

Independent Scrutiny of Police Powers Panel

CASE REVIEW REPORT

Panel Meeting 14th of September 2023

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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. The ISOPP Panel convenes quarterly to scrutinise files and footage related to the police's exercise of their powers. The meeting is attended by the panel members, representatives from Avon and Somerset Police, and representatives from the Office of the Police and Crime Commissioner (OPCC).

Who are the Panel?



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.

What does the Panel do?

- Independently scrutinises Avon and Somerset Police (the police) use of their powers.
- Aims to enhance the public's confidence in the work of the police.
- Ensures police openness and transparency.
- Acts as a *'critical friend'* to the police.
- Provides feedback on drafted police policy documents.
- Offers feedback, from a local person's perspective to the police on their use of police powers, particularly the use of force.
- View BWV camera footage of police incidents, including Stop and Search, feeding back good practice and areas for improvement.
- Observe police training.

In addition to special case reviews*, as standard every four months (each quarter) the Panel chooses 50+ 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.

**A special case review is an incident/case that has gained a lot of media attention/public interest, causing public debate/questions around actions taken by the police.*

SUMMARY OF SEPTEMBER SCRUTINY



58 cases were scrutinised by the panel



5 themes were identified



More than **33 hours** of body worn video footage was viewed

WHAT THEMES DID WE IDENTIFY IN SEPTEMBER?

1. Inadequate or no BWV footage available
2. Query around the use of handcuffs
3. Queries around application of procedure to offer or provide a Stop Search Receipt
4. Queries around Strip Search including that of a minor
5. Queries relating to the grounds for Stop and Search

More details about the above themes are to be found at [page 10](#).

Ongoing organisational learning tracker from September 2021 can be found on [page 10](#)

Highlights of the September case review comment can be found on [page 11](#)

SCRUTINY FOCUS - PANEL QUESTIONS TO POLICE

Following ongoing and sustained panel scrutiny around the Avon and Somerset Police use of BWV, consistency about the offering of Stop and Search Receipts, use of force and strip searches in custody, ISoPPP Panel Chair David Woodward asked the following four questions to Avon and Somerset Police:

- 1) The lack of adequate BWV is a continuing theme and we wish to understand what training, instructions and supervision is given to officers?

Police Response

The feedback from the panel about what they perceive as 'adequate' and 'inadequate' BWV has instigated a review of existing national and local guidance through the lens of using BWV when applying police powers. What is apparent is more can be done to provide officers clarity on this to equip them with the knowledge and support on what they should do in certain situations, such as strip searches in custody or in another location and travelling to and from custody. Work is ongoing with the BWV lead to enhance existing force procedural guidance which will be shared with the ISoPPP to seek views before making it live.

- 2) Strip Search – a) what is the decision-making process to decide whether or not to undertake a Strip Search?
b) is the decision made by the officer at the scene or is a supervisor consulted?

Police Response

There must be reasonable grounds to justify a strip search. How thorough a search and the extent of clothing removed must not be excessive. In assessing what is proportionate officers must bear in mind the grounds for suspecting an individual and the item being searched for. For example, officers should consider how strong the reasonable grounds are; the approximate size of the object they are searching for; and how likely it is someone could conceal it. An Officer should consult with a supervisor but no legal requirement.

The following legislation should be consulted for further information:

- [CBP-9593.pdf \(parliament.uk\)](#)
- [PACE Code A \(publishing.service.gov.uk\)](#)
- [PACE code C \(publishing.service.gov.uk\)](#)

Chief Inspector Hayward-Melen is in the process of writing a new Stop and Search policy, which will be available to share with the ISoPP Panel in due course.

- 3) What additional steps, if any, are taken when deciding to undertake a strip search of a minor?

Police Response

There is a requirement to have an appropriate adult available unless there is an urgent requirement to conduct it. Relevant legislation: [CBP-9593.pdf \(parliament.uk\)](#)

SCRUTINY FOCUS - PANEL QUESTIONS TO POLICE (CONTINUED)

- 4) Has the Stop and Search use of force bulletin been created for the period since the published Oct-Dec 2002? When will the report be published?

Police Response

*All available bulletins are published on the website:
[Stop and search statistics | Avon and Somerset Police](#)*

SEPTEMBER CASE CATEGORIES

The Panel identified a number of case categories for scrutiny focus at the September meeting. A full list of cases that that fell under each category type were requested from police. The Panel then selected, reviewed and scrutinised 58 random cases. The following categories were selected for scrutiny:

Use of Force

1. Complaints by a member of the public against police relating to their use of force
2. Use of baton on all ethnicity groups other than white
3. Including the use of Taser on all ethnicity groups other than white
4. Including the use of PAVA on all ethnicity groups other than white
5. On women and girls
6. Of persons aged 16 year old and under

Stop and Search

1. Effected because of a suspicion of use/smell of cannabis
2. Complaints by a member of the public against police relating to Stop and Search
3. Of Black persons in the north central, east and north east policing areas of Bristol
4. Of BAME persons aged 18 years old and under
5. All strip searches
6. Effected with the compliant use of handcuffs
7. By officers working under Operation Remedy (a proactive police operation)
8. Effected after a S163 vehicle stop by officers

PANEL FINDINGS – SEPTEMBER THEMES

Following the scrutiny of 60 cases, the Panel balanced the actions of officers against police procedures and policy. The following themes were identified in September and raised with police for comment:

Theme Identified by Panel	Police Response
<p>Theme 1</p> <p>5 cases had inadequate grounds for a Stop and Search, of which 3 were the smell of cannabis.</p>	<p><i>As the force is in the process of producing a stop and search policy, this theme will inform this piece of work which we envisage will lead to clear guidance for officers in 2024 as to what constitutes reasonable grounds and clear direction on the use of smell of cannabis as grounds for a search.</i></p>
<p>Theme 2</p> <p>In 2 cases out of the 32 of Stop and Search there was no receipt offered.</p>	<p><i>Individual reflective practice will be delivered to the relevant officers and recorded in their IPRs.</i></p>
<p>Theme 3</p> <p>5 of the 32 scrutinised cases involved handcuffing of a compliant individual.</p>	<p><i>The Use of Force lead is already progressing activity to understand the push pull factors for using handcuffs, including a survey to seek views of officers themselves. A task and finish group will be set up to explore the causes, using data and provide recommendations on next steps. An Inspector to lead on this will be appointed.</i></p>
<p>Theme 4</p> <p>4 of the 32 viewed Stop and Search cases resulted in persistent requests for personal information.</p>	<p><i>This will be captured in the formal organisational learning register. Further exploration work is needed to balance the needs of officers to ensure that they are not dealing with someone who has either been reported as missing or wanted for an offence with the member of the public's right not to provide that information.</i></p>
<p>Theme 5</p> <p>17 cases contained positive interactions and in 30 cases, learning was identified. 3 cases received negative feedback.</p>	<p><i>Of the 17 cases identified as positive interactions and the 30 cases where learning was identified by the panel, these will be fed back to individual officers as reflective practice.</i></p>

	<p><i>The 3 cases leading to negative feedback have already been resolved through a formal process outcome or reflective practice overseen by a senior leader.</i></p>
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ORGANISATIONAL LEARNING TRACKER

As part of their ongoing work to scrutinise policing, 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 tracker would normally be displayed here; due to the time lapse in September and December reports being composed and published, the tracker will be updated accordingly and available to view on the March 2024 report.

HIGHLIGHTS – SEPTEMBER INDIVIDUAL CASE REVIEWS (use top 20)

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
50	<p>Complaint</p> <p>Case to answer.</p> <p>Police were called to an address as a result of a disturbance. DP had previously been removed from the address the same evening. Officers attended and after a struggle, DP was arrested for criminal damage and continued to shout and swear at officers. DP was handcuffed and officer used force to restrain DP.</p>	<p>Positive Feedback: Offices managed to get very distressed uncooperative person into the van.</p> <p>Negative Feedback: The language used by the Officer when they bundled the DP in the back of the van is not acceptable and there should be some disciplinary action taken against the officer. "Unbelievable handling of the man, hand on throat and back of neck reminiscent of recent episodes in America. The narrative from the PC holding his throat was also unbelievably unprofessional, I was shocked to hear such a tirade from the officer." Officer held suspect round neck with his hand and choked him and threatened him and swore at him in an aggressive way. The officer's level of aggression to the subject, in both behaviour and language, was completely unacceptable. His language was macho, offensive, and insulting to the subject, with continuous swearing and belittling of the subject. The physical force of pressing fingers into the subject's neck also appeared to be a result of anger and aggression. The lack of self-control and lack of professionalism were appalling. The officer seems to lose control of his emotions very quickly. Although only a short clip, this is everything policing should not be about.</p> <p>Questions: This was a Complaint where decision is Case to Answer. Officer places his hand on male's throat and shouts angrily at him interspersing every third word or so with " F...ing ". Is this recommended practice? What is PSD's decision?</p>	<p><i>We thank the panel for raising their concerns in relation to this matter and we agree that the force used and the way in which the subject is spoken to is unacceptable. It was an ASP supervisor who identified concerns about this incident and referred the matter to PSD who investigated it.</i></p> <p><i>The officer concerned attended a misconduct meeting and was issued a Final Written Warning for 24 months for breaches of the Standards of Professional Behaviour for Use of Force, Authority, Respect and Courtesy and Discreditable Conduct and he has also been re-vetted.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
22	<p>Stop Search</p> <p>No Further Action.</p> <p>Staff at a Health Centre called Police because a group of youths were running in and out of the centre and refusing to leave. It is alleged that one of the group stole a key from the key safe in reception. When Police attended the group were still on scene and quickly dispersed and ran on seeing Police. The DP was detained nearby and searched.</p>	<p>Positive Feedback: BWV on early and lad stopped after a chase Full GOWISELY and straightforward compliant negative search for a safe key. First officer on scene who handled search did so calmly and clearly, interacting well with the YP. Despite YP running away initially officer still avoided need to handcuff through reasoned and effective engagement. The initial stop search was done well.</p> <p>Negative Feedback: First officer on scene concluded negative search but persisted in running details onto system and asking for surname, other officers arrived on scene and one with beard had a bullying and sarcastic manner in pushing for YP’s name. The 2nd officers conduct was threatening and unreasonable and undid the YP’s otherwise positive interaction with the police. The persistent pressure upon and threats to the detainee to make him give the police his personal details before they would let him go was wholly inappropriate.</p> <p>Questions: At conclusion of negative search Officer says lad is detained because I have to run your details through. Lad asked if he could go and officer said no I have to run your details through. Other officers congregate which must have been intimidating. One says I need to know your surname and when lad asks why he says because I want it and goes on to say if you don’t give me that info, you will go in the back of a police car on your way to custody. Also said is you are staying here until we get all the info we want. The lad provides some details and various officers add their knowledge of him. The BWV stops with the Officer telling the lad they will take him to the address he has given and if it isn’t his address he will be arrested. I ask arrested for what? Not giving details, he didn’t have to provide. As he was still detained by the officer at a Stop search his BWV should have continued.</p>	<p><i>The Constabulary thank the panel for their comments and observations in this case. It is clear that this interaction and overall incident was not of the standard expected of our officers when using their powers and interacting with young people. The panel's feedback relating to the initial officer's explanation of GOWISELY is noted, however the rest of the incident will be addressed reflective practice- feedback via their Chief Inspector. This is already in hand and an update will be made to the panel in the next meeting.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
49	<p>Complaint</p> <p>Case to answer.</p> <p>Complainant alleges officer(s) used unnecessary and excessive force; DP had been attacked at a New Years Eve party. When officers attended, attacker had left but DP was there angry. DP refused handcuffs so officers held him whilst he was tasered. Officers attempted to get DP into the van and were punching the DP. Complainant also shoved to the floor.</p>	<p>Positive Feedback:</p> <p>All officers kept voices and movements very calm for the first few minutes, which kept the situation calm. Acted reasonably quick when the tone changed, and the subject started to resist arrest.</p> <p>Officers tried quite hard to encourage individual to go home, including offering to take him. Best efforts to calm him and avoid escalation were thwarted by level of intoxication and inability to see reason. Once detained 2nd time, female officer returned to try to calm and reassure him. Officers held their calm, only reacted with required force after the individual had either attempted to punch and refused to get in the van. At the end of the clip there's a female voice that seems to talk in a more calming manner.</p> <p>Negative Feedback:</p> <p>Police allowed the situation to escalate, perhaps by listening to the suspect and interacting with him earlier as he requested it may not have kicked off. Hand on throat concerns me when suspect held down on the car bonnet initially, after this a second chance to de-escalate was missed when the man wanted to talk.</p> <p>Overall impression was of over-reaction at each point of potential trouble (grabbing suspect, getting him on the ground, taser, handcuffs, etc) but which together escalated the situation unnecessarily.</p> <p>Hard to tell from tape how police should have behaved as suspect was very distressed and angry and shouting, making threats against people not present. They possibly could have de-escalated situation and listened to suspect, but hard to know if this would have calmed him.</p> <p>Questions:</p> <p>This is a Complaint case where decision made of Case to Answer. The narrative states the allegation that an Officer punches the male in the stomach several times whilst regaining control of male in cuffs. The BWV to me does not help re this allegation. Earlier in the encounter an Officer holds the male firmly by the throat /chin pushing his head back . Is this a recommended use of force? What was the finding of PSD on the complaint?</p>	<p><i>The detailed comments from the panel on this incident are received with thanks. This matter was investigated fully by Professional Standards and it was determined by the Appropriate Authority after reviewing the footage and evidence secured through their investigation, that learning was an appropriate outcome for both officers in the circumstances which has subsequently been delivered by their line management. This means whilst there were breaches of the Standards of Professional Behaviour, it was not at the threshold requiring a misconduct outcome.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
40 (Part 1)	<p>Stop Search</p> <p>No further action.</p> <p>Two males had been spotted trying door handles with the two vans and keeping eyes on them acting suspiciously</p>	<p>Negative Feedback:</p> <p>BWV starts late after chase and male climbing over wall. Officer has deployed taser and is shouting F several times. Male is taken to ground and cuffed. Male is compliant and provides his details. I did not hear a complete GOWISELY. Did not hear Statute being used and what officers are searching for. Re grounds stated match description of males trying car doors but not explain how matches that description. Officers appear interested in fact he is carrying £540 in cash and later a discussion between officers about a strip search because presumably they are now looking for drugs. Officer calls their "boss" for advice and BWV stops. The case notes say there was a strip search and we have asked ASP for the BWV of that search. In part 1 the detainee is not told the grounds on which they are being searched. He had clearly run away from the police but in itself that does not seem to justify stopping and searching? Many members of the public are scared of the police and might therefore run away from them. Inappropriate use of language in part 1 - 'get on the fucking ground'. Not needed and inflammatory.</p> <p>Questions: Why was the taser deployed at all? Why was the officer swearing? As the authority for the search is presumably S1 Pace looking for an article to break into a car what authority/power and justification to convert to Sec 23 Drug Act Strip Search?</p>	<p><i>The feedback from the Panel is noted with thanks. Officers must justify drawing the Taser during the incident as it is a Use of Force. There has clearly been some sort of foot chase which has culminated in the officers finding the male climbing over a garden wall. Swearing at the male was not professional. Officers did not properly detain the male or go through the GOWISELY procedure, for example stating "You are detained for a search" but do not explain the legal power for the search. The panel have asked about the justification of the search. After finding cash, and the male's previous incidents and intelligence, including officers have recently stopped him with over £1000 in cash, a burner phone which he tried to discard and drugs, coupled with the fact that he has just ran from the Police in suspicious circumstances, the Constabulary's view is that the grounds are sufficient for a Section 23 Misuse of Drugs Act search. However, this should have been communicated more quickly to the detained male. Reflective practice will be provided to the officers involved around language, professionalism, communicating GOWISELY effectively.</i></p>
40 (Part 2)	<p>Stop Search</p> <p>No further action.</p> <p>As above.</p>	<p>Positive Feedback:</p> <p>Officer conducting search is pleasant and calm.</p> <p>Negative Feedback:</p> <p>The male states at the outset that he will not provide his personal details save that he lives nearby. The officers refuse to accept his refusal, ask him his house number, say don't have to but why not and then say need his name to obtain a Stop search receipt. I suggest this, in total, amounts to excessive persistence by the officers compounded by an officer saying she will walk with him as he goes home! The BWV ends as they walk off together!! The Officers fail to give him a SS Receipt which he requested. They say he can go to a police station with a niche number, have to do it in 3 months, when doing that will have to give his name. In part 2 there is a persistent attempt by the police officers to get the detainee to say where he lives. Also, the</p>	<p><i>The grounds for the second male detained for the second search using Section 23 of the Misuse of Drugs Act requires improvement. Officers state that the detained male matches the description of 2 males originally given trying door handles, and they also believed he walked past and nodded at the detained male. This will be fed back to the officers involved and provide reflective practice around sufficient grounds for search will be discussed with the officers involved. The male was not required to give his details to officers, and this will also be fed back to the officers involved. Officers did offer to provide the detained male with a stop search receipt however this was declined.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
		<p>police appear to resist providing him with his s/s receipt.</p> <p>Questions: The male in case 40 part 1 has been stopped and searched under S1 of Pace re trying car door handles. He has £540 in cash. Officers convert the SS to Sec 23 drugs search and take him for a strip search. The male in Part2 is told he matches the description of the male in part 1, who holds a quantity of cash, is known for drug dealing and he nodded to male in part 2 . Are these reasonable grounds to justify a Stop search? Seems very tenuous.</p>	
52	<p>Stop Search</p> <p>Class A drugs found – arrest made.</p> <p>DP was sighted by officers to make a suspected drug exchange on the Bristol to Bath cycle track outside Public play Park, Bristol. When officers approached the DP he has attempted to make off. He was chased and detained during which PAVA was deployed and officers have used force to get the DP under control. During handcuffing the DP has again attempted to run from officers and again force was used to regain control of the DP. DP was searched and to be in possession of a large quantity of suspected Class A drugs.</p>	<p>Positive Feedback: The Officers were quite calm despite the cursing from the individual. They were also positively reactive to the individual's discomfort - allaying his discomfort after the use of the PAVA. Initially well handled by the female officer, showing concern for onlookers and young children as the suspect trousers were down. Provision of copious amounts of water from various sources was nice to see once things calmed down a bit They were trying to detain someone who may have committed a serious offence and who may have been dangerous, and he attempted to get away, so he was difficult to detain. The policewoman showed concern for his eyes from PAVA and suggested he needed air on them and poured water in them to relieve the pain. The officers used proportionate force to secure control of well-built male who after initial restraint following a chase tried to make another escape.</p> <p>Negative Feedback: The van collecting the individual took quite a while which probably added to the agitated attitude. Looked to me as though one of the male officers threw a couple of punches to the suspects chest area, I did hear an officer threaten to hit him as well, use of the F word by an officer in the vicinity of young children in the adjacent park area. His trousers came down and this was undignified. There were too many officers (about 6/7 by the end of the incident). He was handled in a humiliating way. He sustained a cut on his leg, and pain from gravel and stinging nettles on his bare torso and neck. The strong sun was hurting his face. They told him reason for SS after they handcuffed him, and they put</p>	<p><i>The Panel's comments are much appreciated in this case. This case was identified prior to the panel meeting and part of the action to address the issues identified including the referral to the ISOPPP. The points, both positive and constructive have been noted and are consistent with the reflective practice that has already been delivered by local line management to the officers involved.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
		<p>two sets of handcuffs on him. The BWV was on from the time of one officer's involvement but there were already two officers there who had already floored the suspect and no BWV of the beginning of their involvement, so it was hard to fully assess police behaviour and whether force was justified.</p> <p>Questions: There is no BWV of the chase and take down. Was this because it was by plain clothed officers who didn't have time to operate their BWV? Somewhat surprising to hear the plainclothes officer in response to detainee's complaints saying We are all in together I've been stung by the nettles too. Really? During the second take down while the suspect remained cuffed, one officer is seen repeatedly punching the suspect, why was this thought appropriate use of force, or necessary?</p>	
24	<p>Stop Search</p> <p>No further action.</p> <p>Male was stood on pavement, facing a gate, when Officer drove past him it appeared he was lighting a cigarette. Noticed in rear view mirror the male remained stood by the gate. Due to the time of night, the Officer was concerned that he was looking to access the gated area. On approaching, the male appeared uneasy, the Officer smelt a strong scent of cannabis, there were no other persons nearby. The male was not smoking when Officer approached but was the same male</p>	<p>Positive Feedback: Officer gave very clear indication of why stopped, basis for search and was cordial throughout. Good clear communication. Officer was polite throughout. Officer pleasant, offered receipt and readily accepted no need for detainee to provide his personal details.</p> <p>Negative Feedback: Did not appear to be sufficient grounds (smell of cannabis) to warrant a search. What initially seemed to be a welfare stop turned into a search based on smell of cannabis, not strong grounds for a search. Inadequate grounds. Officer says smell of cannabis and seen you smoking.</p>	<p><i>The panel's feedback is noted in this case, with thanks. The observations relating to the officer's manner will be fed back to them.</i></p> <p><i>With regards the grounds for search, given the time of night, the person being seen to smoke and then appearing uneasy, in addition to the smell of cannabis, would in the Constabulary's view constitute sufficient grounds for search. This would have been different if it was the middle of the day with many people around, but it is felt that this is reasonable to suspect in this case.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
	<p>who had appeared to light a cigarette a minute before. Officer suspected he may have further cannabis on his person.</p>		
56	<p>Use of force</p> <p>De-arrest</p> <p>Male arrested on suspicion of assault. Victim believed by members of the public to be the suspect. Large crowd gathered and became hostile. Handcuffs used.</p>	<p>Positive Feedback:</p> <p>Officers tried to understand what happened and it was a very confusing scene with lots of people talking at once and accusing police, but officers managed to stay calm. They later de-arrested the young boy on hearing more of what happened and took him home to his adult relative.</p> <p>This was a difficult situation where the officers soon became surrounded by members of the public all talking loudly at once, showing negative attitude towards the behaviour of the officers, and all wanting the attention of the officers. Officers kept calm, were courteous to bystanders, kept control, asked for information from bystanders and listened to responses. This no doubt helped to contain the situation. There was no shouting or swearing or pushing etc from onlookers. Officers were also quiet and courteous when they took the subject back home, and carefully explained the situation to subject's cousin, who appeared to be in charge of him.</p> <p>Negative Feedback:</p> <p>Considering the demeanour, age , compliance and the fact that the suspects remained in situ rather than running off when they had ample opportunities to do so, I felt it was really unnecessary to cuff the young lad, he was very frightened and had tears running down his face, surely the officer should of taken this into account when deciding to cuff a young impressionable lad, I think the blanket phrase “we always cuff assault suspects” didn’t really apply on this occasion. Officer immediately handcuffed a 14-year-old black boy when older white man accused him of headbutting him. It was a mistake to assume the boy was the</p>	<p><i>The Constabulary accepts all of the feedback from the panel in this case. As per the verbal update provided to the panel during the meeting, this matter has been addressed in great detail and reflective practice carried out with the officers involved, including representatives from our Outreach team and Learning department.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
		<p>offender and to handcuff him as he did not appear to be a threat or trying to escape. Releasing the young subject from handcuffs earlier might have eased the situation, but hindsight is a wonderful thing. The local community were clearly distraught at the sight of a young black boy being handcuffed and were concerned for his wellbeing.</p> <p>Questions: Although the officer justified the use of cuffs to restrain the minor, this seemed to be the initial spark that lit the bystander fuse... was there a better approach? in hindsight probably yes, but this needs to be explored further.</p>	
12	<p>Stop Search</p> <p>Nothing found – no further action.</p> <p>A member of public was woken by the sound of what he thought was fireworks. He went outside where an u/k male on the bus stop told him that a car had driven past and that the occupant in the car was waving a gun in the air. The person woken called Police. Intel checks were conducted, and a vehicle was identified that activated ANPR at the same time and location as the alleged incident. That vehicle also had intel' linked to it for firearms. Vehicle located and stopped by Police and the driver detained.</p>	<p>Positive Feedback: Officers allowed detainee to sound off and tried to explain on several occasions why he had been stopped by several firearms officers.</p> <p>Negative Feedback: BWV started late when he was already in cuffs. officer takes his phone and opens it. It was a negative search for firearms. No offer of a receipt. When man indicates he wants to complain officer tells him to ring 101. I have indicated in box 6 that the police have made assumptions as they present no proper basis in the video for explaining why this particular car has been stopped for search. They seem only to assume that it is proper to do so. The video indicates only that they have had a report of gunshots from a vehicle but do not explain on what basis they conclude that it is THIS vehicle from any sort of description. I have indicated in box 7 that I do not know if discriminatory behaviour is shown as I can see that it is possible that it is part of the assumption about stopping this car is because the driver is Asian. However, as officers provide no proper explanation for the basis of their stop of this car in the video I cannot know whether this is in fact the case. Pretty much all parts of GOWISELY have been omitted.</p>	<p><i>ASP has since had time to review further associated BWV for this case and there is BWV activated prior to the arrival and captures officers' implementing a containment and provides more context. This can be shared retrospectively with the panel. Unfortunately, with the timescales for the September's panel which was over the summer period, it wasn't possible to realign more operational officers to resource viewing all associated BWV for each case to check redactions weren't needed under the Data Protection Act.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
55	<p>Stop Search</p> <p>No further action and suspected cannabis found.</p> <p>Officers observed a male walking down an alleyway off a main Road. The location is known as a prime drug dealing location having been a previous arrest at the location for PWITS the day before. As officers approached a group of males a strong smell of cannabis could be smelt. Upon speaking to the group, one of the males appeared anxious and stood up as if he was going to walk away. The male gave no valid reason for being at the location. The male alongside him stated he had cannabis on him. Officers stop searched both males under S23 MDA. The males were strip searched due to dealers from the location regularly storing drugs in their underwear. The object of the searches was to locate drugs.</p>	<p>Positive Feedback: Remained very calm under intense pressure.</p> <p>Negative Feedback: Unable to fully review as case listed as ‘strip search’ when it was a standard search in a public place. 2 males detained. There is no BWV by officer 345 of male with cannabis. This male was strip searched. There is no BWV of initial search, transport and return from custody or audio of strip search itself. There is therefore no evidence of justification of compliant handcuffing, grounds for search, compliance with GOWISELY and conduct before during and after strip search. The BWV by officer 3167 starts late with both males in cuffs. Males relaxed, compliant and doing nothing to justify cuffs. Full personal details taken from what I think was his driving licence. Several other officers present so searching officers had plenty of support available. No GOWISELY. At end of negative search officer gives his details and offers a search receipt. Both males told they will be strip searched at, I think, Patchway and led away when BWV ends. No BWV of transport to and from Patchway or audio of strip search.</p>	<p><i>The panel's feedback in this case is noted. ASP are encouraging the use of reflective practice to improve officers learning opportunities from the feedback identified by the panel. In these circumstances, the issues with GOWISELY and the need to justify the use of handcuffs throughout will be provided back to the officers using the reflective practice model. It is also recognised that officers smelt cannabis and identified the location was an area of concern for drug dealing and did recover cannabis from one individual. There is ongoing work to understand factors that lead officers to use compliant handcuffing with a recent survey being completed providing insight on this. ASP intend to explore those factors further to understand if any improvement activity is needed.</i></p> <p><i>ASP are in the process of reviewing its procedural guidance for BWV and writing stop and search policy as its recognised more guidance is needed for officers as to what makes acceptable BWV footage covering a stop search incident. We intend to share our draft BWV guidance with the panel for their feedback.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
2	<p>Cannabis smell</p> <p>Drugs found.</p> <p>S.23 Misuse of Drugs Act. Vehicle activated ANPR because of current intel' to suggest that it may be involved in drugs supply. Vehicle located and stopped by officers who saw bags containing suspected Class B on front seat and cash in the centre console.</p>	<p>Positive Feedback:</p> <p>Calm approach to individual. Atmosphere was kept low key and calm, officers were polite in communication with subject and each other, situation therefore felt controlled and managed efficiently. positive intel led outcome.</p> <p>Negative Feedback:</p> <p>BWV from officer dealing with driver would have provided full context and without that it is not possible to ascertain if correct procedure was followed. Very abusive language used and some sort of pressure to the next to get the individual into the van. It's difficult to assess whether the use of force was necessary as the video is so short, but the language was not appropriate. Footage is concentrated on passenger side of car. Not clear exactly what was said to driver before passenger door opened and drugs found - appeared as if search commenced before grounds etc fully explained. Needed other officers video coverage to enable review of whole.</p>	<p><i>The panel's feedback is received for this case with thanks. It is agreed that the BWV for this case is inadequate as the only footage available is not from the officer who speaks to and arrests the subject. In relation to the decision to stop the vehicle, it would in the Constabulary's view, be sufficient grounds based on the recent intelligence that vehicle may be involved in drugs supply. After reading the officer's statement, on stopping and approaching the vehicle, suspected bags of illegal substances were seen on the passenger seat and so the decision was made to arrest the individual almost immediately prior to search. Handcuffs can be heard but not visible in the footage as obscured by the detained person's vehicle. In relation to the abusive language mentioned by the panel - having viewed the footage it couldn't be heard.</i></p>
3	<p>Cannabis smell</p> <p>Drugs found.</p> <p>2 x vehicles spotted by Officers on mobile patrol parked up with doors open late at night. 4 occupants in one vehicle and 3 occupants in the other. Strong smell of Cannabis coming from both vehicles and occupants.</p>	<p>Positive Feedback:</p> <p>Good handling/engagement by the two officers, S&S on 7 people.</p> <p>Negative Feedback:</p> <p>All IDs were checked, but at least 2 may have been under 18 and needed an adult present to carry out the search (see comments below). Officer appeared to be capturing personal details from ID found during search. Then used when completing receipt by understand there is no requirement for personal details to form part of stop search record. Smell of cannabis seems to have been primary basis for search. BWV cut out after the searches, during the DEP questions. Did not hear if a receipt was offered at the end of the search on this video (2 of 2), and I couldn't view the alternative video (1 of 2). Nothing found apart from cannabis YP admitted to having - so am unsure that there were sufficient grounds to decide on a strip search back at police station.</p> <p>Questions:</p> <p>Grounds - Smell on Cannabis given, but also this is an area where people come to do it. Is that a sufficient secondary grounds, or should it be more specifically linked to drug use?</p>	<p><i>The panel's feedback is noted. ASP have also identified that 1 of the 3 BWV clips wasn't included in the total footage supplied to the panel for their scrutiny. This was an omission on our part between various individuals involved in preparing footage for the panel. This footage showed the ground being explained, and entitlement for a receipt and can be made available retrospective to the panel for their scrutiny.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
6	<p>Cannabis smell</p> <p>Drugs found.</p> <p>While on mobile patrol, officers sighted vehicle stopped on petrol station forecourt known to be driven by uninsured driver. Officer approached the vehicle and smelt Cannabis. The male driver also has recent intel' for possible drug supply. Suspected Class A and B drugs found in the vehicle. Male driver arrested for drug and drive offences and vehicle seized. The female passenger was searched but nothing was found on her.</p>	<p>Positive Feedback: Officer stayed calm and seemed sympathetic to the distress of the woman in the back of the car. A stop search of the male started well with GOWISELY but ended when the detainee was arrested.</p> <p>Negative Feedback: BWV turned on late and turned off early. Two occasions when the sounds cut out. Initially told the women in the car that they would not be searched and then changed his mind but not clear why. He then told one (but possibly not the other but again not clear why) that she was going to be searched on suspicion of being involved in drug supply but does not state legal basis. Waits very late to ID himself to the 2 women in the car although he does tell them they can ask for a record of the stop search. Unknown when if it all that was done for the driver of the car as no BWV of the officer who did that search. There is no BWV of the female passenger. The notes make it clear it was a negative search and it was to be by a female officer but how it was conducted is unknown. In the absence of other information, we assume there is no BWV. Very unclear what was happening with the stop/search of the driver of the car. No BWV of the officer telling him the reason for the stop search or indeed of his search. It seems initial stop was because of car showing as no insurance but then the search was on grounds that the driver smelt of cannabis on getting out of the car. However the officer also appeared to have some 'intel' that the driver of the car was involved in drug supply but unclear whether and if so when that was put to the driver as the grounds for the search or what the intel was.</p> <p>Questions: Officer arrested the driver on suspicion of possession of class A drugs having found what appeared to be cannabis in the car. Maybe irrelevant but it seemed odd why did he take it out of the tin that it was in before seizing it as evidence?</p>	<p><i>The panel's feedback for this case is noted with thanks. It is accepted that the footage recorded starts too late and finishes too early. Comments from the panel about sound cutting out on two occasions is due to sound being redacted – One of the officers present was not wearing an ear piece so unrelated personal details could be heard on the Police Radio. The arrest verbal's were captured but handcuffing and placing the detained person in the police vehicle was not. Having looked at Niche we can confirm that female passenger was searched by a female officer, but BWV was not used by the searching officer. Having read the officers statement, we can confirm that they found what they believed to be Class A drugs and Class B drugs in the vehicle although this is not clear on the footage.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
13	<p>Remedy</p> <p>Drugs found.</p> <p>Officers were in plain clothes on Stapleton Rd at night. This is a location that there is often drug dealing. Officers were working OP BOSS and had followed a sex worker in company with another drug user to a caravan. At this point subject vehicle arrived and pulled in front of caravan. The occupant sat there for a while before moving down the road another 50 yards at which point a second vehicle pulled behind it and the driver got out and got into the first car. It was suspected that drugs may be being exchanged.</p>	<p>Positive Feedback: Officer with BWV was courteous and friendly throughout. Pleasant exchange with an entirely open male who volunteered lots of info about his personal circs and reason for being where he was. Also, at outset said he has small amount of weed for personal consumption.</p> <p>Negative Feedback: Subject was handcuffed before any interaction had taken place, before letting him know the reason for the stop and search. He was quietly spoken, compliant and polite, so use of handcuffs seems unreasonable. Subject was handcuffed before reason for Stop and Search was given, subject was compliant and quiet and courteous, no clear reason shown for handcuffing. Handcuffs remained on throughout the search, even though subject was compliant, quiet, and polite. Couldn't see or hear the officer conducting the search of the car, or what was said to the driver of the car (BWV was from another officer standing with the passenger of the car) so not sure if all GOWISELY comments were covered. Not clear from the BWV what the grounds were, but reasons given in Case Summary document seem reasonable for Stop and Search. I'm not sure if the handcuff situation is important enough to warrant a second review, but I would still want to highlight it.</p> <p>Questions: Why was he cuffed at outset?</p>	<p><i>The feedback from the panel is noted with thanks. The feedback with regards to the officers calm and professional communication with the detained male will be provided through reflective practice.</i></p> <p><i>With regards to the use of handcuffing, the College of Policing states "To facilitate a safer search, if you think it is necessary and justifiable, then the person may be put in handcuffs to prevent resistance, escape or violence". Legislation also allows use of handcuffs to secure evidence.</i></p> <p><i>Officers should have explained their decision to handcuff the male to him and this will be fed back to the officers involved through reflective practice.</i></p> <p><i>The force is exploring the use of compliant handcuffing with a task and finish group being set up to understand the issues and what improvement activity is needed.</i></p>
18	<p>Vehicle Stop search</p> <p>No further action – nothing found.</p> <p>Intel that vehicle supplying drugs in Bridgwater area. ANPR hit for vehicle which officers located and stopped</p>	<p>Positive Feedback: Officer was professional and courteous in approach, low key in manner and questioning, so atmosphere remained calm.</p> <p>Negative Feedback: A compliant individual was handcuffed - no reason given to justify this. He remained calm and cooperative throughout the search of the car but handcuffs were not removed. Handcuffing of a compliant individual - don't know if there was a justifiable reason. Receipt was offered during the search, but video stopped working on second viewing and I cannot recall.</p>	<p><i>The feedback from the panel is noted with thanks. The panel's feedback with regards to the officers courteous manner, keeping the situation calm and how the grounds of the search was explained to the detained male with be provided through reflective practice. With regards to the use of handcuffing during a compliant stop search, the College of Policing states "To facilitate a safer search, if you think it is necessary and justifiable, then the person may be put in handcuffs to prevent resistance, escape or violence".</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
			<p><i>Officers need to explain their use of handcuffs to detained persons on a case-by-case basis. This will be fed back to the officers involved through reflective practice.</i></p> <p><i>The force is exploring the use of compliant handcuffing with a task and finish group being set up to understand the issues and what improvement activity is needed.</i></p>
23	<p>Stop Search (BAME 10-17yrs)</p> <p>No further action – nothing found.</p> <p>Officers observed a group of known males who are drug users and have intel’ for buying drugs and are known not to live in the locality. The group were paying close attention to officers. The group walked towards a young male on a bus stop who, on seeing officers covered his face and started to walk away. Officers attempted to engage with the male, but he made off on foot at speed. Due to the male’s behaviour and intel’ for the area in relation to drug dealing, the male was detained and searched.</p>	<p>Positive Feedback: Full BWV from in Car until detainee went off after negative search. Officers restrained under a barrage of offensive and abusive language and his persistent wriggling. Police officers did a good job at trying to calm the detainee to affect the search.</p> <p>Negative Feedback: On being asked his personal details he refused. Officers thought they knew him and put those details to him, but he didn’t respond. Later they asked again which could be considered inappropriate. In fact after he was arrested for PO (his language) they were entitled to his details but they chose to check him on niche.</p> <p>Questions: I wasn’t sure that they explained as clearly as they could/should the reasons for the detention for s/s - it had to do with drug deals at a bus stop + his running away from them. I would appreciate some guidance on whether that is sufficient.</p>	<p><i>Feedback from the panel is noted with thanks. Observations relating to the officer's manner including how they stayed calm and professional under a barrage of abuse from the detained male will be provided through reflective practice.</i></p> <p><i>With regards to grounds for the search given and being explained to the detained male, the fact that officers had noticed a number of drug users gathering near a bus stop, in an area they believed drug dealing was taking place, the detained male was in the same area of the drug dealers and has then on sighting Police made a sudden attempt to evade them, could have been sufficient grounds for the officers to believe the search was legitimate. Officers arrested and then reported the male for a public order offence.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
28	<p>BANES South Glos area</p> <p>Arrested.</p> <p>Problem with service user intimidating staff. Taken pen from informants' hand and thrown it at her. Has been abusive to other service users.</p>	<p>Positive Feedback:</p> <p>There were a number of positive exchanges with service user - especially when moving cuffs to front and engaging her over how she injured her hand. Very calm not threatening voice, carefully put her glasses back on for her. Both officers remained in control and polite throughout the arrest and transfer to hospital.</p> <p>Negative Feedback:</p> <p>I can appreciate this is a difficult situation for police involvement and my comments are made with due regard for the inherent difficulties involved. The officers did not obtain detail on the alleged assaults and therefore made no informed assessment of the level of force that may be warranted. The basis of suggesting staff or service users were at risk of harm was not challenged to assess the risk. Staff referred to arrest being necessary on previous occasions. The speed of applying cuffs and the level of force used in removing service user did not feel proportionate to her level of resistance which was largely verbal.</p> <p>Questions:</p> <p>I recognise the following comment may be outside the scrutiny role, and welcome feedback in that regard. My observation is that one could expect a secure residential setting to have a level of expertise in handling 'challenging' behaviour and exercising a duty of care in managing risk associated with service users' involvement with medication. The involvement of police may have been unnecessary if relevant skills and policies were in place within the supervised residential setting.</p> <p>I'm not sure if the speed of handcuffing was due to the risk to causing more harm to herself or others. What are the guidelines for restraining an individual who is handcuffed and wearing a seatbelt, who then exhibits signs of struggle/distress, is holding their head down towards their legs appropriate?</p>	<p><i>The Constabulary is grateful for the balanced feedback from the panel in relation to this incident. We agree that the communication with the subject is calm and caring for the subject who appears to be a vulnerable adult. We recognise the comments in relation to care provisions being able to deal with vulnerable people, however, we must balance this against the rights of the employees in these establishments. In this specific case, the subject has been charged with offences.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
30	<p>BANES South Glos area</p> <p>Arrest made.</p> <p>Two males have entered the store, selected stock and attempted to leave.</p>	<p>Positive Feedback: Police officers were polite. Felt cuffing was necessary even though compliant, however doing a runner was a high probability once out in the shopping centre, so on this occasion I agree with compliant cuffing.</p> <p>Negative Feedback: There was no need for handcuffing as suspects were passive and compliant. Officers did not say what they were searching for before the search. Officers asked their names during search.</p>	<p><i>We recognise that the handcuffing of subjects who are 'compliant' can provoke mixed views as they have with the panel on this occasion. Handcuffing in order to prevent the escape of an arrested person is a trained technique which appears present in this case, we do however accept the feedback from the panel regarding the timeline of the search and this will be feedback to the officers line manager to take forward as reflective practice.</i></p>
31	<p>BANES South Glos area</p> <p>Arrest made.</p> <p>Officers called to property in respect to reports that 14-year-old subject is within premise and causing damage. On arrival subject is very aggressive and threatening officers with a plank of wood.</p>	<p>Positive Feedback: Officers' patient when dealing with daughter at top stairs notwithstanding her torrent of verbal abuse and brandishing a plank of wood. Her mother the complainant then intervenes shouting repeatedly that they should leave. Officers stand their ground. Then not clear but appears that daughter makes a run for it and she is brought to ground cuffed and possible leg restraints. No BWV of use of PAVA. Safe outcome to all in trying circumstances.</p> <p>Negative Feedback: The appearance of PAVA spray completely changed the dynamic and at that point the police lost control of the situation. Some de-escalation early on and perhaps some engagement with the mother was needed. Instead, the police seemed intent on escalating the situation such that they lost the trust of the mother and never gained the trust of the daughter. It seemed heavy handed and a disproportionate use of force for 4 police officers to pin her to the ground and handcuff her on her driveway. There appears to be an issue as between mother and daughter which gets worse once the police attend. The mother and daughter are both black and as far as I can see all the police officers are white.</p>	<p><i>The feedback from the panel is gratefully received and we are in agreement that the communication with the subject and attempt to de-escalate is positive.</i></p> <p><i>This is a challenging situation, and the subject has threatened officers with a large plank of wood whilst making verbal threats. The Police have a duty of care in matters such as this as we are satisfied that the level of force was appropriate to safely restrain the subject in the circumstances. We can confirm PAVA was not used on the detained person.</i></p>

Case No.	Incident Background	Panel Comments	Police Comment – Any Individual/Organisational Learning?
46	<p>Taser</p> <p>Arrest made.</p> <p>Neighbour has attended the home address in possession of a kitchen knife, knocking on the door shouting at him causing the victim to fear violence.</p>	<p>Positive Feedback: Good use of taser in light of info of knife to ensure compliant cuffing.</p> <p>Negative Feedback: The detainee is told nothing about the grounds on which he is being handcuffed and led away from his flat. I have ticked for further review on this basis. On the basis of the information available on the video I cannot know if this is inappropriate use of force; as the BWV does not record any arrest of the reasons for it I have ticked as red incident. This is listed as a UOF case but there isn't any evidence of that on the film. Instead, there appears to be compliant handcuffing + threat of use of a taser.</p>	<p><i>We agree with the feedback from the panel that this demonstrates the effective use of taser in order to prevent harm to anyone involved in the incident.</i></p> <p><i>There was associated BWV which wasn't supplied to the panel which covered the grounds of arrest and handcuffing. The individual does not speak English as a first language and therefore officers use a translator on their phones to explain the circumstances of the arrest to the subject so that he is informed as soon as able. This additional footage can be supplied to the panel for their scrutiny retrospectively. Unfortunately, the timescales for preparing for this panel was over the summer period and it was not possible to realign enough operational officers to view footage to apply the data protection act in readiness.</i></p>

NB: GOWISELY is an acronym used by the police to ensure that the legal requirements and obligations of a stop and search are met. It stands for; Grounds/Object/Warrant card/ID/Station/Entitlement (copy of receipt)/Legality/“You are being detained”. The order is not necessarily followed as per the acronym, but each criteria needs to be met.