



**Derbyshire Constabulary Independent Advisory Group**  
**Use of Force Scrutiny Meeting**  
**Date: 30th September 2024**

**Attendance Police**

*Inspector Charlotte Pigott - Police presenter (CP)*

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

*Inspector Nick Booth – Use of Force lead (NB)*

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

**Independent members**

*PW - Independent member*

*LN - Independent member*

*SP - Independent member*

*SPe - Independent member*

*TC - Independent member*

*JS - Independent member*

*GRi - Independent member*

*RT - Independent member*

*DD - Independent member*

*JM - Independent member*

**Welcome and Introductions**

This meeting of the panel was held via Microsoft Teams, but the facility was also there for Independent Advisory Group (IAG) members to attend Derbyshire Force Headquarters (FHQ) to attend in person if they so wished. Independent member LN was at FHQ with HC

who facilitated their involvement in the panel. The Chair SP welcomed all independent members to the meeting and introduced Inspector CP and Sergeant GR. Independent members introduced themselves. The Chair SP reminded independent members about the confidentiality agreement. CP presented the cases and Body Worn Video (BWV).

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

**BWV** – Body Worn Video

**CPS** – Crown Prosecution Service

**DP** - Detained person

**DV** – Domestic Violence

**FHQ** – Force Headquarters

**IAG** – Independent Advisory Group

**IM** – Independent Members

**Irritant Spray PAVA/CAPTUR** - pelargonic acid vanillylamide (an irritant spray)

**PACE** – Police and Criminal Evidence Act (1984)

**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 – general**

**Case 1:**

<b>Location</b>	DERBY, DERBYSHIRE
<b>Subject</b>	Female 15 years 1. White – North European
<b>Type of force used</b>	Handcuffing, Unarmed skills, leg restraints
<b>Impact Factors (from Use of force form)</b>	Alcohol, Drugs, Prior knowledge
<b>Incident summary</b>	A support worker from a children’s home reported a 16yr old male missing and thought to be with his girlfriend at another care home.  The girlfriend had also been reported missing from a care home where she had reportedly run off from support workers.  When staff spoke with the female and told her to return home, she responded “I won’t be coming back, if staff or police return me I’ll stab the other girls”.

	Very well known to police.
<b>Outcome (i.e. arrested)</b>	Arrested
<b>Body Worn Video (BWV)</b>	Yes
<b>Panel Observations</b>	<p>An Independent Member (IM) asked if handcuffs were applied to the Detained Person (DP) because it wasn't clear on the Body Worn Video (BWV).</p> <p>Inspector CP explained that the DP was on her front and handcuffed to the rear. The officers used a takedown tactic because of the DPs behaviour towards the officers. Inspector CP acknowledged the racist abuse and poor language from the DP towards the officers present.</p> <p>An IM noted that they were happy with the use of force used in this situation and that it was well handled by officer. The IM said that they felt the DP had been lying face down for quite some time.</p> <p>An IM noted that the officers were very calm, and that the situation was kept as calm as it could be.</p> <p>An IM asked why the DP was arrested when the officer initially said to the DP that they were not going to be arrested. Inspector CP explained that the DP assaulted an officer which is why the DP was arrested.</p> <p>An IM asked whether any safeguarding measures were put in place for the DP.</p> <p>Inspector CP confirmed that it is a requirement for officers to complete a referral to social care when a juvenile is booked into custody.</p> <p>An IM noted that it was difficult to observe the use of force on the BWV shown.</p> <p>Inspector CP explained that this was the only saved BWV but that the audio helped provide the context of what was happening and that unfortunately, because the incident took place in the evening it did make the</p>

	<p>BWV less clear.</p> <p>An IM noted that the DP had mentioned that she'd been sexually assaulted and was being abused by a worker in the home.</p> <p>Inspector CP confirmed that the allegations were being investigated.</p>
<b>Panel Decision</b>	Agreement from the panel that it was a proportionate use of force used.
<b>Actions taken by Police / feedback provided</b>	<p>Feedback to be shared with the officers and their supervisors.</p> <p>IMs commented on the calm approach of the officers at the incident whilst dealing with a challenging individual.</p>

#### Case 2:

<b>Location</b>	DERBY CITY, DERBYSHIRE
<b>Subject</b>	<p>Male</p> <p>34 years</p> <p>1. White – North European</p>
<b>Type of force used</b>	Unarmed skills, other/improvised order
<b>Impact Factors (from Use of force form)</b>	Alcohol, Size/Gender/Build, Other
<b>Incident summary</b>	<p>Domestic incident reported to police whereby male had allegedly assaulted female in front of their kids, broken her necklace, pushed her against a wall and punched her. Male ran off prior to police arrival.</p> <p>Male had been an outstanding suspect for nearly a month and arrest attempts were ongoing at various addresses. Officers attended the victim's home address on this occasion and she denied that she had seen him recently or that he had bene to the property.</p> <p>Male is known on PNC for previous offences of possessing bladed articles.</p>
<b>Outcome (i.e. arrested)</b>	Arrested

<b>Body Worn Video (BWV)</b>	Yes
<b>Panel Observations</b>	<p>An IM asked if both the officers handcuffed the DP.</p> <p>Inspector CP confirmed that one officer handcuffed the DP.</p> <p>An IM noted that the officer supporting the arrest reminded the arresting officer to handcuff the DP to the rear.</p> <p>An IM felt that this was a good use of force and that you could see the respect on the BWV. The IM rated the incident 8/10.</p> <p>An IM asked whether the DP had been handcuffed due to their previous record. Sergeant GR explained that the officers handcuffed after the arrest but that the previous incidents and convictions, the impact factor of the DP being upstairs and other individuals in the property would have had an impact on the risk assessment officers would have carried out.</p> <p>An IM noted that they liked that the officer had checked to see if the DP was taking any medication.</p> <p>An IM raised a concern around the officer walking backwards down the stairs when escorting the DP out of the property. The IM raised a concern that the DP could have kicked the officer and they could have fallen down the stairs.</p> <p>Inspector CP explained that officers have a duty of care and are responsible if anything were to have happened to the DP.</p> <p>An IM felt that the officers had a good approach to the situation, and it was well handled and calm.</p>
<b>Panel Decision</b>	IMs agreed that the use of force was justified.
<b>Actions taken by Police / feedback provided</b>	<p>Feedback to be shared with officers and their supervisors.</p> <p>IMs felt that the officers had a calm</p>

	<p>approach, and the incident was handled well.</p> <p>An IM noted that the supporting officer reminded the arresting officer to handcuff to the rear.</p>
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**Case 3:**

<b>Location</b>	DERBY CITY, DERBYSHIRE
<b>Subject</b>	<p>Male</p> <p>39 years</p> <p>1. White – North European</p>
<b>Type of force used</b>	Unarmed skills, Irritant Spray PAVA, Other/improvised order
<b>Impact Factors (from Use of force form)</b>	Possession of a weapon, Prior knowledge, Acute Behavioural Disorder
<b>Incident summary</b>	<p>Child of victim calls police to report that her Mother has been strangled by her partner. Mother is said to be very scared, and this has happened before, it's a regular occurrence for him to be violent towards this female.</p> <p>Male has warning markers for being violent, is known to assault police officers and is marked as an 'escaper'.</p>
<b>Outcome (i.e. arrested)</b>	Arrested
<b>Body Worn Video (BWV)</b>	Yes
<b>Panel Observations</b>	<p>Due to the quality of sound at the start of the BWV Inspector CP explained that the victim was scared of her partner and didn't want her partner to hear her speaking to the police. She did confirm to the police that her partner had assaulted her.</p> <p>An IM felt the officers would have had more control if they had not let the DP go upstairs to collect shoes after arresting him.</p> <p>An IM felt that the officers should have applied handcuffs sooner.</p> <p>An IM asked if the BWV had fallen off as there was a period of time where the camera was in the grass. Inspector CP explained that the BWV had fallen off the officer's uniform. The officer was suffering the effects of the</p>

irritant spray.

An IM felt that it was a volatile situation and asked if there was a warning for the use of taser. Inspector CP confirmed that a taser had not been used at this incident and that the officer had withdrawn their irritant spray and used it.

An IM asked whether the victim would receive any support as they appeared from the BWV and incident summary to be vulnerable.

Inspector CP conformed that the victim was identified as high risk and would have been referred to support.

Inspector CP explained that the officers had followed the DP upstairs when he went to collect shoes after being arrested. The DP tried to speak to the victim out of the upstairs window. The DP then went to flee the property and on his way down the stairs threw a glass ashtray at an officer. The officers followed the DP across the road and back until the DP was handcuffed.

An IM asked if it is dangerous for a single officer to be alone with the suspect, particularly based on his previous record. Inspector CP explained that this is often the case for domestic incidents where officers will have to separate to speak to the victim and suspect.

An IM felt that the officer when interacting with the victim at the start of the incident behaved well and was looking after the victim.

An IM felt from the BWV the woman looked very scared. The IM felt that officers should have handcuffed the DP in the hallway when reading him his rights.

An IM felt that the officers did their best and they were trying to talk the DP down and keep the situation from escalating.

An IM felt that the officers gave the DP an inch and he took a mile. The IM felt that once

the officers have said the word arrest then the handcuffs should be applied.

An IM felt that the officers were not authoritative enough.

An IM asked that based on the known risk whether it would have been advisable to have had a taser officer in attendance.

Inspector CP explained that there are only around 1 to 2 taser trained officers on each shift so therefore attendance cannot be guaranteed.

An IM asked what happens to the victim, and whether they'd be taken to a police station for photographic evidence of the assault.

Inspector CP explained that the victim and the family would have been spoken to and statements collected as part of the investigation. This could take place at a police station, at the home or dependent on the assault at a hospital.

An IM asked about the bail process and if the DP would have been released from custody on bail and allowed to return to the home address. Inspector CP explained that the Crown Prosecution Service (CPS) make the decision around bail, and the conditions to the bail. For example, this could include the DP not contacting the victim, returning to the address or local area.

An IM asked about prison shortages and the impact on bail.

Inspector CP explained that the courts may make a decision to bail from court, this depends on the level of the offence.

An IM asked what form an officer completes to identify the risk to a victim. Inspector CP confirmed officers complete a DASH form and if the victim is assessed as high risk the investigation is passed to a specialist team in force.

Sergeant GR explained that section 117 of Police and Criminal Evidence Act (PACE) 1984 means that use of force powers can be used. The moment a DP is resisting arrest officers can use force. Sergeant GR stated



	<p>that from the BWV the DP could be seen to be intimidating the victim, the DP was almost hanging out of the window, the DP was seen to flee and was almost hit by a car, and he assaulted a police officer. The use of force was proportionate, but it may not have been needed at this level had the officers acted earlier and handcuffed the DP at arrest based on the warning markers.</p> <p>An IM asked based on the warning markers should the officers present had more resource to support with the arrest.</p> <p>Sergeant GR explained that the officers had information prior to the arrest and there were two officers present. The officers let the DP take control. The two officers could have used force at the time of arrest.</p>
<b>Panel Decision</b>	Agreement from IM that use of force was proportionate.
<b>Actions taken by Police / feedback provided</b>	<p>Feedback to be shared with the officers and their supervisors.</p> <p>IMs felt the situation could have been managed better with an earlier intervention of handcuffing and highlighted the lack of control the officers had.</p>

**Case 4:**

<b>Location</b>	DERBY, DERBYSHIRE
<b>Subject</b>	<p>Male</p> <p>24 years</p> <p>1. White – North European</p>
<b>Type of force used</b>	Handcuffing
<b>Impact Factors (from Use of force form)</b>	Size/Gender/Build, Prior knowledge

<p><b>Incident summary</b></p>	<p>Caller reports that male is smashing their Nan's house up. Male has said to have smashed a window to try and get in to the property and has been joined by another male that is helping him.</p> <p>Officers attend and the males have dispersed. A further call is made from the subject male who provides his location and says he will wait there for officers to come and arrest him.</p>
<p><b>Outcome (i.e. arrested)</b></p>	<p>Arrested</p>
<p><b>Body Worn Video (BWV)</b></p>	<p>Yes</p>
<p><b>Panel Observations</b></p>	<p>An IM commented that this was a straight forward incident and the DP was very compliant because on the BWV the DP was seen putting their hands behind their back stacked ready to be handcuffed.</p> <p>An IM felt that this was a very good example of proportionate use of force.</p> <p>An IM commented that it was smooth and very quiet, the IM had no complaints.</p> <p>Inspector CP explained that the officer was new in force and was out with her sergeant.</p> <p>An IM noted that the officer checked the handcuffing with the DP.</p> <p>An IM commented that this was a perfect job.</p> <p>An IM commented that it was well handled.</p> <p>An IM felt that the officers had a calm approach.</p> <p>Sergeant GR commented that she would have like to have seen the arrest happen before the search because the DP needs to be able to hear and understand their rights. Sergeant GR explained that the section 32 of PACE 1984 search could have happened after the arrest had taken place.</p>

<b>Panel Decision</b>	IMs agreed that the use of force was proportionate.
<b>Actions taken by Police / feedback provided</b>	<p>Feedback to be shared with the officers and their supervisors.</p> <p>IMs felt that this was a calm approach, and handled well.</p> <p>Feedback to be shared around the section 32 of PACE 1984 search taking place after the arrest has been complete.</p>

**Case 5:**

<b>Location</b>	BUXTON, DERBYSHIRE
<b>Subject</b>	<p>Male</p> <p>48 years</p> <p>1. White – North European</p>
<b>Type of force used</b>	Handcuffing
<b>Impact Factors (from Use of force form)</b>	Alcohol
<b>Incident summary</b>	<p>Member of public reports that a Mercedes Sprinter van is all over the road and they believe the driver may have been drinking.</p> <p>Informant goes on further to say that he is behind the vehicle, and it has stalled in the middle of the road. The driver kept trying to drive off again but was clearly drunk.</p>
<b>Outcome (i.e. arrested)</b>	Arrested
<b>Body Worn Video (BWV)</b>	Yes
<b>Panel Observations</b>	<p>An IM commented that the officers were calm and it was a job well done.</p> <p>An IM noted how calms the officers were and that they did not shout at the DP. The IM noted that the officers could have used force to remove the DP from the vehicle, but they gave the DP a chance to exit the vehicle.</p> <p>An IM raised a concern around the officer moving the DP to the police vehicle in close proximity to passing traffic, particularly as from the BWV the DP appeared to be</p>

struggling to support themselves.

Inspector CP explained that on the BWV it the officers were seen to be supporting the DP to safely move from the driver's side of the vehicle to the pavement, and then into the police car.

An IM raised a concern that the officer decided not to breathalyse the DP at roadside.

Inspector CP explained that officers can handle a potential drink drive incident in two ways. Firstly, by carrying out a breathalyse test at roadside if the officer suspects the driver to be under the influence. However, this would not be used for evidence purposes. The second way is that if an officer can clearly identify that the driver is unfit for driving the officer can use section 4 of PACE 1984 and arrest the driver and conduct a evidential breath specimen at a custody suite.

An IM asked where the nearest breathalyser was for the incident. Inspector CP confirmed that there are breathalysers at both custody suites but for incidents that take place in the North of the county the force has an agreement to use Greater Manchester custody if that is closer to ensure evidence can be secured.

Sergeant GR explained that the use of force was used before the arrest. The officers had a right to use force to prevent an offence by assisting the DP to move out of the vehicle under section 3 of PACE 1984. However, they were not covered under any other legislation to apply handcuffs. Sergeant GR explained that this was a low level of force, but it could have been an unlawful use of force.

An IM asked whether the unlawful use of force would have impacted the DP's case. Sergeant GR explained that it would not impact the case regarding the offence the DP committed but the DP could be a claim in against the force around the unlawful use of force.

<b>Panel Decision</b>	The panel were happy with the actions of the officers but on realising that handcuffs had been applied before an arrest agree that the use of force was not proportionate in this instance.
<b>Actions taken by Police / feedback provided</b>	Feedback to be shared with officers and their supervisors.  Positive feedback around the officers manner and approach to dealing with the situation but caution around when officers have the legal power to use force.

**Further actions:**

No further actions.

**Date of next meeting:**

To be Confirmed