

Panel date:	23/01/2024
Number of panel members in attendance:	<i>There were 12 panel members in attendance.</i>
Constabulary attendees:	<i>PS Ciaran Constable, Caitlin Bones,</i>
OPCC attendees:	<i>Matilda Pearson, Charlie Murfitt</i>
Agenda item 1	<ul style="list-style-type: none"> Minutes of previous meeting To be recirculated with minutes from this meeting and then signed off
Agenda item 2	<ul style="list-style-type: none"> Actions from last meeting N/A
Agenda item 3	<ul style="list-style-type: none"> Frequent searchers data CC gave a breakdown of the data and definitions of acronyms for the benefit of the panel. The panel did not raise any issues with the data that was presented.
Agenda item 4	<ul style="list-style-type: none"> Strip search data Out of 198 searches, only 3 resulted in strip search. All had audio recording and 2 of the 3 had additional grounds. The panel members did not have any issues with this.
Agenda item 5	<ul style="list-style-type: none"> Stop & Search Scrutiny – BWV Reviews All BWV selected were available. This included footage by most frequent searcher and frequent searcher with no item found
Minutes & AOB	<ul style="list-style-type: none"> MP confirmed to the panel that the paperwork all members had in front of them is what is to be used to capture RAG ratings so that people could do this privately and independently. She also encouraged them to record any comments that they wanted to make. Reem Assil will be supporting in the facilitation of meetings going forward Apologies were received from Robin Sissons and 5 panel members. There were 3 new panel members and the panel therefore gave brief introductions to welcome them.
Date of next meeting	Use of Force – Tuesday 27 th February 2024 on MS Teams

Incident 1

Review Date:	23/01/2024	BWV reference:	<u>SS/3697609588/41</u>
Incident Date:	03/12/2023	Incident time:	01:37am

Grounds: Written Assessment

Did the grounds provide sufficient evidence that a reasonable person would have concluded, on an objective basis, that the stop and search should be undertaken?

Overview: Officers called by door staff to reports of a male carrying a knife. On arrival, suspect was identified and approached by officers. Suspect refused to take hand out of pocket when asked, leading to the officer's detaining the suspect for stop and search under Section 1 of PACE.

Comments:

- All members were happy with the grounds
- **ACTION** – to add 'item found or not found' to grounds slide

Grounds RAG Rating: 6 Green, 4 Amber, 2 Red

Comments, concerns and/or compliments from Panel members:

- The jacket worn by the subject was large and therefore looked difficult to search, why did the officer not ask for it to be removed?
- The jacket was very big and could have concealed something easily
- The grounds stated knife, however the BWV referred to a gun.
- The sound was audible for the officer but it was difficult to hear the subject. English did not appear to be their first language and therefore the officer had difficulty understanding the subject.
- As the subject was arrested for an unrelated offence, it was asked why they were arrested. The force confirmed that this is something they could share if necessary, but as it wasn't related to the S&S the panel moved on.
- CAMBAC (Cambridge businesses against crime) was mentioned and it was explained that this is a scheme used by night time economy businesses, such as door staff whereby radios are used as well as Council CCTV to alert one other to groups/individuals removed from the premises and suspicious activity.
- One member suggested if customers were concerned for their own safety, could door staff be trained to be able to assist them, similar to the scheme of 'Ask for Angela'.

- Do officers ask subjects if they are comfortable with English when initiating conversation?
As this would identify a need for an interpreter at an early stage.
Force Response: The omission of this question on this occasion was because it was a stop and search scenario, and therefore translation wouldn't have been at the front of the officers minds due to the nature of the stop and search.
- The grounds were misleading due to a knife being reported, not a gun therefore this could possibly result in a red rag rating due to error.
- It was reasonable and polite behaviour from the officer.
- The officer could have repeated the question to ascertain his command of English language.
- Why are subjects asked for details when it is not a legal requirement to give them. It was felt that regularly, officers ask for name etc and do not state that they are under no obligation to provide them.
- The search seemed excessively long.
- The subject did not appear to be updated whilst the search took place.
- During the search, the officer was explaining the search to other officers which made the search last longer.
- It wasn't clear if the subject had threatened staff.
- The BWV started late therefore the beginning of the interaction was not seen.
- It was unnecessary to handcuff the subject although there was no resistance from the subject.
- It was queried as to whether the subject should have been arrested and that they seemed more confused than violent and therefore the allegations seem questionable.
- The officer was in control.
- The search took place outside the front of the pub and so they could have moved to one side.
- 6 officers seemed excessive for one stop and search.
- The officer didn't appear confident and sought reassurance from fellow officers.
- An evidence bag was used for the possessions removed from the subject.

Overall RAG Rating:	4 Green / 8 Amber
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Chair's comments and OPCC Summary:

The grounds were overall rated green, and the overall incident was rated amber. The high number of votes for amber mainly related to the panels feelings about how the officer interacted with the individual and managed the potential language barrier.

Actions arising:	Feedback:
To include whether an item was found or not in the grounds, and what the item was.	Feedback email sent to SC XXXXXXXX by Insp Thorne.
Name: Insp 651 James Thorne	Date: 04/02/2024

Incident 2			
Review Date:	23/01/2024	BWV reference:	<u>SS/0744834696/8</u>
Incident Date:	09/12/2023	Incident time:	01:30am

Grounds: Written Assessment	
Did the grounds provide sufficient evidence that a reasonable person would have concluded, on an objective basis, that the stop and search should be undertaken?	
<p>Overview: Officers were on mobile patrol when they saw 3 males running across the road, they tried to catch up with them, 2 of them hid and one continued to run. When the male was caught, he tried to escape the police. He couldn't give a reason for why he was running away and due to the effort he was making to run away and other factors, it was believed that items would be found on him in connection for thefts.</p>	
<p>Comments:</p> <ul style="list-style-type: none"> No comments made prior to watching the BWV 	
Grounds RAG rating:	10 Green, 1 Amber, 1 Green/Amber

Comments, concerns and/or compliments from Panel members:
<ul style="list-style-type: none"> Panel members noted the injury to the subject's right hand. The initial part of BWV was repeated for the panel as they were unsure of the use of GOWISELY. The subject seemed distressed however the officer was positive and compassionate (checking the cuffs). Should the officer had unzipped the jumper for the jumper to be searched? Force Response: The officer could have asked the subject to remove the outer layer however, the officer was looking for a tool or similar therefore would have been able to feel

that through the jumper.

- The grounds were rather general and seemed slightly tenuous when referring to burglary being at an increase which justified the stop and search.
Force Response: Due to the time of year, it is a common for burglary to increase.
Suspensions were also raised as the subjects ran away, and the time was 01:30am.
- The subject was thought to be under the influence and therefore wasn't given much time to answer questions before being cuffed.
- Panel members were unsure the suspect understood what was being said by the officer and looked puzzled and it wasn't until later in the footage that it became clear the suspect was able to understand.
- The incident could have been dealt with a bit slower.
- Officers checked on the welfare of the suspect.
- It was unusual for the officer to introduce themselves by first name rather than officer name and collar number.
- The officer was slightly too familiar.
- The approach taken was justified to bring the situation under control.
- The officer needed to be firm to contain the situation and proves the officer controls the situation rather than being out of control from the start.
- The initial encounter was rushed, with GOWISELY being covered too quickly. All involved were out of breath because there had been a chase.
- The officer was alone so cuffed the subject immediately.
- There was no attempt to question the subject before detaining them however, the officer did go on to build a rapport with them.
- The first question could have been, "Why were you running?"
- Is "3 subjects running away in the middle of the night" reasonable grounds to be detained?
- The subject may dislike the police following the incident.
- The subject refused a copy of the stop and search report.

Overall RAG rating:	4 Green, 6 Amber, 2 Green/Amber
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Chair's comments and OPCC Summary:

The grounds overall were rated green and the overall interaction was rated amber based on the combined votes of panel members. This can be summarised by the approach that the officer took, members thought that he could have been a little more patient, more professional and taken more time to ensure the suspect understood what was happening.

Actions arising:	Feedback:
<p>Ensure officers use GOWISELY clearly and coherently in all stop and search instances.</p>	<p>Overall Feedback email sent to PC XXXXXXXX by Insp Thorne.</p> <p>The Constabulary is aware of the issue that officers can go through GOWISELY very swiftly and have already sent out communication to officers and their sergeants to “slow down and ask verifying questions to ensure the person understands what is being said”. This has also been included in the Top Three Tips communications. A training video is being produced internally on how to deliver the perfect GOWISELY at the correct PACE. This will be shared with officers during the internal BWV audits. The force are happy to show this video at a panel meeting in the future. “Effective communication” is on the agenda for the annual SnS training that will take place in September 2024.</p>
<p>Name: Insp 651 Thorne</p>	<p>Date: 04/02/2024</p>

Incident 3			
Review Date:	23/01/2024	BWV reference:	<u>SS/3517227581/21</u>
Incident Date:	13/12/2023	Incident time:	00:56am

Grounds: Written Assessment
<p>Did the grounds provide sufficient evidence that a reasonable person would have concluded, on an objective basis, that the stop and search should be undertaken?</p>
<p>Overview: Officers were on patrol in relation to theft and burglary. This vehicle was parked on the High Street and swiftly moved when they saw the police. When the car was stopped the people were visibly shaking and appeared very nervous. The driver provided 3 false names and a false picture of a driving license and there were tools in the vehicle. Neither passenger</p>

could account for their presence in the location at this time and there have been a lot of thefts in this area.

Comments:

- Officers were on patrol, not acting on intelligence

Grounds RAG Rating:	5 Green, 6 Amber, 1 no vote
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Comments, concerns and/or compliments from panel members:

- Only one screwdriver was found during a search of the vehicle.
- It was noticed that there was a wheel brace in the door pocket, but no comment was made by officers.
- The car was stopped for a traffic offence initially which was confirmed to be a faulty rear light.
- At the beginning of the video a mobile phone was being used for the subject to type on, this was confirmed to be the officer's mobile phone.
- The collar number and name were given.
- One of the officers was wearing a black jacket which obscured the officer's identity however it was clarified that there were epaulettes on the coat.
- The officer seemed hostile from the outset.
- The language barrier and combative approach was not a good combination which could be why the occupants of the car were nervous.
- The suspicious behaviour could have been linked to other issues such as immigration rather than the reason the officer implied.
- The officer was flippant, making comments about the appearance of suspect.
- The suspect lied about their own appearance and their name and so could have also lied about not being able to understand English.
- The officer obscured the BWV with the torch when carrying out the search which was frustrating when reviewing the footage. Are officers not trained to not block the camera?
ACTION – Officers to be reminded not to obscure the camera when recording.
Force Response: The confined space (due to the vehicle being small) could have contributed to why the torch obstructed the BWV. From an officer perspective, it is difficult to hold the torch and carry out a search along with having layers on, therefore this can impact on BWV.
- Evidence bags should be used when searching, the subject's change was put on the roof of the car.

ACTION – Reminder to be given regarding use of evidence bags when carrying out searches.

- The search was rather prolonged.
- Certain items may not appear suspicious until the reasons why the subject has been stopped have been taken into consideration. There is a need to look at possible intentions and the contributing factors such as time, location, crime in the area.
- Did the officer have reasonable suspicion?
- The BWV started late therefore the initial interaction was not seen.
- The grounds were well written however the officer exaggerated – it was stated that handles of tools could be seen however only one screwdriver was found.
- Did the officer remove the key from the car to avoid evasion / risk to safety?
- On scrutiny, the grounds do not match the BWV.
- A screwdriver in a car did not seem suspicious.
- Officers were polite and explained every stage however the humour was not understood by the subject.
- The reason for the stop was not given at the beginning but only just before the search.
- The officer seemed to be searching for drugs rather than burglary tools.
- There was a possibility that the subject was pretending not to understand English.
- The officer assumed the subject was lying about their name however, it could be that they did not understand the question.
- Despite there clearly being a language barrier, the officer did not speak slowly or patiently.
- The questioning seemed aggressive and the grounds were explained by the officer too quickly.
- There seemed to be quite a leap from being stopped for a driving offence, to then being searched for tools used for theft.
- The officers had good reason for the search as the subject was acting suspiciously.

Overall RAG rating:

5 Green, 1 Green / Amber, 5 Amber, 1 no vote

Chair’s comments and OPCC Summary:

Overall the grounds received and amber rating and the overall interaction was equal green & amber votes. General conversation suggested that some people on the panel did not feel the grounds were sufficient and were a bit exaggerated. In terms of the BWV of the incident there was a divide between the panel between those who thought everything was ok, and others who weren’t satisfied with the attitude of the officer regarding the struggles in communication.

Actions arising:	Feedback:	
<ol style="list-style-type: none"> Officers to be reminded not to obscure the camera when recording. Evidence bags should be used when searching, the subject's change was put on the roof of the car. 	Feedback sent to PC XXXXXXXX by Insp Thorne.	
Name: Insp 651 Thorne		Date: 04/02/2024

Incident 4			
Review Date:	23/01/2024	BWV reference:	<u>SS/4126110314/36</u>
Incident Date:	16/12/2023	Incident time:	22:07pm

Grounds: Written Assessment	
Did the grounds provide sufficient evidence that a reasonable person would have concluded, on an objective basis, that the stop and search should be undertaken?	
<p>Overview: A car was stopped and cannabis could be smelt, when questioned they admitted that there were drugs in the car, they were nervous and uncomfortable. There was also cash that could be seen in the car and on the floors looked to be remnants/dusting of green herbal matter that looked to be cannabis remnants. The driver had previous for drug supply.</p>	
<p>Comments: Force Follow-up: There is a threshold of what is classed as 'found', therefore small amounts would not have justified an arrest. Additional context to grounds given by the Force were that another occupant of the car, whose search we didn't see, was arrested for possession.</p> <p>It was asked if, in future, could the panel be informed if there have been any other incidents linked to the BWV being scrutinised. However, to remain impartial and fair to the BWV being scrutinised, the panel should not be informed.</p> <p>The grounds state white subject however the person searched did not match description. Force Response: A subject will be asked to identify themselves, however, the officer will also give their opinion. CC explained he may have written the description in error when taking the information from the report.</p>	
Grounds RAG Rating:	8 Green, 3 Amber, 1 no vote

Comments, concerns and/or compliments from panel members:

- GOWISELY was heard although it was quite quiet.
- The BWV started after the stop.
- The grounds for the stop were not clear or clearly given.
- It wasn't clear that there was another officer nearby.
- The officer knelt down and forward into the car which could have put them at risk of attack.
- Previously, panel had been informed that if drug possession was suspected, subjects should be handcuffed every time however this did not happen on this occasion.
Force Response: It is advised for officers to take this approach but not mandatory.
Handcuffing is often done to prevent the subject from swallowing any drugs they have in their possession.
- The officer asked the subject if they wanted to give their name however the subject does not have to give this information.
Force Response: There are certain scenarios where subjects are required to provide their name.
- Often, officers do not tell the subject that they don't have to give their name and they quite often seem to ask for a name from the outset without giving the subject their rights.
- The officer may have written the subjects email address down wrong for the copy of the report.
- The officer seemed to adopt the same manner as the subject.
- The BWV viewed was conducted well.
- The officer was patient and talkative.

Overall RAG rating:	9 Green, 1 Green / Amber, 1 Amber, 1 no vote
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Chair's comments and OPCC Summary:

Overall the panel felt that both the grounds and the whole interaction were green.

Actions arising:

N/A

Feedback:

Feedback email sent to PC XXXXXXXX by Insp Thorne.

Name: Insp 651 Thorne

Date: 04/02/2024