

SCRUTINY OF POLICE POWERS PANEL

27 February 2018

11 of the 18 members attended the fourth *Scrutiny of Police Powers* Panel meeting in February 2018.



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

ACTIONS

ACTION 1(a,b,c). 1a.&b. completed, 1c information is not available: Stop and Search data: Panel members would like more Stop and Search statistics from the Constabulary.

1a. A list of multiple Stop and Search encounters for the 'top 10' stopped people.

1b. Stop and Search data for a comparison of 'positive outcomes', broken down by ethnicities and broken down into geographical areas.

This will enable a more granular exploration by the Panel of any disproportionality. For example, if there is no difference between in 'positive outcomes' by ethnicity then it will indicate that a person had been Stopped and Searched due to Police intelligence. A Panel member has highlighted that National data shows that the 'find rate' (or positive outcome) for white people is higher than for BME and this suggests disproportionality.

1c. Data of the number and percentage of Stop and Search incidents - by gender, ethnicity and geographical location - that involve a charge of assault on the Police Officer(s) during the Stop and Search.

ACTION 2(a & b). 2a. completed. 2b: The use of Taser is recorded on a 'Use of Force' form captured outside of 'Niche' police database. However, there are no BWC indicators on this form, so it is not currently captured. The database will be amended and this will be available later this year. Body Worn Video Camera (BWV) use: The Panel request a report of a) the number and percentage of Stop and Searches and b) percentage of Taser use where BWV cameras are turned on. This is required as monthly data, starting from September 2017.

ACTION 3 completed: Taser policy: The Panel have requested a copy of a) the Avon and Somerset Constabulary Taser Policy guidance and b) the National Taser Policy, which will be circulated to Panel members to review.

ACTION 4 completed: Taser complaints: The Panel request from the Constabulary's Professional Standards Department a report of the number of complaints against the Police from complainants (by gender) about Taser use.

ACTION 5 completed: The Constabulary's Lead Taser Trainer, Karl Waltho, is invited to the next (May 2018) Scrutiny of Police Powers Panel meeting, to hear member concerns and to review the Taser use cases and the level of Taser deployment.

ACTION 6 completed: A media article about one of the cases will be circulated to members.

ACTION 7 completed: Police Powers headline report will be circulated to Panel members.

CONSTABULARY PRESENTATIONS

Constabulary updates and Question & Answer sessions took place for Taser use and for Stop and Search statistics (based on the Constabulary analytics application *Qlik Sense*), including geographic location and disproportionality.

1. Stop and Search presentation by Chief Superintendent Ian Smith

The Panel was reminded of the website: www.police.uk which holds national and local crime data maps and stop and search data, including by geographical area within the Avon and Somerset Policing area.

For example: <https://www.police.uk/avon-and-somerset/AW038/performance/stop-and-search/>

Of the 2,899 stop and searches conducted between August 2017 and January 2018, 672 (23.18%) had a police outcome, and 1,807 (62.33%) had no further action taken. For 420 (14.49%), the outcome was not collected.

Of the 672 stop and searches that had a police outcome, in 538 (80.06%) cases the outcome was linked to the purpose of the search, and in 0 (0.00%) cases it was not linked. For 134 (19.94%), this data was not collected.

Chief Superintendent Smith provided the Panel with an update using Stop and Search data for October to December 2017 (the last Quarter).

Approximately 500 Stop and Searches per month have taken place across the Avon and Somerset Policing area, a slight increase month-on-month, with around 25% having a 'positive outcome', meaning items found or an arrest.

Ethnicity breakdown is: White=68%; Black=16%; Asian=3%; Other=4%; and 9% (mostly white) are missing and this is being rectified via the Analytical application called *Qlik Sense* and by Office self-input of this data. Bristol East, for example, has a population of 60% black people.

Avon and Somerset Police instigated a recent knife crime campaign, focussing on the Stapleton Road area in Bristol in response to stabbings and serious assaults. The victims have been young black males.

Stop and Searches per 1000 of the population, by ethnicity is: Black=1.9; White=0.2; Asian=0.2; Other=0.6.

Geographical location breakdown is: Avon and Somerset Constabulary Northern area: 52%; Southern area: 40%; and 8% has no location recorded.

Police analysis of multiple stop and searches of BAME people has shown that 3 people were stopped and searched 5 times; 3 searched 4 times; and 12 searched 3 times.

Intelligence-led Stop and Searches mostly relate to weapons or are drugs-based. Police response to public-led calls include reports, for example, of a bag snatch. The Police Officer tells the person the grounds/reason for the stop and search.

The Question and Answers during the presentation include:

Q: What were the outcomes of the multiple stop and searches for the 18 BME people?

A: They were all positive outcomes.

Q: Statistics of multiple stop and searches for all people would be useful to review.

A: Yes. A similar Constabulary analysis to the BME people is planned, to understand multiple searches.

See Action 1a above: Request for a list of the top 10 people having multiple searches.

Q: Does the Police Officer identify the searched person's (subject's) ethnicity?

A: The subject self-defines ethnicity and also the Officer defines ethnicity on the mandatory search record (the subject can request a copy of the search record).

Q: Is drug-smell alone an acceptable ground to stop and search someone?

A: Avon and Somerset Police action 'smell alone' drug searches but less than 1% are for smell alone. Other grounds are required.

Q: Does Police Officer training for Stop and Search include unconscious bias?

A: Bristol East and Weston-super-Mare policing areas have had pilot training for the perception, impact and effect of stop and search. This includes being mindful of how proportionate the search would be.

Q: Perception Training is welcomed because the Stop and Searches per 1000 of the population for black people, at 1.9, is concerning. Community perception may be different to Police Officers. 4.8% of the population in Bristol are black (2011 census) so there is concern if 16% of stop and searches are of black people. Intelligence-basis and analysis is very important.

Viewing individual BWV for a Stop and Search, there is a difference between the encounter not being qualitatively good compared to the intelligence-basis and quantitative statistics.

Can the Constabulary provide gender statistics?

A: Gender statistics can be provided in the future. A good stop and search may not have a formal 'positive outcome'. Community perception is very important.

See Action 1b and 1c above: Request for statistics for Stop and Search by geographical area, with population census data for ethnicity and outcomes data by ethnicity.

Q: Is there any impact analysis on Police Officers after they have attended the Unconscious bias training?

A: This is considered impactful and there is evaluation commissioning.

Q: Panel members have found when reviewing Stop and Search encounters, only about half have Body Worn Video (BWV) camera footage to view.

A: Half of Stop and Searches have BWV retained. Non-evidential footage is deleted off the Police system after 30 days. Chief Constable Andy Marsh and the Constabulary's lead Officer for Stop and Search, Chief Superintendent Ian Smith, are providing information, highlighting and informing Officers of the benefits of switching on BWV cameras and marking it as evidential in order to retain it. The Chief and Senior Officers are looking for 90% compliance in the next few months.

See Action 2 above: The Panel request a report of the number and percentage of a) Stop and Searches and b) percentage of Taser use where BWV cameras are turned on.

Q: Is there any feedback from the stop and searched subjects?

A: There is none recorded on the search record. There have been 4 complaints in the last 12 months (since March 2017).

Note: The Chair of the Independent Resident's Panel (IRP) has agreed to review completed complaints against the Police with the theme of stop and search (IOPC complaint allegation category K, Breach of Code 'A' PACE on stop and search). The next IRP meeting is 14 June 2018.

2. Taser Update presentation by Chief Inspector John Holt

A strategic background on Taser was given.

There has been an increase in the number of Police Officers carrying Tasers after Avon and Somerset Constabulary's evaluation and strategic threat and risk analysis. Our local Constabulary is mid way for Taser numbers compared to the National average.

The National Police Chiefs' Council (NPCC) has written a '10 years in' report, including the number of Tasers. This fed the lobby for more Tasers but there have been counter arguments.

'Taser' is a brand name of an American Company. The x26 version is being phased out and replaced by the x2 version. This is costly but the x2 has a longer range and a second shot capability.

The Assistant Chief Constable gave an positive example of the use of Taser from the evening before this Panel meeting, where a hammer was thrown at a female Police Officer. The first Taser shot was no effective but the second shot (in the leg) was effective.

The Panel sub-groups reviewed this BWV during the case review session – see Case 20 below.

Taser use statistics: Jan-Dec 2016 = 98 Taser firings and Jan-Dec 2017 = 72 firings. Drawn = 433.

A Police Inspector's authority is needed in Avon and Somerset Constabulary (this is optional nationally) to deploy a Taser. This is considered to be a good check and test. There is also Police Officer discretion to deploy a Taser. Training highlights the use of Taser as a deterrent. Police Officer Body Worn Video Camera (BWV) was rolled out to all Avon and Somerset front-line Police Officers in January 2017. All Taser Officers should have BWV switched on.

The Question and Answers during the presentation include:

Q: Is it possible for the BWV camera to automatically switch on?

A: Yes, it's technically possible, but not currently budgeted, not even for Firearms.

Q: Before Taser was introduced, what was the deterrent?

A: Engagement, communications and persuasion and other use of force tools, such as: CS gas (now pava spray); physical force, hand cuffs, leg restraints, working with other Police Officers, dogs and horses, as well as firearms. Society is changing and the equipment is too. Officers need the tools to do their job efficiently and effectively, proportionately and fairly.

One of the Police and Crime Commissioner (PCC) Sue Mountstevens' [Police and Crime Plan](#) priorities is: ***The right people, right equipment and right culture.***

Chief Inspector Paul Wigginton has a draft data pack, which will be circulated to Panel members for comment.

See Action 2, 3, 4 and 5 above: Statistics for Taser use and BWV switched on; Taser Policy; Taser complaints; and Lead Taser Trainer invitation to the next Panel meeting.

Note: Reminder about the Ride-Along Scheme

If you would like to join and experience the daily work of a serving Police Officer on the beat (in their police vehicle and responding to incidents or observing staff in the Communications Department) then please view the Police website:

<https://www.avonandsomerset.police.uk/services/ride-along-scheme/> .

This scheme gives members of the public the chance to ask questions to Police Officers and Staff, which you may find of interest. The PCC considers this to be one of the best ways of allowing the public to see Police work first hand, the demand placed on Officers' time and how they target their efforts in the most productive way. You may find the Friday and Saturday evening period between 5p.m. to 2a.m. the most varied but you don't have to complete the whole shift and the Constabulary is happy to accommodate you whenever is suitable for you. The PCC realises that participating in the Ride Along Scheme involves an amount of your time but it is thoroughly recommend and the PCC welcomes your feedback on the experience.

PANEL FEEDBACK AND AOB

The Panel report from the last meeting was available for further comments. There were further questions about specific cases that had been reviewed.

The Panel Chair referred to the contents of his February 2018 report which had been circulated before the Panel meeting. This includes the Stop and Search record and the default entry of 'Officer discretion'. The Chief Constable is investigating more free-text narrative.

The www.police.uk website was highlighted and based on the information on this website, Panel members are welcome to suggest individual stop and search cases to review.

See Action 6 above: A media article about one of the cases requested by the PCC for Panel review will be circulated to members.

The next Panel meeting is on Tuesday 29 May 2018 at Patchway Police Centre.

SUMMARY OF THE REVIEWED CASES

Police incidents/cases for Taser use and Stop and Search were randomly selected from body worn video camera (BWV) footage. Panel members reviewed the associated narrative from the Police *Niche* database as well as the BWV footage. Incidents were selected within the time periods of December 2017 to February 2018 to date. The three sub-groups of members also reviewed two incidents where spit/bite guards were deployed by Police Officers.

Case 1: Taser red dot – 8/2/2018

Overall appropriate Officer use of Taser?: Yes.

The use of the Taser red dot calmed down the distressed male. Quick Officer response and actions. The **Police Officer is commended** by the Panel members.

Case 2: Stop and Search – 25/2/2018

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

The Panel members consider this Stop and Search is correctly completed, with the right outcome and it is fair and free from any form of discrimination or bias. It is considered very well managed, with good use by the Officer of the name of the male during the conversation.

Case 3: Stop and Search and Spit guard use – 23/2/2018 – A known drug user is stopped in his vehicle.

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

This is considered to be a good Stop and Search. This Stop and Search is correctly completed, with the right outcome and it is fair and free from any form of discrimination or bias. The Officers remain calm and are courteous to the males.

Case 4: Stop and Search

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

These are no member comments other than completion of the feedback form three points: This Stop and Search is correctly completed, with the right outcome and it is fair and free from any form of discrimination or bias.

Case 5: Stop and Search (PACE section 1, stolen goods) – 12/2/2018 2 a.m. – male reported looking into properties

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

The Officer talked well with the male who was a little confrontational. However, member feedback is that the Officer should have told the male that he would be released after the search if nothing was found. The Officer seemed to change his tone of voice once he made a PNC check and learnt that the male had a criminal past.

Case 6: Taser – 19/2/2018 8.15 p.m. – M5 Motorway Services, Somerset West – Theft reported and male locked himself in office room of fuel station with scissors to his throat.

Overall appropriate Officer use of Taser?: Yes

BWV audio from one of the Tactical Firearms Team before arriving at the scene is helpful to set the scene. The negotiator talks to the male and there is around 40 minutes of talking. Reference is made to an Interpreter being required. The office door is forced and the Taser is fired. This is very good use of Police powers and Police work.

Case 7: Stop and Search – 15/2/2018

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

Very well handled by the male and female Officers, using positive communications. Very good explanation by the male Officer of all the Stop and Search narrative required (GOWISELY acronym). Compliments from the Panel to these Police Officers, including PC 167 Officer.

Case 8: Taser drive stun – 10/2/2018 – Bristol Central – A violent prisoner

Overall appropriate Officer use of Taser?: Yes, drive-strun used well.

One issue is that the BWV footage is not continuous.

Case 9: Stop and Search (section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act) – 13/2/2018 7.52 p.m.

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

The Officer uses technology/equipment to efficiently and effectively record the Stop and Search information. There is no arrest.

There are no member comments other than completion of the feedback form three points: This Stop and Search is correctly completed, with the right outcome and it is fair and free from any form of discrimination or bias.

Case 10: Stop and Search– 14/2/2018

These are no member comments about this incident.

Case 11: Stop and Search (section 23 PACE, misuse of Drugs Act) – 26/2/2018 – 3 males stopped in a vehicle

The members comment that the Officer should have given the Stop and Search request when the male was outside the vehicle.

Case 12: Spit guard use. A male, known to Police, reported as drunk/drug taker in a car, and is arrested. At the Custody Unit the male spat away from the Officer. The spit guard is easily applied from the back of the male's head. The Officers are very calm and training is successfully applied.

Case 13: Stop and Search – 29/1/2018 3.09 p.m. - Somerset West. A white male, known to the Police Officers, is reported by shop staff. A stolen mobile phone was found on the person. This is a proper search with a 'positive' outcome.

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

Case 14: Stop and Search (s.23 misuse of drugs) – Bristol – 31/1/2018 at 3:05 p.m. A BME 17 year old male is seen with a drug dealer.

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

Cannabis is found on the male. The Officer offered the male access to the Drugs Education Programme. A good approach by the Officers who treated the male respectfully.

Case 15: Stop and Search and Taser red dot – 30/12/2017. Intelligence of a male with a knife and may harm himself.

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

The Officer uses the Taser red dot and the female Officer searches the male. The gender difference for the search seems to de-escalate the situation. The search is negative. The use of the Taser red dot is considered entirely appropriate for the safety of the male.

Case 16: Stop and Search – Dec. 2017. Intelligence regarding a fight and a knife.

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

The Officer explains why the person is stopped. A 'negative' result (nothing found).

Case 17: Stop and Search – Dec. 2017, 2 a.m. – Somerset East. A call to the Police regarding a knife, with a good description.

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

The male states that the knife is for use "in the wilderness" (2a.m. Frome Town Centre). The Officer is excellent, with great patience towards the male and his girlfriend.

Case 18: Taser – 8/1/2018 3.40 p.m. – male reported looking into properties

Overall appropriate Officer use of Taser?: Yes.

Stolen car registration plates. Police intelligence that male has previously threatened Police Officers, has weapons and is a heroin user. Officers enter the house (the mother objecting) using PACE section 17 (the right to enter for: an arrest for an indictable offence; arresting someone absconded from prison; or danger to life and limb. Also reasonable grounds for believing the person is present).

The male's car is parked outside the house and he is found upstairs, hiding on the floor beside the bed. Taser red dot for reason given that not known what male may have in his hands.

Case 19: Taser fired – Dec. 2017 – male reported as threatening to stab a man. Has a knife and is off his head

Overall appropriate Officer use of Taser?: Yes.

Police intelligence is that the male has a history of self-harming.

The female Officer with the Taser approaches the male and clear warnings are given. The male has a broken glass in his hand. He is told to get on the ground but refuses. The Taser is aimed at the male who says "Chop your heads off". An arrest is required and it is the Officer's decision about the safest way of getting the threatening situation under control. The Taser is fired after the male refuses to lie on the ground.

Case 20: Taser fired and PAVA sprayed after baton used – 27/2/2018 Bristol 11:30 p.m. – male reported as having a hammer.

This case was highlighted by Chief Constable Marsh to all Police Officers and Staff and also highlighted by Assistant Chief Constable Cullen to the Panel.

Overall appropriate Officer use of police powers, including Taser fire?: Yes, entirely appropriate.

Panel commendation to the Officers who manage and contained the situation.

The male Officer uses his baton on the male's leg, to no effect. The female Officer fires her Taser, but again, to no effect. The male throws the hammer towards the female Officer who then has to load another cartridge in the Taser (x26, not the new x2 double cartridge version). Another female Officer sprays PAVA at the male and physically detains him on the ground, along with another Officer. The male is arrested for affray.

Police response:

Thank you to the panel for another Scrutiny of Police Powers Panel meeting full of invaluable discussion and debate. As discussed previously, I am keen that we use the views and learning taken from these meetings in a meaningful way to help shape the Constabulary moving forward.

In particular, as the presentation subjects were specifically requested by the panel, I felt that they were particularly well received and produced some important views and ideas which we are able to take forward.

In relation to the cases reviewed by the panel, the panel have now chosen to select cases from body worn footage system. I agree this has proved to be a more efficient way to work in a meaningful way. However, I am also mindful during this meeting it was difficult to gauge any improvement in percentage of cases where body worn footage exists. Action 2 relates to the request for a report to show the percentage of these cases – this will be crucial in maintaining confidence and progress in this area.

I was pleased to see the overwhelmingly positive feedback in general from the panel about the cases reviewed. This was a view I shared when reviewing the cases within my sub-group, and I was extremely impressed with the professional, brave and measured actions of officers in a vast majority of cases. The panel have highlighted some particularly good feedback for certain officers and I have fed these back through their supervisors for recognition. Of note it was pleasing to see a number of cases fed back from the panel where officers had defused the situation utilising a calm approach resulting in a good outcome – this was an area of learning highlighted previously by the panel.

During this panel meeting we were able to view footage of the first uses of the new spit guards within the force. I am aware that the introduction of the spit guards caused concern for some. However, the panel observed officers applying these appropriately in a calm and professional way, again resulting in good outcomes. This is really important feedback and an ongoing review of new cases will be critical to ensure any areas for learning are identified.

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

Action 7: Police Powers headline report will be circulated to Panel members.

Two Specific Cases Reviewed by the Scrutiny Panel

In addition to the 20 incidents reviewed, as above, the PCC requested that two specific cases were also reviewed by the Panel members (in three sub-groups). This request was due to the media coverage and the recent thorough IPCC investigation report for one of the cases - from an August 2015 incident - where the IPCC (now the IOPC – Independent Office for Police Conduct) report content was not published but a You-tube video of CCTV was posted online.

Panel members' feedback has been passed to the PCC.