

DUNOON

**LEGALISED POLICE
CELLS**

VISITING COMMITTEE

ANNUAL REPORT

2009/2010

'Ryvoan'
5 Dhalling Park
KIRN
Dunoon
Argyll PA23 8FB

8 June 2010

TO WHOM IT MAY CONCERN

The Dunoon Legalised Police Cells Visiting Committee has met three times during the year ended 31 May 2010, all meetings having taken place at the Police Station itself where conference facilities were readily provided.

I am pleased to be able to report that each meeting was attended by a senior officer who reported on current and upcoming issues affecting the station. The Chief Inspector is Andy Mosley.

During the year there was one change to the membership of the committee. I continue to serve as Chair, Mr. Seamus Ferguson remains a member, and Mr. Thomas Irvine was appointed on 17 March 2010 to replace Dr. Christopher Valentine who ceased to be a member.

Monthly inspection visits were carried out throughout the year and were scheduled according to a rota prepared by Mr. Isabella Soudan. Report forms were completed during all visits and no major problems were identified. On every occasion committee members were received promptly and courteously.

The Cells are maintained in a clean and tidy manner. In-cell toilets are kept clean and are fully functional, but would benefit from the installation of modesty screens. Similarly the showers are well maintained but – particularly in the case of the shower unit provided for female prisoners – lack the facility of a modesty screen. The small exercise yard is kept tidy, and the storeroom is adequately stocked with bedding, eating utensils, towels, and reading materials.

As mentioned in previous annual reports, the committee is deeply concerned with the inadequate level of funding provided for its work to be carried out. There is insufficient funding to provide for members to attend AVC meetings, conferences, or visits to penal establishments, and – more importantly – for reimbursement of travelling expenses to the one committee member who resided outwith the area.

Yet again I have to mention that the committee is dismayed that the budget does not provide the Clerk with a remuneration which is commensurate with the duties and responsibilities which she is expected to fulfil.

The committee places on record its appreciation to Mrs. Isabella Soudan whose work as Clerk is very greatly appreciated.

Yours faithfully

Sandy MacPherson

Chair

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ANNUAL REPORT 2009/2010

DUNOON LEGALISED POLICE CELLS VISITING COMMITTEE

FORWARD

Dunoon Police Station is one of the 9 Police Stations in Scotland to have Legalised Police Cells and is one of three within Argyll and Bute. By using either of the two ferry services, which cross the Firth of Clyde, Dunoon's LPC's are approximately 10 miles from HM Prison Gateside, Greenock and 25 miles from HMP Barlinnie, Glasgow.

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 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 Dunoon Police cells. The last year in which these cells were used for legalised prisoners was 2005/2006. Reliance Custodial Services currently undertake private prisoner Escort Service.

While the Visiting Committee Members diligently carry out monthly inspections of the cells and hold regular meetings all as laid down in the Prison and Young Offenders Institution (Scotland) Rules (2006) they are very uncertain as to who is benefitting or for whom they are undertaking this service as the present situation debar them from legalised prisoner contact and the committed prisoners are not using the cells that the committee members are inspecting. The only prisoners using the cells are ordinary custodies.

When Inspection Reports highlight any items of maintenance etc., these are always promptly attended to which will benefit the ordinary custody prisoners.

The Visiting Committee continues to recommend that changes be made to their remit or that the committee be discontinued, particularly as the police now have little or no involvement with the committed or remand prisoners but the committee continues to monitor their cells and take up police time.

While the committee acknowledge that their role in its present form is not working they are still of the opinion that there is a need for independent monitoring of prisoners who are in transit or in detention away from prison. The committee acknowledge that Reliance does have a monitoring process in place and a request has been made to meet with this body.

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 9th July 2007 and were due to be inspected again during 2010 but we have been informally advised that it may be 2011 or 2012 before the next HMI visit, which again implies a lack of need or decline in interest.

In addition to the lack of prisoner contact the budget given to run the Legalised Police Cells Visiting Committees has for several years proved to be insufficient and despite the welcomed increase in the Travel and Subsistence Rates in April 2009 the Budget for the year has remained unchanged. Insufficient funds have resulted in Members being unable to attend AVC Meetings, Conferences and prison visit. The frequency of local meetings has had to be reduced from 4 to 3 per year.

MEMBERSHIP

Dunoon Legalised Police Cells Visiting Committee constituted under Rule 164 of Prisons and Young Offenders Institutions (Scotland) Rules 2006 comprises of three members as specified in column 1 of Schedule 3 of these rules which states that 2 members are appointed by Argyll and Bute Council and one by Inverclyde Council.

During the year there has been one change in the membership. Following the removal of Dr. Chris. Valentine from the Committee by Argyll and Bute Council Mr. Thomas Irvine was appointed to the vacancy on 17 March 2010. Mr. Sandy MacPherson, Inverclyde Council appointment, continues to serve as Chair and Association Representative, together with Mr. Seumas N. Ferguson, appointed by Argyll and Bute Council.

Mrs. Isabella Soudan continues as Clerk to the committee.

MEETINGS

During the year 1 April 2009 to 31 March 2010, the Committee met on three occasions at the Police Station Dunoon. Member's attendance at these meetings were as follows:

Sandy MacPherson 3 Meetings;

Seumas N. Ferguson 3 Meetings;

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 Campbeltown 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 location are different in many aspects. As joint meetings were generally held in a prison or YOI much was gained from visits to these establishments.

CELLS

The 8 male and 2 female cells are separated by a grille gate when in use. Each cell contains a concrete plinth and a stainless steel toilet, but has no modesty screen or hand washing facilities within the cell. One cell is used for the storage of surrendered fire arms.

The cells were inspected on nine occasions during the year,
1 April 2009 to 31 March 2010

Sandy MacPherson, 6 visits

Seumas Ferguson 3 visits

As Mr. Ferguson lives in Helensburgh he undertakes his inspections on the day of the meeting but with the number of meetings having been reduced to three this year he is one inspection short of the allocated four per year. Dr. Valentine's change in employment prior to his removal resulted in him being unable to undertake any inspections; the Chair has tried to compensate by carrying out extra visits.

CELLS

Cont./

The usage by legalised prisoners on Dunoon LPC's has never been particularly high as due to the close proximity to HMP Greenock and the large number of cells available at the Courthouse many of the prisoners did not need to come into the Police Cells on court days. It is now five years since a committed or remand prisoner was last held in the police cells and as a result the Committee Members have had no opportunity to meet or speak with prisoners.

The Visiting Committee Members seek a change to their remit to include the private transport vehicles and the Courthouse holding area as they are presently inspecting police cells and carrying out duties for "non-existent" prisoners.

Strathclyde Police continue to display a notice in the Bar area advising prisoners of the Visiting Committee and a copy of The Prisoner and Young Offenders Institutions (Scotland) Rules 2006 are freely available electronically in the Station but the Committee would prefer that a hard copy was also available.

Any prisoners held in custody would be subject to observation checks every 30 minutes and any prisoner identified as being at risk is held on 15-minute surveillance checks. Any high-risk prisoners are detained in the observation cell under constant supervision.

LEGALISED PRISONERS

There were no committed or remand prisoners detained in the cells during the year from 1 April 2009 until 31 March 2010

**PRISONER
TRANSPORT**

Since 2004 Reliance Custodial Services, have undertaken the transportation of prisoners thereby releasing Police Officer time for other duties. The down side of this for the Visiting Committee Members is that they never get the opportunity to meet or speak with prisoners.

If LPC Visiting Committees are to continue there needs to be a change to the remit of the Visiting Committee to cover the vehicles and the Courthouse cells and thereby giving them access to the prisoners. While the Committee strive for this change they fully realise that it would mean involvement of the Scottish Court Service and Reliance Custodial Services as well as SPS.

A request has been made to meet with the Inspection Team when they are next in the Dunoon area, but to date this has not happened.

**MEDICAL
PROVISION**

Should a prisoner require medical attention there is a Police Surgeon available, and if additional cover is needed this can be brought in from either Greenock or Dumbarton.

Any prisoner whose condition is giving cause for concern can be taken to the local Accident and Emergency Department at the Dunoon Hospital, although this can cause problems if the case is not an "emergency". NHS 24 has been used in the past for advice.

Only medically prescribed medication is given to prisoners and secure holding arrangements are in place for the storage of these.

EXERCISE FACILITIES

Despite its lack of use the outside exercise area is regularly cleaned and maintained.

FIRE PRECAUTIONS

Fire drills are carried out regularly and there are arrangements in place for evacuation and secure custody of prisoners in the event of a fire.

WASHING FACILITIES

There are separate washing facilities for male and female prisoners, consisting of a shower unit and wash-hand basins. Safety mirrors are fitted within the washing area. If required prisoners would be supplied with a toilet pack by Strathclyde Police. Both the male and female shower compartments are fitted with shower curtains. Shortage of space within the Female area makes dressing and undressing in private difficult. There is no similar facility in the male area. As there are no committed prisoners using the facilities this does not present any real concern to the Committee.

MEALS PROVISION

Should a committed prisoner be held in the cells and require to be fed food would be obtained from a local hotel who has an arrangement with Strathclyde Police to provide prisoner meals as required. Specific dietary requirements are met when necessary. Reliance Custodial Services staff feed the prisoners when they are in their care.

CLOTHING

The Police have canvas clothing and hold a limited supply of ordinary clothing, which is made available to prisoners, if require. The local WRVS and Red Cross will also help out in cases of emergency.

READING MATERIALS

A small supply of donated books is available for prisoner use with magazines and daily newspapers also being made available if requested.

**TRANSLATORS
AND ETHNIC
REQUIREMENTS**

Strathclyde Police has ready access to translators if necessary and holds a stock of prayer mats, compasses, washbasins, and a copy of the Koran. While these supplies address the needs of some of the ethnic minorities the Visiting Committee have considered addressing the provisions for other ethnics, but with the lack of committed or remand prisoners they feel that the expense could not be justified.

**LAUNDRY
FACILITIES**

An arrangement is in place with a local Laundry Firm whereby the Police deliver and collect all laundry for the cells as required. Any committed prisoner using the cells would be given a clean issue of bedding and towels.

**COMPLAINTS/
GRIEVENCE
PROCEDURES**

A supply of Complaints and Grievance Procedure forms are held in the Station. With no prisoner contact these forms are unlikely to be used.

**MAJOR
INCIDENTS**

There have been no major incidents reported during the year.

SUMMARY

The Committee would like to record their thanks to Chief Inspector Mosley, and the police staff in the Dunoon office for their assistance and co-operation throughout the year.

...*Sandy MacPherson*..... Chair

...*2 November 2010*.....Date