



**HMIPS**

HM Inspectorate of Prisons for Scotland  
INSPECTING AND MONITORING

**Inspection of the Court Custody Provision,  
Aberdeen Sheriff Court**

**17 December 2018**

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## Introduction and Background

This report is part of the programme of inspections of court custody units (CCUs) carried out by HM Inspectorate of Prisons for Scotland (HMIPS). These inspections 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 several bodies making up the NPM in the UK.

The inspections of CCUs are informed by a set of Standards as set out in our document 'Standards for Inspecting Court Custody Provision in Scotland', published March 2017 which can be found at

<https://www.prisonsspectoratescotland.gov.uk/news/standards-inspecting-court-custody-provision-scotland>

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

The Standards provide assurance to Ministers and the public that inspections are conducted in line with a framework that is consistent, and that assessments are made against appropriate criteria. This report is set out to reflect the performance against these Standards.

HMIPS assimilates information resulting in evidence-based findings utilising a number of different techniques. These include:

- obtaining information and documents from the Scottish Courts and Tribunals Service and the court inspected;
- shadowing and observing staff as they perform their duties within the CCU;
- interviewing prisoners and staff on a one-to-one basis;
- inspecting a wide range of facilities impacting on both prisoners and staff; and
- reviewing policies, procedures and performance reports

The information gathered facilitates the compilation of a complete analysis of the CCU against the Standards used. A written record of the evidence gathered is produced by those undertaking the inspection. This consists of a detailed narrative against each of the Standard inspected.

## Overview by HM Chief Inspector of Prisons for Scotland

Aberdeen Sheriff Court's Custody Unit (CCU) had 31 people in custody on the day of inspection, having arrived from Police Scotland custody cells and Scottish Prison Service (SPS) establishments. Young people and woman were held separately.

Inspectors found the CCU to be a well-run facility with staff that were clearly well motivated, well-led and working well as a team. Staff prisoner relationships were decent and respectful. and the CCU staff had developed good relationships with partners in the building.

Staff maintained good levels of supervision and were highly visible and approachable; taking account of the varied needs of those they were responsible for. Prisoners with distinct vulnerabilities were located near the desk to allow staff to maintain greater observations and interactions.

The manager of the CCU maintained staff knowledge and professionalism through annual development reviews and the use of regular forums known as "Toolbox Talks". Subjects to date included the use of force, handcuffs and any other relevant emerging issues. This was a good example of improving staff performance through effective management and should be commended.

The management and control of Personal Escort Records (PERs) lacked timely due diligence, and cell allocation was completed prior to individual risk assessment interviews being completed on arrival.

To allow people to access their rights they need to know their rights, and if English is not their first language or they have limited communication skills it becomes challenging. Clear joint protocols are required to ensure that prisoners arriving at court fully understand why they are there, and the outcome of their court appearance. All parties concerned must develop a joint approach to ensure that procedures are in place for this to happen, and that the process is fully understood by all those involved.

Although the CCU lacked natural light it was well lit and generally clean. However, the CCU had significant and clearly historic graffiti on the doors, walls and ceilings; some of which had been transferred in when replacement doors were fitted. In addition, the toilets were unhygienic and require urgent refurbishment. Both these issues should be addressed.

Tensions occurred when prisoners were being removed from escort vans, and the ensuing queuing in a narrow corridor added unnecessary risk to the movement of prisoners. This was compounded by movement through public areas to access specific courts, although this was appropriately well-planned and managed by the staff team.

Finally, the difficulties experienced in many Scottish CCUs with overcrowding, disability access and movement tensions, could be addressed through greater use of video-link courts and this should be actively considered and encouraged.

Wendy Sinclair-Gieben  
HM Chief Inspector of Prisons for Scotland

## STANDARDS, COMMENTARY AND QUALITY INDICATORS

### 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

##### **1.1 Statutory procedures for identification of prisoners are fully complied with.**

On arrival at the Aberdeen CCU, prisoners were observed being escorted from the custody van to the CCU reception desk. At that point they were asked to confirm their name and date of birth which was checked against their PER and the information held on the service providers computer system. Once their identity had been confirmed a photograph was taken of the prisoner and added to the computer system.

##### **1.2 All prisoners are classified and this is recorded on the Personal Escort Record (PER) form.**

The PER forms were checked by inspectors. They had been completed by the service provider and included the prisoner’s classification, vulnerabilities, medical issues, dependencies and the outcome of the Cell Sharing Risk Assessment (CSRA).

CCU staff had good lines of communication with Police Scotland, and regularly made contact to request more information regarding a specific prisoner’s vulnerabilities, health or addiction history.

##### **1.3 All prisoners are allocated to a custody location dependent on their classification, gender, vulnerability, security risk, state of mental health or personal medical condition.**

Inspectors were informed that procedures were in place for CCU staff, whilst escorting a prisoner to the reception area, to ask them a series of set questions to determine their solicitor, mental health, medical issues, dependencies and their diversity and equality views. This information was utilised to help identify any risk factors that may be relevant and to mitigate any risks of interpersonal conflict, prior to making their final decision on which holding area to locate them in. Upon arrival at the reception desk, this information was provided to the member of staff accepting the prisoner, and was added to the computer system.

Inspectors accompanied a number of prisoners from the custody van to the reception desk and frequently observed these questions not being asked. In addition, upon

arrival at the reception desk the officer accepting the prisoner did not seek the outcome of these questions before the prisoner was allocated their custody location.

CCU staff were observed adapting their style and approach when necessary, being friendly and open. When required to do so they also demonstrated calm authority and control. Staff were observed to have good relationship with prisoners throughout the inspection.

**Recommendation: To ensure the risk assessment process is followed, a more robust assurance process should be put in place to ensure that staff ask prisoners the series of set questions on arrival at the CCU, and that their responses are accurately documented and acted upon.**

#### **1.4 A cell sharing risk assessment is carried out prior to each individual prisoner's allocation to a cell.**

Inspectors were shown a list of the prisoners that the CCU expected before they arrived. This list appeared to have been populated through information provided by Police Scotland via Police staff stationed within the Sheriff Court building. It was observed that the holding cells had been allocated to the prisoners prior to their arrival. The lack of consistency around the asking and documenting of the CSRA questions did not indicate that changes were made in response to any identified risk.

As mentioned in QI 1.3, inspectors observed that prisoners were frequently not asked the series of set questions on arrival, to allow CCU staff to make their own assessment of risk and complete the CSRA. On checking a number of the PER forms, each documented that a decision had been made regarding the CSRA, and as such the prisoner had been allocated to an appropriate cell. When inspectors asked to view the CSRA documents they were informed that they could not be provided, as they had not been completed. Therefore, the process used to risk assess and reach important decisions could not be evidenced. Prisoners had been in their cells for nearly two hours at that point.

**Recommendation: The CSRA should be carried out when the prisoner arrives at the CCU, and should not be solely based on information held within documents received from the Police and SPS ahead of the prisoner's arrival.**

**Recommendation: PER forms should continue to be completed at the time of prisoner's arrival, to document important decisions in real time.**

## **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

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

The CCU was based in an old Sheriff Court building, and this was reflected in the construction of the cell area. Whilst there was no natural light within the facility, the lighting was adequate in most areas.

Inspectors found lots of graffiti on the walls and ceilings of the holding cells that had clearly been there for quite some time. Paint had been scratched with vulgarities and burn marks were on the ceilings and window frames. CCU staff advised inspectors that a number of requests had been made to the Sheriff Clerk over the previous months for the cells to be painted, but to date it has not been done. It was noted that in the High Court cell area, there were cell doors that had been brought in from another court that still had graffiti on them from the last cells, and they had not been painted prior to being fitted.

The main locking door leading into the CCU could be accessed by any member of the public from a nearby public corridor. Official visitors to the CCU, such as solicitors, social workers or the procurator fiscal, do not routinely inform the CCU of their imminent attendance. This made it difficult for staff to determine the identity of persons requiring entry. It should be noted that the service provider requested a secondary gate be fitted in March 2018 to address this potential security issue.

**Recommendation: Whilst understanding the need for fiscal prudence, SCTS should review their maintenance programme to ensure that the CCU is maintained appropriately, and put in place a process to ensure that once identified, graffiti is removed as quickly as possible.**

**Recommendation: SCTS should review security around access to the CCU to prevent the potential for unauthorised persons gaining access to the cell area.**

#### **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.**

Staff were aware that there was a cleaning maintenance programme in place, and that a deep clean of the CCU was last carried out on 19 September 2018.

Staff had biohazard processes in place to reduce the spread of infection, particularly where they had to deal with a body fluid spillage, and spill kits were seen to be available. All equipment to deal with such situations were available and utilised when required. Cleaning staff from the court were called upon to clean any area that had been subjected to a biohazard, and CCU staff were aware of the process to isolate a contaminated area.

There were no toilets in the holding cells. During the inspection, it was observed that prisoners wishing to use the toilet would ask a member of CCU staff who would then escort them to a toilet situated outside the holding cells. Sanitary products for female prisoners were available on request. However, there was no signage to advise prisoners of this facility or appropriate disposal bins.

The CCU had two toilets for prisoner use and both were used by all genders. It is necessary to be able to view prisoners whilst using the toilets and the construction of solid doors with a small viewing panel allow for this, whilst providing privacy for the prisoner. Both toilet bowls were made of stainless steel and had no seat. The wall behind each bowl was constructed of melamine-faced chipboard, which was peeling off exposing the wooden chipboard and was saturated with urine. The odour was strong and the area was unhygienic. CCU staff had made a number of requests to the Sheriff Clerk to fix this, without success.

On the day of the inspection, one of the toilets was out of use, and neither had been cleaned. The floor was dirty, toilet paper was lying on the floor, and the bowls were stained with urine.

**Recommendation: Clear signage should be created to inform female prisoners that sanitary products are available on request.**

**Recommendation: The prisoner toilets require to be cleaned and upgraded. The toilet bowls should be fitted with seats and the framework and surrounds should be replaced. In addition, disabled access and associated equipment should be provided.**

### **2.3 All prisoners have access to toileting facilities on request.**

Due to the age and construction of the court building, it was understandably difficult to make the necessary changes to meet modern day access requirements. There was no disabled toilet for the sole use of prisoners with mobility issues. They were taken to the public disabled toilet, which had security risks and could affect prisoner's dignity. We recognise however that there was provision for disabled access and the cost of providing disabled access in the CCU inhibits what can be achieved.

### **2.4 The meals provided to prisoners are nutritious, varied, served at the appropriate temperature and well presented.**

Meals for prisoners were supplied by the service provider and consisted of fresh sandwiches, crisps and a drink. The staff also provided those in custody with access to drinking water on a regular basis, and inspectors observed every prisoner being offered a hot drink on arrival at the CCU.



**2.5 Where an individual remains in custody beyond 17:30 they should be provided with a nutritious evening meal.**

Hot food was available to those likely to be held in custody after 16:00, this was provided in the form of microwave meals and dry noodles.

**2.6 The meals provided to each prisoner conform to any specific dietary or medical requirements and their cultural or religious needs.**

Any special dietary needs could be catered for by purchasing food from nearby shops via the petty cash system, although they did stock gluten free meals.

### 3. PERSONAL SAFETY

**All reasonable steps are taken to ensure the safety of prisoners while in the custody areas.**

**Commentary:** All appropriate steps are taken to minimise the levels of harm to which prisoners are exposed. Appropriate steps are taken to protect prisoners from harm from others or themselves. Where violence or accidents do occur, the circumstances are thoroughly investigated and appropriate management action taken.

#### Quality indicators

#### **3.1 The provider has in place thorough and compassionate practices to identify and care for those at risk of suicide or self-harm.**

CCU staff were aware of the SPS Talk to Me Strategy and dealt with those arriving from prison establishments in the appropriate way. However, it was observed that on arrival, a number of prisoners who had self-harm or suicidal markers on their PER forms were not questioned further on this. Staff should be more assertive when asking questions relating to a prisoners welfare, to determine their state of mind on arrival at the CCU. The inspectorate welcomed the efforts made when any concerns the CCU staff had about a prisoner prompted them to contact Police Scotland or the appropriate prison, to assist them to make decisions about prisoners' welfare.

**Recommendation:** Staff should be more assertive when asking questions of prisoners with suicide or self-harm markers against their name, to assist them with the assessment of risk.

#### **3.2 The requirements of Health and Safety legislation are observed throughout the custody areas.**

CCU staff informed the inspectorate that they had not received any specific health and safety training. However, it was helpful to find that a full check of the CCU was carried out at the start and the end of each working day by the duty manager, to identify faults and any security issues. Any issues were immediately documented and reported to the Sheriff Clerk.

Inspectors were shown the appropriate processes and records that were deployed, to ensure the necessary Health and Safety legislation was adhered to and that any issues or risks arising were addressed appropriately.

It was noted that the doors of the holding cells opened inwards which could potentially facilitate a barricade being created by prisoners, preventing their safe removal from the cell.

Inspectors observed that only one prisoner was permitted to be in the cell passage area at any one time.

**Recommendation:** Consider cell doors being reconstructed to open outwards, preventing the potential for prisoners to barricade themselves in the cell.

**Recommendation: Consider local refresher training in Health and Safety for all staff**

**3.3 All activities take place according to recorded safe systems of work which are based on appropriately completed risk assessments.**

As found in other CCUs HMIPS have inspected, the service provider had a comprehensive list of Operating Instructions (OPIs) and appropriate safe systems of work. However, the online OPIs were not in an accessible or user-friendly format, which made it difficult to find specific instructions or directions. The service provider management should review the format of them to make them more readily accessible. In addition to the OPIs, local management had access to a range of contingency plans, and had worked closely with SCTS to develop them collaboratively; these were jointly tested at appropriate intervals.

**3.4 The attitude, behaviour and approach of staff contributes to the lowering of the risks of aggression and violence.**

Staff appeared to have a good relationship with those in custody. They were observed to use their interpersonal skills well to reduce the risk of aggression and violence. Where risks were identified, staff reacted quickly to resolve any issues. If staff assessed that where prisoners had been located may increase aggression and/or violence, they were moved to more appropriate surroundings where they could be cared for more appropriately.

**Good practice: The manager of the CCU maintained staff knowledge and professionalism through annual development reviews, and the use of regular forums known as “Toolbox Talks”. Subjects to date included the use of force, handcuffs and any other relevant emerging issues. This was a good example of improving staff performance through effective management and should be commended.**

**3.5 All reasonable steps are taken to minimise situations that are known to increase the risk of aggressive or violent behaviour. Where such situations are unavoidable, appropriate levels of supervision are maintained.**

One concern was the narrow corridor leading up to the entrance door to the CCU. Prisoners were taken from the custody vans into the CCU along this corridor, and they queued handcuffed to a member of staff awaiting entry to the CCU. Inspectors witnessed as many as six prisoners waiting at any one time. Whilst the agreed ratio was one staff member to one prisoner, it was an avoidable situation that had the potential for violence. This was evidenced by a recent incident involving an assault by one prisoner on another by spitting on them whilst at this location.

Use of force forms were viewed by inspectors. Staff were aware of how and when to complete them, and a recent form was found to have been completed accurately with a good level of detail.

**Recommendation: Consideration should be given to the level of risk posed by a number of prisoner’s queueing to be processed in the narrow corridor leading to the CCU.**

**3.6 Particular care is taken of prisoners whose appearance, behaviour, background or circumstances leave them at heightened risk of harm or abuse from others.**

The CCU did not have a designated safer cell but staff utilised a single holding cell situated near to the main office when vulnerable prisoners were identified. Whilst this was not ideal, it was deemed the most appropriate way for staff to provide a safe environment for those in need of additional supervision and care. Those assessed as vulnerable were in addition closely monitored via the CCTV system on a 10-minute rotation.

**3.7 The management and supervision of prisoners, held in custody, takes into account the nature of any identified risks.**

The movement of prisoners from the CCU to some courtrooms required the prisoner to walk through public areas and use public elevators. This was not conducive to ensuring the separation of prisoners and members of the public and could impact upon the security and safety of CCU staff, prisoners and the public. However, inspectors discussed this with the CCU staff, who demonstrated a robust assessment of risk and they ensured they handled this particularly difficult situation professionally and efficiently.

**3.8 All allegations or incidents of mistreatment, intimidation, hate, bullying, harassment or violence must be recorded and investigated by a person of sufficient independence with any findings being acted upon by management.**

CCU staff had a clear process for dealing with any complaints or allegations made by those held in custody. All such complaints were reviewed by the SPS contracts team to ensure fairness of treatment and to ensure that appropriate remedies were identified and implemented, when required. The manager within the CCU informed inspectors that when an allegation relating to a potential crime was made, it was referred immediately to Police Scotland. Inspectors were shown a number of reports correctly completed and filed by the manager. The service provider met daily with Police Scotland staff at the court and had built a good working relationship with them.

**3.9 There is an appropriate set of readily available contingency plans for managing emergencies and unpredictable events and staff are adequately trained in the roles they adopt in implementing the plans.**

Personal Emergency Evacuation Plans showed that the main exit from the CCU during an emergency was through the main door onto the staircase leading to the secure holding area. This was not an appropriate route for wheelchair users or prisoners with limited mobility. Such prisoners would be required to leave via a separate exit leading out through a public area to an evacuation point.

The emergency evacuation routes and plans were clearly displayed on the walls of the CCU, and five members of CCU staff were identified as qualified fire marshals. Of these five members, three were always on duty. However, that there was only one Evacuation Chair situated at the bottom of the stairs, which could be problematic if required for an individual at the top of the stairs during an emergency.

**Recommendation:** The movement of prisoners with limited mobility should be reviewed to ensure that access and egress can be provided in a secure environment, away from the public.

**Recommendation:** SCTS should review the positioning of the “Evac Chairs” on all stairwells leading to and from the CCU.

**Recommendation:** Greater use of video links to the courts could reduce the number of prisoners required to appear at court, particularly those with physical disabilities.

#### **4. HEALTH, WELLBEING AND MEDICAL TREATMENT**

**All reasonable steps are taken to ensure the health and wellbeing of prisoners while in the custody areas and that appropriate and timeous medical treatment is available when required.**

**Commentary:** Where it is necessary to do so, prisoners should receive treatment which takes account of all relevant NHS standards, guidelines and evidence-based treatments.

##### Quality indicators

#### **4.1 Any treatment provided in custody must be undertaken by an appropriately qualified professional and meet accepted standards.**

CCU staff can access medical services through a recognised provider called Scot Nurse. The contract provides for an appropriate response within one hour. Inspectors were told that a response was generally achieved within one hour however, on occasion, it could be over one hour. If prisoners were on prescribed medication, the service provider administered it without consulting Scot Nurse, but would never administer non-prescribed medication without consultation.

Staff provided evidence of a recent example where a prisoner had collapsed and was unresponsive due to drug withdrawal. The CCU emergency procedure was followed and staff administered first aid whilst an ambulance was summoned, the outcome was good and the prisoner fully recovered.

#### **4.2 There should be at least one court custody staff trained in emergency first aid on shift at any given time.**

All staff on duty had attended a three-day first aid training course and were qualified within their competency dates. Training records were held centrally, and individuals were notified every three years when they were due for refresher training. Any CCU staff out of competency were removed from working with prisoners until such times as they successfully completed refresher training.

## 5. EFFECTIVE, COURTEOUS AND HUMANE EXERCISE OF AUTHORITY

**The implementation of security and supervisory duties is balanced by courteous and humane treatment of prisoners.**

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

### Quality indicators

#### **5.1 Court custody staff discharge all supervisory and security duties courteously and in doing so respect the individuals given circumstances.**

During the inspection, it was observed that CCU staff discharged their duties courteously and in a respectful manner, whilst maintaining an acceptable level of authority. It was evident that the CCU staff worked as a team, and each member was confident and competent in their given role.

#### **5.2 The systems and procedures for the movement, transfer and release of prisoners are implemented effectively and courteously.**

See QI 3.5 re prisoners queuing in the corridor. Also, the transfer of prisoners from the escort vehicles to the CCU was carried out in a safe and controlled manner by staff. However, the walking distance from the escort vehicles to the CCU was of slight concern, as it was unnecessarily longer than it needed to be, due to parked vehicles within the court's secure perimeter. This prohibited the escort vehicles getting nearer to the door and as such increased risk to staff during the movement of prisoners.

**Recommendation: SCTS should consider prohibiting parking in specific areas to allow escort vehicles unhindered access to the CCU entrance.**

#### **5.3 The systems and procedures for access and egress of all other people are implemented effectively and courteously.**

Good relationships between the CCU staff and prisoners legal representatives were observed. The interview rooms were managed well, and there appeared to be an effective system in place to allow interviews to take place between the client and their representatives without undue delay. Inspectors observed good interaction between a social work representative and CCU staff ahead of an interview with a vulnerable prisoner.

#### **5.4 The systems and procedures for monitoring and supervising movements and activities of prisoners inside the custody areas are implemented effectively.**

There was CCTV in each of the eight holding rooms and two more in the corridor. Specific cells were allocated to females, those on protection and those aged under 21. Whilst it was not actively monitored, it was well positioned to be seen by staff. It was noted that the CCTV recorded and it was on a continual loop that allowed playback and seizure of recorded incidents if required.

### **5.5 The law concerning the searching of prisoners and their property in the custody areas is implemented thoroughly.**

Searching observed by inspectors was thorough and undertaken in a consistent and professional manner. 'Rub Down' searches were undertaken at the front desk on arrival, and appropriate facilities were available should a more detailed body search be required or assessed as necessary.

**Good practice: Staff search the property of prisoners on arrival from prison or police custody, and recently a mobile phone and keys were found which confirmed this was good practice.**

### **5.6 All security checks are carried out regularly and thoroughly.**

The CCU manager carried out a security check in the morning before the start of business, including a general health and safety check. This was known as an Alpha 1 check. Another similar check was carried out at the close of daily business, an Alpha 2 check. These checks were recorded and retained for a period of one month, inspectors viewed this document and it was found to be in order.

### **5.7 Physical force is used only when necessary and strictly in accordance with 'the provider's' control and restraint training guidance and the law.**

The use of physical restraints to ensure the security and safety of staff, other people in custody and the public appeared to be appropriate. On inspecting relevant documents there was no evidence that they were misused or applied without due cause, and all rationale was documented. It was noted that staff used good interpersonal skills to help avoid any tension and maintain a good atmosphere within the CCU.

### **5.8 Physical restraints are only used when necessary in accordance with any associated risk information provided on the PER and, in any case, strictly in accordance with the law.**

See QI. 5.7

### **5.9 Prisoners' personal property and cash are recorded and, where appropriate, stored.**

Prisoner's personal belongings were held securely in a locked 'walk-in' cupboard within the reception area to which only the manager has keys. All property was clearly recorded. All property bags were sealed with a unique reference number, and a process was in place should there be a requirement to open a bag. Money, medication and jewellery were kept in a locked safe. A CCTV camera was continually trained on the property store.

## 6. RESPECT, AUTONOMY AND PROTECTION AGAINST MISTREATMENT

**Staffs treat all prisoners in custody respectfully. Prisoners' rights to statutory protections and complaints processes are also respected.**

**Commentary: Staff engage with prisoners respectfully, positively and constructively. Prisoners are kept informed about the progress of their court case and are treated humanely and with understanding.**

### Quality indicators

#### **6.1 Relationships between staff and prisoners are respectful. The use of disrespectful language or behaviour is not tolerated.**

It was clear that there was a good relationship between CCU staff and prisoners. CCU staff clearly knew some prisoners from previous occasions and the dialogue between them encouraged a degree of all round respect. This carried forward to those less familiar to CCU staff, who were also shown the same consistent positive respectful attitude.

#### **6.2 Staff respect prisoners' rights to confidentiality in their dealings with them.**

Inspectors enquired about communicating with prisoners who had little or no English. CCU staff had access to a series of questions, including equality and diversity questions, in five different languages; Arabic, Latvian, Polish, Romanian and Slovakian, which were obtained from an online service resource. When enquiries were made regarding the use of a language line, inspectors were advised that if it were required CCU staff would contact Police Scotland and ask for assistance. Generally, when foreign nationals appeared at court their legal representative or Police Scotland arranged for a translator.

If a prisoner who cannot speak English arrives unplanned, there was no evidence of a joint protocol that clearly set out the roles and responsibilities to facilitate support. This also applied to other vulnerable groups who may struggle with understanding and comprehension of the court system, and therefore not have full access to their human rights.

**Recommendation: A joint protocol should be established between the partners, escort provider, Police Scotland and SCTS, to ensure that prisoners with limited communication skills or understanding are facilitated to fully understand the court process.**



## **Summary of Recommendations**

Recommendation QI 1.3: To ensure the risk assessment process is followed, a more robust process should be put in place to ensure that staff ask prisoners the series of set questions on arrival at the CCU, and that their responses are accurately documented and acted upon.

Recommendation QI 1.4: The CSRA should be carried out when the prisoner arrives at the CCU, and should not be based on information held within documents received from the Police and SPS ahead of the prisoner's arrival.

Recommendation QI 1.4: PER forms should be completed at the time of prisoners arrival, to document important decisions in real time.

Recommendation QI 2.1: Whilst understanding the need for fiscal prudence, SCTS should review their maintenance programme to ensure that the CCU is maintained appropriately, and put in place a process to ensure that once identified, graffiti is removed as quickly as possible.

Recommendation QI 2.1: SCTS should review security around access to the CCU to prevent the potential for unauthorised persons gaining access to the cell area.

Recommendation QI 2.2: Clear signage should be created to inform female prisoners that sanitary products are available on request.

Recommendation QI 2.2: The prisoner toilets require to be upgraded. The toilet bowls should be fitted with seats and the framework and surrounds should be replaced. In addition, disabled access and associated equipment should be provided.

Recommendation QI 3.1: Staff should be more assertive when asking questions of prisoners with suicide or self-harm markers against their name, to assist them with the assessment of risk.

Recommendation QI 3.2: Consider cell doors being reconstructed to open outwards, preventing the potential for prisoners to barricade themselves in the cell.

Recommendation QI 3.5: Consideration should be given to the level of risk posed by a number of prisoners queueing to be processed in the narrow corridor leading to the CCU.

Recommendation QI 3.9: The movement of prisoners with limited mobility should be reviewed to ensure that access and egress can be provided in a secure environment, away from the public.

Recommendation QI 3.9: SCTS should review the positioning of the "Evac Chairs" on all stairwells leading to and from the CCU.

Recommendation: QI 3.9: Greater use of video links to the courts could reduce the number of prisoners required to appear at court, particularly those with physical disabilities.

Recommendation QI 5.2: SCTS should consider prohibiting parking in specific areas to allow escort vehicles unhindered access to the CCU entrance.

Recommendation QI 6.2: A protocol should be established between the partners, escort provider, Police Scotland and SCTS, to ensure that prisoners with little to no English or limited communication skills or understanding are facilitated to fully understand the court process.

**Summary of Good practice**

Good practice QI 3.4: The manager of the CCU maintained staff knowledge and professionalism through annual development reviews, and the use of regular forums known as “Toolbox Talks”. Subjects to date included the use of force, handcuffs and any other relevant emerging issues. This was a good example of improving staff performance through effective management and should be commended.

Good practice QI 5.5: Staff search the property of prisoners on arrival from prison or police custody, and recently a mobile phone and keys were found which confirmed this was good practice.

**Inspection Team**

Calum McCarthy, HMIPS

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**Acronyms**

|       |  |
|-------|--|
| CCTV  | Closed Circuit Television                |
| CCU   | Court Custody Unit                       |
| CSRA  | Cell Sharing Risk Assessment             |
| HMIPS | HM Inspectorate of Prisons for Scotland  |
| OPI   | Operating Instructions                   |
| PER   | Personal Escort Record                   |
| SCTS  | The Scottish Courts and Tribunal Service |
| SPS   | The Scottish Prison Service              |



HM Inspectorate of Prisons for Scotland is a member of the UK's National Preventive Mechanism, a group of organisations which independently monitor all places of detention to meet the requirements of international human rights law.

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