement and/or activity, we were not clear on the relationship between the plans and why some activities featured on one rather than the other. Shortly before publication of this report, the division reviewed and consolidated these plans, which we welcome.
61. The division has a continuous improvement team whose role is to take a structured approach to delivering achievable, sustainable improvements within custody and criminal justice. The team is responsible for collating learning from a range of sources including external scrutiny by HMICS, PIRC, Fatal Accident Inquiries and independent custody visitors, and internal divisional processes such as adverse incidents, audits and procedural reviews. For several months prior to our inspection, members of the continuous improvement team had worked to support the recruitment and training of the new CJ PCSOs. This had been a significant task and had resulted in a loss of focus on business as usual continuous improvement. This recruitment is now coming to an end however, and the division intends to refocus its attention on continuous improvement. This has been welcomed by members of the continuous improvement team who believe that, allowed to focus on their core role, they can add significant value.

²² An adverse incident is defined by CJSD as any incident or event where persons in custody, police officers, members of police staff or third parties are placed at risk of harm through any wilful act or omission by another, or a set of accidental circumstances.



62. We welcome the renewed focus on continuous improvement within the division and believe it is critical to implementing change and raising standards within custody. The team has previously taken a broad approach to identifying learning, and this could be widened further by also taking into account learning from complaints. The team's terms of reference suggest it also has a role in quality assurance and this is an aspect of its role which could be developed further. The team may benefit from stronger links with Police Scotland's national Risk, Assurance and Inspection team and might consider whether self-assessment could be used more effectively within custody. Improvements in the collation and analysis of management information about custody (see paragraph 35) should also help the team identify areas in need of improvement.
63. The renewed focus on continuous improvement will be supported by the establishment of a Continuous Improvement Governance Group which met for the first time during our inspection. This group will oversee and drive improvement activity, manage recommendations from external sources and manage the divisional improvement plan. Consideration is also being given to establishing a Practitioners' Improvement Group, which may help the division to successfully deliver change across the country as well as being a source of ideas on what needs to improve. The division lacks an ongoing suggestions scheme, although ad hoc initiatives to gather suggestions from staff have taken place in the past and senior managers encourage staff to share ideas during staff forums. The continuous improvement team had also previously sought ideas from local policing divisions on how the custody service could be improved which had been useful.

Audit

64. The division's approach to continuous improvement in custody includes auditing and procedural reviews. The division does not have a schedule setting out its approach to audit, but generally we heard that cluster inspectors audit one custody record from their area each week. An audit involves, for example, checking that the detained person's legal rights were fulfilled, that risk assessments were completed correctly and risk management plans were appropriate and that all relevant criminal justice processes were carried out. The templates used by cluster inspectors to record audit findings in the East and West are different from those used in the North. Once completed, audits are shared with custody area commanders, although there appears to be some variation in what happens next.
65. In addition to weekly audits, procedural reviews may be carried out on an ad hoc basis. They are often instructed by senior leaders in response to a concern about a particular case (for example, when an adverse incident has taken place). Procedural reviews cover similar issues as the weekly audits but in greater depth. They are generally carried out by cluster inspectors and reviewed by custody area commanders.
66. We examined a sample of audits and procedural reviews and found that learning had often been identified and communicated to individuals involved in the case. In relation to procedural reviews, we saw examples of custody area commanders reviewing the work of the cluster inspectors and identifying additional learning or making further recommendations. In relation to both audits and reviews, we were unclear as to how learning was shared across the division. On occasion, we saw evidence of learning from a particular case being shared more widely, but this did not seem routine. The review template says that all completed reviews should be shared with the continuous improvement team, but we have already noted that its focus has been elsewhere in recent months. The division should ensure that learning from audits and reviews is collated, as even the sample we examined suggested some recurring themes.

67. In addition to weekly audits and the procedural reviews, we heard that some ad hoc auditing may occur in relation to particular issues. An audit of compliance with the General Data Protection Regulation (GDPR) had also recently taken place. Audit is a useful means by which the division can assess the quality of the service being delivered, however the division may wish to consider whether its current approach remains the most effective or whether it would benefit from being refreshed taking into account how cases are selected for audit, what is being checked, who is doing the checking, how learning is collated and implemented across the division, and whether the current approach is delivering results. Again, the advice of Police Scotland's Risk, Assurance and Inspection team could be sought. For example, consideration could be given to involving the new CJ PCSO team leader in audits. Also, the use of peer audit and review could be further developed within custody. Cluster inspectors in the North already make use of peer audits, and we heard about some cross-custody centre auditing in Ayrshire. Such an approach could help the division to highlight and address inconsistent practice, as well as sharing good practice across Scotland.

Complaints

68. There has been a reduction in the volume of complaints received about custody, both in relation to complaints about officer and staff conduct, and the quality of the police service. Between 1 April and 30 November 2018, 89 complaints were made about the conduct of officers and staff in CJSD, resulting in 148 separate allegations being identified. This compared to 272 allegations during the same period the previous year. This is a reduction in allegations relating to the division of 45.6%, compared to a 15% decrease nationally. Allegations are further broken down by type, with allegations relating to custody procedures and the care of prisoners decreasing by 52.8%, from 176 in 2017 to 83 in 2018. The number of complaints relating to the quality of service received also decreased, from 33 in 2017 to 26 in 2018. This reduction of 21.2% for CJSD compares to a 5.5% reduction for Police Scotland as a whole. These decreases have been attributed to work by the division to ensure that learning from complaints and PIRC investigations is taken forward, and to the NCS, which has led to more standardised processes across Scotland.
69. While we welcome the reduction in the volume of complaints, during our inspection we heard concerns about how complaints were managed by the division. Generally, complaints are allocated to divisional inspectors, including cluster inspectors but excluding those who perform the FCI or CRI roles. Many officers told us that inspectors struggled to find time to investigate and resolve complaints in addition to their other duties. Indeed, the division can struggle to resolve complaints within a nationally set 56-day timescale, with a significant proportion of complaints being overdue. Some officers also told us that they lacked training in dealing with complaints, although a pamphlet providing guidance was available and the Professional Standards Department and PIRC had delivered some inputs to divisional personnel on complaints handling and had plans to do more.
70. Many officers we spoke to across Scotland said they would like the division to establish a dedicated complaints handling unit. While they appreciated that this would require staff to be allocated to it, they felt it would increase the quality and timeliness of complaints handling and would mean inspectors currently dealing with complaints could focus on other aspects of their role. Dedicated complaints handling units have been set up in other divisions. During our inspection, CJSD itself reviewed its complaints management process and considered various options for improvement. Rather than set up a dedicated unit, it has chosen to allocate complaints to sergeants as well as inspectors. Reviewing its complaints handling approach is a positive step, however the division should monitor the new arrangements closely to ensure that sergeants are appropriately skilled and that the further dispersal of complaints handling does not adversely affect its quality.
71. While the reduction in complaints has been attributed in part to learning from previous complaints being taken forward, the division was not able to provide information on trends in the nature of complaints. Such analysis would be helpful in making further improvements to the service.

Deaths in custody

72. Deaths in police custody are investigated by the Police Investigations and Review Commissioner (PIRC). A quick-time internal review by CJSJ will also take place so that any immediate learning may be identified and disseminated. Similarly, any immediate learning identified by PIRC during its investigation will be shared with Police Scotland. Following its investigation, PIRC submits its findings to COPFS. All deaths in police custody are subject to a Fatal Accident Inquiry (FAI), unless the circumstances of the death have been sufficiently established in the course of other proceedings (such as a criminal prosecution).²³ The purpose of an FAI is not to apportion blame, but to establish the circumstances of the death and to consider whether any precautions could be taken which may prevent other deaths in similar circumstances.

Table 1 – Deaths in police custody in Scotland²⁴

	2013 ²⁵	2014	2015	2016	2017	2018
Number of deaths	6	2	0	2	0	4

Table 2 – Deaths in police custody by age group 2013-2018²⁶

Age range	Number of deaths
Under 18	0
18 to 20	1
21 to 30	3
31 to 40	4
41 to 50	4
51 to 60	2
61 and over	0

73. There is a lack of publicly available information about deaths in police custody in Scotland. PIRC publishes a notice on its website when it begins an investigation into a death in custody, and it notes how many investigations into deaths in custody it carries out each year in its annual report. However, there is no single, comprehensive data source which describes key aspects of deaths in custody, such as the date and location of the death or the cause of death once this is known, or information about the person who died, such as their age, gender and ethnicity. This information is published in England and Wales, increasing transparency and accountability and making it easier to identify trends.²⁷ In addition, while the determinations made by the Sheriff during FAIs are published on the website of the Scottish Courts and Tribunal Service, it is not possible to easily identify which relate to deaths in custody without already knowing the name of the deceased person. Information about the circumstances of a death in custody and any learning is not therefore easily accessible. The data in Tables 1 and 2 was supplied by Police Scotland but, if such data is to be published, there is a need for clarity around the definition of a death in police custody.

²³ Sections 2 and 3, Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

²⁴ This data supplied by Police Scotland relates only to deaths that occurred while the person was detained in a custody centre (or in a hospital after the person was taken there from the custody centre). It does not include deaths that occurred prior to arrival at a custody centre, such as that of Sheku Bayoh in 2015.

²⁵ Two of the six deaths in custody in 2013 occurred in January, prior to the establishment of Police Scotland.

²⁶ Data supplied by Police Scotland.

²⁷ Independent Office for Police Conduct, [Deaths during or following police contact: Statistics for England and Wales 2017/18](#) (2018). This includes information as to the gender, age range and ethnicity of those who died, the reason for which they were detained in custody and other information such as whether use of force had been used prior to their death, or whether the deceased person had mental health concerns or misused drugs or alcohol.

Recommendation 6

Police Scotland, the Scottish Government, the Police Investigations and Review Commissioner and the Crown Office and Procurator Fiscal Service should work together to ensure that data about deaths in police custody in Scotland is published regularly.

74. Of the 14 deaths in police custody that have occurred since 2013, all of which were of men, the determinations of only four FAIs have so far been published. Two FAIs relating to deaths in 2013 are still to be held. While an FAI is pending, PIRC's investigation findings are not made public. The significant period of time that may pass before an FAI is held and a determination published limits the timeliness and potentially the relevance of any learning identified by the Sheriff. Delays also have a profound effect on the family of the deceased, as well as the officers and staff who were involved in their care. While COPFS has a Family Liaison Charter in place which sets out its commitment to share information with bereaved families, clearly more could be done to expedite the FAI process.²⁸ It is worth noting that Article 2 of the European Convention on Human Rights places a duty on the state to investigate any death in custody, and requires that any investigation must, amongst other things, be reasonably prompt and allow for sufficient public scrutiny.²⁹

Service user engagement

75. HMICS expects that to develop, monitor and improve its service to the public, Police Scotland engages with service users. While efforts have been made to seek service user insight and are even routine in relation to some aspects of policing, there has been no systematic user engagement by CJSD with those who have experience of police custody. The division has, however, sought feedback on occasion from internal and external partners who may also be considered 'users' of the custody service. The division has also recently committed to exploring how it might secure feedback from those who have been held in custody, with a view to improving its service. We welcome this initiative, which would follow on from work done by HMICS in 2018 with women who have been detained in police custody to better understand their needs and experiences. During visits to custody, both HMICS and independent custody visitors routinely seek feedback from detainees.

Intelligence gathering in custody

76. When individuals are detained in custody, the police may take the opportunity to gather intelligence from them including about matters unconnected to the offence for which they have been detained. During our inspection, we heard from some custody and local policing officers that intelligence gathering in custody rarely happens. This represents a missed opportunity and Police Scotland should consider how, with appropriate safeguards in place, it can make effective use of information held by those in police custody.

²⁸ COPFS, *Family Liaison Charter* (2016).

²⁹ A [thematic review](#) of FAIs was carried out by the Inspectorate of Prosecutions in Scotland in 2016. The Inspectorate is currently undertaking a follow up review of FAIs, expected to be published later this year.



People

77. One strand of the custody remodelling business case related to the division's people. This included revising job descriptions to create a multi-skilled and mobile workforce, the development of a corporate shift pattern and the creation of progression opportunities for custody staff.

Revised job descriptions

78. A key element of the custody remodelling project was to revise the job descriptions for PCSOs to include additional non-custody related tasks. This approach takes into account the fluctuating demands on police custody. If custody is to be staffed sufficiently so as to manage demand at peak times, it means that custody staff will be under-used at times of low demand. The goal, therefore, was to create 'omni-competent' PCSOs who could carry out other criminal justice tasks (most often relating to productions and records management) when they were not required in custody. These PCSOs are known as Criminal Justice PCSOs (CJ PCSOs).
79. The division recruited 150 CJ PCSOs between July 2018 and April 2019. The recruitment was initially intended to be spread over two years but this was brought forward so that almost all appointments were made in 2018-19. The first intake of 23 took up their posts in July 2018, and the last group began in April 2019. Sixty-eight existing PCSOs chose to apply for the CJ PCSO roles and were successful. Their vacated posts were filled by newly appointed CJ PCSOs, meaning almost half of all custody staff in Scotland now operate under the CJ PCSO job description.
80. The influx of new custody staff prompted the division to review and refresh its induction training (see paragraph 110). This was delivered to all new starts and to most internal candidates who had switched from being a PCSO to a CJ PCSO. The new custody staff received training that focused on inducting them into their roles within custody and as members of police staff more generally. However, no formal training was carried out in relation to their non-custody roles. Instead, CJ PCSOs providing assistance in productions and records management have been given on the job training from staff working permanently in those units. This has worked well in some areas but not others.
81. In some areas, we heard about frustration on the part of productions and records management staff that they were expected to carry out training for CJ PCSOs in addition to doing their own work. They were particularly concerned that this training was developed by local staff, that it is not accredited and that they are not qualified to deliver training. They questioned the added value of custody staff in their business area, given that the staff needed trained and then work had to be allocated to them and checked. They also said that not all staff had access to the necessary systems at first, meaning they could not complete any work. Productions and records management staff sometimes felt unable to plan their work effectively as they did not always know when custody staff would be available to assist them. They also had concerns about custody staff working in their areas out of hours, when no one was available to monitor their work or answer queries. Their frustrations were compounded by fears about job security.
82. CJ PCSOs told us that they sometimes felt unwelcome when deployed to productions or records management units. They were also frustrated about only working sporadically in productions and records management, sometimes with months passing between deployments. This meant that any training they had initially received had been forgotten and required refreshing. They also felt that some of the work allocated to them was very basic and questioned whether they were adding value or learning any skills. Some staff who had only recently begun working in custody felt the need to spend time learning their core custody role first before working in other business areas.

83. In contrast, we also heard that the deployment of custody staff to productions and records managements was working better in other areas. Custody staff told us they enjoyed having a break from the custody environment and learning new skills. Their assistance was welcomed by productions and records management staff as it allowed them to clear backlogs and focus on priority or more complex tasks. Some staff who had initially shared the concerns and frustrations outlined above said that the situation had improved as the same custody staff had begun to be regularly deployed, providing continuity and a chance to consolidate initial training.

Recommendation 7

Police Scotland should ensure that Criminal Justice Police Custody and Security Officers receive appropriate training and support for any non-custody roles they may carry out.

84. Data gathered by CJSJ shows that the benefits of a multi-skilled custody workforce are being realised. Between September 2018 and January 2019, a total of 1,545.75 hours were worked by CJ PCSOs from the Hubs at Falkirk, Inverness and Kittybrewster in productions and records management (see Table 3). At the time of our inspection, more CJ PCSOs were being trained but were not yet in post. Therefore, it is likely that these benefits will increase in future. To maximise the benefits of a multi-skilled workforce however, the division should consider how best to address the issues highlighted above including:

- improving training for custody staff in productions and records management
- greater consistency and frequency in the deployment of custody staff to productions and/or records management
- improving communication and support for productions and records management staff to address their concerns, particularly around job security
- improving forecasting of demand in custody, to better predict and plan when staff should be available to assist in other business areas. Consideration should also be given to forecasting demand in productions and records management, to identify when and where support is needed.

Table 3 – Hours worked by CJ PCSOs in criminal justice roles (September 2018 to January 2019)

	Falkirk	Inverness	Kittybrewster	Total
Productions	629	434	377	1440
Records	3	3	99.75	105.75
Productions and records	632	437	476.75	1,545.75

85. While benefits are being realised, Table 3 also highlights that there is clearly more work to be done in relation to custody staff assisting in records management.

86. The deployment of custody staff to work in other business areas may work better in locations where the custody centre and other criminal justice services are co-located. This is not the case for all Hubs however and the planned colocation of criminal justice staff at London Road custody centre, due to be the fourth Hub, has been halted due to the deferral of capital investment. We welcome efforts by productions staff in one area to identify tasks that can be completed remotely by custody staff without the need to leave the custody centre. This enables efficiencies to be delivered, while also allowing custody staff to quickly return to their core duties if needed.



87. In addition to revising the job descriptions of custody staff to include working on criminal justice tasks, the division has also sought to increase their work within custody and reduce the contribution made by arresting officers. The goal is to minimise the amount of time officers from local policing or other national divisions spend in custody, allowing them to return to their duties as soon as possible. Such tasks include taking criminal justice samples from detainees and completing the Operation Nexus procedure.³⁰ Some of these tasks had been routinely done by custody staff in parts of Scotland, but were new in others.³¹ For example, while custody staff had routinely taken criminal justice samples in Falkirk, this was a new task for those working in Inverness and Kittybrewster. In November 2018, custody staff took 682 criminal justice samples which the division equates to 455 hours of time saved for local officers.³²
88. The division has also sought to increase the involvement of PCSOs in booking detainees into custody. While booking in is routinely carried out by PCSOs at some custody centres, the process is carried out by custody sergeants or officers in others. We heard from some PCSOs that they had begun to book people into custody without receiving additional training. They lacked confidence when booking in and described a lack of support and supervision of their decision making. Any custody staff being asked to book in detainees for the first time should receive appropriate training and support, their decision making should be monitored and feedback should be given.

Recommendation 8

Police Scotland should ensure that any personnel being asked to book detainees into custody have received recent training and are appropriately supported and supervised.

Staff mobility

89. One feature of the new CJ PCSO job description is that it includes a mobility clause, meaning that while staff are primarily based at one custody centre, they can be asked to work at other locations within a 25-mile radius if needed. This mobility clause allows the division to deploy staff around the custody estate to cover absences and further reduces the need for local policing officers to backfill. The mobility clause allowed CJ PCSOs based at Falkirk to work 27 shifts in December 2018 and 23 shifts in January 2019 at other custody centres. Some staff we spoke to were concerned that the mobility clause was being used too often – they had understood that it would be a rare occurrence, but they felt they were routinely being asked to work in other centres. They were also concerned about the support they received on arrival at other centres, particularly if it was their first time working there. They noted that custody centres operate in different ways, with variations in approaches, facilities, support services etc. The division should develop an induction protocol for each custody centre so that staff can quickly and easily access information about a particular custody centre. An induction protocol would also be useful for local policing officers providing cover in custody, and sergeants carrying out remote supervision of a custody centre with which they are not familiar. The protocol could incorporate information already included in the site specific risk assessments carried out by the division, but should be developed further to support a seamless delivery of service.³³

Recommendation 9

Police Scotland should develop a site induction protocol for each custody centre so that those providing cover or remote supervision can quickly and easily learn about the centre, any risks and how they should be managed.

³⁰ See paragraph 172 for Operation Nexus.

³¹ HMICS highlighted variations in roles and responsibilities of custody staff in 2014 in HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014), paragraph 179.

³² Police Scotland, *CJSD Custody Hubs Dashboard November 2018*, unpublished.

³³ A site induction protocol could include, for example, information about fire safety and local evacuation procedures, the location of ligature knives, the existence of ligature points within the centre and how they are to be managed.



90. Some staff were also frustrated about how early they were notified that they should report for duty at another location. While reasonable notice should be given, we heard that notice was sometimes received shortly before their shift was due to begin. We also heard about some staff arriving at their usual place of work and only then finding out that they should have reported for duty elsewhere. This most often happened when they were returning to work after rest days or leave. All staff said they would welcome a system by which they could be notified by text message of any changes. Police Scotland's national resource management team is developing a duty management system which it hopes will include this capability.

Shift pattern

91. A key element of the custody remodelling project was to review shift patterns to ensure they match demand. The business case notes that a corporate shift pattern was desired, but that there should also be flexibility to accommodate local needs. In August 2018, a one-year trial of a new 12-hour shift pattern began for custody staff working in the Hub locations at Falkirk, Inverness and Kittybrewster. Consultation with staff resulted in two versions of the 12-hour shift pattern being trialled. One advantage of the 12-hour shift pattern is that it requires only four teams to provide round the clock cover, rather than the usual five.
92. The division has committed to undertaking surveys of staff working the new shift pattern to gather feedback and assess how it is working. The survey results can be disaggregated by various factors including location and gender, and whether responses are from staff who had previously been on another shift pattern, or staff who had begun working in custody after the 12-hour shift pattern had been introduced. The survey asks staff about the impact of the shift pattern on, for example, their psychological, physical, social and financial wellbeing, their job satisfaction and levels of concentration. As well as the survey, the division will monitor absence rates during the trial period to establish what, if any, impact the new shift pattern has had.
93. In a survey carried out in December 2018, 72.9% of respondents said the 12-hour shift pattern had impacted positively on their work-life balance and 72.0% of staff who had previously worked a different shift pattern said the 12-hour shift pattern was better. During our inspection, the staff we spoke to were also generally positive about the shift pattern. When working a 12-hour shift, it is essential that staff are able to take breaks so as to maintain focus throughout. Staff should take breaks amounting to two hours as they are only paid for 10 of the 12 hours. Staff told us that they were mostly, but not always, able to take their breaks. Some staff said it was now easier to take breaks than previously due to there being more staff on the shift and a greater focus on ensuring staff get a break – we have often heard in our previous custody inspections that staff are unable to take their breaks due to demands on their time and a lack of resources. However, staff also noted that they could find it difficult to take a break when their colleagues were carrying out other criminal justice work such as productions or records management. Staff were willing to be flexible about not getting their whole breaks at peak times, as long as flexibility was shown by supervisors during quieter periods. Staff said it could be particularly difficult to get a break when they were asked to fill in at other custody centres that did not operate the 12-hour shift pattern. They felt there was lack of appreciation at these centres about the length of their shift, and the fact that their breaks were unpaid.

94. Other issues regarding the 12-hour shifts raised by staff include:
- there is no handover between outgoing and incoming shifts
 - sergeants and officers in custody work a different shift pattern – some said this means the staff are not able to develop as good relationships with them as they would like, while others said this was an opportunity to develop relationships with different teams
 - inadequate facilities within or near the custody centre for taking breaks.
95. We welcome the ongoing monitoring of the impact of the 12-hour shift pattern on staff wellbeing and standards of service. The survey has yielded qualitative results that the division should consider further, to assess what more can be done to support staff working 12-hour shifts and to support any future rollout of the shift pattern. The division should ensure that staff feedback about the shift pattern is shared with custody staff across Scotland as part of any consultation on whether it should be rolled out nationwide.

Staff team leader

96. Another element of the custody remodelling project relating to staff was the introduction of a staff team leader role on an 18-month trial basis. In creating this role, the division acknowledged that there had previously been no opportunities for advancement for PCSOs and that opportunities to develop more generally were limited. Indeed, in 2014, HMICS noted that PCSOs felt they had no opportunities for career progression and encouraged Police Scotland to consider staffing structures and development programmes for them.³⁴
97. Team leaders were appointed at Hub sites although the model varies. At Falkirk, for example, there is a team leader on each of the four teams, while at Inverness there is one team leader who works a day shift but manages all staff working across the four teams. Recruitment for the team leader posts was carried out at the same as recruitment for the CJ PCSO roles. Some of the successful candidates were PCSOs, while others were recruited from outside Police Scotland. The team leaders received the same training as the newly appointed CJ PCSOs, as well as additional training on being a manager within Police Scotland.
98. While we support the creation of a staff team leader role, we heard that the duties and expectations of the role have not been clearly defined and there is confusion about their purpose. One potential unintended benefit of this lack of clarity is that different approaches have begun to develop at different custody centres. This may help the division to explore the purpose and added value of team leaders. Despite this, all team leaders still require additional direction and support. In particular, clarity is needed regarding their relationship with the cluster inspector, the custody sergeant and any police officers working in custody. Team leaders are generally on a different shift pattern from their own supervisors and, as a result, may rarely see them. This may be particularly challenging for those who have been recruited from a non-policing background and who may require increased support particularly in the early stages. We also noted that team leaders were not involved in the regular Hub management meetings which may limit their awareness and understanding of, and opportunities to influence, Hub developments. There are also limited opportunities for team leaders to engage with other team leaders, to discuss issues and share effective practice. Through engagement with team leaders and others, the division has become aware of these issues and will work to address them.

³⁴ HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014), paragraph 195 and Improvement Action 32.

People strategy

99. In relation to its business as usual custody operations, CJSD has recently developed a three-year People Plan, a strategy for all staff-related matters. This Plan aligns with the force-wide People Strategy³⁵ and seeks to empower, enable and develop staff. Oversight and governance of the People Plan is provided by the recently established divisional People Board. The People Plan identifies several areas for development and improvement which are to be prioritised over the next three years. These include:
- identifying and developing talented staff, and ensuring divisional leaders are equipped with the right skills
 - providing coaching support to staff
 - developing a divisional communications strategy to support the engagement of all staff
 - improving staff wellbeing
 - improving recruitment and retention, including by marketing the division better so it is seen as a positive place to work within Police Scotland and attracts high calibre staff
 - succession planning.
100. Several of the issues included in the People Plan have been highlighted to HMICS as being areas of concern for staff. We therefore welcome the development of the plan and its focus on key areas. For example, in relation to succession planning, we heard of concerns about the age profile of the division, with over a third of officers having more than 25 years of service. While having experience within the division has benefits, it also poses a risk that such experience may soon be lost as officers retire. In particular, we heard that almost half of the chief inspectors working in custody will retire within the next year.

Wellbeing and morale

101. The division has highlighted improving the wellbeing of its staff as a key strand of its People Plan. The plan was being developed at the time of our inspection and specific work to improve wellbeing was still being identified, but we welcome the division's commitment to creating a positive environment for its personnel. The division is particularly keen to acknowledge the good work carried out by its staff. We saw evidence of this in the weekly divisional bulletin and heard that the division is revising its awards scheme. The division also tries to ensure that staff are supported when a death in custody takes place. This can be a traumatic event for staff involved who had been in contact with the deceased and we heard about efforts by supervisors and senior leaders to provide appropriate support.
102. Generally, we found morale among senior officers within the division to be good. We heard that some had flexible working patterns which supported a work-life balance and which set a positive example to others. Morale was more mixed among the custody frontline, particularly among police staff. Some divisional personnel found the volume and pace of change within custody difficult to manage.
103. During our inspection, staff morale was affected by the outcome of the Staff Pay and Reward Modernisation (SPRM) project. Since the creation of a national police service in 2013, the SPA has been working to harmonise the pay and terms and conditions of police staff which it inherited from legacy forces. The SPRM project has taken several years to come to fruition and has involved lengthy negotiations with trade unions. Staff were notified in early 2019 that the roles of PCSO and CJ PCSO had been evaluated differently, with CJ PCSOs being assessed at a higher grade (see Table 4).

³⁵ Police Scotland, *People Strategy 2018-2021* (2018).



Table 4 – Custody staff pay

Role	Grade	Salary scale (1 April 2019)
PCSO	3	£22,886-25,007
CJ PCSO	4	£25,132-28,558
Team leader	5	£28,701-32,615

104. This evaluation came as a surprise to many staff who had expected the roles to be graded the same. As a result, some PCSOs with several years (in some cases, decades) of custody experience are paid at a lower rate than newly appointed CJ PCSOs. This has understandably caused frustration, particularly for those PCSOs who did not apply to become CJ PCSOs not realising the updated job description would attract a higher salary. The division is, however, aware of the need to support staff in light of this development. Those staff who were appointed team leaders on a temporary basis but who were originally PCSOs have also expressed concern that if the team leader role is not continued past the 18-month trial period, they will revert to being an PCSO, dropping two grades. We have been assured by the division that should the team leader role not continue, team leaders will revert to the CJ PCSO role and salary. The division is aware of the need to support its staff in light of the SPRM project.

Training

105. To deliver an effective custody service, it is essential that all those working in custody are trained and are operationally competent. In 2014, we recommended that Police Scotland should develop a training strategy and implementation plan, informed by a training needs analysis which covers all those working in custody, including custody officers and staff, and those local policing officers who provide cover or deliver a custody service in remote and rural locations.³⁶ We would expect any strategy to address initial and ongoing training requirements, and both formal and informal learning opportunities. The strategy should also ensure that all staff have the skills required to deliver custody in line with the vision for custody.

106. Since 2014, some work was undertaken on a training strategy but we considered this to be insufficient to meet our recommendation. More recently, the division has revisited the need for a training strategy and, under the People Plan, a divisional training framework and delivery plan are being developed. However, this work is not sufficiently advanced as yet that our previous recommendation can be closed. The continuing need for a training needs analysis and comprehensive strategy remains clear: during this and previous inspections of custody, staff have told us of their need for more learning opportunities, including continuing professional development for those who have worked in custody for some time. We have heard that staff would benefit from training in, for example, trauma-informed policing and identifying and supporting detainees with learning disabilities. Some staff also highlighted the need for more role-specific training such as for custody sergeants and custody review inspectors. Staff also highlighted the need for a clearer link between policy changes and training. We understand this will be taken forward via the training framework currently being developed.

107. Generally, across custody, there seemed to be inconsistency in training with some staff having a better experience than others. The division should consider this inconsistency and whether it is linked to a lack of resilience in some areas, meaning staff have no capacity to attend training; or whether availability and accessibility of training is a barrier. Some staff told us they would welcome more local training opportunities. We also heard that there can be an over-reliance on online training, which staff admitted clicking through as quickly as possible. This has been a recurring theme across our inspections of Police Scotland in recent years.

³⁶ HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014), Recommendation 13.

108. More positively, we have heard that the division has recently introduced Hydra training for some staff. This is an immersive, interactive learning method which staff found useful and which they felt was well suited to managing individuals with complex needs in custody. Staff in Kittybrewster also welcomed recent health-related training on common emergencies (see paragraph 168).
109. One issue which will require careful monitoring and managing by the division is maintaining the custody competence of police officers who provide cover for custody staff. Due to the success of the division's work to reduce the reliance on backfill in custody, there is now a risk that officers providing backfill do so infrequently and are not able to keep their skills and knowledge up to date. The division should consider how this risk can be managed such as, for example, requiring a minimum number of shifts in custody over a set time period.
110. The division has a small training team which has been focused on the significant task of inducting new staff over the last year. As noted above, the influx of new custody staff prompted the division to review and refresh its induction training. This was delivered to all new starts and to most internal candidates who had switched from being a PCSO to a CJ PCSO (or a team leader). The training lasted around four weeks and included a three-day induction course for custody officers as well as training on using the NCS, first aid, officer safety training and using the Police National Computer (PNC) and Criminal History System (CHS).
111. We welcome the refresh of custody induction training which has received some positive feedback from staff. However, we also heard that for those people joining Police Scotland for the first time, the induction training was a steep learning curve not only in relation to custody, but also policing generally. They said a lack of familiarity with the custody environment made it difficult to put what they were learning into context. More generally, we also heard that staff found the training intense and said they would benefit from more practical elements, including in the operational environment to supplement classroom-based learning.
112. The training manual for CJ PCSOs states that during the first six weeks of their deployment in a custody centre, staff are encouraged to keep a skills development log to ensure they are exposed to the full range of duties expected of a CJ PCSO. Their supervisors are expected to review the log and help staff manage any gaps in their experience. Staff should also be assessed when carrying out key activities such as searches and making vulnerability assessments. We welcome the approach set out in the training manual to supporting new staff, but heard that it may not have been used routinely. In particular, there appeared to be confusion as to the role of the sergeant, team leader and/or cluster inspector in supervising the work of CJ PCSOs and as to whether there is any final assessment of new staff performance. The division should ensure that the approach set out in the training manual is adopted.
113. Despite carrying out PNC and CHS checks being a key part of a PCSO's role, we heard about delays in some staff receiving this training. We are aware that accessing such training can also be problematic for other areas of business due to a lack of qualified trainers and the limited availability of courses.
114. The division has sought feedback on the training and is aware of these issues. However, because of the speed of the recruitment process and the fact that recruitment was brought forward to 2018-19 instead of being spread over two years, there was little time to make any significant changes to the training being delivered. Nonetheless, the division was able to make some improvements, such as having induction and familiarisation sessions for staff prior to training commencing.

115. Perhaps also due to the speed of the recruitment process, some new staff experienced challenges when they arrived at their place of work. These included not having access to key systems, a lack of available chairs, desks and computer terminals within custody due the increased number of staff, and not having access to a locker or the necessary uniform or PPE equipment. While we appreciate the pressures under which the division was working to deliver recruitment within a shortened timescale, failure to plan for these logistical issues reflects poor change management. The division is working to address these logistical issues but faces challenges in resolving some, such as a lack of space to accommodate all new staff within the custody centre, due to the deferral of capital funding for the custody remodelling project.

Staff development and performance review

116. While HMICS has previously welcomed the introduction of a performance review process within Police Scotland,³⁷ many custody personnel told us they were dissatisfied with it. The process, known as the performance development conversation (PDC), involves all officers and staff completing a self-appraisal and then having a discussion with their line manager about their performance over the past year, any developmental needs, career aspirations and objectives for the year ahead. Issues identified by custody personnel include:

- the PDC being conducted by a remote line manager who is not familiar with you or your work
- the value of a PDC given the lack of training and lateral development opportunities and what some officers view as a lack of internal promotion within the division
- for line managers, all PDCs are completed at the same time each year meaning a significant addition to the workload of those who manage multiple staff
- there being scope for a PDC template to be developed for team leaders and PCSOs which could be adapted to suit individual needs.

117. Custody staff in particular questioned the value of the PDC process. While they welcomed the introduction of the team leader role and the chance to learn new criminal justice skills, they still feel there is a lack of development opportunities within custody. A review of the PDC process across Police Scotland has been carried out.³⁸ In implementing its recommendations, Police Scotland should also take into account the issues noted above and the views of officers and staff more generally.

³⁷ HMICS, [Inspection of local policing in Tayside Division](#) (2017), from paragraph 65.

³⁸ Scott-Moncrieff, [Scottish Police Authority Internal Audit Report 2018/19: Staff performance management](#) (2018). See also, HMICS, [Inspection of local policing in Greater Glasgow Division](#) (2019), paragraphs 120-123.



Resources

118. During our inspections of both Police Scotland's custody and local policing arrangements, one of the concerns we have heard about most often is the lack of dedicated custody personnel and the reliance of CJSD on officers from local policing divisions to provide backfill within custody centres. This lack of resilience was to some extent planned for when a national custody function was first created,³⁹ but the division's dependence on backfill has been greater than ever envisaged. This has drawn local officers away from their core duties and has caused resentment among local policing divisions. The lack of resilience has resulted from a historic failure to develop and resource an effective operating model for custody, and to maintain sufficient staff within custody.
119. In 2014, we reported that there were 461 police staff and 235 police officers working in custody. In April 2019, there were 493 full-time equivalent police staff posts in custody (although 50 of these FTE posts were vacant). There were also 380 police officers in CJSD. A small proportion of these officers will be focused on criminal justice only, and many of those working at inspector level and above have dual custody and criminal justice roles, making comparisons with the number of officers working in 2014 difficult. Direct comparisons of the custody workforce between 2014 and 2019 are also difficult due to other changes that have taken place in the interim, including a 39% reduction in throughput between 2013-14 and 2018-19 and the rationalisation of the custody estate with some centres closing or changing status. Prior to the recruitment of CJ PCSOs, the number of police staff within the division had fallen by 23% to 356. Some of these posts were filled by police officers either permanently or by providing cover. Some vacancies were never filled and in March and April 2017, 49 vacant PCSO posts had been deleted by Police Scotland.
120. CJSD has been aware of the need to strengthen its resilience and to reduce its reliance on local policing officers to deliver its custody service. This was one of the primary drivers for the custody remodelling project, under which the division has recruited 150 custody staff and, for the first time, developed a National Operating Model for custody which sets out the resources required to meet demand. The division has also undertaken further work to reduce the need for backfill and to reduce custody-related demands on local policing officers. This has included encouraging officers working in support roles in the division to provide cover in custody where possible rather than requesting assistance from local policing divisions, and the rationalisation of the custody estate as well as other initiatives already described above.⁴⁰
121. Pending the development and delivery of the custody remodelling project, the division was able to secure the secondment of 102 police constables to work in custody. While it was initially agreed that 102 officers would be provided from both local policing divisions and from corporate support roles, only 62 were eventually seconded and almost all came from local policing. This reinforced the perception within Police Scotland that it is local policing divisions from which resources are continuously drawn, rather than other business areas. Nonetheless, even this reduced number of secondments provided much needed resilience and stability to the custody service. At the time of our inspection, 34 of the seconded officers were still working in custody but were expected to return to their usual duties shortly.
122. The recruitment of 150 custody staff and the seconded police officers have helped the division to achieve significant reductions in backfill (see Table 5).

³⁹ See, for example, our commentary in HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014) from paragraph 167.

⁴⁰ Such as increasing the number of tasks carried out by custody staff so that officers bringing their detainee into custody can return to their duties as quickly as possible (paragraph 87), including a mobility clause in the contract of new CJ PCSOs (paragraph 89) and the trial of a 12-hour shift pattern (paragraph 91).

Table 5 – Backfill in custody (September 2018 to January 2019)

	Number of shifts 2017	Number of shifts 2018	% change
Sergeant	211	188	-10.9%
Constable	1,098	105	-90.4%

123. The recruitment of 150 staff to work in custody is a significant development for the division. The staff are much needed, not only because they will help reduce the division’s reliance on backfill to deliver its service, but also because they will provide stability and continuity within custody. This now presents an opportunity for the division to focus on developing the quality and consistency of its service. To ensure these benefits are not lost, it is essential that Police Scotland ensures future staff vacancies are filled timeously and that it has sufficient resources to meet custody demand. It could be argued that the recruitment of the 150 staff simply brings custody staffing back to an appropriate level and, to some extent, restores capacity that was previously lost due to unfilled and deleted vacancies.

National Operating Model

124. The division has analysed demand for its custody service across Scotland to develop an operating model which it intends will minimise the need for backfill. The model is intended to allow the division to absorb an abstraction rate of up to 30% of custody staff. This accounts for staff taking breaks during shifts, annual leave, training and sickness. The model will also help the division to adopt a more consistent approach to determining the staffing levels for each custody centre. Thus far, the ratio of staff to cells has varied from around 1:6 to 1:21, largely based on legacy force approaches to resourcing custody. While some variation based on differences in the custody estate and other factors is inevitable, the division has recognised the need for a more consistent and evidence-based approach to resourcing.

125. The operating model is based on a general resourcing principle which provides a framework for determining the staffing levels in each custody centre. The general resourcing principle has two components:

- a standard resourcing requirement that the ratio of staff to detainees is 1:10. This only includes staff or constables working in custody and excludes any sergeant or constable who is performing the role of ‘custody officer’⁴¹
- a site-specific requirement. This allows the standard ratio to be flexed based on local factors such as the layout of the custody centre. For example, some custody centres are spread over multiple floors and therefore require additional staff to help manage all detainees. Another local factor that might require additional resources is where custody staff also provide a front counter service at their police station.

126. The operating model is currently being implemented. It will require the movement of some resources around the custody estate with some centres receiving more personnel and some less.

127. We welcome this long overdue work to establish an appropriate staffing model for custody, and the fact that the demand analysis on which it is based will be reviewed annually so that the operating model remains relevant. The demand analysis can also be used to predict when a custody centre is likely to be less busy and when its CJ PCSOs may be free to undertake other criminal justice tasks. Areas where the model could be developed further in future include greater consideration of the use of part-time custody staff and special constables to meet demand during peak times.

⁴¹ The ‘custody officer’ role was previously known as the ‘custody supervisor’ but this is being changed to reflect the fact that more centres are intended to be led by constables rather than sergeants, and some centres will be supervised from a remote location.

Constable-led centres

128. An additional element of the National Operating Model being implemented by the division is the redistribution of sergeants around the custody estate and the increase in the number of constable-led centres. The model envisages that seven of the nine Hubs and one non-Hub (Govan) will be allocated two sergeants instead of the usual one. The first sergeant will manage the Hub itself while the second sergeant will provide remote supervision of up to three constable-led centres holding a maximum of 30 detainees (although provision is made for this maximum to be breached in exceptional circumstances when authorised by the FCI). The model also envisages that certain custody centres, such as those at Dalkeith, Ayr and Perth, will be managed by police constables instead of sergeants. Constables will manage up to 10 detainees and will be supervised, where possible, by a second Hub sergeant based within the same region.
129. The use of constable-led centres is not new and we have previously found this approach to have worked well where the constables performing the role are particularly experienced and have effective and easily available support from a sergeant based elsewhere. For example, Stranraer custody centre is led by a constable with remote supervision provided by a sergeant based at Dumfries. In previous inspections, we found this arrangement to work well as the sergeant at Dumfries was familiar with the officers and staff working at Stranraer, and was familiar with Stranraer custody centre itself and its facilities. The combined throughput of both centres also allowed for oversight by one person. We have, however, previously highlighted concerns about the further roll out of constable-led centres.⁴²
130. During our current inspection, we heard mixed views about whether it was appropriate for custody centres to be led by a constable. Some were in favour of constable-led centres, and felt an individual's competence and experience were more important than their rank. They felt the custody throughput at some centres was not sufficient to justify a sergeant. They also cited the installation of remote viewing cameras at the booking in desks of some constable-led centres which would support remote sergeants in monitoring detainees and staff during the risk assessment process.
131. However, we also heard from many divisional personnel who were concerned about constable-led centres. We share their concerns. For constable-led centres to be considered, the following safeguards should be in place:
- there must be robust supervision by the supervising sergeant of the risk assessment and care plan made by the constable, yet we have previously commented on the lack of challenge or reassessment by remote supervisors⁴³
 - constables leading centres must be experienced and competent in custody, yet we heard about the role being undertaken by backfill officers lacking the necessary experience and we are also unaware of what additional training, if any, is received by constables managing custody centres
 - supervising sergeants should be familiar with the constable and other staff at the custody centre, and should be familiar with the environment in which they are working, including any inherent risks in the custody centre and the availability and quality of support services. This suggests the sergeant works in close geographical proximity to the centre being supervised, yet we heard of the constable-led centre at Fraserburgh being supervised by a sergeant at Kirkcaldy
 - supervising sergeants should be easily available, yet we have heard that constables can struggle to make contact with their supervisors.

⁴² HMICS, [Thematic inspection of police custody arrangements in Scotland](#) (2014), paragraph 177.

⁴³ HMICS, [Inspection of custody centres across Scotland](#) (2018), paragraph 30.

132. The division has sought to put in place safeguards relating to the number of detainees being managed by constables, and the operating model states that these limits can only be breached in exceptional circumstances. While we welcome this safeguard and note that some flexibility may be necessary and proportionate on occasion, some within the division felt that these limits were being breached too often, and some were under the impression that the limits simply did not apply to some constable-led centres, despite no provision being made for this in the operating model.
133. More generally, we are concerned that the increase in constable-led centres has been driven not by what works in delivering an effective custody service, but by a lack of resources and by a lack of sergeants. While the resource constraints under which the division is operating cannot be ignored, it is essential that decisions are made following an appropriate assessment of risk and with reliable safeguards in place.

Recommendation 10

Police Scotland should ensure that appropriate safeguards are in place for constable-led custody centres. These should include training and support for constables, and the designation of an appropriate supervising sergeant.

Resource management

134. Unlike most other policing divisions, CJSD does not have its own resource management unit. Instead, cluster inspectors and area commanders appear to spend a disproportionate amount of time on resourcing activities. Even within the division, arrangements vary as to how resources are managed and deployed. In the West, two divisional sergeants perform the resource management function, while in the East and North, this is done by custody personnel liaising with the resource management unit of the relevant local policing division. Given the reliance on backfill to deliver the custody service in recent years, managing custody resources has been a significant task both for CJSD and for the resource management units of local divisions. Now, with the reduced need for backfill, the burden on both custody personnel and local policing resource management staff should be less. Nonetheless, a long-term solution to managing custody resources is still needed. We are aware that the division is working with Police Scotland's national resource management team to identify a solution. This may involve a dedicated resource management team. A dedicated team would have a better understanding of what is needed in custody and should help ensure that any backfill is appropriately trained and experienced.
135. A recurring issue when we spoke to officers and staff about resource management was how Police Scotland's personnel and duty management system, known as Scope, sometimes acted as an inhibitor to efficient resource management and deployment. We also heard that there has been limited training on using Scope for several years. We have highlighted elsewhere the need for improvements to Scope to support efficient working.⁴⁴

Workforce planning

136. At a national level, Police Scotland is developing a strategic workforce plan in support of its People Strategy. The plan is expected to be submitted to the SPA Board for approval in Spring 2019. We would also expect the division to have in place a workforce plan for custody which supports the national plan and which sets out the current state of its workforce, the required future state and the means of getting from one to the other. Such a plan would draw together work already being taken forward by the division, such as the requirements of the National Operating Model, elements of the People Plan and the custody remodelling project. It would also require a strategic assessment to ensure a sustainable custody workforce that meets future expectations and demand.

⁴⁴ HMICS, [Inspection of the resourcing of events](#) (2019), Recommendation 2.

137. HMICS is currently providing general workforce assurance to the SPA Board on the delivery of specific workforce commitments made by Police Scotland. This assurance has included the commitment that, by 31 March 2020, an additional 170 specialist staff roles would be created in operational policing areas such as cyber and vulnerability. 150 of these staff are deemed to be the new CJ PCSOs. HMICS has recommended that Police Scotland and the SPA should consider how such a role aligns with a definition for specialist staff. Our view is that specialists require to adhere to a set of professional standards, codes of practice and recognised career and continuous professional development paths. CJSD should therefore consider whether it has put sufficient arrangements in place to fulfil such a definition.

Estate

138. In our inspection of custody centres across Scotland in 2018, we noted that the quality of the custody estate varies significantly across Scotland and, in some areas, hampers the effective and efficient management of detainees.⁴⁵ We recommended that Police Scotland develop a custody estate strategy as a matter of urgency in order to address variations in provision across the country and to better meet demand.⁴⁶ Currently, the estate comprises 31 primary centres, one weekend only centre and 45 ancillary centres. There are no stand-alone centres – all form part of the wider local policing estate. Any custody estate strategy therefore must be aligned to Police Scotland's national estate strategy. In its most recent audit of the SPA, Audit Scotland noted that there had been insufficient progress in developing a national estates strategy.⁴⁷ However, one was nearing completion at the time of our inspection.⁴⁸

139. The custody estate was a key theme within the custody remodelling project, although activity and spend tended to focus on improvements at the nine Criminal Justice Hubs. At the time of our inspection however, the division had also begun to develop a strategy which goes beyond the Hubs and focuses on the custody estate across Scotland. This strategy was finalised shortly before the publication of this report and aims to ensure that Police Scotland has a modern, fit for purpose custody estate that meets demand and supports the effective and efficient management of detainees. The strategy highlights the vulnerability of many of those held in custody and the need for detainees to be managed safely and with respect for their dignity.

140. The strategy sets out design principles for all custody centres to ensure equity of conditions. It proposes that an assessment of each custody centre will take place to better understand its condition, the facilities available and the investment required to ensure the design principles are met. The division will then develop an investment plan to prioritise spend across the estate. The strategy acknowledges that significant investment will be required but only a limited capital budget is likely to be available.

⁴⁵ HMICS, [Inspection of custody centres across Scotland](#) (2018), paragraphs 6 to 9.

⁴⁶ HMICS, [Inspection of custody centres across Scotland](#) (2018), Recommendation 1.

⁴⁷ Audit Scotland, [The 2017/18 audit of the Scottish Police Authority](#) (2018).

⁴⁸ See Paper to the SPA Resources Committee, [Estates Strategy Development Update](#), 7 February 2019.

141. We welcome the development of the estates strategy and look forward to seeing more detail about the assessment of the current estate and the resulting investment plan. This work represents an opportunity to address concerns we heard during our inspection, including that the custody estate has been under-funded in recent years, that health and safety for both detainees and staff within centres requires more attention, and that a focus on short-term strategic and financial planning has hindered long-term investment. Other issues that can be taken forward via this estates work include:

- the lack of capacity within the custody estate in some areas which necessitates the regular transfer of detainees between centres.⁴⁹ While both the National Operating Model and the draft estates strategy state that the current estate aligns with the vast majority of demand, the volume of transfers shows that some areas lack the cells needed to accommodate all detainees⁵⁰
- consideration of whether there is a need for purpose-built custody centres similar to Kittybrewster in the Edinburgh and Glasgow areas
- assessment of the impact of any further estate rationalisation on local policing, including travel times for officers escorting detainees to custody and any delays caused by funnelling detainees through fewer centres
- the fact that detainees are not always taken to the nearest custody centre because it lacks adequate facilities, but are instead transported over longer distances. Longer transport increases risk and delays arresting officers returning to other duties. While this may sometimes be necessary in the interest of the detainee's wellbeing,⁵¹ investment in the custody estate and a focus on delivering an equitable service would help minimise the need to bypass the nearest centre.

142. The division's plans to improve the quality of the custody estate at the Criminal Justice Hubs were hampered when expected funding for 2019-20 was deferred following re-prioritisation of projects by Police Scotland in the wake of its budget settlement. Business as usual funding decisions were taken in anticipation of this funding for the Hubs, meaning some remedial estates work at those locations may now be pressing.

143. We consider that the condition of the custody estate in some areas represents a risk to the effective management of detainees and appropriate working conditions for staff. We encourage the division to be thorough in its assessment of the estate, and open and transparent about the level of investment needed to bring the estate up to an appropriate standard. We anticipate that significant investment is required for the estate to meet evolving standards in health and safety, human rights and the effective and efficient management of custody.

⁴⁹ HMICS, [Inspection of custody centres across Scotland](#) (2018), paragraph 78.

⁵⁰ Between January 2017 and July 2018, the number of transfers ranged from 36 to 125 per week. HMICS, [Inspection of custody centres across Scotland](#) (2018), paragraph 78.

⁵¹ For example, it may be necessary to take a detainee with a particular medical condition to a further away centre which has on-site health care.

Finance

144. We heard that the division has begun to take a more robust approach to scrutinising its finances, aided by a dedicated professional adviser. For example, greater scrutiny of overtime has resulted in substantial reductions in overtime costs. Recent financial uncertainty has however affected the division's ability to plan ahead.
145. Although we did not assess procurement practice in detail during our inspection, there appeared to be a lack of clarity and consistency around it. We have previously noted that processes for ordering and managing stock within custody centres appear to work well in some areas but not in others.⁵² While work is ongoing to make savings, some divisional personnel also told us they felt there were still significant savings and efficiencies to be made through improved procurement and scrutiny of expenditure. A review of custody procurement, supported by Police Scotland's national procurement resources, should be carried out. The review should also assess whether there is consistent use of contracts with a view to limiting any unnecessary off-contract purchases.

Recommendation 11

Police Scotland should review custody procurement practice to identify further savings and efficiencies.

ICT

146. One of the division's biggest achievements has been in relation to ICT with the rollout of the NCS completed in January 2017. This has brought numerous benefits to the division and has helped custody operate as a truly national service. An NCS Users' Forum exists to discuss issues relating to the system's operation and to help prioritise any system changes. One area for development is optimising the usage of NCS in terms of management reporting and analysis.
147. Despite there being widespread agreement that NCS has been of significant benefit, there is also frustration within the division that there is a lack of expert resource to update and develop NCS to continue to meet custody needs. Police Scotland's ICT resource is spread thinly across the force to support, develop and implement multiple systems, many of which are simply a higher priority than NCS at present. There is also a view from ICT that the division is too reliant on ICT change as a solution, when the same outcome could be achieved by process or other changes. In light of the restricted resource available and the lower priority of NCS, CJSD is considering how it prioritises and develops its own use of the system and other technologies in future.
148. Work is currently underway to develop a Core Operating Solution (COS)⁵³ for Police Scotland. In the longer term, custody will be considered for inclusion in COS.

Recommendation 12

Police Scotland should develop an ICT roadmap for custody.

149. In recognition of various challenges around the operation of CCTV within custody centres, the division recently established a working group to review CCTV provision. The group has highlighted issues relating to the location and coverage of CCTV within custody centres; the age and quality of CCTV systems; and compliance with data protection rules and audit processes. We welcome the division's attention to CCTV-related issues and its proposal to develop best practice principles and guidance for CCTV use.

⁵² HMICS, *Inspection of custody centres across Scotland* (2018), paragraph 68.

⁵³ COS relates to integrated national systems which enable single entry and access to operational information.



Partnerships

150. In assessing Police Scotland's strategic arrangements for the delivery of police custody, we considered how well CJSD works with its partners to deliver better outcomes for detainees and the wider public. We considered the relationship between the division and its internal partners within Police Scotland, as well as its engagement with external organisations.

Internal partners

151. In assessing the division's work with its internal partners, we focused on those we considered to be 'customers' of the custody service. This includes local policing divisions, as well as national divisions whose personnel make use of custody such as major investigation teams.

152. There is a view amongst the division's internal partners that they are increasingly being seen as customers of custody. They feel this shift has resulted in greater efforts to improve the quality of the service being provided. They appreciate the efforts being made by CJSD to increase its own resources so as to reduce its reliance on local policing officers to provide backfill. Providing regular backfill can have a significant impact on a local division's ability to deploy sufficient resources to meet its own demand. Any reduction in the need to provide cover for custody is therefore welcome. The reduction in constable backfill highlighted in Table 5 equated to 993 additional shifts that officers were able to work in their local communities, rather than supporting custody operations.

153. The reduction in the need for backfill has in turn reduced tension between custody and local policing divisions and has improved relationships. Internal partners also welcome plans CJSD has for custody staff to take responsibility for key processes within the custody environment that might previously have been done by arresting officers. This will allow arresting officers to return to other duties more quickly. Nonetheless, there are outstanding areas of concerns that internal partners hope to work with CJSD to resolve. These include:

- queuing times at custody centres. Internal partners feel that, while there may have been improvements at some locations, their officers can still wait too long to have their detainee booked into custody. This means they have less time to conduct enquiries or are delayed in returning to policing their communities
- rationalisation of the custody estate. In some areas, the closure of custody centres means local officers have to travel further to book their detainee into custody. While rationalisation has resulted in efficiencies for CJSD and internal partners understand that some rationalisation was required, there is a concern that it has gone, or may go, too far. Any decisions about the closure of custody centres should take into account the impact on local officers (see also paragraph 141)
- over-reliance on local policing officers for constant observations of detainees. There is a view that, wherever possible, custody staff should be used to carry out constant observations and further reduce the time local officers spend in custody centres
- risk aversion within custody. While acknowledging the significant risks within the custody environment, there remains a perception among some internal partners that custody staff can be overly risk averse. They believe this results, for example, in an over-use of constant observations which impacts their officers

- decisions taken by custody officers under the Criminal Justice (Scotland) Act 2016 to release a person who has not been officially accused of an offence on investigative liberation, or to release officially accused persons and not hold them in custody until they appear at court. Some internal partners considered that custody officers were applying the presumption of liberty too strictly, and were not giving sufficient weight to evidence that a person should be kept in custody. While internal partners acknowledged that those working in custody had received more training in implementing the 2016 Act than those working in other divisions, they felt that the interests of public safety should be given greater consideration in accordance with guidelines issued by the Lord Advocate on how decisions to liberate should be made.⁵⁴ Some felt that decisions to release detainees were driven in part by a desire to reduce the number of people in custody.

154. There is some work underway to address the issues listed above. For example, consideration is being given to opening additional booking in desks at some centres so as to reduce queuing times. CJSD has also indicated its intention to review the operation of the 2016 Act. Nonetheless, there is scope for more work to be done between CJSD and its internal partners. This could include further improving communication between divisions, facilitating a greater understanding of one another's role, sharing of custody data to improve accountability and provide reassurance about the quality of the custody service being provided (see paragraph 38), the use of escalation procedures to raise and address issues or cases of concern, and ensuring that decisions about the delivery of custody are evidence-based and the impact on local policing in particular is assessed.

155. Despite the issues highlighted above, we also heard about good examples of positive engagement by cluster inspectors, area commanders and superintendents with local policing divisions. This included some examples of effective information sharing and discussion about difficult cases. We noted, however, that there was scope for greater engagement with other national divisions who use the custody service.

156. During our discussions with internal partners, we found there to be good awareness and understanding of the fact that further improvements in the custody service are hampered by a lack of investment, particularly in the estate. They appreciated that this was often outwith the control of CJSD. All viewed this lack of investment as short-termism and a failure to appreciate risks both to people in custody but also the wider public and local policing.

External partners

157. In 2018, following our inspection of 17 custody centres across Scotland, we reported on the vulnerability and health care needs of many people in police custody and noted that, arguably, other services such as health, social care and addiction services, would be better placed than custody staff to meet their needs. We also noted that there are opportunities for Police Scotland to work in partnership with other service providers to divert people from custody, and to support them during or after their time in custody.⁵⁵ However, we found that referral schemes in custody appeared to have become less widespread between 2014 and 2018.⁵⁶

⁵⁴ Lord Advocate's Guidelines: Liberation by the police (11 April 2018).


⁵⁵ HMICS, [Inspection of custody centres across Scotland](#) (2018), paragraph 12.

⁵⁶ HMICS, [Inspection of custody centres across Scotland](#) (2018), paragraph 104.



158. Although the full business case for custody remodelling and the introduction of the Criminal Justice Hubs makes references to improving partnership working, it lacks specificity about how this will happen and what actions will be taken. Since the business case was developed and approved in 2018, however, significant work has been undertaken to develop relationships with external partners to increase their footprint in the custody environment with a view to improving outcomes for detainees. This work has been led by the division's partnerships superintendent, supported by a chief inspector and two inspectors. Their work aligns with what we heard during our inspection about the vision of custody transforming from a place of detention and security to a platform for interventions to support health, wellbeing and desistance from offending. This approach is welcome and the work of the division's partnerships team is a positive development. It reflects the policing principles in the Police and Fire Reform (Scotland) Act 2012 which state that the main purpose of policing is to improve the safety and wellbeing of persons, localities and communities, and that the police should work to achieve that purpose in collaboration with others.⁵⁷
159. In many areas, new initiatives are being taken forward in collaboration with the NHS, local authorities and third sector organisations. The division is pursuing opportunities for partners to co-locate within custody centres to facilitate the delivery of effective interventions. This will supplement the health care already provided in many custody centres by the NHS. For example, at Kittybrewster custody centre in Aberdeen, custody-based nurses are available 24/7 to provide health care to detainees. These nurses will soon be supplemented by two mental health triage nurses who will help local health services and local policing officers to support distressed individuals. Work with local partners has highlighted a desire to change Kittybrewster from a 'Criminal Justice Hub' to a 'Community Justice Hub' and funding has been secured from the local Alcohol and Drugs Partnership for a link worker who will signpost detainees to relevant support agencies. Plans are also developing for various clinics to be provided from Kittybrewster, available to the wider community as well as detainees.
160. In our thematic inspection of custody arrangements in 2014, we noted that strategic partner organisations welcomed a national police custody service as this provided them with a single point of contact for all custody related issues, ensuring greater consistency and clearer lines of communication. While this remains the case today, it is also worth noting that many of the organisations with which CJSO is seeking to work in custody are local. This can pose difficulties for a national service with a small partnerships team working across Scotland. To maximise the team's reach and impact, it must work through its local policing colleagues who often will already have good relationships with local agencies, as well as through the division's own area commanders and cluster inspectors. This has been acknowledged by the partnerships team. Securing the input of local partners to Kittybrewster custody centre, for example, was achieved in collaboration with the North East local policing division. This approach is a template not only for custody services in other parts of Scotland, but also for other national policing services.
161. Although working via local colleagues and partners is increasingly recognised, there is still a need for strategic engagement with national and other partners at a senior level. While the custody partnerships team, area commanders and cluster inspectors are making their best efforts to pursue joint working, we heard that engagement by a more senior officer may sometimes be more effective. Within Police Scotland, there is an Assistant Chief Constable with portfolio responsibility for partnerships and who has pre-existing relationships with many of those with whom the division is seeking to work. The division may wish to consider what role the ACC might play in influencing and supporting custody partnerships.

⁵⁷ Section 32, Police and Fire Reform (Scotland) Act 2012.

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162. We welcome the work being done to involve partner organisations in delivering services in custody. Much work is still in development and we look forward to it coming to fruition. During our inspection, we engaged with a range of organisations to discuss partnership working in custody. They commented positively on the efforts being made by CJSD to involve them in promoting better outcomes for detainees. While acknowledging efforts to involve them, some also noted that there was scope to engage partners at an earlier stage, prior to policy changes or initiatives being set in motion.
163. Both voluntary and other public sector providers noted that some of the division's (and their own) ambitions are inhibited by a lack of funding and expressed concern about the sustainability of some initiatives. It is therefore essential that new initiatives in custody provide value for money and demonstrate that better outcomes for detainees and communities are being achieved. The division and its partners should evaluate their initiatives to assess their impact. One such evaluation has already begun, in relation to the availability of the national Breathing Space service to those in police custody. This cost negligible service was piloted in Clydebank custody centre in 2018 and a national rollout has begun (see case study on page 47).
164. Both CJSD and its partners value the contribution that workers with lived experience can make in developing and delivering support services within custody. All those working in the custody environment require appropriate vetting however and the division and partners will need to secure support at executive level to overcome any vetting barriers and ensure workers with lived experience are able to access the custody centre to work with detainees.
165. During our inspection, we heard about several instances of information sharing being a barrier to more effective partnership working. While this barrier appeared to have been easily overcome in some areas, varying interpretations of GDPR have inhibited or at least slowed joint work amongst other partners.
166. In assessing the division's work with external agencies, we looked at some examples in more detail. It should be noted however that the division works with a range of partners in custody and these, in addition to others mentioned above, represent only a sample.

NHS partnerships

167. Partnerships with health care providers are critical given the profile of the detainee population and their complex health care needs. In our most recent custody inspection report, we noted that the availability and quality of health care is a key element in assessing the overall treatment of detainees while in police custody. The NHS assumed responsibility for health care in police custody in 2014 and HMICS has since engaged with Healthcare Improvement Scotland (HIS), the regulatory and scrutiny body for the NHS, and the Scottish Government, regarding the development of a joint inspection programme for police custody. This has included HIS inspectors shadowing our inspection of Dundee custody centre in 2017. Pending the commencement of a joint inspection programme, which would allow the health care provided to detainees to be fully assessed, we have not considered health care partnerships in detail.⁵⁸

⁵⁸ In 2018, we recommended that Healthcare Improvement Scotland and the Scottish Government should ensure that the delivery of health care in police custody is appropriately scrutinised so as to improve outcomes for detainees. HMICS, [Inspection of custody centres across Scotland](#) (2018), Recommendation 4.

168. Nonetheless, we have noted the division's commitment to developing health care provision in custody in partnership with health boards across Scotland. Health care provision has evolved significantly since 2014 and the range of services offered in custody is expanding, although it continues to vary across health board areas. The division's two partnerships inspectors are dedicated to liaising with the NHS and also conduct service reviews to identify health-related issues or learning for the division and health care providers. CJSD has played a key role in the Police Care Network, its Board and Operational Support Group, as well as regional groups. We heard about training on common emergencies in primary care settings being extended to include not only health care staff at Kittybrewster but also custody staff. This supplements the first aid training given to custody staff and supports them to deal with medical emergencies which may occur in custody.
169. Despite the significant benefits that an NHS presence in police custody has brought to the management of detainees, we also heard that challenges remain around mental health, and around the sharing of data among all health partners to build a national picture of detainee health and allow for comparisons between areas. CJSD is however using the NCS to supply its partners with relevant information, such as the number of detainees who have undergone clinical examinations or visited hospital, and information about detainees' mental health and drug and alcohol use.

Prisoner escorting contract

170. In January 2019, a new prisoner escorting contract was implemented. This contract, previously delivered by G4S, was awarded to GeoAmey and covers the escorting of detainees between police custody, court and prison. CJSD participates in a multi-agency group which oversees the contract alongside the Scottish Prison Service and other interested parties. Police Scotland has been successful in negotiating a new service under the contract by which GeoAmey will carry out transfers between police custody centres on weekends and public holidays following weekends to help it manage capacity within its custody estate. GeoAmey will transfer up to 40 detainees per week.⁵⁹ Previously, detainee transfers between police custody centres were carried out by custody or local policing personnel. During the first four weekends of the contract's operation, GeoAmey carried out 119 detainee transfers.

British Transport Police

171. In Scotland, British Transport Police (BTP) does not have its own custody centres but makes use of Police Scotland's facilities for those it requires to detain. In exchange, BTP seconds two officers to CJSD to work as custody sergeants. We heard positive feedback from both BTP and custody staff about this mutually beneficial arrangement.

Home Office Immigration Enforcement

172. CJSD works with Home Office Immigration Enforcement (HOIE) in two key ways. Firstly, HOIE may use police custody centres to detain those individuals it has identified as being in the UK illegally. Its proactive operations to locate such individuals are pre-planned, and it liaises with the division to discuss which custody centres should be used. We heard that this proactive planning works well. Secondly, custody staff must notify HOIE when foreign nationals are detained in police custody (known as Operation Nexus). Compliance with this process is low however. HOIE estimates it is not notified of approximately 50% of all foreign nationals in police custody in Scotland. In contrast, it estimates that the compliance rate in the Metropolitan Police is closer to 100%. HOIE has asked the division to consider what more it can do to improve compliance with Operation Nexus by its staff. While the division has sought to remind staff about this process, there is scope for further improvement.

⁵⁹ Scottish Prison Service, [Contract between Scottish Ministers and GeoAmey PECS Ltd for the Scottish Court Custody and Prisoner Escort Service](#) (March 2018), section B7.2 'Police Scotland Estate Transfers'.



The role of detainees' families

173. One area which could be considered further by the division as partnership working is its engagement with the families of detainees. It is well known that families play a crucial role in the rehabilitation of offenders and families are often considered in policy and decision making regarding prisoners. There may be scope for the division to consider the role of the family at the earlier stage of police custody. Individuals detained in police custody are offered the opportunity to notify a reasonably named person of their detention. Detainees will often ask for a partner, parent or other family member to be notified. In some circumstances, there may be an opportunity for a family member to visit the detainee in police custody. Upon notification of detention, some families take the opportunity to drop off reading materials for the detained person, or clean clothes for their court appearance. It is not clear, however, how families know that such arrangements can be made. Some custody staff may suggest it when notifying the family of the individual's detention, but this is not required nor routinely done. While any items handed in require to be searched by custody staff, this means items do not have to be provided by the police. Families could also be a useful source of information about a person in custody, and communication with family while in custody, while not always appropriate, may nonetheless be helpful for some detainees. There should also be a more systematic approach to checking whether people being booked into custody have caring responsibilities by, for example, including a question on this during the booking in process.

Case study – Breathing Space

Breathing Space is a free, confidential phone service for anyone in Scotland experiencing low mood, depression or anxiety. It is funded by the Scottish Government and delivered by NHS 24. CJSD partnered with Breathing Space to make the service available to people detained at Clydebank custody centre for six months from May 2018. Information about Breathing Space was publicised within the custody environment and detainees were able to self-refer or custody staff identified detainees who they considered would benefit from the service. Local NHS staff acted as the final gatekeeper to the service and decided whether contact should take place. When contact went ahead, detainees were able to speak to a Breathing Space counsellor in a private telephone call. The existence of the service was made known to custody staff at Clydebank, and was further promoted during the six-month pilot.

An assessment of the pilot was carried out by a member of CJSD's partnership team. It found that, during the pilot, 17 people were identified as suitable for a referral to Breathing Space. Eight actually used the service (nine initially agreed to a referral but later changed their mind). This was a disappointingly low take up of the service given the number of detainees who may have found it beneficial. During the six-month pilot, 1,810 men and 424 women were detained at Clydebank. While being booked into custody:

- 38% of men and 61% of women said that they had a mental health problem
- 26% of men and 41% of women said they had previously attempted self-harm or suicide
- 6% of men and 7% of women said they had thoughts of self-harm or suicide at the time of their detention.

Despite the low take up of the service, feedback from service users and custody staff was very good, suggesting that it had value. One service user said, *'It was good to unload and to have someone to listen. The counsellor had good knowledge and was a good listener.'* After speaking to Breathing Space, one staff member described a detainee as being *'a lot calmer and a lot more settled'*. Feedback from Breathing Space itself and local health care staff was also positive. They hoped the service would continue in Clydebank as well as other centres. The division's assessment noted that without buy in from custody staff, the service's impact would be limited. Consideration is therefore being given to how the Breathing Space service can be better promoted within custody. The intention is to make the service available across the custody estate.



Appendix 1 – Status of custody recommendations

Since Police Scotland was established in 2013, HMICS has published seven police custody inspection reports. These reports included 34 recommendations and 47 improvement actions. Many recommendations were reviewed and closed prior to our current inspection. The status of all our custody recommendations was included in Appendix 1 of our report *Inspection of custody centres across Scotland* published in 2018. The table below includes all outstanding recommendations and actions following publication of the 2018 report. It sets out whether the recommendations and improvement actions remain open or whether sufficient evidence has been received by HMICS to justify closure. It should be noted that where a recommendation remains open, progress towards its implementation may well be underway.

Of the 34 recommendations, 23 have now been closed. Of the 47 improvement actions, 44 have been closed.

Recommendation/Improvement action		Status	Date closed/commentary in this report
Thematic inspection of police custody arrangements in Scotland (2014)			
R3	Police Scotland should reassess the future level of demand and need for detainee transfers alongside the wider management of capacity across the custody estate in order to develop a more sustainable model. The current transfer protocol should be reviewed and incorporated within custody policy.	Closed	May 2019. This has been addressed through the development of the National Operating Model (from paragraph 124). Estates issues will be addressed via ongoing work on the estate strategy (paragraph 138). The second sentence of this recommendation was closed in August 2018.
R6	Police Scotland should review its approach to use of force in custody and focus on raising awareness, providing clear guidance and monitoring the use of restraint and force at a divisional level in order to inform policy and training.	Closed	May 2019. Several steps have been taken to address this recommendation, including providing staff with new guidance on the recording of use of force. In January 2019, data on the use of force in custody became available and will be monitored. Further analysis of this data is needed to identify any trends and learning opportunities.
R7	Police Scotland should review its hourly rousing policy and whether it is necessary and proportionate when applied to all detainees regardless of risk.	Closed	May 2019. A new rousing policy was introduced in late 2018. For further information, see commentary in our forthcoming report, <i>Inspection of custody centres in Greater Glasgow Division</i> . HMICS will continue to monitor implementation of the new policy in future inspections of custody centres.
R8	Police Scotland should review the availability of showers and exercise for detainees to develop a consistent approach and reflect this within any future estate improvement programme.	Open	CJSD has reviewed the presence of showers, sinks and exercise yards in all custody centres. While almost all custody centres have sinks, around 44% of centres do not have showers (including four primary centres) and only around 10% of custody centres have an exercise yard. CJSD hopes to address these deficiencies wherever possible through implementation of its estates strategy



			<p>(dependent on funding being available). The custody policy has been updated to remind staff that detainees who have spent more than a full day in custody should be offered the opportunity to wash each day, and requests from the detainee to wash more often than this should be met where possible.</p> <p>While we welcome work in this area, the recommendation will remain open until changes in practice are observed by HMICS in future inspections of custody centres.</p>
R10	Police Scotland should join with its partners in the NHS, voluntary sector and local authority social care, recognising the role of community planning partnerships and alcohol and drugs partnerships across Scotland, to review the scope of current referral and diversion schemes and seek to address any gaps in provision.	Closed	May 2019. From paragraph 157.
R11	Police Scotland should secure more robust management and performance information and develop a stronger evidence base to enable the evaluation of benefits and outcomes for the division.	Closed	May 2019. From paragraph 35.
R12	To further address inconsistencies in practice, Police Scotland should build on its approach to custody audit, with frequency of audits being reviewed and consideration given to additional cross cluster audits. Consideration should also be given to a centralised resource to further support and undertake the additional work.	Closed	May 2019. See paragraph 64.
R13	Police Scotland should develop a custody training strategy and implementation plan. This should be informed by a training needs analysis which covers all staff working within custody.	Open	Work has begun on a new training strategy but is not sufficiently advanced as yet to merit closure of this recommendation (from paragraph 105).
R15	Police Scotland should seek to engage with its stakeholders as part of its development of a strategic proposal for custody ensuring that there is a shared vision and that further opportunities for joint working are optimised.	Closed	May 2019. This work has been taken forward primary through the National Operating Model (from paragraph 124).

IA11	Conditions for observing officers are often cramped and custody supervisors should ensure that observation time is limited for each officer with regular breaks.	Closed	<p>May 2019. CJSD has carried out a survey of arrangements for the conduct of constant observations across the estate. While the survey found that conditions are adequate in most custody centres, it identified the need for improvements at several centres. CJSD intends to address these improvements via its estates improvement work.</p> <p>Custody staff across Scotland have been reminded of the need to ensure those conducting constant observations have regular breaks. HMICS believes that the recently recruited additional custody staff should help to limit the time individuals spend carrying out constant observations.</p>
IA14	Review police officer and staff personal protective equipment, first aid and any other appropriate equipment.	Closed	May 2019. A review of personal protective equipment is underway by CJSD. In relation to first aid equipment, see our forthcoming inspection of custody centres in Greater Glasgow Division.
IA17	Implement a consistent needs-based approach to the provision of bedding and clothing.	Closed	May 2019. A review of blanket and other supplies has been carried out and HMICS has observed improved quality and quantity during recent custody inspections.
IA19	Consideration should be given to extending availability and training in the use of accessibility facilities.	Open	Work is ongoing to implement this action.
IA22	Engage with NHS partners to consider the requirement for consistency of type and location of life-saving equipment and training in its use.	Open	Officers and staff receive regular training on the use of defibrillators and almost all primary custody centres now have defibrillators on-site. However, the majority of ancillary centres do not have defibrillators, despite a Sheriff recommending in 2017 that Police Scotland and NHS Scotland should consider equipping <i>all</i> custody centres with a defibrillator. ⁶⁰
IA26	Explore other structural options within the new strategic proposal to ensure that the rationale for a single division remains valid and criteria established to allow proper evaluation.	Closed	May 2019. This is being addressed through the National Operating Model (paragraph 124). See also paragraph 33.
IA27	Check that the adverse incident processes in place ensure consistency of approach.	Closed	May 2019. A review of the adverse incident process has taken place and a new process is being introduced – paragraph 58.
IA28	Develop robust internal governance to ensure	Open	The consistent implementation of policy changes to achieve the desired effect

⁶⁰ Inquiry under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 into the death of Kevin Michael McGurty [2017] FAI 1.

	improvement has been implemented and verifies that the desired impact has been realised. Consider sharing lessons learned with key partners, including independent custody visitors, to refine the approach further. Ensure that complaints analysis effectively contributes to the improvement process in the division		remains an area for improvement (paragraph 49).
IA29	Consider and fully assess flexible options for both the level of responsibility and remuneration associated with sergeant or acting sergeant in custody centres.	Closed	May 2019. CJSD has advised that remuneration is fixed according to rank given police pay structures. See also our comments on constable-led centres from paragraph 128.
IA30	Consider the appropriate staffing model to address associated risks with custody staff undertaking a dual role (public counter role and custody role).	Closed	May 2019. This is being addressed through the National Operating Model (paragraph 124).
IA32	Consider both staffing structures and development programmes for PCSOs in the Custody Division workforce plan.	Closed	May 2019. This is being addressed via the development of a CJ PCSO team leader role (paragraph 96), although also see comments on staff development (paragraph 117) and workforce planning (paragraphs 136-137).
IA33	Review the divisional awards scheme in consultation with staff to ensure it achieves its purpose and align the scheme to the wider force Recognition and Reward framework to ensure consistency with other areas of Police Scotland.	Closed	May 2019. A review of how CJSD recognises and awards good performance is underway. Paragraph 101.
IA34	Implement a plan to attract high calibre officers as part of wider workforce planning to develop the division.	Closed	May 2019. Work in this area is being taken forward via the CJSD People Plan.
IA35	Consider improved engagement mechanisms with staff to improve two-way communication and provide opportunities to address concerns and participate in the planning process, discuss issues and provide feedback.	Closed	May 2019. Paragraphs 28 and 63.
Inspection of custody centres located in Aberdeen City Division (2015)			
IA1	Custody Division should assess demand and ensure that a sufficient number of custody staff on each shift at Kittybrewster are trained to carry out checks.	Closed	May 2019. Work is ongoing to ensure sufficient staff are trained to carry out necessary checks, although easy access to PNC/CHS training remains an issue (paragraph 113).
IA2	Custody Division should ensure that custody staff make use of interpreters whenever needed, in accordance with Police Scotland	Closed	May 2019. Additional guidance has been given to those working in custody.



	policy.		
IA3	Custody Division should encourage custody staff to provide and record a more detailed rationale for their risk assessment and care plan.	Closed	May 2019. This action has been superseded by Recommendation 5 of our 2018 report, <i>Inspection of custody centres across Scotland</i> .
IA4	Custody Division should ensure that age is taken into account alongside other factors when carrying out risk assessments in custody. Risk assessments should also take account of whether it is a detainee's first time in custody.	Closed	May 2019. The Criminal Justice (Scotland) Act 2016 and associated training for custody staff have reinforced the need to consider age during custody processes. Although not included as a question in the vulnerability assessment, CJSD has advised that checks carried out on arrival at a custody centre will establish if it is a person's first time in custody.
IA6	Custody Division should review the availability of adaptations or aids at Kittybrewster to improve accessibility of cells used by detainees with mobility difficulties.	Closed	May 2019.
IA7	Custody Division should review the washing facilities at Kittybrewster.	Closed	May 2019. A review has been carried out and, in the absence as yet of capital funding, no estates improvements have been made. However, staff have been reminded of the need to offer showers to detainees per Recommendation 8 of 2014 (above).
IA8	Custody Division should satisfy itself that it has identified the correct resourcing model for Kittybrewster.	Closed	May 2019. This is being addressed through the National Operating Model (paragraph 124).
Inspection of custody centres located in Edinburgh Division (2015)			
R4	Police Scotland should develop and implement a strategy for the effective management of custody demand in the Edinburgh area.	Closed	May 2019. This will be addressed through the National Operating Model (paragraph 124) and the custody estate strategy. In the interim, the impact of transfers is being mitigated through a detainee transfer protocol and assistance with transfers from GeoAmey (paragraph 170).
R6	Custody Division should establish an efficient process for ordering and maintaining supplies.	Open	See comments in forthcoming report on the inspection of custody centres in Greater Glasgow Division.
Inspection of custody centres at Aikenhead Road and London Road, Glasgow (2016)			
R1	Police Scotland should explore why 15 and 30-minute observations are not being used in some custody centres and provide further guidance and training to staff where necessary.	Closed	May 2019. While work has been carried out to address this recommendation, we have continued to find inconsistencies in care planning across custody centres. In our forthcoming report of our inspection of custody centres in Greater Glasgow Division, we make a similar but broader recommendation on the need to analyse risk assessment and care planning variances to ensure they are justified. We propose to close this recommendation



			and instead monitor implementation of the broader recommendation.
R2	A detainee's gender and dignity should be key considerations when allocating a member of staff to carry out constant observations. There should be a presumption, unless a risk assessment dictates otherwise, that constant observations should be carried out by someone of the same gender as the detainee.	Closed	May 2019. Officers and staff have been reminded of the need for same sex observations in line with the custody policy. An audit of constant observations practice carried out by CJSD in 2019 suggested that the policy is now being more consistently implemented.
R3	Wherever possible, male and female detainees should be held in separate areas within the cell accommodation.	Open	This recommendation will continue to be reviewed in our outcomes-focused inspections of custody centres.
Inspection of custody centres located in Tayside Division (2018)			
R1	Police Scotland should ensure that the toilet areas of cells monitored by CCTV are pixelated to preserve detainee privacy.	Open	CJSD is currently reviewing the operation of CCTV within custody and we anticipate that this recommendation may be addressed via that work.
Inspection of custody centres across Scotland (2018)			
R1	Police Scotland should develop its custody estate strategy as a matter of urgency in order to address variations in provision across the country and better meet demand.	Open	From paragraph 138. A strategy has been developed however further work is needed before this recommendation will be closed (such as the assessment of custody centres and creation of an investment plan).
R2	Police Scotland should improve its systems to eliminate unnecessarily inconsistent processes and practice in custody.	Open	This recommendation will continue to be reviewed in our outcomes-focused inspections of custody centres.
R3	Police Scotland should address outstanding HMICS recommendations as soon as possible with a view to improving the delivery of custody.	Closed	May 2019. Given that CJSD has increased the attention given to implementing previous recommendations and that 11 recommendations and 18 actions have been closed during our current inspection, we consider there is now sufficient impetus and focus within the division on making progress in this area to justify closure of this recommendation.
R4	Healthcare Improvement Scotland and the Scottish Government should ensure that the delivery of health care in police custody is appropriately scrutinised so as to improve outcomes for detainees.	Open	Healthcare Improvement Scotland has made a bid to the Scottish Government for funding to undertake this work. The outcome of the bid is not yet known.
R5	Police Scotland should provide further guidance and training to staff on carrying out effective risk assessments and ensuring care plans manage the risks posed. Staff should also be reminded to record the rationale for risk	Open	While work has been carried out to support improvement, we do not consider that sufficient change has yet been achieved (see our forthcoming report on the inspection of custody centres in Greater Glasgow Division). This recommendation will continue to be



	assessments and care plans.		reviewed in our outcomes-focused inspections of custody centres.
R6	Police Scotland should ensure there are appropriate safeguards in place when strip searching children under the age of 16, and 16 and 17-year-olds, in police custody.	Open	The custody policy has been revised to include the need for safeguards for children and young people while being strip searched. HMICS will monitor its implementation in future inspections.
R7	Police Scotland should publish data on the use of force.	Open	



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About Her Majesty's Inspectorate of Constabulary in Scotland

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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