

COVID-19 PANDEMIC EMERGENCY

LIAISON VISITS – PRISONS AND COURT CUSTODY UNITS



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

Monday, 11 May 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, 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 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. 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, 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 Calum McCarthy, and Graeme Neill.

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.

Statutory procedures were compliant. 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 observed that no custodies were offered hand sanitiser or the opportunity to wash their hands on arrival at the CCU, and were not asked any questions in respect of COVID-19 government guidelines, such as general health, symptoms, or awareness of social distancing rules.

Recommendation 1: hand sanitiser should be offered to all custodies on their arrival at the CCU and any time they leave their cell. (HMIPS are pleased to report that this recommendation has already been met by GEOAme.)

Recommendation 2: questions should be asked, as part of the initial custody assessment on arrival at the CCU, in respect of COVID-19. (HMIPS are pleased to report that this recommendation has already been met by GEOAme.)

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 inspection, Paisley CCU were accepting custodies from Greenock and Dumbarton Sheriff Courts following their temporary closure. The CCU had an effective process in place with Police Scotland to manage the release of custodies from the Police Stations to the CCU. Good communication between the two

organisations allowed the custody numbers to be staggered, ensuring better management of the cell allocation within the CCU and maintaining social distancing.

The CCU had nine cells that were all operational on the day of inspection. Pre-COVID-19, each cell could hold up to six custodies. There were 26 custodies to appear at court that day, but only 13 were present at the time of the inspection, consisting of eight adult males, four adult females and one male aged under 21.

Cells 3, 4 and 7 had two adult males sharing, cell 9 had two adult females sharing and the remainder of the cells were single occupancy. There was no record found on any of the CSRAs that COVID-19 was considered when allowing two custodies to share a cell. Staff were aware that single occupancy cells are the priority and moved custodies into them as they became available.

Police Scotland retained the remaining 13 custodies until cells became available in the CCU.

It was noted however, that cells were not cleaned or wiped down between changes of 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.

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. Again there was no mention of any assessment of risk around COVID-19, including the offer of hand sanitiser or hand washing recorded during their stay in the CCU.

Inspectors found an under 21 year old male custody sharing a cell with an adult male. Under 21 year old custodies must not share a cell with adults. When asked, the CCU staff were firmly of the opinion that this was permitted within the CCU as the custody originated from a Police Station. This is incorrect and should be made clear to all CCUs by GEOAmeY as a matter of urgency.

Good Practice 1: good communication with Police Scotland in respect of custody releases allowed better management of cell allocation. This should be replicated across Scotland.

Recommendation 3: COVID-19 related issues such as the offer of hand sanitiser or social distancing issues should be recorded in the custody's personal record on the GEOAmeY IT system. (HMIPS are pleased to report that this recommendation has already been met by GEOAmeY.)

Recommendation 4: all CCUs must be reminded by GEOAmeY, as a matter of urgency, that any under 21 custodies cannot share a cell with an adult, and that under 18 custodies cannot share a cell with anyone. (HMIPS are pleased to report that this recommendation has already been met by GEOAmeY.)

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.

The CCU at Paisley Sheriff Court formed part of a building that was built in 1885. As such, it was not reasonable to expect a fully inclusive environment that could be accessed and used by everyone, irrespective of their age, ability or gender.

There was no natural light within the CCU; however, artificial lighting was adequate throughout the facility.

During the previous inspection of this CCU in March 2019, it was reported that the ceilings of the cells were very badly damaged through graffiti, caused by burning the paint with lighters or matches. It was disappointing to see that there was no real improvement over a year later.

GEOAmey advice posters relating to COVID-19 were clearly displayed in the corridors of the CCU, and included social distancing instructions.

All staff were observed to be wearing gloves and some wore masks. It was clear that this was a personal preference and not enforced by line managers. Staff were generally observed not to be social distancing from each other by keeping a minimum of two metres apart whenever possible.

There was adequate Personal Protective Equipment (PPE) within the CCU including hand sanitiser, masks, goggles, gloves and aprons.

It was noted that there were no markings on the floor, or benches within the cells used for sharing, that clearly displayed a two meter distance. There were also no two meter markings in the corridors of the CCU to encourage social distancing.

Good Practice 2: GEOAmev advice posters relating to COVID-19 were clearly displayed in the corridors of the CCU, and included social distancing instructions.

Good Practice 3: there was adequate PPE equipment within the CCU including hand sanitiser, masks, goggles, gloves and aprons.

Recommendation 5: the ceilings of the cells were very badly damaged through graffiti, caused by burning the paint with lighters or matches. This repeat recommendation should be addressed as a matter of urgency.

Recommendation 6: staff should be constantly encouraged to keep to social distancing rules by keeping two metres apart whenever possible or wearing full PPE.

Recommendation 7: markings should be placed on the floor and benches within the cells, and the corridors should clearly display a two meter distance to encourage social distancing.

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 a male and female toilet area, and each toilet contained two bowls separated by a privacy wall. A door allowed adequate privacy for the user whilst being observed by CCU staff. It was observed that both had cleaning facilities with a soap dispenser, paper hand towels and two sinks. The toilet areas were clean and in good order.

The CCU did not hold cleaning records, but it was cleaned each evening by contract cleaners from the SCTS. Inspectors were made aware that due to COVID-19 extra cleaning was being carried out in the main court building during the day, including public areas. This extra cleaning routine did not include the CCU.

Keys and hand held metal detectors were not regularly cleaned after use.

Inspectors brought this to the attention of the SCTS manager who agreed to have the CCU included in this extra cleaning session.

Recommendation 8: subject to security, the CCU should be included in any additional cleaning regimes within the Sheriff Court building.

Recommendation 9: all equipment such as keys and hand held metal detectors should be thoroughly cleaned after use. (HMIPS are pleased to report that this recommendation has already been met by GEOAmev.)

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 seen to be handcuffed to CCU members of staff who were generally only wearing gloves. This was clearly in contravention of the social distancing rules of being at least two metres apart.

However, custodies who were being taken from the CCU to appear in court were observed not to be handcuffed and escorted by two members of staff wearing gloves and masks to and from the court, which was clearly a good effort to maintain social distancing.

Hand sanitiser was not offered to custodies on arrival, when leaving their cells or the CCU.

Good Practice 4: to maintain social distancing, custodies taken from the CCU to court were not handcuffed and were escorted by two members of staff, where a risk assessment allowed for it.

Recommendation 10: staff who are handcuffed to, or searching custodies, should wear a full set of PPE.

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.

A secure entry system with intercom and CCTV allowed access to the CCU through a secure door from a public corridor into a sterile area. Legal representatives and agency workers no longer entered the CCU since the COVID-19 measures were put in place. Any contact they had with custodies was now done through a glass partition in the interview rooms.

Good Practice 5: legal representatives and agency workers only had contact with custodies through a glass partition in the interview rooms.

4.4 Systems and procedures for monitoring the movement and activities of individuals inside the CCU are implemented effectively, and accurately recorded on the appropriate system.

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. An example was given from the previous week where such a custody arrived at the CCU. In consultation with the Sheriff Clerk, the custody remained in the Court Custody Vehicle and returned to the originating Police Station where the court process was completed via a video link.

Staff knew to wear full PPE when dealing with any custody displaying or reporting COVID-19 symptoms.

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.

Quality Indicators inspected

At the time of the inspection there had been no requirement to contact ScotNurse.

Summary of Good Practice

QUALITY INDICATOR	GOOD PRACTICE	RELEVANT AGENCY
1.3	Good Practice 1: good communication with Police Scotland in respect of custody releases allowed better management of cell allocation. This could be replicated across all courts.	GEOAmey/ Police Scotland
2.1	Good Practice 2: GEOAmey advice posters relating to COVID-19 were clearly displayed in the corridors of the CCU, and included social distancing instructions.	GEOAmey
2.1	Good Practice 3: there was adequate PPE equipment within the CCU including hand sanitiser, masks, goggles, gloves and aprons.	GEOAmey
4.2	Good Practice 4: to maintain social distancing, custodies taken from the CCU to court were not handcuffed and were escorted by two members of staff, where a risk assessment allowed for it.	GEOAmey
4.3	Good Practice 5: legal representatives and agency workers only had contact with custodies through a glass partition in the interview rooms.	GEOAmey SCTS

Summary of Recommendations

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
1.2	Recommendation 1: hand sanitiser should be offered to custodies on their arrival at the CCU and any time they leave their cell. (Since the inspection, GEOAmeY have addressed this recommendation.)	GEOAmeY
1.2	Recommendation 2: questions should be asked, as part of the initial custody assessment on arrival at the CCU, in respect of COVID-19. (Since the inspection, GEOAmeY have addressed this recommendation.)	GEOAmeY
1.3	Recommendation 3: COVID-19 related issues such as the offer of hand sanitiser or social distancing issues should be recorded in the custody's personal record on the GEOAmeY IT system. (Since the inspection, GEOAmeY have addressed this recommendation.)	GEOAmeY
1.3	Recommendation 4: all CCUs must be reminded by GEOAmeY, as a matter of urgency, that any under 21 custodies cannot share a cell with an adult, and that under 18 custodies cannot share a cell with anyone. (Since the inspection, GEOAmeY have addressed this recommendation.)	GEOAmeY
2.1	Recommendation 5: the ceilings of the cells were very badly damaged through graffiti, caused by burning the paint with lighters or matches. This repeat recommendation should be addressed as a matter of urgency.	SCTS
2.1	Recommendation 6: staff should be constantly encouraged to keep to social distancing rules by keeping two metres apart whenever possible or wearing full PPE.	GEOAmeY
2.1	Recommendation 7: markings should be placed on the floor and benches within the cells, and the corridors should clearly display a two meter distance to encourage social distancing.	SCTS/ GEOAmeY

Summary of Recommendations (Cont'd)

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
2.2	Recommendation 8: subject to security, the CCU should be included in any additional cleaning regimes within the Sheriff Court building.	SCTS
2.2	Recommendation 9: all equipment such as keys and hand held metal detectors should be thoroughly cleaned after use. (Since the inspection, GEOAmeY have addressed this recommendation.)	GEOAmeY
4.2	Recommendation 10: staff who are handcuffed to, or searching custodies, should wear a full set of PPE.	GEOAmeY

ACRONYMS

COVID-19	Coronavirus Disease 2019
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
PER	Personal Escort Record
SCTS	Scottish Courts and Tribunals Service
SPS	Scottish Prison Service
PPE	Personal Protective Equipment



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.

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HM Inspectorate of Prisons for Scotland
Room Y1.4
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

0131 244 8482