

# SCRUTINY OF POLICE POWERS PANEL

20 FEBRUARY 2019

10 members attended the 8<sup>th</sup> *Scrutiny of Police Powers* Panel quarterly meeting, observed by a criminology with psychology University 3<sup>rd</sup> year student, studying disproportionality in Stop and Search. There was also attendance by a Unison representative Officer, a Federation representative Officer and the Taser Training Lead, with two Police Officers managing the computer access and C.I. Wigginton as Constabulary lead for the Panel and ACC Cullen attending regarding the January 2017 Taser case review report.



A standard reminder about confidentiality and declarations of interest is highlighted on the agenda.

**Standing item: Stop and Search monthly data and percentage BWV camera switched on**

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	497	82.1%

## **ACTIONS – SCRUTINY OF POLICE POWERS PANEL – 20 February 2019**

All actions from the 27 November 2018 Panel meeting have been completed.

**ACTION 1 20/2/2019 agreed:** When the Panel report - specifically on the January 2017 Taser case review - is revised by the Panel then a Constabulary response will again be requested.

**ACTION 2 20/2/2019 complete:** Panel request for the Constabulary to consider investing in night lights or infrared facilities so that Body Worn Video (BWV) camera footage is clearer at night/in dark situations.

Constabulary response: The suggestion around night lights has been submitted for consideration

**ACTION 3 20/2/2019:** The Panel would like an update from the Constabulary regarding the debrief to Officers, with reference to Taser case 6 feedback below (page 8) and the Constabulary response.

## PANEL MEMBERS READING PACK

A 'Reading Pack' of documents was circulated to Panel members prior to the Panel meeting, including the meetings Agenda and:

1. The draft External Scrutiny Panel's report from the last meeting in November 2018 (for authorisation at the 20 February 2019 meeting).
2. National Decision Making (NDM) model – information as a reminder from Officer initial induction/training session. Student Officer powerpoint presentation; Police Officer Pocket notebook (PNB) inserts.
3. Stop & Search GOWISELY acronym summary.
4. Case review feedback form – revised narrative and reference to NDM and GOWISELY \*.
5. Quarterly bulletin for Stop & Search (Oct-Dec 2018).
6. Stop & Search with Body Worn Video (BWV) recorded – Monthly report to January 2019.
7. With reference to the Nov 2018 Panel and Chair/Vice Chairs' meeting on 7 February 2019: Taser January 2017 case review Draft report with Constabulary responses.
8. The Independent Office for Police Conduct (IOPC) Summary report of the January 2017 Taser case.
9. Terms of Reference – annual review - November 2018 version, revised: Chair and Vice Chair nominations for election now have a deadline of one week before the Panel meeting for the elections.

Also: On separate dates, two Panel members circulated the HM Inspector 'Picking up the pieces' report and a media article on Taser use.

**\*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 UPDATE – TASER January 2017 incident and Panel case review

The draft Panel report with Constabulary responses was discussed during this session, prior to the production of another revised report with additional Constabulary responses.

Assistant Chief Constable Stephen Cullen acknowledged the delay in the Constabulary responding to the Panel's review at the November 2018 of the January 2017 Taser incident.

A report of the 20 February 2019 Panel meeting discussion on this case and the Constabulary response is a separate document.

### PANEL FEEDBACK

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](#).

### SUMMARY OF THE REVIEWED CASES

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

1. Taser deployment;
2. Spit & Bite Guard use;
3. Stop and Search, within the Panel-requested three 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 (BME).

Panel members reviewed the associated narrative from the Police *Niche* database and *Storm* logs, as well as the BWV footage. Incidents were selected within the time-periods of December 2018, January and February 2019.

Members reviewed a total of **13** cases within the following categories:

- Stop and Search under 16 years old: **3**.
- Stop and Search BME: **2**.
- Stop and Search removal of more than Jacket, outer garment and gloves: **1**
- Taser deployment: **5**
- Spit & Bite Guard use: **2**.

### Summary of main points to highlight from this Panel meeting's case reviews

- More time has been spent on each case because there is more BWV footage. Also the data is better. There is now a richer picture for each case.
- Compliments to a **Police Officer 4285 Matthew SHAQER** in solely handling a Stop and Search of an under 16 year old. Commended. (Case 1 below).
- **Police Officer 861 David WHETREN** spent a long time coaxing a man to open the door, in a good, calm approach, even when the Taser was used. Commended. (Case 4 below).
- Overall, well done to the front line Police Officers.

- Good communication during a Stop and Search of an under 16 year old by **PC 4294 James DINHAM**. Commended. (Case 9 below).
- A second taser firing in one incident is of concern because the Taser is fired as the man runs away from the car. No one is in danger and the distance is such that it is unlikely to achieve a hit. (Case 6 below).
- A Taser Officer red-dotted a suspect and then another Police Officer walked in front of the Taser to handcuff the suspect. This highlights a personal safety learning requirement.
- A consistent organisational policing approach to Stop and Search of under 16 year olds is required. This relates to an adult hiding an item with a child or young person, which is considered to be a Safeguarding issue and a form of grooming.

## **OTHER BUSINESS (AOB) MATTERS**

Members were asked to consider secondment to the PCC's Independent Residents' Panel (reviewing complaints from members of the public against the Police) on a regular quarterly meeting basis, to ensure that Panel membership numbers remain at least at the minimum before an external recruitment process.

**The next Panel meeting** is on Wednesday 30 May 2019 at Patchway Police Centre, Bristol.

## CASE REVIEW DETAILS

### Case 1: Stop and Search (u16) 11/1/2019, 1.01 a.m.

**Weston-super-Mare. 15 year old suspected drug dealer (Section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act). Assault of Police Officer.**

'GOWISELY' used well. Very well handled. Suspect appears to be under the influence and threatens to hurt the Police Officer.

**The arresting Officer 4285 Matthew SHAQER is commended by Panel members** for a calm approach in the face of prolonged antagonism and abuse. He keeps the mood jovial and is very brave. However, members are concerned that the Officer is single-crewed and vulnerable for a long time.

**Questions:** Should there have been back-up for safety? It was 1 a.m. Did the radio equipment fail?

*Police response:* C/Inspector Paul Wigginton, Force Duty Officer

Thank you for the panel comments in relation to this stop search. I have noted and agree with the positive views around PC SHAWER's calm approach throughout an extremely challenging situation – these have been fed back to the officer.

In answer to the panel questions, officers are sometimes required to work solo crewed, although during night time hours this need is usually reduced. The radio equipment was working on this occasion and back up was requested, however, this did take some minutes to arrive due to the distance.

### Case 2: Stop and Search (>JOG) 3/1/2019.

**CCTV description: car insecure and 2 males, 1 with “dreads”, mixed race. Believed to be carrying drugs. Male with dreadlocks) (Section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act). PWITS = possession with intent to supply.**

Clear GOWISELY points are given, previously discussed by Officers to be sure of the grounds for this appropriate stop and search. Officers conduct themselves professionally throughout. A good example of the full range of Police powers. One male suspect is encouraged to sit down and is cooperative. Procedures are followed appropriately. The suspect is well informed throughout the initial search. The Officer explains the reason for the search, due to being seen by or in the vehicle and explains why a further search at the Police Station is required. The Officer is calm and polite throughout, even when the male suspect become un-cooperative. A struggle occurs and continues. Taser is drawn but not used. PAVA spray is used. Officers remain patient and calm throughout. However, members note that the male has plaits, not dreadlocks, as in the description provided. A member is unsure whether there are any assumptions, stereotyping or unconscious bias.

Five questions answered on the Panel's feedback form: 4 of the 5 members answered:

1. If force was used, was it appropriate? Yes x 4
2. Did the Police make correct decisions throughout the episode? Yes x 4
3. Was the Police behaviour based on stereotypes or assumptions? No x 3 (1 blank)
4. Was there demonstrable discriminatory behaviour? No x 4
5. Does the behaviour need further investigation? No x 4

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner?  
Yes (1 N/A answer)
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Question:** Is it usual practice to handcuff a compliant detained person? The Officer says it's usual.

*Police response:* C/Inspector Paul Wigginton, Force Duty Officer

The positive panel comments are noted in relation to this incident, particularly around the calm approach and good communication. In answer to the panel question, the officers are able to use reasonable force in order to conduct the search, however, this should be used only if necessary to conduct the search or to detain for that purpose. It is therefore not "usual" and needs to have be accompanied by a rationale. In relation to this incident, whilst the male was initially complaint, it is clear from the footage that the male quickly became un-cooperative and Taser was drawn.

**Case 3: Spit & Bite Guard use. 1/1/2019, 2.24 a.m. Bristol. A report of a racially abusive male who attempted to bite door staff.**

The male subject is verbally aggressive and resistant throughout and spits in the Police Officer's face. The male subject is restrained which is fair and there is good use of the spit guard. The Officer asks for the male's head to be lifted up to apply the spit guard. The Officer controls the situation well and quite quickly. The spit guard and user of force restraint and arrest is considered justified. However, members wondered how long the male was held down ("restrained to floor" by the door staff before the Officer arrived). It is unknown whether the male was genuine in saying that he was in pain but it did not seem to be checked. Could this time have aggravated the male to spit? There is a lot of public attention generated. Also, BWV footage starts late – because the Police are flagged down – so at the point of the arrest. It is also difficult to view due to the BWV camera angle.

*Police response:* C/Inspector Paul Wigginton, Force Duty Officer

Panel comments are noted. It is not clear from accompanying documentation how long the male was on the floor before Police arrival, however, it is suggested that Police arrived on scene quickly. It is not possible to say if this contributed to the male spitting, however, it is clear the male continues to struggle with officers who have little option but to initially restrain him. I agree that the BWV camera angle makes it difficult to see, however, this is partially due to the non-compliance of the detained male.

**Case 4: Taser fired. 27/1/2019 8.37 p.m.**

**A suicidal male, threatening anyone arriving at the house. Won't open the door. Male is epileptic and unsure if taking his medication. Taser authorised prior to Officer arrival at the scene. Male has a knife in his hand when Officers gain entry.**

A plan of action is thoroughly discussed and carried out. There is plenty of pre-attendance information received for the Officers. The use of the National Decision Making model is evident and establishing the risk. There is a significant amount of Officer negotiation with the male prior to forcing entry through the door. Good Taser warnings are given to the male and to other Officers. Good use of appropriate force. After the Taser is fired the Officer warns the male that the barbs are still connected. The situation is dealt with well. Taser is considered necessary.

**Members commend Police Officer 861 David WHETREN** for handling this incident for his use of Taser. Good use of information, entry, negotiation and restraint.

However, one member commented that the situation took a long time (8.37 to 8.55pm Taser fired). Also, the arrest was for affray? This is later downgraded to common assault. A member asks, how do Officers respond when a person says the have nothing to live for?

Five questions answered on the Panel's feedback form:

1. If force was used, was it appropriate? Yes x 5
2. Did the Police make correct decisions throughout the episode? Yes x 5
3. Was the Police behaviour based on stereotypes or assumptions? No x 5

4. Was there demonstrable discriminatory behaviour? No x 5
5. Does the behaviour need further investigation? No x 5

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Thank you for the panel comments in relation to this challenging and protracted incident. The positive comments regarding PC WHETREN have been fed back to the officer. The Panel comments regarding the length of the incident are noted. As we discussed in the panel meeting, particularly when dealing with a vulnerable person, the principals followed by Police are to negotiate, providing time and space. I am pleased that the officers gave every opportunity for the incident to be concluded without the use of force, however, it was clear that intervention was required and the officers were extremely professional and measured in bringing this to a positive conclusion.

**Case 5: Stop and Search (BME) 1/1/2019.**

**Report of 4 or 5 males at a pub fighting with knives and knuckle dusters.**

Good, fair conduct by Police Officers. Identity checks are made. The GOWISELY items are stated and not in a formulaic way by the calm and dignified Police Officer. The male being searched is also quite calm. The male is kept informed throughout and good information is given about the right to have a receipt. This is an example of good policing.

The 4 males' descriptions given are unclear. No force is used.

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Panel comments are noted with thanks, with positive comments around officers' approach and style.

**Case 6: Taser fired. 1/2/2019 2.37pm**

**ANPR car triggered to the Police Communications Team. Vehicle linked to attempted murder suspects and car occupants are known to be dangerous. A report of a suspected drug deal observed. High level Police Response called.**

Good use of Police intelligence technologies. The Force Incident Manager (FIM) gives authority for Officers to respond but to observe the 'Stay Safe' Police policy. The vehicle is stopped by Officers in the snow. This is considered to be brave action in pursuing an attempted murder suspect and the suspect could have used the vehicle as a weapon. The suspect runs away from the vehicle. The Officer makes great efforts to pursue the suspect, running through back gardens and over a number of fences back to the road. Members appreciate the difficult decision making (NDM) process that Officers have to make in split seconds and in dangerous circumstances. Officers sincerely put their efforts into the pursuit.

Compliments from members to the Response Police Officers, making very quick decisions. The Taser is first fired through the open car door which members feel is appropriate. The Officer believes that a knife is seen in the car with the driver but BWV footage is limited for member review.

The Officer fires the Taser again but to no effect. Panel members have concerns about this second Taser firing whilst the male runs away from the stopped car. The suspect falls over in the snow, gets up and runs towards a fence. A member states that the firing should not have happened because primarily no-one is in danger, but also the male is too far away to achieve a successful Taser barb hit. The member states that it was a bit like the Wild West and not to be encouraged.

Another Panel member felt that based on previous behaviour of the suspect, it would have been better for Police to have blocked the car into the cul-de-sac before attempting to talk to the suspect/driver. Also a member is unsure about the communication between the Armed and the local Police Officers.

Another Police Unit detain the driver. Another Taser is drawn to detain other males in the vehicle.



*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Thank you for the panel comments and feedback regarding this incident. The panel have identified the spontaneous and dynamic nature of this incident with split second decisions made by officers at the scene. This was also a determined effort to apprehend the offender with an excellent outcome. I have noted the panel comments regarding unsuccessful efforts to deploy Taser and I feel this incident would benefit from a debrief which I will progress.

**Case 7: Spit & Bite Guard use. North Somerset**

**An Ambulance is in attendance and reports to the Police a violent, intoxicated patient, may have fallen and may have a head injury. Location is outside a Rugby Club.**

The male subject is continually shouting, including that he will hurt and kill the Officer. The male is also struggling during the entire episode, which is in excess of an hour.

The Police Officers are patient with this unruly person. The Officers have to make decisions and judge the very aroused behaviour that is continuous. Reasonable force is used and Officers continually tell the male to calm down. The male is handcuffed, he continues to shout and he is also put in leg restraints. The male spits at Police Officers and then the Spit guard is applied. After the male complains that he is in pain the handcuffs are re-applied in front. Two members had safety concerns about the restraint method pressing on the back of the male's neck.

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Panel comments are noted with thanks, with positive comments around officers' patience and attention.

**Case 8: Taser red dotted. 3/2/2019 8.21 p.m. B&NES**

**Male driver failed to give way at a road junction and suspected of drink-driving.**

The single-crewed Police Officer pursues the male driver who runs into a house where there are other male friends, all obstructive in a hostile atmosphere. The Officer stays calm until other Officers arrive. The friend refused access to the Officer. The Officer red dots the male's friend before arresting the male. The Taser red dot is appropriate and understandable. It allows the Officers to take charge in a calm manner and de-escalates the situation.

However, another Officer handcuffs the male suspect but walks in front of the red dot. This is not ideal and Taser trained Officers should educate other Officers. Inter-team dialogue is needed if a number of Officers are at a scene.

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Panel comments are noted with thanks, including positive comments around the officer's calm approach. The panel observations about the officer walking in front of the red dot are also noted. This has been fed back into our training to reiterate – as discussed in the panel meeting, Taser officers will usually take the lead where Taser is drawn in order to avoid this.

**Case 9: Stop and Search (u16) 2/2/2019. Bridgwater**

**Report of a white youth with a half wooden sword, brandishing it in public. Clothing description. CCTV sighted the young people.**

The Officer stops the group of young people and questioned the male – to check his identify on the Officer's i-phone. The male admits to having a stick but putting it in a bush. The Officer explains that he needs to check and the GOWISELY items are stated with good instructions around the stop and search. The Officer is calm and patient with good, friendly and very polite interaction with the young male. It was kept low key.

**Panel compliments to PC 4294 James DINHAM** for his excellent example of a non-confrontational Stop and Search.

The only point that members thought would improve the encounter is for the Officer to explain what he was doing on his i-phone rather than doing this in silence and the beginning of the encounter, when checking the male's identity.

Five questions answered on the Panel's feedback form:

1. If force was used, was it appropriate? Not applicable.
2. Did the Police make correct decisions throughout the episode? Yes
3. Was the Police behaviour based on stereotypes or assumptions? No
4. Was there demonstrable discriminatory behaviour? No
5. Does the behaviour need further investigation? No

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Thank you for the panel comments in relation to this stop search. The positive comments regarding PC DINHAM have been fed back to the officer around his approach, including the use of the mobile device. This is important to note due to the increase in officer use of these devices and managing public perception around this.

### **Case 10: Stop and Search (BME) 14/2/2019. 5.47 p.m.**

**Report of a male seen passing items/packages and has a long bladed knife in his clothes. School children are in the area. Suspect described as 5'4", "looks Jamaican", bearded male.** CCTV. The 16 year old male suspect runs off when approached by the Police Officer. The Officer states the GOWISELY items and there is good narrative for the Stop and Search. A negative outcome as no knife is found but the search is based on information and not assumption. Members feel that the Officer is fair, polite and engaging.

However, one member asks: is the handcuffing of the male necessary from the start? Is this due to assumptions and stereotyping? This member feels that the Stop and Search could have had a better engagement process and dialogue.

Question 3: Was the Police behaviour based on stereotypes or assumptions? 2 x No; 2 x Yes.

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Panel comments are noted with thanks, with positive comments around explanation and narrative. It is also noted there were some mixed views in relation to this. The male was reported to be in possession of a knife and this contributed to the decision to handcuff the male. As mentioned previously, the decision to handcuff should be justified as opposed to arbitrary.

### **Case 11: Taser drive stun. 21/1/2019 at 10.57a.m. Weston-super-Mare. Breach of bail, curfew condition.**

The male suspect is very agitated and crying to be left alone. This continues throughout the incident, so it is difficult for the Officer to engage. A warning about the Taser is given 3 times before the drive-stun mode is used. There are a large number of Police Officers, shouting, and one member feels that the suspect may not have heard the Officer, may have mental ill-health and counselling is needed by Officers in these situations.

Five questions answered on the Panel's feedback form: Mixed member views.

1. If force was used, was it appropriate? Yes x 4; 1 question mark.
2. Did the Police make correct decisions throughout the episode? Yes x 4; 1 question mark
3. Was the Police behaviour based on stereotypes or assumptions? No x 3; Yes x 2
4. Was there demonstrable discriminatory behaviour? No x 4; Yes x 1 (no narrative).
5. Does the behaviour need further investigation? No x 4; 1 question mark

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Panel comments are noted including a common area explored by the panel regarding a number of different Police officers shouting, as opposed to one voice. Accepting this was a challenging situation to deal with, the panel views are noted and has been fed in through our training department for consideration of inclusion in future training.

**Case 12: Taser red dot and fired. 14/12/2018.**

**Report of a domestic incident with a description of a male, aggressive to 3 females and has something in his hand. Taser use is pre-authorised.**

Good pre-attendance notes so Officers have previous knowledge of the suspect being aggressive to Police Officers, has a possible weapon. Officers are therefore prepared.

The Officer gives plenty of warnings that a Taser is present and the red dot is used. The male suspect will not stop walking when ordered by the Police Officers and the Taser is fired. The first fire is ineffective. Taser use is considered justified.

However, one member feels that there is a lot of confusing talk. The Taser is fired then the Officer gives a warning. The BWV visibility is not easy to view this situation. It's too dark.

All five feedback form questions are positively answered.

**Organisational point:** BWV cameras should have night lights or infra-red functionality. Is it worth investing in this?

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Thank you for the panel comments in relation to this incident. This reflects the view of the above case to some extent where there was potential for confusion in Police commands given. As above, this has been fed back. The suggestion around night lights has been submitted for consideration.

**Case 13: Stop and Search (u16). 30/12/2018. Castle Park. Section 1 of PACE. A male reports that he has been robbed of £100 by 10 black males in tracksuits and one female and punched in the head and a bag stolen.**

A positive search.

The Police Officer is in control of the situation, in a very professional, courteous, polite, calm and respectful way to the young people. The Officer explains, in a straight forward manner, the GOWISELY items using child-friendly language. Three young people are stopped and searched and subsequently arrested for robbery as the stolen items are found. Cannabis/weed is also found and a cautioned is made. This Stop and Search is a good example of interaction with young people (13 years old). The night setting means that the BWV footage is dark again.

**Operational point:** Officers should be encouraged to help young people to clearly understand the situation by explaining the difference between being Detained (for a Stop and Search) and being Arrested. This could help de-escalate a Stop and Search situation. Also Officers can help people by explaining what a Caution is and if it lead to an Arrest.

All five feedback form questions are positively answered.

*Police response: C/Inspector Paul Wigginton, Force Duty Officer*

Panel comments are noted with thanks, including the positive comments around officer communication with the young people involved.

The point raised regarding explanation is extremely important and this is an area we will look to explore during upcoming stop search training with officers.