

Scrutiny of Police Powers Panel

Case Review Report

9 June 2021

Contents

Page 3 | **Welcome to attendees**

| **Constabulary Updates**

| **Theme: Disproportionality: Stop and Search compliant handcuffing of Black subjects in either Somerset West or Bristol East**

| **Summary of member feedback**

| **AOB items summary**

Page 4 | **Appendix 1: Summary of reviewed cases**

Page 8 | **Appendix 2: Statistics on Stop & Search and body worn video**

Scrutiny of Police Powers Panel

9th June 2021 Panel meeting

Welcome to attendees:

9 of the 14 members attended the *Scrutiny of Police Powers* Panel meeting. Others in attendance: PCC Mark Shelford. Police Officers/Staff: Superintendent Head of Patrol & Lead for Hate Crime, Patrol Sgt. and lead for reviewing Police assaults (presenter), Black Police Association Chair and BPA member. Also standing invitations to Police Federation & UNISON.

Constabulary update –

Assaults on Police Report presentation and discussion in response to the Panel's enquiries.

Lammy Review Report: Chair Desmond updated members on his Stop and Search work and recommendations.

Police Taser training has been revised to include a vehicle scenario as well as all policing tools (e.g. PAVA spray, batons, all PPE) within the National Decision Making model, not just Taser as a tool for deployment. De-escalation work continues.

6 cases were selected, remotely reviewed by the Panel Chair and 2 cases reviewed by members during the 9th June 2021 online Panel meeting.

Theme: Disproportionality

The ongoing 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 is Black, recorded as compliantly handcuffed. Stop and Search disproportionality is highest in the county of Somerset and so this geographical area has been chosen, as well as Bristol East/Central as a comparison.**

Members' positive feedback includes:

- Professional Police Officers. No goading.
- Member empathy for Police Officers acting on their suspicions (in response to a burglary) and observing.
- Female Officer conducted herself really well. She is clear, balanced, gentle and seeks permission before taking actions. Really good.

Members' concerns includes:

- Standing item: BWV switched on late
- Learning regarding conversations with people
- Inappropriate Police narrative e.g. 'I don't know you' can be antagonising.
- Nothing was found and yet the subject was detained for a strip search.
- Questionable grounds for a Stop and Search.

Case reviews: See: **Appendix 1 for Case summaries and feedback**

AOB items:

This is the last Panel meeting for 2 members after kindly extending their 3 year term for an extra year. Thank you from the Panel and Kathryn from the PCC's office to these members for their excellent feedback and robust questioning to the Constabulary, as well as praise where you see good practice. Thank you very much for the member's blog too, now published during National Volunteers' week (1-7 June).

PCC Mark Shelford's plans for the Panel will be shared as soon as possible. Face-to-face meetings may be on 9th September 2021 but members will be consulted for preferences.

Appendix 1: Summary of reviewed cases

PANEL CASE REVIEWS and CONSTABULARY RESPONSES

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.

Case 1: Stop & Search 28/3/2021 at 23:50hrs.

[Note: 9 x BWVs. 1st/earliest selected]

Background: Officers are looking for a vehicle and a subject regarding a burglary. The man ran away. Very violent in the street and threatening Officers. The man ran (throwing the Police off the scent?) and the man couldn't justify running. A large amount of cash and 2 phones were found on the man.

BWV database narrative:

Male was very aggressive and threatened officers with violence, he made mentioned getting officers fired and he will seek compensation, he couldn't justify the reasons why he ran away, suspected drugs may be involved as he had a large amount of cash and two mobile phones on his person. He was handcuffed to the rear as when he was detained he was making movements to his right jacket pocket. He was moving around when he was handcuffed, he complained the handcuffs were tight so this was addressed immediately.

Grounds: Officers were on patrol looking for a stolen vehicle linked to a male who was sought for a serious offence. Upon conducting a search of surrounding roads looking for the subject vehicle the searched male sighted officers and immediately turned round and walked the other way. When officers approached he ran away for a considerable distance. Male was being very volatile in the street shouting and swearing. He also threatened officers with violence. His behaviour made officers suspicious he may have something to hide on his person and he was behaving in this way to throw officers off the scent.

Positive member feedback:

- The Officers' reaction to the man (burglary suspect) running away is understandable and it's Police Officers' instinct to react. It's similar to a parent's judgement of their child's behaviour.
- Another member had empathy and felt for the Police Officer. There was suspicion by the Officers (however not an understanding of or empathy between the Officer and subject).
- The Police were professional and there was no goading.
- Something could have been found (burglary suspect) so there was a reason to search.
- Officers are employed to observe what's going on and the member doesn't criticise their instincts, although it may not be correct.

Member concerns:

- A different view to above from another member: It was the wrong police instincts in this case.
- The BWV started too late. The man was already prone on the ground and in handcuffs to his back. It doesn't appear from the BWV of the man protesting that the handcuffing is compliant, yet it is recorded a 'compliant handcuffing'.
- Were there adequate grounds for the Stop and Search? The reason for the transportation to custody for a full search appeared to be after nothing was found by the initial search and £300 cash was on the person.
- If a similar police encounter(s) happened in the past then a Panel member can fully understand what the man did (turning then running away from the Police and being argumentative and uncooperative). If it happened to the Panel member, they would be fuming.
- A male stated 'I can't breathe' but the Officer said 'You're breathing so you can breathe fine' and 'Wind your neck in'. That isn't appropriate language.
- Nothing was found, but then the man had to go to the Police Station for an additional search.
- Is running away an offence?
- The man had 2 phones. A Panel member has 2 phones too.
- The detained man was chanting 'Kill the Bill' and the Officer asked what the man thought about kill the bill and that he knew nothing. There was no need to say that.
- Black and minority ethnicity people hear Officers say over and over again 'I don't know you'. For learning: The narrative should change.

Constabulary response to members' questions:

A mnemonic identified as good practice can assist a Police Officer in thinking through the process of:

. Reasonable grounds

. The completion of a search record in a professional and logical format:

SHACK:

Seen: What have you Seen? Include: Actions, Behaviour, Drugs paraphernalia present.

Heard: What have you Heard: Include: Conversations, Alarms, Breaking glass ...

Actions: What did you do? Include: What the person/subject did in response, whether their actions increased or decreased the Officer's grounds for the search.

Conversation: What did the Officer say to the subject? Include: What they said, whether their reply increased or decreased the Officer's grounds to search.

Knowledge: What is already known? Include information know about the individual.

Smell: What could be smelt? Include any smells that might give rise to suspicion that: Drugs may be present, Dangerous substances may be present.

Officer suspicions included the recent burglary and the car alarm going off.

There is no law as such for running away from Police Officers but it's not normal behaviour.

The Officers need to explain, more reassuring narrative is required and the grounds are not convincing in this case. Can't see what grounds for concealing anything and therefore detaining the person and transporting him to the Police Station for a strip search.

Regarding the man initially saying 'I can't breathe', Officers pulled him off his front quickly.

Regarding professionalism, having the Police Officers helped or inflamed the situation?

Some Officer comments were unhelpful, e.g. 'I don't know you' and 'You're talking so you're fine' and 'Is there anything in the [police] car than doesn't belong to you?' It would have been better to have this conversation later, to show nothing was in the police vehicle left behind from any previous person.

The man could have been calmer, but he doesn't have to be.

This is not a 'compliant handcuffing' case and there is police learning from it. If a large amount of drugs or cash is found during a search then Officers would seize the phone(s) but not otherwise. The ground for the search would be put in writing. There was no specific request for armed response. The log records the Officers made a general call for assistance only.

Case 2: Stop & Search 30/3/2021

[Note: 13 BWVs. 3 selected to get the earliest, then comparison Search, then search of <J>]

Summary: Incident reported: 2-3 people have just smashed the fire exit window in an attempt to break in – informant (inft) shouted and they just left - ran off towards high street. damage to a building (not a dwelling) the damage has been caused in an attempt to gain entry estimated value of damage - under £5000 it's unknown if there is any CCTV available inft will have to go and check.

Grounds: It was alleged that two people had damaged a fire exit door in Morrisons, TAUNTON. Council CCTV followed the two people to GOODLAND GARDENS. The description CCTV gave me was dark jacket with hood up. A person was running towards me in GOODLAND GARDENS which matched that description. I stopped them and asked have they got any weapons on them. She said "YES I HAVE A KNIFE". I then carried out the search as I believed that there was a knife on her possession

Positive member feedback:

- Police Officers are human beings and it's understandable that Officers want to engage, person to person, and get a rapport with a member of the public. However, the public perception can be to see a Police Officer as a 'corporate uniform' and the Police *organisation*, not as an individual person. See concerns below.
- Members commend the female Officer who conducted herself really well. She is clear, balanced, gentle and seeks permission before taking actions. It's all really good.
- There is a corporate approach but it's a difficult Officer role, thinking on their feet, to not make matters worse. Conscious and unconscious bias runs both ways.

Member concerns, questions and suggestions for learning and improvement:

- Again and again, it's Police Officers saying 'I've never met you before' at each encounter with some people. Officers continually say 'I've never met you before' and 'I don't know you' can be antagonising to people. Rather than saying 'I'm an individual' the Constabulary would benefit from an agreed approach, to give consistency and be constructive, not to antagonise the member of the public. Training, with role play, is suggested by the Panel.
- The female started to talk about her mum's experiences but the Officers didn't want to listen. This is a learning point, to listen.
- No GOWISELY items stated. The Officer started with 'I'm going to search you'.
- What options are there for deploying handcuffs? e.g. front, back, locking and double lock?
- When someone puts on a Police uniform they are 'the Police', not an individual, but an individual representing Avon and Somerset Constabulary. People see Police Officers as a corporate badge, not an individual. Officers say 'It's the first time you've met me' and 'You don't know me' but for the member of the public *they* are the individual and the Police Officer is the Authority.
- Improvement/learning suggestions: Improve the description of the missing person being sought rather than fishing for more information from the female suspected of being that person.
- There seems to be Officer uncertainty regarding which items are admissible.
- The Officer asks the female for her name and tries to obtain details but she says she doesn't have to answer. For Officer learning, the Officers could have appealed to the

female's human-side and could say they want to comfort a worried family.

Constabulary response: Thanks very much, these are good points. The Police received a report of a break-in. Also the female stopped said she had a knife on her. The Officers were proportionate and didn't overact, correctly moving the 2 females away from each other. It should be taken into account that Officers are hearing it more and more: The 'kill the bill' incident was a week earlier. Officers can't take it personally and in this case, it didn't escalate the situation.

An Officer is tutoring a less experienced Officer (e.g. regarding what's admissible). Regarding asking for their name and address, it can't be assumed that this female is the missing person. A lot of Police resources go into trying to find missing people. However, this female does not want to assist with the missing person line.

Panel members' feedback is good for Police learning. Good points too.

Training already includes role play, including Bristol Mayor Marvin Rees conversations to change Officers' replies saying 'It wasn't me who did those previous Stop and Search'. A cultural intelligence piece comes in here and not taking it personally by the Officer.

Action: *BWV footage is missing at the start so a check will be made to see if GOWISELY items were stated.*

Additional cases selected and viewed by the Panel Chair prior to the Panel meeting

Case 3: Stop & Search 5/4/2021 at 20:04hrs.

[Note: 6 x BWVs. 1st/earliest selected (white subject) and then 5th BWV of black subject]

BWV database narrative: Footage shows stop search and arrest of <W> following stop and S.23 search of vehicle <reg> Red Honda Stream.

Log summary: Male was very aggressive and threatened officers with violence, he made mention of getting officers fired and he will seek compensation, he couldn't justify the reasons why he ran away, suspected drugs maybe inv...

Case 4: Stop & Search 15/4/2021 at 22:59hrs.

[Note: 2 x BWVs. 1st selected]

BWV database narrative: ... attendance at Cathedral Walk, Bristol. Shows disclosures of victim/witnesses. Also shows S1 stop search of <H> and subsequent arrest on suspicion of robbery

Log summary: PROBLEM: DISTURBANCE ON THE STREET - APPROX 8 PEOPLE INVOLVED. IT'S UNKNOWN IF THERE IS ANY CCTV AVAILABLE

Case 5: Stop & Search 18/4/2021 at 00:54hrs.

[Note: 22 x BWVs. The selected video is the 4th, BWV start-time wise, but there are other events within the 22 BWVs]

BWV database narrative: Initial attendance at PRINCE STREET to reports of where males had made off to following an altercation involving bottles. Shows initial section 1 stop and search and the subsequent arrest for ASSAULT ABH on male named <W>

Log summary: Male assaulted - Bottled over head. Offender nearby. Victim outside shop.

Case 6: Stop & Search 20/4/2021 at 00:54hrs.

[Note: 2nd selected of 4 x BWVs. This is the search and arrest of <R> (The 1st BWV starts at the same time, 23:24hrs.)]

Log summary: inf was approached by a male who stated someone had taken his money - the male then said he had a knife on him in his sock and he was going to stab her - he is currently in bristol best kebab shop right now.

Appendix 2

