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**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Use of Force Incidents**

**Panel Members’ Findings & Feedback**

**May 2021**

# 1.0 Background

On the 27th May 2021, Members met via Skype for Business for an additional scrutiny meeting to review a selection of Use of Force incidents. Members were able to review the Use of Force form and the accompanying Body Worn Video Footage for 5 incidents.

The law recognises that police officers attend situations where they may be required to use force in order to keep the peace and uphold the law. Individual officers are responsible for deciding when and what form of force to use. They themselves are answerable to the law in ensuring their decision results in the use of the minimum level of force required to attain the objective identified.

The College of Policing Authorised Professional Practice states:

“The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and common law apply to all uses of force by the police and require that any use of force should be ‘reasonable’ in the circumstances. Reasonable in these circumstances means:

* Absolutely necessary for a purpose permitted by law; and
* The amount of force used must also be reasonable and proportionate (i.e., the degree of force used must be the minimum required in the circumstances to achieve the lawful objective) otherwise, it is likely that the use of force will be excessive and unlawful.”

Police Officers may use a range of techniques, including:

* Handcuffing
* Shield
* Unarmed skills
* Irritant spray
* Ground restraint
* Body restraint
* Taser
* Firearms
* Spit and bite guard
* Dog deployment
* Baton
* Tactical communication
* Other / improvised

The Panel were asked to consider the type of force used by officers and whether they felt from viewing the footage that the force was necessary, appropriate and proportionate. The Panel also considered whether each individual was treated with dignity and respect ensuring there are no diversity and equality issues. In addition to the Body Worn Video footage the Panel reviewed the accompanying Use of Force forms, checking that the form was reflective of the incident and all details had been recorded correctly.

# 2.0 Findings

Incident 1

* Members noted that the officer in this case had not had their annual refresher Officer Safety Training, it was noted on the form that the length of time since their training was 13-23 months. Members acknowledged that this delay may well have been caused by disruption to training as a result of the ongoing pandemic.
* Members queried the meaning of ‘active resistance’ on the form against the subject’s behaviour. It was felt that although the individual failed to stop their vehicle immediately, once the individual was outside of their vehicle and was being searched by the officer, the subject was compliant and co-operative, as noted within the type of force used being ‘compliant handcuffing’.
* It was noted that this individual was handcuffed behind their back. Due to the subject being compliant, Members queried whether handcuffing the individual to the front would have been more proportionate.
* The accompanying Use of Force form was completed very quickly, within three hours of the incident.

Incident 2

* Members noted that the officer in this case had not had their annual refresher Officer Safety Training, it is noted on the form that the length of time since their training was 13-23 months.
* Members agreed that the addition of the “reason for using force” box on the forms is very positive. Members felt that the rationale recorded on this form was very good.
* The individual within this incident was very vulnerable due to experiencing a mental health crisis. The Panel felt that the officers within this case were non-confrontational and empathetic. The force used was minimal and appropriate.
* It was however, noted that the individual was placed within a police van, doors shut and left on their own for a significant period of time. This caused the individual to become very distressed. Members felt that due to the individual’s vulnerable state, someone should have stayed with the individual at all times in order to provide reassurance.
* The accompanying Use of Force form was completed very quickly.

Incident 3

* Members noted positively that there were four officers’ recordings of Body Worn Video Footage available for this incident.
* The officer in this incident was a new recruit and therefore had received their personal safety training within the last 6 months.
* It was found that the incident (STORM) reference number on the Use of Force form did not correspond to the correct incident.
* The Use of Force form was completed within six hours of the incident.
* The Panel felt that in order to review this incident properly, additional information from the STORM message was required in order for Members to gain a better understanding of the situation.
* It was noted that the 14 year old individual in this incident was placed on their own in the back of a police van, where they continued to bang their head for a prolonged period of time. Whilst an officer did check on the individual, Members felt that this should have been done sooner, to prevent the individual from harming themselves and to provide emotional support.
* Members felt that it was unclear in this situation which officer was in charge, and felt it would have been beneficial for one officer to command the scene and clear the surrounding area from onlookers who may not have been aiding the situation.

Incident 4

* Positively the officer in this case had received their refresher officer safety training within the last 6 months.
* The Use of Force form was completed timely on the same day as the incident.
* Members noted positively that this individual was handcuffed to the front as per the subject’s wishes. Members felt that the force used was reasonable and proportionate given the subject’s behaviour.
* It was discussed that the officers within this incident were very skilled, calm and in control of the situation.

Incident 5

* The officer in this case had received their refresher officer safety training within the last 7 -12 months.
* The Use of Force form was completed on the same day as the incident.
* Members felt that in order to properly review this case they required further information from either a STORM or crime record in order to fully understand the situation. However, it was agreed that all use of force observed was fair and proportionate.
* A discussion took place in relation to the grounds for the Stop and Search of this individual, as no rationale is recorded on form as to why the individual was stopped. It is however acknowledged that these details would have been recorded on the Stop and Search record.

# 3.0 Summary

* Members noted positively that since their last review of Use of Force, all forms now include a unique reference number for identification purposes.
* It was noted that all Use of Force forms were completed in a timely manner on the same day of the incident.
* The Panel wished to record the positive increase of the volume of Body Worn Video footage that is now available compared with previous reviews. No diversity or equality issues were identified, all suspects were deemed to have been treated with dignity and respect.
* The Panel queried whether handcuffing to the front was always considered as a first option and the preferred method of handcuffing if individual is compliant. It was noted within two of the incidents that the individuals were immediately handcuffed to the back.
* The Panel queried what measures were in place to safeguard individuals that are placed into police vans whilst handcuffed.
* It was found that two officers were in need of refresher officer safety training, however it was acknowledged that this had likely been delayed by the ongoing pandemic
* It was noted that it would be beneficial for the OPCC to provide Panel members with the relevant STORM/ background information for each incident prior to the meeting to help Members with their understanding of each situation.

# 4.0 Observations

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| **Observations** | **Force Response** |
| The Panel queried whether handcuffing to the front was always considered as a first option and the preferred method of handcuffing if individual is compliant. | Officers are trained to handcuff people to the rear (even if compliant). Handcuffing to the front poses a greater risk to officers as the subject can access things that may be hidden on their person more easily. They could also lash out or escape more easily if cuffed to the front.However officers may make a risk assessment and decided that cuffing to the front is the most appropriate use of force.There could also be other reasons to cuff at the front such as the build of a suspect or a medical condition. |
| The Panel queried what measures are in place to safeguard individuals that are placed into Police vans handcuffed. Are there any safety belts/harnesses available for general use when transporting suspects in the back of police vans?  | Suspects placed in the cages of vans should be monitored at all times by a police officer (not the driver). This means the officer should be sat in the rear of the vehicle watching the suspect in case they need medical assistance or become violent etc.There are no seat belts or harnesses in the cages. This is to prevent suspects from trying to harm themselves with the straps etc. |
| It was found that the STORM reference number on the Use of Force form did not correlate with incident 3 did not match and required amending to link to the correct incident. | Noted.We are working with our IT department to improve the Use of Force Form and to include greater supervisor input. |
| It was found that two officers were in need of refresher officer safety training, however it was acknowledged that this had likely been delayed by the ongoing pandemic. | Officer safety training was delayed due to COVID.However it has now fully resumed and all police officers will be attending training over the next few months. |