

**Equality and Human Rights Impact Assessment (EqHRIA)**

# Summary of Results

## Policy/Practice Name:

Care and Welfare of Persons in Police Custody Standard Operating Procedures V19.00

## Owning Department:

Criminal Justice Services Division Policy (CJSD)

## Date EqHRIA Completed:

15/04/2024

## Purpose of Policy/Practice:

The purpose and intended outcomes of this SOP is to provide comprehensive guidance for police officers and members of police staff who will be responsible for the Care and Welfare of Persons in Police Custody and applies to staff working in all divisions/departments who are involved with persons in custody.

## Summary of Analysis / Decisions:

### What the assessment found, and actions already taken.

The assessment of this guidance found that it affects every protected characteristic. Potential impacts were analysed, assessed, and mitigated accordingly.

In addition, this guidance protects several ECHR articles namely:

Article 2 – Right to Life

Article 3 – Prohibition of Torture

Article 5 – Right to Liberty

Article 6 – Right to a Fair Trial

Article 7 – No Punishment without Law

Article 8 – Right to Respect for Private and Family Life

Article 9 – Freedom of Thought, Conscience and Religion

Article 10 – Freedom of Expression

Article 14 – Prohibition of Discrimination

It was found that there was a low impact on Age. The majority of persons in police custody are in the age brackets 26-35 and 36-45 years old. The SOP clearly highlights the actions required to be undertaken by custody staff when dealing with children, taking into accounts the safeguards that are in place through legislation and procedures.

It was found that there was a low impact on Disability. Several provisions for individuals with a disability are highlighted in relation to the support from Appropriate Adults and how each individuals needs will be identified and considered.

It was found that there was a low impact on Gender Reassignment. The SOP highlights the measures to be undertaken in order to care for transgender/intersex persons in custody. This takes account of the Gender Recognition Act 2004 and highlights training guidance available for officers and staff.

It was found that there was a low impact on Pregnancy and Maternity. The SOP highlights considerations when dealing with a pregnant individual or those with maternity considerations. These include disposal from custody options and healthcare considerations.

It was found that there was a low impact on Race. The SOP stipulates measures to be taken to observe ethnic culture and practices. There are clear provisions relating to language and access to interpreting and translating services.

It was found that there was a low impact on Religion or Belief. The SOP highlights the importance of allowing persons within custody their legal and religious beliefs to be considered and observed. Guidance is in place with regards to searching of persons wearing cultural or religious clothing or articles.

It was found that there was a low impact on Sex. The SOP highlights gender specific guidance on searching and other welfare considerations through visits, observations, etc.

## Summary of Mitigation Actions:

### What the assessment found, and actions already taken.

The guidance in relation to how to mitigate against potential impacts are detailed within this, and other, guidance documents such as the Use of Force national guidance, Criminal Justice (Scotland) Act 2016 Arrest Process National Guidance, Appropriate Adult SOP, ACRA Guidance and Case Reporting SOP. These are highlighted within the guidance, and officers/staff are encouraged to seek guidance/advice where required.

Owning department will monitor changes in legislation/circumstances which may affect the guidance and assess how these changes may impact on protected groups. They will be responsible for a cyclical review of the Guidance and EqHRIA.