



## **Police and Crime Commissioner for Dyfed-Powys**

### **Scrutiny Panel Dip Sampling Exercise Use of Force Incidents**

### **Panel Members' Findings & Feedback**

**July 2022**

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## 1.0 Overview

At the meeting of the Commissioner's Quality Assurance Panel held on the 26th of July 2022, a random selection of use of force incidents were reviewed. Members were able to review the use of force form and the accompanying Body Worn Video (BWV) footage for 5 incidents.

The meeting was held in person at Dyfed-Powys Police headquarters.

## 2.0 Background, Purpose and Methodology

The Quality Assurance handbook, available on the [PCC's website](#), states the background and purpose of the Panel along with how the dip sampling is carried out and what the Panel is asked to consider.

## 3.0 Use of Force Incidents

The Panel received an initial input from a Chief Inspector leading on Use of Force within Dyfed-Powys.

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.

## 4.0 Review of Use of Force (UoF) Incidents

### Incident 1

- Members felt that the UoF within this incident was appropriate.
- It was noted that officers were caring and concerned for the individual's wellbeing. Questions were asked about the individuals' medication and the offer for the individual to get clean clothes etc.
- It was noted that there is a typo on the use of force form, where the individuals name and surname are recorded the wrong way around. This may hinder future searches for the form.
- Members felt that the individual was treated with dignity and respect with no concerns noted.

### Incident 2

- This footage related to an incident where the officers were called to assist an individual experiencing a mental health crisis. Panel Members felt that the UoF within this incident was justified in an attempt to try and keep the individual from harming themselves or others.
- It was noted that the officers were empathetic and tried to engage in good conversation in order to try and calm the situation and provide reassurance.
- Officers tried their best to build a positive relationship with the individual.
- Officers did all they could to try and make the environment safe, moving sharp objects out of reach etc.
- It was noted that a search of the individual didn't appear to happen. Members however acknowledged that the individual wasn't arrested, but felt that due to the individual being at risk of self-harm, a search of their person may have been appropriate to ensure no harmful items were hidden.

### **Incident 3**

- The Panel felt that the body worn video footage was turned off too soon for this incident. Force was most probably used to remove the individual from their property and the Panel felt therefore that they were unable to review the full incident.
- It was noted that the individual's dignity was respected, officers found the individual a top to wear etc. before taking them to custody.
- Within the footage, the officer requests that a photo is taken for evidential purposes. However, on the UoF form there are no linked photos documented under the photos section on the form.
- UoF viewed was deemed as proportionate.

### **Incident 4**

- This incident related to an arrest as a result from a high-speed vehicle chase. Members felt that further details are needed on the form to explain the incident prior to what is shown on the footage and to provide context. Further details would strengthen and further justify the need for force and the drawing of the taser. Clip immediately started with an officer threatening the taser.
- Positively the Panel noted that the officer did ask the individual how they were feeling and whether the handcuffs were uncomfortable. Following this the cuffs were moved to the individual's front.
- It was felt that although the individual was asked if they were hurt as a result of the collision this could have been asked sooner. However, it was acknowledged that the individual was intoxicated and would have been medically risk assessed once in custody.
- The UoF form notes that the officer was single crewed, however, a second officer was present within the footage.

## Incident 5

- Members felt that the UoF used on the second male individual on the footage was inappropriate. The individual was compliant and did not try and evade the police. It was felt that cuffing this individual to the back was unnecessary.
- It was noted that the age of the individual was recorded as age 17, although suspect states that they are 15 on the footage.
- It was noted that the officer dealt with a difficult situation whilst waiting for back-up to arrive and assist.
- It was found that mental health was noted as an impact factor on the form, however no details are noted under the mental health section later on the form relating to the suspect.

## 5.0 General Comments and observations

Panel Members made the following observations:

Observations	Force Response
The Panel noted that there is nowhere on the use of force form for the date of the incident to be recorded. Forms only record the STORM reference and the date of when the use of force form was completed. Members felt that recording the date of the incident would be useful to match forms and to ensure that all important information is clearly logged on the one form.	<p>This is noted and accepted.</p> <p>The force is in the process of transferring to a new records management system.</p> <p>Until this is done we are unable to update any of our existing forms.</p> <p>The new system will have a new Use of Force form which will be reviewed.</p>
Members queried if there was a way to ensure that all use of force forms relating to the same incident could be linked. This would ensure that all officers involved have submitted a form and would ensure that forms are easily retrieved should there be a complaint/ a reason to review.	<p>The new records management system (due in early 2023) will link all Use of Force forms under the nominal's record after an incident.</p> <p>This will make it easier to search for and locate after any incident.</p>

Members noted that the use of force forms do not record how many officers are present/ involved in an incident. This relates to the above comment, there is currently no way to ensure that all officers have submitted a form. Evidence of what officers were involved in an incident is only available from the BWV footage.	<p>This is noted and accepted.</p> <p>We will need to review the new Use of Force forms on the new records management system to see what additional information can be included.</p>
Members felt that further details should be recorded on the UoF form to provide a brief summary of the incident. This would help provide context and strengthen the form for any future reviews/ complaints etc.	<p>This is noted and accepted.</p> <p>We will need to review the new Use of Force forms on the new records management system to see what additional information can be included.</p>
Members wished to note that officers on the whole communicated well with individuals, looking after their welfare and treating all with dignity and respect.	This is positive to hear and will be fed back into staff via the internal Ethical Use of Police Powers meeting.
Members queried the decision in relation to footage being removed off the system after 30 days if it is not categorised. Is there capacity for this to be increased?	This is noted. We are currently in a contract with the Body Worn Video provider. The storage time may form part of that contract. Further enquires will need to be made with our IT Dept.

## 6.0 Previous Panel Comments and observations

Date of meeting	Observations	Force Response	Status
May 2021	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.	Accepted



		However, officers may risk assess and decide 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.	
May 2021	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.	Accepted
May 2021	It was found that the STORM reference number on the Use of Force form did not correlate with incident 3 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.	Accepted
May 2021	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.	Accepted
Oct 2019	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.	Ongoing
August 2018	Due to an issue of linking forms with the relevant footage, this resulted in a small selection of incidents to review. The Panel highlighted that in the future it would be more positive to	There are a number of activities ongoing at the moment to improve data quality and use of Body Worn Video. This should see an improvement in the packages being provided to QAP in the future.	Accepted

	receive a wider list of incidents to be able to choose a random dip sample of cases to review.		
August 2018	The Panel highlighted that there were use of force forms missing in some of the cases reviewed, however it was recognised that due to an issue with linking documents together, the documents may have been submitted, but were difficult to locate.	We will continue to work closely with the QAP co-ordinator and look for a resolution to some of the issues raised. This will include providing further information relating to an incident if possible.	Accepted.