

CAMPBELTOWN

**LEGALISED POLICE
CELLS**

VISITING COMMITTEE

ANNUAL REPORT

2009/2010

**The Old Schoolhouse
Southend
Campbeltown
Argyll
PA28 6RQ**

June 2010

To whom it may concern

CAMPBELTOWN LEGALIZED POLICE CELLS VISITING COMMITTEE

“Visits to the cells should be made monthly by 3 appointed visitors”. This is the recommendation made by the SPS. In Campbeltown this is not being carried out and has not been done for some considerable time. The reasons for this are as follows. Firstly I understand that there is no finance to recompense the members for the travel involved in making the recommended visits. Secondly, despite notifying Argyll and Bute Council of a vacancy on the committee which has existed for over a year there appears to have been no attempt to appoint any replacement. The problem has been exacerbated by another member who, unfortunately for personal reasons has been unable to carry out a number of visits. There was also a period of time after the New Police Station opened when there was no legislation in place to allow visits or meetings of the committee. In addition to local visits not being carried out the quarterly meetings of the local committee has had to be reduced to three per year, when in fact there is barely enough money for two meetings per year. Furthermore the joint meeting of the 3 Argyll & Bute Visiting Committees has not been held since 2007. The attendance of one representative at Stirling University for the Annual Conference of the Association of Prison Visiting Committees is the only contact with fellow LPC members. It is ironic that representatives at these conferences are encouraged by committees to regularly send

representative to prison visits, meetings and conferences when there is inadequate funding to fulfil these requests.

Campbeltown has within the last year received a New Police Station which is now in use. With the removal of the old station most if not all of the old problems. However one of the old problems remain a problem which also concerns the local court. As far as the local court is concerned the service provided by the company with the contract in transporting prisoners is described by the local Sheriff as “appalling” in the local newspaper. Campbeltown appears to present particular problems. These have been clearly defined in a number of previous reports. These problems must be addressed if matters are to be improved. LPC visitors are also concerned regarding who is responsible for the welfare and monitoring the transporting of prisoners while in transit, e.g. toilet facilities, food, water and medical problems the early start required and the late return and the length of time in transit (9/10 hours).

On a visit to Campbeltown the HMCIP and the local committee agreed:- “A review of the purpose and functions of the LPC’s is long overdue” The local committee also request that when vacancies arise on the LPC the Local Authority takes quick action to have replacements appointed. (See AVC Protocol recently issued to Local Authorities). Perhaps the maintaining of a rolling list would solve this matter.

Yours sincerely,

John Milligan

Mr John Milligan

Chair

Campbeltown Legalised Police Cells Visiting Committee.

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CAMPBETOWN LEGALISED POLICE CELLS VISITING COMMITTEE

FOREWORD

Campbeltown Police Station, built in 2009 is one of the 9 Police Stations in Scotland to have Legalised Police Cells and is one of three within Argyll and Bute. The Police station is approximately a 300 mile round trip from the nearest prison over roads which are often closed for several hours due to road accidents and can be closed for days or weeks due to weather and landslips. These closures generally result in lengthy diversions or very long waits. Delays of any kind could cause problems for prisoners with meals, toilet facilities and the general discomfort of being in the restricted confines of the vehicles.

Legalised Police Cells (LPC's) which are unique to certain parts of Scotland were re-established in 1996 after a lapse of several years during the period of Regional Councils.

The Legalised Police Cells, like prisons, are the responsibility of HM Chief Inspector of Prisons and as such are subject to triennial inspections. The cells were last inspected on the 9th July 2007 and were due to be inspected in 2010, but we have been informally advised that this has been put back to 2011 or 2012, again highlighting the lack of interest in these cells.

The need for LPC's derived historically from the inaccessibility of the Courts in outlying districts and islands and was used to hold prisoners awaiting trial locally, or who had been returned from prison for sentencing or following conviction, pending transfer to prison. Prisoners held in the LPC's are detained under the provisions of the Prison and Young Offenders Institution (Scotland) Rules (2006).

Since the private prisoner escort service came into force in 2004 there have been no committed or remand prisoners held in the Campbeltown Police cells. The last year in which these cells were used for legalised prisoners was 2007/2008. Reliance Custodial Services currently undertake private prisoner Escort Service.

NEW POLICE STATION

The New Police Station opened in August 2009 and the old Station was closed. Unfortunately the relevant legislation for the Legalised Police Cells was not transferred to the New Station and there was a delay of several months before this was in place, during which time the members could not carry out inspections.

With the move to the New Station many of the problems which were prevalent in the old Station have all gone, further reducing the duties of the members.

MEMBERSHIP

Campbeltown Legalised Police Cell's visiting Committee constituted under Rule 164 of the Prisons and Young Offenders Institutions (Scotland) Rules 2006. In terms of Schedule 3 of the Rules the Committee comprises of three members all of whom are non-elected and appointed by Argyll and Bute Council.

During the year there was one change to the Committee when Mr. Duncan Henderson who was not carrying out his duties was reported to Argyll and Bute Council. At a Meeting of the Council on 17 March 2010 Mr. Geoffrey Page was appointed to the vacancy.

Mr John Milligan continues to serve as Chair and Representative on the Association of Prison Visiting Committees, and Mrs. Gardiner as Vice Chair. Mrs. Isabella Soudan remains as Clerk.

There has been one change in the senior Police Officers with the appointment of Chief Inspector Marlene Baillie. Inspector Thomas Harper remains in post.

MEEETINGS

During the year 1st April 2009 to 31 March 2010 the Committee met at Campbeltown Police Station on three occasions, 25 June 2009, 16 October 2009 and 15 January 2010. Member's attendances at these meetings were - Mr. Milligan 3, Mrs. Gardiner 2.

MEEETINGS (Cont):

Lack of finance prevented the Committee from holding a fourth meeting and from having a joint meeting of the three Argyll and Bute Committees. Members deeply regret the loss of the Joint Meeting with their counterparts from Oban and Dunoon as this gave an opportunity to discuss issues which had arisen during the year and which were common to all or individual to the three Police Stations which due to their locations are different in many aspects. As joint meetings were generally held in a prison or YOI much experience and knowledge was gained from visits to these establishment visits.

CELLS

During the year 1 April 2009 to 31 March 2010 the cells were inspected on 4 occasions,

John Milligan 3,

Joyce Gardiner 1.

All these relate to the Old Station.

Within the Campbeltown Police Station there are 6 male cells, 2 female cells, 1 disabled cell and 1 observation cell all of which are housed on the ground floor and are contained within a suite which is covered by both audio and visual surveillance.

Each cell is equipped with a WC and hand washing facilities. Modern buzzers and alert buttons are in place. There is locker provision for prisoner's property.

The toilets cannot be flushed from within the cell and prisoners use a buzzer to have toilet flushed.

For the duration of a female prisoner's detention, either a female Police Officer or female civilian worker is on duty.

Notices are no longer posted in the cells as these were always ripped off and could be a hazard if swallowed by a prisoner. The ripped paper was also used to block the "spy hole" in the cell door and could put a police officer at risk as they have to enter the cell to check on the prisoner and clear the blockage. An Information Notice

CELLS (Cont.)

advising prisoners of the Visiting Committee continues to be displayed at the Charge Bar area and a copy of the Prison Rules are also available there.

As there is now a specially built Productions Room and a storage facility cells no longer require to be used for these purposes.

Generally the cells were found to be clean and tidy, in both the old and new Stations.

LEGALISED PRISONERS

During the year from 1 April 2009 until 31 March 2010 there have been no committed or remand prisoners in the cells. The last year that Committed Prisoners were held in the cells was 2007.

The private prisoner escort service continues to be provided by Reliance Custodial Services who transport the prisoners to and from prison direct to court, without coming into Campbeltown Police Station.

The lack of contact with prisoners travelling in these vehicles and the fact they do not appear to have any form of redress to an independent body which they would have if they were in the Legalised Police Cells, continues to worry the Committee. During the year a request was made by the Committee to meet with the Monitoring Group but to date this has not happened and no acknowledgement of the request was received.

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While in custody, all prisoners are subject to observation checks every 60 minutes unless otherwise required.

LEGALISED PRISONERS (cont.)

Any prisoner identified as being at risk is held on 15-minute surveillance checks with high-risk prisoners being detained in the observation cell under constant supervision with two members of staff in attendance for the duration of the prisoner's time in custody. Reliance is informed at the time of pick-up from Strathclyde Police Cells of any high-risk prisoners.

The continued lack of prisoner contact continues to trouble The Visiting Committee and members seek a change in their remit to include the private transport vehicles and the Courthouse holding area as they are presently inspecting cells and carrying out duties for a non-existing service. They appreciate that such a change would involve the Scottish Court Service, SPS and Reliance.

MEDICAL PROVISIONS

Within the Station there is a purpose built and adequately equipped Medical Suite. In event of a prisoner requiring a medical examination or medical attention a Police Surgeon is called and there is a local hospital fairly close to the Police Station, which can be used in event of emergency. The hospital is also covered by an air ambulance service. All medication for prisoners is held by the police and is kept in a secure locker.

Several police officers and civilian staff are trained in First Aid, with some having taken their qualifications to a higher level.

Any prisoner who is a potential suicide is seen by a Doctor at the Police Station.

PRISONER TRANSPORT

Since the autumn of 2004 when the transportation of prisoners was taken over by Reliance Custodial Services, a service which appears to be working well for the police and the Prison Service but has a serious downside for the prisoners and the LPC Visiting Committee, mainly due to the lack of contact and the fact that prisoners do not appear to have any Independent Body to whom they could address a complaint, a provision which they had while held in the Legalised Cells.

While the Committee are not aware of any occasions when prisoner transport has been caught up in any of the many delays which frequently occur on the route which they have to travel they are aware that the vehicles have, on occasions, had to make long detours when the A83 has been closed due to landslips and on occasions when Courts have not concluded in one day prisoners have to make this lengthy journey on two or more consecutive days.

While members were ever conscious that the situation could arise when prisoners could be late for Court they had no evidence of this happening until a news article appeared in "The Campbeltown Courier" dated 18 September 2009. In the article Sheriff Ruth Anderson QC is reported as having stated that "The service from Reliance has been appalling for the last two months" Procurator Fiscal Alasdair McSparran said in court "my office ordered (the prison van) as far as we can for 9am. It will be two hours late". Again members cannot comment on whether or not there has been any improvement since this article was published.

The Committee have continued to suggest that Video Link Trials be tried in order to reduce the long journeys which prisoners have to make. They do however appreciate that there could be other issues if these were to be introduced.

TRANSLATORS AND ETHNIC REQUIREMENTS

Strathclyde Police has ready access to translators if required and hold a stock of prayer mats, compasses, washbasins and a copy of the Koran but to date none of these have ever been used.

EXERCISE FACILITIES

An excellent exercise area has been provided at the station and part of this is under cover which is ideal in bad weather

LAUNDRY FACILITIES

The Police, provide mattresses, bedding, towels, etc. and nightwear if required. The local laundrette deliver and collect laundry as necessary and this arrangement works well.

CLOTHING

The local Red Cross very kindly assist with clothing if necessary and Prison suits are also available if required.

READING MATERIALS

A small selection of donated reading materials is available for use by the prisoners and newspapers are provided if requested. In their report last year the HMI raised the fact that prisoners have no access to radio or television but again they are, if at all only in the cells for a very short time.

MEALS PROVISION

If a committed or remand prisoner were held and required to be fed The Police would resource food from a local hotel or Restaurant which is known to be of a high standard and able to meet all necessary dietary requirements. Within the Station there is a Prisoner's Kitchen. The Committee understand that prisoners in the care of Reliance staff have either microwave meals, sandwiches or carry outs from a local Take-away shop.

FIRE ALARMS

The alarms are tested on a weekly basis.

COMPLAINTS AND GRIEVANCE

Complaint and Grievance forms are held in the Police Station but these have never been used.

SUMMARY

The Visiting Committee members express grateful thanks to Chief Inspector Marlene Baillie, Inspector Thomas Harper and all staff at Campbeltown Police Station for their help, assistance and co-operation during the year.

John Milligan **Chair**

12 October 2010 **Date**