

Scrutiny of Police Powers Panel

9 March 2021

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Case Reviews of Body Worn Video (BWV)

1. 26/12/2020 Bristol – Fixed Penalty Notice fine (FPN)

Police log summary: Officers attend an address after reports of a male at an address who does not live in the household and is breaching Covid regulations. Officers explain the regulations before issuing a Covid fine (FPN).

Positive points: Amiable clear explanation of Regulations. Gave Option of leaving immediately to avoid FPN. Courteous approach gave no reason for any confrontation. Polite engagement from both officers and household.

The Officer was polite during engagement and explained to the offender the reason why a FPN was warranted, despite offering the option to leave immediately and avoid a fine.

Noted by member: As the Officer clearly stated, after 9 months of lockdown, there really is no excuse now for not knowing or checking restrictions before travelling out to visit family.

Concerns: Audio unclear but query raised about I think household and officer rings for advice but the BWV ends prematurely. What was query and why did BWV end too soon? BWV expired too soon. Officer was just asking a question to supervisors about whether the FPN goes to the visitor or the resident - I was interested to find out the answer as there seems inconsistency on how this is applied

As discussed in previous meetings, it is important for Officers to be clear of the most current guidelines before quoting them, as uncertainty reduces confidence in the law and Police trying to enforce it.

Constabulary response: Thank you for the panel comments in relation to this incident. Upon reviewing the Body Worn Video, the officer is making contact to establish transport options for the male as opposed to a COVID query. The officers are clear with the male regarding the breach and a FPN is issued. It is not clear why the footage ended early, however, good practice is for the footage to continue until conclusion of the incident.

2. 29/12/2020 Bath FPN

Police log summary: Officers attend address after reports of a group being in a premise who do not live there and are breaching Covid regulations. 01.45 mins Officer explains they are breaching Covid regulations. Covid tickets are then issued to persons inside.

Positive points: Good engagement with 4 men .Explained rules and responded to question re "bubbles". Courteous approach and explanation.

Officer was very patient, and tried getting resident of the home to understand what a 'bubble' meant. There was added complexity to this situation as the resident also appears to have an Order in place which restricts his visitors to one person, irrespective of Covid rules.

Concern: In explaining the bubble the officer said the single male could bubble with one other person. That is incorrect. He can bubble with another household of however many people are in that household.

Constabulary response: The panel comments are noted including the positive comments regarding the good engagement and patient approach of the officers. The query in relation to a bubble was discussed in some detail at the recent panel meeting and on this occasion, the officers perhaps could have been clearer in their explanation.

3. 29/12/2020 Bath FPN

Police log summary: Officer attends an address after a report of multiple people being inside a property breaching Covid regulations. Officer tries to engage with the householder who is rude and abusive towards him and refuses to engage. Officer then issues a Covid FPN.

Positives: Remarkable patience when faced by belligerent, shouting male. Nothing said suggested that there was an effective bubble bearing in mind that the brother had an address nearby. There might have been a Xmas bubble but that was only for the 25th Dec. Officer extremely patient with two obstructive males who were keen to demonstrate what they thought they knew about the law.

Officer retained composure and calmness as he endured difficult circumstances with a hostile resident, who refused to engage.

Note from member: Interesting brother pointed out that how do people know the detail of the rules. He had hoped for personalised communications.

Constabulary response: Thank you for the panel comments which are noted, including the positive feedback about the patient and calm approach by officers.

4. 30/12/2020 Weston Super Mare FPN

Police log summary: Officers attend females address after reports of different people at the address breaching Covid regulations. Officer explains Covid regulations throughout proceedings and eventually issues female at the address Covid ticket.

Positive points: One female previously warned and FPN issued. The other warned.

Concerns: The officer failed to fully ascertain the family circumstances without which he could not be certain that there was a Covid breach. From what the householder said she was eligible for both a support bubble and a child care bubble. Her sister was present and she could have been part of the household with which she was linked through the bubble or child bubble. There were references to a father but he may have been part of either support or child care bubble.

Resident appeared to have 2x bubbles (1x support and 1x childcare). From our 'crib' notes (Feb Scrutiny 1), this appears to be allowable but the officer deemed it too many bubbles. Depending on confirmation of the guidelines in place at this time, the FPN might not have been necessary?

Constabulary response:

Thank you for the panel feedback. Having reviewed the body worn video for this incident, the officer does spend some time discussing the circumstances with the householder. She explains to the officer that she has her father and sister to babysit, however, also states she also has her grandparents to the address confirming they are all from different households – this is not within the scope of a support bubble. She has also received a prior COVID warning in relation to this, and therefore received a fine on this occasion.

Her sister received a warning as she had not previously received one.

5. 30/12/2020 Bath FPN

Police log summary: Officers attend an Air BnB address after reports of multiple vehicles and persons at the address believed breaching Covid regulations. 10.12 mins officer explains Covid regulations to male and details taken. Covid FPN issued after leaving scene when officers conducted checks and realised the occupants had actually breached.

Positive point: Officer explained the community situation and persuaded them to provide their details. A generally good-humoured exchange. Group previously spoken to by Police. Member's note: Officer made a reference to a support bubble and mental health suggesting that the two were interconnected. Puzzling.

Concerns: Officer failed to clearly explain the Regulations, namely AirB&Bs were closed from the 22nd Dec. and in any event they are an unauthorised gathering. Suggest that the officer should have given them a direction to go home as they said they were booked to the 2nd Jan. Occupants may have recourse against the owner for refund. Also did the officer speak to the owner re his breach? No BWV footage of the issue of a FPN. Initially, too many officers were trying to talk at once. Confusing to know who was taking the lead. Officers also failed to establish which criteria for being in Holiday Accommodation they were claiming.

Constabulary response: The panel comments and feedback are noted with thanks. The officers tried to take an engagement approach initially due to the circumstances of the case. However, whilst this footage only captures the initial encounter, further enquiries were completed that established the group had not provided accurate information – they were subsequently all issued with a FPN and were directed to leave the accommodation.

6. 06/01/2021 Burnham on Sea FPN

Police log summary: Officers conduct a vehicle stop, due to there being current drugs intel on the vehicle and passengers they detain them for a drugs search. 22.35 mins officers engages with female re Covid. 26.33 mins Covid tickets issued.

Concerns: BWV didn't clearly show issue of FPN, but other officers also dealing. Also, limited Covid '3Es' and the Police priority was the drug search.

Constabulary response: Panel comments are noted with thanks.

7. 08/01/2021 Bristol FPN

Police log summary: Officers attend a hand car wash which they have visited the day before to ask them to stop trading. 01.10 mins in officers explain why the ticket is being issued. 10.49 male is issued with Covid ticket after some heated dialogue.

Positive points: A clear explanation including the amount of the fine. Commendable dexterity in completing the form and the BWV provided a good view of what information is needed

After initial bad tempered conversations, officers attempted to engage on a friendlier basis, de-escalate the situation, and give the business operator good words of advice.

Concern: Subject previously spoken to and officer's frustration with non-compliance showed, resulting initially in a bad-tempered exchange.

Noted by member: A bad tempered initial engagement, due to the Officer's frustration on having to return a 2nd/3rd time to the same business.

Constabulary response: Thank you for the panel comments. As the panel mention, this was a location previously visited and warned for COVID breaches. This was reiterated by the officer which resulted in a FPN being issued on this occasion – the panel feedback is noted regarding the dynamic of this conversation.

8. 08/01/2021 Bristol FPN

Police log summary: Officers attend an address that member of public has reported multiple people coming and going from the address who do not live there. 06.45 mins into BWV: officers explains the breach and then issues ticket.

Positive points: Occupier refused to engage so no opportunity to explore whether there was a linked household. All indications pointed to a breach.

Well handled, despite it being difficult to communicate through an upstairs window, nice tone of voice throughout, de-escalating when necessary.

Officers were polite in explaining the situation and the need to issue the Covid breach FPN.

Concern and question: Why did the officer who was taking down the details of the car driver, not Engage, Explain and Encourage, but jump straight into Enforce?

This point was echo'd by another member who noted: It is their understanding that the guidance issued by the College of Policing is to use the '4 Es'. This is to build trust and understanding with the public, with enforcement as a last resort. This case just flowed directly through the first three with no sign of stopping until reaching enforcement action.

Constabulary response:

Thank you for the panel comments. As the public health crisis has worsened with high infection levels across the country, the direction to officers has evolved in line with the national messaging. This continues to be a 4 E's approach as indicated by the panel, however, where flagrant breaches are identified to move to enforcement more swiftly. This remains a challenging balance for officers to strike and is based on the circumstances of each case.

9. 08/01/2021 Bristol FPN

Police log summary: Officers stop a vehicle containing three occupants who do not have a reasonable excuse for breaching regulations. Covid tickets issued to occupants of vehicle.

Positives: An excellent engagement by the female Officer. Officers were very patient in explaining their reason for stopping the car. Good police practice, very thoughtful and caring towards the vulnerable female under the influence of cocaine, Officers ensuring her safety by taking her home and ensuring she would not be left alone.

Concerns: Late start of switching on the BWV and Officers had no PPE masks throughout the encounter. Also the Officers' opening gambit was that 3 in a car was a Covid breach. That is incorrect for January 2021 lockdown regulations. There is no regulation to enforce social distancing. The Panel member would have thought that the initial Officers' question should be why are you not at home? and then to see if that reason is a reasonable one. In this case, meeting up with friends is unreasonable.

Constabulary response:

The panel comments are noted with thanks. These Panel member observations are in line with guidance provided to officers and will therefore be fed back to the attending officers accordingly.

10. 09/01/2021 Bristol FPN

Police log summary: Officers attend a flat where there have been reports of a party the night before, Police had attended in the evening before and other residents have reported that there are still people inside breaching Covid regulations.

Positive: The Officer is very patient and mental health issues of the male were professionally handled. The Officer also offered a lift to the man at the outset and quoted the regulations regarding giving a direction and enforced removal. Although patient, the Officer's frustration showed and he is a little abrupt in explaining the Covid rules which took a while as the occupants were drinking and one was asleep. A positive outcome is achieved by the Police with everyone leaving peaceably.

Of concern: Also there is no sympathy shown towards the man who said he required an ambulance.

Operational policing item: 5 officers seems a bit much as there is no need.

Constabulary response: Thank you for the panel comments and feedback. The officers have tried to engage and, as one member raises, they have been very patient with those inside. The officers have taken the time to establish who can remain in the address and offered one male a lift. The officers invested around 40 minutes bringing this incident to a positive conclusion. The panel concern is noted.

11. 11/01/2021 at 00:22hrs Highbridge Covid FPN

Police log summary: A phone call to Police by a neighbour reporting there is a house party involving 5 people. On arrival, loud music and people running upstairs can be heard within the property. Police officers speak with a male at the door and disco lights can be seen inside. Police officers enter and a number people are in the living room, 2 women found hiding in the kitchen cupboard and a further 2 people upstairs. Officer reports the persons present for breaching Covid regulations and persons who do not live at the house are told to leave.

Positive points: The female Police Officer takes control, manages the large group politely and efficiently, clearly and concisely explaining the Covid breach and what is to happen, particularly for those in the group whose first language is not English. The situation is helped by a compliant group. The Female officer deals with the situation well whilst also instructing fellow Officers what to do. A polite and efficient police engagement with member of the public.

Just one small point that the Officer gives the wrong date and year.

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

12. 11/01/2021 at 13:49 Stoke sub Hamdon FPN

Police log summary: Phone call to police stating 30 scrambler bikes being used and 7 vans at the location. The caller has made this same complaint 2 days before, where the group were warned because despite having the land owner's permission it is still a Covid breach.

Police Officers gave words of advice on this occasion. Police officers arrive two bikes and 1 van can be seen. In a large field. Police officers engages with a male about what he is doing, he states this is his job and he has travelled to the location from Southampton. A second male joins the officers and it is established the males are not from the same household. Officer engages and explains the regulations as the males state they are taking part in sport. Fines issued to 2 adults.

Positive points: From some Panel members: Although the Body Worn video audio is unclear due to the windy weather, it appears that the Officers listen to the individual's explanation of their situation and why they have a reasonable excuse to leave home and carry on their activity. The Covid breach is very clearly explained by the Officer and handled very professionally and amicably, in a very polite and sympathetic manner towards the male who appears oblivious to the Covid rules and lockdown situation.

Concerns: From other Panel members: The officers seem to have made their mind up that this is an illegal gathering before speaking to the men. The Officers fail to properly consider the elite sport exception. The men referred to elite sport and explained that they had competed in Europe and referred to a Grand Prix in Spain but the Officer simply responds to say we would all like to be in Spain. The fact that the men have travelled from Southampton, have a number of professional bikes/kit and have the land owner's permission to use the land and are open and straightforward to the Officers all points to them having a reasonable excuse to travel and practice.

Questions:

1. Why didn't the Officers explore whether the men came within the definition of an Elite Sports person/coach and whether the gathering is necessary for training?
2. Why didn't the Officers seek advice either on the spot or before issuing a FPN? Simply saying that the FPN can be challenged is unsatisfactory.

Constabulary response:

Thank you for the panel comments regarding this interaction. The officers were responding to the report of 30 scrambler bikes being used along with 7 vans at the location. Police had been called to this location previously where members of the group had been given a warning regarding the activity. On this occasion the remaining group have advised they had travelled from Southampton in the same vehicle, despite being from different households. The panel have raised a valid view regarding the potential elite sport aspect - the officers have listened to this explanation from the males and asked for confirmation or documentation in relation to this, however, this was not forthcoming. Taking into account the full circumstances including the previous warning given, the officers have taken the decision to issue FPN's. As the exemption of elite sports is not commonly raised, this is helpful to feedback through our COVID team for any organisational learning or messaging around this area.

13. 11/01/2021 at 1:46pm Easton, Bristol FPN

Police log summary: PCSOs on patrol have seen a male who is persistently breaching Covid 19 regulations. PCSOs have issued a caution and informed the male of the fine.

Positive points: The Officer is very good with the man who appears intoxicated and had been warned previously not to travel out of the area. The Officer makes a fair attempt at engaging with the man and advises him again that he does not have a good reason to be travelling outside of his local area.

Noted by a Panel member: A difficult interaction regarding what distance from home is considered unreasonable. It is a judgement call of course, but maybe the individual was not welcome in his local shops?

Member query: Although the Officer is trying to maintain a light tone with the individual, given his demeanour and disregard for the law, perhaps a firmer approach was warranted on this repeat breach incident?

Constabulary response: The panel comments are noted with thanks.

14. 12/01/2021 at 16:13hrs Bedminster, Bristol FPN

Police log summary: Police Officers attend a Car Wash and enter the garage. They locate two males inside. The Police Officers explain that they have given a warning the previous day not to hand wash cars as part of this man's business. Today the man is seen by Police Officers washing cars and the man is reported for breaching Covid regulations.

Positives: A very clear explanation from the Officer of what is allowed at the car wash i.e. only the automatic machine and pointing out what the Operator can and cannot do within the Covid regulations. The Officer reiterates the rules of no hand-washing of vehicles, as stated the day before. A polite, friendly and positive interaction.

The owner had previously been warned, only the day before, so had no defence for repeating the offence.

Concerns and question: Incorrectly worded Police Caution given at the outset. An interesting variation of the official Police Caution given at 01:06 hrs. If this goes to court, would this error in wording (no mention of court) affect the legitimacy of the caution?

Constabulary response:

Thank you for the panel comments which are noted. The officer has made a small mistake in delivering the caution. If this matter was to go to court, this would only potentially have an impact if the any comment, or lack of comment, was particularly relevant to any defence that the defendant would later rely on in court. It is not anticipated that this would cause an issue in this case

15. 12/01/2021 at 20:12 Clevedon FPN

Police log summary: PCSO on patrol talks to a group of four to five 16–19 years olds. The female PCSO engages with the youths, one of which she has seen earlier in the evening and issued a verbal warned about Covide-19 regulations. The Officer engages with the oldest male who is 19 and asks for his understanding of the regulation then enforces the breach of regulations and a FPN is issued.

Positives: Good engagement and explanation of the rationale for enforcement. A polite interaction.

Of concern: The Officer is a little harsh, starting the conversation with taking details prior to any introduction. The Officer might have made it clear that basically you have to stay at home unless you have a reasonable excuse e.g. exercise and it is not reasonable to simply to go out to socialise.

Recurring theme regarding asking for ID: This is another BWV case where Officers ask to see proof of ID.

Questions:

1. When did it become a requirement to carry ID?
2. What Covid breach penalty is given to under 18 year olds?

Constabulary response:

Answer 1: Section 24(5) of the Police and Criminal Evidence Act 1984 applies in relation to an offence under this Regulation as if the reasons for arrest without warrant include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply and officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question. In this context, this aspect is linked to the spread of infection. Officers may also wish to determine if breach of the peace powers apply. There is no requirement to carry ID but Police can ask so they can verify identification to issue a FPN, if they cannot verify ID and cannot ascertain person ID then arrest is an option to enable officers to verify ID

Answer 2: Officers cannot issue a fixed penalty notice to anyone under 18 years old. Where the person in contravention of the Regulations is a child and they are accompanied by an individual who has responsibility for them:

- a constable or PCSO may direct that individual to take the child to the place where they are living
- the responsible individual must, so far as reasonably practicable, ensure that the child complies with the direction

Where the child repeatedly fails to comply with requirements, a constable or PCSO may direct the responsible individual to secure, so far as is reasonably practicable, that the child complies with the restrictions.

A constable or PCSO can issue a fixed penalty notice to an adult who fails to secure compliance of a child for whom they are responsible.

16. 12/01/21 at 13:45 Frenchay, Bristol FPN

Police log summary: Security at University (UWE) located 11 people from 9 different households at a gathering at Quantock Court on 11/01/2021 at 02:40 hours. University beat manager attends the location and speaks with the residents. Later, on 12/1/2021 at 13:49 hours BWV of the Beat Officer explaining the breach of regulations.

Compliments to Officer: Excellent engagement and explanation from Officer 693 Topps on these connected case numbers 16 plus 17 and 18 below. It's good to hear the Officer detailing the importance of complying with the Covid Regulations.

Constabulary response: Thank you for the panel comments including the positive feedback in relation to the officer. This has been fed to the officer with thanks.

17. 13/01/2021 (BWV 12/01/21 at 14:01) Frenchay Bristol FPN

Police log summary: Security staff at UWE attended a noise complaint and found 8 students from 6 different houses were located within. University beat officer attends the

following afternoon and speaks with two students who have been identified as being present at the gathering.

Compliments to Officer: Excellent engagement and explanation from Officer 693 Topps on these three connected case numbers 16, 17 and 18. It's good to hear the Officer detailing the importance of complying with the Covid Regulations.

The Officer is polite, giving a good explanation and engagement with all students (18). Excellent engagement by Officer Topps who allowed the student to confirm their breach (good tactics). The Officer also educated the student by providing the reason for fine and the full process. 'Regrettably' cautioned and the escalation process is explained.

Also, good sanitation used by officer on exiting building.

Question: One male student had previously received a warning yet still received a £200 fine. Is the fine amount the same as for those being fined for the first time?

Constabulary response: Thank you for the panel comments including the positive feedback in relation to the officer. This has been fed to the officer with thanks.

18. 13/01/2021 BWV 12/01/21 at 14:40 Frenchay Bristol FPN

Police log summary: Security at UWE located eleven people from nine different households at a gathering at 210 Quantock Court on 11/01/21 at 0240 hours. University beat manager attends 203 Quantock Court Frenchay Campus where two students who have been identified as being present at the gathering and the officer issues two FPN at 1444 hours.

Compliments to Officer: Excellent engagement and explanation from Officer 693 Topps on these connected case numbers 16, 17 and 18. It's good to hear the Officer detailing the importance of complying with the Covid Regulations.

The Officer is polite, giving a good explanation and engagement with all students (18). Excellent engagement by Officer Topps who allowed the student to confirm their breach (good tactics). The Officer also educated the student by providing the reason for fine and the full process. 'Regrettably' cautioned and the escalation process is explained.

Constabulary response: Thank you for the panel comments including the positive feedback in relation to the officer. This has been fed to the officer with thanks.

19. 13/01/2021 at 16:20 Broadmead, Bristol FPN

Police log summary: Member of public has phoned Police with information of a breach of social gathering rules as a crowd is forming around a male with a microphone. Police Officer attends and a male is using a microphone to preach, he states he is a key worker. The Officers engage and check the legislation around preaching and religious charity work. The Officer explains that the legislation does not allow preaching and informs the male he must stop. The officer issues a FPN.

Positive points: The Officer remained calm throughout, despite being uncertain of the legislation. Good reasoning and communication, with option given to Preacher to move on or be fined.

Concerns: Police Officers fact-checking on their mobile phones for Covid Regulations during an interaction with a member of the public undermines their authority and creates mistrust. The Police need to be consistent, otherwise the public's trust and confidence in the Police is lost.

Questions:

1. Why did the Officer allow the man to continue preaching after the FPN was issued? Why didn't the Officer give a direction to the man to stop and leave or escort the man away?
2. How does this incident in Broadmead, Bristol compare with the Dominic Muir case against Dorset Police during the first lockdown? This case was overturned and Dorset Police paid compensation. Therefore the Police must be absolutely sure of the regulations and breaches.
3. The preacher said that a female Officer (who had just left) had allowed the preaching to continue. Can this Officer be identified? What did she say? An issue of conflict and inconsistency, for operational policing learning.

Constabulary response: Thank you for the panel comments. This case was discussed at the recent panel meeting. The officer agreed to check the part of legislation raised by the male as a reasonable excuse which shows a willingness to listen. A FPN was issued to the male as this reasonable excuse was not made out. The officer chose not to physically remove the male as it was not proportionate in the circumstances. The male issued with the FPN will be able to contest this, and if so the circumstances of the case will be further considered. It is not clear whether an earlier interaction did indeed take place, and there is no record of this.

20. 14/01/2021 at 15:08 Bridgwater FPN

Police log summary: Phone call to police regarding caller's sister, who has travelled to Bridgwater from Surrey with two people from her family who all live in separate houses to visit their mum in hospital and then visit her son. Officers arrive at the house and explain to the homeowner and relatives the breach in regulations due to the families mixing.

Positives: The Officer attempts to explain the Covid Regulations and attempts to engage and empathise with the relatives whose Grandmother is in Hospital, dying. The second Officer's approach is much clearer and calmer.

Concerns: One Officer at the outset does not ask the group to explain the situation and appears to have already decided that there is a breach (based on the phone call to the Police). As a consequence the full situation is not exposed and an incomplete version emerges. Also the female Officer does not immediately confirm that the death bed visit exception applies. Indeed she suggests that travelling from a distance is not permissible, which is incorrect. The Officer does not pick up on the reference to a support bubble. The BWV is also incomplete and it is not known who received a FPN and on what grounds. Also, the first Officer appears to go in 'hard' initially, prior to providing an explanation and appears to get heated when speaking to the distressed (with reason) young lady, speaking of empathy many times but showing no evidence of this. In addition to this, the Officer's own circumstances are discussed which isn't helpful in this situation.

Question: In any event the Officer has to exercise a judgment that there is no reasonable excuse for the movement and gathering. Is the Officer's decision correct?

Constabulary response:

The panel comments are noted with thanks. The panel have expressed concerns about establishing the full facts of the case - this is clearly a challenging set of circumstances for the family regarding a very ill family member. However, this breach related to the gathering of 3 x households within the address - one party having travelled a significant distance. This amounts to a blatant breach and as the panel have identified, the officers have had to make a judgement and FPN's has been issued. The panel view in relation to this will be fed back accordingly for consideration.

21 15/01/2021 at 18:38 Sandpoint, Weston Super Mare FPN

Police log summary: Officers on mobile patrol see a vehicle parked up in Sandpoint. One of the occupants has travelled from Newport, Wales, visiting her partner and family. Officer engages and explains the Covid legislation, then Officers report the couple for breaching the Covid regulations.

Positives: The Officer is polite throughout. Both occupants knew they are in breach so have little to argue about. This case is another example of people knowingly flouting the law, especially as lockdown regulations have been far stricter in Wales.

Concerns: The BWV starts late so the video may have missed hearing a coherent explanation of the couple's circumstances. On what was recorded it is unclear whether there was a reasonable excuse for visiting Weston. There is no enquiry regarding the existence of support bubbles and the composition of households. The fact that the car was a mobility aid was relevant.

Constabulary response: Thank you for the panel comments and feedback, including the positive interaction. The panel comments are also noted in relation to the late BWV – the officer deemed that there was not a reasonable excuse for visiting Weston.

22. 15/01/21 at 10pm Weston Super Mare FPN

Police log summary: An anonymous caller reporting that there is large group inside a house where each room is rented and in the downstairs room there is loud music. It is an ongoing issue for the past few nights. Four persons are found in a room, one male who has previously received a FPN is issued with another and the other three young people are given warnings.

Positives: Amiable, empathetic Officer engagement with compliant young people. Warning only given to 3 and a FPN to one who had a previous FPN.

A member notes that there is a lengthy discussion about support bubbles which the male (who had a previous fine) initiated and it kept surfacing. However, the Panel member is unsure whether it was fully understood and explained. K and H (KH) live together so they are a household and treated as 1 unit. The flat tenant (FT) was a single household and did not live with G. FT can create a support bubble with another household e.g. with KH and they become one household (FTKH) so they can meet indoors and not breach the rules. If that is the case only G is in breach.

Panel members discussed this point, that as there is more than one 'bubble' of people in the room then it is a breach.

Question: Is there consistency in issuing FPNs? In other incidents the students were fined.

Constabulary response: Thank you for the panel comments and feedback. Officers will approach each interaction with a 4 x E's approach taking into account the full circumstances of each case. This was deemed suitable to be dealt with through warnings.

23. 15/01/2021 at 20:54 Hanham, Bristol Covid regulation breach - warning
Police log summary: A phone call from an informant at 22:30 hours stating there is a party in an address and the caller gives details of the resident. At 22:51 hours, the informant phones the Police again, stating three males have left the party in a white vehicle. Police attend and see three males walking away from a white vehicle. Police engage with the 2 males and 1 female and the officer ascertains why they are at the location. The Police Officer then informs the males that they are in breach of the Covid Regulations and obtains their details and gives words of advice.

Further call from informant stating they can hear still noise coming from the flat police re attend and the female previously spoken to is found in the flat details taken for a FPN.

Panel feedback: Good Police interaction. However, this BWV deals with a first interaction with 3 people at the end of which they are sent on their way. There is no BWV of the second interaction and issue of the FPN.

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

24. 16/01/2021 at 01:48hrs. Easton, Bristol FPN
Police log summary: Three males seen walking along Easton Road. Police have spoken with the males who state they have been drinking in the park. The officer reports the males for breaching Covid.

Positives: A pleasant, amiable interaction. All three individuals know they are in breach of the Covid Regulations.

Constabulary response: The panel comments are noted with thanks.

25. 16/01/2021 at 21:25 Wells FPN
Police log summary: Phone call to police regarding neighbouring property having a party a number of people are told to leave. Officer engages with the group outside the property. At 21:37 hours, a male is reported for summons and FPN issued. At 21:41 hours, a female is reported for summons and FPN issued. At 21:44 hours officer reports the remaining visitors and FPN issued. At 21:45 hours, homeowner is reported for summons and FPN issued. At 21:47 hours the homeowners boyfriend is reported for summons and FPN issued.

Positives: A good engagement, clear explanation and thoughtful regarding the possible vulnerability of the female resident.

Questions:

1. What is the definition of homeless which would mean Covid regs don't apply? Here a female said she was homeless, had no fixed address and was sofa surfing. She felt obliged

to give an address to avoid a FPN not reaching her and then being summonsed for non-payment.

2. What power if any does a Police Officer have to enter a private dwelling if the occupier denies admittance?

Constabulary response:

Answer 1. Homeless during the “emergency period”, no person (other than a homeless person) may leave the place they are living in without having a reasonable excuse for doing so. It appears that the use of ‘homeless’ should be narrowly interpreted as ‘sleeping rough’ i.e. having no accommodation to return to under police direction.

Answer 2. See answer in Case 27.

26. 21/01/2021 at 18:24hrs. Bristol FPN

Police log summary: Officers attend an address where there have been reports of a party and people visiting the house who do not live there and are breaching Covid regulations. Officer explains the regulations to person inside at 04.50 mins before then issuing ticket to female.

Positives: Officers keep calm despite the antagonistic male. Good Police interaction.

Constabulary response: The panel comments are noted with thanks.

27. 22/01/2021 Bath FPN

Police log summary: Officers attend an address where people have reported to the Police that other people are in the address who do not live there and are breaching Covid regulations. Persons inside the address are initially obstructive and refuse to open the door. They eventually relent and allow Officers access. The male inside the address is issued a FPN.

Positives: Very patient Officer who makes full enquiries to determine whether the male has a reasonable excuse for leaving home and seeking refuge with his sister. Also, the Officer checks whether the other male is eligible for a support bubble. Safeguarding issues were also checked with the female.

Concern and question: At the outset, when entry is refused, the Officer says get the chain off or we will kick the door in.

Is that an accurate statement of police powers to investigate an allegation of breach of Covid restrictions? Subsequently the Officer says they can force entry under Section 17 of the Police and Criminal Evidence Act (PACE) because of the smell of cannabis, but that was after the threat to kick the door in.

A full explanation of police powers to force entry to private property to investigate Covid breaches would be helpful to Panel members.

Constabulary response:

The panel have raised an area which does present a practical challenge for officers attending reports of COVID breaches.

Section 17 of PACE sets out a number of instances where a police officer can enter a dwelling, however, none of these provisions clearly provide an officer with the power to enter

an address relating to a breach of COVID restrictions. Officers are able to enter an address where they have permission of the occupier and this is seen in a majority of cases. However, depending on the surrounding circumstances of the incident an officer may have power to enter an address such as to save life or limb or preventing serious damage to property. In addition to this Section 17 does provide the power to enter an address to arrest a person for an indictable offence. A COVID breach would *not* amount to an indictable offence, however, a drug possession or supply offence potentially would.

28. 23/01/2021 Bristol FPN

Police log summary: Officers attend address after reports of a house-party at the address. After eventually getting into the address they find most of the people have run out the rear of the address. One male who does not live at the address is given a Covid ticket at 17.20 mins into the BWV.

Positives: A clear Officer explanation to the person about the importance of the need for compliance.

Concern and question: A male at the outset says he lives on his own and is in a Support Bubble with another male at this address. He explains that they travelled together from New York, this is a long-term friendship and he is a research student at UWE. The Officer seems to say that to be in a Support Bubble he has to have a room in the house. The Police inspect a room and the Officer says there is a lack of evidence that he has a room so it isn't a Support Bubble. Is this a correct evaluation by the Officer?

Constabulary response: Thank you for the panel comments which are noted. Exemptions are sometimes raised inappropriately. On this occasion, officers were called to the report of a house party at the address and this male was believed to have attended the address in breach of COVID restrictions. He was therefore issued with a FPN.

29. 23/01/2021 Bristol FPN

Police log summary: Officers attend a flat where there are reports of a house party at the address. Officers explain the Covid regulations to people at the party 03.20 mins into the BWV. The three males who live at the address are reported for Covid tickets.

Positives: A very good engagement and explanation of the seriousness of Covid Regulation compliance.

Questions:

1. The Officer says the people may have to go to court. Is this correct?
2. The Officer says they have free legal advice available to them. Is this correct?

Constabulary response:

Answer 1: Where a FPN is disputed by a subject an independent review of the FPN issue will be reviewed by an independent Police Sergeant and they will decide whether or not a prosecution should proceed.

Contesting FPN if you do not want to pay your FPN or if you disagree with any of the information you can contest it and request a court hearing.

Answer 2: When an officer is completing a FPN they will report the person for summons, and they will be cautioned. Subjects are entitled to free legal advice at the police station.

30. 23/01/2021 Bristol FPN

Police log summary: Officers attend car wash which has been operating in breach of Covid regulations. They engage and explain the regulations to the males operating it explaining they have been previously warned before a ticket is issued.

Concerns: Very confrontational. Sets a tone of mistrust from the outset. The Officer demanded physical ID when one of the persons had already said he would give his name; this sets the wrong tone and suggests he believes all involved are more likely to lie about their details than tell the truth. If he had concerned about their immigration status, then that is a different offence and not a reason to produce ID for a Covid breach.

Question: At the end of the video he tells one of the individuals "Don't open, don't come here again". Under College of Policing guidance on the Covid Act 2020, it states 'Enforcement action in relation to breaches by businesses will be led by the Local Authority...'. Was the Officer overstepping his authority?

Constabulary response:

The panel comments and observations are noted with thanks.

Upon reviewing the Body Worn Video, it would appear that the officer has requested identification to clarify whether the male had already received a COVID warning. This clarified the male's details and the officer used discretion to deal with this through the issuing of a warning rather than a Fixed Penalty Notice.

The panel have perceived this interaction to be confrontational and this feedback will therefore be passed to the officer's supervisor for consideration of learning.

Panel Review of two Additional Incidents

Case 31 – Barton Hill area, Bristol Stop and Search 25/11/2020

Police Case Summary: An operation Remedy Team (drugs reduction) action. At 12:01hrs a male is seen acting suspiciously and splits up with other males. A plain clothed officer smelt cannabis and the area is known for drugs. The outcome of the section 23 Misuse of Drugs Act Stop and Search is negative, i.e. nothing is found.

Group Panel viewing of the BWV footage and member comments:

Unfortunately the Assistant Chief Constable had another meeting so wasn't available to listen to the Panel's responses.

- A high drug area and smell of cannabis alone is not good enough and not sufficient grounds for making a Stop and Search.
- It is noted that the male searched is in the care of his brother (who was videoing and talking throughout the incident). A Panel member said he felt uncomfortable in viewing the interaction.
- Did the male searched have mental ill health? He appeared bewildered, even though the Police Officer explained the situation.
- Officers intimated that the person's home address and date of birth was required. As a person doesn't have to give personal details then being asked can cause mistrust and confrontation.
- The Police Officer narrative could include "You don't have to give your details" which is correct for a Stop and Search situation. Or to explain that the information is for statistics such as repeat Stop & Searches on a person.
- The Officer didn't seem sure. There had been a report of a smell of cannabis in the hotspot drugs area. Smell alone is not enough for a Stop and Search.
- The Officer didn't say whether or not he could smell cannabis when he was stood in front of the man. Was it the smell in this area? What does 'acting suspiciously' mean? The Officer followed the 'GOWISELY' acronym Stop and Search items by the book.
- The second Officer could perhaps have tried to move the brother away.
- The Police Officer asked the man "Do you smoke Cannabis?"
- The Panel note a trend in Officers initially asking a person for their ID for a Police National Computer (PNC) check, then a search.
- A person doesn't have to give their details unless something (drugs) is found.
- The difficulty and dilemma is that Officers are trained to be suspicious and this makes a good Police Officer. The problem is finding enough information but asking for ID is unlawful.

Constabulary response during the Panel meeting: Agree with the Panel's comments.

Once the Search is done the person can go. There is no obligation for a person to remain or answer about home address.

For a copy of the Stop and Search report, the Officer asks for the person's ID.

College of Policing Guidance is followed by Officers and drugs smell-along should not be incorporated in Stop and Search. The context of the case is the reason, being the Barton Hill area being a significant hotspot. The plain clothes officer smelt the cannabis but if there was anything more, it didn't come across. The man was very accommodating. The Officers gave no objection to the brother videoing the Stop and Search.

Case 31 – Two 16 year olds – Bristol City Centre 26/9/2020

Police Case Context: Phone call from member of the public, reporting a Covid-19 breach of the 'rule of 6'. Young people are gathering after the 10pm pubs closing time. There is a build-up of people.

The first Police log is around 6pm. A group of 40 young people are drinking and not socially distancing. This is occurring every week and people are not wearing masks. This is a Covid breach.

Operation Hawthorn Police response, due to the large number of people, is to deploy a Team of Officers. There are scores of teens in the city centre at about 7.30pm. More units are deployed to attend. There are around 60 people who aren't engaging with the Police.

At about 8pm a Section 35 Antisocial Behaviour powers disbursement order is issued for the area. Units arrive at the scene. The people are not listening when told to leave.

At approx. 9pm 2 males are arrested for the breach of the disbursement order and other offences.

Panel members viewed four Body Worn Videos (BWVs) for:

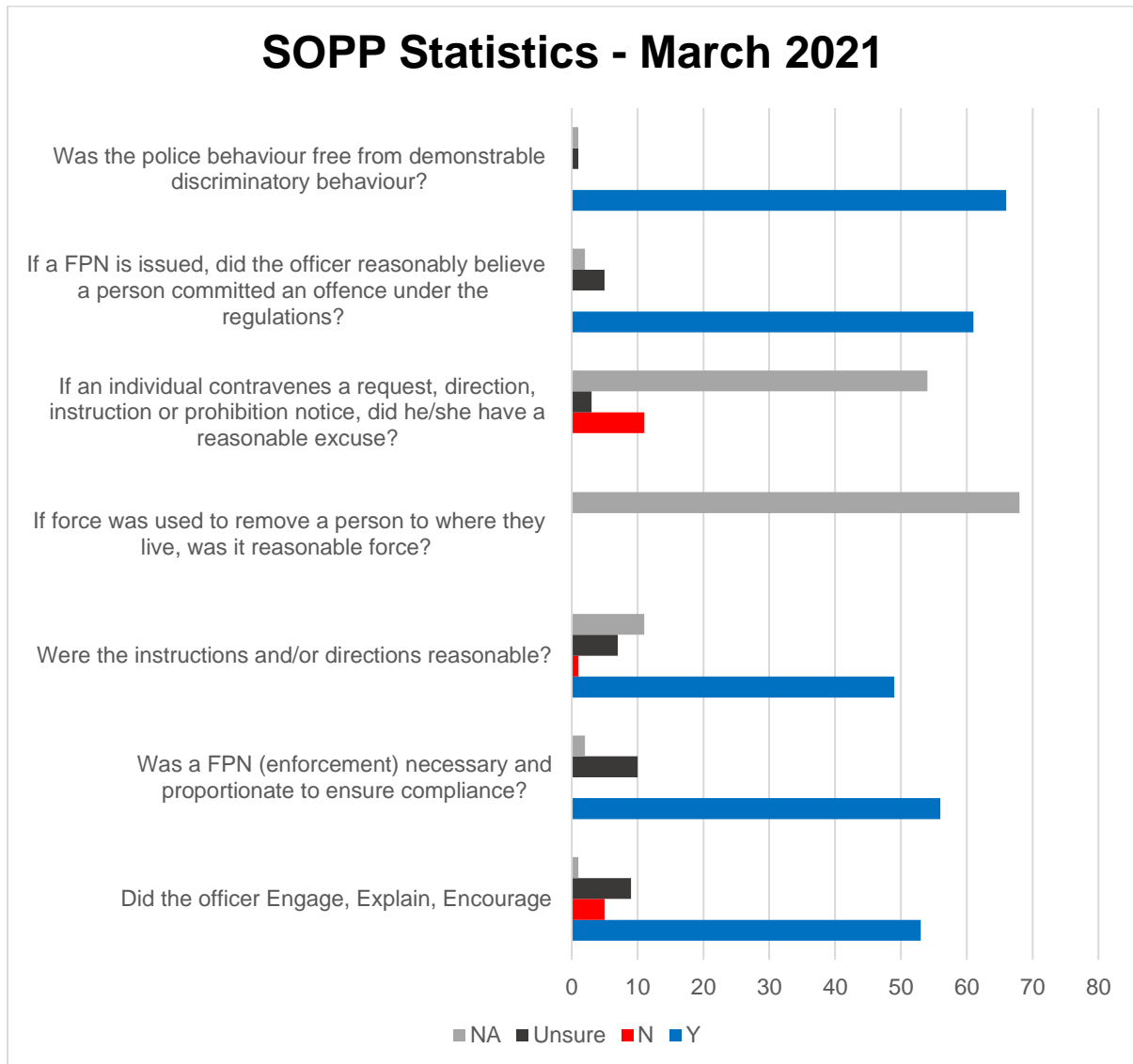
1. The second male being led away (no earlier interaction).
2. The first male and female by the van. The male coughs in the face of the female Officer.
3. More detail of the interaction with the second male.
4. The arrest of the second male.

Group Panel viewing of the BWV footage and member comments:

- One male won't move away from the area. The other male coughs in the Officer's face.
- Officers are reasonable in doing their job, considering the environment and so many people.
- The male coughing on purpose is unreasonable.
- More information is wanted by the people from the Police Officers. That's the main point. The young people are not understanding what the Officers mean when they state there is a "Section 35 order."
- The male coughing in the face of the Police Officer deserved an arrest.
- The male shouldn't have coughed in the Officer's face but the female Officer then got angry, including saying "I wasn't born yesterday". This attitude continued and the situation escalated.
- There was another female Officer who is very calm and explain and de-escalates.
- The male fell back into the flower bed. Nothing wrong with that.
- Officers were heard laughing when the male fell back into the raised flower bed.
- It could have been Panel members' kids. It's teen attitude and there was a lack of awareness, they didn't know what a section 35 order was, but the male coughing was wrong. There was no mention by the Officers of the Covid breach of the 'rule of 6' grouping.
- A Panel member liked the Officer singing in the background but they could have been moving people on. Other Officers were also just standing by the Police vehicle.
- Could a loud hailer or Tannoy be used by Police to inform people?
- Officer tolerance was good.
- Officers were under pressure with rowdy teens but there was no de-escalation. An Officer pushed the male and that was not necessary. Officers didn't explain the section 35. There was a large crowd so why were these two males singled out?
- As a general comment by a Panel member, case reviews indicate that female Officers go in more aggressively than male Officers.
- Learning points:
 1. Switch on BWV early.
 2. Explain what a section 35 is.

Constabulary response during the Panel meeting: Communication is a big aspect on approaching an issue. Avon and Somerset Police use social media if there is advanced notice of an event. Policing is with consent in this Country so a Tannoy seems oppressive. The ASB order is only to those not complying, not a complete ban of people being in the area. In this section 35 notice situation Officers believe they can ask for a person's name and home address but this is wrong and Officers have been informed. Rather than loose conversation the Officers should make an arrest.

Statistical Analysis



This chart related to the 7 questions in the feedback form. Panel members record 'Unsure' when the case does not give sufficient detail to allow a categorical yes or no answer.

Comments from Supt. Paul Wigginton: "Thank you for the valuable views and comments from the panel for this important area of work. It is pleasing to see the largely positive feedback about the officers' approach to these challenging incidents and to also identify areas for learning and development which will be taken forward".