

## Independent Custody Visiting in Scotland

<b>Basics</b>	<b>Web site</b>	Do not have a web site
	<b>Geographical coverage</b>	Scotland. There is single national police authority, the Scottish Police Authority, which has a scheme based upon based upon best practice
<b>Constitutional Aspects</b>	<b>Legal Framework/Basis</b>	Chapter 16 of the Police and Fire Reform (Scotland) Act 2012 established custody visiting in Scotland on a statutory basis. Legislation states that the provisions within Chapter 16 are in pursuance of the objectives of OPCAT.
	<b>Independence</b>	<p>Members must have no direct involvement in the criminal justice system, such as serving police officers, special constables or police authority members and staff. Others, such as solicitors or probation officers, may be excluded to prevent possible conflicts of interest for the individual. However, each application is considered on its merits.</p> <p>Guidance states that in appointing independent custody visitors, care must be taken to avoid any potential conflict of interest. For example, serving police officers and other serving members of police of police authority staff will be unsuitable for that reason. The same will apply to special constables, justices of the peace and members of the police authority.</p> <p>2016/17 Annual Report: the scheme is independent of both Police Scotland and the Scottish Government, which allows reporting of custody visitor findings with integrity and impartiality.</p>
	<b>Financial Independence</b>	<p>The Scheme is funded by the Scottish Police Authority.</p> <p>2016/17 Annual Report: the SPA invested £238,698 in administering the Independent Custody Visiting scheme.</p>
<b>Membership</b>	<b>Composition of body</b>	<p>The Scottish Police Authority is appointed by the Scottish Government though an independent appointment process</p> <p>Independent custody visitors (ICVs) are local community members who represent various backgrounds and sections of the community. ICVs must be over 18 and have no direct involvement in the criminal justice system, such as serving police officers or special constables.</p> <p>2016/17 Annual Report: as of 31<sup>st</sup> March 2017, there are 159 volunteer custody visitors. The scheme is broadly reflective of the communities it represents with almost an even split on gender (52% female and 48% male. Although the volunteers are thought to be from diverse backgrounds, this cannot be certain due do a large proportion of volunteers choosing not to provide their personal data.</p>

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<b>Appointment</b>	<p>The Guidance and Local Schemes states-</p> <p>Visitors must be independent persons of good character who are able to make informed judgements in which the community can have confidence and which the police will accept as fair.</p> <p>Where applicants have convictions (whether spent or unspent) for criminal offences, those responsible for selection must consider what bearing that has on their suitability to become independent custody visitors. Relevant factors will include the nature and number of any offences and how long ago they were committed. However, past offending must not be an automatic barrier to acceptance as an independent custody visitor and each case needs to be considered individually. Any failure to disclose convictions should be taken seriously and generally lead to exclusion unless there are exceptional circumstances.</p> <p>In appointing independent custody visitors care must be taken to avoid any potential conflict of interest. Serving police officers and other serving members of police or police authority/joint board staff will be unsuitable for that reason. The same will apply to special</p>
	<p>constables, justices of the peace and members of the police authority/joint board. Where persons in these categories have left or retired from the relevant duties, they may be suitable for appointment, taking into consideration factors such as the geographical location where they would be carrying out visits and the length of time since they left the relevant employment. Applications from others involved with the criminal justice system should be considered individually. For example, solicitors and members of the local authority social work services may find the duties of an independent custody visitor conflicting with their professional responsibilities. However, there is no hard and fast rule in such cases and each application should be looked at on its individual merits, having regard to the public service principle of being seen to be independent and impartial</p> <p>Appointments are for a three-year period. Visitors may be appointed for a further three-year period and thereafter on an annual basis on the agreement of the Police Authority and Visitor.</p> <p>Volunteers can apply by submitting the SPA ICVS Application form and they will then have a short interview. If they are successful, then applicants will attend a training day involving various theoretical and practical exercises.</p>

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	<b>Expertise</b>	<p>No professional expertise is required. A person specification based upon ICVA guidance sets out the qualities that are required in an individual.</p> <ul style="list-style-type: none"> <li>• Impartiality</li> <li>• Commitment</li> <li>• Observant</li> <li>• Reliable</li> <li>• Accurate</li> <li>• Discreet (Confidentiality)</li> <li>• Courteous</li> <li>• Tactful</li> <li>• Understanding</li> </ul>
<b>Visiting Mandate</b>	<b>Places of deprivation of liberty to be visited</b>	<p>All places of police detention designated by Police Scotland.</p>
	<b>Frequency of visits</b>	<p>Independent custody visitors visit police stations, always in pairs within their team area. The Scheme Administrators set visiting rotas for their area. The actual timing of visits are for the pair of visitors to decide, but should be random and unannounced.</p> <p>The frequency of visits is monitored, against the schedule of visits and reported to the Police Boards. Where insufficient visits are taking place, the causes must be investigated and corrective action taken.</p> <p>2016/17 Annual Report: volunteers carried out over 1,500 visits</p>
	<b>Types of visits</b>	<p>As set out in the SPA Guidance</p>
	<b>Private interviews</b>	<p><a href="http://www.spa.police.uk/icvs/216087/">http://www.spa.police.uk/icvs/216087/</a> : Visitors conduct a short interview with the detainee, and ask about their treatment whilst in custody.</p>
	<b>Access to information</b>	<p>Visitors must be given access to all detainees held by the host Police force.</p>
	<b>Publication of findings after visits</b>	<p>A report is completed after each visit, providing an insight into the running of the custody area at that time. Copies of the reports are provided to the Police Service, Police Authority and independent custody visitors.</p> <p>The scheme manager is responsible for the effective running of the 'Process for the resolution of unsatisfactory Custody Visits'</p> <p>Annual Reports are submitted to the Police Authority.</p>
	<b>Coordination of visits</b>	<p>This is the responsibility of the Scheme Administrator although the exact timing of visits by the ICVs.</p> <p>2016/17 Annual Report: Visits are random and unannounced.</p>

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<b>Other Aspects of Mandate</b>	<b>Recommendations and suggestions for amendments to legislation</b>	<p>A report is completed after each visit, providing an insight into the running of the custody area at that time.</p> <p>Issues arising from the visits are addressed locally and where no resolution is made the issues are escalated to senior officer level and to the Police Authority if necessary.</p>
	<b>Preventive activities</b>	<p>Independent custody visitors look, listen and report on what they find in the custody unit. Discussions must focus on checking whether detainees have been offered their rights and entitlements and confirming whether the conditions of detention are adequate.</p>
<b>Standards</b>	<b>Legal standards applied</b>	<p>Given that the police must abide by the Criminal Procedure (Scotland) Act 1995, this act serves as a basis for the standards applied when visiting.</p>
<b>Reports</b>	<b>Annual reports</b>	<p>Annual Reports are submitted to the Police Authority, and made public.</p>