



COVID-19 PANDEMIC EMERGENCY

LIAISON VISITS – PRISONS AND COURT CUSTODY UNITS

REPORT ON A LIAISON VISIT TO COURT CUSTODY UNIT DUNDEE SHERIFF COURT

Monday, 1 June 2020

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Introduction and Background

This report is part of a programme of liaison visits to Court Custody Units (CCUs), carried out by HM Inspectorate of Prisons for Scotland (HMIPS), during the COVID-19 pandemic emergency.

These visits contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detention. HMIPS is one of 21 bodies making up the NPM in the UK.

In these challenging times, HM Chief Inspector of Prisons for Scotland (HMCIPS) acknowledges that there will be a need for amendments to the daily routines and regimes in Scotland's CCUs in order to keep people safe. HMCIPS has made it clear however that “protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty”, and she will continue to report to the Cabinet Secretary for Justice on the treatment and conditions in which custodies are held, in line with HMIPS' [Standards for Inspecting and Monitoring Prisons in Scotland](#).

In recognition of the pressures imposed by COVID-19, HMIPS have developed an adapted methodology to their usual full inspection process; the [Liaison Visits Framework - Prison and Court Custody Units](#) that will be applied during this emergency.

HMIPS has developed an algorithm that is populated by weekly information sharing with the CCUs, which helps to provide intelligence to inform the scheduling of visits. More information can be found at [Liaison Visits Framework - Prison and Court Custody Units](#).

Process

Due to the COVID-19 pandemic, the number of Scottish courts operating at the time of this visit was 10. HMIPS will contact each of the 10 GEOAme Court Managers on a weekly basis to confirm numbers attending, with a focus on understanding the CCU response to COVID-19. A Log of those calls will be maintained. Where it is deemed appropriate, through telephone calls, information received from GEOAme, or results from the risk based HMIPS Liaison Data Algorithm, HMIPS will conduct a one-day liaison visit to one of the CCUs.

Liaison visits to CCUs, will have the following functions:

- To ensure scrutiny of CCUs continue and are grounded in human rights, looking at the treatment and conditions of those held in detention.
- To offer support to the CCU management and staff.
- To provide assurance to the Cabinet Secretary for Justice on the SPS, NHS GEOAme and Scottish Court and Tribunals Service (SCTS) response to the COVID-19 pandemic for those in custody.

- To garner intelligence and information to make informed decisions on future HMIPS priorities.
- To identify good practice that can be shared.

HMIPS assimilates information prior to the liaison visits to select the CCU to be visited and to contribute to the focus of the visit and consequently develop evidence-based findings utilising a number of different techniques. These include:

- calls to the CCU manager prior to the visit
- obtaining information and documents from the SCTS and the court inspected;
- shadowing and observing staff as they perform their duties within the CCU;
- interviewing custodies and staff on a one-to-one basis;
- inspecting a wide range of facilities impacting on both custodies and staff; and
- reviewing policies, procedures and performance reports.

The information gathered facilitates the compilation of a report into the CCU against the modified standards used. A written record of the evidence gathered is produced by those undertaking the visit consisting of a detailed narrative against each of the standard's inspected.

A log of recommendations and good practice arising from the liaison visit is completed and stored in our secure Electronic Records Document Management (eRDM) filing system.

Liaison visits will be undertaken in most cases by two HMIPS staff, the Inspector of Prisons and the Operations Manager who normally undertake CCU inspections, but may be accompanied by other members of staff from HMIPS. Out of the 10 courts operating at the time of this inspection, HMIPS have recently completed full inspections of six: Glasgow, Edinburgh, Paisley, Hamilton, Dumfries and Aberdeen.

The full inspections and our COVID-19 adapted liaison visit methodology are informed by a set of Standards as set out in our document [Standards for Inspecting Court Custody Provision in Scotland](#), published March 2017 and reviewed in January 2020. This report is set out to reflect the performance against these Standards.

These Standards contribute positively to the effective scrutiny of court custody provision in Scotland, designed to both encourage continuous improvement in the quality of care and custody of people held in court cells and to provide assurance.

Published CCU liaison visit reports provide assurance to Ministers, key stakeholders and the wider public that inspections are conducted in line with a framework that is consistent, and that assessments are made against appropriate criteria.

This adapted inspection methodology developed in response to COVID-19 will be kept under continual review and as soon as it is safe and reasonable to do so, full CCU inspections will recommence.

Findings from any CCU Liaison Visits and issues that are highlighted from weekly CCU telephone calls, will be reported to:

1. the Cabinet Secretaries for Justice, Health and Sport; and
2. the Scottish Government Justice Directorate, GEOAmey, Police Scotland, the SPS and SCTS for information and action.

HMIPS will ensure all relevant parties are kept informed and any good practice or recommendations identified will be logged and progress monitored

The visit team for this inspection was Calum McCarty, Graeme Neill, and Kerry Love.

Wendy Sinclair-Gieben

Wendy Sinclair-Gieben

HM Chief Inspector of Prisons for Scotland

August 2020

STANDARDS, COMMENTARY AND QUALITY INDICATORS

STANDARD 1 - LAWFUL AND TRANSPARENT USE OF CUSTODY

The custody service provider (“the provider”) complies with administrative and procedural requirements of the law and takes appropriate action in response to the findings and recommendations of official bodies that exercise supervisory jurisdiction over it.

Commentary

The provider ensures that all prisoners are lawfully detained. Each prisoner’s time in custody is accurately calculated; they are properly classified and allocated to cells appropriately. The provider cooperates fully with agencies which have powers to investigate matters in the custody areas.

Quality indicators inspected

1.2 Personal Escort Record (PER) forms are accurately populated and all relevant sections are completed.

Inspectors did not observe the arrival of any custodies. However, staff informed them that on arrival at the CCU reception desk, custodies were asked to confirm their name and date of birth, which was compared against their PER and computer record. When staff were satisfied that their identity had been confirmed, a photograph was taken of the custody and added to the computer system before the custody was placed in a cell. Inspectors were informed that due to the COVID-19 pandemic, the Searching Officer, rather than the Bar Officer asked the questions of the custodies. The CCU were awaiting the arrival of a Perspex screen which will allow the Bar Officer to ask the questions.

It was clear that GEOAmey had ensured that the recommendations from previous liaison visits to other CCUs had been shared regarding custodies being offered hand sanitiser on arrival at the CCU and being asked questions in respect of COVID-19.

This was seen to be carried out at Dundee CCU, with hand sanitiser being offered and two questions being asked on arrival covering general health and safety and an awareness of the government’s social distancing rules. Should the custody not have an awareness of this they were advised accordingly.

In addition, staff asked custodies if they were willing to share a cell with one other custody and then reminded of the safe two metre safe distancing rule. This was all accurately documented on the GEOAmey computer system.

Good Practice 1: custodies were offered hand sanitiser on arrival at the CCU, hand washing facilities and hand sanitiser was offered on leaving their cells.

Good Practice 2: custodies were asked questions in respect of COVID-19, covering health and safety and social distancing rules.

1.3 A Cell Sharing Risk Assessment (CSRA) is carried out on arrival, taking account of individual characteristic (including gender, vulnerability, security risk, state of mental health or personal medical condition) and individuals are then allocated to an appropriate cell.

At the time of the visit, Dundee CCU were accepting additional custodies from Perth and Forfar Sheriff Courts due to their temporary closure. The CCU had a process in place between themselves and Police Scotland, in that all police custodies arrive at Dundee Police station where they are held in single cells until they are required in the CCU. The Police Station had 40 cells and it was a short secure walk between locations. This process could be improved further by a better arrangement with the local Procurator Fiscal to provide marked papers for custodies in a timeously agreed order.

This good communication between the agencies allowed the custody numbers to be staggered, ensuring better management of cell allocation within the CCU and achieve social distancing.

Currently the CCU allowed cell sharing, with the majority of the cells holding two custodies and one cell holding three custodies. On inspection it was felt that the cells at Dundee CCU were too small to hold two or more custodies and still maintain social distancing.

The CCU has eight cells, and all were operational on the day of visit.

There were 16 custodies present in the CCU at the time of the visit with six cells having double occupancy, one cell holding three, and another cell holding one person. All custodies were from the police. In total the CCU were handling 23 custodies and they consisted of 19 adult males, three adult females and one male aged under 21.

Four custodies were complaining of COVID-19 symptoms and were held at the police station to appear in court via video link.

Staff were aware that single occupancy cells are the priority and moved custodies into them as they became available.

HMIPS noted that no CCU staff or SCTS cleaners attended to clean the cells between occupants.

A selection of PER forms were examined by Inspectors. All were found to have been completed correctly and accurately, documenting the custodies classification, vulnerabilities, medical issues, dependencies and if an interpreter was required.

HMIPS noted that all further information pertaining to the custody, generated whilst within the CCU was recorded by staff electronically on the GEOAmey IT system rather than the PER. This system was seen to include COVID-19 considerations, including the offer of hand sanitiser or hand washing which was recorded during their stay in the CCU.

Good Practice 3: custodies complaining of COVID-19 symptoms were not admitted to the CCU, but held at the police station to appear in court via video link.

Recommendation 1: due to the size, all cells in the CCU should be single occupancy with phased management of custodies.

Recommendation 2: cells should be routinely cleaned between occupants.

STANDARD 2: DECENCY, DIGNITY, RESPECT AND EQUALITY

The custody areas should meet the basic requirements of decency and all prisoners within custody areas are treated with dignity and respect, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Commentary

All custody areas should be of adequate size for the number of persons they are used to detain, well maintained, clean and hygienic and have adequate lighting. Each prisoner should have access to toilets, be provided with necessary toiletries, and offered a nutritious meal. These needs should be met in ways that promote each prisoner's sense of personal and cultural identity and self-respect.

Quality indicators inspected

2.1 The custody areas should be appropriately equipped and constructed for their intended use and be maintained to an appropriate standard.

One custody court was operating on the day of inspection.

GEOAmey advice posters relating to COVID-19 were clearly displayed throughout the CCU.

There were eight members of staff on duty but not all were observed to be wearing gloves and only some wore masks. It was clear that this was a personal preference and not fully enforced by line managers. Some staff were seen to be social distancing from each other but others were not. The CCU manager included social distancing and the use of Personal Protective Equipment (PPE) in his daily staff briefings and stated that he regularly reminded staff throughout the day.

It was seen that one member of staff wore full PPE kit including, goggles, mask, gloves and apron, and they were tasked with searching custodies as they arrived at the CCU.

There was adequate PPE equipment within the CCU including hand sanitiser, masks, goggles, gloves and aprons.

It was seen that there was tape markings on the floor of the CCU corridors to show the two metre social distancing rule. The cells were not deemed by the inspectors to be of sufficient size to hold more than one custody. Tape markings were on the benches within the cells marking where custodies should sit, but they did not appear to be a minimum of two metres apart and very few of the custodies were seen to be sitting in them.

Good Practice 4: two metre markings on the floor encouraged staff social distancing.

Good Practice 5: as part of the daily staff briefing, the CCU Manager reminded staff to wear masks and gloves as a minimum when working in the CCU.

2.2 Good levels of cleanliness and hygiene are observed throughout the custody areas ensuring procedures for the prevention and control of infection are followed.

Inspectors noted that the SCTS had arranged for the cells to be power washed the weekend before this visit, and the walls looked clean and relatively graffiti free. The ceilings in some cells however were still badly damaged with burn marks.

The CCU had two separate unisex toilets, each containing a sink and a toilet bowl. A door allowed adequate privacy for the user. It was seen that both had cleaning facilities with a soap dispenser, paper hand towels and sinks. Both toilets had a sanitary bin but there were no information posters giving advice on how to obtain sanitary products.

The toilet areas were clean and in good order, it was also noted that CCU staff were cleaning the toilets between users.

The CCU was cleaned each evening by contract cleaners from the SCTS. Inspectors were made aware that since COVID-19 no additional cleaning was being carried out in the CCU.

CCU staff regularly disinfected the cell keys and search wands.

Recommendation 3: additional cleaning by the SCTS contract cleaners should be carried out whenever possible.

Recommendation 4: information posters giving advice on how to obtain sanitary products should be displayed.

STANDARD 4 - EFFECTIVE, COURTEOUS AND HUMANE EXERCISE OF AUTHORITY

The implementation of security and supervisory duties is balanced by courteous and humane treatment of custodies in the CCU.

Commentary

Procedures relating to perimeter, entry and exit security, and the personal safety, searching, supervision and escorting of custodies are implemented effectively. The level of security and supervision is proportionate to the risks presented at any given time.

Quality indicators inspected

4.2 The systems and procedures for the movement, transfer and release of custodies are implemented effectively and courteously.

On arrival at the CCU, custodies were handcuffed to staff who were wearing gloves and masks. HMIPS was encouraged to see staff taking appropriate PPE measures who were unable to adhere to the two metre social distancing rules.

Staff reported that initially there were mixed messages from the courts with regards to how custodies were brought to the dock by CCU staff. It had now been agreed that if the assessment of risk was high, cuffs and long chains were used so staff could maintain a safe distance from the custody. If the assessment of risk was low, custodies were not cuffed and were accompanied by two members of staff. This was deemed by Inspectors to be good practice.

Due to ongoing refurbishment the direct route from the police cells to the CCU had been cordoned off. Inspectors followed the route taken by custodies and it was seen that they would all pass by the police observation cell, which at the time of the visit was occupied by a female custody on constant observations, by two police officers.

HMIPS regard this as inappropriate as it affected the dignity and increased the vulnerability of the female custody under observation. HMIPS would urge the SCTS to complete the refurbishment work at the earliest opportunity and as a priority to prevent this current necessity.

Staff knew to wear full PPE when dealing with any custody displaying or reporting COVID-19 symptoms. In addition, a dedicated member of staff wore full PPE equipment to search custodies on arrival at the CCU, this prevented staff changing in and out of equipment.

Good Practice 6: risk assessments determined if a custody was cuffed **or not cuffed and appropriate measures were in place to facilitate this.**

Recommendation 5: staff should be more frequently reminded of social distancing rules.

Recommendation 6: at the earliest opportunity and as a priority the refurbishment of the route from the police cells to the CCU should be completed.

4.3 The systems and procedures for access and egress of visitors to the CCU are implemented effectively and courteously. There is adequate accommodation to facilitate such visitors.

Visitors including legal representatives and agency workers no longer entered the CCU since the COVID-19 measures were put in place. Any contact with custodies was now through a glass partition in one of the four interview rooms.

Staff confirmed that they did not clean the interview rooms with antiseptic wipes between uses, which was a task that was carried out in many other CCUs.

Recommendation 7: staff should clean the interview rooms with antiseptic wipes between uses.

STANDARD 6: HEALTH, WELLBEING AND MEDICAL TREATMENT

All reasonable steps are taken to ensure the health and wellbeing of custodies while in the CCU, and appropriate and timeous medical treatment is available when required.

Commentary

Where it is necessary to do so, custodies should receive treatment that takes account of all relevant NHS standards, guidelines and evidence-based treatments.

Staff were able to communicate the process in place for a custody attending the CCU with COVID-19 symptoms and for a custody developing such symptoms whilst in the CCU.

There was no requirement for a Scot Nurse during the inspectors visit and staff did not report any change to service since COVID-19 restrictions were implemented.

Summary of Good Practice

QUALITY INDICATOR	GOOD PRACTICE	RELEVANT AGENCY
1.2/4.2	Good Practice 1: custodies were offered hand sanitiser on arrival at the CCU, hand washing facilities and hand sanitiser was offered on leaving their cells.	GEOAmey
1.2	Good Practice 2: custodies were asked questions in respect of COVID-19, covering health and safety and social distancing rules.	GEOAmey
1.3	Good Practice 3: custodies complaining of COVID-19 symptoms were not admitted to the CCU, but held at the police station to appear in court via video link.	GEOAmey/ Police Scotland
2.1	Good Practice 4: two metre markings on the floor encouraged staff social distancing.	SCTS/ GEOAmey
2.1	Good Practice 5: as part of the daily staff briefing, the CCU Manager reminded staff to wear masks and gloves as a minimum when working in the CCU.	GEOAmey
4.2	Good Practice 6: risk assessments determined if a custody was cuffed or not cuffed and appropriate measures were in place to facilitate this.	GEOAmey

Summary of Recommendations

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
1.3/2.1	Recommendation 1: due to the size, all cells in the CCU should be single occupancy.	SCTS/ GEOAmey
1.3	Recommendation 2: cells should be cleaned between occupants.	GEOAmey/ SCTS
2.2	Recommendation 3: additional cleaning by the SCTS contract cleaners should be carried out whenever possible.	SCTS
2.2	Recommendation 4: information posters giving advice on how to obtain sanitary products should be prominently displayed.	GEOAmey
4.2	Recommendation 5: staff should be periodically reminded of social distancing rules.	GEOAmey
4.2	Recommendation 6: at the earliest opportunity and as a priority the refurbishment of the route from the police cells to the CCU should be completed.	SCTS
4.3	Recommendation 7: staff should clean the interview rooms with antiseptic wipes between uses.	GEOAmey

ACRONYMS

CCU	Court Custody Unit
CSRA	Cell Sharing Risk Assessment
COPFS	Crown Office and Procurator Fiscal Service
HMCIPS	HM Chief Inspector of Prisons for Scotland
HMIPS	HM Inspectorate of Prisons for Scotland
PER	Personal Escort Record
PPE	Personal Protective Equipment
SCTS	Scottish Courts and Tribunal Service
SPS	Scottish Prison Service



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