



**Derbyshire Constabulary Independent  
Advisory Group**

**Use of Force Custody Scrutiny Meeting**

**Date: 14<sup>th</sup> October 2024**

**Attendance Police**

*Inspector Nicola Musson – Custody Manager, Police Presenter (NM)*

*Sergeant Gemma Roberts – Operations Training Team Leader (GR)*

*Heather Cunningham – Equality, Diversity, and Inclusion Compliance Officer (HC)*

**Independent members**

*GRI - Independent member*

*CB - Independent member*

*RT – Independent member*

*DD – Independent member*

*JM – Independent member*

*LN – Independent member*

**Welcome and Introductions**

This meeting of the panel was held in person at Derbyshire Force Headquarters (FHQ).

Inspector NM welcomed all independent members (IM) to the meeting. Inspector NM invited independent members and police representatives to introduce themselves. In the absence of the chair HC reminded all independent members of the conditions to the confidentiality agreement they had signed. Inspector NM provided an overview around the types of force



used in the custody suites over a three-month period.

The same methodology as to how the cases were presented was employed with a case overview being presented by Inspector NM followed by an explanation to the initial attendance and arrest to provide context of what had occurred prior to the arrival at the custody suite.

Custody suite CCTV was then shown the panel to show what force had been used, followed by a discussion with the views and comments of independent members welcomed. Focus was on proportionality and reasonableness of the force used. Sergeant GR provided comments and context around the techniques and if they were what had been trained.

These minutes contain numerous abbreviations. A description of them is explained below:

BWV – Body Worn Video

CCTV – closed-circuit television

CDO – Custody Detention Officer

DP – Detained Person

FHQ – Force Headquarters

IAG – Independent Advisory Group

IM – Independent Member

PSD – Professional Standards Department

### **1) Feedback from previous meeting**

Opportunity to discuss the previous meetings feedback. This can include actions taken by the Police to address any areas of concern or praise that have previously been raised.

Inspector NM provided an overview of statistics around use of force in custody suites from 01/01/2024 – 31/08/2024.

### **2) Questions from the independent members before reviewing cases**

An IM asked whether there is a difference between the use of force used in the custody arena and when an officer is on duty in a local community. Sergeant GR explained that the environments are different so the officers will make different risk assessments to determine what is the most appropriate and effective use of force to use at that moment in time. There will be some types of force that are more effective in the custody arena than in an open public space.

An IM noted that it was pleasant to see more incidents in scrutiny panel meetings where officers have used tactical communication in the first instance.



### 3) Use of Police Powers Scrutiny – Use of force - Custody

#### Case 1:

<b>Location</b>	Derby Custody
<b>Subject</b>	Male 48 years old A9 - Any other Asian background
<b>Type of force used</b>	Unarmed Tactics Handcuffs – rear stacked Prone restraint - restrained to the floor
<b>Impact Factors (from Use of force form)</b>	Mental Health
<b>Incident summary</b>	<p>The initial incident officers attended was in relation to the Detained Person (DP) breaching conditions of a restraining order. The DP's conditions were not to contact or attend his parents' address.</p> <p>Initially the DP was calm, compliant and engaging with officers at the time of the arrest. No force was used prior to entering custody.</p> <p>The DP was compliant and engaging with officers during the booking in process.</p> <p>During the DP's stay in custody he was shouting and disrupting other individuals in custody. DP was moved to another cell. Upon being placed in cell 4, he pushed his way out of the cell. Custody Detention Officers (CDO) used unarmed tactics.</p> <p>DP became irate with officers and did not want to attend court. He screamed and swore. In his cell he began banging his head on the doors and walls. CDO used force to restrain the DP to prevent self-harm.</p>



<b>Outcome (i.e. arrested/ Detained)</b>	Arrested. Charged and remanded for court.
<b>Panel Observations</b>	<p>An IM asked whether the DP was compliant until being put in the custody cell.</p> <p>Inspector NM confirmed that was a correct observation. Inspector NM highlighted whilst the CCTV was being shown that a pillow was placed on the floor to prevent the DP from banging their head.</p> <p>An IM commented that the lack of audio on the CCTV footage made it challenging for the panel to review the incident.</p> <p>An IM asked whether CDOs wear Body Worn Video (BWV) devices. Inspector NM explained that they do not because there is CCTV throughout custody, including the cells.</p> <p>An IM asked if there are many complaints around use of force in custody. Inspector NM explained that complaints are usually investigated by the force's Professional Standards Department (PSD).</p> <p>An IM asked whether use of force was required in this instance because it was hard to view based on the CCTV footage. Inspector NM explained that the DP had removed his trousers and was hitting his head on the door, which is a flag to officers that the DP had an intent to harm himself.</p> <p>An IM asked if the DP would be left in a cell with handcuffs on. Inspector NM explained that a DP could be in a cell handcuffed, but there would be a CDO or Constable at the cell door observing the DP, and that the necessity for this would be reviewed frequently by a Sergeant.</p> <p>An IM felt that because the DP was self-harming that the use of force was proportionate.</p>



	<p>An IM asked if the CDOs entering the cell had tried to use tactical communication before using force. Inspector NM explained that the CDOs had been using tactical communication through the hatch in the cell door in the lead up to entering the cells.</p> <p>An IM acknowledged that they felt the DP was in a place of safety and that the CDOs had a duty of care.</p> <p>Inspector NM explained that CDOs put measures in place through safeguarding processes.</p> <p>Inspector NM explained that officer will not let situations play out because it could potentially have a serious or fatal outcome.</p>
<b>Panel Decision</b>	Majority of IMs felt that the use of force was proportionate.
<b>Actions taken by Police/ feedback</b>	<p>Feedback to be shared with the officer involved and their supervisors.</p> <p>Sergeant GR noted that the CDO who was on the DP legs during the use of force within the cell was facing the wrong direction, and had the DP kicked, could have potentially put themselves at risk. This will be fed back to the officer directly.</p>

#### Case 2:

<b>Location</b>	Derby Custody
<b>Subject</b>	<p>Male</p> <p>33 years old</p> <p>B2 - Black African</p>
<b>Type of force used</b>	<p>Handcuffing/Unarmed tactics (used prior to custody).</p> <p>Handcuffing during part of the booking in</p>



	process.
<b>Impact Factors (from Use of force form)</b>	Mental health Alcohol
<b>Incident summary</b>	<p>Police officers were called to an address following a report of a disturbance. There was a female at the address with injuries and a male suspect hiding under the bed at the address.</p> <p>Male is wanted for harassment/Public Order from two days previously where he had been shouting and swearing in the street, threatening to blow the estate up. He is also wanted for disqualified driving, where CCTV footage showed him driving a vehicle whilst disqualified.</p> <p>The DP was arrested for harassment, assault on a person thereby occasioning them actual bodily harm, driving whilst disqualified and arrest by a constable for breaking/likely to break bail conditions.</p> <p>Handcuffing and unarmed tactics were used on the DP prior to custody.</p> <p>Handcuffs remained on during the booking in process in custody. The DP threatened to punch officers as he was a boxer and would do this once the handcuffs were removed.</p> <p>Initially the DP was placed on Level 1 which includes a 30-minute observation by the CDO. 18 hours after detention, DP was placed on Level 4 constant observations because of the threat to self-harm.</p>
<b>Outcome (i.e. arrested/ Detained)</b>	Arrested, detained in custody, charged and remained for several of the offences, referred from Magistrates Court to Crown Court.
<b>Panel Observations</b>	An IM asked if it was an offence to threaten an officer. Inspector NM explained it could be under of the Public Order Act 1986 or if an individual threatens violence and the officer apprehends immediate unlawful



	<p>force that is still an assault even if no contact.</p> <p>An IM asked if the DP was young or of short stature because it was not clear on the CCTV footage from the custody suite. Inspector NM confirmed that the DP was not a juvenile.</p> <p>An IM asked if the handcuffs had been applied because of the DP's history. Inspector NM explained that the DP was brought into custody in handcuffs and as soon as the officer(s) decided that there was no risk or minimal risk from the DP the handcuffs should have been removed.</p> <p>An IM felt that the DP should have been in handcuffs for the duration of the booking in process.</p> <p>An IM noted the second officer was on his mobile device and felt that the officer should have been observing the DP.</p> <p>An IM noted that the use of handcuffs was successful.</p> <p>An IM noted that the officers appeared to be laidback based on the DP's threats and history.</p> <p>Inspector NM stated that the officers should have been stood either side of the DP at the booking in desk and the DP appeared to be in control, rather than the officers.</p> <p>An IM felt that the officers should have conducted the search on the DP with handcuffs on.</p> <p>An IM noted that the officers deescalated the situation.</p> <p>Sergeant GR highlighted that the officer's behaviour on the CCTV footage presented as</p>
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	<p>though there was not a need for force because both officers were acting casually. Once an officer makes a decision that use of force is no longer necessary, the use of force should be removed/stopped.</p> <p>Inspector NM explained that it can be common to encounter threats of self-harm from DPs when they have not received medication, because of this the DP was on a level 4 constant observation. Inspector NM explained that any prescribed medication DP's take must be in the medication packaging with the DP's name and Date of Birth.</p>
<b>Panel Decision</b>	<p>IMs agreed that the use of force was proportionate but felt that the handcuffs should have been used for the duration of the booking in process and that the officer potentially put himself at risk conducting the search without the handcuffs on.</p>
<b>Actions taken by Police/ feedback</b>	<p>Feedback to be shared with the officers involved and their supervisors.</p>

**Case 3:**

<b>Location</b>	Derby Custody
<b>Subject</b>	<p>Male 26 years old A1 – Asian Indian</p>
<b>Type of force used</b>	Handcuffing (force used prior to custody)
<b>Impact Factors (from Use of force form)</b>	Mental health





<p><b>Incident summary</b></p>	<p>Call received saying that a vehicle was swerving all over the road. Officers attended the location and spoke to the driver, who at this time was parked with the engine running.</p> <p>The driver was slurring his words and smelt strongly of intoxicants. He was asked to provide a roadside breath test but refused to do so. He was arrested for failing to provide a sample of breath.</p> <p>Force was used on the DP prior to custody. Handcuffs were removed at the custody booking in desk.</p> <p>The DP did not engage with the booking in process and kept shouting, swearing and talking over the Sergeant completing the booking in procedure. The DP was asked to remove his shoes for the purpose of a search and became very aggressive. The DP was restrained to the floor, he was brought up to a standing position to go through the procedure for an evidential breath test – he refused.</p> <p>The DP was taken to the cell. He was taken to the floor for clothing to be removed.</p> <p>The DP was put on Level 1 30 minute observations by a CDO.</p>
<p><b>Outcome (i.e. arrested/ Detained)</b></p>	<p>Arrested, detained in custody. Charged and bailed to court. Court adjourned to trial 2025.</p>
<p><b>Panel Observations</b></p>	<p>An IM noted that from the CCTV footage it was clear that the DP was not complying with the booking in process.</p> <p>Inspector NM explained that the custody Sergeant had made a decision to remove the DP cords and laces because he made threats to self-harm during the booking in process. Inspector NM explained that earlier this year the College of Policing changed the guidance around searches and that the removal of</p>



	<p>clothing, and cords is now recorded as a strip search. Nationally, this has led to an increase in recorded strip searches in custody. In Derbyshire Constabulary, custody Inspectors review all strip searches and internally record whether the strip search was removal of clothes and cords or an intimate strip search.</p> <p>An IM asked why the officers removed the handcuffs when the DP was first brought into custody. Inspector NM explained that this is what the officers decided.</p> <p>An IM noted that one of the officers could be seen on the CCTV footage to leave and return throughout the booking in process.</p> <p>An IM felt that the DP was playing up to the camera when he began talking about his lawyer.</p> <p>An IM felt that the officer could have had more control using a different type of force.</p> <p>An IM asked what the black wand was that they'd seen on the CCTV footage. Inspector NM explained that this was a metal detector.</p> <p>An IM felt that the DP appeared to be drunk on the CCTV footage and didn't appear to be a physical danger and needed controlling for his own safety.</p> <p>Sergeant GR commented that it was a controlled takedown and achieved the aim of removing the DP's shoes. Sergeant GR felt that handcuffing could have been useful to restrain the DP, and could have been used for the purpose of the search.</p> <p>An IM asked what form officers have to complete to capture use of force. Inspector NM explained that all officers have to complete a use of force form when force is used. For example, when an officer</p>
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	<p>handcuffs an individual, they have to complete a use of force form.</p> <p>An IM asked whether the CCTV and BWV captured is ever used for evidential purposes if a complaint is raised against the force or officer(s) whilst in custody. Inspector NM explained that both could be used as evidence and that CCTV under the force's policy is retained for 28 days.</p>
<b>Panel Decision</b>	<p>IMs agreed that the use of force was proportionate but felt that the handcuffs should not have been removed during the booking in process. This would have potentially prevented the DP being restrained to the floor as officers would have had more control over his movements.</p>
<b>Actions taken by Police/ feedback</b>	<p>Feedback to be shared with the officer involved and their supervisors.</p>

#### **Further actions**

- Inspector NM to present the force's data for complaints within custody at the next meeting.
- To randomly select use of force cases in custody that involve female detainees.
- HC to find out if there can be a thematic scrutiny panel to review use of force cases in custody that involve juveniles or whether this is reviewed under a different scrutiny panel or group in force.

#### **Date of next meeting:**

February 2025 – to be confirmed.

