

COMMISSIONER'S INDEPENDENT SCRUTINY REPORT

Use of Force Scrutiny

Tuesday 20 June 2023

Scrutiny Panel:	USE OF FORCE
Members:	<p>David Ensor Penelope Rowlands Richard Scholes Donna Walker</p> <p>Also Present: Sgt. Steve Lloyd-Warren Michelle Ryan – SCO Holly Sproston - SCO</p>
Purpose:	<p>That the Use of Force policy and procedure has been followed and that Body Worn Video reviewed are compliant with the law and are being used effectively. The panel will focus on:</p> <ul style="list-style-type: none"> • Whether Body Worn Video policy was adhered to. • Whether the Use of Force level used was necessary. • Whether the Use of Force level used was proportional to the incident. • Is the action/behaviour justified. • Has it been explained adequately. • Has it been recorded properly.
Panel Findings:	<p>The time period selected for the Use of Force incidents was from 20 April 2023 to 30 May 2023. 477 UOF incidents were recorded in this period. The panel initially randomly selected 12 incidents at their pre-meeting on 06 June 2023.</p> <p>Of those 12 incidents:</p> <ul style="list-style-type: none"> • 2 took place in Custody and therefore didn't come under the remit of this panel. • 2 records were duplicated. • 2 had BWV of an interview not a UOF incident. • 3 had now BWV tagged with the occurrence number listed. • 4 had BWV showing UOF incidents.

An additional 4 incidents were selected by the panel of which two had BWV of UOF incidents and two did not. The Force Lead was asked to explain why BWV footage was not available for certain UOF incidents selected.

Those incidents where initially no BWV was available are:

Occurrence Number	Date of Incident	Issue with Selection	Explanation
21230066196	10/05/2023	NO BWV – should be available within the 31day period.	No BWV was recorded for this instance as this spontaneously occurred with no pre-warning and leaving officers with no time to start the BWV before restraining the subject in order to ensure the safety of themselves, the subject and others.
21230071355	21/05/2023	NO UOF – BWV reflects interview.	BWV present and now checked by SCO. BWV was not easily identifiable by Niche Occurrence number resulting in the initial assumption no BWV was present.
21230062035	03/05/2023	NO UOF – BWV reflects interview.	BWV present and now checked by SCO. BWV was not easily identifiable by Niche Occurrence number resulting in the initial assumption no BWV was present.
21230067337	13/05/2023	UOF IN CUSTODY - not under remit of this panel.	Remit of Custody Panel.
21230068520	15/05/2023	No BWV – should be available within 31day period.	BWV present and now checked by SCO. BWV was not easily identifiable by Niche Occurrence number resulting in the initial assumption no BWV was present.
21230068206	15/05/2023	No BWV – should be available within 31day period.	BWV present and now checked by SCO. BWV was not easily identifiable by Niche Occurrence number resulting in the initial assumption no BWV was present.
21230061936	02/05/2023	UOF IN CUSTODY - not under remit of this panel.	Remit of Custody Panel.

The Incidents viewed are outlined in Appendix 1

STORM logs of the incidents were provided. Panel members were reminded that the STORM log is a live record of events as they happen and indicate calls and information being provided by officers as the incident unfolds. It is not the investigation record. The STORM logs are provided to give some context to the incident leading up to the use of force being deployed and enables panel members to be cognisant of the situation in determining whether the use of force was appropriate in a potentially quickly developing situation. In some cases, Witness Statements were also provided.

The panel agreed the use of force deployed was appropriate and proportional to the situation.

The panel noted the following:

- On some incidents there appeared to be more than one officer with their BWV cameras working but no evidence of the BWV on Evidence.com. The panel would like an explanation of why this is?
- On Occurrence 21230066799 dated 12 May 2023 the BWV cuts short before UOF is applied. The Officer indicates that it may have been knocked in scuffle. There were 2 officers present but no BWV appears to be available for other officer. The panel would like to know why this is?
- On Occurrence 21230076804 dated 31 May 2023 the BWV had been available and was checked following the pre-meeting on 06 June 2023. However, at the scrutiny on 20 June the BWV could not be found under that Occurrence number. The panel would like to know if the BWV is available and where it is tagged. The BWV is within the 31-day retention period and therefore should be available.

Recommendations:

- BWV to be identified and available where a number of officers attend to enable different views of an incident. Is there any way that re-tagged BWV can be linked to the Occurrence number?



Force Lead Response:

It is pleasing to see where force was used it was deemed both proportionate and necessary, this illustrates the professionalism of our officers and thoroughness of the training they are provided.

I note the issues the CISP panel have had in identifying BWV to assist with their review process and the frustration this has caused. Following review, I can confirm BWV was present, this has been shared with the CSO. Further training has been provided and new process implemented to support the retrieval of BWV footage for the 'use of force' CISP panel. This will ensure all BWV footage present is presented to the panel and will include where multiple officers have recorded the same incident. This process will also enable the panel to be provided on the day, with rationale where BWV of force has not been recorded and this too can be reviewed and commented upon.

All BWV is stored for 31 days unless evidential in which case it is retained for an extended period, as such the above changes will ensure that all available footage is available on the day to the panel.

In relation to the specific questions asked about occurrence 21230066799 and 21230076804:

21230066799: BWV footage was present and available, this has been shared with the CSO

21230076804: This was not evidential and as such would only be stored for 31 days, this period has now expired. As part of the process change we will look for BWV selected for scrutiny to be retained until post the date of the CISP Panel. Storm log and Use of Force form are available and have been submitted to the CSO for this incident.

Occurrence No.	Date	Tactic Type Used	UOF Necessary?	UOF Proportional?	Description / Comments
21230066659	11/05/2023	Tactical communications; PAVA used; Knee strike; Take down; Non-compliant handcuffing	Yes	Yes	Detainee had history of violence and threats. Aggressive behaviour and being un co-operative
21230066799	12/05/2023	Unarmed skills Closed Hand; Knee strike; Take down; Rigid cuffs; PAVA used	Yes	Yes	BWV cuts short before UOF is applied. Officer indicates that it may have been knocked in scuffle. There were 2 officers present but no BWV available for other officer.
21230061027	30/04/2023	Unarmed skills; Non-compliant handcuffing	Yes	Yes	No STORM logs were provided and no statements. Detainee is known drug user with MH issues. Very aggressive and threatening to the public and officers.
21230076804	31/05/2023	Unarmed skills: Ground restraint; Rigid cuffs;	?	?	No Storm log and no BWV was available. BWV had been available so it may have been retagged. To find out what happened to the BWV.
21230063357	04/05/2023	Firearms aimed; compliant handcuffing; CED aimed and red dotted; GP Dog present;	Yes	Yes	Reliable intelligence that weapon was on board and individual was wanted for murder. BWV showed well executed motorway stop, exit of vehicle of individuals and arrest.
21230064020	06/05/2023	Unarmed skills; Kick; PAVA used; Baton used; leg restraints	Yes	Yes	Detainee has MH issues and history of violence and aggression. Very aggressive and threatening. Took a significant number of officers to detain and to get detainee into vehicle. Detainee had wedged his shoe in the



					door and officers were trying to remove and close the door. Public perception of the incident may be poor. However, BWV showed the officers were hitting the door to dislodge the foot with their batons and feet.

Appendix 1 Matrix of Use of Force Incidents.