

# **Independent Scrutiny of Police Powers Panel**

## **Single Case Review Report of the 16<sup>th</sup> December 2020 Bedminster Bus Incident**

22<sup>nd</sup> July 2022

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A Black woman with her baby daughter on a stationary bus.

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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 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.

In addition to special case reviews like this case report, as standard 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.



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## CASE CATEGORY

In March 2022 the Panel reviewed one community and media highlighted Avon and Somerset Police incident, initially reviewed by some Panel members in December 2020.

### **Use of Force - 1 case:**

- Report by a bus driver of a passenger refusing to leave the bus when requested.

- **1 scrutinised case.**
- **50 minutes of Body worn video (BWV) reviewed remotely by the Panel.**
- **9 Panel member feedback forms completed.**
- **On 30<sup>th</sup> March 2022 the Panel, Police and Guests attended a remote meeting. The BWV was reviewed and the Panel's feedback was discussed at length. This Feedback is at Appendix 1, Page 5 below.**
- **On 1<sup>st</sup> July 2022 the Police provided their written response to the Panel's questions and observations.**

# APPENDIX 1: SINGLE CASE REVIEW WITH POLICE RESPONSES

## Case 1: Use of Force: Bedminster bus 16/12/2020 at 3.30pm

### Information given to Officers as they arrived at the scene:

A Bus Driver reported to the Police that a female has become very aggressive and abusive. She refused to pay and then has turned threatening. The informant states the female was also abusive to members of the public that were on the bus. All other people on the bus have got off due to this female. Female is still on the bus and refusing to get off. The informant says the female has a 1-2 year old child with her that he is concerned about.

Police Control room: Two Officers are initially dispatched to the incident.

### Panel Member concerns:

One Panel member's feedback is: I watched the video. I am a person who normally votes for the appropriate use of police force to deal with any situation. I usually take sides with the police in order to uphold the morale, courage, and objective of the police officers. My desire is that every police officer should have the mental courage to act in any situation and they should be able to provide justice to the people. However, in this Bedminster bus case incident, I am still totally confused why the Police officers didn't realise early enough that the call from the bus driver to the police had to be corroborated first and checked for any errors and anomalies. The lady passenger who came to the bus with her young daughter to collect her older child from school was not in any way shape or form a security threat or a risk. It was clearly the bus driver's report of his opinion of the situation to the police that instigated this whole issue. I wonder why the police officers parroted the same story given by the bus driver and irritated the lady passenger and unethically escalated the whole issue. There was a complete lack of empathy from the male Police officer to the lady passenger. This particular police officer lacked patience and proper de-escalation skills.

Another Panel member states: This was the worst case of misuse of force I have seen in 4 years on the Scrutiny Panel. Both officers played their part in escalating the situation, both mishandled the interaction, both failed to control the situation, neither attempted to de-escalate when the very obvious opportunity arose.

Other members' concerns include:

The situation was escalated by the female Police Officer threatening to report the woman to social services, a threat that is taken very seriously by the BAME community due to previous episodes taking place.

The "ignorant" comment was also unnecessary from the male officer, as was the: "I can see why he doesn't want you on the bus."

Poor de-escalation skills. The male officer talks to the bus driver, repeating what the woman on the bus said on her phone and this only serves to wind her up more.

Query the use of PAVA spray in close proximity to the child.

Also hands-on, trying to pull the baby away from the mother, pulling the child's arm concerned me somewhat.

Very difficult situation with the child involved. The female officer had de-escalated to the point that the woman was about to pass the child over, then the situation seemed to be exacerbated by the male officer remaining hands on. A very awkward situation.

The male officer makes unhelpful comments, such as "I can sort of see why the bus driver doesn't want you on the bus", which could escalate the situation, and "your ignorance is getting in the way", definitely escalates a situation. Also: "You're speaking over her", "you've got until 20-to, then I will be using force to get you off the bus".

The male officer escalated the situation prior to the arrest with his comments to the woman and significantly during the tussle to arrest, and did not take into consideration this was a mother holding onto her child. Several times the female officer had to remind the male officer "No, she's holding her daughter". The male officer's presence was totally inflammatory to the situation, with the woman continually screaming "get him away from me".

Tussle to arrest the woman, after she started being aggressive, whilst continuing to shout into her phone and biting the officers, and still holding her daughter.

PAVA deployed.

- Over-escalation – especially where a child was on the scene.
- Number of Police Officers onsite would have further unnerved the young mother.
- Lots of inappropriate language used on both sides.
- The Police made a spectacle of her which would have made more her agitated.
- Complete lack of empathy from the Police.
- As next of kin – the mother was not given the information as to why her daughter was being arrested.
- Threats on social services might have led to the young woman holding her child which made the situation worse.

The male officer seems to have made his mind up that the young woman was in the wrong. His conversation with bus driver is antagonistic and only heightens the young woman's feeling of wrong doing. The male officer gives the young woman a set time to get off the bus and she looks like she's ready to leave but he escalated the situation with his demeanour. The female officer starts well but has no cultural awareness of her words when she threatens the young woman with social services. This young woman was not served well by A&S police service.

The female Officer could have given passenger longer to calm down and get off the bus. (The bus driver seemed to be OK with the wait). F.O. escalated situation by mentioning social services referral-why? M.O. should have given passenger longer to calm down and accept that the bus driver would not take her to destination. Moving to arrest her (and call passenger ignorant) escalated situation which deteriorated badly. Unclear if passenger was subject to excessive force, which was her perception. The footage inevitably showed part of the action at any one point. Unclear why so many other officers turned up and then hung around. It would have looked heavy handed to passers-by. Passenger clearly seemed stressed and angry when officers arrived at the scene. She should have been given longer to calm down, so not enough de-escalation appears to have been attempted. Summary: a containable situation deteriorated badly and officers began to seem heavy-handed. Unclear if bias was demonstrated. Would officers have behaved differently if passenger had been white and behaved in the same way?

This was an example of poor policing and a good example of intimidation, bullying and escalation by the police which in the Member's view was underpinned by racism and

stereotyping.

The female officer should not have threatened the mother with social services just to drive home a point. That was excessive given what they had been called for initially. The male officer was slightly antagonistic in his replies, he allowed her to push his buttons with her remarks. Not sure if I heard correctly but I thought I heard the male officer say he had to punch the mother in the face. However I don't know why this was as you couldn't see due to the struggle

Male Officer walked to/on the bus ahead of the Female Officer, rather than first assessing the internal bus scene with the Female Officer. No NDM seen from the BWV. The male officer appeared belligerent and unprofessional, saying he can do what he wants and that the woman was ignorant. Also setting a short time limit for the woman to get off the bus. No de-escalation skills or actions. Poor interaction and poor communication with the woman. Poor Officer body language.

The Male Officer appears to lack social skills and lack frontline Police Officer training. If the Officers had sat down on the bus and listened they may have heard the woman phoning the School and giving her name.

The Female Officer mentions Social Services which is unnecessary and escalates the situation. The woman and child are very well presented.

Uncomfortable to watch this BWV. It's understandable if trust and confidence in the Police reduced for black people because of this Police interaction.

The initial interaction between the female officer and the female subject started off calmly, however, the female passenger was clearly upset and in no mood for negotiation.

This was the opportunity for the female officer to sit down opposite instead of stand over the female and continue to be assertive. There was no attempt to de-escalate.

The situation escalated further when the female officer threatened to involve social services, and then the male officer's chippy remarks didn't help, this was a very poor attempt at taking control and was more an act of aggression than control.

The use of Pava was also questionable given there was an infant well within spraying distance, at that point both officers had clearly lost control of the situation and were relying wholly on aggression not training.

The fact the female involved was angry and upset did not warrant the amount of force involved.

Both officers involved had a very clear need to undergo de-escalation training, at the minimum, in December 2020. Their restraint technique also leaves a lot to be desired, especially in a confined space and with the woman holding her child.

The officers should be personally held responsible for their behaviour in this incident.

This BWV is degrading to the woman and also to the Police. It is a classic case of what should never happen.

One member feels that this case is worse than the Jan. 2017 Taser fired case (to Court and to a Misconduct Hearing).

Is there any comment from the woman? Was there a complaint?

Would the women – and Officers (or male Officer) – give their consent to this BWV being used for Officer training?



## Positive member feedback:

BWV recording is clear.

Nothing positive to say about this encounter from 3 Panel members. Other members stated:

Male Officer: No positives except his BWV was switched on before getting to the bus.

Initially a very good tone of voice by the female officer (Sophie?) who was very caring and professional with the young child post incident. Also very good with the grand parent, calming things down very quickly, you can't help but wonder how the situation would of played out if the female officer had been left to de-escalate initially as she had reasonable dialogue with the woman, offering to drive the woman to the school.

The Female Officer did initially offer to drop the woman and child off to the desired location.

The female Officer tried to stay calm and reason with the passenger. Offered her next best alternative, which was turned down as the woman/passenger felt she had not done anything wrong.

For 8 minutes (from 3.29pm to 3.37pm) Female officer communicates well, suggesting a solution by offering a lift to the school. She allows the mother an uninterrupted two minutes to explain the situation.

The female officer remained very calm throughout and did most of the talking if not all of it bar a few remarks from the male officer. The male officer was beginning to get frustrated and he removed himself from the situation for a minute. This was a good decision at that point. The female officer was excellent at and authoritative and tried to reason with the mother several times and was brilliant with the baby after.

Female Officer: BWV switched on early as he walked towards the bus. Start of the conversation with the woman was calm and included a Police Car lift as a resolution. Also Female Officer advised other Officers that the woman's mother was required. The Female Officer left the bus and cared for the child.

Additional officers arrive – a good decision to remove the Male Officer from the bus. A very difficult situation for the officers, in a situation with a very enraged member of the public. The female officer offered viable solution which would have de-escalated the situation by taking the woman off the bus and giving her a lift to the school, but this was declined. Also tried to de-escalate later by changing direction of the conversation, and during the tussle tried to reason with the woman to safely release her daughter.

Additional comment: The mother was being deliberately difficult when the officers first arrived and the female officer offered her a lift to fetch her other child which was declined. The situation gradually got worse from there until the officers called for assistance. The mother was using her daughter as a human shield for most of the struggle and was audibly heard to still be fighting/ struggling with the remaining officers after the original 2 officers had walked off. Not sure how the mother managed to lose her top & jacket and her hair in the struggle. The physical actions obscured the BWV camera.



## Feedback form 6 questions and 9 responses:

**1. If force was used, was it inappropriate? Yes (5), No (4).**

**2. Did the Police make any incorrect decisions during this episode? Yes(8), No(1).** See below.

A member felt uncomfortable and angered at the treatment this young woman received.

Another comment: I don't know if the Officers were discriminatory or stereotyping. The Officers may have acted exactly the same towards a white woman.

A difficult situation as the woman is adamant she has done nothing wrong and leaving the bus is not acceptable to her and would make her seem in the wrong.

I wonder what the woman would think of her behaviour if she reviewed the BWV.

**3 Was the Police behaviour making any assumptions or stereotyping? Yes(3), No(3), Unsure(3).**

**4 Was there any indication of discriminatory behaviour? Yes (3), No (3), Unsure (3).** Note below.

A member felt it was difficult to tell if racial bias was demonstrated. Noticeable that all officers were white and passenger Black. Unclear why the other officers hung around as there were too many finally at the scene and this looked like an overreaction. Overall, this incident reflected badly on the police.

**5 Does the Police Officer(s) behaviour need further review? Yes (9), No (0).** See note below.

The male officer was instrumental in escalating and enflaming the situation with his comments.

In the 3 minutes from 3.37pm to 3.40p.m. the officer said:

"You're speaking over her [the Officer]"

"I can sort of see why the bus driver doesn't want you on the bus".

"Your ignorance is getting in the way".

"I can do what I want".

"Got 2 minutes to leave to prevent a breach of the peace"

and "You've got until 20-to (4), then I will be using force to get you off the bus."

**6 Is the BWV switched on late, obscured, turned off early or inadequate? Yes (0), No (9).**

Obscured only during the 'tussle' with the woman.

## Operational policing questions:

**4 issues:**

1. Do Trainers and/or Senior Leaders consider there is any NDM shown in the Officers' behaviour?
2. Is it standard practice for the first Officer at an incident to speak to the person reporting the incident first. In this case the driver just repeated the same narrative as in the Storm log information (already known by the Officer)?
3. Is there any training scenarios or best practice that would suggest the Female Officer should speak to the woman first, to listen to her side of the situation?
4. It is not clear what the second group of Officers (on and off the bus) were doing after they arrived. Is there normally a single Officer in charge in this type of incident?

**Independent Scrutiny of Police Powers Panel concerns:**

1. Why did the officers show so little patience to resolve what was a minor dispute about the issue of a bus ticket? They invested only eleven minutes, before they used force.

2. When the mother was standing by her buggy, phoning her mother, why didn't the officers leave the bus and wait outside? Why did the MO aggravate the situation?

3. Why did the officers:

- a) Use PAVA spray in a confined space with the child nearby?
- b) Use force in a confined space with hard surfaces and the danger of injury, particularly to the child?
- c) Risk injury to the child by persistently trying to remove the child from the mother?

4. Overall the officers' actions:

- a) Appear to be disproportionate to the objective of the mother and child leaving the bus.
- b) Do not display the expected level of patience and de-escalation.
- c) Do not display cultural awareness of the impact of their behaviour on this black woman (or bystanders).
- d) Do not display a risk analysis in considering how to achieve the objective of the mother and child leaving the bus.

## Organisational learning:

1. What lessons/learning has been identified by Avon and Somerset Police?
2. What are the actions?
3. What has been the impact of those actions?

## Constabulary response to members' feedback

Avon and Somerset constabulary welcomes this report by the Independent Scrutiny of Police Powers Panel and the opportunity to respond it.

This incident occurred on the 16th December 2020. The answers to the panel's detailed and specific questions are below. Since the incident we have been open and transparent in ensuring the learning of this incident is truly embedded back into the constabulary. The incident was voluntarily referred by the constabulary to the Independent Office of Police Conduct on the 24/12/20.

Their investigation outcome was for the officers involved to take part in reflective practice which was supported by the Force Outreach Team, a senior officer and our Professional Standards Department. Further details of this are below.

Avon and Somerset constabulary is committed to the recommendations of the local Disproportionality in the Criminal Justice System report, the commitments and intent of the National Police Race Action Plan and our wider Avon and Somerset ambitions around diversity and inclusion.

We want to have a strategic vision of what our staff and our communities agree outstanding policing looks like. We can do this by working closely with staff, community leaders and relevant partner organisations to understand how we achieve the strategic aim and objectives above. We want to in the broader context move away from responding to each individual incident that can result in diverging perspectives internally and from some of our communities.

This approach seeks to support the delivery of our wider ambitions around diversity, inclusion, legitimacy and public confidence at a Force and national level.

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In doing so we want to complete the recommendations of the local Disproportionality in the Criminal Justice System report, the commitments and intent of the National Police Race Action Plan and the wider Avon and Somerset ambitions around diversity and inclusion. This is being led by the Chief Constable in terms of the multi-agency response to the Disproportionality Report recommendations and internally by Assistant Chief Constable Will White.

### **The Reflective Practice**

On the 29th March Chief Inspector Yan Georgiou, who was supported by colleagues from both Professional Standards Dept. (PSD) and the Force Outreach Team facilitated two Reflective Practice (RP) sessions with the two officers involved in the incident. The purpose of these sessions were a) to provide a meaningful outcome in line with the PSD direction b) to create an environment where as a group we could engage with the officers surrounding their decisions, considerations, approach and actions throughout the timeline of the incident c) provide an opportunity for the officers to talk through their reflections surrounding their approach to this situation and have these taken into consideration in conjunction with the voice of the parent who was involved and the perceptions of the community who also provided a view point.

During the RP sessions the conversation reflected upon tactical planning, use of the National Decision Model, communication (language and style), de-escalation and negotiation, alternative approaches to the ones undertaken, cultural awareness and proportionality of action against the situation presented to them. Within these discussions there were plenty of opportunities for colleagues in the room representing Outreach and PSD to provide advice, support and insight making it a four-way conversation.

The response from both officers was really engaging, reflective and genuine. There was a visible demonstration of regret for what took place and lots of learning on their part linked to the topics discussed. Having undertaken many of these sessions before, Ch. Insp Georgiou and the staff from PSD and Outreach believed that the officers had undertaken a serious degree of reflection and had taken on board everything touched upon within the sessions.

The discussion also touched upon areas of potential continuous professional development for both officers which link in with the RP. With this in mind we have liaised with colleagues from the Outreach Team who agree that providing a bespoke experience for these officers linked to culture, communication, engagement would complement their existing Personal Safety / De-escalation Training which is currently being worked through at this time.

In response to the 'Operational Policing' questions, as above:

#### **1. Do Trainers and/or Senior Leaders consider there is any NDM shown in the Officers' behaviour?**

Yes, the officers have sought to obtain the information available to them, by speaking firstly to the driver to ensure that the situation is as was reported to us. They then spoke to the mother to obtain her version of the events. However, the way both parties were treated was different and did not help to diffuse the situation.

After the basic facts were obtained, the officers go through the law - the fact that they are not legally able to direct the driver to continue the journey with the mother present - and then give her options, such as offering her a lift and asking her to get off the bus.

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When it comes to information gathering the officers would appear to have not taken into account non-verbal details, such as cultural difference, something which the organisation has spent money and time educating officers in.

Consideration does not seem to be given at any stage though that the offer of a lift to a school may cause embarrassment for a mother, who would unlikely want to be seen by her other child and fellow parents arriving at the school gates in a marked police car. The suggestion - regardless of how well-intentioned it may have been - led to the mother becoming more upset.

Within the first minute of the incident the driver is asked by the male officer what he wants to happen – and that is for the mother to be removed. The mother is then presented with option(s) as to what she needs to do to resolve the situation. There does not appear to have been similar conversations with the driver about what he could do to resolve the situation. Choosing not to treat the two parties equally in that way is likely to have exacerbated the mother's unhappiness when she felt aggrieved by what had gone on and felt she had done nothing wrong. Consequently, she believed from the outset the officers were taking the bus driver's side.

The officers' response to the incident changes as it progresses because the initial situation was not de-escalated as it could and should have been. In summary, whilst the officers have demonstrated a limited application of the NDM to the incident, there is, by their own admission, lots of areas for improvement and learning within this engagement.

## **2. Is it standard practice for the first Officer at an incident to speak to the person reporting the incident first? In this case the driver just repeated the same narrative as in the Storm log information (already known by the Officer)?**

It is important to confirm what has happened and check and test the information and intelligence to that which has been relayed from the initial call (often reported by a third party), as this is not always accurate.

The male officer, having heard from the bus driver, is not open-minded about hearing the mother's account - he asks the driver what he wants to happen before she has been able to explain her side of the story.

The female officer makes a concerted effort to hear what the mother has to say and gives her the opportunity to explain what happened in her own words. As the conversation develops though, the officer increasingly begins to talk over the mother and the tension increases as she feels she is not being listened to.

Due to the layout of the bus, it is natural for the officers to approach the driver first before speaking to the mother. Both officers have reflected that they could have had a more decisive plan here, with one speaking to the driver, whilst the other spoke to the mother concurrently. The officers could have then conferred and decided upon the correct course of action, showing complete impartiality from the outset.

Again, the officers have been able to reflect that this simple action may have changed the course of events.

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### **3. Is there any training scenarios or best practice that would suggest the Female Officer should speak to the woman first, to listen to her side of the situation?**

Where two officers are present and a situation involves multiple parties, it is often the case that officers will split them and speak to them separately. In training, officers are often presented with two or more parties, and this tests their ability to gather information and separate conflicting parties.

After the male officer talks to the driver, the female officer did engage with the mother - as panel members acknowledge.

Unfortunately, her entry onto the bus is initially slightly impeded and delayed by the male officer stood in the doorway. Consequently, it gives the perception the mother's views are secondary to the driver's. The discussion about a resolution though fails to de-escalate the situation and as mentioned previously only serves to make the mother feel more aggrieved.

The mother is sat down when conversing with the officer who is stood up. In terms of body language this gives an impression of the officer talking down to the mother, regardless of tone and language used. Consideration could have been given to sitting down with the mother to try to make the dialogue on a more equal footing and conversational.

### **4. It is not clear what the second group of Officers (on and off the bus) were doing after they arrived. Is there normally a single Officer in charge in this type of incident?**

Ideally, during an incident involving a number of staff, a supervisor or experienced officer would attend and take charge of scene management.

On this occasion, this appears to have either been overlooked or not been possible and instead there appears to be no direction given or managed in any controlled way and is certainly a learning point for the organisation.

The officers who attend and board the bus are clearly looking to assist with the detention, but the number officers outside of the bus appear to be larger than necessary and appear to lack direction.

### **Independent Scrutiny of Police Powers Panel concerns:**

#### **1. Why did the officers show so little patience to resolve what was a minor dispute about the issue of a bus ticket? They invested only eleven minutes, before they used force.**

This has been discussed with the officers during the reflective practice, that was chaired by a senior officer, (Chief Inspector Georgiou). The male officer recognised in his de-brief that the decision to issue an ultimatum was poor. It added unnecessary pressure at a time when the mother was beginning to make her way off the bus.

Ultimately this was a civil dispute. The officers in their reflective practice alluded to the fact they recognised this when heading to the incident and the responsibility lies with First Bus to train and manage its drivers to deal with passenger disputes.

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At the point police are called, de-escalation models, such as the Five Step Model, are used without success due to the way they were communicated. While from a policing perspective this was a minor dispute, for both the bus driver and mother this was not a trivial matter and that should have been recognised by officers on attending the incident.

Given the significance we placed upon this incident, a referral was made to the IOPC. We accept their findings that both officers would benefit from communication training.

Use of force can only be resorted to in response to a threat.

## **2. When the mother was standing by her buggy, phoning her mother, why didn't the officers leave the bus and wait outside? Why did the MO aggravate the situation?**

This is a valid question. Backing off can be a good tactic when dealing with hostility or a situation where a reassessment of the information and communication between the officers present may help achieve a positive outcome and engagement.

The initial call to our control room said the bus driver had safety concerns. The mother is described in that call as “very aggressive and abusive, refusing to pay and has then turned threatening”. With the mother, initially at least, clearly not wanting to leave the bus, it would be very unusual to leave two parties unattended in a confined space, given the nature of the call to our control room.

As panel members reflect, the bus driver did not seem to be in a significant rush. Alternative solutions, such as considering asking the driver to leave the bus and officers to disembark to symbolise the bus was not going to go anywhere, may have been a more effective strategy.

When the mother has risen from her seat and begins to look to be leaving of her own volition, the male officer clearly loses patience and exerts extra pressure on her to leave quickly. His comments are both incendiary and unnecessary and do nothing to appease the mother's initial misgivings that the police are siding with the driver in what amounts to a civil dispute. The officer accepts this and has reflected on the language he used.

The mother subsequently says on the phone “I'm going to knock two feds out”. This is perceived as a threat by officers, and at making efforts to move the pram, a tussle ensues, and officers can be heard on the BWV that they are being assaulted.

The context with which those words were said by the mother is important. This was a mother, who was with her infant child, talking on a phone to a third party. While she presumably says the words with the intention of them being heard by the officers, it is not directly to them. The first sign of any physical aggression - a push - comes when officers approach her and not vice versa.

At no point do we wish to condone the use of violence, or threats of violence, against our officers. Nationally the number of assaults is rising, and it is understandable that officers when hearing such language may well have concerns for their safety.

The IOPC investigation found no case to answer against the officers regarding the use of force.



### **3. Why did the officers:**

#### **a) Use PAVA spray in a confined space with the child nearby?**

The decision to use PAVA in these circumstances has been reflected on by the officers.

Officers should be reluctant to use open hand tactics when a child is at the scene, to avoid risk of injury and distress to all parties, especially the child.

PAVA is one of many tactical options available to the officers. It is an irritant spray, designed to cause intense pain to the subject, but importantly is far more direct than CS was, thus reducing the chances of other people in close proximity - such as the child - feeling the effects of it.

The use of PAVA, directly on the subject, could have allowed the officers an opportunity to remove the child safely. As stated, though its appropriateness has been reflected on by the officers and discussions around alternative methods and tactics held. Whilst not completely unjustified, there was perhaps an opportunity to stop, reassess and communicate before the use of this force option.

As previously stated, the IOPC found no case to answer in terms of the officers' use of force.

#### **b) Why did the Officers use force in a confined space with hard surfaces and the danger of injury, particularly to the child?**

All environments have risk factors to consider and there will always be an element of risk of injury to the mother and the officer, when force is applied. Officers are trained to consider these factors during their application of the NDM.

#### **c) Why did the Officers risk injury to the child by persistently trying to remove the child from the mother?**

Ultimately this was an incident no-one would have wanted to happen. We would never want a young mother, or our officers, to come to harm and particularly a child to find themselves in the middle of such an incident.

The child's welfare should be the most important consideration throughout this incident. Officers can be heard on the BWV raising concerns for the child's safety throughout and asking the mother to let go. Once apparent the mother will not release the child, it should fall on officers to recognise that is the case and the dynamics of the situation have changed.

We would echo the panel members' positive comments about the care of the child post-incident by officer(s). Even after the removal of the child, you can hear the emotion in the officer's voice and the care given to the child. The officer's concern for the child is clearly evident and whilst as a bystander this may not have been clear, it is certainly evident.

### **4. Overall the officers' actions:**

#### **a) Appear to be disproportionate to the objective of the mother and child leaving the bus.**



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As have been previously mentioned there appears to be a lack of patience displayed by the officers and their comments during the reflective practice echo this. They initially believe this is to be a civil dispute and are expecting a quick result. The male officer's choice of words are poor and do not help the situation, again, he has fully reflected on this and accepts his part in the escalation of this incident.

The female officer's attempt to de-escalate is proportionate to the initial working strategy of getting the mother to leave the bus and whilst she could, perhaps, have suggested the officers stop and reassess, there is evidence of her attempt to resolve the matter. Alternative ways in which she could have pursued that strategy have already been raised.

We agree the incident could and should have been dealt with differently to prevent it escalating to the point of needing to resort to force.

**b) Overall the Officers' actions do not display the expected level of patience and de-escalation.**

We agree the officers failed to de-escalate the situation, due to poor communication techniques and impatience. This conclusion mirrors the findings of the IOPC's independent investigation.

We recognised this quickly after the incident - before the IOPC's report was concluded - and have taken proactive steps to address this through reviewing the training all officers receive.

- In the short term, a comprehensive training plan proposal including the perspectives of stakeholders from our diverse communities has been delivered through the Inclusive Police with Confidence training programme.
- In the medium term, a recorded summary of our understanding of the learning we have identified to date from previous training to identify good practice, what we do not wish to repeat and how we can most effectively improve and build on what has been done to date that can form part of our organisational memory has been created.
- In the long term, we have created a defined organisational process that provides a flexible approach that will develop, support and coach staff in how to respond to complex and challenging that builds confidence in all our communities and is integrated into our processes and policies

The female officer can be seen attempting to use the Five Step Model to de-escalate. Within the Five Step Model officers would encourage subjects to think rationally with a personal appeal, but the mention of social services was disproportionate in the context of a civil dispute and therefore counterproductive.

The opinions expressed by the male officer compound matters further as previously explained.

The organisation has invested heavily in improving our staff's awareness of cultural differences, inclusion and de-escalation. In this example it is disappointing that only the de-escalation appears to have been considered and that was not successfully achieved. As previously mentioned, the officers admit that they did not allow enough time to resolve this situation before resorting to an ultimatum.

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**c) Overall the Officers' actions do not display cultural awareness of the impact of their behaviour on this black woman (or bystanders).**

The panel has highlighted a learning opportunity here regarding the cultural impact on Black communities relating to the mention of social services. This is something the operational training team were unaware of and will look to educate themselves upon and cascade within training.

We also commissioned a cultural intelligence and community training programme to assist our frontline officers with knowing how best to deal with any similar callouts in future and to better recognise, respect and value difference. As of March 2022, approximately 2,500 officers and staff have so far benefitted from such training, led by SARI, since it was launched in the autumn.

The IOPC found no case to answer against the officers following an allegation of discrimination.

**d) Overall the Officers' actions do not display a risk analysis in considering how to achieve the objective of the mother and child leaving the bus.**

This has already been covered in the above responses. It is clear that had the officers communicated better, both with the mother and each other, approached this incident with a more open mindset, displayed better impartiality from the outset, had a better understanding of external influences, showed an understanding of preconceived prejudice and allowed more time and patience then there would have been a better assessment of the risks involved and ultimately a better outcome for all involved.

It is fair to say that a large amount of learning has been captured through this incident, both for the organisation and the officers. Everyone had their part to play in this, but the risk of not improving from this is perhaps the greatest risk to public confidence and one which we have fully embraced. Action has been taken and will continue to be taken.

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

**Any Organisational learning? Yes**