

# Highlight report and Minutes- External Scrutiny Panel for Use of Force and Stop/Search 09/02/23

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## 1. Introduction

The second of our external scrutiny panels was held in the Middlesbrough LPA. 6 members of the public attended in order to give independent feedback on a selection of BWV footage. The session was chaired by Chief Inspector Pete Littlewood, with project officer Oliver Deluce acting as deputy. Also in attendance were project officer Sarah Phelps-Scott and performance analyst Paula Wilkes. The OPCC were unable to attend.

## 2. Content

We are happy with the format of the panel now, both in the variety of incidents reviewed and the number of incidents that we prepare BWV of. Although this was a slightly smaller panel than previous sessions, due to a slightly smaller location the session had plenty of interaction with some good questions asked. The panel got through 10 videos which was more than expected, as the random sample resulted with many shorter pieces of footage. The learning input has proved again to be effective, with the panel members referring to what they had been given in the preparatory powerpoint.

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

### **Stop Search:**

#### **Video 1 – P2552SE22233096**

- Group agreed grounds for stop were reasonable
- One panel member stated officer should have retrieved drugs before commencing search
- It was asked how did they know it was cannabis? CI Littlewood explained that cannabis can be identified by sight by an officer
- CI Littlewood agreed the evidence should have been bagged immediately
- Group concurred that GOWISELY was used correctly
- Group concurred that the Officer's demeanour was non-confrontational
- Initial thoughts were that the Officer shouldn't have let them smoke or drink, but after consideration most group members agreed that letting them drink or smoke was right choice to prevent confrontation when outnumbered
- It was suggested that the search should have been conducted out of view of public to prevent escalation

- Is applying handcuffs a use of force? Group agreed yes
- Group agreed that UoF (handcuffs) was proportionate and appropriate when outnumbered. CI Littlewood explained subject was not being compliant (drinking/smoking when asked not to) – group agreed

#### **Video 2 – P2874RM22076136**

- Video stopped after search completed
- Group questioned the point at which GOWISELY was used - CI Littlewood explained meaning of “as soon as reasonably practical”
- Officer’s demeanour: it was suggested that the officer shouldn’t have raised voice when subject raised voice, another panel member stated that the officer deescalated the situation when he offered subject a cigarette after the search was complete
- Should the subject have been arrested and searched in custody? Group agreed that the choice to stop and search rather than arrest was the better choice in the situation (small amount of cannabis). This way of handling the situation gives a better public impression

#### **Video 3 – P3242RM2207715**

- CI Littlewood explained the issue of the search being conducted in a private place where Section 1 PACE does not apply – search is valid but under other powers
- It was questioned how valid the search was if the subject hasn’t gone past tills. CI Littlewood explained legal stance (intent)
- Officer stated that he didn’t believe the subject had anything on him – group concurred that the search was therefore not appropriate
- A panel member suggested that the two offenders should have been searched separately to deescalate situation – CI Littlewood explained that as the subjects were cooperating, this wasn’t necessary in this instance

#### **Video 4 – P3132RM22075885**

- Stated grounds to search – extra information is superfluous, suspicion of theft would suffice
- The panel thought that this was a good search as the Officer explained immediately what the grounds for stopping the subject were
- The panel believed there was reasonable cause to stop as subject was identified by CCTV operator
- Search conducted in a public place – this was thought to be a good thing
- Officer asked the subject to remove his hat, but did not compel the subject
- Group concurred that GOWISELY was used correctly
- Group did not believe that the subject’s reason for carrying the razor was not a reasonable excuse and that it could have been confiscated

#### **Video 5 – P2965SE22233231**

- Stated grounds were deemed reasonable to execute search
- Video stopped after search completed

- This was thought to be a good search, the subject was told immediately what he was being stopped for
- Officers displayed good demeanour
- Group happy with search
- Legally, arrest should have occurred as soon as prohibited articles were confirmed

## **Use of Force:**

### **Video 7 – P2552SE22233586**

- Video stopped once UoF complete
- This was thought to be a good search, the officers left each subject in the vehicle until ready to be extracted
- Group questioned why subject was allowed to go for vape twice
- CI Littlewood explained how stringent the Force is about deploying firearms units
- Demeanour of officers – extremely aggressive but commensurate with situation. A panel member believed aggression (shouting) may have been excessive as if someone is in shock they may not act logically and too many officers shouting may be confusing. CI Littlewood explained that the intent was to cause shock and impact, and that each officer is shouting at an individual rather than all shouting at the full group.
- One panel member thought that the cuffing took too long, it was explained that it is done slowly to ensure that it is safe
- Overall group concurred that use of force was appropriate, and the stop was a good one

### **Video 8 – CUSTODYSE23005361**

- Video stopped once UoF complete
- A member has personal experience in this situation. They thought it was a good approach, the Officers attempted to defuse the situation and didn't have too many officers swarm the individual immediately
- Body language: there was a comforting approach from Officers
- Group agreed that the approach was good, and the situation was handled well
- Appreciated that staff were asked to leave when no longer needed

### **Video 1 – P2874SE22232539**

- The panel thought that the officer could have deescalated the situation, instead he engaged in conversation with him and called him a prat. The panel member thought that being insulted would result in the subject being uncooperative and potentially aggressive
- Question asked about handcuffing to front or rear – CI Littlewood explained Force stance
- Wanted subject out of house as quickly as possible as domestic criminal damage and subject was shouting at victim whilst being arrested

## **Video 2 – P2884SE22234232**

- Video stopped once UoF complete
- The footage was difficult to understand as officer was using a TASER. BWV cameras sit centrally on district officers meaning that when aiming a TASER the camera is not looking directed towards the subject of the use of force
- Officer's demeanour – good considering situation
- UoF (infra-red TASER red dot) appropriate as much lower injury potential than other conventional methods

## **Video 4 – P2380SE22229079**

- Video stopped once UoF complete
- It was asked if the officer should have asked who was following subject to ascertain whether there was a credible threat or a mental health issue – CI Littlewood and group agree that this should have been conducted after the arrest and wasn't a priority at the time
- UoF (dog and handcuffs) – proportionate as the individual was carrying a weapon
- Officer's demeanour – good, as soon as subject complied the Officer was calm

### **3. Feedback from participants**

The following feedback was gathered from a MS forms questionnaire.

Of the 4 respondents, the average enjoyment was 4.75 out of 5.

Before the panel, members reported their understanding of the processes involved in stop/search to be (on average) 4.5/10. After the session this had increased to 9/10.

All participants thought that enacting a stop/search was more difficult after the learning input and the BWV review. Before the session, the panel thought that it was 4/10 in difficulty to do a search properly. This rose to 7.25 after the session. Notably, one response reported an increase from 2 to 8 out of 10.

The panel had an average understanding on the use of force of 3.75 before the panel. After the panel this was 8.75.

All responses stated that they did not think that Cleveland overused force or stop/search, even if other forces do.

There were 2 suggestions to improve the sessions, one was to show forced entries into property and one was to have an officer attend who was involved in one of the incidents.

One of the BWV clips was actually a forced entry and a UoF, but due to the random nature of the selection process this can't be guaranteed. That footage was not reviewed in the panel due to time constraints.

Whilst it would be interesting to have an involved officer attend, there are ethical considerations around reviewing the footage of an involved officer whilst they are in

attendance. It would also be difficult to secure attendance of officers due to staffing levels and current demand. The chair of the panel offers policing experience when possible, and the deputy is able to offer up to date information on the legislative and theoretical side. That being said, there have been attempts to secure attendance from currently serving frontline officers, and Middlesbrough Neighbourhood Policing Team had attempted to attend but were delayed by operational issues.

#### 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.

Unfortunately, none of our invited external stakeholders attended. This was partly due to demand within Review and Assurance and being unable to chase stakeholders, but also due to unforeseen circumstances. To combat this in the future, we are going to request further assistance from the OPCC.