

Date 15 January 2018

Convener
Justice Sub-Committee
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP



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Dear Convener,

Custody Provision Evidence Session

In furtherance to the Evidence Session on Custody Provision at the Justice Sub-Committee on Policing on 7 December 2017, with regard to the specific information requested, which I have included for each response, I would offer the following comments:

1. Details of any further consideration of the 21 risk assessment questions, including consideration of the inclusion of stakeholders such as Positive Prison? Positive Futures and the Scottish Human Rights Commission in the consultation process, and the inclusion of a question to ascertain whether the person has responsibility for others.

Further consideration of the 21 risk assessment question set has been undertaken with the development of a new question set based on the one utilised by Northumbria Police (Newcastle), which will be commented on in further detail in respect of point 2.

Ultimately, the primary purpose of the question set is to ensure that the immediate care and welfare needs of the person brought into custody are provided for and I can confirm that in order to formalise good practice, the amended version will also include a further question regarding any potential responsibility for others is noted and is incorporated therein. The risk assessment tool was discussed with the Scottish Prison Service who commented positively on the amended content. Whilst not directly contacted in respect of the question set, I can advise that the Scottish Human Rights

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Commission have been consulted on various policy decisions in respect of police custody, including our Custody Care and Welfare of Persons in Police Custody Standard Operating Procedures, which is also rigorously checked for ECHR compliance.

With regard to inclusion of stakeholder's in our custody provision, our primary relationship is with the NHS who provide medical support within the custody environment. We have constant interaction with them through daily discussions operationally between custody officers/staff and nurses/doctors, in addition to two dedicated Police Inspectors tasked with liaising with our NHS partners across Scotland, which is an important and extremely effective relationship. With the help of our NHS partners and Police Scotland's Safer Communities department we are able to sign post people that come into Custody more effectively than ever before, whether that be to organise further Social Work involvement, or through addiction services provided by Local Authorities or other bodies. Having assessed a person in Custody, our NHS partners will direct that person to the support structures that are available to them, often organising meetings/appointments with other services when they leave custody. We also provide support for serving, or previous Armed Forces personnel through the Armed Services Advice Project, which Police Scotland has been in partnership with since 2014. Anyone who is serving, or has served, are given a leaflet signposting them to further help if required. Similarly this year saw the launch of Police Scotland's partnership with 'Future Pathways', which we provide leaflets for those persons in custody in order that they are aware of the benefit of the service provided.

Police Scotland were contacted in Dec 2016 by NHS Lothian, and invited to be part of a steering group, the aim of which was to raise the profile of a group called 'Just Us', who are a group led by women who have experience of mental health issues, histories of trauma and have had involvement with the Criminal Justice System as prisoners. As part of the ongoing work by this group, they filmed a scene for their film project within a police custody suite, in addition to a film that they had already made at HMP Cornton Vale. This consisted of a short 'booking in' scene where a woman is 'taken through'/explained the 'booking in' process, including the risk assessment questions, after they have been arrested.

2. CS McEwan mentioned that Police Scotland is considering the further risk assessment which is undertaken in Newcastle for those in custody, could you provide more detail on that risk assessment and the work done to date?

Dr Iain MacKinnon, Honorary Senior Clinical Lecturer, Academic Psychiatry, Newcastle University, has developed a more detailed risk assessment question set for Northumbria Police resulting in them having adopted it within their custody process since April 2016. Officers from Police Scotland Criminal Justice Services Division (CJSD), who were aware of this development visited Newcastle Police Office to observe the question set in operation and liaised with Dr MacKinnon regarding its potential use by Police Scotland. He also attended an initial meeting with a selection of Police Scotland operational Custody Sergeants and NHS Police Healthcare practitioners (Lead Doctors &

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Nurses) where he explained the thought processes behind the question set and following discussions at this meeting, a further 5 consultation meetings took place over 5 months with police custody practitioners, Police Scotland's Safer Communities department and NHS Police Healthcare practitioners, in order to develop a Police Scotland version of the question set. As a result, a new risk assessment question set has been developed that encompasses observations from the custody sergeant/officer and direct questions to the person. There are more questions asked of the person within this set, however, it is a far more comprehensive picture that is developed, helping influence the immediate care plan for the person that is instructed by custody sergeants/officers. The electronic version currently under development for use with the National Custody System (NCS) will pull through all the information gleaned from the questions and observations for the final page, presenting the information in a manner that allows the custody sergeant/officer to make their care plan decision.

When completed, this new risk assessment tool will be presented for divisional policy approval prior to being embedded within the NCS, subsequent to the I.T. upgrade required to accommodate changes to comply with the Criminal Justice (S) Act 2016 implementation.

3. Data on the number of PCSO vacancies currently, what happened to the 118 PCSO vacancies, what the final number of PCSOs is expected to be, the plan for filling those vacancies and removing police officers from back-filling the role of corporate service staff?

There are currently 18 PCSO FTE (Full Time Equivalent) vacancies in various locations throughout the country. Recruitment to these vacancies is on-going and at various stages of our recruitment and selection process.

Prior to 1st April 2017, as part of the 2016/17 budget setting process, £13.1 million in relation to over circa 500 FTE vacancies was removed from across the Service. During the 2016/17 financial year we managed this pressure via an Active Vacancy Management Process and utilised police officers in temporary roles to provide backfill in appropriate operational areas, including in Custody Offices. In setting the 2017/18 budget the Service still had circa 500+ FTE unfunded vacancies therefore the decision was taken by the Force Executive to formally remove some of these, including unfunded PCSO vacancies, despite these being critical roles, as mitigation had been put in place in terms of fully trained police officers providing the necessary backfill. At this time the Criminal Justice and Custody Re-Design Project was prioritised by the Service to design and implement a sustainable custody operating model going forward. All vacancies that have arisen since 1st April this year have progressed to police staff recruitment and form part of the 18 currently being recruited to.

The work to determine the future operating model for Criminal Justice Services Division (CJSD) is on-going so it is not yet possible to determine what the final number of PCSO's is expected to be. However, as part of Phase 1 of the remodelling programme, which includes the move towards Criminal Justice Hubs, the Force Executive have recently agreed to increase

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the number of Police Staff posts within CJSD by 45, in addition to the 18 posts already being recruited as detailed above. Discussion on the new posts is on-going and it is anticipated that recruitment for these additional posts will commence in the coming weeks.

4. Details of the "three strategic hubs" in Falkirk, Aberdeen and Inverness pilot and an update on the planned review of the Custody Division.

Phase 1 of the Custody Remodelling project (Nov 2017 - Nov 2018) has identified three locations to pilot as 'Criminal Justice Hubs' - Falkirk, Inverness and Kittybrewster (Aberdeen). The decision to develop CJ Hubs came from a desire to bring innovation into the criminal justice environment, reduce the burden on Local Policing and help find new ways of working with partners. Each location will benefit from an uplift in staff (in total 45 new members of police staff) and capital spend to bring in the new practices and innovation. A detailed implementation plan is being developed to cover the delivery of Phase 1, in addition to a communications plan and a series of training plans for both new and existing staff.

These hubs will be developed as examples of the 'ideal / best practice' future of Custody & Criminal Justice provision and help inform Phase 2. The second phase of the project will look to expand on the initial three hubs and deliver a new national custody operating model. A full business case outlining the options available to deliver the Hubs and a long term vision for custody will be delivered to the Police Scotland executive in 2018/2019.

5. Prior to the evidence session the Sub-Committee had requested information on "whether Police Scotland has undertaken a human rights assessment of current custody arrangements and, if so, the details of that assessment". This was not provided within the Police Scotland written submission and the Sub-Committee would appreciate it if this can be included in the follow-up written information.

As per the written submission, I can confirm that prior to inception, all Police Scotland policy documents undergo a consultation process and full Equality and Human Rights Impact Assessment (EqHRIA).

All custody provision, including transfers, are detailed within our 'Care and Welfare of Persons in Police Custody' Standing Operating Procedure and 'Custody Transfer Guidance'. I have attached both for your information with relevant EqHRIA.

I hope the foregoing information is helpful.

Yours sincerely

Garry McEwan
Chief Superintendent
Criminal Justice Services Division

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