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USE OF POWERS SCRUTINY PANEL

Summary of On-line Discussion: 13 April 2023

Chief Inspector Pete Basham welcomed participants to the on-line discussion. He noted that, unfortunately, the three young people who had attended the last meeting were unable to join the discussion, it being the Easter holidays; he was grateful for their input at March's meeting, and hoped to see more young people attending future meetings. CI Basham mentioned that the two inspectors from HMICFRS were once again observing, and welcomed Superintendent Rachael Handford to the meeting.

The Panel mentioned an issue which had been reported in Northants Evening Telegraph that day which they felt was unfair and critical of the Force, querying why more was not posted on social media to rebut such criticism, particularly in the light of so much negativity in the national media about policing. CI Basham acknowledged there was scope to use social media to publicize positive messages about the Force; he was interested in feedback on the Force's use of social media, which could help in identifying which communities were best reached through the various platforms available.

NORTHAMPTONSHIRE TALKING

Supt Handford took the opportunity to update the Panel on the re-branding of the Neighbourhood Alert facility, with technical enhancements funded by the Police, Fire & Crime Commissioner. The system allowed members to the public to sign up for messages about what was happening in their locality, and what the police were doing to tackle local issues. The Panel suggested that attendance at community events would be a good way to encourage a wider range of people to sign up, and would also increase trust in the police. Supt Handford made a personal commitment to attend community events and promote the use of Northamptonshire Talking.

FEEDBACK FROM 9 MARCH 2023

CASE 1: Whilst the Panel's feedback was generally positive – scored at 84% - several members pointed out that the searching officer was not wearing gloves; this was important because gloves protected the officer hygienically, and showed courtesy and respect towards the person being searched. CI Basham reminded the Panel how the Force's Learning & Development lead had embraced its feedback on this point and incorporated it into the annual Officer Safety Training undertaken by all front-line officers. Supt Handford commented that it might take a while for this training to translate into a tangible improvement, but in the meantime, suggested that wearing gloves should be added to the checklist used by supervisors when reviewing body-worn video footage.





ACTION: CI Basham to liaise with the NICHE team with a view to adding wearing gloves to the supervisors' checklist for Stop & Search reviews.

CASE 2: Again, the Panel's feedback was positive, but again, the absence of gloves was noted.

CASE 3: The case scored high marks; the searching officer had worn gloves. The Panel noted that the three subjects searched had been close enough to chat to one another, which CI Basham acknowledged could have been problematic in terms of the integrity of any evidence gathering.

CI Basham noted that out of the three cases reviewed, only one searching officer had worn gloves; he proposed that 33% should be the baseline from which improvement was measured.

CASE 4: The Panel was broadly in agreement that this incident was handled satisfactorily, although there was some criticism that the officer had drawn his Taser too soon, and appeared confrontational. CI Basham commented that assessing risk was a matter for the judgement of the officer on the ground.

Outcome: The victim retracted her statement, and with no other corroborating evidence available, the case was filed No Further Action. CI Basham noted that this was a common frustration in domestic abuse cases, but steps were always taken to protect victims; for example, referrals to VOICE for practical and emotional support services, or applying for Domestic Violence Protection Notices (a civil order carrying the power of arrest if breached).

CASE 5: This Use of Force concerned a young woman - wearing a dress with an extremely low neckline who was intoxicated to the point she could barely stand unaided - being arrested for assaulting a street pastor, and re-arrested for assaulting one of the attending officers. The Panel had highlighted concerns about how the woman was placed on the floor of the cell van, which could have resulted in her injuring herself, and being alone, there was also the risk that she - being drunk - could have choked on her own vomit. CI Basham confirmed that police officers were legally responsible for the safety of people under arrest, that responsibility being magnified when the arrested person was incapacitated through intoxication or wearing handcuffs. Once in police custody, intoxicated detainees were subjected to half-hourly welfare checks; many found this annoying as it prevented them from "sleeping it off".

Post Meeting Update: CI Basham took a second look at the video footage, including the footage not shown to the Panel (ie, that recorded after the use of force, and by other officers at the scene). The arresting officer sits in the mid-section of the cell van, with a lattice partition between her and the Subject allowing continuous monitoring throughout the journey to the custody suite. The Subject is restless, first kicking out at the partition between her and officer monitoring her, and

then shoulder barging it. For most of the journey, the Subject sits or kneels on the floor of the van; she does not vomit, and neither she nor the officer suffer any injuries.

The Panel was also concerned at the possibility of allegations of sexual impropriety, given that officers attempted to retrieve the woman's means of identification from her bra. It was pointed out that the arresting officer was female, and that the male officer who initially supported the woman by the arm was replaced by a female officer as soon as practicable. CI Basham advised that he had not provided feedback to the officers on the matter of "where they put their hands", but agreed that it was a tricky situation.

ACTION: CI Basham to liaise with Learning & Development to establish what – if anything – was covered by Officer Safety Training on avoiding allegations of sexual impropriety when dealing with subjects wearing revealing clothing, and then to offer feedback to the officers as appropriate.

The Panel then went on to talk about whether a subject's sexuality or gender identity had a bearing on deciding who should search him or her; for example, was it acceptable for a female officer to search a lesbian. CI Basham advised that Force policy required subjects to be searched by an officer of the same gender, but when it came to arrest, the assessment of threat, risk and harm took priority over waiting for an officer of the required gender to arrive. Officers would always try to respect whatever information was disclosed to them, but without time to explore a subject's gender identity, they would have to react on what was visually obvious.

Outcome: Two further assaults on the same police officer occurred in the custody suite. No plea was entered at the first hearing; case adjourned to 15 June 2023.

ACTION: CI Basham to update the Panel of the progress of this prosecution at August's discussion meeting.

CASE 6: The Panel scored this incident at 71%, indicating that some form of intervention was required; the Panel was concerned that force was used when communication might have avoided it. CI Basham advised that he had relayed the Panel's feedback to the three officers' supervisor – they were in the same team, so all had the same sergeant – who had exercised his right of response thus:

Two officers were sent initially as a domestic where the subject had caused criminal damage to the female's address and strangled her, the victim met them in the street and another officer stayed with her. The male had locked all the doors and was carrying a knife which he continuously showed to officers and stated if we came into the address he would be stabbing officers and if he was going to prison it would be for a proper offence.

A negotiator was called to the scene as the incident went on for about 90 minutes, but the officers did a fantastic job of negotiating the male out of the address before the negotiator arrived. I have read the use of force reports, and note 'DUE TO THE THREATS THAT HE HAD MADE ABOUT STABBING OFFICERS I TOOK NO CHANCES AND TOOK CONTROL OF HIS ARMS.'



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THIS LED TO A FULL RESTRAINT ON THE FLOOR'. I am in complete agreement with this tactical option; the male is well known to Police for violence offences including the same day where he has caused physical injury to his partner. If the officers had not have taken the approach of gaining immediate control using force I would have criticised them for not doing so due to the multiple threats made, and not knowing what the subject had on him, it is more than plausible he had hid the knife on his person at that time.

Watching the video, one officer can be heard to explain why the subject needed to turn around, which the subject refused; it was not until he put his hands in his pockets officers grabbed him and took him to the floor. I feel this is excellent use of the NDM [*National Decision-making Model*] and UOF powers.

The officer's knee was on the subject's upper abdomen not his chest and you can see he was not putting weight onto the subject - more using it to control his midriff so we could secure his arms to put cuffs on. There was clearly no obstruction to the subject's breathing as he was continuously shouting and swearing; he was on the floor only as long as he needed to be and was on his feet within about a minute.

In terms of communicating with the subject more I feel it should be fed back that the subject was only interested in shouting and swearing; sometimes the best tactic to use to not 'wind them up' is to not speak to them.

Sir, I must say that as the Sergeant on scene this incident was dealt with really well by the attending officers, there was no injury caused to any officers or the subject and that UOF was completely proportionate and a good job all round.

The explanation as to the length of the incident (preceding the video clip) was sufficient to allay the Panel's concerns about the – apparent – absence of communication and negotiation before using force to restrain the subject. The Panel focused on the subject's claim that an officer was kneeling on the subject's chest preventing him from breathing, and noted the parallels with the death of George Floyd in the USA in 2020, something which sparked an emotional response in many communities. CI Basham noted this perception, and agreed that it was important for officers to be mindful of such emotive situations. He explained that placing a knee on a subject's chest was not a recognized police tactic, but officers had the discretion to "improvise" depending on the nature of the threat they were facing.

Outcome: Male pleaded guilty to Assault by Beating – 4 months custodial sentence, 3 year Restraining Order; Threats to Kill and Criminal Damage not charged by CPS.

FEEDBACK FROM 12 JANUARY 2023

CI Basham reminded the meeting of the case carried over from 9 February 2023 owing to shortage of time. Case 6 involved an officer using his Taser to "red dot" two suspects, who were then searched on suspicion of carrying weapons, but none were found. The Panel scored the officer at



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79%, within the range which did not require him to take any action. However, that particular officer had been brought to his attention before, and in similar circumstances. Therefore, CI Basham had, in consultation with the officer's supervisor, arranged some additional training for him to improve his communication skills.

CLOSING REMARKS

CI Basham reminded the Panel of Learning & Development's offer to observe Stop & Search training, and asked anyone interested to email kim.billingham@northants.police.uk. Only one member had expressed an interest so far, and he suggested it would not be a worthwhile exercise until a few more observers came forward.

Having reflected on the issue of personal data, CI Basham advised that he would be working with the Force's Digital, Data & Technology personnel to "bleep" out sensitive information from future presentations.

The Community Co-chair, Titus Ajayi, echoed CI Basham's thanks to everyone who had participated in the meeting; he felt that the contributions were steadily becoming more interesting as a wider range of perspectives were put forward. Supt Handford commented that the Force was very fortunate in its support from such committed members of the community.

KB
14-04-2023