

SCRUTINY OF POLICE POWERS PANEL

10 March 2020 Case preparation & Covid breach cases. April 2020 Remote Panel reviews

Attendees:

A sub-group of 7 of the 16 members have reviewed cases from home (using a secure database) for the 12th *Scrutiny of Police Powers* Panel quarterly meeting, initially planned for 10th March 2020 but cancelled due to the Covid-19 situation. Additional incidents have also been reviewed regarding Covid-19 Regulation breaches and fixed penalty notices served.

27 case files were reviewed. See Appendix 1 for case feedback.

Published documents on the PCC's website include:

- 1a. Avon and Somerset response to OPCC Police Powers Scrutiny Panel Report following a review of a Taser incident in Bristol on 14 January 2017.
- 1b. Constabulary update on recommendations - 2 March 2020.
- 2a. Stop & Search Bulletin Quarter 3: Oct-Dec 2019.
- 2b. Stop & Search Internal Scrutiny Group - Minutes - 31 Jan 2020.
3. PEEL Inspection Report - 2018-19 - page 7 highlighted.
4. Taser and Stop & Search Body Worn Video (BWV) statistics to 29 Feb 2020.
5. Panel Chair & Vice Chair's Report - 28 Mar 2020.

Additional documents in the reading pack for Panel members and Constabulary contacts for the agenda items also included:

De-escalation training for Frontline officers – Panel member observation and feedback.

Equality Impact Assessment regarding Taser.

Panel Chair and Vice Chair's precis on the Police Internal Stop Search and Use of Force Group meeting on 31 January 2020.

Stop and Search section 60 briefing.

Panel Chair's interim report – 31 January 2020.

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**.

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APPENDIX 1

SUMMARY OF THE REVIEWED CASES

The sub-group of Panel members reviewed the Body Worn Video (BWV) footage for cases within the months of December 2019, January and February 2020. Randomly pre-selected Police incidents/cases were reviewed within the Panel requested and reviewed in the following categories:

1. An under 10 year old is Stopped and Searched. See *Note 1 below.
2. Somali ethnicity Stop and Searches. See *Note 2 below.
3. Bristol East/Central versus Somerset West geographic area comparison of Stop and Searches.
4. Use of Force recorded in the Minehead area. See *Note 3 below.
5. Use of Force in Somerset West & East policing area for Black subjects. *Note 3 below.
6. Taser fired.
7. Additionally, Covid-19 Act breach cases, some resulting in Penalty Notices being served. This is documented in a separate report.

***Note 1:** There were no under 10 year olds stopped and searched during the time period reviewed. One case was provided for November 2019 and other cases selected were under 13 year olds, within the standard under 16 category (u16).

***Note 2:** As ethnicity data is not recorded by the Constabulary to this level, only one specific case was found.

***Note 3:** This selection was requested due to disproportionality in the Somerset area.

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 (12 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 (9 cases):

Case 1: Stop & Search of an under 16 year old (13 year old). 8/12/2019 1.25pm. Yate, rear of shops. Negative search outcome.

The Police Officer is matter of fact, referring to life choices. None of the expected explanation or narrative is heard and several other Officers are present.

Question: There is only 1 BWV footage. The Panel member queries there is no other BWV?

Constabulary response:

In relation to the Panel's request as to why there is only one piece of BWV footage, of the three officers who attended and conducted searches, two had their cameras activated. The first being the officer whose footage was reviewed by the panel. This officer arrives after the group have been detained. It can be heard on the footage when the officer attends, their colleague, who detained the group, state that they have given grounds already prior to the officer's arrival.

Unfortunately, it is this officer's camera which runs out of battery on attendance. There is a brief clip of footage from this officer on attendance, but the battery runs out before the group is detained and grounds given. The third officer does not activate their body worn video camera. The use of body worn video has been an area of focus for the Stop Search Internal Scrutiny Panel and action is being taken to ensure wider compliance with the mandatory requirement to activate body worn video cameras when conducting Stop and Search.

Case 2: Stop & Search. Under 16 (13 year old). Bridgwater 9/1/2020 11.20a.m. Operation Remedy. Arrest of a male at a flat.

Drug dealing/cuckooing situation. 13yr old boy hiding in house. All GOWISELY details given before the search which discloses several phones. Both Plain clothed offices have BWV cameras in place. Only one video available [selected to view].

Constabulary response: The Panel's observations in relation to this stop and search are noted. During this stop search, three officers have body worn video cameras activated the footage of which has been reviewed and the Constabulary can confirm captures the two stop searches conducted during this incident.

Case 3: Stop & Search (section 1). Under 16 (11 year old). 26/1/2020 11:45pm. Priston Village Hall.

All GOWISELY details given. A calm and relaxed search.

Constabulary response: The Constabulary thanks the Panel for its feedback and positive comments relating to this stop and search.

Case 4: Stop & Search (s.1). Under 16s. Weston-super-Mare 28/12/2019 8.30p.m. Suspected of being in possession of a knife.

8 young people detained by several officers after a report of a knife within this group. The youths initially ran from the Police. A couple were not stopped as they had got away. The Officer is very calm and patient, providing all GOWISELY details and answering questions. The Officer volunteered to the boy that there is no need to provide his personal details (name and address). The second search is also properly done. A very pleasant exchange.

Constabulary response: The Constabulary thanks the Panel for this feedback and positive comments in relation to the actions and interactions of the officers.

Case 5: Stop & Search. Under 16 (12 yr. old). Timsbury Road. 25/1/2020 2.50p.m.

All fine. Relaxed and straight forward.

Constabulary response:

The Constabulary notes and thanks the Panel for its feedback in this case.

Case 6: Stop & Search. Under 16s (one is 9 yrs old). Bristol 16/11/2019 10.50a.m

2 video footages of this case. The younger lad (9 year old) seems to be searched without the GOWISELY statement.

Constabulary response: The Constabulary notes the feedback from the Panel in this case. In relation to the observation that the nine-year-old male appears to be searched without being given GOWISELY – when the footage capturing the search of the nine year old starts, it appears that the searching officer, who is not the officer with body worn video activated, has already got a dialogue going with the child. It is feasible that GOWISELY was given prior to the officer activating his camera, although the Constabulary notes that this is supposition.

Case 7: Stop & Search (s.1). Under 16s (11 & 13) - Bristol - 18/12/2019 7.50p.m.

Intelligence-lead stop search of under 16s following a stabbing. The description of the offenders matches the 2 young lads that are stopped. The Officer spends a while trying to establish more information about the stabbing and whether there was a cycle or a scooter involved too. He also keeps up a pleasant conversation with the 2 lads, explaining what he is doing as he is going. He gives the grounds for the search and is very understanding with the lads. A full GOWISELY explanation is given, in a good, relaxed manner.

Constabulary response: The Constabulary thanks the Panel for its feedback and positive comments, which have been fed back to the officer involved.

**Case 8: Stop & Search. Under 16 (12) Bristol - 21/1/2020 8.30pm.
Item seized from one of the two boys.**

Intelligence-lead stop search of a group of youths. The Officer explains he has watched CCTV footage showing a group matching their description passing around a pair of bolt cutters. Grounds for the search explained, the first youth the Officer searches has nothing, the second youth has a pair of bolt cutters hidden.

A full GOWISELY explanation. The boys are to be taken home and seen for interview later (Voluntary Attendance, rather than detained in custody). A well conducted search.

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

Case 9: Stop & Search. Under 16 (12 & 14) – Bristol - 19/1/2020 5.30p.m.

2 boys searched because they are near the site of an attempted robbery. However, one Panel member commented on the search of the 12 year old, GOWISELY is not fully explained, the Officer is not heard to identify himself but may have been done earlier before BWV started. A receipt is also not offered. On the search of the 14 year old, a full GOWISELY explanation is given, including a receipt.

Constabulary response: The Constabulary thanks the Panel for their response to this incident and notes the Panel's feedback, which has been forwarded onto the officers' supervisor for their awareness and consideration.

1.2: Stop and Search – Somali ethnicity – 1 case:

Case 10: Stop & Search – 12/1/2020 8.51am

The Panel requested to review a specific Stop and Search of a man on Stapleton Road, Bristol due to the circumstances of the case and the internal learning identified.

Constabulary information: Following a Police internal debrief, the use of handcuffs were explained by the Police Officer that he was not initially concerned, but the National Decision Making risk assessment then did cause concern after the man was stopped for the search and this man put his hand in his pocket. The Police Officer was concerned that the man potentially had mental health issues and could be unpredictable. Also that if a knife was located the man would be arrested and this could change his demeanour.

The Police Officer has acknowledged that these reasons could have been explained more and in a better way to the man at the time.

The 2 Police Constables were invited into a coffee shop after the Stop and Search by the male subject and shared a coffee with him, indicating some positive public engagement.

Learning issue: The second Police Constable is shown in the footage not wearing his BWV and his Sergeant has said (27 January 2020) that he would de-brief the Officer about this matter.

A Police Trainer has commented: From a PST Trainer perspective I would never fall out with an officer utilising handcuffs whilst searching for a knife. Even with a compliant member of the public the potential risk towards officers, members of the public and also the person being searched still remains.

Panel feedback:

Initially the Police Officers ask the friend/bystander to interpret to explain why they have been stopped and searched but did not persist. It would have been better to have done that at the outset. The Officers use the other person to translate a little but the male subject is obviously having language difficulties, particularly to explain why he was to be handcuffed. Full marks to the man for inviting the Officers into the cafe and for the Officers accepting the offer.

From the description received by the Police, this stop and search is considered justified.

Question: Why at the end did the Officer check the man's details with police control? Is that justified?

Constabulary response: The Constabulary understands that the Panel's feedback has been provided to the officers already. With regards the Panel's question about checking the man's details with the Control Room at the end of the search, this would be relatively common practice in the circumstances.

1.3: Stop and Search Bristol East/Central versus Somerset West geographic area comparison - 2 cases.

Case 11: Stop & Search (s.23 misuse of drugs Act) – Bristol East/Central - 28/12/2019 4.20p.m. Vehicle and passengers stopped and searched.

An awkward situation well handled with so many young people.

*Constabulary response:
The Constabulary thanks the Panel for their feedback relating to this incident.*

Case 12: Stop & Search – Somerset West - 28/12/2019 Middy.

Vehicle and passengers stopped and searched.

An awkward situation well handled with so many young people.

Constabulary response: The Constabulary thanks the Panel for their feedback relating to this incident.

2. Use of Force & Taser deployment (15 cases reviewed)

2.1: Use of Force recorded in the Minehead area (5 cases).

Case 13: Use of Force (Handcuffs) - Minehead - 19/02/2020

BWV footage of the second Police interaction with a female when she assaults 2 Police Officers. Also footage of a third interaction with the female and her arrest on suspicion of assaulting an emergency worker along with a further assault.

A Female has been stopped following an accusation of assault on an emergency worker. She is very uncooperative from the start and appears to take an instant dislike to the female officer who she continually berates. They ask her to stop and cooperate which she fails to do leading to her arrest. During which she loses her top/it comes off or she slips out of it somehow. She then makes it difficult for the Officers to get her into the van. Very patient handling of this issue by Officers with a calm attitude. One Panel member comments that it would have been good to cover up the female when she removed her clothes, if at all possible, but appreciated that this is not always simple to do so.

Feedback concerns: Although there is Police Officer patience in the face of extreme provocation, one Panel member's feedback is that this is a very difficult video to review. The female officer has history with the female subject. Their initial contact is fine, until they try to leave and reverse the van with the suspect still banging on the bonnet. This is not safe. The second encounter is less favourable. Another Panel member comments about the second footage that the female subject is wild and out of control but the video ends with her standing in front of van with officers inside. The female officer and suspect are considered by one Panel member to have bad history, so is this Officer the best to attend? It is a difficult situation that might have been handled better, especially considering the nature of the female subject's grievance. The Panel member is happy with the restraint shown, despite the female Officer clearly being assaulted, but considers that the encounter end badly.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? Answer: Yes (4).

Did the Police make correct decisions throughout this episode? **Answer:** Yes (3), **Unsure (1)**.

Was the Police behaviour free from any stereotyping or assumptions? **Answer:** Yes (3), **Unsure (1)**

Was the incident free from demonstrable discriminatory behaviour? **Answer:** Yes (3), **Unsure (1)**.

Does the behaviour need further investigation? **Answer:** No (3), **Unsure (1)**.

Question: The female subject made it extremely difficult for the 2 Officers to safely arrange her in the van. Are there any other options?

Constabulary response: The panel comments are noted with thanks. In answer to the panel question, when officers are dealing with a violent and aggressive individual a van should be considered to transport safely due to the lack of space in a car. On this occasion officers did have a van and tried to place the female into the rear, however, as the panel mention she made this extremely difficult for officers. As there were only 2 officers, the other option would be to request additional units to attend and consider further restraint before carrying the female to the vehicle. On this occasion, additional units were initially requested but due to the distance away were cancelled prior to arrival due to the female successfully being placed into the van.

Case 14: Use of Force (Handcuffs) – Minehead – 10.28pm. 5/1/2020 Arrest. Handcuffs used.

The BWV is turned on before attending, providing good information and context. The hostel worker wants a male to leave the premises and he will be excluded in the morning for breaking the rules of the hostel. The Police show patience and restraint and also give the suspect ample opportunity to be reasonable. The male is talking aggressively. Officers try to persuade the male to leave

immediately and offer to give him a lift. The situation goes on and on inconclusively and officers' patience is exhausted.

However, it's unclear whether a criminal offence had occurred.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? **Answer:** Yes (2), **Unsure (1)**.

Did the Police make correct decisions throughout this episode? **Answer:** Yes (2), **Unsure (1)**.

Was the Police behaviour free from any stereotyping or assumptions? **Answer:** Yes (3).

Was the incident free from demonstrable discriminatory behaviour? **Answer:** Yes (3).

Does the behaviour need further investigation? **Answer:** No (2), **Unsure (1)**.

Question: The male is arrested inside the hostel as a Section 5 Public Order offence. Is this suitable as an outcome?

Constabulary response: Thank you for the panel comments. Having reviewed the footage, the male is aggressive and verbally abusive with other members of the public present. Section 5 Public Order relates to a person using threatening, abusive or insulting words or behaviour in a public or private place, with the exception of in a dwelling. The officers tried on numerous occasions to reason with the male, however, he continued this behaviour. He was arrested outside and this was appropriate in the circumstances.

Case 15: Use of Force – Handcuffs, strike and Spit guard used – 15/12/2019 12:38-1am.

Police are called to a man accused of assault. The man has been detained by site staff on the floor before the officers arrive and at some point prior to their arrival his trousers have come off. He is very agitated, accusing the site staff of touching him. He is not being compliant and is handcuffed very quickly. The officers talk to him a lot and eventually he becomes agitated again, still refusing to put his trousers back on. He threatens to spit and eventually spits twice.

Compliments to the Officers: All three Panel members agree: BWV is turned on before attending the location, providing good information and context. An excellent example of Officers patiently maintaining the safety of an aggressive and strong man and themselves in very difficult circumstances. The use of the Spit Guard (put on easily) is appropriate because the suspect makes credible threats and spitting. The leading officer uses a very calm but authoritative tone during the whole interaction and keeps attempting to reason with the man. The other Officer tries to reason with him too. He even remains calm following the spitting and chooses to remain with the man in the back of the van. The need for restraint continues when the male is in the police van. Praise to this officer for his calm approach. This was a difficult situation, well handled.

Ethnicity recorded as: blank. The person is actually white.

Constabulary response: Thank you for the positive feedback. This has been shared with the officers involved and I agree that they dealt with this challenging situation very well. I note the comment in relation to recorded ethnicity – I have reinforced this point and this feeds in to our ongoing focus around data quality in this respect.

Case 16: Use of Force – Taser fired – 7am on 27/1/2020

Male transported to Southmead hospital.

BWV is turned on before the Officer exits the police vehicle, which provides evidence of an offence and approval is sought to use the Taser. The very strong male subject, who is distressed and wandering bare foot in the road.

A very difficult situation considering the mental health history and ongoing issues and the strength of the man. Once calmed down it was handled well.

Concerns from one Panel member who felt the Taser was deployed perhaps a little early and may have exasperated the situation, when the man seemed to be settling down. Possibility of de-escalation by talking or alternatives are not exhausted at the point of Tasing.

Compliments: The Female officer with the Taser is very clear and calm with instructions, using the Taser Red dot but the male does not comply. The Officer gives ample and appropriate warnings that the Taser is going to be used. The Taser is then discharged. The male remains up and the Taser is discharged again. The Officer is very calm, in control and empathetic throughout, trying to calm the male and says that the police are there to help him. The female officer demonstrates excellent policing, despite the obvious threat from a large suspect with either mental health or substance issues.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? **Answer:** Yes (1), **Unsure (1)**.

Did the Police make correct decisions throughout this episode? **Answer:** Yes (1), **Unsure (1)**.

Was the Police behaviour free from any stereotyping or assumptions? **Answer:** Yes (2).

Was the incident free from demonstrable discriminatory behaviour? **Answer:** Yes (2).

Does the behaviour need further investigation? **Answer:** No (1), **Unsure (1)**.

Constabulary response: The differing views from panel members are noted with the panel commenting on the good communication, although query with the timing. This will be passed to training for consideration in future deliveries, although I do feel the Taser deployment was justified in the circumstances.

Case 17: Use of Force – Handcuffs – 10/12/2019 1pm.

Intelligence-led drugs Stop and search. Driving without documents.

Ethnicity W9: Any other white background

The Officer gives good commentary leading up to the incident, i.e. the Officer's video audio says what is happening and why he is following the car and the reason he is about to stop the vehicle. He follows it for a while until it is safe to stop the car. The male inside is known to the officer as later discovered. The Officer is polite throughout stop and search, including explaining to the driver that a drug search is to take place because the car has been seen at a drug dealing location. The male is compliant. He has a small amount of cannabis in his pocket and a lock knife in his car.

The Police Officer is calm, polite and clear. All is very relaxed. The Officer explains the situation several times in different ways to try to overcome the language barrier and asks the male to fetch his son who can interpret.

Concern: A second Panel member commented that the inappropriate use of the F### word is unnecessary.

Compliments to the Police Officer. A very good example of use of BWV, turning on before incident, giving good clear commentary throughout. The Officer's approach is calm and explains well.

Constabulary response: Thank you for the panel comments and positive feedback in relation to the communication, BWV and approach. The panel comment in relation to inappropriate language is noted – although this officer did use this language the interaction was very positive and the word was inadvertently used in conversation as opposed to used towards the male. It is important though that officers remain professional and this point will be reiterated.

2.2: Use of Force in Somerset West & East policing area for Black subjects. (7 cases)

Case 18: Use of Force – Handcuffs – Taunton, Bar and Club. 2.30a.m.

A Police Officer asks a person to leave the area otherwise there will be a Breach of the Peace. Handcuffs used and an arrest.

Compliments: Good policing dealing with intoxicated persons. Patiently handled. Lots of time and opportunity is given to the subject to leave before one white and one BME person is arrested, as a

last resort, Officers having tried to disperse and de-escalate. There is no evidence of BME discrimination or bias. The Officers are very patient and try to resolve the situation by sending people on their way. Well handled.

Constabulary response: The panel comments and positive feedback are noted with thanks.

Case 19: Use of Force (Handcuffs) – Wellington 6/1/2020 7.20pm.

Breaching a restraining order. Arrest.

Police Officers are calm and straightforward, giving a full explanation of the grounds for arrest and talking through the process. The main Officer handles this very respectfully. The male subject is told that he should ask for a travel warrant at court to get back to London. Empathy is given about his wet clothes: dry ones being available at Bridgwater custody unit.

Constabulary response: The panel comments and positive feedback are noted with thanks.

Case 20: Use of Force (Handcuffs) – Minehead 22/12/2019 7.35pm

Officers locating a male at a hotel in Minehead. Arrest for escaping whilst in police custody (police car).

Ethnicity recorded as B9: Any other Black background

The male suspect is put in the Police car after arrest but he is left in an unlocked car and he runs off. The circumstances are unclear but not what was intended and the male Officer's error of judgement, which he admitted to the female Officer. Later, the male suspect is traced to a local hotel where he is arrested. He is compliant but then restless, talkative and complaining about being dragged around. This part is well handled.

It is not possible to determine whether any force is used because no footage is available of the handcuffs being applied.

Compliments: The Officers are polite and remain in control of the situation. Good policing.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? Answer: Yes (2)

Did the Police make correct decisions throughout this episode? **Answer: No (1), Unsure (1)**

Was the Police behaviour free from any stereotyping or assumptions? Answer: Yes (2)

Was the incident free from demonstrable discriminatory behaviour? Answer: Yes (2)

Does the behaviour need further investigation? Answer: No (2).

Constabulary response: The panel comments and positive feedback are noted with thanks.

Case 21: Use of Force – Physical restraint – Holiday resort 18/12/2019 1.50a.m.

Already handcuffed. Swapped handcuffs.

Despite the abuse and threats throughout the whole travelling journey from Minehead to the Police Station, the Officer remains calm and professional. The video footage did not show the Spit and bite guard being put on after the male spat.

One concern is the type of restraining technique used. At 05:03, is kneeling on the back of the neck standard restraint procedure for a suspect on the ground? Otherwise the Police action seems proportionate to the level of threat.

Ethnicity: blank but actually white

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? Answer: Yes (2), **Unsure (1)**.

Did the Police make correct decisions throughout this episode? Yes (2), **Unsure (1)**.

Was the Police behaviour free from any stereotyping or assumptions? Answer: Yes (3)

Was the incident free from demonstrable discriminatory behaviour? Answer: Yes (3)
Does the behaviour need further investigation? Answer: No (2), **Unsure (1)**.

Constabulary response: The panel comments are noted with thanks. The panel concern raised in relation to the restraining technique is noted. As the panel mention, this is not a technique that is taught due to the potential for injury, however, due to the aggressive nature of the male this sometimes results in unconventional approaches to gain control. I will feed this back through our training school for consideration for future inputs.

Case 22: Use of Force – Handcuffs – Holiday resort 3/12/2019 2.40a.m.

Police Officer attendance following alleged assault between two male members of staff. Victim's injuries visible. Suspect arrested.

Arrest of the compliant man. The Officers are respectful to all parties, explaining clearly to the suspect what is going to happen. Everybody is calm and collected. The male suspect is Inured, previously violent but not on this occasion.

Ethnicity: n/k blank [actually white]

Compliments: Good policing. BWV is turned on from the outset, good practice, plus the Officers double check before speaking to the victim.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? Answer: Yes (3).

Did the Police make correct decisions throughout this episode? Yes (2).

Was the Police behaviour free from any stereotyping or assumptions? Answer: Yes (3), Unsure (1)

Was the incident free from demonstrable discriminatory behaviour? Answer: Yes (4)

Does the behaviour need further investigation? Answer: No (3), **Unsure (1)**.

Constabulary response: The panel comments and positive feedback are noted with thanks.

Case 23: Use of Force – Spit Guard – 7/12/2019 at 1a.m.

Ethnicity W1: White British

The male is in A & E, appears to be 'on something' and periodically verbally and physically aggressive. It is necessary to hold him down. The Use of restraint is to protect the suspect at the early part of the video footage and after the male subject spits twice, the use of the spit guard just after midnight is definitely appropriate. Officers keep the male informed of what was happening, the search as appropriate and dealt with in a professional manner at all times.

Concern: A third Panel member commented that there is inappropriate use of language ("Dirty little s###").

Compliments: All officers and civilian security staff should be commended for their resilience in dealing with this individual for so long, without losing their professional attitude and despite being assaulted.

Constabulary response: The panel comments are noted with thanks, in particular the resilience of the officers involved. The panel member comment in relation to the use of language is valid but is perhaps a "human" response in the circumstances and the officers maintain a calm approach.

Case 24: Use of Force – Spit Guard – 17/12/2019 At Bridgwater Police Centre

Restraint of a male detainee due to his aggressive behaviour in custody.

The male is brought into custody and the interaction starts when he has been detained on the cell floor due to picking at stitches from a wound and is bleeding. The male is being difficult and the

situation is very well handled. The Custody Officer is very patient, calm and polite throughout, whilst being racially abused and having a tirade of offensive and abusive language. The man is given ample opportunity to comply.

However, it's not possible to see the spitting, placing of the Spit & Bite guard or to see the man on the floor due to the video footage angle.

Question: Video footage is 6.22min long, and it appears the male subject was to remain on the floor whilst the officer left the room, so how long in total?

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? Answer: Yes (4), **Unsure (1)**

Did the Police make correct decisions throughout this episode? Yes (3), **Unsure (1)**, N/A (1).

Was the Police behaviour free from any stereotyping or assumptions? Answer: Yes (5)

Was the incident free from demonstrable discriminatory behaviour? Answer: Yes (5)

Does the behaviour need further investigation? Answer: No (4), **Unsure (1)**

Constabulary response: The panel comments are noted with thanks. Having reviewed the detention log, the male was being restrained due to cutting himself with a plastic spoon – he was restrained for the purposes of a search. This was only for a matter of minutes, however, following this the male removed some steri-strips from his right hand causing it to bleed. This footage begins when officers re-enter at 20:37hrs to prevent him from harming himself. He then remained on constant supervision with detention officers for around 30 minutes in the cell.

2.3: Taser fired (3 cases).

Case 25: Use of Force – Taser fired – 31/1/2020 1am, Frome, Somerset.

Stop and Search, Taser deployment and arrest of suspect.

Stop search of a male who was initially compliant, had said he had a bottle of cider so was taken to back of police car for a breathalyser which he passed. A calm and straightforward explanation is given as to why this male is stopped. When drug paraphernalia is found the man is searched and all is OK until he is asked to open his fist. There is a tussle and the Taser is fired. All happens very quickly and it is surprising that the Officer is able to fire so quickly. An alternative would have been either grabbing the male or backing off and using the Taser as a warning.

Under the circumstances the Police have to control the situation. However two Panel member's feedback is that no police prior warning is heard to the person that the Taser is going to be used, just an instruction from one officer to another to get their Taser out. The suspect seems to be resisting when the Taser is deployed but the camera angle is poor.

A forth Panel member commented that the situation is well handled and well controlled after the initial Taser firing. The use of Taser is considered appropriate.

Constabulary response: Panel comments are noted with thanks.

Case 26: Use of Force – Taser fired – 7pm 15/2/2020

Officer approaches a stolen vehicle with male occupants.

Taser is fired at 2 males who have run from a vehicle. BWV footage starts and the Taser is virtually fired immediately. A foot-chase then follows and the officer shouts at the male. It all appears to calm down after and the Officer is calm with the male who is arrested. Once detained, the handcuff tension is released to make the male more comfortable. It is very dark so difficult to see during a foot-chase before the Taser is used. There is a suggestion of a knife.

One Panel member stated that it was not possible to determine whether there was any bias, discrimination or stereotyping. The Officer discharged the Taser then immediately pursued the suspect.

Case for review. Of concern: The Officer swearing from the outset is not appropriate. A forth Panel member states that they have never heard an Officer using this type of language or threatening a suspect before on any video footage and feel this Officer should be spoken to about the language he used and the threats he made. A third and fourth Panel member both suggest perhaps a refresher course or further training would be beneficial.

Note: Only the BWV is being reviewed, without any Niche/Police background information or intelligence.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? **Answer:** Yes (2), **No (1), Unsure (1).**

Did the Police make correct decisions throughout this episode? Yes (2), **No (1), unsure (1).**

Was the Police behaviour free from any stereotyping or assumptions? Yes (3), **Unsure (1).**

Was the incident free from demonstrable discriminatory behaviour? **Answer:** Yes (3), **Unsure (1).**

Does the behaviour need further investigation? **Answer:** **Yes (2), No (1), Unsure (2).**

Constabulary response: Thank you to the panel for raising this issue. The matter has been referred to the officer's supervisor for review and debrief due to the concerns in relation to language used. Although it is accepted that spontaneous incidents can induce stress for an officer dealing, the language used during this incident is not appropriate.

Case 27: Use of Force – Taser fired – 4/12/2019 2.40a.m. Apprehension of a male.

The male is using threatening behaviour, making noises and adopting a "haka" movement. He asks to be Tasered. He is Taser Red dotted first but refuses to stop and not come forward towards the 5 officers. The Taser is fired after adequate warning is given. The Officers are patient with the suspect and there is a good rapport whilst waiting for the second vehicle (quite a long wait). The suspect is kept safe by the Officers. The officers have a very calm approach to the man before and after the Tasing. They talk to him constantly and explain what they are doing. The man says he likes being Tasered.

Question and concerns: The decision to use Taser is considered correct. The Officer is kind and patient after the initial Tasing. However, the BWV starts too late to see the build-up of the situation. The Taser is fired and an Officer falls over the male subject and is in danger of hitting the man's head on the wall. It is unclear whether the Officer loses his footing or this is an intended manoeuvre.

A second Panel member's issue is similar, regarding the Officer describes as shoulder-charging the suspect. Was that level of aggression necessary when the male had already been Tasered, and the barbs were still connected, meaning further discharge was an option?

A third Panel member is concerned about 'take down' being a bit heavy-handed and the speed of Taser deployment with little warning and other options could have been considered including trying to de-escalate as 5 officers are present.

A forth Panel member comments that the Tasing is possibly a bit early and the Taser fire, if used as a quick fix, is worrying.

Without any background on the man it is difficult to say but he clearly wanted to be Tasered and without seeing the build up to the incident it is hard to understand why he was so agitated and why the police were called. The Tasing itself was ok as warnings had been given. More information would have been better to see if he was known to the police and whether he was known to have aggressive tendencies.

The member feedback form's 5 questions have been answered as:

If force was used, was it appropriate? Answer: Yes (1), **No (1), Unsure (2).**

Did the Police make correct decisions throughout this episode? Answer: Yes (2), **No (1), Unsure (1)**

Was the Police behaviour free from any stereotyping or assumptions? Answer: Yes (2), **Unsure (1).**

Was the incident free from demonstrable discriminatory behaviour? Answer: Yes (3).

Does the behaviour need further investigation? **Answer:** No (1), **unsure (3)**

Constabulary response: Thank you to the panel for the feedback in relation to this case. Having reviewed the footage, the Taser is deployed due to the threat posed by the male who begins to walk towards officers in an aggressive manner despite officer warnings. However, due to the thick clothing of the male the Taser deployment was ineffective and officers used alternative means to bring him under control. This was deliberate as opposed to an officer losing their footing. Due to the panel concerns, I have forwarded this case to force Taser lead Karl Waltho for review.

SCRUTINY OF POLICE POWERS PANEL

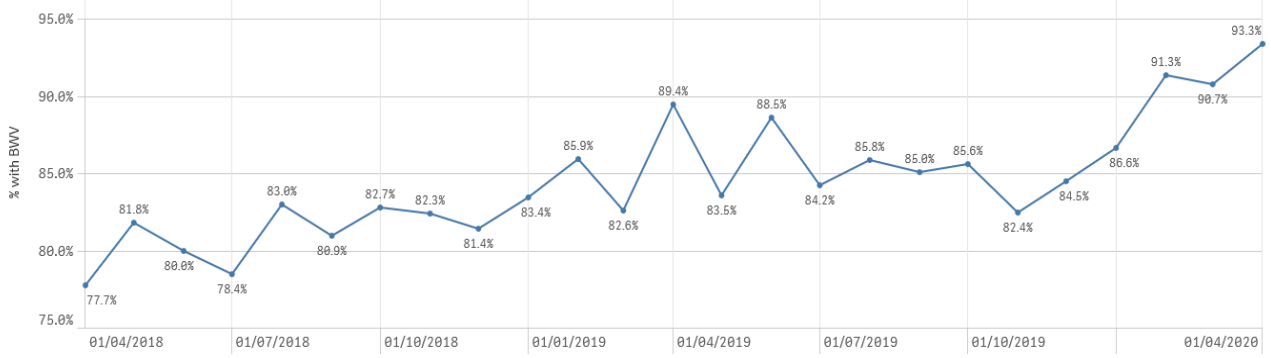
10 March 2020 Case preparation & Covid breach cases. April 2020 Remote Panel reviews

Appendix 2

Stop and Search monthly data and BWV camera switched on figures (to March 2020)

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%
Nov 2019	726	81.4%
Dec 2019	626	82.3%
Jan 2020	627	86.6%
Feb 2020	711	81.3%
Mar 2020	702	90.7%

Stop Searches with Body Worn Video Over Time



MonthStart(If([SS_Date] >= '01/09/2017', [SS_Date]))



Appendix 3

Taser used (out of holster and either aimed, red-dot, arc, drive-stun or fired) and BWV 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	87	67	77.0%
2019	December	112	91	81.3%
2020	January	85	71	83.5%
2020	February	92	72	78.3%
2020	March	114	2	82.5%
2020	April	97	80	82.5%

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	14	12	85.7%
2019	December	27	23	85.2%
2020	January	11	11	100.0%
2020	February	13	10	76.9%
2020	March	12	11	91.7%
2020	April	17	15	88.2%