

Highlight report and Minutes- External Scrutiny Panel for Use of Force and Stop/Search 15/06/23



1. Introduction

The external scrutiny panel was held in the Stockton Area. 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, Peter Littlewood with performance analyst, Paula Wilkes volunteering to assist. The OPCC were unable to attend, as was the regular chair.

2. Content

12 videos were prepared for this session. It was anticipated that the session would be able to get through 6 Stop Searches and 6 Use of Force incidents. 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. 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 gave the panel minimum knowledge regarding expectations for standards.

Early discussions with the panel before the meeting commenced revealed that some members had various levels of experience with Cleveland Police whilst others had no experience or contact previously.

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

Stop Search:

1. SE23095358

The panel unanimously agreed that GOWISELY was not completed and should have been. The Chair explained that the grounds for the search were not the strongest and the panel discussed this 'grey area'. The panel thought the officer had good demeanour with the subject and was passive, but the Chair queried if they thought the officer was too passive. Although the panel initially agreed that the officer conduct was professional, one member thought he had heard an officer use offensive name calling to the subject which he thought would have not reflected well on Cleveland Police if a member of the public had overheard it. All agreed that officers should not use swear words or offensive language. Another panel member expressed their concern that the subject was treated in a stereotypical manner

regarding the mental health of the subject and they thought this could have resulted in the subject reacting negatively. Two panel members thought the officers present weren't fully in control of the situation throughout. One jury member enquired about single and doubled crewed and the ranks involved so the Chair explained about Cleveland Police's procedures and how all the officers present were the same rank.

2. SE23091360

The panel thought this footage was handled more professionally by the officer than the previous footage as GOWISELY was fully completed. As the item for the stop and search was not found, the panel queried if this affected the legitimacy of the stop and search and the Chair explained how it was still a legitimate stop and search as the grounds for the search were still there.

This footage involved a child under 16 being stopped by an armed officer and the panel showed concern for the subject due to his age. However, the panel agreed that the officer's demeanour was good and he did not 'scare' the child.

During the footage the officer instructs the child to end his telephone conversation, to which the child ignores and does not follow. The panel thought this was positive as the child reveals during his telephone conversation extra information that the officer was able to use.

Whilst searching the subject, the officer does not use any PPE (in the form of gloves) and one panel member was concerned this would contaminate any evidence found. The Chair explained that gloves do not need to be worn whilst searching a subject and the Chair also explained about which layers of clothing can be removed during the search.

The panel thought the stop and search was good and the outcome was upright too.

3. SE23094218

The panel were split if the officer had grounds to stop the subject. Some panel members thought there were no grounds whilst others thought there were 'partial' grounds. The Chair confirmed that even though there was a positive outcome, there were in fact no grounds to search to stop and search the subject. One panel member thought that as the officers involved had stopped 2 other subjects moments earlier, they were just stopping everyone they saw. Another panel member thought there was a missed opportunity to stop and speak to the subject first before stopping and searching them.

One of the officers involved in the stop and search was female and this initiated a conversation on if and when officers can search member of the opposite sex. The Chair explained about the 3 main types of search and the who the appropriate person is to carry out the search, whether it be an officer or a medical professional.

4. SE23092504

Following reviewing the footage, the panel thought there were the necessary grounds to search the subject and that it was proportionate, and the officer remained in control of the situation at all time. Everyone thought the officer was direct and authoritative with the subject.

One experienced panel member queried if the subject should have been handcuffed as soon as he revealed he was in possession of drugs. The Chair confirmed that as soon as the subject made the admission, he should have been arrested and placed in handcuffs.

5. SE23095703

This footage was not reviewed due to time constraints.

6. SE23091906

This footage was not reviewed due to time constraints.

Use of Force:

1. SE23101779

The Chair described PLANE (Proportionate, Legal, Adequate, Necessary, Ethnical).

One panel member thought the subject should not have ran away from police as this forced the officer to use force. Another panel member thought the footage showed the officers went in with their Tasers drawn but the other members of the panel thought this was not the case. The panel thought the officer was officer was passive and the whole incident was well controlled by the officers present.

A panel member praised the communication between the force control room and the officer's so that the officers that the subject was equipped and the officer was fully prepared.

Once the subject was placed in handcuff, the panel thought it would have de-escalated the situation if the subject was moved.

A panel member with experience of front line policing thought the cuffed for too long on his front. As the other panel members did not understand the significance of this and the dangers it presented the subject, this was clarified by the Chair.

2. SE23099958

The panel thought that this footage showed that the whole situation was badly handled by the officers present. The footage showed PAVA spray being used on the subject who was wearing glasses at the time, so the spray was not applied directly to her eyes and therefore was ineffective. The Chair explained the difference between PAVA and CS spray as the majority of the panel were unaware of the difference.

The panel agreed that the two officers were 'heavy handed' by going into the property to arrest the subject immediately rather than just question her. One panel member enquired if it was legal for officers to walk into the house if the offence was criminal damage. The Chair explained the legal side and that unlike the portrayal of police officers on TV, British police do not need a warrant to enter a property.

The mental health of the subject was raised by one panel member, and this became the focus of the discussion. One panel member who was personal experience thought that the subject showed signs of autism, such as not wanting to be touched by the officers. The panel were concerned for the welfare of the subject as she was visibly stressed and the officers were escalating the situation by their demeanour. One panel member picked up on the fact that one officer asked the subject about the medication she was taking and therefore knew she has issues.

The Chair proposed to the panel that perhaps tactical communication could have been used instead. The panel agreed that tactical communication would have been the better option and the officers should have sat next to the subject and talked to her first. The Chair expressed his opinion that the officers should have spent more time talking to the subject first. He also explained that there were no impact factors as to why force was used.

The panel member with the personal experience queried if the subject had capacity and therefore should not have been dealt with in this manner with the police. A lengthy discussion took place on officers not having the medical training to make that decision and it was for the courts to decide if she had mental capacity. This conversation prompted another panel member to mention the Mental Health Act and if the subject was a danger to themselves or others? They thought more appropriate force should have been used and then the subject should have been given a mental health assessment and follow up care.

Following the arrest one panel member raised their concern over the female officer using a derogatory word to the subject which escalated the situation. The Chair took this opportunity to explain to the panel how, even though it looked like the female was laughing at the subject, as the female officer has received a minor injury during the arrest, the officers laughter may have been a form of stress relief and therefore the officer may have felt stressed by the high intensity of the situation.

3. SE23097923

This footage was not reviewed due to time constraints.

4. SE23096512

This footage was not reviewed due to time constraints.

5. SE23098966

This footage was not reviewed due to time constraints.

6. SE23097966

This footage was not reviewed due to time constraints.

3. Feedback from participants

The following feedback was gathered from a MS forms questionnaire.

4. Learning Points

The above feedback and learning opportunities will be taken into the delivery group meeting, chaired by Superintendent Anderson (stop search) or Superintendent Stockdale (use of force) .

Feedback will be delivered to the officers involved in these incidents as directed by the panel and can be escalated if deemed necessary.

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.