

DUNOON

**LEGALISED POLICE
CELLS**

VISITING COMMITTEE

ANNUAL REPORT

2011/2012

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FOREWARD

Legalised Police Cells (LPC's) are unique to Scotland and these came about from the inaccessibility of the Scottish Courts to the outlying districts and islands. These cells are used to retain prisoners awaiting local trial, or following conviction, pending transfer to prison.

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 the only remaining car and passenger ferry service, which crosses the Firth of Clyde from Hunter's Quay Dunoon to McInroys Point, Gourock, Dunoon's LPC's are located approximately 10 miles from HM Prison Gateside, Greenock and 25 miles from HMP Barlinnie, Glasgow.

The LPC's are inspected triennially by the H.M Chief Inspector of Prisons for Scotland and were last inspected in May 2011 when M/s. Margaret Brown, Deputy Chief Inspector HMCIP and Mr. Mick Armstrong, Inspector, HMCIP were in attendance to carry out an inspection of the cells. Prisoners held in the LPC's are detained under the provisions of the Prisons and Young Offenders Institutions (Scotland) Rules (2011).

The Visiting Committee have had no contact with prisoners since the introduction of the private prisoner escort service in 2004 and 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 2004/2006. Since January 2012 G4S provide the private prisoner Escort Service.

The Committee Members carry out regular inspections of the cells and highlight any items which they see requiring attention and are pleased to report that maintenance work is carried out as and when required thus maintaining the cells in a good condition; these inspections benefit the custody prisons who are the users of the cells.

The Visiting Committee continues to advocate that either legislative 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 the Police 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 budget allocated to the running of the Legalised Police Cells Visiting Committees continues to be insufficient with members being unable to fully fulfil their duties with frequency of meetings being reduced from 4 to 1 or 2 in the year.

MEMBERSHIP

Dunoon Legalised Police Cells Visiting Committee constituted under Rule 155 of Prisons and Young Offenders Institutions (Scotland) Rules 2011 comprises of three Members duly appointed by the appropriate Local Authority as specified in Schedule 3, column 1 of the rules which state that 2 members are appointed by Argyll and Bute Council and one by Inverclyde Council.

There have been no changes to the membership since 2010 with Mr. Sandy MacPherson, Inverclyde Council appointment, continuing to serve as Chair and Association Representative, together with Mr. Seumas N. Ferguson, and Mr. Tom Irvine both appointed by Argyll and Bute Council. Mrs. Isabella Soudan continues as Clerk to the committee.

MEETINGS

During the year 1 April 2011 to 31 March 2012, the Committee met on only one occasion at the Police Station Dunoon when there was a full attendance of members. In view of the lack of finance and the shortage of meetings the Clerk had e-mailed SPS requesting permission to hold a meeting at her own expense, but had received no reply, and having asked permission did not wish to proceed without approval.

An inadequate Budget has again prevented the Committee from holding a joint meeting of the three Argyll and Bute Committees. Members deeply regret the loss of this Meeting with their counterparts from Oban and Campbeltown as this gave them an excellent 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 experience was gained from visits to these establishments.

CELLS

Within Dunoon Police Station there are 8 male and 2 female cells which 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. Strathclyde Police provide a mattress and bed linen to each prisoner. One cell is used for the storage of surrendered fire arms but this does not cause any operational difficulties.

The cells were inspected on eight occasions during the year, 1 April 2011 to 31 March 2012 as follows: Sandy MacPherson, 5 visits, Seumas Ferguson 1 visit and Tom Irvine 2 visits. Mr. Ferguson resides in Helensburgh, and in order to keep expenses to a minimum he carries out his inspection of the cells on the day of the meeting. With the committee only having had one meeting this year Mr Ferguson has only been able to carry out one inspection with the Chair attempting to cover the shortages.

Due to the close proximity to HMP Greenock and the large number of cells available at the Dunoon Courthouse the usage by legalised prisoners on the Dunoon Police Cells has never been particularly high, but it is now seven years since a committed or remand prisoner was held in the police cells and as a result the Committee Members have had no opportunity to meet or speak with prisoners.

Strathclyde Police display a notice in the Bar area advising prisoners of the Visiting Committee and a copy of The Prisons and Young Offenders Institutions (Scotland) Rules 2011 are also available both in hard copy and electronically.

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, with any high-risk prisoners being 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 2011 until 31 March 2012.

PRISONER TRANSPORT

Since January 2012 prisoner transport has been provided by G4S.

As the police are no longer responsible for the care of legalised prisoners when away from prison or following trial waiting to go to prison the Visiting Committees cannot continue in their present form as they are serving no real purpose with regard to legalised prisoners. In order to continue they would require to operate under a different remit, with the Government legislation and regulations being changed and the Scottish Court Service, the holders of the private Prisoner Escort Service and SPS being involved.

MEDICAL PROVISION

Should a prisoner require medical attention a Police Surgeon is called, and if further medical care is required 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 prisoner's medication.

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

If a committed prisoner were to be held in the cells and needed food this would be provided by Strathclyde Police with specific dietary requirements being met.

CLOTHING

The Police have a supply of canvas clothing and hold a limited supply of ordinary clothing, which is made available to prisoners, if require with the local WRVS and Red Cross helping 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, a copy of the Koran and a Bible.

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/GRIEVANCE 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 staff in the Dunoon office for their assistance, co-operation and patience throughout the year.

Sandy MacPherson..... Chair

1 December 2012.....Date