



Custody Detention Scrutiny Panel Meeting Minutes

Date of Meeting	Tuesday 22 nd July 2025
Time of Meeting	1:00pm-3:00pm
Location	Force HQ
PCC Contact Officer	Ms. Phoebe Stott
Constabulary Contact Officer	Superintendent Jonathan Clark
Attendees	OPCC - Ms. P Stott OPCC - Ms. R Hilton Derbyshire Constabulary – EB Derbyshire Constabulary – LH Derbyshire Constabulary – ND Spokesperson - AG Panel Member - LT Panel Member - LB Panel Member – SS

1. Welcome & Apologies

PS welcomed everyone to the meeting and briefly ran through the agenda to explain what was going to be discussed.



PS explained that this was the final meeting of the year and that, from the next meeting, the groups would rotate to ensure each had the opportunity to look at different topics over the coming year.

PS noted that she would need to review the rotation of the chair, as it is an annual commitment. As a result, this meeting marked AG's final one in the role of chair. Information about this will appear in due course.

ACTION – PS TO REVIEW THE CHAIR FOR THE MEETING

PS offered apologies on behalf of BM, noting that he was unable to attend the meeting. However, he had shared his comments in advance for the panel to raise during the discussion. PS confirmed that BM will receive a copy of the minutes following the meeting so he is aware of the outcome, and he can follow up with any concerns he has raised.

ACTION – PS TO SEND BM THE MEETING MINUTES

EB introduced LH as the new Policy and Administration Officer for the Criminal Justice Board to the panel. EB explained that LH will be working closely with her and therefore will be involved in the Custody Detention Scrutiny Panels moving forward.

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 let her know.

3. Minutes of Previous Meeting

PS explained that reviewing the previous meeting's minutes during this session was a bit challenging, as the current panel did not attend the last meeting due to the rotation system in place. Since the panels alternate attendance, the minutes were not directly applicable for discussion.

However, PS noted that all panel members receive copies of the minutes from every meeting—regardless of attendance—to ensure everyone stays informed. She therefore invited any comments or questions.

The panel confirmed they had no concerns or questions to raise.

4. Review of Actions

PS explained that there were no actions from the previous meeting therefore, nothing to review or provide an update on.

SCRUTINY: CUSTODY RELATED CRIMINAL JUSTICE DECISION POINTS

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

5. Performance data

PS explained that, ahead of the meeting, panel members were provided with a PowerPoint presentation containing the performance data. They were asked to review the information and highlight any concerns or questions they might have.

AG noted that the panel had provided a few comments on the performance data, which were included in their pre-meeting report.

AG asked whether when police charging decisions is mentioned, does that mean all charges?

ND responded that this was not the case. He explained that the charging rules specify certain offences where the police have the authority to charge, and others, known as indictable-only offences, where only the Crown Prosecution Service (CPS) can authorise a charge. These include offences that must be heard in a Crown Court or fall

into specific categories, such as domestic abuse, racially motivated offences, or hate crimes, which require CPS sanction.

There is also a middle ground where the decision depends on the circumstances. For example, in some assault cases, if the suspect admits guilt and sufficient evidence is available, the police can authorise the charge. However, if the offence is denied, it must be referred to the CPS, as it would proceed to a full trial requiring a formal prosecution case.

ND mentioned that there is guidance available online outlining the charging process, should panel members wish to explore the topic further.

ND explained that he was unsure whether the performance data that the panel were given prior to the meeting to review was just police charges or all charges, including CPS charges.

EB confirmed that the performance data the panel had been given only related to police charges.

AG shared that, after reviewing the performance data, the panel did not find any disparities.

ND clarified that, although the panel had not identified any disparities in the data, it remains important to understand the differences between types of cases. He emphasised that the police should be held accountable only for decisions within their control, specifically, their own charging decisions.

If a significant disparity were identified in police-led charges, the force would investigate whether there was an issue that needed addressing. However, in cases charged by the CPS, the police have no influence over the outcome. The force provides the CPS with all relevant information, but the final decision rests with them. Therefore, if any disparity were found in CPS-led charges, it would be for the CPS, not Derbyshire Constabulary, to address.

AG highlighted that this was a positive outcome that the panel did not find any disparities within the performance data.

AG asked if there was a reason why a lower proportion of Black, Asian and Minority Ethnic (B.A.M.E) individuals were cautioned?

ND explained that Sergeant Melanie Hague would be best placed to answer that question, as she oversees out of court disposals. This includes matters that do not proceed to court, such as conditional cautions or restorative justice interventions.

**ACTION – FOR PS/ND TO REQUEST A COMMENT FROM SGT HAGUE TO
UPDATE THE PANEL**

In the meantime, ND noted that much of this will depend on the nature of the offences—particularly whether they are suitable for a caution. The finer details of out-of-court disposals will play a significant role, and seeking Sgt Hague's input would provide a more accurate and informed view.

EB added that, in her role, she facilitates the Constabulary's Out of Court Disposals Scrutiny Panels for both youth and adult cases. She noted that the Constabulary now has a dedicated Out of Court Resolutions Hub, led by Sgt Hague, who is supported by a team of three officers. Any case where an out-of-court resolution may be appropriate is now referred to the hub for a decision. The process follows a prescriptive flowchart to ensure that decisions are appropriate and proportionate and that it is not a street decision anymore unless it's a green case.

For example, in a straightforward case where someone is caught taking a tube of toothpaste from a shop and it's their first offence, a simple warning would typically be considered appropriate—this would be classified as a 'green' case. The Constabulary would not usually prosecute such low-level incidents.

However, cases classified as 'amber' or 'red' involve more complexity, such as previous use of out-of-court resolutions, the number of times they've been issued, compliance with previous conditions, the individual's age, and their likelihood of reoffending. These factors are now assessed through the Out of Court Resolutions Hub, which aims to ensure decisions are proportionate and consistent, helping to reduce any potential disproportionality in the application of out-of-court resolutions.

EB also explained that there is a lot of national guidance that has been used to set the hub up, and the formula that they have to run through. But as always, when it comes to



the data, the Constabulary are stumped as we have to give self-defined ethnicity not what the officer defines it as.

AG asked whether this requirement might explain why ethnicity data is often missing or appears to be unrecorded?

EB explained that unfortunately, the Constabulary will always be in this situation when it comes to what they report on as they have to go with self-defined ethnicity. However, for the most part, we do also capture officer defined ethnicity. When the packs are created for this meeting, generally a split is given between self-defined and officer defined but if you ever see a large chunk of not recorded it is because we are having to go off self-defined ethnicity.

LT asked how long the hub process takes and how often do they get together?

EB answered that it is generally open Monday to Friday, office hours.

ND added that if it is out of hours, they will be bailed for a short period of time so that when the Hub staff come back in they can review it.

AG pointed out that very often ethnicity is not stated, however it is noted in the arrival data that all the ethnicity has been defined most of the time.

EB answered that the officer defined ethnicity. National guidance and local policy states that the Constabulary should only be using self-defined ethnicity as it is more accurate and a better representation in terms of data. The data packs that are made available for meetings such as this must align with the national guidance. However, if it helps EB will ensure she does the data packs so that she can make sure going forward where possible that both sets of data is included for the panel to see and review.

ACTION – GOING FORWARD, EB WILL ENSURE SHE PUTS THE DATA PACKS TOGETHER TO MAKE SURE BOTH SETS OF DATA ARE INCLUDED.

AG highlighted that the panel had noted a significant reduction in the use of anti-rip clothing, which was seen as a positive development. The panel commended the Constabulary for their efforts in achieving this outcome.



SCRUTINY: MENTAL HEALTH

6. Custody Records

Prior to the meeting, AG sent PS her pre-meet report in which contained and collated all the panel members feedback and comments in relation to the mental health custody records ahead of the meeting.

CXXXXX181

37 yr old Male, White British. Derby Suite

How long was the detainee in custody?	16hrs 45 mins in custody.
Did the detainee have a mental health problem?	Drug abuse, brain injury. Epileptic
Panel comments	<p>The need for a MH assessment was not recognised until the DP was *interviewed, about 11 hours after authorised detention. His behaviour caused concern and at 13.05 (about 13 hrs after authorisation) he was assessed by L&D and Mental Health Clinician. Thorough accounts recorded. CJDLT proposed a MHAA in custody but this denied because the case did not reach the relevant criteria. CJDLT liaised promptly with the Radbourne suite where a bed was found, if DP judged to be physically fit for transfer by HCP.</p> <p>Good record of communication with Radbourne Suite but only contact information was "Bleep holder, Sam". Is this adequate? – [The Constabulary wouldn't expect more than this and best practice would be first name and surname, however, isn't concerning]. Male staffing arranged.</p>

	<p>The arrangements with the Radbourne suite were well documented. The plan was to detain DP under S136 upon release to allow for further assessment. (Sgt?) Parry tried to access SOP re MH in Custody but 'access (if?) denied.' Shouldn't there have been a record of officer who took the DP to the Radbourne suite (identified) being briefed? Perhaps not necessary because of conversations between custody/CJLDT and the Radbourne. – no separate form</p> <p>We noted that the DP had AA assistance for rights, RA and review. *(Had been judged Not Fit for Interview)</p>
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AG stated that the panel was satisfied with the detainee's treatment and noted that an appropriate adult had been present throughout. AG highlighted that this detainee ended up with a place at the Radbourne Suite which appeared as an easy route out of custody as the detainee had a place to go.

AG noted that the panel had made only a few comments regarding this particular custody record. AG then queried the entry documenting communication with the Radbourne Suite, which was recorded as: *T/C to Radbourne Unit bleep holder Sam*'. AG asked whether this level of detail would typically be considered sufficient.

ND answered no because the bleep holder is a generic line and that is a known number. If there was ever any doubt, you would be able to look at their records and find out who was the bleep holder at that time. ND explained that the officer could have put in a surname but what was inputted was sufficient.

ND explained that officers have to do a lot of reporting to the Home Office in relation to annual data requirements and this includes mental health issues and the use of Section 136 out of the suite and in the suite. Any officer that uses Section 136 powers there is a

separate form with all of these details in and because of this there is no need to go into detail on the custody record.

LT asked when a detainee is taken to a 136 suite, how long are they the responsibility of the custody officers.

ND answered that as soon as they have been bailed out of custody, they are no longer in the care of custody officers, it would be whoever the officers are that have come to take them to the suite. Once the detainee has arrived at the suite, the clinicians will take over responsibility and the officers will leave. All information in relation to this would be on the separate form.

SS asked who issues the Section 136 powers?

ND clarified that Section 136 can be exercised by any police officer, regardless of rank. The power applies when an individual is in a public place, appears to be experiencing a mental health crisis, and intervention is necessary for their own safety or the safety of others. ND emphasised that this is not considered an arrest.

AG mentioned that Sgt Parry tried to access the Standard Operating Procedure (SOP), but access was denied, is there a reason?

ND answered that he was unsure why that happened, however he should not need to. ND informed the panel that he would look into this.

ACTION – ND TO LOOK INTO WHETHER SGT PARRY CAN ACCESS THE STANDARD OPERATING PROCEDURE

ND informed the panel that over the past 18 months, the availability of beds at these suites for detainees has significantly improved. Instances where individuals are assessed while in custody are now less often, and in such cases, the waiting time to secure a bed is considerably shorter than it was previously. The Constabulary has monthly meetings with professional services to discuss them.

CXXXXX774

26-year-old Female, White British. Derby suite.

How long was the detainee in custody?	30 mins in custody.
Panel comments	<p>DP suspected of assault. Even though thought to be in mental health crisis a MH assessment cannot be done in a dwelling. So the arresting officer had 'little option' but to bring her to custody.</p> <p>HCP stated that DP not fit to be in custody.</p> <p>Sgt 'cannot have her for an hour or so as the officer liaises between Radbourne and MH triage, so I have suggested they take her straight to A&E.'</p> <p>Detention was not authorised.</p> <p>We assumed that the arresting officers took her to A&E</p> <p>HCP (not named) was involved in the decision to take to A&E, but no formal FTD assessment was done.</p> <p>Does this come in the category of a Pre-Custody MH Concern?</p> <p>As far as we could tell from this abbreviated case it conformed to the SOP.</p> <p>Where does the responsibility of the police end?</p> <p>Does custody have any responsibility in this case?</p>

AG noted that this custody record was brief, and while the panel raised some points in their pre-meeting report, particularly regarding where police responsibility ends, these concerns have already been addressed in response to one of LT's earlier questions.





AG stated that in this case, the detainee was judged by the Health Care Professional (HCP) not to be fit to detain. If someone is not fit to detain, what do the custody officers do? Where do they go?

ND explained that the decision can vary depending on the circumstances. They are referred to the HCP for them to make that decision. In some cases, an individual may be deemed unfit to detain unless specific conditions are met. For example, someone with sleep apnoea might be considered unfit to be left alone in a cell but could be deemed fit to detain if placed under Level 4 observations.

6a. Mental Health Figures and Statistics

The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

6b. Mental Health Policy, Law and Legislation

The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

6c. Distraction Materials

The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

6d. HMICFRS Recommendations and Force Progress.

The panel members were provided with the HMICFRS recommendations from the last inspection in 2018 prior to the meeting and an update as to where the Constabulary are at now. The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.



6e. Any other general observations or concerns

The panel was asked whether they had any other general observations or concerns, but no issues were raised.

SCRUTINY: Use of Anti-Rip / Safety Suits

7. Custody Records

Prior to the meeting, AG sent PS her pre-meet report in which contained and collated all the panel members feedback and comments in relation to the mental health custody records ahead of the meeting.

CXXXXX427

34 yr old Male, White British, Derby suite.

How long was the detainee in custody?	17 hours
Panel comments	<p>Intoxicated, aggressive and violent. Had been head hitting in the car after arrest. 'Self Harm? No'.</p> <p>Detention authorised at 01.31.</p> <p>Was issued with a track suit initially.</p> <p>Seen by HCP because of Captor and sore wrists.</p> <p>Judged not fit to interview</p> <p>At 01.52, under record of Use of Force, record of DP using T shirt as ligature around his neck, and violence. Upper clothing removed at 02.37.</p> <p>Cords removed at 02.38</p> <p>The record of him being provided with a safety suit was under 'Use of Force' at 03.05. "Smock left in Cell" 'to maintain his</p>

	<p>dignity'? Also under 'Detainee Welfare' at 03.57.</p> <p>This contrasts with the full rationale in the example given in the SOP under the heading of **Safety Suit**. How will this better format for entry into Niche be made general practice?</p> <p>Use of the suit was reviewed at 04.22.(by Sgt?) and judged still to be necessary. His 'routine' inspector's review was performed at 05.53 but there is no record of the use of the suit being considered. – should have been. The use of anti-rip clothing was reviewed again at 06.26 when normal clothing was returned. He was not in the suit at handover times. The rank of staff doing the safety suit reviews is not recorded.</p> <p>HCP advised on observation levels. While he was in the suit all cell visits were recorded as level 3 with the exception of that at 05.28 which was recorded as level 1. A recording error?</p> <p>DP was interviewed at 16.25. after normal clothes had been returned.</p> <p>We felt that the treatment of this DP, as recorded, met with the requirements of the SOP. Rationale given was thorough if perhaps not recorded as perfectly as recommended.</p>
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AG explained that, overall, the panel felt the use of the safety suit was well documented in the custody record. The panel had been shown an example of best practice for recording safety suit usage; however, neither of the custody records reviewed included a dedicated section for this.



ND explained that there are specific entries or the custody detention officers can search on particular terms, so if they see safety suit then it will pull it out. Sometimes it can be under use of force or the initial care plan.

AG suggested that there is no way of knowing from the custody record whether the detainee put the safety suit on.

ND explained that the custody detention officers would issue the clothing but they would not force someone to put it on, it would be their choice. In addition, it also would not necessarily need to be documented whether they have decided to put it on or not, just that it has been issued.

LT stated that the rationale for the use of the safety suit was recorded very well.

CXXXXX070

48 yr old Female. Northern European, Derby suite.

How long was the detainee in custody?	14 hours
Panel comments	<p>Detention authorised at 23.11.</p> <p>04.18 Use of Force and Adverse Incident reports– jumper tied round neck and safety smock issued. HCP was asked to see the DP.</p> <p>The DP was then on level 4, close proximity, from then onwards, apart from a record for the cell visits at 04.29 and 04.56 which record level 1.</p> <p>It is extremely difficult to know when the use of the safety suit ended since the DP was variously described as naked (04.29), “managed to encourage her to put some clothes on” “in provided clothing” (review at 05.42.) So was the safety suit on longer in use? – [CDOs cannot force people to put clothes on].</p> <p>She was naked again at 6.06 and at 8.02.</p>

	<p>At her Inspector's review at 5.42 there was reference to her clothing (as above) but no report of a review of the anti-rip suit.</p> <p>No mention of review of the use of the suit at handover.</p> <p>No record of clothing being provided other than the oblique reference at her review (above).</p> <p>An AA was allocated.</p> <p>No interview.</p> <p>Released without charge and taken home by police (dressed?!)</p> <p>The use of a safety suit was justified by behaviour of DP but record of its use was not made in the manner recommended in the SOP.</p> <p>Because of the challenging behaviour of the DP, and her inclination to take her clothes off, the role of the safety suit was difficult to follow.</p> <p>It was not possible to work out how long it was before regular clothes were issued. HCP and custody staff seem to have given her a lot of attention.</p> <p>Significant custody resource must have been used to keep her under close proximity watch for many hours.</p> <p>Incidentally, we observed that 'Use of Force' and a 'Critical Incident' were well recorded where safety suits were issued.</p>
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AG explained that the panel had difficulty determining when the safety suit was issued to the detainee and when she was returned to her own clothing. There was reference to her clothing but no reference to a review.



ACTION – ND TO LOOK INTO THIS AND PROVIDE A RESPONSE TO THE PANEL.

AG mentioned that the panel got the impression that the detainee was difficult but the custody detention officers had handled her carefully and well.

7a. Figures and Statistics

The panel was asked whether they had any comments regarding the documents provided, but no issues were raised. AG noted that the panel were impressed by how low the numbers now are.

7b. Policy, Law & Legislation

The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

7c. HMICFRS Recommendations and Force Progress.

The panel members were provided with the HMICFRS recommendations from the last inspection in 2018 prior to the meeting and an update as to where the Constabulary are at now. The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

7d. Any other general observations or concerns

The panel was asked whether they had any other general observations or concerns, but no issues were raised.



SCRUTINY: Access to Services

8. Custody Records

Prior to the meeting, AG sent PS her pre-meet report in which contained and collated all the panel members feedback and comments in relation to the mental health custody records ahead of the meeting.

CXXXXX417

15 year old male. White British. Derby suite.

How did the detainee need to see?	DP needed to see HPC and AA and solicitor.
HCP comments	HCP was requested at 11.34 (12 minutes after authorisation) and DP was screened and spoken to by L&D at 16.27 - 5 hrs after the request. But we feel this does not fulfil the need for an HPC assessment.
AA comments	AA – notification was recorded as 21.30, nearly 10 hrs after authorisation. BUT AA was present when samples were taken at 13.59, 2.5 hrs after authorisation and 6 hrs before the AA was notified!! – dad was originally AA however, was deemed inappropriate during detention therefore CANW was notified to attend AA was also present for rights at 22.06 and RA at 22.07 AA was notified at 21.30 but the interview was conducted at 20.54. There is no record of an AA being present at the interview.
Solicitor comments	Solicitor- CDS (criminal defence solicitor (can provide advice via the phone))

	<p>(Defence Solicitor Contact Centre (DSCC)) instructed at 11.31 or 11.50. At 14.26 the solicitor is notified that the interview is scheduled for 15.30, but the DP did not see the solicitor until 20.36 and the interview took place at 20.54., 5.5 hrs later than planned. It is not clear from the CR if this delay was due to waiting for the solicitor. We did note that four suspects were being investigated in this incident and that this could be the reason for the delay. Presence of solicitor not recorded at the interview.</p>
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AG asked why the appropriate adult was not notified until 6 hours after authorisation?

From looking at the custody record, ND and EB explained that to begin with the father of the detainee was acting as an AA. However, further down the line it transpired that he could not be an AA which is why it took 6 hours for an AA to be notified.

ND explained to the panel the process of getting an AA and a solicitor to come into custody.

AG queried why the interview did not see the solicitor and get interviewed for 5 and a half hours?

ND explained that he was not sure, however there was more than one person arrested so it is likely that they will have been interviewed one by one and all had the duty solicitor which will have been one person.

SS noted that custody records include a section indicating whether a solicitor has been offered, whether the detainee accepted, and the time the solicitor was contacted usually within minutes. Why is there no equivalent process for AAs? Specifically, why is this not the case for AA's, normally it is a vast amount of time later that they are notified.

ND explained that the process is considered a notification when contacting the Defense Solicitor Contact Centre, as it simply involves making a call and receiving an answer. However, for AA's, even though there is a designated phone line, if no AA is available and there is no one to escalate the request to, then the necessary support for the young person has not been provided. In such cases, the Constabulary cannot count the call as a valid notification.

AG mentioned that the presence of the solicitor was not recorded at the interview.

EB requested that an action is taken for her to pick it up as part of the internal custody scrutiny panels.

ACTION – EB TO RAISE THE PRESENCE OF A SOLICITOR AT INTERVIEW NOT BEING RECORDED ON THE CUSTODY RECORD IN HER INTERNAL SCRUTINY PANELS

ND explained that in some cases, the solicitor may have indicated they are ready for interview and proceeded directly without informing the Custody Detention Officers (CDOs), meaning the interview start time isn't properly recorded. He acknowledged this as an issue and is working to ensure that CDO's are notified so the appropriate record can be made.

CXXXXX392

13-year-old girl. White British. Ripley suite

How did the detainee need to see?	DP needed to see HCP, AA, CJDLDLT, solicitor.
HCP comments	HCP was requested at 11.03, 30 mins after authorisation. DP seen at 11.48, about 45 mins after authorisation. Sgt was updated by HPC at 12.38 DP given medication at 12.41, about 2 hrs after authorisation.

AA comments	<p>AA was notified at 12.30, 2 hrs after authorisation.</p> <p>The AA was in fact a Community Social worker so the short delay may have been due to making that contact.</p> <p>The first contact was recorded at 13.54, 3.5 hrs after authorisation, for Rights and for the RA 3 mins later.</p> <p>AA was also present at the interview, and we were impressed that the AA, once at the custody suite, seems to have stayed with the DP throughout her stay and was present at release.</p> <p>This CR does not give the opportunity to comment on CANW because the support was provided by a Community Social worker.</p>
Solicitor comments	<p>Solicitor was requested 15 mins after authorisation, first contact was nearly 4 hrs later. Solicitor was present at interview, and the interview was about 30 mins later.</p>
L&D comments	<p>L&D - was seen by both L&D and CJLDT about 2.5 hrs after authorisation. Separate reports.</p>

The panel commented that it was great to see that the AA was a social worker and stayed with the detainee for the duration of their detainment.

8a. Force Policy, Law & Legislation

The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

8b. HMICFRS Recommendations and Force Progress



The panel was asked whether they had any comments regarding the documents provided, but no issues were raised.

8c. Any other general observations or concerns

The panel was asked whether they had any other general observations or concerns, but no issues were raised.

9. Other topics at the request of the panel

The panel was asked whether they had any other topics at the request of the panel, but no issues were raised.

10. Any other business

AG asked that next year; can the panel pick from a list of custody records to make sure it is the panel that selects the records and they then have assurance that they aren't purposely selected.

EB confirmed that going forward where possible she will give the panel in advance a list of just custody records numbers so the panel can select records however, to note that they may not select very diverse records doing it this way.

ACTION – EB TO PROVIDE THE PANEL WITH A LIST OF CUSTODY RECORDS FOR THEM TO DECIDE GOING FORWARD.

Meeting concluded.

Next Meeting: Tuesday 28th October 2025