



**Derbyshire
Police and Crime
Commissioner**

Safer and Stronger Together

*Protecting Communities
Fighting Crime*



Custody Detention Scrutiny Panels

Terms of Reference



Table of Contents

<u>Purpose of Scrutiny Panel</u>	Page 3
<u>Aim & Role of the Panel</u>	Page 3
<u>Membership</u>	Page 4
<u>Scope of the Topics</u>	Page 4
<u>Meeting/Facilitation</u>	Page 5
<u>Sample Selection and Reviews</u>	Page 5
<u>Methodology</u>	Page 6
<u>Findings & Feedback</u>	Page 7
<u>Vacancies/Recruitment</u>	Page 7
<u>Summary of Findings/Output</u>	Page 7

This document sets out the Terms of Reference (ToR) for the Office of the Police and Crime Commissioner (OPCC) for Derbyshire's Custody Detention Scrutiny Panel (CDSP). This ToR has been informed by guidance produced by the Association of the Police & Crime Commissioners (APCC) and the National Police Chief Council (NPCC) portfolio leads for custody.

Purpose of Scrutiny Panel

The Custody Detention Scrutiny Panel (CDSP) will be made up of local people selected from across the policing area, to represent the local communities in conversations with police officers and staff actively involved in the detention and custody environments. CDSP members will be given access to material retained by the police in order to objectively and independently review matters of disproportionality and police/detainee behaviour in the context of legislation, guidance, policy, and procedure.

The proportionate, lawful, appropriate, and necessary implementation of police detention and custody procedures is fundamental to the trust and confidence in policing. CDSP's will provide a safe environment for the transparent objective assessments of police treatment of a detained person in the unique police detention environment.

Aims & Role of the Panel

The main aim and purpose of the CDSPs is to:

- Examine disproportionality in the application of police powers in a custody setting, notably on grounds of race/protected characteristics.
- Ensure partnership review and scrutiny of police detention procedures from start to finish, including appropriate use of custody data and analyse data trends relating to custody matters and ongoing annual/quarterly data analysis.
- Consider wider issues where the Panel feels it could add value e.g. issues of safety and dignity.
- Build trust and confidence of the local communities through transparency, accountability, engagement, and understanding of Criminal Justice and custody processes. Panel members are to act as a critical friend to Derbyshire Constabulary and provide advice and guidance to improve its performance around Custody Processes.
- Make observations and raise issues and recommendations to the OPCC and Derbyshire Constabulary representatives in attendance. This feedback can then be presented to officers and supervision individually at an appropriate time. Outcomes will also be fed back through the OPCC and CDSPs.
- Report back to the wider policing area in the form of published minutes and a public facing annual report covering the findings of the CDSP in the preceding year. This will also feed into the OPCC annual report. This annual report will also serve as a way of measuring the panels productivity and value to the community. It will enable all parties to ensure the panel is focusing on the correct aspects in relation to custody.



Membership

The panel will be made up of local people selected from across the policing area including existing Independent Custody Visitors (ICVs), a representative from the Office of the Police and Crime Commissioner (OPCC), the Head of Custody and or Custody Manager and guest attendees at the request of the panel i.e. Appropriate Adults (AA)/CANW (the AA provider), Health Care Professionals (HCPs), solicitors, interpreters etc.

There are no limits on member numbers, but a minimum of three independent panel members must be in attendance at a meeting to make it quorate. The OPCC representative will chair the panel, and an independent rotating spokesperson will be elected annually.

Cases discussed will remain confidential and not open to the public. Panel members cannot disclose details of cases to their own organisation or individuals outside the meetings. All panel members will be subject to appropriate vetting and will sign an annual confidentiality agreement to protect the information supplied. Panel members will also be required to declare any conflict of interest and withdraw from the panel meeting if necessary.

All relevant material for scrutiny will be provided either prior to the meeting or during the meeting and all efforts will be made to anonymise the data considered by the Panel. All such papers will be shared on a secure portal and any hard copies given in the meeting will be destroyed at the end of each meeting. This is to ensure compliance with GDPR and Data Protection.

Panel members will be recruited, trained, and paid expenses.

There will be representatives from both the OPCC and Derbyshire Constabulary, to assist with enquiries and ensure feedback is provided back to the force on matters raised. A member from each organisation will also be required to ensure the meetings are quorate.

Membership of the panel will begin with an initial 3-year term and membership of the spokesperson will be reviewed and offered to other members annually.

Scope of the topics

The focus of the panel will be shaped by either local or national data or policing area concerns raised that might point to evidence of any form of disproportionality (in particular, racial disproportionality and those with a protected characteristic) within the police detention environment. Requests made by the panel members to examine such material will be reasonable and complement its purpose – that to examine disproportionality in police detention and custodial environments. Topics will include (but are not limited to):

- Strip searches
- Bail Refusals (Adult/Children)

- Custody Related Criminal Justice Decision Points
- Dignity and respect
- Length of detention
- Use of force (it is acknowledged that forces may have existing processes to scrutinise use of force generally)
- Deaths in Custody
- Access to services (e.g. language service provisions, CANW (AA), HCP, Drugs Misuse etc).
- Mental health
- Use of anti-rip suits/clothing
- Custody Policies and Procedures
- Other topics at the request of the Panel

The CDSP may be able to request any other documentation, footage or appropriate material held by the Derbyshire Constabulary in relation to any concluded detention event that might contribute to the consideration of disproportionality.

Meeting / Facilitation

The CDSP held their first meeting in October 2024 with further meetings scheduled on a quarterly basis (every three months). Meetings will run for two hours initially; however, this may be extended if required.

Meetings will take place at Derbyshire Constabulary Headquarters due to the sensitivity of the panels remit. The OPCC will be responsible for chairing and the administration of this meeting, including sending out invites, arranging the meeting room, sending out the relevant material for each panel, capturing the outcome of the panels, and publishing the minutes online.

Derbyshire Constabulary will be responsible for producing all operational data including statistical data, CCTV or Body Worn Video (BWV), HMICFRS recommendations, case studies and custody records for the panel to review, with the OPCC independently and randomly selecting the custody records.

Relevant papers and material will be sent to panel members via a secure portal 4 weeks in advance to the main meeting, members will have a pre-meet 2 weeks prior to the meeting to discuss the material and will provide the OPCC with a pre-meet report 1 week prior to the meeting, which will be the responsibility of the elected spokesperson to arrange. This will additionally provide panel members with an opportunity to discuss the papers and material, collate any concerns and questions to raise at the main CDSP and identify any case review requirement and request further insight on the data shared.

Sample Selection and Reviews:

An agreed amount of case samples (such as strip search and use of force forms) shall be provided prior to each scrutiny meeting for review at the meeting. Members reserve



the right to agree themes to be added to the CDSP forward plan and request additional information, where necessary to enable their scrutiny work for CDSP.

Panel members will be able to review a particular case that has generated public interest, subject to any relevant exemptions i.e., sub judice etc.

The force representative will also provide an overview of data trends (local and national where relevant) at each meeting, relevant to the discussion topics for each meeting. Force reps must report back to the Panel on steps undertaken following recommendations.

An agreed escalation process will be followed should a request for disclosure be declined by the Police SPOC. The Scheme Coordinator will raise any concerns with the OPCCs Monitoring Officer to be progressed and an outcome sought.

Methodology

Material selection

The following materials should be made available to the CDSP:

- The Constabulary's latest performance data.
- Relevant policy & strategy documentation.
- Inspection reports and recommendation updates.
- Case studies (including custody records, videos footage where appropriate/proportionate).

There should be an identified police lead to act as the single point of contact for material requests and disclosure from the Force. This point of contact will be the Superintendent and Head of Criminal Justice and Custody. Should the request for material be declined, the route for escalation will be the Commissioner speaking directly to the Chief Constable in their catch-up meetings.

Panels should be able to review a particular case(s) that has generated particular public interest. This may include selection by specific offence types, geography, or cases of concern flagged by panel members. Cases will only be reviewed retrospectively, and those that are not sub judice.

Where any material is reproduced digitally and disclosed (e.g., video footage from CCTV or BWV), the necessary data sharing and information security measures with reference to the relevant legislation will need to be put in place

Personal data contained in written case reviews should be subject to the same data sharing considerations as video data, including any steps taken to remove personal details. It is important that any such redaction process has the trust and confidence of the Panel, so needs to be clear, transparent, and limited to personal data alone.



Findings & Feedback

The Panel's findings will be recorded on an approved feedback report template. This will ensure that the Panel's findings can be acted upon at the appropriate level, empowering Head of Custody and the OPCC to direct immediate steps, such as providing feedback to staff and holding the Constabulary to account. This will also facilitate a structure for wider learning within the custody environment, and for escalating matters at a national level.

Representatives of the Constabulary and OPCC must report back to the Panel on steps undertaken following any recommendations made.

The Constabulary should maintain auditable records of Panel data, findings and other materials generated from the Panels, subject to local storage and data retention requirements.

Vacancies & Recruitment

Where a vacancy on the panel arises, it will be the responsibility of the organisation that has the vacancy to identify and provide a suitable replacement. Where it is a Panel Member vacancy the OPCC will be responsible for identifying a replacement.

The OPCC will also be responsible for managing vetting requirements and the application/renewal process for CDSP volunteers.

Summary of Findings/Output

The Panel's findings will be shared with the public, via the OPCC website. This will be done via the production and publication of the meeting minutes and the CDSP Annual Report.

Both of which can be found here: [Custody Detention Scrutiny Panels | Office of the Derbyshire Police and Crime Commissioner](#)

