



**Derbyshire Constabulary Independent
Advisory Group**

Use of Force Custody Scrutiny Meeting

Date: 30th April 2024

Attendance Police

Inspector Nicola Musson – Police presenter (NM)

Police Constable Tanya Morton – Investigation Officer (TM)

Sergeant Jim McGrogan – Police Insight (JMc)

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

Pete Rawlings – Disability Engagement Officer (PR)

Chief Inspector Faith Morgan (FM)

Phoebe Stott – OPCC Caseworker and Volunteer Coordinator (PS)

Rebecca Hilton – OPCC Administration and Casework Assistant (RH)

Morgan Poole – OPCC Governance and Compliance Officer (MP)

Independent members

DD - Independent member

RT - Independent member

GR - Independent member

JM – Independent member

LN – Independent member

SP – Independent member

PW – Independent member

TC – 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 to the meeting. The same methodology as to how the cases were presented was employed with a case overview being presented by Inspector NM, 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 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

BSL – British Sign Language

CDO – Custody Detention Officer

CCTV – closed-circuit television

DP – detained person

FHQ – Force Headquarters

IAG – Independent Advisory Group

IM – Independent Member

Irritant Spray PAVA/Captor - pelargonic acid vanillylamide, an irritant spray

PPO - Public Protection Order

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 Custody
Subject	Male 19 years White Northern European
Type of force used	Handcuffed to the rear Spit guard Leg restraints Unarmed tactics Taken straight to cell
Impact Factors (from Use of force form)	Alcohol consumed Previously assaulted two officers Prior knowledge to protect themselves, protect others and the Detained Person (DP) Effect Search Prevent harm
Incident summary	<p>Threats to Stab - a male outside a pub in Derby is threatening to stab the occupants. Staff had refused to serve him due to his ID not being up to their standards. He has said to staff "Have you ever stabbed anyone or seen anyone stabbed. I have and I will stab you". He threatened to stab 4 individual members of staff when they leave work.</p> <p>He threatened to damage property at the licensed premises. He assaulted a police officer upon arrest by spitting in his face. He also assaulted a police officer in custody.</p> <p>DP was in the cage of the police van banging his head on the wall, having spat at an officer upon arrest. He was handcuffed and had a spit guard on. He kicked out at the Custody Detention Officer (CDO) standing behind the door to custody. Officers took him to the floor and applied the leg restraints. He was unpredictable, and appeared to be drunk, so the decision was made to take him straight</p>

	to the cell, where he was searched. Cell extraction completed.
Outcome (i.e. arrested/ Detained)	Arrested and taken to custody. Charged and Remanded.
Panel Observations	<p>An Independent Member (IM) asked why the DP was restrained on the floor for quite some time before being taken into the custody suite.</p> <p>Sergeant JMc explained that the DP was restrained on the floor because in this situation this was the safest technique for the DP and officers present. Inspector NM explained that there was potentially a delay on the DP entering the Custody suite because Custody Detention Officers would be clearing the suite having received an alert about the DP behaviour.</p> <p>PR asked whether officers who attended were aware of the DP's neurodivergent conditions. NM explained that the force does have this information recorded. The incident was followed with a Public Protection Order (PPO), which means that officers would have contacted relevant partner organisations about DP and the incident.</p> <p>An IM asked in what situations should an officer use a spit guard. Sergeant JMc responded that officers should use a spit guard if a DP spits or if the officer anticipates the DP will spit, this could be either because the DP has voiced this or from the sound made indicating that they are preparing to spit.</p> <p>An IM questioned whether the DP had been searched before being taken into the cell. Inspector NM explained that the search</p>

	<p>happens in the cell with multiple officers to keep it controlled because the DP was not compliant with officers.</p> <p>An IM asked whether officers wear and use their BWV when bringing a DP into custody. Sergeant JMc stated that it is the officer's choice as to when they turn the BWV on. The policy in force determines when an officer should have BWV on. Chief Inspector FM explained that the custody suite is equipped with CCTV and audio in the booking in area, and all the cells have CCTV.</p>
Panel Decision	Agreement amongst the panel that use of force reasonable and proportionate.
Actions taken by Police/ feedback	<p>An IM raised a concern with an officer who had their hair in plaits. Sergeant JMc agreed that this did not meet uniform standards and posed a risk to the officer from a health and safety perspective.</p> <p>Sergeant JMc noted that the Sergeant during the takedown inside custody suite could have supported the DP's head. Moreover, if the officers had a hand on the DP's shoulder, they may have had more control over his movements during the booking in process.</p> <p>Feedback to be shared with the officers involved.</p>

Case 2:

Location	Ripley Custody
Subject	<p>Male</p> <p>23 years</p> <p>White Northern European</p>
Type of force used	<p>Handcuffed to the rear</p> <p>Irritant Spray PAVA/Captor used</p> <p>Arm restraint escort to cell</p>
Impact Factors (from Use of force form)	<p>Under the influence of alcohol.</p> <p>Prior knowledge (size, gender and build), to</p>

	protect DP, protect officers, prevent the commission of any offences, to effect the search and remove handcuffs.
Incident summary	<p>This was a domestic incident, where it is alleged the DP has assaulted his partner. He was arrested, and handcuffed to the rear on the street. Upon arrival to custody he is kept sitting in the van for a brief time. He begins kicking at the cage door.</p> <p>He is quite compliant upon entry into the suite. He becomes agitated at the desk, and begins thrashing around.</p> <p>The custody Sergeant warns him about his behaviour a few times. He continues to get agitated, and thrash about against the arresting/ accompanying officers. He is warned that if his behaviour persists he will be gassed.</p> <p>He resists officers, and is taken to the floor and subsequently gassed. He is then taken to his cell, where a search and cell extraction are carried out.</p>
Outcome (i.e. arrested/ Detained)	Arrested, detained. Kept for court in relation to another incident under investigation.
Panel Observations	<p>Police Constable TM explained to the IMs that there was short wait time for the DP to go into custody and this had led to the DP becoming more agitated in the police van and kicking off in the back of the van.</p> <p>An IM asked whether the officer would always leave a DP in the back of a police van to calm down. Inspector NM stated that the preference would be to have the DP out of the police van to calm down. On this occasion the DP was in the police van for minutes, and the officers were using verbal tactics to try to calm the DP down.</p> <p>An IM asked whether it is common practice to use irritant spray in a custody setting. NM explained that irritant spray is considered a low level of use of force. Sergeant JMc</p>

	<p>explained that the spray has a temporary effect which can help officers gain control of an incident. The low level of force has temporary impact on the DP.</p> <p>An IM raised a concern around the medical impact of using the irritant spray, especially around damage to a person's eyes. Sergeant JMc explained that the irritant spray has been through robust testing and has been approved for use by the police service. An IM noted that the DP was given warning by the Sergeant prior to this use of force.</p> <p>Inspector NM made IMs aware that CDO's will provide DPs an opportunity to go outside into the fresh air to help with the temporary effects of irritant spray if they have calmed down.</p> <p>An IM commented that the panel had viewed CCTV footage of other similar incidents where the irritant spray was not used. Sergeant JMc explained that there are lots of different factors for officers to consider which has an impact on what type of use of force that is used in different incidents. For example, the staffing of the custody suite.</p> <p>Inspector NM clarified that use of force is not used as a punishment. Officers have a duty to protect the public and ensure the safety of a victim.</p> <p>An IM raised a concern around the DP harming themselves on the cell walls as they looked pointed in the CCTV footage.</p> <p>Inspector NM explained that the custody suite walls and edges are rounded. Sergeant JMc explained that there are standards to ensure that custody suites are appropriate and safe.</p>
Panel Decision	Agreement amongst the panel that use of force reasonable and proportionate.

<p>Actions taken by Police/ feedback</p>	<p>An IM raised a concern around the officer's response to the DP asking the officer to repeat the reasoning behind their arrest. The IM felt that the officer's response was quite confrontational.</p> <p>Sergeant JMc commented on the controlled take down of the DP on both occasions and that the officers took their time to ensure that the DP was not injured.</p> <p>Sergeant JMc noted that the DP was initially handcuffed to the rear, which is policing practice. PR explained that this can pose a communication barrier within communities such as the Deaf community who use British Sign Language (BSL) to communicate. PR explained to the IAG that he is currently working with the Deaf community and the force to help each understand the impact and the policy around handcuffing. Sergeant JMc explained that the force's training focuses on officers being able to differentiate expression and aggression.</p> <p>Feedback to be shared with officers involved.</p>
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Further actions

To revisit case 3 at the next use of force custody meeting.

Date of next meeting:

Thursday 25th July 2024.