



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 44 of 2019

Ref: CS/LS

7 October 2019

Attachments:

SP JSC (P) Report Dec 2017

SP JSC (P) Report April 2018

SP JSC (P) PSoS letter 27 Sept 2019

Dear Colleague

Scottish Parliament – Justice Sub Committee on Policing – Police Scotland Custody Hubs – Consultation

I refer to the above and write to advise you that the above Committee has scheduled a further evidence session on the custody provision within the Police Service of Scotland (PSoS). The Committee is eager to explore in greater detail the issues associated with the Custody Hubs, and have invited the SPF to submit written evidence in advance of oral evidence on the 7th November.

This examination by the Committee builds upon the evidence sessions of the 7th December 2017 and 19th April 2018 which are attached for your information. You should also note the letter from the PSoS to the Committee dated 27th September 2019 which is also attached for your information.

The timescales for written submissions is short, as such I would welcome your detailed observation on the operation of custody hubs in your areas, and comments on the issues raised in the PSoS letter, sent to consultation@spf.org.uk no later than **Friday 18th October 2019**.

Yours sincerely

Calum Steele
General Secretary

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Date: 27 September 2019

Your Ref:

Our Ref: 90.19

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SCOTLAND**
Keeping people safe

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Dear Mr Finnie

Police Officers Backfilling Staff Posts

I refer to your letter dated 18 September 2019 addressed to the Deputy Chief Officer, David Page. As the strategic lead for People and Professionalism, the Chief Constable has asked that I address the request for information contained therein. I am aware that the Justice Sub-Committee on Policing has also requested that Police Scotland provides the Sub-Committee with a copy of its estate condition report, once completed. I include a response provided by Mr Page, as the strategic lead for this area.

At the evidence session on 12 September, Mr Page made a commitment to provide the Sub-Committee with the number of officers who are backfilling police staff roles within Police Scotland.

I would like to reaffirm that the deployment of resources remains a matter for the Chief Constable and that all officers and staff, in whatever role, make a valuable contribution to the delivery of policing in Scotland.

To provide context with regard to the Justice Committee's report on post legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012, there had been concern raised by Unison about the apparent backfilling of custody posts by police officers, which appears to have contributed to the finding made by the Committee and to which you refer.

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For a time during 2016/2017 when Police Scotland was redesigning its custody procedures and structure, vacancies that occurred through natural attrition were held open during the design phase of the project. As a result, additional support was required within the function as a short term measure to support service delivery. When a new model of delivery was approved, 150 new Criminal Justice Police Custody Support Officers (all police staff) were recruited. This allowed the release of police officers back to divisions.

In the 6 years since the formation of Police Scotland there has been no policy in place whereby police staff posts have been routinely or directly replaced by police officers. There may be roles being carried out by officers which could potentially be undertaken by police staff. This was identified in our recently approved Framework for Strategic Workforce Planning 2019/26, which states that *'we will review the roles that officers carry out to ensure that their police powers and skills are best utilised and that police staff carry out roles that they are best able to undertake.'* This work is currently ongoing and when this exercise is complete we will be in a better position to determine the most appropriate workforce mix for Police Scotland.

In relation to the Police Scotland Estate Condition Report, Mr Page advises that he is in the process of commissioning a condition survey for the entire police estate. Given the scale, complexity, and geographical spread of police property portfolio, it is estimated that this work will take some months to complete and will likely be finalised during the next financial year. Once the survey has concluded, the final Report will be shared with the Sub-Committee.

Yours sincerely



Fiona Taylor
Deputy Chief Constable

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OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 19 April 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 19 April 2018

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JUSTICE SUB-COMMITTEE ON POLICING
5th Meeting 2018, Session 5

CONVENER

*John Finnie (Highlands and Islands) (Green)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*Daniel Johnson (Edinburgh Southern) (Lab)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Lucille Inglis (Unison Scotland)

Chief Superintendent Garry McEwan (Police Scotland)

Calum Steele (Scottish Police Federation)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 19 April 2018

[The Convener opened the meeting at 13:00]

Decision on Taking Business in Private

The Convener (John Finnie): Feasgar math, a h-uile duine, agus fàilte. Good afternoon, everyone, and welcome to the fifth meeting of the Justice Sub-Committee on Policing in 2018. We have no apologies.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take item 3, on the sub-committee's work programme, in private?

Members *indicated agreement.*

The Convener: Thank you very much indeed.

Custody

13:01

The Convener: Agenda item 2 is an evidence session on Police Scotland's custody provision. I refer members to paper 1, which is a note from the clerk, and paper 2, which is a private paper. I welcome Chief Superintendent Garry McEwan of Police Scotland's criminal justice services division.

Chief Superintendent Garry McEwan (Police Scotland): Thank you very much.

The Convener: I also welcome Calum Steele, the general secretary of the Scottish Police Federation, and Lucille Inglis, chair of the police staff Scotland branch of Unison.

We will move straight to questions. Margaret Mitchell has first question.

Margaret Mitchell (Central Scotland) (Con): Good afternoon, everyone. I thank the witnesses for their written submissions. Looking at them, I see quite a variation in the estimates of the number of vacancies within the custody division. Could I have an assessment from each of you as to how many vacancies you think there are?

Calum Steele (Scottish Police Federation): In fairness, any assessment would be different depending on the starting point and how it is measured. Certainly, when I sent a written reply to the convener on 5 March, the position that I laid out was exactly as we understood it. Of course, on the assumption that each of the three representatives in front of the committee has a different starting point, you will get a different answer. Aside from what I laid out in the correspondence that I provided to the convener on 5 March, that is the position as the SPF understands it.

Margaret Mitchell: Would you say how many vacancies there are, just for the record?

Calum Steele: It was certainly more than the 18 vacancies that have been cited. If you will allow me to remind myself of the correspondence, which I have here, I will come back to you on that.

Margaret Mitchell: I think that it might have been 45, although it might have been more.

Calum Steele: Yes—45.

Margaret Mitchell: Thank you.

Lucille Inglis (Unison Scotland): I should say that I am deputising for Michelle McHardy.

I do not have an overall total, but I would say that the numbers in most places are down by one or two, certainly in the smaller areas. There are a lot of vacancies.

Margaret Mitchell: You would not have a number that you could—

Lucille Inglis: No, I am sorry, I do not. I can certainly get it to you.

Margaret Mitchell: Mr McEwan?

Chief Superintendent McEwan: I am quite clear on the numbers. Calum Steele is right that we are looking at a moment in time—we are looking at post-April 2017. At the time of our submission, in January or February 2018, I think, there were 18 vacancies. Of those 18 vacancies, 12 have now been filled and six are still in the recruitment process. There are two additional vacancies where people have retired. We now have eight vacancies across my custody and criminal justice division. Prior to April 2017, through vacancy management, the force took the decision to delete a number of posts across the organisation that had previously been vacant for a period of time. At that time, 50 posts were deleted from my division.

Margaret Mitchell: How many should there be in total?

Chief Superintendent McEwan: There is no definitive number for how many there should be, because we are always trying to improve and rationalise our estate. As things stand right here and now, there are eight vacancies.

Margaret Mitchell: Roughly how many do you have?

Chief Superintendent McEwan: We have hundreds of staff.

Margaret Mitchell: From the SPF submission, I understand that 118 police custody officer vacancies across the country have simply been deleted. Would you like to comment on that?

Chief Superintendent McEwan: That is the point that I was trying to make. Pre-April 2017, 50 posts were deleted through vacancy management because they had been vacant for a period of time. That was in April 2017, over a year ago.

Margaret Mitchell: One hundred and eighteen seems an awful lot. Why would—

Chief Superintendent McEwan: It was not 118; it was 50.

Margaret Mitchell: Would that be your assessment too, Mr Steele?

Calum Steele: The position, as articulated in the correspondence, was as we understood it at the time. I appreciate Mr McEwan's careful use of language in calling it vacancy management. It comes down to the reason why the posts were left vacant, which was because there was not the money to fill them. That is probably the

fundamental problem. Those who work in the criminal justice area, particularly in custody but across all areas of the service, are under phenomenal pressure and are working exceptionally hard. I would not expect anyone of Mr McEwan's seniority to come to the sub-committee and say that the police service is underfunding any particular area, but vacancy management is another way of saying that there was no money to recruit the people that were required to undertake the job. I am sure that Lucille Inglis would be able to confirm that.

Lucille Inglis: Yes, that is right.

Margaret Mitchell: It is quite concerning that we have such variation. Could you outline the process for calculating the number of custody vacancies? You have said, Mr Steele, that it varies, depending on how you do it. What is the official process, Mr McEwan?

Chief Superintendent McEwan: The force executive took the decision that any vacant posts, or any individuals who left my division, from April 2017 onwards—over a year ago now—would be backfilled, for which we would recruit externally. That is what we have been doing. I am working from a position that has been well established for over a year. As I said, our submission from January or February shows that we had 18 vacancies, but a fair proportion of them have now been filled and we are working towards filling the remainder.

Margaret Mitchell: Let us say that 60 police officers are backfilling. Is that a temporary solution, and, in reality, it is equivalent to 60 vacancies?

Chief Superintendent McEwan: It is a temporary solution. Agreement was reached as I described it on the previous occasion I was before the sub-committee. Previously—and I am going back to when Police Scotland came into existence—there was a moratorium on the recruitment of police custody and security officers because we were going to embark on a period of organisational change. People left the organisation between 2013 and April 2017, but there was a moratorium on recruitment. What we found—and certainly Unison colleagues were the first to voice their concerns about this—is that the backfilling arrangements were very high risk. As I think I described it the last time, on one day, Mr Finnie might come in and be in the role; the next day, it might be Mr Macpherson; and then it might be Mr McArthur. There was no real continuity.

We found that the police staff experts were regularly having to verbally rebrief the cops who came in, advising them of changes in practice. The executive took the decision in November of last year to move 62 police officers into the

structure to enable us to move towards full organisational change. Those permanent 62 officers would provide that continuity, rather than there being a disparate approach. I have certainly seen, as have my staff—we will see what my two colleagues say—that the professional continuity has certainly increased as a consequence.

Margaret Mitchell: I think that what you say in your submission and what we have heard today is as clear as mud. To say that it lacks transparency is an understatement. I suggest that, as a result of this meeting, you take my comments back to Police Scotland and see whether we can get a definitive way of establishing what is the optimum number—the ideal number—within certain boundaries, how many we have, how the number is calculated and the effect of backfilling, which is something that we have looked at since the inception of Police Scotland as being detrimental to the delivery of the service.

Perhaps you can elaborate on the impact on demand and service delivery of having 60 officers doing the backfilling.

Lucille Inglis: We supported the approach whole-heartedly, because we were limping along, with police officers coming in off the street who were not really fully trained. Rather than assisting the PCSOs, they were a bit of a hindrance, because we were having to teach them and show them things as we went along. Our view was that it would be better for stability for a chunk of officers—the 62 officers—to come in, because they would be permanent until such time as we could fill the posts. However, reorganisation is taking place at the same time, so we are caught up going forward and yet still having shortages here and there. We are hearing of shifts being varied because of that, and of staff being moved because there is not enough resilience and so on. We are in the middle, if you like.

Margaret Mitchell: Could you explain what you mean by “reorganisation”?

Lucille Inglis: There is going to be a new structure with the hubs, which you questioned Mr McEwan about the last time. We are looking to increase staff numbers and bring staff in. We hope that there will be enough resilience in there, because we should be aiming for self-sufficiency, instead of having to keep taking officers off the street to help us by backfilling. We are left with this legacy of shortages, which we are trying to manage, but we are also trying to go forward as well.

Margaret Mitchell: The heart of my question is the impact on front-line policing of 60 officers backfilling. Would either Mr Steele or Mr McEwan like to comment on that?

Chief Superintendent McEwan: Lucille Inglis talked about the principle of moving forward. I would like to give some high-level indicators of what the force is doing in my criminal justice services division. The policy is that, from April 2017, all vacancies will be filled; that has been going on for a year. We are currently in the process of recruiting 70 new criminal justice PCSO staff, so 70 new people externally are coming into my division; we hope to have 45 of them in place by July of this year. That is a massive investment that the force executive has brought forward.

On capital expenditure, I have been given in excess of £1 million to spend on looking at our estate to find new and innovative ways in which we can reduce the risk to the custodies but which also prevent front-line officers from having to come in. For example, there are the four hubs in Aberdeen, Inverness, Falkirk and London Road that I spoke about when I was last before the sub-committee. We are putting new closed-circuit television into every police cell in those four hubs. At the moment, local police officers have to sit and watch a custody who is perhaps suicidal face-to-face or via one camera, but we will have CCTV in every cell. That will mean fewer local police officers watching more cameras, while keeping more people safe. That is part of the national custody system, and we are the first division to roll out a national system in Police Scotland successfully.

Margaret Mitchell: Can I stop you there? My question was about the impact of the backfilling on front-line services.

Chief Superintendent McEwan: The impact, from my perspective and from that of local commanders, is positive, because what of what was previously happening routinely. As I said, if Mr Finnie was a police officer in group 1 in Aberdeen, he might have been backfilling for a day, but a different officer would be backfilling the next day. The inquiries that such officers were meant to be dealing with out on the front line were being impeded, because they were being brought in to work on custody. That is negated if permanent police officers are brought in—there is no requirement for those officers—

Margaret Mitchell: So it is an adverse effect.

Chief Superintendent McEwan: I think there have been significant benefits, and that is the feedback that I have been getting from local policing.

Margaret Mitchell: Is it a positive?

Chief Superintendent McEwan: It is a positive, yes.

Margaret Mitchell: They are being taken out of front-line duty to do custody duty, and that is a positive.

Chief Superintendent McEwan: Yes, because previously they were taken out on a more ad hoc basis and more of them were being taken out. There are 62 such officers, whereas, over the years—I am talking three or four years ago—the number coming in and backfilling would be well into the hundreds.

Margaret Mitchell: Forgive me, but are you saying that it is not as bad as it used to be?

Chief Superintendent McEwan: It is certainly a lot better, yes.

Margaret Mitchell: But there is still an adverse effect.

Chief Superintendent McEwan: That may be your perspective. I think that during this—

Margaret Mitchell: I am asking you.

Chief Superintendent McEwan: No, I think there have been—

Margaret Mitchell: There is no adverse effect whatsoever.

Chief Superintendent McEwan: I think that there is a real benefit to policing, to the custodies and to continuity.

Margaret Mitchell: I would like to hear Mr Steele's comments.

Calum Steele: This is perhaps counterintuitive, but it is better that we have had the resilience put into custody rather than face the considerable delays, albeit that there are still occasional delays, that were being experienced when we were coming up against a very underresourced custody area. It is perhaps counterintuitive that the removal of 62 officers to support the custody element has provided an improvement to the service that is experienced by police officers when they get to custody. Of course, self-evidently, the other side of that coin is that there are 62 fewer people out there to deliver the policing service. However, in the round, the fact is that those who utilise the custody service do not experience delays of the same magnitude and the disparate approach that was evident before those 60-odd people were brought in to shore up the capability within custody. That is, counterintuitively, providing a better service. As illogical as it seems—

13:15

Margaret Mitchell: I think that you are looking at this as part of front-line duty, but I was talking about people out on the streets dealing with things as they come along and separating that from the process. I understand that there is a connection.

Chief Superintendent McEwan: May I make a final point? This is an interim solution: the 62 police officers who are on custody duty and who have been there for about nine months will be returned to the front line by November of this year, because we are recruiting the additional criminal justice PCSOs. It is an interim solution to shore up, as Calum Steele described it, the current state of the division until we establish new and innovative ways of working, at which point the officers will be released back to the front line.

Lucille Inglis: It is having a negative effect, without a doubt. We now have PCSOs working on their own when there should be two of them. The standard operating procedures say that there should be two of them to go to the cells, two of them to take people for interview and so on. I raised that point recently, and I was told that risk assessments are now happening. We now find that staff are working on their own where there probably would have been two of them before. Just on Saturday, I was at Dalkeith speaking to custody. One chap has moved away to another station—to Livingston, I think—and they had to get somebody to backfill his post at Dalkeith. Of course, that backfill has to come from the street. Margaret Mitchell is right: it is definitely still having a negative effect. Is it better than it was? Yes, but we still have to backfill, and it is still having a negative effect.

Margaret Mitchell: That is very helpful.

The Convener: Ms Inglis, I am grateful that you mentioned risk assessments. I have a question for Mr McEwan, before Daniel Johnson comes in with a supplementary. People would imagine that the decisions that are made around deployment in the custody area, which is a very important area, would be informed by a lot of issues, such as a workload analysis, a skills profile and a risk assessment, which is the important point that Ms Inglis made. Mr McEwan, are you able to share any of those documents with the committee? Have there been occasions when assessments that say that, as we have heard, two members of staff should do something have not been adhered to?

Chief Superintendent McEwan: We have a full policy around care and welfare. A lot of the risk assessments that I think Lucille Inglis is talking about are dynamic, so they involve the staff on the ground—

The Convener: Sorry, can I interrupt you? Can you explain? I do not like the word “dynamic”. My experience of dynamic experience was “make it up as we go along”. How dynamic does it become if you have a number of custodies and a reduced number of people looking after them? When does the assessment then get made?

Chief Superintendent McEwan: I disagree with you. I think that a dynamic risk assessment is about empowering my staff on the front line. It is really important to empower them to be able to make decisions, rather than rely on what is written in our guidance. We have a minimum set of resourcing principles. This is where it becomes not so much confusing as difficult to put on paper. My resourcing principle is that there should be one member of staff to 10 cells. In some buildings across the country there are up to 50 cells. You can work out the maths, but the reality is that in places such as Galashiels, which has three cells, we obviously do not leave just one member of staff in there; we will leave two. We have a set of resourcing principles, but the important point is that some custodies are very high risk, some are low risk, some are suicidal and some are compliant. It is for the staff on the ground to make a dynamic risk assessment about whether two people are required to work that custody or whether, if he or she is totally compliant, one member of staff could do that. That is what I mean by dynamic risk assessment.

The Convener: No one is taking away discretion, but are you saying that, in the police service, relatively junior members of staff are empowered to say, "I am not going to do that. I do not think that it is safe. It does not meet the terms of the risk assessment and people do not have the necessary skills profile"?

Chief Superintendent McEwan: Absolutely. There are some junior members of staff, but the staff who are doing this have anything from five months' service to 25 years' service, so, yes, I would empower them all to come forward with new ideas, make decisions and use their discretion.

The Convener: Are you able to share with us any skills assessment, skills profile and indeed risk assessment regarding custody?

Chief Superintendent McEwan: I am not clear exactly what you are asking for, but I will happily provide information. There is now a three-week training course for the 70 new members of staff that are coming in. It is very comprehensive. I can give you access to what the training programme is, if that is what you are after.

The Convener: Is it now the case that if a police officer came in off the street to assist in custody, it would take a three-week programme to make that safe? Was it safe if they were coming in on an ad hoc basis, just a day here, a day there?

Chief Superintendent McEwan: I am sorry, you misinterpret me. It is the new criminal justice PCSOs—the new police staff that we are recruiting—who are undertaking a three-week training course. We are trying, with the new hubs that I spoke about, to create an omniscient

job description, in that the custody staff do not just do custody roles, they do case management, police national computer, criminal history system and production. We are building and enhancing their skillset and enabling them to do more than one area of business so that we stop the silo working.

The Convener: Were the ad hoc arrangements safe?

Chief Superintendent McEwan: The ad hoc arrangements currently have been mitigated because of the 62 officers, whom I mentioned earlier, who give that continuity—

The Convener: Were the arrangements safe, Mr McEwan?

Chief Superintendent McEwan: When?

The Convener: If you had untrained police officers going into—

Chief Superintendent McEwan: We do not have untrained police officers. The police officers are trained in custody. I do mean by exception, if there is a set of extenuating circumstances in which we need a police officer in there and there are no trained officers across the local area, then my decision would be to put that police officer in rather than have nobody. But my policy and my guidance is that the officers should be trained. In the main—and I mean 99 per cent of the time—they are.

Daniel Johnson (Edinburgh Southern) (Lab): I would like to put a supplementary question to Lucille Inglis and Calum Steele. My understanding that is the 62 police officers have been put in as a medium-term backfill, in lieu of the 70 PCSO staff that are coming in. Lucille Inglis said that the situation at present is better, but still not what it needs to be. Will it be what it needs to be when the 70 PCSOs are trained and in place? I would be interested in your view on that and indeed Calum Steele's.

Lucille Inglis: No, not in my opinion. It is good that they do risk assessments, but we do not have crystal balls. You start off in custody and everything could be quiet, so somebody might deem, "We can work with just the one PCSO" but it just needs something to happen, somebody to go off. It is a high-risk area. I would prefer to see more than somebody working on their own. I do not think that that is good practice.

Calum Steele: I largely concur with Lucille Inglis. The 62 police officers are in themselves a shortfall of the original request. Certainly, the original indications that came from Assistant Chief Constable Mawson were that he was looking for 100 staff to shore up the capabilities within the unit. The 62, in their own right, are better than none, but not as good as 100. Replacing those 62

with slightly more still does not give you what the original shortfall was perceived to have been.

As I think that everybody recognises, custody is a moving feast. The Criminal Justice (Scotland) Act 2016, for reasons that we may or may not get on to later, has resulted in a reduction in the number of people coming into custody. I think that some people take the view that there are legitimate reasons for that and that we no longer need to take so many into custody. I know that a significant number of my members believe that it is a bureaucratic nightmare trying to take someone into custody, so that in its own right creates an impediment to people getting in.

Of course, there is the question of how long they have to wait to get back out on the street once they get to the custody facility. We have some examples—they would make your hair curl, those of you who are fortunate to have some—of the kinds of things that have happened when we await entry into the custody facility because of the delay that the criminal justice staff are experiencing because of the obligations of the new act.

Daniel Johnson: Just briefly, Ms Inglis, would you concur with that implied shortfall of 30 full-time equivalents?

Lucille Inglis: Yes. The idea was for 100 officers to be transferred from local policing.

Calum Steele: This is probably a really useful point that Mr Johnson has touched on. It highlights a perception that exists across the police service that, when you need a problem filled, the place you go to fill that problem is what is broadly termed front-line response policing and areas of the police service. I am not saying that those who work in other areas of the police service are not performing gainful jobs or delivering important functions, but the more corporate and support functions and specialised functions are rarely called upon to provide the support to other areas of policing when it is required and it is usually a diminution in what the front-line would deliver. I suppose to some extent, if I may revisit Ms Mitchell's question, had the police service drawn from a greater area of policing to provide those 62 police officers, then the effect on the front-line service would have been greatly diminished, while also enhancing the capabilities within the custody area.

Daniel Johnson: May I probe that point? Are you saying that those officers could have been drawn from other areas of policing or that civilian staff could have been retrained and redeployed? Which category of personnel are you talking about?

Calum Steele: I would not dare to assume to speak for police staff, members of the police service, not least because there are a huge

number of complexities associated with contractual arrangements that would have been worked through. Police officers are, through good or bad, inherently more flexible resources to deploy, but the police service in general lacks imagination when it comes to looking for resources to move from one place to another.

Lucille Inglis: ACC Mawson did ask right across the board, including the specialised squads, but unfortunately resources were lacking, so it fell to local policing. He did ask everybody, across the board, to see whether they could release people.

Chief Superintendent McEwan: I have been trying to come in to clarify that 62 officers have come from local policing. We now have 10 or 11 from the corporate service division—what would be defined as back-office roles. They absolutely do play a valuable role in training officers and new recruits, and there are 10 or 11 posts coming from them. The staff that work within the corporate services organisational development structures are actively looking for more resource to bring back into my division. It does take a bit of time to achieve that, but we are definitely trying to modernise our approach around keeping as many officers in the front-line and taking staff from other areas to support front-line business, of which custody is certainly one.

Rona Mackay (Strathkelvin and Bearsden) (SNP): We heard previously about the number of prisoners being transferred over long distances due to lack of capacity within the custody estate. Can I ask you to update us on that? Also, could you tell us what assessments are made in order to make sure that vulnerable prisoners are able to undertake such journeys?

Chief Superintendent McEwan: If you recall, we talked during our last session, on 25 January, about the significant change being the introduction of the Criminal Justice (Scotland) Act 2016. At that meeting I gave an indication—albeit without a crystal ball—that I suspected custody numbers would reduce again, because of Lord Carloway's article 5 presumption of liberation, around liberty of people and risk-managing people within communities, rather than keeping them in a 2m by 4m box for two days until they appear at court.

Over the period from 10 weeks before the act came in to 10 weeks after it came in, there has been a further 15 per cent reduction in the number of custodies that are being kept in custody centres across the country. What that means in numbers is that over the 10 weeks after the act came in, 2,600 fewer custodies have come into the custody centres, compared to the 10 weeks before the act came in. I expect, as the act further embeds and officers and staff are aware of the Lord Advocate's

guidelines and the presumption of liberation, that number will reduce.

To put that in perspective, in 2013 there were 202,000 custodies coming into my centres. At April, just a month past 31 March, there were 130,000, so year on year there have been 72,000 fewer custodies. That is why it is important and difficult to keep looking back around numbers and staffing profiles, because we have reduced custodies by 72,000 people. It is absolutely right that, as a leader and with my staff, right from the grass roots, we need to redefine what the custody model looks like, because demand is plummeting. It would be folly for me to have custody centres open across the country with very limited custodies going through them while members of staff are in effect employed there, not being as busy as they could be. That is not really best value and not best use of the public purse, in my view.

Rona Mackay: Has that reduced the number of long-distance journeys that were happening? Has it helped capacity?

Chief Superintendent McEwan: It has. I have a dip sample. I will have to find my particular page around this, if you will bear with me. [*Interruption.*] If you recall, at the previous committee meeting I gave the example of four weekends and I compared 2013 to 2017. The information is from paper records in 2013, and the national custody system now.

13:30

I looked at four weekends—transfers do not happen during the week, but at weekends—and four years ago there were 79 transfers over a weekend, in 2017 there were 17, and in February, for the first weekend, there were five. We went from 79 transfers four years ago to five in that first weekend.

The second weekend there were no transfers; the third weekend there were four transfers; the fourth weekend there were 23 transfers, which sounds quite high. Clearly, I looked into that and that was because of some pre-planned work in Livingston and some unplanned work—there was a flood in another custody centre. Our business continuity dictates that we need to then move custodies about because of estate issues. We have moved, on weekend one, from 79 down to 5 transfers; on weekend 2 there were zero transfers; and on weekend 3 there were four. Transfers are very, very minimal.

Transfers are still required, because somebody might get locked up on a warrant in Glasgow, but the warrant might be for Aberdeen. You cannot realistically expect that individual to spend a day in Glasgow and then be ferried up to Aberdeen two hours before a court appearance. What we do is

try to plan that journey to enable the custody to be transported at the quietest time for us and for local policing, but to make sure that he or she gets there at the appropriate time.

Rona Mackay: There is also the issue around enhanced levels of care. Some prisoners were being transferred because there was not the facility or there was not adequate facility for enhanced levels of care where they were. How is that panning out if the custody centres are not adequately equipped? How does that tie in with people who need extra care and vulnerable people? How are they assessed?

Chief Superintendent McEwan: You are absolutely right. It makes no sense to me to have someone locked up in Wick or Fort William or wherever who has acute healthcare needs, because if that individual is likely to spend three days in custody from a Friday to a Monday, that means that police officers are getting taken off the street to watch him or her for that period of time, whereas the real healthcare treatment will happen in the big centres, where we have nurses and/or doctors permanently located.

If we know that a custody is going to be kept for court, we make a decision on really strong criteria about their vulnerability and whether we are happy to do it. Has their family been told? Is their case being dealt with? Do they have all their property? Has their solicitor been notified? All these things are addressed first and then the decision is made to move the custody, but it is because of their healthcare needs and it is about looking after them. These are real people.

Rona Mackay: Do you call in anyone else to help with that assessment or do the police keep it in house?

Chief Superintendent McEwan: I am trying to think. In the areas where we do not have healthcare professionals, the sergeant will look at the record and look at the vulnerability questions. There are arrangements in place in some of the rural areas where they phone the locum doctor and seek his or her view on whether the individual should be moved to a centre with 24-hour healthcare coverage. If that is the right thing to do, we would do it.

The Convener: Mr Steele, do you have any comments on that particular issue? I know that it was an issue that was of concern previously.

Calum Steele: Yes—I have comments on both issues. Mr McEwan is correct in terms of the weekend transfer. The number of people in custody being taken from one custody facility to another has not quite gone off the end of a cliff, but it has certainly reduced significantly. However, the issue of people being driven long distances to get into a custody facility in the first place remains.

I corresponded with SPF representatives across the country in advance of coming here, and I can give a simple example. In U division, which covers the south-west of Scotland, if Ayr closes, custodies from Girvan are taken to Kilmarnock, which takes an hour or an hour and a half. That is just counting getting there and back.

The other area which causes considerable concern, which seems to be getting worse rather than better, is the amount of delay that they experience when they get to a custody facility. One of the examples that I highlighted in the correspondence was of a three-hour delay in February from the individual being in the back of a van to getting through the door. I have other examples of delays that are not quite as lengthy, but certainly those examples are far from indicative of a productive use of police resource.

There is an example from another custody area—a prisoner was waiting for an inordinate length of time in the back of a van and, despite being handcuffed, that prisoner was able to set himself on fire. There are a whole series of concerns around that but thanks to the quick thinking and actions of the police officers, serious injury was prevented. Other examples—

Rona Mackay: Can I interrupt? Generally, what causes the delays when you get to these centres?

Calum Steele: It is probably cumulative. First and foremost, there is the issue that the centres are still not properly resourced. Next, there is the issue that additional bureaucratic obligations have been placed upon the duty officers as a consequence of the new obligations of the Criminal Justice (Scotland) Act 2016. Those two issues lead to the greatest degree of concern.

We have also had an example where prisoners—you can argue about whether it is through frustration or just through badness—were kicking off in the back of a van and broke the Perspex, because the Perspex had degraded over time. That is an indication of another area of the police service which has problems because of a lack of money—the fleet is getting older, which means that the Perspex security screens are degrading. The Perspex broke and a prisoner was left with a weapon.

The issues of custody are a microcosm reflecting problems elsewhere in the system. I have highlighted previously the issue of local policing officers waiting for long periods of time and having to deal with increasingly frustrated and irate prisoners. Leaving prisoners waiting for three hours in the back of a van is not something that the police service should be proud of. It is not the fault of any individual officer; it is happening because the service does not have the resource to be able to deal with the challenges that it is facing.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): You spoke about your correspondence with representatives in advance of this meeting and the correspondence you received back from them about delays. Was there evidence that that was an issue in our big cities as well as in other places?

Calum Steele: Yes, indeed. The specific example that I highlighted of a three-hour delay was in our biggest city.

Ben Macpherson: Thank you.

Chief Superintendent McEwan: I am happy to comment on the two scenarios. I am aware of the chap Calum Steele said set himself on fire—I have looked at that case now and I can give you a chronology. A violent custody was locked up in Grangemouth. He was searched by the police officers prior to going in the van, but this guy was extremely violent. The officers decided on handcuffs to the rear, which was the right thing to do, and he was taken in the van to Falkirk. Only one other prisoner was getting booked in at that point.

There is a holding area in Falkirk that has CCTV. Normal procedure would be to get the guy out of the van into the holding area and wait for the custody who was getting booked in to be dealt with. However, this chap was so violent that the decision by the local policing officers on the ground was to keep him in the van until that custody was clear. At that point, they saw him rummaging in his back pocket. He produced a lighter. He did not set fire to any clothing and he did not harm himself in any way; the two officers removed the lighter from him. An adverse incident was reported. I have looked at the documentation and that is exactly the chronology around that. We need to be clear about the reasons behind it and the extent of what happened. Nobody set themselves on fire. The guy had a lighter in his back pocket that was then taken away by the officers, so that was really good work from them.

In relation to the delays in Glasgow, there was a football match and four custodies. The three-hour delay is from the point of arrest at the football ground to the point of release. That was the three-hour period. The actual booking-in process took 16 minutes. It is all there on the information technology system, if the members want to see it. It took 16 minutes to book that custody in, but from the point of arrest at the football ground to the point of release—not incarceration, release—the timing was just in excess of three hours. The facts are there and I am happy to share the facts should the committee want them in due course.

The Convener: Mr McEwan, I do not think that anyone doubts Police Scotland's wish to treat prisoners humanely. We seem to be in a very

peculiar position where we have two witnesses in front of us, both serving police officers, and one is telling us that someone set themselves on fire while the other one is saying that that did not happen.

It seems strange that someone still had the means to set themselves on fire in their possession if they had been properly searched, but I am presuming that is because they were so violent. Is that—

Chief Superintendent McEwan: Yes, that is my understanding. In the real world, in front-line policing, the police officers did the best they could in the circumstances to search that extremely violent individual. You cannot strip search somebody out in the daylight. A full strip search would be done in a custody environment. The officers did what they could, but this chap had a lighter secreted wherever it was; he had access to it. He tried to do something but he did not injure himself or set his clothes on fire and there was some very positive action from the officers.

Calum Steele: The only thing that I have to add to that, convener, is that I have spoken to the officers involved.

The Convener: There is a bit of an impasse there. Liam McArthur is next.

Liam McArthur (Orkney Islands) (LD): Rona Mackay has covered some of this, but it may be worth exploring a little further. Reference has been made to long distances. I think that Calum Steele referred to an excessive distance. Is there a definition, or can you give us more detail around that?

In the example that you cited, I think that the move was not from one custody centre to another, but from point of arrest to the nearest custody centre, because one custody centre was not available. Does the problem arise from the first custody centre that the prisoner is taken to, or is the issue around transfers between custody centres?

Calum Steele: I think that it is both. The definition will very much be dependent on the local circumstances that prevail at the time. What may seem like an excessive distance for getting to a custody facility in a relatively quiet—I use that term advisedly—rural area might not necessarily seem excessive in an exceptionally busy urban area. However, the issue of delay is multifaceted. It is not just a matter of the transfer time; it is about what happens when the person physically reaches the facility. Some of the greatest areas of challenge seem to be presented at that point.

We highlighted our concern over the additional administrative burdens that would come through the Criminal Justice (Scotland) Act 2016; we did

that some time ago, if not at this committee at its sister body, the Justice Committee, but those concerns seem to have fallen on deaf ears. We continue to have concerns, and those whom I have corresponded with have indicated that the delay in getting people into custody is much greater than it was previously. In fact—

Liam McArthur: I am sorry to interrupt. However, both you and Mr McEwan have talked about the number of people coming into custody dropping significantly, so one would imagine that those who are being taken into custody might present more of a challenge and that the circumstances are likely to be more complex or challenging. Therefore—this is not to justify inordinate lengths of time—would the expectation not be that the process is likely to take a bit longer for those cases that are being brought into custody now?

Calum Steele: I can understand the temptation to go down that line of thinking, but those people were still being dealt with before. It is not as though we are bringing different people into custody; by and large, we are talking about a lot of repeat offenders.

Liam McArthur: But presumably it is not the case that delays were not occurring before the 2016 act came into force. I am not sure about the figures, either as an average or the proportion of cases that were taking a long period of time, but I do not imagine that those delays did not exist previously.

Calum Steele: They existed, but not to the same extent. The diminution of numbers has been more than offset by the increase in administrative burden that was created by the 2016 act. It is interesting that you are asking about the number of custodies, because again, as recently as early this week, representatives have corresponded with me to advise that, in some parts of the country, they are being encouraged to make contact with the custody centre before they get there; officers are experiencing discouragement in taking custodies to the custody centre in the first place and in some instances they have been directed elsewhere. Mr McEwan has discussed one example. It will probably not be helpful to go into that today but, if I may, I will quote the correspondence that I have before me:

“Officers are encouraged to phone ahead to check that there is space and no queue and then custody sergeants are taking the opportunity to tell cops not to bring bodies in even for cases like offensive weapon.”

13:45

Such pressures on custody areas are creating additional pressures for officers in the street. We have an absolutely retrospective review of the

decision to arrest, but it is almost as though the decision to arrest in the first place is being second-guessed by the custody centre that has not been exposed in first-hand terms to the events that the police officers who decided to make the arrest in the first place were exposed to.

Liam McArthur: I want to see whether I have understood this fully. You are talking about discussions that take place and which go into the detail of the circumstances of any arrest; it is not simply that a conversation has been had with the custody unit and they are saying, "We would really rather you did not turn up with this potential custody." A decision is therefore being taken to release under investigative liberation—

Calum Steele: There may be a degree of truth in that. I appreciate that there is always difficulty in receiving a third-hand account from someone who was not there in the flesh at the time. Indeed, Mr McEwan is in the same position when he unfortunately has to rely on the content of forms, which may not necessarily be as accurate as the first-hand account that officers have delivered to me.

I am going out on a limb here, but I offer members of the committee the opportunity to come to a meeting of the SPF joint central committee; indeed, I could convene a meeting of that committee especially to host members of this committee so that they can hear at first-hand from the police officers exactly what their experiences of custody are. I am telling you as honestly as I can that police officers are remarkably frustrated at how custody is performing as a function. The issue is not the delivery of the service by those who are working very hard within it, and there is certainly no slight on the professionalism of those, whether they are police staff or police officers, who are doing their damndest to deliver a first-class service in very trying circumstances. The simple reality is that this area of policing is phenomenally underresourced and it carries considerable risk.

Lucille Inglis: The committee should also bear in mind that, in some areas, only one PCSO will be on, so that delays things. Also, to use Ayr as an example, they stick to the SOP. If they have 10 prisoners, that is it; they say, "No, we do not have staff to cope with it" so they then have to transfer the custody somewhere else. That must have a bearing. Without a doubt, people have to queue when they come into custody centres and staffing has to be an issue in that situation. That has a domino effect—at the weekend, I found out that one PCSO had travelled 128 miles in a weekend to cover other custody areas. When he went, they had to bring somebody in to backfill from the street. That person is not as up to speed as the PCSO would have been, had he remained there. Everything has a knock-on effect.

Transfers have not been done away with altogether, but they are certainly being reduced. We are not hearing the horror stories of people going from the east right through to the west, being unable to get in there, trying somewhere else and then coming all the way back, having spent all night travelling round the centres. People are still being transferred, although that has been reduced, but we are now moving the PCSOs around to try to cover gaps elsewhere and then backfilling those posts with less-experienced people. That has to have an effect.

Liam McArthur: Mr McEwan referred earlier to the example of somebody being arrested in Glasgow, but the case being likely to be heard in Aberdeen and therefore it making more sense for the custody to be in Aberdeen. Is the reverse also happening? If people in Ayr are saying that they cannot accept any more custodies, and then someone whose case is going to be heard there is put into custody somewhere distant, does that undermine the benefits of the transfers that have been taking place elsewhere?

Lucille Inglis: Yes.

Chief Superintendent McEwan: A lot of points have been raised that I will certainly not attempt to capture. Under the 2016 act, there is a new form called the police interview—rights of suspects form. Without question, the legal requirement to fulfil that documentation takes longer than the previous section 14 documentation. It is an eight or a nine-page document, which takes longer, and the officers and police staff will take a bit of time to get used to that.

I will move forward to the plans that we have in place. I have touched on some of the investment. One of the things that we are looking at is iris recognition, which some forces down south are using. When a custody comes in, they scan the eyeball and the IT self-populates 90 per cent of the form; booking-in process times have reduced from about 40 minutes to nine minutes. We are exploring things like that and looking at innovative ways of building into the criminal justice hubs to reduce delays and some of the waiting times.

We are building new charge bars. We have built one at St Leonard's already. We have built a holding centre in Inverness, where people used to have to queue. The holding centre has CCTV, so the custodies are not queuing in the back of vehicles as they did four years ago and 14 years ago—and 24 years ago before that. We are creating a holding centre where they can be monitored by CCTV in a more pleasant environment. We are trying to modernise and to do so very quickly.

The final point—I am conscious of time—is that 78 criminal justice PCSOs are coming in this year.

My proposal to the force executive, which it is considering for the year after that, is for a further 80 criminal justice PCSOs. Over two years, my preference is for 150 new members of staff to come into this division. Sixty-two police officers will be released back to the front line and we will create a sustainable division that will then begin to take work away from police officers. Currently—this has happened for 30, 40 or 50 years—police officers arrest or detain the custody out in the street and are present throughout the booking-in process, the photograph and finger-printing, and the solicitor access and consultation. All that work in the custody environment takes three hours of local policing police officer time.

I want to build a model in which we take that work from local policing; local policing staff would hand over the custody and go right back out in the street. That is the model that we are trying to create. That is the proposal that was agreed by the force executive as recently as a fortnight ago. That is the direction of travel and we are incrementally trying to get there, but there is a two-year period from start to finish date and there will be an increase of 150 new members of police staff, with first-line managers built in. We are looking to develop and enhance the skill set of our police staff as they come in in order to release more police officers back to the front-line.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Before I ask my question, I declare that I have a close family member who is a police constable.

We have covered an awful lot about processing, so I think that I am left with only one very small thing, which relates to the PIROS form that has just been referred to. Is that form in the public domain? If it is not, could we see it?

Chief Superintendent McEwan: I think that it is in the public domain as part of the 2016 act, but I could certainly get you a copy.

Stewart Stevenson: I think that that would flesh out some of the things that have been said.

Let me raise a new issue that has not been covered—of course, we are very limited for time—in a question for Police Scotland. Can you give us a brief update on what is happening with the custody provision estate review?

Chief Superintendent McEwan: I am not sure what you mean. Is that part of—

Stewart Stevenson: I understand that you are looking at what you really need, particularly in the light of reduction of numbers and other considerations. Are there any matters related to that that have not emerged in the previous evidence that we have taken?

Chief Superintendent McEwan: We are looking to create four criminal justice hubs, which I have spoken about, in year 1, with an increase in staff; they are in Aberdeen, Inverness, Falkirk and London Road. In year 2, we are looking to create another five criminal justice hubs, so that we are doing all the work that local policing is currently doing, which I spoke about, and the five other key areas. There will be nine criminal justice hubs strategically located across the country, which will deal with the vast majority of custodies that come in, although not them all. We will retain the current custody provision that we have, but as a consequence of the reduced numbers we are looking at further estate rationalisation. I am not entirely sure yet where that will go to, because it is too soon after the 2016 act. I have given the figures, but I want to leave it another few months to get a true baseline about where our custody numbers are going to be.

Stewart Stevenson: Okay; that is fine. Let me ask a very simple final question. You said “the vast majority” are going to the hubs. What proportion of custodies is that approximately?

Chief Superintendent McEwan: To be honest, I would have to look at that—

Stewart Stevenson: You used the words “vast majority”, so you obviously have something in mind.

Chief Superintendent McEwan: I would say that it is about 80 per cent of custodies, but I would have to really look at the numbers.

Stewart Stevenson: Perhaps you could let us know later.

Chief Superintendent McEwan: I could certainly do that.

Daniel Johnson: I would like to ask a couple of questions. It is clear from the broad sweep of the questions that have been asked that much of the solution to easing the burdens is the delivery of the new criminal justice hubs and the bringing online of the new omnicompetence training. I love that term—I wonder whether I could take some omnicompetence training.

Some caution has been expressed by the SPF and Unison about the timelines that are envisaged for the delivery of phase 1 of that programme. Could Lucille Inglis and Calum Steele elaborate on that? Is the concern simply about the training of the PCSOs or are there other concerns about the timing? What impacts will there be on the delivery of the other phases of that programme, given that phase 1 involves just three of the nine hubs that Garry McEwan said that the full programme covers?

Lucille Inglis: We are certainly on board with the restructuring that is taking place with the hubs

and so on. A lot of butting of heads is being done over shift patterns. That is a big thing. The time is going quickly. With regard to recruitment, there are still some vacancies that we need to work around. We will monitor the situation as we go along. Rather than just say that the trial is for a year or 18 months, we will keep monitoring it. We will tweak it as we go, if we need to, or if it is not what we thought it was going to be. That is where we are.

The recruitment is being done for the team leaders, which we welcome. Going forward, there should be no police officers involved—it should all be PCSOs who are caring for the welfare of the prisoners, which is a good thing from our point of view, as it releases police officers back on to the street. We are expert at this. The PCSOs are well trained for that role. That is where we are just now. The recruitment is being done. I think that the training will start in June or July, if we can agree a shift pattern.

Chief Superintendent McEwan: The training is a challenge, because it is a three-week training course and we are trying to broaden out the skill set to enable people to do a number of different things. Rather than being trained just in custody, case management or PNC and CHS, they will be trained in them all. It is a three-week training programme that will take place in July. The college is gearing up to train the initial 45 who are coming in in July; a further 25 will come in later on in the year. It is a big investment in staff, and it is a challenge from the point of view of training and learning and development to build the programme, but the force is definitely prioritising it.

Lucille Inglis: There is a wee bit of apprehension to do with dealing with productions, warrants, records and so on. Initially, we were concerned about the impact on people in the departments concerned who are already doing those jobs. However, we are assured that the intention is not to replace them, but to help out. This might be optimistic, but I think that there is a view that there is more downtime than there actually is. It will be interesting to see what happens as we go forward. Some staff are quite happy, because they see the training as extending their role and giving them more initiative, whereas others are wary. You will know how it is when it comes to change.

Daniel Johnson: It sounds as if these people will be asked to do a huge number of different things. They will have huge responsibility. Is three weeks enough to train people adequately to perform such a range of roles and take on that level of responsibility?

14:00

Lucille Inglis: The training will give them the rudiments; it will explain how the computer systems and so on work. A lot of the training will be on-the-job training and will involve mentoring and buddying. People will not suddenly become fully-qualified PCSOs and just slot into the workplace; they will continue to get training after the basic training.

Daniel Johnson: You said that, when it comes to whether we are on track, you will review that as you go along. Are you confident that the delivery timescales for phase 1 will be met?

Lucille Inglis: I am not confident; I am hopeful. We will not know until we start the process, to be honest.

Daniel Johnson: I think that Calum Steele is interested in commenting.

Calum Steele: I am, especially as you identified me to answer the question in the first place.

The short answer is that it very much depends on the appetite and hunger of the service to make it happen. It is not quite a case of doing what Archimedes said—"If you give me a lever long enough and a fulcrum upon which to place it, we can move the world"—but the same is true of training and investment and getting people through. If we want to train more people, we need to have more people in training to deliver the training. We tend to work to the lowest common denominator with regard to what can be accommodated by the people we have instead of looking to build the capacity.

I am not overtly pessimistic, but I do think that the timescales are very optimistic, in so far as it might well be the case that they deal with the resourcing requirements to deliver the service, but as far as we can see, there does not seem to be a great deal of resilience built into those numbers. Given the likelihood of the criminal justice or the custody area being subject to absences and abstractions through training, illness, leave and all the rest of it, it looks to us as though what is proposed is on the very bare bones of having that kind of tolerance built in. Given what we know about how the service is responding to the financial constraints that have been placed on it, that comes as no surprise to us whatsoever.

Daniel Johnson: Garry McEwan, could you address some of those concerns? When do you expect phase 1 to conclude? What do you view as the key risk factors in delivering to that date? How are you mitigating them?

Chief Superintendent McEwan: The additional staff are coming in for the beginning of July. There will then be a three-week training programme,

after which the staff will be cascaded to the two hubs in the north and the one here in central.

The majority of the 45 posts involve staff who are already in the organisation who want such opportunities. I think that 35 of the 45 posts will be filled by existing staff, but we will need to fill their jobs. They will move across to the new jobs, but we will need to fill those posts, so we are now advertising externally to fill those.

As I said at the beginning, there is a risk involved. It will be a challenge to get those staff in place, because a range of factors are involved, such as who is interested in the job, when they can be released from their current position elsewhere in society, the 28 days' notice period and so on. All that I can do to reassure the committee is say that getting the necessary training and resources in place is on our risk register. It is one of the number 1 priorities for the organisation to get those staff in, to get them trained and to get them in the hubs, because the sooner we can deliver the benefits of those three hours of work to local policing, the more officers there will be out on the streets responding to calls and dealing with local community issues.

Daniel Johnson: Critically, when do you think that the process will conclude?

Chief Superintendent McEwan: We are looking to have the 45 staff in place by July and the following 25 in place by January 2019. We will have to monitor the success or otherwise of the approach, because we are looking to build a totally new concept, which we think is innovative and will future proof what the criminal justice services division needs to look like, but we must evaluate it. I would welcome coming back here in due course to give the committee the opportunity to scrutinise it.

The Convener: On that point, Mr McEwan, would it be possible for you to give us an update on the training and deployment at key points?

Chief Superintendent McEwan: Certainly.

The Convener: The committee maintains a keen interest in the important issue of custody.

I have a final question, which relates to a suggestion that fits with my thinking that everything to do with policing should be as local as possible. The SPF has suggested that day-to-day control of custody provision could be given to local divisional commanders. Given that it is a key function—I am not trying to do you out of a job, Mr McEwan—would there be any problem with that? Collaborative working has always happened across the service. Would that not send a very clear signal on the importance of justice—

Chief Superintendent McEwan: I was a local commander before moving to the national level. I

think that there are benefits around quality control and the ability to flex resources across divisional boundaries, which happens now. Lucille Inglis mentioned that PCSOs are making round trips of more than 100 miles. That is too great a distance to travel, but if we were to return to having 13 different divisional custody programmes, I think that we would not have the ability to flex resource. The view of Her Majesty's inspectorate of constabulary in Scotland is that the NCS is the right structure. The Criminal Justice (Scotland) Act 2016 talks about operational independence. What that means is that the custody function, the review process and the ability to justify and warrant the arrest of individuals should be independent from operational policing. My fear would be that if we—

The Convener: But that can happen at the moment with policing on a range of issues. Operational independence can be achieved by using someone who is detached from the initial—

Chief Superintendent McEwan: Ten years ago, there would have been one sergeant who would have had an overview of custody and operational policing. That is the model that we have moved away from over the past decade. My fear would be that we would return to that system, which would be to go against the essence of the Criminal Justice (Scotland) Act 2016.

Calum Steele: That suggestion comes up regularly among those whom I represent. There is a world of difference between having operational independence and keeping something separate from operational policing. I think that there is a danger of conflating the two. To some extent, the idea merits further examination, because in much the same way as policing has evolved over the past number of years, it seems rather counterintuitive—to use the word that I used at the beginning—to suggest that policing would not be able to adapt its practices to ensure that such operational independence could be maintained and that we would just revert back to the bad old practice of days gone by, when custody care was undoubtedly not as good as it is now.

If I were looking for a positive note to finish on, I would say that the custody care is head and shoulders above what it was previously, but I do not believe that it is necessary to have a separate custody division to enable that to happen. Proper training, proper accountability and proper reporting lines should be capable of delivering it because, once upon a time, the police service was perfectly able to do that.

Lucille Inglis: I think that the expertise lies within custody, to be quite honest, and I think that it would be a mistake to go back to local policing being in charge of that.

Chief Superintendent McEwan: My final point is that, given that there are 13 divisions, the nine criminal justice hubs go across divisional boundaries. In my opinion, we need to establish the criminal justice hubs and then have a debate in two years' time about whether certain elements of the function should return. I think that that is the time to have the debate. We need to get the nine hubs in place. If we were to cascade it back to 13 divisions at this point, I would be surprised if it ever happened. The process would not be as streamlined as we hope that it will be.

Margaret Mitchell: I have one clarification. You said that there were 72,000 fewer individuals in custody. Over what period?

Chief Superintendent McEwan: Each year.

Margaret Mitchell: Annually?

Chief Superintendent McEwan: Yes. In 2013-14, there were 202,000 individuals in custody; in 2017-18, the figure was 130,000.

Calum Steele: In two years' time, we will be closing our custody centres. [*Laughter.*]

The Convener: If there are no further questions, I thank Mr McEwan, Mr Steele and Ms Inglis very much indeed for their detailed responses. That is much appreciated.

14:09

Meeting continued in private until 14:25.

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Pàrlamaid na h-Alba



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 7 December 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 7 December 2017

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JUSTICE SUB-COMMITTEE ON POLICING
19th Meeting 2017, Session 5

CONVENER

Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Green)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Chief Superintendent Garry McEwan (Police Scotland)

Michelle McHardy (Unison Scotland)

Calum Steele (Scottish Police Federation)

Pete White (Positive Prison? Positive Futures)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 7 December 2017

[The Deputy Convener opened the meeting at 13:00]

Police Scotland (Custody)

The Deputy Convener (Margaret Mitchell):

Good afternoon, and welcome to the 19th meeting in 2017 of the Justice Sub-Committee on Policing. We have received apologies from Mary Fee, which is why I am convening the meeting.

Agenda item 1 is an evidence session on Police Scotland's custody provision. The sub-committee agreed to have this evidence session in order to be better informed about this important issue and to enable key stakeholders to express their views on the record about current custody provision. I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

I welcome Chief Superintendent Garry McEwan; Pete White, national co-ordinator with Positive Prison? Positive Futures; Calum Steele, general secretary of the Scottish Police Federation; and Michelle McHardy, police staff Scotland custody lead with Unison. I thank the witnesses for their written submissions. It is always tremendously helpful to us to receive submissions before a formal evidence session.

We will move to questions. Mr McEwan, will you outline in very general terms when and why a person might be taken into police custody?

Chief Superintendent Garry McEwan (Police Scotland): I may have to jump between the current legislation and the new legislation—the Criminal Justice (Scotland) Act 2016—which comes in on 25 January next year.

Under the current legislation, there are two or perhaps three aspects to people being brought into police custody. One aspect is detention, which happens when there is no evidence to substantiate an arrest but there are reasonable grounds to infer that the person may have committed a crime that is punishable by imprisonment. That person can be brought into police custody for a period of detention, to enable police investigation and interview.

Another aspect is when there is a sufficiency of evidence to go straight to arrest. For example, there might be corroborative evidence or forensic evidence that enables a straight arrest of an

individual. He or she will be brought into police custody and a determination will be made of whether that individual should be kept for court, cautioned and charged and/or released for summons or bail undertaking.

The third main aspect is voluntary attendance. Some individuals may take it on themselves to voluntarily attend a police station to give their account and version of events. They will be booked in as a voluntary attendance and we will then embark on an interview with them.

Off the top of my head, those are the three key elements in the way in which we bring people into custody.

The Deputy Convener: Why are people detained?

Chief Superintendent McEwan: The detention is to enable police interview, or to allow other evidence to be gathered. For example, if there is a domestic incident in a dwelling house, we may detain one or more suspects for a period of time and take them to the police station, which would allow the officer perhaps to do some door-to-door inquiries or get witness statements. After gathering any evidence or information that they can glean through further inquiries, the officer would embark on a tape-recorded or notebook-recorded interview with the suspect in the police station.

The Deputy Convener: Are a high level of health issues involved in the reasons why people are detained? Perhaps it is because of a certain type of behaviour.

Chief Superintendent McEwan: On average, we bring roughly 150,000 people a year into police stations; three years ago, the figure was 202,000. I would say that 68 per cent of those 150,000 people have declared or intimated that they have mental health vulnerabilities, suicidal tendencies or the need for acute alcohol or addiction services.

The Deputy Convener: That is helpful. We understand that police are often the first responders to people with those types of health problems and other behaviours.

Is there a difference between weekend opening facilities, as described in the standard operating procedure, and contingency centres, as described in your written evidence?

Chief Superintendent McEwan: There is. There are three or four key types of centre. One of those is what would be described as a primary centre, which is a custody centre that is open 24/7; examples of that type are the centres in Inverness, Kittybrewster, Kirkcaldy and Dunfermline. We have 35 of those across the country.

We have 46 ancillary centres, which tend to be in the more remote areas for when a person is

detained or arrested or attends voluntarily. They are open for a period of time to enable the investigations that I have described; they are open not full time but only when they are required.

The contingency centres are shut almost all the time and open only when there is a major event, a significant disturbance or march, or a very proactive inquiry that requires us to open them. That happens in very extreme circumstances.

The Deputy Convener: When the centres were looked at in April 2013, there were 42 primary, 55 ancillary and six contingency centres, making a total of 103. In the change of name of the weekend centres, the number seems to have dropped by about 18. Is there an explanation for that?

Chief Superintendent McEwan: Yes. There are a number of reasons why we have reduced the estate. One reason is the change in demand that I mentioned. In 2013 we had 202,000 custodies coming through the custody centres and now we have roughly 140,000, so that is almost 60,000 fewer people. When there is less demand, demonstrating best value means to me that we have to review our estate to ensure that we are not keeping certain centres open when they are not required.

There are other reasons. Stirling is a good example of our having to shut a centre for health and safety reasons; it also did not comply with fire regulations. We took the decision to shut that centre and use the one at Falkirk, which is the co-joining centre that is used 24/7, rather than the other way about.

You mentioned weekend centres. We keep the primary centres open 24/7, but our period of biggest demand—not surprisingly—is at weekends. We have a number of weekend centres that we open just for that purpose. A good example is Levenmouth. We have two primary centres in Fife, in Kirkcaldy and Dunfermline, and that matches the demand that we have from Monday to Friday, but on Saturday and Sunday it gets busier, so we open Levenmouth.

We do the same in Dundee. The centres in Perth and Dundee are open seven days, and Arbroath is open on Saturday and Sunday, because that is when there is peak demand. It is about looking at demand, keeping our estate and opening new estate when demand requires it.

The Deputy Convener: Does anyone else have a view about the weekend contingency centres and the fall in their numbers?

Calum Steele (Scottish Police Federation): I have a slightly different view, although it does not entirely contradict the evidence of Mr McEwan. We cannot ignore the reality that many of those

decisions were taken as a consequence of a lack of staff. The reason why we have a lack of staff was the requirement to save money, and because we had to save money an awful lot of staff were paid off and their posts were made redundant.

We faced the Hobson's choice of keeping facilities that we had no people for or paying for people whom we did not necessarily have the custodies for. One of the inherent complexities of custody and custody facilities is that you do not always know when you are going to have people in them. However, another requirement is that members of staff must be available on the off-chance that you get people in the facilities. Through what I consider to be fairly crude economics, it was decided that if you could not evidence that a member of staff was required for the duration of their period of work, that member of staff would not be required.

It is not a simple case of looking at the headcount and what I will call, for lack of a general term, throughput of bodies. When the service came into being, it was under phenomenal pressure to save money; that resulted in the loss of a huge number of staff, as I suspect my colleague Michelle McHardy will confirm, which, in turn, had a knock-on impact on where facilities were going to open.

The Deputy Convener: When we saw the budget stuff, we saw some evidence that such a move was counterproductive if it was resulting in police having to travel a very long distance, with all the time that that would entail.

John Finnie has a supplementary.

John Finnie (Highlands and Islands) (Green):

I thank the witnesses for their evidence. My question, which is for Chief Superintendent McEwan—and perhaps for the other panel members—is about the challenge facing the police. Finance is an important factor. It is wrong to say that the issue is not having an impact across the public sector but, as we keep hearing, policing is different; it is not a simple case of supply and demand.

Perhaps I can be parochial, convener, and look at cluster 3, which is the Highlands and Islands. It has one primary centre; however, the area that is covered by Highland Council—never mind the three island councils—is the size of Belgium. I wonder whether you can help me understand the implications of that. Obviously, I do not want to ask any question or say anything that would make any of our officers out there vulnerable in any way, but what happens if, on some Tuesday night, someone requires to be locked up in Wick or Fort William?

Chief Superintendent McEwan: As far as policing is concerned, the north of Scotland is

geographically unique compared with the urban and rural areas of the central belt and the west. Cluster 3 has one primary centre, which is in Inverness, and as the briefing note that we have submitted shows, there are a number of other ancillary stations. What happens in, say, Aviemore, which, as you will see, is the third in the cluster 3 list? If a police officer in Aviemore needs to lock up an individual, the individual is taken to Aviemore custody centre. There are no custody staff there—and neither should there be, because it is relatively infrequent for someone to be locked up in Aviemore. The local policing staff are responsible for opening the custody centre and doing what needs to be done around safe search and assessment, and they will then link directly to the sergeant in Inverness via the telephone to give an update on the 21 risk questions, which the committee will have seen.

A decision has to be made—and I think that we make the right one, although you might disagree. If the individual has to be kept for court, we can do two things: we can keep the two local police officers off the front line in Aviemore to ensure the individual's care and welfare in custody, but that can be for up to 24 hours or, indeed, over the weekend and it might mean taking two local police officers off the street for three days; or given that we know that he or she will appear in court on the Monday, we can transfer the custody to Inverness, which will take perhaps an hour and a half, and that will free up the two officers, who can return to Aviemore and continue to serve the local community. That is our practice at the moment, and it means significant savings for local police officers, who do not have to look after the custody for 24 hours.

The second—and, for me, more important—issue is the custody. After all, they might have acute health needs, and the only footprint for healthcare provision in the north is in Inverness. That is where the nurses are, and we need to take custodies to Inverness to ensure that they get the required healthcare provision.

John Finnie: I want to press you on this. With the exception of Nairn, perhaps, Aviemore is the nearest centre to Inverness, so in your example the turnaround is quick. I purposely chose Wick, because it is two-plus hours away.

I am trying to understand the impact on some of the decisions that are made. Everyone wants the best possible custody facilities. In a previous career, I did health and safety inspections of premises, as Mr Steele did, and we wanted the very best. There is no doubt that everyone wants that; they also want healthcare to be provided. However, it is not necessary to travel to get healthcare—healthcare can be provided locally. The issue is the implications that a policy that is

entirely well meaning might have for operational policing. If we are talking about Portree or Wick, officers will be away for several hours.

13:15

Chief Superintendent McEwan: I agree, but the premise is the same. If someone is locked up in Wick and there is an early indication that that individual is unlikely to be kept for court and will be detained and interviewed for a couple of hours, the custody sergeant in Inverness will make the decision to retain them there and to allow the local policing staff in Wick to carry out the investigation. However, if that individual is to be kept for court for up to 24 hours or three days, in my view, the right decision would be to convey them to Inverness, which might take four or five hours there and back, but, after that, the local police officers will be free to get back to doing what they should be doing, which is looking after and providing a policing service to the local community.

John Finnie: Indeed. Are the positions of the two officers concerned backfilled, if I can use that term, when they are conveying someone to Inverness?

Chief Superintendent McEwan: No, but the reality is that, if the custody is retained in Wick, the police officers must remain in the police station, so they would not be able to respond to calls anyway. For me, the best solution is to allow that abstraction to take place, which will take four hours, after which the officers will be back providing a service in the local community.

I do not want to labour the point but, as I said, 68 per cent of all custodies declare that they have healthcare needs or vulnerabilities that mean that they need acute services, and they need to be as close as possible to healthcare provision, which, in the north, is in Inverness and Kittybrewster. Therefore, in my view, that is where we should put the majority of the custodies.

John Finnie: That is where the police healthcare is, but there is healthcare everywhere across the north of Scotland. I think that colleagues will pick up on that.

Police officers are very pragmatic. Their most important power is the discretion that they exercise in making the important decision about whether to deprive someone of their liberty. Has any assessment been done of the impact of such operational decisions? An officer might think that transporting someone for five hours so that they can be locked up elsewhere is a lot of hassle. Has there been a downturn in the number of people who are being detained? Although we want the minimum number of people to be detained in police custody, we certainly want everyone who should be detained in police custody to be

detained there. Has an assessment been made of whether the correct balance is being struck?

Chief Superintendent McEwan: No. That is difficult to assess. It has never been suggested to me that the cops on the front line are not taking the appropriate action. From my operational experience and from speaking to officers, I would be extremely surprised, to say the least, if it turned out that officers were not locking up the right people because they feared that it would mean a lengthy journey to a custody centre. Such a suggestion has never been made to me.

John Finnie: Would you like to comment on that, Mr Steele?

Calum Steele: Human nature is what human nature is. Since the service has come into being, we have had such discussions about other elements of policing. The question was asked whether the target culture was creating an approach that was encouraging stop and search. The service said that that was not the case—we said that people were making stuff up—and there was a merry-go-round of denial.

The issue is not necessarily the huge distances that are involved in travelling from Wick to Inverness and Portree to Inverness, which are a problem for reasons that Mr McEwan only began to touch on. The more difficult issue is the fact that if officers have care responsibilities, those care responsibilities must continue to prevail even though they are in a vehicle. I do not think that a vehicle is the most appropriate setting for delivering healthcare to an individual.

Some of the biggest problems come from the delays at custody centres. It can take a very long time to get people in the door in the first place. Let us say that the normal turnaround time for locking someone up and lodging them in a cell was half an hour and it is now taking an hour and a half. That represents a reduction of a third in the number of possible custodies on an ordinary night.

That kind of thing has an impact and a bearing. We need to start to look at the abstraction of police officers as a loss and a cost, and at the fact that communities are losing much more than just the officers not being in their communities when these things take place. Police officers should not be out there looking after custodies. We should not have police officers coming off the seat or transporting custodies at all; we should have what we used to have, which was PCSOs—police custody and security officers—to undertake that kind of activity. However, because we adopted this quite idiotic approach of identifying jobs and saying, “That is your job and therefore that is what you do,” without recognition that many people in many roles undertook a variety of other ancillary duties, we lost members of staff who were doing

an awful lot more than what their primary job title suggested they were doing. That is a big problem in its own right.

On the issue about human nature and there being a disinclination to lock people up, I think that that is an inevitability. Police officers do not like being idle. I do not use the term “idle” glibly, but sitting for a long time with a custody getting impatient when they know that an awful lot is going on and that they could perhaps be doing something else will of course discourage officers from locking people up. I am not saying that they are neglecting their duty, but those things play out in public perceptions. If people are on the streets creating disorder and are not being seen to be taken away, or the consequence of taking away someone who is creating disorder is that there is a diminished police presence for a longer time than would once have been the case, that has to be understood from a public confidence perspective as well as the perspective of the care of the custody.

The Deputy Convener: The point is well made. Rona Mackay and I attended an old firm game at which there was certainly behaviour where a police officer would have to decide whether the person had to be locked up there and then because they were going to go on and cause major problems or whether a warning would suffice, as the person would settle down and so the officer would not be taken away from where they were needed to police the rest of the game. We understand that those decisions have to be taken. If there is the prospect of a long journey and hours away, that is another factor.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I will start with a question for Michelle McHardy from Unison. Are you satisfied that there are enough custody centres across Scotland to deal with the current demand? Is there a case to be made for an overall reassessment of provision?

Michelle McHardy (Unison Scotland): That is an interesting question. I think that there is enough provision to deal with demand at the weekend when we open the centres, but during the week we sometimes struggle. A lot of our PCSOs are being moved around, particularly in the west area, so they do not have a base station any more. The crux of the matter is staffing levels: we do not have the number of PCSOs that we require to run the centres that we have. The budget has been cut to such an extent that the PCSOs who have, for whatever reason, left the organisation have never been replaced.

Rona Mackay: Can I just stop you there? Just for clarity, does a police officer apply to become a PCSO? How does that work?

Michelle McHardy: No. They are usually appointed to work in custody division to backfill a gap.

Rona Mackay: Okay—that is fine.

Michelle McHardy: Police officers are being taken off the front line to do a PCSO function. Until recently, that has been done on an ad hoc basis. We have had an agreement that police officers will be seconded to custody division while the structure is considered, but we need to get the balance right so that we can run the centres without moving staff about.

Rona Mackay: Calum, you have covered the issue a wee bit, but do you want to add anything?

Calum Steele: The reduction of PCSOs is a particularly difficult issue. It has been encouraged—“tolerated” is probably the correct word—where the abstraction of police officers is not seen as a cost. However, because support staff and PCSO salaries were an identifiable line in a budget, their loss through either voluntary redundancy or early retirement was considered a financial saving, without the recognition that there was a financial cost in the time taken to backfill the vacancies created by the absence of PCSOs. As I said in my submission to the sub-committee on financial planning just a few weeks ago, there has been a large reduction in the number of PCSOs.

Even though there are proposals, which I genuinely welcome, to recruit up to about 50 PCSOs in the very near future, that still leaves a huge deficiency in capacity for the people who need to work in these areas. I talk about this subject regularly; only when the service understands the true cost of policing from a holistic perspective rather than from a single-line budget perspective will we be better placed to deal with the issues that are presented to us.

On the question whether we have enough custody centres, the short answer is no. We are a contingency service and, as has been said by many people, you cannot seek to define the kind of circumstances that police officers will deal with. Of course, the consequence of having a benefit is that there is a cost, but there is always a benefit in having a custody facility in as many locations as possible for the occasions when police officers need to take someone into custody.

In my part of the world, there used to be police stations in Lochboisdale, Benbecula, Lochmaddy and Barra. You did not keep people overnight in those facilities unless you absolutely had to, but it was still better to have facilities at your local station where you could go and do what you had to do and then get out as quickly as you possibly could. With the denuding of the custody estate, much more time is taken to deal with things that

used to be done more quickly. That is inefficient; it is not effective; and it does not save money.

Rona Mackay: Mr White, do you have any comment to make on the number of custody stations?

Pete White (Positive Prison? Positive Futures): No, I am afraid not.

Rona Mackay: That is fine. Do you wish to respond, Mr McEwan?

Chief Superintendent McEwan: First, picking up on Calum Steele’s point about PCSOs, I should for the avoidance of doubt make it clear that no PCSOs have ever been afforded voluntary redundancy or early retirement—PCSOs have not been allowed those options. The PCSOs who have left have done so through resignation or retiral, not through voluntary redundancy.

As for custody centres, I genuinely believe that we have enough of them. It might be worth while putting this in perspective. Since 2013, three centres in the north of Scotland have been shut: Bucksburn, Lochmaddy and Mallaig. Bucksburn is 2.6 miles from Kittybrewster, Lochmaddy is 18 miles from Benbecula and Mallaig is 40 miles from Fort William. That is three centres that we have—

John Finnie: Both Lochmaddy and Mallaig are a great distance and a ferry journey from Inverness.

Chief Superintendent McEwan: Yes, but we have 16 custody centres left in the cluster 3 area. Since 2013, we have, per the Police Scotland submission, shut a total of 18 centres. However, I would not shut a custody centre if I did not think that we had a sufficiency of centres and cells across the country to manage demand. Although you can never predict the future, I predict that when the Criminal Justice (Scotland) Act 2016 comes into force in January 2018, with Lord Carloway’s presumption of liberation, there will be a significant reduction in the number of custodies that we hold in our centres.

For me, this is about delivering the best value for the public purse, having in place the safety mechanisms—the care, welfare and vulnerability plans—for these vulnerable people and holding them in the bigger centres where there is healthcare provision. Mr Finnie made a point about police healthcare provision. However, it is not my healthcare provision—it is the national health service healthcare provision, and the NHS provides it in our custody centres.

In answer to Rona Mackay, I think that we have enough custody centres. If I did not think so, I would be making real, positive and strong arguments otherwise to the executive. However, I see no need to do that at this time.

Rona Mackay: I have a question for the whole panel. Are you confident that the custody centres that we have are fit for purpose? I ask simply because I was quite struck by concerns expressed in the Unison and SPF submissions about the human rights impact. Do you want to comment on that and on general issues such as the translation facilities that are available in the centres? We have already talked about access to healthcare professionals. Finally, are custody centres subject to any form of inspection or is it just a case of saying, "There's a room—that's where you go"? Do the centres have to meet certain criteria?

13:30

Chief Superintendent McEwan: There is a number of different criteria. The size of the cell has to be in line with Home Office guidance, so the cells in any new custody centres that we might build are now subject to a minimum size requirement that was never in place before. We also have the independent custody visiting service, which is run through the Scottish Police Authority and is very active in visiting centres day and night across the country. I recently read somewhere that the service visits, on average, nine custodies per day, so it is visiting many hundreds of people.

Moreover, Her Majesty's inspectorate of constabulary in Scotland carried out a full thematic inspection of custody provision in 2014 and now every time it inspects any of the 13 local policing divisions, it bolts on an inspection relating to custody. An inspection has just finished in Dundee, and inspections have been carried out at St Leonard's in Edinburgh and elsewhere across the country.

We get recommendations and improvement actions from those inspections, but I can say with absolute confidence that every recommendation from the thematic inspection is now complete. We are still working on the odd improvement action, but we listen to what comes out of the scrutiny that is placed on us and strive to enhance the service that we provide in the custody centres.

Rona Mackay: Thank you. Mr White, do you have any comments on the question whether custody facilities are fit for purpose?

Pete White: The views of the people I represent would not necessarily be constructive, because people who find themselves in those conditions are under some strain and feel very vulnerable. It would be hard to define the ideal custody suite, but it is good to hear about the progress that is being made to try and improve the ones that are out there.

Rona Mackay: Why did the SPF and Unison have human rights concerns?

Calum Steele: The concerns are not with the facilities themselves. I have made it clear that the care that we provide to custodies in our primary facilities now is incomparable to the care that was provided in the past, and the staff who work in those centres are doing a tremendous job. As an additional level of assurance, I point out that, with regard to the inspection regimes, the SPF is among the organisations that have appointed safety representatives and, in conjunction with the service and the unions, undertakes safety inspections of facilities where our members might be expected to work. That extends to police cells, so there are continual checks on the quality of the facilities. There are other facilities that are not as good, but they have been closed, for reasons that have been articulated.

Our concerns about human rights relate to moving people for long distances in handcuffs, in cages or insecurely in the back of police vehicles, and what that might be doing to them. Regardless of why people come into custody, the second that they are in it, they are vulnerable. Some might want to fight, some might have mental health issues and some might have psychological issues, but whatever their issues might be, the practice of moving people from one holding centre to another, which we do almost every weekend, is—in my unprofessional view, as an observer—a fairly inhumane way of treating human beings. They get clapped them in irons and dragged across the country, only to be driven back a day or two later by G4S in the back of another van. That does not sit right with me. I do not know whether a human rights lawyer would take the view that the practice is compatible with human rights, but I feel that there is a vulnerability for my members and a risk to their health, safety and wellbeing, as well as to the health, safety and wellbeing of the individuals who are being transported. That is where I believe the vulnerability exists.

Rona Mackay: Do you have a preferred alternative for transporting those people?

Calum Steele: Absolutely, and it means having the capacity and the staff to ensure that those transfers are not needed in the first place.

Rona Mackay: Is it about staff numbers?

Calum Steele: This is not difficult. We need only look at some recent examples. Prior to 2013, Edinburgh had a number of police cells across the city and the police dealt with their custodies in each of those areas; we are now left with St Leonard's, which is now dealing with the capacity and throughput of custodies for Edinburgh in a way that it was never originally designed to do. That creates problems in its own right. As squatters in Edinburgh, at least during the week, you will know that getting across Edinburgh is not easy. Indeed, getting across many of our cities is

not easy, so that kind of thing can cause problems.

There has been talk of closing Arbroath, which processes 2,500 prisoners a year. In that case, you are looking at distances of 80 miles to Kittybrewster and comparable distances to Dundee. Those are long journeys, and such issues make it seem to me that we are looking at this issue from the cash side rather than from the human rights side. Police Scotland has an absolute duty to look after the human rights of individuals—and I think it right that we do—so you, as parliamentarians, have to ensure that we are not hamstrung in our ability to fulfil that duty. If that means providing additional funding for our estate through capital funding or for staff through revenue funding, that is an obligation that you have to discharge. To my mind, the practice of moving people from east to west—from Saint Leonard's to Clydebank, Cathcart or wherever—only to then move them back again does not sit with the way in which we should be treating human beings.

Michelle McHardy: As has been alluded to, we are dealing with people with complex health needs. On occasion, they are being transported around the country to centres that are running short of staff, and the staff who are there are under incredible pressure. I understand that custody is one of the highest-risk pressures within the force, yet we are not staffing that area as we should be. The staff are under incredible pressure to look after people with extremely complex health needs, and most PCSOs are working through their breaks to ensure that the service is delivered and that these people are looked after. Because the staff are under such pressure to look after the increased numbers of prisoners coming through the door, we are concerned about the potential for things to go wrong. The numbers in general are decreasing, but the staff are not getting respite; because we have fewer centres, they are getting more prisoners coming through the centres than they used to.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I want to ask about the process of reception into custody.

Police Scotland has given us a list of 21 questions that form part of the risk assessment by the custody supervisor. In 20 out of the 21 questions, the second word is "you". In other words, they are all questions that are directed by the custody supervisor to the person who has been brought into custody. To what extent are the people who are in charge of the custody making an independent assessment of the needs of the person who has been brought in? Are they simply relying on what that person chooses to say? I recognise that the submission says that, if the person does not answer, the custody supervisor

should flag everything as high priority, but I think that there is probably some middle ground in situations in which people are responding but you, objectively, should not believe the response that is being given.

Chief Superintendent McEwan: It is absolutely not the case that reception staff simply rely on what the person chooses to say. For a number of reasons, someone might decide not to tell us that they have had a drink in the previous 24 hours. It might well be that, for example, they have been brought into custody for drink-driving, so it would clearly not be in their best interest to say that they have had a drink. The custody sergeant and the PCSOs will make an assessment based on how the person looks in general, what their pupils look like and how they smell. Those assessments are made as part of a dynamic risk assessment.

In addition to that, one of the benefits of being a national police force is that we have a national custody system. If you, Mr Stevenson, happened to be locked up in Aberdeen one weekend and then locked up in Edinburgh the following weekend, the custody sergeant in Edinburgh will have access to your notes and files and will be able to read the observations that were made by the custody staff in Aberdeen. That information has never previously been available, so that is an absolute enhancement. In addition, we have adverse incident forms, which means that, if you had attempted to strangle yourself with your trousers while you were in the cell in Aberdeen, that would be documented not only on the system that I have just described, but as an adverse incident report that would be highlighted to the reception staff the next time that you came into custody.

In addition to that, the healthcare professionals—I mention them a lot because I think that they are vital—have a national information technology system called Adastra. If you are taken to Inverness and the healthcare professionals there record information about you on the Adastra system, all the primary centres where we have healthcare professionals will be able to access that information. That is useful because there will be occasions on which someone in custody will not want to tell the police something but might tell the healthcare professionals. If the information is on the Adastra system, the healthcare professionals can access it and give us a gentle prompt in the right direction.

The set of questions was subject to significant consultation, externally and internally, with the prison service, healthcare professionals, lay advisers and independent custody visitors, and it was seen as the best, most professional and robust question set for eliciting the most honest answers from the custodies. We absolutely take

on board that not everybody tells us the truth and that we need to use other means, such as I have described, to try to enhance our knowledge and the care plan that we provide for those people.

Stewart Stevenson: For the record, chief superintendent, thus far I have denied myself the privilege of your hospitality on the basis described. I have visited the custody suite in my constituency at Fraserburgh on a number of occasions, but purely as an observer.

Chief Superintendent McEwan: I am sure of that.

Stewart Stevenson: Before I move on to the second part of what I want to ask, I will address what seems to me to be an omission from the list of questions, which might be, "Do you have responsibilities to other people?" In other words, is the person who has been arrested and brought into custody one who has young children at home for whom that person might be responsible, or are they looking after someone such as an infirm parent who is dependent on them? I do not see that particular issue covered in the questions.

I will ask the other part of my question so that you can deal with it in a oner. It is the more general point about how you ensure that other members of the family, partners or other relevant people in a person's life are made aware of the detention and kept up to date with what may happen after detention, such as being held for three days, for example, ready for court on Monday.

Chief Superintendent McEwan: I will take the first question first. There is absolute validity in what you say. Question 21 on the list is a sort of catch-all, if you like, that would hopefully elicit whether it was a parent who had been brought in and there were kids needing to be picked up from school or something like that. I hope that that would be covered under that question, or that any parent or guardian would tell the police officers that right away, but—

Stewart Stevenson: Forgive me if I press this a little. If the person concerned had two young children at home, for example, they might not want to tell you about that because of a potential offence associated with leaving the children at home. While I accept that question 21 is a kind of catch-all, it seems to be more a question for the custody officers to ask themselves. When people are under stress they are not always going to think of those things. Is that a fair comment?

Chief Superintendent McEwan: Yes, I do not disagree with that. The second part of what I was going to say, just before you came back at me, was that I will take that point away with me. We are forever looking to improve the question set—this is just a moment in time. We seek best

practice from across the country, one such place being Newcastle, where they have a further risk assessment model that we are looking to build in that will further enhance our practice. I have taken a note of that point and I will take it back to consider.

Could you remind me what your second point was?

Stewart Stevenson: It was about how you communicate with important people in the detained person's life about what has happened and what will now happen.

Chief Superintendent McEwan: We have to respect the wishes of the individual. If they are a child or a juvenile—up to the age of 18, as it will be when the 2016 act comes in—then we will tell a parent or guardian, but if they are an adult and they do not want any next of kin to be informed then we will not tell them. That is the reality, unless there are unique circumstances, such as significant mental health issues or their having an appropriate adult—something that we may identify from other research. In that case we might take the decision to inform relevant people, but normally we would not. However, if the person asks us to tell relevant people, we will make a phone call or a personal visit.

If I may just say, this issue is very important when we get to transfers, which have been a big discussion point in the submissions. If we are looking to transfer an individual from St Leonard's to Falkirk, Falkirk to Greenock or wherever it may be, we adhere to really strict criteria.

First, the custody is asked whether they want to be transferred. and if they say no, we will ask other custodies. Most of the time, the custody does want to be transferred because it gets them out of the cell and they are in a vehicle for a period of time. For them, it is a bonus to get a transfer.

Secondly, they have to be a compliant prisoner.

13:45

Thirdly, the whole investigative process has to be complete: there are not to be any further interviews and the decision has to have been made that the individual is going into custody.

Finally, the important part that is relevant to your point is that we phone to tell the lawyer that we intend to move the custody and ask whether they have any objections and whether they intend to come in; if they do, we do not move the custody. We also tell the family, who might want to hand in clothes or personal belongings. We phone the family to tell them that it is our intention to move the individual tomorrow at 2 o'clock in the afternoon and ask them if they have any reservations or concerns.

Those are the strict criteria that we work to. I and my staff work on the basis of being absolutely transparent in engaging with the accused person, their family members and their lawyers before we make any decision to move them anywhere.

I have one final point about custody and transfer numbers—

The Deputy Convener: It is more about the information than the custody numbers—

Stewart Stevenson: I wanted to get the client's view from Mr White. I am also conscious of the clock, convener.

Pete White: I draw your attention to the Community Justice Scotland process, which requires consultation between statutory partners in every area, including the police, and to the fact that people in each area who have convictions are to be consulted about the design and efficiency of the services in each area. There is scope for some kind of additional consultation to do with the 21 questions, because I did not hear people who have convictions being mentioned among the consultees, and I think that we have a lot to offer in that regard. That is something I offer. We do it in other parts of the justice system in Scotland and we would be happy to support doing it because it is important that people get the chance to contribute to things getting better. Many people who have been through the system want things to get better so that fewer people have to be punished. That might be one way we can help.

Stewart Stevenson: Has Ms McHardy heard anything that she wants to disagree with?

Michelle McHardy: No. The question set has been developed over time. PCSOs have become good at dealing with the people that they are booking in and at eliciting the answers that they are looking for, sometimes by reading between the lines, shall we say.

The Deputy Convener: Thank you. We must move on quickly because chamber business starts at 2.30.

John Finnie: Much of the substance of the questions that I was going to ask has been dealt with, but I want to pick up on one aspect in Mr White's submission and ask Ms McHardy about the community triage pilot with NHS Greater Glasgow and Clyde and G, K and L divisions. Mr White, do you want to outline what you thought of the process? Do you see benefits in its expansion?

Pete White: It would be tremendous if it was widespread across the country. It addresses the mental health and addiction issues that lie behind offending behaviour. The results of that original pilot have led to it being introduced in a number of other areas and it is being taken as standard good

practice. If we can encourage that across every police force and every area in Scotland, it would lead to a huge reduction in the number of people being taken into custody in the first place, and to a lot of people getting help quickly, rather than waiting in a police cell for something else to happen as things get worse.

John Finnie: Are you supportive of that approach, Ms McHardy?

Michelle McHardy: I am not familiar with the community triage pilot.

John Finnie: Mr McEwan, are there plans to expand it?

Chief Superintendent McEwan: Yes. We are very supportive of that. A number of positive initiatives are on-going across the country. Safe space, for example, is exactly as has been described. People get access to a mobile telephone and are allowed to have a private consultation. We work with veterans, so if someone who has been in the armed services is brought into custody, there is a support network, a referral network and a counselling network in place for them. Future pathways support is on-going across our custody centres for victims of child abuse.

A referral process and a signposting initiative are in place, where victims get support and counselling, to try to prevent any reoffending. There is a lot of good practice across the country. We are now trying to corral all that good practice into three strategic hubs that we are piloting in Falkirk, Aberdeen and Inverness. We will invest in the additional staff that Calum Steele mentioned to test those intervention processes.

Pete White: We have to take on board the concept of Community Justice Scotland as a non-hierarchical leadership team. Its primary role is to share good practice across the country. It is very important that we take what is being learned in Police Scotland and spread it through all the other people involved in community justice. We need to ensure that everyone gets a chance to contribute to and participate in the process and that we support the police to do more of the work that they have to do on the streets and in our communities.

John Finnie: Can I ask one specific question about healthcare, Mr McEwan? Let us say that someone were to be locked up in Castlebay in Barra for whatever reason. To get to the primary centre in that area—I assume that they would go to the one in the division—would take at least two ferries and a considerable length of time. I presume that if there were healthcare issues, the local doctor would be summoned. You are not saying that there would be medical support only in a primary location.

Chief Superintendent McEwan: No. Immediate support would come from the local doctor and/or hospital. The long-term issue that we find with that in places such as Fraserburgh and Elgin is that doctors are sometimes not available. If the person in custody is taken to the local hospital, the police officers and the custody can be there for a number of hours before they are seen. The priority healthcare—the fastest and most efficient healthcare—is in the primary centres.

John Finnie: I keep giving examples of more remote locations and you keep answering with what I would consider urban areas. Someone in Barra is needing to get the jail, they are locked up, they have had a bump on their head and a storm is coming. What happens?

Chief Superintendent McEwan: The local doctor is summoned and he or she will arrive as soon as possible. If it is something really serious, and the nearest hospital is not on the island, we would look to transport the individual by air ambulance.

John Finnie: We have moved to a single service, a new plan has been conceived for how custodies are treated and it has disregarded what was good and accepted practice prior to that.

Chief Superintendent McEwan: I realise that that is your point. I suppose that the point that I would come back to is that since the new service was created, only three custody centres in the north have been shut. The previous operating procedures in Wick and elsewhere are still place.

John Finnie: The procedures are not the same if folk are being tied up for several hours taking custodies somewhere else.

Chief Superintendent McEwan: But they only get taken somewhere else if they are going to be detained in custody for a period of days.

John Finnie: If they are locked up on a Tuesday night, they appear the next lawful day at Wick sheriff court—

Chief Superintendent McEwan: They would stay in Wick.

John Finnie: They would stay in Wick.

Chief Superintendent McEwan: Yes.

John Finnie: Okay. I am more confused than ever, to be honest.

The Deputy Convener: Mr Steele, do you have anything to add to that?

Calum Steele: In case you think that I am giving you the eye, I apologise. I am being blinded by the sun.

To some extent, I agree with Mr Finnie's point. Healthcare needs to be provided in a number of ways. We have now moved to an approach where there is health provision within custody, which has resulted in a transfer of cash. We also have dedicated health professionals working in some custody centres. In high-volume areas, that is definitely beneficial because we no longer have the spectacle of queues of police vehicles waiting outside accident and emergency departments. To some extent, we can hybridise and look at what we used to do to see whether there are better solutions for some of sparser areas.

The Deputy Convener: Thank you. We need to move on, because we aim to finish at about 10 past 2. We have covered the concerns about the lack of PCSOs and the 118 vacancies. I would like to hear the witnesses' comments on that.

When I was looking at the submissions, it occurred to me that the single force had come up with a structure that has a force custody inspector, custody cluster inspectors, custody supervisors and, somewhere down the bottom of the list, PCSOs. Is that structure a little top heavy, and to the detriment of putting more resources into the PCSOs, who are obviously needed? Views on that would be helpful, too.

Chief Superintendent McEwan: Although that structure sounds like a lot, it is not. We have five force custody inspectors who work 24/7. One inspector covers the entire country when on duty. They are not responsible for hour-by-hour oversight of the care and welfare of the custodies, but responsible for the key decisions that require to be made. The 13 cluster inspectors are responsible for the supervision and support of their staff.

Without a doubt, we have hundreds of PCSOs and police officers and only a very small number of middle and senior managers working in our custody centres.

The Deputy Convener: Did you say 13 custody cluster inspectors?

Chief Superintendent McEwan: Yes.

The Deputy Convener: What about custody supervisors? How many are there?

Chief Superintendent McEwan: There are five FCIs.

The Deputy Convener: There are five force custody inspectors. What about custody supervisors?

Chief Superintendent McEwan: Those are the sergeants, who are at the primary centres. I cannot give you a number off the top of my head. I estimate that there are 90 at that rank, but I am not sure, so I will have to get back to you.

The Deputy Convener: It would be good to get those figures.

Chief Superintendent McEwan: I will certainly provide them for you.

The Deputy Convener: I also want information on the 118 PCSO vacancies, because we have heard evidence that they are causing problems.

Chief Superintendent McEwan: We are striving to fill a number of the vacancies. Calum Steele mentioned 50 new posts, but the figure is actually 45. Those new posts were approved last week.

I checked the position this morning. We have 27 PCSO vacancies in my division. All the vacancies are in transit—for example, through advert—to getting filled. That will take a bit of time, because there will need to be vetting, interviews and so on.

There is on-going work—it may have been discussed here before—to reform the corporate services division, which is the back-office, college-jacked-in policy and guidance officers who do a lot of really valuable work. The force executive made a decision that we would release those officers and put them on the front line, and 40 of them will come into my division and work in custody services. We are moving police officers who are doing back-office support roles into the front line.

In the past three to four months, there have been significant, positive traction and momentum around custody, and—

The Deputy Convener: How many vacancies will there be? You said that 45 are being filled. Are there still 73 vacancies?

Chief Superintendent McEwan: No. This is where it gets a bit messy, to be honest, which is all to do with the information technology. On 1 April 2017, because of the available budget that was in place for police staff and officers at that time, the vacancy rate was zeroed. We started capturing any vacancies from that moment on. The 27 vacancies that I mentioned are in PCSO posts. We are recruiting an additional 45 PCSOs and we are getting 40 police officers from the corporate services division. Local policing staff have invested a significant amount of police officers, too.

Before 1 April 2017, there was not the available budget to replace the PCSOs as they left the organisation. No budget was aligned to those posts, and PCSOs were not recruited back into the organisation.

The Deputy Convener: That is where we have some concern, because PCSOs are pivotal in making the custody centres work properly. Perhaps those decisions need to be reviewed.

Calum Steele, is there anything that you want to add?

Calum Steele: Yes, although I am mindful of the time. Although the terminology used was “zeroed”, the posts that existed were simply deleted. The term “zeroed” might be a politer way of describing that, but they no longer exist as vacancies.

I fully concede that a lot has been done—there is no doubt about it—from where we were 18 months ago to where we are now. It is exponentially better, but there is still a lot more to be done, not least because of the issue that we have with officers crossing the country with prisoners on transfer.

Based on years of experience—which I think is the best way of describing it—we have doubts as to whether those 40 officers in corporate services will be released. Such doubts have been expressed by our members who work in the division in which Mr McEwan works.

14:00

We also cannot ignore the fact that taking 40 police officers from one part and putting them somewhere else is still backfilling. Whether or not they are supported from local policing, that is still backfilling. Those police officers are not being measured as a cost, because they are looked at in a different part of the budget, which is why a holistic approach and an understanding of the cost of provision of service are so important. It is not Mr McEwan’s fault; that is the parcel that he was given, and the one that he was holding when the music stopped. However, there needs to be a much more comprehensive appreciation that police officers do not have zero cost.

The Deputy Convener: Will you give us an update on exactly where we are with that? There are 118 PCSOs who have gone—they have been deleted or removed from the books or whatever—and a form of replacement is being suggested. Could we have an undertaking from you, please, Mr McEwan, that, towards the end of the year, when the final plan is looked at, you will write to the committee to say exactly what has replaced those officers, so that we can scrutinise that? It is an issue to which we will return.

I am conscious of the time, but I will ask a question very briefly. Ms McHardy, I was struck by the concerns that Unison raised about the future of the custody division. Will you elaborate on them? In your submission, you said that there was

“inconsistency and a lack of continuity in custody suites”

regarding

“the numbers of officers coming in”,

and that there was a lack of training and

“uncertainty surrounding the future of police stations and custody centres”.

Michelle McHardy: That was in relation to the fact there has been a reduction of PCSOs, whose positions have been backfilled by police officers. Different officers might be there on Mondays and Tuesdays, so there is no consistency. Custody is a dynamic environment. Staff need to work there consistently in order to be familiar with it. Processes change as we continually improve and learn in the division.

The Deputy Convener: You did say that there was

“inconsistency and a lack of continuity in custody suites across Scotland”.

Michelle McHardy: Processes may be consistent, but when different people are coming in to work for days here and there, if the processes are changing regularly, they will not be up to speed with what has changed since the last time that they were there. That puts added pressure on the PCSOs, because they need to make them aware of the changes that have happened. There has been some work to address that. We are also getting backfill, but that is just putting a sticking plaster over the problem.

The Deputy Convener: Are there plans to review the structure and role of the custody division?

Chief Superintendent McEwan: Yes, absolutely. Michelle McHardy was right when she said that the backfill was varied and disparate. However, now that we are two or three months into having a new model, we have seconded officers in place, and we have the same police officers working in centres, so I would say that there is a continuity that was not there previously. Over the past two or three months, we have been in a far better position than we were ever in before.

On where the criminal justice services division or the custody division is going in the future, we have a plan. With respect, it would probably take more than seven minutes for me to tell the committee what that plan is. I would welcome the opportunity to come back another time in order to do so. We have three pilot schemes that are kicking off—

The Deputy Convener: If you would like to send in that information, the committee would be very grateful to receive it.

Chief Superintendent McEwan: I will certainly do that.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I have a quick question for Mr

McEwan. Could you please clarify whether Police Scotland has received any formal complaints regarding transfers between custody centres?

Chief Superintendent McEwan: Not that I am aware of. I asked that question of my divisional co-ordination unit this morning, just in case I was unaware of them. However, the answer was no.

The Deputy Convener: As Ben Macpherson has nothing else to ask on that point, we will move to a question from Liam McArthur.

Liam McArthur (Orkney Islands) (LD): I apologise for my late arrival. I have been participating in a debate in the chamber.

Before I turn to the question that I was going to ask about the Criminal Justice (Scotland) Act 2016, I was intrigued by the answer to the question that John Finnie asked about the potential transfer of people held in custody long distances across the Highlands and Islands, and I would like to follow on from that. What are the implications of that for the prisoner transfer contract? Presumably it would fall to G4S to bring those people back from custody in Inverness, for example, to Wick or Portree or wherever the following day. One would imagine that transfers of those sorts of distances will have an impact on the contract.

Chief Superintendent McEwan: They do, although not on the cost of the contract, because that task was built into it. However, according to the G4S written submission, transfers have an impact on its resources.

Let me quickly give the numbers on transfers, which perhaps I should have given at the beginning, because they put the matter in perspective and it will literally take me about 30 seconds. I have them for the four weekends of November, as we do not do transfers during the week, and I will compare the figures for the same weekends in 2013 and 2017. In weekend 1 of November 2013, there were 79 transfers; in weekend 1 of November this year, there were 17. In weekend 2 in 2013, there were 46; this year, there were 16. In weekend 3 in 2013, there were 26; this year, there were none. In weekend 4 in 2013, there were 66; this year, there were 25, and that was because it was a long public holiday—St Andrew's day—weekend. The numbers that we are talking about, comparing 2013 with 2017, have reduced by 400 per cent or so. We are striving to minimise transfers as much as we can.

Your next point might be to ask about the Criminal Justice (Scotland) Act 2016. I am convinced that, when the presumption of liberation comes in under that act, transfers might be wiped out across the country.

Calum Steele: The contract that we have now is the contract that we have, but we are kidding ourselves if we think that a profit-making company is not going to look at its outlays and factor those into its future negotiations with us. If the company is travelling much greater distances than I suspect was originally anticipated for the contract—and it is—that will be reflected at a future point in time. Let us be honest about it—the G4S business model is not one that is built on benevolence.

Chief Superintendent McEwan: I am involved in the negotiations for the new contract—the current one is up in 2019—and four companies are involved. Again, it is not public just now, but we are involved in negotiations around cost and we will see where that gets us. Calum Steele is right that part of the discussions will be around transfers. Given the numbers that I spoke of and the fact that the 2016 act is coming into effect, I hope that the number of them will be very small compared with the 150,000 people we bring into custody.

Liam McArthur: Finally, I think that Mr McEwan has touched on this point and given an answer, but it is worth inviting Calum Steele to give his response. Provisions of the Criminal Justice (Scotland) Act 2016 that are coming into force next year give police officers the power of investigative liberation. Is it expected that that will reduce the number of people who go into custody and, as a result, reduce the number of people who are eventually transferred the sort of distances that we have been discussing? If so, is there any way to quantify that reduction?

Calum Steele: I think that that is the desire. As with all these things, the proof of the pudding will be in the eating. What is also expected as a consequence of the new changes coming in early next year is that there will be much greater throughput during the day because of investigative liberation, whereby people will be bailed to return to the police station to be interviewed or for other things, but that in its own right will just result in different pressures in a different part of the system at a different time. Whether we end up with the same people being held in custody remains to be seen. The short answer is that I do not know—we will have to see.

There are many plans, and many concepts are being developed over time that look fantastic on paper but do not work in real life. Although everyone hopes that we get to the stage where we do not bring so many people into custody, in large part their own behaviour affects those decisions in the first place.

Liam McArthur: It seems to link back to your earlier point about human behaviour. Presumably we mix that with the added option that will be available as of next year. Although it might alter

the throughput, there is an additional flexibility that allows officers to take those decisions.

Calum Steele: Indeed. Again, looking at these issues through a single lens is not particularly helpful. Public confidence plays a big role. Let us take a simple fighting *melée* in the middle of the street. It will be entirely possible—and indeed desirable, from a police demand and capacity point of view—to take people into custody, allow them to calm down and release them under bail under investigative liberation. However, look at the public confidence side of it. The public will see those people who were fighting going back out and potentially being under their nose in a relatively short space of time. That can permeate into their sense of confidence in the police to deal with things, because—let us be honest about it—most members of the public will not be aware of or interested in the nuances of investigative liberation. They will not care that those people have been taken to a police station or that there is going to be a process or that some kind of assessment has been done and conditions set. They just see that those people have been taken off the street by the police one minute and they are back out the next.

The Deputy Convener: That concludes our questioning. I thank the witnesses very much for attending. It has been an extremely worthwhile evidence session.

That concludes our 19th meeting of 2017. Our next meeting will be on Thursday 18 January 2018, when we intend to have an evidence session on Her Majesty's inspectorate of constabulary report's on undercover policing.

Meeting closed at 14:10.

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