



COVID-19 PANDEMIC EMERGENCY

LIAISON VISITS – PRISONS AND COURT CUSTODY UNITS

REPORT ON A LIAISON VISIT TO COURT CUSTODY UNIT

Airdrie Sheriff Court

27 July 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 will 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, that 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 GEOAmey Team 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 GEOAmey, 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 GEOAmey 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 Team 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.

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, GEOAmev, 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 Graeme Neill and Kerry Love

Wendy Sinclair-Gieben

Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland
9 November 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.

Statutory procedures were compliant. Inspectors observed that custodies were asked questions in respect of Cell Sharing Risk Assessments (CSRAs) in front of the Bar Officer in view of CCTV by the searching officer. The answers to these questions were then recorded by the Bar Officer. Custodies were then 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, and then they were asked further questions covering general health and safety and an awareness of the Scottish Government’s physical distancing rules. Where the custody was not aware of the rules or what was expected of them in respect of physical distancing they were advised accordingly.

It was clear to Inspectors that the process for asking these important questions was consistent, methodical and well documented.

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.

It was noted that all further information pertaining to the custody, generated whilst within the CCU, was recorded by staff on the GEOAmey IT system.

It was encouraging to see that custodies were offered hand sanitiser on arrival at the CCU.

1.3 A Cell Sharing Risk Assessment (CSRA) is carried out on arrival, taking account of individual characteristics (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, Airdrie CCU was accepting additional custodies from Lanark CCU.

Inspectors were informed that the GEOAmeY Team Manager had established a good communication process between GEOAmeY, Police Scotland, the Procurator Fiscal, Sheriff Clerk, defence agents and the court manager. Each morning after the names of the first custodies were confirmed an e-mail was sent to the aforementioned recipients. This was usually carried out before 0900. This process should allow prioritisation of paperwork and custody running orders to create a good flow of custodies through the CCU, minimising the volume of people generally in the CCU and as such promote social distancing in line with the Scottish Government guidelines.

Traditionally the court commenced at 1400 for police custodies. Despite the implementation of COVID-19 restrictions measures, the court has not changed its practice and continues to start at this time. Social distancing was clearly compromised, as custodies were being brought from single occupancy cells in police stations to be doubled up in small CCU cells. With custodies arriving in the CCU from 0730 this caused an unnecessary gathering of custodies sitting in cells within the CCU, some for over six hours.

Due to the start time of the custody court, solicitors were arriving to speak to their clients at around 1330. This practice further increased the numbers of people present in the CCU at this time, therefore further compromising social distancing and exposing people to each other in confined conditions.

It was clear that best use was not being made of the process for sharing information at the start of the day as the court process did not begin until 1400, resulting in unnecessary early gathering of custodies, sitting in cells for longer than necessary

After their court appearance, the Sheriff Clerk was reported to be providing custody papers within a good timescale to release custodies.

The CCU had eight cells and all were operational. The Team Manager informed Inspectors that he had been instructed by GEOAmeY to double occupy all the cells, with cell number five available to be occupied by three custodies. Cells number six and three were classed as observation cells, both of these cells and the remainder were seen to be too small for double occupancy whilst maintaining physical distancing. Cell number five was bigger and under certain circumstances could be used for double occupancy if strict physical distancing rules are adhered to.

There were 21 custodies in total expected on the day of the inspection, they consisted of 13 adult males, six adult females and two under 21 males. At the time of the inspection it was seen that six cells had double occupancy, one observation cell has a single occupant and cell number five contained three custodies.

Recommendation 1: the custody court starts business in the morning to reduce unnecessary gathering of custodies and associated staff in the CCU, and as such reduce physical distancing and cell sharing.

Recommendation 2: the cells within Airdrie CCU are not of sufficient size to accommodate double occupancy and retain physical distancing, they should be moved to single occupancy without delay. With the exception of cell 5 which under certain circumstances could be used for double occupancy if strict physical distancing rules are adhered to.

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.

GEOAmev advice posters relating to COVID-19 were clearly displayed within the CCU and staff areas.

All staff were observed to be wearing gloves and masks. It was clear that this was a personal preference and not required to be routinely enforced by line managers. Staff were seen generally to be physical distancing from each other by keeping a minimum of two metres apart whenever possible. Staff confirmed to Inspectors that they were regularly reminded to maintain physical distancing during weekly briefings and throughout the day.

Inspectors observed that when custodies first arrived in the CCU a member of staff wearing full PPE kit including goggles, mask, gloves and an apron searched them. There was adequate PPE equipment within the CCU including hand sanitiser, masks, goggles, gloves and aprons.

It was noted that there were no markings on the floor of the CCU that clearly displayed a two metre distance. The markings stopped at the entrance to the CCU.

Many SPS custodies and the occasional police custody were appearing via video link and the process was working well. The exception was prisoners receiving full committals due to fears the link would be lost.

Recommendation 3: in line with the rest of the building, physical distancing markings should be clearly displayed on the floor of 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.

The CCU had two toilets that were used by both males and females, although staff did try to keep one for mainly female use. The toilets displayed information posters in relation to sanitary products and had sanitary bins. It was seen that all toilets had cleaning facilities with a soap dispenser, paper hand towels and sinks.

The toilet areas appeared clean and in good order. There was no additional cleaning of the toilets in response to COVID-19, but they were still cleaned daily as part of the scheduled cleaning programme.

It was noted however that the toilet doors were hinged in a short saloon style and did not offer sufficient privacy to custodies using the facilities from persons walking past the doors.

GEOAmey staff reported that they cleaned searching wands, keys, solicitor interview rooms and door handles periodically throughout the day with antiseptic wipes.

The CCU was still only cleaned once a day in the evening, with no additional cleaning having been scheduled in response to COVID-19. It was noted however that all cells were cleaned by a dedicated SCTS cleaner to the CCU between changes of occupants. This service was reported as excellent with a quick turnover time.

Cells were seen to be in generally good condition and had very little graffiti or damage. The Team Manager reported that he had purchased paint at his own expense and maintained the cell walls himself. This was an offer he had made to SCTS with which they had agreed. It was noted that some cells were in need of a deeper clean with a jet wash or similar, as food or staining from other substances were visible on some walls, specifically cell number F2.

Recommendation 4: toilet doors are replaced with a type that offers sufficient privacy to the users.

Recommendation 5: cells are given a deeper clean with a jet wash or similar.

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.

Inspectors observed some custodies being brought from the Court Custody Vehicles into the CCU. It was clear that a Handcuff Risk Assessment was carried out for each custody to allow social distancing whenever possible, and all escorting staff were seen to wear masks and gloves.

The Inspectors were informed that custodies were handcuffed to one member of staff whilst walking from the CCU to the court. This meant that physical distancing rules of being at least two metres apart could not be adhered to whilst handcuffed, therefore all staff wore gloves and masks.

Staff were aware of the need to wear full PPE when dealing with any custody displaying or reporting COVID-19 symptoms.

Only one custody was permitted to be in the cell area at any one time, this was mainly for security but also promoted physical distancing rules.

It was clear that GEOAmey had acted on recommendations from previous liaison visits to other CCUs and that hand sanitiser was offered to custodies on arrival, using the toilets and when leaving their cells or the CCU.

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 had not fully entered the CCU cell areas 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. To gain access to these interview rooms solicitors and visitors did not need to enter the CCU, but skirted round a corridor on the edge of the Unit.

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.

Scot Nurse attended when required and did so within the agreed timescales.

Summary of Recommendations

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
1.3	The custody court starts business in the morning to reduce unnecessary gathering of custodies and associated staff in the CCU and as such reduce physical distancing and cell sharing.	SCTS
1.3	The cells within Airdrie CCU are not of sufficient size to accommodate double occupancy and retain physical distancing, they should be moved to single occupancy without delay. With the exception of cell 5 which under certain circumstances could be used for double occupancy if strict physical distancing rules are adhered to	GEOAmey
2.1	In line with the rest of the building physical distancing markings should be clearly displayed on the floor of the CCU.	SCTS
2.2	Toilet doors are replaced with a type that offers sufficient privacy to the users.	SCTS
2.2	Cells are given a deeper clean with a jet wash or similar.	SCTS

ACRONYMS

COVID-19	Coronavirus Disease 2019
CCTV	Closed Circuit Television
CCU	Court Custody Unit
CSRA	Cell Sharing Risk Assessment
HMCIPS	HM Chief Inspector of Prisons for Scotland
HMIPS	HM Inspectorate of Prisons for Scotland
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SCTS	Scottish Courts and Tribunals Service
SPS	Scottish Prison Service



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