

# Scrutiny of Police Powers Panel

Case Review Report

9 September 2021

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# Scrutiny of Police Powers Panel

## 9<sup>th</sup> September 2021 Panel meeting

### Welcome & introductions:

10 of the 12 members reviewed cases and 7 members attended the *Scrutiny of Police Powers* Panel meeting. Standing invitations to: PCC Mark Shelford & Police: Assistant Chief Constable Lead; Chief Superintendent Response Lead; Superintendent Head of Patrol & Lead for Hate Crime: Stop & Search Lead Ch. Inspector; Taser Lead Ch. Insp; Taser Training Lead; Black Police Association; Police Federation & UNISON.

### Chair and Vice Chairs' annual election.

### Constabulary update:

**Stop Search and section 60.** No change locally. The Panel will be advised of any case.

**60 cases selected**, reviewing **17.5 hours of Body Worn Video (BWV)** remotely by members **118 Feedback forms** and then specific, highlighted cases (2, 21, 37, 45 and 49) viewed again during the 9th September 2021 Panel meeting.

### Categories: (Apr-Jun 2021 incidents):

- 1. Stop and Search:** Asian ethnicity subjects; under 16s; and Grounds state 'Smell of Cannabis'.
- 2. Complaints** from members of the public against the Police, where an allegation includes Stop & Search or Taser (complaints ended Apr-Jun 2021).
- 3. Taser:** Top 3 Officers who deploy Taser most often; Taser fired; and Top geographical area for Taser deployment (Bristol Central & North).
- 4. PAVA** used cases.

### Members' positive feedback includes:

- Officer patient but persistent – police take control firmly but fairly - with good attitude to ensure compliance from 3 large men.
- Intelligence and observation led incident.
- Officers quickly control an agitated subject.
- Thoughtful, patient and empathetic officer attitude to the male who has drugs, leading to a Drugs Education Program (DEP) enrolment.

### Positive feedback cont.

- Good examples of de-escalation in practice, despite finding class B drugs.
- Good commentary on arrival on BWV.
- Good BWV narrative on the way to the location.
- Good officer attitude and demeanour including a nice tone of voice, putting the young person (under 13) at ease. During the search the Officer kept letting the boy know what will happen next.
- A good example of a search of a minor (case 17).
- Officer pleasant, respectful & considerate to a 10 year old searched for a reported Stanley knife.
- Good Search grounds, Officer intuition & teamwork

### Members' concerns include:

- Repetitive issue: Officers give the impression that the people to be searched are obligated to provide their personal details.
- More BWV switching on before arriving at the scene is requested, i.e. on route to an incident with some officer commentary.
- Officers used bad language on occasions which members disliked and it didn't help de-escalate agitated subjects. Is Officer good or bad language part of effective Tactical or Crisis communication?
- A male is immediately handcuffed and told it's standard practice on a Stop and Search.
- A condescending, poor officer attitude, excessively determined to find drugs.
- How many cases are there where the BWV is not retained as 'evidential' or where it is an incomplete/ obscured record of the interaction with a member of the public. Such cases significantly reduce the headline figure of 92% use of BWV for Taser and Stop and Search.
- Lack of saved BWV for complaint cases.

**Case reviews:** See: **Appendix 1 for Case summaries, Panel feedback & Police replies.** Avon and Somerset Constabulary's **Use of Force quarterly bulletins** are published [here](#). The Constabulary's **Stop & Search quarterly bulletins** are published [here](#).

**AOB items:** Terms of Reference annual review; Scrutiny Panel reports authorised to publish [here](#).

## Summary of Panel scrutiny

Category	Number of cases reviewed	Excellent Practice	Organisational learning	Officer learning
Stop Search	30	8	6	10
Taser	27	3	0	3
PAVA	3	0	0	0
<b>Totals</b>	<b>60</b>	<b>11</b>	<b>6</b>	<b>13</b>

## Individual Officer & Organisational learning

### Panel Member Feedback

### Police Response

1. Officers give the impression that personal information has to be provided and are required for a Stop and Search receipt.

**Officer and Organisational learning:**  
The Constabulary notes the Panel's feedback in this case. The way in which officers request personal details from persons being searched remains an ongoing theme of review for the internal scrutiny team and any instances where it is felt that officers have gone beyond what can reasonably be expected of general policing methods are fed back so learning can be taken.

Good practice for asking for a subject's name. However the Constabulary Lead for Stop Search has this as an ongoing theme, including the Constabulary's Internal Scrutiny Group. Regular feedback is given to Officers, which will include members' reviewed case 2.

2. Compliant handcuffing of a person for a Stop and Search.

**Organisational learning:**  
There has historically been a practice of handcuffing people at the start of a stop search but it is being refreshed to all officers that any use of force must be justified and proportionate – there is not a 'standard' approach to handcuffing and stop search.

3. An Officer has a condescending attitude and also appears disappointed with the negative result after being very determined to find something.

**Officer learning:**  
The Constabulary note the Panel's feedback in this case and will share members' observations with the officers concerned.

## Panel Member Feedback

## Police Response

4. BWV camera footage is obscured. The Panel ask to Constabulary (organisationally) to consider locating the BWV camera lower on the stab vest or in an alternative location as it's common for the BWV footage to be obscured by the raised firearm on firearms jobs. It is even more important to have good BWV on firearms incidents.

**Organisational learning:**

The Panel's feedback in this case is noted with thanks. In relation to the positioning of the BWV on the officer's body armour, this observation has been shared with the Tactical Support Team firearms policy lead who has advised that officers are being issued with fixings to attach the cameras to their ballistic helmets to address this issue.

5. Should a female be asked whether the bag content could be searched by a male officer?

**Officer learning:**

The Panel is thanked for its feedback in this case. Regarding the female being asked if she was happy with a male officer searching her – whilst this is not mandatory, it is best practice and this observation will be fed back to the officer concerned.

6. The Stop Search grounds appears to be for smell of cannabis alone. Inadequate grounds?

**Officer and Organisational learning:**

The Constabulary notes the Panel's Officers have been reminded recently that smell of cannabis alone is not sufficient to provide grounds for a Stop Search and this message will continue to be refreshed. Smell of cannabis cases will also continue to be scrutinised by the internal scrutiny team and feedback provided, until we are satisfied that smell of cannabis alone is not being used as reasons for search.

7. No GOWISELY items stated by an Officer during a Stop & Search.

**Officer learning:**

The fact that GOWISELY was not provided by the officer will be address by way of feedback via their supervisor.

8. The Taser is extracted from the Officer's holster early during the incident (and waived about in case 37).

**Officer learning:**

Taser Trainer: Taser is out too long. An arc warning could have been effective (i.e. sound and sight of the Taser arcing). De-escalation is required. Members may recall the distance chart for weapons. Training batons are new within Officers' Taser training, including PAVA, so there are options of tools to use by Officers when they think through the National Decision making model. There are poor tactics in this incident and a lack of control. Also the over-use of hand cuffs theme is noted. Officer Personal Safety Training (PST) includes a visit from the College of Policing because Avon and Somerset Constabulary is a pilot force. Training used to be drill-based in a sterile manner, involving repetitive practice. The new style is now real scenarios, Officers keeping space and controlling the scene. De-escalation. Taser Lead Chief Inspector has 14 years Firearms officer experience.

## Panel Member Feedback

## Police Response

9. No BWV of a Stop & Search.

**Officer and Organisational learning:**  
It is not known in this case whether BWV was used and not saved, or not used. All stop searches should be recorded on BWV and saved as evidential. This will be fed back to the officer concerned.

10. Taser deployment simply to get handcuffs on a person.

**Officer learning:**  
Taser Trainer: Positive feedback to officer: An effective Taser fire.  
Developmental learning point: An arc warning could have been given (heard and visual for subject, to control the person).  
Use of 'Calm down' words by Officers is being reviewed and alternative words are being considered by Officers.  
Encouraging family and friends to help. Officers standing back, giving time, for the man to get to his feet. The subject has control of the direction of the Officers holding on.

## Tracking Police Organisational Learning

No.	Date	Identified Organisational Learning	ASP Response	Action Completed or Ongoing
1.	Sep 2021	At a Stop Search the officer should not give the impression that personal information has to be disclosed.	Officers have been reminded not to persist in asking someone who's reluctant to provide this information. Police Internal Scrutiny Group (ISG) has it as an ongoing theme.	Ongoing
2.	Sep 2021	Poor positioning of BWV cameras by Firearms officers.	Fixings are being issued to attach cameras to helmets.	Completed

# Appendix 1: Summary of reviewed cases

## PANEL CASE REVIEWS and CONSTABULARY RESPONSES

### 1. STOP & SEARCH

1.1 STOP & SEARCH of Asian ethnicity subjects [8 (of 41) cases selected (Apr-Jun 2021)

1.2 STOP & SEARCH of under 13 year olds (all 10 cases selected in Apr-Jun 2021).

1.3 STOP & SEARCH where the grounds for the search state 'Smell of Cannabis'.

**Note 1:** Where an object is found, it will be stated in the case summary.

**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, anyone being searched by a Police Officer is entitled to copies of the paperwork;

**L:** Legislation, the legal power which gives the officer the right to stop and search;

**Y:** YOU are being detained for the search or for the purpose of... i.e. informing the person in clear terms the purpose and nature of the search.

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

1. If force was used, was it appropriate?
2. Did the Police make correct decisions throughout this episode?
3. Was the Police behaviour free from any stereotyping or assumptions?
4. Was the incident free from demonstrable discriminatory behaviour?
5. Does the Police behaviour need further review?
6. Is the whole interaction recorded on the BWV?
7. Are the 'GOWISELY' items provided?
8. Were there reasonable Grounds to suspect the object would be found?
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so?

### 1.1 STOP & SEARCH of Asian ethnicity subjects [8 (of 41) BWV cases selected Jun 2021]

#### Case 1: Stop & Search on 8/6/2021 at 20:20hrs. Section 1 PACE

**Background:** Alleged stolen items from Lydford services, Somerset. Items unaccounted.

**Positive member feedback:** The Officer is patient but persistent - taking control firmly but fairly - with a good attitude to ensure compliance from 3 large men.

**Member concerns:** Officers used bad language on occasions and this did not help to de-escalate when subjects became agitated.

Unsure what happened to the '4<sup>th</sup> man', the illusive Mr. Smith.

#### **Constabulary response to members' feedback:**

*The Constabulary thanks the Panel for its feedback in this case. The concerns around the officers' use of language is noted and whilst there may be circumstances where speaking in such a way can help de-escalate a situation and build a rapport with people, it must be on a case by case basis and only if appropriate in the circumstances to do so.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 2: Stop & Search on 3/6/2021 at 18:59hrs. Section 23 Misuse of Drugs Act (MDA)**

**Background:** Officers on patrol witness <I> cycling around STAPLETON ROAD onto PERRY STREET and back again doing loops, he then finally cycles onto <C> STREET, EASTON. <I> is known to officers as being involved in drugs supply and criminal exploitation of young children. Officers then witness <I> outside ... STREET which is the address of a known drug user and someone who has previously been cuckooed. <I> was in the front garden and seen reaching down towards his sock and shoes before making an exchange with and unknown. At this point <I> was detained for a s.23 MDA search. Stop & Search Grounds: Exploitation of children and drug dealing.

This case has been reviewed by all Panel members at the meeting.

**Positive member feedback:** Intelligence and observation led incident. Officers quickly took control of an agitated subject.

**Member concerns:** GOWISELY items not stated on this BWV. Also the Officer says "What's your name buddy. What's your name?" The male replies "My name not matter." The Officer says "When we put on a report we need your name." After the negative search the male asks for a receipt and the Officer says "Need details."

**Responses to 9 questions on the feedback form (2 Members):**

1. If force was used, was it appropriate? **Yes; N/A.**
2. Did the Police make correct decisions throughout this episode? **Yes; Unsure.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes; Unsure.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Unsure.**
5. Does the Police behaviour need further review? **Yes; Unsure.**
6. Is the whole interaction recorded on the BWV? **Yes; Unsure.**
7. Are the 'GOWISELY' items provided? **Yes; Unsure.**
8. Were there reasonable Grounds to suspect the object would be found? **Yes; not clear**
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes; No.**

**Operational learning points for Officers and the Organisation:**

Officers give the impression that personal information has to be provided and are required for a Stop and Search receipt.

**Constabulary response to members' feedback:**

*The Constabulary notes the Panel's feedback in this case. The way in which officers request personal details from persons being searched remains an ongoing theme of review for the internal scrutiny team and any instances where it is felt that officers have gone beyond what can reasonably be expected of general policing methods are fed back so learning can be taken.*

Is there from this case any Officer learning? **Yes** and/or any Organisational learning? **Yes** GOWISELY believed to be covered. Good practice for asking for a subject's name. However the Constabulary Lead for Stop Search has this as an ongoing theme, including the Internal Scrutiny Group. Regular feedback is given to Officers, which will include this case.

**Case 3: Stop & Search on 17/6/2021 at 22:01hrs.**

**Background:** Bladed article.

Vehicle occupants had been seen with other vehicle waving bandanas out of the windows, associated with gang activity, looking for weapons.



**Positive member feedback:**

Compliments: Excellent attitude and manner by officer 851 (A PCDA – Police Constable Degree Apprenticeship). Very calm and appropriate.

**Member concerns/questions:**

1. Are a bandana and gang signs sufficient grounds to search for a bladed article when all PNC checks are negative?
2. Why was male immediately hand cuffed and told it's standard practice on a Stop Search?
  - The Officer is told by a colleague that personal details are to be taken on a Stop Search and the male subjects are given the impression that details are to be provided on a Search.
  - Some officer assumptions were made – \*see question 3 below – but based on valid experience.

**Responses to 9 questions on the feedback form (2 Members):**

1. If force was used, was it appropriate? **Yes; Unsure**
2. Did the Police make correct decisions throughout this episode? **Yes; Unsure.**
3. Was the Police behaviour free from any stereotyping or assumptions? **No\*; Unsure.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Unsure.**
5. Does the Police behaviour need further review? **Yes; Unsure.**
6. Is the whole interaction recorded on the BWV? **Yes; No.**
7. Are the 'GOWISELY' items provided? **Yes (2)**
8. Were there reasonable Grounds to suspect the object would be found? **Don't know.**
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes (2), not obliged (1)**

**Operational learning point for organisation and individuals:** Officers give the impression that personal information has to be provided and is required for a person to receive a Stop Search receipt.

**Constabulary response to members' feedback:**

*In relation to members' questions surrounding the grounds in this case, the checking of PNC would form part of the process of forming grounds, however, from the circumstances described, the grounds appear reasonable, irrespective of the PNC outcome. There has historically been a practice of handcuffing people at the start of a stop search but it is being refreshed to all officers that any use of force must be justified and proportionate – there is not a 'standard' approach to handcuffing and stop search.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **Yes**

**Case 4: Stop & Search on 17/6/2021 at 22:34hrs.**

**Background:** Drugs - other controlled drugs.

An unusually large amount of ANPR activations in a short amount of time and was unable to account for his journeys and his story kept changing, He was very nervous and suspicious in his behaviour. He had two phones on him and intel for dealing.

**Positive member feedback:** ANPR (automatic number plate recognition) number of triggers and the male's evasiveness gave grounds for a search.

**Member concerns:**

- BWV doesn't include the male's search. There may be reference to taking him to Bridewell Police station, perhaps for strip search. If so, the members query the justification for this action, which seems excessive.
- A lot of Officers are involved for what amounts to be a simple Stop and Search.
- The female officer has a condescending attitude and also appears disappointed with the negative result after being very determined to find something.

**Responses to 9 questions on the feedback form (2 Members):**

2. Did the Police make correct decisions throughout this episode? **Yes; Unsure.**
3. Was the Police behaviour free from any stereotyping or assumptions? **No; Yes.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Unsure.**
5. Does the Police behaviour need further review? **No.**
6. Is the whole interaction recorded on the BWV? **Yes.**
7. Are the 'GOWISELY' items provided? **Yes; Partially.**
8. Were there reasonable Grounds to suspect the object would be found? **Yes; Don't know.**
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes & Yes; N/A**

**Constabulary response to members' feedback:** *The Constabulary notes the Panel's feedback in this case and will share members' observations with the officers concerned.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

**Case 5: Stop & Search on 21/6/2021 at 04:55hrs.**

**Background:** Intelligence links Occupants of vehicle (Driven by <A>) to recent possession of Firearm.

**Positive member feedback:** Good BWV narrative on the way to the location and good Officer attitude with the suspects. The Officer seems to accept some joshing from the relaxed person about the Line of Duty TV program.

A very fraught situation is de-escalated as soon as the Officers realise it is not the person they are looking for. Nicely handled.

**Member concerns:** The vehicle search seems slightly haphazard and un-coordinated at times, almost as if once realised it is not the correct suspect the vehicle is searched in a cursory manner. No BWV of interaction and search of the people.

**Operational learning point – organisational:**

Consider locating the BWV camera lower on the stab vest or in an alternative location as it's common for the BWV footage to be obscured by the raised firearm on firearms jobs. It is even more important to have good BWV on firearms jobs.

**Responses to 9 questions on the feedback form:**

1. If force was used, was it appropriate? **Probably yes. Camera lens obscured by firearm.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes; Don't know.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Don't know.**
5. Does the Police behaviour need further review? **No; Unsure**
6. Is the whole interaction recorded on the BWV? **No. Firearm obscures lens.**
7. Are the 'GOWISELY' items provided? **No, but it's a firearms case; Unsure.**
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Not heard; Unsure**

**Constabulary response to members' feedback:**

*The Panel's feedback in this case is noted with thanks. In relation to the positioning of the BWV on the officer's body armour, this observation has been shared with the Tactical Support Team firearms policy lead who has advised that officers are being issued with fixings to attach the cameras to their ballistic helmets to address this issue.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **Yes**

### **Case 6: Stop & Search on 22/6/2021 at 00:04hrs. Section 23 drugs search**

#### **Background:**

Drugs - other controlled drugs.

Reports made to police that a vehicle parked outside <...> House had a number of males stood around it taking and dealing drugs. On police attendance, vehicle was found with a lone male occupant in the front passenger seat with a strong smell of cannabis coming from the vehicle. Occupant stated that he had just finished a spliff and for these reasons, drugs search performed.

**Object found?** Yes - object other than that searched for.

#### **Positive member feedback:**

Compliments: Lovely attitude from trainee officer, all very professional and exceptionally polite. Great customer service. Both Officers say "Do you mind if I take your details?" This is an excellent way to avoid creating the impression that person information has to be supplied. GOWISELY items complied with very well by the new Officer under training.

#### **Operational learning points – Organisational and Individual officer:**

1. Leave the BWV running, to cover questioning (in the police car) and additional communication.
2. Could the "Do you mind ..." narrative be part of new advice/refresher training to Officers for engagement/conversation with members of the public, specifically Stop and Search? As the Officer is a trainee, this training may already exist.

#### **Member feedback form question:**

Is the whole interaction with the member of the public fully recorded on BWV? **No.**

#### **Constabulary response to members' feedback:**

*The Constabulary thanks the Panel for their observations in this case and it is excellent to hear that a trainee officer has performed so well. The Constabulary takes on board the feedback regarding keeping the BWV running and the use of the phrase "do you mind" when it comes to requesting personal details.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

### **Case 7: Stop & Search on 29/6/2021 at 16:48hrs.**

**Background:** Plain clothes officers witness persons of drugs users appearance form a queue outside an address where recent intel suggests drugs are being dealt and officers observe the occupant of the address exit and start an exchange that is believed to be a drugs deal.

**Object found?** Yes - object other than that searched for.

**Positive member feedback:** Officers deal with the situation calmly and professionally. Officer has a good attitude to these people known locally to the officer, including the older lady. Good multi-tasking.

**Member concerns:** It seems strange that only one Officer felt the need to apply restraints, to handcuff only one of the persons being searched.

**Question:** Should the female have been asked whether the content could be searched by a male officer?

#### **Member feedback form question:**

Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes & Yes; No**

**Constabulary response to members' feedback:**

*The Panel is thanked for its feedback in this case. Regarding the female being asked if she was happy with a male officer searching her – whilst this is not mandatory, it is best practice and this observation will be fed back to the officer concerned.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

**Case 8: Stop & Search on 30/6/2021 at 00:21hrs.**

**Background:** Male in a group of five males seen smoking Cannabis by a local resident. No other persons in area. Male smelt of Cannabis.

**Positive member feedback:**

- Thoughtful, patient and empathetic officer attitude to the male who has drugs possession, leading to a Drugs Education Program (DEP) enrolment.
- As a positive, drugs are taken off the streets and the way the male Officer handles the concerns of one of the group is excellent. This is a good example of de-escalation in practice, despite finding class B drugs.

**Member concerns:**

- The adequacy of grounds for a Stop Search are questioned. I can smell cannabis so will Stop and Search you?
- Apart from male who volunteered possession, the rest of the group were given the impression they had to provide their personal details.
- It seems the reason why the female Officer refused to let the people go on their way was "Well, one of you might have weed on you". That isn't an intelligence-led search, it's a fishing exercise, regardless of the outcome of the search.

**Operational learning points: Organisational or Individual Officer:**

- The Stop Search grounds appears to be for smell of cannabis alone. Inadequate grounds?
- The impression by Officers is that the stopped person has to provide their personal details.
- BWV is required before the actual incident, i.e. en-route to an incident with some commentary. Panel members used to see this in earlier cases since 2017, but none recently viewed in 2021 offer this pre-arrival/journey commentary.
- The male Officer demonstrates great people skills, keeps control of the situation without any escalation. A good example of how to deal with a young adult during a search.

**Responses to 9 questions on the feedback form (2 Members):**

2. Did the Police make correct decisions throughout this episode? **Yes; Unsure.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes; Unsure.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Unsure.**
5. Does the Police behaviour need further review? **Yes; Unsure.**
7. Are the 'GOWISELY' items provided? **Unsure.**
8. Were there reasonable Grounds to suspect the object would be found? **Unsure.**
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes.**

**Constabulary response:**

*The Constabulary thanks the Panel for its feedback in this case. The positive comments are pleasing to see, though the Constabulary notes that the smell of cannabis alone appears to have been the reason for the search. Officers have been reminded recently that smell of cannabis alone is not sufficient to provide grounds and this message will continue to be refreshed. Smell of cannabis cases will also continue to be scrutinised by the internal*

*scrutiny team and feedback provided, until we are satisfied that smell of cannabis alone is not being used as reasons for search.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **Yes**

## 1.2 STOP & SEARCH of under 16 year olds [All under 13s selected (total 10 cases)]

### Case 9: Stop & Search on 1/4/2021 at 17:06hrs. Somerset. s23 Drugs Act

**Background:** Youths in toilets with two spliffs containing cannabis. 2 spliffs located by PCSO.

**Object found?** No – no object found.

#### Member concerns/questions:

1. Smell plus 2 spliffs are on the floor. Is there adequate grounds to Stop and Search?
2. The Officer gives the impression that these under 13s must provide their details when the Officer says: Right gents, details. I'll take you into custody if you don't give your details.

#### Responses to questions on the feedback form (2 Members):

2. Did the Police make correct decisions throughout this episode? **Yes; Unsure.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes, Unsure.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Unsure.**
5. Does the Police behaviour need further review? **No, Unsure.**
6. Is the whole interaction recorded on the BWV? **Yes, Unsure.**
7. Are the 'GOWISELY' items provided? **Yes; No.**
8. Were there reasonable Grounds to suspect the object would be found? **Don't know.**
9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes & Yes**

#### Constabulary response:

*The Constabulary thanks the Panel for its observations in this case. Regarding the grounds for search, the presence of two 'spliffs' on the floor combined with the smell of cannabis could reasonably provide grounds for search – the smell alone would not. Feedback will be provided to the officer as to how they communicated with the young people regarding their personal details.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

### Case 10: Stop & Search on 2/4/2021 at 16:14hrs.

**Background:** Stolen goods. PACE 1984 (s1)

females had been seen in boots with various items, left the store without making payment.

**Object found?** Yes – the object searched for.

**NOTE:** No BWV can be found for members to review the case.

**Constabulary response:** *Apologies that there was no BWV to view in this case.*

### Case 11: Stop & Search on 24/4/2021 at 16:59hrs. PACE 1984 (s1) search.

**Background:** Bladed article. A member of the public called 999 stating that a child by the name of <H> has been in possession of a knife and has threatened his child at ... TAUNTON. When Officer arrived at the scene the father of the victim was in company with <H>. Arrest.

**Object found?** Yes – the object searched for.

**Positive member feedback:** Avuncular (kind and friendly toward a younger or less experienced person) attitude to a compliant subdued 13 year old.

**Constabulary response:** *The Constabulary thanks the Panel for its feedback in this case. Is there from this case any Officer learning? No and/or Organisational learning? No*

**Case 12: Stop & Search on 24/4/2021 at 20:00hrs.** PACE 1984 (s1) search.

**Background:** Bladed article. Police received a call from the mother of a victim, stating that her son had just been threatened by two males stating 'they had a knife and where going to stab <the victim> within EMERSON'S GREEN PARK'. Description was given by the victim, police attended location, located two males who matched the description, when asked have they been involved in the incident they stated they did threaten because they were started on by the victim and his friends. Based on this information grounds existed for a stop search under S1.

**Positive member feedback:** Calm, avuncular Officer interaction with the young lads. A very well handled search, letting both young people know what to expect and what the Officer was about to do. The Officer keeps his tone of voice and demeanour at a level suitable for children at all times.

**Member concerns/Operational learning point – Organisation and individual:**

Repetitive theme: The Officer gives the impression that the people to be searched are obligated to provide their personal details.

Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes & Yes**

**Constabulary response:** *The Panel's observations and feedback are noted. Thank you. Is there from this case any Officer learning? No and/or Organisational learning? No*

**Case 13: Stop & Search on 14/5/2021 at 17:27hrs.**

**Background:** Drugs - other controlled drugs. Misuse of Drugs Act 1971 (s23)  
Vehicle <reg> was seen on WADE STREET and a high amount of drug users appeared to be going to the passenger window, people on foot appeared to be drug users by their dishevelled look and the fact they were outside LOGOS house Drug rehabilitation centre. BWV summary: Stop search of <W>. GOWISELY provided by PC 2880).  
Note: No BWV for PC 2880, PC 4605 BWV = 1minute.

**Positive member feedback:** A difficult situation with the non-compliant young lad. The search is handled as well as can be expected in this situation.

**Member concerns:**

- Perhaps the person searching the young lad could have given him more information as to what the Officer was doing and how he was going to do it. It's a scary experience for a young lad not searched before so maybe a softer approach was needed in this situation.
- No GOWISELY items stated by this Officer.
- Noted that the 12 year old wore a tie, was not dishevelled and did not look like a drug user.

**Constabulary response:**

*The Constabulary notes the Panel's observations in this case and will address the fact that GOWISELY was not provided by the officer by way of feedback via their supervisor.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

**Case 14: Stop & Search on 19/5/2021 at 17:07hrs. Stoke sub Hamdon, South Somerset**

**Background:** Bladed article. PACE 1984 (s1). Police were called by an anonymous informant, reporting that there was a group of young males in the Skate Park, off Matts Lane in Stoke Sub Hamdon [near Yeovil], and that one of these individuals was in possession of a kitchen knife and that the informant had seen the knife also. The informant had ran home and was shaken up due to the incident. No description was provided of the male, however a name was provided as <C>. Police attended, and were on scene within 10 minutes of the call being made. On officers entry to the recreational ground there was a group of youths present in the skate park area. Officers have asked for the youths name to which one them stated he was the male in question, officers explained the reason why they were present, to which the males brother <F> stated that his brother did have a knife in his possession. At this point PC <J> has detained the male for the purposes of a Section 1 Stop Search, in which before PC <J> finish speaking a knife was produced to PC <Cr> by <C>, which had been in his right hand pocket of his shorts. Details were obtained. GO WISELY given. Male's father arrived on scene and was unhappy with officers' attendance. PC <J> has fully explained the search procedure and has provided <C> with a search record receipt. <C> was advised that the knife would be seized as evidence.

**Object found?** Yes – the object searched for.

**Positive member feedback:** Calm, avuncular with the young lad and with the off-key Dad. Good commentary on arrival on BWV. Good attitude and demeanour including a nice tone of voice putting the young lad at ease. During the search the Officer kept letting the young person know what was happening next.

Noted: This case is an example of a lad saying he needs to carry a knife for his protection. Is there a knife problem in this large village/community (5 miles west of Yeovil)?

**Question:** Has there been follow up with the boy to find out why he says he is afraid?

Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes**

**Constabulary response:** *The Constabulary notes with thanks the Panel's feedback in this case. It is not known why the boy was afraid, however this will be explored and reported back to the Panel.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 15: Stop & Search**

**Background:** Bladed article. PACE 1984 (s1).

Call to Police stating a group of youths were outside a shop, taunting and causing ASB. The caller was able to identify one suspect as being <T>, a known suspect to cause ASB and on the day wearing dark coloured Northface jacket and dark bottoms. Upon speaking to the caller they confirmed that a male, wearing a dark jacket and wearing dark clothing was outside threatening them and their dog stating words to the effect of 'I'll stab your dog' and then stated <T> was in the next shop along. Upon entering the shop, a young male now known to me as <T> matched the description of the suspect threatening to stab their dog. Intelligence also suggests <T> is a known knife carrier. Given this, <T> was detained under s.1 PACE where knives were being looked for on his person. GO WISELY given and nothing of note was found apart from 8 vape tubes which he stated were his friends. These were given to his Mother who later attended on scene and stated they were her adult brothers.

**Note:** No BWV of subject when searching by Niche ref, just 4 minutes BWV capturing the shop's CCTV recording.

**Member concern/question:** Why is there no BWV?

**Operational learning point:** The BWV of the CCTV shows the youths interacting with a lone female, which appeared harassing in nature, but other than that there is little to go on with no other Officer BWV.

**Constabulary response:** *It is not known in this case whether BWV was used and not saved, or not used. All stop searches should be recorded on BWV and saved as evidential. This will be fed back to the officer concerned.*

Is there from this case any Officer learning? **Yes** and /or Organisational learning? **Yes**

**Case 16: Stop & Search on 24/5/2021 at 17:52hrs.**

**Background:** Articles for use in criminal damage. PACE 1984 (s1).

CCTV have called to say that a male has been seen smashing a window near McColls shop with a hammer. The male seen by CCTV matched the description of the male that was searched. Upon police arrival the male has tried to make off from officers before being detained for the stop search.

**BWV summary:** Attendance to Rhode Lane, search of <H>.

**Object found?** Yes – the object searched for.

**Positive member feedback:** A legitimate search for additional weapons. Calm, understated Officer's attitude to the boy and good exchanges with the boy's Mum. Also good advice given regarding the perils of associating with a bad crowd. A good example of the difficulties of policing troubled/disruptive youths.  
No member concerns.

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

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 17: Stop & Search on 3/6/2021 at 14:18hrs.**

**Background:** Offensive weapons. PACE 1984 (s1). Community resolution.

Police have received a call form a member of the public who received a text message from her daughter stating that a young male had pointed or brandished a gun at he ron the beach. North Somerset located the male who was in company with a young friend. They monitored them both and their location was described as walking down Regent Street. PC 1185 caught up with both of the boys and stop searched <W> under S1 PACE due to the information from CCTV that the gun was in his possession.

**BWV summary:** Stop search of <B> for an imitation firearm.

**Object found?** Yes – the object searched for.

**Positive member feedback:** Generally a well conducted search, polite throughout. An avuncular approach to the 12 year old and effective advice/instruction from the Firearms Officer. A good example of a search of a minor.

**Member concerns:** The search is carried out in the middle of the street. This could easily have been performed on the pavement, at the roadside or in the alleyway entrance opposite.



**Constabulary response:** The Constabulary notes the Panel's feedback, which has been shared with the officer concerned.

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 18: Stop & Search on 23/6/2021 at 18:03hrs.**

**Background:** Bladed article. PACE 1984 (s1).

Initial call to police stated that a male, described as 11 years old wearing a black North face coat with brown hair riding a BMX had been holding a Stanley knife in Barmpton Park. Following an area search a <H> was located close by, wearing a black North face coat, riding a BMX matching the description, he was a 10 year old male and admitted being in the area. Due to the mention that he had a knife on his person in the incident he was detained for a search.

**Positive member feedback:** Well carried out search on a 10 year old minor. The male officer in particular was pleasant and considerate of the youth's age and treated him with respect.

**Member concern:** The Officer took the boy's personal details and a PNC check.

**Question:** With under 18s, who if anyone should the Officer contact after a negative search?

**Constabulary response:** The Constabulary thanks the Panel for its feedback in this case. Whilst not mandatory, it is professional judgement as to whether a parent or guardian is contacted after the search of a young person on a case by case basis.

Is there from this case any Officer learning? **No** and/or Organisational learning? Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

### 1.3 STOP & SEARCH where the grounds for the search state 'Smell of Cannabis'

The 6 most recent cases have been selected (in June 2021)

**Case 19: Stop & Search on 28/6/2021 at 17:27hrs. (Ethnicity: W1 British)**

**Background:** Vehicle smelling strong of cannabis - when asked why it smelt so strong passenger advised he was smoking it and other passenger produced a container of cannabis.

**Object found?** Yes – the object searched for.

**Positive member feedback:** All appears good natured and compliant. It appears to be a proportionate response based on the case summary. No issues.

**Member issues with BWV footage quality:** It is not possible to hear much of the discussion because the BWV is picking up too much wind noise from being on the beach. A partial audio of the GOWISELY items stated from the other officer and the member will presume this was all complete. This case can't be fully reviewed because of wind noise and lack of BWV from lead officer.

**Question:** Why is there no BWV from the lead Officer?

**Constabulary response:** The Panel's observations are noted with thanks. In relation to the BWV of the lead officer – it is not known whether this wasn't saved or wasn't used, but it will be fed back to the officer that in either case, it should be present and available for review.

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

**Case 20: Stop & Search on 27/6/2021 at 02:45hrs. (Ethnicity: W1 British)**

**Background:** Stop and search; Suspect; Community resolution.

Officers were on uniformed patrol, proactively visiting known drug dealing and drug using areas. At approximately 0245 hrs I noticed a Black BMW pulled up in a lay by, the interior of the car appeared to be clouded in smoke. Upon speaking with one of the occupants a smell of cannabis emanated from his person and also from within the vehicle. When asked if he had smoked cannabis he stated that he had, and that there was a small amount within the vehicle. Search conducted.

**Object found?** Yes – the object searched for.

**Positive member feedback:** All routine and a proportionate response. No issues.

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**Case 21: Stop & Search. (Ethnicity: A9 Any other white background)**

**Background:** Community resolution; No further action; Stop and search; Voluntary attendee.

Vehicle stopped following live/recent intel regarding drug supply. Occupant spoken to and presented as physically nervous and twitchy along with there being a smell of cannabis from the vehicle. Admissions made of being in possession of cannabis.

**BWV summary:** S.23 MDA Stop Search of <M>.

**Grounds:** Vehicle stop. Live/recent intel regarding drug supply. Smell of cannabis. Nervous/twitchy driver.

**Object found?** Yes – the object searched for.

Members also reviewed this case together at the Panel meeting.

**Positive member feedback:** Nice attitude from the officer throughout, who establishes a good rapport and tries to keep things easy going and at a courteous level. The Officer is aware of the situation regarding the daughter's suicide attempt and her missed appointment and other items.

**Member concerns:**

Members question the necessity for hand cuffing the subject as he exits the car because the man is compliant. However, members also acknowledge the intel suggesting drug dealing.

**Meeting comments:** Officer 'hands-on' (holding the man's wrist) and hand cuffs is noted as 'use of force'. This appears to be more common as an Officer's initial action. To prevent escalation it appears that Police Officer escalate their use of force.

Regarding discrimination and stereotyping, a member advised that for a 2<sup>nd</sup> language (this person is Polish) it takes 15 year to embed idiom and phrases such as "I'm not judge and executioner". Therefore simpler language is needed from the Police Officer and to reflect on narrative, including "We're not as bad as the Polish Police". \*See question 3 response below.

Regarding handcuffing, the man is cuffed then asked to move his car with the Officer in the passenger seat, so that seems more of a risk.

**Member feedback form question responses:**

1. If force was used, was it appropriate? **Unsure. Hand cuffed a compliant person.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes (2), \*No (1)**
5. Does the Police behaviour need further review? **No; Unsure.**
6. Is the whole interaction recorded on the BWV? **Yes; No, BWV turned off early.**
7. Are the 'GOWISELY' items provided? **Yes; Not completely, no audio of receipt offer.**

9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes & Yes, N/A.**

**Constabulary response:**

*Any use of force, including hand cuffing, is absolutely not a Police default position. All use of force has to be justified, e.g. to prevent escape or to preserve evidence. The Stop Search grounds in this case are not appropriate if for smell of cannabis alone. The Stop Search Lead Officer has this theme on her radar and is feeding back to Officers. What can't be seen is the Officers' previous event, e.g. a violent event of aggression. Officers' actions are to prevent risk, threat and harm. The National Decision Making Model. If compliant handcuffing is recorded then why do it if the person is compliant? It must be relevant and appropriate to handcuff. Apart from the female officer in the background it is 1 male officer with 1 male subject. Intel states a drug dealer, so the handcuffs can be used to prevent escape and/or to prevent evidence being destroyed.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **Yes**

**Case 22: Stop & Search 29/6/2021 at 13:59hrs. (Ethnicity: A9 Any other white background)**

**Background:** Arrested, Released under investigation.

Vehicle seen speeding in Easton, male was stopped driving in Easton garage. Officer identified himself and asked him to get out the vehicle. There was a strong smell of cannabis coming from the vehicle. The male ignored the officer and then started nervously fiddling with the dashboard of the vehicle. Officer believed he was attempting to conceal something. Male was detained and refused to get out the vehicle acting very nervously and suspicious.

**BWV summary:** Positive Stop Search of <A>, <Car ref> and subsequent arrest for PWITS [Possession with intent to supply].

**Object found?** Yes – the object searched for.

**Positive member feedback:** Good grounds and good Officer intuition and team work. Full BWV footage of the incident, with good commentary and a summary at the end.

**Member feedback form questions:**

7. Are the 'GOWISELY' items provided? **Yes, mostly, no offer of a receipt.**

9. Did the officer ask for personal information prior to or during the search and if so did she/he create the impression that the individual was obliged to do so? **Yes & Yes, N/A.**

**Constabulary response:** *The Constabulary thanks the Panel for its feedback in this case.*  
Is there from this case any Officer learning? **No** and /or Organisational learning? **No**

**Case 23: Stop & Search 30/6/2021 at 23:56hrs. (Ethnicity: M2 White and Black African)**

**Background:** Drugs education programme. Time of night, group of males in same location that caller reported smelling cannabis. Officers could smell cannabis on the group. There were no other people in the area.

**BWV summary:** Possession of class B, City of Bristol College. Seizure and search of <P>.

**Object found?** Yes – the object searched for.

**Member feedback:** See Case 8 above, which is the same case but Case 23 has a 2<sup>nd</sup> BWV (5 minutes) showing the conversation of the Officer and detained male in the Police vehicle: Thoughtful, patient and empathetic officer attitude to the male who has drugs possession, leading to a Drugs Education Program (DEP) enrolment. As a positive, drugs are taken off the streets and the way the male Officer handles the concerns of one of the group is excellent. This is a good example of de-escalation in practice, despite finding class B drugs.

**Case 24: Stop & Search 30/6/2021 at 20:34hrs. (Ethnicity: B1 Caribbean)**

**Background:** Arrested; Charged.

Strong smell of cannabis aroma emitting from the vehicle that was being driven and evidence of cannabis residue on front driver's floor mat.

**BWV summary:** Stop Search of <S> and arrest for s5A of Road Traffic Act (RTA) on Goulter St.

**Positive member feedback:** A positive result despite nothing found in the vehicle.

**Member concerns:** BWV starts late. Officers in their Police vehicle smell Cannabis as a black BMW passes by. Is this adequate grounds for a Stop and Search?

**Constabulary response:** *The Constabulary notes the Panel's observations – in relation to the smell of cannabis providing grounds for search, this alone is not sufficient to provide grounds for a stop search. It must be noted however, that as the smell was coming from a moving vehicle, consideration was given to possible road traffic offences such as being unfit to drive through drink or drugs, though it is noted more than smell alone is needed for a stop search specifically.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

## 2. Complaints

### 2.1 Complaints against the Police involving Stop & Search

Complaints finalised between Apr-Jun 2021

**Note:** Of the 6 Stop Search complaint cases, only 3 have Officer BWV.

#### **Case 25: Stop & Search complaint allegation regarding 27/3/2021 incident**

Complainant alleges that officers used excessive force during a stop and search; Officers approached him in an aggressive and threatening manner. He put his hands up and was not resisting but they used excessive force despite this. Told officers he could not breathe and they were hurting him by kneeling on his back. Complained that the handcuffs were too tight but they carried on and did not adjust them.

**Complaint outcome:** The police service provided was acceptable.

**Member feedback:** Case and BWV already reviewed by the Panel at the 9/6/2021 Panel meeting, as a 'Compliant handcuffing' Stop Search case.

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#### **Case 26: Stop & Search complaint allegation regarding 12/5/2021 incident**

1. Complainant alleges officers 'committed an unlawful act, by (stopping and) seizing his son's car for not having tax or insurance...'

2. Complainant alleges officers '...had ample opportunity to stop his son on the public highway but chose not to do this but to wait until they were on private property and were not able to quote the specific law... didn't know what they were doing and had called the DVLA and kindly put them on speaker phone. Complainant said that the DVLA didn't know the legislation either...'

**Complaint on 18/5/2021 and outcome 14/6/2021:** The service provided was acceptable.

**Note:** Case 5 and 26 are the same incident, but with BWV from different Officers.

**Positive member feedback:** The officer shows great patience, checks the position with DVLA and maintains a level tone (mostly).

#### **Member concerns:**

Definition of private land gave rise to verbal conflict and the man's father concentrating on the MOT issue deflected from the lack of Tax where private land is not relevant.

Officer uncertainty as to how to proceed, concern regarding the legality of lifting a vehicle on private property. The second Officer is not supporting the main Officer, often walking some distance away, as if to avoid conflict.

**Question:** Did Officers have any discretion to avoid seizure of the car for no tax or MOT?

#### **Responses to questions on the feedback form:**

2. Did the Police make correct decisions throughout this episode? **Officer unsure of law.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes, Unsure.**
4. Was the incident free from demonstrable discriminatory behaviour? **Yes; Unsure.**
5. Does the Police behaviour need further review? **No, Unsure.**
6. Is the whole interaction recorded on the BWV? **Yes, Unsure.**

#### **Constabulary response:**

*Officers (generally speaking) always have the power of discretion, it is a fundamental cornerstone of British Policing and fits with our objective to 'police by consent'. That said, an*

*officer will need to make an assessment based on a number of factors and these include the likelihood of reoffending and the risk of harm. With regards to the seizing of a vehicle, if the officer suspected that the vehicle would be used again and with no MOT (which indicates that there is a risk that the vehicle is not roadworthy), then the officer would need to think about the consequences of not seizing the vehicle. This could include damage to other's property which the driver would not be insured against, or even the failure of the vehicle's safety features and result in a death.*

*Is there from this case any Officer learning or any Organisational learning? **None recorded***

**Case 27: Stop & Search complaint made on 20/5/2021 and finalised on 1/6/2021**

Complainant alleges that officer has discriminated against his son by stopping and searching him; "My sons first day of driving and he was stopped and given a full check over by the police. I have hesitated making this complaint but my son is black and having spoken with numerous friends of his who are all white I am not aware of one other individual that has been stopped. To make matters worse the officer issued my son with a penalty notice re a tyre. We went to get it changed today only to be informed by the garage it was perfectly legal. My son's uncles have had this their whole lives and I'm adamant it won't happen to him. The officer also explained how sometimes he gives a warning but decided to issue the ticket as he didn't think my son would action it'.

**Complaint outcome:** The police service provided was acceptable.

**Member feedback:** This clip of BWV is about a defective car tyre, not a Stop & Search.

**NOTE: No BWV found so it's not possible for Scrutiny Panel to review this case.**

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**Case 28: Stop & Search complaint made on 8/4/2021 and finalised 20/4/2021**

At roughly 1230h to 1300h on Saturday 3rd April 2021, <L> was walking on Hundry Lane, Hambridge, with a friend who is mixed race. A group of three white teenagers were walking nearby. <L> and his friend were stopped by a police officer in an unmarked car, who questioned what they were doing. The police officer did not take their names or get out of his car. The group of white teenagers were not stopped. The complainant is extremely angry as the only explanation he can think of is that the Officer was racist in stopping <L> and his friends and not the other group.

**Complaint outcome:** The complaint contains too little information – no further action.

**NOTE: No BWV found so it's not possible for Scrutiny Panel to review this case.**

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**Case 29: Stop & Search complaint made on 19/4/2021 and finalised on 11/5/2021**

The complainant alleges 'I was subjected to a full strip search at no point was I made aware of my rights or given any documentation'.

**Complaint outcome:** Complainant withdrew their complaint.

**Note: No BWV so not possible for the Scrutiny Panel to review the case.**

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**Case 30: Stop & Search complaint made on 20/4/2021 and finalised on 30/4/2021**

Complainant alleges officer(s) stopped her whilst driving, but offered no explanation for doing so: '...They pulled up beside me again. I wound down my window and they told me "you can carry on now". I said okay and proceeded to drive to work. I was so shaken up'.

**Complaint outcome:** Explanation and apology given.

**Note: No BWV so not possible for the Scrutiny Panel to review the case.**

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## 2.2 Complaints against the Police involving Taser

Complaints finalised between Apr-Jun 2021

### Case 31: Taser related complaint regarding 14/6/2020 incident

Complaint date 15/4/2021. Complainant alleges that officer used unnecessary and excessive force; Taser deployed on 2 occasions.

**Note 1:** Allegation of excess force not read in complaint.

**Note 2:** More serious categorisation (severity) of complaint: Avon and Somerset Constabulary Professional Standards Department (PSD) complaint investigation after IOPC referral.

**Complaint Outcome 6/7/2021:** The service provided was acceptable for 8 allegations, but not acceptable for 1 allegation, i.e.: Complainant alleges that officer(s) told her incorrect information; "I was told I would have to go to court on the morning of 5th October 2020, which horrified me because a female officer had told me on the phone that it would be adjourned for another time if I explained the situation."

**Positive member feedback:** Officer dealt well and firmly with an aggressive, abusive, uncooperative and restless drunkard who had left the road in her car.

**Member concerns:** Officer saying "Take a f...ing step back" was unhelpful to use the same vocabulary as the detainee.

Listed as a Taser complaint but not clear whether Taser was even drawn in this incident. Any Taser red-dotting would have been ineffective given the subject's drunk condition.

**Constabulary response:**

*Individual learning details: Feedback provided regarding record keeping and exit risk assessment for Custody.*

*Action Taken: Feedback was given Complaint Investigations Officer to the Officer complained against which resulted in an email of acknowledgment to ensure the error is not repeated.*

Is there from this case any Officer learning? **Yes** Any Organisational learning? **No**

### Case 32: Taser related complaint regarding 12/4/2021 incident

Complaint date 19/4/2021. The complainant alleges that when she was Tasered and arrested by the police on 12/4/2021, the police officer used excess force as she only intended to harm herself.

**BWV summary:** Initial attendance at BRISTOL ROAD LOWER, covers initial accounts from the parties, arrest of male and then the resistance/aggression from both the male and female party until the female party is also arrested.

**Complaint outcome 15/7/2021:** The service provided was acceptable.

**Positive member feedback:**

No harm came to either during a prolonged period of altercations. The male was initially calm until he was told he was under arrest on suspicion, at which point it escalated very quickly but the male officer maintained control under difficult conditions.

**Member further comments:** This was a difficult watch. The female was in a highly distressed state, the visual evidence supported the officer's conclusion of domestic assault, but the contribution of the female was escalating the situation until the inevitable arrest of both parties. I do not see a point where this could have been diffused.

**Constabulary response:**

Is there from this case any Officer learning or any Organisational learning? **None recorded**

**Case 33: Taser related complaint regarding 12/1/2020 incident.**

Complaint date 20/4/2021 (15 months later): Complainant alleges that officers used excessive force during his arrest; Tasered him unnecessarily; Used PAVA unnecessarily; Kicked him in the head whilst in the police van.

**Complaint outcome** 23/7/2021: The service provided was acceptable.

**Member responses to feedback form questions:**

1. If force was used, was it appropriate? **Unsure re initial Taser draw. Yes to later.**
5. Does the Police behaviour need further review? **No; Unsure.**
6. Is the whole interaction recorded on the BWV? **Yes but not later, outside the van.**

**Member operational policing/tactical questions:**

1. What danger did the officers perceive to justify deploying the Taser?
2. Why wasn't the male searched immediately/earlier, when he remained fairly compliant at the door and especially if a knife was suspected, rather than in the confined space inside the Police van, leading to non-compliance?
3. Was PAVA the best means to secure compliance?

**Constabulary response:**

Is there from this case any Officer learning or any Organisational learning? **None recorded**

**Case 34: Taser related complaint regarding 20/3/2021**

Complaint date 20/4/2021: The complainant alleges that the officer used unnecessary and excessive use of force upon him in the deployment of a Taser.

**Niche narrative:** Theft and Handling Stolen Goods

**BWV narrative:** Footage shows force used to detain <J> and the arrest.

**Complaint outcome** 21/7/2021: The service provided was acceptable.

**Positive member feedback:** The female Officer in charge of the case (OIC) is very professional and immediately gains the male's attention and compliance, but when she starts to hand cuff the male he becomes agitated and is then Tasered.

**Member concerns:** According to the records supplied, no mention was made of weapons, just theft and handling stolen goods. The force used including the large amount of armed police seems inordinate for the offence recorded.

Presumably there was intelligence of danger of weapons hence a high threat level.

4 Taser barb shots are fired from various Officers which seem to be ineffective due to the thick clothing and the aim of fire.

**Constabulary response:**

Is there from this case any Officer learning or any Organisational learning? **None recorded**

**Case 35: Taser related complaint regarding 12/2/2021 incident**

Complaint date 7/6/2021: The complainant alleges excessive force was used on him when he was Tasered. His arm has never recovered.

**Complaint outcome** 16/7/2021: The service provided was acceptable.

**Positive member feedback:** Officers achieve CONTROL WITHOUT INJURY. After the event the Officers are helpful but the risk of injury has already happened.

**Responses to questions on the case feedback form (2 members):**

1. If force was used, was it appropriate? **Yes; Not known**



2. Did the Police make correct decisions throughout this episode? **Yes; Not known.**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes; Not known.**

**Member concerns:** The complainant clearly has social interaction and communication issues, was also clearly known to the police, so was the level of force necessary? When Tasered his reaction was to be expected but pulling him to the ground from the doorstep seemed excessive, given his size and the drop from the step.

**Operational Question:** Might it have been better for one Officer to speak to the man and establish a rapport?

***Constabulary response:***

Is there from this case any Officer learning or any Organisational learning? **None recorded**

### 3. Taser deployment cases:

#### 3.1 Top 3 Officers who deploy Taser most often

#### 3.2 Taser fired cases

#### 3.3 Top geographical area for Taser deployment (Bristol Central & North).

#### 3.1 Top 3 Officers who deploy Taser most often

##### **Case 36: Taser deployment 25/4/2021. Stockwood, Bristol (OSU Team 3)**

Male has just stolen car of informant's husband. Informant's husband has driven off in her car after him. No CCTV available.

**BWV summary:** Detention of <A> on top floor of Bus on Stockwood Road.

**Positive member feedback:** Taser drawn against a subject who resists arrest for suspected theft of a motor vehicle. Taser deployment is justified given the risk of injury likely to arise from a struggle in this confined space. The Officer achieved compliance and extraction for the top deck of this bus. No member concerns.

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##### **Case 37: Taser red dot. 14/6/2021 (Team 3 Patrol base 7)**

**2 BWVs selected:** Attend ... Tanner's Court, Frenchay. Then Arrest of <G> at address.

This case has also been reviewed by all Panel members attending the meeting.

**Positive member feedback:** A very difficult situation involving a child and four very drunk adults. Police Officers bring order to a chaotic situation. Good advice from the Police Control room/communications regarding Officers handling the subject's fit.

**Member concerns:** Taser appears to be waved around fairly randomly. It is used to red dot and this is very random use and does not appear to be effective, e.g. it is drawn at the same time the Officer is physically restraining the person. In this instance it appears that the Taser gets in the way. PAVA is used off camera. The PAVA does calm the situation.

**Additional member comments during the meeting:** It seems like it is Officer training. If a person is intoxicated and not responding to an Officer displaying a Taser, should the Officer still hold the Taser or put it away? Is there a plan of action for the Officers? If the lead Officer is the assertive one with the Taser, he is standing outside the flats rather than inside. After the first female has a seizure and recovers, a second female has a seizure in the hallway of the flats, blocking the exit, which is another risk.

A member has a concern about family break-up and asks how the Police deal with children?

##### **Constabulary response:**

Taser Trainer: Taser is out too long. An arc warning could have been effective (i.e. sound and sight of the Taser arcing). De-escalation is required. Members may recall the distance chart for weapons. Training batons are new within Officers' Taser training, including PAVA, so there are options of tools to use by Officers when they think through the National Decision making model. There are poor tactics in this incident and a lack of control. Also the over-use of hand cuffs theme is noted. Officer Personal Safety Training (PST) includes a visit from the College of Policing because Avon and Somerset Constabulary is a pilot force. Training used to be drill-based in a sterile manner, involving repetitive practice. The new style is now real scenarios, Officers keeping space and controlling the scene. De-escalation. Taser Lead Chief Inspector has 14 years Firearms officer experience. Poor tactics resulted in poor practices. The Officer is assertive with the man in the kitchen, pointing Taser at him, then allows the male to go past into the other room and he is then arrested. 4 subjects (2 female) and 6 Officers.

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

**Case 38: Taser red dot. 24/5/2021 (Team 3 Patrol base 7)**

**BWV narrative:** Weapons; Public order. Kingswood. Stop and Search s1.

**Positive member feedback:** Taser red dotting is justified because of information that the man has a knife. The Officer's relationship with the man stopped is very positive and appropriate.

No member concerns.

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**Case 39: Taser red dot. 13/6/2021 at 16:50hrs. (Team 3 Patrol base 7)**

**BWV narrative:** Use of force (red dot) Taser + s1 PACE Stop Search of <V>.

**Positive member feedback:** Taser drawing is justified because of information that the man has a knife.

**Operational policing point:** The BWV stops. The Panel member is not sure if this is the end of the engagement, but suspects it's not as the person has not been 'released'. It would be good in these instances if the Officer could voice to camera as to why they are turning off the BWV.

**Constabulary response:**

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

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**Case 40: Taser red dot 25/6/2021 at 23:36hrs. (Team 3 Patrol base 7)**

**BWV1 narrative:** Initial interaction with <C>, ... Yate DV Assault.

**BWV2 narrative:** Arrest of <T>.

**Member concerns:** No BWV footage of any Taser red dotting. It may be on another BWV. The man is compliant on arrest and hand cuffing.

**Constabulary response:**

BWV of others attending has been viewed by Lead Taser Instructor. Subject is located in kitchen near a knife with blood on the floor from an injury. The time of red dot is minimal and once compliance is gained the Taser is off aim. Good use of Red Dot and reaction to compliance gained.

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

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**Case 41: Taser red dot 29/6/2021 (Team 1 Patrol base 5)**

**Note:** No BWV. Officer reason: Insufficient time.

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**Case 42: Taser red dot 27/6/2021 at 14:00hrs. Somerset West. (Team 1 Patrol base 5)**

**Note:** No BWV. Officer reason: Insufficient time.

**BWV Summary:** Verbal Domestic - ... TAUNTON - <S>. Initial attendance and account from the informant and the arrest of <S>.

**Positive member feedback:** Drawing of Taser contributes to achieving the person's compliance.

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**Case 43: Taser red dot 23/6/2021 at 03:05hrs. Somerset West. (Team 1 Patrol base 5)**

**Note:** No BWV. Officer reason: Insufficient time.

**BWV summary:** Arrest of <S> on suspicion of domestic assault. Also BWV captured initial account from witness who has since refused to provide a statement.

**Positive member feedback:** Panel compliments to the Police Officer who speaks Polish and does very well de-escalating the situation very quickly. The Officer's mannerisms change as he speaks in Polish to match that of the expectations and mannerisms of the suspect. An arrest is effected without harm to anyone by the Taser red dot. However, another member questions the necessity of the Taser red dotting because the suspect seems as if he's pretty much accepted his fate by that point.

**Constabulary response:**

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 44: Taser red dot 31/5/2021. Somerset West. (Team 1 Patrol base 5)**

**Note:** No BWV. Officer reason: Insufficient time.

**Note:** No BWV found so no review by Panel members.

**Case 45: Taser fired 30/5/2021 at 23:44hrs. Somerset West (Team 1, Patrol 5)**

**Background:** Report of a knife. 9 people and children at an address. Second call to Police of a large fight, then a number of calls reporting screaming, shouting and swearing. Control room staff brief the Force Incident Manager (FIM) of the weapon report and the FIM deploy a Taser Officer and advised Officers to switch on BWV.

**BWV summary:** Attending incident with violent male resisting arrest - Taser deployed.

**Reason for use of force:** Effect arrest; Prevent harm; Prevent offence; Protect other officers.

This case has also been reviewed by all Panel members attending the meeting.

**Positive member feedback:** 6 or so officers finding it difficult to secure compliance from a large male. The Taser officer arrives, gives warning of red dots and then discharges. Compliance achieved and no one is hurt. De-escalation tone by the male Taser Officer. Risk from large crowd so right decisions made.

**Additional meeting comments:** There is de-escalation from the male Officer's tone.

**Member concerns:** A second member feels that the Taser deployment – use of force - was not warranted, just to get hand cuffs on the man. With the large number of Officers present, hand cuffing was only a matter of time. The member has never seen a Taser deployed like this before, simply because it was difficult to get hand cuffs on.

**Additional meeting comments:** There are children in the area. One member feels that Officers should talk slower.

**Responses to questions on the feedback form (2 members):**

1. If force was used, was it appropriate? **Yes; Not sure.**
2. Did the Police make correct decisions throughout this episode? **Yes; No.**
5. Does the Police behaviour need further review? **No; Unsure.**

**Constabulary response:**

Taser Trainer: Positive feedback to officer: An effective Taser fire.

Developmental learning point: An arc warning could have been given (heard and visual for subject, to control the person).

Use of 'Calm down' words by Officers is being reviewed and alternative words are being considered by Officers.  
Encouraging family and friends to help. Officers standing back, giving time, for the man to get to his feet. The subject has control of the direction of the Officers holding on.

Is there any Officer learning? **Yes** as above, or Organisational learning? **No**

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**Case 46: Taser drawn 23/4/2021. Somerset West. (Team 1 Patrol base 5)**

**Note: No BWV found so no review by Panel members.**

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**Case 47: Taser drawn 8/4/2021 at 08:41hrs. Somerset West. (Team 1 Patrol base 5)**

**BWV summary:** ... Blake Place, [Bridgwater] arrest of <P> for breach of injunction.

**Positive member feedback:** Good engagement and by being patient there is effective de-escalation. Drawing of the Taser may have encouraged compliance. The female Officer keeps a nice level tone of voice, trying to keep the situation under control and communicated at this level, as an example offering to collect medication.

**Member concerns:** The female Officer's use of the F... word on occasions is not considered entirely necessary or professional, although it is appreciated that she adjusts her communication style to suit the suspects.

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**Constabulary response:**

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

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**Case 48: Taser red dot 18/6/2021 (Tactical Support Team [TSU] Almondsbury Team 5)**

**Note: No BWV found so no review by Panel members.**

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**Case 49: Taser red dot 27/6/2021 at 21:16hrs. (TSU Almondsbury Team 5)**

**2 BWVs:** Report of Machetes. Pursuit and extraction of occupants after vehicle failure to stop. Use of force captured on two (arrests) of the four subjects.

**Outcome:** No further action due to lack of proof of the driver.

This case has also been reviewed by all Panel members attending the meeting.

**Positive point:** Officers effectively gain control of the people in the car.

**Member concerns:** Incomplete footage at the beginning makes it difficult to scrutinise fairly. The man on the floor could have been moved slightly so that car door didn't bang in his head when opened by the Officer. Fruity language but understood that this is part of the Firearms Team's aggressive rapid deployment in any given situation.

Another member feels that the bad language is inappropriate by any Police Officers, as professionals on the scene. It can escalate situations.

**Additional member comments at the meeting:**

**Operational questions:**

1. Is Officer use of bad language a Police tactic in certain circumstances?
2. How does holding Taser affect gaining control by physically grabbing an individual and hauling them out of a car?

3. Why is it difficult to arrange recovery of the vehicle?

**Constabulary response:**

Lead Taser Instructor - Officers use 1. Tactical communication (e.g. "Drop the knife", "Stand over there") and then 2. Crisis communication (e.g. the danger of a stabbing, distraction technique to shock a subject or loud noise to divert their attention.)

Chief Superintendent Response Lead is a strategic Firearms Commander and the Where it is; Who it is; and What it looks like on the Street and to member of the public is taken into account. The community impact.

This is a case of a vehicle failure to stop, putting lots of members of the public at serious harm. The windows are tinted. The report is of possible machetes so Taser is drawn when the person opens the car door. Credit to the Officer that Taser isn't fired.

Vehicle recovery companies vary in service quality and response time.

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 50: Taser red dot 17/6/2021 at 21:10hrs. (TSU Almondsbury Team 5)**

**BWV summary:** Firearms coding Union Street Bristol. Detention of <A>.

**Positive member feedback:** Compliments to the Officer for Once the situation settles down the Officer's demeanour and the way he speaks to the suspect is excellent, he de-escalates the male suspect's stance and understandably somewhat aggressive attitude, ending things on a fairly amicable basis.

**Operational policing question for this case:**

Why was the male taken to the ground whereas other occupants were not?

Is there any difference in a Section 47 Firearms Stop Search compared to a PACE S1 or S23?

**Constabulary response:**

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 51: Taser red dot 27/5/2021 at 10:03hrs. (TSU Almondsbury Team 5)**

**BWV summary:** Detention and arrest of <C>.

**Note:** No BWV found so no review by Panel members.

**Case 52: Taser red dot 2/5/2021 at 2/5/2021 at 05:03hrs. (TSU Almondsbury Team 5)**

**BWV summary:** Arrest of <W>.

**Positive member feedback:** Well carried out use of Taser red dot to gain control of the situation very well without escalation. The Officers take time to review the situation after intel received of an armed (knife) protagonist. A full post-operation briefing with the Inspector is recorded on the BWV with a discussion about which 'less-lethal' force could have been used. The Officer clearly explains his decision making.

**Operational point:** The Officer seemed to suggest he didn't have a baton round available?

**Constabulary response:**

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

**Case 53: Taser aimed (red dot) 8/6/2021 at 08:41hrs. Bristol. (OSU Team 3)**

**BWV summary:** G... Close. Entry forced into property on section 8 Warrant.

**Positive member feedback:** Good appropriate use of the Taser. The red dot immediately gains control of the situation and compliance by the person.

Children are in the house. Follow-up or support is unknown for them although the female Officer remains downstairs, possible with the family members.

**Constabulary response:**

*Taser Lead Instructor – unable to locate BWV.*

Is there from this case any Officer learning? **No** and/or Organisational learning? **No**

### 3.2 Taser fired cases

**Case 54: Taser fire 10/4/2021 at 19:12hrs.**

**BWV summary:** Taser Deployment due to call from LPA (Local Policing Area) for OSU (Operational Support Unit) to assist with detention of dangerous male.

**Positive member feedback:** Firing the Taser avoids a lengthy stand-off and also avoids the need for forced entry. The Officer is commended on accurately firing from a restricted angle.

**Constabulary response:**

*Lead Taser Instructor – Feedback has previously been given to officer to ensure access can be gained to subject when Taser is fired. In this occasion the ability for other officers to climb the rear fence ensures the subject can be accessed for aftercare and potential First Aid.*

Is there from this case any Officer learning? **Yes** and/or Organisational learning? **No**

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**Case 55: Taser fire 12/5/2021**

**Note: No BWV found (but recorded as BWV used).**

Unknown offender had smashed the front windows of the shop and taken a lot of watches from the cabinet from the front of the shop. There is CCTV available.

**Note: No BWV found so no review by Panel members.**

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### 3.3 Top geographical area for Taser deployment (Bristol Central & North).

Apr-Jun 2021: Total 348 cases. Bristol North & Central=82; Somerset West=56; Bristol South=42; Bristol E=39; N. Somerset=36; Somerset E=33; B&NES=26.

#### Case 56: Taser 28/6/2021 at approx. 18:00hrs.

Report of suicidal male [female] with knife at throat.

**Positive member feedback:** The Officer is to be commended for taking immediate control and then the lengthy and patient gain of the female's trust followed by a discussion about planning a way forward from a position of hopefulness. By the end the female is noticeably more cheerful.

#### **Constabulary response:**

*The officer has shown very good de-escalation by allowing time whilst the person has a knife to her throat. Instead of taking immediate action of a use of force option the time, space and level of communication has resulted in the female dropping the knife and giving trust to the officers. As per her Taser training the officer has identified herself as a Taser Officer and highlighted the threat is the knife, all within her own empathetic communication style. Is there from this case any Officer learning? **No** Any Organisational learning? **No***

#### Case 57: Taser red dot 28/6/2021 at approx. 18:00hrs. Bristol

Pursuit [after Radio intel?] and extraction of occupants. Use of force on 2 of 4 subjects.

**Positive member feedback:** A good use of the Taser red dot to control this situation which is swiftly brought under control.

**Member concerns:** Members reviewing the footage don't like the Police swearing. Was the swearing necessary during the arrest? It was obviously a tense situation but the language was overkill to control the situation. Police Officers should maintain their professionalism. Swearing at a person can antagonise a situation and escalate it. It was not necessary because the situation was pretty much in the Officers' control.

This case needs much more information on the case summary and BWV to understand the reasons for the pursuit and subsequent Taser, Stop and Search and police actions. It is difficult to make a decision on this case.

#### **Operational points/question:**

1. Bad language is not professional. More BWV is needed before the actual Taser. Otherwise it cannot be scrutinised fairly.
3. Were any weapons found during the search?
4. Considerable background siren noise obscures a significant part of the dialogue on the BWV when force and arrests are made. Do the sirens need to stay on?

#### **Constabulary response:**

*This BWV was previously reviewed and highlighted is the **principle of Tactical Communications and Crisis Communications**. In this incident Crisis Comms is used as a level of force to distract the subject and prevent them from preparing or actioning any threat towards the officers. As in this case Crisis Comms can result in a level of language used to shock or gain immediate attention of the subject. The backstory to this incident involved a high level of threat involving weapons and therefore the officers have started at Crisis Comms as a use of force to gain control quickly. Once control of the subject is gained the officer returns to Tactical Comms throughout the footage. The primary concern is removal of any threat and control the scene. Once this happens then consideration can be given to switching lights and sirens off (which occurs 6.28 mins into the BWV). Is there from this case any Officer learning? **No** Any Organisational learning? **No***



## 4. PAVA used case

### Case 58: PAVA used. 29/6/2021. Bristol.

Initial attendance at Mambo. Account from staff.

**Positive member feedback:** A good example of officers dealing with a chaotic situation. Ending the fight of several men attacking another man is necessary and when the people refuse to desist a warning is given, PAVA is then used promptly to break up the fight. Good engagement by the Officer who answers questions, explains actions and how enquiries will proceed. This appropriate use of force (PAVA) because the alleged victim is reportedly keen to continue the fight and turned on the Officer. A very confused situation. Some concern about PAVA use in the chaos where even one of the Officers is mildly affected, but it is accepted there is a need to bring the situation under immediate control which is achieved.

**Constabulary response:** *Use of force appropriate in the circumstances.*  
Is there from this case any Officer learning? **No**. Any Organisational learning? **No**

### Case 59: PAVA used. 27/6/2021. Thornbury, South Glos.

Thornbury - Assault - BWV shows initial attendance on scene, speaking with victim and arrest of <T>. Also use of handcuffs and deployment of PAVA.

**Positive member feedback:** The Officer has a calm steady approach, with compassion towards the victim of the assault, even whilst vile abuse is being voiced to the Officer.

**Member concerns:** Mixed member views as to whether or not the force used was appropriate. One member thinks it is; one thinks it seems appropriate but more information is needed about the case; and another member is not so sure it is appropriate because the PAVA seems to exacerbate the situation and there is no de-escalation effort by Officers. PAVA is pre drawn almost as if it is a forgone conclusion to use it. The assumption has been made by the Officer that use of force (PAVA) is needed prior to entry. Certainly the officer is not prepared to enter the property without further Officers on site.

The decisions seem hastily made but this may be because the BWV starts late and suspect seems to one member to be under some sort of influence from drugs or alcohol. More BWV prior to the actual deployment of force is required to properly understand the context and not make hasty or incomplete responses/judgement on the situation.

### Responses to questions on the feedback form (3 members):

1. If force was used, was it appropriate? **Yes; Seems so but need more info; Unsure.**
2. Did the Police make correct decisions throughout this episode? **Yes; Unsure (2).**
3. Was the Police behaviour free from any stereotyping or assumptions? **Yes (2); No (1).**
6. Is the whole interaction recorded on the BWV? **Yes (2); No (start incomplete).**

**Constabulary response:** *Use of force appropriate in the circumstances.*  
*The offender has displayed a propensity for violence, having already assaulted his partner (witnessed by members of the public). Partner has visible facial injuries, showing that the subject has both the capability and intent to cause harm. Officers are clearly in a tutorship phase, good discussion around working strategy and powers whilst dealing swiftly with the incident. Tutor Constable has made their decision in line with the NDM and the threat assessment at the time (this could indeed include the level of experience of the officer being tutored and the need to bring the incident to a swift and safe conclusion as the victim is on scene). PAVA is effective in achieving this outcome and reduces the force that may have been required in a more prolonged restraint or taking the subject to the floor.*  
Is there from this case any Officer learning? **No**. Any Organisational learning? **No**

**Case 60: PAVA used. 24/6/2021 at 01:00hrs.**

**BWV summary:** Attendance at Station Road following CCTV highlighting a male involved in an earlier assault. Male refused to provide details and was arrested by PC on suspicion of assault before resisting. PAVA deployed following male being red-dotted but stating that he is suffering with a heart condition.

**Positive member feedback:** Good patient interaction to cope with what appeared to be a panic attack. The quick decision to switch from Taser to PAVA was sensible based on the information given by the suspect, so well done to Officer for making that quick judgement call.

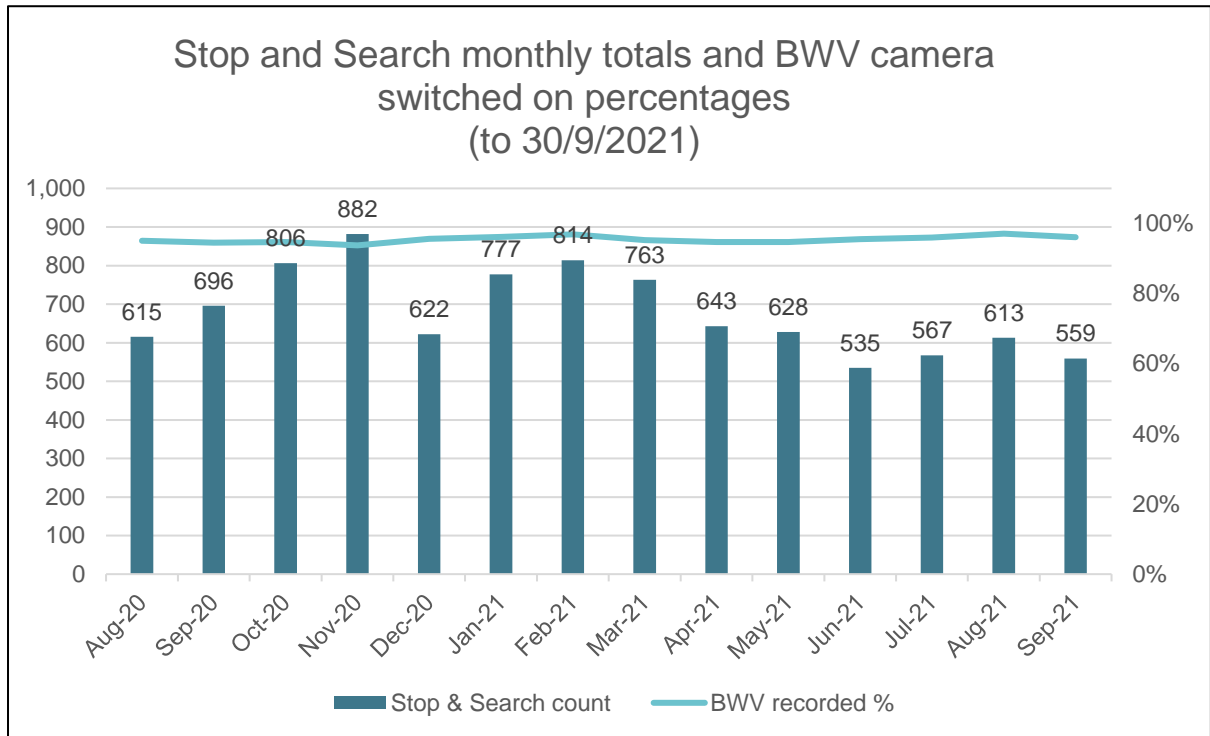
**Operational question:** Why wasn't water offered sooner for the man's eyes after the PAVA use?

**Constabulary response:** *Use of force appropriate in the circumstances.*

*In response to the panel's question re: aftercare, water is not always readily available in operational situations. A small amount of water (e.g. a bottle) would actually make the effects worse. If water is to be offered it needs to be **copious amounts of fresh, running water** (e.g. a sink/hose/shower). In the absence of this, fresh air and verbal reassurance is the guidance, in line with training.*

Is there from this case any Officer learning? **No.** Any Organisational learning? **No**

## Appendix 2: Stop and Search



## Appendix 3: Taser use

Taser used (out of holster and either aimed, red-dot, arc, drive-stun or fired) and BWV percentage switched on (to 30/9/2021):

