

Justice Sub-Committee on Policing

Police Scotland's Custody Provision

Written submission from Families Outside

Families Outside is grateful for the opportunity to submit evidence to the Justice Sub-Committee on Policing.

Families Outside is a national independent charity that works solely on behalf of families affected by imprisonment in Scotland. We do this through comprehensive national support for both families and the professionals who work with them, through direct support in person or by telephone; through delivery of training; and through development of policy and practice. As such, we are not in a position to comment with expertise on much of the discussion regarding financial planning and the reduction in the number of custody centres. We can however make a few general comments.

First, we welcome the reduction of custody centres in principle, if this means that fewer people will be held in police custody while their cases are being processed. Management in the community, for example through increased use of bail and supervised bail, is preferable to detention where possible.

We do however recognise that some people will need to be detained in custody on arrest. This leads to our second point: when someone is arrested, families (with some exceptions) will understandably be concerned about the person's welfare. This includes the need for a clear understanding of where someone has been taken after arrest and how long they will be detained. With the understandable pressures on police time and reduced availability of custody cells, informing families of this in a timely manner will be difficult. It is however very important.

When someone goes into custody, the anxiety and stress on the remaining family is immense. Lack of information, uncertainty about processes and what to expect, and (where applicable) the trauma of witnessing an arrest – particularly for children – has a long-term impact on the family left behind.¹

With such concerns in mind, Police Scotland contributed to the Framework for Support to Families Affected by the Criminal Justice System (attached), commissioned and developed through the Lothian & Borders Community Justice Authority (CJA) and later adopted by all eight CJAs. The Framework is now part of the Knowledge Hub for Community Planning Partnerships as well as a tool for Community Justice Scotland.

The Framework emphasises the need for families to be informed about what is happening and, where possible, for families to be able to visit someone held in police custody. Reduction in the number of custody centres would make this difficult. Rule 59 of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 2015 states that "Prisoners shall be allocated, to the extent possible, to prisons

¹ See for example <http://www.cloresocialleadership.org.uk/collateral-damage.aspx>

close to their homes or their places of social rehabilitation.” We are aware that these standards may not apply to detention in police custody, but the principle of access for families remains the same.

Third, on a practical level we query whether contracting out of escorts to police custody centres may make better use of police time and resources? A dedicated service may be better for the people being moved between custody centres as well, reducing the “zig-zagging of the country” and extended time taken to transfer people to the spaces available. Any reduction in the time required to place someone in custody will benefit those likely to be in distress, possibly inebriated, or experiencing mental health issues. This service could also have the responsibility to contact families to alert them of the location of their family member.

We appreciate the opportunity to comment and welcome further discussion with the Sub-Committee as appropriate.

Professor Nancy Loucks OBE
Chief Executive
Families Outside
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