



Custody Detention Scrutiny Panel – External

Thursday, 29th August 2024

MINUTES

IN ATTENDANCE

Amy Robertson (ALR) – OPCC (Chair)
Anna Cooke (AC) – OPCC
Inspector Dave Johnson (DJ) – Lancashire Constabulary
Glenn Ireland (GI)
Mark Hindle (MH)
Paul Siddall (PS)
Reece Richards (RR)
Sophie Temple (ST) – Lancashire Constabulary
Victoria Blakeman (VB)

APOLOGIES

Brian Walker (BW)
Chief Inspector Mark Douglas (MD) – Lancashire Constabulary
Paul Barlow (PB)
Rachel Culverwell (RC)

ALR welcomed everyone to the meeting.

DECLARATION OF INTEREST

Panel members were reminded of the need to consider and disclose any declarations of interest relating to any individuals, officers or matters under consideration.

No declarations of interest were disclosed.

ACTIONS FROM LAST MEETINGS

An action log was shared with members for discussion and updated accordingly.

One of the actions was DJ presenting to the Panel the work he had completed comparing staffing levels to South Yorkshire. DJ is currently temporary Inspector in Blackpool and they are advertising for a Sergeant to assist him.

South Yorkshire is the most similar force to Lancashire, although South Yorkshire have 3 custody suites whilst Lancashire have 4. Similarities include 12 hour shifts, use of Connect and dedicated Custody Inspectors.

Whilst the statistics provided showed similarities, they also highlighted the current resourcing issues in Lancashire. DJ noted that in March 2023 Lancashire had 102 CDOs. However, it was noted this had decreased to 82 despite demand increasing. DJ added however that Lancashire was currently looking at the shift pattern of CDOs.

It was noted that processes in Lancashire were slick but DJ acknowledged issues in respect of resourcing. The issues have been fed back to senior officers and escalated to the Chief Officer Team.

Action 15: The Panel raised concerns about resourcing and noted that resourcing issues in custody should be added to Lancashire Constabulary's risk register if not on there already, due to the risks posed and that there has been discussions that the Constabulary could go into special measures. DJ mentioned it is expected there will be an uplift in CDOs early next year. ALR to feedback custody resourcing concerns to the PCC and provide an update in the next meeting.

REVIEW OF STRIP SEARCH / ANTI-RIP SUIT CASES

The Panel reviewed **Anti-Rip Suit Case 1** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- The Custody Inspector had acted how they felt best given the situation.

- **What did not go well?**

The Panel noted that:-

- The 2008 suicide marker seemed like an old marker to use to assess risk.
- The report did not state if clothing was returned when the individual calmed down.
- The detained person could have been held outside the custody environment until it was controlled.
- It seemed excessive to have used an anti-rip suit based upon the 2008 suicide marker. DJ agreed with the Panel that there were a number of lessons to be learnt from this case, as it seemed the officer based their decision upon the behaviour of the DP, rather than the risk. It was noted that HMIC state that a determination to use an anti-rip suit should be based upon risk and not behaviour.

- **Additional information**

The Panel noted that:-

- The decision was based upon behaviour not risk.
- The Inspector did not make any entry on the custody record.
- There were no notes contained in the report concerning the two hours between DP being at level 5 (hostile) to level 1 (engaging with officers). DJ indicated this would not normally be recorded if DP had calmed down.

The Panel reviewed **Anti-Rip Suit Case 2** after being shown the incident log, with the following outcomes:

What went well?

The Panel noted that:-

- There was a thorough account of events recorded, and the rationale provided was good.
- The review of the decision made.
- **Additional information**
- The Panel raised concerns that the decision made by the Sergeant seemed to be due to insufficient resources to provide constant supervision.

The Panel reviewed **Anti-Rip Suit Case 3** after being shown the incident log, with the following outcomes:

What went well?

The Panel noted that:-

- There was a thorough account of events recorded, with full explanatory rationale.

What did not go well?

The Panel noted that:-

- Staffing levels inhibited the ability to facilitate constant observation.

- **Additional information**

The Panel noted that:-

- The DP was provided the opportunity to not wear anti-rip clothing initially.
- The implementation of CCTV in Custody made it easier for officers to monitor DPs. However, the Panel raised concern that this may require officers to multi-task, which is not ideal. DJ reassured the Panel that the expectation would be that officers would monitor when they had the availability to do so and that the purpose of the CCTV was to add an extra layer of protection when resourcing had been an issue.
- Due to the lack of space in prisons/custody, some court cases had been taking place from custody.

The Panel reviewed **Anti-Rip Suit Case 4** after being shown the incident log, with the following outcomes:

What did not go well?

The Panel noted that:-

- In the custody report, it was noted that the officer 'spoke to/attempted to speak to DRI', and due to the terminology used it was unclear what discussions had taken place before the decision had been made.
- There were difficulties with communication due to an evident language barrier, with no provision in cells to aid communication in this eventuality.

Additional information

The Panel noted that:-

- There were discussions with a healthcare professional regarding sleep apnoea.
- A language interpreter was utilised at the Custody Desk; however, there was no access to a translator in cells. As a result, it was difficult for officers to engage with detainees within cells. Panel members were informed, however, that there was always a translator present for face-to-face interviews.
- It may be advantageous to utilise flashcards to aid communication between officers and detained persons. For instance, it was suggested that pictures could be placed on flashcards for commonly requested items and in terms of phrases in the top 10 languages.
- It may be worthwhile developing a consistent template for the completion of custody records as this would streamline the process for officers. DJ noted the Panel's comments and clarified that templates existed and expressed that he was satisfied with the recording methodology providing the information logged was accurate.
- From the custody records presented, staffing issues were cited as contributors towards certain aspects of decision making, which the Panel wished to place on record as a concern.

Action 16: DJ to provide feedback to officers, reminding them to record the names of Inspectors they have spoken to in relation to decisions made.

Action 17: That DJ/ST explore the utilisation of flashcards containing pictures and/or phrases for commonly requested items to aid communication between officers and detained persons in cells in the event that English was not their first language. In terms of the phrases, the suggestion would be to cover the top 10 non-English speaking languages that officers had contact with in custody suites.

The Panel reviewed **Anti-Rip Suit Case 5** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- The actions of officers were justified based on the risk.

- **Additional information**

The Panel noted that:-

- The detained person would not disclose if they had any allergies. In this event, if there was any suggestion of risk then food would not be provided.

- The detained person was non-compliant when asked to wear clothing. They were provided with and encouraged to use anti-rip clothing, however they refused. The Panel were informed that officers are not permitted to force a detainee to wear the anti-rip clothing provided.

Action 18: DJ to check what questions officers were asking DP's in relation to allergies/dietary requirements, alongside checking whether there was standard food provision which contained no/limited allergens should the DP not be communicating relevant information.

REVIEW OF USE OF FORCE CASES - CCTV available but unable to view in meeting

DJ had CCTV available to present to the Panel in relation to case 1, however this was unable to be viewed in the meeting due to IT issues.

Action 19: ALR to liaise with DJ/LCC IT to ensure CCTV can be shown at future meetings.

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

- **What went well?**

The Panel noted that:-

- The Sergeant mentioned the need for fingerprints multiple times.
- They were happy with use of force in this case and the custody record was detailed
- DJ noted that whilst the Panel had not been able to view the CCTV, as soon as the DP's clothes had been removed the anti-rip suit was put on to maintain their dignity.

- **Additional information**

The Panel noted that:-

- There was no facial recognition software, and fingerprints are used as identification. The Panel were informed that the Constabulary were considering the use of shoe identification technology.

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

- **What went well?**

The Panel noted that:-

- The Use of force was deemed reasonable.

- **Additional information**

The Panel noted that:-

- Pava spray was used in the cell, and the DP was subsequently restrained as detainee was non-compliant.

The Panel reviewed Use of Force Case 3 after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- A reasonable assessment was made based on disclosed comments.

- **What did not go well?**

The Panel noted that:-

The Panel questioned the recording of reasonable adjustments for Down's Syndrome. HCOG had said he didn't need an appropriate adult. In response, RR confirmed that DP's with Down Syndrome should be considered a vulnerable adult as per guidance found on Down's Syndrome.org.uk.

- **Additional information**

The Panel noted that:-

- Minimal force had been required.
- There was no record regarding whether adjustments were made due to the DP's protected characteristics. DJ confirmed that due to the risks posed, officers are required to follow the orthodox process. .that for this case in particular, it would have been useful to view the CCTV.

REVIEW OF REMANDED CHILDREN CASES

The Panel reviewed Remanded Children Case 1 after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- They were happy with the rationale on this case.
- That the case was detailed.

- **Additional information**

The Panel noted that:-

- All remanded children were accompanied by an Appropriate Adult during police interviews.
- The referrals made had not been mentioned on the custody report.

The Panel reviewed **Remanded Children Case 2** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- It was an uncomplicated case to make decision on.
- The risk involved was clearly explained.

- **What did not go well?**

The Panel noted that:-

- Records did not specify who the DP was released into the care of.

The Panel reviewed **Remanded Children Case 3** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- There were detailed notes provided with adequate justifications.
- There was appropriate questioning and assessment demonstrated.
- That the recording was in a satisfactory format.

- **Additional information**

The Panel noted that:-

- In remanded children cases, officers are required to contact an Appropriate Adult within 60 minutes and aim for them to arrive within 3 hours.
- A recent meeting with the CYJS attended by RR, it had been indicated that it would be advantageous to have a link in with Custody.

REVIEW OF STRIP SEARCH GENERAL CASES

The Panel reviewed **Strip Search Case 1** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- The strip searched conducted was due to the threat of the DP committing suicide in their cell.
- The DP was provided with usual clothing rather than an anti-rip suit, thus, managing the threat whilst maintaining their dignity.

- **Additional information**

The Panel noted that:-

- The risk was assessed on a case-by-case basis regarding the level of watch, which was based on the information available.
- In relation to the prevention of harm in custody, it was queried whether corded clothing could be removed routinely to prevent harm. DJ noted that HMIC stated that officers could not routinely remove corded clothing as the decision had to be based upon risk.

The Panel reviewed **Strip Search Case 2** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- There was evidence of detailed recording regarding the seizure of clothing.
- There was adequate grounds for conducting search.

The Panel reviewed **Strip Search Case 3** being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- The decision to conduct a strip search may be viewed as unreasonable as the risk posed by the DP appeared to be low. However, the panel accepted the justification provide by DJ for the search.

- **What did not go well?**

The Panel noted that:-

- The recording of reasoning could have been improved.

The Panel reviewed **Strip Search Case 4** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- The DP had drugs present on his face. Therefore, the Panel agreed that a strip search was reasonable with consideration of the risk.
- The way in which it was conducted was deemed to be evidential of best practice.

- **Additional Information**

The Panel noted that:-

- The DP had sustained an injury during the search and this was disclosed by the DP as an assault. DJ confirmed that this would not be considered as an assault and had been deemed an aspect of the arrest process.

The Panel reviewed **Strip Search Case 5** after being shown the incident log, with the following outcomes:

- **What went well?**

The Panel noted that:-

- The seizure of clothing was justified.
- The correct level of strip search had been used.

REVIEW OF CUSTODY DATA

The Panel were informed:-

- Of custody data from April 2024 – June 2024 was presented.
- That the usage of anti-rip clothing had decreased and that HMIC recommend the use of anti-rip suits should be around 20 cases per month.
- That the use of strip search was high. However, it was acknowledged that the number may have been impacted by the recording methodology. It was stated that strip search included those in anti-rip clothing and therefore numbers were lower for anti-rip cases.
- That the use of force was consistent.
- The numbers of remanded children remained low. It was noted that a lot of children were remanded for breach of bail and, as a result, officers were not required to locate a PACE bed as technically, a crime has not been committed (breach of bail is not considered an offence). RR highlighted the importance of identifying referral pathways for children.
- That strip search numbers were high due to recording system changes and the need for strip search to be conducted to obtain evidence.

ANY OTHER BUSINESS

The Panel expressed where there were areas for improvement for future meetings, which were noted to inform future practice.

Panel members asked whether the case records could be sent with the agenda prior to the meeting due to difficulties reading and processing the information. It was noted that due to the large volume of work this would create and data protection issues this would not be possible.

ACTION 20: ALR to liaise with DJ to discuss alternative options regarding how custody cases are presented.

The Panel discussed the number of cases and how time in the meeting can be more efficiently used.

The Panel expressed the importance of enabling the viewing of CCTV footage when assessing Use of Force cases.

RR questioned how mental health issues were assessed when detainees were brought into custody.

DJ confirmed that use of anti-rip suits was the biggest area of concern.

The Panel were informed that near misses and serious cases go to PSD for assessment.

It was noted that Lancaster Custody Suite would reopen on 30th August.

The Panel were informed that HMIC were due to conduct a further inspection of custody in September.

NEXT MEETING

The next meeting will take place on Tuesday 15th October 2024, Exchange Room 8, County Hall.

Mr Steve Freeman

Interim Chief Executive & Chief Finance Officer