

Independent Scrutiny of Police Powers Panel

Annual Report 2023

David Woodward

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

Our year has been the most challenging of the 6 years since the inception of the Panel. Notwithstanding a staffing crisis in the OPCC from September 2022, we successfully completed case scrutiny and reports for the 19th of October and 24th of February meetings, but we had to cease our work for 5 months, which meant cancelling out June scrutiny.

My thanks to Rob Simmons and Becky Maye of the OPCC for their support over 6 months in an area in which they were unfamiliar at the time. My thanks also to my Vice Chairs Adeela Shafi, Desmond Brown and to our Panel members for 'stepping up' to ensure that the quality of our scrutiny was undiminished.

I am pleased to report that the OPCC is now fully staffed, and we look forward to working with our new colleagues to maintain and improve the effectiveness of our scrutiny work.

Despite the above difficulties, the year had its highlights and I mention six of them here.

1. Bedminster Bus Incident report (BBI)

Of the 958 cases scrutinised since July 2017, only 2 have merited a special report. The first was the January 2017 tasing of Judah Adunbi and the second was our 22nd July 2022 Report on the BBI. The full Report is to be found at: [Inappropriate force used on black mother in Bristol, panel finds - BBC News](#). In our press release, I said,

'Cases like this demonstrate just how important is to have public scrutiny of how the Police use their powers.

Our Scrutiny Panel offers an independent, local, lay person's view of how the Police use their powers. Over the last five and a half years, we have scrutinised 893 cases and the Bedminster Bus Incident is only the second case to warrant a special report.

We are pleased that the Police have always been open and transparent in their discussions with us. In this case, they have without delay taken steps to act on the identified 'learnings' and to continue to develop their ambitions on inclusion, legitimacy and enhancing public confidence in them.'

2. The seizure of mobile phones during a Stop Search

In the summer of 2021, our Panel questioned the Police practice of seizing mobile phones and viewing their content at a Stop Search. The Police explained that this practice was conducted under Section 23 (2) (c) of the Misuse of Drugs Act 1971.

The Panel noted that the first mobile phone was not available until 1993. In August 2022, the Police directed that officers should stop interrogating phones at a Stop Search.

The Police stated, *'Avon and Somerset Police wish to thank 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 the 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 Section 23 in this manner to take the time to consider our position on its use.'

3. Recruitment

From November 2022 the OPCC ran a successful campaign to recruit members for its volunteer panels. As a result of this campaign ISOPPP now has several new members, whose first quarterly meeting will be on 29th September. We are delighted to welcome them and look forward to an infusion of new views to enhance our lay scrutiny.

4. HMICFRS 'Peel' Report March 2023

This 51-page report on the Avon and Somerset Constabulary contains the reference to ISOPPP under the heading of 'Effective scrutiny for Stop and Search and Use of Force':

'The Constabulary has effective and independent scrutiny of use of force and stop and search by its officers. The OPCC chairs an external scrutiny panel. The Constabulary provides its panel with information and comprehensive data in advance of each meeting.

Panel members, made up of local representatives from a variety of communities, view body worn footage of randomly selected incidents before splitting into smaller groups to consider and report concerns. We found that the panel members offered appropriate challenge on cases reviewed and thorough review of the circumstances of each case.

We found that learning was shared with relevant officers and supervisors. Chief officers are in attendance to reinforce the importance of the meetings and address resulting concerns. The meetings include a 'you said, we did' section to provide feedback on issues raised and offer specific responses to previously discussed cases.

Minutes of meetings, including recommendations are published on the OPCC website and panel members share their considerations with communities they represent.

The panel is made up of local people from a diverse range of backgrounds. Panel members attend quarterly meetings to review sample of files and footage on the use of police powers. This includes the use of handcuffing in stop and search. Results are fed back to the PCC and the police, to help drive improvements, such as introducing new training on the use of tasers on individuals who have mental health problems.'

5. Strip Searching

In the light of two Metropolitan Police cases, namely:

- Strip Searching of child Q, which was the subject of a Safeguarding Commissioner's report.
- The Strip Searching of an academic after she offered a legal advice card to a person detained for a Stop Search

ISOPPP has included scrutinising of Strip Searching in its quarterly choice of cases to review. Therefore, we recommended that the audio only option of body worn video be used for the Strip Search itself. We are pleased that in October 2022 the Police issued guidance to officers to use audio during the Strip Search. This is in addition to the long-standing requirement to use BWV throughout a Stop Search.

6. Positive outcomes

It would be wrong not to mention the many cases we review which show officers acting in an exemplary fashion. They use their powers in an entirely effective, but proportionate manner,

safeguarding all involved, often in very fraught situations. In our February Report, we drew particular attention to cases which we had reviewed that showed officers:

- Understanding the significance of language, volume, tone, and content, whilst speaking to a member of the public, particularly in de-escalation situations
- Demonstrating a good attitude and communication skills to establish a rapport with the subject, resulting in a positive engagement and de-escalation.

ISOPPP looks forward, with renewed vigour, to our scrutiny work in the coming year.

David Woodward, Independent Panel Chair

David sadly passed away before the 2023 Annual Report was published after a short illness. However, amid everything that was going on, he still produced a foreword for the report and therefore we feel it fitting that it be included.

David steered the ISOPPP meetings with wisdom and grace. Under his guidance, the panel transformed and evolved in to what we know it to be today – a beacon of excellence and a symbol of best practice that is recognised at a national level.

We will miss his steady presence and unwavering commitment. He will be sorely missed and we will continue to drive this work forward in his memory. Thank you David!

BEDMINSTER BUS INCIDENT (BBI) – INDEPENDENT OFFICE FOR POLICE CONDUCT (IOPC) RESPONSE

The Independent Office for Police Conduct (IOPC) is the police complaints watchdog for England and Wales. It is completely independent of the police and investigates the most serious complaints and conduct matters involving the police. The IOPC also sets the standards by which the police should handle complaints.

Much discussion has taken place since the first viewing of the Bedminster Bus incident, with many mixed views on the handling of the incident and the outcome. Members of the IOPC have attended a Panel meeting to discuss their decision making with this particular incident.

Further scrutiny has and will continue to take place by the Panel, including the review of the report completed by the IOPC in due course.

Until this takes place, the IOPC commented;

'The IOPC welcomes opportunities to increase public understanding about how we reach our decisions and were pleased to attend the Independent Scrutiny of Police Powers Panel (ISoPPP) to provide an overview of the process and decisions made in relation to the Bedminster bus incident. We have committed to return to the panel to share a more detailed account and explanation of the complaints system and our role in it.

We acknowledge concerns regarding some of the decisions made in specific IOPC investigations. The decisions that we make are finely balanced, based on the legislation, national guidance, and local policies, and are taken in conjunction with all available evidence.

It was extremely valuable to hear directly from ISoPPP members and Mel Palmer and I would like to extend our sincere thanks to the panel for making us welcome.'

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 16 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 over **172 cases**.



Identified **17 themes** recognising key topics of discussion.



Viewed over **98.5 hours** of body worn video footage.

WHAT DO OTHERS SAY ABOUT US?



“The ISOPPP is growing from strength to strength and have been recognised as best practice nationally. The panel continues to work tirelessly, as representatives of the communities that we serve, in scrutinising how the Police use their powers. We continue to use their invaluable feedback to recognise good work and also take on learning where appropriate.”

Sarah Crew, Chief Constable



‘The Panel continue to play a critical role in supporting the PCC in holding the police to account and working with the police as a ‘critical friend’ to support them in their ambition to be outstanding. The Panel have had another incredibly productive year having reviewed a staggering number of cases, recruited several new members and have continued to provide valuable insight which has influenced changes in policing approaches and policy. The ISOPPP manage to maintain a delicate balance between providing constructive challenge and recognition of best practice, shining a light on both what is done well and where improvements can be made. I am, and continue to be, incredibly proud of their work and I would like to take this opportunity to thank them all for their consistent and unwavering dedication to this work. I would also like to personally recognise the incredible work of David Woodward; this panel will be one of many elements of his legacy and would not have been possible without his passion, leadership, and drive.’

Sally Fox, Director of Performance and Accountability for the Police and Crime Commissioners Office



‘It has been a privilege to be involved in the ISoPPP over the last 12 months. Being exposed to different perspectives on how we use our police powers has been valuable insight for my understanding and to cascade back to Departments, teams and individuals. The feedback from the panel has also influenced new BWV and Stop and Search policy. We have the ambition to capture the ISoPP feedback for individual officers into the future system that holds individual performance portfolios which will enable us to monitor and track learning. I would like to thank all of the panel members for volunteering their time to challenge us to improve our standards. Finally, I want to take this opportunity to reflect on David Woodward’s legacy. He cared so much about this and spent endless hours scrutinising cases and providing valuable feedback to inform change for the better. His professionalism and commitment were second to none.’

Superintendent Jane Wigmore, Response Directorate

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;

(N.B: this has been taken from February's report due to the tracker not being updated until March 2024 due to staffing issues).

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
	Feb 2023	Of the 65 selected cases, 12 had no BWV and in 13 cases the BWV was 'inadequate', as a result of which a full scrutiny was only possible in 62% of selected cases. The 62% is to be compared with ASP's reported figure of 92% .	<i>The pre-record function having gone live across the force on 10th January 2023 should see an improvement to the activation of BWV prior to an incident. A Tactical Lead for BWV in Stop Search has also been appointed in March 2023 and will focus on this specifically as part of his remit.</i>	
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

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
4.	Feb 2023	As above.	<i>A plan is in place for T/Sgt to be appointed as a Tactical Lead to focus on handcuffing. They will be tasked to initially gain additional data and review.</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>ASP 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
	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 a wide scale on the importance of offering and providing a receipt.</i>	Ongoing
	Feb 2023	As above	<i>The stop and search Pronto application will be launched in the next quarter giving officers the option to provide electronic receipts. It is anticipated that this will increase compliance in this area.</i>	
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>	<i>This practice is being considered by the Police.</i>	Ongoing

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
	Apr 2022	e) Are seizure cases 'flagged' in some way to facilitate scrutiny? f) If the S&S 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? 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>	Closed
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
	Feb 2023	Clear examples of excellent de-escalation achieved by officers being patient, calm, not reacting to provocation and using minimal force in cases 30,37 and 39.	<i>We are grateful for the recognition in this area. We have now fully incorporated situational based training for yearly refreshers in Public and Personal Safety Training and we believe that this outcome is linked to the new training.</i>	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
	Feb	No cases Identified	<i>Continued area of focus</i>	Ongoing

No.	Date	Organisational Learning Identified	Avon and Somerset Police Update	Status
	2023			
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
	Feb 2023	No audio recording available of a strip search available for case 26	<i>It is not currently mandatory to use audio recording in strip searches, it is guidance at this time. This will be considered as part of the stop search policy currently in the process of being created.</i>	
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
	Feb 2023	Queries raised around the grounds for Stop and Search for cases 2 and 23	<i>Continues to be an area of focus and will remain to be so until scrutiny identifies the overall standard has improved such that instances of poor grounds are the exception (that will be addressed on an individual basis).</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
	Feb 2023	Clear examples of excellent de-escalation achieved by officers being patient, calm, not reacting to provocation and using minimal force in cases 30,37 and 39.	<i>We are grateful for the recognition in this area. We have now fully incorporated situational based training for yearly refreshers in Public and Personal Safety Training and we believe that this outcome is linked to the new training.</i>	Ongoing