



COVID-19 PANDEMIC EMERGENCY

LIAISON VISITS – PRISONS AND COURT CUSTODY UNITS

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

Monday, 26 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 contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detention. HMIPS is one of 21 bodies making up the NPM in the UK.

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

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

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

Process

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

Liaison visits to CCUs, will have the following functions:

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

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

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

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

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

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

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

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

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

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

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

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

1. the Cabinet Secretaries for Justice, Health and Sport; and
2. the Scottish Government Justice Directorate, 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, Graeme Neill, and Kerry Love.

Wendy Sinclair-Gieben

Wendy Sinclair-Gieben

HM Chief Inspector of Prisons for Scotland

August 2020

STANDARDS, COMMENTARY AND QUALITY INDICATORS

STANDARD 1 - LAWFUL AND TRANSPARENT USE OF CUSTODY

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

Commentary

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

Quality indicators inspected

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

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 they were placed in a cell.

It was clear that GEOAmeY had ensured that the recommendation from the liaison visit to Paisley CCU had been shared with other CCUs regarding custodies being offered hand sanitiser on arrival at the CCU and asked questions in respect of COVID-19. This was seen to be carried out at Hamilton CCU, with hand sanitiser being offered and two questions being asked on arrival covering general health and safety and checking awareness of the government’s social distancing rules. Should the custody not have an awareness of this, they were advised accordingly.

In addition, staff asked custodies if they were willing to share a cell with one other custody, and then reminded of the two meter safe distancing rule. This was accurately documented on the GEOAmeY computer system. This improved approach was appreciated by the Inspectors.

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

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

1.3 A Cell Sharing Risk Assessment (CSRA) is carried out on arrival, taking account of individual 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, Hamilton CCU were accepting additional custodies from Lanark, Ayr, and Airdrie Sheriff Courts, due to their temporary closure, resulting in a high number of custodies to process. This created significant challenges for all agencies involved due to the limited cell capacity in Hamilton CCU. The CCU had a process in place between themselves and Police Scotland, the Crown Office and Procurator Fiscal Service and the Sheriff Clerk to safely manage the release of custodies from the police stations to the CCU.

This good communication between the agencies allowed the custody numbers to be phased, ensuring better management of cell allocation within the CCU and consequently an ability to maintain social distancing.

One of the main reasons for this process operating so effectively was that the CCU Manager took control and maintained good lines of communication between the GEOAmey Control Room and local police managers. Inspectors are aware that representatives from all of the key agencies had met and considered how to improve the process. However, on the day of the visit, it was reported to Inspectors that there was still a delay in marked papers for custodies being received timeously.

The CCU had nine cells that were all operational on the day of inspection. Pre the COVID-19 pandemic, cells 1, 2 and 8 could each hold up to four custodies, with the biggest cell holding up to 10 custodies.

There were 13 custodies present in the CCU at the time of the inspection, with four cells having double occupancy. Twelve custodies were from Police Scotland and one from the SPS. They consisted of nine adult males, one adult female, two males aged under 21 and one male aged under 18.

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

HMIPS welcomed the GEOAmey approach where staff contacted the SCTS cleaner to attend and clean the cells between occupants.

A selection of PER forms were examined by Inspectors. All were found to have been completed correctly and accurately, documenting the custodies classification, vulnerabilities, medical issues, dependencies and whether 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. This system was seen to include COVID-19 considerations, including the offer of hand sanitiser or hand washing which were recorded during their stay in the CCU.

Good Practice 3: single occupancy cells were being maintained whenever possible and cells cleaned between occupants.

Good Practice 4: phased management of custodies achieved through good communication between the agencies managed by the CCU manager.

Recommendation 1: all key agencies should continue to work together to improve the timeous arrival of marked papers.

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.

Hamilton CCU had eight courts in total, and one custody court was operating on Tuesday, the day of inspection.

GEOAmey advice posters relating to COVID-19 were displayed in the reception area, but behind where the custodies stood to be processed. As such they were easily missed. It was agreed that more posters would be displayed in the search area of the CCU for custodies to see them more clearly. This was in the process of being done whilst the inspectors were still on the premises.

There were 10 members of staff on duty at the time of the visit, and all were observed to be wearing gloves and some wore masks. It was clear that this was a personal preference and not fully enforced by line managers. It was good to see that staff were social distancing from each other by keeping a minimum of two meters apart whenever possible. Staff were aware to wear full Personal Protective Equipment (PPE) when dealing with any custody displaying or reporting COVID-19 symptoms.

In addition, a dedicated member of staff wore full PPE equipment to search custodies on arrival at the CCU, preventing staff from changing in and out of equipment.

As part of the daily staff briefing, the CCU Manager reminded staff to wear masks and gloves as a minimum when working in the CCU, and was proactive in reminding them throughout the day. In addition, staff were reminded of the social distancing rules when not dealing with custodies.

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

It was observed that there were no markings on the floor of the cells or the corridors of the CCU to show the two meter social distancing rule. The cells were of sufficient size that if they were clearly marked on the floor and benches to emphasise the two meter social distancing rule, they could hold two custodies, but only if absolutely necessary.

Recommendation 2: markings should be placed on the floor and benches within the cells and the corridors clearly displaying 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.

A previous inspection found that the walls of the cells in the CCU were badly damaged with graffiti. Inspectors were pleased to see it was much improved and were informed that the cells had been power washed by the SCTS the weekend before the visit.

The CCU had two separate unisex toilets, each containing a sink and a privacy wall. A door allowed adequate privacy for the user whilst being observed by CCU staff. It was seen that both had cleaning facilities with a soap dispenser, paper hand towels and sinks.

The toilet areas were clean and in good order. It was noted that the SCTS contract cleaners were attending on request to clean cells between occupants and undertake additional cleaning of the toilets.

The CCU Manager kept a record of cleaning in the daily occurrence book held at the front desk. The CCU was cleaned each evening by contract cleaners from the SCTS. Inspectors were made aware that since COVID-19 additional cleaning was being carried out in the CCU main court building during the day and this included areas of the CCU.

Good Practice 5: the SCTS contract cleaners were attending on request to clean cells between occupants and undertaking additional daily cleaning of the toilets.

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 staff who were wearing gloves and masks. This was encouraging to see staff taking appropriate PPE measures when unable to adhere to the social distancing guidance.

It was noted that the majority of custodies at Hamilton CCU were not attending the court as solicitors were appearing on their behalf. If a custody was required to attend and the assessment of risk was high, they were handcuffed and staff wore masks and gloves. If the assessment of risk was low, they are not handcuffed, but were accompanied by two members of staff. This was deemed by the inspectors to be good practice.

Hand sanitiser was offered to custodies on arrival, when leaving their cells or the CCU, and it was felt that CCU staff were very proactive around this.

Good Practice 6: as part of the daily staff briefing, the CCU Manager reminded staff to wear masks and gloves as a minimum when working in the CCU. CCU Managers were seen to remind staff throughout the day.

Good Practice 7: custodies were generally not attending court, as their solicitors were appearing on their behalf. Risk assessments determined if a custody was cuffed or not cuffed and appropriate measures were in place to facilitate this.

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.

Since the COVID-19 measures had been put in place, visitors including legal representatives and agency workers, no longer entered the CCU. Any contact with custodies was now through a glass partition in one of the four interview rooms. It was good to see that CCU staff were cleaning the interview rooms with antiseptic wipes between uses.

Good Practice 8: CCU staff were cleaning the interview rooms with antiseptic wipes between uses.

STANDARD 6 – COVID-19 SPECIFIC

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 processes in place for a custody attending the CCU with COVID-19 symptoms and for a custody developing such symptoms whilst in the CCU.

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

Summary of Good Practice

QUALITY INDICATOR	GOOD PRACTICE	RELEVANT AGENCY
1.2	Good Practice 1: custodies were offered hand sanitiser on arrival at the CCU, and hand washing facilities and hand sanitiser on leaving their cells.	GEOAmey
1.2	Good Practice 2: custodies were asked two questions in respect of COVID-19, covering health and safety and social distancing rules.	GEOAmey
1.3	Good Practice 3: single occupancy cells were being maintained whenever possible.	GEOAmey
1.3	Good Practice 4: phased management of custodies achieved through good communication between the agencies managed by the CCU manager.	
2.2	Good Practice 5: the SCTS contract cleaners were attending on request to clean cells between occupants and undertaking additional daily cleaning of the toilets.	GEOAmey/ SCTS
4.2	Good Practice 6: as part of the daily staff briefing, the CCU Manager reminded staff to wear masks and gloves as a minimum when working in the CCU. CCU Managers were seen to remind staff throughout the day.	GEOAmey
4.2	Good Practice 7: custodies were generally not attending court, as their solicitors were appearing on their behalf. Risk assessments determined if a custody was cuffed or not cuffed and appropriate measures were in place to facilitate this.	GEOAmey
4.3	Good Practice 8: CCU staff were cleaning the interview rooms with antiseptic wipes between uses.	GEOAmey

Summary of Recommendations

QUALITY INDICATOR	RECOMMENDATION	RELEVANT AGENCY
1.3	Recommendation 1: all key agencies should continue to work together to improve the timeous arrival of marked papers.	COPFS/Police Scotland/SCTS
2.1	Recommendation 2: markings should be placed on the floor and benches within the cells and the corridors clearly displaying a two meter distance to encourage social distancing.	SCTS/ GEOAmey

ACRONYMS

COVID-19	Coronavirus Disease 2019
CCU	Court Custody Unit
COPFS	Crown Office and Procurator Fiscal Service
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
PPE	Personal Protective Equipment
SCTS	Scottish Courts and Tribunal Service
SPS	Scottish Prison Service



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