

Joanne Caffrey Expert Witness

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CV Summary: Safer Custody. Police Custody Procedures. Use of Force & Ligation Deaths. UK and Ireland

My experience as an expert witness includes providing in excess of 250 reports. These cases are distributed between England, Wales, Scotland, Northern Ireland, Republic of Ireland and the Isle of Man. The cases involve custody sectors of police, prison, mental health, immigration, SIA security staff and the children's sector. (Custody commences from the point of initial contact & arrest). My main topic is police custody from the point of arrest to final disposal.

I have provided my services for public inquiry, coroner, fatal accident inquiries, civil, criminal and misconduct cases. I have been engaged by coroners and legal teams representing the defence and prosecution/claimant. I have repeat business from the Police Federation, Police Ombudsman agencies and the Crown Office agencies. I am registered with, and vetted by, the National Crime Agency (NCA) for custody topics, and have been engaged by police CID concerning criminal investigations.

My main subject matters are:

- Death or serious injury during restraints
- Ligation deaths
- Police arrest and custody unit procedures
- Drink driving procedures

I regularly work with Police Professional Standards Departments (PSDs) concerning police officer misconduct.

I have (as at September 2023) been engaged for 13 ligature deaths in custody and still deliver training on the subject matter. These cover police, prison and hospital settings.

I have been engaged for deaths during restraints concerning police, prison and healthcare settings. These have been for Coroner/Fatal Accident Inquiries and criminal investigations.

I have been engaged by the Public Inquiry into the restraint death of Mr Sheku Bayoh, during restraint by Police Scotland officers. I gave evidence over 3 days and my report can be viewed on the Inquiry website: <https://www.shekubayohinquiry.scot/node/545>

The approximate split of cases includes:

- Defence: 40%
- Prosecuting authority/Claimant: 50%
- Engaged directly by the Coroner or Public Inquiry: 10%

I was a police officer for nearly 24 years, 17 of these as a sergeant. I specialised in the Safer Handling of Detained Persons / Safer Custody, and the use of force. I served 7 years as a custody sergeant dealing with male and female detainees, police detainees under PACE and convicted prisoners under Prison Rules and prison PSIs and PSOs during Operation Container, and trained police officers in prison rules.

Not only did I complete 7 years of front-line police custody duties for use of force and safer custody, but I worked within emergency planning, safer custody and use of force (principles and practices theory) training delivery and consultancy, assessment of staff, risk assessing custody environments, and major incident management of prisoners between prisons and police custody. I was the force planning lead for Operation Container for the housing of prisoners from prison within the police estate, and trained to Tactical Support Group (TSG) standards (prison service 'Tornado' equivalent). I performed front line duties as part of a tactical support group in the use of shields and fire insemination.

My safer custody experience covers from point of stop and search/arrest in the public domain, through to police custody, court custody, prison custody and all the transportation between by private contractors.

I attended the National Police Trainers (England & Wales) course from 19th May to 3rd August 1994, and returned from the course to work at Cumbria police training unit. In October 1994 I was awarded a City and Guilds Further and Adult Education Teachers Certificate. In October 1999 I received my D32/33 Assessor award through South Cheshire College, and national police training. In 2001 I attended the national police training OSPRE assessor course for assessing Constable to Sergeant promotion procedures. In 2011 I was awarded the level 4 Preparing to teach in the lifelong learning sector. In March 1996 I attended a Home Office 6 weeks train the trainer, police trainers programme, course for delivering Community & Race Relations training throughout the Home Office forces.

I am the author of: 'Drink Driving. Police Custody Procedures. Safer Custody Safer prosecutions'

Examples of recent cases I have been engaged for include:

1. Police case: Scotland. Public Inquiry into the death during restraint of Mr Sheku Bayoh.

Engaged directly by the inquiry team. I was engaged in 2022 for the report which is available on the public inquiry website: <https://www.shekubayohinquiry.scot/sites/default/files/2022-12/SBPI-00181%20-%20Joanne%20Caffrey%20Final%20Use%20of%20Force%20Report%2031%2010%202022%20%281%29.pdf> I gave evidence at the inquiry in December 2022 over 3 days. As of November 2023 the inquiry is still ongoing.

2. Police case: Police Ombudsman Northern Ireland. Death in Custody – following restraint.

Engaged by PONI representative. Report submitted. Case scheduled for February 2024.

3. Prison case: Crown Office & Procurator Fiscal Service. Death of prisoner during restraint.

Report provided in September 2022. Case reviewed and, announced as of March 2023, investigation now proceeding regarding Corporate Homicide.

4. Police Case. Derbyshire Coroner. Death during restraint in police custody.

Engaged by Coroner. Report provided January 2022. I gave evidence in February 2023. Many of my findings were listed by the jury.

5. Prison Ligature Deaths x 2. Crown Office and Procurator Fiscal investigations.

Engaged by senior procurator fiscal depute. Criminal/Health & Safety investigation concerning two ligature deaths in HMYOI Polmont. Reports submitted July 2022. Investigations still in progress.

6. Police cases: Police officers use of force internal investigation.

Engaged by City of London Police PSD department on three occasions during 2023.

7. Police Case: Isle of Man. Detainee injured in custody.

Engaged by the legal team representing the detainee. Report submitted. Case still in progress.

8. Police Case: Police Ombudsman Northern Ireland. Police officer use of force internal investigation x 3.

Engaged by PONI for 3 internal investigations, all involving officer use of force during arrest. Reports submitted and investigations ongoing.

9. Police Case: Police Federation England & Wales. Criminal investigation against custody sergeant.

Engaged by Police Federation legal team, acting for the custody sergeant's defence to the criminal charge of assault. Report submitted and criminal case withdrawn against officer.

10. Police Case: Northern Ireland Police Federation. Criminal and misconduct investigation against custody sergeant.

Engaged by the Police Federation legal team who were acting on behalf of the custody officer's defence. Detainee died in the police custody cell following intoxication and choking.

11. Engaged by Police Criminal Investigation Department To assist the CID with their criminal investigation into a restraint death by prison officers. Case on-going.

I am a qualified instructor for a variety of use of force topics. These include:

- Conflict management and de-escalation
- Self defence
- Close-quarter combat
- Physical intervention
- Handcuffs
- Soft-cuffs and soft restraints
- Emergency response belts
- SIA (Security Industry Authority) physical intervention skills

I hold BTEC advanced awards for:

- Self-defence instruction
- Safe and effective use of the emergency response belt

- Safe and effective use of restraint equipment
- Conflict management training
- Physical restraint instruction

I have trained Health Care Professionals (HCPs) for their role within a forensic, custody, environment which has included the assessments for fitness to detain, fitness to interview, custody care planning, bail risk assessment, and working alongside police officers.

Safer Custody is a national holistic strategy for providing a common framework of understanding and governance concerning any detained person within the secure or Criminal Justice System, regardless of which agent is currently caring for the person. From point of stop and search/arrest, through police, court and prison custody, and all associated private contractors providing transport services between the agencies.

Safer Custody topics include:

- Use of force and use of restraints
- Custody staff and training requirements
- Custody paperwork
- Risk assessments of detainees
- Risk assessments of cells, buildings and activities
- Information sources e.g. PNC, PER
- Transportation & fleet management
- Management and supervision of detainees – visits, rousing, cell searches
- Equality and person centred care
- Healthcare and medication requirements
- Safe storage and management of medication

- Clinical/ medical settings and staff within custody
- Cell occupancy and cell risk sharing assessments
- Hygiene – bedding, toilets, clothing and cleaning
- Out of cells – showers, socialisation, exercise, interviews
- Food safety – choking assessments and food safety
- Dependencies – alcohol, drugs
- Mental ill health – assessments, medical needs, adaptations, use of force risks, acute behaviour disturbance, excited delirium, schizophrenia, depression etc
- Managing head injuries
- Positional asphyxia
- Infections and communicable diseases
- Technology – CCTV, audio recording
- Multi-disciplinary safeguarding processes
- Custody contingency planning
- Sector specific national guidance – prison Service PSIs & PSOs, Police PACE & Codes of Practice.

The secure custody sector includes:

- the prisons and young offender institutions (YOIs),
- police custody,
- secure transport services,
- court custody,
- immigration,
- child secure accommodation,
- mental health,
- customs custody,

- and military detention.

The UK's three custody areas are England & Wales, Scotland and Northern Ireland.

The three custody areas have their own governance structures, and their own policies and procedures, but they all comply with the European Custody Standards, including:

- The CPT Standards 2015, which are the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment 2015;
- United Nations Mandela Rules (2015);
- United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment (OPCAT);
- UK's National Preventative Mechanism (NPM)

Practices, policies and procedures, along with inspection standards, may be within separate governance structures, but are compliant with each other, and are replicated in many aspects, throughout the different custody areas.

OPCAT was adopted by the UK from 2002, and enforced from 2006. The NPM is an independent national preventive mechanism to conduct inspections of all places of detention and closed environments, and has 21 organisations as members. The UK custody sectors also agree to international inspections by the United Nations subcommittee on prevention of torture. This is known as the SPT. The membership of the SPT is made up of 25 independent people from countries which have acceded to the OPCAT.

I achieved national awards for my custody training programmes and associated work in this area which included the 2012 British Association of Women in Policing, Excellence in Performance, Award and 2018 Federation of Forensic & Expert Witness Award.

I received internal awards such as Assistant Chief Constable and Deputy Chief Constable awards.

Since September 2020 I have been registered with the National Crime Agency as an Expert Advisor for major crime investigative support.

From December 2020 I have released an 8 hours on-line, level 2, certified course: Suicide Prevention Awareness Programme Module: Managing Ligature Risks. This can be found at:

<https://totaltrainltdschool.thinkific.com/courses/suicide-prevention-managing-ligature-risks-in-the-secure-sector>

This is designed for all secure settings including police, prison, immigration, secure transport, secure children accommodation, mental health units, hospitals, customs and military custody.

From December 2020 I have released a 6 hours on-line, level 2, de-escalation and conflict management course which can be found at: <https://totaltrainltdschool.thinkific.com/courses/de-escalation-and-conflict-management>

This is designed for staff working within education, care, or the secure custody sector.

Concerning drink/drug driving and procedures:

Drink/Drug drive procedures are part of the custody portfolio due to the station procedures. All pre arrest contact is part of the 'safer custody' portfolio. The legislation under the Road Traffic Act is under the roads policing portfolio, but overlaps with the custody portfolio.

When I was operational all station and hospital procedures were conducted by a sergeant, so every constable request was conducted by the sergeant. This meant when I was on duty I handled all station and hospital procedures for my policing division. There was hardly a day without a station procedure being conducted and I am likely to have completed in excess of 1000 evidential procedures. I have completed many roadside procedures over my career.

During my police service I also trained as an intoxilyser trainer, completing the train the trainer course at National Police Training, Harrogate. I trained other custody sergeants how to use the intoxilyser and conduct station evidential procedures, including all the MGDD forms.

Following the adoption of 'safer custody' by 2006, the sergeant was removed from the investigative process to keep them impartial and focused upon the care and detention of the detainee.

I taught constables the roadside procedures. By 2006 I was teaching custody staff (sergeants and detention officers) the safer custody aspects of dealing with drink & drug driver cases, and about the supervision of constables at the station conducting such procedures.

I remained involved in custody procedure training and policy until 2013, when I left policing. I have published an article in the Expert Witness magazine concerning drink and drug driving (November 2021).

Concerning Ligature Deaths:

Since 2006 I have trained staff concerning the management of ligature risks. This includes understanding what a ligature point is.

I have conducted custody ligature audits within police buildings and trained other staff how to conduct them.

I have conducted ligature audits within mental health community facilities and special schools.

I have trained trainers, and staff, within the secure sectors and care sectors for managing ligature risks and conducting ligature audits.

I have experience in providing expert witness reports for ligature deaths within the secure sectors and following police bail.

I have designed, and had accredited, a 24 hours, train the trainer, management of ligature risks and conducting ligature audit course. This course has been delivered within the UK and the Republic of Ireland.

I have been engaged by the Scottish Crown Office to investigate ligature deaths in the secure sector.

Concerning deaths during restraints

I have been involved in a public inquiry, coroner's and criminal cases concerning deaths during restraints. These deaths have occurred in hospital settings, police custody, police arrest, and prison custody. As of January 2023 I have been engaged for 8 deaths during restraints.

Disclosure

In 2013 I initiated a tribunal case against Cumbria Constabulary under the Equality Act for failure to make reasonable adjustments. The court found in my favour and I was awarded compensation, however this does not affect my impartiality and duty to the court. I have been engaged on police cases in a variety of ways. I have been engaged for reports by legal teams representing the member of the public claimant; I have been engaged for reports by legal teams/ police federation representing the police officer; I have been engaged for telephone conferences and initial email opinions by legal teams representing the Constabulary/ Professional Standards Departments; I have been engaged by the IOPC (Independent Office for Police Conduct) and have provided training to the IPCC (Independent Police Complaints Commission) concerning custody, and designed an in house IPCC custody training session, for roll out to staff. In August 2020 I designed and provided an e-learning input for Cumbria Constabulary concerning 'Adverse Childhood Experiences and Policing' as part of a wider programme commissioned by them with a business associate of mine. This input is also being used by him for UK wide use. In September 2020 I was accepted by the National Crime Agency (NCA) to be registered on their data base as a Major Crime Investigative Support Expert Advisor.

In May 2019, after giving evidence in a London coroner case concerning police actions, the coroner rang me to state there was no criticism of me or my evidence, and no adverse judicial comment, but she was

going to exclude my evidence due to the issue of bias being raised, and as I was engaged else-where I was unable to return to court that date to clarify the position. This is the only incident of any of my evidence being excluded. The coroner confirmed that my litigation case against Cumbria Constabulary was of a private nature, which she did not require details of, and was excluding my evidence only because I was unable to return to the court to clarify the situation.

In February 2020 representation was made from the legal team representing the Metropolitan Police, concerning potential bias because of my litigation against Cumbria Constabulary. H M Coroner Andrew Harris, Senior Coroner, London Inner South concluded: "The Senior Coroner summarised the gist of these concerns for Ms Caffrey and she provided a full account, which satisfied the senior coroner that there was no reason to suspect bias or a real basis for suspicion of bias in giving evidence in cases involving other police forces. It was noted that the litigation had no relation to operational decisions of police forces. The account contained information of a private nature." And "Neither she nor the senior coroner see any reason that she cannot continue to be instructed in safer custody and restraint cases in future."

Since this incident, I am not aware of any other representations having been made against my instruction for police cases, and have continued to be engaged by legal teams representing both police case claimants and defendants. There has been no adverse judicial comment made against me, or my evidence.

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