

Justice Sub-Committee on Policing

Police Scotland's Custody Provision

Written submission from Positive Prison? Positive Futures

We appreciate the invitation to give evidence on this matter and wish to offer this written submission in advance of the session on Thursday 7th December.

Context

According to Scottish Government's Justice Analytical Services (JAS) there are approximately 140,000 episodes of police custody each year in Scotland. This averages out at just under 400 per day.

Need for public safety

We recognise that it can be appropriate to hold persons suspected of having committed an offence in police custody as a matter of public safety. However, we believe this should be the exception rather than the default arrangement where and when there may or could be alternative non-custodial procedures available.

Access to police custody

When the circumstances are such that the use of custody is required then suitable custodial provision should be accessible within as short a time and distance as possible. Suitable custodial provision would ideally be in a purpose built facility although, under some circumstances, the option of a custom built mobile custody unit might be a viable alternative for as short a period of time as possible. Keeping a suspect in the back of a police car or van for any length of time, whether parked or in transit, may not necessarily be considered to be an appropriate form of police custody.

Alternatives to police custody?

According to JAS there is '*...growing recognition of compassionate, non-judgemental first response and trauma-informed practice.*' International research supports a decisive shift to early intervention, diversion and mitigation across the justice system to achieve health and justice outcomes, for example:

- diversion and liaison by police and courts for those with mental health problems
- health care interventions in police custody
- optimising drug misuse referral, treatment and care across the system
- optimising alcohol referral, treatment and care across the system

This might require a modernisation of the current arrest procedures but, in the long run, this could be of great benefit to the wider public.

Example of good practice to reduce need for police custody

The Community Triage Pilot carried out between January and June 2015 involving a partnership of NHS Greater Glasgow and Clyde, Police Scotland G, K and L (West Dunbartonshire) Divisions offered out of hours service telephone and face to face consultations to 234 individuals apprehended by police officers for less serious offences. Of these, 215 (92%) individuals accepted telephone consultations with CPNs from the service. 184 (86%) were deemed to be fit and well following the telephone consultation with no further intervention required at that time. CPNs conducted 31 (14% of the telephone consultations) face to face assessments. Those who declined telephone consultations were afforded a face to face assessment from the CPNs. 6 individuals arrested and/or reported for offences. 159 (68%) of the incidents attended during the pilot, were dealt with in less than 2 hours. 198 (85%) of calls were completed within 3 or less hours.

We believe this represents an example of very good practice which could well reduce the need for police custody across Scotland. In some areas (Ayrshire, Edinburgh and Tayside) evaluations are complete and the triage services are embedded as business as usual. In other areas (North East, East & Mid Lothian, Fife, Lanarkshire and Dumfries & Galloway) partial services are in operation. There is a need to incentivise triage collaborations in Forth Valley, Highlands and Islands, Borders and West Lothian.

Co-location of services

Whilst it is recognised that it would take considerable time and resources to co-locate community police and healthcare services it may be the case that an innovative approach like this could also reduce the need for police custody in some areas. This could also reduce the number of people being processed through the court system when what they would benefit from is specialist healthcare in the community.

I look forward to the Sub-Committee session on Thursday afternoon. If there is a need for any clarification of any of the above please do not hesitate to contact me.

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