

Highlight report and Minutes- External Scrutiny Panel for Use of Force and Stop/Search 14/12/22



1. Introduction

The second of our external scrutiny panels was held in the Redcar and Cleveland LPA. 11 members of the public attended in order to give us independent feedback on a selection of BWV footage. The session was chaired by Superintendent Marc Anderson and project officer Oliver Deluce, with project officer Danielle Ventress assisting. The OPCC were unable to attend, as was the regular chair.

2. Content

13 videos were prepared for this session. It was anticipated that the session would be able to get through 6 UoF incidents and 6 Stop Searches. The panel asked a lot of questions and created some fantastic dialogue. We had hoped to review more footage but the panel were satisfied with the content and the scrutiny session is for the public as much as it is for Cleveland Police. Following feedback from the previous session, we gave the panel the option to skip a video when we were satisfied that no more relevant BWV content was in that content. The learning input was again effective and led to good conversation, and armed the panel with minimum expectations for standards.

One MOP asked before we start when an officer was supposed to provide their collar number, and another asked that the feedback sheet we give is made bigger. This will be changed before the next session, it previously contained 12 boxes but having completed 2 panels, this will be decreased to 8 boxes.

The feedback for each piece footage as decided by the panel will be outlined below.

Stop Search:

1. P2840RM22063486

The panel stated that the officer interacted with the subject well and had banter to build rapport with the subject. A question was asked on why he subject was immediately handcuffed but the panel determined between themselves that they thought that handcuffing was proportionate in this case due to the nature of the incident. The officer was praised for de-escalating the situation and handled the subject very well despite the difficult circumstances that the subject was in.

The panel were full of praise for the officer and were all in agreement in the end that handcuffing was necessary.

2. P3216SG22063323

This clip was ended early at the behest of the panel. The panel stated that the officer was very patient and the subject was difficult. One panel member stated that initially it wasn't clear if there were grounds to search as the officer originally explained poorly the reasons for the search. The officer also seemed to lose patience a few times with the subject. The panel also thought that there were some officer safety issues and the subject appeared to run the search not the officers and this could undermine public confidence.

One panel member stated that they thought that the officer had preconceived ideas about the subject and had decided that they would find something and the officer's attitude developed as a result of not finding anything.

The panel were satisfied that the small amount of drugs recovered were not in the public interest to follow up on.

It was asked if the vehicle was searched in this clip, which we were unable to check in the session. It does not appear so and this will be included as part of the feedback to the officer.

It was asked if a female officer can search a male subject and Superintendent Anderson confirmed that cross-gender searching is entirely legal so long as the search does not exceed Jacket, Outer Garment or Gloves (JOG).

A panel member suggested that the officer may not have been rude intentionally but was trying to recount all the things that needed to be said whilst dealing with a difficult subject. It was also asked if the officer was new in service.

The subject was able to speak on the phone for several minutes in a language other than English. It was noted that this could lead to the destruction of evidence in another location and the officer should not have allowed this.

3. P2712SG22063166

This clip was not reviewed due to time constraints

4. P2739SE22195010

This clip was not reviewed due to time constraints

5. P1953SE22192080

This search concerned a group of youth subjects who were suspected of being in possession of a handgun or imitation firearm.

A panel member asked if firearms officers are required to follow GOWISELY, it was explained that all officers must follow GOWISELY.

One panel member stated that had they recovered the object of the search it would be admissible in court as grounds of search were not said and officers did not introduce themselves. It was an illegal search. There was plenty of opportunity to do what was required and this was not done. Whilst the standards

in this search fell far below the high standard expected by Cleveland Police, there is no evidentiary difficulty following a search like the one viewed and that was explained to the panel.

Some other comments from the panel included:

“Officers completely failed in everything. Terrified a bunch of kids for no reason.”

“Demeanour from officers was relaxed. Didn’t seem to show that they were concerned for their own safety. Maybe thought its kids so we wont bother. If it was adults would they have treated the situation more seriously?”

It was entirely accepted that the standards in this search were far below what we expect as a force and the team who completed this search will be asked to account for the reasons behind the search being completed improperly, and their supervision have been made aware to deal with the situation.

It was noted that the quality of recording was poor and did not provide a good view of the incident. If further BWV footage had been needed, it was explained that the other officers who did not get hands on would be able to provide a view from further away that would show more context, the panel were viewing footage from a searching officer.

It was also noted that the group were getting friends to video which is likely to go on social media, which may give a bad impression of the police.

The group were asked do they feel search was justified – they agreed it was but search was not clearly explained and no information was given at the time. There is secondary footage that was not shown which was captured by a searching officer that does not cover any of the search but does include a conversation with one of the subjects. The full reasons for the search were explained then but not at the correct time which means all of the above criticisms are valid.

A question was asked as to why the Police are allowed to do things wrong and use evidence they find if search wasn’t carried out correctly. It was explained that an officer who illegally used powers or misused the trust that was placed in them as an officer could be brought to a misconduct hearing or even criminally charged, but this wouldn’t devalue the results of a search so long as the search was done on good faith that it was legal, and if illegal items are recovered, they can most likely be used in evidence.

It was asked if a police officer can prevent someone from recording an on-street encounter. It was explained that no, nobody can be prevented from filming an on-street encounter but there are offences that exist such as within the terrorism act, or if the recording is preventing the officer from carrying out their duty, in which case it would be obstruction of a police officer in their duty.

6. P3135RM22061982

This footage was not reviewed due to time constraints

Use of Force:

1. P2767SE22201023

Officer handled the situation very well and stopped the situation escalating further. Proportionate to get suspect to stop. Officer assertive but communicated well with suspect and asked if they were okay. A panel member stated that the subject obviously wasn't going to comply so there was no other option than force. The panel agreed that when the officer arrived on scene it was clear the subject wanted to fight the officers, but once the officers had subdued the threat they were empathetic to the subject.

From a victim-focus point of view, one panel member stated that they don't think the officer should have asked a bystander if they phoned the police in front of the suspect. The suspect now knows that someone called the police and if it's a domestic case they might return and harm the bystander or anyone else they suspect to have called the police. This is a concern that was shared by Cleveland police and this will be passed on to the officer.

2. P3211SE22201213

This clip was not reviewed due to time constraints.

3. P2935SE22195570

This clip was not reviewed due to time constraints.

4. P2576SE22202979

This clip was not reviewed due to time constraints.

5. P2816SE22208111

This incident provided a lot of debate and plenty of valid opinions from the panel. This was an admittedly shocking BWV clip, however, from an objective standpoint, the officer did act within their legal bounds and this was explained to the panel, that being said, there was a massive amount of room for improvement and this fell far below the standard expected. Cleveland Police do not wish to settle for acceptable, we would like our officers to be held to the highest possible standard. Whilst the actions of the officer involved may well have escalated the situation, Cleveland Police are satisfied that this is a learning opportunity for the officer and the force and not discreditable conduct or misconduct.

The panel thought that the first officer did not handle the situation well. One panel member thought it was inappropriate that an adult male officer kept touching girl when he didn't need to, the male officer was using an escorting hold, and from a tactical perspective this was deemed to be appropriate and proportionate due to the agitated nature of the subject and the fact that they were actively resisting

being escorted from the incident. Through parts of the interaction the officer seemed to provoke the subject further, and the subject was quiet when they were with the other officer, but the original officer didn't detach from the situation. One panel member stated that the officer could have moved the subject away from the friends that were making the situation worse, but due to the number of police officers on scene, the 3 subjects and 2 incidents that had occurred, the weather and the lack of police vehicles/resources it may not have been possible to do this, although in a perfect world it would have been beneficial to fully separate all parties.

One panel member asked if the original officer could have kept the subject there with the friend as the friend was de-escalating the situation? The officer moved the subject, but then the situation started escalating. The officer's tone and manner was perceived as confrontational by the panel, and they thought that the officer tried to belittle and speak down to the subject.

It was asked why couldn't the original officer leave the subject with the second officer as she seemed to have more control over the situation/subject, whilst the reasons for this are not entirely clear, in a UoF encounter with a subject who was not of the demographic that this subject was, it would undermine the authority of the officer to give up and allow the subject to do as they wish, whilst in this situation giving that small victory may have been best for all involved.

It was mentioned again by the panel that there were a lot of parent to child comments by the officer that were belittling and it was not up to the officer to scold the subject for their behaviour.

It was also mentioned that every time the subject went quiet, the officer would make another comment that would provoke the subject into reacting again. Another panel member stated that potentially the officer was used to dealing with people who behaved in a certain way and presumed that this subject would be the same, leading to escalation from both sides.

The panel thought that the extraction of the subject from the police vehicle was aggressive as the subject ended up on the floor, this led to a discussion about the minimum level of force required in order to achieve the lawful objective. In this situation the application of handcuffs was necessary to prevent harm to the officers involved (whether that was as a result of the unnecessary escalation or not, the subject had assaulted several police officers at this point), and force was used in order to effect a lawful arrest. By slipping out of the handcuffs the subject was then in possession of something that could have been used to cause harm to themselves or to an officer, and it was entirely reasonable that the officer wanted to reapply handcuffs. The subject dropped the handcuffs but actively resisted the officer when they attempted to cuff the subject using smaller tri-fold cuffs, leading to the cage extraction and the subject being taken to the floor and non-compliantly cuffed again. This was quite shocking and hard to watch, however by

this time the situation had devolved to the point where this was a necessary course of action and entirely legally justifiable. This does not detract from the issues identified above, and may have been preventable if the situation did not escalate to the point that it did.

In this case, the panel thought that the level of force used was not justified and the situation escalated due to the actions of the officer. From an objective review standpoint, Cleveland Police would have preferred that the officer had attempted to de-escalate the situation, as although the officer acted within their legal boundaries, sometimes we need to consider “should we”, rather than “can we”.

To break down the full incident, the initial interaction with the second subject was okay, but it was suggested disproportionate force was used to remove the third subject from the van.

The second and third subjects in this incident already showed a negative attitude towards the police and this interaction will not have improved the attitude towards Cleveland Police of those subjects or their families. From the outside looking in, other bystanders could have had their perception of the police negatively impacted as well.

The panel were in agreement that the situation could have been handled better, the officer should have taken a step back and potentially let the other officer deal with it when it was obvious that they had reacted emotionally to being assaulted by the subject.

The panel agreed that despite the actions of the officer, the subject was not compliant and needed to be arrested.

The panel thought that the situation went on for too long and thought that there was an opportunity to move the subject somewhere else to deescalate situation. This may be true but where the subject could be moved is an issue, as it would not be appropriate to take the subject within the premises where they had just assaulted someone and the one police vehicle that had attended was for a separate incident.

It was noted that the officer did not use communication skills to de-escalate the situation and there may have been an opportunity on a few occasions to go backwards and bring the situation down a level.

One panel member agreed with the facilitators that the use of force the second time was warranted as people were starting to gather around the van.

Again it was mentioned that the officer could have left the girl without the cuffs on once she got them off, Cleveland Police do not agree with this at all, it is safest for all involved to ensure that subjects are restrained for transit, especially in

assaults against police officers and active resistance. The subject physically struck several officers and there is no suggestion that this would have been any different upon arrival to the custody suite.

The panel all agreed that it was not nice to see a police officer calling a subject names and being generally insulting.

One panel member said it was easy for us to sit and critique the officer with hindsight. It was also said that it would be interesting to see if officers self-assess to determine if they are fit to work.

A panel member asked if the officer pre-judged the situation due to the location that the incident occurred in.

Another panel member thought that facility involved could have provided a welfare officer to support the subject through the event.

6. P2353SE22205002

This footage was not reviewed due to time constraints.

7. CustodyCCTVSE22206337

The first comment from this incident was that there were a lot of officers (detention officers and police officers) there but the panel would surmise they were there to protect the subject and any self-harm attempts. The officers first concern was removing the items involved in the self-harm attempt.

A panel member stated that the take-down may have looked aggressive but it may just be because the subject was very slight, and not because too much force has been used, another commented that they would imagine that the floor was the safest place to take the subject.

It was commented that it was good that the officers watched from outside first and then didn't rush in and overcrowd the situation. It wasn't overkill; some officers waited next to the door.

Group agreed they could understand why officers have gone into the cell. Officers went in at the right time, didn't overload the situation with bodies. The only confusion was over why officers took the soft mattress of the cell but the panel determined that this is the procedure.

The panel all agreed they were happy with this scenario.

3. Feedback from participants

The following feedback was gathered from a MS forms questionnaire.

Of 6 respondents, 5 said they would like to attend another session, and 1 said that they personally would not like to attend another but others would benefit from it.

The average rating for enjoyment of the session was 4.83 out of 5.

Suggestions for improvements included suggestions about the venue that have been taken on board, the venue was quite large and it may have been difficult to hear throughout. It was also a cold evening and for such a long panel it was not ideal to sit without heating. The only other suggestions around the panel were that we are able to review all of the footage. We at Cleveland Police would also love for that, but we are there primarily to hear to thoughts and feelings of the panel and without rushing the panel to their conclusions, we are limited on how much footage we review by how much discussion there is per video. There is a balance to be gained between worthwhile conversation on each video and seeing a good spread of content.

There was a great deal of positive feedback provided which will not be included but Cleveland Police were extremely pleased with the session and the feedback that we received, as well as the findings by the panel.

Of the 6 respondents, 5 stated that police did not overuse stop and search and 1 was not sure. The respondents were then asked to rate their understanding of several topics out of 10.

Panel members went from an average understanding of 5.33 to 8.83 for the processes involved in stop and search.

Panel members thought that the difficulty involved in searching someone was 6.16 before the panel, but this rose to 7.67 after the panel.

Considering use of force, 5 members were satisfied that force was not overused by the police, and 1 was unsure.

The understanding on the use of force rose from 4.83 to 8.33 after the panel.

4. Learning Points

The above feedback and learning opportunities will be taken into the delivery group meeting, chaired by Superintendent Anderson. Oliver Deluce will provide an update on external scrutiny, and will provide feedback to the officers involved in these incidents as directed by the panel.

The panel will continue to operate as it did in this session as there was no improvements suggested.