

Custody Detention Scrutiny Panel – External

Wednesday, 22nd May 2024



MINUTES

IN ATTENDANCE

Brian Walker
Rachel Culverwell
Paul Siddall
Reece Richards
Victoria Blakeman
Mark Hindle
Chief Inspector Kev Evans – Lancashire Constabulary (part meeting)
Insp Dave Johnson – Lancashire Constabulary
Sophie Temple – Lancashire Constabulary
Carol Benton – OPCC

APOLOGIES

Paul Barlow
Glenn Ireland

Insp Dave Johnson welcomed everyone to the meeting which was a follow up being held on Teams, solely to review the outstanding cases from the meeting held on 17 April 2024.

DECLARATION OF INTEREST

Panel members had been reminded at the previous meeting the need to consider and disclose to the meeting knowing any individuals or officers in relation to any matters under consideration.

REVIEW OF REMANDED CHILDREN CASES

The Panel reviewed **Remanded Children Case 1 04ED 1967/24** after being shown the incident log, with the following outcomes:

- **What went well**
- Members felt it was a good detailed write up/summary.
- There was a clear evidence base to justify remanding in custody.

The Panel reviewed **Remanded Children Case 2 04SA 1309/24** after being shown the incident log, with the following outcomes:

- **What went well**
- The local authority were contacted re bed availability.
- Members felt the decision to remand was made for the right reasons, the decision being in the best interests of the child.

- **Additional Information**
- Whilst the decision was fine from a detention perspective members questioned whether or not the young person was referred on to other agencies re child exploitation for example? The answer was unknown as only the Sergeants decision had been looked at.

The Panel reviewed **Remanded Children Case 3 04SA 1633/24** after being shown the incident log, with the following outcomes:

- **What went well**
- The local authority were contacted re bed availability but there was nothing suitable. An offer of foster parents was considered unsuitable due to the young person being missing prior to their arrest.
- Members agreed with the decision and felt the Sergeant had gone above and beyond in this case, with information being referred to the MASH for extra support.

The Panel reviewed **Remanded Children Case 4 04WA 1303/24** after being shown the incident log, with the following outcomes:

- **What went well**
- The officer spoke to the EDT, but there were no beds available.
- Members agreed the decision was fine from a process point of view.

REVIEW OF STRIP SEARCH / ANTI-RIP SUIT CASES

The Panel reviewed **Strip Search / Anti-Rip Suit Case 1 04ED 1471/24** after being shown the incident log, with the following outcomes:

- **What went well**
- Members agreed it was the right operational decision at the time.
- **What did not go well**
- There was no national decision model (NDM) rationale recorded on the custody record.
- **Additional Information**
- As custody is a busy environment if officers are unable to complete the NDM which can be lengthy, they should complete it at the end of their shift or as soon as possible afterwards. That didn't happen in this case, and members were advised that the officer had received feedback.

The Panel reviewed **Strip Search / Anti-Rip Suit Case 2 04SA 1289/24** after being shown the incident log, with the following outcomes:

- **What went well**
- Members agreed the duty of care shown to, and the protection of, the detained person was good in terms of the decision making.
- **What did not go well**
- There was no documented national decision model rationale.
- The information available stated the detained person had previous for self-harming in custody, but it didn't say when that was.

The Panel reviewed Strip Search / Anti-Rip Suit Case 3 04WA 1204/24 after being shown the incident log, with the following outcomes:

- **What went well**
- The detained person was correctly assessed as high risk.
- Different tactical options were documented, including the rationale for the use of an anti-rip suit rather than Level 4 observations as per the policy.
- **What did not go well**
- There was an administrative error in that the gender of the detained person was mixed up in the documentation (referring to he and she in different parts of it).
- It was acknowledged that the use of the anti-rip suit might have been problematic if the detained person was trans, so it was important that the documentation was correct.
- **Additional information**
- Members discussed the reasons why the use of anti-rip suits in Lancashire might be higher than in other forces such as GMP who no longer use them. It was acknowledged that their use in Lancashire has reduced, from approximately 96 uses in January 2024 to approximately 20 in May 2024, but more progress was needed.

The Panel reviewed Strip Search / Anti-Rip Suit Case 4 04WA 1262/24 after being shown the incident log, with the following outcomes:

- **What went well**
- Members agreed the process was good.
- Tactical options were identified.
- A specific review period was documented when the officer would re-assess the decision made.
- The detained person was provided with the anti-rip suit and advised to put it on, in line with HMICFRS recommendations and officer training.
- **What did not go well**
- The gender of the detained person was mixed up in the documentation.
- **Additional information**
- A member asked if it was possible to monitor the use of anti-rip suits through the data and it was confirmed that, due to national system issues, it was only possible to retrieve the data from January 2024, when a local fix was implemented to allow the force to do so.

REVIEW OF STRIP SEACH GENERAL CASES

The Panel reviewed Strip Search Case 1 04SA 1192/24 after being shown the incident log, with the following outcomes:

- **What went well**
- Members agreed the process followed was good.
- Once the trousers had been removed the detained person was asked to remove their jumper themselves, as an attempt to de-escalate. They chose not to but members acknowledged that they were asked.

- **Additional information**
- As the risk assessment questions had not been answered, members considered whether any assumptions had been made, ie that they might self-harm? It was acknowledged that individuals had the right not to answer the questions. Chief Insp Evans advised there was a cultural issue around managing such risk and officers were trying to change to become more intelligence led.

Action 9 : Inspector Johnson to include the documented risk assessments in future case papers for members to have sight of.

The Panel reviewed **Strip Search Case 2 04WA 1239/24** after being shown the incident log, with the following outcomes:

- **What went well**
- Although the detained person refused to answer the risk assessment questions, the tactical options considered were documented.
- **What did not go well**
- Staffing levels did not allow for Level 4 observations, but officers were used for observations from the cell door and a mat was placed on the floor.
- **Additional information**
- Chief Insp Evans spoke of the risks associated with corded clothing items and it was acknowledged that what HMICFRS expect and what the force expect might be different. Corded items do present a level of risk and it was a fine balancing act for officers. HMICFRS advice is that if there is no evidence the detained person might harm themselves the items should be left with them, however the level of risk does change upon entering a call and being detained.

The Panel reviewed **Strip Search Case 3 04WA 1573/24** after being shown the incident log, with the following outcomes:

- **What went well**
- Members did not identify anything due to a lack of detail.
- **What did not go well**
- Members felt there wasn't enough detail to understand the rationale for the decision made, the risk assessment was needed to understand the officer's thought process.
- The strip search details were missing also.
- **Additional information**
- Chief Insp Evans acknowledged that on the face of it the documentation appeared light on detail, but he explained it was not the intention to require officers to produce a lengthy documented NDM rationale for a drugs arrest which is day to day operational activity. If there is a drugs arrest and there is a possibility drugs may be on the person the same level of detail/reporting shouldn't be required, but officers would need to prove why the S54 power was used for example.

The Panel reviewed **Strip Search Case 4 04WB 435/24** after being shown the incident log, with the following outcomes:

- **What went well**
- There was a positive outcome in that the detainee changed into prison greys.
- **What did not go well**
- There was insufficient detail recorded. It appeared that the detained person was wearing corded clothing but it wasn't clear.
- **Additional information**
- Chief Insp Evans advised that the officer in this case had received feedback.

REVIEW OF USE OF FORCE CASES

The Panel reviewed Use of Force **Use of Force Case 1 04ED 1495/24** after being shown the incident log, with the following outcomes:

- **What went well**
- The NDM rationale was recorded.
- There were no injuries sustained in the call insertion.
- A 6 hour timescale was set for the decision to be reviewed.
- **What did not go well**
- Members did not know the reason for the individual being brought into custody.
- There was no evidence of the use of de-escalation techniques, but the language barrier may have impacted on this.
- It was felt that officers used the anti-rip suit in the absence of the risk assessment questions being answered, but questioned whether or not it was necessary? Could other options have been used to manage the risk? If other options were considered that should have been documented.

Action 10: Insp Johnson to ensure the reason for being brought to custody be included in future cases reviewed by the panel.

- **Additional information**
- Members agreed it would be useful to see the CCTV and/or body worn video (BWV) where it was available.

Action 11: CCTV and/or BWV to be made available to panel members going forward where it is available.

- Members discussed whether the detainee in this case was a British national or not and how did staff ascertain what was the correct language support required?

The Panel reviewed Use of Force **Use of Force Case 2 04ED 1795/24** after being shown the incident log, with the following outcomes:

- **What went well**
- The detained person was encouraged to put the grey clothing on, in line with HMICFRS recommendations, which they did and that was recorded on the documentation.
- **Additional information**
- A panel member with previous experience of safety training in a different sector expressed concern about the use of prone restraint. They felt it would be useful for police trainers to

have a look at the tactics used in other sectors and offered to arrange such a visit to observe training and the tactics used within a secure unit environment.

Action 12: Officer safety trainers to be invited to observe the training delivered and tactics used within a secure unit environment to identify other potential options that might be effectively used.

Action 13: Members were invited to observe officer safety training in Lancashire if they so wished. Carol to arrange.

The Panel reviewed Use of Force **Use of Force Case 3 04WA 1246/24** after being shown the incident log, with the following outcomes:

- **What went well**
- There was a positive outcome in that grey bottoms were put on.
- **What did not go well**
- The detained person was prone on the floor which presents a risk.

The Panel reviewed Use of Force **Use of Force Case 4 04WB 550/24** after being shown the incident log, with the following outcomes:

- **What went well**
- Shoes and belt were removed with no issue.
- The use of force was reviewed by an Inspector.
- **Additional information**
- A member felt there was a very risk averse approach evident which is good but if other forces were utilising anti-rip suits less for example why weren't Lancs? The progress made was acknowledged alongside issues that vary between forces to make the difference such as staffing levels, best practice, use of more innovative approaches?
- Members were shown spread-sheets kept detailing the level of scrutiny applied to cases and use of force.

Action 14: Insp Johnson to present to the next meeting some work he has completed comparing staffing levels to South Yorkshire.

ANY OTHER BUSINESS

No other business was noted.

Members were advised it was Chief Inspector Evans' last meeting before he moved to a different role, and members and the OPCC thanked him for his support and wished him luck for the future.

NEXT MEETING

The next meeting will take place on Wednesday, 7th August 2024

Mrs Angela Harrison
Chief Executive