

Independent Scrutiny of Police Powers Panel Case Review Report

16 December 2021

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- Complaints

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Who are the Panel?

The Scrutiny Panel, currently 14 local people of diverse backgrounds, started in June 2017

The Panel meet quarterly and select categories for police case scrutiny.

Panel member Diversity and Inclusion:

Age: 20s to 70s

Disability: 2

Sex: Female 7; Male 7; Non binary = 0

Race: White = 8; Black = 3; Asian 2; White European 1

Sexual orientation. LGBT+: 1

What does the Panel do?

- Independently scrutinises the Police use of their powers.
- Enhances the public's confidence in the work of Avon and Somerset Police (the Police).
- Ensures openness and transparency by the Police
- Acts as a 'critical friend' to the Police.
- Offers feedback, from a local person's perspective to the Police on their use of their powers, in particular the use of force.
- Views Body Worn Video (BWV) camera footage of police incidents.

The Independent Scrutiny of Police Powers Panel (the Panel) has been appointed to scrutinise the use of Police powers to ensure it is appropriate and proportionate. This includes reviewing the use of Taser, Stop and Search and other use of force, by reviewing Body Worn Video (BWV) camera footage and reading Police records of each incident.

The Panel acts on behalf of the Police and Crime Commissioner (PCC) as a 'critical friend' to Avon and Somerset Police (the Police) by communicating local people's views on how the Police use their powers.

Every 4 months (each quarter) the Panel chooses 60 cases to scrutinise, reviewing the

BWV on each case and preparing a Report. Feedback is sent to the Police with particular emphasis on identifying Police Officer and Organisational learning.

In the Panel year from September 2020 to August 2021 the Panel scrutinised 231 cases, completed 564 Feedback Forms and viewed 84 hours of BWV.



CATEGORIES OF CASES

The Panel selected the following categories of Police incidents within July-September 2021:

Stop and Search – 20 cases:

- 4 x Smell of cannabis
- 4 x Bristol North Central (highest increase of Stop and Search of black persons)
- 4 x Somerset West (highest disproportionality)
- 4 x Black under 16s
- 4 x Complaints (3 incidents had no Body worn video)

Use of Force – 20 cases:

- 4 x Use of baton (can cause serious injury/impact on public confidence)
- 4 x Compliant hand-cuffing of a black person at a stop and search (disproportionality)
- 4 x Taser in BANES (highest increase over previous quarter)
- 4 x Taser during stop and search on black detainee (disproportionality)
- 4 x Complaints

KEY FINDINGS – THEMES

The Panel identified 7 Themes from:

- **40 scrutinise cases**
- **12.5 hours of Body worn video reviewed**
- **109 member feedback forms completed**

THEME 1:

Male officer searching a female.
(Case numbers 4 & 15)

THEME 2:

Taking personal details & conducting a PNC search after a negative Stop Search. (Cases 6/8/12/16/25 & 27)

THEME 3:

BWV either switched on late, obscured or otherwise inadequate.
(Cases 4/5/7/8/9/30/33/36. Cases 18, 19 and 20 had no BWV stored).

Note: 11 of 40 cases selected i.e. 27.5% had inadequate BWV. The stated use of BWV is 92% which in this review would be reduced to 71%.

THEME 4:

Handcuffing for a Stop Search.
(Cases 1/2/5/25/27).

THEME 6:

The relevance of language, volume and tone in de-escalation/escalation.
(Cases 1 & 39 are poor, Cases 31 & 29 are good).

THEME 5:

Regarding a Stop Search receipt:
Lack of consistency, ranging from the paper copy, "Call 101", attend at any police station and "We don't do these anymore".

THEME 7:

De-escalation seen after deploying Taser. (Cases 29/31)

Police comments on the themes highlighted by the Panel

1. Male officer searching a female. (Cases 4 & 15).

a) Whether the themes give rise to any organisational learnings?

Response - Male officers are allowed in law to search female subjects, however, it is best practice for a same sex officer to search a member of the public. There are times when this is unachievable and where this is the case, more than one officer should be present and the search BWV recorded to prevent any subsequent allegations of inappropriate behaviour. This is already covered in stop search training and yearly refreshers in personal safety training.

b) If there is organisational learning, what action will be taken?

Response - No additional action is required on an organisation level, but where appropriate, individual cases should be highlighted to supervisors for personal reflection and learning.

2. Taking personal details & conducting a PNC search after a negative Stop Search (Cases 6/8/12/16/25 & 27).

a) Whether this theme gives rise to any organisational learnings?

Response – This is good practice. An officer should, where appropriate check the details that they have been given are correct (otherwise a stop search could be linked to an innocent 3rd party) and that they person that they have had cause to have an interaction with isn't sought after by another officer/agency. The consequences of not conducting the check could be that a wanted offender is not detained, despite having an interaction with the police, this would be criticised as incompetence. What is important, is that the subject is not detained for the purpose of carrying out the check, as this is not part of the power to detain under search powers.

b) If there is organisational learning, what action will be taken?

Response – This has previously been part of yearly stop search training, regarding detention period for a stop search (no longer than is required to carry out an effective search). If we are seeing this being abused, then a refresher of this information would be timely. The lead for Stop Search should carry out a review of this situation.

3. BWV either switched on late, obscured or otherwise inadequate.

(Cases 4/5/7/8/9/30/33/36. Cases 18, 19 and 20 had no BWV stored).

Note: 11 of 40 cases selected i.e. 27.5% had inadequate BWV.

The stated use of BWV is 92% which in this review would be reduced to 71%.

a) Whether this theme gives rise to any organisational learnings?

Response – This has already been identified as an issue, along with the omission to mark body worn video as 'evidential' to secure its retention. This features as part of yearly refresher training and so is being addressed. However, there will always be times when officers come across spontaneous incidents and are therefore slow in activating their cameras.

b) If there is organisational learning, what action will be taken?

Response – As above, this is being addressed through yearly personal safety training. There has also been a technological solution sought, through cameras which have a 30 second 'pre-record' function, capturing the 30 seconds before the officer activates the camera.

4. Handcuffing for a Stop Search. (Cases 1/2/5/25/27).

a) Whether this theme gives rise to any organisational learnings?

Response – This has been previously identified & as such year personal safety training now includes a stop search scenario involving a 'to handcuff or not' dilemma. This is provoking conversation, thought & a culture shift around this issue. It's slowly being addressed.

b) If there is organisational learning, what action will be taken?

Response – Already in action, as above.

5. Regarding a Stop Search receipt: Lack of consistency, ranging from the paper copy, "Call 101", attend at any police station and "We don't do these anymore".

a) Whether this theme gives rise to any organisational learnings?

Response – This has also been identified through internal scrutiny as being an issue and a working group has been set up to refresh the receipt process, both in terms of the paperwork itself (updating its content and ensuring it is more accessible to our communities – i.e. using QR codes, digital versions, versions in different languages) and officers' awareness of the importance of providing receipts.

b) If there is organisational learning, what action will be taken?

Response – As above, will also feature in the stop search CPD (Continuing Professional Development) input in Spring 2022.

6. The relevance of language, volume and tone in de-escalation/escalation.

(Cases 1/39 are poor, Cases 31/29 are good).

a) Whether this theme gives rise to any organisational learnings?

Response – The use of verbal communication and ensuring that it is adjusted and appropriate to the situation is one of the most important skills a police officer can have. This is not always achieved, whether due to external factors, such as fatigue, stress or extreme risk. However, it is tested on a yearly basis, through personal safety training and monitored by supervisors and colleagues. We are an organisation open to learning and, where appropriate challenging colleagues around their actions. We will not always get this right and where appropriate, individual learning needs to be addressed.

b) If there is organisational learning, what action will be taken?

Response – At this time we do not feel that this is an organisational wide issue.

7. De-escalation seen after deploying Taser. (Cases 29/31).

a) Whether this theme gives rise to any organisational learnings?

Response – A lot of work has gone into de-escalation training, not just for Taser officers, but frontline staff on the whole. Taser officers received a higher level of training around de-escalation and around managing risk. We also recognise that Taser is deployed when officers face extreme risk and the threat and as such, we need to remember that despite their training, they are still human beings and will react accordingly. Training helps reduce the impact of such scenarios on our staff, but there is still that human element, the increased heart rate, blood pressure, tunnel vision and loss of senses that contribute to a reduced ability to de-escalate quickly. On the whole we see professionalism that we are proud of from our many Taser officers, however, where individual action appears to fall below that standard, this is picked up by our weekly reviews of all Taser deployment BWV and addressed appropriately.

b) If there is organisational learning, what action will be taken?

Response – At this time we do not feel that this is an organisational-wide issue.

Organisational Learning tracking

| No. | Date | Panel's Identified Organisational Learning | Avon and Somerset Police 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 hector someone reluctant to provide this info. ISP 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 |
| 3. | Dec 2021 | An Officer's power to detain an individual for a Stop Search ends when a negative search is completed. Thereafter the individual cannot be lawfully detained. For example the person can't be detained for a PNC check. | This has previously been part of yearly stop search training, regarding detention period for a stop search (no longer than is required to carry out an effective search). If we are seeing this being abused, then a refresher of this information would be timely. The lead for Stop Search should carry out a review of this situation. | Ongoing |
| 4 | Dec 2021 | BWV switched on late, obscured, inadequate or not saved as evidential. Of the 40 cases scrutinised 11 i.e. 27% came into this category. The stated use of BWV is 92% but in this sample it reduce to 71%. | A topic within yearly training. A technical fix of the camera operating 30 seconds before it's turned on is being considered. | Ongoing |
| 5 | Dec 2021 | Standard practice handcuffing a compliant person at a Stop and Search. | This is an ongoing discussion and training on whether to handcuff or not. Certainly there should be no automatic handcuffing. It is partly a cultural issue. | Ongoing |
| 6 | Dec 2021 | Lack of consistency about explaining the availability of a Stop Search receipt and how the person searched can access it. | Internal working group set up to address this issue, which will feature in Spring 2022 training. | Ongoing |
| 7 | Dec 2021 | The practice of seizing mobile phones under Section 23(2)(c) Misuse of Drugs Act 1971. The Panel's questions include: a) In what circumstances would a mobile phone constitute 'evidence of an offence under this Act'. b) Once seized, are officers empowered to 'interrogate' the phone and record details, regardless of the outcome of the search? Continued ... | This practice is being considered by the Police. | Ongoing |

| No. | Date | Panel's Identified Organisational Learning | Avon and Somerset Police Response | Action: Completed or Ongoing |
|-----|----------|--|-----------------------------------|------------------------------|
| | | c) Are officers obliged to explain to the detainee the justification for the seizure of the phone? d) How does the officer record the justification for the seizure and detention of the phone? e) Are seizure cases 'flagged' in some way to facilitate scrutiny? f) If the S&S is not under section 23, is it the case that there is no power to seize or detain? g) If the search is after a vehicle stop, is there any power to seize or detain? | | |
| 8 | Dec 2021 | The significance of language, volume, tone and content, when speaking to a member of the public, particularly in escalation/de-escalation situations. | A topic within yearly training. | Ongoing |

APPENDIX 1: 20 CASES HIGHLIGHTED WITH POLICE RESPONSES

CASES HIGHLIGHTED by SELECTED CATEGORY:

- Stop and Search grounds being the smell of cannabis (cases 1,2,4)
- Stop and Search of a black child under 16 (cases 5,6,7)
- Stop and Search (cases 8,9,12,15,16)
- Compliant handcuffing in a Stop Search of a black person (cases 25, 27, 28)
- Taser in B&NES council area (cases 29, 30, 31)
- Taser used during a Stop Search of a black person (cases 33, 35 and 36).

1. STOP & SEARCH

1.1: STOP & SEARCH where the Grounds are 'Smell of cannabis'.

Case 1: Stop & Search, section 23 Misuse of Drugs Act. 1/7/2021 at 9.10pm. Somerset West. Search grounds: Smell of Cannabis.

Background: Male walked up to Police Officers smoking a joint. **Positive search:** Cannabis.

Positive member feedback:

Really good to hear a verbal introduction at the start and a summary at the end, before the camera is switched off, including who the officers are, what they did and found.

The person searched had been assists in dispersing a group of young people but is seen smoking a joint as he did so and therefore the officers are obliged to search the person. The person becomes very agitated that he needs to be searched. An awkward situation for the officers but a reasonably good-natured exchange during which it was difficult to hold the subject's attention to the search process. The officer copes well with what one Panel member describes as an intensely irritating detained person. Very good light touch approach which didn't escalate the situation.

Member concerns:

The same officer on arrival at the scene reacted aggressively shouting at a youth who swore at him. It seemed disproportionate.

The constable who spoke to the young person after being called a 'PIG' was over sensitive and seemed like he wanted to throw his weight around. In 2014 the high court removed insulting words from section 5 (a) and (b) the constable didn't deliver procedural justice as the older man who was stopped for a spliff in his hand was swearing and threatening.

Officer kept pulling up the person for language/swearing, which could escalated the situation as the person being searched was already agitated.

Operational policing questions points:

1. What is the recommended language and response when an officer is sworn at?
2. Police officers shouldn't be abused while working but is it an offence under s5 or 4 of public order?

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case. The positive feedback in relation to the stop search is pleasing to see and the member's observations around the manner in which the officer spoke to the young person is noted.

In relation to the operational policing questions – regarding recommended language, officers are trained in de-escalation skills, part of which will be responding to verbal abuse such as

being sworn at in order to defuse the situation and stop the person from swearing. Officers are expected to speak with people in a respectful manner but should be adept at adapting their style and manner of speech to suit the situation, whilst remaining professional throughout.

In relation to sections 4 and 5 of the Public Order Act, there is no specific offence relating solely to Police Officers – they are considered under the sections the same as everyone else. That said, specifically regarding section 5, it will become a matter of fact for the court to determine, taking into consideration case law (DPP v Orum 1988) which states that magistrates may take into account the familiarity police officers have with the words and conduct typically seen in disorderly behaviour.

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

Case 2: Stop & Search, section 23 Misuse of Drugs Act. 7/7/2021 at 11pm. North Somerset. Search grounds: Smell of Cannabis.

Background: Group located in an area with intelligence for drug use and associating with a known drug user. **Positive search:** Yes. Ketamine.

Positive member feedback:

Officers very calm and good engagement with the subject of the stop & search. Other bystanders were a challenge but it was handled well - especially by the female officer. First subject "in company" with a male (second subject) whose description matched that of another male with whom he was earlier seen when a knife was found. Officers remained courteous. Nothing found.

Constables clearly stated their grounds and offered stop and search receipts

Member concerns:

BWV was from a different officer to the one carrying out the search on the first person.

Audio very difficult to make out due to strong wind noise.

Query adequacy of grounds for 2 Stop Searches. After amiable conversation both cuffed for search. Why? Grounds seemed to be because DP had previous and drug dealing location? Second DP because friend of first DP.

Reasons for search of both subjects (particularly the second) somewhat tenuous from what could be made out on the video. One of the grounds for the search was that the pair were out "late" - the night of an England semi-final.

Constables didn't make enough effort to identify the Black YP. The young Black man was not apped up as suggested by the lead female officer and was fairly questioning the reason for stop and search. Hand cuffing of Black YP didn't seem appropriate.

Operational policing learning points:

1. Identification of Black Suspects and compliant handcuffing.
2. Handcuffing for search.
3. Adequacy of grounds.

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback. The operational learning points and concerns raised by the Panel, particularly in relation to the grounds provided, will be addressed by one of the tactical leads for stop search, who has been tasked with reviewing the case and ensuring that feedback and any identified learning is passed onto the officers and their supervisors.

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

Case 4: Stop & Search, section 23 Misuse of Drugs Act. 12/8/2021 at 9.10pm. Somerset West. Search grounds: Smell of Cannabis.

Background: Officers on plain clothes patrol have seen a female smoking a joint which was in her hand, hanging out of a vehicle window.

Positive search: Cannabis and scales. Arrest.

Positive member feedback:

The subjects are seen smoking a joint and cannabis smelled. Officers maintain a good-natured approach, are courteous and explain the grounds for the search.

Member concerns:

Something (clothing?) obscures the officers BWV from 17 mins into video/for half of the video time.

Male officer searches a female subject and she says it's not right. He says it's only a basic search. Why not give her options at the outset? It's a plain clothes officer.

The officer allows the cautioned female to wonder around and speak to a friend

Constabulary response to members' feedback:

The Panel's feedback in this case is noted, with thanks. Regarding the male officer searching the female subject, whilst it is best practice for searches that do not require the removal of more than jacket, outer garment or gloves, (i.e. not strip searches) to be conducted by an officer of the same sex as the subject, this may not always be operationally achievable. The officer was not doing anything incorrectly by searching the female, though it is acknowledged that he should have explained in more detail to the female than it being a 'basic search'.

Regarding the female being able wander around and speak to a friend, this is not unusual if the officer does not suspect that the person will escape, harm themselves or others, or destroy property or evidence. Giving a person freedom to talk to others and walk around, within reason in the circumstances, can be the difference between having an agitated subject and not, and can make a process that is not likely to result in arrest, go more smoothly for all parties involved.

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

1.2: Stop & Search of a black child, under 16

Case 5: Stop & Search, section 23 Misuse of Drugs Act. 4/8/2021 at 3pm. Bristol East.

Background: Male who is linked to drug supply and weapon carrying was seen acting suspiciously and made off from officers raising further suspicion. When approached by plain clothes officers the male stated he was in possession of cannabis.

Positive search: Cannabis. Voluntary attendance at later date.

Positive member feedback:

Constables are courteous and explain grounds for search.

Subject seen on a previous occasion "making off" from officers on his bike. Stop and search on the basis of intelligence of his involvement in drug-dealing. Cannabis found.

Good attitude/engagement between officers and the person searched. No issues. Person recognised and known to the officer.

Member concerns:

BWV started late.

Camera is obscured by coat for first few minutes which is understandable for plain clothed officer, then when uncovered was turned by 90 degrees from upright.

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case.

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

Case 6: Stop & Search, section 1 PACE. 12/8/2021 at 11.40pm. Bristol South.

Background: Male had run away from Police Officers when asked to stop, due to incident in the area that criminal damage has been caused to a taxi and the victim mentioned a knife being involved. Male was later seen 15 minutes later in a different area, matching same description. [Nothing found].

Positive member feedback:

The 13 year old subject matches the description of an offender in an earlier incident when possession of a knife was reported. The subject is later seen by police and fled.

The Officer is amiable, friendly and polite to the young person being searched.

The Officer tries to gently enforce, and advised not to 'run from' officers if haven't done anything wrong.

Officers treat the subject appropriately, given his age.

Member concerns:

Personal details and requested and checked after a negative search

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case, which has been shared with the officers involved and their supervisor.

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

Case 7: Stop & Search, s. 1 PACE. 5/9/2021 at 6.15pm. Bristol.

Background: Officers on plain clothes patrol have seen a female smoking a joint which was in her hand, hanging out of a vehicle window. [Nothing found. Voluntary attendance later].

Member feedback: There is no Stop and Search on this BWV.

Member positive points: Words of advice are given to both young people in a nice tone but firmly reiterated that carrying of knives can only lead to them inevitably being used and not a path to go down.

Constabulary response to members' feedback:

The Constabulary thanks the Panel for their feedback in this case. Unfortunately there appears to have been a technical issue with uploading the BWV to the system, which was raised with the Technical Support team, but sadly could not be resolved on this occasion.

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

Case 8: Stop & Search, section 23 Misuse of Drugs Act. 25/9/2021 at 9pm. S. Glos.

Background: Person seen make a hand-to-hand exchange of suspected drugs in a drug dealing location. Other person involved made off. [Nothing found. No further action].

Positive member feedback:

Excellent 'GOWISELY' Stop Search items stated by the amiable Officer. A really good search but showing great empathy with the pregnant lady, maintaining a lovely calm tone

throughout. The female Officer tells the female what the Officer is doing, keeps up the chat, relaxing the woman and talking about her pregnancy and other chat. Very good policing.

Member concerns:

Personal details taken after a negative search.

Constabulary response to members' feedback:

The Panel's feedback in this case is noted, with thanks. It has been shared with the officer and their supervisor.

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

1.3: Stop & Search in Bristol North Central (highest increase of Ethnic minority people Stop Searched)

Case 9: Stop & Search, s.23 Misuse of Drugs Act. 5/7/2021 at 9.20pm. Bristol North.

Background: Vehicle stopped due to suspicious behaviour of passengers. Well known gang member and in a drug dealing hotspot. [Nothing found. No further action].

Positive member feedback:

Great Officer interaction with the young person. The Officer is amiable and doesn't handcuff the youth. The Officer communicates well with the search subject, adjusting the way he speaks to the subject, reflecting his mannerisms and conversational style. Also a thorough search of the vehicle, locating a knife.

Member concerns:

Due to the history of both youths and 3 weapons and drugs found in the car, the female driver should have been arrested.

The BWV ends before the incident conclusion. Considering police backup had been requested and a knife found, the Panel member considers it's all the more important to keep the BWV running.

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case. In relation to the member's observation that an arrest should have been made – the officers would need to have justified why it was necessary to arrest and take the person to custody, when they had been compliant and no reason to suggest a voluntary interview would not have been attended. Given the ages of those involved it could be argued that the officers made a reasonable decision in terms of not unduly exposing a young person to custody when other, less impactful, methods sufficed.

The Constabulary takes on board the observation about BWV – the use of BWV to an incident's conclusion (not just stop searches) is a message that is refreshed as part of officer safety training and CPD.

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

Case 12: Stop & Search, s.1 PACE. 7/9/2021 at 1.09am. Bristol North.

Background: Report from resident stating 3 males acting suspiciously around cars in a car park, shining torches and trying door handles. [Nothing found. Voluntary attendance later].

Positive member feedback: The Officer shows concern for the welfare of the man with the money, discretely taking him to one side to ensure there are no issues with his companions

regarding the cash and advising him to deposit it somewhere safe in the near future. Nice, amiable, caring policing.

Member concerns:

After 3 negative searches, PNC and Niche checks/searches occur.

Unrelated to the Stop Search, but the Panel member found it rather strange that the Officer is offering advice on where to urinate in public!

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case – it has been shared with the officers involved and their supervisor.

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

1.4: Stop & Search in Somerset West

(highest disproportionality area)

Case 15: Stop & Search, s.1 PACE. 9/7/2021 at 7pm. Somerset West.

Background: Suicidal female was said to have self-harmed with a bladed/sharp object.

Female uncooperative with officers stopping her so detained for the purpose of a search to establish whether she had any dangerous articles on her person [Nothing found. No further action].

Positive member feedback:

Both Officers deal with the young lady in distress with compassion and thoughtfulness. The Officers should be commended for their conduct.

Thoughtful and compassionate approach to a distressed female. Section 136 of the Mental Health Act is applied.

Member concerns and question:

2 male officers search a female. Should they have offered her a delay to call in a female officer or at least asked if she minded a male officer search her?

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case – which will be shared with the officers concerned. In relation to the searching of a female by two male officers, whilst it is best practice for an officer of the same sex of the person being searched to conduct the search, this may not be operationally achievable. It would be a balance between the wait time for a female officer to attend the scene and the impact of the wait on the person who was clearly vulnerable and in need of help in a public place. It is taken on board though the observation about asking the female, though this may not have changed the outcome in terms of being searched by a male officer.

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

Case 16: Stop & Search, s.1 PACE. 6/7/2021 at 5.20pm. Somerset West.

Summary: Reports that female had stolen goods from a store. [Nothing found. No further action].

Positive member feedback: Both Officers dealt the two suspects fairly, the Stop/Search was carried out quickly and no evidence found.

Member concerns/question: After a negative Stop Search the officer said she would take the female's details. Why?

Constabulary response to members' feedback:

*The Panel is thanked for its feedback in this case. In relation to the member question regarding taking the female's details – providing the officer does not make it appear as though the person is obliged to provide their details, it is good policing practice to ask and then check against systems if given, to ensure information is not incorrectly linked on Police systems, but also to check if the person is not sought by Police or another agency. Is there from this case any Officer learning? **No** Any Organisational learning? **No***

2. Use of Force (some also Stop and Search) cases:

2.1: Compliant handcuffing of a black person at a Stop & Search

Case 25: Stop & Search. 5/8/2021 at 8.35pm. Chard, Somerset

BWV summary: Report of shop theft by off duty officer where the suspect was seen to leave in a vehicle. The vehicle was located with a person inside. Vehicle and person searched. Person in vehicle was not the suspect and search of both person and vehicle negative. [No further action]

Positive member feedback: None.

Member concerns and questions:

1. The Officer asks for personal information, of name, date of birth, address and telephone number, even though it is confirmed by another Officer that this person isn't the suspect.
2. The car back seat passenger is relaxed and fully compliant, providing all details requested. Then when he is to be searched for a bottle of whiskey he is handcuffed. Why? What was the threat?
3. After a negative search he is PNC checked .Why?

Constabulary response to members' feedback:

Asking for the person's details is a reasonable line of enquiry, regardless of the fact that another officer provides them. The officer asking clearly does not know the person and it is reasonable and good practice to therefore to confirm with the subject their identity. There does not appear to be a genuine reason for the handcuffs being applied. Nor does the search seem reasonable (searching pockets of tight jeans when they are looking for a whiskey bottle). This is an organisational issue that we are already addressing and has been introduced into the yearly personal safety training scenarios. PNC'ing a subject after a negative search is reasonable as the person may be wanted for other matters and the officer is showing due diligence in doing so. The person has been located in a vehicle used in the commission of a crime, which, he was most likely present for. It is reasonable to therefore carry out a PNC check.

The concerns in relation to the handcuffing and obtaining details will be fed back to the officer via their supervisor.

Please see the response to case 27 below for the answer to member question 3.

Any Officer learning from this case? **Yes**. Any Organisational learning? **Yes**

Case 27: Stop & Search. 27/8/2021 at 9.48pm. Bristol city centre.

BWV summary: CCTV reports of a male with what's believed to be a hammer. 2 persons located matching descriptions given and search conducted on both persons, due to risk the item could have handed between each other. [Negative search. No further action]

Positive member feedback:

The Officer gives a clear explanation of why the people are stopped and what is being looked for, i.e. a hammer.

The Officer removes the handcuffs as soon as the person search is completed.

Member concerns:

Why handcuff either of the 2 people? At the conclusion of a negative search the Officer asks for details and says the people can leave after a PNC check. What is the justification for that?

Constabulary response to members' feedback:

The Constabulary thanks the Panel for its feedback in this case and it is pleasing to see that the grounds and reason for stop were articulated clearly.

In relation to the handcuffing of both people, the rationale recorded on the stop search report is that the hammer could have been used as a weapon and passed between the two individuals prior to Police interaction. This is for the individual officer using force to justify, though does appear to be reasonable in the circumstances.

It is good policing practice to check details, if given, against what is held on PNC. An officer should, where appropriate check the details that they have been given are correct (otherwise a stop search could be linked to an innocent third party) and that they person that they have had cause to have an interaction with isn't sought after by another officer/agency. The consequences of not conducting the check could be that a wanted offender is not detained, despite having an interaction with the police, this would be criticised as incompetence. What is important, is that the subject is not detained for the purpose of carrying out the check, as this is not part of the power to detain under search powers.

The detention of persons following a search for the purpose of checking PNC will feature in the yearly stop search CPD in April 2022 to share this organisational learning point.

Is there from this case any Officer learning? **Yes** Any Organisational learning? **Yes**

Case 28: Stop & Search. 1/9/2021 at 5am. Bristol city centre.

BWV summary: CCTV reported seeing a male they believed to be in possession of a knife. Officers located suspect who made off, then foot chase by officers.

Positive search: Positive possession of suspect cannabis, negative for bladed article.

Positive member feedback:

The male subject is pursued (a foot chase) and Taser red-dotted following a report of a fight in which a knife was said to have been produced. This is appropriate Officer action given the nature of the allegation. Officers seek to reassure the male who claims he ran because the Police scared him. Only a small amount of cannabis is found.

Although the BWV starts with Taser red-dotting, the Officer is calm and gives a very good explanation of the grounds for the Stop and Search.

Both Officers handle the male very well as he appears to be under the influence (cannabis?) and is very emotional and difficult at times. Both officers are respectful, professional and courteous at all times.

The 2 officers are very patient with a distressed individual and seem very concerned for his welfare – i.e. give advice about homelessness.

At the end the male speaks a testimonial to the BWV camera.

Member concerns: None.

Constabulary response to members' feedback:

Many thanks to the Panel for their observations in this case. Once the case has been finalised, any feedback will be shared with the officers involved.

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

2.2: Taser in B&NES area (highest increase over previous 3 months)

Case 29: Taser red dot. 7/7/2021 at 4am. Twerton, Bath.

BWV summary: Domestic related incident in which male has punched female victim to the face. Arrest.

Positive member feedback:

Officers search a house for an alleged offender following 2 reports of assault, ABH and persistent harassment in breach of bail conditions. The subject is red-dotted having been found hiding upstairs. Although he offered no resistance, Police officer action is appropriate given the nature of the allegations. A safe arrest by deploying a Taser.

Member concerns:

BWV switched on too late. Also, based on member BWV reviews since 2017 it appears that Taser has recently become the default choice when entering situations which may become volatile, with Taser drawn as the norm rather than using other alternative forms of de-escalation.

Constabulary (Taser Lead Instructor) response to members' feedback:

Taser has advantages over other forms of Personal Protection Equipment (PPE, not Covid related) such as the ability to withdraw to a distance up to 25ft and incapacitation cannot be overcome by positive mind-set as per PAVA and Baton. PST (personal safety training) covers all PPE options including Taser and in this BWV the officer decides, due to the lack of space to withdraw, the Taser is holstered and a hand-to-hand technique is used instead.

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

Case 30: Taser use. 16/7/2021 at 10.39pm. Bath.

BWV summary: Victim has called police to report that her husband had strangled her and was still in the house. Police attended and arrested male for attempted murder. [Outcome: filed]

Positive member feedback:

Officers lead the subject in handcuffs from a house and searched him, then place him in a police car. An excellent example of a methodical search. No violence or resistance recorded and subject fully compliant.

Member concerns:

The video only covers the aftermath of the arrest once the suspect has been removed from the house and only shows a search, not the Taser use. It's difficult to comment as everything took place prior to the BWV starting. Very little information about the case

Constabulary (Taser Lead Instructor) response to members' feedback:

Noted: No BWV of Taser to review.

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

Case 31: Taser use. 26/8/2021 at 10.50pm. Keynsham.

BWV summary: Call from juvenile reporting father is being violent towards caller's mother. Report of 3 victims of assault by suspect. Arrest. [No further action].

Positive member feedback:

Taser is drawn as the subject behaves aggressively towards officers. An Officer sought to de-escalate the situation and remains calm, courteous and professional throughout. Exceptionally well handled by the lead Police Officer who has great de-escalation skills. The situation could well have escalated as the suspect is drunk and very volatile. The Officer keeps the situation under control throughout, changing her voice and demeanour to suit the suspect's. At the outset the Officer has drawn their Taser and the male is aggressive and pushes at the officer. Instead of Taser-deploying Officer de-escalates the situation by the use of speech, allowing the male to wander to another area and being incredibly patient, listening to his (what a Panel member considers to be extremely irritating) conversation, eventually persuading him to sit in the police car whereupon she arrests him.

Member concerns: None

Constabulary (Taser Lead Instructor) response to members' feedback:

Good weapon handling and use of warnings. Very effective de-escalation leading to no further Taser use required.

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

2.3: Taser during Stop and Search on Black Detainee (Disproportionality theme)

Case 33: Taser use. 24/7/2021 at 7.23pm. Bristol.

BWV summary: 999 call reporting male and female fighting. Very limited details, further calls from other parties reporting fighting/disturbance. On arrival female suspect seen with a knife. Arrest.

Positive member feedback:

Officers take the 16 year old female into police protection as a possible victim of crime (unable to be returned home and nowhere else to go). She resists the officers and runs away from them but the Officers restrain the girl appropriately. A very difficult situation when dealing with a child. Officers all seem very caring and concerned for the girl's welfare and Officers are as caring as possible when the girl is aggressive.

Member concerns:

It seems that there is a degree of uncertainty as to how to proceed following placing the minor under the Police Protection Order (PPO).

Also, late turn on of the BWV.

Constabulary (Taser Lead Instructor) response to members' feedback:

Report of female in possession of a knife. Officers locate a female matching the description given by a member of the public. Taser is used from a safe distance using Red Dots and aiming. Officer's tactical communication highlights the possible threat of a knife and they identify themselves as a Taser Officer. Female is then safely handcuffed by a second officer. The Taser element of this incident is as per officers' training.

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

Case 35: Taser use. 27/8/2021 at 3.47am. Hanham, Bristol.

BWV summary: Fight with approx. 30 people involved outside a pub with a mention that weapons were involved. On police arrival there was a foot chase which ended in apprehension of suspects for a search. Outcome: Section 35 Dispersal notice.

Positive member feedback:

Good care after PAVA and Taser. Assistance accepted from the person.

Member concerns:

All the BWV shows is a lone black male (who was already detained by one Officer) running away from the Taser Officer who had just exited the Police van and ran up to him and challenged him with Taser drawn, saying "Stop. Police." and demanding the male to get on the ground, he then fled and was subsequently sprayed with PAVA.

The Officer who failed to catch the original suspect, continued to run with Taser drawn, and red dots active (as can be seen by the lights on the ground whilst running? Or was this the street lights?). In all, some pretty poor policing.

Confusing. Male backed against fence and when he did not immediately go to the ground he was PAVA'd? This seems excessive.

Operational policing points and questions:

Dialogue with the members of public who raised legitimate concern that the white males who were involved were not being dealt with. This does raise concerns over racial bias.

The Officer also made the claim (26:21 minutes into the BWV) that he only drew the Taser "...based on your behaviour..." This is not true. The Officer already had the Taser drawn after failing to catch up with the first suspect, then doubles back to then threaten the nearest detained person, then demands he gets down on the ground with Taser already drawn.

Questions:

1. Is this normal practice for an Officer to run with Taser red dots active? Or a heavy trigger finger?
2. Here there was a 'star burst' of people running away. Was there an assumption by the officers that a black male running away is more likely to be a suspect than a non black male? A hammer was found and, again, was there an assumption that of all the people involved a black male was more likely to have dropped it?
3. If officers can take action if they are sworn at, what happens when officers swear at people they engage with? The Panel have seen this quite often in BWV. Officers swearing whilst on duty is not professional and represents a lapse in composure.

Constabulary (Taser Lead Instructor) response to members' feedback:

In response to Q1 above - It is normal practice for the Taser to be armed once a threat is identified ready for use which can be on the move, searching for or following target. The Taser being armed does not mean a finger is on the trigger, the trigger-finger only moves into the trigger guard at the point of the decision to fire and then is removed again. This is to negate the issue of heavy trigger fingers as the Taser X2 trigger only needs light force to activate it.

Q2. (Superintendent): Having viewed the video I don't believe the officer makes a decision based on the colour of the person's skin. Firstly the suspect that is followed is running away from the van in direct line of sight of the officer when the van door opens, it is the most obvious and direct line of pursuit for the officer and this is potentially a case of having tunnel vision and focussing into one specific point, the one directly in front of you. Secondly, the person is running away from the officer, is some distance and has their back to them, it is dark and the person is in dark clothing with a hood up. I doubt whether the officer could see the person's ethnicity, age, gender or many other characteristics from this initial view point when the van door is opened.

Q3. (Superintendent): Whilst swearing is unprofessional and can represent a lapse in composure, there will be times when this is an appropriate form of communication. For

example, to 'shock' a subject into listening to the officer. We must also remember that police officers are human and where humans are subject to extreme stress or risk they will all react differently. Where an officer, who is normally of the upmost professional behaviour acts in such a way, we must be careful not to see this as unprofessional or a lapse in composure, but a reflection of the extreme feelings that they are going through. For officers with little experience of such incidents, this will be more prevalent. That is not to say that we accept or condone such behaviour, but must see that as an opportunity to ensure the officer is fully debriefed, given a chance to reflect on the situation, deal with any ongoing trauma and then learn to control their instinctive behaviour through muscle memory and training.

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

Case 36: Taser use. 30/8/2021 at 3.53am. Bristol.

BWV summary: Report of robbery/sexual assault and suspect with bladed article.

Positive member feedback: Officers are calm, notwithstanding the male's provocative behaviour. Good use of the spit guard.

Member concerns: BWV starts late, with the male handcuffed on the ground. Also, some of the comments and dialogue between the Police and the suspect (02:00 onwards), including patronising and antagonising comments, were unprofessional and did not help diffuse the situation. The suspect was already aggressive, agitated and making threats. The Officer being drawn down to that level was unhelpful.

Operational policing point: Late start of switching on the BWV.

Constabulary (Personal Safety & Taser Lead Instructor) response:

Noted: No BWV provided to Panel members to review of the Taser use.

I have viewed the footage, I have also viewed that of the firearms officer for context. This is the officer who follows the subject who is allegedly in possession of a knife, having attempted to rob members of the public. My observations are outlined below:

The subject is seen in the footage to grab the Authorised Firearms Officer's (AFO's) leg whilst he is trying to detain him. The AFO is clearly shouting at the subject to let go of his leg. This would be considered a hostile behaviour, as the officer's sidearm is holstered on his leg. Taser and PAVA are deployed.

The subject is verbally and physically aggressive toward the officers, continuing to make threats toward the officers and is displaying warning and danger cues, such as clenching his fists in the handcuffs, thrashing out with his legs. Behaviours such as these are also often used by subjects as distraction technique to prevent the officers from searching thoroughly. The officers remain calm in the circumstances and use their protective equipment including Spit & Bite Guard and limb restraints appropriately in response to the threat posed by the subject. Officers take good care of the subject's welfare, ensuring he remains in side restraint whilst he is searched and monitor him constantly whilst he is restrained.

The carry to the van is unconventional, however, it is safe, lawful and effective in the circumstances and with the resources present.

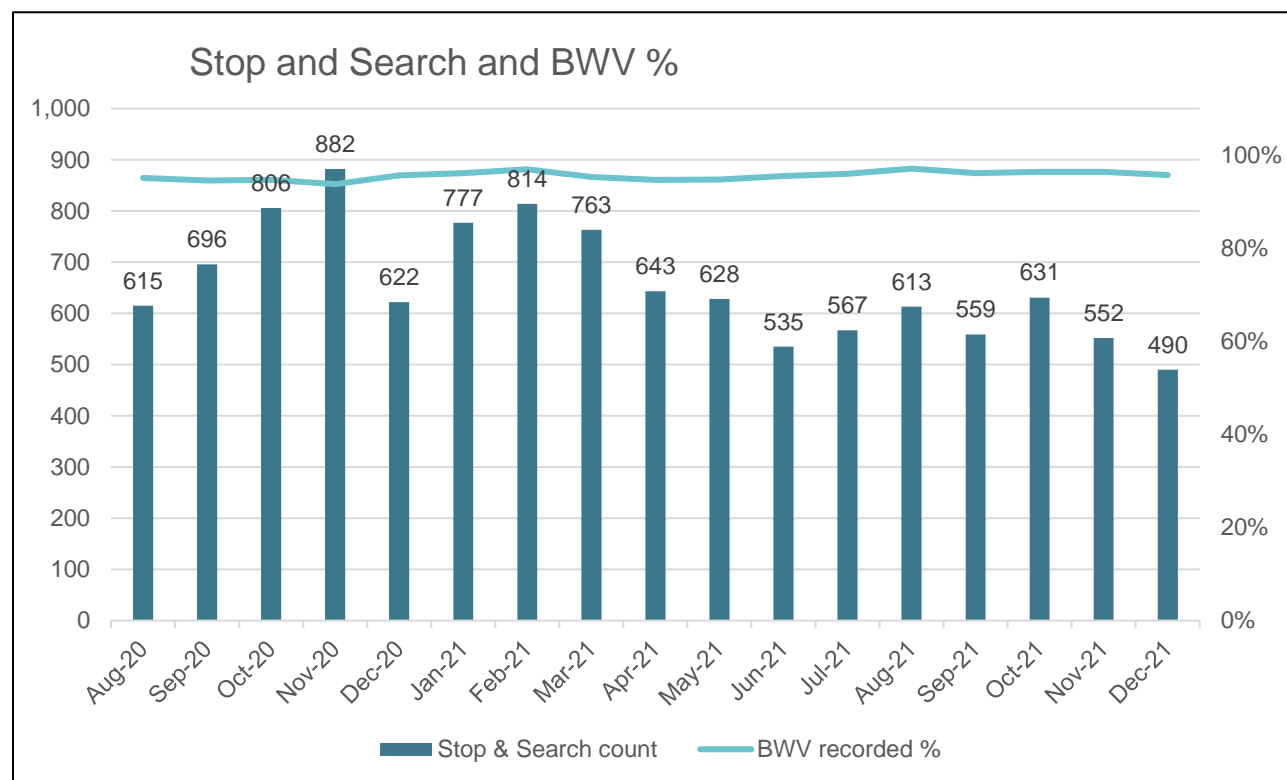
From a use of force perspective, there is no organisational or officer learning from this incident.

I think it is crucial that the panel have the full circumstances of the incident, as any subject making a move toward an officer's sidearm would be considered an extremely high level of threat.

*From a use of force perspective: Any Officer learning? **No.** Any Organisational learning? **No.***

Appendix 2: Stop and Search statistics

Stop and Search totals per month and BWV switched on percentages (to 31/12/2021)



Appendix 3: Taser use statistics

Taser used (out of holster and either aimed, red-dot, arc, drive-stun or fired) and BWV percentage switched on (to 31/12/2021):

