



**Derbyshire Constabulary Independent
Advisory Group**

Use of Force Custody Scrutiny Meeting

Date: 25th January 2024

Attendance Police

Inspector Nick Booth – Police presenter (NB)

Sergeant Jim McGrogan – Police Insight (JMc)

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

Bal Dosanjh – Equality, Diversity and Inclusion Support Officer (BD)

Police Constable Tanya Morton – Investigation Officer (TM)

Chief Inspector Faith Morgan (FM)

Police Constable Simon Whiteman (SW)

Inspector Lee Welsby (LW)

Phoebe Stott – Caseworker and Volunteer Coordinator (PS)

Apologies

Helen Ham – Head of Equality, Diversity and Inclusion (HH)

Rachel Morris – Mitie representative (RM)

Independent members

JM - Independent member

GR - Independent member

LL - Independent member

DD - Independent member

LN - Independent member

TC - Independent member

Welcome and Introductions

This meeting of the panel was held in person at Derbyshire Force Headquarters (FHQ). The Force Improvement team/Reality check attended this meeting as part of their wider work around addressing any gaps in the custody arena.

Inspector NB welcomed all independent members to the meeting. Inspector NB and Sergeant JMc demonstrated the new padded custody shield to the panel and explained how this is used. Police staff, officers, and independent members each introduced themselves. On this occasion there was a large number of police staff and officers present at the panel meeting, this was primarily for staff and officers to observe the IAG panel meeting.

The same methodology as to how the cases were presented was employed with a case overview being presented by Inspector NB, followed by BWV of the initial attendance and arrest to provide context of what had occurred prior to the arrival at the custody suite. Inspector NB explained that not all the cases had BWV available to provide the context of the arrest in the lead up to the use of force within Custody.

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

This time the panel were not requested to look into the administration side of the incidents i.e., the log entries on the custody records, or the Pronto use of force entries. The reason for this is that Police Constable TM has been reviewing all higher end use of force incidents in custody so has already reviewed each of these cases to ensure the correct administration has been completed. This was felt to be duplication and not an appropriate use of the panel's time and effort, instead being more focused on the actual incident, what force was used and if it was lawful and proportionate.

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

BWV - Body Worn Video

CCTV – closed-circuit television

CJLDT - Criminal Justice Liaison and Diversion Team

DP – detained person

FHQ – Force Headquarters

HCP - Health Care Professionals (HCP)

HCPR - Health Care Professional Reviews

IAG – Independent Advisory Group

Irritant Spray PAVA - pelargonic acid vanillylamide, an irritant spray

OIC – Officer in Charge

PNC – Police National Computer

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 raised.

2) **Use of Police Powers Scrutiny – Use of force - Custody**

Case 1:

Location	Derby
Subject	Male White – North European, White British 34 years
Type of force used	Handcuffs PAVA (Irritant Spray) Custody Shield
Impact Factors (from Use of force form)	Mental Health
Incident summary	DP was arrested for criminal damage. No BWV footage of the arrest was available for the panel to view. Use of force was used on three occasions during the detainee's stay in custody. One: detainee was brought to custody and during the first 6 hours was taken into the desk area to be interviewed by the Inspector in company with the interpreter. The OIC was present, and the detainee swung a punch at the OIC. The detainee was taken to

	<p>the ground by custody officers, handcuffed and returned to his cell.</p> <p>Two: later in his detention the DP was seen by the CJLDT who stood in the corridor and spoke with him through an open cell door. He put his foot and hand between the door and frame before it was closed and forced him way into the corridor. PAVA was used, he was taken to the floor by custody officers and handcuffed.</p> <p>Three: later into his detention the DP tried to flood his cell, he was self-harming and using the mattress to cover the cell camera, cell door, hatch and spy holes. The shield was used to enter the cell safely and remove the mattress and items used to flood the cell.</p>
<p>Outcome (i.e. arrested/ Detained)</p>	<p>Arrested and detained until safely transferred to a specialist unit.</p>
<p>Panel Observations</p>	<p>One: an independent member questioned whether custody officers were aware the detainee had mental health condition(s). Inspector NB explained that the detainee did not have a formal mental health diagnosis on entry to custody. Officers did have access to the PNC which flags persons with mental health conditions based on information from previous interactions with the police. HCP who conduct HCPR in custody to determine whether a detainee is fit to be interviewed can also access detainee's medical health records with their consent. Chief Inspector FM reiterated that it is only registered nurses in custody who have access to personal medical information, police officers do not have this access.</p> <p>A concern was raised on the positioning of the Inspector conducting the initial assessment. As he was stood against a wall, he had no where to retreat if needed. The panel acknowledged that custody officers responded quickly and efficiently.</p> <p>Two:</p>

	<p>An independent member questioned whether DP are charged if they assault an officer. Inspector NB confirmed that they are, but it depends on whether the DP is fit for interview through the HCPR.</p> <p>An independent member asked what an arm restraint is. Sergeant JMc explained it is when officers hold the top of the detainee's arms behind their back to gain control.</p> <p>Three: An independent member felt that the cell extraction was well managed. An independent member expressed concern for risk of injury to the DP's due to the wet floor and bare feet. The DP could have hit their head on the floor or bed on contact with the custody shield.</p> <p>Sergeant JMc explained that the use of force was measured to the circumstance and the DP was not injured. An assessment is completed prior to a custody shield being used.</p>
Panel Decision	<p>Reasonable and proportionate use of force for all three incidents.</p> <p>An independent member felt that exemplary work had been done by the custody officers.</p>
Actions taken by Police/ feedback	<p>Feedback to be sent to Inspector regarding positioning.</p> <p>Sergeant JMc noted that the custody officers used the trained method to get a detained person from sitting position to standing position.</p>

Case 2:

Location	Derby
Subject	Male White – North European, White British

	43 years
Type of force used	Handcuffed to the front Limb restraints Spit guard
Impact Factors (from Use of force form)	
Incident summary	<p>Arrested for dangerous driving and assault. Ran away from his vehicle and detained by members of the public until officers arrived. Assaulted officer in van dock. Attempts made to book detainee in at the desk but became too violent so was taken to cell where cell extraction was completed.</p> <p>BWV footage was available for the panel to view.</p> <p>Use of force was used on three occasions with the DP.</p> <p>One: DP was handcuffed to the front sat in the police car in the van dock waiting to enter the custody suite. There was an hour delay whilst the custody suite was being cleared of remand prisoners being prepared to go to court. The DP shared with officers that they have a mental health condition. An officer was assaulted in the van dock by the detainee who hit the officer in the face with his handcuffs.</p> <p>Two: Officers removed the DP from the police car and place limb restraints to stop the DP from assaulting the officers and to gain control.</p> <p>Three: The DP kept spitting, after officers telling the DP to not spit or a spit guard would be used. Officer put a spit guard on the DP.</p>
Outcome (i.e. arrested/ Detained)	Arrested for dangerous driving and assault/detained

<p>Panel Observations</p>	<p>One: An independent questioned why the DP had been handcuffed to the front and commented that this may have impacted the use of force in this instance.</p> <p>Sergeant JMc agreed that best practice and the technique that is taught to new recruits is to handcuff from the rear. Handcuffing to the front should only take place when an assessment has been conducted and it should be stacked.</p> <p>Two: An Independent member observed that the female officer was involved in supporting officers to detain the person and got “stuck in” regardless of the DP’s build.</p> <p>An independent member questioned why police do not use other techniques/aids to restrain a DP. This would help protect the police officers. Sergeant JMc explained that when handcuffs are used in the trained way, they can restrict a DP’s arm movement for officers to gain control.</p> <p>Independent members suggested that officers could have handcuffed the DP to the rear and moved the DP to the van after the first assault of the police officer.</p> <p>Three: An independent member felt that the spit guard was appropriately used, and that the DP had received warning of its use. An independent member highlighted the change of behaviour from the DP appearing compliant but then aggressive moments later.</p>
<p>Panel Decision</p>	<p>Reasonable and proportionate use of force by officers.</p>

Actions taken by Police/ feedback	Feedback sent to the officers who detained and handcuffed in relation to handcuffing to the rear.
--	---

Case 3:

Location	Ripley
Subject	Male White – Northern European, White British 47 years
Type of force used	Handcuffs Spit guard
Impact Factors (from Use of force form)	
Incident summary	Use of force was used twice during this incident. Male was intoxicated in Shirebrook and threatening members of the public. He refused to calm down and was arrested for Public Order offences. He was handcuffed to the rear and transported to custody. Whilst being booked in custody, he spat, officers applied a spit guard.
Outcome (i.e. arrested/ Detained)	Arrested for Public order and detained.
Panel Observations	One: The panel commented on the officers handcuffing the DP to the rear. An independent member raised concern for the DP who struggled to keep his head up whilst being booked in. The CCTV footage looked as though the DP was close to banging his head on the ledge of the custody suite desk.

	<p>Chief Inspector FM confirmed that the custody suite has a painted line on the floor to keep officers and DP a safe distance from the ledge of the custody suite desk.</p> <p>In custody the officers used arm restraints whilst the DP was cuffed to the rear to maintain control during booking in.</p> <p>Two: The panel observed the officers warn the DP that a spit guard would be used because he spat in the custody suite.</p> <p>An independent member commented on the well managed use of force in this instance.</p>
Panel Decision	Reasonable and proportionate use of force.
Actions taken by Police/ feedback	Positive feedback sent to officers as officer safety techniques were successfully employed to a safe resolution.

Further actions

HC to inform independent members of the next meeting once it has been confirmed.

Date of next meeting: 30th April 2024