

USE OF POWERS SCRUTINY PANEL
On-line Discussion Meeting: 08-08-2024

The Co-chairs welcomed everyone to the meeting, convened to discuss the feedback on the video clips screened at the last meeting, and the remedial action taken by the Force as a result.

CASE 1: Two children are spotted in a vehicle which did not belong to them; the female in the driver's seat is seen and heard to discard an object before the officer opens the car door. The vehicle smells strongly of cannabis, so both occupants are detained for a search under **s23, Misuse of Drugs Act**. The officer who makes the stop radios for a female officer to search the female child, but as none are available, conducts the search himself.

The Panel scored the officers at **75%**, so no remedial action was required.

Whilst the Panel was largely positive about the actions of the (male) officer, there was widespread concern about the non-availability of the female officer to search a female child. CI Wakeman noted that whilst the Force's workforce balance had improved over the last decade, male officers still outnumbered females; the Force was continuously striving to recruit a more diverse workforce to better reflect the communities it served, but still had some way to go. Therefore, whilst male and female officers would always be on duty at any given time, it was never possible to guarantee an officer of the gender sought would be available to respond. CI Wakeman noted that the male officer had acted in accordance with Force policy in conducting a "light touch", minimal search, so that the child was not kept in handcuffs for longer than necessary.

The Panel also had concerns about the assurances given to the child that she would be searched by a female officer without first making certain that a female officer was available, and felt that teenagers' expectations required more careful management.

CASE 2: Following a report from a member of the public an 18-year-old located nearby, whose clothing matches the description provided, is stopped on suspicion of possessing a bladed article; **s1, Police & Criminal Evidence Act**. A machete is found, and the young man is arrested.

The Panel scored the officers at **95%**; CI Wakeman confirmed he had shared the Panel's praise with both officers, who were very pleased with the positive comments.

The Panel was concerned that the searching officer seemed to be standing too close to the subject, knowing that he was believed to be carrying a bladed weapon. CI Wakeman advised that the risk was one for the officer to assess "on the ground", but suggested that the camera angle may have made distorted the distance between him and the subject.

OUTCOME: The suspect was charged with possession of a knife/blade in a public place; he pleaded guilty at his first hearing and was given a suspended sentence order of two years, with rehabilitative activity and unpaid work requirements, and ordered to pay the prosecution's costs. The knife was forfeit and destroyed.

CI Wakeman felt that the case illustrated very well the national approach to knife crime, which was also reflected in the court's sentence.

CASE 3: CI Wakeman confirmed that Stop & Search scrutiny was now in the hands of local Independent Advisory Groups, using the process devised by the Panel. However, this case would be reviewed at September's meeting, technical issues having thwarted the video clip at last month's meeting.

CASE 4: A 14-year-old female who identifies as male is being returned home following a missing episode. The officer spends the car journey home in conversation with the child, building rapport and checking he is appropriately safeguarded. Once outside his home, the child actively resists, and **unarmed skills** are used to manoeuvre him into the house.

The Panel scored the officer at **80%**, so no remedial action was required.

Whilst the Panel was generally impressed by the improving rapport established between the officer and the subject during the car journey, and the time spent in establishing his challenges and issues, there was a concern that the parents seemed to be bystanders in the child's return home. CI Wakeman was unable to confirm whether the child was well known to the Force – although he could say that the video clip showed the second intervention of the day – but commented that interactions with young people tended to become more problematic, even hostile, with each contact. He surmised, therefore, that the fact that his parents were not at the door waiting to welcome the subject home indicated that this was not the first time the child had gone missing.

CASE 5: Officers respond to a care home report that a 13-year-old has smashed a window. He resists arrest, so **unarmed skills, handcuffs** and **ground restraints** are used to control him whilst waiting for transport to custody. The boy repeatedly threatened to spit at the officers, but he was not placed in a spit hood.

The Panel scored the officers at **74%**, requiring remedial action. CI Wakeman confirmed he had relayed the Panel's concerns to the officers' supervisor, with stress on the rationale for their decision not to place the suspect in a spit hood, but as one of the officers was on leave, he was unable to provide feedback until the next meeting.

One of the comments from the Panel concerned the length of time the suspect had been held on the ground, and whether this was safe. CI Wakeman clarified that it would have been unsafe to transport an actively resisting suspect in a police car so it was essential to wait for a van, which could take some time to arrive. He explained that officer training was very clear about the requirement to place a handcuffed suspect on his or her side, which mitigated the risk of death from positional asphyxia. CI Wakeman accepted the point about allowing other people to remain in the room, agreeing that such an audience did nothing to de-escalate the situation. Another comment concerned the officer's camera not capturing the subject's state of dress when he complained that the carers had pulled down his trousers; CI Wakeman explained that cameras were fixed securely to an officer's utility vest, so could not be repositioned mid-incident to focus on a particular person or object.

One Panel member commented that; *“Officers need to try and remember that children in care have often been removed due to neglect and harm = trauma. This young person was 13 years old = a child; at no point was any compassion or nurture offered.”* CI Wakeman described this as a really insightful comment, but without responses from the attending officers, was unable to say whether this informed their response to the incident.

Another Panel member wondered whether the officers had any foreknowledge of the young person, or were aware if he had any mental health challenges which might lead them to use their powers under section 136 [of the Mental Health Act 1983]. He took the view that the default position when dealing with teenagers should be using a friendly tone, and if possible, deploying non-uniformed officers. Teenagers in crisis were likely to react with frustration to authority figures, which might explain this suspect’s behaviours. CI Wakeman explained that the care home had reported a 999 emergency, to which the Force would always deploy Response officers in full uniform. However, he took the point on board, and advised that the officers working within the county’s Youth Offending Teams did not usually wear uniforms for this very reason.

Section 136 provided the policing power to remove someone in the midst of a mental health crisis from a public place to a place of safety where their mental health could be assessed by a suitably qualified person. In practice, the Force limited the use of this power to situations where there was an immediate risk to life, such as a person about to jump from a motorway bridge. In all other situations, officers were expected to liaise with the mental health professionals working within the Force Control Room to find other ways to safeguard the subject, and to secure appropriate interventions and care.

ACTION: CI Wakeman to ask Corporate Communications to consider the Panel’s view that the use of the phrase “policing powers” could be misconstrued, and to substitute a less confrontational word wherever appropriate.

OUTCOME: The suspect was referred to the Youth Offending Service with a recommendation for a youth conditional caution. YOS determined that the matter would be more appropriately handled by the local authority, noting that the young person had moved out of the care home, none of the staff had been injured and the costs of repairing the damage had been met by the local authority.

CASE 6: A 17-year-old, a known “escaper” who is believed to be armed with a screwdriver, is arrested on suspicion of criminal damage to her care home. Out of shot, a **Taser** is drawn but not fired, and she is placed in **handcuffs**.

The Panel scored the officer at **81%**, so no remedial action was required.

Whilst there was some concern that the officer had resorted to Taser too quickly, and that the threat of PAVA might have escalated the situation, this was partly countered by the view that she had prior knowledge of the suspect and had adapted her Use of Force approach accordingly. Nevertheless, there was a concern that the age and perspective of the suspect had not been taken into account, especially as she had not resisted arrest.

UPDATE: The suspect is under investigation for a range of matters; the criminal investigation is on-going.

CI Wakeman advised the Panel that Learning & Development was close to finalizing arrangements for members of the public to **observe Taser training**; details would be emailed to members shortly. He stressed that this would be an on-going offer, enabling changes and improvements in training to be monitored.

Finally, CI Wakeman sought suggestions from the Panel of **possible themes** for September's meeting. Noting the current violent disorder nationally (but not locally), it was suggested that the Panel should scrutinize Use of Force in a crowd situation, rather than reviewing incidents involving an individual. CI Wakeman felt there would be nighttime economy situations which would fit this bill.

ACTION: ALL to submit their suggestions for a Use of Force theme for the next meeting, 12 September 2024, to kim.billingham@northants.police.uk; DEADLINE = 19-08-2024.

The Co-chairs thanked the Panel members for giving up their time to contribute to this thought-provoking debate. The Community Co-chair felt the Panel was a valuable means for members to better understand the challenges faced by police officers, and was a means of counteracting the negative perceptions on social media which often overshadowed the positive work they did. CI Wakeman noted that the Panel's input continued to make a meaningful difference to Force policies and behaviours.

KB
09-08-2024