

# SCRUTINY OF POLICE POWERS PANEL

Case Reviews: Tuesday 13 June 2017, 10am–4pm

## FIRST PANEL MEETING

A warm welcome was extended to all 18 members (photograph below) attending the first *Scrutiny of Police Powers* Panel meeting on 13 June 2017, held at Portishead Police Headquarters.



The Police and Crime Commissioner's Chief Executive Officer (John Smith) chaired the first meeting. Introductions were made by all attendees, including Avon and Somerset Police Head of Response Directorate (and lead for Stop and Search), Chief Superintendent Ian Smith; the Police Communications Department's Chief Inspector Paul Wigginton; Lead Taser trainer, PC Karl Waltho; the Principal Officer

for the Police Federation, Sergeant Vince Howard; Unison Branch Officer, Emma Wright; and Police and Crime Commissioner (PCC) Sue Mountstevens and the PCC's Standards Officer and PCC's Staff Liaison Officer who facilitated the meeting.

A reminder about confidentiality and declarations of interest was highlighted at the beginning of the panel meeting and proposals made for future Panel working.

## TASER USE TRAINING

A training session on Taser use took place during this first meeting, including a question and answer session. This was in addition to the earlier training for Panel members at Patchway Police Centre which covered a summary of: the National Decision Making model for Police Officers, the Code of Ethics, Stop and Search operational use, Body Worn Video camera and use of force. Training included reference to the Human Rights Act 1998, the Criminal Law Act 1967, Criminal Justice and Public Order Act 1994, Misuse of Drugs Act 1971, Terrorism Prevention and Investigation Measures Act 2011 and the Police and Criminal Evidence Act 1984 (PACE).

There is a new 'X2' Taser model. The X2 has 2 cartridges and 2 red dots, the lower red dot flashes. It also has a longer (25 feet) range and 3 probes. There is also a 'X26b' but the Home Office decision has been to adopt the 'X2' and the Tri-Force (Gloucestershire, Wiltshire and Avon and Somerset Police) adoption of 'X2' will be in January 2018.

## **STATISTICS**

Stop and Search: There are around 6000 Stop and Searches performed per year in the Avon and Somerset Police area. Between October 2016 and March 2017 (6 months) there were 3056 Stop and Searches. 2000 (65%) resulted in no further action; 784 (25%) had a Police outcome, such as an arrest; and for 264 (9%) there was no data. This information is from published data at:

<https://www.avonandsomerset.police.uk/advice/neighbourhood-and-community/stop-and-search/> and: <https://www.police.uk/avon-and-somerset/AW040/performance/stop-and-search/> .

In May 2017 there were 380 Stop and Searches and 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 under 16 years of age (44);

Where more than the jacket, outer coat or gloves are removed (15);

Where the ethnicity is either not stated or it is BME (63).

Around 10% of these Stop and Search cases had associated body worn video camera footage, a relatively new tool for Police Officers and therefore this is expected to increase and will be reviewed by the PCC.

Taser: Taser use (including all levels of: drawn, arced, aimed, the red dot aimed, fired, drive-stun and angled-drive stun) is around 600 incidents per year in the Avon and Somerset Policing area (2016 was 640). From 1 October to 31 December 2016 (3 months) there were 136 (approx. 45 per month) Taser uses and from 1 January to 31 March 2017 (3 months) there were 124 Taser uses (approx. 40 per month). From April 2017 to date, there have been 76 uses of Taser.

Further information is on the Police website at:

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

## PANEL QUESTIONS DURING THE TASER TRAINING SESSION



**Medical awareness.** Since 2008 there has been no Taser-related primary-caused deaths in the U.K. As requested, the Taser medical form was circulated after the meeting to all members.

- **Taser use on children.** This may happen and an example was given of a 14 year old child. It was stated by the Trainer that Taser is one of a number of tools for the Police and after each situational assessment, it isn't always the best option.
- **Selection and training of Taser Police Officers.** The number of Taser-trained Officers in the area is an operational decision, under the direction and control of the Chief Constable which is informed by a threat-based assessment, in accordance with the National security level. Other 'use of force' tools in addition to Taser include: PARVA (spray), body armour (stab vests), the baton (Asp), horses, dogs, radio, hand-cuffs and restraints, other Officer team work, firearms and cartridges - as public protection equipment (PPE). There are safeguards in place regarding Officer selection and suitability, fitness and desensitisation and there is ongoing monitoring and annual refresher training, which includes the awareness of unconscious bias. If an Officer has mental ill-health then the Taser is taken away temporarily. Probationers and Specials do not have Tasers. Situational training reinforces the action for Police Officers to turn on the camera.
- **Red-dot Taser use.** Panel members were given a demonstration of use of the Taser red-dot as well as the electrical 'arc'. With 76 uses of Taser since April 2017, the red dot is very effective and the Trainer considered that Taser could be used more to calm situations.
- **Taser use is recorded.** Officers need to report all Taser 'use' which includes drawn, arced, red dot, drive-stun (using the Taser contact on the subject's skin), angle-drive stun (to complete the connection when only one barb has contacted) and fired.
- **Taser use and body worn video camera link.** The Police roll-out of Body worn video cameras is continuing and is part of Officer Taser training, including turning on the camera, a rationale for the audio use and after-care of the subject if Tasered.

- **Single or Double-crewed Taser Police Officers.** Taser Officers are not always double-crewed.
- **Constabulary knowledge of the number of Taser Officers on-duty and available Tasers.** This is standard knowledge.
- **Quality assurance/risk management of Taser use and Taser Officers.** There are Supervisors who quality-control and the Supervisor is audited by the Chief Firearms Officer or the Professional Standards Department. The Taser Trainer is also audited. There are HM Inspectorate of Constabulary (HMIC) inspections and internal reviews, PCC oversight, Independent Police Complaints Commission (IPCC) independent investigations where necessary and policing remains with the public's consent, with open public scrutiny. The mission for the Police is learning and improving the Police service provided.
- **Are Officers reluctant to turn on their body worn video cameras?** It is becoming part of the Police culture and standard Police Probationer initial training. It is a social media world and the public use camera/mobile phone videos as the norm. Clearly the current use for Stop and Search in particular is disappointing and the Constabulary will continue to encourage its use.
- **Are there any Officer penalties?** There are no penalties. Taser use is at the Police Officer's discretion and an organisational decision for some major incidents. Part of Officer training is the use of minimum force which includes the option to do nothing.
- **Does Data Protection apply for videoing?** Data Protection laws are the same as for evidence gatherers. There has to be a reason for footage retention. The Officer deciding to turn on the body worn video camera and then the retention policy for the footage is either to retain for a number of years for consideration as evidence or it is deleted within 28 days.
- **Is there a choice for the member of the public to be video'd?** There is no option but some incidents are not video'd. They can be audio-recorded only, without visual, such as for a vulnerable person or a specific situation with a child. This is at the Officer's discretion.
- **Risk of weapon/Taser being stolen or snatched.** Officers are trained. Airport Officers have a line attachment but Avon and Somerset Police Officers don't because the line is considered a risk for the Officer's safety.
- **Did the Home Office consult with the Police when making the Taser model decision?** No.
- **What plans are there to reduce secondary injuries from falls after Taser firing?** There is Officer training for situational awareness and a duty of care to the subject as well as other people – witnesses and victims - and Police Officers. If a Tasered person is injured then they are taken to Hospital, not to custody.
- **Is there any physical mark or impact from a fired Taser?** The probe makes a mark – 2 holes – and the Police Officer removes the barbs or the subject is taken to Hospital. A drive-stun results in 2 burn-marks on the skin. The main injury is secondary injuries caused by the fall.

- **What's the best area on the body to fire a Taser and will a person fall in a specific direction?** The back and body sides and this is away from the face and front of the body. The fall direction cannot be anticipated.
- **Is there any transfer of the electrical current to another person?** No. It is a closed circuit.

## **PCC SUE MOUNTSTEVENS**

Police and Crime Commissioner Sue Mountstevens thanked Panel members for their role as 'critical friends'. It makes a great difference, with the aim of improving the Police service. The PCC encouraged Panel members to stay independent in their views - don't be Police Officers. Being open and transparent is very important to our local communities.

## **CASE SELECTION AND REVIEWS**

The cases for Panel members to review were randomly selected prior to the meeting by the PCC's Standards Officer who is the Panel's facilitator. The selection was based on using the key word search within the Body worn video database, typing in 'Taser' and 'Stop and Search'. Also, records for May 2017 Stop and Search within three categories were provided by the Constabulary: under 16s; more than the removal of Jacket, outer coat or gloves; and BME or no ethnicity stated.

All panel members watched and gave individual comments on the body worn video camera footage (having had a verbal summary of the associated Police log) for 6 of the 43 selected cases of Stop and Search and Taser use. Verbal 'round-table' comments were made by members for the Constabulary Officers present to give immediate responses as well as for noting in this published report (on the PCC's website at:

<http://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Scrutiny-of-the-use-of-Police-Powers.aspx>

## **PANEL GENERAL FEEDBACK FOR CONSTABULARY RESPONSE**

1. Only 10% of Stop and Search records in the report criteria had associated body worn video camera. Why is it so low when all Stop and Searches should have the camera on?
2. The Panel encourage the use of Taser in appropriate circumstances, particularly drawing the Taser and red dotting a subject, as an effective use of minimum force.
3. Is there a Police database of previous calls from or about a specific person? Are there markers on a person or their home address?
4. Do Officers have training of mental ill health? Do Officers shadow Mental Health Practitioners? The members were informed about Triage nurses in the Police Communications Department and Street Triage Partnership working in some geographical areas. There is also a mental health care concordat for Ambulance and Police joint working.

**Action: Training/overview:** It was agreed that C.I. Wigginton would give an update on training delivered to Police Officers (initial and refresher courses) at the next meeting, including mental health awareness.

5. A more detailed Constabulary response is requested regarding Trend Analysis.
6. **Issue of concern:** Panel members highlighted the problem that a member of the public can make a complaint against the Police within 12 months of an incident (or longer depending on the circumstances) yet the body worn camera video evidence (or CCTV in custody) may have been deleted after 28 days unless it is marked as evidence. Despite the legislation, can Avon and Somerset Police retain the video footage for longer?

*Police response:*

Thank you for your questions and feedback during the scrutiny of Police powers panel meeting on 13 June 2017, along with the opportunity to respond. We are grateful for the opportunity to actively contribute to this panel, which is vital in maintaining public trust and confidence in the Constabulary.

It is noted that only 10% of stop and search records viewed had associated body worn footage. Body worn cameras are an essential piece of equipment for officers and although relatively recently introduced, have already provided invaluable independent evidence in many cases. The current policy for their use allows for officer discretion, however, officers have guidance to switch on their camera when dealing with matters where they would have a need to write in their pocket book. We are currently reviewing this policy to provide much better clarity around this, however, I would expect officers to switch on their camera when conducting a stop search. We will reflect on the feedback received to see how we can improve our usage in these cases.

It was pleasing to hear positive feedback from the panel about the perceived benefits of Taser in appropriate circumstances. I feel PC Karl Waltho's Taser information session was well received by the panel and provoked some interesting conversations.

Police do keep a record of calls and this can be used to identify previous or repeat callers and locations. We are also able to note information markers for addresses, vehicles and persons where appropriate.

Regarding the retention of body worn footage, it will be a matter for the officer in question to mark as "evidential". This should be done in all cases for Stop Searches and TASER usage and any other evidential footage captured. Avon and Somerset are not able to retain all general footage recorded on Body Worn Camera indefinitely.

I have noted your concerns about the mental health awareness and training received by officers, and I will be happy to provide more information around this at your next panel meeting.

Chief Inspector Paul Wigginton  
Force Duty Officer

## **DETAIL OF THE REVIEWED CASES**

### **Case 1: Taser red dot used for person (subject) in a Court building, previously reported for a Public Order Act offence.**

Overall appropriate Officer use of Taser?: Most Panel members said Yes (2 members disagreed).

Additional Panel member comments included:

It was a public space; there was no verbal warning regarding 'Taser'; The red dot is a lesser use of force; it was an obvious reduction of violence; One Officer's body language was very calm (i.e. both hands inside arm-hole area of his stab vest) – a good tactic and other Officers stood back; the arresting Officer was doing a good job but another Officer appeared to agitate the situation by touching the subject; there was no verbal statement from an Officer to say 'I want to place you in hand cuffs' when arrested; the arresting Officer was shorter and slighter than the subject; it was handled well, with an aggressive subject; it could have kicked-off so it was important to get the subject under control; if my family were in the Court I'd be glad of the Police action of just a Taser red-dot; as a member of the public it may have been more alarming if Officers wrestled the subject to the ground compared to a red dot.

### **Case 2: Taser fired in a kitchen after the suspect grabbed a knife from the sink area (the female partner previously reported a domestic incident).**

Overall appropriate Officer use of Taser?: Yes (2 panel members thought it was inappropriate).

Panel member comments included:

This was appropriate Taser firing because the knife could have been used by the suspect; it would have been good to hear more of the Officers' conversation with the subject; this was better use than the red-dot in case 1; it was Officer split second reaction as some Panel members didn't notice the subject picking up the knife; only after the knife was grabbed did the Taser get fired; the female partner dashed behind the subject as he fell backwards and he missed the kitchen worktop, so no secondary injuries; Officers could have broken his fall; the Taser use was to protect the subject as well as the alleged victim and witnesses and Officers; the subject appeared to have learning

difficulties or mental illhealth; other Police tools could have been used; the subject was extremely agitated and irrational; and hand-cuffs could have escalated the situation.

**Case 3: Stop and Search after a report of suspicious activity at 00:30. A group taking wheels off vehicles. Names and descriptions given of 3 white males and 1 mixed race male, all wearing tracksuits. Seen hiding in a garden area near a car park. The subject was charge with the offence.**

Overall appropriate Officer grounds given to Stop and Search?: Yes but real Panel concerns.

Panel member comments included:

A real big problem with this. Why did the Officer stop the mixed-race person? He was wearing jeans not a tracksuit and he was alone?; Why weren't the white suspects found and stopped/searched, only the mixed race male?; Officers defused the situation; a good and friendly engagement; a cordial conversation; the Officer was respectful to the subject; the Officer could have asked the suspect's name at the beginning of the encounter; it wasn't a Stop and Search criteria, it was more a pre-amble to the arrest; if hub caps were reported as being stolen, why was the subject searched? The Staff Officer informed Panel members that the Officer would be looking for tools to remove wheels or hubcaps. Also another male was arrested after being found crouched in the garden. Also, a Panel member observed that no grounds were given for the Stop and Search and the 'GOWISELY' acronym wasn't followed.

Note: This acronym is a reminder to a Police Officer of the information that must be provided (in any order) to a subject when the Officer performs a stop and search. GOWISELY stands for:

G: Grounds for the search;

O: Object the officer is searching for;

W: Warrant, particularly if the Officer is in plain clothes;

I: Identification, proof that the Officer is indeed a Police Officer;

S: Station to which the Officer is attached;

E: Entitlement, any citizen being searched by a police officer is entitled to copies of all paperwork;

L: Legislation, the legal power which gives the officer the right to stop and search;

Y: YOU are being detained for the search or for the purpose of... i.e. informing the person in clear terms the purpose and nature of the search.

**Case 4: Stop and Search after report of 5 young people suspected of cannabis use. A PCSO requested a Warranted Police Officer to search the young people, all remaining at the location voluntarily and calmly.**

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

Panel member comments included:



The Officer (a Special) gave the option to the female for a female Officer to do the Search by the female said it was fine; the Special used age-appropriate language; it was a justified reason to search; words of advice were given about cannabis and the grinder with resin inside; it was nice to see local policing; one young person said 'you might know my Mum'; it was handled very well; it was good that the Special offered a Stop and Search receipt; on 70% of the body worn video footage the young people's faces couldn't be seen; one Officer searched 5 young people with support from the Police Community Support Officer (PCSO).

**Case 5: Taser fired at subject outside Mendip District Council offices after a report of a Public Order Act offence (section 5, harassment and distress caused). The subject had known unpredictable behaviour**

Overall appropriate Officer use of the fired Taser?: No. It was inappropriate and most members had concerns.

Panel member comments included: Why couldn't the Police let the male go on his way as he was walking away from the Council property?; Was Taser fire necessary?; The female Officer could have been a mediator at one point before the Tasing; Why couldn't the Officers restrain the subject or move in front of the subject to stop him?; There was no red-dotting; Officers stood back; Not sure if the male presented any risk or danger; it seems excessive use of force in firing the Taser; the Taser firing was when the male was very close to the Council property entrance's cast iron bollards. Although there were no injuries, an earlier or later deployment would have been better; the male could have been arrested earlier for the Public Order Act offence; concerned that the male was Tasered; the point is taken about the male self-harming and the risk, as stated in the Officer's statement, of the male walking into traffic and or a busy High Street; Officers appeared unsure what to do; why was a mental ill-health matter being dealt with by Officers?; the intentions of the Officers were good; 50:50 on the Tasing; would expect Officers to do something, to protect Members of the public; the past intelligence/history of the subject and past Police interaction could have been impacted on the escalation of the situation; the male was angry and upset; the male was attention-seeking. It wasn't a crime.

**Case 6: Police response via the Crisis Team to attend a home address. Previous threat to Ambulance staff. Mental ill-health of subject. Two Officers knocked on the home address door and the female opened the door with a knife in her hand. The Taser was arced at the door and once inside the flat. No ambulance staff attended this incident prior to the Police. The Officer statement said the female was intoxicated but could have been mentally ill. The Officer statement also said that he had welfare concerns for the female.**

Overall appropriate Officer use of the Taser arcing?: Yes. However there were concerns regarding an Officers subsequent tone.

Panel member comments included:

One Officer seemed aggressive and escalated the mental health behaviour of the lone female; she was given the option to phone her Dad; the Officers were tolerant and restrained in not firing the Taser when threatened with the knife; it was a shame the Police had to attend for a mental health matter; this was a difficult situation, handled well. Officers aren't mental health experts, but a little aggressive/angry manner of one Officer, escalating the situation by raising his voice; after the knife was taken away from the female, the Officer talked down to her; the Officer was assertive, wanting to take control; the Taser use – the arc – to put the knife down was good; the arrest was for Officer assault which seems to have been caused by the lack of an ambulance; the female was in her home. The Criminal Justice route was taken rather than the Mental Health route. One member was appalled regarding the use of a Police Caution in a case where the issue was mainly mental ill health.

*Police response:*

Thank you again to the panel for their keen interest and energetic debate in relation to these detailed cases. The feedback received allows us to reflect on our policy, training, use and recording of Taser and stop search. It also helps us to develop policy and training to ensure we continue to learn and improve our service delivery.

It was pleasing to see that the panel agreed with the decisions of the officers in all but one of the cases discussed. Although this represents the general consensus from the panel, there were differing opinions within the panel and we took some time to explore these. This illustrates the difficulty of some of these split-second decisions taken by officers under difficult circumstances.

In the Taser case the panel did not agree with, it is clear the officer was concerned the male was walking towards a busy town centre and presented a risk. However, the panel have expressed some concerns over the handling of this case and I will ensure the views of the panel are fed back to the officer concerned.

Chief Inspector Paul Wigginton  
Force Duty Officer

## **ACTIONS FOR PANEL MEMBERS**

**1. PCC's Stop and Search 'know your rights' leaflet.**

Panel members were asked to provide feedback after the meeting on the new revised draft of the PCC's Stop and Search 'know your rights' leaflet for members of the public.

**2. Nominations for Panel Chair and Panel Vice Chair(s).**

**3. Biographies requested from panel members.**

**4. Panel member consideration about case selection for the next meeting.**

**5. Panel member consideration about the meeting formats.**

## **ACTIONS REQUESTED TO CONSTABULARY**

- 1. Training/overview:** It was agreed that C.I. Wigginton would give an update on training delivered to Police Officers (initial and refresher courses) at the next meeting, including mental health awareness.

**The next Panel meeting** is on Wednesday 20 September 2017, including the election of Panel Chair and Vice Chair(s).