

SCRUTINY OF POLICE POWERS PANEL

30 MAY 2019

14 members attended the 9th *Scrutiny of Police Powers* Panel quarterly meeting, which included an update from the Constabulary's Taser Training Lead. 34 case files were reviewed. See Appendix 1.

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.

CHAIR'S UPDATE

The Panel Chair confirmed the themes of the Scrutiny of Police Powers Panel as:

1. Reviewing cases for unconscious bias.

2. Data Quality

The Chair is grateful to the Constabulary and PCC's office for their openness. Stop and Search with Body Worn Video (BWV) camera switched on is improving. The Panel Chair has questioned the Constabulary about what data is recorded in the Constabulary's Data Analytics tool, called 'Qlik Sense'.

3. Mental ill health

The area of focus for mental health is to record BWV being switched on, but also to consider the number of instances coming through where subjects have apparent mental health issues.

4. Reaching out to other Independent Advisory/Scrutiny groups. One member attended the Strategic Independent Advisory Group (and has joined the IAG), two members are Bristol IAG members, one member is a South Gloucestershire IAG member. Also one member is an Independent Residents' Panel member.

ACTIONS – SCRUTINY OF POLICE POWERS PANEL – 30 May 2019

Action from the previous Panel meeting on 20 February 2019 have been completed except the following required an additional Constabulary response and have now been received:

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

Constabulary Response - Debrief Note: *In relation to the overdue debrief with officers regarding the previous Taser deployment this is now complete and a summary of the debrief is below:*

This incident was debriefed with the officer who deployed the Taser and commenced the subsequent foot chase. The male was wanted in relation to an attempt murder where weapons had been used – there was a firearms deployment regarding this vehicle due to the threat posed. We have identified a communication issue from the debrief in that this message was not clearly received by the officer – this is an area that will be reiterated to colleagues.

The officer located the vehicle in company with a colleague and noted it entered a residential street. Back up was requested as a matter of urgency, however, due to the layout of the road there was no way to either contain it within the location or use the vehicle to block it. The officer therefore deployed on foot to detain the driver, however, he began to make off in the vehicle – the officer tried to deploy the Taser. However, as noted this was not effective. In hindsight the officer advised he would not have used Taser again in the circumstances, however, noted that the risk posed by the subject was high and at the time deemed it justified. Again the officer reiterated they were unable to block the car in prior to this due to the lay out of the street. Following the foot-chase, the male was successfully detained without injury.

The officer has reflected on the deployment and recognises the potential dangers with this course of action to deploy the Taser. I have fed this back to KW for consideration in relation to ongoing officer Taser training.

NEW ACTIONS - 30 MAY 2019

ACTION 1 30/5/2019 for Panel members: Members are asked to email KP with details of any organisations who consent to receiving the Panel Report. This is with the aim of widening the Report circulation.

ACTION 2 30/5/2019 for Panel members: The Constabulary (ACC Cullen) offer Panel members involvement in the redesign of the webpage for Use of Force publications.

The last published document (Quarter 3 for Oct-Dec 2018) has already been circulated to Panel members.

The current Use of Force Constabulary webpage is here:

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

ACTION 3 30/5/2019 [C/Fwd]: Panel request to Constabulary to improve the **Taser and BWV** switched on recording process. The Taser Lead Trainer states that all Taser deployments are recorded on BWV but the statistics indicate that they are not. The Panel request Taser deployment and BWV switched on figures, as for Stop and Search and BWV switched on.

Constabulary Response: This is not available at the moment in Qlik Sense (data analytics tool). Insp. Wigginton will raise this as a request for the data to be added.

ACTION 4 30/5/2019 [complete]: Panel recommendation to Constabulary: Continue to encourage Officers to switch on their BWV camera, switch it on early and be aware of the camera angle.

Constabulary Response: During the current roll-out of training across the Constabulary, effective use of BWV has been reiterated including:

Using BWV;

Turning the camera on early;

Using narrative to explain to the viewer what is happening;

Camera angle;

and

Good examples have been shown to officers during the training which have been previously identified by the panel.

The panel also reviewed the format of the report and agreed to publish the details of the cases reviewed as an appendix. See Appendix 1.

SCRUTINY OF POLICE POWERS PANEL

30 MAY 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 (BME).

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 time-periods of March to May 2019.

Members reviewed **34** cases within the following categories:

- Stop and Search under 16 years old (u16): **6**
- Stop and Search BME: **6**
- Stop and Search removal of more than Jacket, outer garment and gloves (>JOG): **3**
- Taser deployment: **13**
- Spit & Bite Guard use: **6**.

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

Chair's sub-group 1 - Month of May Case Reviews (ICT room):

- 7 incidents were reviewed and in general the cases were good. Recommendations particularly to 2 Officers in one case.
- However, unfortunately, 3 cases involved inappropriate language by Officers who swore and this is considered by the Panel members to be a breach of the Standards of Professional Behaviour in that firstly the Police Officers did not act with self-control and tolerance and did not treat members of the public with respect and courtesy. Secondly, the Officers behaved in a manner which discredited the Police Service and undermined public confidence. This Officer swearing and unprofessional behaviour made the interaction worse. The Officers were not even mirroring the language of the member of the public. Case 13 below refers.
- It is brilliant that BWV is being switched on early. However, angling up to the ceiling gives no visual footage. The Panel have worked hard to encourage the Constabulary leaders to ensure that Officers switch on BWV cameras. Now the Panel should work on encouraging the

Constabulary to ensure Officers are aware of the camera angle and position it most effectively.

- Police Officers attending the Panel said that they have not seen BWV footage before.
- Panel commendation to Police Officers **Stephen 4618 ALLAN** and **David 861 WHETREN** in dealing with a Domestic incident.

Vice-Chair's sub-group 2 – Month of April Case Reviews (Room 6):

- There were no exceptional cases in the 12 reviewed. That is a good thing. All straightforward.
- The UNISON representative commented during the case reviews that switching on the BWV camera earlier would have been better. The Taser Trainer has talked about muscle memory and Officers switching on their BWV in their Police Vehicle and talking through the event before arriving at the scene is considered to be best practice by Panel members.

Vice-Chair's sub-group 3 – Month of March Case Reviews (Glos. room):

- All 15 cases reviewed were straightforward and very positive. The Officers were calm.
- One case within Custody where a Spit and Bite Guard was used had extremely patient Officers: **Matt Carter** and **Karen Follows**. An exemplary example of policing. See Case 18 below.
- A lot of the cases reviewed involved people with mental ill-health.
- A Panel member highlighted vast improvements were seen in the Officers action compared to the Panel's initial reviews 2 years ago in 2017.
- Some Officers switched on their BWV cameras late into the incident. However, BWV footage was found from other Officers who had switched on their camera earlier.
- Case examples showed Officers had good welfare awareness and care for people with head injuries.
- Compliments from the Panel to Officers: **Richard 4806 Skuse; Shane 4936 Jones, Natalie 1015 Thatcher and Sam 2031 Parker** in dealing with a suicidal man. This case and BWV footage would be a very good example to be shown at future Taser training sessions.
- What is the Officer training and best practice when restraining a suspect prone on the ground? Case examples show prone and face-down, rather than on their side.

A Panel member said that despite everything being very good during the Panel meeting case review, their community are saying that it isn't good. For example a man with mental ill-health had his dog taken away and no Officers had BWV switched on. If the figures for Stop and Search and BWV switched on are 88% (April 2019) then who are the 12%? At the next Panel meeting (August 2019), Stop and Search grounds will be reviewed for incidents where there is no BWV footage.

Recommendations to the Constabulary:

- Continue to encourage Officers to switch on their BWV camera, switch it on early and be aware of the camera angle.

APPENDIX: PANEL CASE REVIEWS and CONSTABULARY RESPONSES

Stop and Search cases (15 incidents reviewed)

Case 1: Stop & Search, 14 year old. 12/5/2019 6.41pm Bristol Retail Park. Section 1 of Police and Criminal Evidence Act (PACE).

Report of a male who made threats with a knife or gun. The male stopped - in a group of young people - matches the description given by the member of the public.

Stop and Search procedure followed. Male Officer is calm, polite and measured/focussed on the task and explains to the youth the chain of events. Did well to control the group with a good, forceful message by the Officer. The female Officer began a bit dismissive and unprofessional, aggressive, shouting, laughing and chewing gum, but then developed a rapport with the group. However, the BWV did not capture the actual search to the camera angle more on the assisting officer that on the subject.

Question: Why was the Officer chewing gum?

Organisational learning points:

Officers must be aware of the BWV camera angle and adjust it to capture the incident. Alternative wording to check a person's name is recommended, such as "Is that your full name?" and "Can you spell it for me?"

Constabulary response: Thank you for the panel feedback in relation to this stop search. The positive comments are noted regarding the male officers initial control of the group, as well as the feedback regarding the female officers' initial approach. The comments regarding the camera angle form part of the panel's common themes and will be reiterated to officers.

In relation to the officer chewing gum, whilst I understand the panel disliked this, it did not affect the officer's approach, interaction or outcome from the stop search.

Case 2: Stop & Search, under 16 year olds. 8/5/2019

Report of a group of young males acting suspiciously. Suspected of attempted theft of a motorbike.

A calm Officer who introduced himself to the 15 year olds, clearly explained why they had been stopped on the Street and the grounds for the Stop and Search. Good communication, engagement and interaction with the children who were compliant. BWV camera well positioned. The standard to be expected.

Constabulary response: The panel feedback is noted with thanks and this footage will be highlighted as some good practice.

Case 3: Stop & Search section 23 drugs. 13 year old. 27/3/2019. Easton. Officer witnesses young male exchange something with another male. When Officers approach, 2 males run away. One stopped.

Good explanation of Stop and Search grounds. Very patient with the young male and good continual conversation throughout so that the male knew what was happening. Good communication skills. A complete body search. The boy was compliant. Outcome: Nothing found. However, one member stated that the search was very public and a bad experience for the 13 year old. Another member thought the Officer could have explained a little more as the boy was 13 years old.

Operational policing point: Although the Stop and Search was legitimate it was very public and the public perception and impact of the passers-by in the community can be negative.

Constabulary response: Thank you for the panel feedback regarding the good communication. I have noted the view of one panel member that the search took place in a very public area. Legislation allows an officer to search the person at or nearby where they were first detained. On this occasion it was a challenging location in that the street and the surrounding streets are all residential – the officers were patient and quite discreet, concluding the search quickly. On this occasion it would have been difficult to move the stop search to another location in a proportionate way.

Case 4: Stop & Search, 14 year old. 18/3/2019.

Male matched the description of a male breaking into parking machine.

An appropriate use of Stop and Search. The Officers are respectful and professional in their approach. The Officer is thorough in ascertaining that the 14 year old boy was a missing person from London. However, it took a while before the grounds and Stop and Search aspects are given, which is after stopping the young male and beginning the search. Fully explained after the Officer spoke to the Control room regarding another suspect.

Outcome: nothing found.

Constabulary response: The panel feedback is noted with thanks.

Case 5: Stop & Search, under 16 year olds. 12/4/2019. Cribs Causeway.

Seen by Security Staff on CCTV to damage and remove poison from a rat trap.

An appropriate and well conducted Stop and Search of 4 males, aged 13, 14, 15 and 16. A considered approach by the calm, polite and efficient Officer who introduces himself and explains his details and the grounds/reasons for the search as well as instructions about a copy of the search record. The Officer is relaxed and establishes a good rapport with the young people. The Officer asks the boy for his name and date of birth for the record. All straightforward and no issues.

Constabulary response: The panel feedback is noted with thanks and this footage will be highlighted as some good practice.

Case 6: Stop & Search, under 14 year old. 6/4/2019.

11 year old girl tells her Auntie that 10 to 15 boys are waving knives in Yeovil park.

A good example of a Stop and Search. Appropriate tone and language for the Officer relating to the teenagers. The Officer deals with the situation very well, being very patient, firm but fair, giving a warning for the future that if they are caught drinking or smoking in the children's play area then the Officer will arrest them. Names of 3 boys checked on Police system.

However, the Officer doesn't explain the right to a copy of the search record and pressed for name, date of birth and home address. This is entirely understandable and the information was given but the subjects didn't have to give this information. The Officer's persistence is admired by a Panel member.

Outcome: Nothing found.

Operational point: To what extent should the situation be followed up with parents / others? Is there Police capacity to do so?

Partnership working with Youth Workers and the Neighbourhood Policing Team is recommended.

Constabulary response: Thank you for the panel feedback regarding the good communication. I note the panel comments in relation to the right to a copy of the search and officer persistence – these are both areas we are reiterating in our current stop search training.

Regarding the operational questions, on this occasion nothing was found. Due to the male being juveniles, a risk assessment should be completed to establish what further referrals are needed, along with any further partnership working. This is again another area reiterated in stop search training. In this case, there were no concerns highlighted.

Case 7 Stop & Search. BME. 9/5/2019. Chard. Section 23 drugs. Suspect identified himself. Suspected of drug dealing from the premises. A welfare check on the vulnerable people. Assisting the Safer Stronger Neighbourhood (SSN) Team.

The lead Officer is calm and in control, confirming the BWV recording at a very early stage. The Officers are also very patient. The BWV camera angle is good. It is good to call for female Officers to search the female at the address. The Officer asks the person for their full name. All people in the house are searched.

However, the 'GOWISELY' acronym Stop and Search items are not stated for all the searches. The male subjects challenged the Officers about their PNC check and the Officer response was "We don't have to have permission." Greater earlier clarity could have deflected this response. There is no upfront information that a copy of the Stop and Search record is available. The way the people's identities were obtained seems underhand.

Questions: Are there any Constabulary guidelines for Stop and Search of people with disabilities or appear ill?

Organisational point: The GOWISELY acronym items should be stated for all Stop and Searches.

Constabulary response: The panel comments are noted around the calm approach and good use of BWV. Regarding the operational points, these areas are covered and reiterated in the current stop search training roll out. GOWISELY must be stated for stop searches and this will be fed back in this case. In relation to stop searches of people with disabilities, anyone searched should be treated with dignity and respect for their individual needs. Officers should try to understand the disability and take it into account during the search.

Case 8: Stop & Search. BME & 14 years old. 13/5/2019. Suspect pointed out by a member of the public following threats of using a knife against the female. Male (known to female) also seen damaging a vehicle with spray paint. Arrest for section 5 (insulting words and behaviour) Public Order offence.

BWV is only 2 minutes long and there is not enough footage information to comment.

2 Member comments: Case pre-selection should ensure that viewing is suitable and equipment is good for viewing.

Constabulary response: Thank you for the panel comments regarding adequate length of BWV and reiteration of case pre-selection. We will make efforts to improve this for future panels.

**Case 9: Stop & Search. BME. 9/5/2019. Bristol
Report of a group of Somali males fighting. Weapons mentioned. Agitated male. Taser authority granted. Arrest.**

The Officer explains well to the male why he is being stopped and searched and the wider reason of knife crime prevention. Although force is used the Officer is patient and explains why he is using force and if the male complies then it can go much easier. Good use of force. Good welfare in avoiding any injury when the Officer reminds the other Officer to be careful of the male's head on the pavement/kerb when restraining him. A difficult and potentially volatile situation, dealt with well. However, there is not much solid information and a distorted story by the member of the public calling the Police.

Constabulary response: The panel comments are noted about good use of force and restraint. I agree that the officer remains calm in the circumstances and this incident is well handled. I will feed this back to the officer.

Case 10: Stop & Search. BME. 31/3/2019. Bristol. Public Order incident. 2 males stopped on suspected blood cited in the area.

Officers are quite polite, explaining the reason for the stop and search due to knife crime and blood found at the scene of the incident. Grounds explained and a good, appropriate stop and search. Receipt given of the Search.
Outcome: Nothing was found.

Constabulary response: Thank you for the positive panel comments in relation to this stop search.

Case 11: Stop and Search. BME. 27/4/2019.

Information that a vehicle was involved in a domestic incident. Vehicle linked to a theft 10 days earlier.

GOWISELY used. Otherwise the BWV footage is poor and the audio level is too low.

Constabulary response: The panel comments are noted regarding the BWV footage and this forms part of the common themes which form part of the current training roll out.

Case 12: Stop and Search. BME. 3/4/2019.

Vehicle stop. No lights so pulled over. Cannabis use suspected due to smell and demeanour of driver.

The Officer is polite and respectful. Grounds for the search are stated. The driver is drug-swiped and it is positive. A good example of a Stop and Search. Was the person BME?

Constabulary response: Thank you for the panel comments and positive outcome and recognised as a good example. I can confirm the person searched was BME.

Case 13: Stop and Search. >JOG. 2/5/2019.

A smell of cannabis and drugs items in the room. A scuffle takes place but none of this is recorded. On viewing the first footage it emerged that there was a Taser deployment, PAVA used and an arrest and then the Stop and Search. The Panel decided to view the entire incident.

There is good use of the BWV and an explanation given for the BWV filming in the Police van where the search takes place. The subject is made safe in the van. The Stop and Search grounds are not known from the BWV footage. Officer assaulted. The female Officer is considered to be brave, she is isolated and clearly threatened/intimidated but the poor Officer conduct is not acceptable. Backup from a large number of Officers arrives fairly swiftly.

The Tasered person is put in the recovery position. Other Officers are talking to neighbours. However, the female Officer's response is poor, shouting and swearing. Poor information is being presented. BWV switched on late, only after the Taser is fired, although members understand it was an escalating situation. The female Officers is swearing and calls the subject an idiot. She is injured and a bit distressed but she is considered to be aggravating the situation and escalating the anger of the suspect. Other Officers are swearing: "give me you f'ing hand". The bad language is not conducive to maintaining a calm situation.

The BWV camera angle is poor.

3 members thought the use of force was appropriate, one said not and one was unsure about dragging the subject across the road.

Organisational learning actions: The Panel members disapprove and express dissatisfaction with the poor conduct and breach of Standards of Professional Behaviour of the Officer swearing and shouting. See summary of points above. Also, the priority of BWV being switched on is low and poor. This is for Officer protection (as well as for others).

Constabulary response: Thank you to the panel for the feedback in relation to this case. This is an extremely challenging situation for the officers to deal with and I have read and understood the concerns from the panel.

I have reviewed the circumstances of this case and to add context, officers attended the location in relation to a wanted male. Upon arrival, officers noticed the smell of cannabis along with various drug paraphernalia, so commenced a search. The subject featured in the video physically barged past the officers and when one of the officers took hold of his leg, he stamped on and kicked out at officers. Another officer jumped on his back in an attempt to detain him. However, he dragged both officers along and shrugged the officer off. The Taser was subsequently deployed bringing the subject to the ground where he was handcuffed. At this point, the officer is seen in the video to call for back up – the subject continues to ignore the officer and offer resistance, while she explains he needed to remain where he was until support arrived. The subject calls her an “idiot” to which she replies “you’re the idiot” – She does not swear at this point and, while it would of course not be preferable to call the subject an “idiot”, the officer is clearly in a highly stressed volatile situation along with being injured and out of breath from the scuffle.

Shortly after this, the male subject surges to his feet and pulls free from the officer dragging her to the ground breaking free and fleeing from the location again. At this point the officer does swear, albeit not to the subject, before running after the male – it transpires that during this second altercation the subject has ripped the officers nail from her finger and she is bleeding. The subject is detained a short distance away. The male also later spits at officers transporting him to custody. One of our values is learning and it is important to listen to feedback from the panel in order to develop staff and learn - I note that some panel members are unhappy with the conduct of the officer. It must be noted that the female officer in this case is subject to repeated violence from a volatile male subject, causing high levels of physical stress, exhaustion and injury. I note the panel do not feel this helped to “maintain” a calm situation, however, it must be noted that this was an already highly escalated situation where the male had posed, and continued to pose a high risk in order to escape lawful custody. Whilst I have noted the view of the panel, on this occasion I do not feel the officers actions were unreasonable in the circumstances.

Case 14: Stop and Search. >JOG. 16/4/2019. Chard.

Reports of 4 black males having broken into the address. 4 males found by Police in the flat. Suspected cuckooing (drug dealing from a vulnerable person’s home). Search for items relating to the offence. Intelligence: Males previously found with knives.

A well conducted search by the Officer who was in control. Clear information given of why the Police are there and what is going to happen. The Officer is non-confrontational, patient, polite, orderly, with a fair but firm manner, keeping the situation calm. GOWISELY Stop and Search items followed. The Officers carrying out the search are thorough and respectful of the subjects. Safeguarding issues regarding the vulnerable adult living at the flat and him inviting the others into his home (cuckooing).

Constabulary response: Thank you for the panel comments in relation to this stop search, with positive comments in relation to the officer approach.

Case 15: Stop & Search. >JOG. 16/3/2019. Weston-super-Mare.

A member of the public points out a suspect and showed Police images of suspect male interacting with people behind a van and who is reported as regularly dealing from that location, producing items from his socks.

Good use of Stop and Search and BWV. Officers very polite and respectful, explains what is happening and asks if the male is happy to be searched at the location. Hand cuffed in case he runs off. Outcome is successful. Drugs are found.

However, one panel member noted a negative comment that the search location is very public.

The wind means the initial BWV sound quality is poor.

Question: Why are handcuffs used when the subject is compliant? Should the Officer use gloves when searching the person?

Constabulary response: I have noted the panel's positive comments in relation to the polite approach from the officers and good use of stop search. Whilst the search took place in a public location, the detainee confirmed he was happy to be searched there. There is no requirement for officers to use gloves, although this is good practice. Handcuffs should only be utilised when this is justified – on this occasion the officer confirms these were applied to prevent escape, and prevent him from harming officers.

Spit and Bite Guard use (6 cases reviewed)

Case 16: Spit & Bite Guard use. 8/3/2019.

A good number of Officer BWV recordings of the incident, to get a more complete picture, for more accurate scrutiny. A female subject is face down on the ground, very distressed and appears to be in pain. The Officer reports spitting by the female subject who has heightened arousal. It is appropriate to use the Spit Guard as the subject is spitting. Considerable restraint is needed. An Officer had been punched in the nose. Other Officers are calm and interact well with on-lookers who have to be moved away.

However, of concern to the Panel members is that another female Officer is quite verbally aggravating. A very negative, dismissive comment by one Officer who has been hit saying she can't understand the man's English. There is no lead Officer and it appears chaotic. Could the Officers have controlled the situation sooner? There are a large number of Officers, too many, making it appear chaotic and disorganised. Some Officers appear to be standing around doing nothing. Police cars are blocking the road. The incident prior to the spit guard use is not recorded on BWV so the switch on of the camera is late.

Organisational points:

Officer saying "I can't understand you English" is used dismissively. It is disrespectful and not warranted and all Panel member state that the Police behaviour is NOT free from any stereotyping or assumptions.

Members question whether the spit guard use and full restraint face down is needed? Why both?

Constabulary response: Thank you for the panel comments in relation to this volatile situation. I note the feedback around the perceived lack of controlling the situation with no lead officer – the Sergeant was present at the scene. However, this Sergeant has since retired from the service so we are unable to explore this further. Since this incident, crowd management is an area we have reiterated as part of continuous professional development for staff and supervisors. In relation to the organisational points, I agree that the officer comment was unnecessarily dismissive and this will be fed back through the officer's supervisor. In relation to the use of spit guard as well as restraint, this does not seem excessive in view of the violence offered by the female subject including punching the officer and spitting.

Case 17: Spit & Bite Guard use. 11/3/2019.

Officers are called to Fromeside, a bespoke nurse-staffed residence for mentally ill people.

After the male subject spits at an Officer there is good use of the Spit Guard (when the Officer manages to put it on the male). The Police stand back and lots of time is allowed for the nurse to calm the male down. The nurse keeps talking with the male patient, advising on breath-regulation techniques. An Officer's gloved hand pushes the male's face sideways when he is on the ground being restrained by 4 Police Officers. A member questions why 4 Officers are necessary in the confined hospital/residence environment where staff would be present. The Officer's hand remaining over the male's nose and mouth area until the Spit Guard is applied. Time is given for the patient to recover after the Officers' restraint, which is actioned in a way that needs as little force as possible.

However, a member is not comfortable with the Police Officers being very quick to take the restraining action and with no initial conversation with the patient who is very fearful of the spit Guard and is coughing. The whole process leads the male to have a panic attack which the Officers don't seem to realise. The Officer says "You can breath through that easily".

Organisational learning point: Possibly an Officer learning opportunity in recognising a panic attack starting, mental ill health awareness and how to calm down a patient. Also consideration of communication before action plus training on restraint. Was the number of Officers proportionate for the incident?

Constabulary response: Thank you for the panel comments and recognition of officers' patience and awareness of allowing time to calm the patient. I note the panel comments in relation to whether 4 officers are necessary – often utilising more officers can reduce the amount of force needed to restrain someone and in this instance, does not seem excessive. Although the panel state the officers were quick to take restraining action, communication had proved unsuccessful by staff, followed by officers. The male was offering violence kicking shields and assaulted officers. Mental health training is continuing to be rolled out and mental health tactical leads are being identified across the force to increase knowledge and learning in this area.

Case 18: A Patchway Custody Unit booking-in. Spit Guard use. 25/3/2019.

A male being taken into Custody from a Police van. Threats to spit. Good use of the Spit guard as soon as spitting is threatened. Commendations to **Officer Matt CARTER** who is very good at dealing with the situation, calmly encouraging the male to come out of the Police van voluntarily. The Officer is very patient, explains that he is recording and points out the BWV cameras. The Officer also explains why the BWV camera is being used and when the recording will be removed. **Karen FOLLOWS** is also excellent, being very reassuring and speaking in a calm, encouraging voice. The male detainee says "I'll knock you all out". Very professional way of dealing sensitively with the male with mental ill-health and the Officers are empathetic. A good example of policing. See Summary points above.

However, two members are concerned about the detainee being prone, face-down on a plastic mattress, although he is awake and talking.

Constabulary response: The panel comments are noted including the good work recognised for the officers. This will be recognised and fed back to the officers.

Case 19: Spit & Bite Guard use. 13/3/2019.

A male is found with a screwdriver.

The male is being transported by the Officers by Police car. Good and appropriate use of the Spit guard after the male threatens to spit at the Officer three times and the male is also very verbally aggressive and abusive. The male is warned not to spit and that the Spit Guard would be used but the male continued to threaten the Police Officers. The Officer explains why the Spit Guard is used. The Officer kept talking to the male to help the situation, explaining their actions throughout. The Officer also complied with the man's request to stop squeezing. One Panel member was concerned about the limited space in the car and that the situation could have escalated.

Constabulary response: Thank you for the panel comments and positive views regarding the Police action and communication. There is limited space in vehicles and officers conduct a dynamic risk assessment when assessing an appropriate vehicle to transport detainees.

Case 20: Spit & Bite Guard use. 6/4/2019.

Officers are assisting Firearms Officers to make an arrest regarding drugs. Officers are taking the arrested male to the Police car and the male is confrontational, making threats and taunting and then spits at the Officers. The Officers hold the male to the roof of the car and he is handcuffed. The Officers are firm, fair and polite. It is appropriate use of the Spit Guard, properly put on, and appropriate use of force given the aggressive behaviour of the male subject. Compliments from the Panel members to the Officer for remaining professional throughout the incident.

Constabulary response: Thank you for the panel comments and positive feedback. I agree that the officers remain professionalism throughout the incident.

Case 21: Spit & Bite Guard use. 1/4/2019.

A man is very distressed, aggressive and agitated, with self-harm cut leg injuries and possibly intoxicated. The male is detained under section 135 of the Mental Health Act.

The female Officer takes the lead in trying to calm the male down and keeps referring to other Officers and Ambulance staff to ensure everyone agrees with the plan to detain the man, restrain him and transport him in the Ambulance. Advice taken from medics. Restraint only occurs in order to protect the male. The male bites the Officer in the Ambulance whilst restrained. The female Officer remains in control, uses appropriate language and the male seems to respond more to her than others. The Spit and Bite Guard is justified and appropriately used, which is only after the male spits at the Doctor at the Hospital rather than after spitting at the Officer.

However, the Panel members' concern is the length of time – 20 minutes – that the male is lying prone, face/chest down, although it is with the medics approval. One member states that the spit and bite guard is put on with no warning given and put on despite the doctor/medic implying that it wasn't necessary. The male was already restrained.

Organisational learning point: Is there any Officer learning/awareness that the detained male should be put on his side as soon as possible, rather than being restrained face down?

Constabulary response: I note the panel comments with views around appropriate use of force taken. During regular officer personal protective equipment training, positional asphyxia awareness is reiterated regularly and efforts should be made to place detainees on their side as soon as possible. In relation to this particular incident, the suspect is on a soft padded bed which reduces the impact of this, and he is subject to ongoing medical care and attention throughout. This is continued to be reiterated throughout training. The spit guard was applied to the male as he was spitting, however, I note the panel states the doctor implied this wasn't necessary.

Taser deployment (13 cases reviewed)

Case 22: Taser fired. 15/5/2019. Weston-super-Mare.

Domestic incident. Victims telephoned their father who then called the Police.

Good, very calm, gentle and patient approach from the Officer, which helped the children at the location. Good practice to let people know the BWV camera is on. The Officer spends time talking and explaining the reasons why the Police have arrived at the home address and the reasons for the police actions taken. The Officer tries to find solutions by saying: "What can we do to make this easier for you?" A well managed police response with ongoing dialogue and lots of warning given before the Taser firing. However, the BWV camera angle doesn't show the subject.

Panel commendation to Police Officers **Stephen 4618 ALLAN** and **David 861 WHETREN**.

Questions: Did the Officer consider contacting Mental Health professionals or other agencies? Were 2 Tasers required to this domestic incident?

Constabulary response: Thank you for the panel comments and particularly good work recognised for the officers. I will ensure this is fed back to officers. Mental health triage were consulted in relation to this incident and provided guidance. In relation to the number of Tasers, this is a subjective question and will depend on the number of Taser officers available to attend the incident – any Taser deployment must be justified.

Case 23: Taser. 30/3/2019. Wells.

Resident phones the Police about 2 males possibly fighting in a flat, with head injuries.

One Officer is firm and sharp with the male subject – telling him to get on his knees and repeatedly saying he will be Tasered if he does not comply. One member states that the other Officer is more polite and friendly, speaking with a calm voice and talking through what is happening.

The male subject takes off his belt and is aggressive. The Officer is engaging well, calmly trying to de-escalate the situation. The Officer gives ample warning before deploying the Taser. The male subject is treated with respect, even after he verbally abuses the Officers.

Constabulary response: The Panel comments are noted with thanks and I agree with the positive de-escalation of this incident.

Case 24: Taser red dot. 31/3/2019. 10pm.

Report of criminal damage by female subject who is bleeding.

Female subject covered in blood. She is very distressed and becomes very fearful. She requires first aid and the Officer applies pressure to the cut hand and cleans up the cut. The Officer is concerned about the welfare of the subject. The Officers try to keep the female on the floor due to her hand injury, explaining that they don't want to hand cuff her. Only one Officer is talking (which is better than more than one Officer talking at once or not having a lead Officer).

Appropriate use of the Taser red dot for the female subject's own protection because she is aggressive and threatened to kill the other man. Officers worked really well under the circumstances. Very well handled by the Officer talking to the female.

Constabulary response: Thank you for the panel comments and it is pleasing to see some of the areas previously identified by the panel being implemented. The positive feedback is noted with thanks.

Case 25: Taser. 24/3/2019.

A 999 call from a female who is reporting being assaulted by a male (partner) but she hangs up. When the Police Control Room telephone her back there is no response. Response Officers deployed.

Officers talk calmly to the male suspect to find out what is going on and try to reason with the male before the male threatens the Officers and when in the Police car he tries to climb into the front of the vehicle. The man and Officer get out of the car and the man runs towards the female. Police force is then used. The female Officer is very good at trying to support the female. The female disputes making the 999 call. However, maybe the Officer could have taken the female to another location to talk in private rather than talking publically that the 999 call was made by the female.

Appropriate use of Taser.

Panel Feedback Form Question: Did the Police make correct decisions throughout this episode? The answer given by 4 members is yes and by one member it is no.

Operational point: Is it normal practice/best policy for Police Officers to speak to the alleged victim of assault in front of the suspect that the alleged victim made a 999 call? The suspect may intimidate or abuse the victim for her phoning the Police.

Constabulary response: The panel comments are noted with thanks in relation to the appropriate use of Taser. Usual practice is for parties to be separated in relation to a domestic incident, however, the female party was verbally abusive and stated she had called police to scare her partner. In any case, officers arrested the male on suspicion of assault and the female party was spoken to away from the male at a later stage.

Case 26: Taser red dot. 4/5/2019.

Telephone call to Police about a male involved in a fight in a Hotel.

Appropriate and good use of the Taser drawn to control the male and good warnings given about the Taser red dot. No concerns.

Constabulary response: The panel comments are noted with thanks.

Case 27: Taser

A phone call to Police about a suicidal male. Released from Hospital 2 days previously. History of aggression towards the Police.

When the Officers reach the male he doesn't want to stop walking (backwards) in the road. The Officer spends a lot of time trying to engage calmly and gently with the male whilst giving him space. Good empathy by the Officer and use of the male's first name to make him feel like a person that matters. The Officer explains the Taser functionality and voltage if fired and the side effects that will be felt if it's fired. Officer Skuse also asks how the male is feeling and also asks if there is anything they can help him with and that they are aware that he needs space. The Officers said that they are also aware of his mental health. The Officer checked that the male is ok with the space and the Officers stop walking to see if the male will stop walking in the road too. The Officer explains to the female at the scene that the Police don't want to use the Taser but will if needed in the situation. Compliments from the Panel to Officers: **Richard 4806 Skuse**, the lead Officer and following his instructions: **Shane 4936 Jones, Natalie 1015 Thatcher and Sam 2031 Parker**. As mentioned in the Summary Points section above.

Organisations Learning suggestion: This case and BWV footage would be a very good example to be shown at future Taser training sessions. As mentioned in the Summary Points section above.

Constabulary response: Thank you for the panel comments and particularly good work recognised for officers. I will ensure this is fed back to the officers. I will note this footage as recognised good practice by the panel in relation to Taser deployments.

Case 28: Taser fired. 26/3/2019

2 fights in public. Smashed Police car window. Male suspect thought to be holding a knife in his hand. Threatening Officers.

Officers try to deal with the situation as well as possible considering the damage to the Police vehicle and threats with the object. The male is apprehended.

Officers say “put it down” repeatedly but the male refuses. The suspected knife is actually a music item.

Panel member concerns are: The Officer firing the Taser didn’t have BWV switched on. The Taser deployment and fire is very quick into the incident. A Panel member doesn’t think that the male would have heard the Police Officer. The Officers may have been able to avoid Tasering the male suspect by asking him to “put the object down or you will be Tasered”. Panel members are unclear if any Taser use warning was given. Also, Panel members feel that the Officers are not as calm as the other cases reviewed. There is lots of high energy/shouting.

Constabulary response: I note the panel comments regarding the Taser deployment. The officers suspected the item held was a knife and could not have known this was not the case – officers clearly asked the male to put the item down and he refused. He then took a combative stance when officers approached. Having reviewed the footage, officers did give a Taser warning prior to the deployment.

Case 29: Taser fired. 4/5/2019.

Vehicle fail to stop incident.

Appropriate use of Taser – fired twice – the second firing after the detained male suspect runs away. The Officers kept control of the situation and the Officer explains why the male suspect has been Tasered.

However, Panel members note that the situation is very tense. Members have concerns that the male is held prone, face-down, and pressure is put on his body by the Police Officer.

Operational learning point: Is best practice to restrain a suspect when prone, on their side rather than in a face-down position?

Constabulary response: Thank you for the panel comments. Similar to the earlier incident, positional asphyxia is an area reiterated during training and this will be fed back to our learning and development department for further awareness around this.

Case 30: Taser red dotted. 18/4/2019.

A report of a domestic incident. History of violence by homeless 21 year old male, currently on bail for assaulting another person. ADHD/Aspergers.

The male has a dog with him. There is early effort made by the Officers to accommodate the male’s reported ADHD condition. One Officer is holding the male but he is struggling. The Taser red dotting is used only to control the situation and it works. The Officer shouts “Taser”. The male is aggressive, with a chain wrapped around his hands. The male is successfully restrained. The Panel members view the Officers Statement and agree that the Taser red dot is justified. The Taser is not fired. There are no negative points of concern for the Panel members.

Constabulary response: I note the panel comments with thanks and positive feedback regarding the Taser deployment.

Case 31: Taser red dot. 22/4/2019. Hanham, Bristol.

A caller to the Police reports witnessing a driver reversing their car and hitting 2 other vehicles then driving off/failing to Stop. The driver may be intoxicated and the occupants may have swapped seats.

The Taser drawn and red dotting (not fired) assisted the other Officers’ efficiently detaining the

driver. The red dot has immediate impact in controlling the situation. There are no negative points of concern for the Panel members.

Constabulary response: I note the panel comments with thanks and positive feedback regarding the Taser deployment.

Case 32: Taser fired. 24/4/2019.

Report of domestic abuse. Male's hands around throat of victim. Suspect left the premises and then returned.

The situation is contained by the Officers and the male is not harmed. The Officer takes time to listen to the alleged offender and his version of events before going to the victim/caller. However, no verbal warning is heard on the BWV footage of the Taser before its firing. Also of main concern is whether there is adequate attempts at de-escalation. The situation escalated quickly, possibly due to substance misuse? The male doesn't want to sit in the Police car. An Officer gets hit.

Points for review: Could more have been done to de-escalate the situation before the handcuffs are used? Is this a good example of controlling a situation?

Organisational learning point: The issue is de-escalation. The Constabulary Lead Taser Trainer Karl Waltho's views are of interest to Panel members. Would the BWV footage be used as an example of good practice?

Constabulary response: Thank you for the panel comments. I have requested that Lead Taser Trainer Karl Waltho review the BWV as requested.

He has assessed this as a difficult situation. Karl felt it is difficult to tell what level of de-escalation could have been attempted above what the officer attempted. The officer explained that he wanted to detain him so that enquiries could be made with the caller. The subject assumed he was going to be arrested. The application of handcuffs was a prudent approach given the allegations of domestic assault and the subject's comments about restraining the third party. Given the sudden escalation and assault the attempted application of handcuffs would appear to be justified.

The warning prior to the Taser use would have been pointless in the circumstances. Karl advised that he wouldn't necessarily use this as an example of de-escalation we have better outcomes at other incidents.

Case 33: Taser fired. 24/4/2019.

Theft of motor vehicle. Car pursuit. Occupants make off on foot.

The Officer tells the male to stop and he refuses. There is a foot chase. One of the four Panel member states that the Taser use seems justified based on Police written notes which are used because there is limited information on the BWV footage as the camera is switched on late into the incident. Another Panel member states that the use of Taser seems excessive for a potential car theft. No threat is seen to the public or to Police Officer. The Taser is fired to stop someone running away. Taser is fired twice because the first doesn't work. Then PAVA spray is used. The second Taser firing works and the sole Officer tries to remove the barb. There is a lack of additional BWV footage to support the Police database notes.

Question: What is the approved professional practice for Taser firing if a person is running away?

Point for review: The BWV is not on all the time of the incident. There is no BWV before or during the foot chase. No BWV of the car pursuit or the suspect's decamp from the vehicle.

Constabulary response: Thank you for the panel comments and feedback in relation to the limited availability of BWV. This again forms part of common themes and reiteration of consistent use – this is taking place during training roll out for officers as previously mentioned.

*Section 3 of the Criminal Law Act 1967 states “**A person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders, or of persons unlawfully at large**”*

Regarding the approved professional practice for use of Taser, this notes that it is not practicable or possible to provide a definitive list of circumstances where a Taser would be appropriate. The information and intelligence informing the decision to deploy an officer with a Taser is significantly lower than that required to inform its use. A direction to deploy an officer with a Taser to an incident should not be seen as an instruction to use the device, this remains a decision for the individual officer for which they remain accountable.

On this occasion the officer has provided rationale for its use due to the male making sustained efforts to evade lawful custody.

Case 34: Taser fired. 24/4/2019. 11.47 pm.

Pub Landlord phones Police about 2 males fighting outside pub/chip shop.

Effective and appropriate use of Taser. The 2 males refuse to stop fighting. An Officer warning is given before the Taser is fired. From the Niche Police database notes, the use of Taser is to prevent further injury to the males fighting or against the Officers. Clear instructions are given by the Officer, including: Don't move. You are still connected to the Taser. If you move it will be taken as resistance and the Taser will be used again.

However, the negative points of the case are that the BWV needed to be switched on earlier, before the Officers exited their Police vehicle.

Constabulary response: I note the panel comments with thanks and positive feedback regarding the Taser deployment. The feedback around the earlier turning on of BWV forms part of regular themes and has been reiterated during recent officer training.

SCRUTINY OF POLICE POWERS PANEL

30 MAY 2019

Appendix 2

Stop and Search monthly data and BWV camera switched on figures (Jan-Apr as at 30/5/2019)

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%