

# **Greater Manchester Independent Police Arrest and Custody Detention Scrutiny Panel**

## **Terms of Reference**

### **1. Purpose**

Ensuring that the arrest and detention of people by Greater Manchester Police is appropriate, lawful, necessary, proportionate and upholds people's dignity which is fundamental to trust and confidence in policing.

Recognising findings from HMICFRS Inspections and the Baird Inquiry report, the purpose of the Greater Manchester Independent Arrest and Detention Scrutiny Panel is to independently assess the arrest and detention of people in Greater Manchester to aid the improvement of arrest and detention processes, procedures, standards, and practices.

### **2. Role and Remit**

The Panel will:

- Review and dip sample pseudonymised arrests (where a criminal justice outcome has been finalised) at the lower end of criminality to consider whether the arrest was lawful, reasonable, necessary and proportionate. (See Appendix A for guidance on what we mean by the 'lower end of criminality')
- Review and dip sample the quality of scrutiny applied by custody officers to the grounds for arrest provided by the officer who has brought the detainee into custody, and whether, based on that information, it was necessary to authorise detention.
- Review and dip-sample custody records that contain information about strip searches to ensure that GMP observes best practice as per the College of Policing APP for Detention and Custody; and followed GMP's policy and procedure.
- Review and dip sample other areas of custody process, procedures and practices and police powers as identified by the Mayor/Deputy Mayor. This could include for example the length of detention, access to services, dignity measures and disproportionality.

Make observations and recommendations to the Deputy Mayor and the Chief Constable highlighting concerns as necessary, as well as areas of good practice, which will help maintain standards and achieve improvements. Whilst the Panel has the remit to scrutinise all arrest and detention, it should give appropriate attention to the experiences of women, children and vulnerable adults as well as consider disproportionality and ethical issues. It is therefore committed to ensuring members of support organisations and the public with lived experience of police arrest and detention are involved.

### **3. Material selection principles**

The Panel will review arrests and custody instances from a random sample.

Consideration will need to be given to ensure the sample is representative geographically/across custody suites in Greater Manchester.

Given the broad nature of the Panel it is suggested that the Panel consider one theme per meeting. This will also aid with the selection of materials for each Panel.

For the Panel to perform its function, it shall request access to documentation, footage or appropriate material held in relation to any of the randomly chosen arrest or custody records/detentions.

The Greater Manchester Combined Authority (GMCA), on behalf of the Deputy Mayor, will, ahead of each Panel meeting, direct GMP to identify potential cases for review based on an arrest or custody records that meet set requirements for each of the following:

- Offence type: A list of common offences that would typically be viewed as being at the lower end of criminality will be used, set by GMCA and GMP. Full case selection principles can be found in Appendix A.
- Disposal/outcome: Arrest or custody records where the finalised crime outcome is recorded as either Refused Detention, Caution or No Further Action.
- Timeframe: Arrest or custody records from the three months prior to selection.

Additional case selection refinement may take place based on demographic data of the data subject, including age, gender, ethnicity, or other specified/thematic characteristics deemed appropriate for scrutiny by the Panel.

The Head of Criminal Justice and Custody Branch or a delegated/nominated Branch Head will act as the single point of contact for material requests and disclosure.

Once GMP have identified a suitable sample of records, they will assign numbers to each of these. These numbers will be submitted to the GMCA who will be asked to select first choice and reserved choice options from the numbers available, and assign these choices to 'pots' for each case; for example, if the Panel will be reviewing three cases, GMP will return three 'pots' to the GMCA alongside a list of numbers, and GMCA will then randomly assign a number to each pot, indicating which number is their first choice and which is their reserve choice. The GMCA will then return their choices to GMP who will proceed with to pseudonymising the selected cases for review by the Panel.

Reserve records will be utilised should any of the first five choices made by the GMCA be deemed by GMP to be unsuitable for review by the Panel on the grounds that they either do not fulfil the criteria of low level offending or do not feature sufficient material to warrant the Panel's scrutiny. In such cases, rationale will be provided to GMCA and such material, as is present, will be made available to the GMCA.

Requests for material are to be made at least four weeks in advance of Panel meeting dates to ensure that sufficient preparation time is allowed.

The cases chosen will be presented in a pseudonymised, pixilated and/or redacted format. GMP may be required to make edits to video footage being presented to the Panel for both brevity and efficient use of the Panel's time, in addition to the amount of time required for GMP to anonymise the footage. Rationale for all edits made by GMP to video footage being presented to the Panel will be submitted to the GMCA prior to the affected Panel meeting taking place, and any subsequent edits and/or gaps in video footage will be explained by an on-screen caption for the Panel's benefit and understanding.

When considering arrest, for consistency the panel will be provided with the following material (as a minimum) where it exists:

1. BWV from the arresting officer
2. MG11 from the arresting officer
3. PNB entry from the arresting officer
4. Crime Report
5. Incident log(s)
6. Use of force form

When considering detention, for consistency the panel will be provided with the following material where it exists:

1. Custody Record
2. Custody CCTV
3. Healthcare professional / medical documents (produced in the custody suite)
4. Referral documents (produced in the custody suite / in GMP possession)
5. Use of force form

The above lists are not exhaustive and where further relevant material exists it should be provided.

#### **4. Operating Principles**

The Panel will be chaired by a senior member of the Safer and Stronger Communities Directorate at the GMCA in the first instance and this will be reviewed within twelve months.

The Panel will meet quarterly from the agreed start date.

Meetings will be held in person, in private.

Meetings will be held at Greater Manchester Police buildings.

If Panel members have any awareness or involvement in the subject matter discussed at the meeting, they should declare a conflict of interest and remove themselves from that element of the meeting.

Members should flag any such issues that they become aware of to the Panel Chair/Deputy Mayor's office.

Administrative support will be provided by the GMCA.

The GMCA will record both minutes and actions.

This document will be reviewed within twelve months to ensure that the Terms of Reference remain fit for purpose.

## **5. Panel Membership**

The Panel membership should comprise of between 10 to 20 members who have a range of lived and professional experience in areas relevant to the Panel and its responsibilities. This should include individuals with links to criminal justice, victim and women's organisations as highlighted in the Baird Inquiry recommendations. Additionally, Panel membership should comprise of subject matter experts in areas that may include, but are not limited to, mental ill-health, health and social care, vulnerable adults and children, domestic and sexual abuse, policing, race equality, trauma informed approaches and neurodivergence.

The Panel should be supported by a senior GMCA employee who will perform a Chairing role, with additional support from GMP's Criminal Justice and Custody Branch in the form of advice and guidance only; GMP officers and staff will not have a voting role on the Panel.

The Deputy Mayor may appoint new members on to the Panel as and when required.

Panel Members may be de-selected by the Deputy Mayor in conjunction with the Panel Chair in the following circumstances:

- The member has failed to attend two consecutive meetings of the Panel without giving an apology and acceptable reason.
- Failure to fulfil designated actions such as participation in consultation and feedback or prepare for meetings.
- The individual's membership would undermine the credibility and legitimacy of the group or fundamentally weaken aspects of its work.
- Any breach of the operating guidelines set out within this document.

The Panel will be re-assessed every twelve months for the effectiveness of the group and its members.

## **6. Funding**

Independence will be maintained by securing cooperation from Panel members at no cost. Panel members' travel expenses will be covered.

## **7. Information sharing**

Panel members must sign non-disclosure agreements to protect the information supplied that is under review. All efforts will be made to pseudonymise the data considered by the Panel. This is to ensure compliance with GDPR and Data Protection.

An information sharing agreement will be developed between GMCA and GMP to facilitate the Panel in this information sharing.

## **8. Vetting and checks**

A police record should not bar a person from becoming a panel member as their lived experience may provide some extremely useful insight into GMP's practices. Therefore, every effort will be made to ensure vetting procedures do not unfairly discriminate against individuals with lived experience. An annual PND, PNC and local intelligence check will suffice. A local risk assessment is then required to ensure no member of the Panel or workforce is at risk.

## **9. Governance and Accountability**

The GMCA is the owner of this Independent Panel, and has final authority for all matters including resourcing, and any action following Panel feedback.

The police point of contact is the Chief Officer lead/nominated delegate representing Criminal Justice and Custody, who will liaise with the GMCA to escalate any issues found by the Panel as appropriate and ensure that lessons learnt are fed back to and operationally addressed by GMP.

Panel feedback will be collated by the GMCA. Each Panel meeting will produce minutes, actions and a report of its findings that will be reported directly to the Deputy Mayor and the Deputy Chief Constable for review.

A standard reporting template will be developed to enable consistent feedback and follow up.

The Panel will also report into the following:

- GMP Custody Strategic Oversight Group (quarterly)
- Justice and Rehabilitation Executive (annually)
- Deputy Mayor Executive (Police) (annually)

Representatives of the Force / the GMCA will report back to the Panel on steps undertaken following any recommendations made.

## **10. Training & Knowledge**

Members should strive to improve their own personal knowledge of the Police service and should be given as much assistance as possible from Greater Manchester Police to achieve that objective. With the benefit of their increased knowledge, members should then be able to constructively advise and challenge the Force on policies, procedures and practices.

An induction session will be provided for all new members of the Panel which will include the GMP Custody Procedure document.

## **Appendices**

### **Appendix A: Remit of arrest dip sampling**

In the Baird Inquiry report published in July 2024, Dame Vera Baird KC was clear that the analogy of arrests in this report indicates what could be defined as the ‘the lower end of criminality’.

#### **Offence types**

GMP will identify potential cases for Panel review using a list of GMCA approved offence types that would typically be viewed as being at the lower end of criminality. This includes offence types featured in the Baird Inquiry Report, as well as any additional offences specified by the GMCA.

- Malicious communications
- Section 2 harassment
- Criminal damage
- Simple drug possession
- Breach of the Peace (not an offence)
- Common assault
- Summary only public order offences
- Drunk and disorderly conduct
- Theft (shoplifting)
- Theft from a motor vehicle
- Begging
- Making off without payment
- Driving offences
- Handling stolen goods

Neighbour disputes and counter allegations are not practicable for inclusion within the aforementioned list due to GMP information technology systems limitations, i.e. existing systems do not have the capability to filter potential cases for review. Said list is therefore not exhaustive but will be used by GMP when filtering potential cases for review by the Panel. The list may be amended should additional offences be identified by the GMCA as worthy of consideration by the Panel.

#### **Finalised Criminal Outcome**

The Panel should only sample review and dip sample pseudonymised arrests where a criminal justice outcome has been finalised and recorded as either Refused Detention, Caution or No Further Action. These outcomes will allow the Panel to fulfil their purpose of reviewing the necessity and reasonableness of arrests.

### **Appendix B: Reference material**

#### **Legislation – Arrest**

[S8 PACE – Justice warrant to search premisses](#)

[S18 PACE - Power to search after arrest](#)

[S24 PACE – Power to Arrest without warrant](#)

[S32 PACE - Power to search upon arrest](#)

[PACE Code G – Statutory power of arrest by police officers](#)

## **Use of Force**

[Common Law – Use of reasonable force when making an arrest](#)

[Section 3 Criminal Law Act 1967 – Use of force when making an arrest](#)

[Section 117 PACE – Reasonable force](#)

[Section 76 Immigration Act 2008 – Use of force \(disproportionate force\)](#)

## **PACE Code Stop and Search**

[PACE Code A 2023](#)

## **Legislation – Custody**

[S54 PACE – Searches of Detained Persons](#)

[PACE Code C – Chapter 4 – Detainee’s Property](#)

[PACE Code C – Annex A – Intimate and Strip Searches](#)

[PACE Code D – Identification](#)

[PACE Code E – Audio interview of suspects](#)

[PACE Code F – Video interview of suspects](#)

## **APP Guidance**

[National Decision Model](#)

[Detention and custody risk assessment](#)

[Detainee care](#)

[Control, restraint and searches](#)