

USE OF POWERS COMMUNITY SCRUTINY PANEL

Discussion Meeting: 21 February 2024

1 FEEDBACK FROM HMICFRS

Chief Inspector Basham reminded the Panel that two inspectors had observed a couple of its meetings last year, as part of the Force's inspection. Previously, community engagement had been classified as requiring improvement, but the Inspectors' report, published this month, now rated Northamptonshire Police as "Good" in this area. The Panel featured in HMICFRS' report:

"The force has an effective external scrutiny panel with representation from community members. The panel is co-chaired by a community member and a senior officer. The community member independently selects cases for review by the panel. The panel meets quarterly and scrutinises officers' use of stop and search and use of force, including by reviewing BWV footage. Panel members are given information around police powers, procedure and national standards of professional behaviour before reviewing officers' interactions. There was good representation of individuals from ethnic minority backgrounds and young people at the panel meeting we observed. And members were confident to challenge and speak out.

In the meeting we observed, members only scrutinised three stop and search encounters and three occasions involving use of force. This panel provided value and insight into Northamptonshire Police's use of police powers. The force may benefit from reviewing more cases. The force is seeking ways to continue to improve its external scrutiny and is responsive to feedback. This is positive."

CI Basham advised that he had started to explore ways of increasing the number of cases scrutinized well before the HMICFRS report was published, and reminded the Panel that he was trialling the concept of adding Stop & Search cases to the remit of local IAGs. This would enable the Panel to specialize in Use of Force incidents.

CI Basham also spoke about his ambition to expand the Panel's membership, including producing a recruitment Vlog to encourage people with lived experience of policing powers, of all ages and backgrounds, to offer their perspectives. One Panel member noted that he had invited members of the Stop & Search Working Group to see for themselves how the Panel's feedback was improving the Force's training and interactions with members of the public. CI Basham repeated his request that Panel use personal networks to identify and recruit potential members.

The Panel commented that the grading from HMICFRS confirmed what it already knew about its positive impact, both on Force in terms of officer training, and the community which benefited from those improvements in its interactions with officers.

2 EXPENSES CLAIMS

CI Basham advised that no one had come forward to confirm difficulties with their expense claims; he was anxious to get to the bottom of the problem, so asked Panel members to contact kim.billingham@northants.police.uk by the end of March to enable Finance Department to identify and resolve any system glitches.

3 FEEDBACK ON CASES FROM 11-01-2024

Stop & Search

CASE 1: The passenger in a vehicle whose driver made off following a drug wipe test was found to smell strongly of cannabis. She was searched on suspicion that she was in possession of drugs. The Panel scored the officer at **90%**; CI Basham confirmed that he had provided positive feedback to the officer concerned.

CASE 2: A male wearing a ski mask obscuring his face was searched at the roadside on suspicion of possessing drugs. He was located in an area where intelligence indicated a large amount of drug dealing was carried out, and was spotted heading towards a group of known drug users. When stopped, the male appeared nervous; he had an eye injury and provided false details to the officers. The Panel scored the officer at **76%**, just above the threshold requiring remedial intervention. Whilst the Panel found that the officers seemed overfamiliar and rather frugal with the amount of information disclosed to the subject, the interaction was both legal and acceptable.

CASE 3: Care home staff contacted the police stating that one of their service users had walked out of the house carrying two knives. They were with him, but could not persuade him to hand over the weapons. The Panel scored the officer at **91%**; CI Basham advised that this was one of the highest scores conferred by the Panel, and confirmed that he had provided positive feedback to the searching officer.

Use of Powers

CASE 4: This incident involved a high-risk missing person, a young female who was located and arrested for assaulting her carers. It took place at the side of a busy road and the young female was clearly very distressed; she had threatened to take her life by running into the traffic. She was restrained with handcuffs, fast straps and a spit hood; the video clip showed her being moved to safety in a MegaMover. The Panel scored the officers at **78%**, requiring no remedial intervention. The Panel commented that it had been helpful to experiment with a MegaMover during January's meeting, and were relieved to find that it was made from breathable material.

CASE 5: The suspect was a male who had taken drugs and alcohol and had reportedly assaulted his parents in their home; in the course of his arrest, he also assaulted a police officer. He was verbally abusive, threatening to assault the officers, and was actively resisting their attempts to control him. The Panel scored the officers at **74%**. CI Basham advised that the officer had reflected upon the Panel's feedback with his supervisor, and provided the following response:

"I do agree with some of the comments around the other family members being present. When we arrived at the address, father showed us in. I do agree in some respect he may have made the situation worse by shouting at him whilst officers were trying to pass directions to the suspect whilst he was on the floor. Even though the dad was in his own home, he doesn't have to listen to officers and they can only advise what he does within his own home. I acknowledge the feedback and will make further considerations in the future.

In relation to the brother, his brother knew him better personally than the officers did and was more likely to get through to the subject than officers would. I feel that by having the brother present and restraining him on the floor, this has prevented a higher level of force being used. If his brother was not restraining him, I believe that this incident would have ended with me discharging my taser rather than the red laser dots being pointed at him. There are multiple other ways I could've used my taser but I made the decision to draw it as early as I did due to the level of aggression being shown. It was drawn as early as it was as Taser is a distance weapon and whilst I had that distance on him, it would've been more difficult to draw and discharge it if I had to if he was still standing.

There was also a comment raised about his welfare. Very early on, it was recognised by both myself and my colleague that this incident may have been more medical to begin with and recognised that the suspect was displaying signs of Acute Behavioural Disturbance (ABD) which we are taught from early stage of training that this is a medical emergency. Due to the level of his aggression, the level of strength he was showing and visible evidence of drug use, we believed that he was suffering with this disorder and required immediate medical assistance which was arranged for him. I can assure he visited Kettering General Hospital for medical treatment before he made his way to custody. One other sign of ABD is auditory exclusion so anything that would've been said to him, would not have been heard by him either.

I note the positive feedback and appreciate the time for those that have provided me with feedback, positive or negative."

The Panel recognized that the officers had faced a challenging, intense situation which escalated quickly upon their arrival. CI Basham commented on the pleasing openness with which the officer had responded to the Panel's feedback.

There was some discussion upon officers' apparent reliance on Taser, and whether they tended to use it because it was available, rather than considering other possible tactics. CI Basham advised that officers made decisions dependent on the options to hand – as a beat officer, he had had only PAVA and a baton – but evidence showed that "red dotting" a suspect with a Taser was an effective way of lowering risk.

ACTION: CI Basham to arrange for a Taser instructor to attend a future "in person" meeting to clarify how officers are trained in issues such as spatial awareness in order to make judgements on deploying their weapons safely.

CASE 6: Officers found the male suspected of aggravated burglary (threatening the householders with knives and hammers) in his car, parked outside his house. The suspect reacting aggressively, tackling the arresting officer to the ground and biting his leg. Unarmed skills, Taser, and PAVA spray were used to bring the suspect under control. Whilst some Panel members were not convinced the degree of force used was essential, the overall score awarded to the officers was **72%**, prompting a reflective discussion between the officer and his supervisor; the latter provided the following report to the Panel:

I had prior knowledge of this incident as I was personally present when it happened. I must add this was a very dynamic situation that could have been a lot worse. Thankfully there were numerous officers present.

Essentially officers were deployed into the area of Wellingborough to look for a vehicle which had been identified in an aggravated Burglary. There was a named offender who was linked to the vehicle. Following a drive by of his home address the vehicle was sighted on the drive outside. Officers have blocked the vehicle in and then placed a containment on the address. One officer has then looked into the vehicle and seen the subject asleep in the front passenger seat. This is when things changed very dynamically.

I will answer each one of the points below.

- I am surprised that Taser was not deployed at the subject! The attack on the officer was unnecessary and unexpected. I commend the officer for the level of restraint in not applying more force than necessary. *Taser was considered by another officer, however it was not deployed as this officer was knocked off his feet to the floor. There was also a number of officers trying to restrain the subject, if they wanted to deploy Taser it would have meant everyone disengaged. This could have led to the subject getting to his feet and making his escape or fighting with officers.*
- As officers, they could have been better prepared for the attack by the subject as they were aware he had weapons – he was not approached with enough caution. *When Officers initially arrived, they walked passed the vehicle and did a quick check. Sadly the subject was missed as he was lying back in the passenger seat. There was nothing to suggest that he had weapons on his person. The vehicle was approached with caution, with one officer at both front doors.*
- The officers were faced with unique situation. The biting and officers' response is debatable but appears reasonable. However, other officers were present – should have intervened to protect/prevent officer to use force. *There were a number of officers present. Each one played a part in trying to restrain the subject. The subject was a large strong male, who had his arms tucked under his body. When he went to the ground, he landed on PC F. PC F was effectively under the subject and holding him as best he could. PC F did not go to work to be bitten, his response in my opinion was perfectly reasonable and proportionate given the circumstances.*
- Perhaps Taser should have been deployed sooner. – *Explained above.*
- Officers were faced with a human animal – one officer was being attacked and it was clear from his face he was in pain. The officer who was attacked in my opinion acted in self-defence to protect himself and gain control.

- Officers gained control quickly. Excessive use of PAVA spray at close proximity to eyes; Officer being injured appeared to use excessive force once person was PAVA'd by putting his arm around neck. *PAVA was deployed at close proximity. This was due to the circumstances. If officers disengaged in order to deploy PAVA this would have given the subject an opportunity to get to his feet. The PAVA was a proportionate use of force and had the desired effect of incapacitating the subject.*
- It was a difficult situation for the officers as the person attacked the officer from outset – just wondered about the thin line on acceptable force.
- PAVA used had an impact and began to gain control of situation; however the choke hold was not necessary. *PC F was on the floor with a heavy set male. He had been bitten and was essential trying not to be further assaulted. He did acknowledge that he held the male around his upper chest / lower neck. At no point did he obstruct the airway of the subject. We fully appreciate this may not have looked good for public perception.*
- No consideration for mental health or substance vulnerabilities when signs were present. Extra use of PAVA when first subdued subject; tackled officer hit subject directly in his face. *There was nothing to suggest mental health or substance vulnerabilities. If this was identified then appropriate action would have been taken.*

I have managed PC F for over a year now, and must add he is a dedicated officer with a very good reputation. His work ethic is second to none. If I was the one placed in this situation, I would no doubt do the same. We have discussed all of the points above and acknowledge the public's comments / feedback.

Again, the Panel acknowledged that this was an incredibly challenging situation, and whilst the use of force was clearly essential, there was a question as to the degree of force used in response to the assault on the officer. The Panel picked up on the point about officers walking passed the suspect's car and failing to notice him, speculating that had they spotted him sooner they could have planned their approach rather than reacting spontaneously. A better plan would have reduced the risk posed by the suspect and therefore reduced the degree of force needed to contain him. In response to a question from a Panel member, CI Basham confirmed that officers would usually carry torches.

The Panel also commented on the use of PAVA on a suspect being held down by officers, noting it could affect their ability to control him. CI Basham acknowledged that this could happen, but officers were trained to be mindful of unintended consequences before spraying suspects.

CI Basham reminded the Panel that its next meeting was scheduled for Thursday, 14 March 2024; given the positivity of this meeting, he was keen to maintain the momentum and urged members to reach out to potential new recruits.