

# SCRUTINY OF POLICE POWERS PANEL

Covid-19 Regulation related cases. 27 May 2020 Remote Panel reviews

This Review Report covers Panel member feedback on Covid-19 Regulation related cases, some resulting in Penalty Notices being served. The time period of cases is from 27 April to 20 May 2020.

The guidance to Police Officers is to initially Engage, Explain and Encourage – the 3 'Es'. Only after this communication would the last resort be to serve a Fixed Penalty Notice (FPN) for a Covid-19 Regulation breach, such as socialising, travelling and being outside.

## Summary of feedback:

- Members' Covid-19 positive feedback includes: Officers engaging, explaining and encouraging; some exemplary policing examples; good BWV officer summary narrative before arriving at an incident; Police, respectful Officers; proportionate police action; excellent engagement; good control of the situation; thorough and fair; and incidents nicely handled by Police Officers.
- Covid-19 negative feedback and concerns includes: one case where Taser was considered to be drawn inappropriately; a Stop and Search transformed into a Covid-19 breach; No evidence of education/explaining; one example of the lack of breathalyser kits in the Police vehicles.

Note: The 7 questions within each Panel member feedback form are omitted in this Report if they are all answered positively. The questions are:

1. Did the Police Officer Engage, Explain, Encourage?
2. Was enforcement necessary and proportionate to ensure compliance?
3. Were the instructions and/or directions reasonable?
4. If force was used to remove a person to where they live, was it reasonable force?
5. If an individual contravenes a request, direction, instruction or prohibition notice, did he/she have a reasonable excuse?
6. If a Fixed Penalty Notice (FPN) is issued, did the officer reasonably believe a person committed an offence under the Regulations?
7. Was the police behaviour free from demonstrable discriminatory behaviour?

## 1. **Covid-19 Act related cases (13 cases reviewed)**

Covid-19 Act breach cases, some resulting in Penalty Notices served.

### **Case 1: 8 May 2020 2.10a.m. Bristol**

Member of the Public reporting to the Police a breach of Covid-19 restrictions due to a party in a flat.

Officers are called to a party in flats. The Officer does try very patiently to Engage, Explain and Encourage. The Officer Initially tries to give advice to go home then on entering the flat there are lots of people and a bit of a fracas when the Officer draws a Taser on the man who was served with a FPN because he doesn't live at that address.

One member felt that the Taser is drawn inappropriately and waived around just to clear the room, when all were actually leaving and facing away as they were exiting.

#### *Constabulary response:*

*Positive comments noted in relation to positive engagement. I note the panel comments about Taser, however, I also note the increased tensions at the location causing concern for officers.*

### **Case 2: 8 May 2020 at 3.05a.m. Bristol - Stop Search**

4 people are on the Downs at 3am on 8 May 2020 with no likely reasonable excuse for being there.

The BWV is less of a Covid-19 breach case but good 'GOWISELY' acronym items stated for the Stop Search and this terminology is actually referred to by one of the Officers when he checked with a colleague to confirm that GOWISELY items had all been covered. Very well covered initially as well.

*Constabulary response: Panel comments are noted with thanks.*

### **Case 3: 9 May 2020**

A pleasant exchange with a male asleep/drunk in the back of his van. He had driven from Bristol to Dunkery Beacon, Somerset "for a breath of air" but he accepted that he was in breach of the Covid-19 regulations and agreed to drive home the next day when he was sober.

**Compliments to the Officer:** The Officer very patiently Engages, Explains and Encourages. The Officer's instructions and directions are very reasonable. This is exemplary policing. A superb attitude throughout, caring and thoughtful, with full narrative at the start and finish of the video. Well done.

*Constabulary response: Thank you for the panel comments including compliments to the officer handling of the incident. This has been fed back to the relevant officer.*

### **Case 4: 10 April 2020 at 5.33p.m.**

The man had ignored Police Officer advice an hour earlier so this justified a Covid-19 FPN. This is a very fair follow-up to the previous encounter where a warning was previously given. Further advice was given to the man that any second FPN will double the fine.

*Constabulary response: Panel comments are noted with thanks.*

### **Case 5: 12 May 2020 at 9.42a.m.**

A car journey from Manchester to Cardiff and on to Bristol. Both Police Officers try to ensure the driver and passenger both understand their error.

### **Case 6: 12 May 2020 at 9.22p.m.**

The female Officer talks to her BWV in advance of knocking on the front door, saying why she is visiting. The Officer also talks into her BWV at the end of the situation. This is excellent practice, and gives the viewer confidence that the video is showing the whole event. The Officer engaged, explained and encouraged. However, the residents/guests could not comprehend that they were in breach of Covid-19 regulations. This Officer is very patient considering the male's previous history. This is an example of multiple Police visits to a home address.

*Constabulary response: Panel comments are noted with thanks.*

### **Case 7: 17 May 2020 at 9.50a.m.**

The morning after a party gathering and Police Officer advice is given to the resident of the property and also the guests. The Officer is very polite and calm throughout.

### **Case 8: 17 May 2020 at 2.04p.m.**

Breach of regulations, being in someone else's home. Previous warnings given. The BWV starts late, at the enforcement stage within the person's home, so very little detail is available. No Engagement, Explanation and Encouragement is seen. The Officer's instructions that are captured on the BWV are clear but it is only just over 5 minutes of video footage so it lacks background detail.

**Question:** Why was the BWV not switched on earlier?

*Constabulary response: Panel comments noted. Query raised regarding BWV is common feedback reiterated through messaging and training for officers.*

**Case 9: 30 May 2020 at 7.02p.m. (13 minutes) and 7.32p.m. (5 minutes) Bristol  
Initial Stop and Search and then Covid-19 FPN**

2 BWV footages selected.

**9.1:** All officers are polite and respectful to the male. The '3 Es' are done. The BWV starts late but a colleague Officer apparently engages, explains and encourages, plus the Stop and Search (section 23 Misuse of Drugs Act) GOWISELY items are stated. A Covid-19 FPN is issued as the male lives in London and no justification is offered by him being in Bristol.

*Constabulary response: Panel comments are noted with thanks.*

**Case 10: 29 April 2020 at 2.13a.m. Yeovil  
Initial Stop and Search and then Covid-19 FPN**

2 BWV footages selected.

**10.1:** The first BWV is from a female Officer, detaining a female passenger/driver of a vehicle. Handcuffs are used and considered necessary and proportionate. The Officer is calm and in control of the situation under what a member considers is a difficult situation with a female who is extremely emotional and being irrational. The Officer tries very patiently to Engage, Explain and Encourage but the female has been drinking and is emotional.

A third member stated that the Officer is patient and clearly explains the reasons for the Stop and Search and the car check regarding having no insurance. The Officer states that driving to take someone home is not a reasonable excuse.

**10.2:** BWV from a male Officer performing a Stop and Search and questioning a male passenger/driver of this vehicle. The Officer's engagement is excellent until the time when the FPN is issued. Then the relationship sours but the male is fully compliant. The Officer engages but does not explain or encourage. The male genuinely does not understand what he has done wrong and the Officers could have taken more time to explain to him, such as "she shouldn't have been visiting your home" rather than repeating the curt "sort it out in court" advice that was given. Regarding the Officer's directions being reasonable, a member felt that the explanation is not all that clear and the issuing of the FPN got lost amongst everything else taking place, being almost issued as an after-thought.

*Constabulary response:*

*Thank you for the panel comments. I note the view that the initial engagement was positive, however, this became less so as the conversation continued. This has been fed back for learning.*

**Case 11: 30 April 2020 at 8.37a.m. Covid-19 FPN for a car journey**

A female has been stopped out of her expected local area for shopping, based on her home address and the address of her sister for whom the female said she was shopping. Both sisters live in Frampton but the female is stopped in Emersons Green.

The Officer is very patient in listening to the female's reason for driving in that location. The Officer very patiently explains why Covid-19 regulations have been breached, so the female is in no doubt as to why the FPN is made. A very well explained, nicely handled situation.

*Constabulary response: Panel comments are noted with thanks.*

**Case 12: 29 April 2020 at 1.19a.m. Yeovil**

The Police Officers are polite, with a firm attitude, explaining why the male (from Sherborne, caring for a person) and female's (support worker) actions have breached the Covid-19 regulations by

driving in one car to a cashpoint to get cash for a taxi later that morning. FPNs are issued.

*Constabulary response: Panel comments are noted with thanks.*

**Case 13: 30 April 2020 at 4.53p.m. Crewkerne, Somerset**

A member of the public has reported to the Police a Covid breach.

Two individuals are in a car at Crewkerne, either going shopping away from their home area of Chard or visiting a relative, both actions prohibited under Covid-19 regulations. These individuals and their history appear to be known to the Officer and he uses this for good engagement, explanation and control of the situation. Although banned from Chard Lidl, there are other shops available in Chard so there is no excuse.

**Operational point:** There were no breathalyser kits in any of the vehicles at the scene.

*Constabulary response:*

*Panel comments are noted with thanks including the comment about lack of breathalyser kit.*