

# SCRUTINY OF POLICE POWERS PANEL

Case Reviews: 19 December 2017, 9.30am–4pm

## THIRD PANEL MEETING

15 members attended the *Scrutiny of Police Powers* Panel meeting on 19 December 2017, held at Patchway Police Centre.



A reminder about confidentiality and declarations of interest was highlighted by the Panel Chair at the beginning of the panel meeting and the last Panel meeting report was approved for [PCC website](#) publication in the [Reports section](#).

## PANEL MAIN FEEDBACK FOR CONSTABULARY RESPONSE

At the Panel member feedback session, the following points were highlighted:

1. Officers are not switching on their Body Worn Video Camera for all Stop and Searches and Taser incidents. A lot of selected cases had no Body Worn Video Camera footage or no BWV for the main part of the case, only before and after the main incident. This leaves the Police open to criticism. The Panel request that there are more reminders sent to Police Officers to explain the advantages of BWV and that they must be switched on for Taser use incidents and Stop and Searches.
2. The Niche database record states 'BWV? Yes' however in some of the cases reviewed there is no BWV footage stored. Is BWV footage being deleted? Is it because it's not marked as evidential so not retained?
3. The reason recorded for no BWV is often recorded as 'Officer discretion'. If this is a drop-down list answer then the Panel suggest that there should be additional, mandatory narrative to explain the reason.
4. Some cases reviewed have a record description that doesn't match the BWV footage for both Taser and Stop and Search.
5. One case of a section 60 (for a specific geographical area, no grounds required) Stop and Search of 6 people has no BWV footage of any of the searches. Does a section 60 Stop and Search require the BWV camera to be turned off?

6. Some cases reviewed have some good practice regarding BWV in capturing evidence. Some really good oral narrative from some Officers is captured before reaching the location and this allowed the Panel members to understand what is happening.
7. Examples were reviewed of good BWV use, including altered camera angle for better viewing.
8. Police Officers with a calm approach, patient, in control and clear about what is going to happen is seen to result in better results and de-escalation of the situation compared to Officers with a more strident approach. The tone and level of voice and body language, including expressing empathy by Officers appeared to help in cases reviewed.
9. Examples of really good practice has been seen by Panel members, with Officers commended in the cases summarised in the section below.
10. Stop and Search incidents were generally well done by the Police Officers, who were courteous. However, one case of a Taser fired in the subject's back and the 'Taser Taser' narrative stated after firing is of concern. This case is summarised in the section below.
11. The bravery of Avon and Somerset Constabulary Police Officers is seen in the BWV, with some outstanding Officers.

*Police response:*

I would like to take the opportunity to thank the panel again for the vibrant and engaging meeting on 19<sup>th</sup> December 2017. It was great to be part of the first meeting chaired and led by the panel, which is already increasing the volume of cases reviewed and level of scrutiny applied. I welcome this and have looked to address the points raised:-

- 1) It remains a concern that officers are not switching their Body Worn Video camera on for all stop searches and Taser incidents. I have raised this with the directorate lead C/Supt Ian Smith who has sent a forcewide message reiterating his expectation that all stop searches are recorded and saved. Some examples of stop searches highlighted as good practice have been shared with the force to encourage increased use. Chief Constable Andy Marsh has also reiterated this message around the use of body worn video in his latest force blog. I understand that a meeting has also been arranged for the Chair Ev to meet with Andy Marsh in order to discuss this.
- 2) All Body Worn Video is uploaded, however, this is deleted after **30 days** if it is not marked as evidential. As above, the importance of marking footage as evidential has been reiterated by the above Chief Officer messages.
- 3) There is an opportunity for officers to use discretion, however, this should be a considered decision and one only taken in exceptional circumstances. If no footage has been taken, the officer is given the option of four drop downs: 'Officer discretion', 'Camera faulty', 'Camera out of power' and 'No camera available'. If 'officer discretion' is selected, this should be accompanied by a narrative in the log of enquiries explaining the reason for this. There is no mandatory narrative field

for this at present and currently, Niche does not generally have mandatory fields due to the different needs of the forces sharing the platform. However, I will take forward the panel view and explore whether this is something that could be considered. Chief Constable Andy Marsh is keen to “encourage” rather than “force” officers to use body worn video, however, where the panel identify concern regarding ‘officer discretion’ used, I will look to check and test this with supervisors.

4) The Niche record number should clearly match the relevant body worn footage, however, there is room for human error in uploading then marking correctly. In addition to this, in our sub group on the panel there were occasions where the record numbers were attributed to the wrong incident due to misreading. In any case these should be infrequent, however, if a pattern emerges it would be useful to have the relevant reference numbers for these cases to establish if there is a wider issue.

5) A section 60 search does **not** require a BWV camera to be turned off and any searches should be recorded in the same way unless there is a considered and exception reason not to do so. This should be documented.

6) It is great to see the panel highlighting some good practice and I will ensure the feedback is passed to the officers noted in the report. As we discussed at the last meeting, it is also important that we consider the wider learning and this will be a focus going forward. This is the reason for sharing some stop search good practice examples outlined above with the wider force to demonstrate how valuable this is evidentially, and for public confidence. I am also working on a regular report/publication for officers linked to this panel to highlight themes, recognise good work and learning lessons around Police Powers.

7) I would expect to see continued improvement in the quality of footage with greater experience and awareness from the officers. It is good to see that some of these improvements have been noted.

8) The panel has made a valuable observation about the success of different approaches taken by officers over a wide variety of incidents. Whilst each officer will approach incidents differently and independently apply the National Decision Model, it is crucial we recognise what has been observed to de-escalate situations and produce better outcomes. I will feed this into to our continuous learning and development team to consider this within ongoing training. I will also incorporate this within the regular report to assist with wider learning.

9) As above, I am pleased to receive the feedback around good practice and will ensure this is shared.

10) The panel has noted a general theme that Stop Search incidents were generally well done which is reassuring and, again I will incorporate this into my report for officers. Regarding the specific Taser case identified, I have reviewed this as below.

11) I share the panel’s admiration for the Police Officers’ bravery observed in the BWV and again, I will ensure that this is fed back more widely.

Chief Inspector Paul Wigginton, Avon and Somerset Constabulary – Force Duty Officer

## **DETAIL OF THE REVIEWED CASES**

**DW / Case 1: Taser drawn, Bristol area - 5/10/17 – breach of Domestic Violence Protection Order (DVPO).**

Overall appropriate Officer use of Taser?: Yes.

Background information explains why the Taser is used (raised).

BWV viewed. **Police Officer 3996 BANKS** is commended for being calm and persuasive, with a good tone of voice, offering the subject a way to avoid the Taser discharge where handcuffs would be used instead. The Officer adjusts his BWV camera angle so that it is a clear picture of the subject. This is a good example for training.

**Case 2: Stop and Search >JOG - Grounds: section 1 Police and Criminal Evidence Act (PACE), Report of male having made threats with a knife**

9/9/17 Somerset West

Overall appropriate Officer grounds given to Stop and Search?: Yes

A knife was seen by the person reporting the incident. **Police Officer 1458 TIPPER** has a very measured tone during the search, which was considerately shielded from others and discrete. The Officer also deals with the witnesses well.

**Case 3: Taser 26/10/2017. Somerset West**

Overall appropriate Officer use of Taser?: Yes, extremely, including the restraint after the Taser.

Threats to kill and reported by relation and known to carry a weapon. The Panel members found it very useful to read the Niche Police database background notes.

**Case 4: Stop and Search >JOG - Grounds: section 23 Police and Criminal Evidence Act (PACE) Misuse of Drugs Act, Report of interactions with a drug user.**

Somerset East

Overall appropriate Officer grounds given to Stop and Search?: Yes

There is no BWV footage because the Stop and Search was spontaneous and the Police Officer forgot to switch the BWV camera on. The Officer should have used BWV as the justification is contradictory.

Panel query: Does this Police Officer regularly use his BWV camera?

**Case 5: Taser drawn - Police response to a female with a knife who may self-harm.**

Overall appropriate Officer use of Taser?: Yes, entirely.

At the outset the Police Officer is strident and shouting with his hand on the Taser. The subject reacts by shouting too. There is real concern that the subject will cut herself. The Officer knows that

subject. The Paramedic crouches down to the subject's level and calmed the subject. Also the Officer lowered his tone.

The Panel members questioned whether the Police Officer's initial strident approach was helpful. Members have different views: either enter in a calming way or to take control of the subject at the outset.

**Case 6: Stop and Search >JOG - Grounds: section 23 PACE Misuse of Drugs Act, known for driver failing to stop (FTS) in order to conceal drugs. In this case FTS but was blocked in.**

Bristol North 31/8/2017, 11a.m.

Overall appropriate Officer grounds given to Stop and Search?: No. No specific grounds.

No BWV and no background information before the Stop and Search.

The Panel members are very unhappy that the Stop and Search record is very limited and incomplete and there is a lack of information.

**Case 7: Stop and Search >JOG - Grounds: section 23 PACE Misuse of Drugs Act. Known area and supplier of class A drugs.**

Somerset East

Overall appropriate Officer grounds given to Stop and Search?: Yes.

No BWV because of "Officer Discretion". The Panel don't know the reason for this discretion. The Panel are concerned that 'Officer Discretion' is the norm. The Panel suggest the addition of a longer explanation should be mandatory in every case that 'Officer Discretion' for no BWV is stated.

**Case 8: Taser red dotted.** A female subject and threat with a knife.

Overall appropriate Officer use of Taser?: Yes.

There is good de-escalation from the female Police Officer who expresses concern for the subject's welfare. A good example in this case of audio on the BWV, where the Officer is explaining their actions. The witnesses are well managed.

**Case 9: Stop and Search >JOG - Grounds: section 23 PACE Misuse of Drugs Act. Subject found with known drug dealer within the address. One male who was stopped immediately before Officers entered the address had just left the address and when this subject was searched, wraps of class A drugs were found hidden in groin area and said that there were more drugs in the address.**

Bristol

Overall appropriate Officer grounds given to Stop and Search?: Yes.

No BWV because of "Officer Discretion". This is a commonly used narrative. However, this is a proper Stop and Search based on the information available.

**Case 10: Taser.** A female subject telephoned for a Ambulance and is very upset.

Overall appropriate Officer use of Taser?: Yes.

The Police are very patient. When access is gained the subject had cut her legs with scissors. The **Police Officer 4496 PERKINS** spoke for audio that he was drawing the Taser. He had fully investigated the background from Ambulance Staff. His voice is very calm and caring after the Taser use and the Officer is fully in control of the situation. This case is a good example of best practice.

**Case 11: Stop and Search >JOG - Grounds: section 23 PACE Misuse of Drugs Act. Male was almost passed out, drooling and not with it, he had a bong and a lighter by his feet. He was suspected to be under the influence of 'Spice' and may have more drugs on him.**

Somerset West

Overall appropriate Officer grounds given to Stop and Search?: Yes, the subject's condition justified the drugs search and he understood the reason for it. However, no BWV is of concern in such a situation.

No BWV reason given as "Officer Discretion". The Officer justified the Stop and Search to see if the male had more drugs, particularly with which to self-harm. The Panel members agree. However, members are not happy that the Police Officer has opted to **not** use BWV and selected 'Officer Discretion' as the reason.

**Case 12: Stop and Search >JOG - Grounds: section 23 PACE Misuse of Drugs Act,** positive trace of cocaine on the drugs analysis hand swab.

Bristol North

Overall appropriate Officer grounds given to Stop and Search?: Yes.

No further comments from Panel members.

**Case 13: Taser drawn.** Domestic incident. Somerset East.

Overall appropriate Officer use of Taser?: Yes.

BWV is used. The male is dealt with very calmly by the Police Officer and then the male suspect, unprovoked, attacks the Police Officer. This incident is well dealt with, promptly and the male is warned regarding the possible use of Taser. The use of PARVA was not seen when the Panel members viewed the BWV.

**Case 14: Stop and Search >JOG - Grounds: section 23 PACE Misuse of Drugs Act, Male ran from Police when approached in an area where intelligence suggests Class A drug dealing occurs. Later the male was found hiding in the garden of a private dwelling.**

Somerset East

Overall appropriate Officer grounds given to Stop and Search?: Doubted

BWV is switched on from the time the search started to when the subject is handcuffed.

Panel members query whether running away from Police in a drug dealing area is sufficient grounds to justify a Stop and Search.

**Case 15: Stop and Search >JOG - Grounds: section 1 PACE Stolen goods suspected. Subject changed direction on seeing Police and his clothing appeared to be bulging. Also, recently identified on CCTV and reported as acting suspiciously by Retail Staff.**

Somerset West.

Overall appropriate Officer grounds given to Stop and Search?: Yes.

The Police system states BWV? Yes. However, none could be found.

**AS Case 16: Stop and Search BAME and >JOG. Grounds: section 23 Misuse of Drugs Act. Four males stopped within a vehicle. All behaving furtively by refusing details, then providing false details, failing to account for presence in area they do not reside, acting very nervously and smell of cannabis emanating from within the vehicle. Males appeared to be under the influence of cannabis, with red eyes and slurred speech.**

Bristol

Overall appropriate Officer grounds given to Stop and Search?: Yes. Grounds for search are regularly given and the process was followed, with rights given and Officers were in control.

Cannabis found. This is the first case viewed by the members where drugs or an item searched for has been found.

The Panel members are unsure if the subjects understood as their English is limited. However, it was considered to be dealt with well in terms of the apparent language issue.

Question: Why are there Plain Clothed Police Officers involved in this case? Should they identify themselves?

Questions: The Panel members did not see footage of the vehicle being searched. Would this be at the location or elsewhere?

**Case 17: Taser and Stop & Search BAME. 26/9/2017 8.25p.m.**

Overall appropriate Officer use of Taser?: Yes.

Overall appropriate Officer grounds given to Stop and Search?: Yes.

The subject's welfare was considered by the Police Officers. However, the language difficulties haven't been considered. The male is cooperative so the handcuffed search is questioned by members. The BWV footage is unclear.

### **Case 18: Taser and Stop & Search BAME.**

Overall appropriate Officer use of Taser?: No Taser? Or perhaps this had happened before the BWV was switched on, or before the Police Officer with BWV arrived at the scene?

Overall appropriate Officer grounds given to Stop and Search?: Grounds not specified.

Male ran away from Police and threw a bottle at Police Officers, hence Taser deployed. However, the search is carried out but there is no BWV footage of the subject being told or advised of his rights, nor the grounds for the search.

Good narrative on arrival at the scene. The **female Officer** is very polite - firm but fair – and very engaging, constantly communicating with the subject.

A lot of Police Officers. There is a language barrier and it is unclear whether or not the subject understands why he is under arrest.

This case is quite serious because had there been footage on the Taser use then this would have helped the case. A key theme: there is no crucial BWV footage, only peripheral BWV on the incident.

**AS Case 19: Stop and Search BAME. Grounds: section 1 Bladed item. Males, known gang members, and involved in drug dealing in one area. Seen in a taxi travelling in another area which is troubling due to the ongoing gang tensions between the areas. Stabbings last night and people on the Streets with machettes.**

Bristol

Overall appropriate Officer grounds given to Stop and Search?: Unsure.

The legal power stated in the Stop and Search record states section 1, searching for a bladed item. However, the power stated in the Niche database is section 60: A Stop and Search in a specific geographical area where serious disorder may take place and Search grounds are not required.

Panel members recognised the clear tensions, drawing a crowd, and positive points of note are the way **the main Police Officer de-escalated the situation. Also, the PCSO helped deal with the female subject.**

This female was taking photos with her mobile phone and is antagonising the situation. Perhaps the female needed to be talked to by a Police Officer to explain the situation. One Officer appears riled and responds to taunts.

Panel request:

To pass **positive feedback to the Firearms Officer** who defused the situation and withdrew.

To pass **feedback of concern to the Police Officer** with the BWV who appeared to escalate the situation.

Question: Why was the female not dealt with (such as away from the scene) with as she escalated the situation?



Queries: The BWV footage is not referring to the actual incident, i.e., there is no BWV footage of any of the 6 people searched. There are Firearms Officers but only one BWV camera switched on?

#### **Case 20: Taser red dotted and Stop and Search**

Overall appropriate Officer use of Taser?: Not known. No BWV of the Taser use.

A 999 call, public order incident. A fight, no weapons reported. However, the dog unit is deployed. A knife and hammer are used and found. There is a group of youths.

Positive point: The Officer concern for the welfare of the young person is good and the person is treated respectfully. However, the BWV footage is not very clear and there is no BWV footage of the Taser use, which suggests that the BWV is not switched on at the critical time.

Question: Why is there no BWV footage of the key incident, i.e. the Taser red dotting?

The case is one word against another's. If BWV had been switched on then there would be less chance of the one word against the other stalemate. 'Officer discretion' for not switching on the BWV should be analysed.

#### **Case 21: Stop and Search BAME. Grounds: section 23 Misuse of Drugs Act.**

**Plain Clothes Officers spotted the vehicle acting suspiciously, driving around with three passengers fidgeting. When stopped, suspect BENT, Junior advised he thought he may have drugs on him.** Bristol

Overall appropriate Officer grounds given to Stop and Search?: Unknown.

Note: There is a mismatch. The case is not being categorised as per the record.

There is no BWV of the Stop and Search. The footage is not really relevant to the case record.

**Case 22: Stop and Search BAME. Grounds: section 23 Misuse of Drugs Act. The subject was passenger in a car and was seen talking to a known drug dealer in the area. When Police requested the car to stop, the car failed to stop and made away dangerously through a heavily populated part of the town centre, resulting in an authorised police pursuit.**

**Passengers in the car were also seen discarding items during the chase.**

Bristol

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Good narrative by the **Police Officer Sergeant GREEN**, talking through the points of the car chase. The subject is handcuffed and the situation is brought to control by the Officer. Grounds for the search are stated, as well as advice about the record copy and BWV recording. The reason for the arrest is also stated. The subject is made aware of the BWV camera by the Officer and clear instructions are given.

This case is highlighted by the Panel members as a good example of BWV use and a professional stop and search by the Police .A 'well done' to the Police.

**Case 23: Stop and Search BAME. Grounds: section 23 Misuse of Drugs Act. Suspect has ran away after seeing the Police. Strongly known for gang affiliation and drug dealing.**

Bristol

Overall appropriate Officer grounds given to Stop and Search?: Yes.

The male was detained after a foot-chase and taken to the local Police Station. Charged with being in possession of cannabis but not charged about the knife. . Paper records only. No BWV so a lack to knowledge of the case.

**Case 24: Taser drawn**

Overall appropriate Officer use of Taser?: Yes.

There is a foot chase and **the Police Officer** has control of the situation, demonstrating authority without force and explains his purpose. Then the Taser is drawn. A section 32 search is identified. However, the Officer appears unsure of what items were stolen. The Niche information helped give Panel members more context.

Questions: Was it possible to knock on the door first?

Under what grounds can the Police knock down a door?

The female is compliant so is there any need for the Taser being drawn?

The Officer is alone so has there been a risk assessment in addition to the Officer's thought process of the National decision making model?

**EW Case 25: Taser fired 3/11/2017 5.44 a.m. – Viewed by all Panel members.**

Overall appropriate Officer use of Taser?: No. Panel request for BWV to be reviewed by a Chief Officer and to comment on the procedure used.

The male is agitated and seems under the influence and aggressive to neighbours. He is a known offender with a history of violence, ABH and child abuse. There is a child in the house and a victim previously was hospitalised. The incident has been going on for over an hour before the Police arrive. The initial contact by the **Female Police Officer** demonstrates a good de-escalation technique.

The suspect appears to gain control – over 40 minutes – and it seems too long before any Police action is taken. The suspect is allowed to enter the kitchen and return to the door – he could have got a knife. The Officers allowed the subject to pick up the child from the mother in the kitchen where there were knives. Officers say 'Taser Taser' after the Taser is fired and shot the subject in the back. At the point of the Taser shot the suspect was annoying but not aggressive.

Question: If the Officers spotted blood (?) on the work surface, why would they not enter the house at that point?

**Case 26: Taser fired 11/11/2017 9 a.m.**

Overall appropriate Officer use of Taser?: Yes.

The **female Police Officer** worked to calm down the person before deploying the Taser. The Police Officer didn't hesitate to pursue the person as he ran from the house.

Unfortunately the BWV camera angle is too high at Taser deployment.

**Case 27: Stop and Search (under 16s). Grounds: section 23 Misuse of Drugs Act.** Male in an address with several drug users. Intelligence received that male had drugs plugged and strong smell of cannabis.

Bristol

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Drugs found. No discrimination or bias and fair. Correct Officer decision.

Question: Why has 'Officer Discretion' been stated for not using BWV? The Panel members believe that BWV should be switched on for all Stop and Searches, especially when dealing with young people under 16 years of age. The angle of the camera could be moved as appropriate.

**Case 28: Stop and Search (under 16s - not linked as searched). Grounds: section 1 PACE.**

Known vehicle crime area. Hanging around with no reason to be in the area.

Bristol 25/10/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes. The Police Officer identified themselves to the persons being searched and completed the Stop and Search in the correct manner. However, the BWV it is very poor quality and too dark to view.

'Officer discretion' stated for not using BWV. This may be due to the lack of light but additional reason narrative would clarify this point.

**Case 29: Stop and Search (under 16s - not linked as searched). Grounds: section 23 Misuse of Drugs Act.** Males seen running from a location following a disturbance, believed to be drugs related. Males continued to run from Police until detained at location.

Area not recorded. 6/11/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Good use of Stop and Search policing tool.

Question: Why is 'Officer discretion' stated for not using BWV?

**Case 30: Stop and Search (under 16s - not linked as searched). Grounds: section 47 Firearms Act.** CCTV viewed a Youth with a gun in the street. Police directed to this Youth.

Somerset West. 29/9/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Question: Why is 'Officer discretion' stated for not using BWV?

**Case 31: Stop and Search (under 16s - not linked as searched). Grounds: section 1 PACE. Male identified as decamping from a vehicle that had failed to stop for Police and had led officers on a 20 minute pursuit. Vehicle has no keeper on Police National Computer (PNC) and is suspected stolen.**

Somerset West. 13/10/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Question: Why is 'Officer discretion' stated for not using BWV?

**Case 32: Taser red dotted 28/11/2017**

Overall appropriate Officer use of Taser?: Yes.

Very drunk male who was **treated fairly by the Police Officer**, with good communication and a good outcome. No negative points.

**Case 33: Taser 21/11/2017**

Overall appropriate Officer use of Taser?: Yes.

Taser not used. The **Police Officer** acted in a polite manner.

Question: Why was the flat searched?

**Case 34: Taser 19/11/2017**

Overall appropriate Officer use of Taser?: Yes.

The subject armed himself with a knife and has a history of mental ill health, believed to be suicidal. BWV shows the male in the kitchen with a knife and blood on his arm. He also threatens further self-harm.

**The Police Officers** demonstrate great patience, trying to talk the subject down. The Officers work well as a team in a difficult situation in which no crime has been committed. A welfare and safeguarding incident, protecting the male from self-harm.

**Case 35: Stop and Search (under 16s). Grounds: section 1 PACE. The subject matches the description of trespassers on a construction site.**

Bristol. 26/10/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Good use of the Stop and Search tool. Carried out in good order by the **Police Officer**.

Question: Why is the BWV deleted (Auto bot..)?

**Case 36: Taser 11/11/2017**

Overall appropriate Officer use of Taser?: Yes.

Domestic Abuse situation. Victim unlikely to support proceedings. BWV is needed to record and to support a prosecution case in the absence of a victim's statement. Knife mentioned.

**The Police Officer** gave a good running commentary, including a warning 'Officer with Taser'. The situation is brought to an end quickly and appropriately.

**Case 37: Stop and Search. Stopped for drug possession.**

17/12/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes.

A drugs education program is offered to the male which is positive action by **the Police Officers**.

No negative points.

**Case 38: Stop and Search (under 16s). Grounds: section 1 PACE. Reports that 2 males seen entering an abandoned building.**

North Somerset. 31/10/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes. However, there is no BWV

Males detained when leaving the building. Nothing found during the search for any items regarding theft, burglary or criminal damage.

**Case 39: Stop and Search (under 16s). Grounds: section 23 Misuse of Drugs Act. Persons seen by witness to be using drugs. Found under the influence of controlled substances and a with a bong.**

North Somerset. 25/10/2017

Overall appropriate Officer grounds given to Stop and Search?: Yes.

Good use of Stop and Search and BWV. No negative points.

*Police response:*

Thank you for the opportunity to comment on the cases reviewed by the panel. As previously stated, the number of cases now being reviewed has increased greatly and I would anticipate this being a continuing trend. I will look to comment on the cases raised proportionately during this report, however, if any need to be discussed in further detail please raise this at the next panel meeting:

Cases 1 – 3 : Positive feedback noted - this has been fed back to the relevant officer and incidents noted as good practice.

Case 4 : The Niche record indicates the officer forgot to turn on the BWV camera. Having reviewed the officers' uploads, it would appear that they have uploaded footage for a number of other incidents indicating that they do use the camera regularly.

Case 5 : Positive feedback noted with thanks.

Case 6 : Concerns of the panel noted regarding lack of detail. Having reviewed the record, this describes the male driver attempting to make off from officers and recent intelligence received to suggest the male takes this action to conceal drugs. As such, the stop search was conducted with a negative result. However, the record does lack in detail and officers have not recorded this on BWV camera – this has been fed back to the officers via their supervisor for learning. I will take this forward as wider learning as part of my communication.

Case 7 - 13: The panel generally agree with the stop searches and use of Taser. I have noted there are continued common themes raised around lack of body worn footage and the use of “officer discretion”. This will be incorporated in the wider communication. The panel have identified good practice in case 10 and I will ensure this is fed back to the relevant officer.

Case 14 : Concerns of the panel noted regarding grounds to conduct the stop search. Section 23, Misuse of Drugs Act 1971 states “*if a constable has **reasonable grounds to suspect** that any person is in possession of a controlled drug*”. The guidance for officers states “*The mere appearance of a person is not sufficient - there must be something about their manner, deportment, conversations and the surrounding circumstances which afford that suspicion*”. In this case the officers describe their grounds as “*male ran from Police when approached in an area where intel suggests class A drug dealing, later found hiding in the garden of a private dwelling*”.

My view is that these circumstances could provide reasonable grounds to suspect. Do the panel have any recommendations for the Police to consider in relation to this for wider learning?

Case 15 : No specific comments noted although the panel agree the actions were appropriate.

Case 16 : Positive feedback noted with thanks. The plain clothes officers are “pro-active” officers which we sometimes deploy as a tactic to identify illegal or suspicious activity without alerting suspects to our presence, something that is often frustrated by our use of a marked vehicle and uniformed officers. These officers should identify themselves when dealing with suspects which they appear to do on this occasion. There appears to be no footage of the vehicle being searched which should have been retained alongside the other searches.

Case 17 : Panel comments around recognising language difficulties are raised as a common theme and I will incorporate this into my wider messaging.

Case 18 : The panel raise a query about no Taser deployment seen in the BWV. Taser was definitely deployed by the officer due to having items thrown at him by the suspect and aggression shown. The BWV camera was not switched on in time to capture this but clearly should have been, however, the officer has turned on the camera as soon as practicable afterwards. I have reviewed the officers uploads and it is clear he uses the BWV camera regularly.

Case 19 : The panel raise an observation about the 2 x Police officers involved and their different approaches. The positive comments are noted about the firearms officer and I will ensure I feed these back. I note the panel view that the primary officer shown in the BWV appears to escalate the

situation which I concur with. I will ensure this is fed back to the officer via their supervisor for learning and understanding. This will also form part of the wider communication.

Case 20 : Positive comments noted regarding the treatment of the young person. Panel comments about the lack of BWV footage at the key time are valid and a common theme, however, again I appreciate that it is not always practicable for officers to switch on immediately depending on the situation. This will form part of the wider learning communication.

Case 21 : I note the panel view that the footage is not relevant to the case record. Having viewed the footage again, this does relate to the same incident, however, again the BWV does not capture the entire incident. Drugs were found during this search and the suspect was charged with the relevant offence of possession. This common theme will form part of the wider learning communication.

Case 22 : Positive feedback noted - this has been fed back to the relevant officer and incident noted as good practice.

Case 23 : No BWV footage although the panel agreed the actions were appropriate. Common theme will form part of the wider communication.

Case 24 : I note the panel generally agreed this was an appropriate use of Taser, however, there were also some queries. Having reviewed the questions raised by the panel, I can confirm that the officer sighted the female who was known to be wanted on suspicion of Burglary and had been outstanding for some months. The female ran from Police who chased her to this address – whilst it would be possible to knock on the door, the female had already shown that she did not intend to comply with officers and to delay entry would increase the risk of escape. Section 17 of PACE allows that "...a constable may enter and search any premises for the purpose – "of arresting a person for an indictable offence;". The officer states "I could see weapons everywhere" and has therefore declared himself as a Taser officer, however, as the female quickly gave up this was not used. In hindsight the Taser was possibly not needed, however, the officer could not know this upon attending. Does the panel have any recommendations for consideration in relation to this matter?

**Case 25** : This incident gathered the strongest swell of opinion from the panel during the meeting. The panel concerns were that the Taser is fired into into the back of the subject, and that the subject was "annoying" but "not aggressive". During the panel meeting I was shown the deployment of the Taser, however, not the build up to this or the background. As such I have reviewed the incident and referred this incident for review to a Taser trainer within the force, **PC Ross WILLIAMS** and also the force lead for Taser, **Superintendent Paul MOGG**.

Firstly reviewing the statement of the officer who discharged the Taser, he attended after the commencement of the incident. He has responded to a request for assistance from officers at the scene of a domestic incident where the male party had shouted "that he would stab Police Officers".

Upon arrival the officer states he heard the male threatening "If you think I'm going to jail it will take more than you!".

Due to these threats, at this point the officer removed his Taser from its pouch and held it in a discreet carry position behind his back in case of need. The male kept making threats that "he would fight us if anyone touched him."

The officer states that the male went into the kitchen and picked up the child and at this point, the officer could see a yellow plastic handle sticking out of his jeans back pocket which he believed to be a knife. He states the male stepped back into the front garden and that other officers were "effectively putting a loose cordon around him".

Another officer arrested the male, at which point he continued to threaten that "if anyone touched him he would be fighting us."

The officer then states "Due to ongoing threats to harm any police officer who touched him, the fact that he had threatened to stab an officer and that he had a knife on him and there was no guarantee he did not have another one on his person. In order to protect myself and my colleagues from any harm I decided to take the opportunity to engage him with my Taser as soon as an appropriate shot area presented itself". He states the male turned back to shout for the female in the address and his back was facing him. At this point he fired the Taser into the large muscle groups on his back.

**PC Ross WILLIAMS** has reviewed the incident as follows:

*In my opinion we should always be looking to diffuse a situation in a timely way, and with specific regards to Taser, a pre-emptive deployment is something that can never be ruled out.*

*In this particular incident the male in question throughout the footage shows high levels of verbal and passive resistance.*

*Although he has not shown any levels of physical violence the threat remains through his communications, in particular with the arresting officer.*

*"I guarantee it's going to take more of you"*

*This in addition to his refusal to being handcuffed compliantly would lead me to believe that if any one of the officers present were to attempt handcuffing, he would have more than likely shown active and physical resistance thus posing a greater risk of injury to the arresting officers as well as himself.*

*Options and contingencies considered: (Trainers view)*

*UDT – Large male, likely to be aggressive owing to threats made. High risk of injury to subject and officers.*

*Nearby gates. Risk of positional asphyxia during restraint if on ground level.*

*PAVA – Too many officers present, risk of cross contamination. Likely recovery time of subject up to 30 minutes. No guarantees of having an effect or an ability to then safely handcuff.*



*ASP – Risk of long term primary injury to subject (Potential for broken bones), Minimal Strike Arc (risk of injuring other officers)*

*TASER- Use of Neuro muscular incapacitation. Localised pain to barb entry points. Full lock up of muscles causing subject to fall. Handcuffing under power can then commence which allows handcuffs to be applied with minimal resistance. Normal estimated recovery time – 10 seconds.*

*There is always a risk of secondary injury, however in this case it would appear the subject is caught and helped to the floor limiting the risk of head injury.*

*The use displayed is of a covert nature and is one we demonstrate within the Taser lesson plan for “Cuffing under power”*

*The lesson focuses on taking a subject by “surprise” who is offering immediate violence or is threatening the use of it.*

*The shot here is aimed above and below the belt line (usually from behind) which focuses on using maximum incapacitation between two large muscle groups.*

**Superintendent Paul MOGG** has reviewed the incident as follows:

*Firstly it is clear the officers are cautious in dealing with this male who, in build, presents as a powerful male.*

*Even when officers are in a 5 on 1 situation with the male, officers are evidently extremely wary.*

*The male has indicated an intent to harm the officers, it was unknown whether the male had a knife, however, he was making threats to stab officers. In addition to this, the male is intimidating a vulnerable female victim and at one point uses a child as a shield.*

*The incident is allowed to go on for too long, however, it must be noted that due to the time of the morning (around 0430hrs) officers are at their lowest ebb.*

*In relation to the consideration of whether officers should have “arced” the Taser as a warning, firstly the male is clearly under the influence and is not a rational individual. In addition he has a focused mindset and the concern is that if this did not have the desired effect, it would have almost certainly led to the male striking out at one of the officers due to their close proximity. If the officers had tried to use alternative options including ASP, or putting hands on the subject this would have almost certainly ended in injury for the officers or subject – This was an appropriate use of force and produced a good outcome with no injuries caused to any party.*

Although the incident has been reviewed and this is deemed to be appropriate action it is still important that we understand areas to learn from and improve. Can the panel please therefore consider the above review of this incident, and consider whether there are still panel recommendations that we can implement within training. Please can this be raised for discussion at the next panel meeting?

Case 26 – 39 : The panel generally agree with the stop searches and use of Taser. I have noted there are continued common themes raised around lack of body worn footage and the use of “officer discretion”. This will be incorporated in the wider communication.

Chief Inspector Paul Wigginton, Avon and Somerset Constabulary - Force Duty Officer

### **Assistant Chief Constable Steve Cullen: Introduction**

ACC Cullen said that he has a genuine interest in the appropriate use of Police powers. He is very proud of the British Policing model and generally unarmed Police Officers. ACC Cullen wants to hear what the Panel want to say regarding police legitimacy. He is the lead for spit guards and looks forward to working with Panel members.

With reference to Police resourcing, ACC Cullen recommends the reading of the Tipping Point report.

### **Chief Inspector Paul Wigginton: Last Panel report review**

C.I. Wigginton ran through the Constabulary’s responses to the points within the September 2017 Panel report.

Panel member questions (with answers) and comments included:

- Police Officers switching on their Body Worn Video camera (BWV) is not mandatory but it should be on for Stop and Search and for any other case likely to have scrutiny.
- Initial Officer training is provided regarding special needs. However subsequent training every 3 years was considered inadequate as the Police often respond to vulnerable people before the Ambulance.
- General feedback point 5 regarding reviewed case 15 in the September 2017 Panel report was discussed again. In order to build community confidence, the Panel want to know what learning has been achieved from the Panel’s issues. It is important that the Constabulary don’t become defensive of the Panel’s feedback. There was still great concern about case 15. Officers appeared to be looking for a way to arrest the male for something. The Panel do not understand what justification the officer had for his approach. BWV should be mandatory to be switched on in all cases for the protection of the people. It was suggested that there should be a penalty on the Officer if it isn’t done. Panel feedback goes to the Police Officers and is shared wider, for any learning, where appropriate.
- A Panel member suggested that the Panel may want to review paper reports for Taser Use (as occurred for the previous Taser Use Scrutiny Panel). However, another member said that scrutiny based on written document may be alright but BWV is far more valuable for objective review.

- Awareness of disproportionality with Stop and Search of Black, Asian and minority ethnic (BAME) people was highlighted, an area for ongoing work.

### **Superintendent Mark Runacres: Use of Force Lead - data**

Supt. Runacres explained that there has been a national requirement since 1 April 2017 to publish quarterly data on Police Use of Force and the Shaw review includes recommendations.

April to June (Quarter 1) and July to September 2017 (Quarter 2) Use of Force data is published on the Police website:

<https://www.avonandsomerset.police.uk/about-us/publication-scheme/what-our-priorities-are-and-how-we-are-doing/use-of-force/> .

There is Police Procedural Guidance and the National Decision Making (NDM) model – a thought process for Police Officers before responding to an incident and prior to any use of force.

Panel member questions (with answers) and comments included:

- The use of Police Horses is recorded if there is an incident, e.g. use of force for a Football match crowd control.
- Limb/body restraints are Velcro strips and include carrying someone. Training is part of annual Public Protection Unit (PPU) refresher training which includes a assessment. The next training sessions are in January and February 2018, including spit guard use. Training includes welfare awareness. ACC Cullen added that Avon and Somerset Constabulary employ thousands of people – and they are *people* – and they have the best training he has ever seen. They have a home life and have to make split second decisions. Avon and Somerset Constabulary is an organisaiton open to learning and feedback. It is not a racist organisation. Reports are now openly published and Officers are under scrutiny. ACC Cullen is striking a balance of scrutiny versus Officer welfare under very difficult situations. It is important that Avon and Somerset Constabulary provide narrative around the statistics published. Members of the public are often surprised how low the use of force is, for example Taser use. BWV should be on, for additional security for all involved. Use of force is rarely used for the vast majority of public interaction. Stop and Search incidents have greatly declined. There is more scrutiny and more National Decision Making thought processing.
- In response to the question whether Officers have pre-concieved ideas and stereotypical views, ACC Cullen said that we all have unconscious bias. The calibre of Officers and training from the outset, including induction training, is all around values and respect. Not just the law as it used to be in the past. There will still be some erros and bias so no-one is complacent. Avon and Somerset Constabulary have responsibilities regarding Standards of Professional Behaviour, the Code of Ethics and disciplinary processes.
- Panel members want to change disproportionality. ACC Cullen said it is accepted that there is disproportionality and the Constabulary have got to understand why. There is unconscious bias training for Officers and secondary to this, there is training on how to use policing tools.

Supt. Runacres provided a powerpoint presentation including ethnic disproportionality for Avon and Somerset Constabulary compared to other Forces. This included local Constabulary statistics as follows:

	Asian	Black	White
Demographics:	2%	2%	93%
Use of Force:	2%	9%	86%

57.7% of Stop and Searches are on subjects between the age of 18 and 34.

Future Officer training will concentrate on de-escalation of aggression situations. Panel members commented:

- This is useful for people on the Autism spectrum.
- It is positive that use of force data is being collated and published nationally.
- Training skills of BAME Officers and Officers with protected characteristics are used.
- Spit guard use reasons and myth busting about diseases and infections is required. Guidance is awaited.
- The Ebrahimi report was discussed, including the PCC's Service Delivery Assurance panel in Spring 2018, involving the PCC, Bristol Mayor and Stand Against Racism & Inequality (SARI), with guest panel member Adeela from the Scrutiny of Police Powers Panel and another member of the PCC's Independent Residents Panel.
- Regarding any breakdown by individual Officer for unconscious bias concerns, Supt. Runacres said that there is a Custody Use of Force Scrutiny Panel, but more needs to be done.

## STATISTICS

### Stop and Search:

From 1 September to 30 November 2017 (3 months) there were 1392 people stopped and searched.

- The use of stop and search in Avon and Somerset Constabulary was over 25,000 in 2012.
- Since then the Constabulary has carried out a major review of stop and search to ensure it is used proportionately and is intelligence-led.
- In the 12 month period up to 1 December 2017 there were 5751 people stopped by Avon and Somerset Constabulary – a reduction of over 70% since 2012.
- The number of stop and searches by Avon and Somerset Constabulary per 1000 population for 2015/2016 is 3.4 which is significantly below the England and Wales Force average of 4.8.
- 13.3% of stops in the last year were on BAME individuals. This is more than double the Avon and Somerset Constabulary percentage of BAME population reported in the 2011 census and the stop and search figures for Black individuals are more disproportionate still.

- The subsequent outcome rate of those stopped has also more than doubled over the period since 2012 and now stands at 24% for the last 12 months.

The Police webpage for Stop and Search is:

<https://www.avonandsomerset.police.uk/advice/neighbourhood-and-community/stop-and-search/> .

and there is a microsite at: <http://stopandsearchthetruth.com> .

The 'Know your rights' Stop and Search card and information is also on the PCC's website at:

<http://www.avonandsomerset-pcc.gov.uk/Feedback/Stop-and-Search.aspx> .

The Police provided the PCC's office with a report of all Stop and Search incidents (including the grounds for the Stop and Search) for the following three categories (with some duplicates across categories):

- **Where the subject is less than 16 years of age – category <16 (103);**
- **Where more than the jacket, outer coat or gloves are removed – category >JOG (95);**
- **Where the ethnicity is either not stated or it is BAME – category BAME (210).**

From the reviewed cases, less than 50% of the Stop and Search cases had associated Body Worn Video (BWV) camera footage, this is a disappointing decrease from around 50% at the last Panel meeting 3 months ago. 'Officer discretion' is typically stated on the record for no BWV.

### **Taser:**

The Police webpages for Taser and Use of Force data are:

<https://www.avonandsomerset.police.uk/about-us/publication-scheme/what-our-priorities-are-and-how-we-are-doing/taser-statistics/> .

<https://www.avonandsomerset.police.uk/about-us/publication-scheme/what-our-priorities-are-and-how-we-are-doing/use-of-force/>

<b>No. Taser Deployments – 1 April to 4 December 2017</b>										
<b>Area</b>	<b>Apr-17</b>	<b>May-17</b>	<b>Jun-17</b>	<b>Jul-17</b>	<b>Aug-17</b>	<b>Sep-17</b>	<b>Oct-17</b>	<b>Nov-17</b>	<b>Dec-17</b>	<b>Total</b>
Bristol Policing Area	8	15	18	30	27	18	28	13	1	158
North East Policing Area	10	3	7	14	10	10	5	11	1	71
Somerset Policing Area	17	26	16	20	18	25	28	34	1	185
Out of Force			1				1			2
<b>Total</b>	<b>35</b>	<b>44</b>	<b>42</b>	<b>64</b>	<b>55</b>	<b>53</b>	<b>62</b>	<b>58</b>	<b>3</b>	<b>416</b>

Taser Use Breakdown					
Use Type	Bristol	North East	Somerset	Out of Force	Total
Drawn	138	62	173	2	375
Arced	3	0	3	0	6
Aimed	94	46	122	2	264
Red Dotted	113	47	130	2	292
Fired	13	8	26	0	47
Drive-Stun	1	1	9	0	11
Angled Drive-Stun	0	0	5	0	5
Not Stated	0	0	0	0	0

Subject Ethnicity		
Ethnicity	Bristol	Total
White	121	357
Black (or Black British)	26	37
Asian (or Asian British)	1	4
Chinese	0	0
Mixed	8	12
Other	1	2
Don't know	0	2
Not Recorded	1	2

## CASE SELECTION AND REVIEWS

The cases for Panel members to review were randomly selected during the meeting from September 2017 to 19 December 2017 for BWV footage recorded for Taser use incidents and from the printouts of all September, October and November 2017 Stop and Search encounters within the three requested categories of: under 16s; more than the removal of jacket, outer coat or gloves; and BAME.

Panel members divided into three sub-groups and watched and gave individual comments on the body worn video camera footage for a total of 39 cases of Stop and Search and Taser use. Panel members also completed case feedback forms, scanned and stored as the raw data source.

**ACTIONS – New and outstanding**

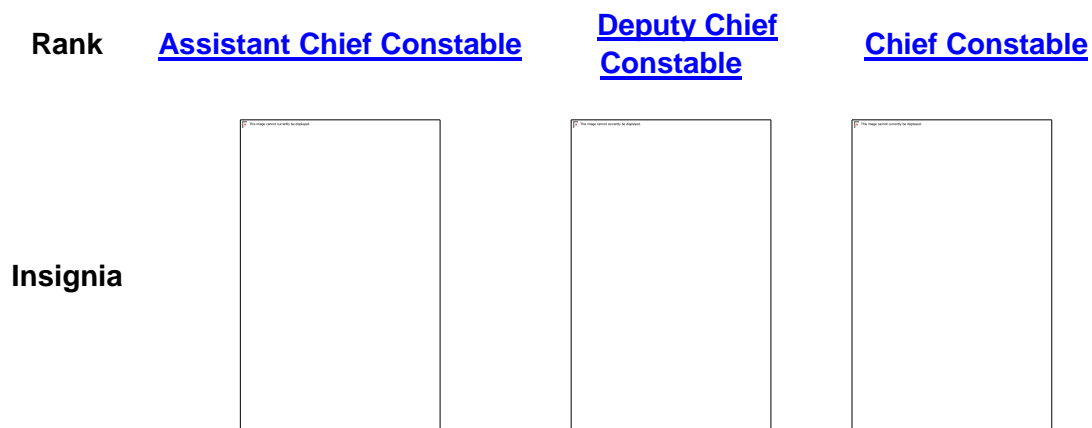
**Action 1/Dec17 completed: Circulate the Tipping Point report.**

**Action 2/Dec17 completed: Circulate Police Officer ranks and insignia.**

U.K. Police ranks (up to Chief Superintendent)



U.K. Police ranks (Chief Officers)



**Action 3/Dec17 completed: Annual Review of the Panel’s Terms of Reference**

The next review of the Panel’s Terms of Reference is scheduled for the Nov 2018 meeting.

**Action 4/Dec17 completed:** Two Panel members’ recommended the book: ‘Why I’m no longer talking to white people about racism’ by Reni Eddo-Lodge.

**The next Panel meeting** is on Tuesday 27 February 2018 at Police HQ, Portishead.