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**Care and Welfare of Persons in Police Custody**  
**Standard Operating Procedure**

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<b>Owning Department:</b>	Criminal Justice Services Division
<b>Version Number:</b>	14.00 (Publication Scheme)
<b>Date Published:</b>	20/12/2019

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### Compliance Record

<b>Equality and Human Rights Impact Assessment (EqHRIA) Date Completed/Reviewed:</b>	30/10/2018
Information Management Compliant:	Yes
Health and Safety Compliant:	Yes
Publication Scheme Compliant:	Yes

### Version Control Table

<b>Version</b>	<b>History of Amendments</b>	<b>Approval Date</b>
1.00	Initial Approved Version	25/03/2013
1.01	Numerous minor grammatical / terminology / process changes as result of ongoing review. Geographical appendices amended reflect changes in approved national process and to ensure that direction referred to in main body of SOP is provided.	23/08/2013
2.00	Para 1.2 Addition to the Governance Section involving processes and procedures involving audit/inspection and solicitor access. Para 143.19 Adding instruction on Public Order Prisoner Extraction. Amendments to appendices A,B,E, and M	
2.01	Paragraph 15.15.7 has been amended to show additional guidance in Appendix 'T' re further information concerning persons in custody with drug related problems and the Management Guidelines for Persons Suspected of Having Controlled Drugs Concealed Internally.	02/09/2014
3.00	Full review of document with minor changes in grammar throughout the document. Update to Para 8.4 Solicitor Access and how force forms are completed.	28/10/2015
4.00	Full review of document undertaken and amendments made in a number of areas including – Initial apprehension/detention of a custody; Information regarding the provision of a solicitor via the Scottish Legal Aid Board; Arrest or Detention of a Child; Pre Release Risk Assessments; Searching Transgender and Intersex Persons in Custody; Prosthetic Limbs; Adverse Incidents; Gender Specific Care and Welfare; Constant Observations; Update to the appendix re primary weekend opening and ancillary custody centres to include island and rural	13/07/2016

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	stations; Public Order custody extractions.	
5.00	Grammatical amendment made to paragraph 6.10.4 deleting the word 'detained' and replacing it with 'arrested'	19/07/2016
6.00	Minor amendment to reflect update to Custody Centres in Appendix 'E'	12/04/2017
7.00	Under the direction of DCC Gywnne the amendments noted in this SOP are in relation to terminology changes only from the wording 'police office' to 'police station'.	07/07/2017
8.00	Section 12.1.12 added. Notification of FCI for stripped prisoners. Also signposting reader to section 19.8.4.	18/07/2017
9.00	Owning Department amended from Custody Division to Criminal Justice Services Division. Section 9.2.1 amended to include review of risk plans. Section 9.3.7 – Terminology change to 'Psychoactive Substances' Section 18.4.3 added. Instruction on administering methadone. Section 23.1.1 amended to remove reference to Formal Adult Warning SOP which no longer exists.	30/10/2017
10.00	Appendix E amended – Ancillary Centres of Craigmillar, Westerhailes, Haddington, Jedburgh and Kelso removed.	10/11/2017
11.00	Reviewed against latest version to ensure CJ compliance and accuracy. Section 8.12.6 updated to avoid duplication of notification to SPA and New Scotland Yard. Section 19.2.2 updated in relation to feminine hygiene products. Insertion of guidance for the issuing and recovery of blankets in 19.7.2 and 19.7.5. Amendment to Appendix E in relation to Custody Centre availability for Levenmouth, Abroath and Stirling (removed).	21/11/2017
12.00	Rewrite of Section 8.1,12.4 and new subsections added to Section 15 in relation to custody visits.	28/08/2018
13.00	Re-write of section 9 new risk assessment process, insertion into section 12 regarding searching of children. Additional guidance provided in section 19 regarding female prisoners.	30/10/2018
14.00	Minor update to amend HOIE telephone number in Appendix 'F'	20/12/2019

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## **OFFICIAL**

### **Contents**

1. Purpose
2. Equality and Human Rights Considerations
3. Definition of Custody
4. Definition of Custody Centre
5. Staffing of Custody Centre
6. Initial Apprehension of Prisoners
7. Conveyance of Prisoners
8. Custody Centre Procedures on Arrest (Non CJ Functions)
9. Risk Assessment and Management
10. Prisoners Hospitalised from Locus
11. Prisoner Hospitalised from a Custody Centre
12. Search
13. Prisoner's Property
14. Cell Occupancy Levels
15. Prisoner Visits
16. Adverse Incidents (Definitions)
17. Public Order Prisoner Extraction
18. Medical Provision
19. Prisoner Welfare Considerations
20. Fingerprinting, Photographing and DNA Sampling of Prisoners
21. Complaints About The Police
22. Independent Custody Visiting System (ICVS)
23. Liberation of Prisoners
24. Custody Audit, Management and Maintenance
25. Custody Paper Procedure/Business Continuity

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### Appendices

Appendix 'A'	List of Associated Legislation
Appendix 'B'	List of Associated Reference Documents
Appendix 'C'	List of Associated Forms
Appendix 'D'	Glossary of Terms
Appendix 'E'	Custody Centres
Appendix 'F'	Contact Directory
Appendix 'G'	Custody Officer Handover Aide Memoire
Appendix 'H'	CS Incapacitant Spray Decontamination and Aftercare Procedures
Appendix 'I'	Guidance for Officers Engaged in Constant Observations of Prisoners

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### 1. Purpose

- 1.1. This Standard Operating Procedure (SOP) supports the following Police Service of Scotland (hereafter referred to as Police Scotland) policies:
  - Custody Policy
  - Equality, Diversity and Dignity Policy
- 1.2 This SOP also supports a large number of Police Scotland SOP's which are detailed in full in Appendix B.
- 1.3 This SOP provides instruction and guidance to all Police Officers/Members of Police Staff responsible for the care and welfare of persons in police custody. This applies to staff working in all divisions/departments who are involved with prisoners.
- 1.4 Instruction and guidance to all Police officers/Members of Police Staff concerning custody procedures relative to the Criminal Justice (Scotland) Act 2016 can be found within the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.
- 1.5 Police Officers/Police Staff should utilise the National Decision Making Model to make informed decisions. All key decisions and rationale made in respect of prisoner care should be recorded on the National Custody System or paper log.

**Note:** The care and welfare of individuals in police custody is paramount. All Police Officers/Police Staff should be aware that failure to adhere to procedures may compromise prisoner care and potentially may render them liable to disciplinary, misconduct, civil or criminal proceedings
- 1.6 Whilst the vast majority of custody centres have access to the National Custody System, it is noted that certain areas continue to utilise paper records. For these centres and any other centre that is temporarily unable to utilise their computer records, any reference to the National Custody System also refers to paper records.
- 1.7 Any reference herein to a Health Care Professional (HCP) includes Doctors, Nurses and Paramedics.

### 2. Equality and Human Rights Considerations

- 2.1 It is essential that the care, welfare and security of persons held in police custody be maintained to consistently high standards. Whilst security is of paramount importance, all prisoners are to be treated with care and respect, ensuring that their fundamental human rights are maintained at all times. No prisoner should receive less favourable treatment on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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- 2.2 Each and every prisoner must be considered as an individual with specific needs relevant to his or her particular circumstances, health and condition. Reasonable requests, which do not interfere with operational requirements or security, should only be refused when there are justifiable reasons. Any such reasons for refusing a request should be documented on the National Custody System.

### **3. Definition of Custody**

- 3.1 For the purposes of the care and welfare of prisoners;  
'A person is considered to be in custody the moment they are arrested'.

### **4. Definition of Custody Centre**

- 4.1 Police Scotland utilises three types of Custody Centres:
- **Primary Custody Centre** – is a centre which is open to receive prisoners on a full time basis.
  - **Weekend Opening Facility** – is a centre which is routinely used at peak weekend times.
  - **Ancillary Custody Centre** – is a centre which may be opened due to demand or location.
- 4.2 A list of all Primary, Weekend Opening and Ancillary Custody Centres is contained in Appendix 'E'.

### **5. Staffing of Custody Centre**

#### **5.1 Key Roles and Responsibilities**

##### **5.1.1 Force Custody Inspector**

- The Force Custody Inspector (FCI) is on duty 24/7 and provides advice, guidance and support to Custody Supervisors nationally.
- It is the FCI's responsibility to have operational GRIP of ongoing issues and to liaise with cluster Inspectors and others to ensure ongoing operational viability. The FCI will escalate as appropriate to the Area Commander or on call Chief Inspector.
- The FCI rota is displayed on the Custody Division mini-site on the Police Scotland intranet.

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### 5.1.2 Custody Cluster Inspector

- A custody cluster Inspector is responsible for the day to day running of a number of custody centres known as a cluster.
- They will provide the information and guidance to their staff during normal working hours.
- They are to ensure safety and welfare of staff.
- They ensure Custody Supervisors within the custody cluster are suitably and sufficiently trained to undertake their roles and responsibilities

### 5.1.3 Custody Supervisor

- A Custody Supervisor, irrespective of rank, is responsible for the custody and care of those persons in custody at any particular time.
- They are to ensure the safety and welfare of staff.
- The Custody Supervisor will be responsible for ensuring that the National Custody System is properly maintained and accurately reflects the status of any prisoners at that centre. In this regard, it should be borne in mind that the system **must** be updated with the results of any requests made by a prisoner and any relevant checks carried out. It is essential that all entries on a prisoner's record are made timeously in a clear and accurate manner. In addition, only officers who have undertaken the appropriate training can use the system.
- It is the responsibility of the Custody Supervisor to ensure that all staff are fully briefed, appropriately trained and conversant with the individual needs and requirements of those in custody.
- The Custody Supervisor has overarching accountability for the conduct of all custody staff within custody facilities under their control.
- The Custody Supervisor **must** ensure that the custody area is appropriately staffed at all times.
- It is the supervisor's responsibility to liaise with the FCI to advise of any staffing issues which may lead to a compromise of prisoner care and take the appropriate mitigating action.
- The Custody Supervisor must also make sure that First Aid equipment is available and in date within the custody area and that custody staff are aware of its location. This is particularly important when relief custody staff are on duty. Staff should also be made aware of procedures to be adopted in the event of a fire evacuation and the fire evacuation plan relevant to their particular holding station.
- Custody Supervisors must also ensure that all custody staff, including backfill staff, are aware of the location of relevant officer safety equipment, e.g. Ample Probe, anti-ligature shears, etc.

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### 5.1.4 Police Custody and Security Officers

- Police Custody and Security Officers (PCSO) provide a key role in managing and maintaining the safe custody, care and welfare of prisoners including the operation of the National Custody System and other computerised police information systems as required.
- Those officers, on taking up post, will have completed the Custody Officers course. On completion of training they will be issued with a certificate appointing them to carry out their duties as defined by Section 29 Police and Fire Reform (Scotland) Act 2012.
- **Must** inform the Custody Supervisor immediately of any information that may have bearing on the care and welfare of a person during their time in custody.

### 5.1.5 Custody Officers

- Those police officers who have completed the Custody Officers course. Ideally these officers would also be trained to the same level as PCSO to enable them to provide cover for absence, sickness, etc.
- **Must** inform the Custody Supervisor immediately of any information that may have bearing on the care and welfare of a person during their time in custody.

## 5.2 Training

5.2.1 All staff working primarily in **key roles** must be suitably trained to fulfil their role.

5.2.2 All staff deployed in **key roles** within a custody centre who are responsible for the care and welfare of prisoners **must** have completed the National Custody Officers training course (two days). Staff who attended training courses in legacy force areas are not required to re-attend a further custody officer course.

5.2.3 All staff **must** have completed, as a minimum standard, Scottish Police Emergency Life Support (SPELS) training within the previous 12 months. Officers who have, for whatever reason, failed to re-qualify are not deemed qualified to work in the custody centre.

**Note:** There must be at least one member of staff qualified in First Aid at Work on duty within a primary custody centre. In circumstances where this cannot be met the Custody Supervisor should consult with the FCI.

5.2.4 The Custody Supervisor and any other member of staff who are responsible for prisoner visits, processing or releasing prisoners **must** have completed appropriate Information Communications Technology training for the system in operation at that site.

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- 5.2.5 Where prisoner's meals are prepared and served within the custody area at least one member of the custody team on duty must be trained in food hygiene.
- 5.2.6 Untrained members of staff may only be deployed under the direct supervision of a trained member of staff and where authorised in advance by the Area Commander or FCI.
- 5.2.7 All police officers working in key roles within a custody centre who are responsible for processing prisoners and liaising with arresting/enquiry officers must have completed Criminal Justice (Scotland) Act 2016 training.
- 5.2.8 It is the responsibility of the Custody Supervisor prior to the start of the tour of duty to ensure that all staff being deployed have the appropriate skills and competence to undertake the role of custody officer. Any real time queries or concerns should be directed to the FCI.

### **5.3 Handover Procedures and Briefing of Staff**

- 5.3.1 Effective briefing and debriefing of Custody Supervisors and custody staff is essential when handing over responsibility for prisoners. This ensures that all relevant information in relation to the care and welfare of prisoners is passed on to and understood by the staff assuming responsibility. Custody staff should refer to The Custody Officer's Guide as a guide to briefing the incoming staff.
- 5.3.2 Custody Supervisors are to ensure that full use is made of the hand-over period between shifts, which should incorporate a full and comprehensive briefing, including a physical check of all prisoners by the incoming Custody Supervisor, prior to the outgoing Custody Supervisor finishing duty. When this is completed, an entry must be made in the custody record for each prisoner. When a Risk Management Plan is agreed during a hand-over, the Custody Supervisors are to ensure all relevant details are recorded on the National Custody System.
- 5.3.3 The oncoming Custody Supervisor is to ensure that all staff are fully briefed and conversant with the individual needs and requirements of those in custody. Where there are multiple members of custody staff on duty, it is essential that each is aware of their individual and collective responsibilities.

### **5.4 Remote/Island Station Procedures**

- 5.4.1 On all occasions when a person is brought to a police station at a remote or island location, the Custody Supervisor at the appropriate primary centre must be advised immediately, or as soon as practicable. This is to allow for an accurate care plan and risk assessment to be agreed.
- 5.4.2 Where the Custody Supervisor determines that a prisoner may be suitable for one officer to monitor, a robust record of the decision making process **must** be recorded in consultation with the FCI.

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5.4.3 The following criteria **must** be met;

- Officer to be custody trained and be in possession of radio at all times
- Officer **must** be conversant in the current guidance contained within the Care and Welfare of Persons in Police Custody SOP and Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP
- Custody observations must be maintained as per the care plan
- No cell entry unaccompanied unless in an emergency and notice must be given to colleagues by radio prior to cell entry
- Officer **must** be able to hear cell call system at all times
- Officer **must** make hourly contact with colleagues after care plan check of custody
- Officer **must** contact Custody Supervisor every two hours and record discussion on care plan
- If there is a change in the prisoner's status, health or behaviour contact must be made with the Custody Supervisor **immediately** to review the custody care plan and suitability for single officer monitoring.

**Note:** Persons arrested or attending at a police station on a voluntary basis should be taken to a primary custody centre, unless due to geographical location it is necessary to attend at an ancillary custody centre. In these circumstances the Custody Supervisor at the nearest primary centre must be contacted and authorisation sought to open the ancillary custody centre. The Custody Supervisor must as soon as practicable inform the FCI of the use of the ancillary office and the circumstances of the prisoner.

## 6. Initial Apprehension of Prisoners

- 6.1 When a person is arrested, the prisoner should be removed to a custody centre at the earliest opportunity. Consideration must always be given to any immediate medical needs or mental health assessments required.
- 6.2 **If, whilst at locus, arresting officers differ from conveying officers, a comprehensive handover briefing should be conducted, regarding the circumstances of arrest highlighting any care and welfare concerns. Importantly, officers must confirm a search has been carried out prior to transportation. This should be communicated to the Custody Supervisor on arrival at the custody centre.**
- 6.3 Any apprehension should be made with the minimum amount of force necessary. Any use of force required to affect an apprehension must be recorded in the custody record in accordance with the criteria for the use of force contained within the Use of Force SOP.

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- 6.4 In the interests of officer safety and the safety of the prisoner, as well as for the preservation of evidence, prisoners **must** be searched at the time of apprehension.
- 6.5 This initial search should be conducted thoroughly and discreetly, attempting to avoid public embarrassment or humiliation where possible whilst explaining to the prisoner the reasons for carrying out a search.
- 6.6 If it is not possible to conduct a search, due to the particular circumstances of the incident, care should be taken to ensure that the prisoner has no opportunity to cause injury to themselves, any other person, or dispose of any evidence.
- 6.7 From the outset arresting officers should be aware of the ongoing implications for that prisoner's in custody, for example;
- If apprehended from their home address, consider if medication will be required and if so, bring it to the custody centre in its original packaging with dispensing label showing the prisoner's details.
  - Consider if clothing or footwear is likely to be seized and if so bring suitable replacements
- 6.8 A person arrested **must** be promptly informed, in a manner he or she can understand, of the reason for the arrest. If a person is incapable of understanding the reason for their arrest or, is so violent, as to pose a risk to themselves, police staff or any other person, this may be delayed until he or she has sufficiently recovered, or an appropriate adult, interpreter or translator is available to achieve this aim. For further information consult the Appropriate Adult SOP.
- 6.9 Arresting/escorting officers **must** inform custody staff of the impending arrival of a prisoner as soon as is reasonably practicable. This is particularly relevant when the prisoner is violent, as custody staff can prepare by ensuring the charge bar is clear to prevent injury.

### 6.10 Cross Border Powers

- 6.10.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

## 7. Conveyance of Prisoners

### 7.1 Authorised Staff

- 7.1.1 Only Police Officers and PCSOs designated under Police and Fire Reform (Scotland) Act 2012 – Section 29 should be used to transport prisoners.
- 7.1.2 PCSOs should be in possession of their Personal Protective Equipment and trained in its use.

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### 7.2 Vehicle Considerations

7.2.1 The type of vehicle used for transportation will vary and will be influenced by availability. Ideally, a vehicle equipped with Closed Circuit Television (CCTV) should be used. A dynamic risk assessment must be carried out by the arresting officers when determining the most appropriate form of transport, taking account of all the circumstances, including the weather conditions.

7.2.2 The following standards **must** be maintained for all police vehicles used to convey prisoners:

- **Must** be equipped with a first aid kit
- Door locks, windows, internal cage lighting and cage (if fitted) **must** be in good working order
- Vehicles should not exceed their design capacity and under no circumstances should two or more prisoners be transported in any vehicle other than those specifically adapted for this purpose
- Windows will remain closed at all times whilst a prisoner is in transit
- When vehicle CCTV is available it should be switched on when a prisoner is within the vehicle

### 7.3 Health and Safety Considerations

7.3.1 The following safety precautions should be considered prior to, and during, the conveyancing of prisoners:

- If, whilst at locus, arresting officers differ from conveying officers, a comprehensive handover briefing should be conducted, regarding the circumstances of arrest, highlighting any care and welfare concerns. This should be communicated to the Custody Supervisor on arrival at the custody centre.
- A prisoner **will not** be transported in any vehicle where there is only one escorting officer who is also required to drive the vehicle
- Officers should ensure that their vehicle is searched prior to patrol/conveying prisoners to identify dangerous objects and to ensure its integrity for evidential purposes
- Following its use to transport a prisoner, the vehicle will again be searched, where possible in the presence of the prisoner and prior to entering the custody centre
- Where circumstances allow, prisoners should be searched prior to being placed in to a police vehicle
- At no stage should a prisoner be left unsupervised in a police vehicle and officer(s) must be able to observe and monitor the prisoner and react to any situation that may arise
- Escorting Officers **must** investigate any suspicious noise or movement among prisoners and call for assistance, if required, without delay

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- Prisoners **will not** be placed in the front seat of a vehicle but **must** be placed in the rear of the vehicle, in the seat furthest from the driver. The escorting officer should sit beside the prisoner, unless a cage is available
- The requirement to wear a seatbelt does not apply where a vehicle is being used for carrying a person in lawful custody, however, seatbelts should be worn whenever possible, particularly by the driver and the prisoner
- Child locks must be used on the rear doors of all vehicles whilst conveying prisoners and it will be the responsibility of the driver to check they are operating
- Where a cage van is being used for the carriage of prisoners, the escort will ideally occupy the seat nearest the cage so that they may keep the prisoner under observation at all times
- A dynamic risk assessment will determine whether the escorting officer should sit within the cage (if available) with the prisoner or not
- A compliant prisoner in a cage should be instructed to sit on one of the bench seats provided. However, where they refuse to do so, the ideal position for safety will be the seated position, with their back against the cage leading into the passenger compartment, and with their legs facing towards the rear door. This will ensure the minimum amount of movement should the driver of the van be forced to brake sharply
- Drivers of caged vans should be mindful that any sharp braking may cause the prisoner to fall. Protecting themselves in these instances, whilst handcuffed, may make them susceptible to injury
- When a cage, which is designed for more than one prisoner, is already occupied, officers must consider whether placing a second prisoner in the cage would present an increased risk and must be able to justify this action
- Prisoners of the opposite sex should not be transported in a cage (unless they are related or there is an escorting officer present)
- Prisoners who are, or have been, violent or assessed as presenting a continuing risk, and those suffering from mental health problems, **must not** be placed in a cage or containment area with another prisoner
- Officers are encouraged to consider the use of handcuffs whenever it may be necessary to ensure their own safety, the safety of others or the safety of the prisoner. The application of handcuffs is the use of physical force and as such it must be justified, refer to the [Use of Force SOP](#) for further guidance.
- A prisoner **must never** be handcuffed to a vehicle
- At all times officers **must** be aware of the risks associated with positional asphyxia. Therefore, transportation of prisoners in the prone position, face down, or any other manner which is likely to increase this risk, should be avoided. If it is unavoidable, the prisoners should be constantly monitored.
- Where a prisoner becomes violent, officers should, where practicable, stop the vehicle in order to prevent injury to the prisoner and themselves and only resume the journey once it is safe to do so. It may be more

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appropriate to call for assistance and to change to a vehicle specifically designed for prisoner transportation

### **7.4 Disabled Prisoners**

- 7.4.1 Where a prisoner is disabled and requires vehicle transport from the point of arrest to custody facilities, consideration should be given as to the 'suitability' of the associated vehicle in terms of accessibility, personal safety and the dignity of the individual.
- 7.4.2 Where a standard police vehicle is assessed to be 'unsuitable', the arresting officer should consider the use of an alternative vehicle such as a taxi that provides wheelchair access where appropriate.

### **7.5 Armed Forces in Uniform**

- 7.5.1 If possible use a suitable police vehicle to protect the identity of the prisoner. For further information on this matter please refer to the Armed Forces Personnel SOP.

### **7.6 Transfer of Prisoners in Scotland**

- 7.6.1 A prisoner transfer may be instigated in the following circumstances;
- Where there is a requirement to create cell capacity in order to support front line policing. This includes consideration being given to factors which may impact prisoner capacity locally, such as court holidays, events and operations, etc.
  - Where there is a requirement for facilities for constant observations
  - To rationalise the number of officers engaged in constant observations duties
  - In the event of an unexpected custody centre closure
  - Any other scenario where transfer of a person in custody is deemed necessary
- 7.6.2 Where any of the above scenarios arise, it is the responsibility of the Custody Supervisor to escalate the matter to the FCI, who will provide further advice.
- 7.6.3 Refer to the CJSD – Custody Transfer Guidance for further guidance.

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**8. Custody Centre Procedures on Arrest (Non-Criminal Justice Functions)**

**8.1 General Considerations**

- 8.1.1 The management of prisoners in Police Scotland follows a 5 stage process referred to as the Custody Pathway Model which is produced at Appendix 'J'.
- 8.1.2 The model divides each and every prisoner's custody episode into 5 distinct stages referred to as:
1. Initial Contact
  2. Criminal Justice Review
  3. Vulnerability Assessment
  4. Incarceration Period
  5. Release
- 8.1.3 Each of the stages involves a number of actions, processes and tasks as outlined on the model.
- 8.1.4 The Custody Supervisor is responsible for the care and welfare of the prisoner from the point that the prisoner arrives at the custody centre. Arresting/escorting officers **must** adhere to instructions given by the custody staff.
- 8.1.5 The Custody Supervisor must be satisfied that proper grounds exist for the arrest or detention of an individual prior to accepting that person into police custody and those grounds are Proportionate, Lawful, Accountable, Necessary and Ethical (PLANE).
- 8.1.6 All prisoners should be subject to reasonable and proportionate control at all times for the protection of staff and the prisoner. If the prisoner cannot be processed immediately, arresting/escorting officers **must** remain with their prisoner and ensure that he/she is properly controlled and monitored.
- 8.1.7 Arresting/escorting officers **must** inform the custody staff of any issues they have knowledge of that may affect the care and welfare of the prisoner whilst in police custody.
- 8.1.8 Where practicable the Custody Supervisor **must** see all persons brought into the custody suite. No prisoner should ever be taken directly to a cell without the knowledge and permission of the Custody Supervisor.
- 8.1.9 The Custody Supervisor, **must** be made aware of all prisoners being processed and carry out the risk assessment, or review the risk assessment plan as soon as is reasonably practicable thereafter. The Custody Supervisor must make a timeous entry in the National Custody System to record this review. Section 9 Risk Assessment and Management refers.

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**Note:** The actual functions involved in the initial booking-in process, using the National Custody System, can be carried out by other trained members of the custody staff.

- 8.1.10 Prisoners **must** be informed, in a manner they can understand, of the reason for their arrest. If a person is incapable of understanding the reason for their arrest, this may be delayed until they have recovered sufficiently to understand.
- 8.1.11 If the prisoner requires an appropriate adult then this should be arranged. Refer to the Appropriate Adult SOP for further information.
- 8.1.12 When a person whose first language is not English is taken into custody, the services of an approved interpreter should be obtained/considered in line with the Interpreting and Translating Services SOP.

**Note:** When a prisoner appearing at court from custody requires an interpreter, **custody staff** should follow local arrangements to inform the appropriate interpreting services.

- 8.1.13 It is essential that where a person is presented as arrested, all religious, cultural and dietary requirements must be ascertained. The general principle, in relation to a prisoner's care, is to grant any reasonable request which does not interfere with operational requirements or security.
- 8.1.14 In particular, basic human dignity is to be respected. Reference should be made to the Police Scotland Diversity Booklet - A Practical Guide for further guidance.

### 8.2 Rights of Accused Person

- 8.2.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.
- 8.2.2 A copy of a 'letter of rights' should be provided to every arrested person, in a language of their understanding unless there is a particular reason for not doing so. Where the letter is not given at the time the prisoner is being processed due to their demeanour or conduct, this should be recorded. The letter must be given to the prisoner at the earliest opportunity and in any case before any other criminal procedure is carried out.

### 8.3 Intimation to Solicitors

- 8.3.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

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### 8.4 Solicitor Access

- 8.4.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.
- 8.4.2 Any solicitor who wishes access to any person who is in custody should have in their possession an identification card provided by the Law Society of Scotland, which should be exhibited on arrival at the custody centre.
- 8.4.3 The 'Law Society Code of Conduct for Criminal Work, Article 4 (Identification of Solicitors)', provides that in the absence of a valid Law Society identification card, the following are acceptable forms of confirmation of identity for solicitors;
- A valid Council of the Bar and Law Societies in Europe (CCBE) Lawyer's Professional Identity Card; or
  - A valid and current practising certificate together with a form of visual identification e.g. valid passport, photo card driving licence.
- 8.4.4 Trainee solicitors are not provided with identification cards at present, but they should be afforded access to clients on production of a letter from their firm, confirming their qualifications to make visits and a form of photographic identification. Unqualified persons, such as precognition agents and paralegals, will not be allowed to attend meetings with persons in custody.
- 8.4.5 In addition, only a solicitor or trainee solicitor who has been instructed by the accused may visit him/her in custody. Where the solicitor is instructed by a third party, e.g. the accused's family, it will be the **solicitor's responsibility** to check with the police that the person in custody has not requested another solicitor or the duty solicitor. The solicitor concerned must be specifically identified and/or approved by the accused.
- 8.4.6 Solicitors should refrain from giving persons in custody **any items** other than business cards and legal documents; these should be placed in the prisoner's property and not given to them within their cell. These items must not be capable of being used to self-harm or injure others. Staples, paper clips, etc. should not be attached to them when given to the prisoner. Any form of donation, such as cigarettes, newspapers, meals, money, etc. is forbidden.
- 8.4.7 Any suspected breach of the Code of Conduct is to be intimated to the Custody Supervisor who will be responsible for advising the FCI.
- 8.4.8 Custody staff escorting solicitors during visits should remain in close proximity at all times during a visit and be able to respond immediately to any issues arising, in order to provide for the safety of the solicitor.

### 8.5 Notification of Reasonably Named Person

- 8.5.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

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### 8.6 Arrest of a Child

#### 8.6.1 Definition of a child under Criminal Justice (Scotland) Act 2016

8.6.1.1 **Child** – There are many different definitions of a child across legislation. In relation to this SOP, The Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP and the associated Offending by Children SOP, **a child is defined as under 18 years of age**. It is essential, however, to understand that there are different provisions and associated duties for different age groups of children. In broad terms they can be broken down into two categories as follows:

- Those aged under 16 years of age and those under 18 who are subject to Compulsory Measures of Supervision under Section 199 of the Children's Hearing (Scotland) Act 2011 (hereafter referred to as **under supervision**).
- Those aged 16 or 17 years of age who are not under Supervision.

8.6.1.2 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP for Criminal Justice (Scotland) Act 2016 procedures.

#### 8.6.2 Care and Welfare Considerations

8.6.2.1 **Under no circumstances** will child offenders be held within a cell with adult accused. Child offenders may be placed in a cell but preference must be given to the location of a cell that protects the child from surrounding adult prisoners. A child should be risk assessed in the same way as any other detainee to ensure that the appropriate care plan is delivered. The visit and observation regime may vary depending on the specific needs of the child.

8.6.2.2 Where a child appears likely to be in custody for a period in excess of four hours, the general care and welfare considerations must be reviewed by the FCI, and where such is likely to exceed 12 hours such considerations must be subject to a formal review and endorsed by a Chief Inspector from Criminal Justice Services Division.

8.6.2.3 For further information regarding arrest and the retention of juveniles in custody please refer to Offending by Children SOP, Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP and the Lord Advocate's Guidelines on Offences Alleged to have been Committed by Children.

### 8.7 Transgender People in Custody

8.7.1 When a prisoner discloses their transgender identity to a member of staff, the prisoner should be informed that there is a need to disclose this information for the prevention of crime or investigation of crime against that person. They should be assured that such disclosure will only be made when relevant.

8.7.2 The prisoner should be told to whom the information will be disclosed and the reason for the disclosure.

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8.7.3 At staff handovers the transgender identity of a prisoner **must** be disclosed only to staff responsible for their care and welfare. Any specific care issues should be recorded and passed on to relevant staff.

8.7.4 **It should be borne in mind that the Gender Recognition Act 2004 creates a criminal offence for anyone in an official capacity, such as a police officer or police staff, acquiring the protected information relating to a persons' transgender identity and thereafter disclosing it to a third party without the transsexual person's consent.** Also refer to section 12.7.

8.7.5 Searching Transgender Prisoners – Guidance can be found in this SOP at section 12.6 - Searching Transgender Persons in Custody

8.7.6 Reference should be made to the Police Scotland Diversity Booklet - A Practical Guide.

### 8.8 Voluntary Attendance at Custody Centres

8.8.1 The Custody Supervisor must be made aware of all voluntary attendees. This notification is the primary responsibility of the escorting officers. The escorting officers are to present the voluntary attendee at the custody centre.

8.8.2 All persons attending at a custody centre as a voluntary attendee must be recorded on the National Custody System, and sign the relevant local voluntary attendance form which can be lodged for any future court hearing. Further guidance can be found in the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

**Note:** This does **not** include persons who are attending for the purpose of caution and charge.

8.8.3 The Custody Supervisor will clearly advise the person of the reason for the interview and that they are free to leave at any time. They will require the person to sign the relevant voluntary attendance form. Refusal to sign the relevant voluntary attendance form will result in the person being required to leave the police station and the voluntary attendance will cease.

8.8.4 It is good practice to consider asking a voluntary attendee to submit to a search prior to being taken into an interview room. However, this is to be risk assessed and is not necessary on every occasion.

8.8.5 A full risk assessment is not required and no risk management plan need be added to the custody record, however, custody staff remain responsible for the person's care and welfare whilst within the police building.

8.8.6 The Custody Supervisor will ensure that they remain sighted on any issues which may impact on the person's care whilst in the police building.

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### 8.9 Detention of Defence Witnesses by Sheriff Officers

8.9.1 Sheriff Officers are responsible for the execution of apprehension warrants for defence witnesses who have failed to appear at court. The sheriff officers **must** have the warrant or a certified copy of the warrant in their possession. The identity of the persons apprehended must be certain, and it is the responsibility of the sheriff officers to provide the court escort on the next lawful day.

8.9.2 In terms of the National Custody System, the rights of accused are **not** to be read to the prisoner. They may be asked if they wish a solicitor/relative informed, but entries are to be made in the remarks/notes section and **not** in the rights of accused section.

8.9.3 If the prisoner is required to go to hospital, a police escort is required as the individual is still in police custody.

8.9.4 A prisoner removed to hospital **must** be accompanied at all times by a minimum of two police officers. There may be circumstances where this is not appropriate such as:

- When there is an immediate threat to life; or
- Where a dynamic risk assessment dictates that this is not possible

**Note:** In these circumstances the Custody Supervisor should notify the FCI and the rationale recorded on the National Custody System.

### 8.10 Home Office Immigration Enforcement Apprehensions

8.10.1 Home Office Immigration Enforcement (HOIE) teams will present prisoners at custody centres for processing. The details of the arresting officers and the port reference number provided by HOIE should be noted on the National Custody System.

8.10.2 If the prisoner is required to go to hospital, a police escort is required as the individual is still in police custody.

8.10.3 Police Scotland can recover costs for each person apprehended under immigration legislation by HOIE or if arrested by the police, after consultation with HOIE.

### 8.11 Terrorist Detentions

8.11.1 Terrorist detentions will be led by a Counter Terrorism Senior Investigating Officer (CTSIO) who has ultimate responsibility to direct all aspects of the enquiry.

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- 8.11.2 The Scottish Terrorist Detention Centre (STDC) is Scotland's purpose built facility for Terrorism Act 2000 (TACT) detentions. Interim Detention Facilities (IDF) also exist for this purpose. In the event of a spontaneous incident, specialist advice should be sought immediately from the Duty Officer, Service Overview (DO SOV) and the FCI notified.
- 8.11.3 The power to detain an individual suspected of committing acts of terrorism for extended periods of time and the specific offences are provided by the Terrorism Act (TACT) 2000.
- 8.11.4 The Organised Crime and Counter Terrorism Unit (OCCTU) is responsible for the activation of the STDC and IDF. The STDC can only be activated by the Assistant Chief Constable (ACC) OCCTU.
- 8.11.5 The security risks posed by those detained or arrested under TACT are potentially significant. Each case will be reviewed and assessed independently however they are likely to be identified as a high risk.
- 8.11.6 The CT Custody Sergeant at the STDC/ IDF will ensure cultural, religious, language and dietary requirements are met. If medical assistance is required, then the HCP should attend as normal.
- 8.11.7 If the prisoner is required to go to hospital, a police escort is required as the individual is still in police custody, however this will be coordinated by the CT SIO and Emergency, Event and Resilience Planning (EERP).

### 8.12 Foreign National Offenders and Asylum Seekers

- 8.12.1 The following procedures **must** be adopted in all instances where police officers identify a Foreign National Offender (FNO) i.e. a non UK national (or where there are reasonable grounds for believing the accused is a foreign national), who has committed a crime or offence and is;
- 18 years or over
  - Reported for an offence punishable by imprisonment
  - To be prosecuted in the Sheriff or High Court (Justices of the Peace cannot recommend deportation)
- 8.12.2 If the FNO's first language is not English, consideration should be made to contacting an interpreter (see Interpreting and Translating Services SOP). Consideration should also be given to all cultural, religious and dietary requirements.
- 8.12.3 All FNOs who come to the attention of the police and meet the stated criteria will be identified to HOIE by the arresting/reporting officer. See Appendix 'F' – Contact Directory for contact details.

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## OFFICIAL

- 8.12.4 When the FNO is presented to the Custody Supervisor at the place of arrest, the arresting officers should highlight that a check is required with the HOIE regarding the immigration status of the offender. This should be recorded on the National Custody System as appropriate and updated with the relevant information when HOIE has been contacted.
- 8.12.5 If an asylum seeker is arrested for committing a crime or offence, they should be treated in the same manner as any other person. Notification of the arrest should be given to HOIE.
- 8.12.6 All arrested FNOs including asylum seekers will be photographed, fingerprinted and subject to the taking of samples in the same way as any other arrested person. When an asylum seekers' fingerprint impressions have been obtained by ink, the relevant Custody Supervisor should contact staff at the Scottish Police Authority (SPA) and arrange for a copy of the fingerprints to be sent to New Scotland Yard. Such Notification does not require to be made when prints have been obtained by Livescan.
- 8.12.7 Article 36 of the Vienna Convention on Consular Relations by which the UK is bound, requires that a foreign national who is "arrested" or "detained in any other manner" be informed immediately of his/her right to communicate with his/her consul and if the national so desires his/her consul is to be informed of his/her arrest.
- 8.12.8 There is also a requirement for any communication addressed by the person concerned to the consul to be forwarded without delay. If the national does not, after having been informed of such rights, request such notification or communication there is no obligation to inform the consul concerned, however notable exceptions are listed below.
- 8.12.9 If the nationality of an arrested person is a country with a bilateral consular convention, custody staff **must** inform the relevant consulate of their arrest (except where the prisoner is a political refugee/asylum seeker) even if they are not in agreement.
- 8.12.10 Countries with bilateral consular conventions:

Armenia,	Georgia	Romania
Austria	Germany	Russia
Azerbaijan	Greece	Serbia
Belarus	Hungary	Slovak Republic
Belgium	Italy	Slovenia
Bosnia-Herzegovina	Japan	Spain
Bulgaria	Kazakhstan	Sweden
China	Mexico	Tajikistan
Croatia	Moldova	Turkmenistan
Cuba	Mongolia	Ukraine
Czech Republic	Montenegro	USA
Denmark	Netherlands	Uzbekistan
Egypt	Norway	
France	Poland	

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### 8.13 Prisoners Claiming Diplomatic Immunity

8.13.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

### 8.14 Notification of Detention of Certain Commonwealth Citizens

- 8.14.1 Particulars of the arrest of citizens of member countries of the Commonwealth will be notified to the High Commission involved.
- 8.14.2 The High Commissions do not require to be notified of the detention of any of their citizens who are also United Kingdom citizens.
- 8.14.3 A prisoner's citizenship should be accepted as that which they claim and as that indicated by any available documents or other information.
- 8.14.4 Any commonwealth citizen being held in police custody for more than 24 hours **must** be told that if they wish, the relevant High Commission in London will be informed of their detention as well as brief details of the circumstances.
- 8.14.5 A note will be made of the time when they were so informed and whether they did or did not wish a message to be sent.
- 8.14.6 The following countries are Commonwealth members:

Antigua and Barbuda	Kenya	St. Vincent and the Grenadines
Australia	Kiribati	Samoa
The Bahamas	Lesotho	Seychelles
Bangladesh	Malawi	Sierra Leone
Barbados	Malaysia	Singapore
Belize	The Maldives	Solomon Islands
Botswana	Malta	South Africa
Brunei Darussalam	Mauritius	Sri Lanka
Cameroon	Mozambique	Swaziland
Canada	Namibia	Tonga
Cyprus	Nauru	Trinidad and Tobago
Dominica	New Zealand	Tuvalu
Fiji	Nigeria	Uganda
Ghana	Pakistan	United Republic of Tanzania
Grenada	Papua New Guinea	Vanuatu
Guyana	Rwanda	Zambia
India	St. Kitts and Nevis	
Jamaica	St. Lucia	



## **OFFICIAL**

### **8.15 Prisoner Released Under Statutory Supervision/Parole/Life Licence**

- 8.15.1 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

## **9. Risk Assessment and Management**

### **9.1 General Issues**

- 9.1.1 Police Scotland is committed to providing the highest standards of care to people held in police custody. The preservation of life and protection of the well-being of prisoners is the primary duty of all custody suite staff.
- 9.1.2 The single most critical element of prisoner management is the assessment process carried out when prisoners arrive at a custody suite.
- 9.1.3 If it is known or suspected that a prisoner has swallowed or packed drugs the person should be taken to hospital. Leakage from packages can be fatal. For further guidance refer to the Management Guidelines for Persons Suspected of Having Controlled Drugs Concealed Internally. The FCI must be informed of the circumstances.
- 9.1.4 A prisoner who is unable to walk unaided due to intoxication, recent injury or current illness; or who cannot satisfactorily answer lifestyle questions should be referred to the custody-based HCP or conveyed to hospital.
- 9.1.5 Any prisoner who is suspected to be an Adult at Risk should be treated accordingly and the National Custody System record updated. In such circumstances a referral should be submitted for this information to be recorded and shared appropriately. For further guidance refer to the Adult Support and Protection SOP.
- 9.1.6 Assumptions should never be made regarding any prisoner. Simply being placed within a police cell can have a traumatic psychological effect. Custody Staff should inform the Custody Supervisor immediately of any concerns they have for a prisoner.
- 9.1.7 Staff should be mindful that prisoners may withhold or give false information. Any suspicion or evidence of such behaviour should be recorded in the custody record including the assessing officer's rationale.
- 9.1.8 When a prisoner is transferred from any other custody centre, checks should be made to ensure the custody record is accurate.

### **9.2 The Definition and Nature of Risk**

- 9.2.1 Every prisoner brought to a custody suite presents a potential risk of harm to their own safety or the safety of others including Police officers, support staff, partner agency staff and other prisoners.

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- 9.2.2 For the purposes of evaluating and thereafter managing this risk, the term **THREAT** is used to describe the level of danger posed by a prisoner to others.
- 9.2.3 Furthermore, the term **VULNERABILITY** is used to describe the level of exposure the prisoner has to harm, caused either by themselves or by coming into contact with others.
- 9.2.4 A careful and structured assessment must be made of every individual prisoner's risk level, which should also consider the **LIKELIHOOD** of harm actually taking effect or happening, and the **SEVERITY** of that harm should it occur.
- 9.2.5 A very simplistic representation of the nature of overall risk is:
- $$\text{Risk} = (\text{Threat} + \text{Vulnerability} + \text{Severity}) \times \text{Likelihood}$$
- 9.2.6 Assessment of risk enables staff to manage threats presented and to address associated vulnerabilities or the particular needs of individual prisoners.
- 9.2.7 The assessment and management of threat and vulnerability is an ongoing process which continues throughout the whole custody episode.
- 9.2.8 Information about threat and vulnerability factors and how they will be managed is recorded on the NCS custody record. This requires to be regularly reviewed and updated, taking into account new information or occurrences which may alter the initial assessment.
- 9.2.9 The most common **threat** categories are:
- Violent behaviour
  - Escape attempts, alone or with associates
  - Suffers from infectious diseases
  - Mental instability
  - Known to make false allegations
  - Conceals weapons
- 9.2.10 The most common **vulnerabilities** are:
- Medical conditions requiring medication, observations or segregation
  - Known drug or alcohol abuse or dependencies
  - Suicidal tendencies or likelihood of self-harm
  - Recent injury or illness
  - Mental instability
  - Requirement for protection or segregation from other prisoners
  - Conceals weapons, drugs or other contraband

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9.2.11 As part of the risk assessment process, custody staff should consider diversity and equality factors which are either clearly apparent or declared by a prisoner. The 9 protected characteristics are: -

- Age
- Disability
- Sex
- Sexual Orientation
- Race
- Religion and Belief
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity

9.2.12 Where issues are apparent, suitable control measures should be put in place to ensure prisoners are not discriminated against or subjected to unequal, unfair, derogatory or degrading treatment.

9.2.13 It is clearly acknowledged that due to the diverse nature of people brought to custody suites, guidance and instructions cannot be provided for every circumstance.

9.2.14 Custody staff are encouraged to use their own initiative, experience and knowledge to ensure prisoners are treated with respect, dignity and allowed any reasonable requests which do not jeopardise the safety of staff or the prisoner.

### **9.3 Process of Risk Assessment**

9.3.1 The Risk Assessment process is very simple, straightforward and should be structured around the National Decision Making Model.

### **9.4 Stage 1 - Intelligence and Information**

9.4.1 The basis of any assessment is the gathering of information and intelligence relevant to the decision making process. There are five clear sources of information and intelligence:

1. Circumstance leading up to and during the arrest of the person including the nature of the offences libelled.
2. Background information and warning markers held on police information systems.
3. Answers and information obtained from the prisoner in response to lifestyle questions.
4. Information and observations of the arresting officers.

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5. Observations and interaction of the custody staff with the prisoner during the assessment process.

### 9.5 Circumstances of Arrest

- 9.5.1 On arrival at a custody suite, arresting officers should complete the top section of the Custody Checklist 051-001. This requires details of the prisoner and the circumstances of their arrest to the best of the officer's knowledge.
- 9.5.2 Details of the crimes alleged, the circumstances of arrest and the behaviour of the prisoner since the officers began their engagement should be described to the custody staff in as much detail as possible.

### 9.6 Background Police IT System Checks

- 9.6.1 Prior to a prisoner being presented at the charge bar, it is incumbent custody suite staff carry out the following Police IT system checks with relevant results recorded on the Custody Checklist 051-001:
  1. Police National Computer (PNC)
  2. Criminal History Service (CHS)
  3. Scottish Intelligence Database (SiD)
  4. Vulnerable Person's Database (iVPD)
  5. Adverse custody records
  6. National Custody System (NCS)
- 9.6.2 The PNC and CHS should provide details of warning or information markers and are considered the primary references for accessing such information.
- 9.6.3 Due regard should be made to the nature, relevance and time lapsed from the date any warning markers were added.
- 9.6.4 Due to the inherent differences in provenance, it is essential for custody staff to treat intelligence obtained from SID in a different and more protective way to information taken from CHS or PNC.
- 9.6.5 If a prisoner is highlighted as a '**Restricted Patient**', the relevant offender management team should be contacted for further information. Out-with office hours, custody staff should contact the Scottish Government Reshaping Care and Mental Health Directorate (SG RCMHD). See Appendix 'F' – Contact Directory.

### 9.7 Lifestyle Questions

- 9.7.1 The Risk Assessment Question Set is a number of questions that each prisoner should be asked. Answers and information provided in response should be recorded on the National Custody System.

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9.7.2 If a prisoner answers 'Yes' to any of the questions, then further enquiries should be made to expand or explain as appropriate.

9.7.3 Likewise, a prisoner should be questioned on any apparent contradictory answers or information gathered from previous custody episodes or IT checks.

### **9.8 Observations of Detaining Officers**

9.8.1 All Police officers and staff should be aware that, in regards to a person who is eventually arrested, the relevant custody episode begins at the moment the person engages with police, which of course may be some time before they are actually arrested.

9.8.2 For example, the behaviour of a person who is traced by police and their reactions to being arrested, any opportunities the person had to secrete or hide contraband, their demeanour or comments made during the journey to the custody suite, may provide valuable information to custody staff in determining levels of threat and vulnerability.

9.8.3 Arresting officers should be encouraged to inform custody staff of any local information which they may know about the prisoner, perhaps from previous dealings or arrests.

9.8.4 Ultimately, the arresting officers should be asked directly by custody staff at the charge bar if they have provided all pertinent and known information.

### **9.9 Custody Staff Observation and Interaction**

9.9.1 During the time a prisoner is present at the charge-bar, custody staff have an opportunity to observe and interact with the prisoner, noting their state of alertness, attitude towards their arrest and general demeanour. This is an important part of the information gathering process and should not be rushed.

9.9.2 Where a prisoner is suspected to be under the influence of a substance or there is other reasons to raise health concerns, custody staff, where suitable equipment is available, are encouraged to take and record on NCS the prisoners pulse, peripheral oxygen saturation levels, temperature and pupil dilation.

### **9.10 Stage 2 - Assessment of Threat, Vulnerability and Overall Risk Level**

9.10.1 The assessment of Threat, Vulnerability and Overall Risk is a judgement made by custody staff, based on all the pertinent information gathered, recorded and presented for this purpose.

9.10.2 Custody staff should make their judgements based on the current situation as it is presented to them, although due cognisance should be taken of all background information including historical warnings, previous convictions or custody episodes.

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- 9.10.3 The aim of the assessment process is to identify matters with the prisoner that need to be controlled or mitigated, which in turn will determine relevant elements of the care plan.
- 9.10.4 In terms of the level of threat and vulnerability, custody staff should consider:
- Is there any information or behavioural signs which indicates this prisoner may cause harm to others or themselves whilst in custody?
  - If yes, what is the nature of that harm?
  - What would be the most likely severity or impact of this harm?
  - How likely is this harm to happen?
- 9.10.5 Answers to these questions will invariably lead custody staff to determine whether the prisoner is deemed to be **HIGH or LOW Risk**.
- 9.10.6 A prisoner is deemed to be of **HIGH RISK** where there are substantial grounds for believing their well-being is in immediate danger or they pose a considerably high threat to the safety of others.
- 9.10.7 A prisoner is deemed to be of **LOW RISK** where there are no significant grounds to believe they pose a danger to themselves or others.
- 9.10.8 If High Risk, which inevitably will mean significant control measures, custody staff should make reference to the specific information they are relying on so as to support their decisions.

### 9.11 Stage 3 - Consider Powers, Policy and Available Control Measures

- 9.11.1 Once the level of risk has been determined, custody staff need to carefully consider what measures should be taken to reduce the potential for harm to others or the prisoner themselves.
- 9.11.2 Care plans centre around only four main elements or interventions:
- Level of search
  - Observation and visit regimes
  - Removal of the prisoners own clothing
  - Referral to NHS services

### 9.12 Level of Search

- 9.12.1 Dependent on the Risk Level and the nature of any threats or vulnerabilities, the level of search to which a prisoner will be subjected is either standard search, strip search or an intimate body search. This control feature is fully discussed in Section 12 of this guidance document. See Section 12 for further information.

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### **9.13 Observations and Visit Regimes**

- 9.13.1 During a prisoner's time in custody, regular checks should be carried out to ensure their safety and well-being. See Section 15 for further information.

### **9.14 Removal of the Prisoners Own Clothing**

- 9.14.1 Where custody staff believe a prisoner may self-harm or attempt to take their own life whilst in custody, their own clothes may be removed from the cell and anti-harm clothing and blankets issued. The issue of such clothing should be complemented by an increase in the frequency of visits.

### **9.15 Referral of the Prisoner to NHS – either Custody Based HCP or Hospital.**

- 9.15.1 Medical services provision to people in police custody is the responsibility of the National Health Service. Custody staff should not hesitate to refer prisoners to either the custody-based HCP, the on-call FME or arrange for the prisoner to be taken to hospital. See Section 18 for further information.

### **9.16 Stage 4 - Implement the care plan, record and review**

- 9.16.1 It is incumbent on Custody Supervisors to make clear and accurate notes on the National Custody System with regards to assessed levels of risk, including references to the information which they have relied on to reach this assessment.
- 9.16.2 In a similar manner, Custody Supervisors should ensure details of the care plan are fully recorded on the National Custody System and brought to the attention of all custody staff who have a responsibility to implement and comply with the requirements.

### **9.17 Stage 5 – Review Time Scales**

- 9.17.1 Custody events (e.g. interview, caution and charge, visit from relatives, refusal of medication) or changing circumstances within the custody suite may impact on, or contribute to changes in a prisoner's mood or behaviour and the risk they pose to themselves or others. The Custody Supervisor and staff should review the risk posed to the individual at the key stages of their arrest period.

### **9.18 Fitness to be Detained**

- 9.18.1 The Custody Supervisor may decide that clinical attention is required before a decision can be made about a prisoner's fitness to be held in custody. This is irrespective of whether the prisoner has already received treatment elsewhere. They should also be aware that the effects of drink or drugs can mask other illnesses or injuries.
- 9.18.2 Where such a requirement is deemed necessary, contact should be made with the relevant HCP.

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## OFFICIAL

### 9.19 Fitness for Interview

- 9.19.1 Before any investigative interview takes place, the Custody Supervisor must assess whether the prisoner is fit to be interviewed. If any doubts are raised about their fitness, a HCP should be made aware and asked to arrange for an assessment to be made.
- 9.19.2 Custody staff should not allow a prisoner to be interviewed if they have cause to believe it could cause significant harm or the prisoner's physical or mental condition.

### 9.20 Pre-release Risk Assessments

- 9.20.1 Police Scotland have a duty to ensure that those who are being released from custody are fit, able and prepared to look after themselves and that any identified threats or vulnerabilities are managed. This involves taking all reasonable steps that a person being released is not a danger to themselves or others.
- 9.20.2 In order to achieve this it is essential a thorough pre-release risk assessment is carried out for every custody prior to release, including transfer to court.
- 9.20.3 Custody staff **should** ask every person being released the following questions to inform the pre-release assessment:
- Do you have thoughts of suicide or self-harm at this time?
  - Do you have thoughts of harming any other person?
- 9.20.4 All responses must be recorded on the National Custody System. Where an individual answers 'yes' to either question the custody staff **should** ensure advice is taken from a HCP and/or engagement with local policing to ensure the appropriate measures are in place to provide the necessary level of support.
- 9.20.5 Whilst it is not possible to cover every possible scenario a number of issues should be considered prior to release:
- The time of day
  - Location
  - Weather conditions
  - Clothing
  - Means to get to home address
  - The prisoner's personal ability to get home
  - Prisoner's personal vulnerability and/or health
- 9.20.6 **It is justifiable and reasonable for the Custody Supervisor not to release a person from custody when there is clear and imminent danger.**

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- 9.20.7 A raised level of pre-release assessment should be carried out by the enquiry officer in consultation with the Custody Supervisor for prisoners where the offence, circumstances or character of the custody suggest a potential risk. Examples of such circumstances include, but are not limited to:
- Sexual offending, especially indecent images of children
  - Members of the armed forces or police staff and officers
  - Persons arrested who are in a position of trust
  - Offences where the consequences are likely to have a substantial effect on the custody or their family
- 9.20.8 The Custody Supervisor **must** also be alert to articles within a prisoner's property which could increase the prisoner's risk to harm on release, for example alcohol, unopened packets of psychoactive substances or medication.
- 9.20.9 In many circumstances it may be appropriate for the Custody Supervisor to offer appropriate advice and provide options (protective factors) which may support the prisoner's care and welfare on release. This may include:
- Contacting a responsible family member, relative, friend, carer or named person in order that the individual can be released into their care; and/or
  - Providing the prisoner with contact details of available support agencies and/or voluntary organisations.

## 10. Prisoners Hospitalised from Locus

- 10.1 In certain circumstances a prisoner **must** be taken directly to a hospital after apprehension rather than being taken to a custody centre. This is to ensure suitable medical assistance is provided at the earliest opportunity. This may require the arresting officers to summon an ambulance crew or remove the prisoner directly to hospital.
- 10.2 Any requirement for immediate or urgent medical provision takes priority over apprehension. These circumstances may include where the prisoner;
- Has suffered a head injury
  - Is, or has been, unconscious
  - Has suffered serious injury
  - Is drunk and incapable
  - Is believed to have swallowed or packed drugs
  - Is believed to have taken a drugs overdose
  - Is believed to have burst a package of drugs
  - Is suffering from any other medical condition requiring urgent medical attention

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- Is suffering from any medical condition that the arresting officer believes requires treatment prior to detention in custody
- Has been exposed to CS Spray/PAVA Spray and they experience difficulty in resuming normal breathing, or if any other adverse reactions are observed

10.3 Where an ambulance crew have examined a prisoner at the locus of an apprehension and deem that the prisoner does not require medical attention, arresting officers **must** obtain details of the ambulance crew and their opinion of the prisoner's medical condition. This information must be accurately transmitted to the Custody Supervisor, who will assess if the prisoner requires any further medical attention on arrival at the custody centre. The Custody Supervisor must ensure this information is recorded on the National Custody System. In areas where the Scottish Ambulance Service provides written instructions for the prisoner's care, this document is to be taken and presented to the Custody Supervisor.

**Note:** Where a prisoner is removed from the locus of arrest directly to hospital, it is the responsibility of the arresting officers to ensure that the Custody Supervisor and the local policing supervisor are fully informed as soon as is reasonably practicable. **A custody record will be created** by the Custody Supervisor to ensure that the prisoner receives their rights as soon as is reasonably practicable, and allow for all decisions regarding the prisoner's further detention to be recorded accurately on the National Custody System.

- 10.4 When a prisoner is removed directly to hospital, and the prisoner is expected to be detained in hospital for an extended period, the arresting officers **must**, as soon as is reasonably practicable, contact the Custody Supervisor and their supervisory officer for further instruction, in relation to the prisoner's continued arrest and rights as an accused person. The Custody Supervisor is responsible for the custody decision.
- 10.5 Any prisoner who cannot walk unaided due to perceived intoxication and cannot suitably answer the risk management questions will **not be accepted by the Custody Supervisor** and should be taken to hospital or some other place of safety.
- 10.6 If it is known or suspected that a prisoner has swallowed or packed drugs, either for the purpose of trafficking or to avoid imminent arrest by the police, the prisoner must be taken to the nearest hospital. Leakage from a package can prove fatal. **Under no circumstances should such a person be kept at a custody centre.** For further guidance refer to the Management Guidelines for Persons Suspected of Having Controlled Drugs Concealed Internally. The FCI must be informed of the circumstances.

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## **11. Prisoner Hospitalised from a Custody Centre**

- 11.1 Many prisoners will be more vulnerable, than the population at large, to sudden illness or death. Such vulnerability will be due to dependence on drugs and/or alcohol, mental illness, history of self-harm, involvement in violence before or during apprehension, or pre-existing medical conditions which may be exacerbated by the stress of custody.
- 11.2 If there is reason to believe that a child brought into custody is under the influence of alcohol or some other intoxicating substance or, is suffering from an apparent injury or illness, he/she should be regarded as a high risk prisoner and consideration must be given to taking the child to hospital or summoning a HCP.
- 11.3 If it is known or suspected that a prisoner has swallowed or packed drugs, the person must be taken to hospital. Leakage from a package can prove fatal.

**Note: Under no circumstances should such a person be kept at a custody centre.** For further guidance refer to the Management Guidelines for Persons Suspected of Having Controlled Drugs Concealed Internally. The FCI **must** be informed of the circumstances.

- 11.4 Where a prisoner has been removed to hospital, consideration should be given, dependent on their illness/condition, to contacting his/her reasonably named person/relative.

**Note:** Prisoners detained in hospital are subject to the same restrictions as if they were within a custody centre, therefore, no visits to the prisoner will be permitted without the explicit permission of the Custody Supervisor.

### **11.5 Transfer to Hospital**

- 11.5.1 A prisoner removed to hospital **must** be accompanied at all times by a minimum of two police officers. There may be circumstances where this is not appropriate such as;
- When there is an immediate threat to life
  - Where a dynamic risk assessment dictates that this is not possible
- 11.5.2 The FCI should be notified as soon as practicable and an appropriate course of action will be confirmed.
- 11.5.3 In **any** medical emergency, an ambulance should be called and the prisoner taken to hospital. Where an HCP has conducted a medical examination of a prisoner, and indicates that the person is unfit to be held at a custody centre, their instructions regarding the removal of that prisoner to a hospital should be followed.

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- 11.5.4 The Custody Supervisor must ensure that Force Form 051-005 – Custody Division Hospital Escort detailing the events leading to the prisoner’s removal to hospital is completed and accompanies the prisoner to hospital. In emergency cases it may not be possible to prepare the form and in such cases the escorting officer(s) will be verbally briefed and a form passed to them at the hospital as soon as practicable.
- 11.5.5 In cases where a prisoner is refused admission into a hospital the police still retain a duty of care for that person. If all efforts to have a prisoner examined and assessed fail, the prisoner will be returned to the custody centre. Clear instructions as to their care and transportation must be requested from health care staff and where possible this will be in writing and will include reasons why admission and/or treatment have been refused.
- 11.5.6 On their return to the custody centre the Custody Supervisor will assess each prisoner’s fitness to be held and consider consulting with the HCP to establish the prisoner’s suitability to remain in police custody.
- 11.5.7 For further information consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

### 11.6 Return from Hospital

- 11.6.1 Escorting officers will ensure that Force Form 051-005 – Custody Division Hospital Escort is completed on return from hospital, detailing written care instructions from hospital staff where provided, and returned with the prisoner. Where circumstances are such that the aforementioned form is not available e.g. prisoner removed to hospital direct from locus, officers should detail care instructions within their police issue notebook.
- 11.6.2 The escorting officers must inform the Custody Supervisor of all relevant information that may impact on the care and welfare of the prisoner. Any additional medical notes or information as well as the appropriate form, from the hospital relevant to the care of the prisoner must be given to the Custody Supervisor who will convey this information to the HCP.
- 11.6.3 On return to the custody centre from a hospital, a prisoner **must** be searched to ensure that they have not acquired items that could be used to harm themselves or others.
- 11.6.4 Where a prisoner has been removed to hospital and is certified “fit to be released” and returned to police custody, the Custody Supervisor will assess each prisoner’s fitness to be held and if required consult with the HCP to establish the prisoner’s suitability to remain in police custody. The Custody Supervisor must satisfy themselves that a prisoner is fit to be detained in custody and should be prepared to challenge healthcare advice to ensure robust decision making.

OFFICIAL

## **12. Search**

### **12.1 General Principles**

- 12.1.1 It is the responsibility of the Custody Supervisor, custody staff and arresting/escorting officers to ensure that all prisoners are subject to a thorough and methodical search.
- 12.1.2 All staff should utilise Ampel probes and metal detectors when appropriate.
- 12.1.3 The primary purpose in searching prisoners is to ascertain and record everything a person has with him/her when brought to the custody centre and to remove any articles that:
- May be used by the prisoner to harm himself/herself or others
  - May be used to aid escape or cause damage
  - Requires safe keeping
  - Is evidence
- 12.1.4 Before conducting a search, officers **must** explain their intended actions to the prisoner.
- 12.1.5 Male prisoners are to be searched by males and female prisoners are to be searched by females. Where the search is to go beyond a normal search of clothing, it is to be conducted in private, away from the charge bar. For further information on transgender prisoners refer to Police Scotland – Diversity Booklet – A Practical Guide.
- 12.1.6 At stations where the services of a male/female police officer or PCSO are not readily available to search a specific gender of prisoner, and at the approval of senior management, a suitable member of the community may be employed for the purpose of searching the prisoner. This practice is in place to assist processes in remote/island custody centres. Particular care must be exercised if there is any possibility of a prisoner having concealed sharps which could cause injury or ill health to the person(s) carrying out the search. Where appropriate an initial search by a police officer or PCSO trained in the use of Ampel probes is recommended.
- 12.1.7 Where available custody trained staff should perform the searching to ensure consistency. Custody staff and other persons who may be required to carry out any search, who have any exposed cuts, abrasions or burns **must** cover them with a waterproof dressing prior to searching prisoners and use protective gloves during the search.
- 12.1.8 All personnel conducting searches must remain aware of the dangers of injury and the risk of transmission of diseases. Protective gloves should be worn when thought necessary and **must** be worn where blood or body matter is present.

## OFFICIAL

- 12.1.9 Appropriate precautions and care should be taken when searching prisoners who have been subject of CS/PAVA usage.
- 12.1.10 Both the extent and location of the search are decided by the Custody Supervisor, who should take into account all the relevant information available. There are three levels of search available, namely:
- Standard search
  - Strip search
  - Intimate search
- 12.1.11 Where the Custody Supervisor decides that a strip search or intimate search is necessary, the reasons and justification for this **must** be recorded on the National Custody System. If a strip search is carried out it **must** be authorised by an officer holding the rank of at least Sergeant. **For all cases of intimate and internal searches officers should record all direction given by Procurator Fiscal (PF) in their official police notebooks.** Further information in relation to intimate and internal searches can be found in the Drugs Investigation SOP.
- 12.1.12 Where it is deemed proportionate and necessary to remove all clothing from a prisoner for longer than the duration of a strip search, the FCI must be made aware (**see section 19.8.4 for further direction**).
- 12.1.13 Where a strip search has been authorised under stop and search powers, please refer to Stop and Search Guidance. The Custody Supervisor must ensure that details of the authorising Inspector are recorded on the National Custody System.

### 12.2 Standard Search

- 12.2.1 Before conducting the search, officers/PCSO must explain their intended actions to the prisoner in a language that they understand, utilising interpreters where required. The prisoner should be visually examined to identify any likely places of concealment.
- 12.2.2 The prisoner **must** be asked if he or she is in possession of any sharp or potentially dangerous items. If possession of any such dangerous item is admitted, the searching officer must carefully remove the item, restricting the likelihood of being injured or of having the item used as a weapon against him or her.
- 12.2.3 Hand-held metal detectors, Ampel probes and 'cell sense or similar devices', if available, should be utilised when searching all prisoners. This is particularly important for suspected drug users, who may have in their possession syringes and/or needles.
- 12.2.4 The prisoner **must** be asked if he/she is secreting any other article e.g. cigarettes, matches, mobile phone or drugs on his/her person. Such articles should be removed, and seized, disposed of or added to the prisoner's

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property, as appropriate. All items removed should be checked and if damaged the prisoner should be shown this, where practicable. Any damage should be recorded on the National Custody System.

- 12.2.5 The Custody Supervisor is responsible for causing the removal of any item of clothing which a prisoner may use to cause harm to themselves or others. The following items should always be removed no matter what the circumstances; ties, belts, trouser cord, and any other item that could be used as a ligature. It is not appropriate to cut a trouser cord as part of the cord may remain stitched into the garment and could be unpicked and used to self-harm. If unable to be removed, the prisoner should be asked to remove trousers and be provided with appropriate clothing.
- 12.2.6 If a prisoner's underwear e.g. bra, tights, etc. are removed, the reason for the removal is to be detailed on the National Custody System.
- 12.2.7 Discretion should be exercised over the removal of tight-fitting rings or earrings. There is no point in forcible removal unless there is a pressing need for it. Similar discretion should be exercised in relation to other body adornments, including religious or cultural items. A prisoner should only be permitted to retain any jewellery/adornments after a full dynamic risk assessment. In all cases this should be recorded in the property section of the National Custody System.
- 12.2.8 A description of all of the prisoners property should be included within the property field of the National Custody System. For further information refer to section 13 of this SOP – Prisoner's Property.
- 12.2.9 If a prisoner normally wears glasses, hearing-aid, dentures, etc. consideration should only be given to removing such items, prior to them being placed within a cell/detention room, if the risk assessment identifies that the prisoner represents a particular risk. Any items removed should be recorded in the property section of the National Custody System. If the prisoner requires these items to understand what is being communicated to them, they should be provided for that purpose.
- 12.2.10 All prisoners removed from cells for interview, medical examination or any other reason must be searched prior to being returned to a cell and an update to this effect made on the National Custody System.
- 12.2.11 Prisoners transferring from another custody centre or prison (for an identification parade) **must** be searched both prior to leaving and entering a cell at the new location.

### 12.3 Strip Searching

- 12.3.1 Strip search is the removal and examination, in stages, of all clothing, with a **visual**, external examination of the body. Further information in relation to intimate and internal searches can be found in the Drugs Investigation SOP.

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- 12.3.2 Where it is decided that the prisoner should be subject to a strip search, the reason for this should be recorded on the National Custody System. The name of the authorising officer, of at least the rank of Sergeant, should also be included.
- 12.3.3 The arresting or detaining officers in relation to searches under the Misuse of Drugs Act 1971 should record all relevant information that supports the requirement to strip search in their notebooks. The following should thereafter be followed:
- The reason for the search must be fully explained to the prisoner (refer to Interpreting and Translating Services SOP if required)
  - The search will be conducted by a minimum of two members of staff who are the same gender as the prisoner within a private area with no recording CCTV
  - Officers/staff must maintain proper control over the subject
  - The prisoner's dignity should be preserved at all times. Where possible only one item of clothing should be removed at a time and searched before being returned to the subject prior to the removal of the next item.
  - A **visual** examination only should be conducted for areas of intimate nature and in no way should any attempt be made to remove items which are concealed internally. Reasonable force can be used to facilitate a visual examination only
  - Strip searches must be carried out in private. Cells equipped with CCTV may be used but only if the camera and/or monitor is switched off, preventing staff not involved in the search from viewing it. Any footage subsequently obtained will be available to an authorised person should any allegations be made against the staff conducting the search. This footage will not be available as evidence against the conduct of the detainee during the search, unless an offence is committed by him/her during this process other than a straightforward 'obstruct' offence.

### 12.4 Intimate Search

- 12.4.1 Intimate searches, namely those that require the internal examination of internal body orifices by a Forensic Physician (FP), can be necessary to ensure both the well-being of the prisoner and for evidence recovery. Intimate searches should only be undertaken when it is **necessary and proportionate** to do so.
- 12.4.2 Every request for an intimate examination must be done on a case by case basis and the rationale for requesting such an examination must be clearly documented and provided to the attending FP. At no time should 'trigger plans' be created that promote a blanket policy of requesting an intimate examination every time a named individual presents in custody. Any individual that routinely 'banks' drugs or conceals other items must be risk assessed at the time and only where necessary, proportionate and based on credible information should an intimate examination be requested. Consideration should be given to seeking clinical advice from a custody healthcare provider

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as to whether or not an examination would be appropriate or if constant observations would present less risk to the individual.

- 12.4.3 An intimate search must only take place with either the prisoner's voluntary consent or under the authority of a sheriff's warrant. Consent is only seen as being valid where the individual has agreed to participate without pressure or coercion. It is paramount that nothing is said to a prisoner that could be construed as being coercive. Further information in relation to intimate and internal searches can be found in the Drugs Investigation SOP
- 12.4.4 It is often the case that intimate examinations return a negative result. It is important to be aware that a negative search does not exclude the presence of foreign material, especially in relation to rectal examinations. As such, it is essential that Custody Supervisors appropriately risk assess such individuals when they are returned to custody as they may still have items concealed.

### 12.5 Searching Persons Wearing Cultural/Religious Clothing or Articles

- 12.5.1 All searches in custody must be carried out with respect and dignity. Prisoners wearing cultural or religious clothing/articles may be sensitive to removing them. Therefore, a clear explanation of the requirement for the search should be provided to the prisoner.
- 12.5.2 Consideration should be given to the location of the search for privacy and the gender of staff present.
- 12.5.3 Further guidance can be found in the Police Scotland Diversity Booklet – A Practical Guide
- 12.5.4 Any articles of property authorised by the Custody Supervisor to be retained by the prisoner due to cultural or religious reasons must be risk assessed and documented in the National Custody System.

### 12.6 Searching Transgender and Intersex Persons in Custody

- 12.6.1 A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. There is not a requirement for a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.
- 12.6.2 A transvestite adopts, either fully or partially, dress, appearance and/or behavior normally identified as belonging to the opposite gender.
- 12.6.3 Transvestites are generally comfortable with their birth gender and do not wish to permanently alter the physical characteristics of their bodies.
- 12.6.4 Intersex is a term that describes people born with physical sex characteristics that do not fit typical binary notions of male or female bodies.

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- 12.6.5 If a prisoner is thought or known to be transgender or intersex prior to a search being carried out, then they should be searched according to the gender they present and live their lives as. This can be ascertained by asking them. Police officers and trained PCSO staff should treat the person according to their preference and must not ask the person whether they have a gender recognition certificate.
- 12.6.6 If a prisoner is unwilling to provide this information the Custody Supervisor must determine the predominant gender in which the person lives their life. This is likely to be indicated by their name, title or gender on their main identity documentation such as their drivers' license, bank cards, Gender Recognition Certificate, etc. If they appear to live predominantly as a woman, they should be treated as a woman. If they appear to live predominantly as a man, they should be treated as a man.
- 12.6.7 Once the prisoner's gender has been established, normal search procedures will apply and the prisoner will be searched by staff of that gender. If staff are not comfortable to carry out the search, then the Custody Supervisor should be informed.
- 12.6.8 It should be borne in mind that the Gender Recognition Act 2004 creates a criminal offence for anyone in an official capacity, such as a police officer or police staff, acquiring the protected information relating to a persons' transgender identity and thereafter disclosing it to a third party without the transsexual person's consent.
- 12.6.9 Reference should be made to the Police Scotland Diversity Booklet – A practical guide

### **12.6.10 Strip Searching Children in Custody**

- 12.6.11 For the purposes of this section, a child is a person who is under 18 years of age (Criminal Justice (Scotland) Act 2016, Section 51(3)).
- 12.6.12 The Criminal Justice (Scotland) Act 2016 provides a duty to consider a child's wellbeing in respect of arrest, holding in police custody, interviewing and charging with an offence. Staff must treat the need to safeguard the wellbeing of the child as a primary consideration. This is not the only consideration and must be balanced against the need to fully investigate crimes and ensure the safety of the child and police staff whilst in custody.
- 12.6.13 Unless there is risk of serious harm to the child / young person or another, an appropriate adult (e.g. member of family/friend/member of SWD/Appropriate Adult) should be present when a strip search is carried out. It can only take place in the absence of an appropriate adult if the child / young person has specifically requested this and the relevant adult agrees. The decision should be recorded on the National Custody System with the details of the adult included.

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12.6.14 Where an urgent strip search is conducted of a young person prior to the arrival of an appropriate adult, officers must record the justification along with what action has been taken to secure the immediate attendance of an appropriate adult.

12.6.15 In all cases the strip search of a child will only take place with the authority of Criminal Justice Services Division Officer of the rank Inspector or above. Appropriate recording of information will be made on the National Custody System.

### **12.7 Confidentiality**

12.7.1 The confidentiality of medical information of any nature, and the need for care and discretion in its use is paramount. Disclosure and use of such information must not go beyond what is essential in each particular case.

### **12.8 Police Officer/PCSO Injured During Search**

12.8.1 Where a police officer/PCSO is injured as a result of a 'needle stick' accident involving a hypodermic needle, the injured party should encourage the wound to bleed and thereafter immediately wash the area with soap and water.

12.8.2 Splashes of blood or other body fluids to the face should be rinsed off using water.

12.8.3 Where available, a HCP should be consulted prior to the officer/PCSO being transferred to the nearest hospital; however this must not delay their attendance at an Accident and Emergency (A&E) Department. It is essential that any treatment considered necessary be administered without delay.

12.8.4 The incident will be reported as an injury on duty in the normal manner and contact made with Occupational Health (OH), via the police officer/PCSO's line manager, for further guidance.

12.8.5 Any other injury should be recorded as an injury on duty and scope form completed accordingly. Medical attention should be sought, where appropriate. Blood Borne Viruses (Protecting Police Officers and Police Staff) Guidance.

### **12.9 Personal Identification Devices (PIDs) or Electronic Tags**

12.9.1 Once a person who is subject to an electronically monitored movement restriction condition (imposition of bail) is arrested, the prisoner should be taken to the nearest custody centre. Further guidance, including how to remove the device, and contact details are provided in the Electronic Monitoring of Offenders SOP.

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## OFFICIAL

### 12.10 Prosthetic Limbs

- 12.10.1 There may be occasions where prisoner have limb prostheses, which can include upper and lower extremities. The prosthetics should be searched to ensure there is nothing concealed that could injure the prisoner or others. Consideration should be given to carrying out the search in private and at all times with dignity and respect.
- 12.10.2 The Custody Supervisor **must** record that the prisoner has a prosthesis and identify which limb is prosthetic. The decision to allow the prisoner to wear the prosthesis in the cell will be taken by the Custody Supervisor. Considerations should include; vulnerability, dignity, comfort and mobility of the prisoner, etc. The reason should be recorded on the National Custody System.

## 13. Prisoner's Property

### 13.1 General

- 13.1.1 The importance of procedures relating to the recording and safe handling of prisoners property should not be underestimated. All Custody Supervisors and custody staff **must** take great care when fulfilling these duties. Any item(s) found which present a danger to others must be carefully removed, properly packaged and labelled.
- 13.1.2 A prisoner's property should be checked over in front of the prisoner and in the sight of the custody CCTV system, where available. All cash sums should be counted out audibly for the benefit of the prisoner and the audio recording facility on the CCTV system. This is particularly relevant when the prisoner is under the influence of alcohol or drugs. It is good practice to have this process corroborated.
- 13.1.3 Any property in the possession of the prisoner which is to be taken as a production should be seized by the arresting/enquiry officers. This **must** be recorded on the National Custody System, detailing the item, the name and registered number of the officer seizing and the name of the officer in charge of the case. Arresting/enquiry officers should also record the details of property retained as productions in their official police notebooks.
- 13.1.4 Once a prisoner has been searched, comprehensive recording of his or her property **must** be detailed on the property section of the National Custody System and proper storage methods adopted. Any items which are being allowed to remain with the prisoner should be recorded as such and the reason why e.g. glasses.
- 13.1.5 Consideration should be given to lodging large sums of money, £500 and over, or small valuable items in the custody area safe. The location and reason for lodging property in this manner must be recorded in the National Custody System.

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- 13.1.6 In listing details of a prisoner's property, generalisations should be used carefully. A 'bag containing clothing' may be an appropriate generalisation, but a 'handbag and contents' would be insufficient, where the handbag contained items such as bank cards, driver's licence or other items of identification.
- 13.1.7 Detailed recording of prisoner's jackets and shoes will assist if there is any dubiety on release or to assist in an enquiry. Such items should be listed separately.
- 13.1.8 Property taken possession of by the police for the prisoner after he/she has been initially processed, e.g. a change of clothing, **must** be recorded on the National Custody System and stored appropriately. Staff **must** confirm full personal details of the prisoner prior to accepting any additional property. Any additional items must be thoroughly searched prior to being given to the prisoner. The person providing a change of clothing should take away the old/soiled clothing, and the National Custody System should be updated to record this.
- 13.1.9 With the introduction of the Proceeds of Crime Act 2002 (POCA), it is important that financial intelligence is derived from every available resource and recorded on the Scottish Intelligence Database (SID) for evaluation by various units, such as the Financial Investigation Unit (FIU). The arresting officers will be responsible for updating SID and seizing any articles suspected of being proceeds of crime. Further guidance can be found within the Productions SOP.
- 13.1.10 Any property or clothing which is contaminated by CS Spray should be clearly marked as such to highlight the risk of cross contamination to other person or external agencies on transfer.
- 13.1.11 Medication brought in by the prisoner must be recorded on the National Custody System, but may be stored in a suitable location such as a locked medical cabinet for review by the HCP. The location of the medication must be added to the custody record.

### 13.2 Prisoner Property Bags

- 13.2.1 Custody property bags are to be used for prisoner property and secured by means of an individual custody seal. Valuable property and cash (less than £500 – see section 13.1.5 for higher sums of money) are to be placed in the inside pocket of the property bag, which can be sealed separately. It is of the utmost importance that cash and other items of value which have been withheld are properly and accurately recorded on the National Custody System. The outside pocket is for the storage and transfer of documents that do not require to be sealed.

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- 13.2.2 Where property is too large to be placed in a property bag, it is to be placed in the larger heavy-duty bags and secured by means of an individually numbered security seal. This security seal number must be recorded in the property section of the National Custody System.
- 13.2.3 If property has to be removed from the property bag prematurely, the Custody Supervisor is to ensure that the property is placed within a new property bag and the new unique serial number recorded on the National Custody System, together with the reason for removing items from the original property bag.
- 13.2.4 The prisoner's approval must be provided for the handing over of property, such as keys, money etc. to a relative. The prisoner should sign the property record to confirm his/her approval.

### **13.3 Return of Prisoner's Property**

- 13.3.1 When property is returned to a prisoner by a police officer/PCSO, it is good practice to have the process corroborated or recorded on CCTV where available.
- 13.3.2 In the presence of the prisoner, the Custody Supervisor or other officer will;
- Ensure the tamper-proof integrated seal on the prisoner's property bag is intact and that the unique serial number corresponds with the number on the National Custody System
  - Open the property bag and return the property, ensuring that it is checked against the recorded property
  - Have the prisoner sign the prisoner record acknowledging receipt of the property
  - Check that the prisoner's property bag is empty
  - Update the National Custody System

## **14. Cell Occupancy Levels**

- 14.1 Whenever possible, only one prisoner is to be placed in each cell. Lodging more than one person in a cell is a tactical option which should be considered when all other options have been exhausted. In any case, multi-celling should only be considered after assessment of the following options;
- Transfer of prisoners to another site
  - Robust review of existing disposal decisions
- 14.2 In addition the following factors should be considered;
- Prospective length of stay of custody
  - The offence committed, particularly if it will attract adverse attention
  - A prisoner's demeanour

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- Medical risks
  - A prisoner's mental or physical vulnerability to attack by other prisoners
  - Cultural differences and religious requirements
  - The prisoner's willingness to share.
- 14.3 If multiple cell occupancy is the appropriate tactical option, the following criteria **must** be adhered to **at all times**;
- Prisoners apprehended together, co-accused or prisoners who for any reason are likely to disagree with each other are **not** to be placed in the same cell
  - Children must **not** be detained in cells along with adult prisoners
  - Male and female prisoners are to be kept in separate cells and, wherever possible, in separate areas within the cell accommodation
  - If known, or suspected, of being a carrier of an infectious disease or infestation, or if they have been emitting blood or bodily fluids, a prisoner should be placed in single cell occupancy
  - Consideration must be given to cultural differences and religious requirements
  - Where a prisoner has identified their transgender identity, they **must not** be placed in a cell or detention room with another prisoner and should be placed in single cell occupancy;
  - Prisoners under the influence of alcohol, drugs or other intoxicants or where they are violent or aggressive should not be considered for multi occupancy.
- 14.4 Once allocated, the cell or detention room number must be recorded on the National Custody System.
- 14.5 When multiple occupancy of cells is necessary the Custody Supervisor **must** record his/her action on the National Custody System, and visits to multiple occupancy cells **must** be made more frequently than the hourly minimum requirement to ensure the safety and well-being of prisoners. In particular, dignity must be respected, e.g. any request for private toilet facilities should be granted. Care should be taken when liberating or transferring prisoners from a multiple occupancy cell to ensure prisoners are properly identified. Custody Supervisors must consider staff safety when utilising multi cell occupancy.
- 14.6 A risk assessment must be carried out when the option of multi occupancy is used and recorded on each prisoner's record.
- 14.7 Where cell multi occupancy is employed, it should only be done for as short a time is practicable in the circumstances and single occupancy resumed as soon as practicable.

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14.8 All instances where multi cell occupancy is employed must be authorised by the FCI.

### 15. Prisoner Visits

#### 15.1 Prisoner Cell Visits

15.1.1 The custody officer should personally inspect all prisoners at the start and finish of each shift or when a transfer of responsibility takes place. It is important that shift changeovers include a briefing on custody status – refer to Appendix 'G' Custody Officer Handover Aide Memoire.

15.1.2 Every prisoner should undergo a care and welfare assessment before they are placed in a cell. The assessment will determine a suitable care plan which is proportionate, necessary and justified.

#### 15.2 Frequency of Visits

15.2.1 There are four levels of monitoring and visits which can be used:

- **Level 1 - General Well-Being Observations**

This is the minimum acceptable level of visit for low risk prisoner.

For an initial period of **6 hours** following arrival at the custody centre, the prisoner must be roused **every hour** and a clear verbal response obtained.

If no reasonable foreseeable risk is identified and the initial monitoring period has elapsed (6 hours) sleeping prisoners are **not required to be roused whilst conducting hourly visits**. This is referred to as an unobtrusive or view only visit.

However, a **sleeping period should not exceed 3 hours**.

During an unobtrusive visit staff should allow sufficient time to satisfy themselves as to the well-being of the prisoner – monitor breathing, observe movement etc. Full details should be recorded on the custody record.

Anyone whose breathing pattern seems irregular or unusually rapid, slow or noisy should be roused.

- **Level 2 - Intermittent (Health and Rousable) Observations**

This is the minimum level for prisoners suspected of being under the influence of alcohol or drugs, whose level of consciousness causes concern or where there are other issues necessitating increased levels of observation.

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Prisoner is visited and roused at intervals of at least 30 minutes although consideration should be given also to 15 minute check depending on assessment. This option can be used in conjunction with anti-harm suits or blankets (where available).

- **Level 3 - Constant (Harm Awareness) Observations**

The prisoner is under constant observations. Constant observations may be achieved by:

- (a) CCTV monitoring stations, or
- (b) Glass cell door, or
- (c) Window observation cells, or
- (d) Through open cell hatches.

Visits can be conducted and recorded at 15, 30 or 60 minute intervals.

Consideration of using anti-harm suits or blankets should also be considered, with a suitable visit regime.

- **Level 4 - Close Proximity (Harm Prevention) Observations**

Prisoners at highest risk of harm should be constantly observed at very close proximity.

The prisoner is physically supervised in person, either with staff in the cell or outside with cell door open.

If deemed proportionate the prisoner may be physically restrained with handcuffs, fast-straps or other approved devices. OST training should be observed at all times with handcuffs and fast-straps. In normal circumstances, this level of observation will be achieved by two officers (where possible).

CCTV and other technologies do not meet the criteria of close proximity but may compliment this level of observation.

### 15.3 Assessment

- 15.3.1 Where a prisoner's care and welfare assessment cannot be satisfactorily completed, a HIGH RISK level should be assumed and the necessary control measures put in place until further assessments can be made.

### 15.4 Nature of Visits

- 15.4.1 As a minimum all prisoners are to be visited at least once per hour unless they are under a level 3 or level 4 observation regime.

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15.4.2 Whenever possible, visits should be conducted by the same person and at irregular intervals.

15.4.3 The use of technology does not negate the need for physical visits.

### **15.5 Verbal Response**

15.5.1 A clear verbal response should be obtained during each visit unless an unobtrusive visit is being performed and the prisoner is sleeping.

15.5.2 Where a prisoner has difficulty in providing a distinct verbal response (language, physical impairment etc.), an alternative response should be confirmed. This may include written, sign or cue cards.

15.5.3 The majority of prisoner visits can be conducted from an open hatch but when a prisoner cannot be roused or spoken to, the cell should be entered and their welfare confirmed.

15.5.4 All prisoners are to be visited at least once per hour.

15.5.5 Any cell entry should be dynamically risk assessed by the staff involved.

### **15.6 Observation Checklist**

15.6.1 This should be used when taking positive actions in order to assess a prisoner's level of response.

- Can the prisoner be roused?
  - Enter cell
  - Call out the prisoners name
  - Shake gently
- Can the prisoner give appropriate answers to questions?
  - What is your name?
  - Where do you live?
  - Where do you think you are?
- Can the prisoner respond to appropriate commands?
  - Open your eyes.
  - Lift your arm or hand.
  - Move your legs.

15.6.2 Where the prisoner cannot be suitably roused, first aid should be administered, medical assistance summoned and the Custody Supervisor notified without delay.

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### 15.7 Recording of Visits

15.7.1 Every visit made to a prisoner **must** be recorded on the relevant Prisoner Contact Record (PCR). A distinct verbal response must be sought from the prisoner during the course of the visit which should be noted accurately on the PCR.

**Note:** If the custody centre has less than five cells a PCR will not be used and the recording of visits will be completed within the custody record.

15.7.2 Any material or unusual change in personality or behaviour of a prisoner **must** immediately be brought to the attention of the Custody Supervisor. The circumstances should be recorded on the National Custody System, together with any action taken.

15.7.3 If there is any reason to believe that a prisoner is suffering from illness or injury the Custody Supervisor is to summon an HCP or arrange for the removal of the prisoner to a hospital by ambulance. This is also applicable when the prisoner has neither complained of his/her condition nor requested the services of an HCP.

### 15.8 Visits to Prisoners by Relatives or Friends

15.8.1 The friends or relatives of a prisoner over 18 years of age, have no automatic right of access to the prisoner. The Custody Supervisor may, at their discretion, permit a brief visit. The prisoner must be properly supervised during the visit, to ensure that no property is passed without permission. Any visits should be recorded on the National Custody System.

15.8.2 For rights of under 18s to have access to other persons please consult Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

15.8.3 Regarding search of all visitors to a custody centre, please consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

15.8.4 Refer to Section 11 - Prisoner Hospitalised from a Custody Centre for prisoners detained at hospital.

### 15.9 Movement of Prisoners within Custody Centres

15.9.1 All movement of prisoners to and from cells e.g. obtaining Criminal Justice (CJ) samples, solicitor interviews/visits, washing, etc. must be clearly recorded as appropriate.

15.9.2 All prisoners removed from cells for any reason should be properly controlled and supervised throughout. They should also be searched prior to being returned to a cell (in compliance with section 12.1.5) and all prisoner movements recorded on the respective custody record.

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## **16. Adverse Incidents (Definitions)**

### **16.1 Types**

16.1.1 There are two types of adverse incidents within the custody environment, namely:

- Adverse incident
- Serious adverse incident

### **16.2 Adverse Incident**

16.2.1 An adverse incident is defined as:

“An adverse incident in police custody where injury sustained was minor or no injury was sustained but there was a risk of harm”.

### **16.3 Serious Adverse Incident**

16.3.1 Serious adverse incident is defined as:

“An adverse incident in police custody where injury sustained was serious such as deep cut, laceration, fracture, damage to internal organs, impairment of normal bodily function or where death takes place”.

16.3.2 Reference should be made to the Adverse Incidents in Police Custody Guidance document and the Death or Serious Injury in Police Custody SOP.

### **16.4 Reporting Procedures for Adverse Incidents**

16.4.1 Where an ‘**adverse incident**’ or ‘**serious adverse incident**’ takes place the following procedure must be carried out;

- Custody Adverse Incident Report - Force Form 051 -002 must be completed and sent to the Cluster Inspector for the relevant area prior to the Custody Supervisor going off duty and copied to Custody Division Divisional Co-ordination Unit (DCU).
- Depending on the circumstances of the adverse incident, e.g. internal concealment of drugs, use of any item to harm others, self-harm or attempt to commit suicide, consideration should be given to immediately informing the Cluster Inspector and FCI.
- Cluster Inspectors/FCI/Custody On Call Chief Inspector should be informed immediately of any serious adverse incident. It will be the responsibility of the On Call Chief Inspector to escalate to Custody Senior Management after assessment and inform other parties such as Professional Standards, Local Policing, etc.

16.4.2 Please refer to the Adverse Incidents in Police Custody Guidance document and the Death or Serious Injury in Police Custody SOP for further guidance.

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### **16.5 Immediate Updating of Warning Signals on Police National Computer/Criminal History System**

- 16.5.1 Where a prisoner has been involved in an adverse incident, e.g. he/she has attempted to commit suicide or self-harm in a police cell, it is imperative that the prisoner's PNC/CHS record is updated immediately to reflect the risk posed. This will ensure that any subsequent periods in custody are managed appropriately. It will be the responsibility of the Custody Supervisor to ensure the appropriate warning signals/markers are updated on the prisoner's record.

### **17. Public Order Prisoner Extraction**

- 17.1 In circumstances where a cell extraction requires the use of public order resources, authorisation can be granted by the DO SOV.
- 17.2 Custody Supervisors should in the first instance contact the FCI who will thereafter seek authority from DO SOV.

### **18. Medical Provision**

#### **18.1 General**

- 18.1.1 Medical provision for Prisoners is the responsibility of National Health Service (NHS) Scotland. Should medical advice and/or assistance be required in relation to any prisoner, it is the responsibility of the Custody Supervisor to make direct contact with the HCP.
- 18.1.2 Any reference to a HCP includes Doctors, Nurses and Paramedics. A prisoner should be seen by an HCP if there is any reason to believe that they;
- Are suffering from any illness or injury including alcohol and drug withdrawal if applicable
  - Have taken drugs, including New Psychoactive Substances (NPS – legal highs)
  - Have consumed any other substance which might conceivably cause harm
  - Have indulged in solvent abuse
  - Are a pregnant female
  - Appear to be suffering from a mental illness
  - Whose condition is such to suggest that he/she requires medical assistance
- 18.1.3 The Custody Supervisor is to discuss the case with the HCP to determine whether a visit is required or not, or to arrange for the removal of the prisoner to hospital, even though the prisoner may have not complained of their condition nor requested the services of a HCP.

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- 18.1.4 Particular care is to be taken in relation to prisoners who are;
- drunk or
  - under the influence of drugs
  - a combination of a head injury and alcohol/drugs.
- 18.1.5 If a prisoner appears to be drunk and drowsy, they are to be placed in the recovery position and medical assistance summoned **IMMEDIATELY**.
- 18.1.6 Where there is immediate concern for the health of a prisoner, notwithstanding that an HCP has been summoned, they are to be removed **IMMEDIATELY** to the nearest hospital by ambulance. The Custody Supervisor may have the prisoner transported to hospital by police vehicle where there is a delay in the arrival of an ambulance and the circumstances warrant immediate attention. In all cases, the hospital should be advised of the imminent arrival of a prisoner, together with details of symptoms.
- 18.1.7 Staff escorting the prisoner should be fully briefed by the Custody Supervisor and ensure a clear view and verbal communication with the prisoner is maintained throughout the journey. Further reference in this SOP should be made to section 11.5 - Transfer to Hospital.

### 18.2 Medical Examination

- 18.2.1 When a prisoner is examined by a HCP, details of the medical care plan must be passed to the Custody Supervisor and recorded on the National Custody System along with any other relevant information and must include:
- Fit to be detained Yes/No
  - Observation frequency/reason
  - Medication required
  - Who can administer
  - Review frequency and
  - Name of HCP

### 18.3 Management of Medication

- 18.3.1 The management of **all** medication given to an individual whilst in police custody is the responsibility of the HCP.
- 18.3.2 Police officers/PCSO may assist in the administration of medication to individuals whilst in police custody, only when the HCP is satisfied that it is appropriate for them to exercise this function.

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- 18.3.3 When satisfied that the administration of medication to an individual whilst in police custody can safely be carried out by either a police officer/PCSO, the HCP should confirm this in writing within the medical care plan.
- 18.3.4 Where a prisoner is apprehended at his/her home address, the arresting officers should, when practicable, ask if the prisoner has any prescribed medication. If so, it should be included with the prisoner's property and brought to the attention of the Custody Supervisor when presenting the prisoner. Where possible the medication should be contained within the original packaging, clearly labelled with administration instructions thereon.
- 18.3.5 Prisoners may also be in possession of prescribed or proprietary brand drugs. In these circumstances, the advice of the HCP must be obtained prior to dispensation of any medication.

### 18.4 Administration of Medication

- 18.4.1 Where applicable, medication must be dispensed directly from the approved final delivery device. The distribution of medication should take place independently of any other function and it is considered best practice to use a trolley to place delivery device on when dispensing medication to prisoners. Custody staff must ensure that the correct type and amount of medication is given to the appropriate prisoner. Staff must supervise the taking of the medication to ensure, as far as is possible, the medication has been swallowed.
- 18.4.2 Particular care **must** be exercised when dispensing medication to prisoners located in multiple occupancy cells. Custody staff must satisfy themselves as to the identity of the prisoner who is to receive medication.
- 18.4.3 The administering of methadone to prisoners is strictly governed and **must only be done by healthcare staff**. Whilst this is the responsibility of the NHS, custody staff are responsible for the care and welfare of the prisoner and still have a vital role to play in ensuring that the method is safe and secure. It is commonplace for methadone to be prescribed in glass bottles. However, healthcare staff should **decant this into a safe and suitable non glass item before it is handed to any prisoner**. To that end all escorting custody staff must ensure that healthcare professionals are complying with the correct process at all times i.e. **under no circumstances should a prisoner be given a glass bottle or item at any time**.

### 18.5 Recording of Medication and Dosage

- 18.5.1 All medication given to a prisoner **must** be recorded on the National Custody System. The exact type and quantity/dose of medication should be recorded, e.g. One Valium five milligrams, plus one Librium and the time administered.
- 18.5.2 Any unused medicines should be disposed of safely by local arrangements.

### 18.6 Prisoners Affected By CS/PAVA Spray

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- 18.6.1 The Custody Supervisor should be notified immediately of the arrival of a person exposed to CS Spray/Captor PAVA Spray and the National Custody System endorsed accordingly. Any person who thereafter has contact with the prisoner or their possessions should be notified of the prisoner's exposure to CS Spray/Captor PAVA Spray. If the prisoner is to attend court their Personal Escort Record form (PER) and property should be clearly marked to highlight the exposure to CS Spray/Captor PAVA Spray.
- 18.6.2 For further guidance on CS Spray/Captor PAVA Spray decontamination and aftercare procedures refer to Appendix 'H' – CS Incapacitant Spray Decontamination and Aftercare Procedures.

### 18.7 Prisoners Affected by the Application of TASER

- 18.7.1 The Custody Supervisor should be notified immediately of the arrival of a person exposed to Taser and the National Custody System endorsed accordingly. Any person who, thereafter, has contact with the prisoner should be notified of the prisoner's exposure to Taser. If the prisoner is to attend court their PER form should be clearly marked to highlight the exposure to Taser.
- 18.7.2 In addition, the following specific procedures will be applied to all people held in custody who have been subject to the effects of a Taser device;
- They must be seen by an HCP as soon as possible, unless they have collapsed or are in shock, in which case they must be immediately conveyed to hospital by appropriate means
  - If placed in a cell, where at all possible, that cell should be an observation cell and until they are seen by an HCP or treated in hospital, the prisoner must be subject to a visit at least every 15 minutes. Where an observation cell is unavailable, the Custody Supervisor must exercise caution in making an appropriate decision on supervision with a view to ensuring the health and safety of the prisoner. Following medical examination of the prisoner the observation regime will be in accordance with the guidance of the HCP;
  - They will not be considered fit for interview until seen by an HCP or treated in hospital.
  - **Must** be personally handed Force Form 064-012 – Information for Persons Subject to Taser regarding aftercare following exposure to Taser.

### 18.8 Dirty Protests

- 18.8.1 Occasionally prisoners will display their dissatisfaction at being detained within a police cell by carrying out a 'dirty protest'. In essence, this means that they will cover the cell walls and floors in their own excrement. If this occurs, an HCP should be contacted and an assessment of the prisoner's psychological state made, with regard to his/her suitability for continued detention.

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- 18.8.2 Consideration should also be given to removing the prisoner to another cell, if this is at all possible, taking into account the likelihood of the individual to contaminate further cells.
- 18.8.3 If the decision is taken to remove the prisoner to another cell, arrangements must be made for the contaminated cell to be cleaned prior to being re-used.
- 18.8.4 In these circumstances the prisoner supervisor **must** inform the reporting officer to libel an additional charge of Culpable and Reckless Conduct, seeking a compensation order for costs associated with the decontamination of the cell.

### 18.9 Prisoner Hospitalised

- 18.9.1 Refer to Section 11 - Prisoner Hospitalised from Custody Centre

### 18.10 Transfer of Medical Notes/Medication

- 18.10.1 When a prisoner, who has:

- Received medical attention whilst in custody;
- Medical ailments;
- Medication;

is taken to prison, or other place of detention, the Custody Supervisor must ensure that all relevant information from the custody record, along with relevant notes in connection with the medical attention provided and medication received accompany the prisoner, attached to the PER form.

- 18.10.2 Where appropriate, details of a prisoner's physical or mental health should be included in the remarks section of a police report to the PF.

## 19. Prisoner Welfare Considerations

### 19.1 General Principles

- 19.1.1 The general principle in relation to custody care is to grant any reasonable request which does not interfere with operational requirements or security. In particular, basic human dignity is to be respected.
- 19.1.2 Whilst the security of the prisoner is important, it should be clearly understood that the principal reason for visiting prisoners whilst they are in our care is to ensure their physical well-being.
- 19.1.3 The use of restraints in a locked cell should only be permitted in exceptional circumstances and where so deployed the subject **must** be kept under constant observations. On all occasions the decision **must** be regularly reviewed to ensure that it remains proportionate and the rationale documented on the National Custody System.

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### 19.2 Gender Specific Care and Welfare

- 19.2.1 Police Scotland operate a policy of non-gender specific care. Therefore, male staff are entitled to provide care and welfare for female prisoners and vice versa.
- 19.2.2 Staff who are looking after a member of the opposite sex should ensure they take common sense precautions to prevent any embarrassment to either party. This may include verbally alerting a prisoner before opening a cell hatch or door or, where relevant, to discretely informing a prisoner that female sanitary and hygiene products are available on request.
- 19.2.3 The only exception would be in relation to constant observation duties whereby the gender of the observing officer(s) **must** be the same as the gender of the prisoner under observation

**Note:** Police Scotland operate a strict policy of gender based search, i.e. a male must search a male and a female must search a female. For further guidance on this please refer to Police Scotland Diversity Booklet – A Practical Guide

### 19.3 Women in Police Custody

- 19.3.1 Police Scotland recognises the fundamental differences between male and female prisoners and will ensure that the dignity of menstruating women in police custody is maintained.
- 19.3.2 If a female prisoner is experiencing menopause or menstruation, custody officers should consider if continued incarceration is likely to have a significant and unreasonable effect on the prisoner's welfare.
- 19.3.3 An individualised response should be given in each situation and where possible reasonable adjustments should be made to accommodate individual needs.
- 19.3.4 Female prisoners should be asked at the earliest opportunity and in private if possible, if they require or are likely to require, any menstrual products whilst they are in police custody.
- 19.3.5 They should also be informed that menstrual products of various sizes as necessary will be provided free of charge with hand washing and shower facilities also available as and when required.
- 19.3.6 If necessary, female prisoners should be offered the opportunity to see the healthcare practitioner.
- 19.3.7 The manufacturer's instructions for each product should be followed, including replacement timeframes, unless changes are requested more frequently by the prisoner. Prompt, hygienic, discreet and safe means available for the disposal of used items should be used.

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- 19.3.8 Where the removal of menstrual products are considered necessary as part of a care plan, it should be subject to specific risk assessment. All alternative options should be fully explored before making a decision to remove menstrual protection.
- 19.3.9 Where a prisoner has menstrual products removed as part of a strip or intimate search, they should be offered a replacement without delay.
- 19.3.10 Prisoners who require showering should, where appropriate, be offered the opportunity to do so. If necessary, female prisoners should be transferred between custody centres to ensure adequate washing / showering facilities are available.
- 19.3.11 Arrangements should be made to replace soiled clothing. This can normally be achieved with the support of the prisoner (i.e. from family or friends).

### 19.3.12 Access to female staff

Whilst Police Scotland's staffing model does not always determine that a female member of staff is on duty within a custody centre, female prisoners should be made aware that they can speak to a female officer in private if needed. If a female member of custody staff is unavailable, a female police officer who is on duty should be assigned this role.

**Note:** not all menstruating prisoners will identify as female. A person who identifies as a transgender man might still require menstrual products, especially at the start of hormone therapy, as may some people who identify as non-binary. Menstrual products and care should be provided to transgender prisoners as with any other prisoner as required.

### 19.4 Constant Observations

- 19.4.1 Constant observations will be carried out on prisoners considered by the Custody Supervisor or a HCP to be a danger to themselves.
- 19.4.2 Constant observation means the constant observation of the prisoner without distraction of any kind. This can be in one of three ways;
- Constant Camera Observations – an officer is dedicated to this role
  - Door Closed Observations – the cell door is closed and an officer is observing the prisoner through a screen or hatch.
  - Door Open Observations – the cell door is open with an officer observing the prisoner at the doorway

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- 19.4.3 Throughout Scotland there are cells equipped with either in-cell digital CCTV or glass windows to allow constant observations on an individual. Where these are not available, or are being utilised, and due to the distances involved, it appears to a Custody Supervisor unacceptable to convey a prisoner to a station with an equipped observation cell as above, the prisoner is to be placed in an ordinary cell.
- 19.4.4 The requirement for constant observations will be based on the risk assessment, however it should be borne in mind that the impact that an offence has on an individual will vary greatly, therefore the focus must be on the person not the crime. Albeit consideration must always be made to placing prisoners charged with grave offences under constant observations, to assure their wellbeing at a time when they are potentially vulnerable. The decision must always be person centred and based on the vulnerability of that prisoner.
- 19.4.5 There may also be occasions when constant observations are necessary in the interests of the enquiry.
- 19.4.6 The Custody Supervisor must brief the officer allocated to the observations to ensure they are fully aware of their role and to ensure they are suitably experienced to undertake this role. The briefing must emphasise vigilance at all times and highlight that persons likely to self-harm can do so very quickly and may use their blanket to conceal themselves in order to attempt self-harm.
- Under no circumstances must the officer undertaking the observations be distracted by other tasks such as report writing. He/she must be dedicated solely to the constant monitoring of the prisoner.**
- 19.4.7 Consideration must be given to relieving the officer undertaking the observations on a regular basis. Guidance for Officers Engaged in Constant Observations of Prisoners is available to view at Appendix 'I' and each custody centre has this guidance displayed in the custody centre.
- 19.4.8 Where a prisoner is placed under constant observations, an entry **must** be added to the prisoner's record, detailing the reason for constant monitoring. This should also be done when the prisoner is removed from constant observations, outlining the reason for the change in status. If the prisoner has been placed on constant observations by a HCP, the prisoner's care plan must indicate under what circumstances the constant observations can be removed, e.g. "Constant observations until sober and calm".
- 19.4.9 The entry must also include full details of the person conducting the observations and that a briefing was provided. The provision of constant observations does not negate the need for cell visits in line with the care plan. A visit regime must be put in place for prisoners under constant observations, over and above the fact that the prisoner is under constant observation, and carried out as deemed necessary by the Custody Supervisor e.g. hourly or more frequent visits.

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- 19.4.10 Medical conditions and head injuries should not be used as a reason for constant observations unless directed by the HCP. If someone is so ill that they need constant observations they should be taken to hospital.
- 19.4.11 Any decision to downgrade the level of observations in order to relieve staff from such duties can only be done in consultation with the FCI.
- 19.4.12 In the unlikely circumstances that the matter has to be escalated, it shall be referred to a higher rank within custody division. It would also be anticipated that a HCP will also be involved in the decision making process.
- 19.4.13 In relation to constant observations relative to gender specific issues cognisance should be taken of paragraph 19.2.3 in this SOP

### 19.5 Feeding of Prisoners

- 19.5.1 Three meals are provided for prisoners between 0600 hours and 1900 hours. In addition, no person is to be held for more than four hours between 1100 hours and 2300 hours without being offered a meal. Prisoners, where possible, should be fed before 0700 hours each court day.
- 19.5.2 Different types of meals should be made available for prisoners with different dietary requirements, e.g. halal, vegetarian, gluten-free, etc.
- 19.5.3 Custody staff are to ensure that prisoners receive sufficient water.
- 19.5.4 In the event that a prisoner refuses the meal provided, this should be recorded on the National Custody System, with the reason of refusal. If more than two consecutive meals are refused, or the prisoner continually declines fluids, consideration should be given to consulting an HCP.
- 19.5.5 All efforts should be made to provide the prisoner with a meal which is acceptable to their condition/beliefs e.g. medical condition, special dietary requirements, religious or moral beliefs, etc.
- 19.5.6 Prisoners **will not** be given food provided to police stations by friends or relatives.
- 19.5.7 Prisoners should be provided with meals served in containers and they will be provided with sporks or similar safety spoons. Drinking water will be supplied on request. All containers and cutlery should be removed and accounted for as soon as reasonably practical when the prisoner has finished their meal, as there is potential for these items to be used as a weapon or to self-harm.
- 19.5.8 Cultural and religious requirements will dictate that certain prisoners will only be able to eat and drink at particular times of the day or night. Custody staff should be aware of this and provide meals at such times as the prisoner will, according to their culture/religion, be allowed to eat them.

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19.5.9 Information regarding prisoners' cultural and religious requirements should be obtained and if any requirements are considered reasonable they should be met. Reference should be made to the Diversity Booklet - A Practical Guide document.

### 19.6 Washing/Shaving

19.6.1 Where an arrested person is to be detained in custody for more than a full day, they should be offered facilities to wash and/or shave at least once per day.

19.6.2 Any reasonable requests to wash and/or shave more often than this are to be met, where possible. Facilities are also to be made available to a prisoner to wash and shave if he/she so desires prior to appearing in court. At all times when a prisoner is shaving, washing or showering, custody staff are to be in attendance to ensure the security and safety of the custody.

19.6.3 The offer of a wash **must** be recorded on the National Custody System whether the prisoner accepts it or not. Paper towels should be made available for the use of prisoners and in centres that supply cotton towels they must be checked for damage to prevent the risk of injury or self-harm.

### 19.7 Toilet Paper

19.7.1 Toilet paper is a potential risk, either by plaiting long rolls to make a ligature, by using it to block the toilet or by soaking paper and forcing it down the throat. To avoid these situations arising, toilet paper should be supplied in a number of single sheets, when required.

### 19.8 Blankets

19.8.1 Each prisoner is to be supplied with a mattress. Custody staff will determine whether a prisoner will be supplied with a blanket(s) giving due consideration for the following impact factors;

- Time of day
- Time of year and external weather conditions
- Temperature in cell
- Likely length of time in custody
- Any requests from the prisoner

19.8.2 Blankets should be issued in a controlled and measured way. Under no circumstances should a blanket be thrown into a cell.

19.8.3 Where the prisoner requests a blanket and is refused, the rationale and any alternatives offered should be recorded in the National Custody System.

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- 19.8.4 No blanket is totally anti-tear. All blankets must be checked when being issued to identify any existing tears and to prevent them being used as a ligature. Blankets with tears should be removed from use immediately and destroyed. Custody staff should notify the cluster inspector to ensure destroyed blankets are accounted for and replaced.
- 19.8.5 Blankets should be removed from a cell when the prisoner is released or transferred and placed in the dirty blanket store. Prisoners can be requested to remove blanket from cell. However, there is no obligation for them to do so.
- 19.8.6 Where blankets may have become soiled e.g. urine or faeces they should be placed in the soluble bags available for this and forwarded to the laundry in the normal manner.
- 19.8.7 In the event of bedding requiring destruction due to contamination e.g. too heavily soiled to be washed, the items should be placed in a clinical waste bag and collected in accordance with local arrangements. Custody staff should notify the cluster inspector to ensure destroyed blankets are accounted for and replaced.

### 19.9 Clothing

- 19.9.1 During the course of a prisoner's stay in police custody it may be necessary to seize their clothing e.g. as a production, removed due to damage, contamination, etc.
- 19.9.2 In these instances, the prisoner should be issued with a disposable prisoner's suit.
- 19.9.3 No prisoner shall be physically forced into wearing an anti-harm suit unless the circumstances are such that they are actively self-harming or the dangers are such that this action is immediately necessary. If this is necessary, it should be carried out in a cell equipped with CCTV. This decision will be taken by the Custody Supervisor who will utilise the National Decision Making Model. All options should be considered including use of constant observations until the prisoner is sufficiently calm. The full circumstance and rationale should be recorded on the National Custody System.
- 19.9.4 There may be occasions, where in the interests of safety, it is necessary to remove a prisoner's clothing whilst within a cell. Where this occurs, a full dynamic risk assessment must be carried out to ensure that it is justifiable and the FCI made aware. The Custody Supervisor **must** ensure that the rationale is documented on the National Custody System. The decision should be regularly reviewed to ensure it remains proportionate to the risk. Should the risk be downgraded, suitable clothing should be returned to the prisoner at the earliest opportunity.

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- 19.9.5 Prisoners are not to be taken to court from custody without proper clothing. A disposable prisoner or anti-harm suit is **not** proper clothing. If required, efforts are to be made by the enquiry officer to obtain alternative garments from the prisoner's home or relatives. Where clothing cannot be obtained, suitable garments may be purchased with money obtained from police funds.
- 19.9.6 There may be occasions where clothing is handed into a custody centre for a prisoner by a third party. Custody staff must ensure that they verify the prisoner's full personal details, including name and date of birth, with the third party prior to accepting the clothing. Full details should be recorded in the National Custody System. The clothing **must** be thoroughly searched before being handed over to the prisoner.

### 19.10 Cell Call Button

- 19.10.1 Most Police cells are equipped with a 'call button', which prisoners can use to attract the attention of custody staff. It is essential that all prisoners are made aware of this prior to commencing any period of detention.
- 19.10.2 The cell call button should not be turned off when the cell is occupied. However, there may be occasions when the prisoner continuously activates the call button'. In such circumstances, all efforts should be made to alleviate the prisoner's concerns. If the Custody Supervisor decides that the continuous activation is having an adverse effect on the care and welfare of the other prisoners, they may take the decision to deactivate the call button. If this decision is taken, the care plan must be updated to ensure that the prisoner is visited at regular intervals and an appropriate entry included in the prisoner's record. This decision must be regularly reviewed and the rationale and other options fully documented on the National Custody System.

**Note: Where a prisoner may have difficulty accessing the call button due to physical impairment, the Custody Supervisor must account for this within the care plan e.g. use of adapted cells, increase visit regime/constant observations, etc.**

- 19.10.3 Consideration should also be given for the prisoner to be placed under constant observations.
- 19.10.4 On each occasion when a prisoner is placed in a cell the cell call button **must** be checked to ensure it is in working order.

## 20. Fingerprinting, Photographing and DNA Sampling of Prisoners

- 20.1 For further information, consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

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## **21. Complaints About The Police**

- 21.1 A prisoner, at any point during their period of detention within a police station, may wish to make a formal complaint against any police officer or police staff. The investigation of this should follow the procedure outlined in the Complaints about the Police SOP.
- 21.2 Where the individual who is subject to the complaint is a member of custody staff, or at the material time is carrying out relief custody duties, the complaint will be dealt with by Criminal Justice Services Division. Where an officer who is subject to the complaint works elsewhere the complaint will be dealt with by local policing.
- 21.3 Where an incident occurs which, in the view of the Custody Supervisor, could result in a complaint against a member of custody staff then that member of staff should no longer have any responsibility for the care or welfare of the prisoner making the complaint. This includes officers engaged on observation duties.

## **22. Independent Custody Visiting Scheme (ICVS)**

- 22.1 Independent Custody Visitors (ICV) are volunteers who have a statutory role in ensuring the welfare of persons in police custody. They attend at custody centres to check on the treatment of prisoners, the conditions in which they are held and to ensure that their rights are being observed. This protects both prisoners and the custody staff, and provides reassurance to the community at large. Responsibility for organising and overseeing the delivery of ICVS lies with Scottish Police Authority (SPA) in consultation with the Chief Constable.
- 22.2 ICV can visit police custody facilities at any time and must be given immediate access to all custody areas unless doing so would place them in danger. A Custody Supervisor should not delay or deny access unless in the most extreme circumstances and then only after approval from the FCI. A full explanation must be given for the delay and the explanation recorded by the ICV in their report. Where there is a reasonable belief that there is a danger to the visitor or that access could interfere with the process of justice, the Custody Supervisor may limit or deny access to a specific prisoner. However, must be endorsed by the FCI. Such a decision must be recorded in the National Custody System and by the ICV in their report of the visit.

**Note:** In circumstances where due to demand staff cannot facilitate an ICVS visit, then the visitors should be invited into the custody area to observe ongoing activities. Under no circumstances should ICV be left waiting in public areas.

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- 22.3 During a visit the Custody Supervisor or member of custody staff must escort the ICV and advise them of any specific health and safety risks they may encounter. ICV may have access to all parts of the custody area and associated facilities e.g. food preparation areas and medical rooms. They may also, subject to the consent of the prisoner, speak with them about the adequacy of the detention facilities. It is the responsibility of the escorting officer to speak to the prisoner to outline the function of the ICV, and to ascertain whether they are prepared to speak to them. ICV may review the de-personalised details of a prisoner's custody record, but they may not view their medical notes.
- 22.4 The ICV role is fundamentally interactive with both prisoners and custody staff and cannot be discharged remotely.
- 22.5 Visitors should be able to ask the custody officer whether the CCTV is working and be given a demonstration if necessary.
- 22.6 If the prisoner cannot speak English, the visitors may ask for an interpreter or use language line. This will be facilitated by custody staff as appropriate.
- 22.7 At the conclusion of every visit a copy of the ICV's report is left for the attention of the cluster inspector.
- 22.8 For further information refer to the Independent Custody Visitor Scheme Guidance.

## **23. Liberation of Prisoners**

- 23.1 For further information, consult the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP.

## **24. Custody Audit, Management and Maintenance**

### **24.1 Cluster Inspector Visits to Persons in Custody**

- 24.1.1 During the course of a prisoner's time in the custody centre, an officer of the minimum rank of inspector will endeavour to visit them and review their continued detention. This visit should be carried out ordinarily by the FCI or the custody cluster inspector.
- 24.1.2 The officer who conducts the visit should not have had prior involvement in the arrest of the prisoner and, where this is the case, arrangements should be made for another inspector (or another officer of or above the rank of inspector) to carry out the visit/review.

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24.1.3 Where circumstances dictate that a physical visit of prisoners is impractical; for example, through geographical difficulties, a review of the prisoners can be carried out via telephone with the Custody Supervisors, by an officer of the minimum rank of inspector. In all circumstances the custody record regarding the visit/review should be updated.

### **24.2 Custody Management Audit Inspection Process**

24.2.1 Each custody cluster inspector must complete at least one review per month of a prisoner's time in custody by utilising Force Form 051-004 Custody Record Inspection. The CCTV aspect of this review need only be completed as directed by the custody area commander.

24.2.2 Force Form 051-003 Custody Division Weekly Checklist requires to be completed every week by the Custody Supervisor for each custody centre and submitted to the Custody Division (DCU), the relevant cluster inspector and custody area commander.

### **24.3 Cells Daily Inspection**

24.3.1 Custody cluster inspectors have overarching responsibility for ensuring that all cells are maintained in a safe condition and that procedures are in place for all facilities in their area to be inspected daily. It is the responsibility of Custody Supervisors to ensure inspections are carried out daily. (Primary centres should be inspected daily and ancillary centres when opened).

24.3.2 The most innocuous fixture, fitting or space can provide a ligature point for a person intending to self-harm or commit suicide. Previous deaths in custody and adverse incidents have involved ligature points in, on or surrounding the following places within cells or detention rooms;

- Old wooden benches
- Ventilation or heating grilles where they are poorly positioned or the grille apertures are too large (in new custody centres this is considered to be any aperture in excess of two millimetre diameter)
- Toilets with filler or sealant missing between the junctions with walls and floors
- Welding around doors that creates points or blade edges or provides gaps between steel sections
- Poorly fitting doors that provide a means of wedging a ligature
- Cell hatches which are defective or not shut properly
- Unsuitable door handles (for example 'T' handles)
- Light fittings that provide any means of attaching a ligature, accessing the fitting internally, or shattering the lens
- Walls or tiles with cement missing
- Smoke detectors

**OFFICIAL**

## OFFICIAL

- Cell call buzzers or toilet flush mechanisms that have not been fitted or bedded flat to walls or have in any way come loose
  - Cell door spyglass (loose, cracked or otherwise defective glass lenses or casings).
- 24.3.3 Items such as the mattress and pillow (if provided) should be checked for damage to ensure they do not provide potential ligature material.
- 24.3.4 To commit suicide by ligature a person requires both the means of forming the ligature and the means of attachment, normally to the structure. Removing one or preferably both opportunities minimises the risk of suicide or self-harm.
- 24.3.5 Staff inspecting cells must be aware that ligature points can be found at both high and low levels. They can take any form, e.g. cracks, gaps, any pipe, tube, bar or similar fittings. Inspections should be conducted methodically, working from the ceiling to ground level. They are not just a problem in older custody centres and can equally occur in new buildings.
- 24.3.6 Poor repair work can create ligature points. Repairs must be undertaken professionally, with material appropriate to the specific situation. The higher initial cost of safer materials will be offset by their longevity and safety.
- 24.3.7 General finishing should be of the appropriate fire rating and should be non-pick, non-peel, non-toxic and non-abrasive and resist the embedment of blades and needles.
- 24.3.8 Floor surfaces must be non-slip when wet but must not otherwise provide an abrasive surface that could cause injury. All surfaces and features should be capable of being easily cleaned and sterilised.
- 24.3.9 If a potential ligature point is identified, the relevant area **must** be taken out of use immediately and must not be used for securing any prisoner until remedial work has been completed. The problem must be reported in the same way as all other maintenance issues.
- 24.3.10 Prior to a prisoner being placed in a cell/detention room, custody staff must check that it remains suitable for use and that all facilities are still in full working order. This must be recorded on the National Custody System, confirming that a check has been made and that the cell is suitable for occupancy. The name and identifying number of the officer completing this task must also be recorded.
- 24.3.11 A further check of the cell must be made whenever a prisoner vacates a cell or detention room to identify any fresh damage to the room. If a prisoner has caused damage, he or she should be charged accordingly and a request made in the police report for a compensation order to cover the cost of the damage. It is good practice to have the damage photographed and to obtain an estimate of the cost of repair or cleaning. A full report of the circumstances is to be submitted to the cluster inspector.

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24.3.12 Advice and guidance on general condition of the custody area can be found in the Custody Management Audit Inspection Process. For reporting of any faults the faults should be recorded on Force Form 051-003 – Custody Division Weekly Checklist.

### **24.4 Fire Drills**

- 24.4.1 Practice fire drills are to be held regularly (minimum of two per year). Fire alarms must be tested weekly (different call point each week).
- 24.4.2 A record of fire drills, alarm tests and inspections of equipment must be entered in the relevant paperwork. Arrangements for fire drills within custody centres/area(s) will be conducted in conjunction with the office where the custody centre/area are housed. Force Form 076-017 - Fire Safety Form 4 – Fire Evacuation – Drill, Incident, False Alarm Record should be completed and filed in the Fire Management manual.
- 24.4.3 A fire evacuation plan must be accessible to the Custody Supervisor and all custody staff must be aware of their duties during an activation of the plan.
- 24.4.4 A quantity of handcuffs/flexicuffs, sufficient to cover the maximum number of cells must be available for use in the event of a fire evacuation. They will be located within the custody area. The Custody Supervisor should ensure that all staff are aware of their location.

### **24.5 Panic Alarm Strips**

- 24.5.1 Where fitted these alarms should be tested on a regular basis as dictated by the custody audit and the results recorded. All members of staff should recognise and know how to respond to such alarms.
- 24.5.2 Force Form 051-003 Custody Division Weekly Checklist requires to be completed every week by the Custody Supervisor for each primary custody centre and submitted to the Custody DCU, the relevant cluster inspector and area commander.

### **24.6 Notes of Guidance for Accused Persons**

- 24.6.1 It is the responsibility of the Custody Supervisor to ensure that clearly legible self-adhesive Notes for the Guidance of Accused Persons are affixed at locations where the prisoner can see them.

### **24.7 Mattresses**

- 24.7.1 When a cell is vacated, the mattresses must be checked for damage and cleaned on all occasions after use. If damaged, mattresses **must** be removed from use immediately and the cluster inspector notified.

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24.7.2 A more thorough examination of mattresses must be conducted on a weekly basis. Ampel probes and metal detectors should be used to ensure no items have been concealed within the mattress.

### **24.8 Contaminated Cells**

24.8.1 When a prisoner vacates their cell, the Custody Supervisor is to arrange to have the cell examined. Normal cleaning of spillages of food, urine, etc., should be undertaken, as necessary. Only in cases where the cell has been significantly contaminated by blood, excrement, etc., should the cell be isolated until decontamination can be effected, as per local instructions.

24.8.2 In circumstances where a prisoner is known to be infected with a contagious disease, such as scabies, he or she is to be immediately isolated. Blankets should be placed in sealed soluble laundry bags highlighting the problem. These should then be uplifted by the contractor for laundry. Consideration **must** be given to having the cell cleaned/decontaminated

### **24.9 Cell Call Button**

24.9.1 Where the cell 'call button' is found to be defective, the cell or detention room must be put out of service until it is fit for use, or if the use of the cell is absolutely necessary, a suitable control measure employed to ensure the prisoner's welfare.

## **25. Custody Paper Procedure/Business Continuity**

25.1 Where the National Custody System is unavailable for whatever reason, hard copy forms as referred to in the Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP should be used.

**List of Associated Legislation**

- Criminal Procedure (Scotland) Act 1995
- Criminal Procedure (Legal Assistance, Detention and Appeals)(Scotland) Act 2010
- Children's Hearing (Scotland) Act 2011
- Police and Fire Reform (Scotland) Act 2012
- Gender Recognition Act 2004
- Section 23(2) of the Misuse of Drugs Act 1971
- Terrorism Act 2000
- Proceeds of Crime Act 2002
- Human Rights Act 1998
- Sec. 50(1) Civic Government (Scotland) Act 1982 ('Drunkenness')
- Health & Safety at Work etc. Act 1974
- Police (Health & Safety) Act 1997
- The Workplace (Health, Safety and Welfare) Regulations 1992
- The Right to Interpretation and Translation in Criminal Proceedings (Scotland) Regulations 2014
- Equality Act 2010
- Criminal Justice (Scotland) Act 2016

## **List of Associated Reference Documents**

### **Policy**

- Custody Policy
- Equality, Diversity and Dignity Policy

### **Standard Operating Procedures**

- Adult Support and Protection SOP
- Antisocial Behaviour SOP
- Appropriate Adults SOP
- Armed Forces Personnel SOP
- Criminal Justice (Scotland) Act 2016 (Arrest Process) SOP
- Complaints about the Police SOP
- Death or Serious Injury in Police Custody SOP
- Disability in Employment SOP
- DNA Sampling and Retention SOP
- Drugs Investigation SOP
- Electronic Monitoring of Offenders SOP
- Fingerprints SOP
- Health and Safety SOP
- Interpreting and Translating Services SOP
- Mental Health and Place of Safety SOP
- Offending by Children SOP
- Productions SOP
- Recorded Police Warnings SOP
- Record Retention SOP
- Use of Force SOP
- Warrants SOP



**Guidance**

- Custody Management Audit Inspection Process
- Management Guidelines for Persons Suspected of Having Controlled Drugs Concealed Internally
- Police Scotland Diversity Booklet – A Practical Guide
- Crime Group Classification
- Custody Division Adverse Incident Guidance
- The Custody Officer's Guide
- Custody Division Transfer Guidance
- Police Scotland Solicitor Access Guidance
- Independent Custody Visitor Scheme Guidance
- Lord Advocate's Guidelines
- Risk Assessment Question Set

**List of Associated Forms**

- Risk Assessment Pro Forma (044-011)
- Custody Risk Assessment Checklist (051-001)
- Custody Adverse Incident Report (051-002)
- Custody Adverse Incident Report – Continuation Sheet (051-002 (A))
- Custody Division Weekly Checklist (051-003)
- Custody Division – Custody Record Inspection (051-004)
- Custody Division Hospital Escort (051-005)
- Detention Certificate Child Offender (051-006)
- Fire Evacuation – Drill, Incident, False Alarm Record (076-017)
- Police Interview – Rights of Suspects (PIRoS) (051-032)
- Pre-Interview Solicitor Briefing Record (051-008)
- Arrest Form Part D – Review and Extension Processes (051-033 (D))
- Information for Persons Subjected to Taser (064-012)

**Glossary of Terms**

CCBE	Council of the Bar and Law Societies in Europe	PER	Personal Escort Record
DCU	Divisional Coordination Unit	PIDs	Personal Identification Devices
DO SOV	Duty Officer, Service Overview		
DPG	Diplomatic Protection Group	PINS	Police Information Net for Scotland
DWP	Department of Works and Pensions	POCA	Proceeds of Crime Act 2002
FCI	Force Custody Inspector	SCD	Specialist Crime Division
FIU	Financial Investigation Unit	SID	Scottish Intelligence Database
FNO	Foreign National Offenders	SOP	Standard Operating Procedure
GTN	Glyceryl Trinitrate	SPA	Scottish Police Authority
HCP	Health Care Professionals	SPS	Scottish Prison Service
HDC	Home Detention Curfew	STDC	Scottish Terrorist Detention Centre
HOIE	Home Office Immigration Enforcement	TACT	Terrorism Act
ICVs	Independent Custody Visitors	ViSOR	Violent and Sex Offender Register
IDF	Interim Detention Facilities		
IND	Immigration & Nationality Directorate		
IT	Information Technology		
OCCT	Organised Crime and Counter Terrorism		
OICC	Officer in Charge of Case		
PCSO	Police Custody Security Officers		

**Custody Centres**

**NORTH AREA**

**CLUSTER 1**

**ABERDEEN CITY, ABERDEENSHIRE AND MORAY**

<b>CUSTODY CENTRE</b>	<b>DIVISION</b>	<b>CAPACITY</b>	<b>DESIGNATION</b>
Elgin	A	14	Primary
Fraserburgh	A	15	Primary
Kittybrewster	A	62	Primary
Ballater	A	1	Ancillary
Banchory	A	3	Ancillary
Banff	A	4	Ancillary
Ellon	A	2	Ancillary
Forres	A	4	Ancillary
Huntly	A	2	Ancillary
Inverurie	A	10	Ancillary
Peterhead	A	9	Ancillary
Stonehaven	A	6	Ancillary

**CLUSTER 2**

**TAYSIDE**

<b>CUSTODY CENTRE</b>	<b>DIVISION</b>	<b>CAPACITY</b>	<b>DESIGNATION</b>
Arbroath	D	13	Weekend Only
Dundee	D	40	Primary
Perth	D	18	Primary

**CLUSTER 3**

**HIGHLANDS AND ISLANDS**

<b>CUSTODY CENTRE</b>	<b>DIVISION</b>	<b>CAPACITY</b>	<b>DESIGNATION</b>
Inverness	N	42	Primary
Alness	N	4	Ancillary
Aviemore	N	4	Ancillary
Benbecula	N	3	Ancillary
Castlebay (Barra)	N	1	Ancillary
Dingwall	N	6	Ancillary
Fort William	N	8	Ancillary
Kirkwall	N	6	Ancillary
Kyle of Lochalsh	N	2	Ancillary
Lerwick	N	7	Ancillary
Nairn	N	3	Ancillary
Portree	N	3	Ancillary
Stornoway	N	7	Ancillary
Thurso	N	7	Ancillary
Ullapool	N	1	Ancillary
Wick	N	5	Ancillary

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**EAST AREA**

**CLUSTER 4  
FORTH VALLEY**

<b>CUSTODY CENTRE</b>	<b>DIVISION</b>	<b>CAPACITY</b>	<b>DESIGNATION</b>
Falkirk	C	32	Primary

**CLUSTER 5  
EDINBURGH, LOTHIANS AND BORDERS**

<b>CUSTODY CENTRE</b>	<b>DIVISION</b>	<b>CAPACITY</b>	<b>DESIGNATION</b>
Dalkeith	J	14	Primary
Hawick	J	10	Primary
Livingston	J	26	Primary
St Leonards	E	40	Primary
Drylaw	E	2	Ancillary
Duns	J	2	Ancillary
Eyemouth	J	2	Ancillary
Galashiels	J	3	Ancillary
Peebles	J	2	Ancillary

**CLUSTER 6  
FIFE**

<b>CUSTODY CENTRE</b>	<b>DIVISION</b>	<b>CAPACITY</b>	<b>DESIGNATION</b>
Dunfermline	P	18	Primary
Kirkcaldy	P	15	Primary
Levenmouth	P	12	Weekend Only

## OFFICIAL

### WEST AREA

#### CLUSTER 7 GLASGOW NORTH

CUSTODY CENTRE	DIVISION	CAPACITY	DESIGNATION
GCCPO (Stewart Street)	G	46	Primary
London Road	G	37	Primary
Baird Street	G	37	Contingency
Maryhill	G	27	Contingency
Partick	G	14	Contingency

#### CLUSTER 8 RENFREWSHIRE AND INVERCLYDE

CUSTODY CENTRE	DIVISION	CAPACITY	DESIGNATION
Greenock	K	57	Primary
Dunoon	L	10	Primary
Rothesay	L	6	Primary

#### CLUSTER 9 GLASGOW SOUTH

CUSTODY CENTRE	DIVISION	CAPACITY	DESIGNATION
Cathcart	G	58	Primary
Govan	G	50	Primary

#### CLUSTER 10 AYRSHIRE, DUMFRIES AND GALLOWAY

CUSTODY CENTRE	DIVISION	CAPACITY	DESIGNATION
Ayr	U	15	Primary
Kilmarnock	U	24	Primary
Saltcoats	U	21	Primary
Dumfries	V	18	Primary
Stranraer	V	7	Primary
Annan	V	4	Ancillary
Castle Douglas	V	2	Ancillary
Lamlash	U	2	Ancillary
Lockerbie	V	4	Ancillary
Millport	U	1	Ancillary
Newton Stewart	V	2	Ancillary
Sanquhar	V	3	Ancillary

## OFFICIAL

### CLUSTER 11 LANARKSHIRE

CUSTODY CENTRE	DIVISION	CAPACITY	DESIGNATION
Coatbridge	Q	24	Primary
Hamilton	Q	10	Primary
Lanark	Q	6	Primary
Motherwell	Q	24	Primary
East Kilbride	Q	10	Contingency

### CLUSTER 12 WEST DUNBARTONSHIRE & ARGYLL

CUSTODY CENTRE	DIVISION	CAPACITY	DESIGNATION
Campbeltown	L	10	Primary
Clydebank	L	29	Primary
Lochgilphead	L	3	Primary
Oban	L	7	Primary
Bowmore	L	2	Ancillary
Craignure	L	1	Ancillary
Tiree	L	1	Ancillary
Tobermory	L	1	Ancillary

**Contact Directory**

<b>Section</b>	<b>Agency/Department</b>	<b>Contact Details</b>
8.12.13	HOIE (24 hour help line)	03000 134 999
8.16	Scottish Government (Breach of Parole Licence)	0131 244 8529
8.16	Scottish Government (Breach of Life Licence)	0131 244 8543 or 8535
8.16	Scottish Government (Young Offender Aftercare Licence)	0131 244 8536 or 8537
8.16	Scottish Government Out of Hours	0131 556 8400
9.2.5	Scottish Government (Reshaping Care & Mental Health Directorate)	0131 244 5203



**CUSTODY OFFICER HANDOVER AIDE MEMOIRE**

This is not a definitive guide but is intended to provide structure, and serve as an aide memoire, in relation to the key areas that should be considered at handover.

1. Custody Details
  - Name.
  - Cell – also if multi occupancy.
2. Nature and Status of the Investigation
  - Custody Type - Detainee/Summons/ Undertaking/Court/ Mental Health Assessment etc.
  - Circumstances relating to the detention/ arrest – rationale understood and agreed.
  - Investigation status - Officer in charge.
  - Custody report status.
3. Vulnerability/ Risk Assessment
  - Risks identified by detainee/ custody officer/ arresting officer/ other.
  - Existing warning markers (e.g. PNC).
  - Other relevant information.
4. Risk Management Plan
  - Individual risk management plan considered - including observation level, visit frequency, rousing etc.
5. Medical Care Plan
  - Current medical requirements.
  - Any requirement for assessment by Forensic Physician.
  - Outcome of previous assessments.
6. Rights and Entitlements
  - Have rights been given – if not what is reason for delay.
  - Solicitor – have they requested interview with a solicitor.
  - Appropriate Adult – required/ identified.
  - Interpreter issues.
7. Any other information that may be relevant to the custody.
  - Diversity issues.
  - Religious needs.
  - Special dietary requirements.
8. PER form completion
  - Where an outgoing Custody Officer has only partially completed a PER form this must be discussed with the incoming Custody Officer in order that the relevant sections can be completed prior to handover.
9. Reviews i.e. Sect 14 / Child Custodies
  - Time of next review - including any issues. Extension required?
10. Custody Check
  - Incoming Custody Supervisor to make tour of custody suite prior to outgoing Custody Supervisor leaving. This will enable any issues identified by incoming Custody Supervisor to be clarified.

## **CS INCAPACITANT SPRAY**

### **DECONTAMINATION AND AFTERCARE PROCEDURES**

#### **Premises**

If CS has been sprayed within premises, open all doors and windows to allow the air to circulate. The same procedure will apply to contaminated vehicles.

Contaminated surfaces should be washed down with a detergent or hot soapy water and then thoroughly rinsed to remove any CS residue (it is advisable to wear rubber gloves).

#### **Persons**

Remove the person sprayed to an uncontaminated area where they can be exposed to fresh air. This will allow the CS particles to be blown from the affected person's body and will normally result in recovery from significant symptoms within 15 minutes.

Where clothing has been contaminated, the affected person should be provided with a paper suit and to prevent the spreading of residual CS particles, the contaminated clothing should be sealed in polythene bags. Upon liberation, the affected person should be advised to hang the clothing on a washing line and expose it to fresh air. The clothing should then be thoroughly washed - separate from other items - before being worn again.

#### **Aftercare**

Advise affected persons not to rub their eyes or face.

Instruct affected persons to breathe normally. Breathing normally will aid the affected person's recovery and will prevent hyperventilation.

Give reassurance that the effects of the spray are temporary and that they will pass.

Do not apply water to the affected person's eyes. Application of water may provide some immediate relief but can lengthen the overall recovery period. Irrigation of an affected person's eyes should only be undertaken by an FME or other trained medical personnel.

It is essential to monitor an affected person's breathing. If they experience difficulty in resuming normal breathing, or if any other adverse reactions are observed, immediate medical assistance should be obtained.

Ensure that any restraint methods used, and the position that an affected person is placed in, does not affect his/her breathing. Affected persons should not be left, or transported, in the prone position (face down).

## OFFICIAL

Close monitoring of an affected person must be maintained until any significant effect of the CS Spray has worn off.

Affected persons who wear contact lenses may experience greater discomfort. They should be permitted to remove the lenses at the earliest opportunity. Police Officers/Custody Staff must not attempt to remove contact lenses from another person. This should only be carried out by the individual concerned or by a Medical Practitioner. Exposure to CS Spray may cause damage to certain types of lenses. Individuals who experience problems with contact lenses should be advised to consult an Optician.

## PAVA SPRAY

### DECONTAMINATION AND AFTERCARE PROCEDURES

PAVA (Pelargonic Acid Vanillylamide) Spray is an incapacitant spray similar to CS Spray and is used by a number of other Police Services, including British Transport Police. It is possible that Officers from another Police Service will present a prisoner at one of the PSoS's custody facilities who has been subject to the effects of PAVA Spray.

In such circumstances, procedures for de-contaminating the prisoner will be the same as those adopted in respect of prisoners who have been subject to CS Spray. Prisoners who have been subject to PAVA Spray may only be held in a custody facility where there is 24 hour cover and sufficient resources to conduct the checks required of an 'At Risk or Special Risk Prisoner'.

On arrival at the Custody Centre, process as normal, but first:

- Ascertain that the spray has actually been used;
- Check the condition of the prisoner;
- If the prisoner has not recovered from the immediate effects, arrange for the prisoner to wash (under supervision) with copious amounts of **running, cold water**. Irrigation of the eyes WILL only be undertaken by the prisoner themselves or other suitably trained personnel;
- Arrange for examination by a Medical Practitioner if in your opinion the prisoner is in distress or the subject requests it;
- The prisoner should be segregated from other prisoners;
- If the breath test procedure is to be used, ensure that a **minimum of 30 minutes** has expired since being sprayed;
- As a safeguard, ensure that any directly contaminated clothing is kept away from any breath measuring instruments and that the subject has been given the opportunity to wash their face/hands before submitting to the procedure;
- The prisoner should be subjected to enhanced cell supervision as for

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prisoners who are under the influence of alcohol or drugs;

- Prior to release the prisoner should be handed a leaflet informing them of the spray which has been used and action to be taken if they suffer any additional problems;

Ensure that full details are included on the custody record including the Serial No of the spraying Officer's canister and that the Officer is directed to complete the required procedures pertaining to the canister as per local instructions.

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## **Guidance for Officers Engaged in Constant Observations of Prisoners**

The following is designed as an aide memoire to Officers engaged in the constant observations of a person in Police custody.

The decision to place a prisoner under constant observations will be made in conjunction with the care and welfare Risk Management Plan conducted on the arrival of the person at the Custody Centre and on any further information made available to the Custody Supervisor.

Reasons for the decision to place a prisoner on constant observations include:

- They are at high risk of self-harming or attempting suicide,
- They have drugs or other items concealed internally,
- They have been apprehended for a grave crime.

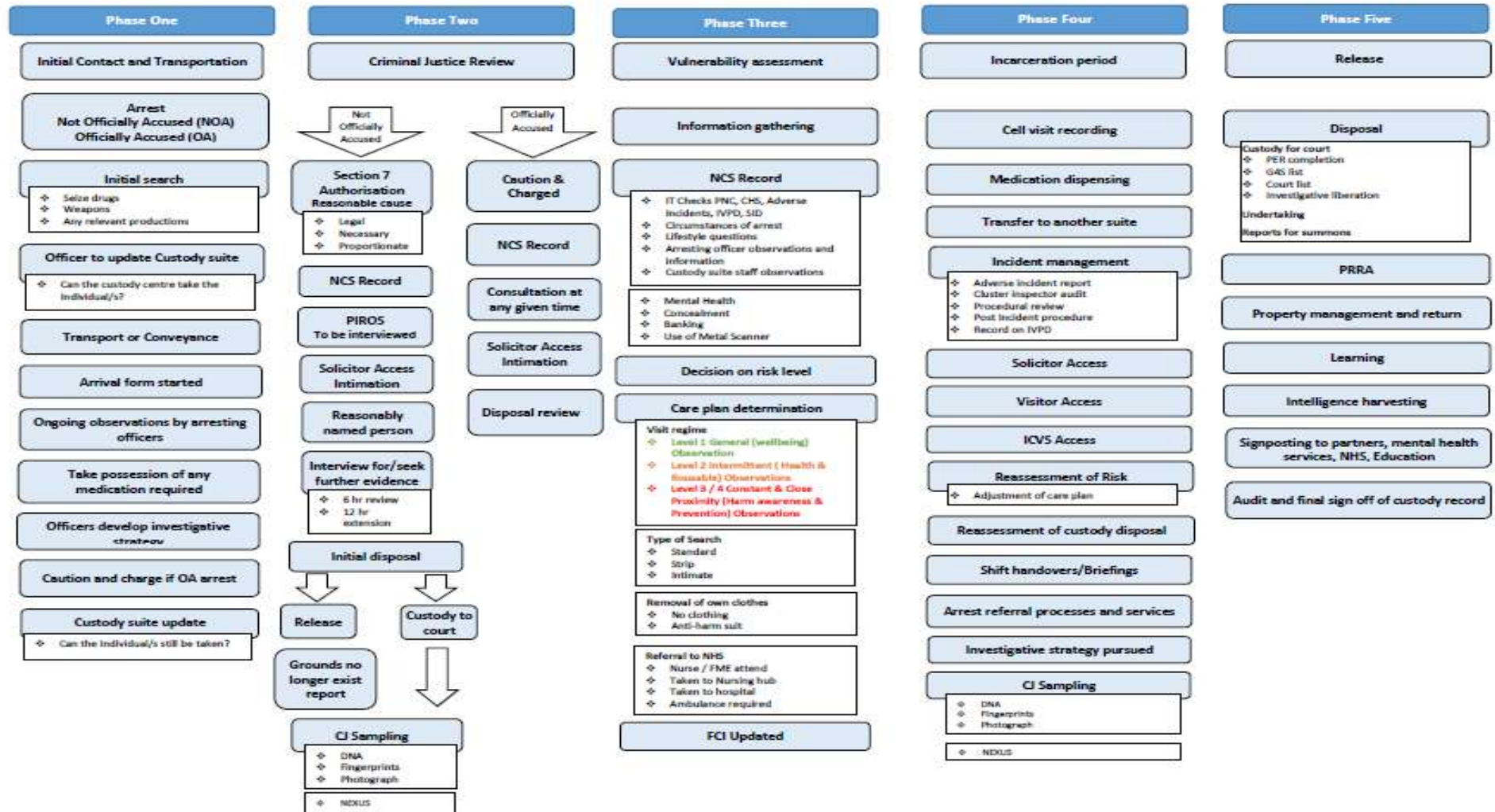
Whatever the reason for the custody being placed on constant observations, the responsibility for their care and welfare lies with the officer allocated this duty.

### **Consideration should be given to the following:**

- If you are present when the prisoner is placed in the cell, check that there is nothing already in the cell that is likely to cause harm;
- Remain alert and vigilant at all times to any changes in the prisoner's demeanour / state of intoxication;
- Ensure that the prisoner's head and shoulders are visible above the blanket;
- If the prisoner is suspected of having items concealed internally, ensure they have their hands visible at all times;
- Do not carry out any other duties e.g. report writing;
- If carrying out CCTV observations on more than one prisoner, do not leave the screen to assist with an incident, alert staff immediately; and
- If you have any concerns, inform the Custody Staff.

The foregoing is by no means an exhaustive list. If you have any doubt of what is expected of you when undertaking this important task, consult with the Custody Supervisor.

**REMEMBER, IF IN DOUBT ASK**



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