

SCRUTINY OF POLICE POWERS PANEL

21 August 2019

Attendees:

9 of the 16 members attended the 10th *Scrutiny of Police Powers* Panel quarterly meeting.

Others in attendance, observing: Independent member of the Joint Audit Committee.
7 Police Officers, including Assistant Chief Constable, Police Federation and UNISON representatives, as a standing invitation, Taser Lead Trainer; Inspector, Sergeant and PC presenting an update and at each of the 3 sub-groups, for computer operation and Q & A.

37 case files were reviewed (111 feedback forms completed) **at this meeting. See Appendix 1.**

The Annual Election for Chair and Vice Chair unanimously voted the following nominations:

Chair: David Woodward. Vice Chair: Adeela Shafi

There was a vote of thanks for the previous Chair Adeela's adroit and effective leadership in challenging circumstances during 2018/19.

Constabulary update from Inspector Justin French on Taser and Stop and Search data using the Data Analytics Tool called 'Qlik Sense'.

The Panel report from the last meeting was available for further comments prior to acceptance for publication on the [PCC website](#) . This is in the [Reports section](#).

Avon and Somerset Constabulary's Use of Force report is published on the [Police website](#).

Stop and Search and body worn video data – see **Appendix 2.**

Taser and body worn video data – see **Appendix 3.**

ACTIONS SUMMARY – 21 August 2019

Action 1 - for members: Request for members' blogs.

Action 2 – to members: Offer by ACC Steve Cullen for members to observe the de-escalation training later this year. An additional second day has been added in addition to the mandatory one day's training.

Action 3: A request is for the Police database to be amended to add a dropdown menu for each Search category such as a Search after Warrant, Search with consent, Search after arrest, Search in custody, so that just 'Stop and Search' can be selected for Panel review. Also the Qlik Sense analytics tool should allow a drilldown for Stop and Search, without the data being skewed.

3.1: When reviewing 4 cases it became apparent that they were not 'GOWISELY' street Stop and Searches but, for example: search after warrant; search after arrest; and search in custody. However, all categorised as Stop and Search.

If this is correct would it be helpful to provide a dropdown menu listing the categories of Stop and Search to improve the accuracy of the statistics.

Put another way, how many of the 662 people Stop and Searched in June 2019 were 'GOWISELY' Stop and Search?

It is the interaction during a street Stop and Search between the Police and the person stopped which is important to the public.

Response: *Any searches completed in other circumstances such as searching after arrest or from a warrant are not Stop Searches and shouldn't be recorded as such. It is noted the Panel raised*

cases where this was done and these have been fed back to Officers and will be reiterated in training. As such there should be no need for additional drop-downs under Stop Search.

3.2: In June 2019, 662 people were stopped and searched. 14% had no BWV and the reasons were: 26 No Camera (38.24%); 25 Officer discretion (36.8%), 13 Camera out of power (19.1%), 4 Camera faulty (5.9%).

Question: Please explain Constabulary procedures in place to monitor the reasons for no BWV and to act upon them?

Response: *BWV will form part of the agenda for monitoring and scrutiny at the Constabulary's internal scrutiny panel, commencing in October. Clearly there have been some significant improvements in BWV usage since go live until recently where there has been a plateau between 85–89% in recent months. Whilst the aspiration is to reach 100%, it is accepted there will always be certain occasions where it is either not possible, or unsuitable to use BWV. However, the Constabulary's aim is to understand this including patterns and themes, remove barriers and continue to improve this further.*

3.3: The reasons for no BWV is requested to be added to the Stop and Search statistics for each month since January 2019.

Response: This has been added into this Panel's report by the PCC's office staff using the figures from the Constabulary's data analytics tool (called Qlik Sense). See Appendix 2.

AOB items

- **Last Panel Report:** Discussion before publication of the last Panel Report in May 2019.
- **Panel Report restructure.** More concise and easier to read and disseminate. The number of attendees will be included rather than names. Also an Executive Summary?
- **The Panel's aim is to reach out to communities.** No further suggestions from members. The Chair suggested the IAG, Brandon Trust Appropriate Adults, Independent Custody Visitors (ICVs), Neighbourhood Watch (NHW), plus Councillors? The Scrutiny of Police Powers Panel work is summarised in the summary paper to the Police and Crime Panel. Chief Inspector Paul Wigginton has written a blog about the value of the Panel.
Action 1: for members: Request for members' blogs.
- **De-escalation training** will take place for 900 Frontline Police Officers in the Avon and Somerset Constabulary. The Panel Chair took part in a video on 16 August 2019, as part of this training preparation and explained the role of the Scrutiny of Police Powers Panel in increasing public confidence. How do the Panel speak to the community? Currently, the Chair said they speak to the PCC and publish Reports. Also the Panel will be highlighted at the Emergency Services Open Day at Police HQ.
Action 2 – to members: Offer by ACC Steve Cullen for members to observe the de-escalation training later this year. An additional second day has been added in addition to the mandatory one day's training.
- **Taser 2017 Panel Report:** The Report and Constabulary's report was published on the PCC's website on 26 July 2019. A thank you from ACC Cullen to the Panel for the support and understanding. The PCC's CEO advised that media coverage of publication of the report was from 4 publications including the BBC. The Bristol 'Post's Bristol Live' headed the article "Police to be armed with scanners". These are mobile fingerprint scanners. The media also reported on the mis-identification aspect. The press coverage referred to damaged community relationships. The media quoted from the Panel's report and from ACC Cullen. Mobile technology was highlighted.
Has any member had community feedback? One member from work colleagues and referred to the PCC's website.

It is a coincidence about the Constabulary's Internal Group for Stop and Search and Use of Force. No Constabulary negative feelings. The internal Group is in response to HMICFRS recommendations for more internal scrutiny. The internal Group is as well as the Scrutiny Panel, not instead of and to be complementary. The PCC has encouraged BWV reviews. The Constabulary's Taser Lead does this but the Internal Group will expand this review. Having a Scrutiny Panel member on the Internal Group has been requested by the PCC's office. The CEO has suggested a progress report to the Constabulary response to the Panel's Jan 2017 Taser Report and DCC Crew will be invited to a 2020 Panel meeting to give an update. The CEO will also follow up regarding the Constabulary's Diversity and Inclusion Board and the Panel's Taser Report.

- **Terms of Reference:** The annual review will be at the next Panel meeting (Nov 2019).
- **Chair's Annual Report:** Will be considered by the Panel Chair. Concise and readable.
- **Panel observation:** By the independent member of the Joint Audit Committee. (a.m.).

SCRUTINY OF POLICE POWERS PANEL

21 August 2019

APPENDIX 1

SUMMARY OF THE REVIEWED CASES

The Panel divided into three groups to review the cases, selected randomly.

Randomly pre-selected Police incidents/cases were reviewed within the 3 categories of:

1. Taser deployment;
2. Spit & Bite Guard use;
3. Stop and Search, within the Panel-requested three sub-categories of:
 - i. an under 16 year old is searched (u16);
 - ii. more than jacket, outer garment and gloves removed (>JOG);
 - iii. the subject is Black, Asian or in an ethnic minority (BAME).

Panel members reviewed the associated narrative from the Police *Niche* database and Control Room *Storm* logs, as well as the Body Worn Video (BWV) footage. Cases were selected within the months of June, July and August 2019.

Members reviewed **30** cases within the following categories:

- Stop and Search under 16 years old (u16): **8**
- Stop and Search BAME: **5**
- Stop and Search removal of more than Jacket, outer garment and gloves (>JOG): **8**
- Taser deployment: **9**
- Spit & Bite Guard use: **7**.

Summary of main point to highlight from each sub-group from the case reviews

Chair's sub-group 1: Month of June Case Reviews:

- Spit and Bite Guard Case (see case 26 below). In Residential apartments, in the communal area. There is really good engagement there. Other Officers arrive. The person being questioned is getting more and more agitated. Handcuffs are applied, firstly in the front and then behind. PAVA spray is used. Then the male spat and the Spit Guard is used. The person is horrendous and abusive to the female Police Officer, who then said "Your behaviour is disgusting". The Panel members have no problems with the use of force but the verbal narrative from the female Officer is of concern. Members don't know the background of the case but the male suspect had no power or control. The Officers' circumstances are understood but the Police had all the power and control.
The Taser Lead Trainer commented that this is an emotional reaction by the Police Officer. Could it have been de-escalated and the Officer to say nothing? Yes it could. The Officer could do better. The Taser Lead Trainer saw the last bit of the BWV with the sub-group and the Members are absolutely right. The job was already done. This BWV footage adds value to future de-escalation training, including the extra second day for Avon and Somerset Constabulary, of what works and what doesn't add value.
- The Taser Lead Training had oversight of this Panel member case review: A private agency were contracted to take a person to Hospital (section 2 of the Mental Health Act). There are

handcuffs. The female says that she has a back injury. Police Officers used leg constraints but it is all well controlled. The female is placed on her side, not face-down. She liked talking to the female Police Officers. The male Police Officer was scratched in the face. Panel members are most impressed by this case. The external agency staff stood back and watched. It is felt that they should have been directly involved. This incident is handled really well by the Police Officers. The female went to the Secure Mental Health Unit in Bristol. The female Police Officers stayed with her. A commendation to these Police Officers. See case 25 below.

Sub-group 3: Month of July Case Reviews:

- A lot of cases had no BWV or the BWV camera angle was poor (sky only). One case (see case 28 below) involved the use of PAVA spray, a Spit Guard and Taser deployment, with a male suspect trying to escape and hanging out of a window. A Police Officer speaks to the male to tell him to stay calm as he is hyperventilating. The Spit Guard was taken partially off to help with the situation.
- A 15 year old boy stopped and searched had French as his first language. The Police Officer explained what was happening and did his best. The boy understood English but the Stop & Search was new to him. See case 8 below.

Vice-Chair's sub-group 3: Month of August Case Reviews:

- There are no specific cases to highlight but one theme is Stop and Search data. 3 cases reviewed were recorded as Stop and Search. However the data is skewed because the cases were a Search Warrant.

Action 3: See Actions Summary on page 1.

- Legal speak: GOWISELY items are stated but in one BWV example a 15 year old didn't look as if he had understood.

PANEL CASE REVIEWS and CONSTABULARY RESPONSES

The member feedback form's 5 questions are all either blank or positive unless stated otherwise:

If force was used, was it appropriate?

Did the Police make correct decisions throughout this episode?

Was the Police behaviour free from any stereotyping or assumptions?

Was the incident free from demonstrable discriminatory behaviour?

Does the behaviour need further investigation?

1. Stop and Search cases (21 incidents reviewed)

1.1: Under 16's (9 cases):

Case 1: Stop & Search of an under 16 year old (14 year old). June 2019

Intelligence regarding a robbery. Suspect identified by victims.

No BWV footage accessible by the Computer operator during the Panel meeting.

Constabulary response: This is noted by the Constabulary. This was due to an unfortunate equipment issue which we will look to resolve prior to the next panel. Apologies for the delay and inconvenience caused to the panel.

Case 2: Stop & Search. under 16 year old. June 2019

Report of 2 females, attempted theft of clothes from a retail shop, initially stopped by Store Staff when the suspects left the store. Report of the car make and colour.

Five Police vehicles involved in this case. A lot of resources relative to the theft case. Officers found the 2 females, handcuffed and searched them.

This was not a Stop and Search.

Constabulary response: I have noted the panel comments. Having checked the record in relation to this matter, this was a stop search. This was initially reported as an attempted theft of clothing. The subjects stopped in relation to this matter were stop searched outside the store, with further persons stopped in a linked vehicle. Both were a negative result.

Case 3: Stop & Search of an under 16 year old. 7 August 2019

Misuse of drugs Act (section 23).

Appropriate records for the grounds. However no BWV footage in the DEMS 360 database. Marked as 'Yes' to BWV in the data by Person.

Constabulary response: I have noted the panel comments. This has formed part of ongoing themes and has been fed back to the relevant officer. It is clear that BWV should be present for all stop searches unless recorded with a clear rationale.

Case 4: Stop & Search of an under 16 year old (14 year old). August 2019

Misuse of drugs Act (section 23).

Despite the description being a little thin, i.e. a youth wearing a hoodie, and the danger of stereotyping, the Stop and Search is all fine. The Police Officer is polite, courteous and keeps a good rapport with the 14 year old. The GOWISELY (*) acronym items are all correctly covered. However the BWV camera angle needs adjusting.

***Note:** The GOWISELY 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.

Constabulary response: Panel comments noted with thanks.

Case 5: Stop & Search of an under 16 year old (15 year old). August 2019

Drugs related. Consent to search a vehicle. Strong smell of cannabis.

Good use of Stop and Search and good coverage of all GOWISELY items.

Question: Is this case a true 'Stop and Search'? All the categories of searching are being recorded and provided for the Panel's selection. This could skew the figures.

Organisational learning points: Two Panel members questioned whether or not the 15 year old understood all the 'legal speak' which could have been explained in plain English. The Officer could have checked with the 15 year old if their understood the reasons given for the search.

Constabulary response: The Panel comments are noted in relation to the circumstances of this search. Section 23(2) of the MDA provides that a constable may search a person suspected of being in possession of a controlled drug and detain them for the purpose of the search. They may also search any vehicle or vessel in which they suspect the drug may be found, and can require the person in control of the vehicle or vessel to stop it for that purpose. It is therefore a stop search albeit they are slightly unusual circumstances.

I note the comments about the importance of clear language being used. This is an area explored and reiterated in current stop search training. On this occasion the officer asked the male if he understood the reasons which he stated he did. It is noted that the mother was also at the location.

Case 6: Stop & Search of an under 16 year old (15 year old). July 2019

Smoking cannabis.

Stop and Search grounds are explained well, with good communication by the polite and well-mannered Police Officer.

However, the BWV camera angle is pointing to the sky for most of the encounter so Panel members could not see the encounter.

Constabulary response: Panel comments noted with thanks.

Case 7: Stop & Search of an under 16 year old. July 2019

A group of boys are stopped by the Police, after cannabis was smelt.

A calm and friendly search, with a good explanation and approach from the Police Officers. A Grinder is found first and then cannabis on one boy. However, the search was in a very public place.

Constabulary response: Panel comments noted with thanks.

Case 8: Stop & Search of an under 16 year old. July 2019

The Police Officer is very good at communicating and explaining the Stop and Search, taking into account that the boy's first language isn't English. However, the boy appears to struggle to understand the situation. He is compliant, just unaware of the procedure for a Stop and Search. See Appendix 1 page 2 Summary of main points for each sub-group.

Constabulary response: Thank you for the panel comments. Having reviewed the Body Worn Video relating to this evidence there is a clear language barrier for the young male subject to the stop search. This is worth exploring further through a debrief and I have therefore requested this to take place to understand the circumstances and identify any learning.

Case 9: Stop and Search under 16 year old. June 2019.

A group of youths, seen fiddling with bags and jackets, nervous. Suspicion of drugs offence. Previous local complaints of Anti Social Behaviour. No one else in the area. Strong smell of Cannabis.

No BWV found.

Constabulary response: I have noted the panel comments. This has formed part of ongoing themes and has been fed back to the relevant officer. It is clear that BWV should be present for all stop searches unless recorded with a clear rationale.

1.2: Stop and Search – removal of more than Jacket, outer-garment & gloves (>JOG) – 5 cases:

Case 10: Stop & Search >JOG (strip searches at Police Station). August 2019

Misuse of drugs Act Warrant at location. Initial phone call by a member of the public.

There is very little information on the Police log (Niche database) regarding why there is a Warrant. It states cats and kittens.

Drugs are found in the suspect's bag, leading on to the strip search. BWV footage is not viewed by the Panel members because this is related to a Search Warrant.

Question: Again, is this really a Stop and Search? It is a Search only as a result of a Warrant issued. A slight concern about how this case is logged and where else it is logged.

Constabulary response: Thank you for the panel comments. This was a Section 23 misuse of drugs act warrant, rather than a stop search as suggested by the panel. This will be fed back to the officer and ensure this is recorded accurately.

Case 11: Stop & Search >JOG. July 2019

3 males met, having come from different directions, in a secluded location. Suspected of drug dealing. Description of scars.

The Police Officer is very calm and explains everything. Handcuffs used during the search. Then removed. No drugs found. The Officer checks for the scars to identify the suspect before making an arrest and re-handcuffing the suspect for breach of a previous Warrant.

However, the BWV sound volume is very low. The camera angle is not good. This may be on purpose because the Stop and Search is carried out by a plain clothes Officer.

Question: Why are handcuffs used in a public area during the search when the suspect is compliant and the grounds for the search is just drugs possession?

Constabulary response: Thank you for the panel comments. The male is handcuffed following information that he was seen to exchange items that the officer suspected to be drugs. The automatic handcuffing of members of the public without an assessment is not permitted. The officer must assess whether it is lawful, necessary and proportionate to apply and cuffs, rather than just convenient, easier or 'normal practice'. Sometimes subjects will put themselves at risk by "swallowing" or otherwise disposing of items and it will be for the officer to justify the use of handcuff on individual occasion.

Case 12: Stop & Search >JOG. July 2019

Misuse of drugs Act (section 23). Officer approached the male in the street which has lots of intelligence about drug supply. On stating that the plain clothes Officer was a Police officer the male runs off. The male is detained and identified as having previous convictions for drugs offences. Smell of cannabis present and subject trying to make phone calls whilst detained.

The Officer advises that he is part of the special Team targeting drugs (Operation Remedy). A negative search.

Constabulary response: Panel comments noted with thanks.

Case 13: Stop & Search >JOG. August 2019

Vehicle identified by a member of the public as being associated with of a group of 4 males seen with a knife in the street. The subject is the only occupant in the car at the time.

A justified search. Police Officers are firm, polite and controlled. GOWISELY explanation made. The suspect is not aggressive. A Stanley knife is found and cannabis grinder and other items. However, two Panel members questioned whether the female Officer is perhaps a little confrontational and quite aggressive. The male was cooperative so there is no need and could have antagonised an otherwise cooperative person.

Constabulary response: Panel comments noted with thanks.

Case 14: Stop & Search >JOG. August 2019

Intelligence on a male involved in the supply of class A drugs and in an address linked to the sale of Class A drugs. The male is hiding within the address trying to evade Police Officers.

The Police Officer is calm and considered by a Panel member to be brave. The GOWISELY items are explained. Arrest made for breach of a Community Protection Notice (not permitted to be in the Town).

Question: 3 person searches are carried out. Is only one recorded in the Case Selection data?

Question: Is this a Search Warrant? It is not an on-street Stop and Search. Can a dropdown box be added to the Data Recording process so that different Search categories can be sub-divided (such as Search Warrants and Searches in Custody, separate from Stop and Search encounters)?

Constabulary response: Panel comments are noted with thanks. There were 3 x stop searches completed, however, as pointed out by the panel these were not all recorded – this has been fed back to the officer via their supervisor and has been resolved. Regarding the question about the search, this was not a search warrant. This Stop Search power may be exercised anywhere, including in any premises, provided the officer is lawfully on those premises or is there with the consent of the owner or occupier. This is therefore categorised correctly.

1.3: Stop and Search of a Black, Asian or Minority ethnic person (BAME) – 7 cases:

Case 15: Stop & Search BAME. August 2019 at 9.27 p.m.

Misuse of drugs Act (section 23).

Female seen in conversation and exchange with a known drug dealer and smelt strongly of cannabis.

Appropriate Stop and Search and all aspects (GOWISELY) stated in a calm manner by the Police Officer. Good police communication throughout.

Compliments: Good policing.

Constabulary response: Positive comments from the panel noted with thanks.

Case 16: Stop & Search BAME. June 2019 in Somerset.

Misuse of drugs Act (section 23).

Intelligence on vehicle linked to drug supply. Upon approaching the vehicle, the rear passenger flees from police. Therefore vehicle and driver is detained for a search for controlled substances.

GOWISELY items given early on to the female by the Police Officer who has a professional demeanour. A Stop and Search receipt is offered. Mostly it is the giving of friendly advice to the vulnerable female driver (who appears to have mental ill health). Advised very clearly not to let people use the car who she doesn't know.

However, perhaps a little condescending with the Police Officer's lecture to the female. Also the search is not very thorough.

Constabulary response: Panel comments and feedback are noted. Having reviewed the footage, the extent of the search is proportionate to the items sought. Having explored further in relation to the officer's conversation with the female, the officer has met the female on previous occasions also where she has agreed to carry unknown passengers in her vehicle. The officer has reiterated to the female why it is so important for her own safety.

Case 17: Stop & Search BAME. June 2019 at 3 a.m. Weston super Mare

PACE (section 1). Articles for use in theft; going equipped; Stolen goods.

3 males on bicycles with no lights, cycling down the middle of the road at 3 a.m. Evasive action when seeing the police vehicle. One of the males makes off in the opposite direction and throws the contents of his pockets over a wall. This is an area of high crime.

The 3 males stopped are in possession of bolt cutters. Calmly handled by the Police Officer. A very thorough search. The Officer explains in a relaxed way all through the engagement, in a very informal chat method, engaging appropriately, including offering a Stop and Search receipt.

However, one Police Officer seems to be unfamiliar with GOWISELY items, asking her colleague to go through the reasons.

Constabulary response: Panel comments noted with thanks.

Case 18: Stop & Search BAME. July 2019

Police and Criminal Evidence Act (PACE) section 1.

2 males were seen attempting to break into an ATM cash point machine, causing damage to it. 1 described as taller with a dark coloured top and the 2nd a shorter male with a green hoody. 2 males stopped nearby walking away from the location, some aspects matching the description of that provided by the witness.

A good explanation by the polite Police Officer of what is going to happen and the Officer also double-checks the description.

One of the three Panel member believes that the Officer's behaviour should be further investigated, that the description of the suspect should be better and that the males were stopped because they were the only people on the road.

Constabulary response: Panel comments and feedback noted with thanks. I have investigated the circumstances further as per the panel comments – the description provided of the witness was fairly scant albeit it was reported to be 2 x males wearing dark hooded tops. Although the description was limited, these 2 x males were stopped close to the location wearing dark hooded tops at 0245hrs in the morning. Although I note the panel comments about these males being the only people on the road, this is relevant to the grounds.

**Case 19: Stop & Search BAME. August 2019 at 2.41 a.m.
Misuse of drugs Act (section 23).**

A vehicle with 3 inside is seen driving slowly through an area known for drug dealing, parking on one road, moving off then parking up on a side road. The driver admits the passengers are 'high' and states that the girls (given a lift) may have made off because of the Police presence. The driver has a large amount of cash in a wallet.

The Police Officer is calm, with a respectful and courteous manner throughout. Good use of GOWISELY items, explaining the grounds for the search. The Officer is clear and concise. Compliments from a Panel member to the Police Officer. This is a good example of policing.

Constabulary response: Panel comments noted with thanks.

Case 20: Stop & Search BAME. 1 July 2019

No BWV footage found.

Question: Data selection file states 'Yes' to BWV. Is it not marked as evidential and therefore deleted after 1 month?

Constabulary response: Panel comments are noted. This should have been marked as evidential and this has been fed back.

Case 21: Stop & Search BAME. July 2019

Member of the public witnesses and reports a drug deal in the Park. Description given of male. A person matches the description runs away so is Stopped and Searched.

The Police Officer does try to give the reasons and grounds for the Stop and Search, but not before the youth was wound up first. Containment is good, getting the two youths to sit down. The youths are cooperating and answering the questions.

However, the Officer's attitude is not great. It appears very aggravating and his tone is argumentative and initially not very polite, although it improves over the course of the conversation.

Concern: Panel members feel that this Police Officer needs to be calmer and 'take a step back' with his attitude when he first stops someone. He needs to re-evaluate his skills in asking questions.

Constabulary response: Panel comments and feedback noted with thanks. It appears that the footage starts part way through the initial interaction and the young male is agitated. I do agree that officers should approach any initial interaction in a calm manner, however, upon reviewing the information this is a subsequent interaction to earlier occasions that day where the male has run from Police Officers. There needs to be an ability for officers to speak to members of the public robustly in these circumstances to advise he has been detained and give direction. The officer does de-escalate when the situation calms down.

2. Spit and Bite Guard use (7 cases reviewed)

Case 22: Spit & Bite Guard use. June 2019.

A 999 call about an assault. The male caller is at the same address and the lodger is smashing things up and being very aggressive.

One Panel member records that this situation is well-handled, with care and the Police Officer has an excellent tone of voice. There is a caring application of the Spit and Bite Guard (but with initial problems in applying it) and a professional attitude at all times.

The suspect is very passive after the Spit Guard is applied. Also quite passive after the initial smashing up of the room. The male is taken to a Custody Unit and then to Hospital/A & E.

However, the male is increasingly incoherent. The way that he was spoken to by Police Officers is considered by two Panel members to be patronising/childish, rather than clear, with the use of words "Don't act like a child" not helpful.

The BWV footage starts late, when the Spit Guard is being put on.

Panel member feedback form 5 questions:

If force was used, was it appropriate? Yes (2 members); No (1 member).

Did the Police make correct decisions throughout this episode? Yes (2 members); No (1 member).

Was the Police behaviour free from any stereotyping or assumptions? Yes (2 members); No (1).

Was the incident free from demonstrable discriminatory behaviour? Yes (all 3 members).

Does the behaviour need further investigation? No (2 members); Yes (1 member).

Constabulary response: Panel comments and feedback are noted. I note the differing views of the members with recognition of the professional, caring communication, along with application of the spit guard. However, I also note the concern raised by a panel member about the officer comment "don't act like a child" to the male. Whilst we do expect professionalism from officers, this officer has just been the victim of an assault in that he has been spat at by the male. The officer describes "This is the second time in recent months that I have been spat at during the course of my duties as a police officer. I find such attacks disgusting" "are extremely difficult to defend against, particularly when they come without warning as in this case."

The impact of this attack is clear as the officer describes and in the circumstances, I believe his response is restrained and human.

Case 23: Spit & Bite Guard use. July 2019.

Family dispute by girlfriend who phones the Police but decides not to press charges.

Good restrained Police Officers

However, not very empathetic towards the girlfriend.

Not enough seen on the BWV to comment any further. The Officer wanders around a lot.

Constabulary response: Panel comments noted with thanks.

Case 24: Spit & Bite Guard use. August 2019. Bristol

A male is verbally aggressive. He had already spat at the Paramedic and was aggressive. Police Officers remain calm despite the abusive nature of the suspect, who is arrested for assault on the emergency services worker. An entirely appropriate use of the Spit Guard which is applied at the time of the arrest.

Constabulary response: Panel comments noted with thanks.

Case 25: Spit & Bite Guard use. June 2019. Bristol

Mentally ill and violent female suspect, who is agitated, very aggressive in the rear of the vehicle, due to be taken to a Secure Mental Health Unit. The female spits and the Spit Guard is put on and full restraints are applied carefully but firmly. The individual is very aggressive to the Private Ambulance Staff and won't cooperate. The Police Officer restrains the individual who scratches and the Officer is punched in the face. The individual remains violent throughout the time. The Officer explains everything that is going on and dialogue is maintained with the female who is kept on her side (not facedown). The female Officers are noted to have eased the situation a bit.

A Panel member states 10 out of 10!

This is a very good example of managing a very volatile situation, ensuring the safety of the individual. See Appendix 1 page 2 above: Summary of points from each sub-group. One Panel member makes a declaration of interest and withdraws from the feedback because a person on camera is known.

Constabulary response: Thank you for the panel comments and feedback. The positive feedback has been given to the female officers.

Case 26: Spit & Bite Guard use. June 2019.

999 call by the Caretaker about of public order offence at a Residential Home. An individual is aggressive and refuses when asked to leave the communal room. Record of drugs history and history of assaulting Police Officers.

The Police Officer solely attending has a clam demeanour and soft voice, appearing to be managing well. However, the situation escalates and there is aggressive shouting by the individual. The Officer remains calm and speaks clearly for a period of time after the suspect is identified as have a hearing impairment. The Officer warns the individual about the PAVA spray and hand cuffs as well as a warning that the Spit Guard will be used. The reasons for the Spit Guard's use is give and the guard is put on properly.

However, the female Officer applied valued judgements, stating "Your behaviour is absolutely disgusting".

Does the Officer's behaviour need further investigation? Yes (1 member); No (2 members).

Organisational points: A Panel member asks how can a Police Officer effectively disassociate themselves when there is a personal attack? In this situation the Officers had all the power and control over the subject (who had been verbally abusive). What is to be gained by telling someone that their behaviour is disgusting? See Appendix page 1: Summary point from each sub-group.

Constabulary response: Thank you for the panel comments and feedback. I note the panel views in relation to the officer comments "Your behaviour is absolutely disgusting". Whilst the officer was not physically assaulted, she had been subjected to a particularly unpleasant barrage of personal abuse from the male who has also been shouting at members of the public, including threatening to kill them with a knife. Officers were right to challenge this, however, I accept that the particular comment did not serve to de-escalate this situation. The panel comments will be fed back through the Supervisor to explore with the officer for learning.

Case 27: Spit & Bite Guard use. July 2019. 3.56 a.m. and 4.14 a.m. Bristol

An affray. Fighting in the street. Police Officers attend.

2 BWVs are available but neither shows the build-up to the Spit Guard be used.

The first BWV shows the suspect compliant. Police Officers arrest the male and he is searched in the Police vehicle.

The second BWV footage is then too late into the incident and shows the Spit Guard being put on but not the situation before. The male is retaliating. There is no BWV in the 5 minute gap, which would show how the situation escalated.

Constabulary response: Panel comments noted with thanks.

Case 28: Spit & Bite Guard use. June 2019. 3 a.m.

Domestic incident at Flat.

The Officers handle this very well and are humane throughout, including during the difficult circumstances when the male suspect attempts to jump out of the bedroom window. Four Officers manage to restrain the male who is fighting and kicking. All use of police powers and the force used is considered justified, including leg restraints, handcuffs, PAVA spray, Taser aimed and the use of the Spit and Bite Guard which is adjusted due to the suspect panicking.

Compliments to Police (firearms) **Officer 2757 Marshall** for trying to keep the suspect calm and assisting him. See Appendix page 2 Summary point from each sub-group.

Constabulary response: Thank you for the panel comments and feedback. The positive feedback has been given to the officers.

3. Taser deployment (9 cases reviewed)

Case 29: Taser (drawn). July 2019.

Suspicion of supplying crack drugs. Young male stopped by Police. Nice and calm situation. The male is arrested and then de-arrested. It is the wrong man – although the Police Officers are very polite during the search.

Better intelligence is needed.

The BWV footage does not capture any Taser being drawn.

Panel member feedback form 5 questions:

If force was used, was it appropriate? Yes (1); ? (1 member); N/A (1).

Did the Police make correct decisions throughout this episode? Yes (1 member); **No** (2 members).

Was the Police behaviour free from any stereotyping or assumptions? Yes (1); ? (1); No (1 member).

Was the incident free from demonstrable discriminatory behaviour? Yes (all 3 members).

Does the behaviour need further investigation? No (1 member); No (1 member).

Constabulary response: The panel comments are noted in relation to this matter. Having reviewed the footage, the officer actions show learning from panel feedback from previous incidents. On this occasion, the male stated he was not the wanted male. The officers communicated calmly listening to the male, and undertook immediate actions to check this information, including at the address. He was confirmed to be a brother of the male and was de-arrested, resolving the situation in a calm manner. From a Police perspective, this was really positive.

Case 30: Taser (red dot). August 2019.

Aggressive behaviour towards Police. Physical restraint and Taser red dot used on BME male.

This incident escalates very quickly in a public place with a hostile crowd. The male suspect is aggressive and the Police Officer uses the Taser red dot but does not fire. The male complains about a problem with his hand. The use of force appears appropriate. The Officers' crowd control is good, using the Taser drawn to warn others off and calm the hostile onlookers. The situation could have escalated even more but fortunately it didn't.

Question: Who are the plain clothes people applying handcuffs and holding down the male?

Constabulary response: Panel comments noted with thanks. There are plain clothes officers dealing with this male in support of uniformed colleagues.

Case 31: Taser (2 drawn). June 2019.

An individual wanted on recall to prison is seen on the street and is chased.

Initially quite intense. Two Tasers are drawn. The incident is considered to be handled appropriately due to the history (violence and escaping) and intelligence. The incident is de-escalated well after the initial contact and the subject stops and is amicable once detained. The Officers allowed the male to have his cigarettes.

Thank you to the female Officer who is very good at de-escalation, being the voice and dealing with the incident.

Constabulary response: Thank you for the panel comments and feedback. The positive feedback has been given to the officer.

Case 32: Taser (fired). August 2019.

A female telephones the Police to say that her partner has turned up and is being aggressive.

The suspect is agitated. There is very little time or effort used to diffuse the situation before it escalates. The male immediately rushes to fight with Officers. A warning is given and the male is Tasered right away. The male does not remain still as advised. The Officers remain calm, as

does the suspect. The Officers are professional throughout and a Panel member considers that the use of Taser is justified in the circumstances.

However, another Panel member asks could more have been done to diffuse the situation, or calm the suspect down before the Taser deployment and firing? Due to the calmness of the Officers, this Panel member is surprised why the Taser is fired as soon as it is. The suspect is Tasered in the back. Could the Officer have tried to talk more before the Taser is fired? The Panel members have seen many incidences where Officers have taken a good deal of time and patience before firing the Taser. Otherwise, good interaction. The male is on the floor for quite a while but it is explained why.

Constabulary response: Thank you for the panel comments and feedback. Having reviewed this case, there are a number of BWV clips available. Prior to the footage described by the panel, officers have engaged with the male at the address for around 10 minutes, managing to de-escalate the situation effectively before the male becomes agitated again and leaves the address. In the footage described by the panel, he then approaches the officers aggressively and Taser is fired. I will take on board feedback for panel facilitators regarding full footage being shown to provide the full picture.

Case 33: Taser (red dot and arching). June 2019.

999 call. Male trying to get into a house/beating a female and criminal damage to cars.

Additional intelligence of the suspect being violent.

The Taser is immediately drawn and the red dot used. The subject is persistently very violent and agitated. It is alcohol related. This aggression is handled well by the Police Officers, who de-escalate the situation. The male is warned that he will be Tasered if he continues resisting. He continues resisting. All is properly handled in a professional manner. The Taser drive stun arching to the suspect's neck is appropriate. The Rights are read at arrest.

Constabulary response: Thank you for the panel comments and feedback.

Case 34: Taser (red dot). June 2019.

Vehicle fail to stop. It crashes into a barrier. The passenger is unable to get out. The suspect is followed to his flat and is encountered on the staircase.

The suspect is quite violent, constantly making reference to shooting. Plenty of time is given to the suspect to calm down. The Taser is not fired on the staircase. The area is inappropriate. PAVA spray is used instead.

Taser is not mentioned but is drawn early on. The situation escalates when more Police Officers arrive. Tasers are drawn and red dotted but not fired. The situation appears to get worse. There is over talking by Officers to the suspect. The Taser deployment doesn't calm the situation.

Question: What is the reason for the authorisation of Taser?

Constabulary response: Thank you for the panel comments and feedback. In relation to the authorisation of the Taser, this was due to warnings in relation to violence and recent information about access to weapons.

Case 35: Taser (red dot). July 2019.

A domestic dispute. A man locked his partner in a bedroom.

Police had to break down the door to enter. There is good use of negotiation by the Police Officers who are very patient in their intervention, taking time to assess the situation. Only the red dot of the Taser is used.

There are no negative points.

Constabulary response: Thank you for the panel comments and positive feedback.

Case 36: Taser. July 2019. Bristol. 10pm.

Male states that he wants to end his life. Detention under s136 of the Mental Health Act.

There is a long conversation with the male, to give him time and to try to discourage him from jumping of the bridge.

The night time BWV footage is not clear.

As this is a section 136 detention the Panel members assume that the male was discharged with a care package and someone else was at home.

Constabulary response: Thank you for the panel comments and feedback.

Case 37: Taser. July 2019. Bristol

Attempted murder. Arrest of suspect.

Appropriate behaviour of Officers. The night time BWV footage is not the best.

Constabulary response: Thank you for the panel comments and feedback.

SCRUTINY OF POLICE POWERS PANEL

21 August 2019

Appendix 2

Stop and Search monthly data and BWV camera switched on figures (as at 30/7/2019 partial month)

Stop and Search Month/Year	Stop & Search count	BWC recorded %
Oct 2017	464	58.8%
Nov 2017	482	63.3%
Dec 2017	518	61.0%
Jan 2018	527	67.4%
Feb 2018	498	74.9%
Mar 2018	390	78.5%
Apr 2018	477	77.4%
May 2018	522	81.4%
Jun 2018	490	79.8%
Jul 2018	450	78.0%
Aug 2018	506	82.6%
Sep 2018	377	80.9%
Oct 2018	479	82.0%
Nov 2018	419	81.4%
Dec 2018	508	80.5%
Jan 2019	498	82.1%
Feb 2019	517	83.9%
Mar 2019	571	82.5%
Apr 2019	618	88.0%
May 2019	706	82.4%
Jun 2019	662	86.0%
Jul 2019	586	82.4%

Data below as at 1 October 2019:

In January 2019: 498 people were stopped and searched. 17.7% had no BWV and the reasons were: 18 No Camera (25.7%); 43 Officer discretion (61.4%), 6 Camera out of power (8.6%), 3 Camera faulty (4.3%).

In February 2019: 517 people were stopped and searched. 15.7% had no BWV and the reasons were: 26 No Camera (42.6%); 24 Officer discretion (39.3%), 7 Camera out of power (11.5%), 4 Camera faulty (6.6%).

In March 2019: 579 people were stopped and searched. 18.1% had no BWV and the reasons were: 21 No Camera (34.4%); 29 Officer discretion (47.5%), 6 Camera out of power (9.8%), 5 Camera faulty (8.2%).

In April 2019: 616 people were stopped and searched. 11% had no BWV and the reasons were: 17 No Camera (31.5%); 30 Officer discretion (55.6%), 4 Camera out of power (7.4%), 3 Camera faulty (5.6%).

In May 2019: 706 people were stopped and searched. 17.1% had no BWV and the reasons were: 42 No Camera 43.3%); 36 Officer discretion (37.1%), 7 Camera out of power (12.4%), 7 Camera faulty (7.2%).

In June 2019: 663 people were stopped and searched. 12.8% had no BWV and the reasons were: 26 No Camera (38.2%); 25 Officer discretion (36.8%), 13 Camera out of power (19.1%), 4 Camera faulty (5.9%).

In July 2019: 586 people were stopped and searched. 17.7% had no BWV and the reasons were: 26 No Camera (31.7%); 32 Officer discretion (39%), 6 Camera out of power (7.3%), 18 Camera faulty (22%).

In Aug 2019: 687 people were stopped and searched. 26.3% had no BWV and the reasons were: 36 No Camera (43.9%); 28 Officer discretion (34.1%), 11 Camera out of power (13.4%), 7 Camera faulty (8.5%).

Appendix 3

Taser and BWV (as at 30/7/2019, before all July BWV uploaded)

Year	Month	Taser used / deployed	BWV (recorded in Log or Use of Force Form)	% with BWV
2019	March	13	12	92.3%
2019	April	49	44	89.8%
2019	May	75	66	88.0%
2019	June	80	71	88.8%
2019	To 30 July	62	54	87.1%

Taser FIRED and BWV (as at 30/7/2019, before all July BWV uploaded)

Year	Month	Fired TASER	BWV (recorded in Log or UoF Form)	% with BWV
2019	March	2	2	100.0%
2019	April	9	8	88.9%
2019	May	11	10	90.9%
2019	June	9	9	100.0%
2019	July	12	9	75.0%