

Highlight report and Minutes- External Scrutiny Panel for Use of Force and Stop/Search 20/10/22



1. Introduction

The first of the new iteration of external panels was held this month in Hartlepool. 10 members of the public attended in order to give us independent feedback on a selection of BWV footage. The session was chaired by Chief Inspector Pete Littlewood, with Oliver Deluce as deputy. Superintendent Marc Anderson attended as the delivery lead for this project as did a representative from the OPCC, Sarah Wilson.

2. Content

12 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. Although the mid-point break was slightly longer than anticipated, this gave the panel a good opportunity to speak to the Cleveland Police representatives and in future it is recommended that we prepare 12 videos but plan to view 5 of each. Although we have included the incidents in full to be fully transparent, the panel was satisfied that no more could be gained by watching footage in its entirety and it may be beneficial to timestamp the relevant parts or a suitable end time, in order to review more incidents. The data protection input proved effective as a panel member recognised a subject and this resulted in them leaving for the duration of the incident. The learning input was effective and led to good conversation and the recollection of key legal points.

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

Stop Search:

1. P3053RM22056159

Initially attendees were unsure if enough was there to justify this search, another panel member states that she attempted to evade police. The panel thought this was justified well but not explained to the subject well.

The officer was very cordial and completed all of GOWISELY.

2. P3246SE22174514

Wrong power was used- S1 PACE not S23 MDA. The panel was satisfied that this search was justified and they raised concerns that equipment was not issued to officers as the torch was broken. The panel asked questions about proportionality and cannabis cautions.

3. P3185SE22171755

One panel member stated “those officers need a medal”. The grounds were well explained and it instils public confidence to search people who are obviously smoking cannabis, regardless of the trivial quantities. The officer offered the subject every opportunity to be cordial and this was ignored. One panel member asked if we could do phone work for an incident like this.

4. P2874RM22054946

The officer didn't go through everything and probably shouldn't have threatened the child with arrest if they didn't tell the officer who was involved. The search was important and necessary and one MOP stated that they would be happy with procedure being slightly misdome if it still resulted in the important search being done. The officer had the right intentions here but did not do the search correctly. The panel were happy that this was proportionate.

5. P2793RM22055183

One panel member stated “poor kid”. The panel were unsure if they thought all of GOWISELY was done properly, as no object was mentioned. There was an object mentioned and this was brought up by another panel member. The officer had a great demeanour and managed to have 3 conversations, one with officers en route, one with control and his investigation with the suspect. One MOP asked about black boxes and if we can seize the information on them for our investigations.

6. P2586RM22054695

Not reviewed due to time restrictions.

Use of Force:

1. P2793SE22166055

The reasons for the UoF in this situation could have been better explained, and the officers and subject were slightly agitated, there was a hint of aggression in the subject. The ARV Sergeant announced that the subject was locked up and then left this to district to do. There was a concern that this immediate escalation would disadvantage a deaf person or a vulnerable person. There was a question about whether this was a valid use of front/rear handcuff usage.

For further information, ARV were actively searching for this wanted male which is why he was told he was “locked up” by the ARV, before district had searched him. This was not communicated between district and ARV, and this was not discussed with the subject due to the sensitive nature of the crime that he was wanted for.

2. P2859SE22175679

This footage was not reviewed due to time constraints.

3. P2479SE22154661

This clip escalated quite quickly when the officers reacted to the decamp. The dog was well controlled by the officer and this was identified as a non-contact UoF. This was proportionate as the incident was 5v2 in the favour of the subjects. There was a question about the detention for a search, but the CPSOU officers had detained the subjects and left district to complete the UoF forms and conduct the searches. This created an issue with the UoF forms as the district officers did not log all tactics used.

4. P2695SE22167902

This cuffing was identified as necessary as there was a mismatch in numbers and the subjects were not following the officer's commands. This was a proportionate use of force and the officer handled the situation well- he used his authority well to command the situation.

5. P2760SE22165678

This footage was not reviewed due to time constraints.

6. P3146SE22164107

The panel said that the subject should have followed instructions from the officer and this would have prevented the UoF. It was again identified that people with difficulties communicating or anyone with a disability or deafness would not be sure that it was the police attempting to stop them and this could result in resistance and injury to the officers or the individual. The panel thought that the use of industrial language in this situation was acceptable as part of the use of force as it takes control of the subject, however the name calling was not acceptable and inappropriate. As the situation defused, it would have been advantageous to improve the communication between officers, and there was concern that as control was gained over the subject, providing the caution could be missed or misunderstood by the subject.

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 4.67 out of 5.

Suggestions for improvements included increasing the length of the session, decreasing the length of the session, and sending out the introduction PowerPoint in advance. As organisers, we were satisfied with the duration of the session and the content that we got through, and we have a legal requirement to ensure that we provide a learning input at the start. As we cannot guarantee that panel members complete the training in advance, we will continue to provide that input in person in the first 30 minutes.

One panel member said that the BWV was tame, and it would be interesting to include more exciting BWV footage. The footage for our panels is randomly selected and most interactions with the police are quite mundane, one aim of the panel is to increase awareness of day-to-day police operations and interactions rather than to show “exciting” footage that would be seen on law enforcement TV shows or social media.

Another recommendation given by a member of the panel was that we could improve our interactions with the deaf community. This became apparent during the panel and this feedback will be passed on to the relevant delivery managers and to our Equality, Diversity and Inclusion team, as well as the Communities and Partnerships team.

Positive feedback provided by the panel included the engagement and conversation from the hosting officers and staff, and it was reported that the session was enjoyable, showed what officers have to deal with regularly and it was also reported that the session seemed to be very well planned and executed. The content was described as interesting.

Of the 6 respondents, 4 stated that police did not overuse stop and search, 1 stated that they thought police did overuse their powers to stop and search, and 1 was not sure.

Panel members went from an average understanding of 4.17 to 9.67 for the processes involved in stop and search.

Panel members thought that the difficulty involved in searching someone was 5.83/10 before the panel, but this rose to 7.33 after the panel.

Considering use of force, 4 members were satisfied that force was not overused by the police, and 2 were unsure.

The understanding on the use of force rose from 4.67 to 7.67/10 after the panel.

4. Learning Points

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

The organisation of the panel will change slightly as directed above, decreasing the content on the agenda to 5 of each type of video. There may be more focus on varying the UoF that is reviewed, as there is particular community focus around UoF in custody and the deployment of tazers. In future we may randomly select (for example), 2 regular UoF incidents, 2 from Custody and a tazer deployment to scrutinise. This has already been suggested in the stop/search videos where we ensure that we show a vulnerable or minority group being searched as well to ensure that we provide scrutiny to a search on a minority group, as it is statistically unlikely that we will always show footage of a minority group from a random selection as the volume of searches for youths and minority ethnic groups are low.