

Independent Scrutiny of Police Powers Panel

Annual Report 2021/2022

David Woodward

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FOREWORD BY DAVID WOODWARD, CHAIR OF THE INDEPENDENT SCRUTINY OF POLICE POWERS PANEL (ISoPPP)

July 2022 marked the fifth anniversary of the inception of our Panel.

This is an opportunity to reflect on what has changed and been achieved over the last five years. Our purpose has not changed, namely to improve the public's confidence in and support of the Police, so that officers may police by consent.

We continue to act as a critical friend, drawing attention to good practice and identifying officer and organisational learning opportunities. We are gratified to learn that Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and the Independent Office for Police Conduct (IOPC) consider our Panel to be a model of good scrutiny practice.

There have been substantial changes and developments over the last five years in:

- The manner in which we undertake the scrutiny
- The number and choice of cases we scrutinise
- The tracking of identified 'learnings'
- The invitations and requests from the Avon and Somerset Police (ASP) and others, such as the Police and Crime Commissioners (PCC) from England and Wales, to discuss our work
- The degree of community engagement
- The invitations we receive to comment on scrutiny and training topics from ASP, PCC's office and outside bodies, such as HMICFRS and IOPC.

As lay people, we have observed that the public's support of the Police is affected by changing social and cultural attitudes. Examples of this are the polarising of views; the increasing gap between the 'have and have nots'; the economic crisis; a sense that discrimination and misogyny are endemic and high profile cases, such as the Sarah Everard and the strip searching of child Q cases.

The public quite rightly expects a lot of our Police.

One problem for the police in gaining and improving the public's confidence are the 'growing pains' of new recruits with their limited 'lived experiences'. As the Chief Constable has told us, in three years' time 40% of ASP Officers will have less than three years' experience. These officers need support, training and close supervision, if they are to thrive and gain the confidence of the public.

We thank ASP for their willingness to be open and transparent, providing us with both information and detailed responses to our observations. We have been pleased to commend officers, who have demonstrated courageous and empathetic interaction with the public, particularly by de-escalating situations. As a critical friend, we have on occasions made comments uncomfortable for ASP and our scrutiny of the use of force in Bedminster, Bristol on 16th December 2020 was a case in point.

I am most fortunate to be so well supported by my Vice Chairs Adeela Shafi and Desmond Brown and our fourteen Panel members. Desmond is Chair of the Lammy Review Sub Group, whose ground-breaking report 'Identifying Disproportionality in the Avon and Somerset Criminal Justice System' was published in January 2022. In addition, our OPCC manger Kathryn Palmer's effective industry in supporting us from the outset has been consistently outstanding.

In the year ahead, we are looking forward to recruiting new members and moving to a hybrid model of remote and face-to-face scrutiny meetings. As a Panel, we have a history of embracing change, whilst maintaining our independence of thought and deed. I see no reason why that should not continue.

David Woodward, Independent Panel Chair

WHAT DOES THE PANEL DO?



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

The Scrutiny Panel, currently 14 local people of diverse backgrounds, started in June 2017. The Panel meet quarterly and select categories of police cases to scrutinise.

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

In addition to special case reviews, 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. The police response to learning is tracked by the panel and is evidenced in appendix 1.

OUR YEAR IN NUMBERS



Scrutinised **225 cases** including **93** relating to use of force, **101** relating to stop and search and 31 **31** relating to formal complaints



Completed **458 case feedback forms**



Viewed around **53 hours** of body worn video footage

HIGHLIGHTS OF PANEL WORK OUTSIDE OF CASE SCRUTINY

In addition to the ongoing case review schedule the panel work closely with police and partners to improve and scrutinise policing. This year's highlights include:

- 1 Presentation of our work to North Somerset, South Gloucestershire and Bristol Independent Advisory Groups (IAG)
- 2 Contribution to the review of Stop and Search section of the 2022 Identifying Disproportionality Report, participating in webinars and implementing the reports recommendations
- 3 Observing training at the Wilfred Fuller VC Training Centre
- 4 Participating in filming for Story Films, a Channel 4 production to be broadcast next year
- 5 Scrutinising the Bedminster bus incident and producing a single case review report
- 6 Receiving presentations by ASP on Body Worn Video and Stop and Search training
- 7 Attending ASP quarterly Internal Scrutiny meetings
- 8 Contributing to the PCC's Draft Police and Crime Plan
- 9 Contributing to the ASP's 2022 Stop and Search training package
- 10 Contributing to ASP's draft Retrospective Facial Recognition proposal
- 11 Discussions with the IOPC to understand the structure and make-up of their organisation and the methodology of case investigations
- 12 An interview with HMICFRS to discuss the Criminal Justice Alliance Super Complaint re Section 60 groundless Stop and Search. We also discussed best practice in the lay scrutiny of Police Powers.
- 13 Presentation to Criminal Justice Alliance (CJA) conference on Scrutiny about the Scrutiny of Police Powers Panel.
- 14 HMPPS insights virtual workshop.
- 15 Police Constable Degree Apprenticeship (PCDA) Officer Panel meeting attendance for a dissertation content.
- 16 HMICFRS Regional Director attendance at Panel meeting.

WHAT DO OTHERS SAY ABOUT US?



“ The work of the ISoPPP is of huge importance to Avon and Somerset Constabulary and provides an opportunity for panel members to scrutinise our use of policing powers on behalf of the communities we serve. We will continue to use the valuable feedback from the panel to understand areas of concern, highlight best practice and implement learning wherever possible“

Sarah Crew, Chief Constable



“Our panel members work tirelessly to shine a light on policing and the work of the ISoPPP is important and valued. I am proud of their work in independently holding police to account and the real change that they continue to bring to the organisation.

The quarterly case review process is an invaluable tool to highlight learning and areas of improvement and I am indebted to the team for their relentless and diligent attitude to work. I look forward to working with the panel in the coming year in our shared aim of improving policing for everyone. “

Mark Shelford, Police and Crime Commissioner



“I am proud to continue to be involved in the work of the ISoPP panel. I value the challenge and independent scrutiny that they provide our force.

We are a learning organisation and we are here to listen. The panel are heard and can continue to make a real difference to the way in which we approach and manage police tactics and strategy in the areas of use of force and stop and search. I would like to thank all panel members for their continued professionalism and dedication. “

Chief Superintendent Deryck Rees, Head of Response

Appendix 1 **Organisational Learning Tracker**

As part of their ongoing work to scrutinise policing the the Panel have identified key organisational learning areas for Avon and Somerset Police. The panel continue to review, track and scrutinise how lessons identified are managed.

The following organisational learning areas are currently being tracked;

1.	Sep 2021	At a Stop Search the Police 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
	Apr 2022	As above.	This is a training issue and part of a Continuing Professional Development (CPD) package.	Ongoing
	July 2022	As above.	This topic is included in the July 2022 Annual Training Package (ATP).	Complete
2.	Sep 2021	Poor positioning of BWV cameras by Firearms officers.	Fixings are being issued to attach cameras to helmets	Complete
3.	Dec 2021	A Police 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
	Jul 2022	As above.	This topic is included in the July 2022 Annual Training Package (ATP).	Complete

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
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
	April 2022	In this sample the available use of BWV was 44%		Ongoing
	July 2022	In this sample 65% of cases had complete BWV. For Stop & Search changes have been made to BWV retention periods, clarification regarding its mandatory use and included in the ATP .		Ongoing
5.	Dec 2021	Standard practice handcuffing a <i>compliant</i> 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
	Apr 2022	As above.	A briefing note has been distributed to all front line staff.	Ongoing
	Jul 2022	As above.	The use of handcuffs will be reviewed by the Police's newly formed Internal Scrutiny Team. Findings will be discussed with the Panel.	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
	Jul 2022	As above.	ATP emphasises the mandatory requirement to offer a receipt. A working group convened in December 2021 to refresh the provision of receipts. The work continues.	Ongoing
7.	Dec 2021	The practice of seizing mobile phones, or viewing the content, 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

		<p>c) Are officers obliged to explain to the detainee the justification for the seizure of the phone?</p> <p>d) How does the officer record the justification for the seizure and detention of the phone?</p> <p>e) Are seizure cases 'flagged' in some way to facilitate scrutiny?</p> <p>f) If the S&S is not under section 23, is it the case that there is no power to seize or detain?</p> <p>g) If the search is after a vehicle stop, is there any power to seize or detain?</p>		
	Apr 2022	As above.	The review is continuing.	Ongoing
	Jul 2022	The Panel first raised this issue in the summer of 2021 and our questions set out in December 2021 remain unanswered. We are told that the issue is complicated and that it has not been included in the Annual Training Package (ATP). For the Panel this is a major issue going to the heart of police legitimacy at a Stop and Search.	The review is continuing.	Ongoing
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
9.	Apr 2022	Smell of cannabis alone does not provide grounds for a Stop search.	This is a training issue and part of a CPD package.	Ongoing
	Jul 2022	As above.	Included in ATP.	Ongoing
10.	Apr 2022	At a strip search BWV on audio only should be activated.	This is a training issue and part of a CPD package.	Ongoing
11.	Apr 2022	Lack of adequacy of grounds for a stop search.	This is a training issue and part of a CPD package.	Ongoing
12.	Jul 2022	Police Officers showing good attitude and communication skills to establish a rapport with the subject, resulting in a positive engagement and de-escalation.		Ongoing