

DUNOON

**LEGALISED POLICE
CELLS**

VISITING COMMITTEE

ANNUAL REPORT

2013/2014

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FOREWORD

Legalised Police Cells (LPC's), which are unique to certain parts of Scotland, derive historically from the inaccessibility of the Scottish Courts in outlying districts and islands. These police cells have been "legalised" and as such are used to hold prisoners awaiting trial locally, or who have 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 Institutions (Scotland) Rules 2011

Since the introduction of the private prisoner Escort Service, currently undertaken by G4S these cells are not being used and due to the close proximity to HMP Greenock and the large number of holding cells at the Dunoon Courthouse these cells have not been used for legalised prisoners for many years.

As CalMac have changed their ferry service from car/passenger to a passenger only service on the Dunoon to Gourock crossing the only remaining car and passenger ferry service operates from Dunoon (Hunters Quay) to Gourock (McInroys Point). It is unlikely that this change will have any major effect on the transportation of prisoners other than perhaps longer delays at the terminals.

The LPC's are inspected triennially by the H.M Chief Inspector of Prisons for Scotland and were last inspected in May 2011 by M/s. Margaret Brown, Deputy Chief Inspector HMCIP and Mr. Mick Armstrong, Inspector, HMCIP. Prisoners held in the LPC's are detained under the provisions of the Prisons and Young Offenders Institutions (Scotland) Rules (2011). The HMCIP Report of 2011 recommended the closure of the Dunoon Legalised Police Cells but this recommendation has not been implemented.

Since the introduction of the private prisoner escort service in 2004 there have been no committed or remand prisoners held in the Dunoon Police cells and the Visiting Committee have had no contact with prisoners. The last year in which these cells were used for the detention of legalised prisoners was 2005/2006. Since January 2012 G4S provide the private prisoner Escort Service.

The committee agree that they are achieving nothing in their role as it is at present, but are of the opinion that there is a need for independent monitoring of prisoners who are in transit or detention away from prison.

On admission each prisoner is given a "Letter of Rights" leaflet. This leaflet explains to the prisoner their rights and highlights decisions which they may have to make.

Although the cells are not being used for the detention of committed prisoners, the Committee Members continue to carry out regular inspections and highlight any items which they see requiring attention and the committee are pleased to report that maintenance work is carried out as and when required thereby maintaining the cells in a good condition; it could be said that these inspections benefit the custody prisons who are the users of the cells. The cells now come under the care of the Custody Division of Police Scotland.

Due to the non-usage of the cells by legalised prisoners the committee in agreement with the local Police Inspector agreed to reduce the frequency of inspection visits from monthly to quarterly.

The budget allocated to the running of the Legalised Police Cells Visiting Committees continues to be insufficient resulting in members being unable to fully fulfil their duties and the number of meetings being reduced from four to one or two in the year due to the uncertainty of member's expenses being met.

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 Representative on the Association of Prison Visiting Committees, 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 2013 to 31 March 2014, the Committee met on one occasion, 6 March 2014 at the Police Station Dunoon when Mr MacPherson and Mr. Irvine attended. Due to a road closure Mr, Ferguson was unable to be present.

For yet another year the lack of finance has prevented the Committee from holding a joint meeting with the other two Argyll and Bute Committees.

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. Police Scotland provides a mattress and fresh bed linen for each prisoner. From time to time one cell is used for the storage of surrendered fire arms but this does not cause any operational difficulties.

The cells were inspected on nine occasions during the year, 1 April 2013 to 31 March 2014 as follows: Sandy MacPherson 6 visits Tom Irvine 3 visits. Mr. Seumas Ferguson had no visits due to the fact that he 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.

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 approximately eight years since a committed or remand prisoner was last held in the police cells during that period the members have no opportunity to meet or speak with prisoners.

A notice is displayed in the Bar area advising prisoners of the Visiting Committee and a copy of The Prisons and Young Offenders Institutions (Scotland) Rules 2011 are available in hard copy and electronically.

Prisoners 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 high-risk prisoners being detained in the observation cell under constant supervision. G4S are advised at the time of pickup if any prisoner is high-risk.

LEGALISED PRISONERS

There were no committed or remand prisoners detained in the cells during the year from 1 April 2013 until 31 March 2014.

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. To continue effectively they would require to operate under different rules to take into account the changes which have taken place since their initiation, with the Government legislation and regulations being changed to reflect this.

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.

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.

MEALS PROVISION

If a committed prisoner were to be held in the cells and needed food this would be provided by Police Scotland from their supply of micro-wave meals which are able to meet all dietary requirements.

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 Police Scotland. 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.

READING MATERIALS

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

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.

TRANSLATORS AND ETHNIC REQUIREMENTS

Police Scotland has ready access to translators if necessary and hold a supply 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/GRIEVENCE PROCEDURES

A supply of Complaints and Grievance Procedure forms are held in the Station. These forms have never been used and with no legalised prisoners being held in the cells it is unlikely they will ever be used.

MAJOR INCIDENTS

There have been no major incidents reported during the year.

SUMMARY

The Committee would like to record their thanks to all staff in the Dunoon office for their assistance, co-operation and patience throughout the year.

Sandy MacPherson Chair

18 July 2014 Date