

# SCRUTINY OF POLICE POWERS PANEL

5 September 2018

13 of the 16 members attended the 6<sup>th</sup> *Scrutiny of Police Powers* Panel meeting in September 2018.



A standard reminder about confidentiality and declarations of interest is highlighted on the agenda.

## Standing item: Stop and Search monthly data and BWV camera switched on

Stop and Search (S&S) Month/Year	Stop and Search count	S&S BWC recorded = Yes	%
Sep 2017	331	198	59.82%
Oct 2017	343	195	56.85%
Nov 2017	337	217	64.39%
Dec 2017	349	221	63.32%
Jan 2018	369	241	65.31%
Feb 2018	374	271	72.46%
Mar 2018	285	222	77.89%
Apr 2018	350	256	73.14%
May 2018	397	293	73.80%
Jun 2018	342	268	78.36%
Jul 2018	345	262	75.94%
Aug 2018	350	272	77.71%
<b>Sum:</b>	<b>4172</b>	<b>2916</b>	<b>69.89%</b>

## ACTIONS & QUESTIONS – SCRUTINY OF POLICE POWERS PANEL – 6 Sept 2018

### ACTION 1.1: Unconscious Bias

1.1: Panel members responded to Chief Inspector Paul Wigginton’s report and presentation on Unconscious Bias. Panel members challenged the definition used in the lesson plan by Police Trainers which stated that bias is natural, as follows:

“Unconscious Biases are simply unintentional people preferences. Bias is natural. We are biologically disposed to both develop and control bias.”

Two members were concerned about the high disproportionality of stop and search, stereotyping black men and County Lines stop and searches. Racism is not about unconscious bias.

Another member was concerned with the concept that ‘bias is natural’. We all have learned behaviours and biases.

Two members said that they will send their employer training on Unconscious Bias. One member mentioned “judgement” as being part of his understanding of Unconscious Bias and provided the google definition as below:

“**Unconscious bias** refers to **bias** that we are unaware of, and which happens outside of our control. It is a **bias** that happens automatically and is triggered by our brain making quick **judgments** and assessments of people and situations, influenced by our background, cultural environment.”

Another member thinks that this is a much better and clearer description of these words and asks if maybe the Police can adopt this and add to their training material rather than the one viewed at the September 2018 Panel meeting.

A member agreed with the alternative definition. It avoids the suggestion that unconscious bias is “natural”, with the implication that it’s somehow OK, and makes it clear that our biases arise from our life experiences.

One Vice Chair thought this media article would be an interesting read for Panel members:  
<https://thebristolcable.org/2018/05/opinion-unconscious-bias-training-wont-end-police-institutional-racism/>

The Panel are generally not comfortable with how the term 'unconscious bias' is being used. We would suggest that the Constabulary be more critical of how this is used and avoid falling into the trap of it being a 'catch-all' term which dilutes the real meaning.

### 1.2: **Spit and Bite Guard – Equality Impact Assessment**

One member makes a further specific point relating to the Constabulary Management Board (CMB) report which will have a significant impact over time on the work of the Scrutiny Panel:

Equality Impact Assessments (EIA) are identified as being well embedded and possibly having a 'light touch review'. They are a real area of concern for one Panel member and has been raised before. For example the EIA about the introduction of spit hoods was written and then signed off by Mark Runacres (who has led on implementing the system) without any apparent challenge or other authorisation. The Panel member considers it to be a very weak document and did not provide constructive challenge, identify potential risks or misinformation (which has since led to a considerable amount of time and energy to rectify them).

Can the Panel suggest that when the review takes place there is some external and knowledgeable input into this so that the best possible use and value of this process can be assured?

### 1.3: **Recruitment of a diverse police workforce**

One member makes another specific point relating to the Constabulary Management Board (CMB) report which will have a significant impact over time on the work of the Scrutiny Panel:

The current staffing establishment is interesting but makes no reference to the whole population profile and so it’s difficult to understand how far the targets set will go to making the constabulary more representative of the local population. This would be a useful future inclusion. Similarly the recruitment data won't establish information about either institutional discrimination or unconscious bias in the recruitment process. The NHS currently uses a simple calculation in the Workforce Race Equality Scheme which show relative likelihood of appointment, promotion, accessing training, use of disciplinary processes etc. This easily highlights areas where greater levels of work are needed and shows real change. Attached is a copy of the WRES guidance.

The Panel recommend the WRES guidance use within the Constabulary.

### 1.4: **Use of local area data around police powers.**

One member makes another specific point relating to the Constabulary Management Board (CMB) report which will have a significant impact over time on the work of the Scrutiny Panel:

There is reference for some of the larger pieces of data to 'per 100 population' which shows the proportionality of use of powers by ethnic group. The way this data is presented is not consistent and so confusing, and the proportionality measures are not used consistently - could they be? Or as a minimum could the % of BAME population be included in the reports (by local area where possible) so there is some better understanding of proportionality?

1.5: Completed: Panel members asked for a link to the video on unconscious bias that was shown during the Panel meeting. The youtube link is:

<https://www.youtube.com/watch?v=NTWzGfGFOO4>

1.6: C.I. Paul Wigginton will report back again to the Scrutiny of Police Powers Panel on what the Constabulary are doing, going forward – what's next - regarding unconscious bias..

**ACTION 2 Data recorded by Avon and Somerset Police**

2: Is it the Officer perceived ethnicity or the self-reported ethnicity that is recorded as part of the Police data for ethnicity of the subject?

**ACTION 3 Service Delivery Assurance – What's been learnt so that the Police failures regarding the murder of Mr Bijan Ebrahimi in 2013 will never happen again**

3: A web-link to the Vulnerability Report (August 2018), with Panel members from Stand against Racism and Inequality (SARI) Esther Deans, Bristol Mayor Marvin Rees on behalf of Bristol City Council and PCC Sue Mountstevens is here:

<https://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Service-Delivery-Assurance.aspx>

**ACTION 4: Specific high profile cases for Panel Review**

4: Panel members would like to review Bobby Worn Video footage (BWV) of incidents that have caused community tension and/or high media coverage. The PCC's CEO John Smith will check that any complaints, conduct or disciplinary matters have been finalised – and permission is received as appropriate - before the Scrutiny of Police Powers Panel review incidents. Examples are: Mr Hamza Ahmed PAVA'd in Castle Park (21/7/2018, Mr Ahmed's trial is due on 21/9/2018 at Bristol Magistrates' Court); Cllr. Afzal Shah reporting a crime on behalf of a third party at Trinity Road Police Station, mistakenly identified and arrested (24/4/2018); and the Tasing of Judah Adunbi (14/1/2017 court case against PC Boddie found the PC not guilty of common assault and 4-5/9/2018 the PC was cleared at a Misconduct hearing of the allegation of excess use of force).

**ACTION 5: Taser**

5.1 The Panel is pleased that the latest Taser protocol includes a specific reference at paragraph 8.9 to the use of BWV. The use of a Taser is of concern to many people and has been the subject of high profile cases, community and press comment. It is in our view very important for BWV footage to be available on as many occasions as possible. We, therefore, suggest that the wording at paragraph 8.9 be amended to make it clear that the presumption or default position is that BWV is switched on whenever a Taser is used. We appreciate that that there will always be situations where BWV should not be used and these will be clarified in training.

5.2. It is very important to understand how often BWV is switched on when Taser is used. The Panel appreciate there is a technical difficulty in easily providing this information but ask if there is a 'workaround' available for this. Also for Spit and Bite Guard use, being uses of force.

**ACTION 6: Stop and Search and BWV**

6: Assurance is sought regarding the accuracy of the statistics reporting Stop and Search and if BWV is switched on. An example was found where the case stated that BWV is recorded but there was no entry stored in the Reveal DEMS BWV database.

## CONSTABULARY PRESENTATION

A Constabulary presentation and Question & Answer session took place after the circulation to Panel members prior to the meeting of an Unconscious Bias report and three associated documents.

The presentation included the Police Trainer's use of a definition for unconscious bias as:

“Unconscious biases are simply our unintentional people preferences. Bias is natural: we are biologically disposed to both develop and control bias.”

For Police Officers, training associated with the subject of unconscious bias includes the following:

Student Officers' Training:

½ day Equality and Diversity session, including:

- How identity and influences help shape values, beliefs and preferences.
- Recognising how values, beliefs and preferences affect attitudes and response to situations.
- The role and responsibility of the Police service in fostering good relations between diverse communities (this is one of the Public Sector Equality Duties).
- Equality Act 2010.

2 hours – Learning disabilities

Ensuring equality for people with learning disabilities and learning difficulties in the Criminal Justice System.

- Identify people who might have a learning disability and provide appropriate support.
- Better understand effective communication.
- Understand legality.

2½ hours – Diverse Workforce

- Inputs from staff associations Black Police Associations, Disabled Police Association, LGBT Liaison team, Christian Police Association, Women's Network.
- Support network to assist officers.

Serving Officers' Training:

1 Day Training Session – Taking the Hurt out of Hate.

- Hate incidents and Hate crimes.
- Compassion and empathy for victims.
- Understanding the impact of incidents, recognising repeat and vulnerable victims.
- Perception and mind-set.
- Unconscious bias: recognising and understanding the impact.
- The Code of ethics.

In addition to Officer training and additional online learning and development modules, the Scrutiny of Police Powers Panel reviews cases and gives extremely powerful feedback to the Constabulary, both negative and positive. The Scrutiny Panel is also high profile and the Panel instigates feedback and learning for the Police, for example, the Stop and Search case reviewed where the Officer changed tactics. This highlighted the need for Police Officers to take care. The important point of training Officers to automatically turn on their Body Worn Video camera (BWV) is promoted from the Police leadership down.

Superintendent Smith, the Constabulary Lead for Stop and Search, wants to achieve tighter data recording, for example, the Constabulary is not recording all positive outcomes.

Chief Inspector Paul Wigginton is working with the Constabulary's Matthew Scribbins to improve the data recording. For example, a robbery may have started with a Stop and Search but the latter is not recorded.

The Constabulary Management Board report – the Thematic Assurance Report circulated to members prior to the Panel meeting – provides assurance reporting regarding the delivery of the Police and Crime Commissioner's Police and Crime Plan priority 3, to 'Ensure that Avon and Somerset Constabulary has the right people, right equipment, right culture'. This includes

outcomes/findings in relation to a representative police workforce and areas of disproportionality including Use of Force and Stop and Search, positive outcomes by ethnicity, geographical disproportionality and the 'County Lines' effects in Somerset.

'Qlik Sense' is a police analytical tool and a suite of measures are being developed to measure success. There are challenges, for example, Hate Crime and the analysis of increased reporting. Is it good (victims are more confident to report a crime) or is it bad (more crimes are being recorded)?

The Police Powers (use of force) report was circulated to members before the Panel meeting. There were 2384 cases between April and June 2018. The black population is 2% in the whole Avon and Somerset Constabulary area. However, 9% of cases relate to black people. 84% of cases relate to white people. The report includes a chart for the tactics used. Of the total Taser use, 13.6% is Taser firing. To give assurance that BWV is switched on there needs to be data in future for the percentage and numbers of BWV for each use of force type.

As well as the Police training delivered, the Police culture is scrutinised (a Police and Crime Plan priority). Police Leadership blogs are well read by Police Officers, for example DCC Sarah Crew's blog and Adam O'Loughlin's blog on the Autism Spectrum, in addition to shared internal videos within Avon and Somerset Constabulary. Panel members watched the following video about life's race and inequality.

A link to the youtube video is here: <https://www.youtube.com/watch?v=NTWzGfGFOO4>

The 'Qlik Sense' App for Stop and Search Disproportionality was shown to Panel members. For example, overall in the Constabulary area, black people are 7.83 times more likely to be stopped than white people. In Bristol it is 4.23 times. In Somerset it is 33.73 times. Drilling down into Somerset areas, Wincanton is 258 times. However the analysis of this data is that there is a black population in Wincanton of 2 and 1 of these people was stopped and searched, resulting in the statistics. Somerset has a 'County Lines' problem and therefore the data analysis is not straight forward. Drilling down into Bristol areas shows that Trinity has a black population of 2715 and black to white stop and search disproportionality is almost 1 to 1. It is 1.02.

Avon and Somerset Constabulary is trying to better understand this data. The Scrutiny Panel, Independent Advisory Groups and the Qlik Sense analytical tool all contribute. For example, there are Qlik Apps for representative workforce (2.8% are BAME), for complaints against the Police of incivility, and for Equality and Diversity.

Measures and tracking for Avon and Somerset Constabulary is work in progress.

#### **Q&A: Panel Member Questions and Constabulary Answers regarding Unconscious Bias**

1. Question: It's all about community cohesion. For the Police, is it continuous improvement or target setting?

Answer: In the past it was targets. Now Qlik tools gets away from the concept of Red, Amber, Green, where red is bad and green is good. It is very much continuous improvement and target/measures moving in the right direction.

2. Question: Nick Pearson (UNISON representative) asked: Does everyone understand the term 'County Lines'?

Answer: Vulnerable local people are targeted by outside-of-area drugs gangs, for example from London or other cities, and provide free drugs or other incentives to use their home for drug storing or dealing. This is known as 'cuckooing' in vulnerable people's homes.

3. Question: Bristol East Stop and Search disproportionality is high. Pre-conceived stereotypes seem to exist which are the causes of the problem, i.e. the image of a black man. The Panel member can't see the numbers (disproportionality) reducing. It is deep rooted. The recruitment aim of a representative police workforce is versus the resentment that exists.

Answer: Disproportionality exists in Stop and Search and Use of Force. The Qlik App drills down into areas, to analyse it.

[Areas of Bristol East for Stop and Search black disproportionality to white shows on Qlik: Bristol East Central = 1.6; Broadmead = 1.1; St.Pauls = 1; Trinity = 1.2; The Dings and St. Phillips Marsh =1.7; Barton Hill = 0.8; Both Easton & Redfield and St. Georges West = 2.2; Eastville =2.5]

**4. Question:** This Panel member agreed and made two points:

1: County Lines are probably across all Police Forces. Avon and Somerset Constabulary are dealing with it very well. The Panel member knows lots of black people –in Devon and in Somerset – that are stopped and searched but have nothing to do with County Lines. They may match the profile look.

2: There is a misconception that bias and racism is natural. Everyone has a bias but this overcovers racism.

Answer: County Lines does mean that outsiders come into the local area. It is difficult if what someone looks like is wrong. It is agreed. Stop and Search must not be purely on look. It must be on legitimate grounds. Unconscious bias is about life history and involuntary brain conditions, not about racism.

The PCC's CEO said that analysis is about getting more information. There must be an open mind as tools for analysis are required. Manjinder (PCC staff member) has been working on the Lammy Report and it is a complex issue, with no easy answers.

**5. Question:** A Panel member was concerned that unconscious bias is natural. We all have learned behaviours and biases. Another member said that it's judgement, for example if your head teacher was female then there may be unconscious gender bias.

Answer: This is good feedback. C.I. Wigginton will take this back regarding learning on 'all bias is natural'.

The PCC's Liason Officer said that the definition of unconscious bias is greatly explored in the training session and allows Officers and Staff attending the session to explore themselves.

**6. Question:** Asked on behalf of an member unable to attend the Panel meeting: Thank you very much for the unconscious bias report and associated documents, such as the Assurance report. However, they lack the 'so what' factor. What's next after the Constabulary Management Report? What actions are being taken?

Answer: We are reviewing positive and negative cases of Stop and Search reviewed by the Scrutiny of Police Powers Panel. However, what about the Officers not doing any Stop and Searches? Public scrutiny is welcomed regarding what the Constabulary are doing. The Constabulary are open to reviews by the Scrutiny Panel, the IAGs, Lammy Report review, Diversity and Inclusion Board and Constabulary Management Board.

Action: CI Wigginton will get back to the Panel on what's next for Avon and Somerset Constabulary regarding Unconscious Bias.

**7. Question:** Is a half day enough on Diversity and Inclusion for Student Officers?

Answer: There is a total of about 1 day plus it's integral in every aspect of policing, including many practical days, e.g. learning regarding decision making, crime and Stop and Search.

**8. Comment:** One Panel member said that it doesn't seem to move down to Front line Officers.

**9. Question:** Is the unconscious bias definition a talking point regarding 'it's natural'?

Answer: Yes. The Panel members' feedback is welcome about the lesson plan by Trainers.

Two Panel members said that they will send their employer's unconscious bias training, which includes the Civil Service having 1 day's training every 2 years.

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### **Note: Standing Reminder about the Police 'Ride-Along' Scheme**

If you would like to join and experience the daily work of a serving Police Officer on the beat (in their police vehicle and responding to incidents or observing staff in the Communications Department) then please view the Police website: <https://www.avonandsomerset.police.uk/services/ride-along-scheme/>. This scheme gives members of the public the chance to ask questions to Police Officers and Staff, which you may find of interest. The PCC considers this to be one of the best ways of allowing the public to see Police work first hand, the demand placed on Officers' time and how they target their efforts in the most productive way. You may find the Friday and Saturday evening period between 5p.m. to 2a.m. the most varied but you don't have to complete the whole shift and the Constabulary is happy to accommodate you whenever is suitable for you. The PCC realises that participating in the Ride Along Scheme involves an amount of your time but it is thoroughly recommend and the PCC welcomes your feedback on the experience.

### **PANEL FEEDBACK AND AOB**

The Panel report from the last meeting was available for further comments prior to being published on the [PCC website](#) in the [Reports section](#).

### **Summary of main points to highlight from this Panel meeting's case reviews**

- Compliments to the Constabulary. Case reviews show incredible patience and professionalism of Police Officers using police powers and especially Taser use.
- Grounds for a Stop and Search: Officers must have legitimate grounds. For example, one case regarding a smell of cannabis – within an area known for drug dealing - is not enough grounds.
- Under 16s stopped and searched. Where this is more than one Officer present, there should be more than one BWV footage.
- BWV is acknowledged as having a 8 second delay/lapse to start recording. However, most cases reviewed had BWV turned on too late, sometimes after Taser is deployed. No case examples had a verbal summary by the Police Officer before arriving at the incident. One case had a car journey but no audio.
- A spit and bite guard use case appeared to be escalated and aggravated by the by-standers at the scene (shouting at around 1am). If the person could have been driven away sooner then that may have calmed down the person and the situation. Otherwise, there was good handling by the Officers of a person with mental illhealth.
- Data related points: Is ethnicity data recorded as Officer perceived or as the self-defined ethnicity?  
Statistics for Officer-recorded ethnicity is categorised in only 7 categories against 18 in the person identifying their own ethnicity. Why are there different method or categories? This may skew the data and cause bias. This needs to be explored. **Case 7** below refers.

- A question about the Police use of data on record: In one case of a male - under 16's - record, risk of child sexual exploitation was recorded, as well as being under the attention of Youth Offending Team and a total of 58 entries were on the record. It wasn't on record whether or not the child was taken home or whether or not there was multi-agency partnership working. The young person appeared to be left vulnerable. This case – **Case 1** - has been marked for Constabulary review with a question in the Case Summary section below.
- In one case – **Case 2** - where there was a vehicle stopped and searched, the person stripped off, of his own accord. The Police database record (Niche) was viewed but there was no narrative stating why the car was stopped. The Panel members didn't know if it was intelligence-based? There was positive interaction. However the grounds for the Stop and Search were scant.
- 2 of the 3 sub-groups viewed no cases where there was BWV switched on before arriving at the incident. Therefore there were no audio summaries by the Police Officer. Again, late switching on of BWV cameras is a theme.
- Compliments to the Police Officers dealing with a case of domestic assault.
- An under 16 year old was stopped and searched for drugs. He was staying at a respite home having previously been in foster care. Should a Police Officer contact a senior in this situation? There was no record of this.
- Does the BWV training suggest best practice for getting the best audio sound quality in windy situations?
- Question: Should there be multi-agency contact? Stopping under 16s, for example at 5a.m., has a safeguarding aspect for the Police. Should an under 16 year old be taken home by the Police? Is there a Police Protocol for a minor on the street and offences or incidents?

Answer: Safeguarding is part of the Police role. The actions depend on the information available and the situation.

- Question: A case was viewed – **Case 8** - of a supermarket Security Guard restraining a female face down. Police arrived but why didn't they take over? There was no verbal advanced warning that the spit guard was going to be used.

Answer: CI Wigginton's sub-group viewed a case regarding a female who spat at Officers in Weston-super-Mare. When suitable and safe to take over, the Officers took over. It's a continual Risk Assessment. The Police know about positional asphyxia. Others may not. The case reviewed can be explored for any learning.

## **Other Business (AOB) matters**

### **The PCC's Chief Executive, John Smith, gave an update on the Misconduct Hearing with findings on 5 September 2018 (after the Trial on 18 May 2018)**

One Panel member attended and observed Day 1 of the Misconduct Hearing. More community engagement is required. Mr Adunbi was a race relations advisor. The Panel member agreed with the outcome.



A written paper was circulated by John Smith with the narrative as follows:

*Avon and Somerset Police and Crime Commissioner Sue Mountstevens said: "Today concludes an open and transparent misconduct and criminal justice process.*

*"A panel led by an independent Legally Qualified Chair has carefully considered the evidence and decided that no misconduct has been found to have taken place by police officer Claire Boddie. I know that the trust and confidence for some of the residents I represent has been knocked by this and other recent events. Local people must be able to trust their police officers and the powers they have including the use of force and Taser.*

*"I acknowledge the deep and genuine concerns this incident has raised and I apologise to Mr Adunbi. My overriding focus is to build stronger relationships between our communities and the police. Policing in Britain is built on consent. I am determined to work with partner organisations, campaigners, our communities and the police to ensure relationships, trust and respect is rebuilt and I know that the Constabulary are wholeheartedly committed to this as well."*

### **Avon and Somerset Constabulary Statement**

A police officer has been cleared of misconduct following a two-day hearing held at Police HQ.

PC Claire Boddie was cleared of breaching standards regarding 'use of force' relating to the deployment of a Taser on Mr Judah Adunbi in the Easton area of Bristol in January 2017.

Following the misconduct hearing, Chief Constable Andy Marsh said:

"The panel, which is led by an independent Legally Qualified Chair, has heard all the available evidence over the past two days and has cleared PC Claire Boddie of misconduct.

"Following this outcome, I'd like to recognise the significant impact this incident has had on Judah Adunbi and regret the distress he's experienced over the past year-and-a-half.

"This was a very difficult situation and I clearly wish it had never happened. It's always regretful when cases of genuine mistaken identity occur and we'll take all the necessary steps to make sure this doesn't happen.

"The initial incident, subsequent court case and misconduct proceedings have had a profound impact on all of us, especially PC Boddie. The decision to clear her of misconduct was made by a panel of experts, led by an independent chair, following a hearing held in public.

"I know we make mistakes, everyone does; we're all human. We're continuing to work against a backdrop of increasing demand, escalating complexity of crime and rising levels of vulnerability and need. These aren't excuses, it's just important to understand the context around the pressures we're facing.

"I believe it's important to create a learning environment rather than fall back into a blame culture. There's a difference between mistakes and misconduct and we have to learn from both.

"Police and communities must continue to work in unity to create strong, positive and progressive neighbourhoods. We've come a long way since the challenging relationships of the past, but we can't be complacent and have to work hard to make sure we provide outstanding policing for everyone.

"Every day I see examples of police officers and staff going above and beyond to keep people safe and treating them with fairness, dignity and compassion. People join the police because they have an inherent desire to help others.

“I don’t underestimate the importance of the principle of policing by consent. We need and want the public to trust us – so our officers and staff can use the powers available to them to keep people safe. Wanting safer communities in which to live and work is something we all have in common.

“In order to build and maintain trust, we welcome public scrutiny. That’s why we’re committed to being as open and transparent as possible and greatly value the work of our scrutiny panels, made up of independent members of the public, who hold us to account and help us to improve.

“It’s also why we have equipped our officers with Body Worn Video – to be an independent witness - and why we respect the role of the Independent Office of Police Conduct.

“I think this is an important moment to reiterate our absolute commitment to becoming a police force more representative of the communities we serve.

“Under-representation is a societal issue that’s much wider than the police, but we’re taking many positive steps to addressing this imbalance, including some pioneering and progressive work being carried out by our Inclusion and Diversity team and staff associations. It’s having an impact. Between October 2016 and March this year, 14 per cent of our student officers were from a BAME background, compared to a national average of 11 per cent.

“We’re asking for the community to keep working with us. Help us become a more diverse police force and break down barriers so we can be truly reflective of our wonderfully diverse communities.”

**Since January 2017, some of the changes we’ve made have included:**

- Commissioning an independent review of our approach to Taser carried out by another police force.
- Issuing Body Worn Video to all frontline officers to act as an independent witness and to improve transparency and accountability.
- Publishing use of force data on our public website – including the use of Taser.
- Working with the Police and Crime Commissioner to introduce a panel made up of independent members of the community to scrutinise how we use policing powers.
- Explaining to community leaders how Taser works and why we use it.
- Releasing a public awareness video explaining how and why we use Taser.
- Running a Citizen’s Academy masterclass on Taser and use of force. More than 115 members of the public have taken part in our Citizen Academy scheme so far.

Panel members have been advised – as is the situation for members of the public – that they can register to attend any public Misconduct Hearing. The relevant Avon and Somerset Police webpage for more information is:

<https://www.avonandsomerset.police.uk/about-us/publication-scheme/our-policies-and-procedures/misconduct-hearings/>

**Service Delivery Assurance – Enquiry Day regarding the Police and other agencies’ failings prior to the murder of Mr Bijan Ebrahimi in 2013**

The Panel Chair was invited, as a Scrutiny Panel representative, to be involved in this Enquiry Day in March 2018. The Enquiry Day Panel members were Stand against Racism and Inequality (SARI) Esther Deans, Bristol Mayor Marvin Rees on behalf of Bristol City Council and PCC Sue Mountstevens, having strategic governance over Avon and Somerset Police. The aim was learning and multi-agencies reporting and continuous improvement.

DCC Sarah Crew is reviewing the report and analysing actions to take for Avon and Somerset Police.

CEO John Smith said that this review is in addition to assurance in respect of Bristol City Council which is undertaken and monitored by the Safer Bristol Partnership which is currently overseeing the action plan specifically resulting from Mr Ebrahimi’s death and the joint Community Safety Plan produced in conjunction with the PCC’s office.

Mr Ebrahimi was murdered in 2013 after repeated contact with the Police. Since 2013 there is 'Lighthouse' victim and witness care organisation, employing 18 people to concentrate on victim care.

Panel members voiced deep concern and CI Wigginton acknowledged that the case was not handled correctly. It fell well short of the quality of policing service. However since 2013 there have been many positive cases.

Concerns were voiced by a Panel member relating to unconscious bias and Eastern European males. Also of black men seeming to have extreme strength. It is seen as a pattern, not a one-off. It is a colonial historical matter BUT Avon and Somerset Police are working on it. This Panel member is happier with Avon and Somerset Constabulary now. There are positives and this Scrutiny Panel is part of the change.

#### **Other high profile cases of community concern**

One Panel member raised the incident for Councillor Afzal Shah, an ambassador for policing. In this case there was mistaken identity and learning required. Another Panel member has already asked the PCC if this Scrutiny of Police Powers Panel can view this case. It involves an arrest which is a use of police powers.

Consideration will be given to reviewing this case.

The Panel Chair rounded up the meeting by stating that the Panel is going forward with Unconscious Bias as a subject and the Panel is going beyond viewing Body Worn Video camera cases. The Panel is looking at the bigger picture. The Scrutiny Panel members are critical friends. Forceful and feisty! - and effecting change.

**The next Panel meeting** is on Tuesday 27 November 2018 at Patchway Police Centre.

## SUMMARY OF THE REVIEWED CASES

Police incidents/cases for Taser use; for Spit & Bite Guard use; and Stop and Search (in the Panel-requested three categories of: an under 16 year old is searched (<16); more than jacket, outer garment and gloves removed (>JOG); the subject is Black, Asian or in an ethnic minority (BME)) were selected from body worn video camera (BWV) footage. Panel members reviewed the associated narrative from the Police *Niche* database as well as the BWV footage. Incidents were selected within the time periods of June, July and August 2018.

Panel members reviewed a total of 29 cases within the following categories:

- Stop and Search under 16 years old: 4
- Stop and Search BME: 5
- Stop and Search removal of more than Jacket, outer garment and gloves: 6
- Taser deployment: 9
- Spit & Bite Guard use: 5

### **Case 1: Stop and Search (under 16 year old) – 25/7/2018 at 1am.**

Two males ran off when Police approached. Cannabis found.

#### **Request for Constabulary to review this case**

A question about the police use of data on record: In one case of an under 16's record, risk of child sexual exploitation was recorded, as well as being under the attention of Youth Offending Team and a total of 58 entries were on the record. It wasn't on record whether or not the 13 year old was taken home or whether or not there was multi-agency partnership working. The youth appeared to be left vulnerable. On a positive point for this case, the Police Officer remained calm throughout the incident.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Question:** Was there any further police intervention, at the very least under safeguarding duties? The panel question why no action was known to be taken regarding this boy. The Panel would like to know more.

*Police response:* C/Inspector 3111 Paul Wigginton, Force Duty Officer

Thank you for your questions and feedback during the recent scrutiny of Police powers panel meeting, along with the opportunity to respond. The panel has continued to develop over the last 12 months and provides invaluable scrutiny of cases, along with observations and feedback regarding wider issues. In relation to the panel review of specific cases, I am pleased to respond as follows:

**Case 1** – Panel feedback is noted regarding the juvenile subject to the stop search. A debrief has taken place of this case with the officers by their Inspector. The stop search took place very close to the home address of the subject after he was seen making off from Police on a bike. He was found to be in possession of a small amount of what was suspected to be cannabis. The officers have noted the panel comments that the youth appeared to be left vulnerable. They did not consider the male to be vulnerable or at risk when they sent him on his way and no safeguarding referral was made. An arrangement was made for the subject to attend a Police station at a later date with mother in order to deal with the offence. However, ensuring the male was left in the care of a responsible adult at the time would have been preferable in the circumstances. This has been addressed with officers for their learning.

**Case 2: Stop and Search (more than jacket, outer clothing and gloves removed (JOG) & and BME) – 25/7/2018 (section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act).**

Police approached a vehicle. One male decamped. Two others searched, one voluntarily stripped down to his underwear and became very verbally aggressive and agitated. He seemed to know the process, as if he'd been searched before. Smell of cannabis from vehicle.

Police Officers are very calm and polite, and the situation does not escalate. Also, the Officer gives a search record on request.

However, there is no BWV footage showing that before the searches the GOWISELY\* acronym items are stated by the Officer. Particularly, there are no grounds stated for the search. Panel members are not aware of the reason for the stop or grounds for the search.

**\*Note:** The GOWISELY acronym is a reminder to a Police Officer of the information that must be provided (in any order) to a 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 all 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.

Three questions on the Panel's feedback form: Full range of answers to each: Yes, No, Not known.

**Questions:** Is smell of cannabis alone enough for a Stop and Search? How can Police Officers travelling in their Police vehicle smell cannabis in another car? Was the stop intelligence-based?

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 2** - Panel feedback is noted in relation to "GOWISELY". It is clear from viewing the footage that the male party becomes agitated upon Police approaching him and proceeds to shout and take his clothes off. This is prior to the officer being able to have any meaningful engagement with the male, however, as fed back the officer remains calm and polite. The officer does go through elements of GOWISELY when practicable, however, communication was clearly difficult with the male.

Answer – Smell of cannabis alone is not enough to conduct a stop search. It is possible to smell cannabis in another car when travelling behind it. Linked to this, when stopped officers state that one of the passengers ran from the car. This information/behaviour together has given the officers grounds to conduct a stop search.

**Case 3: Stop and Search (recorded as BME) 8/8/2018 at 10.53am. Yeovil**

A property occupier phones 999 to report two black youths refusing to leave and taking advantage of person. Police concerns regarding 'County Lines' drug dealers and are performing a welfare check. An arrest for possession of bladed article after the search and an additional arrest for section 18 GBH (Grievous Bodily Harm). Subject is wanted by Dorset Police.

Good BWV audio narrative at the point of going into the property. Good verbal communication by the Police Officers, explaining the situation, leading up to the calm Stop and Search encounter. Consensual search.

**Questions:** Why is this marked as BME? Apart from the initial report of "2 black youths" harassing the property owner. The people searched were not BME.

Why were handcuffs use when the boy was compliant?

Why was the hugging allowed between to the 2 people when they may have passed something from one to the other?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 3** –Feedback noted regarding good communication from officers. This will be fed back.

Answer – This stop search was marked as BME as the male searched was a black male. Officers will use discretion when deciding whether to allow contact after arrest. On this occasion, both

parties had already been searched and it was deemed appropriate. Although the male appeared compliant, from the account provided he initially appeared to evade Police and was found in possession of a knife.

#### **Case 4: Taser red-dotted and fired – 29/7/2018**

##### **Report of an ex-boyfriend (18) being aggressive and drunk outside a hostel**

Police Officers remain calm and professional throughout the incident, in difficult circumstances where the situation quickly escalates. The male subject is very aggressive. He is warned and pushes back three times. The decision to fire the Taser is justified. An amount of force is needed. The male subject remains aggressive throughout, even after being Tasered twice, one firing connects.

Two Panel member report that the female Police Officer does well to control the male subject's aggression after arrest. Another Panel member reports that the female Police Officer is a bit challenging, which may have prevented the male from calming down.

One Panel member reports that no Taser warning by the Police Officer is heard on the BWV. The BWV quality is also not good.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 4** – Panel feedback noted with thanks. The BWV quality is affected due to the dark conditions.

#### **Case 5: Stop and Search (>JOG) 25/7/2018 at 11.30p.m.**

##### **Stop of a female bases on an intelligence-lead suspicion of completing a drugs deal**

Initial street search by a female Officer and then subsequent detention for a more intimate search at the Police Station.

The Police Officers are polite and explain the reason and grounds for the search at the start to the female subject, who is compliant. The female Officer tells onlookers to move on. The female Officer performing the search handles it well, explaining the process in a calm and well-communicated way, protecting the female subject's dignity when placed in the Police car. The male Police Officer also explains the event well throughout the encounter and controlled the situation well.

No negative points except that one Panel member said it is rather unstructured.

**Questions:** Why did the search start on the street, in public?

Where is the BWV footage from the other Police Officers at the scene? Is it usual for just one Officer to use BWV in one incident or for all Officers?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 5** – Panel feedback noted with thanks, in particular relating to the officer communication.

Answer - The search commenced on the street due to the nature of the information to ensure nothing was immediately accessible to cause harm to the subject, or officers. The full search subsequently took place in private. The guidance is for stop searches to be recorded on BWV by officers. On this occasion additional officers have used discretion in not also recording the incident.

#### **Case 6: Stop and Search (under 16 year old) – 26/7/2018. Wellington**

##### **Reports of anti-social behaviour. Drugs search. Plain clothed Officers are on proactive patrol**

An Officer is successful in calming down a young male.

The young male appears agitated, distressed and also intimidated by being handcuffed. However, the Officers do respond to this and defuse the situation by giving the young male more space. There are a lot of people at the incident. One Panel member stated that this incident is handled well, the Officer using an assertive tone of voice and the female handles the youth well.

Another Panel member agrees that the incident is well handled by the male plain-clothed Officers, using appropriate language to calm down the youth. However, this Panel member feels that the young male subject is agitated by the female Officer and perhaps swapping to a plain-clothed male Officer may have de-escalated the young male's behaviour.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 6** – Panel feedback noted with thanks, again it is pleasing to see the positive comments regarding officer communication in de-escalating the situation.

#### **Case 7: Stop and Search (recorded as BME) 9/8/2018**



**Telephone call to Police to a separate incident and see two females running away. Section PACE re: stolen property**

Both females are dealt with fairly. A Panel member reports that GOWISELY is completed and the Police Officer handles this incident well. However, the member feels that it is not fully explained in a way that the female subject understands.

BWV audio is difficult to hear due to the wind.

Questions: Should this be categorised as BME as it looks like white females are searched? One may possibly be European, i.e. a minority group. Both females are stated as white in the Police record. Is running away from a passing Police Patrol vehicle sufficient grounds for a random Stop and Search?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 7** – Panel feedback noted.

Answer – The females searched are White British and I do not deem that this record should be recorded as BME. I have requested this is reviewed to understand why this has been classified as such. In relation to the grounds for the stop search, the females have run from Police and when located were hiding crouched in an alley behind a premises – the officers have deemed this as suspicious forming their grounds which I tend to agree with.

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**Case 8: Spit & Bite Guard use – 14/7/2018**

**Report of an assault on a Supermarket staff member by a female**

Arrest for assault inside the supermarket. BWV footage inside the Store.

The female is very aggressive and verbally abusing the Officers, the female also threatens to bite the Police Officers. After the Police Officer warns the female subject not to bite and that spray (PAVA) would be used, the spit and bite guard is then deployed.

The Panel members are concerned that the Supermarket Security guard holds the female face-down for too long. The Police Officers don't immediately take control and the female remains face-down for a further amount of time before the Police Officers take over.

**Questions:** Why is there no verbal warning before the use of the Spit & Bite Guard?

Why don't the Police Officers take over earlier from the Security Guard who is restraining the female subject by the neck and face-down?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Mixed
2. Do you think that the correct decision was made by the Police Officer? Mixed replies.
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 8** – Panel feedback noted. The panel comments are noted about the length of time the female is held by the security guard before officers take control. To assist my overview of this, I have outlined the timeline from the footage:

- 10.02 hrs 06 secs – Officers arrive. The female subject is shouting and officers speak to the security guard to establish the circumstances. 2 x Security guards are restraining the female at this time.
- 10.02 hrs 37 secs – Officers start applying handcuffs in order to assume control and they also arrest female on suspicion of assault.
- 10.03 hrs 00 secs – Handcuffs are in place and security guard tries to let go of subject, however, she is holding his trousers stopping him releasing.
- 10.03 hrs 07 secs – Security guard manages to move away and control is taken by Police officer. Search of the female takes place shortly after this.

As such Police start to take control of the female 37 seconds after arriving and assume control 1 minute after arriving. As discussed during the panel meeting, Police should take control as soon as safely practicable to do so. I feel this time frame is entirely reasonable in the circumstances.

Answer – The officers tried on a number of occasions to engage with the female, however, she continued to shout and threaten. A warning took place for the female not to bite or spit, however, this did not include the verbal warning that the spit / bite guard was being applied. This will be fed back to the officers as this is part of the agreed procedure when applying the guard.

**Case 9: Taser (red dotted) – 29/6/2018 at 3.43a.m. Bristol**

Police are called by a third party witnessing a domestic dispute and stating that a male is beating a female and threatening to knife her. A description is given to the Police of a male and a female. The male had kicked the door in. The victim is known to the Police and the male had been arrested earlier in the day.

Police find male and female upstairs in bed. Taser is drawn and the red dot used. The male complies and is handcuffed but the Taser isn't fired. The Officer is firm but polite and request to male to go to another room. The male denies everything but is arrested and taken into custody. However, the outcome is that there is no further action.

Panel members considered that the Taser is appropriately deployed on the basis of the Police Officers' knowledge and information received, and this is following the National Decision Making model.

The Panel members didn't hear a Police warning of 'Taser' but the Taser wasn't fired.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 9** – Panel feedback noted with thanks.

### **Case 10: Stop and Search (>JOG) – 9/8/2018 at 00:39 hours. Patchway**

#### **(Section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act).**

An intelligence-lead Stop and Search and in an area (supermarket car park) known for youth car meets and smoking weed. When stopped for the search, the car-driver's eyes/pupils are dilated and there is a smell of cannabis in the car.

Compliments from the Panel members to the Special Constable from Weston-super-Mare who is calm, patient, professional and explains all aspects of the stop and search to the subject who is co-operative. Cannabis is found in the car.

Panel members would have liked the other people present and also smoking, to have been searched, including their cars.

**Question:** Please can Panel members have clarification of Avon and Somerset Constabulary's Policy regarding the extent to which a smell of cannabis alone is sufficient justification for a Stop and Search?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 10** – Panel feedback noted with thanks. I note the panel comments that they would have liked the other people present to have been searched, however, the officer must form their grounds for the stop search. We are not able to stop search people just for being present.

Answer – Please see Case 2.

### **Case 11: Taser (red dotted) – 20/6/2018 at 4.23p.m.**

A female telephones the Police to say that her ex-boyfriend is at her door and reports stalking. Local knowledge gives serious concerns regarding violence and therefore safeguarding. Police Officers visit and take a statement and leave to arrest the male at another address. The Police receive threats from people at this second address and authority is given to deploy Taser.

The Police Officers are very patient during the whole incident and the Panel members consider this to be entirely appropriate use of Taser (red-dotting) – both for the older male who is aggressive immediately at the front door and for the younger male, found in the loft space. A Taser warning is given before red-dotting. A Machete is located behind the bed. Son goes towards the machete and the Police give another Taser warning before hand-cuffing this suspect.

**Operational policing question:** A Panel member asks why the machete wasn't removed, for safety reasons, when the Police first saw it?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response:* C/Inspector 3111 Paul Wigginton, Force Duty Officer

**Case 11** – Panel feedback is noted with thanks. I agree that the officers present are very patient in difficult circumstances leading to locating a dangerous suspect.

Answer – As discussed in the panel meeting, officers need to have a power to remove items from a property. At the stage it was first noticed, it was not relevant to any investigation.

### **Case 12: Spit & Bite Guard use – 14/6/2018 at 11a.m. Weston-super-Mare**

A reported shoplifting incident and known history of violence. The female suspect is heard to draw phlem into her mouth at the point of being taken into the designated room to search her.

Panel members agree with the spit guard's efficient use and that the search – by female officers - is appropriate in view of previous offences by this female suspect.

However, there is no BWV evidence of any warning given that the spit guard is going to be used and there is no record of past spitting.

The Panel didn't watch the whole of the BWV footage because the camera was not turned away from the suspect whilst being strip searched and members wanted to respect the female's privacy.

**Operational policing comment:** Multiple BWV cameras are in use during this strip search. All but one camera could be angled away from the person being searched.

Three questions answered on the Panel's feedback form: (one member stated 'unknown' to questions)

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response:* C/Inspector 3111 Paul Wigginton, Force Duty Officer

**Case 12** – Panel feedback is noted with thanks. It will again be for officer discretion in relation to where appropriate to angle the camera away from the subject. I note observations from the panel that all but one camera could be angled away. On this occasion the female had threatened to spit at the officers present which is why the spit guard was applied.

### **Case 13: Stop and Search (>JOG) 16/8/2018 at 12:12 hours. Chard**

An intelligence-lead stop and search regarding drug dealing. Officers find drugs equipment on the premises. The suspect is searched on the premises. Everything is explained calmly and politely by the Police Officer, including the reason and grounds for the search. The BWV camera is turned away.

However, several Officers were involved, initially banging loudly on the front door and as the suspect has already been searched, a Panel member questions the necessity of the strip search.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes

2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 13** – Panel feedback is noted with thanks. I note the comments in relation to necessity to strip search. Due to the type of offences relating to the supply of drugs, offenders will often secrete drugs in intimate places around the body. On this occasion the information available to officers suggested that subjects may have secreted drugs, giving grounds for the strip search.

**Case 14: Taser - 16/6/2018 11:47a.m.**

**Call to Police from Ambulance service about a man with mental ill health, who has previously attempted suicide. The man is reported to be in a shed, covered in blood and has slit his arms. The man is also reported to have a shotgun and a grenade.**

After a long period time – one hour - of calm and patient negotiation and concern regarding the man's loss of blood, the decision is made to use the Taser. The man is handcuffed and arrested for assault. This incident is assertively handled. Police Officers put themselves at risk, going into the shed. An appropriate use of Taser. One Panel member mentions the use of Spray.

Despite the length of time it takes to resolve the issue, it is dealt with well.

**Question:** Why isn't the decision to use the Taser made sooner in cases like this, to bring the situation to a close?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 14** – Panel feedback is noted with thanks.

Answer – In a situation such is this incident with a vulnerable male, we will usually follow the principles of giving time, space and negotiation. This is to give every opportunity to conclude the incident safely without injury to any party. On this occasion, the male did not show signs of de-escalating and the continued "stand off" was putting him at risk due to blood loss.

**Case 15: Spit & Bite Guard use – 2/5/2018.**

There are several Police Officers at the incident. When an Officer makes an arrest, the Officer is assaulted. The female subject is agitated before she becomes aggressive and digs her finger nails into the Officer's hand.

The Officer says "Do not bite me". The female is also spitting and spits at a Police Officer. She tries to run away and is stopped and brought to the ground. She tries to bite the Officer. Handcuffs and limb restraints are applied. Bystanders tell the female to calm down.

There is good use of audio video. The Officer states that the Spit & Bite Guard is being used because the female tried to bite the male Officer.

The Police Officers take complete control of a difficult situation. It takes a lot of effort to restrain the female subject. Despite the female subject's aggression, all Police Officers behave professionally

and deal with the situation well, especially with the trainee Special Constable, under supervision and instruction (regarding handcuffs and restraining a person).

The Panel members see this as entirely appropriate use of the Guard.

However, the BWV camera angle is poor and strays off the subject. Therefore the Panel members do not see the application of the Spit & Bite Guard.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 15 – Case 20** – Panel feedback and positive comments regarding Police handling of subject noted.

### **Case 16: Taser fired – 25/6/2018 at 1a.m.**

**Telephone call to Police by son that the son's father is assaulting the son's mother. The caller and his sister – young children - lock themselves in the bathroom**

The male subject is large and uses aggressive language. An Officer shouts "Taser, Taser". The male refuses to lay on the ground. Taser is fired. The male is arrested and told that he is going into Custody. The Officer is in control throughout the incident, assertive when necessary but calm once the threat level receded.

Entirely appropriate use of Taser and the method of use.

**A good example of best use of force** compared to the alternatives.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair & proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

### **Case 17: Stop and Search (BME) – 14/8/2018.**

**Stop Check on a moped rider. Information received by Police regarding the selling of drugs from the moped. The Officer smells cannabis when the moped is stopped. No insurance**

The rider hands over bags of Cannabis and say he snorted weed recently but doesn't deal drugs. He says he has no previous convictions. The Officer introduces himself, tells the suspect that he is detained for a drugs search. Details of Stop and Search explained – GOWISELY - and how to make a complaint and that the BWV camera is on. The Officer asks about any injuries before the body search. Very positive. The male subject is compliant. £110 is in bag. The rider can't remember where he purchased the moped. The male had a caution on his police record for theft.

A chatty and relaxed approach, with good interaction from the Police Officer, who has a good demeanour during the search and is professional throughout.

**A good example of a well handled Stop and Search and good quality BWV footage.**

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 18: Stop and Search (under 16 & >JOG) – 16/8/2018**

**10-12 year old youth, pushing a motorbike. Fits description and runs away from the Police**

The Officer gives the reason for the Stop and Search, the Officer's name and that a copy of the search is available. The search is conducted in a calm manner.

Good communication. The Police Officers deal with the youth in an appropriate manner. One Officer may be a student Officer as needed prompting on the Search details and receipt.

**A good example of a Stop and Search.**

Two questions answered on the Panel's feedback form:

1. Do you think that the correct decision was made by the Police Officer? Yes
2. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 19: Spit & Bite Guard use – 28/8/2018**

[An incident handled by the Police Officer who is also one of the Panel's computer operators].

**A persistent drunk-driver, who alleges that he is having heart problems so taken to Hospital to take blood for alcohol level.**

Police Officers are very good and engage with the subject. The Officers are also restrained in dealing with a vile person. The suspect uses tactics to delay the process.

Good use of the Spit & Bite Guard.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 20: Taser (red-dotted) – 5/8/2018 at 8.48p.m. Bristol**

**A hit and run Road Traffic Collision with a pedestrian, who is seriously injured, is reported by the Ambulance service**

The victim refuses to say any more than he'd fallen over. Police link this case to another assault case. The victim is sought under Warrant. The Police Officers give narrative of what is happening. People outside the pub are against the Police. A recovery vehicle arrives for the vehicle. The Hells Angels group of men don't want the car to be towed away. Good red-dot application, which de-escalates the situation without firing the Taser. Officers are patient. One man is arrested. The Landlord says he will move everyone inside the pub. The Officers agree to de-arrest the subject. The incident is very well handled. A Panel member is unsure why the aggressive male wasn't kept arrested.

One negative point is that a coat covered the BWV camera of the Officer with the Taser. It is important not to block the view of the Taser.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 21: Taser (fired) – 10/8/2018 at 2.07a.m. Weston-super-Mare**

**A resident has telephoned the Police to report that a male relation has a large Gurkha knife**

The male subject immediately states that he is suicidal. The Officers' make sure of the subject's safety. One Panel member states that the Police Officers are firm but fair. Another Panel member states that the Police Officers are initially aggressive. One other Panel member states that the female Officer's voice is slightly abrasive, although the risks and seriousness of the situation is appreciated.

Was there a struggle? One of the male's shoes is off. Written records state that the male pulls the knife on a Police Officer.

The negative point with this case is that the BWV is switched on too late. It is after the Taser is fired and the male is hand-cuffed.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 21** – Panel feedback is noted. The male threatened officers with a knife and ignored warnings - Taser was deployed. There was no subsequent struggle and the shoe must have come off during the Taser deployment. The BWV was switched on too late and this has been one of the regular themes from the panel – this is being re-enforced in training and messaging.

**Case 22: Stop and Search (BME) – 3/8/2018 1.36a.m. Bristol  
999 call, reporting a man with a machete and a long metal item hidden behind railings.  
The outcome: Arrested for possession of an offensive weapon**

The male is very drunk. Although other people at the scene didn't appear to get searched, the correct person is identified by the Police and searched. The Police Officer's explanation of Stop and Search is good. The Officers are calm and make it clear what they are doing and why they have stopped the subject. Handcuffs are used for public safety and to recover the metal baseball bat. The tone and approach seems reasonable and the grounds for the Stop and Search are appropriate. However, a theme of concern to the Panel is that there is no BWV running verbal summary from the Police Officers on the way to the incident. Also the BWV footage doesn't capture the whole incident. It is switched on too late. The man is already in handcuffs at the start of the BWV footage.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 22** – Panel feedback is noted with thanks Panel comments about the delayed switching on of BWV is noted as above. Good practice again is for officers to provide a commentary.

**Case 23: Stop and Search (under 16) – 15/7/2018 at 5a.m. - Bristol  
Report to Police of a car broken into. Car alarm sounding.**

Grounds for the Search are: Matches the description given by the informant of a male tampering with vehicles.

The Police Officer gives good details of the Stop and Search rights. There is also good Officer engagement with the subject during the search. The Officers' attitude is positive and respectful and the grounds are well explained.

However, there is only one BWV recording and none for the other Officers. Also the BWV camera angle is pointing down at the Officer's Pocket Notebook, being written up. Again, a theme of concern to the Panel is that there is no BWV running verbal summary from the Police Officers on the way to the incident.

**Questions:** Do the Police need to contact a parent or carer if a child is on the street at 5a.m?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes. One not known answer.



**Case 24: Stop and Search (>JOG). 10/7/2018 at 1a.m. M4, junction 19 to 18**  
**The Automatic number plate recognition (ANPR) system alerts the Police to a vehicle and person known to be associated with class A drugs. The vehicle owner has a record of previous drugs charges**

This case is an example of where the BWV is switched on early, whilst the Officer is in his vehicle, before stopping the driver on the Motorway. However, the Officer does not give a verbal summary during the pursuit. He does not speak. The Officer is polite and the driver is compliant. Although one Panel member said that the Officer is initially aggressive.

There is no BWV of the actual search. However, the Police record states that the search is positive regarding drugs.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes. One member said No.
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 25: Taser fired – 29/7/2018 at 00:20 hours**  
**A report to the Police of a domestic disturbance**

A white male is found outside the house. He is arrested for a section 4 Public Order offence. The male is shouting on the street, saying that he doesn't want anyone woken up in the house. The male suspect is aggressive and the use of Taser is justified.

The shout of "Taser" by the Officer is after it is fired. There is no warning but it happens fast.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes. One member = n/k.
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 23 – Case 25** – Panel feedback and comments noted with thanks.

**Case 26: Stop and Search (under 16) – 9/7/2018 at 4.20p.m. Bridgwater**  
**(section 23 Police and Criminal Evidence Act (PACE), Misuse of drugs Act).**  
**Geographical area known for drug dealing. A pro-active stop and search**

Two teenagers, one known for drug use. The Police Officers have a long conversation with the two young people and the Officer gives a good account of GOWISELY Stop and Search information. The Officers smell Cannabis. However, this alone is not enough grounds for a Stop and Search. The recorded grounds state: "Was in company with another Young Person in area being used for drug dealing and he was smelling of Cannabis."

The Officers are very patient with the youths, one who continues to speak over the Officer. The Officer remains very polite, but strict in gathering information, albeit a little repetitive in the questioning. It takes a long time before the search starts. Drugs bong found in one male's bag.

**Operational policing Question:** If the area is known for drug selling, do the Police know who the dealers are?

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair & proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 26** – Panel feedback and comments noted with thanks. The Police have intelligence relating to drug activity in the area. This will include people linked to this activity.

**Case 27: Spit & Bite Guard use – 29/8/2108 at 12:43pm to 2:29a.m. Taunton  
Report of a male causing criminal damage to a car and smashed a shop window**

A male is drunk or likely to be mentally ill and threatening physical violence.

The Police Officers are calm throughout the incident. It is very well handled by the Police Officers.

The male is distressed, aggressive and non-compliant. He is continually swearing and says three times: "I'm going to bite you". The male is hand-cuffed and arrested.

The use of the Spit and Bite Guard is justified.

However, the Panel members think that the Police Officers should have asked the bystanders to move away or taken the suspect away in the police vehicle sooner as the bystanders are aggravating the situation and the suspect.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response: C/Inspector 3111 Paul Wigginton, Force Duty Officer*

**Case 27** – Panel feedback and comments noted with thanks. The officers removed the male within 2 minutes of the members of public turning up – this feels a long time when viewing the BWV footage, however, the officers at the time are trying to establish what has happened and the appropriate course of action – the information provided by members of the public have given officers grounds to arrest the subject and remove him from the location.

**Case 28: Taser (off-cartridge, drive-stun) – 10/8/2018 at 4.30p.m. Weston  
A report of a domestic incident.**

Police Officers are calm, speaking to the aggressive male suspect and trying to calm and resolve the situation without an arrest or Taser deployment. The Officers take great care removing the suspect from the house, taking him down the stairs. This is dealt with quickly, in a situation that could have escalated further.

Compliments from the Panel members to the female Police Officer who has very good communication skills, has a calm manner and throughout the encounter tries to de-escalate the situation.

However, the record states that the male was sprayed with PAVA. One Panel member queries if this is necessary but there is no BWV footage to review.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

**Case 29: Stop and Search (BME) – 3/8/2018 at 12:33p.m.  
Searching for articles used in theft of a bicycle.**

A straightforward stop and search encounter. There are grounds for the Stop and Search and the Officer clearly and politely explains everything including the reason for the stop and search.

Compliments to the Officer for very good commentary.

The outcome is negative. No items (tools) are found.

However, there is no need to take off the person's hat.

Three questions answered on the Panel's feedback form:

1. Do you think that the use of force was appropriately used in an open, fair and proportionate manner? Yes
2. Do you think that the correct decision was made by the Police Officer? Yes
3. Do you think that this incident is fair and free from any form of discrimination or bias? Yes

*Police response:* C/Inspector 3111 Paul Wigginton, Force Duty Officer

**Case 28 – Case 29** – Panel feedback and comments noted with thanks.

## MAY 2018 ACTIONS COMPLETED

### ACTION 1: Stop and Search

Based on the [www.Police.UK](http://www.Police.UK) data for the 6 months' period October 2017 to March 2018:

1.1. **Positive Outcomes:** Of the 2876 searches, 701 (24.37%) were Positive Outcomes; 1761 (61.23%) No Further Action; and 414 (14.39%) No information.

Are these figures what you would expect and how do they compare with other Police Forces?

1.2. Positive Outcomes: Of the 701 Positive Outcomes, 557 (79.46%) were 'linked to the purpose of the search'. So 557 searches out of 2876, i.e. 19.38%, were linked to the purpose of the search. Is this what Avon and Somerset Police would expect and how does it compare with other Police Forces?

1.3. **Ethnicity:** The Stop and Search per 1000 Resident Population by ethnicity of Black or Black British is 5.89 and White is 0.55. Is this what Avon and Somerset Constabulary would expect and how does it compare with other Police Forces?

1.4. Ethnicity: What comparison work has taken place with other Police Forces regarding Stop and Search and 'positive outcomes' and ethnicity?

1.5. What are other Police Forces as well as Avon and Somerset Constabulary doing to ensure that Stop and Search is intelligence-led? The statistics indicate an increase but still low 'positive outcomes' (~25%). Therefore, what percentage/how many Stop and Searches are based on intelligence?

1.6. Is there any data analysis for Stop and Search where hand-cuffs are used, broken down by ethnicity?

### Constabulary responses:

A document 'Police UK data comparisons.doc' was circulated to Panel members, to cover Actions 1.1, 1.2, 1.3 and 1.4.

**1.5** What other forces are doing to ensure stop searches are intelligence led is something that could be explored by the Constabulary. However, C.I. Paul Wigginton discussed the understanding of 'intelligence led' as well as the grounds for a stop and search with the Panel Chair and Vice Chair at a meeting on 19 July 2018. The scenarios below were discussed as examples, some of these having valid grounds for a search which are not intelligence led:

1. An offence has just been committed with items stolen and description passed of suspect. Person stopped in the vicinity of the offence matching the description.
2. An area with recent intelligence to suggest drug dealing taking place regularly. Person stopped in this area acting suspiciously.
3. A person with recent intelligence to suggest is currently involved in drug dealing. Person stopped.
4. A person is stopped searched having been seen by an officer with a torch and wearing gloves acting suspiciously close to houses at 3am on a warm summer night.

Grounds for the Stop & Search were agreed as the appropriate item for panel scrutiny.

**1.6** The Constabulary are not able to obtain data at this stage of the number of cases where handcuffs were used for Stop and Search. However, further work is continuing as to whether there is a way of cross referencing "use of force" with stop searches complete.

### ACTION 2: Body Worn Video (BWV)

2.1. The Panel request recorded figures for each month from September 2017 for Firearms and for Spit & Bite Guard use (as per Stop and Search report).

**Constabulary response:**

*2.1 The Constabulary are trying to obtain Spit/bite guard usage and BWV. Taser use and BWV may be available last in 2018.*

2.2. Does Avon and Somerset Constabulary monitor the usage of BWV and are there comparison figures for other Police Forces?

**Constabulary response:**

*2.2 Avon and Somerset monitor usage of BWV around certain incidents such as assault on an Officer and Stop Search (as part of this panel). It is not routinely monitored as the guidance around usage is down to Officer discretion.*

**ACTION 3: Taser**

3.1. The Panel will consider Dip Sampling Taser Quality Assurance ('Check and Test' processes).

**Constabulary response:**

*3.1 This is an ongoing process of check and test by the area trainers and the Taser lead checks the forms and reviews BWV. The Taser lead is not actively looking to do any more at this moment in time as the Constabulary are busy with the roll out program and the Taser lead is confident that any issues are identified and dealt with. Karl doesn't propose a more formalised process.*

PCC's office comment to the Constabulary: The Panel members are interested in reviewing the Quality Assurance so viewing the forms would be helpful as well as understanding any actions that the Taser Lead take after the review of BWV.

3.2. Scrutiny of Police Powers Panel members await proposed dates from the Taser Constabulary Lead for members to be invited to observe Taser Training.

**Constabulary response:**

*3.2 Dates and venue provided, as part of the two day conversion training to X2 Taser from the current X26.*

Two Panel members will attend and observe the training day one on separate dates.

Documents provided to Panel members:

- Police UK Data Comparisons.
- Quarterly Stop & Search bulletin Jan-Mar 2018.
- Stop & Search with BWC Monthly to August 2018.