



COMMISSIONER'S INDEPENDENT SCRUTINY REPORT

Custody & Detention – Use of Force in Custody

23 January 2024

Scrutiny Panel:	Custody & Detention
Members:	<p>Jim Rowley – Chair George Beech MBE Samantha Couzens Martin Adams Sue Westwick</p> <p>Also present: Inspector Nicola Brookes Michelle Ryan – SCO Holly Sproston - SCO</p>
Purpose:	<p>That the correct procedure has been followed with regard to the use of force within custody. To ensure that the process is compliant with the law and best practice.</p> <p>For all aspects, the scrutiny should demonstrate:</p> <ul style="list-style-type: none">- Was the action/level of force used justified?- Was the use of force used proportionate?- Has it been recorded properly on the UOF form and within the custody log?
Panel Findings:	<p>The panel were initially offered a selection of 1024 records from the time period 1st November 2023 to 31st December 2023 for Use of Force used in custody. Further interrogation of the data showed that this included UOF incidents outside of custody. The list was further filtered to show those incidents where the location was identified as custody. This resulted in a selection pool of 48 records</p> <p>At the pre-meeting on 09th January 2024, the panel chose 10 records to scrutinise. Custody Records were requested from the Force. A search was also undertaken for any Body Worn Video footage. Only Seven custody logs were provided at the Scrutiny meeting on the 24th January. This was due to an administrative misunderstanding on the selections. Body Worn Video footage was available for two of the selections. CCTV was not provided due to the current refurbishments being undertaken at both custody facilities.</p>



Custody Record C23018503 – Southern Area Custody Facility

- Body worn video footage was available and shows the male adult detainee entering custody in an agitated and aggressive mood. Detainee was already handcuffed.
- The custody sergeant remained calm and spoke calmly to the detainee to try and de-escalate the situation.
- The panel felt that officers acted professionally at all times.
- The Body Worn Video enabled a further appreciation of how volatile the situation was and brought a greater context to the situation.
- The Use of Force used was appropriate, proportionate and necessary.

Custody Record C23018999 – Southern Area Custody Facility

- Body worn video footage was available and shows a male young person (age 17) entering custody. Detainee was handcuffed but became very agitated and upset as he arrived at the custody entrance.
- Several attempts were made by officers to calm the young person. No voices were raised other than the detainees.
- The detainee was taken to a quieter area of the custody suite as the booking in area was becoming very busy.
- The panel were impressed by the calming nature of the custody sergeant.
- The Use of Force used was appropriate, proportionate and necessary.

Custody Record C23019468 – Northern Area Custody Facility

- Although this incident was selected by the panel and a custody log provided, no use of force was actually used in Custody. The custody log indicated that the detainee was in handcuffs on arrival and that no force was used whilst in custody.

Custody Record 23019337 – Northern Area Custody Facility

- Body worn video footage or CCTV was **not** available for this incident.
- The custody log indicated that the detainee was an adult female. The detainee was brought in to custody wearing handcuffs as she had been violent and abusive on arrest.
- The custody log indicates detainee is aggressive and verbally abusive throughout the booking procedure and it is noted in the log that she appears to be under the influence of alcohol and drugs.
- Detainee continued to kick the cell door during her detention.
- It is not clear from the custody log at what point the detainee was put in to the prone position. However, the custody log details the level of violence and abuse directed at custody staff consistently on arrival, booking in and within the cell.



- From the information on the custody log the Use of Force used was appropriate, proportionate and necessary.

Custody Record 23017635 – Northern Area Custody Facility

- Body worn video footage or CCTV was **not** available for this incident.
- The custody log initially indicated that the detainee was an adult male and initially red carded. Red carded means that the detainee was too volatile and aggressive and a risk to themselves and others. The detainee is moved to a cell to calm down prior to continuing with the booking in process. Once the detainee had calmed down and was fully booked in, the detainee indicated that she wished to be addressed as a female.
- The custody log indicates that the detainee was brought in to custody wearing handcuffs.
- The custody log indicates that the detainee was brought into the holding cell fighting and further use of force (open hand technique) was then used. The custody log indicates that the open hand technique was used whilst in custody.
- The custody log indicates aggressive behaviour for a number of hours which required level 4 observations.
- From the information on the custody log the Use of Force used was appropriate, proportionate and necessary.

Recommendations and Observations:

The panel have noted the following:

Observations:

- The panel noted that the scrutiny of the use of force was much more enhanced where the provision of body worn video footage or CCTV was available.
- The panel were able to view the situation and understand and see the situation more tangibly and understand the issues and pressures facing detainees and officers in the custody environment.
- Having body worn video footage also enabled the panel to cross reference the custody log with the footage and ensure that it corroborated the record.
- Viewing the custody logs in isolation gave a one-dimensional insight. The panel felt that having both video footage and the custody log was more conducive to ensuring a thorough and robust scrutiny.
- The panel noted that the Custody Sergeant in the first two incidents at Southern Area was the same person. The panel felt that this sergeant deserved highlighting for his calm and collected manner in de-escalating two very volatile situations. The panel wish their appreciation to be fed back to the officer.



Recommendations:

- That the report presented at the pre-meeting for incident selection contains only those incidents where use of Force was used in Custody. The selection presented at the last pre-meeting did not reflect this.
- That a conscious effort is made to select either BWV or CCTV for these incidents. The review of just custody logs does not fully give the context for the situation and the panel are unable to ascertain whether the CCTV/ BWV reflects accurately the entries on to the custody log.
- That as an interim measure, until the refurbishment of the custody suites and clear and robust CCTV is available, that officers in custody are provided with body worn video cameras and these are used when Use of Force is anticipated.

Force Lead Response:

The custody management team are pleased to see that where CCTV is available the panel have witnessed clear evidence of de-escalative language by the staff involved and it is recorded as such.

All items will be made to provide CCTV or BWV for custody scrutiny where this is available but these are external systems to Operational Justice Inspectors and not always readily available through our team.

In regard to Sgts wearing BWV this is not a current available measure due to resourcing cost. There is an ongoing review taking place on BWV and custody is not budgeted for this. All staff don't wear body armour and don't have harnesses to hold BWV. However, if arresting staff are involved in use of force it may be that their camera footage is available. The positive feedback for the southern custody sergeant is appreciated and will be fed back to the relevant sergeant.