

Scrutiny of Police Powers Panel

Case Review Report

December 2020

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Scrutiny of Police Powers Panel

10 December Remote Panel meeting after member reviews

Welcome to attendees:

11 of the 15 members attended the 14th *Scrutiny of Police Powers* Panel meeting.

Others in attendance: Dorset PPC's office Scrutiny Manager, Deputy PCC, PCC's communications Manager.

Police Officers/Staff invitations: Assistant Chief Constable, Police Federation and UNISON representatives, as a standing invitation, Neighbourhoods & Partnerships Chief Inspector (presenter), Taser Lead Superintendent (presenter), Taser Lead Trainer, and Black Police Association representatives.

Constabulary updates:

From Chief Inspector Wigginton, presentations on the theme of Disproportionality in: **Policing Covid-19 Regulations** and the latest Rule of 6 and post second lockdown, including disproportionality statistics; **Stop and Search**, referring to the published quarterly bulletin; and **Taser**, referring to the Use of Force report.

Stop and Search: Know your Rights:

Discussions about an App and the PCC's office social media and community engagement to inform people on Stop and Search.

Theme: Disproportionality

The theme for this Panel scrutiny is disproportionality. Panel members reviewed the Body Worn Video (BWV) footage for cases where the subject of a Stop Search or the Taser deployment is Black. Stop and Search disproportionality is highest in the county of Somerset and so this geographical area has been chosen. All Bristol cases were selected.

To obtain the number of 20 cases required, Taser deployment incidents are for the last 18 months, from May 2019. Stop Search cases have been selected since July 2020. Covid-19 regulations cases cover the Groups of 6 and second lockdown time period.

67 cases and 79 videos were reviewed remotely by 3 sub-groups of members, in advance of this 10th December 2020 online Panel meeting. **A total of 147 feedback forms** were completed for Stop and Search and for Taser cases. **There were also 37 Covid regulation case feedback forms for 11 cases.**

The grand total is 158 feedback forms for the 67 cases.

Summary of member feedback:

Members' positive feedback includes:

- Officers' good, calm, courteous manner and dignity, care and compassion for people irrespective of aggression and abuse received.
- Officers friendly and give clear feedback to young people.
- Good decision making by Officers.
- First aid delivery.
- Good de-escalation by Officers.
- BWV switched on early and narrative before arriving at the location.

Members' concerns includes:

Taser being deployed as a first option, rather than as a last resort, querying necessity and proportionality.
Very few Stop and Search cases reviewed have a positive outcome, suggesting that more intelligence is required.
Stop and Search Grounds queried, e.g. for a smell of cannabis.
Not all Stop and Search aspects are explained by Officers.
Subject description accuracy queried.
BWV switched on too late into the incident.
Necessity of handcuffing queried.
Officers not having a Stop Search receipt Pad.
Personal details asked from person Searched.

Reading pack: Documents for Panel members for this meeting include:

- Chair and Vice Chair's briefing note
- Stop and Search Quarterly Bulletin (Q2 2020).
- Disproportionality themed documents for Stop Search and for Taser deployment.
- **The Panel reports from the last meeting** – See the [PCC website](#) and the Panel's [Reports section](#).

Avon and Somerset Constabulary's Use of Force report is published on the [Police website](#).

Stop and Search and body worn video (BWV) statistics – see **Appendix 2**.

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

Case reviews: See: **Appendix 1 for a case summaries and feedback**.

Covid-19 Regulation case review (number 5) feedback is in a separate report.

Appendix 1: Summary of the reviewed cases

1. Stop and Search – disproportionality theme
2. Taser deployment – disproportionality theme
3. Other cases – Taser and Stop and Search complaints

PANEL CASE REVIEWS and CONSTABULARY RESPONSES

1. Stop and Search – Black subjects – 20 cases selected for review

Note 1: If an object is found for the case then this is stated.

Note 2: 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.

Member Feedback Form 9 questions, as below, all have positive answers unless stated in the case summary:

1. If force was used, was it appropriate?
2. Did the Police make correct decisions throughout this episode?
3. Was the Police behaviour free from any stereotyping or assumptions?
4. Was the incident free from demonstrable discriminatory behaviour?
5. Does the Police behaviour need further review?
6. Is the whole interaction recorded on the BWV?
7. Are the 'GOWISELY' items provided?
8. Were there reasonable Grounds to suspect the object would be found?
9. Did the Officer imply that the person searched should provide personal data?

Case 1: Stop & Search (s23. Misuse of drugs Act) 11/8/2020 at 00:08hrs. Bristol East

BWV database narrative: Stop search on EASTON WAY. S.23 on person and vehicle...

Grounds: Male located in vehicle smelling of cannabis, vehicle was 4 up and had windows down. Vehicle was attempting to be evasive when it saw Police.

Positive member feedback:

A very friendly engagement. Good GOWISELY item delivery, with a very calm, clear explanation of what is happening.

The Officer takes some trouble to explain and is courteous and friendly. A good-natured

encounter, handled very well by the Officer who keeps the subjects on-side.

Question: The Officer records that there was a strong smell of cannabis and so Stop Searched, but there is nothing to do with the man's driving. Was this sufficient grounds?

Feedback from 3 Panel members:

1. If force was used, was it appropriate? N/A (3).
2. Did the Police make correct decisions throughout this episode? Yes (2), **Unsure** (1).
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (2), **Unsure** (1).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (2), **Unsure** (1).
5. Does the Police behaviour need further review? No (2), **Unsure** (1).
6. Is the whole interaction recorded on the BWV? Yes (3).
7. Are the 'GOWISELY' items provided? Yes (3).
8. Were there reasonable Grounds to suspect the object would be found? Yes (2), **Unsure** (1).
9. Did the Officer imply that the person searched should provide personal data? No (2), **Unsure** (1).

Constabulary response: The Constabulary thanks the Panel for its feedback, which has been passed onto the officer involved. Regarding the question about the smell of cannabis providing sufficient grounds, the College of Policing's Authorised Professional Practice on Stop and Search notes that "s.23(2) MDA and PACE Code A make no reference to whether the smell of cannabis alone provides reasonable grounds, and there are no stated cases on this issue. As a consequence, it is difficult for the College to provide further clarity, except to say that it is the responsibility of individual officers to ensure that searches based only on the smell of cannabis can be justified and are carried out in accordance with PACE Code A.

Case 2: Stop & Search S.23 Misuse of Drugs Act. 24/8/2020 at 21:49hrs. Bristol East

BWV narrative: BWV1: Manner of driving. BWV2: Stop search of person and his vehicle.

Grounds: While officers had a vehicle stopped on ...x STREET for a separate matter vehicle FOCUS White came around the corner towards officers with some speed with two occupants, one a black male with an afro style hair and another a black male with no hair. PC ... attempted to stop the vehicle by giving clear hand signals, the vehicle then reversed very fast, nearly hitting a car and sped away back up ...x STREET. Officers attempted to relocate the vehicle however it was lost to sight. Officers then went onto ...y Road in an attempt to re-locate the vehicle which was seen heading down ...z STREET onto ...y ROAD. A compliant stop was attempted however the vehicle continued through traffic, into a bus lane and drove down ...w AVENUE, all while officers lights and sirens were on. The vehicle eventually came to a stop on ...w AVENUE, on searching the now single occupant through police systems it showed that earlier last year he was arrested for Possession with intent to supply. Due to this report and his manner of driving which is believed to be an attempt to evade Police a S23 search was conducted on him and the vehicle.

Note: 2 BWVs reviewed by Panel members

Positive member feedback:

A routine Stop and Search. A calm, straightforward, good explanation by the Officer of why the person is stopped and the search process, concluding as a reasonably positive encounter, despite some initial antagonism on the part of the subject.

Question: The Officer records a Section 23 Stop and Search (Misuse of Drugs Act) because of the manner of driving. Is this sufficient grounds for a Stop Search? His previous conviction is only made known after obtaining this man's identity. Is that allowed to justify grounds for a Stop Search?

Feedback from 3 Panel members:

1. If force was used, was it appropriate? N/A (3).
2. Did the Police make correct decisions throughout this episode? Yes (2), **Unsure** (1).
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3).
5. Does the Police behaviour need further review? No (2), **Unsure** (1).
6. Is the whole interaction recorded on the BWV? Yes (2), almost (1).
7. Are the 'GOWISELY' items provided? Yes (3).
8. Were there reasonable Grounds to suspect the object would be found? Yes (3), **Unsure** (1).
9. Did the Officer imply that the person searched should provide personal data? No (2), **Yes** (1).

Constabulary response: The Constabulary notes the Panel's feedback with thanks. Key to this search and answering the Panel's questions is the chronology of when the person is told that they are detained for a search. The officer can be heard explaining initially that they have asked the male to stop his car due to the manner of driving. At this point he is not detained for a search and the officers request identification based on the driving matter.

The person stopped starts to take off his coat when the officer is explaining why they wanted to stop the vehicle and is told that the officer is not searching them at this point. It remains a traffic stop whilst the officer, having now been given the male's details, checks PNC. It is then that the previous arrest for a drug supply offence is identified and the officer then forms the grounds for a s.23 Misuse of Drugs Act search as he suspects that the manner of driving is linked to potentially having illegal drugs in the car. It is then that the officer informs the male that he is detained and the search is conducted. The grounds are formed based on all of the information available to the officer, which is explained during the provision of GOWISELY on the body worn video footage.

Case 3: Stop & Search PACE section 1. 25/8/2020 at 19:20 hrs. Bristol East

BWV narrative: NEGATIVE stop search of person on Sussex Place.

Grounds: Both parties had been seen in the St Pauls area all day in company with each other and an older male. This is an area of high conflict currently and both are actively involved in street conflict and associate with individuals known to be involved in street conflict. They displayed evasive behaviour on multiple occasions to multiple different marked and plain officers. On the time of being detained they were also in company with the other older male who made off from officers to avoid being detained. This aroused officers suspicions that they may have been in possession of weapons.

Note1: Age 16.

Note2: Latest general ethnicity is not recorded. Self-defined ethnicity is recorded as B1: Black Caribbean.

Positive member feedback:

Calm easy going and amicable incident. The Officers stress that the young people searched did not need to give their name and personal information and they could have a record of the search.

Of concern:

No GOWISELY Stop Search elements spoken by the Officer to the young person detained for the stop and search. Also the Grounds for the search, as recorded, seem somewhat speculative. The Young people also do not match the description of 'wearing a red jacket on a black bike'. The BWV recording is switched on after the young people are stopped, so it is unclear why they were chosen for search apart from being Black.

Operational policing comment:

The incident appears to one Panel member to play to negative stereotypes of young Black men.

Feedback from 4 Panel members:

1. If force was used, was it appropriate? N/A (4).
2. Did the Police make correct decisions throughout this episode? **Unsure** (3), Yes (1).
3. Was the Police behaviour free from any stereotyping/assumptions? **No**(2), **Unsure**(1), Yes(1)
4. Was it free from demonstrable discriminatory behaviour? Yes (2), **Unsure** (1), **No** (1)
5. Does the Police behaviour need further review? No (2), **Unsure** (2).
6. Is the whole interaction recorded on the BWV? Yes (1), **No** (3) beginning not on BWV.
7. Are the 'GOWISELY' items stated? **No** (1), **not known** (3) not on BWV.
8. Were there reasonable Grounds to suspect the object would be found? **No**(1), **Unsure**(2), Yes(1).
9. Did the Officer imply that the person searched should provide personal data? No (4).

Constabulary response: The Panel's comments are noted with thanks. In relation to GOWISELY being given, the officer can be heard on the body worn video footage providing all elements of GOWISELY, with the exception of the station that the officer is based at. This has been fed back to the officer concerned.

In relation to the description noted by the Panel – having reviewed the body worn video footage, it appears that the description referred to is that of the male who made off from officers and the subsequent dialogue between the two officers is about ensuring this description is circulated to other officers in the area.

Regarding the speculative grounds – feedback has been provided to the officer advising that the explanation of the grounds would have benefitted from more detail about what it was about the males' actions that constituted being seen as evasive and how this led to the officer forming the opinion that they may be in possession of weapons.

Case 4: Stop & Search PACE section 1. 27/8/2020 at 18:03hrs. Bristol East

BWV narrative: Stop Search and arrest of A R.

Grounds: At approximately 23:51 hours on a member of the public called police to report that a male was seen kicking the door to an address ... Road and a description of the male was passed using the police airwaves radio terminal to attending officers.

Object found. Arrest.

Good GOWISELY delivery. The Officer is courteous and the subject initially co-operative until arrested on suspicion of burglary.

One member is not entirely clear what prompted the search. It might have helped had the subject been told what he was alleged to have stolen.

Feedback from 3 Panel members:

If force was used, was it appropriate? Yes (2), N/A regarding the search (1).

Is the whole interaction recorded on the BWV? Yes (2), **No** (1) very beginning not on BWV.

Were there reasonable Grounds to suspect the object would be found? **Don't know** (1), Yes (2)

Did the Officer imply that the person searched should provide personal data? **Yes** (1), No (2).

Constabulary response: The Constabulary notes the Panel's feedback with thanks. In relation to the member's observation that it might have helped if the subject was told what he was alleged to have stolen - having reviewed the body worn video footage, the officer advises the male that he is being searched for articles that could be used in the commission of theft or stolen items. At that stage it was not fully known what might have been taken from the address, all that was known was that entry had been gained and damage caused, therefore it was not possible to be more specific but in the circumstances the grounds appear to be reasonable.

Case 5: Stop & Search PACE s.1. 7/9/2020 at 17:48hrs. Bristol East

BWV narrative: Resident reporting to Police a male matching description, carrying a knife, 'looking like he was going to stab someone'. TASER red dot, but male compliant

Grounds: Witness reported seeing a male wearing leather clothing, with a see-through hood, carrying a 6 inch serrated knife and 'looking like he was going to stab someone'. Officers sighted male a short distance from last sighting of male. In his right hand was a silver object with a black handle.

Positive member feedback:

Good Officer's explanation why the person has been stopped and why handcuffed. The Officer handled the situation well, despite repeated interventions by a member of the public. Very polite and friendly officers, positive impact on the engagement with the member of the public. The Officers are concerned for the person's welfare and ensured he understood why he had been stopped and also thanked him for his compliance.

Noted: The witness is mistaken regarding a knife.

Of concern:

Whilst understandably a brusque Officer attitude to the interfering member of the public, the Officer didn't obviously react to this person's information, i.e. that the subject searched has mental health issues.

Also, as a Taser is drawn (red dot), ideally the BWV would have been better started earlier.

Is the whole interaction recorded on the BWV? Yes (2), **No** (1) starts at Taser red dot.

Constabulary response: The Constabulary thanks the Panel for its feedback in this case, which has been shared with the officer involved.

Case 6: Stop & Search PACE s1. 11/9/2020 at 3:57hrs. Bristol East

BWV narrative: Stop search after foot chase

Grounds: A report was received of a male with a dog who had entered the local store and let his dog bite a member of the public. The shop keeper also stated earlier he had entered with a bat causing trouble. On an area tour of the area a group was identified behind some flats off ... STREET one with a dog. On entering the parking area a male was witnessed stamping on the floor in an aggressive manner with a dog not on a lead near him. On engaging with him and explaining that I was going to take his details as I suspected he was involved in an offence he became evasive, walked away from officers and when attempted to be apprehended he has run away. Leading me to suspect he had items on him that could be used to harm people, including the dog and I needed to search him to establish this or not.

Positive member feedback:

The Officer turned on the BWV early - at the start of the conversation with the shop keeper (witness). Officers are very patient. It is a tricky situation when information is known that the dog had earlier bitten someone. Good GOWISELY delivery.

A successful de-escalation. The initial Officer withdrew on request of the member of the public being stopped, as potentially that person had an issue with this Officer.

Of concern:

One Panel member notes that the subject ran, but it is not entirely clear what the Officers expected to find. Two Panel members commented that there appears to be too many officers, disproportionate in dealing with an agitated subject who may have mental ill health.

Question: The shopkeeper describes a young, short, white male, with long hair. However a BAME man with short hair, in his 30s, is stopped. Why is there an apparent mismatch between the witnesses description of the suspect and the person stopped?

1. If force was used, was it appropriate? Yes (4).
2. Did the Police make correct decisions throughout this episode? Yes(2), **Unsure**(1), **No**(1)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3), **No** (1).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3), **Unsure**(1).
5. Does the Police behaviour need further review? No (3), **Unsure**(1).
6. Is the whole interaction recorded on the BWV? Yes (4).
7. Are the 'GOWISELY' items stated? Yes (1), Yes, to a degree (3), **Not known** (1).
8. Were there reasonable Grounds to suspect the object would be found? Yes (2), **N/K** (2).
9. Did the Officer imply that the person searched should provide personal data? **Yes** (2), **No** (2).

Constabulary response: The Constabulary thanks the Panel for its feedback. On review of the body worn video footage, the person referred to as the victim by the shopkeeper is described as a young white male with long hair. The witness then goes on to describe the other party who has walked off with the dog in the opposite direction. This person is described as a mixed race male with light brown eyes. The person with the dog who is stopped and searched is a mixed race male. It appears there is no mismatch in the description of the person stop searched and the description given of the offender by the witness.

The shopkeeper also states that earlier in the morning the same male had a bat. The grounds recorded on the report state that the officer was searching for items that could be used to harm people.

In relation to the number of officers present, the male's behaviour appears unpredictable and the dog is unrestrained throughout the encounter – it is likely that officers remained on scene to be able to respond effectively and safely if the situation changed.

Case 7: Stop & Search PACE s.1. 11/9/2020 at 09:02hrs. Bristol East

A member of the public witnessed a male, description given, trying to enter locked Church building, causing the alarm to sound. Person matching the description was standing at the building door when the Police arrived, matching the description.

No object found. No further action.

Case query: No BWV footage for this case. The case background narrative does not make it clear why the subject was pulling at the door or what was being sought.

Constabulary response: The Constabulary notes the Panel's feedback – the officer has been contacted to remind them of the need to save BWV footage as evidential in future.

Regarding the query as to what was being sought by the searching officer – the officer was searching for items for use in criminal damage or theft, based on what the male had been witnessed doing by the member of the public, namely trying to enter a locked church building.

Case 8: Stop & Search s23 MDA. 18/9/2020 at 17:17hrs. Bristol East.

BWV narrative: Search and assistance for arrest of 2 persons ... Road.

Grounds: Smell of cannabis coming from vehicle, 1 person produced a cannabis spliff and threw it in direction of police.

Positive member feedback: The Officers are very courteous throughout the whole interaction. There was a female with the 2 young men and the Officers are as helpful as they could be to try and get her home. The BWV footage finishes when the 2 young men are being taken away so it is not known what happened to the young woman. It is very good how the Officer whose BWV footage Panel members reviewed showed to camera the evidence the Officer was taking and logged it on BWV camera.

Of concern:

Unnecessary use of F words by Officers. The BWV didn't provide audio on how the first charges for affray came about but the BWV did show the Officer reading the charge to the suspects.

Questions:

1. Was the woman left on the street alone at midnight?
2. The Officer States the grounds for the Stop and Search are suspicious circumstances because the vehicle has no licence and insurance. Is this sufficient for a section 23 misuse of drugs Act Stop and Search?

Panel member feedback:

1. If force was used, was it appropriate? N/A (3).

2. Did the Police make correct decisions throughout this episode? Yes (2), **Unsure** (1).
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3).
5. Does the Police behaviour need further review? No (2), **Unsure** (1).
6. Is the whole interaction recorded on the BWV? Yes (3).
7. Are the 'GOWISELY' items stated? Yes (2), **Not fully** (1).
8. Were there reasonable Grounds to suspect the object would be found? **N/K**(1), **No**(1), Yes(1)
9. Did the Officer imply that the person searched should provide personal data? No (3).

Constabulary response: The Panel's comments are noted by the Constabulary with thanks.

The concern raised regarding the grounds for arrest for affray not being given - it is not completely clear on the BWV audio, but the affray and threats to kill offences relate to the same incident described by the arresting officer – two offences are alleged to have taken place during this incident therefore the grounds for arrest encompass both.

The female appears to have been left at the location by the officers – officers can be heard on the BWV speaking with her about a number of options to help facilitate her getting home.

In relation to the grounds for search, both the smell of cannabis and the vehicle having no insurance are mentioned by the officer as being suspicious, leading to him forming the grounds for search. The explanation could have benefitted from the officer going into more detail about why he felt that the driving offences meant that he believed he would find Class B drugs. This has been fed back to the officer concerned.

Case 9: Stop & Search s23 MDA. 27/9/2020 at 12:19hrs. Bristol East

BWV narrative: Stop search of a [named person] on ...STREET outside ...HOUSE.

Located a small bag of suspected spice.

Grounds: Witnessed by CCTV operators carrying out an exchange of green vegetable matter with other members of the public for cash.

Object found. Voluntary attendance at a Police Station (not an arrest).

Positive member feedback: The Officer starts the BWV footage in the Police car and explains what he was going to and where the information came from. He explains immediately to the man what is being searched for, why and who he is. It is good that the Officer suggests a Drugs Education Program although it wasn't suitable for this man. Overall, a quite well handled, search well explained, with good demeanour maintained by the Officer throughout.

Case query: Why was the person handcuffed immediately? Was this necessary as the subject remains fully compliant from the outset?

Panel member feedback:

1. If force was used, was it appropriate? **Unsure** (2), N/A (1).
2. Did the Police make correct decisions throughout this episode? Yes(3) but cuffs necessary?
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3).
5. Does the Police behaviour need further review? No (2), **Unsure** (1).
6. Is the whole interaction recorded on the BWV? Yes (3).
7. Are the 'GOWISELY' items stated? Yes (3).
8. Were there reasonable Grounds to suspect the object would be found? Yes(3)
9. Did the Officer imply that the person searched should provide personal data? Yes (1), No (2).

Constabulary response: The Constabulary thanks the Panel for its feedback, which has been shared with the officer involved.

In relation to the use of handcuffs, based on the narrative provided by the officer on the BWV whilst driving to the location, it is clear the officer is thinking about the male being involved in drug supply due to information provided to him. As such the early use of handcuffs would be to prevent any drugs being concealed or destroyed by the male prior to the search taking place.

Case 10: Stop & Search s23 MDA. 27/9/2020 at 21:39. Bristol East

BWV narrative: Search of vehicle and occupant on ... ST, following evasive and poor driving through ST PAULS and STOKES CROFT.

Grounds: Vehicle driving at excess speed through ST PAULS, STOKES CROFT. Evasive driving by pulling over, waiting for Officers to pass, then restarting driving. Evasive changing of lanes, cutting up of other drivers and lack of indication. Due to nature of driving, the time of evening, the location of where it was driving, vehicle searched under S23 MDA, but S1 PACE was also considered.

Positive member feedback:

The Officer explains why ethnicity is not relevant to why the person has been stopped. Good Officer attitude maintained throughout, despite antagonistic behaviour of the person being searched. The car was stopped for grounds of being driven erratically and the Misuse of Drugs Act was used as the reason once stopped. The Officer is very polite and courteous even though the suspect is being rude and swearing at him almost constantly and accusing him of racism.

Question: Is evasive driving sufficient grounds for a Stop and Search (s.23 MDA)?

Panel member feedback:

1. If force was used, was it appropriate? N/A (3).
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (2)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3).
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3).
5. Does the Police behaviour need further review? No (2), **Unsure** (1).
6. Is the whole interaction recorded on the BWV? Yes (3) but nothing before the car stop.
7. Are the 'GOWISELY' items stated? Yes (2), some (1).
8. Were there reasonable Grounds to suspect the object would be found? **No** (2), **N/K** (1)
9. Did the Officer imply that the person searched should provide personal data? **Unsure** (1), No (2)

Constabulary response: The Constabulary notes the Panel's feedback in this case, which has been fed back to the officer involved. The explanation of the grounds could have benefitted from the officer going into more detail about why the manner of driving led him to suspect that the male may be in possession of drugs. Evasive driving is reasonable to include in forming grounds for search, but needs to be explained as to how it has led to the officer suspecting illegal items are being carried.

Case 11: Stop & Search PACE s1. 2/7/2020 at 11:58hrs. Bristol East

Grounds: Matched description of male in exact location seen holding an object, possibly a knife, shouting about stabbing people.

Note: BWV2: View from 12:01 hrs. Officer narrative to residents.

Note: 2 BWVs reviewed by Panel members.

Compliments to the Officers: A difficult situation well handled. Officers coped well with a very agitated male who is shouting. The Officer who had had detained the man is very calm and professional throughout the interaction. The Officer also coped well with several on-lookers making assumptions and videoing. A good exchange between the Officer and members of the public, discussing reasons for the Stop and Search and why it is not a discriminatory action. The white Officer shares the fact that she is married to a black man and the mother of a mixed race child.

Compliments to the female Officer. Panel members very much like the attitude of this Officer who took the time to explain the situation fully to the member of the public in the second video.

Did the Officer imply that the person searched should provide personal data? **Yes** (1), No (2)

Constabulary response: The Constabulary thanks the Panel for its feedback, which has been shared with the officers involved. The officer asks the male for his name, at which point he states that his passport is in his pocket and nods towards it. It does not appear as though the officer has implied he is under any obligation to do this and he has volunteered the information.

Case 12: Stop & Search s23 MDA. 12/7/2020 at 22:14hrs. Somerset West

BWV narrative: Stop search of [named person] and vehicle re drug supply intelligence.

Grounds: Intel re drugs dealing.

Note: Female subject.

Positive member feedback: The whole search is handled very courteously, especially considering this is the second search in one day for this person. The female Officer is very good when conducting the search. A lovely attitude, keeping things light and good humoured, considering previous search history.

Of concern:

BWV is not started at the beginning. No GOWISELY items are stated and no stated grounds for the search, i.e. the intelligence regarding drug dealing.

Panel member feedback:

1. If force was used, was it appropriate? N/A (2).
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (1)
3. Was the Police behaviour free from any stereotyping or assumptions? **Unsure** (1), Yes (1)
4. Was the incident free from demonstrable discriminatory behaviour? **Unsure** (1), Yes (1)
5. Does the Police behaviour need further review? **Unsure** (1), No (1)
6. Is the whole interaction recorded on the BWV? **Unsure** (1), Yes (1)
7. Are the 'GOWISELY' items stated? **No** (2) not heard on the BWV.
8. Were there reasonable Grounds to suspect the object would be found? Yes (1) intel, **N/K** (1)
9. Did the Officer imply that the person searched should provide personal data? No (2)

Constabulary response: The Constabulary thanks the Panel for its feedback, which has been shared with officers involved.

Case 13: Stop & Search s23 MDA. 14/7/2020 at 17:50hrs.

BWV narrative: MOE used to gain access to property. Initial negative search for suspect. Hamilton Road, Taunton. Stop Search Section 23 Misuse of Drugs search conducted on [named person] due to recent intelligence about concern in supply of Class A drugs.

Grounds: There is recent police intelligence to suggest that [named person] is involved with use of and/or the supply of Class A controlled drugs.

Positive member feedback:

Relaxed interaction with compliant male. A well-handled incident. Officers show good local knowledge regarding the person being searched and are approachable and professional in their manner.

Operational learning: The requirement for Officers to carry a Stop and Search receipt pad. Panel members have noted this lack of a receipt pad in previous case reviews.

Question: The Search Grounds recorded is intelligence. How long is a Stop and Search justified because of intelligence? Does the intelligence have to be within a certain time period?

Were there reasonable Grounds to suspect the object would be found? **Don't know (2).**

Constabulary response: Thanks to the Panel for its feedback in this case. Regarding the Panel's question about intelligence, there are no specific timescales in which intelligence has to be within in order to be used to form the grounds for search. It is for the officer to explain how the intelligence leads them to the genuine belief that the person is carrying the item sought. The reliance on older intelligence alone with nothing new or additional to substantiate the grounds may lead to the grounds being found to be unreasonable by an objective person.

Case 14: Stop & Search s23 MDA. 29/7/2020 at 00:03hrs. Somerset West

BWV narrative: Initial vehicle stop, s.23 MDA stop search, drug wipe and arrest of [named person].

Grounds: Male - sole occupant of vehicle - driving. Smelt strongly of cannabis, eyes were watery, red and glazed. Stated he had smoke cannabis.

Object found. Arrest.

Positive member feedback:

Compassionate handling of the disabled suspect throughout, offering assistance and a seat in the van whilst the man waited.

Of concern: The officer seems to lack confidence and is unaware of some procedures. It seems as if he is fairly new to the job, lacking clarity when dealing with the suspect in some areas. "Ask Andy" features who may be Officer who arrives to search the car and points out the Officer should be wearing high visibility clothing!

Constabulary response: The Constabulary notes the Panel's feedback with thanks.

Case 15: Stop & Search s23 MDA. 7/8/2020 at 01:57hrs. Somerset West

Grounds: Recent intel linking subject to drugs supply.

Note: same subject in case 15 and case 17. Age 17.

Case query: No BWV.

Constabulary response: The Constabulary notes that there is no BWV footage for this incident – the officers have been contacted to remind them of the need to save the footage as evidential in future.

Case 16: Stop & Search s23 MDA. 9/8/2020 at 10:05hrs. Somerset West

BWV narrative: Stop of vehicle [reg. no....]. Driver [named] detained for s5A RTA and S.23 MDA stop search. Seizure of cannabis.

Grounds: Vehicle being driven poorly, male appeared under influence of drugs and vehicle smelt of cannabis.

One Panel member's positive feedback is that there is nothing of concern in this video. The Officer is very patient.

Concerns and case query: One Panel member queries that this isn't a Stop and Search case. Another Panel member is not sure if this case should be recorded as a BME person stopped.

A third Panel member noted that the search had already taken place when the video started and the person probably had a good reason to refuse the mouth swab (cleanliness).

Operational learning points:

1. Ethnicity recording accuracy is queried.
2. Also, where there are two suspects discussing tactics in the back of the same car, perhaps it would have been wiser to have them separated in separate vehicles?

Question: The record states that nothing is found but it seems from the video that they did?

Are the 'GOWISELY' items stated? **N/K** (2), N/A (1), Yes (1).

Constabulary response: The Constabulary notes the Panel's feedback with thanks. The BWV footage shows that two males are searched during this encounter. One is a white male, the second is a mixed race male. Both males' descriptions including their ethnicities have been accurately recorded on the report.

In relation to the member's observation regarding the males being put in the back of the same car - at the time this was done by the officer he was solo crewed. As such there was only one Police vehicle available to him as further units had not yet arrived on scene, so was unavoidable. It is likely that if there was more than one Police vehicle on scene at the time that the males would have been separated.

Cannabis was found on the passenger and a decision was taken by the officer to deal with this matter at a later date. This stop search was positive and has been recorded as such on the report. Nothing was found on the driver, who failed to provide a specimen of breath and was arrested.

The footage viewed by the Panel did start after the search as it was the BWV of an assisting officer who arrived after the initial stop, however the footage of the officer who made the stop captures everything from the time at which the vehicle and occupants were stopped, including GOWISELY.

Case 17: Stop & Search s23 MDA. 19/8/2020 at 23:31hrs. Somerset West

BWV database narrative: Arrest for assault ABH.

Grounds: Subject witnessed exiting vehicle that made off from officers - passenger - subject linked to county lines drug dealing - s.23 MDA Stop Search / negative.

Note: Same subject in case 15 and case 17. Age 17.

Positive member feedback: Despite protestations by the suspect, the Officer remains polite and keeps the dialogue friendly. A patient Officer's Stop and Search. The person is arrested for the allegation of assault the previous day.

However, there is no indication as to why this *under 16 year old* BME is handcuffed, although there is some intelligence at the beginning which suggests there is a reason the Officers are asked to go to the scene. The person does ask why but no reason is given.

Operational learning point:

One of the four Panel members sees lots of operational learning from the BWV review. The BWV may have missed important aspects, but herein is the point: The BWV needs to be switched on a bit earlier? GOWISELY was vague in the Panel member's view and no explanation for the handcuffs. Apart from the fact that the young boy is 'on bail' there is nothing to know why he was stopped.

Panel member feedback:

1. If force was used, was it appropriate? **No** (1), N/A (2), Yes (1).
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), No(1), Yes (2)
3. Was the Police behaviour free from any stereotyping or assumptions? **Unsure** (1), No(1), Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? **Unsure** (1), No(1), Yes (2)
5. Does the Police behaviour need further review? **Yes** (1), No (3)
6. Is the whole interaction recorded on the BWV? **No** (1), Yes (3)
7. Are the 'GOWISELY' items stated? Yes (3), Vaguely (1).
8. Were there reasonable Grounds to suspect the object would be found? **No** (1), **Unclear** (1), Yes (1)
Don't know (1)
9. Did the Officer imply that the person searched should provide personal data? **Yes**(1), **N/K** (2), No (1)

Constabulary response: The Constabulary notes the Panel's feedback, which has been shared with the searching officer's supervisor for learning to be fed back to the officer.

Case 18: Stop & Search s23 MDA. 22/8/2020 at 00:05hrs. Somerset West

BWV narrative: Stopping vehicle and S.23 Searched. BWV was switched on however did fail to record.

Grounds: On stopping a vehicle there was a strong smell of cannabis coming from within.

Note: Latest General ethnicity is not recorded. Self-defined ethnicity is recorded as B1: Black Caribbean.

Positive member feedback: Considerable patience by the Officer, dealing with what one Panel member described as an unbelievably annoying 17yr old. The female Officer remains calm and in control despite one female occupant clearly pushing for a reaction.

Of concern: BWV camera malfunction. Full personal details are sought from each person. Also the female Officer is not wearing a mask and is talking in the suspect's face.

Questions:

1. Grounds were smell of cannabis. Did this justify a Stop and Search?
2. As several people are searched, whose ethnicity is recorded? The record says a self-

recorded ethnicity of Black but there are a couple of white females also searched. Is that a separate record?

Panel member feedback:

1. If force was used, was it appropriate? N/A (3), Yes (1).
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (3)
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 Police behaviour need further review? **Unsure** (1), No (3)
6. Is the whole interaction recorded on the BWV? **No** (2) search not visible, Yes (2)
7. Are the 'GOWISELY' items stated? Yes (4).
8. Were there reasonable Grounds to suspect the object would be found? Yes(3), **Don't know** (1)
9. Did the Officer imply that the person searched should provide personal data? **Yes**(1), **N/K** (2), No (1)

Constabulary response: The Constabulary thanks the Panel for its feedback in this case. Four people were searched in this encounter and the ethnicities of all four people have been recorded by the officer.

Regarding the question about the smell of cannabis providing sufficient grounds, the College of Policing's Authorised Professional Practice on Stop and Search notes that "s.23(2) MDA and PACE Code A make no reference to whether the smell of cannabis alone provides reasonable grounds, and there are no stated cases on this issue. As a consequence, it is difficult for the College to provide further clarity, except to say that it is the responsibility of individual officers to ensure that searches based only on the smell of cannabis can be justified and are carried out in accordance with PACE Code A.

Case 19: Stop & Search s23 MDA. 25/8/2020 at 16:32. Bridgwater, Somerset West

BWV2 narrative: Search of female on vehicle stop for 466.

Grounds: Car registered to someone known to be involved in drug supply and strong smell of cannabis.

Note: 2 BWVs reviewed by Panel members.

This case was reviewed at the full Panel meeting on 10th December 2020 as well as previously by individual members.

Panel member positive feedback: The female Officer is polite and calmly carries out the Stop and Search. This is a well conducted search with the female officer explaining what is going to happen and treating the person with respect.

A good, well-handled search by the male Officer too on the male subject. The Officer states that the female passenger doesn't have to give her name or details. This is despite cannabis concerns.

Concerns: The female Officer accepted that there is no requirement for personal information disclosure before the search. However, on writing out a receipt the Officer asks for personal information.

Panel members are concerned about the way the rest of the female occupant's details are casually collected. If the Officer had reminded the occupant that she did not have to provide those extra details, she may not have given them. During the search of the male driver the Officer explains to him that his partner did not have to provide her details. This sends a mixed message.

The person queries the grounds for the search. The Officer is unsure and speaks to a colleague. The Grounds are stated as a smell of cannabis and suspicious activity regarding the vehicle's glove compartment. The two people are compliant and have provided details regarding the car's history which had led to the stop.

Initially this is a vehicle licence check stop and then Officers notice the cannabis smell. The search is negative. Of concern to Panel members is the search being secondary and smell of cannabis alone is not enough for a search. However, it is noted that the rationale is given by the Police Officer.

It is windy so the BWV narrative is unclear.

Questions:

1. A Panel member is not sure why these people were Stopped and searched.
2. Also the lady said she did not want to give personal details and then ended up having to give them? Do you need personal details to issue the receipt?
3. What is allowed and what is not by Police Officers regarding asking for a person's name and details during a Stop and Search?

Panel member feedback. BWV1 and BWV2:

1. If force was used, was it appropriate? N/A (4), Yes (1), **Unsure** (1)
2. Did the Police make correct decisions throughout this episode? **Unsure** (3), Yes (3)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (4), **No** (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (4)
5. Does the Police behaviour need further review? **Unsure** (3), No (3)
6. Is the whole interaction recorded on the BWV? **No** (1), **Unclear** (1), Yes (4)
7. Are the 'GOWISELY' items stated? Yes (5), **No** (1).
8. Were there reasonable Grounds to suspect the object would be found? **No** (3), **Don't know** (3)
9. Did the Officer imply that the person searched should provide personal data? **Mixed** (1), **N/K** (2), No (3)

Constabulary response: The Panel's comments in this case are noted by the Constabulary with thanks.

In relation to the Panel's questions:

1) The stop of the vehicle is initially under s.163 of the Road Traffic Act, to ascertain who is driving the vehicle, as the officer notes in the report that the person named on the insurance on PNC does not match the registered keeper of the vehicle on PNC. It is upon stopping the vehicle that the officers have formed the grounds for search following interaction with the vehicle occupants. The grounds are not based on the smell of cannabis alone – the officer notes that the passenger prevented the driver opening the glove box in the company of Police, which raised suspicions about something potentially being concealed in there.

2) There is no obligation of a person stopped and searched to provide their details. Officers cannot request details solely for the completion of the report. Personal details are not required to issue a receipt. Code A states that a person should be given information about police powers to stop and search and the individual's rights in these circumstances.

3) Officers are allowed to ask a person for their details during a stop search, but the person is under no obligation to provide them. They should not be asked to provide details for the purpose of completing the record.

Case 20: Stop & Search s23 MDA. 20/9/2020 at 16:18 Somerset West

BWV narrative: Stop search of male giving false details.

Grounds: Searched party was part of a group that had been seen by a PCSO with a cannabis grinder. The same PCSO had also seen one of the group roll a spliff cigarette. Reasonable grounds to suspect this male would have controlled substance on his person. I had seen him with the same group yesterday.

Note: Age 15.

For Grounds refers to previously stated. Is this adequate?

The Officer asks for personal details including shoe size when this was a drugs stop.

Panel member feedback:

1. If force was used, was it appropriate? N/A (2)
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (1)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (2)
5. Does the Police behaviour need further review? **Unsure** (1), No (1)
6. Is the whole interaction recorded on the BWV? **No** (1), Yes (1)
7. Are the 'GOWISELY' items stated? Yes (5), **Unsure** (1).
8. Were there reasonable Grounds to suspect the object would be found? **Don't know** (2)
9. Did the Officer imply that the person searched should provide personal data? **Yes** (1), **N/K** (1)

Constabulary response: The Constabulary thanks the Panel for the feedback in this case. In relation to the grounds, they are recorded in detail on the stop search report. The officer can be heard to say to the male "you've obviously heard the grounds and the reason why you're going to be searched", to which the male replies "yeah".

This suggests that the grounds have been given at an earlier point but have not been captured on the BWV, which the Constabulary recognises should have been turned on earlier in the encounter. It is not clear why the officer asks for details of the individual's shoe size - whilst not common practice, there is nothing prohibiting such a question being asked and the male was under no obligation to provide the response, although it is noted that he did on this occasion.

Additional cases - Complaints about Stop and Search

The next 10 cases are recorded as complaints from members of the public against the Police where Stop and Search is stated in the complaint allegations.

Scrutiny Panel members were not informed in advance of reviewing these cases that the BWV related to a complaint and a complainant. Independent Residents' Panel (IRP) members have also reviewed these 10 cases. (See separate IRP Report on the PCC web).

Case 58 28/10/2020 at 00:44hrs. Near Bridgwater, Somerset

BWV database narrative: 999 call.

Note: This is not recorded as a Stop Search, but rather an intelligence report that states that this person drives a vehicle (details of vehicle given) and is associating with the drivers of another vehicle (again, details provided). They were in contact with each other and 'bothering' contractors working on the badger cull. The person was obstructive and filming.

2 BWVs reviewed by Panel members.

Panel members' concerns:

Poor BWV sound. It is not clear what is happening.

Officers failed to explain at outset why they had been called out and refused to explain the reason and authority for asking for personal details. MOP difficult and filming officers. The stand-off resolved when the Police Control room staff advises Officers to withdraw.

From the BWV footage available, all interaction is as expected. However, there is no search recorded on the video.

Could this incident have been handled better by the Officers?

Panel member feedback. BWV1 and BWV2:

1. If force was used, was it appropriate? N/A (3)
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), **N/K** (1), Yes (1)
3. Was the Police behaviour free from any stereotyping or assumptions? **N/K** (1), Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? **N/K** (1), Yes (2)
5. Does the Police behaviour need further review? **N/K** (2), No (1)
6. Is the whole interaction recorded on the BWV? **N/K** (3)
7. Are the 'GOWISELY' items stated? Yes (5), **N/K** (1), N/A (2)
8. Were there reasonable Grounds to suspect the object would be found? **N/K** (1), N/A (2)
9. Did the Officer imply that the person searched should provide personal data? **Yes** (1), **N/K** (2), N/A (1)

Professional Standards Department/Constabulary response:

Police received a call from someone stating they were being harassed and gave the description of the complainant's vehicle. After some questions apparent on the body worn camera footage as soon as it became clear that no offences had been committed the complainant was left to go.

Case 59: 9/9/2020

No BWV stored as at 18/11/2020 by ref number

Note: Log 83 of 09/09/2020 relates to the seizure of a vehicle for no insurance. The male whose vehicle this was has two Stop Searches linked to him on 06/09/2020 and 15/09/2020 but it is not clear if either of these are related to this case, so those log grounds are excluded here.

Member feedback: No BWV to review for this case.

Case 60 14/8/2020

No BWV stored as at 18/11/2020 by ref number

However, the Niche reference provided does not have any stop searches linked to it. The Niche relates to an instance of disqualified driving, but no searches have been completed. The female subject refers to previous searches.

Member feedback: No BWV to review for this case.

Case 61: 6/8/2020 at 22:44

Stop & Search. Location: Shepton Mallet Treatment Centre

Grounds: Male smelt of cannabis, eyes glazed, calls reporting males breaking into hospital. Male ran from police upon seeing police.

A second person was searched in this incident, grounds for which are recorded on the Niche report as: Police were called to a potential break in progress at the Shepton Mallet Treatment Centre. Upon arrival a group of males, including the subject of the search, ran from police. Members of the group of males were found in possession of class B after being searched so I search the subject under s23.

Positive feedback: The Officer is polite and companionable, giving clear feedback to the young person about the Stop and Search and it will be either an arrest or a lift home. The Officer also tried to tell the male he chased to calm down. The Officers are courteous to all the subjects during the whole interaction.

Issues of concern from 3 Panel members:

The officer who caught the runner was a little heavy handed after the take down. The car bonnet seemed a little excessive. Also this Panel member queries why the compliant youth is in handcuffs when no one else was.

Once the male that was chased was in handcuffs it didn't appear that he was struggling so bending him over and using force of some description on the handcuffs did seem over the top.

Panel member feedback. BWV1 and BWV2:

1. If force was used, was it appropriate? **No** (1) excess force, see above, Yes (1), N/A (1).
2. Did the Police make correct decisions throughout this episode? Yes (3)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3)
5. Does the Police behaviour need further review? No (3)
6. Is the whole interaction recorded on the BWV? Yes (3)
7. Are the 'GOWISELY' items stated? Yes (2), for runner, **N/K** (1)
8. Were there reasonable Grounds to suspect the object would be found? Yes (3)
9. Did the Officer imply that the person searched should provide personal data? No (3)

Professional Standards Department/Constabulary response:

Positive feedback noted.

A complaint in respect of excess force was received and reviewed, it was concluded that the service was acceptable.

Various instructions to comply were issued by police and ignored which led to the use of force by officers. Even after detention and application of handcuffs the subject continued to be non-compliant. No request to review this conclusion has been received.

Case 62: 2/8/2020 at 14:10hrs.

Section 23 Misuse of Drugs Act Stop and Search. Bournville, Weston-super-Mare

Grounds: Recorded for the 2 searches conducted by the Officer are: Vehicle had ANPR marker suggesting it was involved in drugs supply. On stopping the car both occupants were very evasive and anti-Police. The female occupant admitted previous for drugs, and the male was putting his hands down his trousers.

Positive feedback: None.

Of concern: In one Panel member's opinion the officer reacted too quickly with the PAVA spray, the man did not seem to resist being searched even though a bit agitated, he just wanted to know a bit more information.

A second Panel member commented that although the male suspect was evasive, the officer only appeared to over react when he heard sirens approaching. It is debateable whether the male occupant presented a threat, simply being belligerent isn't sufficient grounds to use PAVA. Had the officer allowed the male to sit in the car until support arrived, this might not have escalated to the level it did.

Questions:

Does a drug marker on car of itself justify a Stop and Search?
Was handcuffing and PAVA spray justified?

Operational learning point: A member recorded that this could have been avoided or managed better had the officer not been single-crewed. Trying to control two suspects when the vehicle was already flagged was avoidable.

Panel member feedback:

1. If force was used, was it appropriate? **Unsure** (3)
2. Did the Police make correct decisions throughout this episode? **No** (1), **Unsure** (2)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3)
5. Does the Police behaviour need further review? **Unsure** (2), No (1)
6. Is the whole interaction recorded on the BWV? Yes (3)
7. Are the 'GOWISELY' items stated? Yes (3)
8. Were there reasonable Grounds to suspect the object would be found? **Don't know** (2), Yes (1)
9. Did the Officer imply that the person searched should provide personal data? **Yes** (1), **N/K** (1), No (1)

Professional Standards Department/Constabulary response:

Does a drug marker on car of itself justify a Stop and Search?

It is for an individual officer to justify their use of powers and discretion is used on a case by case basis, this aspect is covered below.

Was handcuffing and PAVA spray justified?

Service was deemed not acceptable, the officer was subject of a reflective practice process in respect of the following areas;

Practice requiring Improvement to consider.

- Grounds for stop and search
- early call for backup
- use of force
- improved control of suspected person

Operational learning point: A member recorded that this could have been avoided or managed better had the officer not been single-crewed. Trying to control two suspects when the vehicle was already flagged was avoidable.

Officers are regularly deployed single-crewed. Situations can occur where officers need to seek assistance from colleagues, in the meantime it is a matter for individual officers to risk assess any given situation and respond accordingly.

Case 63: 29/07/2020 at 17:54hrs at Knowle, Bristol

BWV database narrative: 2 people [named] stop searched in vehicle. S.23 misuse of drugs Act Stop Search.

Grounds for 2 searches completed by this Officer are:

Vehicle was seen driving in drug dealing hot spot area. Vehicle started to make off from police and then sharply pulled in to side of road. Male front seat passenger got out and started trotting away from the vehicle whilst fiddling with the top of his trousers. Female driver jumped out of the car and started making off on foot in the opposite direction. Both persons were argumentative and obstructive. They gave contradictory accounts of what they were doing and appeared nervous.

Panel members' positive feedback:

Intelligence led stop and search, no issues. The Officer is very calm and practical in dealing with the consequences of the Stop and Search.

Question: Does lying to a Police Officer, stopping a car for no stated reason and being in an area of drug activity justify a Search and Search?

Panel member feedback:

1. If force was used, was it appropriate? N/A (2)
2. Did the Police make correct decisions throughout this episode? Yes (2)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (2)
5. Does the Police behaviour need further review? **Unsure** (1), No (1)
6. Is the whole interaction recorded on the BWV? Yes (2)
7. Are the 'GOWISELY' items stated? Yes (2)
8. Were there reasonable Grounds to suspect the object would be found? **Don't know** (1), Yes (1)
9. Did the Officer imply that the person searched should provide personal data? **Yes** (1), **N/K** (1)

Professional Standards Department/Constabulary response:

Positive feedback noted.

Does lying to a Police Officer, stopping a car for no stated reason and being in an area of drug activity justify a Stop and Search?

Individual officers must justify their use of powers and that decision is on a case by case basis depending on the attendant circumstances. Evasive behaviours can certainly form a large part of the decision to use powers.

Exploring the circumstances it was deemed that the service was acceptable in this case and no request to review was received.

Case 64: 12/03/2020 at 16:04hrs. Stop and Search at Easton, Bristol

Grounds recorded for person 1: Female seen to approach believed drug users, users seen to be dividing small items between them as female made off in vehicle.

Grounds recorded for person 2: Male was seen engaging with a female who had just left a

car, and appeared to pass some small objects thought to be drugs between themselves, in an area high for knife, drug, and violent crime.

Note: 4 stop searches completed on this occurrence.

2 BWVs were provided to Panel members.

Panel member feedback: Partial BWV only.

Feedback form questions and answers:

4. Was the incident free from demonstrable discriminatory behaviour? **No** (1)

6. Is the whole interaction recorded on the BWV? **Unsure** (1)

9. Did the Officer imply that the person searched should provide personal data? **Yes** (1)

Professional Standards Department/Constabulary response:

Guidance to officers is clear – they must turn on BWV camera when undertaking a stop search. There is footage that demonstrates much of the incident.

It was concluded that service was acceptable and no request to review has been received.

Case 65: 21/06/2020 at 17:49hrs.

Note: No BWV found of the Stop Search (as at 18/11/2020) West Lydford, Somerset
BWV database narrative for 1 BWV: Interview with [named person].

Grounds recorded - Vehicle found parked at the side of the road with four occupants.. Strong smell of cannabis coming from the vehicle. When asked who had cannabis in the vehicle, all occupants sat in complete silence. Passenger then volunteered a small quantity of cannabis confirming suspicion that smell of cannabis was coming from inside of the vehicle.

Member feedback: No BWV to review for this case.

Professional Standards Department/Constabulary response:

There is some Body Worn Camera footage as reflected in the Niche record, albeit BWV footage from other officers present would have been helpful.

Case 66 18/06/2020 at 01:21hrs.

Search grounds: Male was seen with a brown handle sticking out of shorts pocket. Looked to be a handle of a knife.

Note: For clarity, the officers whilst on patrol were the ones to see the brown handle after stopping to speak to the two individuals. It is not a member of the public seeing it.

Search: Possess knife blade / sharp pointed article in a public place - Male was seen with a brown handle sticking out of shorts pocket. Looked to be a handle of a knife.

2 BWVs reviewed by Panel members:

BWV1: database narrative: Stop search on male, bladed article arrest, arrest of female.

BWV2: Attendance at Stapleton Road. Arrest: Possession of a bladed article, Stop search and de-arrest.

Note: No sound on BWV2.

Positive feedback: Practical approach to de-arresting the female.

Feedback form questions and answers:

4. Was the incident free from demonstrable discriminatory behaviour? **No** (1)
9. Did the Officer imply that the person searched should provide personal data? **Yes** (1)

Professional Standards Department/Constabulary response:

Positive feedback noted. A complaint investigation established that the service level was acceptable, no request to review was requested.

Case 67: 03/06/2020 at 12:36hrs. Supermarket, Highbridge, Somerset

BWV database narrative: Report of staff suspicions that 2 people were involved in theft from the store. Also report of aggressive male. S.1 Stop located a lock knife on [named male 1]. Noted from BWV also S32. Search.

Grounds recorded for [named male 2] - Staff at ALDI had reported that [named male] had taken items belonging to ALDI without paying past the point of payment.

Positive feedback: Straight forward search for stolen goods led to find a lock knife.

Feedback form questions and answers:

4. Was the incident free from demonstrable discriminatory behaviour? **No** (1)
5. Does the Police behaviour need further review? **Yes** (1)
9. Did the Officer imply that the person searched should provide personal data? **Yes** (1)

Professional Standards Department/Constabulary response:

This matter has been investigated and it has been established that the grounds to search the complainant were appropriate. There were procedural issues for which the officer was subject of a reflective practice process. No request to review has been received.

Taser deployment (20 cases selected for review)

Member Feedback Form 5 questions, as below, all have positive answers unless stated in the case summary:

1. If force was used, was it appropriate?
2. Did the Police make correct decisions throughout this episode?
3. Was the Police behaviour free from any stereotyping or assumptions?
4. Was the incident free from demonstrable discriminatory behaviour?
5. Does the behaviour need further investigation?
6. Is the whole interaction with the member of the public fully recorded on BWV?

Case 21: Use of Force is Taser red dot – 10/6/2020 at 17:28hrs. Bristol East
This case is still under Police investigation and cannot be published yet.

Case 22: Taser red dot. 15/6/2020 at 02:23hrs. Bristol East

BWV database narrative: Vehicle pursuit and arrest. Ashley down Road.

Summary: Vehicle has failed to stop for Police, pursuit followed resulting in a collision with a bike rack and shop front. Vehicle attempted to drive off but was unable to do so.

Positive feedback: The Taser red dot positively contributed to ensuring compliance.

Question and concern: The Taser is drawn whilst the subject is handcuffed. Is this necessary in a fail to stop case?

1. If force was used, was it appropriate? Yes (2), N/A (1)
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (2)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3)
5. Does the behaviour need further investigation? **Unsure** (1), No (2)
6. Is the whole interaction with the person fully recorded on BWV? Yes (2), **Unsure** (1).

Constabulary response: The panel comments are noted with thanks. This was a vehicle failing to stop for officers which resulted in a collision. Regarding the drawing of the Taser, the subject initially would not get out of the vehicle and due to the perceived dangerous driving a decision was taken to arrest the male. Taser red dot was utilised in gaining compliance while he was being handcuffed.

Case 23: Taser fired 14/11/2020 at 00:20hrs. Weston-super-Mare

BWV database narrative: Criminal damage and assault on a Police Officer. Suspect Tasered and arrested.

Summary: Report to Police of a resident [named] who has become aggressive and is being violent towards other residents. Suspect has caused damage to the property, smashed the glass pane in the front door, damaged the blinds and punched an internal wall.

Positive feedback: The Taser Officer remains calm throughout. After the incident, the Officers are very mindful of the suspect's condition and comfort. They demonstrate concern for the suspect's well-being when not all the Taser barbs have been removed. Good early reaction to fire to restrain him. Good officer engagement to look after him.

Question and concern: The subject is Tasered running from the building he had damaged. Several officers had intercepted him so was the Taser necessary?

A member's initial thought is that discharging the Taser was premature and the member couldn't determine that it was necessary. It was very close quarters, and only a few seconds after first engagement with the suspect. The member is uncertain whether there was intent to cause harm by the suspect. However, these decisions may have been made based on prior knowledge of the situation they were entering into.

The Taser is deployed almost as officers entered the residence so was a warning given? BWV tended to veer away from the incident and action so it is difficult to follow the conversation.

Operational learning point:

Reminder to Officers to keep BWV camera angle on the action and the suspect and to include dialogue.

Feedback from Panel members:

1. If force was used, was it appropriate? **Unsure** (2), Yes (2)
2. Did the Police make correct decisions throughout this episode? **Unsure** (2), Yes (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? **Unsure** (2), No (2)
6. Is the whole interaction with the person fully recorded on BWV? Yes (4).

Constabulary response: Thank you for the panel comments and feedback. The panel have provided differing views of the incident with some members highlighting a good early Taser deployment, and some feeling that this was a premature deployment. This represents a healthy variety of opinion and demonstrates the difficulty for officers making split second decisions in challenging circumstances.

Reviewing the circumstances of this case, the officers received the report of a male being aggressive and violently damaging the property. Upon officer arrival, the male left the property before allegedly pushing officers trying to speak with him. Based on the initial reports, and the males demeanour the decision was taken to deploy Taser.

The comments in relation to the camera angle represent a common theme and this has been fed back to officers through force wide communication, and training. The panel differing views has been fed into Taser training for future consideration.

Case 24: Taser red dot – 10/11/2019. Weston-super-Mare, North Somerset

BWV database narrative:

Summary: Call to Police. A regular customer [named] has come into the store in past few minutes, threatened staff with a cake slice and demanded money from the till, for cash of £100. He has been unsuccessful. Suspect has left the store. Described shortly later as entering a wok restaurant and carried out the same action causing an injury to the hand of a member of staff. Further identified on CCTV and located/arrested on Alexander Parade and found in the possession of an item fitting the description of the metal object used in the alleged incidents.

Note: This case has already been reviewed at a previous Panel meeting so not reviewed again. For completeness, the feedback and Constabulary response is below:

Member feedback:

The second BWV footage shows the Taser drawn and the subject restrained on the ground. The BWV is switched on too late to assess if the use of force is appropriate.

Operational learning point: Ideally, drawing of Taser should always be accompanied by turning on of BWV.

Constabulary response: Panel comments are noted with thanks. Officers should activate BWV at an early opportunity to provide a full picture and this is reiterated in training.

Case 25: Taser aimed. 31/5/2019 at 20:49hrs. North Somerset

BWV database narrative: Stabbing at ... Street, Weston-Super-Mare. Identification of the suspect and use of force (Subject red-dotted) in order to effect the arrest of the subject.

Summary: Male calls Police and gave the address and said someone had been stabbed and then phone line cleared. Suspect identified visually and by name as being responsible for stabbing male victim to chest.

Member feedback: Taser drawn - prompt action - wounding with knife reported. The BWV is only 59 seconds.

Constabulary response: Panel comments are noted with thanks.

Case 26: Taser drawn – 21/5/2020 at 10:59hrs. Bristol East

Summary: PWITS [possession with intent to supply] Cannabis. Police have attended an address for a concern for welfare and found drugs inside the address.

Positive member feedback: Officers sought to engage with subject.

Very good engagement by the Officer with the person, regarding a welfare check. Built up trust, to the extent that the person was allowed into the room.

Taser drawn just in case. Re-holstered quickly. Officers patient and allowed the man to dress before being handcuffed.

Concern: From an initial welfare check on the member of the public (with mental ill health), in a Panel member's opinion the additional arrest for drugs is not directly linked to him or the initial response could have escalated the situation and his mental health problems.

Question: The report to the Police is of a person threatening suicide. Taser is drawn twice, which agitated the subject so is the Taser deployment necessary? The Taser appears to be counter-productive as regards the officers' attempts to engage with the man.

Feedback from Panel members:

1. If force was used, was it appropriate? Yes (2), N/A (1)
2. Did the Police make correct decisions throughout this episode? **Unsure** (2), Yes (1)
3. Was the Police behaviour free from any stereotyping or assumptions? Yes (3)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3)
5. Does the behaviour need further investigation? **Unsure** (1), No (1)
6. Is the whole interaction with the person fully recorded on BWV? Yes (2), **No** (1) 40 mins. max.

Constabulary response: The panel comments and feedback are noted in relation to this case. The panel have recognised the good engagement from the initial officer, along with the patient approach. While the initial attendance was a welfare check, during the interaction the officers found what was believed to be controlled substances at the address. They therefore arrested the male to enable a full search to be conducted – it was decided following this search that the male could be de-arrested and dealt with at a later date as a voluntary interview to de-escalate the situation. Regarding the drawing of Taser, this again a judgement call for officers to make – in this case the male was perceived as become agitated at times throughout the interaction. It must also be noted that a large machete was

found during the search and the male was in company with a large dog which the officers took into account with their rationale.

Case 27: Taser red dot – 24/6/2020 at 08:31hrs. Bristol East

BWV database narrative:

Positive member feedback:

Noted the extreme patience of the officer arresting the suspect in red tracksuit trousers! Red dot ensured immediate compliance. Officer extremely patient with a most aggravating man.

Question and concern: Assault with a belt is reported to the Police. Taser is drawn immediately the subject is encountered, before any interaction takes place. Is this premature? It seems unnecessary.

Feedback from Panel members:

1. If force was used, was it appropriate? Yes (2), N/A (1)
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (2)
3. Was the Police behaviour free from stereotyping or assumptions? **Unsure** (1), Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3)
5. Does the behaviour need further investigation? **Unsure** (1), No (2)
6. Is the whole interaction with the person fully recorded on BWV? Yes (3).

Constabulary response: The panel comments are noted with thanks. The positive feedback is noted in relation to the patience of the arresting officer. In relation to the panel question, officers were called to the report of a male who had assaulted a victim using a belt as a weapon. In view of the possession of a weapon and threat posed, officers have drawn the Taser pre-emptively which has resulted in a calm resolution without the need to fire. This is a decision for attending officers, however, appears to be justified based on the circumstances of this case. It is noted that a majority of panel members felt the force used was appropriate and correct police decisions were made throughout the incident. The panel concerns around early drawing of Taser will be fed into Taser training for future consideration.

Case 28: Use of Force – Taser drawn

BWV database narrative: Arrest of 3x males for common assault Riverside Park, Bristol.

Summary: Call to Police. Caller has been hit in the face with a belt he says it was totally unprovoked he has a bleeding nose. A group of people have approached the male and become abusive, a physical altercation has ensued whereby the victim has received cuts and bruises and a suspected broken nose.

Positive member feedback: One member felt that the Officer's reaction is good and the prompt Taser firing stops the runaway.

Concern: Another member felt that the Taser is used as the first option, no other options to detain the subject were taken, just an immediate Taser deployment.

Constabulary response: The panel comments are noted with thanks. The healthy variety in panel views again demonstrates the difficulty facing officers making quick time decisions. On this occasion having reviewed the BWV again, the officer tries to effect the arrest of a male wanted on recall to prison who breaks free and runs to evade officers. Another officer reacts extremely quickly and deploys Taser which brings the incident to a quick conclusion

with no injury – there is no doubt that the male would have made good his escape of the officer had not taken this action.

Case 29: Taser red dot – 30/7/2019 at 08:00hrs. Somerset East

BWV database narrative: Arrival at Hotel, enter room, detain and search male [named].

Summary: When searching the hotel room, scales, large quantity of cash, electronic scales and a cling film wrap of white powder was found. Suspects arrested, drugs also found.

Positive member feedback: Excellent initial narrative with risk assessment. Good use of BWV as well. Good Officer commentary before arriving at the Hotel.

3 Tasers red dotted seems a bit heavy handed retrospectively. However the video narrative mentions a possible Machete or knife.

Constabulary response: Panel comments and feedback are noted with thanks.

Case 30: Taser red dot – 5/9/2020 at 21:21hrs. Somerset West

BWV database narrative: Stop & search of [C W] and Arrest of [K M] by PC 2237.

Summary: Two males stop & searched under Section 23 Misuse of Drugs Act, 1 male found with large quantity of bank notes. He was strip-searched and more notes found. Arrested for possession of criminal property.

Note: 3 BWVs stored but no other BWV stored for the other Officer searching [person 1].

Positive member feedback:

Red dot prevented man running off and led to a straightforward Stop and Search.

Concern: Again, Panel members note the immediate escalation to Taser deployment, which seems unnecessary, although the BWV does did not show person running away.

Constabulary response: The panel comments and feedback are noted with thanks. On this occasion the Taser was used resulting in a quick resolution without the need to fire and without injury. As a reminder regarding guidance for officers, Taser is not necessarily a last resort but should be used taking into account the threat, harm and risk faced, understanding that it accompanies the full range of tactical options available to the officers. Again this has been fed in to Taser training as a running theme identified by the panel.

Case 31: Taser red dot – 30/6/2020 at 13:55hrs. Bristol East

BWV database narrative: Stop search of [named person] on ... Road.

Summary: Police carrying out enquires at Jacks Cash. When police vehicle pulled up the suspect saw Police and made off. Suspect detained and found in possession of cannabis.

Concerns: Taser first choice to stop the suspect again (a running theme in these Case Reviews), seems unnecessary as the person doesn't seem at all violent. The BWV is switched on late – only when the man is restrained and on the ground with the Taser aimed at him - so any the Taser deployment reason may have been missed.

Feedback from Panel members:

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

6. Is the whole interaction with the person fully recorded on BWV? **No** (1), **Unsure** (1).

Constabulary response: Thank you for the panel comments and feedback. In relation to the panel comments about an early Taser deployment, the officer provided a rationale that the

male initially ran from officers and when being detained put his hand in his pocket resulting in officers perceiving an increased risk and drawing Taser. This again brought the incident to a swift conclusion without injury. The late activation of the BWV is a common theme which has been fed back to officers and reiterated with a force wide message – it is accepted that this incident was spontaneous which does pose challenges around this with competing priorities.

Case 32: Taser red dot – 4/7/2020 at 01:36hrs. Bristol East

Summary: Vehicle seen driven at speed on Temple Way. Driver stopped however made off from police on foot after being told he wasn't insured. Driver located hidden in undergrowth. S23 searched and cannabis found. Positive R/S drug wipe.

Positive member feedback: Good use of Taser, to ensure containment after the man had run off.

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

Case 33: Taser fired – 5/7/2020 at 00:59hrs. Bristol East

Summary: Caller reporting group of young males in passageway to carpark to the park, one of them had a long knife, 12 inch blade, they are currently arguing and [named person] is being held back.

Positive member feedback: The Officer - a Special Constable - is very patient notwithstanding the man arguing and not listening as well as hostile members of the public. BWV not show Taser. Once the Stop Search ended and the man should have been on his way, the officer insisted on having a name. Then some suggestion that the man was on a recall to justify identifying him, but quickly gave up on that and sent him on his way.

The Special Constable told the man he had to give his name or he wouldn't release him from the van, he seemed a little unsure of the correct procedures regarding this element of the stop and search.

Feedback from Panel members:

- 2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (1)
- 6. Is the whole interaction with the person fully recorded on BWV? **Unsure** (1), Yes (1)

Constabulary response: Thank you for the panel comments and feedback which are noted. The requirement to provide details linked to a Stop Search is a common theme and the panel comments have been fed back to the officer.

Case 34: Taser red dot – 16/7/2020 at 18:26hrs. Bristol East

Summary: Whilst officers are conducting enquiries offender has approached officers and become aggressive, pushing one officer and running away before being detained and arrested.

Panel members' concern: A Panel member felt that the Officer's use of Taser appears disproportionate given the suspect had already stopped and complied. Another Panel member felt the use of the Taser is totally unnecessary as the suspect being chased has stopped and is fully compliant. It is uncertain if the Taser arcing was also heard at the point of initial engagement.

This Taser deployment also involved a Stop and Search and the Officer didn't complete the GOWISELY items.

Questions:

1. Why were the Officers on bicycles?
2. This incident escalates quickly. It seems apparent the Officer knows the suspect involved (the Officer greets him by name when he first scoots onto the scene), so is there previous history that prompts this reaction?

Feedback from Panel members:

1. If force was used, was it appropriate? **No** (1), Yes (3)
2. Did the Police make correct decisions throughout this episode? **No** (1), Yes (3)
5. Does the behaviour need further investigation? **Unsure** (1), No (3)

Constabulary response: The panel comments and feedback are noted with thanks. There is a concern raised from a panel member in relation to the use of Taser. Having reviewed the BWV the male becomes aggressive before assaulting the officer and running from the scene. He is chased by the officer before catching up with him a short distance away where the male stops – at this point the officer, who is victim of the prior assault, is briefly alone and draws Taser based on the violence just demonstrated. He is quickly joined by a colleague and the incident is brought to a swift conclusion without firing and without injury. In response to the panel questions, officers are regularly on patrol utilising force issue bicycles. This is effective transport particularly within Bristol and enables greater engagement with the community. It is apparent that the male is known to the officer, however, the assault appears to be unprovoked. The panel comments above have been fed back to the officer for learning, including the requirement for GOWISELY.

Case 35: Taser red dot – 21/7/2020 at 00:56hrs. Bristol East

Summary: Informant can hear several voices in the street shouting and arguing, the informant says they are all males. It's unknown if there is any CCTV available. 2 brothers have had a fight inside their mother's house, before it continues on the street outside. One brother has brandished a knife at the other, threatening him with it.

Positive member feedback: A well-handled domestic incident, considering the unknown risk and possibility of a knife being present.

No negative points or concerns.

Operational policing point: Having the BWV camera switched on early, during the lead-up is ever more important to get a true picture, otherwise Panel members are making judgements which in some cases may be unfair.

Constabulary response: The panel comments and feedback are noted with thanks including a good example of where early activation of BWV is effective.

Case 36: Taser red dot – 11/8/2020 at 02:00hrs. Bristol East

BWV database narrative: Initial vehicle stop of vehicle [Reg. no...] on PRITCHARD STREET before vehicle made off.

BWV2: Arrest of [named person] on RIVER STREET after foot chase for failing to stop earlier in night.

BWV3: In Police vehicle after arrest.

4th BWV (not selected to review): TRAVELODGE room ... MITCHELL LANE - sec 18 search of room following arrest, found small amount of drugs and other items.

Summary: 2 people stabbed. Serious disorder in Easton resulted in a male being stabbed.

2 BWVs were reviewed by Panel members.

Positive member feedback: Videos 1 and 2: The arrest and detention is without incident or any signs of prejudice. The male suspect is dealt with firmly, calmly and with respect, his health concerns are also managed with due consideration.

Officers cooperated well. No Taser is used or drawn.

Of concern: The male suspect is in a panic. Officers try to calm him but in some instances it looks like the man may need mental health help?

Constabulary response: Thank you for the panel comments and positive feedback in relation to this incident. Regarding the panel query, this incident was as a result of an attempted vehicle stop due to information that it was being used by a disqualified driver. Upon trying to stop the vehicle, officers were able to identify the male driver before the vehicle made off at speed.

The vehicle was found a short time later unoccupied. The male was located a short distance away and ran from officers before being detained.

Case 37: Taser red dot – 31/8/2020. Bristol East

Note: This is an ongoing murder investigation so not suitable for Panel review currently due to the ongoing situation.

Case 38: Taser red dot – 16/9/2020 at 23:19hrs. Bristol East

Summary: Partner has been stabbed in the street outside Dads Cabs. Offender is pouring with blood. Male has stabbed victim in neck & back causing puncture of lung.

Member feedback: Considering the nature of the allegation and the possibility of weapons still being in possession, all officers involved handled the situation extremely well, aided by the compliant demeanour of the suspect. No evidence of bias or prejudice. A good example of dealing with a potentially violent suspect.

One member commented: This is a general case with no Taser deployment.

Feedback from Panel members:

6. Is the whole interaction with the person fully recorded on BWV? **No** (1), Yes (1), N/A (1)

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

Case 39: Taser drawn – 20/9/2020 at 22:27hrs. Bristol East

BWV database narrative: Interaction with [named person] outside Trinity Road Police Station.

Summary: [Named person] has ran from Police Officers at the point of being told he was under arrest for breaching his Section 35 Dispersal Notice.

Of concern: This is not considered to be the best handled situation.

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

Constabulary response: The panel comments are noted although limited feedback. This incident has been fully debriefed with officers due to the escape of the male, and learning has been identified around officer safety and prisoner handling.

Case 40: Taser red dot - 27/9/2020 at 00:00hrs. Bristol East

Note: A case currently under investigation and therefore not available to the Panel.

Additional cases - Taser

The next 6 cases are recorded as complaints from members of the public against the Police where Taser is stated in the complaint allegations.

Panel members were not informed in advance of reviewing these cases that the BWV related to a complaint and a complainant.

Case 52 – Taser deployed. 8/10/2019 at 03:19hrs. Sandford, North Somerset
BWV database narrative: Arrest of male after active resistance and avoiding arrest.

3 BWVs reviewed by Panel members

Question of concern:

The subject is arrested for criminal damage and runs upstairs. He is Tasered. Is this necessary and proportionate?

Feedback from Panel members:

1. If force was used, was it appropriate? **Unsure** (1), Yes (1)
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (1)
3. Was the Police behaviour free from stereotyping or assumptions? Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (2)
5. Does the behaviour need further investigation? **Unsure** (1), No (1)
6. Is the whole interaction with the person fully recorded on BWV? Yes (2).

Constabulary responses:

Professional Standards Department:

This complaint of use of excessive force was thoroughly investigated and not upheld. This decision was based on a reflection of whether the use of force was necessary, proportionate and justified. This involved considering the honestly held belief as cited by the officer and consideration by the lead force Taser trainer against relevant guidance, training and legislation.

No formal request to appeal this decision was made.

Supt. Wigginton's response: *The panel comments are noted with thanks. Having reviewed the evidence supplied, the officer has provided a rationale for deploying Taser which is in line with training and relates to the male's perceived non-compliance in running away from the officers after being arrested.*

Case 53 – Taser deployed. 7/8/2019 at 22:58hrs. Charlton Adam, Somerset

BWV database narrative: A report of a domestic incident.

This case has been reviewed at the full Panel meeting as well individually by Panel members.

Questions of concern: Subject threatened their partner who runs next door. Noted that the report to the Police is of mental health issues. The person refuses to come downstairs and is Tasered. Is this necessary and proportionate? Members didn't see the escalation that warranted the Taser fire. The Taser appears to be the first resort and deployed early. Were the two Taser firings due to the X2 Taser version, a second pulse or the heat of the moment for the Officer? Why didn't the Officer talk more to the male subject? Panel members wonder if there was an alternative way of dealing with the man.

Feedback from Panel members:

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

2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (1)
3. Was the Police behaviour free from stereotyping or assumptions? Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (2)
5. Does the behaviour need further investigation? **Unsure** (1), No (1)
6. Is the whole interaction with the person fully recorded on BWV? Yes (2).

Constabulary responses:

Professional Standards Department:

This matter was appropriately investigated and it was concluded that the use of force was necessary, justified and proportionate. The closing paragraph of the investigating officer's conclusion reads;

PC A has attended a domestic incident and told that Mr B is responsible for an assault. The officer has entered the property to execute an arrest and has been confronted with Mr B at the top of the landing who is shouting and aggressive. Mr B refused to comply with clear instructions to come down and speak to the officers several times and he moved away. PC A has then deployed the Taser to take control of the situation and prevent injury to himself and Mr B. Given all the circumstances the use of Taser was proportionate and reasonable. No appeal against this decision was made.

Constabulary response: Thank you for the panel comments which are noted. The officers have attended the address in order to arrest the male relating to a domestic incident. Upon arrival the male has been non-compliant and despite warnings by Taser officer, he has continued to refuse to engage with officers. In view of the panel comments, this has been forwarded to Taser training for review and consideration of any learning.

Case 54. Taser deployed. 26/4/2020 at 07:47hrs. Weston-super-Mare

BWV database narrative: Report to Police of ABH. Domestic incident. Arrest of person and transfer from ambulance to Police vehicle.

2 BWVs are reviewed by Panel members.

Positive feedback: The Officers are very courteous and try to allow the female as much dignity as possible during the whole encounter. She is being obstructive throughout and does not follow the Police instructions at all. The Officers handle her with respect even though she was abusive and fights them. Very compassionately handled considering the mental health issues, bringing in a female officer as soon as possible was a good move.

Of concern and an operational policing point:

The Taser deployment is questionable in the location, where significant fall injuries are possible such as the bath taps.

Feedback from Panel members:

1. If force was used, was it appropriate? **Unsure** (1), Yes (2)
2. Did the Police make correct decisions throughout this episode? **Unsure** (1), Yes (2)
3. Was the Police behaviour free from stereotyping or assumptions? Yes (3)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (3)
5. Does the behaviour need further investigation? No (3)
6. Is the whole interaction with the person fully recorded on BWV? Yes (3).

Constabulary responses:

Professional Standards Department:

Positive feedback noted in respect of the manner that officers sought to obtain the cooperation of the complainant in resolving the matter at hand.

An extract from the complaint investigation report is as below;

The BWV demonstrates police efforts to avoid using force by engaging in conversation and bringing a female officer to engage with the complainant. But these efforts were cut short as the complainant's behaviour showed no indication of improving as de-escalation efforts were undertaken. In fact the complainant's behaviour was becoming increasingly bizarre and unpredictable.

PC A sought to take the complainant's arm to guide her out of the bath, a minimum level of force. The complainant's response was immediate and violent, lunging for PC A's head or throat with both hands. PC B responded immediately, using his Taser to prevent PC A being assaulted.

The conclusion was that, in considering the circumstances as a whole, the force used was necessary, proportionate and justified.

Whilst the right of appeal to the IOPC was highlighted to the complainant no appeal against this conclusion was made.

Constabulary response: Thank you for the panel comments and feedback, including the positive feedback relating to the officers' approach. The location of Taser deployment is a consideration for officers due to potential risks and hazards - in this case the officers have considered this and used Taser appropriately to bring the incident to a safe conclusion.

Case 55 – Taser deployment. 21/3/2020 at 01:04hrs.

BWV database narrative: Person detained following a short pursuit. Drugs and cash discarded.

Positive feedback: Well handled by solo officer, he chose not to deploy the Taser even though that was the easier option, ensured suspect was put in to recovery position even though there was some doubt if he was in distress at the time, officers showed concern that the suspect may of ingested drugs and called ambulance.

The footage begins with the suspect already on the floor and the struggle already happening. Officer did as well as he could as he was alone with a strong male who was fighting him off the whole way through. He did try & put him in the recovery position when he was convulsing and hadn't stopped. The concern & first aid provided by the officers was very good and they tried to keep the man calm & continued to talk to him throughout the episode

Of concern:

The officer continued to try and handcuff him as soon as he started to convulse when maybe he should have taken a second to see if it would stop & just hold on to the suspect

Feedback from Panel members:

1. If force was used, was it appropriate? Yes (2)
2. Did the Police make correct decisions throughout this episode? Yes (2)
3. Was the Police behaviour free from stereotyping or assumptions? Yes (2)
4. Was the incident free from demonstrable discriminatory behaviour? Yes (2)
5. Does the behaviour need further investigation? No (2)
6. Is the whole interaction with the person fully recorded on BWV? **No** (2).

Constabulary responses:

Professional Standards Department:

Positive feedback noted.

No complaint was made by the subject in this case but it was referred to the IOPC due the loss of impairment sustained during a medical episode.

It was established that the officer initially has suspicions that the subject may have been faking his symptoms. He soon realised he was not and took appropriate action.

As this matter was referred to the IOPC they have reviewed the investigation report and comment;

I have identified that this was a difficult situation for PC A to deal with. Suspicion arose for valid reasons, however Mr B was resisting and PC A attempted to gain control. He was unaware of Mr B's medical needs, however once PC A understood the situation he managed the situation effectively.

Supt. Wigginton's response: The panel comments and feedback are noted with thanks. The panel recognise the challenges facing the solo officer and the positive comments have been fed back accordingly. The panel have raised concern regarding the decision to try and handcuff - this is noted as a challenging situation. This was a split second decision based on judgement where the officer was already under stress due to the struggle - they have adapted this approach as the circumstances changed.

Case 56 – Taser deployment. 22/2/2020 at 04:11hrs. A38 Bridgwater Road

BWV database narrative: Drink Drive. Named person in driver's seat. Arrest of female.

No comments from Panel members

Case 57 – Taser deployment. 21/6/2020 at 06:27hrs. Bristol

BWV database narrative: Report to Police of a female screaming. Witness seen on Officer arrival. Aggressive male.

Positive feedback: The officers attended the property based on information that an assault had taken place. Although there was no BWV of the `Taser pointed at my face` allegation, it was drawn but held behind officer, which I feel was appropriate considering the potential risk.

A complex domestic abuse situation where getting to the truth was always going to be difficult.

Of concern: The assault victim should have been kept separate from the male suspect until it was established what happened; the male suspect should have been removed to a different room until the situation calmed down.

Constabulary responses:

Professional Standards Department:

Feedback noted. Whilst always preferable to separate parties this was a difficult, challenging and unclear set of circumstances that the officers were trying to understand in a confined space with multiple individuals being present. Therefore the ability to undertake the usually preferred approach was limited.

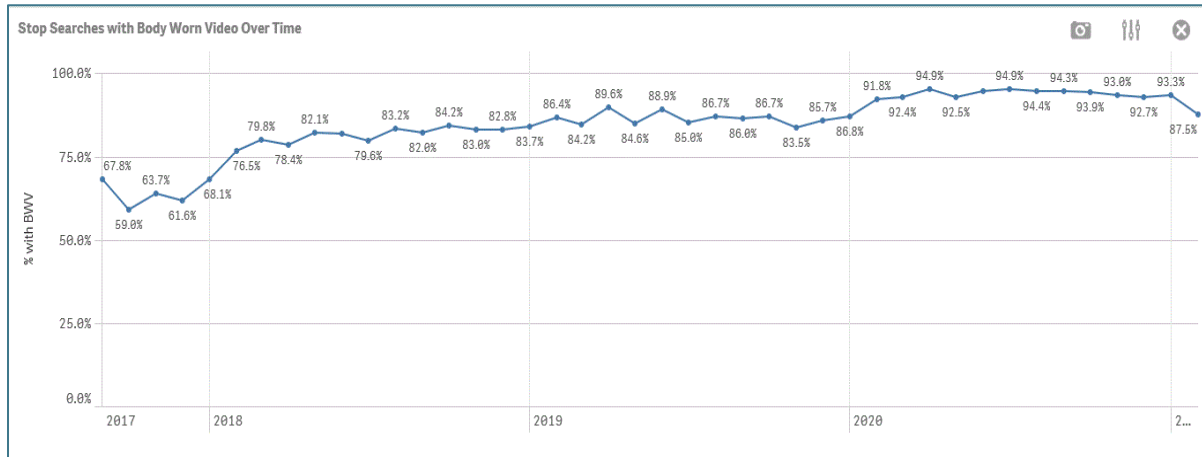
Supt. Wigginton's response: Thank you for the panel feedback and comments, recognising the challenging circumstances here for officers. The panel comments regarding separating parties is best practice where possible - in relation to this incident, officers have attended a property with a number of people present. The circumstances of the incident were unclear and the scene very chaotic which created challenges in maintaining control, without escalating the situation further. The male in question was not a suspect and officers were trying to establish what had happened, however, remained with the male due to his agitated state.

Appendix 2

Stop and Search monthly data and BWV camera switched on figures (to 30 November 2020)

Stop and Search Month/Year	Stop & Search count	BWV recorded %
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%
Apr 2020	968	94.2%
May 2020	1172	90.4%
June 2020	899	93.1%
July 2020	893	92.3%
August 2020	613	92.7%
September 2020	697	94.3%
October 2020	807	93.9%
November 2020	887	93%

Stop and Search graph of monthly BWV camera switched on percentages (to 30 November 2020)



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	94	82.5%
2020	April	98	81	82.7%
2020	May	134	110	82.1%
2020	June	108	86	79.6%
2020	July	100	90	90.0%
2020	August	108	90	83.3%
2020	September	116	100	86.2%
2020	October	94		
2020	November	97		

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	18	16	88.9%
2020	May	22	19	86.4%
2020	June	13	9	69.2%
2020	July	15	14	93.3%
2020	August	19	18	94.7%
2020	September	17	16	94.1%
2020	October	8	5	63%
2020	November	18	17	94%