

COVID-19 PANDEMIC EMERGENCY

LIAISON VISITS – PRISONS AND COURT CUSTODY UNITS



**REPORT ON A LIAISON VISIT TO COURT CUSTODY UNIT
INVERNESS SHERIFF COURT**

Tuesday, 24 August 2020

CONTENTS

	Page
Introduction and background	1
Standards, commentary and quality indicators that apply	4
Standard 1: Lawful and transparent use of custody	
Standard 2: Decency, dignity, respect and equality	
Standard 4: Effective, courteous and humane exercise of authority	
Standard 6: Health, wellbeing and medical treatment	
 <u>Annexes</u>	
Annex A Summary of Recommendations	10
Annex B Acronyms	11

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

HMIPS will contact each of the GEOAmeY 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 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 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.

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 Kerry Love and Graeme Neill.

Wendy Sinclair-Gieben

Wendy Sinclair-Gieben
HM Chief Inspector of Prisons for Scotland

2 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.

Staff reported to Inspectors 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 prisoner was placed in a cell. Inspectors did not observe this practice.

On checking the GEOAmeY IT system it was encouraging to see that there was a record of custodies being offered hand sanitiser on arrival at the CCU and being asked questions in respect of COVID-19. These questions covered general health and safety and ensured awareness of the Scottish Government’s physical distancing rules and formed part of the Cell Sharing Risk Assessment (CSRA).

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.

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, Inverness Sheriff Court was designated a national Hub Court and Inverness CCU were accepting additional custodies from Elgin, Tain, Fort William and Portree Sheriff Courts.

The CCU is situated in the brand new Inverness Justice Centre that facilitates a collaborative approach, bringing together under one roof the SCTS, COPFS, Police Scotland, Social Work, NHS, and other third sector organisations.

The CCU had a very effective process in place between themselves and Police Scotland, COPFS, defence agents and the Sheriff Clerk in respect of the release of custodies from the police stations to the CCU.

The Team Manager for the CCU was the linchpin for the process. Good communication and relationships between the agencies allowed the custody numbers to be staggered, ensuring better management of cell allocation within the CCU and as such maintaining physical distancing.

At 0700 each day, the CCU Team Manager was in receipt of the custody names and numbers for the day and any risks associated with them; this allowed a decision to be made on what custodies could be brought to the CCU and how the cell allocation would be applied. Custodies from police stations further away from the CCU were prioritised.

If there were more custodies than the CCU could accommodate due to COVID restrictions, then the CCU Team Manger contacted COPFS, Sheriff Clerk, defence agents and SPS to inform them of which custodies had arrived in the CCU and those custodies that were being held back at police stations.

This allowed COPFS to request the prioritisation of the marking of papers and ensure they were with the defence agents in good time for the custody court to start; this was usually before lunchtime. This allowed the freeing up of cells and the movement of additional custodies in to the CCU.

It was 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.

On inspection of the IT system it was seen to include the answers to the set questions in respect of COVID-19 and the offer or use of hand sanitiser. These questions covered general health and safety and ensured awareness of the government's physical distancing rules.

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 arrival area and the staff rest areas and physical distancing markers were clearly visible on the floor of the CCU.

All staff were observed to be maintaining physical distancing rules whilst standing in the CCU; when not dealing with custodies they were observed not to be wearing gloves or masks.

Inspectors were informed that one member of staff wore full Personal Protective Equipment (PPE) kit including goggles, a mask, gloves and an 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.

The CCU had six cells and all were operational.

One custody court was running on the day of the visit.

There were 11 custodies present in the CCU at the time of the inspection. All cells were double occupancy with the exception of one observation cell that contained a single female custody.

Police Scotland retained three remaining custodies until cells became available in the CCU through the CCU Team Manger issuing 9D forms.

Staff were aware that single occupancy cells were the priority if the number of custodies permitted. It was seen by Inspectors that all cells were of sufficient size to

be clearly marked with a two metre physical distancing line and as such they could hold two custodies, if absolutely necessary. This decision was seen to be recorded on any CSRA in respect of COVID-19 considerations.

It was noted that there were clear markings on the floor within the cells that clearly displayed a physical distance request of two metres.

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 three toilets - male, female and disabled. The female toilet displayed information posters in relation to sanitary products and had a sanitary bin; all were seen to have cleaning facilities with a soap dispenser, paper hand towels and sinks.

The toilet areas were very clean and in good order.

It was noted that the CCU was part of a daily cleaning rota by a dedicated SCTS cleaner who attended each afternoon, floors and toilets were cleaned with particular attention to handles and work surfaces. Staff regularly cleaned cuffs, keys and search wands.

It was noted that all cells were cleaned by a dedicated SCTS cleaner to the CCU between changes of occupants. This service was reported to the Inspectors to be excellent with a maximum turnover time of 30 minutes.

It was seen that hand sanitiser was offered to custodies on arrival, when leaving their cells, using the toilets or when leaving and returning to the CCU.

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 a custody arriving at the CCU and he was seen to be handcuffed to a member of staff whilst walking from the Court Custody Vehicle. It was noted that the staff member wore gloves and a mask.

The process in place for taking custodies from the CCU to appear in court was for the custody to be single handcuffed to a member of staff. The Inspectors observed that the majority of staff wore gloves and masks when escorting custodies, but did observe a custody being escorted by a member of staff not wearing a mask.

Staff controlled the movement of custodies through the CCU to ensure only one was out of the cells at a time. If there was an overlap, custodies were kept well apart and returned to their cells without delay.

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

Recommendation 1: As custodies are not given a choice regarding PPE, all GEOAme staff escorting custodies in the CCU must wear gloves and masks at all times whilst handcuffed.

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 entered the CCU since the COVID-19 measures were put in place. Any contact with custodies was always through a glass partition in one of the six interview rooms accessed by legal representatives from outside the CCU. Staff cleaned the interview rooms on the CCU side between visits with antiseptic wipes.

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 had not been required to attend the CCU since opening in March 2020, a telephone consultation had been required and this was carried out successfully and within the agreed timescales.

The Team Manger informed Inspectors that on release, all custodies that required to use public transport to return to their home address were provided with face masks and directed to the Sheriff Clerk by CCU staff to obtain a travel warrant.

Summary of Recommendations

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
4.2	As custodies are not given a choice regarding PPE, all GEOAmey staff escorting custodies in the CCU must wear gloves and masks at all times whilst handcuffed.	GEOAmey

ACRONYMS

CCU	Court Custody Unit
COPFS	Crown Office and Procurator Fiscal Service
COVID-19	Coronavirus Disease 2019
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
9D FORM	A process to prevent the admission of custodies into a CCU due to capacity issues with regard to health and safety.



HM Inspectorate of Prisons for Scotland is a member of the UK's National Preventive Mechanism, a group of organisations that independently monitor all places of detention to meet the requirements of international human rights law.
<http://www.nationalpreventivemechanism.org.uk/>

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