

SCRUTINY OF POLICE POWERS PANEL

28 November 2019

Attendees:

13 of the 16 members attended the 11th *Scrutiny of Police Powers* Panel quarterly meeting.

Others in attendance, observing: HMICFRS inspectorate.

9 Police Officers, including Assistant Chief Constable, Black Police Association Chair and UNISON representative, as a standing invitation, Taser Lead Trainer; Chief Inspector, Sergeants and Police Constable either presenting an update and/or at each of the 3 sub-groups, for computer operation and Q & A.

27 case files were reviewed at this meeting, including 1 case reviewed by all 3 sub-groups, so 29 reviews (123 feedback forms completed). **See Appendix 1 for case feedback.**

Constabulary update from Chief Inspector Paul Wigginton on the net increase in Police Officer recruitment, net increase in Taser Trained Officers, Taser and Stop and Search data, including a section 60 (geographical area) Stop Search case in November 2019 (1st in 12 months) and policy.

Question for Chief Superintendent Richard Corrigan: When the Section 60 Stop and Search Policy was changed, was an Equality Impact Assessment written by the Constabulary?

Answer: No. However, the Constabulary are very aware to disproportionality. More work to be done.

Prior to the Panel meeting, two Constabulary Reports on Mental Health were circulated to members, one from November 2018 and one for November 2019.

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 (BWV) – see **Appendix 2**.

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

ACTIONS SUMMARY – 28 November 2019

Action 1: For members - Any questions about the Mental Health reports? These will be forwarded to Inspector Owen, Mental Health Lead Officer.

Action 2: Request for Constabulary/Chief Inspector to analyse the reason why some cases, randomly selected from the full list of incidents for Panel member scrutiny, have no BWV footage. For example, case 2 below, a September 2019 Stop and Search. Should the BWV have been marked as 'evidential' in order to retain it?

The Constabulary's Body Worn Video (BWV) Procedure stipulates that all stop search procedures must be recorded on BWV. The Constabulary recognises that not all stop searches are currently being recorded on BWV. This will be an area of focus and theme for analysis by the Internal Stop Search scrutiny panel in Quarter 1 of 2020, which will seek to identify reasons as to why searches are not being recorded, take action to rectify this and maximise opportunities for learning.

The BWV Procedure also states that officers should mark any stop search footage as 'evidential' as the Panel, which would ensure it is kept in line with the Constabulary's retention schedule. In Case 2, this footage should have been marked as 'evidential' as the Panel notes. This case will be included

in the analysis of BWV usage due to be undertaken by the Internal Panel with regards to Body Worn Video in Quarter 1 of 2020. The findings will be reported back to the Panel.

Action 3: Request for a Constabulary response for the reasons why a Front-line Police Officer would have no BWV camera whilst on duty. Stop and Search case 3 below refers, where one Officer is not equipped with a BWV camera. Panel members would like to understand the reason.

In relation to the Panel's request regarding why the officer in Case 3 is not wearing a body worn video camera during the incident, an explanation has been requested from the officer and their supervisor copied into the request. This appears to be an isolated issue, as the officer uses BWV regularly with no issues.

As noted in the response to Action 2, the use, including the carriage of, BWV during stop search procedures, will be analysed by the Internal stop search scrutiny Panel in Quarter 1 of 2020, following which the findings will be shared with the Panel.

AOB session

- **Terms of Reference:** Annual review - agreed change to Reporting section 9.2 and published.
- **HMICFRS observer:** Summary of the HMICFRS's role and the benefits of the Scrutiny Panel.

SCRUTINY OF POLICE POWERS PANEL

28 November 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 September, October and November 2019.

Members reviewed **27** cases within the following categories:

- Stop and Search under 16 years old (u16): **2**
- Stop and Search BAME: **4**
- Stop and Search removal of more than Jacket, outer garment and gloves (>JOG): **4**
- Taser deployment: **11** (5 x fired, 4 x red dot, 1 arc, 1 aimed);
- Spit & Bite Guard use: **6**.

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 (10 incidents reviewed)

Note: The GOWISELY acronym is a reminder to a Police Officer of the information that must be provided (in any order) to a person (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 the 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.

1.1: Under 16s (2 cases):

Case 1: Stop & Search of an under 16 year old (15 year old boy). 1/9/2019. Bristol North. Section 23 drugs.

A member of the public calls the Police about 3 teenagers by the Docks, one asleep and could fall into the water. They appear to be under the influence of drugs, empty drugs bags beside the boy. After being checked by a Paramedic, cannabis is found. The Officer search is for additional controlled drugs.

Officers are calm, polite, gentle and reassuring. Stop and Search is appropriate and the GOWISELY items are all stated (see above) and explained in child-friendly language, making sure that the boy understood. A good example of Police Officers working with these children. Welfare issues flagged. There may be child safeguarding issues beyond the Stop and Search incident. A positive outcome: Cannabis grinder in boy's pocket.

Constabulary response: The Panel's feedback and comments are noted with thanks. In relation to the observations regarding safeguarding issues, following the Stop and Search the officer submitted a safeguarding referral to the Lighthouse Safeguarding Unit. The Youth Offending Team were also involved in the Out of Court Disposal determined by the Bristol Youth Panel, who will have also had safeguarding as a key consideration in their decisions and actions.

Case 2: Stop & Search. Under 16. 14/9/2019. South Glos. Section 23 misuse of drugs Act 1971.

The record states it is an 8 year old girl. However, this appears wrongly categorised as it seems to be an 18 year old female. There is no BWV, at the Officer's discretion.

A positive outcome is recorded: Drugs itemiser.

See **Action 2** above. Request for Constabulary/Chief Inspector to analyse the reason why some cases, randomly selected from the full list of incidents for Panel member scrutiny, have no BWV footage. For example, this September 2019 Stop and Search incident (where the DOB was also incorrectly recorded and the person was an adult, not a child).

Organisational learning actions theme: Implications of data input quality. Age incorrectly recorded (DOB recorded as 2010 but should be 2001) so a risk of skewing the data.
Panel member request: An additional dropdown box to record the reason for the Officer's discretion not to use BWV is requested.

Constabulary response: Thank you to the Panel for their comments in relation to this incident. The issue of data input quality is not unique to Stop Search and the Constabulary recognises the risks involved in incorrectly recording data. The Data Quality Team is actively looking to address this on a Forcewide level, however, in relation to Stop Search specifically, this falls under part of the work being undertaken by the Internal Panel in Quarter 4 of 2019 – any opportunities to maximise organisation learning in this area will be shared accordingly. Regarding this specific incident, both officers and their supervisor have been made aware of the Panel's feedback.

Regarding the Panel's request for an additional dropdown box to be added for officers to record the reason for selecting discretion not to use BWV, this will be fed into the analysis of BWV being undertaken by the Internal Stop Search Scrutiny panel in Quarter 1 of 2020, referred to in the Constabulary's responses to Actions 2 and 3 above., who will report back to the SPPP.

1.2: Stop and Search – removal of more than Jacket, outer-garment & gloves (>JOG) – 4 cases:

Case 3: Stop & Search >JOG. 3/11/2019. Somerset East. Section 1.

Vehicle and occupants linked to weapons and burglary via intelligence reports.

Officers have seen a 4x4 vehicle and stopped it based on intelligence about weapons. The occupants are told that they will be searched and the grounds are clearly stated. Easy chat that they would be on their way after the search. One search reveals a needle. The car search finds a Taser. All are arrested for possessing a prohibited item.

Excellent, calm, easy going approach. Very professional and effective in keeping the situation well under control. The weapon is found and the arrest is straight forward.

Compliments to: Officer Mark 279 SPALDING, commended by Panel members for his de-escalation skills and asking good questions.

A very good BWV example for Officer Training material.

Organisational learning: One female Officer did not have her BWV camera. Perhaps it was on charge?

See **Action 3** above. Requesting a Constabulary response for the reasons why a Front-line Police Officer would have no BWV camera whilst on duty.

Constabulary response: The Constabulary thanks the Panel for their feedback, including positive comments, relating to this incident. As noted in the Constabulary's response to Action 3 above, the officer seen not to be wearing a BWV during this incident has been contacted and an explanation requested in relation to her not having her camera on her body armour. The Panel's compliments have been passed to the officer identified for his de-escalation skills.

Case 4: Stop & Search >JOG. 5/11/2019 9.15pm. Bristol E/Central area. S.23 drugs Intelligence-led Stop Search re: drugs. Plain clothes Officers.

Suspicious behaviour and saw an exchange.

The Officers are professional, calm, patient and skilled throughout. Well controlled searches of 2 people. Good use of GOWISELY, the Officers identified themselves, explained why they were stopping and searching the people and repeated this in a clear way. Sharps are declared by one person and the Officer takes appropriate care.

Constabulary response: Thank you to the Panel for the feedback, including the positive comments in this case.

Case 5: Stop & Search >JOG (& BME). 1/9/2019 (& 29/10/2019). N. Somerset. s.23 drugs. Intelligence-led re: Address being cuckooed. Male linked to drug supply.

[Not an on-street Stop and Search].

Male hiding under a duvet in house. (not seen on BWV which starts later)

The Officer is calm and there is good engagement at the outset. The Officer says that it is the "formal order" but doesn't state the GOWISELY items. The Officer has reminds the male that they have met previously. The search is conducted in silence.

The Officer obtains Police information that this male is currently 'Released under investigation' (RUI) for the same issue of drugs supply. A positive outcome as money is found.

Question: Why was the male handcuffed as there were no threats - it is drugs and not weapons?

Common organisational learning point: Switch BWV on earlier, speak aloud, to provide a better understanding of the build-up to the incident.

Constabulary response: Thank you to the Panel for their feedback in this case. The early switching on of BWV is a common theme that is raised to officers through training. In relation to the observation that the officer should speak aloud so as to provide a better understanding of the build up to the incident, having reviewed the footage it appears that the officer speaks clearly in explaining the circumstances of their attendance in the presence of the property occupier. This is done with the male who is searched present, who hears the explanation of the officer, namely that there was intelligence of cuckooing taking place at the address, that the occupier allowed officers in consensually and the male was found hiding under the duvet. What appears to be missing in this

case, either because it was not explained or was verbalised prior to the switching on of the officer's BWV, is GOWISELY (the grounds of which would obviously include the circumstances). This has been fed back to the officer involved.

In relation to the handcuffing of the male, officers have a specific power under s.23 of the Misuse of Drugs Act 1971 to detain a person for the purpose of searching them. This covers the use of force to do so, including handcuffing a person. As with all uses of force, they are for each individual officer to justify, however on this occasion, as is common with searches for drugs, they are to prevent persons from concealing, damaging or destroying items that are being searched for. Therefore, the absence of threats are not unusual in searches conducted under s.23 Misuse of Drugs Act.

**Case 6: Stop & Search >JOG. 16/102019. 7.45a.m. Bridgwater. s.23 & s.1
Intel-led address connected to county lines drug activity.**

[Not an on-street Stop and Search].

Once the situation calms, the Officer clearly explains the reasons for the search to the suspect inside the property. These are appropriate grounds. The Officer's database information ascertains that the male (who is not cooperating with the Officers) has a London address (the male couldn't remember his home address in London and gave a false surname). Good use of BWV when searching the suspect's bag.

One Officer initially appears aggressive, with his hands on the suspect's throat (an acceptable pressure point – mandibular angle pressure?). There is a struggle and disappointingly the BWV does not capture what happens when another occupant says that he has been punched in the face by the Officer. The male suspect is sat on the sofa and moves his hands behind his back. The Officer is concerned that he is either concealing something or is reaching for a weapon. This could explain the Officer's aggression or high adrenalin level. The Officer says there is a knife, baseball bat and an iron bar by the sofa.

Question: Is an aggressive approach more likely to result in compliance? What is the important points of de-escalation training.

Constabulary response: Thank you to the Panel for their comments and feedback in this case. As to whether an aggressive approach is more likely to result in compliance, each situation and case is different, individuals react differently and information and intelligence available will vary between incidents. What is essential is that officers use the National Decision Model, of which use of force (or lack thereof, where de-escalation techniques are employed) forms part of the Powers and Policy section.

In relation to the Panel's observations regarding the officers' approach and actions taken, from the start of the footage it appears that the officer has concerns for what the male is concealing. Not knowing what may be being concealed (the officer states it may be drugs or a weapon) in conjunction with the male's refusal to follow the officer's instruction to take his hand out from behind his back, may have increased the officer's adrenaline level, due to fears he may be about to be assaulted with a weapon.

The officer is clear with his instructions for the male to show him his hand, the intensity of which increases as the officers struggle with the male (including the use of a swear word, which I suspect is indicative of the high adrenaline level). Once the male is under control, the officer explains the reason for the use of force and appears to try and de-escalate the situation.

De-escalation is an essential piece of training that will continue to be rolled out to frontline officers in 2020. The important points of de-escalation training are learning and supporting officers in managing challenging situations in a way which seeks the best outcome for everyone and understanding some of the broader potential consequences of their actions.

De-escalation techniques in this case may have resulted in the male accessing the knife, iron bar and baseball bat found by the side of chair in which he was sitting, and being able to use it against the officer(s), had they not taken a more direct and robust approach.

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

Case 7: Stop & Search BME. Bristol. 7/11/2019. s.23 misuse of drugs Act.

Male seen by Officers in Portland Square walking towards a female and exchanging something by hand, putting something in his pocket then walking away.

Good GOWISELY items explained by the Plain Clothed Officers and the people explain what had happened. Professional and courteous search of the female. The search of the male is also well done, considering his demeanour. The male is restless but the Officers remain calm and professional. The Officer reflects back the same type of words as the male, which helps the situation. There is good collaboration between the Officers.

Constabulary response: The Constabulary thanks the Panel for its feedback and positive comments, which have been passed onto the officers involved.

Case 8: Stop & Search BME. 1/9/2019. Bristol North. s.13.

Officers suspect drug use by males in a dark alleyway, away from the main nightlife.

All positive points. A friendly, collegial atmosphere between the Officer and the male stopped and a good mutual respect. GOWISELY items well stated. Good attitude in the way the Officer talks to the male, using a polite, fair and pragmatic approach. The male suspect is cooperative and admits having cocaine.

A positive outcome – cocaine found. Drug Education Programme and no prosecution.

Question: How is the ethnicity category decided? The male doesn't appear to be BME. Panel member concern about data quality and skewed positive outcome statistics for BME people if the male isn't BME.

Constabulary response: Thank you for the Panel comments, which include the way in which the officers conducted themselves throughout. In relation to the Panel's question about how the ethnicity category is decided, there are two categories – firstly the self-defined ethnicity (SDE) of the person being searched, and secondly, the officer defined ethnicity. Both are to be chosen from pre-determined lists, and whilst a person can refuse to provide an SDE (in which case there is an option to record 'Not Stated'), officer defined ethnicity is a legal requirement under Code A of the Police and Criminal Evidence Act 1984.

The officer defined ethnicity is based on the officer's own visual observations and there are less categories available to officers to choose from, as their definition is made on visual observations alone, i.e. officer defined ethnicity has only one category for persons perceived by the officer to be 'Black'. SDE has three categories, 'Black – African', 'Black – Caribbean' and 'Any other Black background'.

In relation to the ethnicity being incorrectly recorded in this case, I have reviewed all three stop search reports and all have the male's ethnicities recorded as 'White – North European' by the officers, which appears consistent with the BWV footage.

Case 9: Stop & Search BME. 1/10/2019. 10.15p.m. S. Glos. s.1.

A burglary had occurred on this road. The description matches a prolific offender: Dark hoody, tracksuit bottoms, holding a plastic bag.

Good BWV footage. Good introduction and explanation of the stop and search by the very polite Officer. The search itself is good. However, the reason is poor. Better intelligence is necessary for a more robust grounds for the search than "staring at Police car, very aware". This is an unsatisfactory reason for a search, although it is accurate. The Officer did not say "you match the description of a suspect". Although one Panel member considers the description to be thin and the search 'pot luck', as no one else is around and the male is walking away from the location.

The outcome is positive: A small amount of cannabis is found.

Panel member feedback form 5 questions:

1. If force was used, was it appropriate? N/A - Stop & Search
2. Did the Police make correct decisions throughout this episode? **Yes (3)**; insufficient information to make a definite decision (1).
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (2); No (1); unsure (1).
4. Was the incident free from demonstrable discriminatory behaviour? **Yes (4)**.
5. Does the behaviour need further investigation? **No (3)**; unsure (1).

Constabulary response: Thank you for the Panel feedback including the positive comments about the use of BWV and the way in which the officers conducted themselves throughout the search. Training has been delivered and was refreshed in October 2019 by the Constabulary in relation to what constitutes reasonable grounds and the role of intelligence in forming them. The Panel's observations regarding the grounds of this search have been fed back to the officers' supervisor so that he may debrief the incident with them.

Case 10: Stop & Search BME. 31/10/2019. Bristol East/Central. s.23

Male seen loitering outside shop throughout the evening and makes off which Officers attempt to stop him. Intelligence-led search – the shop is linked to drug dealing.

Lots of BWV for the chase, stop and search and arrest. However the audio and visual quality of the BWV footage is poor. The speech can't be heard. The grounds for the search are clear. The intelligence is good to base the stop and search which is straightforward. Good BWV footage of drugs received.

A positive search. Suspected drugs found. The male is detained.

Operational policing point: The female Officer handles the drugs without gloves.

Constabulary response: Thank you to the Panel for their comments and feedback. The officer whose BWV captured the incident has been contacted regarding the poor audio and he has confirmed that this was a technical issue with the camera. His camera has since been replaced. Regarding the female officer handling the drugs without gloves, this appears to be an oversight on the officer's part – from personal knowledge, I know this officer to be diligent and experienced in conducting s.23 Misuse of Drugs Act searches as an NPT officer, so believe this to be a slight oversight on this occasion.

2. Spit and Bite Guard use (6 cases reviewed)

Case 11: Spit & Bite Guard use. 7/11/2019. Call to Supermarket, Taunton. Arrest.

A man is detained by Store Security Staff for stealing. The man is arrested and when he is in the Police car he spits (off camera). The Spit & Bite Guard is then applied.

The arrested man is seen to be aggressive and both Officers are in control, calm and professional. However the Spit Guard application is not seen because this Officer in the rear of the vehicle doesn't have his BWV camera switched on.

Constabulary response: Thank you for the panel feedback in relation to this case. I note this has been reviewed as a suitable use of the spit guard due to the male's demeanour. The panel have commented that the officer in the rear doesn't have BWV camera – this appears to be a technical issue with the footage showing as being recorded, but not available to view. This appears to be an isolated issue, with the officer using BWV regularly with no issues.

Case 12: Spit & Bite Guard use. 2/11/2019. Bristol. Female phones Police to report violence by her partner. Approx. Midnight.

The male suspect is drunk and shouting in the street and his father tries to calm the situation. The man's child is also in the female's parked car. The suspect is aggressive, uncooperative and abusive. The Officers are calm and more than patient throughout, letting the man's father try to help but they take control when required. The Officer warns about Taser use, it is fired but is ineffective. After the man is arrested for being drunk and disorderly he spits at the Officer. The Spit Guard is then applied and it is used fairly and appropriately.

No negative points about this Spit Guard use.

Constabulary response: The panel feedback including positive comments is noted with thanks.

Case 13: Spit & Bite Guard use. 7/11/2019. Approx. 10p.m. Report of domestic incident. The male partner is smashing things up at the home address.

The male suspect is very aggressive, threatening to do all sorts to the Officers. The man also has a knife.

The Police Officer has a very calm voice and is professional throughout the incident. There is also good team work, with only one Officer talking at a time. The male suspect refuses to stand back, pushes past the Officer and is arrested for assault. The male bites the Police Officer and the male is taken to the floor and restrained. The Officers stay in control the whole time and this is an example of a very good cooperation between both Officers, despite the suspect continually being aggressive. The knife is removed from the male's back pocket.

Compliments to the Police Officer for switching on BWV straight away.

Constabulary response: The panel feedback including positive comments is noted with thanks.

Case 14: Spit & Bite Guard use. 1/9/2019. Approx. Midnight. Bridgwater, Report of domestic violence and criminal damage at Gloucester Road, Bristol. Members of the public also calling Police to describe the male who is running down a residential road in Bridgwater, shouting and foaming at the mouth.

Foot chase and arrest of male suspect. An Officer is bitten by the male but the Officer remains calm. Panel members wish to commend Officer 4972 V. ANTHONY for good de-escalation from the start and for being so calm throughout the chase and incident. The male suspect is also restrained well. He is panicking but the male Officers try to calm the man down during this restraint.

An excellent example of Officers working well together to calm the situation and prevent a more harmful situation.

Question: Why is the Spit & Bite Guard not used earlier, given that the male has already bitten a Police Officer? Panel members are concerned about the Officer's welfare, having been bitten and not seeking first aid.

Organisational point: Police use of the term 'ABD'* but not by medics. Should there be a unified term to facilitate communication between these agencies?

[Note*: **Acute Behavioural Disturbance (ABD)**, also known as 'Excited Delirium' or **Acute Behavioural Disorder**, is a medical emergency. Common causes include use of stimulant drugs, such as cocaine and exacerbation of underlying mental health disorder. (Gillings *et al.*, 2016) – College of Paramedics website.]

Constabulary response: Thank you for the panel feedback. I have noted the feedback and agree with the calm approach from the attending officers – I have fed this back to the officer noted. There may have been some confusion upon viewing the footage, however, at the point the male tries to bite officers, the bite guard is applied. This would seem to be at the appropriate time. The point raised by the panel in relation to ABD is a valid one. Inspector Jon Owen has previously raised this issue through the College of Policing, National Police Chiefs' Council and with senior executives at the ambulance trust to try and come to a shared position on this topic. In the meantime, he has issued guidance to all Police officers regarding how to deal with this, and to obtain the appropriate support from ambulance services.

Case 15: Spit & Bite Guard use. 4/10/2019. Approx. 8.30 a.m.

Transport to Keynsham Custody Unit after a Warrant for failure to attend court. A man well known to Police, with a history of being violent to Police and being suicidal. The man is spitting but the BWV doesn't show the Spit Guard being applied, only when it is on. However, it appears to Panel members, as far as can be seen by the BWV, to be proportionate use of force.

Positive points: Officers are negotiating and there is lots of talking, to explain the situation. Lots of time taken to speak with the Detainee and Officer fairness shown to the arrested male who refuses to get out of the Police van when it arrives at the Custody Unit. The male is carried into the cell and the BWV audio indicates that the male bites an Officer. Again the audio indicates that the male also tries to bite another Officer as the handcuffs are being removed. The spit guard comes off. The male tries to bite the Detention Officer in the Custody Unit cell. The Officers exit the cell and close the door.

Constabulary response: The panel feedback including positive comments is noted with thanks.

Case 16: Spit & Bite Guard use. 5/10/2019. 2 a.m. Outside a Bristol night club.

Police called to a Public Disorder. Male is verbally aggressive and spitting at people.

Good capture of the incident on the BWV footage. Officers are calm, polite and controlled, despite the hostile and potentially violent suspect. The Officers have very good communication skills and try to de-escalate the situation outside the club. After the male spits the Spit Guard is appropriately used. Police radio checks clarify that the male is additionally wanted for threats to kill. The male suspect is arrested, handcuffed and searched. As the male is placed in the Police vehicle he spits at the Police Officer. Handcuffs are then replaced to his back and he is placed in a Police van instead. There are no negative points.

Constabulary response: The panel feedback including positive comments is noted with thanks.

3. Taser deployment (11 cases reviewed)

Case 17: Taser (fired). 5/10/2019. Bristol East/Central area.

This Stapleton Road case has been reviewed by each of the 3 sub-groups.

Police called to a report of 3 males fighting. Assaulted victim gave a description.

Police attendance is based on a correct call to the Police and good intelligence. The victim has blood on his shirt.

Positive points: The Police Officers were focussed and committed to quickly approaching and detaining the alleged offender. The 'green jacket' description was confirmed initially with the victim. It is understandable why the man is Tasered, but not the approach. The Officer correctly puts the Tasered man on his side when on the floor of the shop. A good, genuine and sincere apology is given by the Police Officer that the wrong description was heard and it was a case of mis-identification. The man is de-arrested. Very good after-care. The Offices couldn't do more for him. The Officer's subsequent actions correctly slowed down, trying to find out the correct description of the third male in the fight and the correct description of the male who physically attacked the victim. The Officers have compassion for the incorrectly Tasered man and offered a lift home. However, the mistake was already made.

The correct offender (victim's second description: "No hair. No top.") is detained by other Police Officers.

Panel members acknowledge the Constabulary comments about the Officers voluntarily notifying the Chief Inspector, the reflection and learning.

Negative points: The Officer, in the moment, is too focussed and doesn't take in/listen clearly to the description given of the offender. However, the victim's description is vague, which may be due to his shock in being injured and bleeding. Quite aggressive initial approach by the Taser-trained Officer. The Officer is genuinely trying to react fast but doesn't hear the words 'no green jacket' by the victim before pointing across the road, albeit trying to confirm the male and going after what turned out to be the wrong man. There is immediate confusion and haste.

A poor Officer introduction to the mis-identified man when inside the post office/shop. The Officer doesn't say "can we talk" or try to de-escalate the situation. The man appeared confused about what was happening and there is little Officer engagement.

The second Officer is fast to state that the male is being arrested, which escalates the situation. Taser firing is considered to be premature (if not wrong), given that the man was turning away and no risk of escape due to being inside the small shop with two Officers between him and the doorway.

The Officer also doesn't listen to the person outside repeatedly saying that this is the wrong man and not him. There is also no reaction to the citizen's comment "Be careful, he's on medication."

There is a focus on getting what appears to the Officer to be the right offender. However more training is recommended for the Officer with the Taser on clear and calm communication with citizens and also at what point in time to fire the Taser. In this case it was within minutes of speaking to the alleged offender – the mis-identified man – which appeared too fast. Some Panel members didn't consider the mis-identified man to be aggressive. He was surprised by the Police and afraid. He had mental ill-health and was on medication.

Panel members are divided on the issue of the Officer saying "what about a public order offence?" regarding the mis-identified Tasered man, in that it can suggest 'pinning something of the person'. It took a long time to get the Taser barbs out (not taken to Hospital). The Tasered man may also not have been in the right state of mind to decide that he doesn't need medical attention.

Not enough sensitivity when working this area where there are community tensions with the Police.

Questions: Was the verbal apology to the Tasered man also made in writing by the Police?

Common themed organisational learning action: Have the Officers (Sergeant and Inspector) had the De-escalation Training?

Panel member feedback form 5 questions:

1. If force was used, was it appropriate? **No (11 members)**; Yes (2 members).
2. Did the Police make correct decisions throughout this episode? **No (12)**; ?= insufficient evidence (1).
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes (7)**; No (3); unsure (3).
4. Was the incident free from demonstrable discriminatory behaviour? **Yes (7)**; No (2); unsure (4).
5. Does the behaviour need further investigation? **Yes (12) A debrief and training suggested**; No (1).

Constabulary response: Thank you for the panel comments in relation to this incident and this incident was discussed in some detail during the scrutiny panel meeting also. I have noted both the positive and negative comments, particularly regarding the appropriate use of force.

As fed back at the meeting, this incident has already been subject to an internal review and a full incident debrief has taken place with both officers. The points raised by the panel were also identified through the debrief process and a learning approach was taken with the officers for development.

The panel comments have also been fed back through for learning to our training department. In answer to the panel questions, there was no written correspondence between the male and the Police regarding this incident, and none was requested.

The Taser officer had received the de-escalation training. The Inspector has not received the training at this time as the current priority is rolling this training out to front line PC's and Sergeants.

Case 18: Taser fire. 1/11/2019. Bristol.

Allegation of witness intimidation. Officers attend to arrest a man with an axe.

One hand is handcuffed. He then lifts the other hand whilst being red dotted. A warning is given before the male is Taser is fired. The Officers deal with the situation very well.

Positives: Calm approach by the 2 Officers. Plenty of warning before the Taser is fired.

Negatives: Inappropriate, inflammatory Officer's language, albeit under stress, is unhelpful and may have escalated the situation. The Officer says "Who do you F'ing think you are!"

*Constabulary response: Thank you for the panel comments in relation to this incident, along with the calm approach adopted by officers. I note the panel view in relation to the officer's comment – I also note that the male subject was reaching for an axe at the time stating to officers "Come near me and I'll put a F***ing axe in you". Whilst the officer comment in response was potentially unhelpful, the officer was responding to a threat and I accept this was a highly stressful situation. As commented by the panel, the officers remain calm despite this threat and are measured in their response.*

Case 19: Taser fire. 5/11/2019. Taunton

CCTV ID of a missing Mental Health patient, brandishing a broken pool cue in the Park.

The suspect does not follow Police commands. PAVA is used and then Taser is fired.

Positives: Female Officer took control of the situation, used the right approach, with a calm voice and the right language. Appropriate use of force by the Officer. The suspect is subdued without injury.

The male Special Constable is commended for staying calm and helping to control the other Officer from excessive baton use.

The female Police Officer dealt with the situation exceptionally well and should also be commended.

Negatives: 4 Officers are all shouting out commands. This is confusing. The Officer with the baton/Asp who PAVA's and shouts is very unhelpful. The PAVA is ineffective on the subject. One Police Officer's voice is recommended by Panel members, staying calm and getting the attention of the subject.

Panel member feedback form 5 questions:

1. If force was used, was it appropriate? Yes (2); No (1); ? (1).
2. Did the Police make correct decisions throughout this episode? No (2); Yes (1); ? (1).
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (4).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (4).
5. Does the behaviour need further investigation? **Yes (2*)**; No (1); ? (1).

***Questions:** Was it necessary for Officer 4129 to draw and use a baton? A suggested need for de-

escalation training.

Common themed issue: Mental Health services and Police multi-agency partnership working requirement when dealing with people with mental ill-health.

Constabulary response: I have reviewed the body worn video in conjunction with the panel comments. I agree that a debrief of the incident would be useful to recognise the good work highlighted, and explore potential areas for learning. This has been completed by the team Inspector with the officers involved in this incident: The officers have agreed that there is learning to come from this incident, with the main issue identified that multiple officers communicating with the male caused confusion.

The officer identified by the panel for good work has been recognised and she has assisted in developing other team members around effective communication, particularly around taking the lead as a Taser officer. This will be revisited also at annual personal protective equipment requalification moving forward.

Case 20: Taser fired. 4/9/2019. Bristol
Concern for welfare response. A drunk male, vulnerable with mental ill-health initially calls, asking for medical assistance.

The male comes to the door with a knife, threatening and refuses to open the door so Firearms Offices are called and there is an emergency entry into the dwelling. The man has a knife and throws it down. He is threatening suicide. Taser is fired but is ineffective, hitting the man's hand. Positive points: The Officer intervention was ok. If the Officers had more time they could have spent longer talking to the man.

Negative points: Switching on the BWV earlier would have enabled members to view the build-up of the incident. The female Officer who is shouting results in a lack of communication. Although the male subject has a knife and could be dangerous, one Panel member feels that the Police response is a bit 'over the top'. One Officer has his foot on the male subject's back when he is being compliant and not threatening once the Officers are in the property. Therefore, some members consider that inappropriate force is used. One member asks if the Taser could have been fired earlier, before the door was shut on the Officers.

Panel member feedback form 5 questions:

1. If force was used, was it appropriate? Yes (3); No (2).
2. Did the Police make correct decisions throughout this episode? Yes (2); No (2); ? (1).
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (5).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (4); No (1).
5. Does the behaviour need further investigation? No (3); blank (2).

Common themed issue: NHS ambulance, Mental Health services and Police multi-agency partnership working requirement when dealing with people with mental ill-health.

Question: Is it proportionate and appropriate to have a Firearms Officer response to someone threatening to commit suicide? Is it instead a Paramedics concern for welfare?

Common themed Police organisational learning action: Officer refresher/training on de-escalation and restraint.

Constabulary response: Thank you for the panel comments and feedback regarding this incident. When dealing with mental health issues, a partnership approach is always preferred wherever possible, with Police often not the best partner to lead.

However, Police are often contacted at times of crisis for people with mental ill-health where mental health services are unable to provide the time critical intervention required. This incident reflects these circumstances with a male threatening to kill himself and the ambulance unwilling to attend without Police due to the risk posed. Upon Police arrival, the male threatened officers with a knife resulting in the arrest with use of Taser.

The early switching on of BWV is a common theme which is being reiterated to officers through training. The panel comments are noted in relation to whether Taser could have been fired earlier. However, this is with the benefit of hindsight whereas officers were dealing with a quick time difficult situation which they were trying to de-escalate.

Case 21: Taser fired. 4/10/2019. Bristol. Reported noises at Supermarket, just before 4 a.m. 3 people seen leaving.

Suspect ran into a private back garden and is pursued and stopped by firing Taser. Officer initially warns about Taser and instructs male to stay where he is. A straightforward and appropriate use of Taser to detain a fleeing suspected Burglar at about 4a.m. Care is also taken in the post-Taser firing restraint. Good footage of BWV from both Officers. Good approach from Officers whilst removing the Taser barbs. Officers are calm and respectful throughout in incident. No negative points.

Constabulary response: Thank you for the panel comments which are noted.

Case 22: Taser (red dot). 10/11/2019. Shop in Weston-super-Mare.

Report of a 6 foot tall mixed race male, possibly with a weapon (a cake slice).

A Police response but a Panel member is unaware of any reason for drawing the Taser.

Operational policing question: BWV is only switched on at the end of the arrest. Why did none of the 4 Officers have BWV switched on for the arrest or the Taser deployment?

Common themed Police operational learning action: Refresher training: Switch on BWV early, before leaving the Police vehicle, talk aloud in the vehicle, before going to an incident.

Constabulary response: Panel comments are noted with thanks. This incident was reviewed by the Force Incident Manager who authorised Taser due to information and intelligence regarding weapons. It is clear that BWV should be switched on at an early opportunity which should have happened on this occasion – this has been fed back to the officer's supervisor and this common theme will continue to form part of focus and training moving forward.

Case 23: Taser (red dot). 30/9/2019. A fight between several people. Suspicion of an offensive weapon (a Stanley knife).

One male throws away the Stanley knife as Officers arrive to handcuff the male. Professional Officer behaviour. The female Officer is calm and all is well conducted. There is no warning but the Taser red-dot is appropriately used due to the knife and the male suspect is subdued and compliant.

Common themed Police operational learning action: Switch on BWV early. There is no build-up BWV to understand the context of the incident.

Constabulary response: Thank you for the panel comments which are noted, including the common theme in relation to BWV.

Case 24: Taser (red dot). 1/10/2019 at 4.23a.m. Glastonbury, Somerset

Call to Police about a vigilante group outside the caller's house (a suspected sexual groomer, attempting to meet a child). Vigilante group possibly have weapons.

The Officer gives a good, clear chance for the male in the house to talk and engage. Use proportionate and preventative actions. The caller/suspect becomes un-cooperative, so the front door is forced. Officers appropriately draw the Taser and red-dot the male who is safely arrested and handcuffed for sexual grooming. A well-managed situation, using appropriate use of force to detain the suspect.

Constabulary response: Thank you for the panel comments which are noted.

**Case 25: Taser (red dot). 31/10/2019. Approx 8p.m. Flax Bourton, N. Somerset
Call to Police from a female, hurt and reporting domestic violence. Male heard shouting in the background. The phone line cuts off.**

The male leaves the female's address. Officers go to a local address and explain the arrest several times to the male suspect who makes counter allegations of his property being damaged. The male become agitated and aggressive. There are sound grounds for the Police action. They are patient, clear and polite, firm but not aggressive, de-escalating the situation and keeping things calm. A good example of Officers taking control.

For Officer safety, Panel members wondered why the suspect wasn't handcuffed earlier.

Constabulary response: Thank you for the panel comments which are noted including the officer de-escalation of the situation. Officers are required to justify the use of handcuffs which they felt able to do at the point of application.

**Case 26: Taser (arced/red dot). 4/11/2019. Bath. Approx. 1 a.m.
A female phones the Police about a verbal argument with ex-husband.**

When Police Officers arrive a man is leaving the property with blood on his hands. When told that he is under arrest he immediately becomes aggressive and out of control. Officers cannot handcuff him, so make the arcing noise with the Taser so the male can hear it, as a compliance tactic to get his hands behind his back. Taser Red dot is also used for the same purpose. PAVA is used.

A positive approach and fact-finding goes well. A good outcome, controlled Officer team-work, restraining the suspect without firing the Taser (even when that would be reasonable force) and there are no injuries.

Constabulary response: Thank you for the panel comments which are noted including the officer de-escalation of the situation.

**Case 27: Taser (aimed). 1/11/2019. Approx. 8p.m. Taunton.
A man phones the Police and says he has a knife and will stab someone.**

Taser is aimed and the man is taken to the ground by Officers. The man denies it is him and says he has no blade.

Based on the information provided, the Officer acts upon the knowledge gained, in a safe and controlled way. The use of the threat of Taser controlled the situation, bearing in mind the threat of use of a knife the man said he was carrying. The Officer is clear as to why he is detaining the man. Compliments to the Officer for turning on BWV early, on the way to the incident. A professional approach to the situation.

Constabulary response: Thank you for the panel comments which are noted including the good practice in switching on BWV early and professional approach.

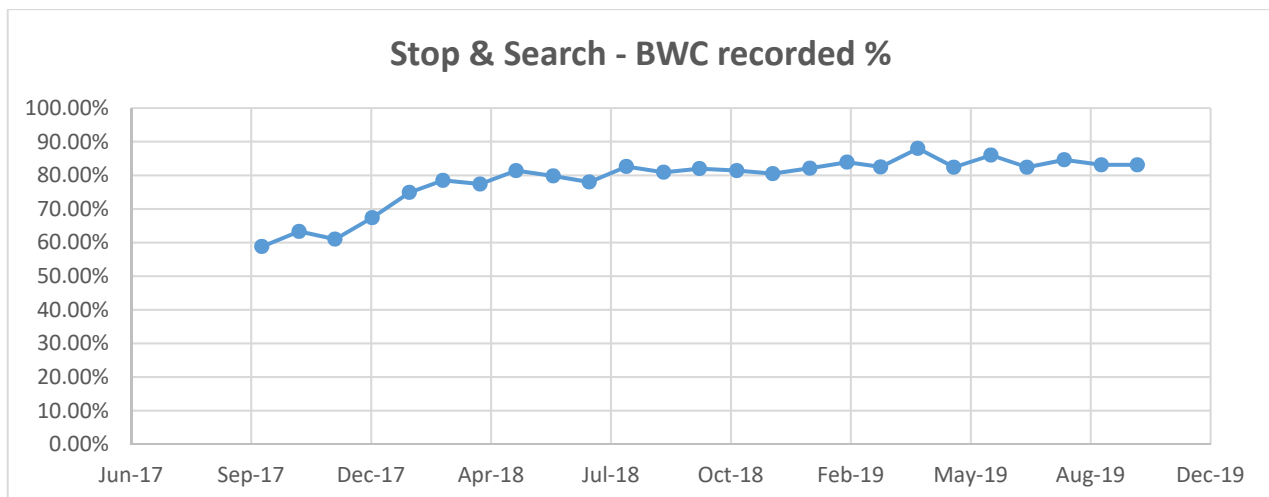
SCRUTINY OF POLICE POWERS PANEL

28 November 2019

Appendix 2

Stop and Search monthly data and BWV camera switched on figures (to 30/11/2019)

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%
May 2019	706	82.4%
Jun 2019	662	86.0%
Jul 2019	586	82.4%
Aug 2019	680	84.6%
Sep 2019	622	83.1%
Oct 2019	705	83.1%



Appendix 3

Taser used (out of holster and either drawn, aimed, red-dot, arc, drive-stun or fired) and BWV switched on:

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	81	72	88.9%
2019	July	76	64	84.2%
2019	August	92	80	87.0%
2019	September	68	53	77.9%
2019	October	66	58	87.9%
2019	November	78	64	82.1%

Taser FIRED only and BWV:

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	10	10	100.0%
2019	July	13	10	76.9%
2019	August	10	10	100.0%
2019	September	13	13	100.0%
2019	October	22	20	90.9%
2019	November	12	11	91.7%