

Independent Scrutiny of Police Powers Panel

CASE REVIEW REPORT

19 OCTOBER 2022

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PANEL OVERVIEW

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.

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 of police cases to scrutinise.

What does the Panel do?

- 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.

SUMMARY OF OCTOBER SCRUTINY



60 cases were scrutinised by the panel



9 themes were identified



More than **13 hours** of body worn video footage was viewed

WHAT THEMES DID WE IDENTIFY IN OCTOBER?

1. Officer using the smell of cannabis as sole ground for a Stop Search.
2. Inadequate or no BWV footage available.
3. Unjustified handcuffing at a Stop Search.
4. Officers showing particularly good attitude and communication to establish a professional rapport.
5. Failure to offer or provide a Stop Search Receipt
6. Incomplete explanation of Stop Search procedure, known by the acronym 'GOWISELY'
7. Questionable grounds for a Stop Search
8. Good use of Taser to gain control and preserve everyone's safety
9. 100% use of audio during Strip Searches.

More details about the above themes are to be found at [page 8](#)

Ongoing organisational learning tracker from September 2021 can be found on [page 11](#)

Highlights of the October case review comment can be found on [page 15](#)

CASE STUDY – EFFECTIVE SCRUTINY



Seizure of mobile devices during a Stop and Search

Background

In the summer of 2021, the Panel questioned the police practice of seizing mobile phones and viewing the content at a Stop Search.

The Police explained that this practice was being conducted under Section 23 (2) (C) of the Misuse of Drugs Act 1971. The panel note that the first smart phone was not available until 1993.

Panel Scrutiny

This issue was raised by ISOPPP at each quarterly meeting since September 2021 and the panel were told that the police practice was under review.

The Panel's scrutiny questions about this practice included:

- a) In what circumstances would a mobile phone constitute 'evidence of an offence under this Act'?
- b) Once seized, are the officers empowered to 'interrogate' the phone and record details, regardless of the outcome of the Search?
- 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 Stop Search 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 a phone?

Outcome

At our October 2022 meeting the police informed the Panel that from August 2022 officers would stop interrogating phones at the roadside Section 23 at a Stop Search. Any interrogations of a phone would not be conducted at the roadside and would only be done following its seizure as evidence under s.19 of the Police and Evidence Act, which in most cases would be post arrest.

ISOPPP thanks the Police for recognising that the benefit to public confidence in not seizing phones at Stop and Searches outweighs any evidential value in seizing them, whilst carrying out the Search.

Police Response

"Avon and Somerset Police wish to thank the ISoPPP for raising this issue and supporting our internal assurance work into the matter. As recognised by the Panel, mobile phones did not exist when the Misuse of Drugs Act was enacted in 1971 and there have been no rulings creating case law on the subject to assist with interpretation of the law. Whilst the practice is not unlawful, given the impact on the human rights of those affected, Avon and Somerset have actively taken the decision at Chief Officer level to pause the application of the s.23 in this manner to take the time to consider our position on its use."

OCTOBER CASE CATEGORIES

The Panel identified a number of case categories for scrutiny focus at the October meeting. A full list of cases that fell under each category type were requested from police. The panel then selected, reviewed and scrutinised 60 random cases. The following categories were selected for scrutiny;

Use of Force

- Including the use of Taser
- Including the use of PAVA
- On people in police custody
- Of persons aged 17 year old and under
- Complaints by a member of the public against police relating to their use of force

Stop and Search

- Of persons aged 17 years old and under
- By officers working under Operation remedy (a proactive police operation)
- Involving the seizure of phones*
- Effected because of a suspicion of use/smell of cannabis**
- Effected with the use of handcuffs
- After a vehicle stop
- Complaints by a member of the public against police relating to Stop and Search

PANEL FINDINGS – OCTOBER THEMES

Following the scrutiny of 60 cases of body worn footage the panel balanced the actions of officers against police procedures and policy. The following themes were identified in October and raised with police for comment:

Theme Identified by Panel	Police Response
<p>Theme 1</p> <p>The smell of cannabis was identified as the only ground for Stop and Search. (Cases 5 and 11)</p>	<p><i>Ensuring the smell of cannabis is not used as the sole grounds for search continues to be an area of focus for the Constabulary. It features in the supervisor review template for stop search and was specifically addressed in the stop search CPD package and knowledge check.</i></p> <p><i>We will continue to check and test that is being addressed at first line manager level, as well as ongoing scrutiny. This is also being addressed by the force Public and Personal Safety Training (which is an annual refresher for all frontline staff) and is tested through scenario training.</i></p>
<p>Theme 2</p> <p>Inadequate or no body worn video footage available to view.</p> <p>(Of a total of 44 cases only 23 had adequate BWV - 52%)</p> <p>The Constabulary states a reported figure of 92% for the use of BWV but this includes:</p> <ul style="list-style-type: none"> - BWV activated late - BWV ending early - BWV obscured - BWV otherwise inadequate 	<p><i>The use of body worn video is a matter for which the Constabulary continues to seek improvement. We have recently added a new function of 'pre-record' in which the device will prerecord 30 seconds before it is activated. This should assist with spontaneous incidents in particular, where cameras are often activated after the incident has started.</i></p> <p><i>This is also reinforced during the force Public and Personal Safety Training (which is an annual refresher for all frontline staff) and is tested through scenario training. Staff are informed that use of BWV is mandatory, with few exceptions to this, that it should be marked as evidential for retention (if appropriate) and that it is never 'too late' to activate the device, it is better to capture something rather than nothing.</i></p> <p><i>That said, we note that devices are being activate too late and switched off too early and are addressing this through the training given.</i></p>

<p>Theme 3</p> <p>A member of the Public was handcuffed during a stop and search.</p> <p>Cases 4,8,9,10,12,13,14,15,16,21,23,25 and 52 .</p> <p>What progress has been made to reduce the incidence of unjustified handcuffing?</p> <p>Whilst the panel accepts that there are situations where applying handcuffs is entirely appropriate our view is that officers should start with the assumption that handcuffing is inappropriate unless there is good reason to do so.</p>	<p><i>Handcuffing is addressed through the force Public and Personal Safety Training (which is an annual refresher for all frontline staff) and is tested through scenario training. During this training officers are reminded that, we do not routinely handcuff to search and that all handcuffing must be justified. Officers are reminded that they must only use handcuffs when it is justified and fulfils one of the ACPO Guidelines for handcuffing, those being to;</i></p> <ul style="list-style-type: none"> • <i>Prevent Escape</i> • <i>Prevent subject harming themselves or another</i> • <i>Prevent subject harming/Assaulting the officer</i> <p><i>Officers are also taught the ‘ABCDE’ of handcuffing (Application, Be sure to ask, Check for tightness, Double lock and Evidence)</i></p>
<p>Theme 4</p> <p>Officers showing particularly good attitude and communication to establish a professional rapport.</p> <p>(Cases 2,3,7,9,10,13,20,22,32,33 and 55)</p>	<p><i>The Constabulary are pleased to see that the Panel have identified a number of instances where officers are demonstrating a professional and engaging approach, maximising the use of effective communication. This is a key aspect of the PPST training, which emphasises the importance of communication and de-escalation techniques.</i></p>
<p>Theme 5</p> <p>Officers failed to offer or provide a stop and search receipt.</p> <p>(Cases 7,18 and 20)</p> <p>We have identified a trend of officers referring to the receipt during GOWISELY but not making the offer at the conclusion of the search.</p>	<p><i>This continues to be an area that the Constabulary recognises needs improvement, as rightly pointed out by the ISoPPP. Our receipt and stop search documentation is currently being refreshed – we are working jointly with the OPCC to make sure our receipts are both accessible for all and contain all of the key information a person who is stop searched needs to understand their rights.</i></p> <p><i>When this product is finalised, we will launch it and use the opportunity to refresh on a wide scale, across all officers, the requirement to offer (and provide as requested) a receipt.</i></p>
<p>Theme 6</p> <p>Incomplete “GOWISELY” Procedure</p> <p>(Cases 1,12 and 23)</p>	<p><i>The provision of GOWISELY is a legal requirement and the expectations of officers are that it is given to every person that is stop searched. There may be situations where this is operationally not practicable, but should be explained to a person as soon as possible. Accidental omissions, such as forgetting to say which station the officer is based at, would not be fatal to the overall process, providing the stop is lawful and grounds are reasonable. The Constabulary are placing a significant focus on the ‘G’ element currently – to ensure that grounds given are clear, reasonable, and free from bias, other aspects of GOWISELY will be addressed as required on an individual basis – however the organisational focus at this time is on the grounds.</i></p>

<p>Theme 7</p> <p>Questionable grounds for a stop and search (Cases 1,5,7,8,22,50 and 54)</p>	<p><i>As mentioned above in the response to Theme 6 – the reasonableness of grounds continues to be a priority focus for the Constabulary.</i></p>
<p>Theme 8</p> <p>Good use of Taser to gain control and preserve safety of all. (Cases 27,28 ,32 ,35 and 36)</p>	<p><i>The Constabulary is pleased to receive positive feedback from the panel in relation to our officers’ use of Taser. The use of Taser is continuously scrutinised and monitored and any feedback or learning is addressed through either one-to-one engagement with the officer concerned or through organisational learning, as appropriate.</i></p>
<p>Theme 8</p> <p>Good use of Taser to gain control and preserve safety of all. (Cases 27,28 ,32 ,35 and 36)</p>	<p><i>The Constabulary is pleased to receive positive feedback from the panel in relation to our officers’ use of Taser. The use of Taser is continuously scrutinised and monitored and any feedback or learning is addressed through either one-to-one engagement with the officer concerned or through organisational learning, as appropriate.</i></p>
<p>Theme 9</p> <p>The use of audio recording during strip searches</p> <p>We were pleased to note that all cases reviewed had Audio on during the strip search.</p> <p>(Cases 9,10 and 13)</p>	<p><i>The Constabulary notes this feedback of the Panel, who will be aware that this has been an area of focus for our organisation following previous feedback from the panel. We are pleased that this has resulted in positive feedback for this last quarter.</i></p>

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;

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
1.	Sep 2021	At a Stop Search the Police Officer should not give the impression that personal information has to be disclosed.	<i>Officers have been reminded not to hector someone reluctant to provide this info. ISP has it as an ongoing theme.</i>	Ongoing
	Apr 2022	As above.	<i>This is a training issue and part of a Continuing Professional Development (CPD) package.</i>	Ongoing
	July 2022	As above.	<i>This topic is included in the July 2022 Annual Training Package (ATP).</i>	Complete
2.	Sep 2021	Poor positioning of BWV cameras by Firearms officers.	<i>Fixings are being issued to attach cameras to helmets</i>	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.	<i>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.</i>	Ongoing
	Jul 2022	As above.	<i>This topic is included in the July 2022 Annual Training Package (ATP).</i>	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%.	<i>A topic within yearly training. A technical fix of the camera operating 30 seconds before it's turned on is being considered.</i>	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
	Oct 2022	Of 44 cases only 23 had adequate BWV – 52% Previously officers often provided a commentary explaining what they were facing as they approached an incident .This is now the exception. BWV footage is significantly shorter than previously. Adequate scrutiny of Stop Search cannot take place if there is incomplete BWV	<i>ASP continue to seek improvement. 'Pre-record' function now live to start footage 30 seconds before recording. Reinforced and tested at yearly refresher safety training for all officers.</i>	Ongoing
4.	Dec 2021	Standard practice handcuffing a compliant person at a Stop and Search.	<i>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.</i>	Ongoing
	Apr 2022	As above.	<i>A briefing note has been distributed to all front line staff.</i>	Ongoing
	Jul 2022	As above.	<i>The use of handcuffs will be reviewed by the Police's newly formed Internal Scrutiny Team. Findings will be discussed with the Panel.</i>	Ongoing
	Oct 2022	As above.	<i>Addressed and tested through annual refresher training for all officers including the ABCDW of handcuffing.</i>	Ongoing
6.	Dec 2021	Lack of consistency about explaining the availability of a Stop Search receipt and how the person searched can access it.	<i>Internal working group set up to address this issue, which will feature in Spring 2022 training.</i>	Ongoing
	Jul 2022	As above.	<i>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.</i>	Ongoing

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
6.	Oct 2022	As above.	<i>ASP continuing to seek improvement. Receipt documentation is currently being refreshed to be accessible for all. Once finalised will be launched and refresh officers on w wide scale on the importance of offering and providing a receipt.</i>	Ongoing
4.	Dec 2021	<p>The practice of seizing mobile phones, or viewing the content, under Section 23(2)(c) Misuse of Drugs Act 1971.</p> <p>The Panel's questions include:</p> <p>a) In what circumstances would a mobile phone constitute 'evidence of an offence under this Act'.</p> <p>b) Once seized, are officers empowered to 'interrogate' the phone and record details, regardless of the outcome of the search? Continued ...</p> <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>	<i>This practice is being considered by the Police.</i>	Ongoing
	Apr 2022	As above.	<i>The review is continuing.</i>	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.	<i>The review is continuing.</i>	Ongoing
	Oct 2022	Learning raised at panel meeting	<i>From August 2022 officers will cease to use Sec 23 to justify seizing phones at a Stop and Search. This applies until and if the search results in an arrest.</i>	Ongoing

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
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.	<i>A topic within yearly training.</i>	Ongoing
	Oct 2022	The benefits are clear. Cases 54 and 61 demonstrate the disadvantages of inappropriate initial approaches which escalate rather than de-escalate.		Ongoing
9.	Apr 2022	Smell of cannabis alone does not provide grounds for a Stop search.	<i>This is a training issue and part of a CPD package.</i>	Ongoing
	Jul 2022	As above.	<i>Included in ATP.</i>	Ongoing
	Oct 2022	As above.	<i>Continued area of focus. Features in supervisor review template for S&S. Addressed in S&S CPD package. Addressed and tested in yearly refresher for all officers.</i>	Ongoing
10.	Apr 2022	At a strip search BWV on audio only should be activated.	<i>This is a training issue and part of a CPD package.</i>	Ongoing
	Oct 2022	Audio was on for the entirety of the search in all 3 cases scrutinised	<i>Pleased as has been an area of focus for the organisation following previous feedback. Learning is addressed through 121 engagement.</i>	Ongoing
11.	Apr 2022	Lack of adequacy of grounds for a stop search.	<i>This is a training issue and part of a CPD package.</i>	Ongoing
	Oct 2022	As above	<i>Continues to be an area of focus for ASP</i>	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
	Oct 2022	There were 11 cases of officers demonstrating positive engagement and de-escalation.	<i>Pleased. Continues to be addressed through refresher training.</i>	Ongoing

HIGHLIGHTS – OCTOBER INDIVIDUAL CASE REVIEWS

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
5/60	Stop and Search	<p>Inadequate justification for a SS . The male explained the reason for wanting to have nothing to do with the police namely previous bad experiences.</p> <p>When the male asked if he was detained the officer says he wasn't. The male walked away and the officer then said he could smell cannabis and detained him for a SS.</p> <p>As smell of cannabis alone cannot justify a SS and there was no other justification the panel's conclusion is that this was a groundless SS which should not have taken place.</p>	<p><i>The Panel's feedback is noted with thanks. The smell of cannabis is not sufficient alone to justify a search as rightly identified by the panel.</i></p> <p><i>This will be fed back to the officer concerned and the supervisor who signed off the search report.</i></p>
10/60	Stop and Search	<p>Why immediately handcuffed?</p> <p>Is saying have intelligence dealing drugs adequate justification for a SS?</p> <p>Does that intelligence have to be recent to be justification?</p> <p>If so should that be explained to the detainee? At what point in time does the intelligence cease to be justification?</p> <p>Why was an immediate decision made to take him for a strip search? Good to have audio of strip search itself.</p>	<p><i>ASP thanks the Panel for their comments in this case. This has been fed back to the Inspector responsible for the team who completed this stop search.</i></p> <p><i>Learning has been identified and the Inspector has followed up with the officers.</i></p>
11/60	Stop and Search	<p>Good example of challenges faced by neighbourhood policing when faced by young people involved in ASB /drug dealing.</p> <p>Officer clearly explained why he was Stop searching and the impact of ASB/Drugs on the local community.</p>	<p><i>Thank you to the Panel for their observations in this case.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
13/60	Car and three occupants searched due to intel that occupants are in possession of drugs	Is saying that have intelligence that dealing in drugs plus time of day adequate grounds? What justified the decision to strip search?	<i>Having reviewed this case and intelligence, on this specific occasion further detail could not be provided to the individuals searched, due to the sensitivity of the intelligence. ASP are satisfied that the search was justified in light of this information.</i>
21/60	Compliant handcuffing and stop search of individual subject to intel that they use stolen fuel cards to obtain fuel	Vehicle stop. Two officers. Stop Search for stolen fuel cards. What was the justification to handcuff immediately? After the negative search of the male why weren't the handcuffs removed.	<i>This occurrence number does not appear to relate to the narrative of the Panel's comments. That said, any use of handcuffs or any use of force is to be individually justified by the officer using the force. ASP are reiterating this in the yearly officer safety refresher training. Handcuffs should be removed as soon as the threat perceived by the officer subsides and / or legal power no longer applies.</i>
22/60	Non-compliant handcuffing of individuals seen acting suspiciously with grounds that officers believed that weapons or drugs may be concealed on person	BWV started late so difficult to understand why one male was against a wall and why he had acted suspiciously. Were grounds "believe you have something on you shouldn't" adequate? Good safeguarding to take youth home and speak to parents.	<i>ASP thanks the Panel for their comments in this case. We will be including the switching on/off of BWV in the 2023 Stop Search CPD and it will also feature in the Officer Safety Training refreshers. The grounds provided verbally were insufficient - on the Niche report it appears that the officers had sufficient grounds, but clearly did not articulate them effectively. This will be fed back to the officers, in addition to the feedback relating to safeguarding.</i>
23/60	Compliant handcuffing of occupants of van linked to intel linked to fuel thefts. Occupants smelt strongly of fuel.	Why did BWV start late showing one male compliant with no handcuffs and a second male also compliant in handcuffs .Officer said "it looked as if he walking away". Why after a negative search is the male left in handcuffs and put into a police car? Why does the BWV finish early so we are unable to scrutinise the whole of the Stop search.	<i>Thanks to the Panel for their observations in this case. The importance of turning on BWV early / not turning off early will be reiterated in training throughout 2023 as noted in the case comment above. The officers' supervisor has already identified in this case that the BWV starts late and it has been noted on the Niche report that feedback was provided by the Sgt.</i>
35/60	Taser drawn by officers when attending report of male attempting to steal alcohol from a shop and was in possession of a metal pole.	Red dot to secure male who was holding a metal pole .Officers ignored his assertion that he was the victim. Should they have paid more attention to it? Officers used unhelpful language eg "Playing silly games to win silly prizes "and "What a silly sausage" . A MOP was pushed aside and her comments were ignored. Not a good look for those watching and would have been easy to leave MOP with a different impression.	<i>Two Niche occurrences have been provided 1 - appears to be a very good example of a stop search being conducted without force being used. 2 - We thank the panel for their balanced observations and agree that the communication and explanation for the search is positive. We do tend to agree that further communication may have been effective and would have prevented the need for handcuffs based on the number of officers present and the circumstances.</i>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
27/60	Stop Search carried out by officers as male matched description of individual in possession of knife	Stop Search for a knife .Very clear instructions as red dots male. Explains how he fits description. Happy for MOP to film. BWV on early when in car as approach scene. Easy going exchange with male after he secured.	<i>We thank the panel for their positive comments and will endeavour to pass these on to those involved.</i>
28/60	Officers responding to report of individual in possession of a knife. Arrest made with use of PAVA and Taser	BWV on early as approach male believed to have a knife .Textbook take down using threat of Taser and Pava . 2 large knives found. Many officers some armed response officers standing on busy pavement by Victoria Room when 2 MOP approached them asking for directions. Tribute to the force that they had such confidence and trust to make the request and to the officer for calmly providing the directions .	<i>The positive comments are gladly received and we will pass these on to the officers involved.</i>
31/60	Use of PAVA and Taser by officer when responding to domestic incident and resist of arrest.	Chase of male who had a machete. Taser fired twice but ineffective, Pava effective. Baton raised but not used. BWV started late .Unnecessary use of “F” word particularly after male secured and during a search for the machete.	<i>We thank the panel for their feedback and note, in particular the concerns raised around the use of appropriate language. This will be taken up with the officer’s line manager for further review.</i>
32/60	Taser drawn against two males believed to have been involved in an altercation involving a stabbing	Good to see BWV on early, good use of red dot and assertive language to secure arrest. Officers were professional and respectful.	<i>We thank the member's comments around the positive interaction, noting the professionalism displayed. We will pass these comments on to the officers concerned.</i>
33/60	Use of Taser by officers responding to individual who was handcuffed and a suspect in a domestic incident	Good initial rapport before arresting and cuffing. A failure of control led to male running off whilst cuffed .During the chase Taser fired at his back. Was this use of Taser appropriate?	<i>The comments by the panel are noted and a review of the use of Taser will be reviewed by the lead trainer and, if necessary, appropriate action taken to ensure that either individual or organisational learning is captured.</i>
52/60	Review of incident subject to official complaint relating to wrongful detainment and targeting.	Stop search for psycho active substances .Male in the driving seat of a car. Lead officer calm and communicates well. There were several officers at the scene .He was cuffed as soon as he failed to immediately get out of the car. Panel asks if that was necessary.	<i>We thank the panel for their balanced observations and agree that the communication and explanation for the search is positive. We do tend to agree that further communication may have been effective and would have prevented the need for handcuffs based on the number of officers present and the circumstances.</i>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
51/60	<p>Use of force against individual who had been using racially abusive language in public and was racially abusive towards a PCSO.</p> <p>Individual resisted arrest.</p>	<p>This was a distressing watch. The fact that the BWV started late is particularly unfortunate in this case. This male is well known in Broadmead as an eccentric with no malice who will follow instructions .The neighbourhood team will know him.</p> <p>The allegations made clearly need to be investigated but why a decision was made to arrest and cuff him without any preamble. This clumsy and aggressive approach was always going to end badly and it did. This was an example of escalation by the officers not the de-escalation we expect.</p> <p>Why didn't the officers start slowly, engaging with him, explaining they have something to discuss with him and moving him away from the busy thoroughfare. Did they consider a VA and whether he needed an Appropriate Adult?</p> <p>As the crowd gathered credit to the officer who tried to engage with the crowd. Was there a missed opportunity for the several officers who were "crowd control" to engage with a small number of MOPs and explain what was happening? The Panel recalls such successful engagement during an incident in St Pauls where an officer had his jaw broken and that engagement was successful.</p>	<p><i>We thank the panel for their feedback on this case and we agree that there is learning required.</i></p> <p><i>We also thank the panel for recognising the importance that the initial incident is dealt with as we will not tolerate HATE against anyone, including members of staff.</i></p> <p><i>We are engaging with the specific Neighbourhood Team for learning to be provided to those involved.</i></p>
49/60	<p>Review of incident subject to PSD complaint. Complainant alleged that her 14 year old son is regularly stopped and searched by police but she does not get informed.</p>	<p>The Panel has no comment on this case save that PSD has determined that "Service was not acceptable" .We enquire the reasons for this determination and what learnings have been identified.</p>	<p><i>This matter was dealt with by the local Inspector (not PSD). There were 7 allegations; 5 of which the service was deemed acceptable, and 2 not acceptable. One related to an occasion where officers made contact with complainant asking her if she had seen another missing child (having not been informed that her own son was still missing). This was due to an apparent delay in the call-handling system and this was addressed in a training programme with missing person coordinators. The other point related to an occasion where her son had been stop-searched and she had not been informed. There is no automatic provision for such an update and it is not a legal requirement in all cases. However, the complaint handler has effectively deemed it not acceptable and has stated an intention to review it. That review is not within the remit of the complaint handler or PSD.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
51/60	<p>Review of incident subject to PSD complaint.</p> <p>Complainant alleges dissatisfaction that he was arrested so publically and searched in the street surrounded by neighbours.</p>	<p>The grounds for arrest were poorly explained and the situation poorly handled. Simply saying “in South Wales” escalated the situation. Officers should have been in possession of full facts to answer questions rather than appear ill informed.</p> <p>Good that officers were prepared to wait for the arrival of the family social worker whose presence had a remarkable impact of lessening tension and allowing the youth to be taken to custody.</p> <p>PSD has determined that “Service not acceptable “We enquire of the reasons and what learnings have been identified.</p>	<p><i>This matter was dealt with by the local Inspector (not PSD). The attending officers had misinterpreted the message sent to them on their mobile devices which stated that they were to arrest the associate of the subject - not the subject himself. This was an unfortunate, and entirely avoidable error, for which the necessary apology was issued without delay.</i></p> <p><i>The single learning point for the officers in question is clear and unambiguous (ie, read reports properly). There is no tangible organisational or personal learning which can be applied in this case.</i></p>
54/60	<p>Review of incident subject to PSD complaint.</p> <p>Complainant alleges that an officer started to search him following an arrest and felt that the search went too far.</p>	<p>As with Case 61 the officer’s initial approach was flawed as a result of which an allegation of littering led to an arrest, cuffing and a trip to Custody in the presence of 3 units and a visit from an ARV unit. Unfortunately a good example of officer escalation not the expected de-escalation.</p> <p>Why on first contact with the male was the officer pointing his finger at him. Why didn’t he attempt to engage with him, explain he needed to chat and understand what has happened? The Officer saying “I haven’t got time for this “reveals his lack of patience.</p> <p>Maybe the officer thought it was a waste of his time ,maybe he lacked confidence and felt he should follow a script of get his name and address and if he refuses arrest him .Why did the officer accept everything the local government person was saying and involve him in whether there should be an arrest for assault ?</p>	<p><i>This matter was dealt with by the local Inspector (not PSD). The complaint handler has recognised that, whilst the officer in question acted lawfully, he came in at too high a level, escalating the situation to the point of detention and arrest when he could have de-escalated it.</i></p> <p><i>It is certainly not unusual to be led by the wishes of the victim in determining spontaneous action, but in this case establishing a more mediatory approach from the outset would have been a more constructive process.</i></p> <p><i>The officer's line manager has been instructed to submit the officer for de-escalation training and a note has been made in his personal record.</i></p>