



CUSTODY TRANSFER GUIDANCE

Owning Department: Custody Division DCU

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1. Purpose

1.1 This Guidance document supports the following Police Service of Scotland (hereafter referred to as Police Scotland) Policy and Standard Operating Procedure:

- [Custody Policy](#)
- [Care and Welfare of Persons in Police Custody SOP](#)

1.2 This document is applicable to police officers and members of police staff of Police Scotland who are attached to Custody Division, or are involved in the transfer of persons in police custody in Scotland.

2. Aim

2.1 The aim of this document is to provide guidance which all police officers and staff will follow while engaged in the transfer of custodies between police custody centres. This guidance will ensure the highest standards of care and welfare of persons in police custody are maintained at all times, and maintain compliance with the [Equality Act 2010](#) and [Human Rights Act 1998](#).

2.2 This document will establish the following:

- That the movement of persons in police custody between custody centres shall be referred to as a 'custody transfer'.
- Parameters that can be used to identify when a custody transfer is necessary.
- The chain of command during a custody transfer.
- Criteria for the suitability of individual custodies considered for transfer.
- The responsibilities of the dispatching centre.
- The responsibilities of the receiving centre.

3. Methodology

3.1 The principles of this document will be implemented by Custody Division Management and staff within the Division.

3.2 Custody transfers will be carried out wherever possible by Custody Division Officers and Staff. Where necessary, support may be sought from Local Policing Divisions.

4. Parameters

4.1 A custody transfer may be instigated in the following circumstances:

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- Where there is a requirement to create cell capacity in order to support front line policing. This includes consideration being given to factors which may impact upon custody capacity locally, such as court holidays, events and operations, etc.
 - Where there is a requirement for facilities for constant observations.
 - To rationalise the number of officers engaged in constant observations duties.
 - In the event of an unexpected custody centre closure.
 - Any other scenario where transfer of a person in custody is deemed necessary.
- 4.2 Where any of the above scenarios arise, it is the responsibility of the Custody Supervisor to escalate the matter to the Force Custody Inspector, who will provide further advice.

5. Command Structure

5.1 The following command structure will apply during Custody Transfers:

- **Transfer within Cluster**
Custody supervisor will inform Force Custody Inspector.
Force Custody Inspector considers/approves transfer.
- **Transfer between Clusters within Command Area**
Custody supervisor will inform Force Custody Inspector.
Force Custody Inspector considers/approves transfer.
- **Transfer between Command Areas**
Custody supervisor contacts Force Custody Inspector.
Force Custody Inspector informs 'On Call' Senior Officer.
'On Call' Senior Officer considers/approves transfer.

5.2 The Force Custody Inspector and Senior Officer will together assess the full circumstances, taking into consideration the following factors:

- Transfer times
- Capacity
- Facilities
- Police & court public holidays
- Resource and estate issues
- Emerging issues and competing demands such as ongoing operations or events.
- Other issues highlighted in the 'Custody Division Weekly Tactical Plan'

5.3 The Force Custody Inspector will liaise with the dispatching and receiving centres to ensure the transfer is necessary and that the receiving centre is fully resourced, equipped and able to receive the custodies.

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- 5.4 Following approval of the transfer, Custody Supervisors from the respective Custody Centres will liaise directly with each other to establish a mutually agreeable departure/estimated arrival time and discuss the care and welfare issues of each transferee.

6. Custody Suitability for Transfer

- 6.1 Routine transfers should only be considered for custodies held for court on the next lawful day. However, in exceptional circumstances (e.g. unexpected closure of a custody centre) custodies who are to be released by way of undertaking or for report may also be transferred.
- 6.2 An individual risk assessment must be carried out for each custody considered for transfer. Custody supervisors must be able to provide rationale for each individual deemed suitable. Protected characteristics and equality issues must be considered in the risk assessment.
- 6.3 In general, custodies deemed 'low risk' are to be prioritised for transfer ahead of others.
- 6.4 All ongoing enquiries must be complete in relation to the custody (e.g. interviews, evidential samples, locate/trace packages, etc.) prior to transfer.
- 6.5 Custodies with complex medical needs should not be transferred. The interpretation of 'complex' should be based on the individual's current and past state of health. If in doubt, the direction of a Healthcare Professional should be sought to assess suitability.
- 6.6 If custodies who have been prescribed medication are required to be transferred, any medication due should be administered prior to transfer, where possible, and securely stored within custody's property bag. **Cognisance should be given to safety of staff handling property bags and items such as insulin pens or other medical sharps in the property must be placed within the appropriate protective container to reduce the risk of injury to any person.**
- 6.7 Careful consideration should be given to transfer of custodies that have been subject to constant observations and subsequently reduced by a Healthcare Professional to a routine observations regime. **The transfer of such custodies should only take place where this has been explicitly agreed by the Force Custody Inspector.**

7. Equality Considerations

- 7.1 Consideration should be given to how custodies may behave towards each other in the transfer vehicle. If there is any doubt as to the safety of individual custodies for any reason, they must not be transferred.

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- 7.2 Consideration should be given to any physical disabilities or other conditions which may limit the custody's mobility and affect their ability to access transfer vehicles.
- 7.3 Pregnant female custodies should not be transferred where possible. If the transfer of a pregnant female is necessary, they must be conveyed in a suitable vehicle.
- 7.4 Consideration should be given to transfer of custodies of different age, race, religions or sects which may be in conflict with each other. In this case, they should not be transferred together. Cognisance should be taken of the offence committed (e.g. transferring a person charged with crime aggravated by racial/religious prejudice alongside person of same race/religion as the victim of that crime).

8. Responsibilities of Dispatching Custody Centre

- 8.1 The Custody Supervisor will identify suitable staff to perform the Custody Transfer, utilising available Custody Division officers and staff where possible. If required, the Custody Supervisor will liaise with the local supervisor to identify the most appropriate officers for the transfer team. Any police staff involved in the custody transfer must have appropriate PPE and be trained in its use.
- 8.2 The Custody Supervisor will perform a dynamic risk assessment to identify and select custodies deemed as 'low risk'. This should be based on the vulnerability assessment and associated care plan.
- 8.3 The journey time between the selected holding centres must be deemed reasonable. The Force Custody Inspector must consider geographic factors and the travel conditions when carrying out the transfer risk assessment. Appropriate travelling times will vary from area to area depending on geography and infrastructure. This should be an integral part of the dynamic risk assessment. Furthermore, particular consideration should be given to both the existing and forecasted weather conditions, as serious adverse weather may present a significant increase to the associated risk.
- 8.4 All Custody Officers and Staff have a responsibility to highlight to the Custody Supervisor any issues which may preclude a custody from being transferred.
- 8.5 The rationale for the suitability of each custody must be fully documented in the respective custody record using Custody Supervisor's Notes.
- 8.6 Ensure all outstanding local enquiry / interviews are completed prior to transfer. All physical evidential samples (i.e. fingerprints, photograph, and DNA samples) must be taken prior to transfer. If there are any issues which prevent this, the receiving centre must be informed.
- 8.7 The respective solicitors and chosen 'reasonably named person' must be informed of the transfer and provided with the location of the receiving Custody Centre.

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8.8 Where I.T. systems in dispatching and receiving centres do not support the direct electronic transfer of data, or where physical media such as disks or USB drives are used, a documentary package will be provided for each custody. This is for the benefit of the custody supervisor and staff at the receiving custody centre. The package will contain the following:

- Printed copy of the complete custody record including risk assessment answers, care plan, visit details, duty officer notes and rights of accused.
- Prisoner Escort Record (PER) form completed as far as possible (not signed).
- Copy of medical notes and all documentation relevant to medical examination.

In addition an e-mail/fax containing nominal details of custodies should be sent to the receiving centre prior to the transfer. This should include:

- Name
- DOB
- Offence
- Court Attended

8.9 Where possible, ensure custodies, their property bags and the relevant paperwork packages are prepared in advance of the transfer team arriving to uplift to avoid undue delay.

8.10 Ensure custodies have had opportunity to receive food and drink, use toilet facilities, etc. before transfer. This is particularly relevant during longer transfers.

8.11 Each custody's property bag should be sealed and clearly marked. Where a custody has no property, an empty sealed bag containing the front sheet of their custody record should accompany them during the transfer.

8.12 Custodies must be thoroughly searched prior to being placed in the transfer vehicle.

8.13 Record the details of officers involved in the transfer.

8.14 Retain a note of the names of custodies that have been transferred.

9. Responsibilities of Receiving Custody Centre

9.1.1 Reserve appropriate cells for custodies to be received.

9.1.2 Custody records should not be created prior to the safe arrival of all custodies.

9.1.3 Upon arrival of custodies, complete transfer electronically, or manually enter each custody's details into the custody record.

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- 9.2 Priority must, at the discretion of the Custody Supervisor, be given to accepting transferees ahead of other custodies. Exceptions to this may include when the custodies waiting in a queue are non-compliant, juveniles, arrested for drink driving offences or have already been waiting for an excessive period of time.
- 9.3 Where Custody Records are manually entered, they must be included in the custody's full personal details, and Custody Supervisor Notes detailing the care plan, observations regime and grounds for continued detention (i.e. Lord Advocate's Guidelines).
- 9.4 Where one has been supplied, the documentary package (as described in paragraph 8.8) should be retained for reference during the time the custody is at the receiving centre.
- 9.5 Check property bags are all present, relevant to the custodies received, intact, properly sealed and secure.
- 9.6 Custodies must be thoroughly searched prior to being placed in the cell.
- 9.7 Record the details of the officers within the transfer team.
- 9.8 Ensure any physical media (i.e. Floppy Disks / USB devices) are returned to their original location.

10. Court Custody and Prisoner Escort Services (CCPES) Arrangements for Court Custodies

- 10.1 The receiving custody centre will include all custodies that were transferred in and are to attend court on their G4S booking form.
- 10.2 In line with current guidance, the provisional G4S booking form will be sent by 0100 hours, and the final booking form will be sent to G4S not later than 0400 on the day where collection is required.
- 10.3 There is no requirement for either dispatching or receiving custody centres to provide advance notification of transfers to G4S. Any contact with G4S relating to the transfer of prisoners, will be made through the Force Custody Inspector.

11. Transportation of Custodies

- 11.1 Transfers should be conducted in accordance with the guidance available in the [Driver Training and Standards Standard Operating Procedure](#) and the [Care and Welfare of Persons in Police Custody Standard Operating Procedure](#).
- 11.2 Vehicles must be fit for purpose and inspected prior to use to ensure they are roadworthy.
- 11.3 In addition, vehicles should be searched before and after the transfer of prisoners to ensure there are no foreign objects or other physical defects which might cause harm to any person involved in the transfer operation.

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- 11.4 The ratio of officers to custodies must also be risk assessed to ensure safety of both officers and custodies. As a guide, 3 staff members will be required for 3 or more custodies.
- 11.5 Custodies **must be handcuffed** at all times and never be left unattended.
- 11.6 At least one officer must have clear view of all custodies at all times during the transfer operation to ensure that they are safe and well.
- 11.7 Police Officers engaged in a custody transfer must wear personal protective equipment and be in possession of airwave radios at all times. They must also be certified in 'Officer Safety & SPELS' training.
- 11.8 Where Police Custody and Security Officers (PCSOs) are engaged in a custody transfer, they must wear personal protective equipment issued to them. They must also be certified in 'Officer Safety & SPELS' training. PCSOs that do not have full PPE (Baton, Cuffs, CS, Body Armour) should not be involved in the transfer of prisoners.
- 11.9 The relevant Area Control Room (ACR) must be notified of the nature of the journey. Police Officers must be affiliated to a dedicated call sign which will be assigned by the ACR. In the event of an unexpected incident occurring en route, the transfer team will seek assistance from the local ACR and the Force Custody Inspector should be notified.

12. Medical Emergency / Vehicle Breakdown

- 12.1 In the event of a medical emergency the escort should stop in a safe place and escorting officers must notify the ACR. An ambulance should be summoned and a request made for sufficient local resources to attend in order to manage prisoner's safety and prevent escape.
- 12.2 The Force Custody Inspector should be notified without delay.
- 12.3 In the event of a vehicle breakdown or road traffic collision, officers must notify the ACR immediately, including; the locus, nature of the incident and whether an ambulance is required. The escorting vehicle should stop in a safe place if possible. Officers should request the immediate assistance of sufficient local resources to preserve the safety of prisoners and a local supervisor to manage the scene.
- 12.4 The vehicle should remain in situ and escorting officers must take necessary steps to preserve life and prevent injury to prisoners, escorting officers and members of the public. Consideration must always be given to road safety.
- 12.5 In the event of any escorting officer becoming unfit for duties through illness or injury, the escorting vehicle should stop in a safe place and the ACR advised of the situation and locus. A request should be made for local resources to attend to assist as necessary. The Force Custody Inspector should also be notified.
- 12.6 The Force Custody Inspector should be notified without delay.

13. Complaints

13.1 All complaints arising from custody transfers will be dealt with in accordance with the [Complaints About the Police Standard Operating Procedure](#).

13.2 Custodies who are seeking to make a complaint prior to transfer should not be considered for transfer until the initial complaints procedure is complete.

14. Conclusion

14.1 Further guidance can be found in the [Care and Welfare of Persons in Police Custody Standard Operating Procedure](#) on the Police Service of Scotland Intranet or by contacting the Custody Divisional Coordination Unit.