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DYFED-POWYS
POLICE AND CRIME
COMMISSIONER

Police and Crime

Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Review of 2019/20 Quarter 1&2 (Apr-Sep)

Use of force

Panel Members' Findings & Feedback

October 2019

Contents

1.0 Outcome 2

2.0 Situation 2

 2.1 Statistics 2

 2.2 Previous findings 4

 2.3 Progress made since last review 5

3.0 Consequences 5

 3.1 Summary of findings from this review 5

 3.2 Best practice 5

 3.3 Areas for learning 5

 3.4 Detailed incident breakdown 5

4.0 Actions 7

5.0 Review 7

1.0 Outcome

As part of the review of progress following the Commissioner's Deep Dive report into Dyfed-Powys Police's Use of Force, the Quality Assurance Panel repeated an exercise to evaluate a dip-sample of Body Worn Video (BWV) footage documenting incidents where officers have used force. Their aim was to review whether the force used was reasonable and proportionate, as defined by the College of Policing Authorised Professional Practice (APP)¹:

- 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.

Members of the Commissioner's staff requested footage of a selection of 35 incidents where force had been used between July and September 2019. 15 videos were located by the Force for the Panel's consideration. The Panel were able to review 4 of these during their meeting.

Dyfed-Powys Police (DPP) report difficulties with locating footage due to inappropriately tagged files (and therefore being deleted prematurely) or no record of BWV having been used. Previous requests for BWV footage have yielded similarly low success rates, as can be seen below.

August 2019 – 9 stop search clips were requested by the OPCC. 3 (33%) were located by DPP.

June 2019 – 14 stop search clips were requested. 6 (43%) were located.

December 2018 – DPP provided 6 use of force clips.

October 2018 – 53 stop search clips were requested. 29 (55%) were located.

August 2018 – DPP provided 5 use of force clips.

2.0 Situation

2.1 Statistics

Instances of use of force require that all officers who use force on an individual must complete an electronic form for each incident i.e. if three officers use force on an individual during an incident, each would need to submit a form, resulting

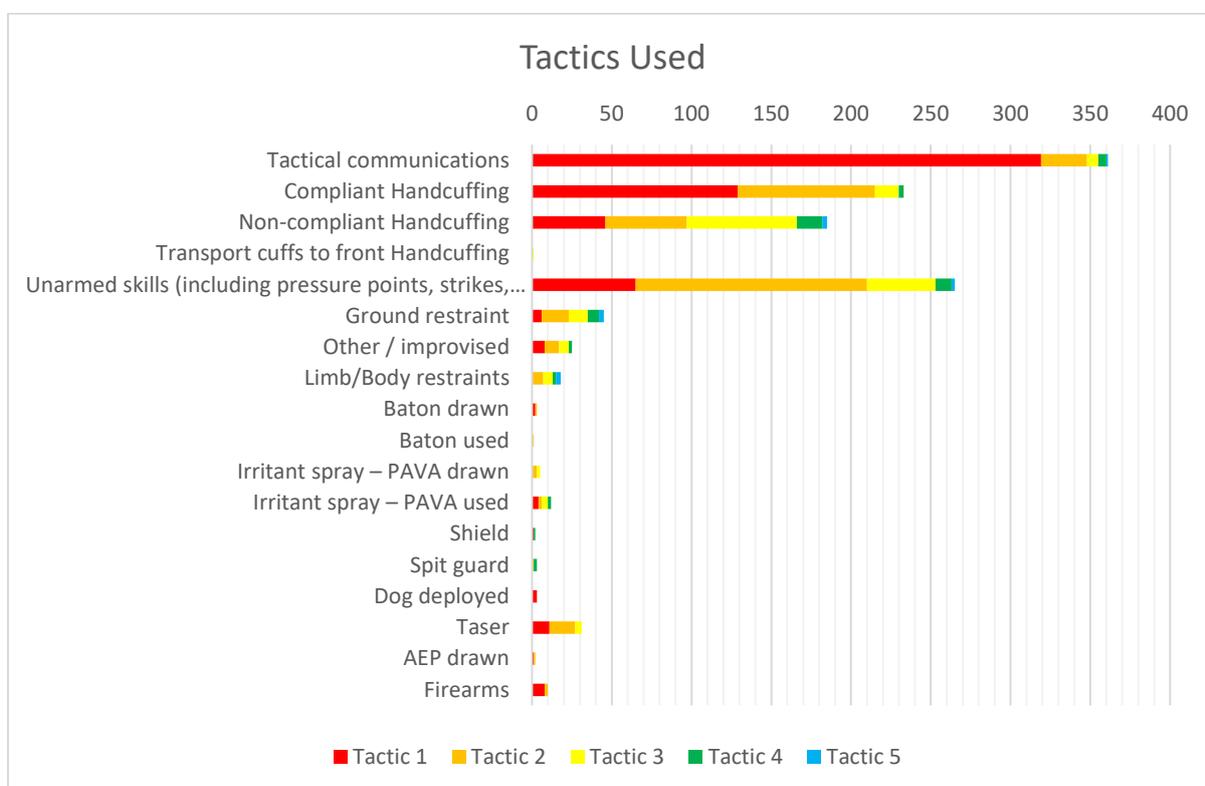
¹ <https://www.app.college.police.uk/>

in three submissions for the one incident. As such all figures are only indicative of trend, rather than of exact numbers of individuals.

Between the period July to September 2019, 603 use of force forms were submitted. Over three quarters (n=460) of all use of force reports resulted in the subject being arrested. 21 were detained under the Mental Health Act and 14 were de-arrested.

The greatest impact factors noted by officers continue to be alcohol, drugs and mental health respectively. The majority of force recorded was used on white males aged 25-34 and most often located on a street / highway, dwelling or custody block.

The following chart shows the recorded frequency and order of the different tactics used (in the order they were recorded as being deployed):



AEP: Attenuating energy projectiles – non-lethal “rubber bullets”.

31 officers reported they had sustained minor injuries through being assaulted during the incidents. Interestingly, none of the injured officers reported being threatened, however 14 other incidents involved threats, many including weapons.

2.2 Previous findings

The Quality Assurance Panel have reviewed Use of Force on two occasions previously, in August and December 2018. Their previous findings are outlined below:

	August 2018 (5 incidents reviewed)	December 2018 (7 incidents reviewed, 6 with associated BWV)
Best practice	Force was necessary, proportionate and reasonable in all circumstances.	Force was consistently necessary, reasonable and proportionate in all 7 incidents.
	No equality and diversity concerns, with officers acting respectfully and professionally.	Officers were patient, helpful and reassuring to subjects.
Areas for learning	Limited selection of incidents available to review due to difficulty in locating footage and / or forms.	Some discrepancies in the information recorded on the forms, with personal details such as addresses differing on forms based on the same incident.
	Rationale / background information surrounding incident would assist Panel's judgements.	Panel Members suggested that the Force review the personal safety training record of the officer involved in one incident to establish if their training had indeed lapsed.
Force's comments	Feedback was being given to officers regarding the delay in submitting use of force forms, which would also feature as a Force-wide communication.	The matter relating to locations recorded was likely a systems error but was being reviewed.
	Work was ongoing to improve the use of force form and associated system to improve recording.	The officer safety training had been inaccurately recorded by the officer, who had completed the training within the necessary 18 months.

2.3 Progress made since last review

- The Force has successfully introduced Unique Reference Numbers to facilitate easier tagging and retrieval of records and footage.
- Officer safety training has been refreshed using feedback from the Deep Dive report relating to recording limitations and insights from officer injury data.
- Within their Police Effectiveness, Efficiency and Legitimacy (PEEL) inspection during 2018/19, Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) found Dyfed-Powys Police to be good at treating the public fairly, with some evidence of supervisors giving feedback to individuals and teams about their use of force. They also noted effective arrangements for external scrutiny of use of force but suggested this needed to further develop feedback on problems identified.

3.0 Consequences

3.1 Summary of findings from this review

- It was found that all four incidents were dealt with dignity and respect with no equality and diversity concerns being identified.
- It was felt that the level of force in all incidents was appropriate.
- There was a query made in terms of the amount of officers deployed and whether this was necessary for two of the incidents, this was due to the Panel not having the background information to assess whether this was appropriate for the incident reported.

3.2 Best practice

- The Panel felt that the officers treated all individuals with respect, remaining calm in difficult situations.

3.3 Areas for learning

- It was felt that the camera should have been turned on sooner in one incident, as it was activated as the irritant spray was being used, making an assessment of the situation prior to the use of force difficult.
- In one incident the Panel felt that the situation may have been de-escalated if force had been used sooner.

3.4 Detailed incident breakdown

Incident 1

- The use of Taser was recorded, however, no use of Taser was seen in the footage.

- The Panel queried whether the amount of officers deployed to this incident was appropriate. Five armed officers arrived on the scene and from what was seen on the video footage this seemed excessive due to the individual appearing to be sitting calmly on a public bench when officers arrived. However, the Panel recognised that the police may have been reacting to prior knowledge and intelligence which warranted this number of officers being deployed. The Panel noted that due to not having the background information available, it was difficult for them to assess whether this level of resource was proportionate.
- The Panel felt that the incident was dealt with dignity and respect with no equality and diversity concerns.

Incident 2

- The Panel noted that they found the officers to be very patient and calm in a difficult domestic situation.
- The members felt that possibly force could have been used sooner to de-escalate the situation. At one point the officers de-cuffed the female which resulted in the situation escalating again. The Panel also felt that the male received excessive warnings before force was used to calm a very fraught situation.
- The Panel felt that the use of force was necessary and that the incident was dealt with dignity and respect.

Incident 3

- The Panel were unable to assess whether this use of force was appropriate and proportionate due to the body worn video footage starting too late into the incident to see the preceding circumstances. The footage showed an officer approaching the suspect and using irritant spray. However, the Panel were able to note that the suspect was carrying a metal pipe.

Incident 4

- The Panel felt that the use of force was necessary and proportionate due to the individual resisting arrest and being a risk to herself.
- It was noted that the officers did their best to calm and reassure the individual. The individual was dealt with dignity and respect.
- As noted above the Panel felt that it would have been useful to receive the linked call log in order to assess whether the number of officers deployed was appropriate.
- It was recognised that this was a particularly challenging incident with the individual demonstrating excessive strength which warranted a number of improvised restraint tactics being used by officers in an attempt to keep the subject safe.

4.0 Actions

Number	Observation	Force's Response
1	In order to assess whether the level of response is proportionate the Panel felt that they would benefit on receiving the linked call logs, which would provide them with the necessary background information.	N/A – Office of the Police and Crime Commissioner to action.
2	Members considered more needed to be done to ensure officers activate and appropriately save their footage as early as possible so as not to lose vital aspects of the incidents.	Officers are advised to switch their cameras on and leave in buffering mode as soon as they leave the station and to start recording once deployed to / attend an incident.

5.0 Review

The Quality Assurance Panel Members have requested that they be given the opportunity to further review the use, storage and retrieval of BWV at their next meeting, due to their ongoing concern of the limited availability of footage.