



The Baird Inquiry

An independent report into the experience of people who are arrested and taken into custody by Greater Manchester Police with a focus on women and girls

Dame Vera Baird KC

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Introduction

Scope

In August 2023, the Mayor of Greater Manchester, Andy Burnham, commissioned me to carry out an independent Inquiry into the treatment of women and girls who have been arrested and taken into police custody in Greater Manchester. He asked me to do this following a Sky News investigation in July 2023 that reported distressing incidents regarding the cases of three women who were arrested and detained by Greater Manchester Police (GMP).

The Mayor commissioned the Inquiry so that the people of Greater Manchester could have confidence in the custody arrangements of GMP and to ensure that people who are arrested and detained in the city-region are treated both lawfully and with dignity. He was particularly concerned with the confidence that the public had in the use of police custody, particularly relating to the treatment of women.

The purpose of the Inquiry, as set out fully in the Baird Inquiry Terms of Reference (see Appendix A), was therefore to explore the experiences of people who are arrested and taken into police custody with a focus on women and girls, particularly in respect of how GMP applies the law, and to consider whether current police conduct and approach are compatible with maximising people's rights, their safety and their dignity. I was asked to focus on the appropriate use, or otherwise, of strip searches and intimate searches, including the removal and replacement of clothing, as this was a key feature in the Sky News investigation.

The task was to explore the above in connection with people who were arrested and detained in Greater Manchester beyond those involved in the initial Sky News investigation, to understand how widespread any similar experiences may be. My focus was always on women and girls. However, as some men approached the Inquiry to alert me to problems with their arrest and treatment, I have also sought to understand their experiences.

The Inquiry asked me to: examine the fitness of current policy and procedures, alongside an assessment of GMP's compliance with the Police and Criminal Evidence Act 1984 (PACE) and associated codes of practice and notes for guidance; and have regard to other legislation as well as to National Police Chiefs' Council (NPCC) policy and Authorised Professional Practice from the College of Policing.

Ultimately the Inquiry was set up to guide the future practice of GMP to:

- maximise people's rights, safety, care and dignity, with a focus on women and girls who are arrested and detained, in particular those whose first contact with GMP was in order to report a crime or in relation to a crime they had reported themselves.
- enhance the confidence of people, especially women and girls, in GMP generally and particularly in reporting crime.

The work of the Inquiry and methodology

During the Inquiry, I interviewed more than 15 people who had been arrested and detained by GMP. This included the three women featured in the Sky News investigation, as well as a further nine women and three men who came forward to the Inquiry within the set time frame. One woman kindly gave me a great deal of helpful background material, but her experiences were not within the terms of the Inquiry.

I examined incidents going back to 2021, as these were the earliest of the incidents featured in the Sky News investigation. In a few of the cases, more historical incidents were also referred to, and I did consider some limited contextual arrest and detention materials as part of the Inquiry that preceded this period where I felt it was necessary. The earliest I went back to was 2019.

Fourteen people remained engaged with the Inquiry throughout. One person, Ms Zayna Iman, did not engage initially in the Inquiry but engaged with the Inquiry in November 2023, and then withdrew her engagement in January 2024.

She was one of the women featured in the Sky News broadcast and she has waived her anonymity.

As Ms Zayna Iman has withdrawn her engagement, we have not included her in this report. Her case is currently being investigated by the Independent Office for Police Conduct (IOPC).

With the exception of Ms Zayna Iman and two other people, Ms Dannika Stewart and Ms Scarlett West, who waived their anonymity, the people in this report have been anonymised and every effort has been made to protect their identity.

I also received eight anonymised contributions to the Inquiry via trusted support organisations, held expert focus groups, talked to independent custody visitors, visited two of GMP's custody suites (at Pendleton and Central Park police stations) and talked to police officers and staff, including senior officers and those working within the custody settings that I visited.

There are nine custody suites in Greater Manchester. These are Ashton-under-Lyne, Bury, Central Park in North Manchester, Cheadle Heath, Longsight, Pendleton, Swinton, Bolton, and Wigan.

Over the period of the Inquiry, I conducted comprehensive face-to-face interviews with each of the 15 people who came forward to gain their full account of events. A transcript was taken of their accounts, which was emailed out to them following our meeting to check that it was an accurate account. I encouraged people to bring a friend, family member or a member of a support organisation to the meeting with them.

Following the interviews, I asked GMP for all the material I believed to be relevant to the individual arrests and periods of detention so I could make judgements based on all of the evidence available. My review of this evidence included:

- inspecting custody records/detention logs/crime reports/witness statements/records of interviews under caution
- viewing many days' worth of arresting officers' body-worn video (BWV)
- viewing closed-circuit television (CCTV) footage from within the custody settings and, where available, from inside the cells (although not all cells contain CCTV).

GMP provided the material I requested, that they had available, but in some cases I was told footage was missing that should have covered custody desks or there was no BWV. GMP have provided a list of materials in a restricted Appendix (B).

In some cases, the complainants themselves submitted evidence to me that I also considered, always cross-referring to police material where necessary.

Where relevant, I additionally considered some material relating to formal complaints individuals had made against GMP. I make some recommendations in respect of how GMP deals with its complaints as part of this report.

In three of the cases, which especially referred to the impact of trauma and the effects of domestic/sexual abuse on behaviour, I tested some of my findings – these were anonymised cases – with a group of people far more expert in the field than I am, to ensure they were robust.

I also considered inspectorate and other relevant reports and custody and other data, including information pertaining to the recent inspection of GMP custody suites by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Care Quality Commission (CQC), published in February 2023 (HMICFRS and CQC, 2023). This inspection concluded that there were several causes for concern about the force's practice in respect of custody.

Since that inspection happened:

- GMP has undertaken work to improve the resourcing, policies, and practices of custody.
- The subsequent revisit by HMICFRS in December 2023 has removed these causes for concern but classified them in the less serious category of 'areas of improvement'.

However, my report will provide further recommendations that need to work in tandem with those already provided through the inspectorate.

I have made observations and drawn conclusions in respect of each individual case I have examined. Having then considered all the cases together, along with the wider material referred to previously, I have made some broader conclusions.

Based on those conclusions I have made several recommendations covering the key themes of arrest, custody, strip searching, domestic abuse and complaints handling.

I would like to make clear that these are my recommendations, and it is for the Greater Manchester Mayor and Deputy Mayor to consider whether and how to take them forward. It is my hope, however, that they will be accepted and implemented in full. I strongly recommend that a delivery plan is developed following this report that details how my recommendations will be delivered, along with appropriate timescales.

I also need to be clear what is not in the scope of my Inquiry. The conduct of individual officers is a matter for the Greater Manchester Chief Constable in line with statutory police regulations and the professional standards department (PSD) of GMP.

In certain defined circumstances, if the conduct of an officer or officers is in question the Chief Constable must make referrals – either mandatory or voluntary – to the IOPC, which will then decide whether or not to independently investigate this conduct. When the IOPC returns a referral for ‘local’ investigation, and in circumstances where a referral is not required, the necessary investigations are usually conducted by police PSDs.

Therefore, my Inquiry has not extended to the interview of individual officers connected to the various cases. I do, however, make observations about the conduct or behaviour of certain officers based on the information I have reviewed. There are some cases in this report that have live investigations being conducted by the IOPC.

While my report is totally focused on GMP as to facts and events, I acknowledge that some of the observations, conclusions and recommendations relate to matters that are not unique to the police in Greater Manchester.

There are a number of recommendations where I have suggested that the Home Office, the NPCC and the College of Policing also become involved in progressing change and improvement, but I acknowledge that the report belongs to the Mayor of Greater Manchester and recommend that he takes on the challenge of engaging those agencies so that improvement can go beyond his boundaries while focusing within them.

I hope that my Inquiry and this report will drive change where it is – sometimes urgently – required in GMP. My aim is strongly to promote a way of working in the police that will justifiably engender trust across the population and particularly among women.

Acknowledgements

This Inquiry would not have been possible without the people who have come forward to talk to me about their experiences of arrest and detention. It takes great courage to come forward and for many it has involved relaying traumatising experiences to me. Their contribution to the report and, through their experiences, to shaping the improvements in service that we all seek cannot be overestimated. I hope that this report provides those featured in it with, at the very least, some satisfaction and perhaps the possibility of closure and the ability to move on.

Others have been instrumental to this Inquiry. I would like to thank the organisations that have supported those who have come forward and offered expertise and advice to me throughout the Inquiry. This includes the Maggie Oliver Foundation, We Are Survivors, the Greater Manchester Women's Support Alliance and specifically Erykah Blackburn, Manchester Women's Aid, Safety4Sisters, Fortalice, Olive Pathway and Manchester Action on Street Health.

I also wish to thank the Greater Manchester independent custody visitors and the Independent Custody Visitors Association specifically the Chair, Dame Anne Owers, for their insights, as well as Zoe Lodrick at Manchester Metropolitan University, Dr Anna Nelson at the University of Manchester and Dr Julian Molina at Bristol University for their policy guidance, data analysis and advice.

Finally, I would like to thank officers in the Greater Manchester Combined Authority (GMCA) and GMP for supporting my many detailed requests for data and information.

Dame Vera Baird DBE KC

Personal narratives

Sophie

Background

Sophie is a teacher who was in a relationship with an increasingly violent person. In July 2022 he tried to strangle her, and she decided to report it to the police because she thought that he would ultimately kill her.

The police responded well: she has no complaints about that. Her partner was arrested and bailed with a condition not to contact her, but he did so, asking for another chance, and the police put a high-alert warning on her address to protect her.

Sophie's arrest

In September 2022, at 03:17, Sophie was woken by hammering on her front door. She saw three vehicles and flashing torches. She describes being afraid. It was the police. They arrested her for criminal damage to the wing mirror on her ex-partner's vehicle, which happened 14-15 months before, and for assaulting him by bruising his arms on the day he tried to strangle her.

There were two big, marked police vans and a car outside. A family member was very distressed.

Female officers supervised Sophie while she dressed. One apologised (seen on BWV), explaining: "This is just how it is". Sophie told the officer that she was bleeding heavily and waiting for a hysterectomy and was allowed to take sanitary products and medication with her.

Perplexingly, the police officers searched Sophie outside instead of inside her home. She was then taken to Cheadle Heath Police Station.

Sophie's time in custody

The Custody Officer (CO) at Cheadle Heath Police Station authorised Sophie's detention. He wrote on the custody record that her arrest was necessary "to protect a ... vulnerable person" and "for the prompt and effective investigation of the offence".

Sophie told the CO she was unwell. She was crying and shocked, and asked what would happen.

In the cell, there was no toilet roll and no sanitary provisions, and within 30 minutes she had bled through her clothing.

She rang and rang the cell buzzer, but it was 30-40 minutes before anyone answered, and that was a male officer. He didn't respond and walked out and shut the door when she indicated her needs. It was some time before he came back with a sanitary towel. She asked for her medication, but he said it would only be available through a nurse, who would come later in the morning.

Sophie's jeans and underwear were soaked with blood. She asked for more help, and the same officer brought some trousers and an evidence bag for her jeans. She asked for sanitary products at least once or twice more and, similarly, asked repeatedly for her medication.

She was released after 11 hours in detention with a bail condition not to contact her ex-partner – the mirror image of the condition he had been given.

The outcome of Sophie's arrest

The police constable, who had arrested Sophie, hammered on her door again, a week later, and, abruptly, told her that the CPS had decided on a caution, which she had to sign. Sophie refused.

In December 2022, Sophie's ex-partner smashed her windows while she was in the house, and then smashed her car windows. By then, she had a restraining order against him, and he was arrested.

The CPS required her to attend two court hearings before dropping the case against her. Essentially, Sophie's barrister persuaded the CPS that it was not in the public interest for them to be used by Sophie's ex-partner, to perpetuate his control over her.

At the time of writing Sophie's ex-partner was in custody, on remand, having harassed her at work and been abusive to her work colleagues, so that she had to tell her school headteacher everything.

She would have lost her job if she had been convicted, and a caution would have shown on any future Disclosure and Barring Service (DBS) checks. Indeed, Professor Zander's book on the Police and Criminal Evidence Act 1984 (PACE) refers to the arrest of a teacher, who later sued the police, since, as a union official testified, "A teacher who has been arrested is left virtually unemployable because it would be disclosed on an enhanced CRB [now DBS] check and would generally be fatal to a job application" (Zander, 2023).

The lawfulness of Sophie's arrest and detention

An arrest must be necessary if it is to be lawful. It is hard to see Sophie's arrest 'for the prompt and effective investigation of the offence(s)', months after they took place, as, in any way, necessary or lawful.

Code G of PACE says, about arrest: "The use of the power must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other less intrusive means". Obviously, Sophie could have been invited for interview, about the allegations, in a voluntary capacity.

Arresting Sophie 'to protect a ... vulnerable person' was misguided since her ex-partner was not vulnerable, and the police knew that because it is written on the custody record that he had been arrested.

PACE Section 37(3) says that authorising detention should only be done, if it is necessary and, since there was the availability of a voluntary interview, that test was not passed either. Her detention, in custody was, similarly, unlawful.

The impact of Sophie's experience

Currently, Sophie believes that this has ruined her life. She cries when she thinks about her treatment and wants to escape from the embarrassment of worrying about who saw her arrested that night. Sophie's family member also feels that she will never trust the police.

Sophie describes herself as an emotional wreck, perpetually frightened that she will be taken in the middle of the night and go to jail, or that she will be locked, bleeding, in a cell, for another 16 hours.

Being offered a caution was upsetting, because, in contrast, the CPS had taken no action against her ex-partner at that time. She felt that everyone was on his side, and that she had made a huge mistake by reporting him to the police.

“If I could go back now, I probably wouldn’t report it,” she told me.

Commentary on Sophie’s case

GMP knew that Sophie was a high-risk domestic abuse victim, in fear of a violent perpetrator, who had everything to gain by discrediting her, as the only witness against him. Coercively controlling abusers use threats, such as prosecution, to seek to reassert control over their victim.

I suspect the arresting and custody officers lost perspective, in this case, because there is, currently, a positive duty to make arrests in domestic abuse cases. College of Policing guidance requires that action be taken “to protect a vulnerable person, to prevent injury or damage and/or to allow for the prompt and effective investigation of the case”.

However, in the case of *R(TL) v Chief Constable of Surrey* [2017] EWHC 129 (Admin), where the suspect had allegedly raped his former partner, but was of good character, and would have been likely to attend a voluntary interview, the court said that the existence of those “policy grounds” did not make his arrest necessary. In order to be lawful, it had to be necessary, in the particular case, and it was not.

In Sophie’s case, none of the College of Policing tests “to protect a vulnerable person, to prevent injury or damage and/or to allow for the prompt and effective investigation of the case” were present, anyway, and if the guidance caused or influenced the arrest, it should not have done. And it seems totally clear, that there was no other necessity to arrest her. Not only was this arrest unlawful, but it was an extremely misguided way for police officers to treat a known victim of potentially near-fatal domestic abuse.

There is further College of Policing guidance, directed primarily at response officers, but relevant to all policing of domestic abuse cases, requiring officers to make the decision – who is the primary perpetrator?

This is highly relevant to Sophie's case. The guidance says officers should avoid jumping to conclusions and should probe the situation, examining whether:

- the victim may have used justifiable force against the suspect in self-defence
- the suspect may be making a false counter-allegation
- a manipulative perpetrator may be trying to draw the police into colluding with their control or coercion of the victim, by making a false incident report.

Since receiving a poor HMICFRS report about its custody provision, GMP has established a system of allocating a female welfare officer to every female detainee and having sanitary products always available. Sanitary products are often required urgently, especially for women under the stress likely to be brought on by detention. However, the new system will not work, as it didn't in Sophie's case, if nobody answers the cell buzzer. This may sound like a very naïve point, but sanitary needs can be extremely urgent, as they were here. It is overwhelmingly better for women detainees to be attended to by women officers and I will recommend that this becomes a priority change.

Recommendations

There are some strong links between Sophie's experience and other domestic abuse cases in this Inquiry, and her case has made a significant contribution to my final recommendations about improving how female victims are understood and how their reactions to abuse should not be misunderstood. Some understanding of the effects of trauma will be an important part of that.

I am very critical of this arrest. I am recommending refresher training about understanding that arrests must be necessary in order to be lawful and that it is important to look for less intrusive alternatives to arrest as part of that process.

Maria

Background

In May 2023, Maria and her husband had booked a room at a hotel in Manchester for an event. Maria was on bail to live at home, and her husband was driving (and not drinking) so that they could get back that night.

Maria's husband has been abusive to her in the past, but she is ambivalent about it, because it only began when he developed PTSD, after military service.

While in Manchester, Maria saw that her husband was drinking and told him that she was going home on her own. Her husband followed her upstairs, to their room, and throttled her so hard that she passed out. When she came round, he was gone.

Someone had heard Maria scream and called the police. They arrived to find Maria drunk, hurt, and upset. She had to be persuaded, by PC IX to tell them where her husband's car was, and the police arrested him.

Maria insisted that she must go home to keep to her bail, but PC IX told her to stay, and she realised that she could not go home because her husband had her money.

Maria's arrest

The next morning, Maria rang 101, from outside Pendleton Police Station. Over the next five and a half hours, this domestic abuse victim, alone in a strange city, made 14 calls, for police to help her, to get money from her husband's property, so that she could go home.

She explained it all and was passed to someone else, explained it again – each time revisiting the abuse she had just suffered. She was repeatedly told that someone would contact her, but nobody did. The pattern didn't change, hour after hour, until eventually she rang, sobbing and angry. Things she said in that call include: "The police are the only people, in this fucking country, to speak to and yet they are failing people on a monumental scale" and "I am fucking sick of the fucking police they're shit, shit, shit".

She phoned back 30 minutes later and, on being treated like a new caller yet again, in tears, said she would drown herself if she didn't have her kids to consider. At that point, the police responded.

Maria later faced a charge of malicious communications for these calls.

Two police constables (PC X and PC XI) took Maria into the police station and talked with her for an hour. She told them about the breach of bail.

The officers said they would take her to the police station, where her husband was detained, to collect money, card and keys from his property so she could go home, or she could wait in their car for him to be released. All three went to the police yard, for the car.

PC XI checked the Police National Computer (PNC) and rang Maria's local police force about her bail.

PC XI wrote in a later statement, for the malicious communications prosecution, that they were told by a police officer from this force that Maria had made attempts to pervert the course of justice, drank, concealed items to self-harm and assaulted officers. In fact, a statement from that officer, shows that they also told PC XI that Maria was a survivor of hundreds of sexual offences. That striking information can only have been missed out of PC XI's statement deliberately.

Maria had by then been with the police a long time, and seemed to despair. She decided to leave the police yard and tried to squeeze through a gate, but PC XI pulled her back and threatened to arrest her. It is unclear why Maria, who was perfectly free to leave, was not allowed to do so, albeit by a different route. PC XI's statement says they decided to arrest Maria for breach of bail. Clearly the conversation with the officer from the other force led to this decision, but that officer had not asked PC XI to arrest Maria.

BWV shows Maria, after she has been pulled from the gate, crying hopelessly, walking to pick her bag up from the ground and PC XI marching straight at her, wrenching the bag off her and bellowing across the yard: "I've just been told that you're a problem drinker".

This is a nasty moment to watch. Maria cowered and PC XI gripped her arm. Maria asked PC X if she has done anything wrong and they said no.

She begged PC X to get PC XI off, but PC XI arrested her for breach of bail. Maria struggled and dropped a vape, from her hand. into her trousers.

When other officers arrived, she was handcuffed and, at their request, was able to shake the vape out onto the ground. She asked: "Why are you arresting me when I've come to ask for help?".

PC XI's later statement, which I refer to above, says: "I then recalled that I had read, on log 1856, that she had been making numerous abusive calls to the control room, so I further arrested her for malicious communications".

At this point the original arrest, for breach of bail, seems to disappear from history.

Maria, instead, faced a charge of malicious communications for the calls she made to the police, though it is arguable that few people would not have been driven to swear at some point in these calls. I have doubts about the lawfulness of her arrest, and I am sure that to prosecute her for trying to get help is not in the public interest.

Maria's time in custody

PC XI told the custody sergeant that Maria had used 999 and 101 to pass abusive messages to the call handler, saying she hates the police. None of Maria's calls was to 999.

The custody sergeant authorised detention. Inexplicably, there is no audio on the custody desk video. However, Maria can be seen making a point, which she says was her telling the custody sergeant that she has done nothing wrong. The custody sergeant can be seen banging his hands on the desk, and she says he repeatedly told her to "shut the fuck up".

This recent victim of domestic abuse and historic victim of rape was then strip searched, ostensibly in search of the vape she dropped out of her trousers in the police station yard, and because of the other police force's officer's reference to her 'concealing things'.

Maria describes being told to take all her clothes off and, when completely naked, to open the lips of her vagina so the police could see inside and to bend over and open her anal area similarly. She felt humiliated and demeaned.

Maria's custody record is unsatisfactory, as it contains several inaccuracies.

The record is endorsed with "authorisation for a strip search at [three hours earlier] she had secreted an item down her trousers" and three minutes later it says: "A strip search of detained person conducted [three minutes before]."

In truth, she was strip searched, as soon as custody was authorised, and the note was made two hours later.

Maria was later interviewed and denied malicious communications. Two further entries were made in the record in the early hours of the following morning. One entry says: "Further arrests are required". I asked GMP what further arrests were required, but was told there were none.

The other entry says: "Application for three days lie down was not granted". I asked GMP who wanted a 'three days lie down' (meaning a three-day remand) for Maria. I am told that nobody did.

Yet both these fictitious entries are on the official document, for which the custody officer is personally responsible.

In the early hours of the morning, Maria was released into a strange city, still without any money with which to get home. She was scared and a stranger attempted to get her into his car. This is not impressive – so much for police duty of care to a vulnerable female victim of domestic abuse.

The lawfulness of Maria's arrest and detention

Regarding Maria's initial arrest for breach of bail, GMP has no interest in a breach of another police force's bail. If there is a breach of its own bail, it is up to GMP officers who know the case, to decide to rearrest and bail the person again, take no action or seek a remand. GMP would have no information on which to make those decisions, in Maria's case.

College of Policing Authorised Professional Practice guidance on detention and custody says there is a presumption of bail, even for a breach of bail. I have asked many serving GMP officers if any of them would have made this arrest.

All of them have looked perplexed and said that, for the reasons set out above, it was pointless.

The fact that this arrest was, according to PC XI's colleagues, 'pointless', was so unpleasantly carried out and that PC XI left out of their statement that Maria is a survivor of sexual abuse, all make PC XI's behaviour look unprofessional and of concern.

Did PC XI take a dislike to Maria or want, in some way, to be associated with another police force's important operation? This is very troubling.

It may be that one of the officers, who came to help with the arrest, told PC XI that the custody officer might not authorise detention.

Within minutes, PC XI changed to arresting Maria for malicious communications. There is never any further mention of that arrest for breach of bail, by anyone. Maria is neither de-arrested nor processed, in respect of it.

PC XI first saw the log saying that Maria had been abusive on the phone, when they and PC X were sent out to talk to her. PC XI's sergeant didn't tell them to arrest Maria, and it was over an hour before PC XI chose to do so.

What this single line on the log says (among a mass of further information) is: "Female is making numerous abusive calls to the control room".

For a lawful arrest, a constable must have reasonable grounds for suspecting that an offence has been committed and reasonably believe that the individual is guilty of it.

An abusive call is not necessarily a malicious communications offence. To be criminal, a call must be indecent, grossly offensive, threatening or false, and has to be made maliciously, to cause distress to the recipient.

There is nothing to make anyone reasonably suspect that Maria's calls to the police fell within any of those categories, nor that any offence had been committed. For instance, there is no upset complainant.

An officer who, unlike PC XI, had the benefit of listening to the calls, endorsed the crime report within a few minutes of Maria's malicious communications arrest: "I have listened to the calls. There have been no threats to call handling staff.

There have been some comments but appears more frustration and raised voices than anything".

To be lawful an arrest must be necessary, and Maria's was said to be "for the prompt and effective investigation of the offence". However, the calls are recorded, they came from the phone Maria was rung back on, by PC XI, and somebody has just listened to them. What more is there to investigate? PACE Code C requires an officer to consider the circumstances of the suspect, as well as the investigative process and here is a female domestic abuse victim, far from home, with insufficient money to get there, seeking help from the local police. What is the necessity for this arrest?

I am quite satisfied that this arrest was unlawful, failing both on the grounds that it was not necessary, but even more fundamentally, because the officer had no reasonable grounds for suspecting that Maria had committed the offence of malicious communication.

Commentary on Maria's case

As a victim of domestic abuse, Maria should have been given support in compliance with the Victims' Code (MoJ, 2020). Though officers, who initially saw her at the hotel, did well persuading her to stay there overnight, the police call handlers who Maria spoke to, the following morning, failed utterly, in their duty of care to her. No attempt was made to connect her to an officer in her case, or to a local domestic abuse charity, via the 24-hour national helpline, so that her support needs could have been met, without a six-hour telephone ordeal.

I have listened to all the calls and the police responses are on a continuum between bureaucratic and unhelpful, and none of them acknowledges the police obligation to victims. PC XI shared that obligation.

The strip search custody record note does not refer to the power under which it was carried out. Maria is in no doubt as to why it was done.

She says: “The only reason they did what they did was to degrade me ... If I was a man, I don't think they would've done it. I was treated like a piece of meat”.

Without assuming that the additional suffering, that traumatised women suffer from strip searching, is understood in GMP, as it should be, it would not have been considered, by Maria's custody officer, because PC XI did not tell them that she was an abuse victim.

GMP should review its approach to supporting victims, and bring the force, speedily, into full compliance with the Victims' Code. No domestic abuse victim should ever be left, without the name and phone number of the officer, in their case, nor without the contact details of a domestic abuse charity.

Recommendations

GMP did not fully comply with the Victims' Code, in its treatment of Maria, who was entitled to enhanced rights as a victim of domestic abuse, albeit that she was not the person who reported the crime. She was entitled to a crime reference number, and the contact details of the officer dealing with the case. Had the information been available, these events would probably not have happened.

I have recommended that, following the poor/unlawful arrests shown, in several of the cases in this Inquiry, GMP should retrain its officers in the necessity test for arrest.

PC XI seems to treat Maria in a way that resembles other officers' behaviour in the Inquiry. They have arrested without any regard to context. The training, recommended above, should ensure that context is a part of the decision-making process, in relation to every arrest.

The Double Standard research project, by the Centre for Women's Justice (2022a), and the Domestic Abuse section of this report, show the gross imbalance between the weak police response to the perpetrators of domestic abuse, and their over-response to minor misconduct by victims. It also highlights how police readily criminalise traumatised women, who express frustration with the police response.

Maria's treatment seems to reflect those findings, and I make recommendations, about the need for an improved response from GMP to this research, elsewhere in my report.

I also make recommendations to severely limit, properly regulate, and fully record strip searching, and about custody officers, who are responsible for the accuracy and completeness of the custody record, being reminded of those responsibilities.

Maria was very badly treated by GMP and, knowing as I do, that she has a range of domestic and other problems, I am very grateful that she has taken the time to come to the Inquiry to use this experience to bring change.

Charlotte

Background

Charlotte was in the care of the local authority as a child and suffered from various traumas. Her experience has made her very aware of the risk of exploitation to her own family members.

Charlotte now lives with her long-term partner and their children. Her partner has a child from a previous relationship (Child A). In April 2022, Charlotte noticed that Child A was being secretive with their mobile phone, and she found messages from men offering Child A money to meet. After that, Charlotte only gave Child A the mobile when she could supervise them. Child A put themselves into a children's home and later disclosed that a man (Adult 1) had touched them in their genital area. The children's home staff reported that Adult 1 was phoning Child A saying he was going to rape them and then kidnap them, to have sex with a lot of men. Child A was distraught, but somehow blamed themselves. Charlotte reported this to the police. Adult 1 has a Child Abduction Warning Notice (CAWN) against him to stop him from contacting Child A.

Child A was clearly being groomed at the children's home and social services encouraged Charlotte to take them back, but Charlotte worried that this could put her other children at risk.

Charlotte's arrest

Charlotte was arrested for affray at a fast-food restaurant in Greater Manchester in March 2023.

Charlotte went to the restaurant because of two phone calls. The first was from the children's home, earlier that day, saying that Child A had been talking sexually, to an older person, on the phone, and had then absconded.

The second was from Child A themselves, asking Charlotte to go to the restaurant, where they were with the police. Charlotte's partner went with her, but Child A wasn't with the police. They were with Adult 1, and with Adult 2, an off-duty member of staff from the children's home, and with Child A's older sibling (Adult 3), who was also Adult 1's partner, and, similarly, was the subject of a CAWN to prevent her from contacting Child A. Charlotte immediately called 999, asking the police to come, to help her to protect Child A.

It seems from the restaurant CCTV footage that Adult 3 was directing Child A, because Child A ran at Charlotte, kicking and hitting her, while Adult 3 is shown, on the video, shouting "go on". When Charlotte phoned the police, Adult 2 asked the restaurant staff to let them, and Child A, out through the back door. The staff refused, closed the restaurant, and locked them all in.

Charlotte agrees that she held onto Child A and pushed Adult 2, to stop them all from leaving. Adult 2 pushed her, against the wall, causing a big lump on her head that Charlotte reported to the police, but they didn't arrest Adult 2.

The 'affray' was over when the police arrived. Charlotte talked to some officers, outside the restaurant, on Body Worn Video, while other police watched the restaurant video, for evidence. Charlotte was aware of the CAWNs, which her partner had signed, as Child A's guardian, and she told the officers that Adult 1's CAWN was not working. She described it as not worth the paper it is written on, and she took the officers through the whole story of struggling to safeguard Child A. She believes that Child A is a nice child but is being manipulated, and she wants to give them boundaries.

One of the police constables (PC I) decided to arrest Charlotte for affray. PC I said this decision was because Charlotte said Child A attacked her, while Child A said Charlotte attacked them.

The police arrested Charlotte's partner for pushing Adult 1 and Adult 2, but not Adult 2 for pushing Charlotte. They seemed to have no concerns that Adult 2 was off duty, at the time when he was meeting Child A. They did not arrest Adult 3, who has a CAWN against being with Child A, and was, additionally, on video encouraging Child A to attack Charlotte.

They did not arrest Adult 1, who has a CAWN telling them that they should not be with Child A.

On that arrangement, the police would have been leaving Child A, a child to whom they have a duty of care, with Adult 1, Adult 2, and Adult 3.

PC I told Charlotte the arrest was just a formality to get her side of the story and said: "We will get you in and out quickly".

Charlotte forcefully explained to PC I that children's home staff had heard Adult 1 threatening to rape Child A, and that they were in breach of their CAWN, that Adult 3 was encouraging Child A into contacting Adult 1 and that Adult 2 was meeting this underage child, on his day off.

This did not change the police's plans on who to arrest, except that officers decided to arrest Child A, and then bail them back to the children's home.

Charlotte's time in custody

Charlotte arrived at Wigan Police Station with PC I, who told the custody officer (CO) that she had been fighting in the restaurant, and acting aggressively towards other people.

She was kept in the stifling and airless police van for more than an hour. She had injuries. She asked to contact a family member to check that her younger child (who was extremely unwell) was safe, but that request was refused.

She pressed the cell buzzer to ask for toilet roll, needing to use the lavatory. The custody sergeant responded, just long enough to repeat that she could call her family member later. She had to use her jumper, to wipe herself clean, after using the toilet.

She was brought toilet paper, more than an hour too late. It seems clear that the custody sergeant had heard what she wanted but didn't hurry.

Having been told, by PC I, that arresting her was 'just a formality' and they would 'get her in and out quickly', Charlotte didn't ask for sanitary protection at the outset. When she did need it, the only source was the male custody sergeant who wouldn't let her speak about toilet roll, and she shrank from asking him. She was not offered sanitary protection or contact with a female welfare officer.

It is well chronicled that many women in a position of stress, such as being in custody, experience menstrual floods. Charlotte was overflowing into her clothes and had to remain soaked in menstrual blood for most of the 16 hours' detention, that was the reality of this 'formality'. She was also afraid of getting toxic shock, from the tampon she had to use, while in custody.

Another man came to take her fingerprints. She was crying and emotional, as well as cold, because she was only wearing leggings and a vest top. He got her a jumper, and a care package of toilet roll, toothbrush, soap, and a towel. She, again, felt too awkward to ask a man for sanitary protection.

Charlotte asked to speak to her solicitor. She was told she could do so when he came for her interview, which was 12 hours later.

Charlotte was bailed and driven home just after 04.00am. The custody sergeant gave her a bag for her soiled jumper.

The outcome of Charlotte's arrest

Charlotte later made a complaint, through an online form, and the same custody sergeant from Wigan Police Station called her back and said he would investigate it for her.

He rang her, a couple of weeks later, to say that, although she was upset, she had been treated fairly, and was not automatically entitled to a phone call while in custody.

The impact of Charlotte's experience

When Charlotte got home, she felt belittled and degraded. She told me she had a small black eye, from rubbing her face, because she was crying so much. It was heartbreaking that she had tried her best to protect Child A and had been treated deplorably by GMP from start to finish.

When I was shown the video of her arrest, the officer showing it to me said that Charlotte was the nicest person, the arresting officer had ever arrested.

The lawfulness of Charlotte's arrest and detention

There is no doubt that police on the scene of the incident knew the context.

- The call centre forwarded information from the 999 call, to the response officers, in which Charlotte set out the need to protect Child A, against Adult 1 and Adult 3.
- Officers, at the scene, informally discussed the situation with Charlotte on BWV – which I have watched – again setting out the context.
- Police already suspected Adult 1 and Adult 3 were trafficking Child A.
- The 'affray' was over by the time officers arrived, and the police had time to check the broader picture through their control centre, if they were still in any doubt, despite having all the above information.

GMP safeguarding case papers (disclosed to the Inquiry) would have informed the officers: "There is a concern that Adult 1 and Adult 3 are responsible for trafficking Child A to locations where they have met older men and there are concerns around sexual exploitation. Child A is also alleged to have been sexually assaulted by Adult 1. Child A has asked to be returned to their Dad, and Charlotte ... where they can feel safe ... it was agreed with social services that they should stay there ... their father and Charlotte are 'protective factors'".

Commentary on Charlotte's case

The urgent, primary task for the police on the scene was to safeguard Child A. That police, ever, considered leaving her in the care of Adult 1 and Adult 3, given the points above, is of great concern. That concern is heightened by the police intention

to remove Charlotte and her partner from the scene, perhaps for a measurable period, leaving Child A unprotected in the immediate future.

Police watched the restaurant video. Charlotte used no violence, save holding onto Child A and pushing Adult 2, who pushed her and blocked her way – but Adult 2 was not arrested. Charlotte did call Adult 1 and Adult 3 ‘nonces’.

‘To hear someone’s side of the story’ is not a reason to arrest them. The police had, already, heard Charlotte’s ‘side’ on the 999 call, and face-to-face on BWV.

If there was a need to question her further, given the above, there was every reason to think that Charlotte would attend for interview as a volunteer.

PC I did not relay any of the above contextual information to the custody sergeant. No reference was made to the injuries inflicted on Charlotte, more serious than any violence she used.

The CO cannot have asked any questions, or they would have concluded that the PACE Section 37(3) test of necessity for detention was not met, considering the matters set out above.

There is poor completion of the custody record. Charlotte was risk assessed as having no injuries, and then noted as having them, but offered no medical care.

Reviews of detention were formulaic and lacked reality. A more senior officer, out of the daily fray, should have ascertained more information and in what way Charlotte’s detention was supporting any investigation. The lack of reality is all the clearer for the recorded repetition of her right to legal advice ‘at any time’ when she had asked for it hours before, and it had not been delivered.

Charlotte’s experience of neglect of her personal hygiene needs, in custody, were very distressing and demeaning.

These arrests put Child A at risk, risked criminalising responsible adults for taking emergency action to safeguard a child, and gave licence to recognised child predators, with criminal intent towards Child A.

Recommendations

I recommend that frontline officers are trained, to make decisions on arrest, that appropriately take context into account. This should train them into a better understanding of the PACE necessity test and, as the PACE codes of practice require, to consider all the less intrusive alternatives.

GMP must train its frontline officers about both trauma and its impact, and about the manipulative characteristics of child sexual predators.

Custody officers must be trained, to probe the facts to scrutinise whether PACE Section 37(3) is fulfilled. Accepting a formulaic reason for arrest is not enough.

Failure to respond to, what can be urgent, needs for sanitary protection, in custody, is emerging as a systemic issue. After a critical HMICFRS report, GMP, commendably, stocked up with sanitary products, and introduced a system of allocating a female welfare officer, to each female detainee. This system was not working here at this time. Many women will find it hard to ask men for tampons, personal hygiene materials and clean underwear, when accidents have happened. Given the understanding – at least among women – that stress can cause sudden menstrual irregularities, it is imperative that cell buzzers are responded to, particularly quickly, when the detainee is female. It is unclear why sanitary provision is not provided in cells, where female arrestees are detained.

Urgent legal advice should be obtained, as to the sex discrimination implications of a custody regime, that does not provide for women's needs, where they are specific, and different from those of men.

This is a very worrying arrest, misconceived and, apart from the risks it caused to a vulnerable child, it had a very poor impact on a woman, who, the police themselves acknowledge, is doing her best to protect that child.

Dannika

Background

At the time of writing, Dannika was a young woman supporting herself and others and living in her own house. On Saturday 26 March 2022, Child B went to a party

with two friends (Child C and Child D). The next evening, Child C texted Dannika with videos of Child B, Child C and Child D from the night before, 'off their heads' with drugs, and with a grown man (Adult 7). Child B told Dannika that Adult 7 had sold them cannabis at half price, got them into a car and driven them to a house, where he gave them more drugs. Adult 7 had a Polaroid camera, and a 'photo trophy wall' of other drugged girls. Child B and Child C say Adult 7 had sex with Child D, who was with them, but Child D denies it. Child B said that the man had a piercing gun, and had pierced Child D's clitoris.

Dannika identified Adult 7, and rang him, only to be mocked. She posted comments about him on Facebook, but removed the post when she realised, that she could not tackle this issue, but needed to ring the police.

At first, officers who responded to her call acted appropriately, filming part of a statement from Child B on BWV, and collecting videos, photos, and drugs that Dannika had taken from Child B and Child C.

A few days later, Child B was contacted by another friend to say she was with Adult 7. Dannika was desperate to tell the police, and shocked that he hadn't been arrested.

She rang 999, and emailed a local charity worker, who spoke to the police on her behalf, and Adult 7 was arrested. This charity worker, and Dannika, agree that, without that intervention, Adult 7 would not have been arrested. By then, evidence, such as the 'trophy wall', had disappeared.

There followed a series of problematic police actions. Dannika has notes of a local authority strategy meeting, held three days after she reported Adult 7, when the police asserted that Dannika was discouraging the children, and protecting Adult 7. Dannika, furiously, complained about this, to an officer in GMP's child protection department, and the same officer rang Dannika saying they would be investigating this complaint against themselves.

They, then, told Dannika that GMP would pursue Adult 7 for drugs, as there was too little evidence of sex offences, but admitted that they hadn't seen any of the evidence Child B had given to the police.

Next, GMP cancelled a further interview with Child B because there was no appropriate adult.

Dannika blames police inaction, for Child D having been groomed, since she is currently “selling herself to grown men”.

By May 2022, Dannika and Child B had heard nothing further and she and the same representative of the charity met with the officer who had got Adult 7 arrested.

Dannika recorded this meeting.

The officer agreed that Adult 7’s arrest and Child B’s interview should have happened earlier, commenting that there was “loads of proof and loads of different lines of Inquiry” and describing Adult 7 as “really dangerous”.

Dannika’s arrest

In October 2022, six officers arrived at Dannika’s front door, while she was at work, Her young child, on their way to school, was terrified. The police have told me they came to Dannika’s house because Adult 7, in interview in June 2022, had said that someone had offered to drop the drug and sex allegations, for £200. Dannika was a suspect because, in a 999 call to the police, she had threatened to kill Adult 7, if they didn’t arrest him.

A member of Dannika’s family rang her, from their home, to connect her with the lead officer. The police officer told her that they wanted to seize Dannika’s phone, about a blackmail. This officer wanted to go to Dannika’s work, but Dannika values her job, so she rang off, left work, and called the local police station, offering to go there immediately, with her phone. She shouted, furiously, at the officer she spoke to, at the police station: “Why the fuck have you come to my house? I am coming now. Be ready! The police are shit and out of order, and I hope you die”.

So necessary was it to arrest Dannika, at her home that day, in October, to protect Adult 7, and seize the phone, that the lead officer refused to meet her, for a further three days. This means that Dannika had three days, in which to dispose of her phone, if she wished, but, instead, she took it to Pendleton Police Station, and waited outside for the officer.

When the lead officer arrived, Dannika swore at them, for invading her home and scaring her family, and asked why they were an hour late, for the arranged meeting. Dannika was immediately arrested for blackmail and malicious communications – the latter for the ‘police are shit’ phone call.

I have seen the video of this chaotic encounter. The police officer added to the standard words of arrest, in a manner designed to raise the temperature, saying: “Now Dannika, we can do this the easy way, or we can do it the hard way”.

Dannika had her phone in her hand, and walked up the ramp, to the police station entrance, saying “Let’s go in then”, ready to transact their business. The police officer refused.

In this officer’s later statement, they express concern that the row that followed happened where there were passers-by, but it was their fault that they stayed in a public place. Dannika walked back to them and explained that she would give her phone to the custody sergeant, when she was on CCTV, so there was no mistake. The lead officer refused, presumably determined to do things their way. A police officer, who arrests someone, has a duty to get them into a police station, without delay (under Section 2(3)(b) of PACE), but this police officer didn’t do that.

Dannika lost her temper, and unloaded abuse and criticism, about police failures and this interference with her private life. Though the police officer’s statement says they were trying to calm things down, they called Dannika a “knob head” and told her that she was “boring”.

The lead officer summoned other officers, and shouted at them not to let Dannika dispose of the phone she had just been trying to hand in. It was a pantomime. Dannika dropped her phone into her clothing; everyone grabbed her. The lead officer tried to handcuff her and couldn’t. Dannika baited the officer for being useless at handcuffing and called the police “nonces” because they wouldn’t arrest Adult 7.

Dannika was handcuffed, put into a van, and rearrested for a public order offence. But finally, she was taken into the police station, where she gave her phone to the custody sergeant, as promised. This was a simple arrangement with which Dannika was complying.

Dannika's time in custody

Dannika was taken into a cell and told to 'strip or be stripped' because she was 'concealing', - although Dannika had come to the police station with her phone, as requested, and only put it down her trousers, when the police officer tried to take it by force, after refusing to let her give it, to the custody officer.

Dannika took off her upper garments, trousers, and knickers, so that she was naked. There were two officers there. She was not given a blanket for modesty, and says one officer was staring at her breasts.

She was kept naked for some time, then told that they'd got the strip search wrong, and had to do it again. That didn't happen, but she feels this was part of 'torturing' her.

The police deny that there was a strip search. They say that they made her change her trousers because her own had a cord. Since a ruling in 2015 (Davies v Chief Constable Merseyside Police [2015] EWCA Civ 114), both a strip search and any compulsory change of trousers must be recorded as a strip search. So, either way, there should be a strip search on Dannika's custody record, but there is none.

In custody, Dannika was crying, and asked for medical help but was told she was 'on a list'. She kept asking for her medication, but the police turned the cell buzzer off. GMP officers went to search her home, and could have brought the medication back with them, but they didn't.

Dannika was interviewed, on BWV, by the police officer who arrested her. That was an error, given the row they had already had. The police officer referred to Dannika's Facebook posts, and texts sent to Adult 7, but none of those contains blackmail threats. Dannika denied that she sent the £200 message. The police officer asked questions about Adult 7, and Dannika screamed, and got up, saying that she would not discuss what Adult 7 did to Child B. She walked, sobbing, out of the interview, and was manhandled by the police officer, in the corridor.

Dannika returned, but took no further part. The police officer, inexplicably, read out some previous convictions, on the interview tape and asked her, if they were hers.

The outcome of Dannika's arrest

Dannika was on bail for a year, although, as far as I am aware, there was never any evidence that she was the blackmailer. She feels the police were taking revenge, because she got the charity worker involved, and taped the senior officer who met with the charity worker and her, to discuss the police inquiry into Adult 7.

The impact of Dannika's experience

Dannika gave me a compelling account of the strip search, carried out in custody, visibly upset by the degradation she felt.

The lawfulness of Dannika's arrest and detention

Flaws in the police position in deciding to arrest Dannika as a suspect are:- that the blackmail call to Adult 7 was allegedly made on 29 March, just after Child B, Child C and Child D, had left him, but Dannika didn't know about Adult 7, until the following evening.

Secondly, Dannika has driven Adult 7's prosecution very hard, to protect the children involved, which is seemingly inconsistent with someone willing to drop it, for a small sum. Thirdly, since she is not a witness, Dannika cannot drop the allegation. And finally, why is an arrest, in October necessary, to deal with a blackmail threat made in March? I was never aware of any evidence against Dannika. I am told there was 'intelligence', but the police had her phone number, and no blackmail message was sent from it.

An arrest must be necessary, to be lawful. It is hard to see how this attempt to arrest Dannika, at her home, could have been necessary and it was not only unlawful, but also likely to have been traumatic, for members of her family.

Further, PACE Code G at note 2G says: "When a person attends a police station voluntarily for interview, by arrangement, their arrest on arrival, prior to interview, would only be justified if ... new information coming to light, after the arrangement were made, indicates that voluntary attendance ceased to be a practical alternative, and the person's arrest became necessary".

Nothing had changed, since the failure of the attempted arrest, brought the arrangement with the police officer, to meet to hand over the phone. I query if there

was any necessity, or reasonable suspicion of an offence, to justify arresting Dannika, when she attended to try to fulfil that arrangement.

Commentary on Dannika's case

In breach of the Victims' Code 2020, GMP did not refer Child B to a local charity, for tailored victim support, and the police have not kept in touch with them about their case. For instance, when Dannika tried to tell the police that Adult 7 was out with another underaged child, she used 999 because, contrary to Right 3 of the Victims' Code 2020, Child B did not have "details of the officer dealing with your case".

There are breaches, too, of Victims' Code Rights 6, 7 (and 8, assuming that GMP prosecuted Adult 7, for drugs, as the police had told Dannika was their intention). Not only has this left a child without support, when they may be developmentally affected by the conduct of Adult 7, it has fuelled a sense that the police have no commitment to them, or to prosecuting the culprit.

Few victims of sexual abuse report it to the police, and the way this case was handled by GMP, makes that entirely understandable.

The *Double Standard* research from the Centre for Women's Justice (CWJ, 2022a) shows disproportionality between the characteristically weak police response, to the perpetrators of domestic and sexual abuse of females, and their over-response to perceived minor misdemeanours by female victims.

Dannika, the proxy for the underage victims, experienced this, in her treatment by GMP. For instance, the police officer tasked with investigating Adult 7 as a child abuser and Dannika, for allegedly blackmailing Adult 7, refers to Adult 7 as 'the victim' throughout their witness statement.

The same *Double Standard* research highlights police readiness to criminalise behaviour, resulting from trauma and frustration with the weak police response. Hence, Dannika becomes a suspect for blackmail, because GMP does not arrest Adult 7, when he is with another young child and, in frustration, she says that she will kill Adult 7, if they don't arrest him.

Presumably, she was named as the blackmailer, by Adult 7. Abusers are well-known for being manipulative, and this alleged abuser had everything to gain, if the woman, driving the police against him, could be compromised.

Dannika's home was raided dramatically, terrifying her young family, and embarrassing them with their neighbours.

Why was this done when she could have been asked to bring her phone to the police, as she did three days later?

Dannika should never have been manhandled back into the interview with the police officer. An interview is not obligatory.

An officer is not entitled to use force to compel participation. Previous convictions have no evidential value and should not be referred to in interview. Asking tendentious questions about them, in an accusatory tone, as the video shows the officer doing, is browbeating the interviewee.

The strip search was neither explained, justified nor reported.

In addition, and in common with other custody records reviewed in this Inquiry, Dannika's does not accurately, tell the story of what occurred – though that is the point of a custody record.

Recommendations

I will make recommendations about changing the police perspective on women victims, according to the analysis in the CWJ research, and discussed in the domestic abuse section of this report.

I am very concerned about how, based on almost nothing, GMP turned Dannika from a victim into a suspect, with all that followed.

She is entitled to an explanation as to why the above change took place, given that no answer is accessible anywhere in the case papers, nor the video, with which I have been supplied.

GMP should move to put an end to strip searching done for 'welfare reasons' and should more firmly regulate, and clearly report, strip searching carried out for any reason.

Officers should be told not to manhandle detainees, who do not wish to continue being interviewed.

There is an urgent need to retrain or reorient custody staff towards filling in custody records meaningfully, and I will recommend how this can be done in an accountable way.

Many of my recommendations will have been powerfully influenced by the determined role Dannika played in protecting young female victims, and I am very grateful to her, for setting out her story.

Diana

Background

Diana has both physical and mental health issues and has a team of support. She is only mobile when she has had her medication. She and her partner have been in a long-running dispute with their immediate neighbours.

Diana's arrest

Diana was arrested, at her home, for harassment of those neighbours in August 2022.

She told me: "There were police everywhere. Males and females, all around the house, knocking on doors and at windows".

She cried in disbelief, when police told her what was happening. She said that the people next door "have done everything" to her. She couldn't speak to her health worker, or ring her partner (who was at work) as the police took her phone, still in its cover, where she keeps her cards and money, so she asked how she would get home. The officers made it clear that they were going to be in her house for a long time, searching it. She asked them to look after her pet cat, who was poorly.

Officers walked Diana the length of the road, to a police van, but she couldn't lift her foot up high enough to get in, so they took her back to a car, with people watching.

Her partner was later also arrested for harassment.

Diana's time in custody

Diana told the custody officer (CO) at Ashton Police Station, that she had mental health problems, had never been in a cell before, and might attempt suicide if she was locked in. The CO told her that they would put her in handcuffs, and leg irons, on the floor, so she wouldn't be doing that.

She told me: "There was some mention of me being a drug addict. They cut the ribbon from the top of my trousers. I had no tissues, had been crying and had snot all over my face, but they didn't help me. I asked for my mental health PA [personal assistant] and a solicitor. I was put into a suicide cell, and then a civilian detention officer [CDO] took me for photos and fingerprints".

"The cell was dirty, there was a mattress but no blanket. I couldn't bend down far enough to sit on the bed. I went down into a black hole. I had a sharp fingernail and began slashing the veins in my other arm".

"After a few hours, a CDO got me a mental health nurse, and I told her how I was feeling. She was nice, and gave me a big hug, but then I was put back into the cell, and I didn't see anyone else about my health until many hours later".

The custody record says that the nurse found her in low mood, suicidal, and was worried about her safety, when she goes home.

Diana told me: "I drew blood. I felt that they were destroying me, and would put me in prison, and the only way I could get out would be suicide". The custody record says there was blood on her arm.

She needed to use the toilet, but didn't dare to do so, because she knew the 'suicide cell' can be viewed on CCTV. Later that day, she was taken from her cell for interview by the arresting officers.

She made a statement that she and her partner were the victims of the neighbours, saying: "We are the victims here". The solicitor said that she should make no other comment.

She feels she was hustled and dragged, back to her cell, by PC VI. She managed to get down, to lie on the mattress, and a CDO helped her up, to see another nurse.

After that, she was finally offered her medication, but it was so close to the time for her next dose, that she declined it. The custody record shows the nurse said that Diana looked in pain, but she wouldn't take painkillers, because she was going to accident and emergency as soon as she was released, both to see the mental health crisis team, and for a scan, because she had been banging her head on the cell walls.

The new custody sergeant, on duty, told Diana she should have bail, on condition that she didn't have contact with the next-door neighbours, or use CCTV to capture material.

Diana's partner had called her earlier, and when a man answered her phone, had challenged him. Her partner was told that he was also wanted at Ashton Police Station, and drove himself there at the end of his working day. He was put in a cell, and the police told him he was being arrested on "a minor harassment charge". He slept until he was interviewed. He said that he and Diana were the victims and, specifically, that the neighbours had stolen some land from them. He was bailed, and was there to take Diana to hospital.

Judging by the video of the house search, the arresting officers were looking for sound equipment, of some kind.

There are comments about devices and hard drives, and a male officer, searching the house suggested that there was "a false wall". Nothing important was found in Diana's home.

The custody record shows the reasons for arrest were that the couple had "undertaken a course of conduct of malicious reports to police, letters to and altercations with neighbours, putting them in fear of targeted harassment".

The outcome of Diana's arrest

A GMP legal services lawyer wrote an, admirably straightforward, decision to refuse any charges, in this case, judging it a neighbour dispute, in which each side blames the other. The lawyer also comprehensively, and step-by-step, countered what, presumably, must have been the police arguments against Diana, by showing that these allegations would, equally, be applicable to the neighbours.

Diana confirmed, to me, that there are disputes with the neighbours, not only about land, but what she sees as deliberate harassment, targeted especially at her, because she is frail and is at home all day. She had since been frightened by a relative of the neighbours, with a cleaver, and rang for the police, who went round, but took no action such as that taken against them.

She has repeatedly reported, what she and her partner consider to be, criminal activity/harassment, but GMP has “fobbed them off”.

She believes that no action has ever been taken against the neighbours – I asked GMP, and she is right. Unlike Diana and her partner, the neighbours have never been arrested.

The lawfulness of Diana’s arrest and detention

Diana’s arrest seems to have been solely to allow her home to be searched. The custody record says her arrest was “necessary” to “allow the prompt and effective investigation of the offence”.

However, it clearly wasn’t ‘necessary’ to arrest Diana’s partner on the same basis.

The distinction is that she would be at home, in the house the police wanted to search. Section 18 of PACE allows police to enter and search premises, occupied by someone under arrest, and this is the power GMP used that day. In effect, the power to search is triggered by the arrest, and Diana’s suffering is collateral damage. This approach, by police, when the occupant is vulnerable, is lamentable.

The alternative is clear. It is to make an application to the magistrates’ court, for a search warrant, under Section 8 of PACE. The case law authorities (such as the courts) clearly and understandably prefer that route, as shown by *R(TL) v Chief Constable of Surrey* [2017] EWHC 129 (Admin). It has the benefit of a magistrate deciding whether to allow the forced entry of a family home, against the will of the occupants. My current view is that this arrest was unlawful, because that route was not taken.

If that had been done, perhaps the search would have been refused, but if it had been allowed Diana, could have stayed at home and not suffered the ignominy of arrest, nor the hardship of custody.

A corollary to that is that the police should be aware that, even with the growth of homeworking, women are more likely than men to be at home, during the day, and that there are likely to be sex discrimination implications, if daytime searching via arrests is common practice in GMP. That 86% of all crime is committed by men emphasises the disproportionality of arresting women, to search jointly occupied premises.

The police, outside Greater Manchester, are making increasing use of interviews conducted voluntarily, without an arrest. PACE Code G requires (under paragraph 1.3) that an officer should consider if their objectives can be met, by less intrusive means than arrest, considering the victim, the nature of the offence, the circumstances of the suspect, and the needs of the investigative process. All those considerations point, here, against arrest and in favour of interviewing Diana as a voluntary attender.

There was an obvious, wholly different, process available, here, that would have avoided the unnecessary stress and trauma inflicted on Diana, while achieving the policing purpose.

The impact of Diana's experience

Diana says that she will never trust the police again and would die rather than rely on them.

Commentary on Diana's case

The legal services advice begs the question why GMP arrested one side and 'fobbed off' the other, and, not surprisingly, Diana and her partner believe that GMP is corrupt. The couple cite, by name, a senior officer, who is a relative of the neighbours, and refer to his, and other associations, between the neighbours and police sporting activities. They say that this senior officer suppresses all their complaints, so that no action is taken on them. Diana's complaints go back to 2016.

I am not convinced that the police understand that arrest is a punishment. It can be traumatic and, especially for someone who is vulnerable, it can be life changing. And its draconian nature means that arrestees can be alienated, from the police.

It is disturbing to read of the discomfort and stress that Diana suffered, in the nine hours she was kept in custody, and to appreciate that, since she made no reply in interview, the investigation was not advanced, in the slightest. It does not appear that the search bore fruit, but it could have been done without this arrest.

Moving Diana, on her walking stick, up and down the road, to take her into custody, instead of bringing a police car to her, was humiliating. Dignity for an arrestee is vital, and care should be taken, particularly, with vulnerable people.

The custody sergeant's remarks about leg irons and handcuffs are obviously not invented. Diana would have no idea that restraints were available.

Such a remark, from the officer who is charged with the welfare of detainees, would be terrifying for someone who had never been arrested before.

Additionally, it is an inappropriate response to a suicidal person, to threaten them with draconian measures.

Recommendations

I intend to make clear recommendations about the priority that should, in future, be given to PACE Section 8 over Section 18.

Using arrest, solely to trigger S18 may be unlawful, particularly when there is a total lack of urgency, and the allegation is minor. There is a possibility that women and children are disproportionately and unlawfully being victimised, by the use of arrests, merely to facilitate searches, in the daytime, when they are likelier to be at home.

Entering a private home, without the consent of the occupiers, is an extremely intrusive action, particularly when the occupier is vulnerable. This was a very cruel and unnecessary use of arrest.

I cannot comment about corruption, but, in other sections of this report, I do point to the loss of confidence caused, by GMP officers apparently favouring one side against another, in family or neighbourhood disputes or otherwise. In the current policing environment, that will be interpreted very negatively.

I have proposals for a deeper examination of this apparent bias. GMP should immediately re-examine how it deals with neighbour/family disputes to demonstrate appropriate fairness, in the public interest.

I have written in other sections of this report about the failure of officers to consider alternatives to arrest and the need for a more independent approach by custody officers.

Evelyn

Background

In July 2021, Evelyn was at the home of her partner's parents after a family birthday party. They were settled in for the night, and Evelyn had her pyjamas on, when the police knocked on the door and her partner's mother opened it.

It seems that several police vehicles went to the estate where the family live, because of an anonymous report, on police 'live chat,' about drunk people shouting, on the street, and a tearful woman telling someone to leave her alone. Half an hour later, the message was repeated, adding that the woman was running around, still saying the same thing, and there was a man saying, 'in a very creepy voice', 'nowhere to hide'. A minute later, the informant said that it was all quiet.

It appears that a police constable (PC II) came to the house because it was the only one with lights on. He says that he heard, on arrival, what sounded like a female screaming, and raised voices. All three women, who were in the house, are visible, calm and well, on PC 11's body worn video, within less than a minute of the door being opened. There is no shouting, until the male occupier refuses to allow the officer in.

PC II's BWV shows him asking if he can come in for a chat. Evelyn's partner's mother agreed and waved him into the front room, but her partner's father said no, and told him to go away.

For the avoidance of doubt, although one occupant of the house has consented to PC II entering, the second occupant has revoked that consent, without further intervention from the other. So, PC II had no consent to enter.

The BWV shows that PC II seems to try to enter. Evelyn's partner's father gestured at him to go and must have made physical contact because PC II immediately shouts at him not to touch him and gets irate. PC II then gets hold of the occupier's

arm and is told, again, to get out. Both men are shouting. Evelyn's partner's father says: "What is the law? Look at him pushing into my house".

Evelyn is beside her partner's father and tries to calm him. He shouts at PC II to get his body-worn camera out of the house. Evelyn reaches out and the video goes off.

Two more police constables (PC III and PC IV) arrive, and when the next video footage begins, one of them is already in the house. Evelyn is still at the door and her partner's father is still telling the police to stay out. Evelyn is listening to the constable who is still outside, who mentions Section 17 of PACE, but does not say what he wants.

Evelyn's arrest

PC IV pushes Evelyn and a young male member of the family aside, to get into the house, to her partner's father, who is shouting at PC II. Evelyn reaches out and PC IV gets hold of her, as does PC III.

Evelyn says she was pushed back into a glass table. PC III shouts, "You've just bitten me!", and immediately arrests Evelyn for police assault. Evelyn's partner's mother wraps her arms round Evelyn and tells PC III to leave her alone and that PC III attacked Evelyn first.

Evelyn seems to panic and shouts that she can't breathe. PC III grabs her by the hair, and must have wrenched her out of the crowd of people inside, because she is next shown on the driveway, being handcuffed, with many more police running into the house. PC III pushes Evelyn against the wall and shouts at her to stop kicking, while Evelyn shouts that PC III has broken her wrist and is trampling her bare feet. Evelyn is crying, with her partner trying to calm her. She was put into a van, with PC III shouting "be careful she headbutts" and "stop scratching me", though Evelyn is handcuffed. Evelyn complains of pain in her wrist, and she is taken, briefly, to hospital, before arriving at Pendleton Police Station.

Evelyn's time in custody

I have watched the custody video at Pendleton Police Station when Evelyn is brought in, wearing her pyjamas, by two women officers. She tells the custody officer (CO) that they have "broken her knee".

The CO says, in an artificial manner: “Now what have you girls been doing to break her knee?”. The CO is mocking Evelyn.

The custody sergeant is responsible for the welfare of the detainee, and I suggest that this one should be reminded of that role. The first words the CO said to Evelyn were ridiculing her, and she continues by saying that they recognise Evelyn, because she ran away when she was younger.

Evelyn felt demeaned and angry at these comments. She asked one of the female officers why she also seemed antagonistic and the officer replied: “You have just bitten my mate, so I am hardly going to be friendly”.

This is also totally inappropriate. Without needing to detail that PC III’s bitten finger had barely a mark on it, and Evelyn denies biting at all, this is an oppressive combination of antagonistic attitudes towards this young detainee, still in her pyjamas and complaining of pain.

Evelyn was put into a cell. She threatened to kill herself, poured hot tea over her legs and ripped her pants. She took off the ripped pants, but says that her pyjama shorts were also ripped and she felt that her private parts were visible.

The custody record shows that Evelyn had a slight head injury, a wrist injury and was sick. A nurse came to see her, but Evelyn says she was asking for medical care for hours beforehand. The custody record and Evelyn disagree about what the nurse said. Evelyn says the nurse told her she was lucky that her knee wasn’t broken.

Evelyn shouted a lot, and a police officer (PC V) took her out the cell when her solicitor arrived. Evelyn was holding her pyjama shorts together. Evelyn says that the solicitor could see Evelyn’s private parts and told PC V to get her some clothes.

PC V said in their statement that they were going to get Evelyn some clothes, anyway, and got her a tracksuit. Evelyn can be seen, on video, moving about the police station firstly in tiny shorts and, later, in a police-issue tracksuit.

It is unclear why Evelyn was taken across the semi-public custody area to see the solicitor in shorts that were so unacceptable that the solicitor immediately demanded that she be given other clothes. Later Evelyn was given a meal containing

fish though she had made clear she was a vegetarian. She thinks that the custody staff were ganging up on her.

The custody record is hard to follow. It says that she was arrested by PC III for two assaults on constables, with no identity given for the other PC.

PC V seems to rearrest her for obstructing a constable and she was released under investigation for 'common assault of an emergency worker' later that day.

The outcome of Evelyn's arrest

The CPS dropped all the charges against Evelyn – “after two years of dragging me through court” as she puts it.

The CPS charged Evelyn's partner's father with assault on an emergency worker. According to her partner's father's police interview, the woman reported to be on the street in a distressed state, may have been a friend of his wife's, who had left earlier. The police told Evelyn that they were driving up and down the street, and theirs was the only house with lights on.

The lawfulness of Evelyn's arrest and detention

The police clearly did not have consent to enter the house. I repeat this because, bizarrely, Evelyn's police complaint was dealt with as if they did, although the BWV footage is clear.

Section 17 of PACE (Entry for purpose of arrest etc.), referred to on camera by a police officer, would give them the power to enter to search 'to save life or limb' as set out in S17(1). But the law is clear that this only applies if “something serious seems to have occurred or is likely to occur within the property” and not “simply on the basis of concern for the welfare of someone in the premises”.

My quotes come from the case of *Syed v Director of Public Prosecutions* [2010] EWHC 81 and also *Criminal Appeal Reports* (34, p. 480).

The *Syed* case concerns police being called to a house from which shouting and screaming had been heard. An Asian man said that he had argued with his brother, but when police asked more, became evasive and wanted them to go. They explained their Section 17 powers and concern for the welfare of someone in the

house, but he refused to let them in and eventually spat at one of them and headbutted the other. He was convicted of offences against the officers in the execution of their duty, but the High Court overturned the convictions.

The court said that the phrase 'save life or limb' set a very high test because it is a serious matter for a citizen to have his house entered by force against his will by police. It required the risk of serious bodily injury and not just concerns for welfare. Because the high test was not met, the entry was unlawful, the police were not in the execution of their duty, arrests were unlawful, and the offences were not made out.

In Evelyn's case, nothing seems to have occurred or is likely to occur within the property to justify police use of S17. The house was tranquil and amiable until the police arrived.

There may have been concerns for the woman reportedly distressed on the street, but these would be at the welfare level. Nothing in the live police chat report suggested the risk of serious bodily harm and, anyway, this woman would be outside and not inside the house.

This entry under S17 and related sections, by analogy with the facts in the Syed case, was unlawful. The officers were therefore not acting in the execution of their duty and Evelyn's arrest was unlawful. This is not a rarified piece of law. It features in *Blackstone's Handbook for Policing Students 2023*, in the chapter on providing public protection.

Further, Evelyn would be entitled to use force to defend the family's property, following the passage of the 'householder defence' (Section 76(5a) of the Criminal Justice and Immigration Act 2008) that force need not be proportionate, as long as it is not grossly disproportionate.

I suspect that this was well understood by the CPS, which did not charge Evelyn's partner's father with the multiple obstructions of police in the execution of their duty, of which he might have been guilty if the entry had been lawful, and who dropped the charges against Evelyn.

The impact of Evelyn's experiences

The court appearances made Evelyn's mental health spiral and she lost two consecutive jobs, but she is happily employed again now.

Commentary on Evelyn's case

This case began as a complaint, from Evelyn, about being forced to walk around in police custody in split shorts through which her vagina was visible. Her solicitor saw an urgent need for other clothing, and it was poor that a tracksuit wasn't given to Evelyn before she crossed the public custody area.

That must have been embarrassing and demeaning for Evelyn. She has suffered from poor mental health and abuse in the past.

But, this young woman should never have been in custody, at all because her arrest was unlawful, and the problem goes far beyond that.

It may have been reasonable for PC II to knock on the door, of the only house with lights on, to ask if they knew anything about the woman on the street. However, PC II immediately flared into anger when Evelyn's partner's father, equally aggressively, told him to leave. PC II should have withdrawn and perhaps knocked again after a few minutes, to repeat the enquiry, or just left, since everything was quiet.

It is hard to imagine that anybody could believe that PACE Section 17 applied here. I don't see this as a rational but wrong judgement. I see it as overconfidence in police powers and a refusal to be thwarted. It seems, quickly, to have become GMP v this family, there were only six people in this house, two of them older women, yet there were up to eight police officers running in and out, on the later videos.

There is no note that the police ever searched for the woman who had been on the street. Presumably, that ceased to be the issue, at an early stage.

GMP owes this household a serious apology.

Recommendations

I intend to make recommendations about:

- how custody officers may better take on their role for the welfare of detainees, with emphasis on the importance of representing their interests
- better care for women in custody
- how the police ought to de-escalate every situation rather than inflame it.

There are other cases in this Inquiry in which the police are responsible for escalating situations, and have not protected the public peace, as they should.

In telling me her story, Evelyn has opened concerns that local police officers either do not know the law or are too ready to disregard it, if a member of the public with every right to do so, refuses to comply with what they want. I am grateful to Evelyn for bringing out these very serious considerations.

Leah

Leah's arrest

Leah was arrested in April 2021 when four police officers were called to a house where she was a visitor. Leah was drunk and intended to leave but had found that her purse and keys were not in her bag and began demanding them back.

A neighbour heard a noise and rang the police. Two male officers entered the property, and two female police constables arrived outside.

I have watched two lengths of police BWV and spoken with Leah.

Once the police had ascertained that the house was not Leah's, one of the male officers told her that the owner wanted her to leave and, when she argued that she wanted her purse and keys back, shouted "Out!".

Leah tried again but she wasn't very clear, because she was very drunk. The officer quite gently took her arm and said: "You're arrested for breach of the peace. Come on".

Leah was shocked by this, but she went outside with him. A female officer asked for the keys to put Leah in the prisoner van, but the arresting officer said that they could let her go, now that she had left the property, if she was “all right”.

This officer intended to de-arrest Leah and tried to speak to her, but she was talking at the same time, quite loudly and excitedly, telling them that she was a respectable person, with a job, and saying that she needed her possessions.

The arresting officer told Leah to shut up and listen. A female officer offered to get Leah's stuff. Events then escalated alarmingly.

Both male officers took hold of Leah, in an apparent attempt to get her to listen to them, and to quieten her down, but she immediately screamed at them to let go. She shouted that she could not be handled by men, because she was a survivor of sexual abuse. When the officers did not let go, she pushed one of them away, shouting in apparent terror or panic: “Get your fucking hands off me”.

Leah was immediately arrested for assaulting a police officer. A male officer asked why she pushed his colleague, when he was about to de-arrest her, and help her on her way. Leah sobbed and said that she couldn't be manhandled by men: “I'm a survivor of sexual abuse – what do you mean you're trying to help me?”.

Leah was still in their grip, and she screamed and struggled and fell to the ground. The male officers were almost on top of her, on the ground, trying to pull her up. Leah shouted hysterically: “You know I am scared. Go on, do it! Go on! Go on, do it, do it”.

Leah told me that she thought that the officers would understand that being repeatedly manhandled by them would ‘trigger’ her. She seemed to be re-experiencing an earlier episode of abuse at this point.

She can be seen on the video, shouting, again and again, that she is an abuse survivor, but the officers did not take this in.

They seemed to treat her as aggressively drunk and to try to control her with their strength, which made everything worse.

Leah later told the custody sergeant that she suffers from EUPD (emotionally unstable personality disorder) and that, a couple of years earlier, she had been so bad that she had tried to self-harm “loads of times”.

She told me that she was trying to use techniques to ‘ground’ herself, but was shocked to be handled by men. She was conscious that there were female officers in the vicinity, but they did not intervene.

She described the male officers throwing her around ‘like a rag doll’. In truth, there was a great deal of struggling, in which Leah was pulled in several different directions, as the men tried to get a grip to control her.

To the viewer, with the benefit of hindsight, Leah looks as if she is totally hysterical, in fight or flight mode and out of her own control.

People saw this and, according to Leah, told the police to be careful with her. She was handcuffed, with difficulty, and screamed and struggled more, as she became powerless, still in the grip of the two men. Leah was propelled into the van, and her back and her bra were exposed as she was shoved inside.

Leah’s time in custody

At Bury Police Station, Leah sobbed with shame at the custody desk. She was described on the custody record, 90 minutes after being put into a cell, as rolling round on the floor crying and wailing. Leah’s next memory is when she woke up, feeling very cold.

The custody record shows that Leah had no keys and only 4p in cash, which suggests that her possessions had been left behind, and she had been arguing genuinely about that. She remembers being unable to use the lavatory, in case she would be seen on the cell camera.

An officer opened the cell hatch, shaking a box of what he said was diazepam, and she thought that he believed she was a drug addict, and she was affronted by that.

She got a drink, a blanket and, later, her belongings back, though the missing purse and keys have never been recovered.

The outcome of Leah's arrest

Leah went to court a month later, pleading guilty to assaulting an emergency worker. She saw this as the best way to save her job and received a conditional discharge. She told me that the magistrate refused to order compensation for the officer she assaulted, acknowledging, based on her solicitor's mitigation, that she might have been the victim.

The impact of Leah's experience

Leah came to the Inquiry, clear in her mind, that she was to blame for this situation, because she got drunk. Over the years, she has determinedly fought the effects of sexual abuse, and built herself a career. She was in no doubt that the most important thing was to keep her job and, by doing so, to keep herself on an even keel.

She had recovered from the experience, and simply wanted to help to change police practice. She made a police complaint because she thinks that all officers should have training to understand the impact of abuse on women.

She said that the sad thing is that, when she was a sexual abuse victim, she was treated well by the police.

Commentary on Leah's case

I asked a group of experts (either by life experience or professional practice) to watch the video of Leah's arrest with me and to advise from their knowledge of traumatised child sexual abuse victims in adulthood. On the video, Leah told the male police officers six times that she was an abuse victim.

The following are our joint reflections:

- If a woman with experience of sexual abuse is handled by men against her will, she is very likely to relive her abuse and be terrified that it is happening again.
- A tragic failure of communication meant that the more Leah screamed and struggled, the more the male officers gripped her, and the more she screamed and struggled.
- We acknowledge that the male arresting officer tried to de-escalate the original position once Leah was outside, but her trauma and the police

failure to recognise it meant that the situation would escalate – as it did – at a ferocious speed.

- We wondered if officers were ever given time to reflect on whether problematic situations could have been managed better.
- We worried that the public, one step away from the action and hearing Leah say why she was struggling, would have been upset at such a victim being handled disrespectfully by male police officers.

Later, I discussed Leah's case with the eminent sexual trauma psychotherapist, Zoe Lodrick, who agrees that, in such a situation, traumatic recall and/or replay of past experience would potentially occur.

The victim's 'logical brain' would be overwhelmed and – despite the officers not intending to harm her – she would perceive herself to be in imminent danger and react accordingly.

Importantly, Zoe added that there is a real danger that being handled by men against her will is likely to inflict further damage on an already traumatised victim.

Zoe explained that what a traumatised person would need in that moment, and ironically what would also have assisted the police's efforts to de-escalate the situation, would be to be offered reassurance and told that she was safe, and nobody was going to hurt her. With two female officers present it would absolutely make sense for the police to do that.

Recommendations

The police should be trained to recognise the symptoms of traumatised sexual abuse victims in order to be able to respond more appropriately to a reaction such as Leah's. This should be taught by a qualified specialist psychologist, but there would be additional benefits for officers from discussing the day-to-day reality of PTSD with an expert by experience.

The default position for any arrest of a woman should be that female officers take responsibility for physical contact with her, both to avoid the risk of episodes like this and to safeguard male officers against allegations of impropriety.

Officers should not use disrespectful behaviour to detainees such as waving boxes of diazepam at them. I am told that this frequently happens to people who have been arrested while under the influence of drugs and it is an unacceptable taunt. Custody is not an opportunity for police officers to demean people.

Jane

Background

Jane is an older person and has health and mobility problems.

Jane's arrest

In April 2022, Jane was stopped by police to be breathalysed. She couldn't inflate the test, and was arrested and taken to Swinton Police Station.

Jane's time in custody

The custody record confirms that Jane used a disabled toilet, on arrival at the police station, as she was unable to use a cell toilet. She did not give a breath sample, via the intoximeter, and was put in a cell while waiting for a nurse to take a blood sample.

Jane says that she was assaulted by the female police officer who, with at least one other officer, was taking her to the cell. This officer held her very tightly by her arm and Jane was pulled down the corridor and "propelled" through the cell door, onto her walking stick. She "went flying" and stumbled, but did not fall over. She shouted in pain, because the metal door jammed her foot.

Later, Jane needed the toilet again and shouted for help. Nobody responded and without a toilet guard rail or toilet paper she had a toileting accident and had to clean herself with her trousers.

While Jane was partially undressed, two male officers came into the cell, and a female officer then brought her a large pair of tracksuit trousers.

I have seen the custody record and videos.

The custody record is a muddle. The female officer who took Jane to the cell notes that the blood sample was taken 12 minutes later. In fact, Jane says she was in the cell for approximately an hour and in the nurse's room for 28 minutes. The inspector, who investigated Jane's police complaint, seems to agree that she was in the cell for about an hour.

The video of the blood sample process shows Jane talking to the nurse while a police officer notes the preparations for the procedure. Another officer is also present. Jane asks the police: "It wasn't either of you two was it that bundled me into that cell?".

She then asks the nurse: "Why have I just been bundled into a cell and the cell shut. I was in a cell with no toilet paper. And I had a toilet accident of the worst kind, and you are a nurse. Why did that young woman throw me under/into the cell? It's frightened me".

The nurse says she can get Jane a complaint form. Jane then asks: "If this is recorded is this the place to express my concern about being bundled into the cell?". Jane does not mention the two officers coming into the cell or more about the toileting, but she says something at the start of the video about it being difficult with young men present and is, basically, talking to the nurse at that point. This conversation is scattered across the blood sampling process, but Jane repeats that she was "bundled" or "thrown" into the cell.

The blood sample was taken, and Jane was later driven home.

The video of her, in the cell corridor, on her way out of the police station clearly shows her in a pair of police-issue tracksuit trousers, carrying an evidence bag that she says contained her own toilet-soiled trousers.

The outcome of Jane's arrest

There was no evidence that Jane had been driving over the limit and in August 2022 she was told that NFA would be taken. She complained that in fact she was only given this information much later.

The impact of Jane's experience

In her police complaint Jane said she was suffering PTSD from reliving her custodial experience.

Jane's complaint to the police

Jane's first written formal police complaint about how she was dealt with in custody was sent in April 2023, literally on the first anniversary of her detention.

In her complaint Jane wrote: "Went willingly to 'the place with no name', ended with ordeal at hands of police in a prison police cell. Without explanation manhandled and brutally pushed. Thumped by woman officer with two male officers through to a prison type cell. This despite my urgent requests for a disabled toilet and a phone call to my husband I needed him to bring my medication tray. Had been denied info as to destination throughout the terrifying 25 minutes or so journey. I was taken to a prison looking building left hearing my phone ringing nearby possibly seven times no disabled guardrail toilets support/facility no responses to calls for help through grid. 2 male officers entered it open door despite open grill and my indecent situation. Later supplied with size XL pants and returned home by two male officers in the early hours of the morning".

A police inspector rang Jane and they spoke, and Jane said she would write again.

She wrote to the same inspector seven more times saying that family matters and illness had delayed her, and that she was suffering PTSD by reliving her custodial experience. The inspector decided to deal with her complaint in September, without waiting for more information.

The GMP response to Jane's complaint

The inspector points out that in fact the video shows that she was told by officers where they were taking her in the car, and she was chatting – though Jane did tell me that she worried that she was going a long way from home. The arresting officer helped her out of the car, and she thanked him.

The inspector seems to have misunderstood the toilet issue. He quotes the custody record that she went to the disabled toilet and seems unaware of what happened later in the cell, despite what Jane said on the medical room video.

He approaches the assault allegation by upbraiding Jane for “such a serious allegation that has been made a year after the event”. He says that the female officer in question could not remember Jane but says she would never ‘thump’ anyone, and no other officer remembers anything at all.

However, the allegation was made immediately, as shown on the medical room video, where Jane used the word ‘bundled’. He suggests that she has exaggerated her complaint between the time in the medical room and making a formal complaint. He writes in his response: “Being bundled into a cell is very different to being brutally pushed and thumped”.

On the video Jane is shown telling the nurse that she was ‘bundled’ and ‘thrown’ into the cell by the female officer. In her letter to the inspector, she does not write ‘pushed and thumped’, she writes ‘pushed. thumped’. She says that it would be hard to know if it was a push or a thump with the officer behind her. Jane has always said that whatever kind of assault it was ‘threw her’ into a cell.

Next, the inspector writes that Jane must have misbehaved in some way to justify being propelled into the cell and suggests that this is likely since she has misbehaved by failing to provide a specimen of breath.

“Officers have a lawful power in which they can use force if detainees are not doing as they are told,” he writes. He cites that she “failed to comply” with the request for a sample of breath at the roadside and failed to provide a sufficient sample for the intoximeter machine.

“From having reviewed several hours of body worn footage throughout your whole time with the police, on numerous occasions you failed to comply with what you were reasonably and lawfully asked to do”.

There are two ways in which this is wrong:

- a) This inspector’s staff do not say that she misbehaved so that lawful force had to be used to propel her into the cell. And the custody record refutes it, since every use of lawful force by officers must be recorded on the custody record and a separate form, but there is no such record for Jane.

- b) Alleging that she had deliberately failed to provide breath samples disregards the custody record, which notes that she had a chest infection that might have stopped her from achieving a successful test and also takes tablets that “may make her short of breath”. That she might have been unable to provide breath would be the only reason why the arresting officer took her in for a blood sample to check her alcohol level, instead of charging her with wilfully refusing to provide a specimen of breath.

So, this theory, created by the custody record, refutes the inspector’s theory that she must have made the officers use lawful force.

Finally, the inspector verges on rudeness by writing: “There is no evidence that you have been unlawfully assaulted while in custody”.

In fact, there is Jane’s own clear evidence, given on camera at the first opportunity to the first person she finds to complain to who is not a police officer. It is a shame that the officers who were on custody duty that night cannot remember someone who is probably the only older woman with health needs to be in their custody all year. But this does mean that the only evidence about what happened in the custody suite is Jane’s, and she is – and for more than a year has been – clear that she was assaulted by police.

This is an unimpressive and unfair response to Jane’s complaint. I believe that the IOPC has now allowed a review, which she has sought. Jane appealed to the IOPC, and they have ruled that the investigation of her complaint was flawed.

Commentary on Jane’s arrest, detention, and complaint

The police knew right from her arrival that Jane could not use a cell toilet.

That is clear on the custody record. If they were still going to lock her in a cell, specific provision should have been made for her toileting needs. I am concerned that reasonable adjustments were not made for this elderly lady.

The allegation of a deliberate push, blow or throw into the cell is of even greater concern and yet another worry is the way that her complaint about the issues she raised with the nurse was dealt with.

Recommendations

The police failure to discharge their duty of care to this vulnerable person is clear. I will consider the urgent need for safeguards against abuse of the absolute power held by police over a person in custody and raise serious questions about how senior GMP officers deal with complaints in this Inquiry report. There is concern here too about insufficient regard to her needs.

Scarlett

Background

Scarlett had been strip searched by GMP in 2019, when she was under the age of 16. She told me that at that time she was embarrassed about her body and didn't want anyone looking at it. "They're the police," she said, "they can do what they like, once you go through those custody doors and you are in their control the tension is incredible".

Scarlett is now a young adult and was a "normal, well-behaved child" according to her father, until events intervened.

In 2018, she was attacked by a gang. She described this as "bad" but says that the police took little action.

She relates that she was taken over by this gang, who turned up at her father's house, trashed it and stole some items. The police agreed someone involved in this could pay for the damage and avoid prosecution. This made Scarlett and her father feel negatively towards the police, who seemed to neglect the family's need for protection.

In 2019, Scarlett went missing and was raped by Adult 4. She gave a graphic account to the police of multiple rapes and other abuses by Adult 4. The police started to take a statement on video, but Scarlett says that she didn't feel believed and it was never finished, amidst similar claims by her father, to police, that they had "lost her" and some apparent attempts by the police to re-engage. Adult 4 was arrested for that offence when already under arrest for other crimes but denied it.

Scarlett says that she was treated as a 'grass' for reporting Adult 4 and there were frightening visits at night from men. The police did not effectively protect her. They put a 'red alert' on the house but that didn't work to get them there when they were needed, and she was often scared, and she began to feel stalked by these and other men when she was away from her home as well.

A friend introduced Scarlett to Adult 5, who groomed her. Scarlett's father asked the police to get her back from Adult 5, but they didn't succeed. Scarlett was in and out of care. Once the police returned her home when she was found in the company of two older men, but they did nothing to the men.

She describes frequently being driven round to hotels to take drugs and have sex. Not surprisingly, there were often cash and weapons in the vehicles.

There can be no doubt that by then GMP was well aware of Scarlett, who was often missing from home and very clearly being abused and trafficked. She told me that she felt that the police had failed to protect her from her traffickers.

Scarlett's arrests

In August 2019, when she was under 16, a car Scarlett and two other girls were in was robbed, perhaps as part of a turf war. Although the girls ran away, they were suspected of being complicit in the robbery and were all arrested. Scarlett was taken to Bury Police Station. She has been arrested since this occasion but her detention at Bury that day is the major source of complaint, together with one incident in custody in December 2022.

Scarlett's time in custody

On her first arrest in August 2019, Scarlett was detained for more than 24 hours.

Scarlett suffers from a condition and says she wasn't given her medication and was in a disturbed state in the cell. She has said she was there for a while before the strip search, but GMP told me that it was just after her arrival. The custody record shows her arrival and the search an hour later.

She describes being searched, not in a cell but in a room close to the custody desk with a glass door through which anyone could see her in her underwear. The police agree that there are such rooms at Bury Police Station.

Officers told Scarlett that removing her clothing was necessary because she had hidden an e-cigarette from the police on some other occasion.

She was not provided with an appropriate adult, and was wrongly told that if she objected, she would face a criminal charge. Two women police officers told her to take her clothes off. She kept her bra and pants on but had to lift the bra so that any e-cigarette would fall out. The officers put their fingers between her toes. Nothing was found.

A review authorised continuing detention to obtain evidence by questioning, though the first call for Scarlett's father (as her appropriate adult) to attend was not made until 12 hours after her arrest.

When her father arrived, they asked the custody sergeant when the solicitor was coming and learned that Scarlett had refused a solicitor several hours before.

Her father asked for a lawyer and said they would return as soon as the solicitor was on their way. They also asked for her to be fed and to have medical attention, since she has some psychological problems. Scarlett says that the custody sergeant didn't like her father and said: "Get her back in her fucking cell now" as soon as her father left. Eventually, after a long delay, Scarlett's father had to nominate a different solicitor.

There was an 'investigative update' from the 'officer in the case' (OIC) to the custody sergeant, sometime after Scarlett's father had left. By this time both the other girls arrested with Scarlett had been interviewed and released. The OIC asked for Scarlett to be kept in custody, presumably until she had been interviewed, so she could not collaborate with the other girls. The custody sergeant agreed.

The outcome of Scarlett's arrests

The decision to detain her further in August 2019 was contrary to Scarlett's interests, and pointless since she gave a 'no comment' interview and was released the following day. CCTV of the car robbery incident showed all three young girls running away looking terrified.

The police should have contacted the appropriate adult earlier to tell them that she had refused a solicitor, because refusing a solicitor is not a decision a child can take.

The delay in interviewing Scarlett, and hence her extended detention, was due to that failure.

The lawfulness of Scarlett's arrests and detention

Scarlett is absolutely clear about the details of the strip search in August 2019 and the traumatic effect it had on her. Police are inclined to doubt it. There is no note of it on the custody record – I almost wrote 'as ever' at the start of this sentence because there rarely is a note on the custody record of a strip search, even when there is a video of it.

I have no doubt that the strip search happened and was done unlawfully, without an appropriate adult. No reason was given for it. Scarlett should not have been visible, potentially to men, when she was in her underwear and it creates an impression of all-powerful police people, hidden from public view.

The GMP's PSD says that "when in police care in custody people can and should expect to be treated with care and dignity and within approved guidelines.

Unfortunately, this report does not sound like these values were reflected in the young woman's experience" – something of an acceptance that she had been abused in custody and was telling the truth.

A child should be released from custody as soon as possible and the reasoning to keep Scarlett detained was poor. The three girls were free to plan together after they fled the car and before they were arrested. Once released from custody by GMP the other two girls were free to collaborate if they wished, yet Scarlett was kept in a cell to keep her away from them.

Nonetheless, the custody sergeant agreed to further detain Scarlett and blamed her father for her continued detention, on the custody record, although that record shows that no solicitor had attended up to that point.

Scarlett was arrested again in December 2022. She was on her period and, after being in a cell for a while, became stressed about keeping clean.

She rang the cell buzzer to ask for a tampon but there was no response for what felt like a long time and even then, there was delay in bringing her a tampon. She became very stressed and started throwing water around the cell and some of it

splashed the officer who finally brought her a tampon. On being splashed, the officer threw the tampon at Scarlett's head and called her a "tramp" and a "dirty bitch".

It seems that GMP agree that this happened, and it is poor care for an obviously troubled young woman.

The impact of Scarlett's experiences

Scarlett felt deeply humiliated by the strip search. That treatment, together with what she saw as having to beg for a tampon only to have it thrown at her head, may well have alienated Scarlett from the police at a developmentally vulnerable age. It seems quite likely to have convinced her that there was no escape from her traffickers because involvement with the police had merely brought her into the grip of people who further abused her, as she describes.

Eventually, her father had to put her into care because he couldn't keep her safe and she says that had a big impact on her. She now regrets the past few years. To her great credit, despite all that has happened Scarlett has no criminal convictions.

Commentary on Scarlett's case

A child was easily made a victim of child sexual exploitation and trafficking in Greater Manchester, receiving surprisingly little preventive attention from the police. Action against the gang that attacked Scarlett, a determined investigation of the rape and the arrest of the men stalking her all seem like unused opportunities.

Later chances were similarly neglected, including arresting the men she was found with and the male drivers trafficking her by car, and then following the investigative trails those actions would have laid. That would surely have been more fruitful police work than repeatedly arresting her.

In common with other participants in this Inquiry, Scarlett and her family feel that they somehow became on the wrong side of the police. The lack of care for Scarlett is clear and there are also telling incidents such as the custody sergeant swearing at her to go back to her cell and deliberately specifying on a police document that her father was obstructing a criminal enquiry.

Recommendations

I will make recommendations about strictly limiting and regulating the use of strip searching by GMP, particularly for women and girls who have already been traumatised by abuse.

I will also recommend probing whether the family's concerns about being 'on the wrong side of the police' are real and, if so, how GMP can be restored to observing the neutral professionalism that the public interest requires of the force.

The failure to provide Scarlett with a tampon when she had rung the cell buzzer repeatedly during her stay in custody in December 2022 resembles the experiences of several others in the Inquiry. I will make further recommendations relating to this in the Key findings and recommendations section of the report.

GMP has plans for a separate custody area for young people. I applaud that. I hope GMP will also recruit a separate cohort of youth-specialist custody officers and staff, so that troubled young detainees can have one-to-one attention tailored to their needs during their time in custody.

Paige

Background

Paige has lived in Manchester since 2020. Over that time Paige has been arrested by GMP numerous times. Paige takes a very balanced view of her arrests – she believes some of them were unnecessary, some were fair and reasonable, and some fell into the arena of unnecessary use of force. However, the arrest she told the Inquiry about was, in her opinion, of a completely different order of magnitude in terms of being treated with a lack of respect and the force used against her.

Paige's arrest

Paige was out with a friend in Manchester in November 2023. They were in a pub and got separated when they left. Paige was, in her words, in a "happy-go-lucky frame of mind".

A number of police officers approached Paige, asking for her fingerprints for a reason she understood, and she cooperated fully. The fingerprint unit did not work but Paige cooperated so that they could identify her. She tried to joke with the officers and waited amiably for a considerable time while they completed the identification procedure. The officers walked away. Then Paige says she saw a bottle thrown over her shoulder by a person behind her.

The officers seized Paige and handcuffed her even though she tried to show them a bottle of vodka in her bag to demonstrate that she had not thrown the bottle.

They walked her to the police van. Paige said to PC VII: "There's something about you, You wanted to get me, didn't you? You wanted to get me."

PC VII got into the back of the van with her and, on the way to Central Park Police Station custody suite Paige was crying and said to the officer: "Every time I do something right you want to fuck me up. What do you want to fuck me up for?".

I think that she is talking about the fact that she was very pleasant to the officers during the long identification procedure.

The contrast between that event and the instant arrest a few seconds later is marked. I would have to describe it as this officer turning on her.

Paige is clear that she did not throw the bottle, and as GMP did not originally disclose CCTV footage or the statement of the officer about this arrest I have relied solely on her account of what she did.

The academic Egon Bittner (known for his studies of the relationships between the police and society) has commented that police officers sometimes arrest people as punishment for not being the kind of people they like.

Paige is sure she was hit in the face, and she remembers the officer in the back of the van taunting her. I couldn't see any blow or hear any taunting on the body-worn video (BWV), but the footage stops just before they arrive at Central Park Police Station so there is a short gap. The camera starts again when she is removed from the van, and it follows her to the custody desk.

Paige's time in custody

Paige remembers that she was asked to remove her wig and, as she was doing this, two 'rocks' of drugs fell out of her bra. She told me three officers immediately dragged her to a cell, pulled her top off and stripped her.

She thinks she blacked out at this point. When Paige came round, she felt her face was swollen and her body was aching, particularly her ribs. She saw a nurse at some point and complained about her aching ribs.

I have watched both the custody desk and cell videos. There is some hassle at the desk. Whenever PC VII plays a role, she does not like him. She calls him "sly" and says, "he showed no mercy".

It is impossible to know whether that comment is about hurting her in some way, or just that he arrested her despite not having seen her throw the bottle. PC VII holds her arm at one stage, and she won't have that but is quite happy when another officer changes places with him.

The video shows the drugs weren't found at the custody desk. Three female officers walk Paige quite forcefully from the custody desk into a cell and there is a strip search. Paige is standing in the far corner with her back against the wall of the cell and is not cooperating.

At one point there are six female officers involved in the search and there is certainly some compulsion. They remove her clothing piece by piece and the two rocks are found when they remove her bra. The drugs are described on the custody record as having been found in her pants but that isn't how I saw it.

My note is that she ends up totally naked, and I am not surprised if she is bruised because it seems a rough experience. She is whimpering some of the time and doesn't like what is happening. It is a traumatic process and there are far too many officers there, holding her and pulling her around to get her clothes. She must have felt helpless and probably brutalised. They leave some of her own clothes when they exit the cell, which they do all together when the search is over.

The whole of the strip search is quite clearly shown, although dark, and I did not see any time when there was contact between another person and Paige's anal area

(where she later noticed bleeding). Most of the time she presumably still has her back to the wall.

I also watched the cell video for the whole of Paige's detention period, fast-forwarding and stopping when something changed. This was to be on the safe side because Paige has got the time and place when the rocks were found slightly wrong, and I wanted to check if there was any time other than the strip search when something could have happened to account for the anal bleeding.

The video seems continuous. The only contact with male officers is when she is brought food, drinks etc. and I am sure that nobody, male or female, touched Paige throughout her stay in the cell once the strip search was over.

Her custody record does not say she was strip searched until the strip search was apparently over. Detention was authorised by a police sergeant at 21.20 but he noted no authorisation by him for a strip search.

Even so, a 'use of force form' for an officer for the strip search was added to the custody record at 21.37.

No search is mentioned on the custody record until 21.49 and that is of a non-strip search, which must have been carried out because it was noted that some of Paige's possessions were searched, removed, and held in a locker.

No strip search is mentioned on the custody record until 22.13 when the police sergeant notes that he did authorise a strip search at 21.20.

That authorisation would have preceded the non-strip search carried out at 21.49. yet the officers carried out that search and then returned to strip search Paige about 20 minutes later since the strip search is noted as taking place at 22.13.

One of the female officers noted as being involved in the strip search is the one who added the 'use of force form for a strip search' to the custody record at 21.37.

An entry on the custody record at 22.20 says that Paige was taken to a cell to be strip searched and the move to this cell is noted to have happened at 21.54.

Paige was arrested at 21.50 for the two 'rocks' of drugs (cocaine or 'crack'), four minutes before she was taken to Cell 16.

One can only guess that the strip search was carried out after authorisation was given (but not noted on the record) at 21.20, the search followed, and then the use of force form was added to the record at 21.37, the arrest made at 21.50 and no reference put on the custody record of any strip search until almost an hour after it took place.

All of which raises the question of why is there an entry that Paige was searched but not strip searched at 21.49 if she had been strip searched already, and why is there an entry that she was moved to Cell 16 at 21.54 when not only had the cocaine been found but she had been arrested for it before that time?

The custody record makes the standard reference to searching to find what she has on her under PACE Section 54.

The search is done in a video cell and there are six or more people present for much of the time, so Paige is surrounded by watchers. She is naked for part of the time and is left naked, though with some of her own clothes to put on. She seems to settle when it is over and sleeps a lot throughout the rest of her period in custody.

The outcome of Paige's arrest

Paige was transported to court the next morning. She apparently pleaded guilty to being drunk and disorderly and was given a conditional discharge. I am told she was given a day in custody for possessing the rocks of drugs.

As a result of this incident Paige feels very wary of the police in a way she never has before. She has flashbacks about her time in custody, but these consist of just bits of information.

The impact of Paige's experience

When Paige got home, she 'hibernated' for about three to four days – during this time her face was still swollen, her ribs were still aching, and she noticed bleeding from her anus. She then began to have some recollection or flashbacks of being in the cell and bent over and something happening to her anal area.

Paige contacted her GP. The GP prescribed pain killers for the rib pain, but Paige didn't mention the anal bleeding as she was too embarrassed.

Commentary on Paige's case

I can't find anything to account for the specific concern about the anal injury, but I can't rule out that she was, as she recalls, taunted, or hit during that very short gap in camera footage at the end of the journey to the police station.

There was bad blood between Paige and PCVII, and she was in his power.

A forceful and no doubt traumatic strip search followed, in a crowded cell where she does seem intent on keeping her back to the wall in a self-protective stance. It may be that this bunching together of humiliating experiences has given her flashbacks to earlier sexually abusive events.

I can see that the police would suspect Paige of hiding drugs in her clothing because she is known to them, in part, for that reason. However, given that the rules about strip searching are in the PACE codes of practice, with which every officer should be familiar, it is a remarkable finding that what is probably a perfectly legitimate search is not noted properly and the inconsistencies in the custody record are of particular concern since Paige was very intoxicated and can only rely on the custody record – intended to be a minute-by-minute account of her time in the custody of the police – to know what happened to her. This is all the more surprising because the search was done in a video cell, and so it is on that video record but not the custody record.

Recommendations

I address the impact of strip searching on women who are vulnerable, as Paige certainly is, at several points in this report. I want severe limits put on such searches, a requirement for senior authorisation, a full record kept and, when it cannot be avoided, for it to be done with better regard for detainee dignity, with more encouragement for cooperation and less focus on force. It does seem to me that Paige was naked at the end of the search and the presence of an unnecessarily large number of officers is contrary to paragraph 11 of Annex A of PACE Code C.

Abbie

Background

Abbie has suffered repeated abuse in the course of her life. Abbie self-harms, drinks alcohol and is very traumatised. Personally, she is bright, positive, good-humoured, and very proud of her children. Her recent experiences of getting drunk and being arrested are what brought her to the Inquiry.

She saw the Sky TV news programme and got in touch to say that she has been strip searched many times – almost every time she has been arrested. It happened so much that she thought it was just a normal part of police procedure.

Abbie told me: “Just basically, anytime I get arrested they ask me to take my clothes off and when I say no, they all pin me down and take my clothes off and then sometimes they throw one of those blue suicide [anti-rip] suits in”.

She said that male officers do some of the checking on her in custody through the cell hatch every half an hour, and she always asks for a cover, but when she doesn't have any other clothes, she still doesn't like it that men can look at her.

She told me that male officers have sometimes pinned her down for the search when they haven't had enough female staff.

She says she has been automatically strip searched, by force, every time she has been arrested, except on one occasion. Sometimes she has been told to undress herself, but no reason is ever given about why the search is needed, and she has then had her clothes cut off, including her underwear.

Abbie's arrests

Abbie was arrested three times during the period covered by this Inquiry.

- The first occasion was in February 2021, when she was arrested in the early hours of the morning for assault and being drunk and disorderly.
- The second arrest was in November 2021 in the early hours of the morning and was for criminal damage, harassment, and public order.
- The third occasion was in January 2023 in the early hours of the morning, when she was again arrested for being drunk and disorderly. On this

occasion, Abbie was not strip searched and she believes that this was because a note had been added to her file following intervention by a senior member of refuge staff.

Abbie's time in custody

- She clearly remembers being strip searched and kept in custody after the first arrest for approximately 18 hours before being bailed.
- She says she was also strip searched after the second arrest, when she was in custody for approximately 21 hours.
- On the third occasion she says she was kept in custody for approximately eight hours.

There is nothing on any of these custody records to show that she was strip searched.

The outcome of Abbie's arrests

After being released from custody on each of these occasions she was informed the police had decided NFA would be taken save for a fixed penalty notice for damage and a drunk and disorderly charge that seems to have been dropped.

The lawfulness of Abbie's arrests and periods of detention

Since Abbie has a history of self-harm and is often given an anti-rip suit after being strip searched, it seems clear that it is happening under Sections 54(3) and 54(4) of PACE, which allow a custody officer (CO) to 'seize and retain' clothes from a detainee if the CO believes that person may use them to cause physical injury to themselves.

But there are better ways of dealing with someone who may wish to self-harm than removing their clothes, which in any event only offers partial protection because there are other ways of self-harming in a cell than using clothes. As the College of Policing accepts in its Authorised Professional Practice on this topic, taking clothes away will also risk making a suicidal person feel worse.

Reasons for a strip search should always be explained to the detainee and noted on the custody record – but clearly this has never happened with Abbie. PACE Code

C Annex A, paragraph 12 could not be clearer on the need for a note of why the strip search was necessary, any result and (very importantly in Abbie's case, given the allegation that male officers took part) who was present. This is a serious repeated failure of the CO's duty under Section 39 of PACE, which requires custody officers to ensure that everything that happens is put on the custody record accurately and completely.

The impact of Abbie's experience

In the section on strip searching in this report I mention that it is well chronicled that strip searching is particularly re-traumatising for women like Abbie, who have already been traumatised by abuse, and this is another key reason why it must stop.

It is a remarkable thing that Abbie thinks that she has been strip searched at least ten times, always by force, and that until this Inquiry was announced she thought this was standard procedure. Nobody must ever be treated in a way that puts them in that position and causes that state of mind.

Commentary on Abbie's case

It is obviously totally wrong that male officers are ever involved with strip searching a female detainee in any way whatsoever. It is a clear breach of Code C Annex A, paragraph 11, and all standards of decency as well. Clearly, I will say so in my recommendations.

However, since it is not always completely clear which periods of detention are being referred to by Abbie, I will assume that this has stopped happening, at least since the 2023 joint report by HMICFRS and CQC threw strong light on how custody is run in Greater Manchester.

Nor should male officers be involved in cell check observations of a woman who has been stripped and remains only semi-covered or naked, although people should not be left in that state anyway. A change away from strip searches of this kind, which I strongly recommend in my conclusions, will take a little time and meanwhile only female officers should make cell checks unless/until it is clear that the female occupant is fully covered. As my overall conclusions say, it is my view that women detainees should be solely dealt with by women officers where possible.

Recommendations

In this Inquiry report I make recommendations about moving to a high level of observation of a person risk assessed as in danger of doing self-harm and ending this kind of strip searching 'for welfare reasons', and Abbie's experience has played a significant role in encouraging me to do so.

I am immensely grateful to her for telling me her story.

Matthew

Background

During a period of just over a year, Matthew was arrested five times, strip searched and left naked in a cell three times, and detained for respectively ten hours, 21 hours, and nine hours before being released and facing no criminal process. The Inquiry focuses on three of these arrests between July 2022 and November 2023, all linked to a family dispute.

Matthew's first arrest (July 2022)

On 22 July 2022, Matthew went to a relative's house to try to sort out a financial dispute. At the front door there was an exchange of abuse. Matthew was pushed and so he retreated to the pavement. Matthew's relative (Adult 8) called the police saying that Matthew had pushed them and threatened to break their windows.

Two police constables, PC XII and PC XIII, arrived to hear what Adult 8 said, and PC XII spoke to Matthew. Matthew denied pushing Adult 8 and calmly explained why he was there. PC XII told PC XIII just to take Matthew's name and date of birth and then turned back to Adult 8.

Matthew refused, rightly believing that he wasn't obliged to give his details to the police (as set out in *Rice v Connelly* [1966] 2QB 414), but PC XII immediately arrested him for threatening criminal damage to windows. Within a few seconds Matthew was handcuffed and in the police van.

Shortly afterwards, Adult 9, a member of Adult 8's family, went to the van and when its door was opened shouted: "... see that **** in the back of the van, tell him if he

comes near my house ... I'll kill the bastard." PC XII told Adult 9 to go away, but they didn't and shouted again that they would "fucking do the bastard in".

Matthew's wife was nearby and was horrified. Matthew demanded that the police arrest Adult 9 for a threat to kill, given that he, Matthew, was under arrest for threatening to break windows. PC XII refused and took Matthew to Central Park Police Station.

Matthew's first time in custody

Immediately on arrival at the police station after his first arrest on 22 July, Matthew complained that this was a racist arrest and demanded action against Adult 9. He is mixed race, and Adult 9 was white. Matthew again refused to give his details, this time as a protest.

PC XII gave Matthew's name and full details to the sergeant; Adult 8 (the 999 caller) had identified Matthew and the call handler had passed on the information to PC XII as they drove to the scene. I have seen the crime report relevant to this call and it contains Matthew's name and date of birth.

The custody sergeant now had Matthew's details and had to decide whether to authorise Matthew's detention following an arrest made for the purpose of ascertaining those details. Section 37(3) of PACE requires that detention is 'necessary'.

The custody sergeant did authorise detention, noting on the custody record that the arrest was "To enable the name of the person in question to be ascertained to allow the prompt and effective investigation of the offence".

There is video to show that, continuing his protest, Matthew refused to properly answer many questions for the custody record, including a standard one about whether he was suicidal.

The custody sergeant therefore decided to have Matthew's clothes forcibly removed and to put him in an anti-rip suit (also known as a 'suicide suit') in a suicide-proof cell. Matthew threatened to do a dirty protest if they did.

The custody officer told Matthew: "You are totally pissing me off". He walked away, returning with three male officers who marched Matthew to a cell, clearly telling him

that he was having his clothes removed, since he hastily took his own shirt off on the way. They stood around him until he was naked and left him an anti-rip suit. He had not been told of any of his rights nor given any of his legal entitlements.

The sergeant wrote on the custody record that Matthew's rights were not explained to him because he "is incapable of understanding what is being said".

That was 16 minutes after they wrote on the same record, "The detainee was informed of the grounds for detention", registering no concerns about Matthew's capacity for understanding.

Matthew refused to wear the anti-rip suit. He appeared to think of urinating in the cell, in pursuit of his 'dirty protest', but didn't. He covered himself and the 'suicide suit' with the mattress to be off camera.

But 20 minutes later, the sergeant wrote on the custody record that PC XII saw Matthew urinating in the cell and ripping up the 'suicide suit'. So they ordered the removal of the anti-rip suit and the mattress from the cell, leaving Matthew naked with "just concrete", as Matthew put it to me.

The College of Policing Authorised Professional Practice guidance on strip searching (paragraph 11) says that every reasonable effort must be made to secure the detainee's cooperation, maintain their dignity, and minimise embarrassment.

They should not normally be required to remove all their clothes at the same time and a strip search should be conducted as quickly as possible, with the detainee allowed to dress immediately afterwards. But Matthew had nothing to dress in for several hours.

Cells are presumably kept at a temperature suitable for people with clothes on, and Matthew was cold. To keep warm, he splashed himself with hot water from the cell tap, but the sergeant turned the water off to stop him from flooding the cell.

When PACE was enacted, the post of custody sergeant was created to protect detainees from overweening police power. Matthew was not given anything to eat or drink while in detention for over ten hours.

After a shift change, a new custody sergeant viewed the cell video with PC XII, confirming that Matthew had not urinated in the cell – the opposite of what the previous custody sergeant had written in the record.

The new sergeant gave Matthew an anti-rip blanket and a police-issue tracksuit. Matthew refused to be interviewed by PC XII other than to say, when he was shown video of his encounter with Adult 8, that it was obvious that they had pushed him, and he had just pushed them back.

Matthew's second arrest (February 2023)

Matthew was at home with his family on 14 February 2023, when “about 10 of them came” – this was in fact a GMP tactical aid unit, which I am told consists of seven police constables and a sergeant.

These officers surrounded Matthew's house, knocked on his door and PC XIV, whose BWV footage I have watched, arrested Matthew for ‘threatening behaviour’, adding: “That's literally all we have been told”. When Matthew asked what it was about, PC XIV replied: “We are just the unit that comes when we've got a bit of downtime – just helping out. We have got a piece of paper with your name on it”.

Matthew had little choice but to go with them to Central Park Police Station.

Matthew's second time in custody

PC XIV told the custody sergeant that Matthew had been arrested for threatening behaviour, adding: “It was an arrest pack job ... And you now know as much as we know”. PC XIV just told Matthew: “He'll decide if you're staying,” and then left.

The custody sergeant authorised Matthew's detention 40 minutes later. That seems remarkable. Given that PC XIV made very clear what little they knew, there were few facts on which the custody sergeant could judge detention to be ‘necessary’, which is what he must have done. He endorsed the custody record that the arrest was for ‘malicious communications’ though PC XIV told him it was for threatening behaviour. Presumably the sergeant had got hold of the arrest pack and was backtracking to fill in the ‘correct’ information. But should he be falsifying the reason for arrest? Matthew had never been told he was accused of malicious communications and yet it is recorded in a way that suggests he was.

The allegation was that Matthew had sent the tape of a threatening phone call made by Adult 9 (the man who threatened to kill Matthew in the police van), after his first arrest in July 2022, to Adult 9's employer. It was alleged Matthew took the call tape to GMP and involved this employer when the police declined to act.

In custody, Matthew was not given his medication and suffered withdrawal symptoms but was refused a doctor. He started banging on the door and can be seen on video climbing around the cell, apparently looking for something and making a noose round his neck. (I asked him privately about his state of mind at that time and he told me he was "messaging about in protest").

Five officers went into the cell and took Matthew's clothes off. They gave him an anti-rip suit, but he refused to wear it because of what happened after his previous arrest, so again he remained naked for several hours. He had a blanket but took little food or water, and seems to have become excitable without his medication, though he was referred to by the custody officer as "calm, sober and compliant" before his medication was due. Though he continued to ask, he did not see a doctor or nurse. He describes himself as being tormented and naked. He could have his medication if he wore the anti-rip suit.

I have now seen cell and corridor video. The custody sergeant, of course, knew that Matthew had no clothes on but gave the cell keys to an officer to interview him about the offence. It was a female officer. The female officer looked through the grill, opened the door and Matthew walked out naked. She told him to get dressed and he demanded his own clothes so as not to be humiliated in an anti-rip suit.

The female police officer led him, naked, up the corridor towards the door leading to the semi-public custody area. I then watched the video from the other side of the cell corridor door, which shows people suddenly jump and stare as Matthew obviously appears, led by the female police officer, through the door into the semi-public area, completely naked.

The police officer has made a statement showing that she didn't know that Matthew was naked when she was sent to interview him.

I note the custody sergeants who are on the record both before and after this event, but the arrangements for Matthew's interview are signed by the same custody sergeant Matthew 'pissed off' following his arrest in July 2022.

It is difficult to know why Matthew wasn't given the usual police-issue tracksuit to go out to be interviewed. He is very concerned about who saw him and how the video is stored. But at the time he seriously wished to be interviewed, both to answer the charge against him and to make clear his anger that his adversaries in the family dispute were never being called to account.

Matthew's third arrest (November 2023)

On 9 November 2023, the police knocked on Matthew's door in the early hours of the morning. Matthew went to an upstairs window and asked what they wanted, and they told him to come down. He asked again several times, with the same response, and he told them that if they wouldn't say what they wanted, he was going back to bed.

More police arrived and there was a shout through the door that Matthew had one last chance to come and talk to them – but still not saying what they wanted. The door was then battered in, causing a terrifying noise that made Matthew's young relative scream in fright. Matthew ran downstairs to open the door and a police constable seized him and yanked him out of the house saying: "Mouthing off, before, were you?".

Matthew was searched, handcuffed, arrested on suspicion of harassment and put into a van.

Matthew's third time in custody

Matthew was strip searched and half an hour later there was 'a clothing change' because there was a cord in his trousers. He was repeatedly asking for his medication and for his solicitor but was told he was in a queue for the nurse.

Much later there followed a long argument about whether he could take his own medication or if the nurse had to give it to him, but he finally got it when his solicitor arrived, and he was interviewed. Matthew made a statement denying harassment.

The outcome of Matthew's arrests

Matthew was bailed ten hours after his first arrest in July. He was later emailed a notice saying there would be no further action on any charge.

He made a subject access request for all the video footage of his detention, but it wasn't supplied. This Inquiry obtained the videos, which seem to show an unpleasant course of deliberately inhumane treatment of Matthew, perhaps, as he thinks, grounded in racism.

Matthew was bailed 22 hours after his second arrest on 14 February 2023, without the case having been advanced in the slightest. Shortly afterwards, he received a notice that no further action would be taken against him.

After being interviewed in custody following his third arrest on 9 November 2023, Matthew was bailed and has not been charged with any offence.

I was initially told by GMP that nobody on the 'other side' of this long-running dispute with Adult 8's family had ever been arrested, but they now say that they did in fact arrest the man who threatened to kill Matthew when he was in the back of the police van on his first arrest. He was not arrested for that offence but a different and later threat to kill Matthew, but that no further action was taken.

Matthew was arrested once more on 13 November 2023 when he went to Central Park Police Station to make a complaint. He asked to see a sergeant but was refused. A civilian member of police staff offered to take a complaint and so did a large group of GMP officers, who surrounded him.

Matthew was then arrested 'to prevent a breach of the peace' – though it would be a strange breach of the peace if it was caused by the group of police officers.

However, the video from this arrest shows that Matthew has a long conversation at the custody desk. Matthew tells me that shortly afterwards an inspector came to ask him about his complaint and the conversation was relatively positive. Matthew was released almost immediately with no further action. This arrest seems another part of a continuing course of conduct traceable back to Matthew's first arrest in July 2022.

The lawfulness of Matthew's arrests and detention

GMP would probably deny that what happened to Matthew after his first arrest on 22 July 2022 was a strip search and term it a change of clothes for 'welfare purposes', which is justifiable only if the subject shows a risk of self-harm.

However, ANY removal of clothes in custody that goes beyond outer garments must be treated as a strip search. This has been the law since 2015 (following the ruling in PD v Merseyside Police [2015] EWCA 114) and the event must comply with the requirements in the annex to Code C of PACE.

The only clue on the custody record that all Matthew's clothes were taken off is a reference to putting him in an anti-rip suit. In one entry the sergeant has written: "He refused to tell me about being suicidal and a self-harmer ... so was placed in anti-rip suit."

However, a custody sergeant must risk assess every new detainee and they had already ticked the 'no risk of self-harm' box on Matthew's custody record.

I can see no lawful justification for forcing Matthew to remove his clothes. It shouldn't be ordered because the custody sergeant is 'pissed off', especially as it follows the very questionable authorisation of Matthew's detention.

Section 24 of PACE says if a constable has reasonable grounds for suspecting that an offence has been committed, they may arrest anyone whom they have reasonable grounds to suspect of being guilty of it, but then only if the constable has reasonable grounds for believing it is necessary.

It is easy to see that when Matthew was arrested on 14 February 2023, PC XIV did not have reasonable grounds to suspect an offence had been committed. PC XIV didn't know anything about what they were arresting Matthew for, except the name of a crime.

PACE Section 28(3) says an arrest is unlawful unless the person is informed of the grounds for the arrest at the time. This requires 'setting out the essential legal and factual grounds for the arrest'. PC XIV did not set them out because they didn't know them.

An arresting officer must personally suspect that an offence has been committed (a subjective test) in circumstances where a reasonable person would also suspect it (an objective test). A briefing might be enough to create that personal suspicion, but there must be more than 'a bald instruction to arrest'. This is supported by the rulings in *O'Hara v Chief Constable of the Royal Ulster Constabulary* [1996] UKHL 6 and *Taylor v Chief Constable of Thames Valley Police* [2004] EWCA 858.

'We have got a piece of paper with your name on it' sounds very like 'a bald instruction to arrest'. Matthew's second arrest on 14 February 2023 will be unlawful for any one of those failings.

Section 117 of PACE allows a constable to use reasonable force, if necessary, in the exercise of any power they have, including the power to arrest. But there is no power to use force where it is not necessary.

When the police came to his house on November 2023, Matthew was not told that he was to be arrested and had no opportunity to accept that and, perhaps, go with the officers willingly – as he did, for instance, with PC XIV on the previous occasion. The officers did not seem to care whether the use of force was necessary, and at no time before they used it did they mention arrest.

Other questions such as whether there was reasonable cause to suspect an offence – the arrest concerned yet another argument in the ongoing family dispute – fall by the wayside. The unnecessary use of force made this third arrest unlawful.

There is no note of Matthew's strip search in November 2023 and no record of why it was done. Both these failings infringe the PACE codes of practice.

The impact of Matthew's experiences

In relation to Matthew's treatment in custody after his first arrest on 22 July 2022, I asked the leader of a Manchester sexual abuse charity, who understands male trauma, what effect being strip searched and left naked is likely to have on a man. He told me: "Being naked is physically and psychologically the highest form of vulnerability. In the absence of clothing to hide parts of the body, scars, birth marks, features that the individual is unhappy with, the person is exposed in a literal sense and psychological sense".

“It would significantly elevate his sense of vulnerability and at a point where power and authority – the Police – are present it would cause a fight/flight response. He would experience humiliation, particularly as in this situation, as he is being forced to remove his clothing in front of others”.

“The experience would result in a traumatic and potentially very damaging response”.

Matthew’s third arrest on 9 November 2023 is frightening. The police did not know that it was videoed on Matthew’s Ring Doorbell. It will worry the public. There is crashing and yelling and running feet and screaming and crying – and the neighbours see it all. When Matthew has been pulled from his front door by officers and rammed against his fence, people are still screaming and crying, clearly terrified and afraid for Matthew.

Commentary on Matthew’s case

Matthew’s second arrest on 14 February 2023 seems to have been an ‘arrest pack arrest’, an important police tool because they mean officers during ‘downtime’ can be used to arrest wanted people. But they are called arrest pack cases because there is a pack of information providing sufficient grounds for the suspicion or belief that the arresting officer needs. PC XIV either had not read or did not have that pack.

The principle of arrest pack arrests is not contested but I do raise the question of how the police hierarchy knows that the arresting officer has read the pack so that arrest is lawful in each case. Other officers – like PC XIV and their colleagues – may not be bothering to read them, in which case unlawful arrests may be endemic in GMP.

In my view, Matthew has been unlawfully arrested and detained three times.

The first arrest on 22 July 2022 – because he did not give PC XII his personal details – was flawed. PC XII saw no reason to arrest him on the street in response to the allegations made by the relative, and just told his colleague to collect Matthew’s details.

There is no rule that a person has to give their details to the police on request and it is only necessary to arrest a person to get these details if the officer doesn’t know

and can't readily find them. The point is that Matthew had been accused of offences by the relative and GMP might have wanted to investigate those at some time and needed to be able to contact him.

In that situation, if a person refuses to give their details and the police don't have them, they won't be able to investigate because they won't be able to find him again, so they would need to arrest him now.

But that was not the position here because PC XII already had Matthew's details and knew that the relatives would have them too. Arresting Matthew was not therefore necessary, and PC XII must have known that.

On the video it looks like annoyance that makes PC XII immediately grab Matthew and handcuff him – a use of force not justified or lawful. Matthew was arrested for the allegations that PC XII did not think had merited his arrest only a few seconds earlier.

The second arrest on 14 February 2023 was unlawful for the reasons I set out earlier – a wholesale failure of the requirements for lawful arrest under PACE S24.

Matthew's third arrest on 9 November 2023 was made unlawful by the unnecessary and unlawful use of force, which undoubtedly breached his rights to 'respect and family life' under article 8 of the European Convention on Human Rights (ECHR), as well as being a trespass to his property and an unlawful assault. How can police suggest that force was necessary to arrest him if he had not been told that he was to be arrested and given a chance to 'go quietly'?

Since the arrests are unlawful, the lawfulness of the subsequent imprisonment and all that followed is called into question. As I have set out above, the first and second decisions to authorise detention were probably unlawful too, but irrespective of that, a custody officer's lawful decision to authorise detention cannot make an unlawful arrest into a lawful one. The lawfulness of an arrest is entirely the responsibility of the arresting officer to fulfil the requirements of PACE.

Each detail of Matthew's detention, and the impact on his family of the arrests and his loss for many hours, would all be considered if he chose to take his case to court.

Enforced nakedness, cold, hunger and the refusal to give him medication all would add to the gravity of a series of potentially actionable civil wrongs. In that context, the strip searches would probably each be a serious unlawful assault, including the first one when Matthew was forced by people close enough to remove his clothes to remove them himself.

After the second arrest, being confronted with the need to choose between going naked to interview or not being interviewed to make his case, with the risk that it would therefore only be heard at court, led to him to be publicly humiliated – perhaps a form of sexual abuse – by being led into a public area naked.

GMP must explain how the same individual has been unlawfully arrested three times within a few months and has suffered treatment in custody that was deeply unpleasant and unnecessary. All the things I have just set out would aggravate damages if he chose to sue.

There are some attitudinal issues to look at to seek an explanation:

- the attitude of the first custody officer, who Matthew ‘pissed off’ so they ordered him to be stripped
- the attitude of PC XII, arresting Matthew for very little but not arresting the man who threatened to kill him
- the cavalier behaviour of PC XIV, who must be aware of the law on arrest but felt they could ignore it and still detain Matthew
- the aggressive arrogance of the officers who demand Matthew come to speak to them in the early hours of the morning while refusing to say why, then smash his door in and terrify his family when he doesn’t.

If these officers are examples of the culture in GMP it seems to be one of exercising power they don’t have, as and when they wish, without expecting to be held to account for it. Without this Inquiry none of these issues would have been held up to the light of public scrutiny. That is a worrying possibility.

There are two obvious reasons why this may be. One is that unlawfulness is endemic in GMP because officers are so poorly trained and so poor at exercising judgement in the use of their powers. That is a similarly worrying concern.

The other possibility is bolstered by the experience of others in this Inquiry where GMP has taken sides in ongoing disputes between families, neighbours, and individuals, using its police powers against one side and disregarding complaints made about the other side. That has happened in Matthew's case.

At first, GMP confirmed that the police had not arrested anyone from the other side in Matthew's dispute although Matthew says that he has complained many times. They now say that they did in-fact arrest the man who threatened to kill Matthew when he was in the back of the police van on his first arrest. He was not arrested for that offence but for a different and later threat to kill Matthew. He seems to sense racism at play, and I cannot add or subtract from that.

Recommendations

I recommend that this serial poor treatment of Matthew by GMP stops now.

As set out in the chapter on strip searching, stripping detainees 'for welfare reasons – where there is a fear of self-harm' should be ended within months. It should be replaced by putting anyone about whom there is a real concern on level 3 observation, where they are watched, on video, all the time.

It is very difficult to see in particular the first 'strip search' of Matthew as anything but punitive because he would not answer the custody officer's questions. Punitive stripping of detainees will always be unlawful and contrary to article 5 of the European Convention on Human Rights.

College of Policing guidance has now been amended to stop the failure to answer questions from justifying a strip search. I have told GMP to circulate this advice forthwith.

I have recommended that GMP officers have refresher training on the necessity test for an arrest and that custody officers are retrained in their duty regarding detainee welfare and on filling in custody records accurately and comprehensively.

They must also learn properly to scrutinise the facts behind reasons for arrest if they are to make fair decisions about the necessity for detention.

I have recommended there must be assurance that officers who use arrest packs have read the material so that they can tell the arrestee the reasons for arrest.

There are a number of other recommendations in the appropriate section of this report to which Matthew has contributed strongly and that I hope can bring change – his contribution to this Inquiry will have been very substantial indeed.

Finally, it is my strong recommendation that GMP should investigate the custody sergeant's treatment of Matthew during both periods of detention on 22 July 2022 and 9 February 2023.

Paul

Background

Paul was in trouble with the police during his youth but has since changed his life around and hadn't been arrested for a long time prior to moving into new area and becoming involved in an ongoing dispute with his neighbours.

He felt he was not welcome on the street and was easily 'goaded' after drinking alcohol. The neighbour most involved is Adult 6, who caused him trouble.

This dispute began to escalate between autumn 2021 and spring 2022. Paul says he was arrested ten times during this period, sometimes wrongly. Crimes were committed against him, but the police took no action.

Most of these arrests were for threats of harassment or to damage property. Paul has no recent track record of convictions for violence. He had a fixed penalty notice for an unspecified offence in 2022. He thinks his old criminal record led the police to take an unbalanced approach, so it was always he who was arrested even when he'd rung for help himself. Once, PC VIII showed him evidence on camera of the neighbours threatening him, but they were not arrested.

In all but one incident he does not have an issue with his treatment in custody. He says: "Every time I've been to the police station, I've never been a problem; I've never kicked the door. I just go in, lie down, get my head down and do what I've gotta do. I don't cause trouble".

But Paul says he was assaulted and stripped naked in custody on one of these occasions, when he was arrested in October 2021. The custody records from before

and on this particular date confirm that Paul was usually intoxicated on arrest and mainly slept his way through custody.

Paul's arrest

A crime report records that in October 2021 Adult 6 rang the police to say that Paul is threatening to set their car on fire and terrorise the family. A note is made that this is an ongoing neighbour issue.

In the call Adult 6 also says Paul is threatening to smash their house up and to burn them. Adult 6 either rings several times or stays connected, since they are still adding complaints a while later. A sergeant reports that police have had numerous calls "not always as the log reads".

Patrols arrive to find Paul in his garden with nothing happening and a neighbour who is friendlier to Paul, and not part of any dispute, says nothing has gone on.

Paul was drunk but said that he had made up with Adult 6 who shook his hand and agreed to call "their feud" quits.

Officers spoke to Adult 6, who agreed that they did shake hands but said Paul's behaviour changed after he had drunk more alcohol.

Adult 6 showed the officer CCTV footage with Paul shouting that he is going to be "coming through the fucking door to smash your teeth in and burn the lot of you" and calling the neighbour "a dirty bitch".

He was arrested for threats to kill and cause damage. By the time he got to Ashton Police Station it was early hours of the following day.

Paul's time in custody

Paul says, "all I remember is having whiskies then being in a police station".

When the custody sergeant asked his name, he jokingly said: "I'm not telling you".

They knew who he was.

Paul says the custody sergeant then "flew from round the charge desk like an absolute lunatic, the two arresting officers have got me on the floor with their hand over me mouth and my head, and they've got my legs and hands up and carried me

into the cell, he's got his hand on me head pushing me down, pushing me head into the floor and dragged me up to a corner".

"I got a sly dig or two in the face off one of the officers, I don't know which one, then I remember the back of my pants being cut then after that I can't remember anything".

He does not know if it was the custody sergeant or one of the arresting officers who hit him, or perhaps both. "I think he was angry and took it out on me that night".

The next morning, after Paul was interviewed and had sobered up, he got his clothes back – cut up and in a bag. He had a black eye and marks on his face from being assaulted and was in a police-issue tracksuit. He did not complain, there and then not wanting a bad police response.

Paul has not been violent during this neighbourhood dispute nor in any of the nine periods of custody involved.

There is no note that he was violent on arrest or in the police vehicle that took him to the station, but he is noted by the sergeant, writing up the custody record after Paul has been hurt, to be "violent or likely to become violent".

The sergeant's note says that he went round the custody desk to make sure that Paul could hear him and asked him if he would self-harm since he had done so two years before. Paul would not reply so the sergeant ordered all his clothes removed. He and two arresting officers took him into a cell and put him face down onto a mattress, but he kicked out (never connecting) so that the sergeant "used distraction tactics ... by utilising my right fist ... I threw punches [which] all ... connected with his head". The sergeant adds that he also elbowed Paul in the head.

After the strip search, Paul slept and was interviewed when he woke up, denying everything but abusive shouting, which he said wasn't aimed at Adult 6 but at a woman who had insulted him and then sent a man to punch him with a knuckleduster. The note confirms that Paul had reported the punch although police had taken no action.

The outcome of Paul's arrest

PC VIII has made a long note about four of the recent incidents concerning Paul and Adult 6.

This says: "There is CCTV and witness statements from neighbours that show [Adult 6] displaying similar behaviour toward [Paul], banging on his door shouting abuse and threats. There is also an allegation that [they] damaged his door during this altercation."

All the allegations against Paul were marked NFA. Paul moved away and the arrests have stopped.

Commentary on Paul's case

Paul went to considerable trouble to get in touch with this Inquiry because he is aggrieved that he was assaulted by the police while in custody and, he feels, strip searched for no reason but as an exercise of power, to demean and humiliate him. He is angry that crimes committed against him were ignored but he was detained ten times merely for shouting abuse from his garden when he was drunk.

Other participants in this Inquiry who were arrested by GMP say that they were, like Paul, involved in disputes with people against whom their complaints were similarly disregarded. Each of them is outraged by what they see as the police unfairly taking sides and accuse GMP of victimisation. One of those participants considers their treatment to be evidence of police corruption. Paul is Irish and another participant, who is similarly worried, is of mixed race.

Recommendations

It is not possible to have views about this possible bias or corruption without closer scrutiny and I have made recommendations for an examination of these cases and others to ascertain whether there are more widespread similar concerns and, if so, to look urgently at why the police have behaved in this way.

I have made recommendations about ending much of the police use of strip searching for welfare purposes.

Paul will be glad to know that College of Policing Authorised Professional Practice changed in April 2023 so it now states: “The use of anti-rip clothing because a detainee is not engaging in risk assessment questions is inappropriate”.

That means that nobody should suffer strip searching as he did, with all the risk of violence or complaints of violence that can follow from such a physical process, when all they have done is to decline to answer the custody officer’s questions about self-harm. This is obviously a good development, removing the possibility of strip searching somebody just because they are being awkward.

I am therefore very grateful to Paul for telling me his story. An important fact is that he was injured by a strip search which that also left him naked, not with an anti-rip suit which might have added some credence to the assertion that his clothes were taken because he was a suicide risk. I understand that he has not taken his complaint about being assaulted forward while waiting for the outcome of this report on the broader issues, and I believe that avenue may still be open to him and there may be other routes to assuaging the grievance he undoubtedly feels about his treatment by GMP.

Adam

Background

Adam has been arrested and detained several times for breach of non-molestation or harassment orders due to ongoing issues with his ex-wife – mostly before the time covered by this Inquiry. He complains that the police have always supported his ex-wife and refused to investigate her behaviour against him.

Adam’s ex-wife aspired to open a business, but she was financially ‘blacklisted’, so Adam put everything in his name. Without his knowledge, in October 2016 she misused a business credit card. He cut the card up, but the card issuer sent another, and she opened his mail and used it, as before, without his knowledge.

Around this time, Adam says that his ex-wife slashed his car seats, and he also reported that to the police, but they did not respond.

Separately he received a non-molestation order and was arrested, he became homeless and made a suicide attempt.

At some stage Adam was further charged with breaching the non-molestation order and pleaded guilty because the judge said that nothing would happen to him. He now thinks that this was a bad mistake that put him on the 'wrong side' of the police. He was given a restraining order against contacting his ex-wife and the police confirm that he has been arrested since, mainly for sending money and presents to a family member through friends or via a bank, perhaps not realising that indirect contact breached the restraining order. Though the court should have been sent it to him, Adam says that he never saw the contents of the order.

Adam's arrest

In January 2021, Adam and his ex-wife were told by the family court judge to work together to sort out financial issues, but in July 2021 he was once again arrested when his ex-wife told the police that he had sent her an email accusing her of stealing the credit card. At this time, Adam believed that he could contact his ex-wife because of what the family judge had said.

I have seen BWV of this arrest. Adam is very upset because the police have come for him yet again. He protests that his ex-wife's allegations are false and that she defrauded him, and the police have not dealt with it. He has to go along with them but is so upset that he reportedly banged his hands against the inside of the police van.

Adam's time in custody

He was taken to Swinton Police Station and similarly protested to the custody sergeant. Adam said that he intended to commit suicide the next day because his life was a misery because of his ex-wife's dishonest complaints and the police response. He was taken to a cell with a few officers close by, perhaps anticipating that his protests might escalate.

He entered the cell, when it appears that his feelings overcame him, and he tired pushing himself back out of the cell. Vastly outnumbered, he was pushed into the cell, put onto a mattress on the floor, stripped naked and left. As Adam sat up, it became clear that he had sustained a serious injury to the side of his face,

which was bleeding. He was taken to hospital, where he had immediate surgery to save his sight.

The outcome of Adam's arrest

I cannot comment on the lawfulness or otherwise of the details of Adam's arrest and detention, or on the outcome, because of the legal action he is taking against GMP. But I can consider some of the wider issues raised.

Commentary on Adam's case

I have read the bundle of complaints Adam has made about the police's failure to investigate his ex-wife's fraud and criminal damage to his car and the police responses. He does still think they have been unfair.

However, in that bundle, the police explain that they took no action on the credit card fraud because they would not be able to prove that Adam hadn't consented to his ex-wife using it, given that he was underwriting her entire business at the time. She must have opened a lot of mail nominally addressed to him.

He has said that she admitted fraud to the family court and the police response makes no mention of that, but that is where the family finances would be sorted out and the fraud allegation could have been considered, although it would be minor in the context of assets such as the matrimonial home.

There may be much in what Adam says about the folly of having tendered a guilty plea in early proceedings, assuming he could have defended them. Once he had admitted unlawful behaviour against his ex-wife, it will have added apparent credibility to her case whenever she complained about him again. He has probably suffered too because a non-molestation order is a domestic abuse remedy and College of Policing guidance advises that: "Arrest will normally be necessary to protect a vulnerable person, to prevent injury or damage and/or to allow for the prompt and effective investigation of the case".

Some of the breaches that Adam partly admits seem to be more attempts to stay in touch with a family member and less a threat to his ex-wife, so perhaps the police could have exercised more discretion.

This is background to the obvious depression and weariness with which Adam submitted to the July arrest, when he told the police that he was suicidal.

He would have been strip searched under is Sections 54(3) and 54(4) of PACE, which allow a custody officer to 'seize and retain' clothes from a detainee if the officer believes that the person may use them "to cause physical injury to himself".

This kind of strip search, followed by being left naked or in an anti-rip suit in a cell, can only play a negative role in the state of mind of someone already in despair, as Adam was.

College of Policing guidance acknowledges this effect and that putting a detainee who is suicidal on level 3 observation (meaning pretty well constant observation) is a better way to deal with them. It is also more foolproof because desperate detainees may find other ways of harming themselves than by using their clothes.

Recommendations

The issue that brought Adam into the Inquiry is that he was stripped naked while in custody at Swinton Police Station in July 2021 and seriously injured. That is the subject of civil proceedings so I make no comment on how he was hurt but I can say that the fact of this 'strip search', as it is shown on police video, has contributed to the recommendations about strip searching that are made by this Inquiry.

I agree with the approach advised by the College of Policing guidance and will be recommending that in future GMP does not strip search people who are in despair but instead safeguards them through observation.

I have been strengthened in this recommendation by viewing a strip search of this kind (albeit I did it with extremely careful discretion) showing it to be – with the best will in the world – brutally clinical treatment for someone who is in despair.

In addition to moving away from strip searching I will also recommend that arrangements are made for a custody officers to provide immediate mental health support or access to a charity such as Samaritans for anyone in custody who is showing a risk of self-harm.

Although it will take time for GMP, which has a duty of care to detainees, to move away from this kind of strip searching, its officers should not, in the meantime, ever

strip search a detainee who offers a self-harm risk without immediately following it with the offer of support. I am grateful to Adam for sharing his story and others will benefit greatly from his generosity in doing so, though it must have evoked unpleasant memories for him.

Arrest

“The force’s strategic priority to increase arrests means officers often don’t give due consideration to diverting people away from custody”

(HMICFRS and CQC, 2023)

Useful definitions

- Arrestee (see Glossary)
- Arrest pack (see Glossary)
- De-arrest (see Glossary)
- Low-level criminality (see Glossary)

Relevant guidance and legislation

- Police and Criminal Evidence Act 1984 (PACE) Section 24
- Code of Practice for the Statutory Power of Arrest by Police Officers (Code G)
- College of Policing Authorised Professional Practice (APP):
Investigative interviewing

The lawfulness of arrests

It is an important conclusion of this Inquiry that seven of the 15 complainants who came to talk to us were, in my view, unlawfully arrested. I set out the individual findings that led to that conclusion in each case in the Personal narratives section of this report.

Though our complainants are few, a small sample can indicate that there is a serious problem – and there is sufficient similarity across these troubling arrests to recommend a dip-sampling exercise (as I do) to ascertain if they in fact evidence a systemic issue.

It is surprisingly rare that the lawfulness of individual arrests is tested. Police officers hold the ‘office of constable’, which gives them powers and authority to be exercised

at their individual discretion. Custody sergeants, to whom arrestees are presented, are only concerned with the necessity for detention.

In determining that question, custody officers are required to listen to the reasons and ask about the factual basis for the arrest, but they are not a supervisory check on its lawfulness.

The only challenge available to a layperson would be to consider suing the police for wrongful arrest, but legal aid to help meet the cost is hardly available these days, and going to law in that way is a big step.

There is the police complaints system (see Complaints section), which focuses on questions of conduct, but many people have little faith in this because it is, at least in large part, the police 'marking their own homework'.

So, there is no easy answer for a citizen who thinks they have been wrongly arrested and, correspondingly, little check on officers using these powers every day. This Inquiry is a novel exercise in applying a non-police mind, albeit one with some understanding of policing, to recent, local use of those powers.

Arrest: policy and responsibility

Despite the discretion vested in the office of constable, police officers are part of a disciplined force and must follow force policy.

GMP is a force that has been subject to criticisms in recent years and in a damning report (HMICFRS, 2020) on the service that GMP provides to victims of crime, HMICFRS found that the force failed to record an estimated 80,100 crimes reported to it between 1 July 2019 and 30 June 2020, amounting to about 220 crimes a day. HMICFRS inspectors estimated that the force only recorded 77.7% of reported crimes and wrongly closed some investigations, including some involving vulnerable victims.

I am happy to note that GMP has tried to improve its performance overall, and indeed the latest report from HMICFRS demonstrates that it has done so significantly (HMICFRS and CQC, 2023).

Failing even to record a significant portion of reported crime, let alone investigate it, is a broader and more fundamental issue than questions of arrest.

However, there is, under the authority of the current Greater Manchester Chief Constable, a strategic priority to increase arrests. This may or may not lead to rectification of those fundamental failings, but the risk is that the strategy to increase arrests becomes an end in itself.

Talking with officers during this Inquiry, I have been told that they are encouraged to arrest by that strategic priority: "The Chief wants us to arrest".

But arrests still need to be lawful, and the requirement for the exercise of the individual constable's discretion cannot be ousted by a policy. There is a statutory test of necessity before an arrest can be lawful. PACE Section 24(4) sets out the limited bases on which an arrest can be necessary and if an arrest is not included in this section, it is likely to be unlawful. No amount of policy or encouragement can oust that test.

Many of the arrests criticised in this report for their unlawfulness – in particular the cases of Matthew (who was arrested three times), Maria, Sophie and Diana – appear to lack the element of necessity as required by S24(4), although other cases lack reasonable grounds to suspect that an offence has been committed and some are, in my view, unlawful for separate reasons too.

It sometimes appears as if as soon as an officer has the first scent that an offence has been committed, they immediately move to arrest. May this be the impact of the strategic priority to increase the number of arrests? May it be due to lack of judgement or insufficient training? Is it a lack of empathy with the public? May over-readiness to arrest stem from the fact that there is currently no realistic way that a citizen can challenge an arrest? Is it linked to the ease with which some custody officers in GMP rubber-stamp authorisation to detain?

Some of the arrests in this Inquiry seem to emerge from a reversal of reality, when a victim or someone trying to protect or support a victim is arrested for the smallest misdemeanour, while there is little investigation into the suspected serious offender.

I acknowledge the Chief Constable's operational independence and that he can retain a strategic priority to increase arrests if he wishes. My point is, whether or not the current strategy on arrest has played a role, this sample of arrests shows officers using their power unwisely, unnecessarily, and sometimes unlawfully. It is in the interests of the force and the public for that to stop. There may be better, quicker, and more effective ways of ensuring that officers record and investigate crime that is reported to GMP, and hence to continue an upward trajectory from the highly critical HMICFRS report of 2020, than by putting a premium on what is capable of being a harmful use of power and a damaging weapon against members of the public.

The impact of arrest

Even if they are not encouraged to arrest as a force policy, individual police officers may be too ready to resort to arrest if they do not appreciate that being arrested can be felt as a serious punishment in itself (Hilyard and Tombs, 2017). Presumably they have never experienced it since they might not be eligible as officers if they had. Perhaps one of my recommendations should be that all police officers suffer at least one night's detention in an unfriendly custody suite before qualifying to deliver the same experience to the public.

Being arrested can be very frightening as well as humiliating and disorienting. It can be – and in many cases in this Inquiry, has been – shocking and traumatic. And there can be profound consequences. A ring-round of trade union colleagues has led me to understand that an arrest, whatever the outcome, can appear on a Disclosure and Barring Service check and, for people in some occupations, that will be career-limiting and sometimes potentially career-ending (Zander, 2023).

In my view, all those effects should be considered by officers, who are required to by PACE Code G (2.8) to look at, among other factors, “the circumstances of the suspect” when making a judgement about whether to arrest.

Code G 1.3 requires that arrest must be “fully justified” by considering “if the necessary objectives can be met by other less intrusive means”.

Sometimes there are important reasons why there has to be an arrest, for instance to quickly secure and preserve evidence or to safeguard victims. However, given the risks of causing harm to someone by arresting them, it should be an absolute last resort for anyone who comes to police attention for the kind of minor offences that appear in this Inquiry.

Yet there must be a risk that arrest becomes the officer's everyday tool of choice, the default option. Some of the arrests in this Inquiry look like that, as if it was a reflex action done with little consideration and no regard to the consequences for the arrested person. What that will amount to is a risky habit because the grounds on which an arrest can lawfully be made, when assessed thoughtfully, are narrower than they first appear.

The necessity to arrest

S24(4) of PACE is very important. It says: "The power of summary arrest conferred by subsection (1) (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in subsection (5) it is necessary to arrest the person in question".

So, it isn't lawful to arrest someone just on suspicion that they have committed a crime, it also has to be necessary to arrest them for one of the reasons in subsection S24(5), of which the main one used by GMP is: "To allow the prompt and effective investigation of the offence".

Nonetheless, paraphrasing PACE Code G paragraph 2.9, if the investigation can be "prompt and effective" without the arrest – for instance if the suspect will attend voluntarily to be interviewed about the allegation – then the arrest may not be necessary and, because of S24(4), it may not be lawful.

There are other, more specific, reasons in S24(5) that can be used to justify an arrest, and some have played a role in this Inquiry, but "to allow the prompt and effective investigation of the offence" is a wide and imprecise phrase, a desirably vague ground to use. It was the reason used in 41% of arrests by GMP in 2023.

Less intrusive alternatives to arrest

Voluntary attendance

An important alternative to arrest is to call a suspect into the police station as a voluntary attender. As the College of Policing guidance on investigative interviewing says, this is more convenient and flexible for both suspects and interviewers.

Importantly, it avoids the impacts and the potential trauma inflicted on some arrestees from going into custody. It is evidentially the same: interviews are done under caution and videoed.

However, between September 2021 and August 2022, data in the public sphere shows that voluntary attendance interviews by GMP decreased by 25%, while the number of arrests went up from 35,802 to 63,528 between 2021 and 2023.

Can this be because of a dramatic change in the nature of crime, that people are no longer willing to come forward for interview as volunteers? Or could it be that people – like some of those in this Inquiry – who should not have been arrested but instead, at most, interviewed as volunteers, are merely the tip of the iceberg? I should make clear that there is no suggestion that the GMP strategic priority to arrest is not bearing fruit overall, but the context for this report is a series of problematic arrests.

And I would add that the courts have clearly rejected the use of policy to justify arrests. Specifically, in *R(TL) v Chief Constable of Surrey* [2017] EWHC 129 (Admin) Mr Justice Jay found that an arrest made “on general policy grounds”, rather than after consideration of the individual circumstances in the specific case, was simply unlawful.

Pre-arrest diversions

Pre-arrest diversions to other services should receive increased investment and be used more frequently as viable alternatives to arrest. In Greater Manchester there is a violence reduction unit, a mentally vulnerable offenders panel and a women’s pathway scheme, all intended to help keep children and vulnerable people out of the criminal justice system and all strongly supported by the GMCA Justice and Rehabilitation Executive.

However, in 2022 a joint HMICFRS and CQC inspection found that diversions had also reduced against the GMP strategic priority to increase arrests. Is this too a spin-off from the strategic priority, and are children, the mentally vulnerable and women, contrary to the enlightened approach to diversion taken by GMCA, now being arrested? Let me emphasise again that it is not suggested that the increase in arrests is undesirable as a whole, but the potential influence of it as a mainstay of force policy may be problematic.

This short section highlights a number of concerns about the arrests in this Inquiry and what they may say about GMP.

The strategic priority to increase arrests may be driving unwise and unlawful arrests. Police officers who use arrest habitually should first stop and think if they are to use it lawfully. Officers do not appear to understand the harm it can do to individuals, and they should be trained to do so as clearly as they are trained to understand the effects of using a baton or a gas canister. They must be able to competently, and as a matter of duty, take the steps required by PACE and Code G, with the suspect's circumstances being fully considered.

I have developed a concern that officers can become desensitised to the impact that they are having when they make arrests. Officers should not feel insulated by their role as a police officer against the need to consider the law, the context, and the public interest. Bad arrests will produce bad publicity and can produce a flight from confidence.

Recommendations

Greater Manchester scrutiny panel

By analogy with out of court disposal panels, the Deputy Mayor for Policing and Crime's office should establish a scrutiny panel to review anonymised arrests, at the lower end of criminality, every three months.

This panel should draw membership from across criminal justice and the victims' sector and feed back to the GMP senior officer team and the Deputy Mayor with any concerns about the necessity and reasonableness of the arrests. GMP should fully participate, and welcome lessons learned.

It is of concern that, in a number of cases in this Inquiry, where there is a continuing dispute, the police appear to have supported one side and taken criminal justice action, in particular arrest, against the other party. That seems evidenced in the accounts of Diana, Paul, Adam and, to some extent, Charlotte, and I have confirmed with GMP that nobody from the other side in their disputes has ever been arrested. I recommend that there be action to search beyond the arrests in the Inquiry to see if this is evidence of a wider pattern and, if so, to probe the causes and, if necessary, prescribe solutions. This may be a role that the scrutiny panel can take on, but I leave how she wishes to implement this proposal to the Deputy Mayor for Policing and Crime.

Refresher training

GMP should refresh officer training on:

- The availability and utility of voluntary attendance, given the increased emphasis it is now given in the PACE codes of practice and the Inquiry's conclusion that many of the arrests it considered were unnecessary/unlawful. In cases at the lower levels of alleged criminality, the balance should favour avoiding both the risk of poor impact on arrestees and the risk to public confidence from such arrests.
- The effective use of the national decision model (College of Policing, 2013) in determining whether an arrest is necessary.

Quality control of 'arrest pack' arrests

- Arrest packs are an important and widespread efficiency tool, but if unread they will deliver high numbers of unlawful arrests.
- They should always be created in a force template for ease of access.
- There is an urgent need for some means of assurance that the arresting officer has read and understood the contents of an arrest pack before acting.

Trauma training

GMP should ensure that all officers are given training to help them to recognise and manage the effects of domestic and sexual trauma on survivors:

- so that officers are better equipped to give a good response to sexual and domestic abuse victims
- to avoid victims' arrests by recognising that victims reporting domestic or sexual abuse, facing counter-allegations, or reacting to a poor police response may be revisiting trauma and require care
- to avoid the escalation of incidents involving abuse survivors through physical contact with male officers. It should where possible always be preferable for any necessary physical contact with women to be done by women officers.

The first point ought already to be force policy.

I acknowledge that only three of the 11 women in this Inquiry were direct or immediate abuse victims when they had contact with the police. However, trauma is not transitory and many more of these female complainants are abuse survivors.

The section of this report on domestic abuse, written with input from the Centre for Women's Justice (CWJ), provides the background to amplify the basis of the second point.

The account of Leah to this Inquiry demonstrates the importance of the third point.

Support

There is already a link from custody desks to military veterans' organisations, and GMP should initiate a new link to domestic and sexual abuse charities to offer support for women detainees who are found to be survivors. The female welfare officer provided by the force for each woman detainee should be responsible for asking the detainee about their need for this support.

Custody

Useful definitions

- Appropriate adult (see Glossary)
- Custody officer (see Glossary)
- Custody record (see Glossary)
- Custody review (see Glossary)
- Custody suite (see Glossary)
- Detainee (see Glossary)
- Independent custody visitor (see Glossary)

Relevant guidance and legislation

- Police and Criminal Evidence Act 1984 (PACE) Section 37: Duties of custody officer before charge
- College of Policing Authorised Professional Practice (APP): Detention and custody
- Police and Criminal Evidence Act 1984 (PACE) Section 24: Arrest without warrant: constables
- Police and Criminal Evidence Act 1984 (PACE) Section 39: Responsibilities in relation to persons detained
- Police and Criminal Evidence Act 1984 (PACE) Code of Practice for the detention, treatment and questioning of persons by police officers (Code C)

The stated purpose of police custody

The National Police Chiefs' Council (NPCC) police custody strategy (NPCC, 2022) states: "The primary purpose of taking an individual into police custody is to make them amenable to the investigation of a criminal offence."

That is an acceptance, presumably widespread in policing, that taking people into custody is a legitimate coercive power, to be used to further the police purpose in investigating crime.

It shouldn't be necessary for me to add that people can only be put into custody lawfully, even if police have an investment in the idea of detention fulfilling an underlying coercive purpose. Making people amenable to an investigation of their own behaviour is not a purpose within Section 37(3) of the Police and Criminal Evidence Act 1984 (PACE).

On the evidence of the cases in this Inquiry, some arrests by GMP are being made too readily and detention is sometimes rubber-stamped, and if an investment in coercion is a persuasive factor here, it is legitimate to look briefly at whether custody works for that purpose or whether it is a false persuasion.

PACE was in large part intended to protect arrestees from being pressured when in custody. Prior to its enactment, there were allegations in many criminal trials that defendants had been coerced into confessing or pleading guilty.

The legislation certainly succeeded in limiting that, both by tightening the rules on admissibility of confessions and introducing protections – such as the custody officer – to curb overzealous investigators. It has helped to change the culture.

However, the law's protections have weakened over the intervening years. Custody officers were strongly interventionist at first and solicitors were available at more stages of detention to argue for their clients' rights.

The grounds for detention after an arrest has taken place are set out clearly in the terms of PACE Section 37(3), which says that a person may be detained if the custody officer has "reasonable grounds for believing that his detention without being charged is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him".

Is custody effective?

To consider first the necessity to detain “to obtain such evidence by questioning him”, is better progress made by questioning in people in custody than, for instance, when they are interviewed as volunteers?

Voluntary interviews can, as the College of Policing guidance says, be convenient for both sides. Officers have time to assemble a strong case for interview and to disclose it to the defence, while voluntary attenders have full access to a solicitor who can advise them how to approach the interview with realism.

In contrast, in custodial settings, cuts to legal aid payments have made brief attendance shortly before an interview the only economic option for most solicitors. Although I am unaware of quantitative research on this, criminal solicitors say that they are far more likely to recommend a ‘no comment’ interview in a detention setting because they may have had insufficient time to grasp the essentials of the case.

The process of securing or preserving evidence relating to an offence – the other half of S37(3) – may well be done just as quickly, effectively and by surprise (if that is a factor) by obtaining a warrant through the magistrates’ court under PACE Section 8 as it can be achieved by arrest. And case law favours it being done by that route.

I appreciate that this does not approach a comprehensive look at why arrest is used and acknowledge that the protection of victims and many other factors often make its use necessary.

So, this is sparse data, but it suffices to raise the question of whether, if detainees are more often advised not to answer questions when they are in custody, detention to make them ‘amenable’ to help the investigation may be less efficacious. I raise, too, whether coercion is an appropriate primary purpose for custody. I was surprised to find making detainees ‘amenable’ to be the declared NPCC purpose for its use.

How should this weigh against the potentially damaging and traumatic impact that detention has on some people, especially in the context that the outcome for many detainees is that ‘no further action’ (NFA) is taken?

Likelihood of NFA outcome

A 2020 research paper from the All-Party Parliamentary Group (APPG) on Women in the Penal System, authored in part by the Howard League for Penal Reform, showed that for 40% of women who are arrested and detained in police custody, the result is that no further action (NFA) is taken on the matter (APPG, 2020).

In the cases in this Inquiry, for all but one of the 14 who were arrested and detained the result was NFA.

How custody can affect individuals

What is the impact of detention on those accused of offending at the lower end of criminality, like the detainees in the cases I have examined?

There is a quantity of research on the impact of detention in police custody under PACE. I focus on the excellent work of Professor Layla Skinns, who between 2013 and 2018 led a research team collecting data as part of a project on 'good' police custody, funded by the Economic and Social Research Council (ESRC).

This project included work to advise on better custody, but at its outset it pursued the question of what impact detention has on detainees (Skinns and Wooff, 2018). I cannot do justice to the depth and significance of this work, but the findings highlight that detainees could feel:

- in transition in legal and moral status, social identities, relationships with friends and family, and place in society
- conscious that they were in a limbo of being neither innocent nor guilty, which fuelled uncertainty about what lay ahead, and how that uncertain status may increase their vulnerability
- they had lost control over who they are in a place of 'total police custody' where everyone will have to fit in with what the police want
- afraid of being cut off from human contact in solitary confinement, especially since police can choose whether they answer the cell buzzer, the only means of contact

- ‘degradation’ from possessions being removed, especially as this was done at a semi-public custody desk in a humiliating way, which reinforced deference to those in charge; the attachment of significant personal value to possessions, such as their mother’s wedding ring, can emphasise this effect
- lost in endless time by the removal of a watch and the lack of daylight to tell the time of day
- miserable from having nothing to occupy the mind while surrounded by these personal anxieties.

Aside from the findings I have culled from this research, there are practical impacts on individuals who have been detained in police custody, such as loss of work and status, the risk to employment of being recorded on the Police National Computer (PNC) and the worry of being wrongly convicted.

These are wide-ranging, and potentially long-lasting, emotional, and psychological effects as well as potentially life-changing career and status impacts.

I do not think that police officers who execute arrests appreciate fully these potentially devastating effects arising from what, to them, must be an everyday tool of their trade.

It is my view, and it is the official position of the College of Policing, that arrest and detention should only be ‘a last resort’. The above are a few of the reasons for that view.

The cost of custody to the police

An officer who arrests and brings a person into detention is likely to be engaged for a large part of the day in progressing an investigation, in a concentrated way, during the 24 hours available. I have no data on the costs of taking an officer off external work for most of a day, although this must be readily available to the police. Arrangements for voluntary interviews, on the other hand, can be fitted into police routine.

Additional costs are those of the detention itself. Police evidence to the Ministry of Justice at the outset of Operation Safeguard (the use of police cells to relieve prison overcrowding) in 2023 provides the most recent figure. According to the evidence,

West Midlands Police has been reimbursed £600 for housing a prisoner on a weekday and £800 at a weekend. This will probably be a higher cost than for a 24-hour detainee, but it is a cost that is only incurred if detention is used and could otherwise be saved.

The role of the custody officer

Detention decisions are crucial. There can often be personal damage from short-term arrest, but this point, at the custody desk, is the gateway to the geometric escalation of multi-faceted damage that can flow from being kept in police detention.

All the participants in this Inquiry were taken directly to a police station on arrest and put before a custody officer (CO), the person deciding if they should be detained.

The College of Policing Authorised Professional Practice (APP) guidance says that a CO must make the decision on detention by listening personally to the grounds of arrest described by the arresting officer.

The guidance adds that: “Detention is always the last resort and custody officers should authorise detention only when it is necessary to detain rather than when it is convenient or expedient. The decision should not be seen as a rubber-stamping of the necessity to arrest but as a separate independent decision.”

But is that really how it is? At least four decisions to authorise the detention of people in this Inquiry are of serious concern.

In Matthew’s case, for example, in July 2022 he was arrested to ascertain his personal details by a police constable who was sent to deal with a disorderly row between him and a relative. Matthew wouldn’t give his details, though he was accused of assault, so the arrest was to identify him for any future investigation. The flaw is that this constable had a crime report sent to him as he drove to the incident in which the relative had identified Matthew.

So, arresting him to get his details wasn’t necessary. In protest, Matthew wouldn’t give his details to the custody sergeant either. Absurdly, the constable read the details out and the custody sergeant wrote them down, then authorised Matthew’s detention on the basis of an arrest to enable his details to be ascertained.

Appropriate reasons for detention

As already noted, some of the arrests considered by the Inquiry were, in my view, unnecessary and unlawful. The CO is not there to challenge such arrests but to consider whether detention should be authorised. The two tests can be very closely aligned in that the arresting officer must be satisfied that arrest is necessary, and the CO must be satisfied that detention is necessary.

In practical terms, (once a decision has been taken that the arrestee cannot be immediately charged) the test of whether to authorise detention is in Section 37(3) of PACE. This requires the CO to release an arrestee unless they have “reasonable grounds for believing that the person’s detention without being charged is necessary to secure or preserve evidence relating to an offence for which the person is under arrest or to obtain such evidence by questioning the person”.

The CO decides on this by listening to the arresting officer’s grounds for arrest and deciding independently whether they show the necessity for detention.

Some COs look complicit in agreeing grounds for arrest for the custody record when they should hear them from the arresting officer and ask questions to make sound PACE-based decisions on the necessity for detention. The case of *ST v Chief Constable of Nottinghamshire Police* [2022] EWHC 1280 says that the lawfulness of COs’ decisions is not to be judged by what they knew but by what they would have known if they had asked reasonable questions. I note that a 2022 inspection of GMP custody arrangements by HMICFRS and the CQC (HMICFRS and CQC, 2023) found similarly that COs were reluctant to decline to authorise custody.

Authorisation for investigation purposes

The arresting officers' grounds for arrest in no less than 41% of all GMP cases is: "To allow the prompt and effective investigation of the offence", under Section 24(5) of PACE.

I have been helped in a range of ways by officers during this Inquiry and some have smiled when I have mentioned this point and told me these grounds are the ones that are used all the time.

I watched a video of a female arrestee being presented to a custody sergeant. The arresting officers, when asked the grounds for arrest, said, questioningly, "to allow the prompt and effective investigation of the offence..." They seemed to be saying 'Will that do?' and the custody sergeant duly wrote it down and thought it good enough to also say that detention was necessary.

One doesn't have to look much beyond that case and Matthew's to appreciate that the College of Policing's APP and the notion of a separate and independent decision by the CO bear some of the hallmarks of fiction. In these two cases the CO seemed to be involved less in scrutiny of the necessity for arrest and more in complicity to get the custody authorisation box ticked.

Authorisation – a tick-box exercise?

Matthew was arrested again in February 2023 and presented to a custody sergeant at Central Park Police Station, where the video showed the arresting officer telling the CO: "I don't know much about him. It is threatening behaviour. You know all that I know now." This officer should have read the 'arrest pack' of information to justify the arrest, but clearly hadn't. If the arresting officer couldn't tell the CO anything about the case, how could the CO decide whether Matthew's detention was necessary? Matthew was detained.

In September 2022, Sophie was arrested at 03.17 "to allow the prompt and effective investigation of the offence".

She was accused of knocking the wing mirror off her violent boyfriend's vehicle 14-15 months previously and bruising his arms on the day he'd tried to strangle her. The CO saw no difficulty about the necessity for an arrest in the early hours of the morning to allow the prompt investigation of an allegation that was 14-15 months old, nor had any doubt that he should authorise detention on the same basis. Why couldn't Sophie be interviewed, on a voluntary basis, at a sensible time of day? Sophie was detained.

Charlotte was arrested in March 2023 for a public order offence "to allow the prompt and effective investigation of the offence". Officers said she'd been acting aggressively, though they knew that she had been trying to rescue her stepdaughter from suspected traffickers and had called 999 for the police to help her. She would obviously have talked to the police without the need to detain her, because she wanted their help. How was her detention necessary? Charlotte was detained.

Diana was arrested in August 2022 for harassment "to allow the prompt and effective investigation of the offence". It seems to me that the only reason for her arrest was, probably unlawfully, to trigger the power to search her home under Section 18 of PACE. A more appropriate route would have been to apply for a search warrant under PACE Section 8, which would not have involved her arrest.

Why was her detention necessary when she could have been left free in her own home during the search or, in default of an application for a warrant, be bailed as soon as she was arrested and interviewed later if officers found anything suspicious? Diana was detained.

COs are not there to find a formula to put on the custody record but to test the necessity for detention, not least as part of their responsibility for the welfare of arrestees, some of whom, in this group, suffered badly from being unnecessarily detained.

Nodding through arrests like this is not a new problem. Dr Vicky Kemp's 2020 research study on authorising and reviewing detention (Kemp, 2020) found that in 16,751 arrests across 33 forces in England and Wales, 98.7% of arrestees considered by a CO were detained.

The situation may arguably be worse in GMP because the strategic priority to increase arrests might persuade COs against rejecting some of them. However, there is no clash between a priority to increase arrests and a commitment to authorise detention lawfully. It is hard to see how any of the four people discussed here could possibly have been detained lawfully.

Poor custody officer attitudes and behaviour

The CO holds important responsibility for the care and welfare of arrestees in the custody suite and to ensure they are dealt with in accordance with PACE Section 39 and the PACE codes of practice. One would therefore expect these officers to behave well. However, some cases have raised problems about the CO's attitude to individuals.

- Maria was shocked to be arrested after being ostensibly helped by the arresting officer for more than an hour. She says that she told the CO that she had done nothing wrong. She can be seen on the custody office video (although there is no sound) to be making a point and the CO responding by banging his fist on the counter. According to Maria, the CO was telling her to “Shut the fuck up”, which didn't reassure her.
- Evelyn was arrested and shown on the custody office video in her pyjamas. She told the CO that she thought the police had broken her knee. The custody officer responded in a flippant manner, saying to the female arresting officers: “Now, what have you girls been doing to break her knee?” Evelyn felt mocked and her injury ignored, and she worried about the level of antagonism she was going to face in the rest of her time in custody.
- Matthew wouldn't answer questions at the custody desk and the CO can be clearly heard on the custody office video, shouting: “You are totally pissing me off.” The CO ordered Matthew to be stripped under threat of force and, when he refused to wear an anti-rip suit, left him naked for several hours, removed his bedding and turned the water off in his cell.
- Matthew also refused to wear an anti-rip suit when he was arrested a second time. He was naked when the same CO sent a female officer to interview him and he was led, still naked, into the semi-public custody area.

- Adam and Paul both blame the CO for personal violence they suffered in detention.
- Diana told the CO that she had mental health problems and might self-harm in a cell. The CO replied that she wouldn't be doing that because they would put her in handcuffs and leg irons on the floor.
- Charlotte's request to ring her mother to assuage her own anxiety about her sick child was repeatedly delayed and then refused by the CO.

Incomplete and inaccurate custody records

Section 39 of PACE requires a CO to open a custody record as soon as practicable and to be responsible for its accuracy and completeness. It is intended to be a contemporaneous record of anything that happens to a detainee in custody that is of importance. The detainee and their solicitor are entitled to a copy of this record on release from custody.

The Inquiry found many inaccuracies, gaps and inconsistencies in the custody records I reviewed.

- The 'arrest account' on Matthew's custody record says his arrest in February 2023 was for malicious communications at a particular time and place and against a specific victim, and the reason given for his arrest was "to protect a child or other vulnerable person". But the arrest was for a different offence, with no time, place or victim, and the arresting officer had no information to justify those reasons for arrest. The custody record, filled in from some other source, misrepresents what happened to Matthew.
- Scarlett's custody record contains no mention of a strip search though she describes this in convincing detail.
- Jane had a toileting accident in her cell because she couldn't get to a disabled toilet in time and was given replacement trousers. But there was no reference to this failure to protect her welfare, or the change of clothing, on her custody record.

- Maria’s custody record notes in an entry at 17.50 “authorisation for a strip search at 15.20” and then at 17.53 “strip search ... conducted at 17.50”. An entry relating to a strip search is extremely important – in fact Maria was only strip searched once, at 15.20.
- Dannika’s custody record does not mention either the police claim that she was given a change of trousers or her claim that she was strip searched. These events should have been noted.

Failure to meet detainees’ welfare needs

The Inquiry heard stories of detainees being denied, mainly through critical delay, some basic personal necessities, like toilet paper and sanitary protection, or access to suitable toilet facilities. As to the latter, GMP might need to reconsider its approach to making reasonable adjustments for disabled arrestees. And in relation to sanitary protection, GMP should take legal advice on whether failure to provide this, in a timely way, does not engage the provisions of sex discrimination legislation.

- Jane had been taken to a disabled toilet on arrival, so the CO knew she could not use a cell toilet. But she was locked in a cell, and nobody responded when she called out.
- Diana was not told that the cell camera didn’t cover the toilet and was therefore embarrassed to use it. She was also too disabled to sit or lie down on the cell bed.
- Charlotte requested toilet roll but none was brought until it was too late, and she had to use her jumper to wipe herself. That meant she got cold, but she wasn’t offered a replacement top. She was told on arrest that “they would get her in and out quickly” so she didn’t ask for sanitary protection. But later, when she needed it, only a male sergeant responded, and she was too embarrassed to ask. She was soaked in menstrual blood for many hours and afraid of getting toxic shock from the tampon she was using.
- Sophie rang for sanitary protection but flooded through her clothing in the 40 minutes before anyone answered. That was a male officer who immediately left and returned, after 30 or so more minutes, with a sanitary towel. She had

to ask men three more times for sanitary provision, fresh trousers and a bag for her blood-soaked underwear and jeans.

- Scarlett needed a tampon and, getting no response to her calls, started throwing water about in frustration (she was 18 and has a neurodevelopmental disorder). Water dripped onto the officer who finally responded, who then called Scarlett “a tramp” and “a dirty bitch”.

Reviews of custody

An inspector will periodically review the need for someone to be further detained. But it is difficult to get behind the formulaic nature of recorded custody reviews, which usually justify further detention by repeating that it is necessary to obtain evidence following S37(3) of PACE.

In only one of the cases in the Inquiry was detention shortened on review, because compelling BWV footage showed Leah assaulting an officer, so there was evidence to charge and bail her. The BWV was that of the officer who took Leah into custody 11 hours previously. The custody review will usually note that the detainee has been reminded “of the entitlement to free legal advice at any time”. But most custody records seen by the Inquiry show legal advice was requested hours before and had not been delivered. When an inspector is considering a review, it is often noted on the custody record that the detainee has made comments, but what those comments are is never recorded, calling into question whether they are listened to either.

Legal advice

The above reference to delays in delivering legal advice, while still indicating that it is available at any time when holding a review, is perplexing.

I understand that a telephone advice service called Criminal Defence Direct (CDD) is available in custody suites generally and consists of telephone help at an early stage, thus offering support and assurance to the newly detained. I note that some of the detainees in the Inquiry requested their own solicitors and that is likely to cause delay.

There is such depleted legal aid available now that solicitors are only usually able to attend, at no cost to the detainee, for a period immediately preceding a police interview and for its duration.

If I am right that CDD is available, are detainees being advised of that, or left unaware and falling into the trap of asking for a specific solicitor, which will cause delay? There should be no difficulty about a detainee changing to a solicitor of their own after advice from CDD, and so there is only a potential positive from receiving this information. The principle should be that the availability of legal advice is explained realistically to detainees at as early a stage as possible.

Long periods spent in custody

The length of detention varied across individual cases the Inquiry considered, from three hours to well into double figures. Charlotte and Sophie spent 15 and 16 hours in custody respectively, and Matthew and Scarlett were each detained for over 20 hours. However, Jane, an elderly lady who came into the Inquiry, was detained for three hours for blood and alcohol tests.

This further calls into question GMP's favoured justification for arrest "to allow for the prompt and effective investigation of the offence". For instance, Sophie was arrested at 03.30 and her detention authorised on the 'prompt' basis, but she was not interviewed until eight hours later and spent a total of 16 hours in custody.

The welfare of vulnerable individuals seems also at times to have been poorly safeguarded on release, despite the obligation on the CO to do a further risk assessment.

Maria was released at 01.30 and offered a local bus ticket, though the police knew when they arrested her that she lived outside of Greater Manchester and had very little money.

Emerging from detention after nine and a half hours in custody, she still had little money and was a recently traumatised domestic abuse victim left high and dry in Manchester by the arrest of her abusive partner; a woman alone in a strange city in the early hours, she was simply left by police to find a way to get home.

Afterword on custody

Some cases in this Inquiry combine several factors in a frustrating and wasteful outcome. For instance, in Diana's case the effects of detention were severe given her vulnerabilities. But she was detained for upwards of ten hours and gave a 'no comment interview' when her solicitor arrived, with the result that her detention and suffering did not advance the investigation one bit. The ultimate outcome was predictably that no further action was taken.

Collecting together material from this section:

- Of the two justifications for detaining someone under PACE Section 37(3): "to secure or preserve evidence relating to an offence for which the person is under arrest" or "to obtain such evidence by questioning the person" and a search under Section 8, the second is the courts' preferred option. Questioning in custody may be less fruitful than in a voluntary interview.
- The potentially damaging effects of custody surely must weigh heavily when determining whether arrest and detention are necessary.
- A large proportion of detainees get the result of NFA, and so much time is wasted on expensive procedures to no avail.
- Intense officer involvement to optimise the use of the 24 hours available is costly.
- The costs of keeping someone in custody overnight are high.
- Both the concerns currently raised with GMP by HMICFRS about the force's management of arrest and custody and the concerns of this Inquiry give opportunities for GMP to lead the way in keeping custody as a last resort.
- I would invite GMP to relinquish the supposed purpose of custody being to make detainees 'amenable'.

Recommendations

Custody officer training

There should be a dip-sampling panel under the auspices of the Deputy Mayor to examine the quality of interrogation and scrutiny applied by custody officers to the facts that underpin reasons for arrests. This scrutiny is vital for the protection of arrestees. An information-sharing agreement may be necessary, which GMP should be prepared to facilitate. The panel should report back to the Deputy Mayor at frequent intervals.

Custody officers should be reminded in refresher training of their independent role and their duty to represent the welfare of arrestees. If they are not already apprised of the potential harm that custody can inflict on individuals, that should also be introduced in training/retraining.

Better custody provision, especially for women

In some custody suites, I believe that women's cells are kept separate from those of men and my recommendation is that this should be the case in all suites.

Every woman in custody should be allocated a female welfare officer. I know that GMP accepts the wisdom of that practice, but to be effective it must be an explicit policy that there is never a woman detainee in any GMP custody suite who does not have continuous female welfare support throughout.

All aspects of the practical welfare of the detainee should be that welfare officer's responsibility, including delivery of food and drink, response to the cell buzzer, regular observation checks, asking welfare questions and making any necessary referrals.

Evidence suggests that women prefer to be looked after by women and they are more likely to raise their needs with other women.

Men probably do not enjoy having to interact with women about sanitary provision or personal hygiene and women may be deterred from raising their needs. There is an overwhelming case for women officers taking sole responsibility for women detainees. It is the only way to be sure that the needs of women detainees are always met.

Unless there is a risk assessment against it (which seems unlikely) sanitary requisites should be provided automatically in every female cell, including toilet paper, a toothbrush and other hygiene needs. I do not know why they are not currently made readily available.

Better risk assessment and more humane and dignified treatment of all detainees

The psycho-emotional impacts of custody, as set out earlier in this section (heavily paraphrasing the work of Professor Skinns) may be reduced or minimised by marginal adjustments to treatment where appropriate.

Considerations would be to allow detainees to keep some personal property, which can be a normalising factor, and to provide puzzles, reading material and other distractions to help reduce stress and manage boredom.

Staff adopting a non-coercive approach would help to mitigate the worry by detainees of being totally in police power.

The police should ensure all cell buzzers are answered quickly.

A lay presence in police custody

I fully support the role of independent custody visitors (ICVs) but would welcome consideration of a professional lay presence in custody suites in addition. (I am mindful of the research of Dr John Kendall in this area and have benefited from both speaking to him and reading his recent work).

This presence might be a 'super ICV' from the Deputy Mayor's office, with responsibility for all suites and operating on a shift system, random check basis or something more comprehensive.

Control of custody should remain with the police. But in the custody suite, hidden away, police control is total, and this Inquiry has shown that situation involves clear risks. I invite GMP and the Mayor's office to join me in considering this.

Strip search

“As strip searches rise so does anger at police abuse” (Green Left.org)

Useful definitions

- Anti-rip suit (see Glossary)
- Intimate search (see Glossary)
- Stop and search (see Glossary)

Relevant guidance and legislation

- Human Rights Act 1998
- Equality Act 2010
- European Convention on Human Rights articles 3 (Prohibition of torture) and 8 (Right to respect for private and family life)
- Police and Criminal Evidence Act 1984 (PACE) Code of Practice for the detention, treatment and questioning of persons by police officers (Code C) Annex A: Intimate and strip searches
- Police and Criminal Evidence Act 1984 (PACE) Section 54: Searches of detained persons
- College of Policing Authorised Professional Practice (APP): Detention and custody

This Inquiry was established after a Sky TV programme featured three women who had been strip searched at the same police station in Greater Manchester.

The Inquiry was to look at a range of related issues and particularly at the use of strip searches, the appropriateness of overall treatment of women in custody, whether dignity was afforded to them and what recognition was given to women's needs. Regard was to be had to the rules of law and practice on strip searching as set out in PACE.

This Inquiry has grown. There are now 14 complainants, of whom three are male. Six of the women and all three men were strip searched, or otherwise had their clothing removed, in police custody.

All were under arrest for minor allegations with which they were not subsequently charged, and none of them was found to have “anything they would not be allowed to keep” – the test for requiring a strip search. The exception is Paige. She had two ‘rocks’ of ‘crack’, for which she received one day in custody.

Strip searches can violate a person’s human rights, including: the right to freedom from degrading treatment (article 3); the right to liberty and security (article 5); the right to respect for private life (article 8); and the right to protection from discrimination (article 14). They can also violate the Equality Act.

The impact of strip searching

The impact of strip searches can be severe. They are a profound invasion of people’s privacy and bodily autonomy. They are often experienced as humiliating and degrading. Australian author Amanda George, writing in 1993 about their use on women in Australian prisons, likened strip searches to “sexual assault by the state” (George, 1993).

Baroness Corston, in researching her seminal report on women with vulnerabilities in prison, described strip searching as making them feel embarrassed, invaded, degraded, uncomfortable, vulnerable, humiliated, ashamed, violated, and dirty (Corston, 2007).

Dr Koshka Duff, a distinguished academic at Nottingham University, to whose work I refer, was personally strip searched, having handed a card about legal advice to a young person being stopped and searched. She described it as “degrading and painful” and a “very violating and humiliating experience”. She said it left her with multiple injuries and post-traumatic stress disorder (PTSD), and she suffered from panic attacks for months following the experience (Duff and Kemp, 2024).

Jessica Hutchison interviewed five women about their experiences of being strip searched while imprisoned in Canada, concluding that strip searching is a form of sexual assault. Women were unable to say 'no' to being strip searched due to power imbalances and fear of serious consequences. Experiences of prior sexual victimisation made being strip searched particularly harmful (Hutchison, 2019).

Although there is less material readily available about the impact of strip searching on men, there is every reason to believe that it is similarly injurious. I asked the male chief executive of a Manchester charity, familiar with trauma in men, to tell me what impact a strip search might have on a male detainee.

He said: "For a man, being physically exposed by removing clothing would significantly elevate his sense of vulnerability and at a point where power and authority – the police – are overtly present, it would cause a fight/flight response. That may be verbally expressed or marked by resistance to officers, because it is a response which 'flips the lid' off the ordinary controls the brain exercises and revives earlier dangers or traumas".

"He would experience humiliation too, from being forced to remove his clothing in front of others".

"The experience would without a doubt be traumatic".

The core of the problem

There is much evidence, therefore, that strip searching can be a deeply affecting process, both for women and for men.

Yet a review of the law and practice shows that there is no statutory definition of a strip search. There is something nearer to a description than a definition in PACE Code C, Annex A, paragraph 9, which says "a strip search is a search involving the removal of more than outer clothing, including socks and shoes".

However, there is no clarity about what 'outer clothing' comprises – an overcoat and scarf? Or, on a hot July day, a T-shirt worn over a bra?

There is local GMP guidance to refine or interpret the description. For instance, this says a hoodie or a fleece that has a full-length zip or fastener, worn over a T-shirt, will be classed as an outer coat, but a hoodie or fleece with no such fastener will be classed as a jumper, as will a hoodie with a short zip around the collar.

National guidance or a new specific definition of a strip search are needed since there is currently room for inconsistency in practice. That is to the disadvantage of arrestees, who should be entitled to certainty.

There is no requirement for specific authorisation for a strip search to be carried out in police custody and they are rarely recorded on custody records – at least not on those seen in this Inquiry.

College of Policing guidance and the PACE codes of practice have set out some procedural requirements, but many of those have not been followed in these Greater Manchester cases.

The combination of the fact that strip searching is deeply injurious, yet there is no requirement for authorisation, while GMP is not observing the few rules there are, means that urgent change is needed.

Barbara Bernath recognises this in considering the case law of the European Court of Human Rights (Bernath, 2023): “Body searches are inherently risky practices because they imply either physical contact between persons deprived of liberty and ... staff, or nudity, ... The risk is high for these practices to be used or applied in such a way as to constitute degrading or inhuman treatment or even torture”.

The accounts of how and when the people in this Inquiry were strip searched by GMP are set out in the personal narratives of each complainant.

The legal basis for strip searches

Currently there are two legal bases on which strip searches are carried out that, though they are related and can overlap, need to be set out separately.

1. Strip searching to establish what an arrestee has with them at the police station

The provisions used are Sections 54(1) and 54(6) of PACE.

S54(1): “The custody officer at a police station shall ascertain ... everything which a person has with him when he is brought to the station after being arrested.”

S54(6): “A person who is in custody at a police station ... may at any time be searched if the custody officer considers it necessary to enable him to carry out his duty under (1) above and to the extent that the custody officer considers necessary for that purpose.”

The underlined phrase is the licence used by custody officers who wish to order strip searches.

However, paragraph 10 of Annex A to PACE Code C limits the use of strip searches to far narrower circumstances:

“A strip search may take place only if it is considered necessary to remove an article which a detainee would not be allowed to keep, and the officer reasonably considers the detainee might have concealed such an article”.

And paragraph 12 of Annex A requires that a record of a strip search must be made on the custody record, including “the reason why it was considered necessary ... and any result”.

Based on the cases in this Inquiry, Sections 54(1) and (6) together make up how this kind of strip search is used by GMP, with apparently little heed to paragraph 10 of Annex A, and there is very often no record that there has ever been a strip search.

As a general proposition, in the cases of all six women featured in this Inquiry who were strip searched, this seems to have been done under S54 to look for unspecified items.

There is an issue between Dannika and the police. The police have said that she was only required to change her trousers because they had a cord at the waist, which could have been used to self-harm, and so deny that there was a strip search at all. She describes a full strip search to nakedness with officers looking closely at her body. That would be a S54 search to look for items.

Similarly, Maria and Paige were stripped naked to search for items. Abbie was also stripped to nakedness but has no recollection of why: she thought it was standard practice. Code C Annex A, which provides the rules for strip searching, makes clear in paragraph (d) that nobody should be stripped to nakedness.

It says: "Detainees who are searched shall not normally be required to remove all their clothes at the same time e.g. a person should be allowed to remove clothing above the waist and re-dress before removing other clothing".

They were all strip searched either literally by force (Paige and Abbie) or under the express or implied threat of force.

Scarlett, then aged 14, was left wearing her bra and pants but officers put their hands under her bra to search. She was not allowed to have an appropriate adult present and was told she would be guilty of an offence if she didn't agree to it (which is untrue). Matthew was arrested and strip searched three times, with the last of those searches apparently done under S54.

Generally, no reason for the strip search was given in these cases, although Maria was told that it was because she had hidden a vape in her trousers before it dropped out onto the floor. No strip search is mentioned at all on most of the custody records.

Dannika feels she was kept naked for an unnecessarily long time, in disregard of her dignity. Paige was strip searched on video, with little regard to privacy, and surrounded by six women officers for part of her search.

All these strip searches were carried out under a PACE section that is in place principally to allow a custody officer to ascertain "what a person has with them when they are brought to the station".

2. Strip searches ‘for welfare’ where there is a risk of self-harm

The legal provision used in this kind of strip search is Sections 54(3) and 54(4) of PACE, which allow a custody officer to “seize and retain” clothes from a detainee if they believe (under S54(4)(a) ii) that: “The person from whom they are seized may use them to cause physical injury to themselves or to any other person”.

While this kind of clothes removal is called a strip search and – since a case in 2014, affirmed by College of Policing guidance – must be recorded as a strip search, it is not really a search at all.

It is done on the basis that most kinds of clothing could be used to self-harm and removing them is the only way to protect the arrestee from doing so. Presumably items are sometimes found during the search, but that is not the point.

Matthew was strip searched three times, once apparently on the S54 grounds set out above and twice ‘for welfare reasons’ for a risk of self-harm. On those two occasions he was given anti-rip clothing, which is the hallmark of a strip search for ‘welfare’. He would not accept that there was any risk of self-harm and, on one of these occasions, he was stripped when he had refused to answer any questions at the custody desk.

Both Paul and Adam were physically injured while being strip searched for their own welfare. Both are convinced that they were deliberately assaulted. The police say that Adam was accidentally hurt and Paul’s custody record claims that he was punched and elbowed in the face as a “distraction” because he was trying to kick his searchers.

Adam had said at the custody desk that he would harm himself the next day and can be seen on the video pushing at the officers to get out of his cell.

It is worth considering a strip search for ‘welfare reasons’ in a genuine case like Adam’s, where there probably was a risk of self-harm since he appears to have represented himself as depressed and suicidal. This can give some context to the use of this kind of strip search. He was stripped naked professionally, if clinically, following a set procedure in which the first – and sensible – purpose seems to be to get it done as quickly as possible. In his case, there were three or four male officers involved and it was done in a video cell.

There are perhaps some logical flaws implicit in a welfare search of this kind.

Firstly, stripping a man or a woman naked by brute force, however clinically done, would be likely to make a depressed person feel worse. And it does not remove the ability to self-harm, only the ability to do so using clothes.

(I will not list the many ways police have told me that people have self-harmed in cells that would not have been prevented by removing their clothing).

There is an 'alternative', which is to put a detainee who is assessed as a suicide risk under what College of Policing guidance refers to as 'level 3 observation'.

Detainee observation

College of Policing guidance on detention and custody sets out the levels of observation prescribed for detainees.

Level 3 is 'constant observation', and the guidance says if the detainee's risk assessment indicates a heightened level of risk to the detainee (self-harm, suicide risk or other significant mental or physical vulnerability) they should be observed at this level.

It includes the following actions:

- constant observation and accessible at all times
- physical checks and visits every 30 minutes
- CCTV is constantly monitored
- any possible ligatures are removed
- positive communication with the detainee at frequent, irregular intervals
- review by a healthcare professional.

The purpose of the CCTV cell monitoring should be recorded in the custody record along with the name of the officer responsible. Officers and staff must consider issues of privacy, dignity, and gender.

Detainee safety

College of Policing guidance on the welfare and safety of detainees, says that:

“Officers must justify removal of clothing for safety ... purposes and record this in the risk assessment and custody record.

“Officers should make the decision to remove such items after conducting a risk assessment. The custody officer must balance any risk with the need to treat detainees with dignity”.

“If a detainee is believed to be at risk of suicide or self-harm, seizing and exchanging clothing may not remove the risk but may increase the distress caused to the detainee and, therefore, increase the risk of them self-harming. Leaving a detainee in their own clothing can help to normalise their situation. Constant observation or observation within close proximity (level 3 or 4) may be a more appropriate control measure in these circumstances”.

It looks obvious that level 3 observation is very much preferable to a forced strip. Some arrestees seem to be stripped AND put in a video cell, but the College of Policing clearly sees level 3 observation as an alternative to removing someone's clothes.

This is the only professional guidance on this topic of which I am aware. It makes perfect sense given that coercive physical contact risks (a) injuring the arrestee and (b) a breach of articles 3 and 8 of the European Convention on Human Rights (ECHR), and potential civil action in the British courts (Adam is suing GMP).

All of the people in this Inquiry who were strip searched in GMP custody are sure that it was because of some variant on a power trip.

Matthew and Paul were both strip searched because they didn't answer the custody sergeant's questions about suicide and so were deemed a suicide risk. In the future, all that would follow that kind of judgement would be level 3 observations.

How to move on

Self-harm and 'welfare reasons'

The Independent Custody Visiting Association (ICVA) has taken legal advice about the lawfulness of using anti-rip clothing, which is what usually follows a strip search of this kind.

The European Court of Human Rights (*Wainwright v United Kingdom* [2006] ECHR 12350/04) has held that strip searches will always interfere with rights under article 8(1) of the ECHR and can only be lawful if justified under article 8(2).

Justification would require the search: (1) to be done in accordance with the law; (2) to be necessary in a democratic society; and (3) to be done for the prevention of disorder or crime/or the protection of health, applying the relevant paragraphs of article 8(2).

The ICVA advice raises the real possibility that it will not be justifiable under article 8(2) to use anti-rip clothing/strip search as a first choice "if a less intrusive measure could be used to achieve the police force's purpose".

That would be so even if the 'less intrusive measure' caused "some inconvenience" to the force, such as the extra cost of using level 3 observation.

(I am conscious of quoting advice directed at the legality of anti-rip clothing to question the lawfulness of strip searching 'for welfare purposes', but they obviously go together).

ICVA tells me that some police forces do not use anti-rip clothing. They do not strip search people who may self-harm but keep them under level 3 observation instead. It seems harder for GMP to justify strip searching for welfare or using anti-rip clothing under article 8(2) when other forces have judged it to be unnecessary.

ICVA is one of a number of national preventive mechanisms (NPMs) for the prevention of torture at the domestic level that the UK is required to maintain as part of its commitment to the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

That means that ICVA's voice is an important one, and it is my understanding that it will continue to drive to end the use of anti-rip clothing or strip search in favour of level 3 observation.

HMICFRS is also an NPM under OPCAT. A recent report (HMICFRS and CQC, 2023) following a critical inspection of GMP custody suites expressed concern about this kind of strip searching.

It said: "Anti-rip clothing is used too often and sometimes without clear reason or justification for its use. Detainees' clothing is sometimes removed by force and their dignity isn't always maintained.

This practice is sometimes a disproportionate response to managing risk and leads to poor outcomes for detainees, particularly when force is used. It is our view that risks could be better managed by higher levels of observations and by staff engaging better with detainees".

"In some cases we reviewed, force was used to remove a detainee's clothing. It wasn't always clear from our observations on CCTV or the custody records that the removal was necessary and justified. In our view, it led to use of force that could potentially have been avoided. Officers also didn't always maintain the detainee's dignity well when removing the clothing".

There is much to be said too for the dignity and humanity this shift would represent. Put simply, if someone is feeling depressed or suicidal, there are better things for those responsible for their welfare to do than remove their clothes.

Discussion

The future use of strip searching by the seizure of clothing for welfare purposes – S54(4)(a)

I am not expressing an opinion that strip searching for welfare purposes is unlawful. The ICVA advice has been kindly loaned to me and it is excellent. However, I am using it in this report as a very persuasive factor that should help convince GMP that it must change its practices.

I have now marshalled six such persuasive factors in this context and set them out here:

1. College of Policing guidance favours the 'less intrusive measure' of using level 3 observation over the removal of clothing.
2. Some police forces do not find it necessary to use anti-rip clothing or strip searching where there is a risk of self-harm and welfare reasons, and instead are, as a matter of practice, using less intrusive measures such as level 3 observation.
3. The view of HMICFRS from its recent inspection of GMP custody provision is that: "Anti-rip clothing is used too often ... It is our view that risks could be better managed by higher levels of observations".
4. This Inquiry has found that strip searching as a response to the risk of self-harm has been used in ways that have:
 - a) led to poor outcomes – violence and injury, the risk of distress and trauma and resentment and antipathy to the police (amply demonstrated by the comments at the end of this section)
 - b) called into question the behaviour of some custody officers who (on at least three occasions) defaulted to strip searching without a risk assessment to justify it.
5. Stripping detainees genuinely for 'welfare purposes', following the argument from the ICVA advice, is likely to be unlawful and contrary to ECHR article 8(1) given that a 'less intrusive measure' could be used.
6. College of Policing APP was changed in April 2023, as a result of representations from ICVA, to advise that strip searching for welfare reasons should never be carried out merely because someone refuses to answer the custody officer's questions. Although this change is a little tangential, it is very welcome and can, in my view, be seen as another indicator of the general way in which the wind is blowing on this very fraught topic.

The APP now contains the following additional phrase: "The use of anti-rip clothing because a detainee is not engaging in risk assessment questions is inappropriate".

Recommendations

Strip searching by the seizure of clothing for welfare purposes – PACE

S54(4)(a)

GMP, within six months, should end the use of strip searching/anti-rip clothing for cases where there is a risk of self-harm/'for welfare' and move to a practice based on level 3 observations.

GMP should direct its custody staff that strip searches for welfare/risk of self-harm purposes where an arrestee refuses to answer questions at the custody desk should, following the update to College of Policing APP guidance, stop immediately.

Where a risk assessment shows a risk of self-harm, there should always be a conversation between custody staff and the arrestee to offer access to a charity such as Samaritans. This is common humanity and helps to fulfil the ambition of the National Police Chiefs' Council (NPCC) *National Strategy for Police Custody*, which states: "We aim to ensure that when they leave custody it is in a better condition or circumstances than when they arrive" (NPCC, 2022).

Discussion

The future use of strip searching for purposes of paragraph 10 of Annex A to PACE Code C – to look for items

The European Court of Human Rights has held (*Wainwright v UK*) that strip searches will always interfere with rights under ECHR article 8(1) and can only be lawful if justified under article 8(2).

The use of strip search as a punitive measure will NEVER meet the criteria in article 8(2) since it is incapable of being necessary in a democratic society and will almost certainly be a breach of article 8 as a whole and also an unlawful battery.

The punitive use of strip searching is, in the view of the majority of the arrestees involved in this Inquiry, what happened to them.

If this is, consciously or unconsciously, in whole or in part, how strip searching is ever used by GMP, it is unlawful and must stop now.

Recommendations

The future use of strip searching to look for items – PACE Code C, Annex A, paragraph 10

GMP, the NPCC and the Home Office should forthwith investigate the potential for use of equipment such as airport screening devices to eradicate degrading strip searching from police practice as much as possible. GMP could lead this endeavour.

The Home Office, the NPCC and the College of Policing should develop a national definition of a strip search for the purposes of compliance with Annex A of Code C, which should specify the definition of outer clothing, removal of which will fall short of a strip search.

This work should consider importing the two defined levels of strip search available under stop and search powers for use in custody and should recommend levels of authorisation to be required for the use of each type in a custodial setting.

As set out in PACE Code A these are:

- a 'more thorough search' (MTS, or partial strip search) where more than the outer layer of clothing is required to be removed
- a search that involves 'exposure of intimate parts of the body' (EIP search).

GMP should participate in this work and pilot the model proposed in this report to move this urgent agenda forward.

From now on, in GMP, if any strip search is in contemplation, a detainee must be asked whether they have something with them they know they would not be allowed to keep, to give the detainee the option of offering items up.

From now on, in GMP, the reasons why any strip search is required must be explained by the custody sergeant to the detainee in plain language, relating (a) the facts and circumstances justifying it and (b) why there is no alternative. The custody record should be endorsed accordingly, and the conversations set out in points 3 and 4 must be held on BWV or cell video, which must be retained.

In my view, an EIP search involving visually searching inside intimate body parts is no less intrusive than an intimate search that involves touching. An EIP search may require an arrestee to manipulate intimate body parts to assist the search and is

profoundly humiliating. Consideration should be given to designating such a search as an 'intimate search' with equivalent protections for the arrestee. This could be piloted by GMP.

Strip searching of children in custody should never be done if it can be avoided, but all of the recommendations set out above should apply where it is unavoidable. An appropriate adult must always be made available.

GMP should collect accurate and comprehensive data about strip searching. Every custody record for a detainee who has been strip searched must record that fact and give full details of the reason and explanation given, and should confirm compliance with PACE Code G and the College of Policing APP.

The Greater Manchester Deputy Mayor for Policing and Crime should consider whether her scrutiny panel might dip-sample custody records that contain information about strip searches, to ensure that GMP observes both the current rules and what is set out in these recommendations.

Voices from this Inquiry

Dannika: "It was all about 'power'. It was police on a power trip ... to shut me up, make me scared, to show we're boss, not you".

Maria: "The only reason they did what they did was to degrade me ... If I was a man, I don't think they would've done it. I was treated like a piece of meat".

Scarlett: "They're the police, they can do what they like, once you go through those custody doors, you are in their control".

Abbie: "They ask me to take my clothes off and when I say no, they just pin me down and take my clothes off".

Domestic abuse

Useful definitions

- Domestic abuse (see Glossary)
- Non-molestation order (see Glossary)
- Restraining order (see Glossary)
- Trauma-informed approach (see Glossary)

Relevant guidance and legislation

- Domestic Abuse Act 2021
- Ministry of Justice (MoJ) *Female Offender Strategy*
- College of Policing Authorised Professional Practice:
Major investigation and public protection. Domestic abuse

This section was developed in collaboration with Katy Swaine Williams of the CWJ. It looks at GMP's failure to take into account women's experience of domestic abuse when deciding to arrest them and again in how GMP treats them while in custody.

It also considers broader issues of the criminalisation of women, including survivors of domestic abuse and other forms of violence against women and girls (VAWG).

Prevalence of arrests of domestic abuse survivors

At least three of the 15 complainants in this Inquiry – Maria, Dannika, and Sophie – are survivors of domestic abuse; others are likely to be and there are certainly survivors of sexual abuse among the group.

In the cases of Maria, Sophie and Dannika, the police apparently failed to take proper account of their experience of domestic abuse or other known sources of trauma, both in decisions to arrest, detain or charge them and in the treatment of these complainants on arrest and in custody.

Each case illustrates a gross and perplexing imbalance between the police response to the complainant's behaviour and the response – if any – to the perpetrator's abuse. The police response was the polar opposite of a gender-informed, trauma-informed approach as required under the government's *Female Offender Strategy* (MoJ, 2018a).

Research by the Howard League for Penal Reform, based on Freedom of Information requests (FOIs) to police forces, reveals widespread overuse of arrest for women, including of victims of domestic abuse (Howard League, 2020; 2021). So GMP is not unique in this, but the Inquiry is an opportunity to drive improvement in line with other, more advanced forces. For instance, the Howard League identified some good practice in Norfolk (Howard League, 2021).

Wider context of women in the criminal justice system

Nearly 60% of women in prison or under community supervision are known to be survivors of domestic abuse. The true number is likely to be higher due to barriers to disclosure.

Sophie, Maria, and Dannika's stories echo cases cited in the CWJ's *Double standard* report, which identifies a similar imbalance between the police response to the perpetrator and their response to the complainant's perceived misdemeanours, often at a far lower level and occurring in the context of their experience of abuse (CWJ, 2022a).

As with Maria and Sophie, many of these examples involve women who have been subjected to non-fatal strangulation by their abuser.

Non-fatal strangulation can have extremely serious effects, and its common use by domestic abuse perpetrators to instil fear and exert control is reflected in criminal law through the Domestic Abuse Act 2021 following a campaign by survivors and other experts.

Addressing the impact of domestic abuse on offending

The *Female Offender Strategy* (MoJ, 2018a) seeks to reduce the entry of women into the criminal justice system. It recognises the links between women's experience of domestic abuse and their involvement in the criminal justice system as suspects and defendants.

The strategy depends in large part on local whole-system approaches to women's offending, including early intervention and diversion instead of prosecution. This is based on successive research and practice development, including the seminal Corston Review (Corston, 2007). Baroness Corston concluded that a distinct approach is needed for women because there are different drivers for offending than for men, and women have separate needs and characteristics.

Such a whole-system approach is a multi-agency model designed to

- address complex needs, including experience of abuse.
- divert women away from the criminal justice system where appropriate.
- reduce reoffending and demand on services (MoJ, 2018b).

Women's community services, which use a gender-informed, trauma-informed, and relationship-based approach to support women at risk of, or in contact with, the criminal justice system, are central to this model (Women in Prison, 2022). The aim is for criminal justice agencies to ensure their response to women is similarly gender-informed and trauma-informed.

This needs also to be an intersectional approach so that there is equal treatment for ethnic minority and migrant women, as it is widely recognised that when these women are victims of violence, they are particularly vulnerable to criminalisation (CWJ and Tackling Double Disadvantage, 2023).

The National Audit Office (NAO) and both the House of Commons Public Accounts Committee and Justice Committee have criticised implementation of the *Female Offender Strategy*, particularly for lack of investment in women’s community services (NAO, 2022; Justice Committee, 2022; Committee of Public Accounts, 2022). Prison and probation services have been at the forefront in attempting to adopt a gender-informed and trauma-informed approach, but practice on the ground varies.

Whole-system approach not working in practice

Greater Manchester has been a pioneer in the early adoption of a whole-system approach to women in contact with the criminal justice system. The Deputy Mayor for Policing and Crime’s office, working with the excellent Greater Manchester Women’s Support Alliance, has driven that agenda and it is disappointing that these cases show an almost total lack of trauma-informed working by frontline police.

It is not clear what work has been done to develop that approach relating in particular to women as suspects in Greater Manchester. The *Female Offender Strategy* was accompanied by police guidance on ‘managing vulnerability’. Has this been disseminated in GMP? What training was offered and what monitoring has been carried out? One women’s service provider – not from Greater Manchester – told CWJ as part of its *No safe space* report (CJW, 2022b): “There is not much training for police on the frontline about trauma responses.” GMP makes clear that it delivered Domestic Abuse Matters training (developed by the SafeLives charity) after a critical report by HMICFRS on domestic abuse in 2014 (HMICFRS, 2014). GMP considers this to be trauma training, and between November 2022 and June 2023 says that it reached 3,800 police first responders.

Police implementation of the *Female Offender Strategy* (MoJ, 2018a) has so far focused primarily on the use of women-specific cautions with a condition to have needs assessed by a women’s centre. These schemes are available in some forces, and in a very few they include women accused of domestic abuse-related offences.

The government accepted the House of Commons Justice Committee's 2022 recommendation that it should set out "how it will prioritise gender-specific diversionary routes as part of its plans to improve out of court disposals (OOCs)" and "how it will measure the success of the new OOCs, and how it will specifically measure outcomes for women" (Justice Committee, 2022). However, although increasing the use of conditional cautions will be beneficial – and might boost the understanding that women need a different approach – the experiences of Maria, Sophie and Dannika, and the wider evidence revealed by CWJ, point to the need for a more fundamental change in policing.

A gender-informed, trauma-informed, and intersectional approach by the police should ensure survivors of domestic abuse and other forms of VAWG are not arrested nor detained, cautioned or charged where this is not in the public interest.

Arrests and detention arising from counter-allegations

Research by CWJ and others illustrates that alleged offending by survivors of domestic abuse can arise in a variety of circumstances, including those faced by Maria, Sophie, and Dannika.

Perpetrators facing potential investigation for their domestic abuse often make counter-allegations against their victim. This tactic is a classic bid by the perpetrator to put themselves in a stronger position in criminal proceedings.

This is clearest in Sophie's case and, as I suggest in her narrative, a counter-allegation:

- extends the abuse
- is an attempt to regain control by discrediting the victim
- involves punishing the victim for trying to leave
- deflects attention from their own behaviour.

Counter-allegations may contain a grain of truth, usually something relatively minor and a response to trauma. Examples include accusations of harassment – Sophie’s custody record shows the perpetrator has said (untruthfully) that she has tried to get him back – or of assault, as in Sophie’s case and highlighted by Maia’s case in CWJ’s *Double standard* report (CJW, 2022a).

Arrests and detention due to frustration with the police response

Dannika and Maria faced police action because of their frustration with the police response to their experience of abuse.

Other cases have shown victims similarly ‘lashing out’ (in Dannika and Maria’s cases, verbally) at the police, leading to their arrest. In some cases women have exhibited distress at the police station – as in Najma’s case in CWJ’s *Double standard* report (CWJ, 2022a) – or have sent multiple messages to the police to chase action.

Reasons for inappropriate police response

Imbalance between treatment of victim and perpetrator

The police responses in Sophie, Dannika and Maria’s cases are inexplicably disproportionate and seem to ignore or radically undervalue the context of abuse. Similar cases in CWJ’s research can seem difficult to explain, particularly where the police are aware of far more serious allegations against the perpetrator.

Sometimes the research shows an apparent lack of communication between police officers, particularly between the team investigating the perpetrator and the team investigating the counter-allegations. There is a strong example of this in Jane’s case in CWJ’s *Stop criminalising survivors* film series (CWJ, 2023).

An investigation into Jane’s ex-husband’s coercive and controlling behaviour collapsed, while she was prosecuted for misuse of a computer by viewing information about his bank account via a joint app that he had set up.

Focus on policy not facts

In Sophie's case, reflecting others in CWJ's research, there appears to have been a superficial reading of public protection policy in relation to domestic abuse – a 'zero tolerance' approach does not justify application of policy over facts.

It is unlawful to use policy as a substitute for the PACE requirements for a lawful arrest.

Poor understanding of trauma and its impact on behaviour

Marianne Hester's 2012 research found that when women faced counter-allegations by their abuser at the scene of a domestic abuse incident they were three times more likely to be arrested than the perpetrator (Hester, 2012). This differential treatment may result from women's distressed behaviour and raw emotions, in contrast to a perpetrator who may appear calm and rational and on whom, therefore, officers without understanding of trauma may be more likely to rely.

Although this research is based on what happens 'at the scene', the trauma experienced by victims and survivors of abuse is also likely to affect their behaviour at other times and is similarly vulnerable to misinterpretation by those without a good understanding of trauma and its effects.

The CWJ report *Women who kill: How the state criminalises women we might otherwise be burying* explores the police response to women who kill their abusers, and the impact of trauma on women's participation in police and legal proceedings (CWJ, 2021).

Systemic failures and discrimination

Inappropriate police responses may also result from:

- underlying misogyny (Wistrich, 2022)
- the continuing systemic failure to take VAWG seriously.

This can, in turn, discredit and stigmatise any woman who comes into contact with the police – even though she is a victim. This is likely to be particularly acute for ethnic minority and migrant women, who face intersectional discrimination (CWJ and Tackling Double Disadvantage, 2023; Hibiscus Initiatives, 2023; CWJ, 2022a).

All this reflects wider societal problems, but it is the power held by the police – to protect victims or to punish them – that makes it vital that they take radical action to change attitudes within their own ranks.

In addition, stigma and devaluation can play a significant role in the criminalisation of young women, as one suspects may have been the case for Dannika (Sharpe, 2023). This is also the case for women (of any age) and girls subject to sexual exploitation (Beyond the Streets, 2022).

Lack of strategic police action to address failings

There does not seem to be any strategic action underway nationally to address these police failings. Many police officers are well motivated to serve the public to the best of their ability amid scarce resources.

However, the last three years have seen revelations of systemic racism and sexism in the police and its treatment of women and girls as victims and suspects (Crest Advisory, 2022), including police perpetrated VAWG (CWJ, 2022c) and failures to prosecute male perpetrators of both rape and domestic abuse offences (Casey, 2023).

In March 2021, the then Home Secretary asked HMICFRS to review the police treatment of women and girls as ‘victims, witnesses and offenders’. A report on the police response to victims of VAWG was published in September 2021, but no review of the police response to women as suspects has yet taken place (HMICFRS, 2021).

Recommendations

Culture change

CWJ's *No safe space* research into the response to victims of domestic abuse who were accused of offending identified a need for culture change, allowing for a more compassionate and trauma-informed response, particularly from the police, including to allow trust to be built with ethnic minority and migrant women (CWJ, 2022b). This research was based on discussions with women, police officers and other practitioners in the West Midlands.

The police themselves spoke about the need for culture change to encourage women to disclose abuse and improve outcomes and identified the benefits to be gained by taking proper account of the context of domestic abuse.

Police participants in the research stated: “When a woman is arrested and investigated ... rather than convict or imprison for a short sentence and have her children removed – we could have avoided that if it was investigated in the first place to find out why that offence has happened”.

The *No safe space* report also called for:

- early intervention and support for women throughout the criminal justice process
- resources (including for women’s services)
- awareness raising among the police to tackle domestic abuse effectively and make better use of existing diversion schemes for women.

Local and national strategic leadership

Eradicating failings requires strategic leadership that fosters a coherent, gender-informed and trauma-informed intersectional approach to women as victims, suspects, or witnesses.

This requires:

- recognition of the risk that women’s victimisation may lead to their inappropriate arrest and detention
- acknowledgement that ethnic minority and migrant women may be particularly vulnerable to criminalisation
- active steps to address this as part of a wider strategy to tackle domestic and other abuse against women and girls.

Holistic focus

The lack of a national or local strategic policing response to the criminalisation of victims of VAWG has to be addressed by focusing on women and girls holistically as victims, suspects and witnesses, and ending the ‘silo’ approach of imperfectly considering victims as a separate category.

Such a holistic approach should include:

- a commitment to improve police training and accountability for police treatment of women.
- significantly improved understanding of domestic abuse and other forms of VAWG and how this can lead to victims being accused of offending.

This work should be done in close partnership with women's specialist services, which are likely to seize the chance to assist in response to commitment from the police, and it must include increased investment.

As CWJ and others have suggested, there is learning to be drawn from work done to protect victims of trafficking from prosecution. Lessons can also be learned from specialist domestic abuse courts and good multi-agency practice that collects and considers, at an early stage, evidence surrounding proceedings, as has been done in a range of youth justice models (CWJ, 2022a; Advance 2020).

Specific recommendations

The *Female Offender Strategy* was accompanied by police guidance on 'managing vulnerability'. I have seen no evidence that this has been disseminated in GMP. It should be disseminated and the roll-out should be followed by monitoring.

I have recommended in the Arrest section of this report that trauma training is urgent.

In Sophie's case, reflecting others in CWJ's research, there appears to have been a superficial reading of public protection policy in relation to domestic abuse – a 'zero tolerance' approach does not justify application of policy over facts. It is unlawful to use policy as a substitute for the PACE requirements for a lawful arrest. I have recommended that the issue of necessity for arrest be the subject of refresher training for officers but specifically would wish to see reinforcement of the need for constabulary discretion to be fully exercised even where there is a policy position to which we would all wish police to adhere.

GMP has noted the College of Policing APP particularly targeted at first response officers requires police to use the guidance to determine the primary perpetrator. This is mentioned in the force's own domestic abuse policy, but GMP must ensure that it is always fully complied with.

Complaints

Useful definitions

- Multi-agency risk assessment conference (see Glossary)
- Professional standards department (see Glossary)
- Subject access request (see Glossary)

Relevant guidance and legislation

- Police (Complaints and Misconduct) Regulations 2020
- Data Protection Act 2018
- Freedom of Information Act 2000
- Information Commissioner's Office: Individual rights. Right of access
- Independent Office for Police Conduct: *A guide to the complaints process*

All the participants in this Inquiry made complaints against GMP. This level of complaint must be dealt with – at least initially – either informally within the force or by GMP's PSD.

In some cases the force has not found any fault with itself and feels that the service provided by the police was acceptable, but the complainant has not been happy with this conclusion and has asked for a review.

Reviews will seek to determine whether the handling of the complaint was reasonable and proportionate. They are either dealt with by the IOPC or, more usually, by the GMCA.

In Dannika's case, the review was sent to the GMCA and the Greater Manchester Deputy Mayor for Policing and Crime, as the decision-maker, has upheld it, determining that the complaint handling was not reasonable and proportionate in that relevant CCTV footage was not accessed or viewed and recommending that it should be.

The IOPC's role

Under the Police (Complaints and Misconduct) Regulations 2020, the IOPC deals with reviews where the “appropriate authority is unable to satisfy itself, from the complaint alone, that the conduct complained of (if it were proved) would not justify the bringing of criminal or disciplinary proceedings against a person serving with the police or would not involve an infringement of a person’s rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998)”.

Complaints made by Maria, Matthew and Jane have been sent to the IOPC, and in Matthew’s case the IOPC has directed that the complaint must be investigated or reinvestigated by GMP’s PSD.

Dissatisfaction with the GMP response

The reason some complainants have not asked for a review is not because they are satisfied with how their complaint has been handled. In fact, none of them are currently satisfied by GMP’s response.

They complain variously of failure to respond, delay, obfuscation or, at best, a one-sided response ignoring their points that leaves them feeling they are talking to a wall.

Many have been subjected to counter-allegations, implying that their own conduct has been so poor that they have no right to complain. This seems like a deliberate tactic to let complainants know that the police will counter-attack. It is clear from just two of the examples in this Inquiry, set out below, that these counter-allegations can be erroneous or used out of context.

For some of these complainants, the price of complaining about bad service has been to receive more of it. More than one person in this Inquiry describes being in fear of revenge if they continue their complaint and, given the above, that is not particularly surprising.

As the opening paragraphs of this section show, the police complaints system is structurally complicated, but I am primarily concerned with cases that must be dealt with by GMP in the first place.

The current position is that all the people in this Inquiry are either requesting a review of what GMP has decided or have given up hope of getting a fair response to their concerns.

Examples of how complaints have been handled

A closer look at one or two of the complaints from this Inquiry is illustrative.

Sophie's case

In brief, she was arrested at home at 03.17 in September 2022. The allegations Sophie faced were:

1. In July 2021, she had knocked the wing mirror off a van belonging to a man with whom she was involved at the time.
2. She had gripped his arms hard enough to bruise them on the same day – two months before her arrest – he tried to strangle her.
3. She had rung the man two days after he tried to strangle her, from a withheld phone number, and he hung up. Someone rang him several times from a withheld number approximately six weeks before Sophie's arrest.

A note on GMP's PoliceWorks and ControlWorks record management and command and control systems in August 2022 shows: (1) that police were aware of the dates to which his allegations refer; (2) that there were "no current threats or risk" to him; (3) a force indicator that he is a "high risk DA perpetrator"; (4) an "indicator violent for him ('inf') (Informant)"; and (5) an "urgent response and high risk DA victim" indicator for Sophie.

This accords with GMP's domestic abuse policy; when an incident is deemed to be high risk and is referred to a multi-agency risk assessment conference (MARAC), both the victim and perpetrator must have an 'information marker' with a two-year review date.

According to the force domestic abuse policy, 'high risk' means there are indicating factors of serious harm or homicide, this could happen at any time and the impact would be serious.

This reinforces the question about why a woman at risk of serious harm or homicide was arrested on such allegations and raises the further question of whether Sophie was being protected from the perpetrator by the MARAC (usually chaired by the police) at the time when she was arrested.

She was detained in custody for 11 hours and ultimately no evidence was offered.

Sophie's complaint and GMP's response

In March 2023, Sophie made a complaint via GMP's online complaints form and later wrote to the relevant district inspector, again to complain, in particular about the traumatic effect this arrest and subsequent detention had on her. The police told me that this was "resolved over the phone" by a sergeant at district level.

Sophie does not regard it as resolved but as rejected and continues to be deeply upset by her treatment by GMP.

She received a telephone response but documents available to me, dated October 2023, relay the following information as to how her complaint was 'resolved'. This corresponds with Sophie's own recollection of what she was told.

The documents I saw state that: "This complaint was dealt with at the time".

"The defendant admitted causing criminal damage on interview which was also on the footage which showed her as the aggressor, approaching the AP attempting to assault him trying to open his driver's door before intentionally kicking the wing mirror off. She was bailed but as she admitted the offence the officer in the case offered her a caution. She refused so was postal charged. She attended court but no further evidence was offered. I'm also advised she was quite rude and obstructive to the officer in the case".

Important information available to GMP at the time of this complaint, but missing from the consideration above, includes the following:

1. The wing mirror incident was in July 2021, 14-15 months before she was arrested for it in September 2022. The date of the incident is in the man's statement.
2. The man was arrested and charged with non-fatal strangulation, false imprisonment, and assault on Sophie six weeks before he made this

allegation and was on bail to keep away from her – a condition that he had breached. She was categorised as a high-risk domestic abuse victim and GMP had put a high-alert warning on her home address.

3. The allegation that she had bruised his arms occurred when she tried to stop him from strangling her. The date of the alleged offence is on her custody record, which also acknowledges that “during the past few months victim [the man] has been arrested”.
4. The CCTV footage showing the alleged criminal damage incident was very short, produced and edited by the man himself and did not disclose what happened on either side of this incident. The incident had not been referred to during his police interview under caution a few weeks before. The custody record says that the arrest was necessary: “To protect a child or other vulnerable person from the person in question” – this domestic abuse perpetrator is not vulnerable.
5. The arrest was also recorded as necessary: “To allow the prompt and effective investigation of the offence”. By statute, this reason can only justify arrest if the investigation would otherwise be frustrated, delayed, or hindered, particularly because the person would be unlikely to attend a voluntary interview – but Sophie was never asked to a voluntary interview and the offence could not be investigated ‘promptly’ since it was already 14-15 months old.
6. After her arrest, Sophie told the police in interview that she hit the wing mirror because the man was manhandling her, and he put it back straight away so there was no damage.
7. GMP will be aware of College of Policing domestic abuse guidance telling officers to decide who is the primary perpetrator. This advises that officers should examine whether:
 - “the victim may have used justifiable force against the suspect in self-defence”
 - “a manipulative perpetrator may be trying to draw the police into colluding with their control or coercion of the victim, by making a false incident report”.
8. There is no response to Sophie’s complaint that custody staff failed to supply her with sanitary provision or her medication.

Sophie's complaint seems not to have been recorded or investigated and IOPC guidance on making complaints anticipates that most will be handled in that way, while advising that: "The force should still take relevant action to identify lessons that need to be learned and should take action to address the dissatisfaction" (IOPC, undated).

In contrast, the response to Sophie's complaint by GMP does the following:

1. It fails to identify any lessons to be learned, despite all the above facts, which, in my view, would force any reasonable and proportionate inquirer to conclude that Sophie's case had been extremely badly handled.
2. It uses gossip to counterattack, in an apparent attempt to discredit the complainant. The use of the phrase 'I am advised' cannot hide that this is gossip. It seems to be assumed by the inquirer that the officer will not have done anything to justify being 'obstructed', although Sophie describes the officer hammering at the door telling her that the Crown Prosecution Service (CPS) had made the decision and she had to sign a caution. That would have been an outcome that the officer either did not know, or did not care, would have fundamentally undermined Sophie's career as a teacher. Sophie was within her rights and, in my view, quite correct to reject this. This should not have been distorted as 'obstructive'. I see no adherence to the IOPC advice to "take action to address the dissatisfaction".
3. It removes context to the point of misrepresenting the nature and quality of the incident to balance it against the complainant and in favour of the police.
4. It ignores her concerns about her treatment in custody.

This will not do. This seems to me to have been a shockingly unnecessary arrest. Sophie and her family have been traumatised by it, and much of her faith in GMP destroyed. I would be surprised if the public is not scandalised to hear not only Sophie's story but how bringing it to the attention of the authorities in the force has resulted in them affirming it and attacking her.

Jane's case

In brief, Jane, an elderly woman, was taken to Swinton Police Station for a blood sample to be taken, having been arrested for drink-driving and because, although she did blow into both machines, she did not complete either a breathalyser or intoximeter test.

Jane says she was assaulted by being thumped, punched, bundled, or propelled into her cell by police, and had used a disabled toilet on arrival but suffered a toileting accident when locked in a cell with nobody responding to her requests for the disabled lavatory again. She complained of both incidents, on video, to the nurse who came to take a blood sample.

Jane's complaint and GMP's response

She complained to GMP a year later, in part because of the PTSD she says this assault caused and in part because it took that long for the police to inform her that there was no evidence against her.

Jane's complaint was dealt with by an inspector, who replied to her in writing.

1. He seems to have misunderstood the toilet issue. He quotes the custody record that she went to the disabled toilet and seems unaware of what happened later in the cell.
2. He approaches the assault allegation by upbraiding Jane for "such a serious allegation that has been made a year after the event".

He says that none of the officers can remember her, and that the woman officer Jane feels was mainly responsible says she would never 'thump' anyone.

He then tackles the fact that the allegation was not made "a year after the event" as he has said, but immediately, in the nurse's room on video, where Jane used the word 'bundled'.

He suggests that she has exaggerated between then and the date of the complaint. "Being bundled into a cell is very different to being brutally pushed and thumped," he writes. Jane is shown on video from the police station telling the nurse that she was "bundled" and "thrown" into the cell by the woman

officer. In the letter of complaint to him, she wrote “pushed/thumped”, being unable to see if it was a push or a thump with the officer behind her.

‘Brutally pushed/thumped’ is not very different from being ‘bundled and thrown’ into a cell, but he seems to be missing the point that the police are not entitled to assault Jane at all.

3. Next, the inspector writes that Jane must have misbehaved in some way to justify being propelled into the cell and suggests that this is likely because she has already misbehaved by failing to provide a specimen of breath.

“Officers have a lawful power in which they can use force if detainees are not doing as they are told,” he writes.

He cites that she “failed to comply” with the request for a sample of breath at the roadside and failed to provide a sufficient sample for the intoximeter machine”.

“From having reviewed several hours of body worn footage throughout your whole time with the police, on numerous occasions you failed to comply with what you were reasonably and lawfully asked to do”.

There are two ways in which this is wrong:

- a) This inspector’s own staff do not say that she misbehaved so that lawful force had to be used to propel her into the cell. And the custody record refutes it, since every use of lawful force by officers must be recorded on both the custody record and a separate form but there is no such record for Jane.
- b) Alleging that she had deliberately failed to provide breath samples disregards the custody record, which notes that she had a chest infection that might have stopped her from achieving a successful test and takes tablets that “may make her short of breath”. That she might have been unable to provide breath would be the only reason why the arresting officer took her in for a blood sample to check her alcohol level, instead of charging her with wilfully refusing to provide a specimen of breath.

So, this theory, created by her custody record, refutes the inspector’s theory that Jane must have made the officers use lawful force.

4. Finally, and in my view, offensively, he writes: “There is no evidence that you have been unlawfully assaulted while in custody”.

There is Jane’s clear evidence in the complaint and in particular her strongly made complaint – recorded on video minutes after the assault happened – at the first opportunity, to the nurse, the first person she saw who was not a police officer. So there is nothing to call what she says into doubt except the inspector’s own refusal to believe that this elderly woman can possibly be telling the truth if she alleges misconduct against anyone in GMP.

This is a fairly aggressive, unimpressive, and unfair response to this complaint, which seeks to blame Jane. Jane has asked the IOPC for a review and I am told that that has been granted, on the basis that, indeed this complaint was dealt with inadequately.

Common themes in responses to individual complaints

I have read GMP’s responses to a number of complaints from others in this Inquiry and have so far found them to be similar – essentially evasive, defensive or aggressive in tone and rejecting any police error. It may be that complaints from former detainees are particularly badly dealt with, but I am unable to be sure.

Dannika made six complaints, all of which I have read. I have also seen the inadequate response from GMP to two of them taken together, which show a reluctance to look at highly relevant video by the inquiring officer – though he looks at video in other connections in her case.

I am glad to say that Dannika requested a review, which the Deputy Mayor has now allowed, and the complaint has now been sent back for further inquiries, in particular into that relevant video.

A notable absence from any of the responses to Dannika is an explanation from GMP as to the whereabouts of cell video for the strip search/trouser exchange she went through. She says that she was fully strip searched while GMP – although stating to Sky News in July 2023 that Dannika’s clothes were completely removed – has generally said that officers only made her replace her trousers with ones without

a cord. Neither a strip search nor 'a trouser exchange' is noted on the custody record, while case law and College of Policing guidance require that any removal of more than outdoor clothing should be noted. Dannika has complained about the strip search and is awaiting video evidence to support what she says.

I have read most of the material involved in complaints from Matthew, including the GMP responses and the IOPC response to Matthew's request for a review. The IOPC allowed a review and ordered an investigation/reinvestigation by the force's PSD. The IOPC felt that GMP had not dealt with a high number of important aspects in a reasonable and proportionate way.

These include:

- a) Matthew's complaint of racial discrimination – described by the IOPC as "fundamental to all three complaints" but dismissed by GMP, although the IOPC says there is no rationale to support why the force should do so
- b) his complaint of unlawful arrest and of the police failure to take action about threats to kill made against him, in the presence of officers
- c) his complaint of being stripped and left without clothing in a cell and being told that he could only have a blanket to keep warm if he changed his behaviour
- d) his complaints of, on a second occasion, being stripped and left naked and "being paraded naked into the custody suite".

Although the IOPC does not need my views, I do agree that all of these complaints have been dispatched by GMP without the reasonable and proportionate investigation and scrutiny they deserve.

I would add that the letters of rejection are expressions of opinion, based on little or no evidence, which no officer ought to be satisfied is sufficient.

For instance, Matthew's complaint of racism is dealt with by GMP as follows:

"From viewing the body worn video for the incident, the attending officers dealt with you in a polite and professional manner, and they did not use any overt racist comments/action."

I am afraid that my experience of the complaints I have seen during this Inquiry and the responses from GMP, as exemplified both in this section of the report and in the views of the IOPC, is that GMP dispatches complaints as slickly and with as little application as possible because they are seen as a nuisance and not, despite the serious content of many of Matthew's complaints for instance, taken seriously.

Some considerations on good practice

I had some experience of overseeing police complaints when I was the Police and Crime Commissioner (PCC) for Northumbria between 2012 and 2019. At that time Northumbria Police was being successfully appealed against by complainants more often than any other force.

My senior staff and I moved to the force's PSD to read all the appeals and concluded that defensiveness and victim-blaming were key problems.

We introduced an independent element into complaints at the lower level by offering a triage service in the Office of the PCC (OPCC).

All complaints came to the OPCC first, but those which had to go elsewhere were forwarded, with day-to-day liaison with PSD on cases of doubt.

This triage was a phone-based service and the first response always offered was to send the complaint to the PSD if that was the complainant's wish. Many complainants, greeted in a welcoming way by the triage team, were content to let them look for an amicable settlement.

We felt that it was a good service both for the public and police. It relieved PSD of low-level cases, freeing them to focus on more serious ones.

Liaison between PSD and triage greatly boosted mutual understanding, and feedback from the public showed that it helped to present Northumbria Police as an approachable and friendly force.

There was enough trust to allow triage responders, from time to time, to dip-sample complaints dealt with by the police to ascertain quality, and there was real improvement.

In the past two years a national review of the PCC role has encouraged more involvement with police complaints. In Greater Manchester, the Mayor holds the responsibilities of a PCC. The Mayor appoints a Deputy Mayor for Policing and Crime who is delegated some of the PCC responsibilities.

I will discuss with the Deputy Mayor whether she will consider replicating the triage system, particularly since the PCC review has supported that kind of involvement. It seems critical, from the experience of the complaints handling in this Inquiry, that further independent involvement and lay oversight are brought into GMP complaints management as quickly as possible.

Additionally, I have had the opportunity for some discussion with the new GMP head of professional standards.

He seems to me to have clearly identified some of these issues, is putting measures in place and is developing an investment case to support wider reform.

If he can succeed in what I believe is his ambition to take all complaints into his department, that would end responses from officers in the districts, some of which are the worst responses I have seen in this Inquiry.

The advent of this new leadership, especially if accompanied by an enhanced role for the office of the Deputy Mayor, holds promise.

Freedom of information (FOI) subject access requests

From the experience of this Inquiry, responding to requests under the Freedom of Information Act 2000 seems to be something GMP is particularly poor at. Many people in this Inquiry have made 'subject access requests' (SARs) for their personal data that have not been met.

The Information Commissioner's Office (ICO) sets out that individuals have the right to access and receive a copy of their personal data and other supplementary information held by public authorities. The way that is achieved is through a SAR. An organisation such as GMP is required to respond to a SAR without delay and at the latest within one month of receipt of the request. The ICO website sets out clearly

what GMP should be doing in response to each valid SAR if the force is to be compliant with the Data Protection Act 2018.

The time limit can be extended by a further two months if the request is complex or if there are a number of requests from the individual.

The requirement is to perform a reasonable search for the requested information and to provide it, securely, in an accessible, concise, and intelligible format.

Dannika has made SARs for material relating to her arrest at Pendleton Police Station.

However, she only saw the relevant BWV footage she had been seeking for some months for the first time in September 2023, when it was made available to me, further to the information-sharing agreement between the Mayor and GMP negotiated for this Inquiry. It arrived separately into Dannika's possession on the same day.

Matthew has made SARs in connection with all his arrests but first saw much of what was requested alongside me, again through the information-sharing agreement, months later. GMP rightly acknowledge that there have been delays in progressing most of the requests which his five arrests have led him to make.

Many of the people in this Inquiry are in the same position – SARs seem to be delayed or disregarded.

This is obviously a breach of the Data Protection Act 2018 and shows the force in a poor light as a law enforcement agency.

Transparency and this Inquiry

I have been supplied with a large amount of material, in a number of forms, about each of the 14 cases that make up this Inquiry and I have watched, read or listened to all of it. However, it has not always been easy to get this material, and, for instance, the availability of custody office video has varied even among cases that were dealt with in the same police station. This is bound to cause concern, at the very least about poor storage arrangements, but perhaps particularly about transparency.

By way of a different example, I asked for BWV of Matthew's 9 November 2023 arrest and was told that there was none. This was an arrest that took place at Matthew's home when police officers broke in. It would be very surprising if that kind of interaction with the public was not carried out with the use of BWV. I asked for further enquiries to be made.

Thereafter, it became clear to the police that Matthew had his own video of what had happened from a doorbell camera. The BWV of the several officers present at the arrest was then found.

This arrest is described in Matthew's narrative. It features a considerable use of force, and the video is unpleasant to watch, partly through the attitude of some officers and partly because of the obvious terror of a child who was present.

I have been offered police-created logs to show me what I will see if I watch some video material in the Inquiry cases and these logs could usefully act as a permanent note for me. However, I have had concerns about the neutrality of some logs.

By way of example, a log of the video at a custody desk noted that the custody officer had said something to the detainee described as "inaudible".

On watching the video on standard police equipment, I found no difficulty in hearing what the officer said to the detainee. It was: "You are completely pissing me off". Following that, the custody officer walked away and returned with three male officers, who marched the detainee into the cells to be stripped naked.

The officers who have helped me with viewing video and other material are unlikely to be to blame for these and one or two other similar incidents. They have all appeared to be as helpful as possible. However, I have been left – by both the failure of most of these complainants to receive proper responses to their SARs and that potentially defensive treatment towards me – with real concerns about openness and transparency in GMP.

In my view, serious issues can be created for the police themselves when they are caught out in a lack of transparency. GMP has already been criticised by the ICO.

Recommendations

The Deputy Mayor for Policing and I will discuss the introduction of an independent element into police complaints at the lower level by offering a triage service based in her office, as proved effective in Northumbria.

GMP should respond in a timely and comprehensive way to SARs, reflecting the ICO advice as set out above.

Key findings and recommendations

Recommendations: Arrest

Greater Manchester scrutiny panel

By analogy with out of court disposal panels, the Deputy Mayor for Policing and Crime's office should establish a scrutiny panel to review anonymised arrests, at the lower end of criminality, every three months. This panel should draw membership from across criminal justice and the victims' sector and feed back to the senior officer team in GMP and to the Deputy Mayor with any concerns about the necessity and reasonableness of the arrests. GMP should fully participate, and welcome lessons learned.

It is of concern that in a number of cases in this Inquiry where there is a continuing dispute, the police appear to have supported one side and taken criminal justice action – in particular, arrest – against the other party. This seems evidenced in the accounts of Diana, Paul, Adam and, to some extent, Charlotte, and I have confirmed with GMP that nobody from the other side in their disputes has ever been arrested. I recommend that there be action to search beyond the arrests in the Inquiry to see if this is evidence of a wider pattern and, if so, to probe the causes and, if necessary, prescribe solutions. This may be a role that the scrutiny panel can take on, but I leave how she wishes to implement this proposal to the Deputy Mayor for Policing and Crime.

Refresher training

GMP should refresh officer training on:

- the availability and utility of voluntary attendance, given the increased emphasis it is now given in the PACE codes of practice and the Inquiry's conclusion that many of these arrests were unnecessary or unlawful.

In cases at the lower levels of alleged criminality, the balance should favour avoiding both the risk of poor impact on arrestees and the risk to public confidence from such arrests

- the effective use of the College of Policing national decision model in determining whether an arrest necessary.

Quality control of ‘arrest pack arrests’

- Arrest packs are an important and widespread efficiency tool but, if unread, they will deliver high numbers of unlawful arrests.
- They should always be presented in a force template for ease of access.
- There is an urgent need for some means of assurance that the arresting officer has read and understood the contents of an arrest pack before taking action.

Trauma training

GMP should ensure that all officers are given training to help them to recognise and manage the effects of domestic and sexual trauma on survivors:

- so that officers are better equipped to give a good response to sexual and domestic abuse victims
- to avoid victims’ arrests by recognising that victims reporting domestic or sexual abuse, facing counter-allegations, or reacting to a poor police response may be revisiting trauma and require care
- to avoid the escalation of incidents involving abuse survivors through physical contact with male officers. It should, where possible, always be preferable for any necessary physical contact with women to be done by female officers.

The first point ought already to be force policy.

I acknowledge that only three of the 11 women in this Inquiry were direct or immediate abuse victims when they had contact with the police. However, trauma is not transitory and many more of these female complainants are abuse survivors.

The section of this report on domestic abuse, written with input from the CWJ, provides the background to amplify the basis of the second point.

The account given by Leah to this Inquiry demonstrates the importance of the third point.

Support

There is already a link from custody desks to military veterans' organisations, and GMP should initiate a new link to domestic and sexual abuse charities to offer support for women detainees who are found to be survivors. The female welfare officer provided by the force for each woman detainee should be responsible for asking the detainee about their need for this support.

Recommendations: Custody

There should be a dip-sampling panel under the auspices of the Deputy Mayor to examine:

- a) the quality of interrogation and scrutiny applied by custody officers to the facts that underpin reasons for arrests. This scrutiny is vital for the protection of arrestees
- b) the comprehensiveness and accuracy of custody records, so far as this can be assessed, and their consistency.

An information-sharing agreement may be necessary, which GMP should be prepared to facilitate. The panel should report back to the Deputy Mayor at frequent intervals.

Custody officers should be refreshed in training as to their independent role and their duty to represent the welfare of arrestees. If they are not already apprised of the potential harm that custody can inflict on individuals, that should also be introduced in training/retraining.

Better custody provision, especially for women

I believe that in some custody suites women's cells are kept separate from those of men, and my recommendation is that this should be the case in all suites.

Every woman in custody should be allocated a female welfare officer. I know that GMP accepts the wisdom of that practice, but to be effective it must be an explicit policy that there is never a woman detainee in any GMP custody suite who does not have continuous female welfare support throughout.

All aspects of the practical welfare of the detainee should be that welfare officer's responsibility, including delivery of food and drink, response to the cell buzzer, regular observation checks, asking welfare questions and making any necessary referrals.

Evidence suggests that women prefer to be looked after by women. Men probably do not enjoy having to interact with women about sanitary provision or personal hygiene and women may be deterred from raising their needs. There is an overwhelming case for women officers taking sole responsibility for women detainees. It is the only way to be sure that the needs of women detainees are always met.

Unless there is a risk assessment against it (which seems unlikely) sanitary requisites should be provided automatically in every female cell, including toilet paper, a toothbrush and other hygiene needs. Even without the concerns of menstruation and the menopause, women are sensitive about hygiene and may suffer disproportionately if these things are not provided. I do not know why they are not currently made readily available.

Better risk assessment and more humane and dignified treatment of all detainees

The psycho-emotional impacts of custody, as set out elsewhere in this report (heavily paraphrasing the work of Professor Skinns) may be reduced or minimised by marginal adjustments to treatment where appropriate.

Considerations would be to allow detainees to keep some personal property, which can be a normalising factor, and to provide puzzles, reading material and other distractions to help reduce stress and manage boredom.

Staff adopting a non-coercive approach would help to mitigate the worry of being totally in police power.

The police should ensure all cell buzzers are answered quickly.

A lay presence in police custody

I fully support the role of independent custody visitors (ICVs) but would welcome consideration of a professional lay presence in custody suites in addition.

(I am mindful of the research of Dr John Kendall in this area and have benefited from both speaking to him and from reading his recent work).

This presence might be a 'super ICV' from the Deputy Mayor's office, with responsibility for all custody suites and operating on a shift system, random check basis or something more comprehensive.

Control of custody should remain with the police. But in the custody suite, hidden away, police control is total, and this Inquiry has shown that situation involves clear risks. I invite GMP and the Mayor's office to join me in considering this.

Recommendations: Strip search

Strip searching by the seizure of clothing for welfare purposes – PACE S54(4)(a)

GMP, within six months, should end the use strip searching/anti-rip clothing for cases where there is a risk of self-harm or to a detainee's welfare and move to a practice based on level 3 observations.

GMP should direct its custody staff that strip searches for welfare or risk of self-harm purposes that are carried out in response to an arrestee refusing to answer risk assessment questions at the custody desk should, following the April 2023 update to College of Policing Authorised Professional Practice (APP), stop immediately.

APP now provides the guidance: "The use of anti-rip clothing because a detainee is not engaging in risk assessment questions is inappropriate."

Where a risk assessment shows a risk of self-harm, there should always be a conversation between custody staff and the arrestee to offer access to a charity such as Samaritans. This is common humanity and helps to fulfil the ambition of the National Police Chiefs' Council (NPCC) *National Strategy for Police Custody* (NPCC, 2022): "We aim to ensure that when they leave custody it is in a better condition or circumstances than when they arrive".

The future use of strip searching to look for items – PACE Code C, Annex A, paragraph 10

GMP, the NPCC and the Home Office should, forthwith, investigate the potential for use of equipment such as airport screening devices to eradicate degrading strip searching from police practice as much as possible. GMP could lead this endeavour.

The Home Office, the NPCC and the College of Policing should develop a national definition of a strip search, for the purposes of Annex A of Code C, which should specify the definition of outer clothing, removal of which will fall short of a strip search.

This work should consider importing the two defined levels of strip search available under stop and search powers for use in custody and should recommend appropriate levels of authorisation required for the use of each type in a custodial setting. As set out in PACE Code A, these are:

- a 'more thorough search' (MTS or partial strip search) where more than the outer layer of clothing is required to be removed
- a search that 'exposes intimate parts of the body' (EIP search).

GMP should participate in this work and pilot the model proposed in this report to move this urgent agenda forward.

From now on in GMP, if any strip search is contemplated, the detainee must be asked whether they have something with them they know they would not be allowed to keep, to give the detainee the option of offering items up.

From now on in GMP, the reasons why any strip search is required must be explained to the detainee by the custody sergeant to the detainee in plain language, relating (a) facts and circumstances justifying it, and (2) why there is no alternative. The custody record should be endorsed accordingly, and the conversations set out in recommendations 3 and 4 must be held on body-worn video (BWV) or cell video, which must be retained.

In my view, an EIP search involving visually searching inside intimate body parts is no less intrusive than an intimate search that involves touching.

An EIP search may require an arrestee to manipulate intimate body parts to assist the search and is profoundly humiliating. Consideration should be given to

designating such a search as an ‘intimate search’, with equivalent protections for the arrestee. GMP should consider piloting this.

Strip searching of children in custody should never be done if it can be avoided but all of the recommendations set out above should apply, where it is unavoidable. An appropriate adult must always be made available.

GMP should collect accurate and comprehensive data about its use of strip searching.

The Deputy Mayor for Policing and Crime should consider whether her scrutiny panel might dip-sample custody records that contain information about strip searches, to ensure that GMP observes the current rules and what is set out in these recommendations.

Recommendations: Domestic abuse

Research published in 2022 by the Centre for Women’s Justice (CWJ, 2022b), based on discussions with women, police officers and other practitioners in the West Midlands to investigate the response to victims of domestic abuse accused of offending, identified a need for:

- early intervention and support for women throughout the criminal justice process
- culture change, allowing for a more compassionate and trauma-informed response, particularly from the police, including to allow trust to be built with ethnic minority and migrant women
- resources (including for women’s services) and awareness raising for the police to tackle domestic abuse effectively and to make better use of existing diversion schemes for women.

In the same report, police themselves spoke about the need for culture change to encourage women to disclose abuse and improve outcomes, and identified the benefits to be gained by taking proper account of the context of domestic abuse: “When a woman is arrested and investigated ... rather than convict or imprison for a short sentence and have her children removed – we could have avoided that if it was investigated in the first place to find out why that offence has happened”.

Eradicating failings requires strategic leadership that fosters a coherent, gender-informed and trauma-informed, intersectional approach to women as victims, suspects, or witnesses. This requires recognition of the risk that women's victimisation may lead to their inappropriate arrest and detention, acknowledgement that ethnic minority and migrant women may be particularly vulnerable to criminalisation, and active steps to address this as part of a wider strategy to tackle domestic and other abuse against women and girls.

The lack of a national or local strategic policing response to the criminalisation of victims of violence against women and girls (VAWG) has to be addressed by focusing on women and girls holistically as victims, suspects and witnesses, and ending the 'silo' approach of imperfectly considering victims as a separate category.

This should include (1) a commitment to improve police training and accountability for its treatment of women, and (2) significantly improved understanding of domestic abuse and other forms of VAWG and how this can lead to victims being accused of offending.

This work should be done in close partnership with women's specialist services, who are likely to seize the chance to assist in response to commitment from the police, and it must include increased investment.

As CWJ and others have suggested, there is learning to be drawn from work done to protect victims of trafficking from prosecution, specialist domestic abuse courts and good multi-agency practice that collects and considers, at an early stage, evidence surrounding proceedings, as has been done in a range of youth justice models (CWJ, 2022a; Advance, 2020).

The government's *Female Offender Strategy* (MoJ, 2018a) was accompanied by police guidance on 'managing vulnerability'. Has this been disseminated in GMP? What training was offered and what monitoring has been carried out?

Further recommendations for the treatment of victims

In both Maria's and Dannika's cases there was a failure to give support to victims of sexual and domestic abuse that the force is obliged to give under the Victims' Code (MoJ, 2020).

Maria, as a victim of domestic abuse should have had a link to the officer in her case and to a local domestic abuse charity via the 24-hour national helpline so that her support needs could have been met without six hours of telephoning the police to get help.

The victims of the predator reported by Dannika were not referred for tailored victim support, they were not given a crime reference and an officer number, and were not updated on progress with the case.

There are breaches of Victims' Code Rights 4, 6 and 7.

GMP should immediately address its victims' processes to bring them into compliance with the Victims' Code.

Recommendations: Complaints

The Deputy Mayor for Policing and I will discuss the introduction of an independent element into police complaints at the lower level by offering a triage service based in her office, as has proved effective in Northumbria.

Appendices

Appendix A: Terms of reference

The Baird Inquiry

An independent Inquiry into the experience of women and girls who are arrested and taken into custody by Greater Manchester Police.

Terms of Reference

7 August 2023

Purpose

The purpose of this independent Inquiry is to explore the experience of women and girls who are arrested and taken into police custody, particularly in respect of maximising their rights, their safety and their dignity. It will particularly focus on the appropriate use, or otherwise, of strip searches and intimate searches, removal and replacement of clothing. The Inquiry will explore and seek to understand the experiences of three women, whose accounts have recently been featured on national television, and how widespread their experience may be. The Inquiry will also examine the fitness of current GMP policy and procedures arising from these accounts.

Scope

The Inquiry has been commissioned by the Mayor of Greater Manchester in the exercise of his functions as police and crime commissioner.

The Inquiry is to take place in respect of Greater Manchester Police as a whole and take account of related reports, including but not limited to HMICFRS PEEL and other inspections into GMP and into their custody arrangements.

The Inquiry will include examination of the experiences of the three women featured on television. The Inquiry lead is aware of the role and responsibilities of the Independent Office for Police Conduct and police professional standards departments, generally, and in relation to the specific matters relevant to this Inquiry, and will not compromise or duplicate their functions. Similarly, the Inquiry lead is aware of the function of His Majesty's Inspectorate of Constabulary and Fire and Rescue Services and will not duplicate their function.

The findings of the report completed by the Inquiry lead will be published in full. Communication enquiries will be dealt with by GMCA on behalf of the Mayor and in consultation with the Inquiry lead.

Regular gateway reviews will be built into the work programme. These reviews will monitor the progress of the work against these terms of reference and the associated work programme, as well as identifying and taking necessary action to remove any real or potential blockages.

Deliverables

The Inquiry will result in a report to the Mayor and the Deputy Mayor for Policing, Crime, Fire and Criminal Justice, providing an independent assessment of the current Greater Manchester Police service provided to women and girls who are arrested and taken into custody. This will include the following:

- An assessment of compliance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice and with other relevant legislation.
- An assessment of the effectiveness of all relevant policies, procedures, guidance and practice, both local and national, on protecting the rights, safety and dignity of women and girls.
- An assessment of practice and care afforded to female detainees, in particular, where clothing has been removed.
- An assessment of how effectively complaints are handled when made by female detainees in police custody or subsequently after their release.
- An assessment of compliance with PACE Codes of Practice, care and operational practice at Pendleton Custody Suite in comparison to others within Greater Manchester Police.
- An assessment as to whether there is any inequality of treatment between men and women in the custody of Greater Manchester Police.
- Recommendations which help guide the future practice of Greater Manchester Police to maximise the rights, safety, care and dignity of women and girls reporting crime, on arrest and in their custody, and to enhance the confidence of women and girls in GMP and in particular to report crime.

Methodology

A review of policy, procedure and practice in respect of the strip searching of women in police custody:

- Is the Police and Criminal Evidence Act and its associated Codes of Practice being complied with?
- Are relevant policies and procedures being followed in practice?
- Are relevant policies and procedures fit for purpose?

A review of policy, procedure and practice in respect of the removal of clothing of women when in police custody:

- Is the Police and Criminal Evidence Act and its associated Codes of Practice being complied with?
- Are relevant policies and procedures being followed in practice?
- Are relevant policies and procedures fit for purpose?

An assessment of the fitness of replacement clothing provided to women in police custody, taking into account the need to maximise their dignity:

- How effectively is the dignity of women and girls considered and protected where there is a requirement to remove their clothing?
- In respect of replacement clothing provided by the police, how are the standards and appropriateness of this decided upon?
- Are the current replacement clothing options fit for purpose in terms of dignity, safety and wellbeing?

An assessment of how the police care for women in police custody when for whatever reason they are either naked or partially clothed:

- What guidance is available to officers/staff when faced with detainees who for whatever reason refuse to wear clothing, resulting in them being partially or fully naked, and how effective is it?
- What training is provided to officers/staff in this regard and how effective is it?

An assessment of the quality and effectiveness of police complaint investigations as they relate to complaints by women who have been in police custody:

- What is the ratio of such complaints by women and girls in comparison to boys and men?
- How are investigating officers selected and how effective is this process taking account of the specific needs of women and girls?
- Are lines of inquiry followed reasonable and proportionate?
- Are outcomes reasonable and proportionate?

An assessment of how effectively GMP uses information available to it to drive continuous improvement in the use and operation of its custody suites, particularly in relation to female detainees:

- How effectively is custody suite CCTV and audio used to drive continuous improvement?
- How effectively is officer body-worn video utilised to drive continuous improvement?
- Are custody records proactively scrutinised to drive continuous improvement?
- How effective are GMP's corporate governance arrangements in driving continuous improvement?

As the relevant accounts of experience relate to the custody suite at Pendleton Police Station, an assessment as to whether there are any apparent distinct cultural issues/practices affecting that suite:

- To include a fact-finding visit at Pendleton custody suite.
- To conduct a fact-finding visit to another GMP custody suite.

An assessment of the prevalence of women being arrested where they have reported, or attempted to report, a crime to Greater Manchester Police.

An assessment as to whether there is any inequality of treatment between men and women where they are in the custody of Greater Manchester Police.

The Inquiry Team

The Inquiry lead will report directly to Kate Green, Deputy Mayor of Greater Manchester, who will act as sponsor.

Dame Vera Baird (the Inquiry lead) is a highly experienced King's Counsel, called to the Bar in 1975. She is a former Member of Parliament (2001–2010), Solicitor General (2007–2010), Police and Crime Commissioner for Northumbria (2012–2019) and national Victims' Commissioner (2019–2022). She was appointed Dame Commander of the Order of the British Empire in 2017 for services to women and equality. She was Chair of the Fawcett Commission on Women and Criminal Justice (2002–2006). This was a review of women as defendants, as victims and witnesses and as workers in the criminal justice system, which triggered a number of major

legislative and non-legislative changes including the Corston Review on Women with Vulnerabilities in Prison.

In conducting interviews, Dame Vera will be accompanied by Erykah Blackburn. Erykah is the Health and Partnerships Manager for Greater Manchester Women's Support Alliance, which is an alliance of nine women's centres covering the ten boroughs in Greater Manchester. The centres provide women with access to the support that they need. Erykah has over 25 years' experience of supporting victims, survivors and offenders in various different settings and has an educational background in criminology. She is also a qualified independent domestic violence advocate (IDVA) and has successfully managed a team of IDVAs to support high-risk victims and survivors of domestic abuse through the multi-agency risk assessment conference (MARAC) process.

Erykah will be a source of advice and support for Dame Vera but will not take a role in writing the report.

Governance

- This work has been commissioned by the Mayor of Greater Manchester.
- The Inquiry lead will report directly to the Deputy Mayor in relation to progress and outcomes.
- As a minimum, there will be a monthly gateway meeting chaired by the Deputy Mayor to monitor progress, tackle any concerns and agree the next milestones. Additional meetings may be arranged as required. Present at these meetings, as well as the Deputy Mayor, will be Dame Vera, the Deputy Chief Constable of Greater Manchester Police and GMCA's Director of Policing, Crime, Fire and Criminal Justice. Other individuals will be invited as required. All meetings will be minuted.
- GMCA's Director of Policing, Crime, Fire and Criminal Justice will be responsible for the management of contract(s) with Dame Vera and will oversee the budget.
- The Inquiry lead will be asked to prepare a work plan which includes a suggested sequence of activity and estimated timeframe for completion for approval by the Deputy Mayor.

Resources and commitments

- GMCA, on behalf of the Mayor, will engage with GMP and other relevant partners and third parties, including IOPC and HMICFRS, to explain the scope of, and arrange cooperation with, the review, and will organise meetings as required.
- GMCA, on behalf of the Mayor, will be responsible for all communications in consultation with the Inquiry lead.
- On behalf of the Mayor, GMCA's Director of Policing, Crime, Fire and Criminal Justice will provide senior executive officer support to the Inquiry lead to ensure her work runs effectively and is adequately resourced.
- GMCA, on behalf of the Mayor, will provide legal advice to the Inquiry lead as required and will provide legal input into the final drafting and publication of the report.
- GMCA, on behalf of the Mayor, will provide the secretarial support to organise meetings, interviews and appropriate venues.
- GMCA, on behalf of the Mayor, will provide a note taker to be present at all interviews undertaken by the Inquiry lead, and a minute taker for all decision-making meetings.
- The Deputy Mayor and GMCA's Director of Policing, Crime, Fire and Criminal Justice will engage key partners as necessary in relation to this work to ensure that an agreement is in place in respect of access to case records, reports, correspondence and other information relevant to the Inquiry lead's inquiries.

Appendix B: GMP materials provided during the Inquiry

The below is a list of materials provided by GMP to the Baird Inquiry. The Inquiry started with three complainants, and it was initially agreed that GMP would provide all the available materials to the Inquiry for these cases. Once further complainants came forward to the Inquiry, at the request of Dame Vera Baird the material provided became more targeted on the arrest and detention periods and any other materials that she requested. GMP did not have full details and never saw the content of each of the complaints made to the Inquiry and therefore relied on the Inquiry team to request certain materials.

The materials provided include CCTV footage from the custody suite, officers' BWV and video viewing logs, custody records and detention logs for relevant dates in each case, standard MG11 and MG5 forms used to capture witness statements and initial crime reports (which provide the basis for prosecution), interview transcripts, photographs and copies of written complaints and responses.

In some of the cases, custody CCTV footage was not available due to there being a 90-day retention period for custody footage as per College of Policing guidelines.

Abbie

3 Custody records from February 2021 to November 2023

GMP was informed towards the end of the information-gathering period of Abbie's inclusion in the Inquiry. Due to this, and Abbie not making any previous complaints to GMP, limited materials were available to share with the Inquiry. Retention periods for both custody CCTV and officers' BWV had long elapsed and therefore these are no longer in existence.

Adam

Custody record July 2021

Custody CCTV, including charge desk and cell July 2021

BWV of officers at the arrest in July 2021

Previous convictions

MG11 witness statements of arresting officers and custody staff July 2021

GMP log

All material requested by the Inquiry has been provided; there is no other material in relation to Adam's arrest and period in custody.

Maria

Custody record May 2023

Crime report

MG11 witness statement

Transcript of PACE interview

MG5 from case file

5 GMP logs

CCTV from custody, including cell footage

BWV viewing logs

BWV of officers

MG11 witness statements of officers

Sequence of events for all CCTV footage

All available material has been provided to the Inquiry.

Charlotte

Custody record March 2023

Transcript of PACE interview with Charlotte

2 GMP logs

Crime report

MG11 statements from arresting officer and custody staff

Copy of complaint made to GMP by Charlotte

Copy of GMP response to Charlotte's complaint

BWV of officers dealing with Charlotte

There is no custody CCTV available in relation to Charlotte's period of detention as she was detained in a non-CCTV cell. CCTV was not recovered from the custody suite as it was deemed not relevant to the complaint that Charlotte made. Given the passage of time and the retention period, all custody CCTV footage is no longer in existence.

Dannika

Custody record

2 GMP logs

MG11 witness statements of arresting officer and custody staff

Case file

Viewing logs of BWV of officers present at the arrest

BWV of officers present at the arrest and in custody

Transcripts of PACE interviews with Dannika

BWV of PACE interview

Sequence of events document

Letter from GMP inspector in response to Dannika's complaint

Diana

Custody record August 2022

GMP log

Crime report

MG11 witness statements of officers at the arrest

BWV of officers at the arrest

Evelyn

Custody record July 2021

GMP log

Crime report

MG11 witness statements of officers at the arrest

Transcript of police interview

Viewing logs of BWV of officer's present at the arrest

BWV of officer's present at the arrest

CCTV footage from custody suite (not inside cell)

Jane

Custody record April 2022

GMP log

Viewing log of officers' BWV during breath/blood procedure and while driving Jane home

BWV of officer's

There was no custody CCTV available for this detention period as Jane made her complaint around a year later, meaning this was well beyond the CCTV retention period and any footage was no longer retained.

Leah

Custody record April 2021

GMP log

MG11 witness statements of officers at the arrest

BWV of officer's present at the arrest and custody booking in procedure

Matthew

Custody record of all arrests

4 GMP logs

2 Crime reports

2 PACE interview transcripts

BWV of officers of 4 arrests including transcripts

MG11 witness statements of officers at the arrest July 2022 arrest and February 2023

Viewing log of custody CCTV July 2022 arrest and February 2023 arrest

Custody CCTV, including cell footage from July 2022 and February 2023 arrests

Paul

10 Custody records of arrests in 2021 and 2022

BWV of arrest in July 2022

Paul has never made a complaint to GMP and he was unsure of which arrest his complaint referred to, therefore all custody records within the scope of the Inquiry were provided. Due to the retention periods, there is no custody CCTV in existence.

Paige

Custody record November 2023

GMP log

Crime report

BWV of officer's present at the arrest in November 2023

Viewing log of BWV of officer's present at the arrest in November 2023

Scarlett

3 Custody records from 2019 to 2022

3 Crime reports

Missing person reports

5 GMP logs

Transcript of PACE interview

List showing outgoing calls from custody

Document showing layout of Bury custody office (including photographs)

Document showing layout of Ashton custody office (including photographs)

Sequence of events

BWV of officer at arrest in October 2022 and December 2022

Sophie

Custody record from September 2022

GMP log

3 MG11 witness statements

Photographs of injuries

BWV of officers at arrest

Copy of complaint that Sophie made to GMP

Appendix C: The law on arrest

Please note this information should NOT be used as legal advice.

Police and Criminal Evidence Act 1984 (PACE) amplified by case law and Code of Practice C of PACE

S24 Arrest without warrant: constables.

(1) A constable may arrest without a warrant –

- (a) anyone who is about to commit an offence;
- (b) anyone who is in the act of committing an offence;
- (c) anyone whom he has reasonable grounds for suspecting to be about to commit an offence;
- (d) anyone whom he has reasonable grounds for suspecting to be committing an offence.

(2) If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds to suspect of being guilty of it.

(3) If an offence has been committed, a constable may arrest without a warrant –

- (a) anyone who is guilty of the offence;
- (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.

All the arrests in this Inquiry are after-the-event arrests, covered by subsection (2) of S24.

Necessity for arrest

(4) But the power of summary arrest conferred by subsection (1), (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in subsection (5) it is necessary to arrest the person in question.

(5) The reasons are –

(a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);

(b) correspondingly as regards the person's address;

(c) to prevent the person in question—

(i) causing physical injury to himself or any other person;

(ii) suffering physical injury;

(iii) causing loss of or damage to property;

(iv) committing an offence against public decency (subject to subsection (6)); or

(v) causing an unlawful obstruction of the highway;

(d) to protect a child or other vulnerable person from the person in question;

(e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;

(f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

(6) Subsection (5)(c)(iv) applies only where members of the public going about their normal business cannot reasonably be expected to avoid the person in question.

S28 Information to be given on arrest.

(1) Subject to subsection (5) below, where a person is arrested, otherwise than by being informed that he is under arrest, the arrest is not lawful unless the person arrested is informed that he is under arrest as soon as is practicable after his arrest.

(2) Where a person is arrested by a constable, subsection (1) above applies regardless of whether the fact of the arrest is obvious.

(3) Subject to subsection (5) below, no arrest is lawful unless the person arrested is informed of the ground for the arrest at the time of, or as soon as is practicable after, the arrest.

(4) Where a person is arrested by a constable, subsection (3) above applies regardless of whether the ground for the arrest is obvious.

(5) Nothing in this section is to be taken to require a person to be informed –

- (a) that he is under arrest; or
- (b) of the ground for the arrest,

if it was not reasonably practicable for him to be so informed by reason of his having escaped from arrest before the information could be given.

S30 Arrest elsewhere than at police station.

(1) Subsection (1A) applies where a person is, at any place other than a police station –

- (a) arrested by a constable for an offence, or
- (b) taken into custody by a constable after being arrested for an offence by a person other than a constable.

(1A) The person must be taken by a constable to a police station as soon as practicable after the arrest.

(1B) Subsection (1A) has effect subject to section 30A (release of a person arrested elsewhere than at police station) and subsection (7) (release without bail).

(2) Subject to subsections (3) and (5) below, the police station to which an arrested person is taken under subsection (1A) above shall be a designated police station.

(3) A constable to whom this subsection applies may take an arrested person to any police station unless it appears to the constable that it may be necessary to keep the arrested person in police detention for more than six hours.

(4) Subsection (3) above applies –

- (a) to a constable who is working in a locality covered by a police station which is not a designated police station; and
- (b) to a constable belonging to a body of constables maintained by an authority other than a local policing body.

Code G revised code of practice for the statutory power of arrest by police officers: relevant extracts

1.1 The power of arrest must be used fairly, responsibly, with respect for people suspected of committing offences and without unlawful discrimination. (extract)

1.3 The use of the power must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means. Absence of justification for exercising the power of arrest may lead to challenges should the case proceed to court. It could also lead to civil claims against police for unlawful arrest and false imprisonment. When the power of arrest is exercised it is essential that it is exercised in a non-discriminatory and proportionate manner which is compatible with the Right to Liberty under Article 5. See Note 1B.

1.4 Section 24 of the Police and Criminal Evidence Act 1984 (as substituted by section 110 of the Serious Organised Crime and Police Act 2005) provides the statutory power for a constable to arrest without warrant for all offences. If the provisions of the Act and this Code are not observed, both the arrest and the conduct of any subsequent investigation may be open to question.

2.2 The arrested person must be informed that they have been arrested, even if this fact is obvious, and of the relevant circumstances of the arrest in relation to both the above elements. The custody officer must be informed of these matters on arrival at the police station.

2.4 The power of arrest is only exercisable if the constable has reasonable grounds for believing that it is necessary to arrest the person. The statutory criteria for what may constitute necessity are set out in paragraph 2.9 and it remains an operational decision at the discretion of the constable to decide:

- which one or more of the necessity criteria (if any) applies to the individual; and
- if any of the criteria do apply, whether to arrest, grant street bail after arrest, report for summons or for charging by post, issue a penalty notice or take any other action that is open to the officer.

2.5 In applying the criteria, the arresting officer has to be satisfied that at least one of the reasons supporting the need for arrest is satisfied.

2.8 In considering the individual circumstances, the constable must take into account the situation of the victim, the nature of the offence, the circumstances of the suspect and the needs of the investigative process.

2.9 When it is practicable to tell a person why their arrest is necessary (as required by paragraphs 2.2, 3.3 and Note 3), the constable should outline the facts, information and other circumstances which provide the grounds for believing that their arrest is necessary and which the officer considers satisfy one or more of the statutory criteria in sub-paragraphs (a) to (f), namely:

(a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name):

An officer might decide that a person's name cannot be readily ascertained if they fail or refuse to give it when asked, particularly after being warned that failure or refusal is likely to make their arrest necessary (see Note 2D). Grounds to doubt a name given may arise if the person appears reluctant or hesitant when asked to give their name or to verify the name they have given.

Where mobile fingerprinting is available and the suspect's name cannot be ascertained or is doubted, the officer should consider using the power under section 61(6A) of PACE (see Code D paragraph 4.3(e)) to take and check the fingerprints of a suspect as this may avoid the need to arrest solely to enable their name to be ascertained.

(b) correspondingly as regards the person's address:

An officer might decide that a person's address cannot be readily ascertained if they fail or refuse to give it when asked, particularly after being warned that such a failure or refusal is likely to make their arrest necessary. See Note 2D.

Grounds to doubt an address given may arise if the person appears reluctant or hesitant when asked to give their address or is unable to provide verifiable details of the locality they claim to live in.

When considering reporting to consider summons or charging by post as alternatives to arrest, an address would be satisfactory if the person will be at it for a sufficiently

long period for it to be possible to serve them with the summons or requisition and charge; or, that some other person at that address specified by the person will accept service on their behalf. When considering issuing a penalty notice, the address should be one where the person will be in the event of enforcement action if the person does not pay the penalty or is convicted and fined after a court hearing.

(c) to prevent the person in question:

(i) causing physical injury to himself or any other person;

This might apply where the suspect has already used or threatened violence against others and it is thought likely that they may assault others if they are not arrested.

See Note 2D

(ii) suffering physical injury;

This might apply where the suspect's behaviour and actions are believed likely to provoke, or have provoked, others to want to assault the suspect unless the suspect is arrested for their own protection. See Note 2D

(iii) causing loss or damage to property;

This might apply where the suspect is a known persistent offender with a history of serial offending against property (theft and criminal damage) and it is thought likely that they may continue offending if they are not arrested.

(iv) committing an offence against public decency (only applies where members of the public going about their normal business cannot reasonably be expected to avoid the person in question);

This might apply when an offence against public decency is being committed in a place to which the public have access and is likely to be repeated in that or some other public place at a time when the public are likely to encounter the suspect. See Note 2D

(v) causing an unlawful obstruction of the highway;

This might apply to any offence where its commission causes an unlawful obstruction which it is believed may continue or be repeated if the person is not arrested, particularly if the person has been warned that they are causing an obstruction. See Note 2D

(d) to protect a child or other vulnerable person from the person in question.

This might apply when the health (physical or mental) or welfare of a child or vulnerable person is likely to be harmed or is at risk of being harmed, if the person is not arrested in cases where it is not practicable and appropriate to make alternative arrangements to prevent the suspect from having any harmful or potentially harmful contact with the child or vulnerable person.

(e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question. See Note 2E

This may arise when it is thought likely that unless the person is arrested and then either taken in custody to the police station or granted 'street bail' to attend the station later, see Note 2J, further action considered necessary to properly investigate their involvement in the offence would be frustrated, unreasonably delayed or otherwise hindered and therefore be impracticable. Examples of such actions include:

(i) interviewing the suspect on occasions when the person's voluntary attendance is not considered to be a practicable alternative to arrest, because for example:

- it is thought unlikely that the person would attend the police station voluntarily to be interviewed.
- it is necessary to interview the suspect about the outcome of other investigative action for which their arrest is necessary, see (ii) to (v) below.
- arrest would enable the special warning to be given in accordance with Code C paragraphs 10.10 and 10.11 when the suspect is found:
 - in possession of incriminating objects, or at a place where such objects are found;
 - at or near the scene of the crime at or about the time it was committed.
- the person has made false statements and/or presented false evidence;
- it is thought likely that the person:
 - may steal or destroy evidence;
 - may collude or make contact with, co-suspects or conspirators;
 - may intimidate or threaten or make contact with, witnesses. See Notes 2F and 2G

(ii) when considering arrest in connection with the investigation of an indictable offence (see Note 6), there is a need:

- to enter and search without a search warrant any premises occupied or controlled by the arrested person or where the person was when arrested or immediately before arrest;
- to prevent the arrested person from having contact with others;
- to detain the arrested person for more than 24 hours before charge.

(iii) when considering arrest in connection with any recordable offence and it is necessary to secure or preserve evidence of that offence by taking fingerprints, footwear impressions or samples from the suspect for evidential comparison or matching with other material relating to that offence, for example, from the crime scene. See Note 2H

(iv) when considering arrest in connection with any offence and it is necessary to search, examine or photograph the person to obtain evidence. See Note 2H

(v) when considering arrest in connection with an offence to which the statutory Class A drug testing requirements in Code C section 17 apply, to enable testing when it is thought that drug misuse might have caused or contributed to the offence. See Note 2I.

(f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

This may arise when it is thought that:

- if the person is not arrested they are unlikely to attend court if they are prosecuted;
- the address given is not a satisfactory address for service of a summons or a written charge and requisition to appear at court because the person will not be at it for a sufficiently long period for the summons or charge and requisition to be served and no other person at that specified address will accept service on their behalf.

Notes for Guidance: Relevant extracts

(Code G provides: 1.6 “The *Notes for Guidance* are not provisions of this code.”)

2 Facts and information relevant to a person’s suspected involvement in an offence should not be confined to those which tend to indicate the person has committed or attempted to commit the offence. Before making a decision to arrest, a constable should take account of any facts and information that are available, including claims of innocence made by the person, that might dispel the suspicion.

2A Particular examples of facts and information which might point to a person’s innocence and may tend to dispel suspicion include those which relate to the statutory defence provided by the Criminal Law Act 1967, section 3(1) which allows the use of reasonable force in the prevention of crime or making an arrest and the common law of self-defence.

This may be relevant when a person appears, or claims, to have been acting reasonably in defence of themselves or others or to prevent their property or the property of others from being stolen, destroyed or damaged, particularly if the offence alleged is based on the use of unlawful force, e.g. a criminal assault. When investigating allegations involving the use of force by school staff, the power given to all school staff under the Education and Inspections Act 2006, section 93, to use reasonable force to prevent their pupils from committing any offence, injuring persons, damaging property or prejudicing the maintenance of good order and discipline may be similarly relevant. The Association of Chief Police Officers and the Crown Prosecution Service have published joint guidance to help the public understand the meaning of reasonable force and what to expect from the police and CPS in cases which involve claims of self-defence. Separate advice for school staff on their powers to use reasonable force is available from the Department for Education.

2B If a constable who is dealing with an allegation of crime and considering the need to arrest becomes an investigator for the purposes of the Code of Practice under the Criminal Procedure and Investigations Act 1996, the officer should, in accordance with paragraph 3.5 of that Code, “pursue all reasonable lines of Inquiry, whether these point towards or away from the suspect. What is reasonable in each case will depend on the particular circumstances.”

2C For a constable to have reasonable grounds for believing it necessary to arrest, he or she is not required to be satisfied that there is no viable alternative to arrest. However, it does mean that in all cases, the officer should consider that arrest is the practical, sensible and proportionate option in all the circumstances at the time the decision is made. This applies equally to a person in police detention after being arrested for an offence who is suspected of involvement in a further offence and the necessity to arrest them for that further offence is being considered.

2D Although a warning is not expressly required, officers should if practicable, consider whether a warning which points out their offending behaviour, and explains why, if they do not stop, the resulting consequences may make their arrest necessary.

Such a warning might:

- if heeded, avoid the need to arrest, or
- if it is ignored, support the need to arrest and also help prove the mental element of certain offences, for example, the person's intent or awareness, or help to rebut a defence that they were acting reasonably.

A person who is warned that they may be liable to arrest if their real name and address cannot be ascertained, should be given a reasonable opportunity to establish their real name and address before deciding that either or both are unknown and cannot be readily ascertained or that there are reasonable grounds to doubt that a name and address they have given is their real name and address. They should be told why their name is not known and cannot be readily ascertained and (as the case may be) of the grounds for doubting that a name and address they have given is their real name and address, including, for example, the reason why a particular document the person has produced to verify their real name and/or address, is not sufficient.

2E The meaning of "prompt" should be considered on a case-by-case basis taking account of all the circumstances. It indicates that the progress of the investigation should not be delayed to the extent that it would adversely affect the effectiveness of the investigation. The arresting officer also has discretion to release the arrested person on 'street bail' as an alternative to taking the person directly to the station. See Note 2J.

2F An officer who believes that it is necessary to interview the person suspected of committing the offence must then consider whether their arrest is necessary in order to carry out the interview. The officer is not required to interrogate the suspect to determine whether they will attend a police station voluntarily to be interviewed but they must consider whether the suspect's voluntary attendance is a practicable alternative for carrying out the interview. If it is, then arrest would not be necessary. Conversely, an officer who considers this option but is not satisfied that it is a practicable alternative, may have reasonable grounds for deciding that the arrest is necessary at the outset 'on the street'. Without such considerations, the officer would not be able to establish that arrest was necessary in order to interview.

Circumstances which suggest that a person's arrest 'on the street' would not be necessary to interview them might be where the officer:

- is satisfied as to their identity and address and that they will attend the police station voluntarily to be interviewed, either immediately or by arrangement at a future date and time; and
- is not aware of any other circumstances which indicate that voluntary attendance would not be a practicable alternative. See paragraph 2.9(e)(i) to (v).

When making arrangements for the person's voluntary attendance, the officer should tell the person:

- that to properly investigate their suspected involvement in the offence they must be interviewed under caution at the police station, but in the circumstances their arrest for this purpose will not be necessary if they attend the police station voluntarily to be interviewed;
- that if they attend voluntarily, they will be entitled to free legal advice before, and to have a solicitor present at, the interview;
- that the date and time of the interview will take account of their circumstances and the needs of the investigation; and
- that if they do not agree to attend voluntarily at a time which meets the needs of the investigation, or having so agreed, fail to attend, or having attended, fail to remain for the interview to be completed, their arrest will be necessary to enable them to be interviewed.

2G When the person attends the police station voluntarily for interview by arrangement as in Note 2F above, their arrest on arrival at the station prior to interview would only be justified if:

- new information coming to light after the arrangements were made indicates that from that time, voluntary attendance ceased to be a practicable alternative and the person's arrest became necessary; and
- it was not reasonably practicable for the person to be arrested before they attended the station.

If a person who attends the police station voluntarily to be interviewed decides to leave before the interview is complete, the police would at that point be entitled to consider whether their arrest was necessary to carry out the interview. The possibility that the person might decide to leave during the interview is therefore not a valid reason for arresting them before the interview has commenced. See Code C paragraph 3.21.

3 An arrested person must be given sufficient information to enable them to understand they have been deprived of their liberty and the reason they have been arrested, as soon as practicable after the arrest, e.g. when a person is arrested on suspicion of committing an offence they must be informed of the nature of the suspected offence and when and where it was committed. The suspect must also be informed of the reason or reasons why arrest is considered necessary. Vague or technical language should be avoided. When explaining why one or more of the arrest criteria apply, it is not necessary to disclose any specific details that might undermine or otherwise adversely affect any investigative processes. An example might be the conduct of a formal interview when prior disclosure of such details might give the suspect an opportunity to fabricate an innocent explanation or to otherwise conceal lies from the interviewer.

6 Certain powers available as the result of an arrest – for example, entry and search of premises, detention without charge beyond 24 hours, holding a person incommunicado and delaying access to legal advice – only apply in respect of indictable offences and are subject to the specific requirements on authorisation as set out in PACE and the relevant Code of Practice.

Case law interpreting S24

Information to be given on arrest

An arrest is unlawful unless the person is informed of the ground for the arrest at the time or as soon as practical Section 28(3). This requires “setting out the essential legal and factual grounds for the arrest” (Taylor v Chief Constable of Thames Valley Police [2004] EWCA 858).

Reasonable suspicion

This requires a constable carrying out the arrest, personally, to suspect that an offence has been committed (a subjective test) in circumstances where a reasonable person in possession of the same facts would also suspect it (an objective test).

It isn't necessary for him/her to have first-hand knowledge, as long as the material elements to form a suspicion come from a reliable source, such as a briefing from another officer. However, it must be more than a bald instruction to arrest (O'Hara v Chief Constable of the Royal Ulster Constabulary [1996] UKHL 6).

An entry in the Police National Computer would do, but not if there was no urgency and there was a need for more inquiry (Hough v Chief Constable Staffordshire Police [2001] EWCA Civ 39). It could be done on the word of an informant, although “considerable reserve” should be applied (James v Chief Constable of South Wales [1991] 6 CLAT).

The threshold for the existence of reasonable grounds for suspicion is low (Commissioner of Police of the Metropolis v Mohammed Raissi [2008] EWCA Civ 1237).

Reasonable belief that an arrest is necessary

This requires the same subjective and objective test but ‘belief’ is a higher test than suspicion.

The courts have emphasised that necessity is not synonymous with desirable or convenient (R(TL) v Chief Constable of Surrey [2017] EWHC 129).

A court will consider the necessity test by looking beyond the actual grounds to what the officer had regard to, as in the matter of an application for judicial review by Alexander, Bull, Farrelly and Fox [2009] NIQB 20) :

“We consider that where a police officer is called upon to make a decision as to the necessity for arrest the grounds on which that decision is based can only be considered reasonable if all obviously relevant circumstances are taken into account. In particular it is necessary that he makes some evaluation of the feasibility of achieving the object of the arrest by some alternative means, such as inviting the suspect to attend for interview.

“We consider the requirement that the constable should believe that an arrest is necessary does not signify that he requires to be satisfied that there is no viable alternative to arrest rather it means that he should consider that this is the practical and sensible option.”

Glossary

Term	Meaning	Reference
Affray	Using or threatening unlawful violence towards another person so that the other person might reasonably fear for their personal safety	<u>Section 3 of Public Order Act 1986</u>
Anti-rip suit/clothing	Anti-rip suits (also known as 'suicide suits') or clothing issued to detainees where there is a risk of self-harm (e.g. where the detainee may rip up their own clothing to make ligatures to strangle themselves)	
Appropriate adult	Provides independent support to children, young or vulnerable people (e.g. due to mental illness) during detention in police custody, including safeguarding their welfare, rights and entitlements	
Arrest pack	An arrest pack is a document that gives officers the required details to go out, locate, and arrest a wanted person	
Arrestee	A person who has been, or is being, arrested	
Case law	Law created by judges' decisions in individual cases in the Court of Appeal or Supreme Court	<u>Sentencing Council glossary</u>

<p>Child abduction warning notice (CAWN)</p>	<p>A non-statutory notice issued when the police become aware a child is spending time with an adult who could be harmful to them, intended. to disrupt this association and to warn the adult that the association could result in arrest and prosecution.</p>	<p><u>HMICFRS glossary</u></p>
<p>Civilian detention officer (CDO)</p>	<p>Non-police staff member who helps process people who have been arrested and detained in a police custody suite and has responsibilities for their care and welfare</p>	<p><u>College of Policing professional profiles</u></p>
<p>Community supervision</p>	<p>Type of community order that is an alternative to a custodial sentence and can include curfews and electronic monitoring</p>	<p><u>Sentencing Council: Community orders</u></p>
<p>Conditional caution/discharge</p>	<p>Requires a person who has admitted to an offence to comply with conditions as an alternative to prosecution. The offender must consent to these conditions and can face prosecution for the original offence if they fail to comply with them</p>	<p><u>Sentencing Council: Out of court disposals</u></p>

Custody officer	Officer of at least the rank of sergeant who manages the custody suite, including the care and welfare of detainees, and takes the decision to authorise or refuse the detention of anyone brought into police custody	<u>College of Policing professional development platform</u>
Custody record	This must be opened for each individual arrestee brought before the custody officer and should show reasons for arrest and the times of all relevant incidents while they are detained, including arrival, release, searches and checks	<u>PACE Code C 1984</u> <u>College of Policing Authorised Professional Practice</u>
Custody review	Assessment carried out by someone not involved in the arrest or detention of an individual to ensure their detention is lawful and they are treated appropriately, including being informed of their rights	<u>PACE Code C 1984</u>
Custody suite	Part of a police station that has been designated for detaining arrestees, with a design and structure 'fit for purpose', including the cells, hatches, call systems, booking-in area, and entrance	<u>College of Policing Authorised Professional Practice</u>
De-arrest	Release of an arrestee after further information emerges indicating they are not responsible for the offence or there are no grounds for arrest	<u>College of Policing Authorised Professional Practice</u>

Detainee	A person who is being held in police custody	
Domestic abuse	Incident or pattern of incidents of abusive behaviour of one person towards another, where those people are aged 16 or over and are personally connected to each other	<u>HMICFRS glossary</u> <u>Crown Prosecution Service</u>
First responder	First officer to respond to an incident or report of a crime, responsible for taking initial victim and witness accounts and securing evidence	<u>College of Policing Authorised Professional Practice</u>
Gender-informed approach	Recognises how people's specific needs are influenced by their gender	<u>Think NPC</u>
Harassment	Repeated unwanted behaviour that makes someone feel scared, distressed or threatened (e.g. abusive or offensive text messages, images, social media posts and phone calls, damage to property)	<u>Sussex Police: Stalking and harassment</u>
Independent custody visitors	Local volunteers who make unannounced visits to police custody cells to assess the rights, entitlements, wellbeing and dignity of detainees, and report back to policing authorities	<u>HMICFRS glossary</u>
Intimate search	Search of a detainee's body in the belief that the person has certain items hidden on them	<u>PACE Act 1984 Section 55: Intimate searches</u>

Low-level criminality	Low-level crimes include shoplifting, car crime and fly-tipping, but may also include harassment/ threats in family or neighbourhood disputes and threatening phone calls to police	
Malicious communications	Any form of communication that is indecent or grossly offensive, threatening, or contains information that is false or believed to be false, with the intention of causing distress or anxiety to the recipient	<u>West Midlands Police</u>
Multi-agency risk assessment conference (MARAC)	A locally held meeting where statutory and voluntary agencies (including the police, probation, health, and housing services) share information about adults and children at high risk of domestic abuse to produce a coordinated action plan to increase their safety and wellbeing	<u>HMICFRS glossary</u>
National decision model (NDM)	Framework to help everyone in policing make, examine and challenge decisions	<u>College of Policing Authorised Professional Practice</u>
National preventive mechanisms (NPMs)	Designated bodies that monitor the treatment and conditions of people deprived of their liberty, with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment	<u>HM Inspectorate of Prisons</u>

'No comment' interview	When a suspect exercises their right to silence but will still be asked all relevant questions by the investigating officer and given the opportunity to respond	<u>College of Policing Authorised Professional Practice</u>
'No further action' (NFA)	Recorded police decision not to pursue a case against a suspect, usually due to lack of evidence. It is not a conviction or caution, but details of the investigation may be kept on police databases	<u>Youth Justice Legal Centre</u>
Non-molestation order	A court order domestic abuse victims can apply for that provides 6–12 months' protection but can be extended	<u>HMICFRS glossary</u>
Officer in the case (OIC)	The police officer with overall charge of the case against a person; every case will have one	<u>Youth Justice Legal Centre A-Z of terms</u>
Out of court disposals (OOCs)	Statutory and non-statutory methods of concluding a criminal case without proceeding to prosecution, administered by the police to help deal quickly and proportionately with low-level, often first-time offences (e.g. through cautions, warnings and penalty notices)	<u>HMICFRS glossary</u>

Professional standards department	A police department that records and investigates complaints against the force's officers and staff, including misconduct allegations	<u>HMICFRS glossary</u>
Public order offence	Use of violence and/or intimidation by individuals or groups	<u>Crown Prosecution Service (CPS)</u>
Remand	The way someone charged with a crime is dealt with until court hearings are complete, either remanded on bail (released under certain conditions) or remanded in custody	<u>GOV.UK</u>
Restraining order	A civil order made by a court after conviction or acquittal to stop specific activities by the individual and protect potential victims	<u>HMICFRS glossary</u>
Sexual abuse	Abusive sexual behaviour and/or a sexual act committed by one person on another that is usually unwanted, non-consensual and causes distress, and may be physical, psychological, verbal or online	<u>HMICFRS glossary</u> <u>NI Direct</u>
Stop and search	Statutory powers police officers may use to stop and search someone if they have reasonable grounds for suspecting criminal activity (e.g. possession of stolen or prohibited items)	<u>HMICFRS glossary</u>

Subject access request (SAR)	A request made by or on behalf of an individual for the information to which they are entitled under the UK General Data Protection Regulation (GDPR)	<u>Information Commissioner's Office</u>
Threatening behaviour	Behaviour and actions intended to control the victim through isolation, intimidation, degradation and micro-regulation of everyday life	<u>HMICFRS glossary</u>
Trauma-informed approach	Ways of supporting people that recognise specific needs they may have as a result of past or ongoing trauma	<u>Think NPC</u>
Voluntary attendance	An interview that takes place at a police station where a person attends voluntarily and isn't under arrest	<u>HMICFRS glossary</u>

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Centre for Women's Justice

Fortalice

Greater Manchester Women's Support Alliance

Independent Custody Visiting Association (ICVA)

Maggie Oliver Foundation

Manchester Action on Street Health

Manchester Women's Aid

Olive Pathway

Safety4Sisters

We Are Survivors