



**Derbyshire Constabulary Independent  
Advisory Group**

**Use of Force Custody Scrutiny Meeting**

**Date: 25<sup>th</sup> July 2024**

**Attendance Police**

*Chief Inspector Faith Morgan – Police presenter (FM)*

*Inspector Nick Daines (ND)*

*Police Constable Tanya Morton – Investigation Officer (TM)*

*Sergeant Jim McGrogan – Police Insight (JMc)*

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

*Phoebe Stott – OPCC Caseworker and Volunteer Coordinator (PS)*

**Independent members**

*SP - Independent member*

*PD - Independent member*

*TC – Independent member*

*AA – Independent member*

*DB – Independent member*

*DD – Independent member*

**Welcome and Introductions**

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



Chief Inspector FM welcomed all independent members to the meeting. SP invited independent members and police representative to introduce themselves. SP reminded all independent members of the conditions to the confidentiality agreement they had signed. Chief Inspector FM, Police Constable TM and Inspector ND 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 Chief Inspector FM with support from Police Constable TM followed by BWV of 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 JMc 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

CEWS - Custody Early Warning System

CCTV – closed-circuit television

CJLD – Criminal Justice Liaison and Diversion

DP – detained person

EMAS – East Midlands Ambulance Service

FHQ – Force Headquarters

IAG – Independent Advisory Group

IM – Independent Member

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

An IM asked whether use of force is recorded when an officer use's force as self-defense.



Chief Inspector FM explained common law and the rights individuals have for self-defense. Inspector ND explained that the force captures data around force used in self-defense but the overall data provided to the independent members in the meeting was not broken down to that level.

An IM asked whether the force's policy around use of force is different for the use of force used in the custody suite to outside on response or patrol. Chief Inspector FM explained that the use of force training and techniques are the same, but the force used in either role would depend on the circumstances, environment and impact factors.

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

#### Case 1:

<b>Location</b>	Ripley Custody
<b>Subject</b>	Female 28 years old White Northern European
<b>Type of force used</b>	Leg restraints Spit Guard Handcuffs Unarmed Tactics
<b>Impact Factors (from Use of force form)</b>	Mental health conditions Under the influence of alcohol and stated dependent on alcohol Injuries consistent with previous self harm
<b>Incident summary</b>	Officers attend a report of a domestic incident where officers are shown a video of the suspect slapping her partner.  Detained person (DP) arrested on suspicion of common assault and assault on five emergency workers.  The DP was kicking out at officers and spitting at them from the vehicle. The DP was removed from the car and then restrained on the floor. The DP was shouting abuse, swearing at officers and began headbutting the floor.



	<p>Leg restraints and a spit guard were applied. The DP was helped to their feet and taken into Ripley Custody Suite.</p> <p>The DP continued to be abusive at the desk in the Custody Suite and refused to cooperate with the booking in procedure.</p> <p>The Sergeant located a razor blade handle on the DP in the cell. The DP became violent and was taken to the floor. The DP has clothing removed for safety reason, and a blanket left to protect the DP for modesty.</p> <p>A Health Care Professional was present throughout the booking in process and cell search.</p> <p>A care plan was put in place which initially involved a constant level 4 observation. This was later revised to 30 minute observations once the alcohol levels reduced.</p> <p>Custody Early Warning System (CEWS) Checks were performed by Health Care Professionals. This includes monitoring SATS, blood pressure and general wellbeing.</p>
<p><b>Outcome (i.e. arrested/ Detained)</b></p>	<p>Arrested and taken to custody. Charged at court for assault on five emergency workers. No further action for the common assault charge. Resulted in compensation to emergency workers and a custodial sentence.</p>
<p><b>Panel Observations</b></p>	<p>Chief Inspector FM explained to the panel that the officer they had seen on the CCTV in the black uniform with no body armour was the Custody Sergeant and that their responsibility was to conduct an assessment based on the response from the DP.</p> <p>An IM asked whether the DP was under the influence of alcohol. Police Constable TM confirmed that the records have recorded that the DP was under the influence of alcohol.</p>



	<p>An IM asked whether there was a risk with the DP being in the back of a van to a car. Sergeant JMc explained that there is more risks with a DP being transported in the back of a car with an officer because if the DP overpowers the officer in the back of the car this could have an impact on the officer driving and potentially cause a traffic accident. Whereas when a DP is transported in a police van it is force policy that there is an officer (who is not the driver) observing the DP in the back of the van.</p> <p>An IM asked whether the scarf the DP had on would cause a safety risk. Chief Inspector FM explained that the DP was handcuffed to the rear and observed by an officer throughout the journey to the custody suite. The BWV showed the scarf was removed from the DP prior to entering the custody suite.</p> <p>An IM asked whether the DP was known to the police and whether the DP had been violent to the police before?</p> <p>Police Constable TM explained that information would be on policing systems but because the DP received a custodial sentence it is likely there has been prior incidents that will have impacted the outcome of the case.</p> <p>An IM asked if officers receive training around where they should stand when bringing an DP into the custody suite. The IM noted that when an officer moved to speak to the Custody Sergeant at the booking in desk another officer replace their position.</p> <p>An IM asked if a psychological assessment would be carried out in custody? Chief Inspector FM explained that there is always a nurse on shift in both the custody suites. A mental status assessment is carried out after a period of time in which the alcohol and</p>
--	---



	<p>drugs have left a DP's system. The force also work closely with health care professional and Criminal Justice Liaison and Diversion (CJLDT) agencies, although these are not 24/7 services, to support detainees to access support when leaving custody.</p> <p>An IM asked whether all officers involved have to write reports on the incident as this would take away resources from active policing.</p> <p>Chief Inspector FM explained that it depends on what role the officers played and what they witnessed. Potentially all would need to provide a statement as to what happened. If they had used force then yes, they would need to complete paperwork and ideally, this would be completed as soon as possible, but this is dependent on operational requirements.</p> <p>An IM asked what clothing the DP was left with after being strip searched. Inspector ND confirmed it was initially a blanket due to the risk assessment carried out and that a blade was found during the search. Inspector ND explained that the force now has jumpers and joggers. Inspector ND explained that a HMICFRS inspection across multiple forces found that the anti-rip clothing suits were not being used in a proportionate way. There were incidents across the country where suits were being used when individuals would not engage with the risk assessment during the booking in process. The force reviewed it's policy around the suit and will only use the suit if necessary. The force conducts risk assessments in a more personalized way and will allow detainees to keep their shoelaces and belts if there is low risk.</p> <p>An IM asked if officers have an opportunity to sit down with medical health care professionals to understand certain</p>
--	--



	<p>conditions. Sergeant JMc explained that officers received training around mental health conditions, and will develop their knowledge and understanding the longer they are in service. Inspector ND explained that officer also have access to a 24/7 mental health triage where officer on duty can access information about an individual and get advice and guidance from health care professionals.</p>
<p><b>Panel Decision</b></p>	<p>IM's felt that the overall use of force was acceptable based on the circumstance.</p> <p>An IM commented that the officers handled the transition into the custody suite really well.</p> <p>An IM commented that the BWV shows what a tough job the officers have.</p>
<p><b>Actions taken by Police/ feedback</b></p>	<p>Sergeant JMc provided an explanation around the actions of the officers for each use of force. He explained that the Custody Sergeant was at the head of the DP to monitoring their breathing whilst officers applied leg restraints. He explained how officers use transition techniques to move the DP's body from lying on the floor to sitting and standing.</p> <p>Sergeant JMc explained that the spit guards used in force are now black. This is because the colour of a person's lip is more visible through the black spit guard so officers are able to monitor cyanosis better.</p> <p>Chief Inspector FM explained that a level 4 observation is where an officer observes the DP with the cell door open continuously. Where a DP is acting aggressively, an officer may observe through the hatch of a closed cell door.</p> <p>Inspector ND explained that CEWS is a voluntary check and provides an indication around potential health concerns. CEWS</p>



	monitors pulse rates, saturation levels and dilation of pupils.
--	---

**Case 2:**

<b>Location</b>	Derby Custody
<b>Subject</b>	Male 36 years old White Northern European
<b>Type of force used</b>	Leg restraints Spit Guard Handcuffs Unarmed Tactics
<b>Impact Factors (from Use of force form)</b>	Suspect violent Previously self harmed Mental Health Possibly under the influence of drugs
<b>Incident summary</b>	<p>The DP has been at the hospital and has become abusive to staff and members of the public. The DP has punched cars, and ambulance and has tried to bite a police officer.</p> <p>The DP is arrested for two offences of public order, two assaults on emergency workers and criminal damage to property. Whilst in custody a care plan is implemented this includes flagging that the DP is a high risk to self and others, CEWS assessment, Health Care Professionals seeing the DP and Level 4 close proximity observations being carried out.</p>
<b>Outcome (i.e. arrested/ Detained)</b>	Arrested, detained. Public order charge was refused. Other offences have not yet been finalized in court.





**Panel Observations**

An IM commented on the officer support the DP head during the arrest.

An IM felt that the officer involved with the arrest of the DP was very patient and had a calming presence and voice.

An IM asked why the arresting the attempted to take the DP into A&E. Inspector ND explained that the custody suite does not have the same provisions as a mental health unit or hospital and the officers were trying to see if there was an alternative to custody where the DP could get the help and support, they needed at that time. The officers would have sought to find an appropriate health care facility rather than custody.

An IM whether the DP spat. Sergeant JMc explained that a spit guard can be applied if a DP is spitting or there is a perceived threat that they may spit (e.g. hacking) or if the DP is threatening to bite and officer or individual.

An IM asked whether the spit guard would have any impact on the DP's threats to bite their tongue. Sergeant JMc explained that officers are unable to do much with regards to the DP making threats to bite his tongue. Officers are still able to see the DP's mouth through the spit guard.

Chief Inspector FM explained that the IM were viewing a delay in the DP entering the custody suite from the CCTV footage viewed during the meeting. This is because the custody suite needs to be cleared for the safety of visitors such as solicitors, before the DP can be booked in. This is to minimize the risk to anyone else in the custody facility.

An IM noted that the DP's head was not towards the door. Inspector ND explained that this could be because there was a Level 4 observation put in place, where an officer



	<p>observes the DP with the cell door open.</p> <p>Inspector ND explained that there are several cells in both custody suites that have low bunks. This is for detainees with medical health conditions or detainees under the influence to minimize the risk if they were to 'fall' out of the bunk.</p>
<b>Panel Decision</b>	IM's felt that the overall use of force was reasonable and justified.
<b>Actions taken by Police/ feedback</b>	Police Constable TM provided information around the DP's stay in custody. It was an unusually long period of time due to the DP being taken to hospital on two occasions. Chief Inspector FM explained that the 24 custody clock is paused when a DP leaves the custody suite, and restarts on their return.

### Case 3:

<b>Location</b>	Derby Custody
<b>Subject</b>	Female 23 years old White Northern European
<b>Type of force used</b>	Handcuffs Limb restraints Unarmed Tactics
<b>Impact Factors (from Use of force form)</b>	Under the influence of drugs and alcohol Mental Health Self harm
<b>Incident summary</b>	<p>The DP whilst under the influence of drugs and alcohol makes a threat to damage her home address by threatening to put the windows in.</p> <p>A member of the public phones East Midlands Ambulance Service (EMAS) because the DP is lying on the steps of her parents house. DP refuses to engage with the EMAS and the police are contacted to assist.</p> <p>The DP refuses to engage with the police</p>



	<p>and is subsequently arrested for threats to commit damage.</p> <p>The DP was taken straight to a cell and did not engage with the risk assessment.</p> <p>Level 3 observations were carried out and were later reduced to 30 minute checks.</p>
<b>Outcome (i.e. arrested/ Detained)</b>	Arrested and detained. DP was released without charge. Victim was not supportive of a police prosecution.
<b>Panel Observations</b>	<p>An IM asked if the DP had caused criminal damage and whether that was the reason for the arrest. Chief Inspector FM explained that the DP had been arrested for threat to cause damage.</p> <p>An IM asked why the officer arrested the DP on scene rather than speaking to the DP to find out more information. Police Constable TM explained that the BWV had been clipped to show the arrest in the lead up to attending the custody suite. Officers had spent time at the incident trying to diffuse the situation with East Midland Ambulance Service (EMAS) but did not have a positive communication with the DP.</p> <p>An IM noted that the DP did not have the leg restraints on when entering the custody suite to begin the booking in process. Sergeant JMc explained that the officers will continually assess the DP and manage any risks. If the DP was not kicking officers and was passively resisting the officers no longer had a requirement to use that level of force.</p> <p>An IM asked whether the DP had been charged before being taken to a cell. Chief Inspector FM explained that if the response from the DP on entering the custody suite is actively resisting then the DP would be taken to a cell so that the Custody Sergeant can carry out a risk assessment and manage the response from the officers whilst the</p>



	<p>DP's emotional response decreases.</p> <p>An IM asked whether a nurse would look at the DP whilst they are being put into a cell. Chief Inspector FM said that it is usual practice to have a nurse present if a DP is put into a cell without going through the booking process. Inspector ND explained if the nurse is with another detainee at that point, then the nurse would finish with the first detainee before looking at the DP who had just arrived.</p> <p>An IM asked if the parent made the call to the police. Police Constable TM explained that it was a member of the public who had seen the DP outside on the doorstep and rang for the EMAS.</p> <p>An IM was concerned around the length of time that the officers were restraining the DP in the cell. Sergeant JMc explained that in this instance there are different impact factors in play, the DP is slim and flexible which can make it challenging for officers to utilise certain trained tactics. Sergeant JMc pointed out areas of improvement for officers where they could have utilised training techniques, such as isolating the hip muscle to prevent the DP from moving around on the floor.</p> <p>An IM asked why there was more than one mattress in the cell. Sergeant JMc explained that the second mattress can be used to manage the area in the cell and can be used to minimize any risk for a DP to cause harm to themselves.</p>
<p><b>Panel Decision</b></p>	<p>IM's felt that the overall use of force was reasonable and justified.</p>



<p><b>Actions taken by Police/ feedback</b></p>	<p>Sergeant JMc commented on the officers handcuffing the DP to the rear and that the officer asked the DP if the handcuffs felt okay. He also pointed out that the officer has utilised the grass for the takedown to apply handcuffs to minimize injury to the DP.</p> <p>Sergeant JMc commented on the consistency in the BWV across all three cases viewed that the DP's head was supported and the DP's breathing was monitored throughout.</p> <p>Sergeant JMc stated that in training the practice would be to have the DP's head towards the door of the cell when conducting a cell extraction.</p> <p>Feedback to officers around the planning when moving a DP into a cell, this would minimize the time that officers are standing around. Inspector ND said that in some instances, spending more time with a DP deescalating a situation does take up custody officer time and resource but can bring the emotional response of a DP down to make their stay in custody more controlled and calmer.</p>
---	---

**Further actions**

To bring a spit guard/spit hood to the next Use in Force Custody meeting.

To look into thematic scrutiny panel meeting (ethnicity of a detainee, impact factors that are not mental health or under the influence of alcohol or drugs and incidents which have been investigated by professional standards).

**Date of next meeting:**

Monday 14th October 2024.

