

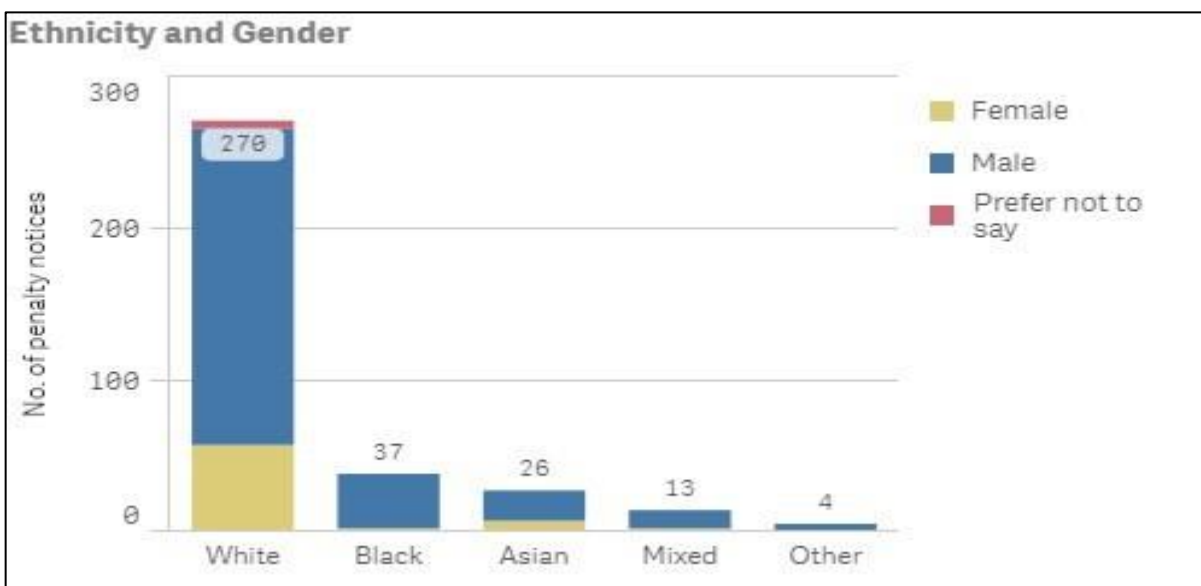
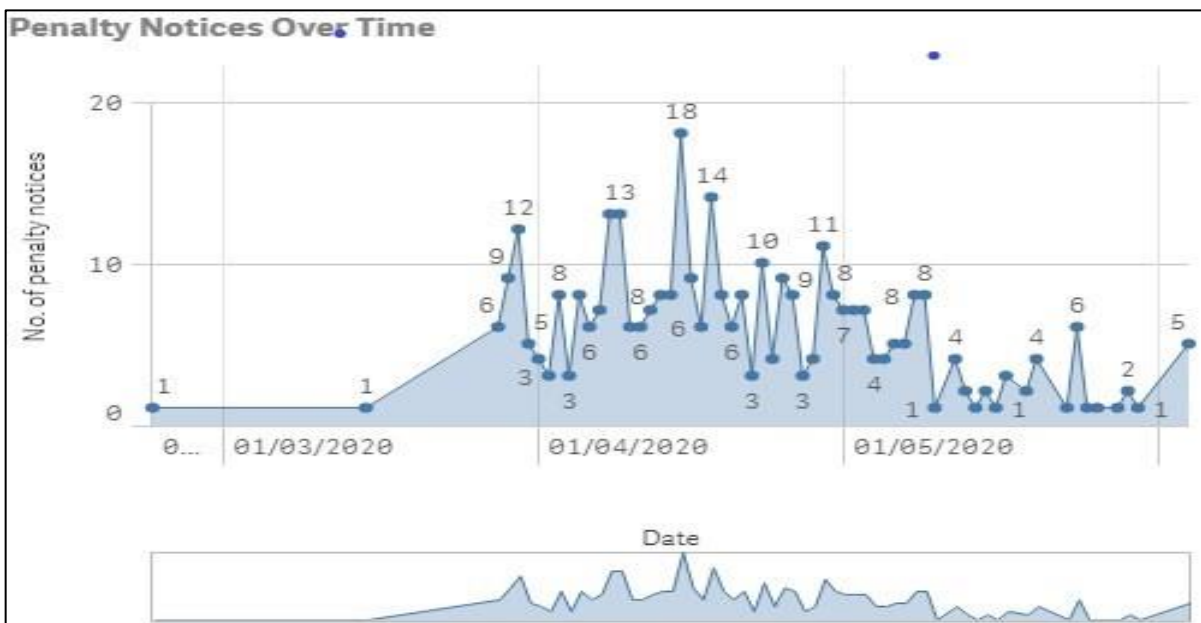
SCRUTINY OF POLICE POWERS PANEL

Covid-19 Regulation related cases. 29 June 2020 Remote Panel reviews

This Review Report covers the 3rd Panel member review and feedback on Covid-19 Regulation related cases, some resulting in Penalty Notices being served. The cases selected are within the month of May 2020, excluding those cases already reviewed by the Panel.

The guidance to Police Officers is to Engage, Explain and Encourage – the 3 ‘Es’. Only after this communication is the last resort to serve a Fixed Penalty Notice (FPN) for a Covid-19 Regulation breach, such as inappropriate socialising, travelling and being outside.

Covid-19 penalty notice data as at 12 June 2020:



Summary of feedback:

- Members' Covid-19 positive feedback includes: Officers calm, patient and fair; Time given to engage, explain and encourage; Good example of Officers switching on BWV camera early and providing recorded narrative of the situation in advance of arriving at the location; Good humoured, relaxed exchanges; Examples of Officer calmness preventing escalation; firm but fair when issuing second and subsequent Penalty Notices to an individual; an example of good Officer engagement with children; proportionate, respectful Officer responses;
- Covid-19 negative feedback and concerns include: Penalty Notice issues appearing to be an afterthought to another event (e.g. speeding ticket); Officers being unsure of the current (and rapidly changing) Covid-19 Regulations and procedures so instructions to members of the public sometimes appeared unclear.

Note: The 7 questions within each Panel member feedback form are omitted in this Report if they are all answered positively. The questions are:

1. Did the Police Officer Engage, Explain, Encourage?
2. Was enforcement necessary and proportionate to ensure compliance?
3. Were the instructions and/or directions reasonable?
4. If force was used to remove a person to where they live, was it reasonable force?
5. If an individual contravenes a request, direction, instruction or prohibition notice, did he/she have a reasonable excuse?
6. If a Fixed Penalty Notice (FPN) is issued, did the officer reasonably believe a person committed an offence under the Regulations?
7. Was the police behaviour free from demonstrable discriminatory behaviour?

Case reviews:

1. Covid-19 Act related cases (11 body worn videos were reviewed for 9 cases)

Covid-19 Act breach cases, some resulting in Penalty Notices served.

Case 1: 1 May 2020 1.43pm and 4.17pm

2 body worn videos reviewed from different time periods. It is an initial gathering of about 30 people in a public common space which appears to be an "end the lockdown" peace protest.

1.1 Video 1 at 1.43pm:

On the positive side, the Officer is calm in very challenging circumstances and the member of the public has very obscure opinions and walks away, refusing to give a home address. The Officer remains patient, listening to what the Panel member considered to be bizarre questioning by the person of the Officer's authority. The Officer's direction for the person to leave is considered justified. Quite well and patiently handled, despite the obtrusive nature of the person involved. The Officer attempts to fully explain and the instructions and directions are reasonable but the man remains uncooperative so it is not an easy situation.

One concern from a Panel member is that the man seems to have accepted he is to leave the area and has moved away to pick up his rucksack when the Police Officer moves to him and says he will be reported.

Feedback form questions answered by 3 Panel members:

1. Did the Police Officer Engage, Explain, Encourage? Answer: Yes (3).
2. Was enforcement necessary and proportionate to ensure compliance? Yes (2), Unsure (1).
3. Were the instructions and/or directions reasonable? Yes (3)
4. If force was used to remove a person to where they live, was it reasonable force? N/A.
5. If an individual contravenes a direction, was there a reasonable excuse? No (2), Unsure (1).
6. If a FPN is issued, did the officer believe the person committed an offence? No (2), Unsure (1).
7. Was the police behaviour free from demonstrable discriminatory behaviour? Yes (3).

1.2 Video 2 at 4.17pm:

Officer engagement with the member of the public filming the gathering in the earlier video (above) and this man appears to be the main organiser of the event (and has had previous warnings). The Officer remains calm in a situation where the Panel member considers that the person is being obstructive by trying to alter the narrative and not giving his full attention to the Police Officer. Well-handled considering the recent high profile of the gentleman concerned and much seen in the media so it needed careful handling to prevent it escalating as a media story.

Constabulary response: Panel feedback noted with thanks.

Case 2: 3 May 2020

A Motorway vehicle stop for speeding. The occupant had travelled from London to visit friends in Weston-super-Mare and was returning to London.

The Police Officer takes a lot of time and is patient in explaining the consequences of the speeding ticket and Covid-19 breach, to ensure the driver fully understood both items.

However, one Panel member recorded that the Covid Penalty Notice appeared to almost be issued as an afterthought in addition to the Speeding fine and the instructions were felt to be somewhat mixed up alongside the issuing of the Speeding ticket.

Constabulary response: Panel feedback noted including mention of the importance of clear communication.

Case 3: 3 May 2020

A car driver seen and stopped multiple times by this Police Officer and others.

The female Police Officer is very engaging and persistent in Explaining and Encouraging the man to go home and not repeat this behaviour. The Officer makes it clear that as the man is in breach after already receiving a Fixed Penalty Notice he will be served with another one.

However, one member noted that it is a short video (3 minutes), not really showing much if any of the '3 Es' (engage, explain, encourage) on this occasion, although this was not the first police engagement.

Constabulary response: Panel comments are noted with thanks. As mentioned by the panel, this was a repeat interaction with the male where prior engagement had taken place.

Case 4: 6 May 2020 - 7.48pm and 8.15pm

2 videos reviewed. A Police response to public calls reporting a party/gathering. Other Officers are already at the location. It is the second visit to these premises on that night and 9 people are in the house including visitors.

4.1 Video 1 at 7.48pm:

Good practice regarding body worn video process/use, the Police Officer stating the purpose prior to arriving at the scene. A good humoured exchange on this the second visit to this person. The people in the house were sorted out regarding who lived there and the visitors were asked to leave. From the dialogue that can be heard, it appears as though 3 E's were explained during the previous call to this address.

4.2 Video 2 at 8.15pm:

Continuation from case 4.1 above. The person has returned to the premises and is not so compliant as at the earlier visits, showing aggression towards the Officers. The Officer stays calm despite of the verbal abuse received. After several call-outs and an indication that there will be further breaches, there is Officer discussion whether or not they should serve Penalty Notices. Reference is made to speaking to a Police Sergeant.

One Panel member comments that the situation is de-escalated by the second Police Officer taking over and becoming the main point of contact. This is considered helpful as the situation may have otherwise escalated between the first Officer and this member of the public.

Constabulary response: Thank you for the panel feedback including good de-escalation by officers in attendance.

Case 5: 7 May 2020

Officers attend premises to ask a visitor again to leave. This is after previous Police contact with the householder to ask the visitor to leave which didn't happen.

Note: The previous incident has not be viewed by Scrutiny Panel members.

Officers had made previous visits to Engage, Educate and Encourage and are now having to Enforce. Their demeanour and actions reflect this tougher stance. This second visit is also after a previous Penalty Notice was issued to the Tenant. The Officers are patient with this Tenant. There is Engagement, Explanation and Encouragement given by the Officers to the visitor who had no justification for visiting. The 2 people leave the flat together and the Tenant will not commit to steering clear of his friend. Hence the Fixed Penalty Notice issue and a Regulation 9 referral for prosecution for contravening a direction. The Police Officer is very patient and tolerant, giving plenty of opportunity for the man to leave the property. The man continues to be non-compliant after leaving the premises with a friend. This second Penalty Notice (enforcement) is considered necessary and proportionate to ensure compliance. No member concerns about this case.

Constabulary response: Panel comments are noted with thanks.

Case 6: 7 May 2020

A subsequent visit to premises regarding a Covid-19 regulations breach. Visitors are at this home and garden who don't live there.

This is a second visit to the home address by Police Officers.

Panel compliments to the Officer: Excellent early narrative at the beginning of the Police Officer's video, detailing the address and reason for the visit. It is a pleasant, relaxed and good humoured exchange in the house, the Officer fully explaining the justification for the Fixed Penalty Notice. A soft approach by the Police Officers but they are persistent and get the compliance required. A good, calm Officer attitude and manner throughout, with excellent Officer communication skills. Compliments from the Panel member to the female Officer for the good engagement with the children in the house, telling them she was just doing some paper work with mummy. Nicely and thoughtfully handled. The Officer made sure the women were able to contact her if they had any questions or doubts about paying the fine and she ensured they had her collar number. Just one point from a Panel member is that the Officer's instructions seemed uncertain on the procedures, including the amount of money for the Penalty fine.

Constabulary response: Panel comments noted with thanks including positive feedback.

Case 7: 16 May 2020 at 2.28am.

They is no audio for this 2 minute body worn video footage so the Panel members are unable to review it.

Case 8: 19 May 2020

A car with 2 passengers, with an additional vehicle insurance check for the driver.

No positive feedback from Panel members. The video starts too late in the event to make a scrutiny assessment regarding the '3 Es' of Officer engagement, explanation and encouragement. The Officers did give instructions and directions but they are brief and the incident seems to mostly focus on the insurance issue. A Panel member's concern is that the Covid-19 FPN seems to be issued as an afterthought, once the insurance issue is resolved.

This incident is on 19th May 2020, 6 days after the start of Amendment No. 2 Regulations, which has some relaxation in the restriction on movement and activities. The video footage starts part way through the conversation regarding car insurance cover and nothing is said regarding Covid-19 other than there will be a Fixed Penalty Notice. After sorting out the vehicle insurance issue the Officer says all 3 people in the car are in breach of travel regulations and are in a group of more than 2. The Officer doesn't explain how each person is in breach.

Feedback form questions answered by 3 Panel members:

1. Did the Police Officer Engage, Explain, Encourage? Answer: No (1), Unsure (2).
2. Was enforcement necessary and proportionate to ensure compliance? Yes (2), Unsure (1).

3. Were the instructions and/or directions reasonable? Yes (2), Unsure (1).
4. If force was used to remove a person to where they live, was it reasonable force? N/A.
5. If an individual contravenes a request, direction, instruction or prohibition notice, did he/she have a reasonable excuse? No (2), Unsure (1).
6. If a Fixed Penalty Notice (FPN) is issued, did the officer reasonably believe a person committed an offence under the Regulations? Yes (2), Unsure (1).
7. Was the police behaviour free from demonstrable discriminatory behaviour? Yes (3).

Constabulary response: The panel comments are noted in relation to the beginning of the interaction not being captured on Body Worn Video. The need for clear communication regarding the breach is noted which forms one of the common themes and this will be fed back.

Case 9: 24 May 2020

2 Police Officers are dispersing a family group and others from a shared outside area in a small group of houses. The first group of people are reluctant to disperse, but do comply. The second group are more vocal and do not comply with the Police Officers' requests.

The Panel members agree that this is a proportionate response by both Police Officers to prevent escalating the situation and to collect enough details to issue the Fixed Penalty Notices to the relevant home owners in breach of the Covid-19 regulations. The first part of the engagement with the residents is very nicely handled by the Officers. The tone is very pleasant and open, resulting in a similar response from those asked to leave. Both Police Officers are very polite and respectful, but still firm in their purpose. It is a relaxed and good humoured break-up of the group outside their residential houses.

One Panel member comments that the Officers seem somewhat intimidated by the situation. No one is told to leave, the Officers just issue Fixed Penalty Notices having been unable to establish the people's identities other than through Police National Computer (PNC) information and it seems a little unreasonable asking the first group to leave and not the second group of people attending the party that were non-resident and non-compliant.

Constabulary response: Thank you for the panel comments and the feedback is noted regarding the positive communication. I note the views regarding the second group which were more vocal – the officers tried to engage, however, the group were non-compliant. The officers took the correct steps in issuing Fixed Penalty Notices which showed the 4 E's discussed.