

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 & 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 the Greater Manchester Combined Authority (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 & 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 (2019-22). 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. Eryka 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.

Eryka 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 Director of Policing, Crime, Fire and Criminal Justice. Other individuals will be invited as required. All meetings will be minuted.
- GMCA 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 co-operation 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 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.