

Stop & Search, Use of Force and Continuous Improvement Panel – External

Wednesday, 19th April 2023 at 6.00pm



MINUTES

IN ATTENDANCE

Inspector Jon Campbell-Smith (JCS)
Chris Cottam (Chair)
Ian Dickinson – OPCC (IDD)
Connor Eastwood (CE)
Supt Chris Hardy (CH)
Hinnaa Iqbal (HI)
Jay Nicholas - OPCC (JN)
Inspector John Smith (JS)

APOLOGIES

Rob Gomery
Alan Price
Dean Roscoe
Amanda Wooldridge

DECLARATION OF INTEREST

The Chair welcomed everyone to the meeting and thanked them for attending. He reminded members of the panel to consider whether they may have to disclose to the meeting knowing any individuals or officers in relation to any matters under consideration on the Agenda. If it became apparent they knew any persons or properties during the discussions, they should make the Chair aware and step out of the meeting for that item.

1. MINUTES OF THE LAST MEETING

The Minutes of the last meeting has been approved and were accepted as a correct record.

2. ACTIONS FROM PREVIOUS MEETING

None.

3. UPDATE IN RELATION TO STOP & SEARCH DATA

A verbal update was given.

REVIEW OF STOP SEARCH AND ASSOCIATED BWV

The Panel considered **5 Stop and Search Cases**. In each case, the panel were shown an incident log, stop and search form(s) and BWV where available.

The panel reviewed **Stop and Search Incident 1** with the following outcomes:

- **What went well**
 - The Officers told the suspect who they were
 - The grounds and object were clear.
 - Stop & Search forms in place
 - The officers were calm and spoke to the individual with respect.
- **What did not go well**
 - The officer did not communicate to the individual the legal powers being used.
 - GOWISELY was not covered in full.
- **Additional information**
 - The suspect was handcuffed at the back and asked for his cigarette which was lighted and held for him by an officer. Although the panel members agreed it may calm a suspect, they questioned whether it was appropriate in these circumstances.

The panel reviewed **S&S Incident 2** with the following outcomes:

- **What went well**
 - The person being searched was a juvenile and the officer was calm.
 - Stop & Search forms in place; although there were more officers than forms.
 - GOWISELY was used well.
- **What did not go well**
 - The search was already taking place as the BWV started.
 - After the search the juvenile walked away and a female officer who was searching another person grabbed his jacket and pushed him back towards the officer who had searched him. The panel felt this could have escalated matters.
 - Panel members felt there was not enough detail on most of the forms and only one form had full detail.
 - The officer undertaking the search told the juvenile that he could have a print out with the details of the stop & search if he wanted one, but that *"it would take 20 minutes to print out"*, which is clearly not the case.
- **Additional information**
 - Panel were advised that the suspects were stopped as they fitted the description given by the 999 caller who said they had weapons.
 - The Panel felt overall this S&S was appropriate.

The panel reviewed **S&S Incident 3** with the following outcomes:

- **What went well**

- **What did not go well**
 - BWV was not activated. The Panel commented that the cameras were as much for officer safety as for evidence.
 - The search was conducted under warrant so the details on the S&S forms should have been on the warrant from court, not the constabulary forms used.
- **Additional information**
 - The Panel were advised that this matter would go on the officer's record as it should have been obvious to the officer what the process was, certainly bearing in mind their rank.

The panel reviewed **S&S Incident 4** with the following outcomes:

- **What went well**
 - There were 4 S&S forms in place.
- **What did not go well**
 - BWV was not activated. The Panel felt that even if one officer had not activated the BWV then at least another should have.
 - One of the forms indicates that officer was concerned the suspect may try to flee and that was why they hadn't activated although the Panel felt it could have been activated once suspect was detained.
- **Additional information**
 - Two forms have been completed by same officer which gives the ground and more detail.

ACTION for JCS to look into this matter and report back to the Panel at its next meeting.

IDD queried if there was anything the Panel/Constabulary felt the OPCC could do to assist. The OPCC conduct reviews of complaints from members of the public who are unhappy with the decision of Professional Standards Department. Supt Hardy confirmed that Constabulary send out positive messages around the force to encourage use of BWV. IDD indicated that perhaps the OPCC should raise the issue with PSD when there is no BWV available. Perhaps this would act as a reminder to officers.

The Chair commented that he fully agreed with this suggestion as it is important for this Panel to have confidence around the activation of BWV.

ACTION – IDD & CH to provide an update at the Panel's meeting in July.

The panel reviewed **S&S Incident 5** with the following outcomes:

- **What went well**
 - The officer's conduct and language was appropriate.
 - Correct use of powers
- **What did not go well**
 - The Panel commented that the officers could have continued recording which would have provided reassurance for the officers and the Chair asked Supt Hardy to feedback to officers for learning.

- **Additional information**

- Most of the BWV footage was from within a building.
- It was not clear from the forms who had conducted the search viewed. The Panel were advised that it was a female officer and they felt it would have been more appropriate to be same sex as detainee.
- Supt Hardy asked the Chair whether he would agree to recording a video about the Panel and highlighting his role as Chair. The Chair confirmed he would and felt it would also serve as a reminder to Officers of the scrutiny of the Police by the public. There had been good observations previously and said it was important that feedback was provided to officers. The Panel members confirmed this would be a positive step.

ACTION: Supt Hardy to progress arranging the recording of a video as above and liaise with JN.

REVIEW OF USE OF FORCE

The Panel considered 5 Use of Force Cases chosen by an algorithm. In each case, the panel were shown an incident log, Use of Force form(s) and BWV where available.

The Chair again reminded members of the panel to consider whether they may have to disclose to the meeting knowing any individuals or officers in relation to any matters under consideration on the Agenda. If it became apparent they knew any persons or properties during the discussions, they should make the Chair aware and step out of the meeting for that item.

The panel reviewed **UoF Incident 1** with the following outcomes:

- **What went well**

- There were 4 associated forms
- Powers communicated to individual
- It was made clear, verbally, what the officers intended to do.

- **What did not go well**

- The suspect was initially at the top of a slight of stairs and came down several steps.
- The red dot of the taser often diffuses a difficult situation although PAVA was used which caused the suspect to tumble down a few stairs.
- A Panel member felt that the officer who had activated the bodycam was quite condescending in the way he spoke to the suspect and further commented that he used PAVA too soon. Another member felt that the use of force was appropriate because some of the occupants were aggressive and threatening to use violence against the officers.

- **Additional information**

- The officers had previous knowledge of the suspect and anticipated that he would be aggressive and would resist arrest.

- The bodycam footage showed there were a lot of family members around, both on the stairs and in adjoining rooms.
- It appeared that the property had been adapted to join the neighbouring terraced property and therefore there may well have been more family members getting involved.
- The Chair commented that overall, it is difficult to strike a balance in these circumstances.

The panel reviewed **UoF Incident 2** with the following outcomes:

- **What went well**
 - There was an individual who had a weapon, intending self-harm.
 - The weapon was identified and made safe by the officers who then focused all their efforts providing care for the suspect until the ambulance crew arrived.
- **What did not go well**
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- **Additional information**
 - It was noted that this situation had been categorised as Use of Force due to the Armed Response Unit being deployed.
 - The Chair commented that this incident was straightforward and needed very little comment.

The panel reviewed **UoF Incident 3** with the following outcomes:

- **What went well**
 - The suspect was very aggressive and shouting at the officers. The officers remained calm which was evident on the bodycam footage.
 - The Panel felt that the Use of Force was proportionate.
- **What did not go well**
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- **Additional information**
 - The Chair commented that the Use of Force was not excessive and the panel felt there was nothing untoward.

The panel reviewed **UoF Incident 4** with the following outcomes:

- **What went well**
 - This incident was as a result of a DVPO.
- **What did not go well**
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- **Additional information**
 - The Panel felt that the officers acted in a reasonable manner, the Use of Force was minimal and they had no other concerns regarding this incident.

The panel reviewed **UoF Incident 5** with the following outcomes:

- **What went well**
 - It was a compliant handcuffing and the Panel did not have any concerns.
- **What did not go well**
 - There was no BWV to accompany the logs.
- **Additional information**
 - The Panel members all felt that having a copy of the logs to accompany their observations were very helpful.

Of all of the 10 incidents discussed with the Panel at this meeting, the Panel felt that the priority concern is the failure of officers not activating BWV, not least because it acts as a deterrent to suspects.

SECTION 60 AUTHORITIES SINCE THE LAST MEETING

The Panel were reminded that Section 60 of the Criminal Justice and Public Order Act 1994 allows a senior police officer to authorise constables to stop and search persons in a specific area, either where a serious public order problem is likely to arise or has taken place, or for offensive weapons or dangerous instruments.

The Panel were informed that one Section 60 Notice had been issued in the last 3 months in West Division and were shown relevant CCTV. It had been implemented for 24 hours but this was reviewed and subsequently rescinded.

The Panel felt that this was entirely proportionate.

UPDATE ON RIDE-A-LONG

Supt Hardy advised the Panel that there had been no further progress on this project and he would prefer to run this project alongside the Constabulary's various targeted operations, particularly Operation Vanquish. He confirmed he would be happy for Panel members to accompany officers when they are deployed.

ACTION: Supt Hardy to contact JN once the dates for Operation Vanquish are confirmed. JN will then liaise with panel members to confirm their availability to attend.

COMPLAINTS DATA AND CONCLUSION

Supt Hardy advised that he did not have access to the data for the last quarter. The Chair advised that he felt the Panel should receive this information annually rather than quarterly.

IDD advised that most of the reviews of complaints undertaken within the OPCC remit, related to incivility of officers which is straightforward when there is BWV available.

ANY OTHER BUSINESS

There was a discussion around the panel membership and it was agreed that, in future, if a member did not attend three consecutive meetings, they would be withdrawn from the Panel membership.

The Chair thanked everyone for attending and reiterated that it had been helpful to have printed copies of the log notes and would be grateful for this format to be used for future meetings.

NEXT MEETING

Wednesday, 26th July 2023, same venue.

Mrs Angela Harrison
Chief Executive