

Custody Detention Scrutiny Panel

AGENDA

Date of Meeting	24 th April 2025
Time of Meeting	1:00pm – 3:00pm
Location	In person – Conference Room 1
PCC Contact Officer	Ms Phoebe Stott
Constabulary Contact Officer	Head of Criminal Justice and Custody
Attendees	<p>OPCC - Ms. P Stott (PS) OPCC - Ms. R Hilton (RH)</p> <p>Derbyshire Constabulary – FM Derbyshire Constabulary – ND Derbyshire Constabulary – VH</p> <p>Spokesperson - AG Panel Member - CB Panel Member - JR Panel Member – LK</p> <p>Apologies Panel Member - PP</p>



1. Welcome & Apologies

PS welcomed everyone to the meeting and gave an apology on PP's behalf as he was unable to attend.

2. Declarations of Interest

PS asked if anyone had any declarations of interest before the meeting began - no panel members declared anything. PS explained that if during the meeting anyone realised that they did have any, then they should make it known.

3. Minutes of Previous Meeting

PS asked the panel members if they had anything to raise from the previous meeting minutes in which nobody did.

4. Review of Actions

PS informed the panel members that all actions from the previous meeting have been completed and asked if they had anything to raise in relation to this. Nothing further was raised.

Scrutiny – Use of Force

Prior to the meeting, AG sent PS her pre-meet report in which contained and collated all the panel members feedback after reviewing all of the relevant material.

5. Custody Records & CCTV

Prior to the meeting, the panel members were sent five redacted custody records to review and scrutinise the recording of use of force. At the meeting, they were shown CCTV footage for each incident. The tables below highlight their findings:

**Note: for the purpose of the minutes, the comments made by the panel in the pre-meet report are in black and any responses to questions asked, have been highlighted in red.*

CR1 - CXXXXX951

CCTV

ND explained to the panel that the custody footage for this use of force (referred to as UoF hereafter) had been deleted by the time he went to save it however, he had managed to find the body worn video (BWV) of the officers who were dealing with this detainee prior to her being booked into custody. The footage showed the detainee being quite irate and ND expressed that he wanted to show the panel the first five minutes of the BWV to show the de-escalation of the detainee's behaviour and to highlight how the officers acted in trying to negotiate and deescalate the situation.

VH showed the custody footage on the screen for the panel to view.

ND reiterated to the panel that this footage is outside the suite with the detainee being controlled by several officers because of the level of aggression she was showing.

ND explained that the item that the panel could see being used is a padded shield and the reason the officers have got their hands on her head is to try and control it because she had and was trying to bite the officers. A spit guard is then later put on her.

In the footage, the incident is taking place on the floor outside the van doc and due to this, LK asked how the detainee arrived on the grass. ND explained that the detainee was taken out of the van because she was banging and following this, the situation escalated outside.

During the recording, ND highlighted to the panel that the officers are explaining what they are going to do to the detainee before they do it, attempting to deescalate. Noting that they are using language like "you will be able to breathe through it" and "if you calm down, we will take it off you".

Also in the BWV, the detainee is complaining that her cuffs are too tight therefore, the officers conduct a check and VH reiterated to the panel that you can see from the footage during the cuff check that they move around on her wrists and aren't too tight. Officers are also informing the detainee that if she keeps her arms straight in the cuffs then she will not injure herself by wriggling about.

AG asked if people could breathe through a spit guard in which ND confirmed they can breathe through them as they are mesh.

VH moved the footage further on.

ND explained to the panel that in this part of the footage the officers are trying to get the detainee to sit up. ND pointed out to the panel that the other voice that they can hear in background of the recording was a nurse who had come out to check on her.

The relevant section on BWV finished therefore ND asked the panel if they had any further comments or questions. No body did. ND then reiterated to the panel that this detainee was under the influence and has mental health issues which resulted in her being quite aggressive and abusive.

Considering this, he felt the footage demonstrated a tremendous level of restraint and efforts to explain things to her, as well as trying to reason with her to descale the situation to bring the level of force down.

Following reviewing the footage, FM showed the panel a spit guard. FM noted that the spit guard does not stop you breathing or seeing. FM pointed out the protective part of the spit guard for the detainee's mouth to prevent them from biting.

Custody Record

Gender	Female
Adult or Juvenile	Adult
Ethnicity	Officer defined ethnicity: 2. White - South European Self-defined ethnicity: W9. Any other white background
Custody Suite	St Mary's Wharf, Derby
Scrutiny	
Type of Force Used	Handcuffs, Incapacitating spray, open hand techniques, taken to ground, restrained, spit hood.
Was this in custody or by custody?	In the van, in the docking area, before being booked in, if the following means that the restraint etc. occurred there: "Once arrival at Custody the DP was complaining of pain from the handcuffs and officer has gone to check and adjust them and then the DP has bitten an officer on the arm. DP has been restrained and attempted to bite another officer." In the 'Use of Force' account it states that she was taken to the floor outside the custody suite. Further

	accounts in 'Circumstances of Arrest' and in the Risk Assessment.
Location	In van. Outside suite. See above
Justification for the use of force	See above and account of Use of Force
Was everyone involved, identified?	Yes
Was everyone involved instructed to complete a report of the incident?	Yes. But no record of those reports.
Were there any injuries recorded?	Two officers bitten; DP suffered bruising
Were records/officer accounts completed as soon as possible?	Incident at 19.37, account in CR recorded at 22.58.
Was the subject vulnerable?	Yes. Bipolar, BPD, PTSD, memory problems.
Did the detainee make a complaint?	Yes. Was it followed up? – yes, please see comments below
Was first aid needed?	Yes
<p>Comments: A very thorough account in Use of Force section of CR.</p> <p>Good records of timing of cuffs, leg restraints and spit guard being applied and removed.</p> <p>P22 of our version of the CR, under the Review at 04.04 on 02.02. 2025 "Upon return to cell to advise re prop DP discovered her hair extensions had been cut out. I took the remains of one and gave it to a DO to place in her property". If hair extensions were cut out without her knowledge and/or consent does that amount to an assault? – please see comments below</p> <p>'DP is of interest to immigration'. There is no record of a IS91 being issued so she remained subject to PACE? – please see comments below</p> <p>Was a 'Use of Force report' completed by all custody staff involved? – yes, 5</p>	

ND then referred to the panel's comments on the table from their pre meet report.



In relation to the following question - *'Was everyone involved instructed to complete a report of the incident? Yes, but no record of those reports.'* ND answered that there were five pronto reports put in and the only reference to custody staff were the two that helped search the detainee, which is not a use of force in custody, but they were mentioned on the detention log entry. ND noted that there had been good levels of reporting from the officers involved in her initial detention and what happened outside of custody.

Referred specifically to the question raised by the panel, *'Did the detainee make a complaint? Yes, was it followed up?'* ND explained that last week she returned on bail and was charged with a number of offences, and confirmed that she did make a complaint, which was recorded, but it is now held sub-judice. ND explained to the panel that because the detainee made a complaint that the officer used excessive force and because the amount of force the police did or did not use may be a factor in the ongoing criminal case, the complaint is basically put on hold until the criminal matters have been resolved. Therefore, at the moment, there is no outcome to the complaint.

LK asked how long it might take and ND explained he would not be able to give a time scale as it depends. If the detainee pleads guilty, then it could be resolved at the first hearing. In cases like this, the Professional Standards Department (PSD) will write to the person, if she is found guilty, and say that because you have pleaded guilty/been found guilty, do you still wish to proceed with the complaint? If yes, then it would be investigated.

AG asked if the footage that the Constabulary had would be used in court as evidence in which ND responded that yes, if the case went to trial it would be put forward for evidence.

LK asked if the officers are left in limbo in terms of the complaint while the criminal investigation is ongoing? ND explained that unfortunately, procedural justice has to take place first, and although it is very frustrating if you have had a malicious complaint made against you, officers are aware that this is how it is. FM added that it can be quite impactful on officers when they have had a complaint made against them and it is not resolved for a significant amount of time.

CB asked if this would be held on the officer's record during this time? FM answered that it is not held on their record as there are no findings as such, but it is in the background until it can be looked at again.



Additionally, ND explained that if an officer were to go for another role, then part of the process would be look at any findings of misconduct, poor standards of behaviour or pending complaints. It would have to be disclosed, but there is an understanding that just because a complaint has been made, it does mean someone's guilty. Especially for a front-line officer, who is going into conflict most days.

AG asked if officers are offered any support, for their mental health if they are under this? FM answered that yes there are referrals that officers can take advantage of if they wish however, if an officer is under formal investigation, it might be that an officer cannot take advantage of support paid for by the Constabulary.

Moving on and further to the panels question of '*DP is of interest to immigration*'. *There is no record of a IS91 being issued so she remained subject to PACE?*'. ND answered that yes, she did, there were two reviews in the record in line with PACE. Immigration was informed but she was kept under PACE throughout.

JR asked if her hair extensions were cut out without her knowledge and/or consent does that amount to an assault? ND responded explaining it is not an assault in these circumstances. From looking at the background of the arrest, she had been trying to hurt herself by pulling her hair out, so the officers had concerns for self-harm. Furthermore, depending on the detainee's behaviour, sometimes officers will put them in a cell and remove or cut off their clothes or any other items that could potentially cause them harm. They can still make a civil claim to the Constabulary for these items however, it is lawful because of the detainee's behaviour.

JR explained that it was not clear from the record whether she had taken them out or they were cut out.

Panel commented that it was really useful to see the video footage. In addition, the panel felt that it was a well completed custody record.

CXXXXX629

CCTV

VH showed the custody footage on the screen for the panel to view, however there was no sound for this particular bit of footage. ND explained that you get audio at the booking desk and all the way around the process room but not in the holding area.

LK asked if there was a possibility that might change? ND said it was unlikely as it would mean changing all of the cameras, and there is no actual requirement to have audio recording in the holding area. Further to this, PS explained that if anything was to happen, the officers have got body worn they can use which would record the audio.

During the recording, ND pointed out that the detainee was bouncing around and showing signs of being agitated which is understandable considering the circumstances, but the officers were monitoring him while giving him space. ND makes the panel aware of the detainee starting to bang his head against the window, which is when the officers intervene and sit him down to stop him harming himself.

ND made the panel aware that the officers were controlling the detainees head, and they had their hands on his arm to keep him seated in an upright position which is a reasonable amount of force to stop him from harming himself any further and deescalate the situation.

This, however, did escalate throughout the recording as the detainee ended up on the floor with a spit guard on. ND further explained to the panel that one officer had their hands on his legs and one officer had their hands on his hands on the floor making sure he does not kick out. A process used to try and deescalate a situation as the officers will always try and avoid straight to cell because they want to try and get some information out of the detainee before they are put into the cell to assess any risks, they need to be aware of i.e. health and medical.

Custody Record

Gender	Male
Adult or Juvenile	Juvenile
Ethnicity	Officer defined ethnicity: 1. White - North European Self-defined ethnicity: NS. Not stated
Custody Suite	St Mary's Wharf, Derby
Scrutiny	
Type of Force Used	Taken to floor, spit hood, handcuffs, prone restraint
Was this in custody or by custody?	In custody or by custody? Authorisation was at 14.00. Handcuffs removed at 13.55. However in the account of Use of Force at 14.45 - 'Handcuffs remained on. DP taken to cell where handcuffs were then removed.'
Location	In 'Bubble' and DR4.

Justification for the use of force	Aggressive to police in 'bubble', threatened to spit at officers.
Was everyone involved, identified?	Yes
Was everyone involved instructed to complete a report of the incident?	Yes but no record of reports
Were there any injuries recorded?	No
Were records/officer accounts completed as soon as possible?	Report completed at 14.54. Arrest authorised at 14.00. So, no significant delay
Was the subject vulnerable?	Autism, Bipolar, Juvenile, 'Looked after child'.
Did the detainee make a complaint?	None recorded
Was first aid needed?	None
Comments: A record without too much information. Banging his head in Bubble: a contributory factor in having to use force? No need to see HPC? – no, as he wasn't banging his head extremely or significantly hard. Was a 'Use of Force report' completed by all custody staff involved? – yes, how many?	

Following reviewing the footage, the panel members referred to questions on the pre meet report

AG asked how hard would he have to bang his head before the officers intervene? ND answered that the detainee did it the first time which did not have much of an impact, but the second one was harder which is when the officers intervened.

AG asked if there was a record of when the spit guard was put on? Would it normally be recorded? ND explained that not necessarily, officers would tend to look at handcuffs when noting down the time they were taken off as it does not make an impact on the subject how long they might have a spit guard on.

Further to this AG asked if there is a maximum time that a detainee can have a spit guard on? ND answered that there is not a maximum time as such to have a spit guard on. It is kept to a minimum where possible and it is consistently monitored.

FM added that there is no maximum time, it just has to be kept under review. As soon as the level of risk drops, the spit guard should come off. The only other exception would be if it was covered in something e.g. blood or gas, then it would be taken off and replaced if the officers felt there was still a level of risk.

AG asked whether the use of force forms were filled in? ND confirmed that they were.

JR asked who would fill in these forms and ND confirmed that it is anyone that uses force, or if you use force that threatens then you would fill in a use of force form. E.g. a baton was drawn but not used.

During the footage, the incident took place in the holding area in the suite and people were walking past so CB asked if it would be normal to have people walking through the holding area while there is a detainee in there and this incident is occurring? ND responded that it is normal and okay if the person is properly detained. As this is a working custody suite, it is about determining whether the incident can be safely managed but keeping them sat in the holding area.

No further comments were made on this case.

CXXXXX839

CCTV

VH showed the custody footage on the screen for the panel to view.

During the recording, ND explained to the panel that the detainee came to the desk calm and that he was not wearing hand cuffs. ND pointed out that the detainee started banging on the desk and pointing his finger which are signs of escalation.

Custody Record

Gender	Male
Adult or Juvenile	Adult
Ethnicity	Officer-defined ethnicity: 1. White - North European Self-defined ethnicity: NS. Not stated
Custody Suite	St Mary's Wharf, Derby
Scrutiny	
Type of Force Used	Taken to floor, leg straps, spit hood, prone restraint.

Was this in custody or by custody?	Before arrival, 'taken to floor, leg straps, spit hood'.
Location	In custody, at booking in desk and cell F3
Justification for the use of force	Aggression and abusive language towards officers, spitting at officers. DP's 'unpredictive' nature, (racially aggravated?) assault on a Sgt.
Was everyone involved, identified?	Yes at least 7 officers identified. 2 who carried the DP to cell not known
Was everyone involved instructed to complete a report of the incident?	No, but reports by four officers included in the CR.
Were there any injuries recorded?	None recorded
Were records/officer accounts completed as soon as possible?	Officer's record of UoF completed at 0207. Event was at 02.20! (page 11 of CR provided) – please see comments below
Was the subject vulnerable?	ADHD
Did the detainee make a complaint?	No record
Was first aid needed?	DP taken to hospital with suspected head injury but discharged without need of treatment. No suggestion that the injury was related to Use of Force.
Comments: DP was drunk and repeatedly sick. He was taken straight to cell and was seen by the HCP. Body worn video available. Was a 'Use of Force report' completed by all custody staff involved? – yes, 9	

With regards to the questions raised on the pre meet report, ND told the panel that there were nine use of force forms submitted for this incident.

CB asked that if an officer takes over from another officer, would that mean that both officers would fill in a form even if they are doing the same thing e.g. holding their arm to which ND answered yes.

AG raised one of the comments the panel had at the pre-meet about the use of force for being completed at 02:07 but the event had happened at 02:20. ND explained that when you click onto something it defaults the time that you click onto it but then there's the time that it actually is submitted. In this case, the officer opened the entry at 02.07

and during this time, the UoF incident occurred therefore the entry wasn't actually submitted until 02:28.

CXXXXX596

CCTV

VH showed the custody footage on the screen for the panel to view.

CB asked why the officers handcuffed the detainee to the front even when he was kicking? ND explained that he was unsure, but they should have handcuffed to the rear. FM explained that officers use to be like taught to handcuff to the front so some officers will automatically handcuff to the front but generally it should be to the rear.

Custody Record

Gender	Male
Adult or Juvenile	Adult
Ethnicity	Officer-defined ethnicity: 1. White - North European Self-defined ethnicity: W3. Gypsy or Irish Traveller
Custody Suite	St Mary's Wharf, Derby
Scrutiny	
Type of Force Used	Hand cuffs and 'unarmed tactics'
Was this in custody or by custody?	In custody. Hand cuffs had been removed but were re-applied
Location	Custody point A and cell F9
Justification for the use of force	Severely intoxicated and threatening to assault custody staff
Was everyone involved, identified?	Five officers identified
Was everyone involved instructed to complete a report of the incident?	Yes, but no evidence of reports being made
Were there any injuries recorded?	No
Were records/officer accounts completed as soon as possible?	DP arrived at 00.22, detention authorised at 00.31, so the UoF was during that period? The record was completed 01.16. so not serious delay
Was the subject vulnerable?	String of physical and mental conditions, including schizophrenia and sleep apnea and seizures

Did the detainee make a complaint?	None recorded
Was first aid needed?	None, but taken to A&E with chest pains!
Comments: Was a 'Use of Force report' completed by all custody staff involved? - yes, a number of forms were completed	

ND confirmed to the panel that several pronto forms were filled.

Panel were happy with the custody record and recording of UoF.

CXXXXX533

CCTV

VH showed the custody footage on the screen for the panel to view.

During the record, AG asked at what point do the police officers leave the detainee with the custody officers? ND answered that the police officers will leave once the custody officers have gained full control, but they often stay the whole booking in process.

CB asked what percent of detainees cause issues when being booked in? ND answered that he cannot really give a figure as it differs person by person.

Custody Record

Gender	Male
Adult or Juvenile	26
Ethnicity	Officer-defined ethnicity: 1. White - North European Self-defined ethnicity: W1. White British
Custody Suite	Wyatts Way, Ripley
Scrutiny	
Type of Force Used	Hand cuffs, spit hood, leg restraints left on in custody but removed at 00.05 only 23 mins after arrival and before authorisation + hand cuffs to rear left on until after strip search. Spit hood removed
Was this in custody or by custody?	In custody

Location	Booking in desk and F3
Justification for the use of force	Violent with police on arrest, angry and abusive when being booked in
Was everyone involved, identified?	Yes
Was everyone involved instructed to complete a report of the incident?	Yes, but no reports included in CR
Were there any injuries recorded?	Officers, none. DP unknown
Were records/officer accounts completed as soon as possible?	Event was presumably between arrival at 23.42 and authorisation at 01.42. The report of UoF was completed at 00.29. Is this quite feasible?
Was the subject vulnerable?	Refused to answer RA questions. Drunk or drugged.
Did the detainee make a complaint?	None recorded
Was first aid needed?	Head injury, but sustained before arrest
Comments: CCTV assumed to be available. Body worn video not available Was a 'Use of Force report' completed by all custody staff involved? – yes, a number of forms were completed.	

ND confirmed that the use of force forms were filled in.

5a. Policy, Law & Legislation

The panel were asked if they had anything to in relation to documents they were provided with, but nothing was raised in relation to this.



5b. Figures and Statistics

The panel were asked if they had anything to in relation to figures and statistics they were provided with, but nothing was raised in relation to this.

5c. HMIC Recommendations and Force Progress.

The panel were asked if they had anything to in relation to HMIC recommendations that they were provided with, but nothing was raised in relation to this.

5d. PSD UoF Complaints Stats

ND explained that in terms of the high volume of complaints that PSD receive, a small amount of those are for the use of force.

JR asked about the ways someone can make a complaint. ND explained that making a complaint is very easy and it can be done from home. They can make a complaint online, over the phone etc. PS explained that the OPCC sometimes will get people calling and emailing to make a complaint and they will provide the details for the PSD. Additionally, FM explained that custody have to make detainees aware of how to make a complaint to comply with HMIC.

Observation wise in relation to the stats, AG stated that she noticed that more white people made more complaints in the statistics that the panel received.

5e. Any other general observations or concerns

The panel were asked if they had any other general observations or concerns to raise, however the panel had nothing to raise.

Scrutiny – Deaths in Custody

6a. Deaths in custody Figures and Statistics

The panel were asked if they had anything to in relation to the figures and statistics they were provided with, but nothing was raised in relation to this.



6b. Deaths in custody Policy, Law & Legislation

The panel were asked if they had anything to in relation to documents they were provided with, but nothing was raised in relation to this.

6c. HMIC Recommendations and Force Progress.

The panel were asked if they had anything to in relation to HMIC recommendations that they were provided with, but nothing was raised in relation to this.

6d. Custody Estates Update

CB asked if when Chesterfield custody suite opens, will the only people in there be the custody staff? ND explained that the specifics are yet to be completed, but the Custody Investigation Unit are likely to be based there.

Further to this, CB raised her concerns for custody staff working during the night alone. FM explained that the specifics are yet to be completed but potentially there will be times when the custody staff are alone however, other measures will be put in place. ND explained that the Local Policing Unit spend time outside of the station so in terms of a night shift there will not always been others in the building even if their teams are based there.

6e. Any other general observations or concerns

The panel were asked if they had any other general observations or concerns to raise, however the panel had nothing to raise.

7. Any Other Business

PS asked if anyone had any other business, they would like to raise in which nobody did.

Next Meeting: Tuesday 22nd July 1:00pm-3:00pm

