

Summary of IOPC Independent Investigation 2020/147079

At 3:30pm on 16 December 2020 two Avon and Somerset Police Officers attended an emergency call to East Street, Bedminster, Bristol. A bus driver had reported that a female passenger was being aggressive and abusive and was refusing to get off the bus, the passenger had a young child in a pram. The officers got on to the bus and spoke with the driver and the passenger, 'Ms B'.

On arrival, the officers ascertained that 'Ms B' had attempted to pay for the bus ticket with her phone, this had not worked and there was dialogue between her and the driver over the fact that he had no change when she attempted to pay by cash.

'Ms B' initially gave a calm account of what had happened but became abusive towards the officers when asked to leave the bus. The officers offered to provide 'Ms B' and her child a lift to a nearby school to collect her other child, she declined this offer and continued to sit on the bus. One officer informed 'Ms B' that she would be removed by force unless she made her own way off the bus, giving her a couple of minutes to do so.

It is agreed that some of the comments made by the officers whilst in discussion with 'Ms B', did antagonise the situation and more careful dialect may have been a consideration.

The officers attempted to hold 'Ms B's arm and an altercation ensued. It is alleged that 'Ms B' assaulted both officers whilst being restrained, pava incapacitant spray was discharged to her facial area. Several other officers attended and 'Ms B' was placed in handcuffs and leg restraints.

The restraining of 'Ms B' and the attempt by officers to release her child from her arms was filmed by several passers-by on mobile phones and aspects of it shared on social media outlets.

'Ms B' was arrested for assaulting emergency workers in the course of their duties and taken into police custody. Her young child was passed safely to 'Ms B's mother, who came to the location.

Following a period in custody where 'Ms B' was interviewed, she was released under investigation. It should be noted that following consultation with the Crown Prosecution Service, a decision was made that no further action would be taken against her.

A direct complaint was received by the IOPC on behalf of 'Ms B' from her solicitors.

A summary of the complaint is¹:

A serious assault [on her], including on her eighteen-month-old baby; and
A criminal offence or behaviour which is liable to disciplinary proceedings and is aggravated by discriminatory behaviour on the grounds of race and sex.

¹ Taken from email to IOPC

It was decided that an independent investigation would commence, and the terms of reference were drafted. This was to include 'Ms B' complaints, whether the use of force was justified, whether there was any discrimination in the way she was treated and the aftercare provided to her and her young child following the pava spray use.

Having reviewed CCTV, mobile phone and body worn video footage, and taking into consideration statements², local and national policies, the IOPC Lead Investigator (LI) was of the opinion that two officers may have breached the standards of professional behaviour relating to;

- Authority, respect and courtesy
- Use of force

A severity assessment by the LI graded the potential breaches as misconduct. The officers were served with regulation notices and interviewed under the misconduct caution.

Both officers agreed that some aspects of their conversations with 'Ms B' did not assist in defusing the situation.

Both also stated that they believed that their use of force, pava deployment and restraining of 'Ms B' was necessary, justifiable and proportionate and that they feared for their safety and the safety of 'Ms B's young child.

The investigation into discrimination involved comparing recent use of force forms collated by both officers, this resulted in none being identified.

It was seen that aftercare, including the offer of water was given to 'Ms B' and that her child was cared for by officers until the arrival of her mother.

The LI made his report that was sent to the IOPC decision maker.

Having taken into account all the evidence, the decision maker found that the use of force at the time was justifiable, proportionate and necessary. She did, however, find that some comments made by officers, although having not breached the standards of professional behaviour, merited a reflective practice review process (RPRP). This process has been agreed and is being arranged by Avon and Somerset Constabulary.

² Despite several requests, 'Ms B' did not provide a statement