

**UNISON Scotland**  
**Scottish Parliament Justice Committee - Criminal Justice (Scotland) Bill**

**UNISON response to the call for written evidence to Part 1 of the Criminal Justice (Scotland) Bill on arrest and custody.**

**Introduction**

UNISON is Scotland's largest public sector trade union representing over 160,000 members delivering services across Scotland. UNISON represents the majority of Police Staff in Scotland. As such, we represent the Police Custody and Security Officers (PCSO) in Scotland, Police Staff who deal with persons in custody in police premises.

**Current Role**

The role of the PCSO is defined in Section 28 of the Police and Fire Reform (Scotland) Act 2012. PCSO's are certified by the Chief Constable to carry out the powers and duties set out in Schedule 2 of the Act.

Those powers include having custody of persons, apprehending persons unlawfully at large, searching persons and the use of reasonable force. The duties include:

- to attend to the well-being of a person in the officer's custody,
- to prevent such a person from escaping from custody,
- to prevent, or detect and report on, the commission or attempted commission by such a person of any other unlawful act,
- to act with a view to preserving good order in the premises of any court and in land connected with such premises,
- to ensure good order and discipline on the part of a person in the officer's custody (whether or not in the premises of any court or in land connected with such premises), and
- to give effect to any order of a court.

The Committee will recognise that these are exceptional powers for Police Staff reflecting the particular role assigned to PCSOs.

**Criminal Justice Act**

It would appear that the Criminal Justice (Scotland) Bill does not reflect the duties and roles of the PCSO, referring to "Constable" throughout the document and not providing for the use of PCSO as an alternative.

The only reference to Police Staff is in s33 (5) which is very specific in that it refers to communicating with vulnerable people. It does not specifically relate to the role of the PCSO as it refers to s26(1) of the Police and Fire Reform (Scotland) Act 2012, which is the Authority's general power to appoint Police Staff. As a result of that Act Police Staff no longer simply assist police constables, they carry out police functions.

It appears to us that examples of where specific reference should be made to PCSO's include Chapter 6:

s37	Use of Reasonable Force
s40 (2)	Power of Search etc On Arrest

Both of which are specified in s28 of the Police and Fire Reform (2012) Act.

In addition, s26, Questioning following arrest; provision must be made to allow for PCSO's to put questions.

### **Implementation**

However, by far the biggest impact on PCSO's would be the timing of the implementation of this bill.

As a result of Cadder, new procedures (Solicitors Access Recording Forms) were introduced to comply with legislative requirements. This is a paper driven process as legacy computerized systems are unable to record the information required. As such, the process is cumbersome in the extreme and time consuming.

The I6 programme has the ability to allow the correct recording and management of these procedures. However, delivery of this system is not scheduled to commence until 2015 and be completed by 2016.

The introduction of this Bill without an IT solution would increase the administrative burden on staff considerably. In addition, increasing detention time will increase workloads on custody staff. An assessment will have to be carried out to estimate what impact the passing of this Bill will have on custody suites and staff in an already budget stretched service.

### **Conclusion**

PCSO's play a key role in custody and the necessary powers and duties are set out in current legislation. This Bill does not appear to recognise the duties and powers of PCSO's and the reality of custody arrangements in Scotland. In addition there are practical implementation issues in relation to obsolete IT systems.

### **For further information contact:**

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