(This document is also available in Welsh)



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

**Scrutiny Panel Dip**

**Sampling Exercise Use of Force**

**Members’ Findings & Feedback**

**July 2024**

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## Overview, Background, Purpose and Methodology

The Quality Assurance handbook, available on the [PCC’s website](https://www.dyfedpowys-pcc.org.uk/en/accountability-and-scrutiny/volunteers/quality-assurance-panel/), states

the background, purpose and methodology of the Panel.

On the 17th of July 2024, Quality Assurance Panel membersmet at Dyfed Powys Police Headquarters to review a selection of incidents involving Use of Force (UoF) recorded on body-worn video (BWV) cameras. Video footage and associated justification and supervisor forms were scrutinised in 5 UoF incidents which included adult and juvenile cases.

A Specialist Operations Trainer, responsible for UoF training of police officers, briefed the Panel beforehand on the purpose of UoF powers in keeping the peace and upholding the law, emphasising the importance of justification for their use.

The panel was reminded of the range of UoF measures open to police officers which include:

* Handcuffing
* Shield
* Unarmed skills
* Irritant spray
* Ground restraint
* Body restraint
* Taser
* Firearms
* Spit and bite guard
* Dog deployment
* Baton
* Tactical communication
* Other / improvised

Members of the panel were also present to observe Stop and Search and use of Taser training on the 2nd of July 2024.

The Panel were asked to consider the type of force used by officers and whether they felt from viewing the BWV that the force was necessary, appropriate, and proportionate. In addition to the BWV footage the Panel reviewed the accompanying UoF forms to ensure that they reflected accurately the incident and that all details and procedures had been recorded correctly.

## Executive Summary

Overall, the panel concluded that the UoF used within the cases scrutinised was appropriate. However specific concerns were raised regarding cases 4 and 5 and more generally about the lack of information provided in the UoF justification forms and apparent failings in supervision.

In Case 4 the panel questioned the close proximity in which the PAVA spray was deployed and noted the unpleasant and possibly debilitating effect it had on the officers and female resident present in the room.

In Case 5 the panel observed that officers could have negotiated with the suspect before resulting to UoF(handcuffing). The panel also had some concerns regarding the female officer’s conduct.

Duringthe scrutiny process the panel noted on several occasions that the justification forms provided contained little or no information. This undermined understanding of the justification for the UoF. Additionally, the panel noted that supervisor reviews were not being conducted routinely, with only 3 forms out of the 5 cases reviewed confirming that this had taken place.

The panel again expressed their concerns for the safety of suspects being transported in the back of police vans when handcuffed. In multiple cases the panel observed vulnerable suspects being placed in an un-padded cage, handcuffed without any apparent risk assessment.

A detailed breakdown of case observations follows below:

## Review of Use of Force incidents

*Case 1*

Compliant handcuffing of an adult female suspect.

**Positives**

* Officers maintained a calm environment resulting in the suspect being compliant.
* Officers remained polite and maintained a positive relationship with the suspect.
* The panel assessed that the UoF was necessary as it lowered risk and maintained suspect and officer safety.
* When the suspect questioned why she was being handcuffed the officer provided a good explanation.
* The panel agreed that the UoF was reasonable in the circumstances of this case.
* Officers dealtwith the situation very sensibly.
* Female officer handling a female suspect in compliance with Force policy.

**Negatives**

* The panel had concerns for officer safety. The panel observed that officers entered the house knowing that dangerous dogs might be loose, without taking any obvious safety measures.
* Very little information was provided on the UoF and justification forms.
* No supervisor review was provided.
* The panel noted that officers seemed at times confused, and the situation appeared to lack a plan and leadership. This was concerning as it was conducted under a warrant.
* The panel noted that within the UoF form it stated that the officer was carrying a Trained Conductive Energy Device *(Taser)* but had not received the appropriate training.
* Subject stated that she had a head injury, but officers did not appear to attend to this.
* Some concerns raised regarding the high number of officers in attendance.
* Gender of the UoF form noted as “other”.

**Queries raised**

* Not clear if the suspect was arrested or just handcuffed?
* Should steps have been taken to secure the dangerous dogs or remove them before the main body of officers entered?

*Case 2*

Taser drawn and considered but not used on an adult male subject.

**Positive**

* Stop and search conducted and was handled very well.
* The panel assessed that the UoF was appropriate in the circumstances of this case.
* Officers controlled the situation well resulting in the suspect remaining compliant.
* Good communication between officers and the suspect.
* Handled appropriately and sensitively.
* Well-documented within the UoF and justification forms.
* Duty of care for the suspect was well maintained throughout.
* Officers’ approach to the case was appropriate and professional.

**Negatives**

* Lack of leadership. The panel noted that some officers seemed to be standing around not doing anything.
* Suspect was handcuffed with a cigarette still in his mouth, possible concern for safety.

**Queries raised**

* When the suspect was placed in the back of the police van, he requested that his handcuffs were placed in front instead of in the back. Officers allowed this but the panel were concerned that the original intention was to place him in the van while rear hand cuffed. The suspect was highly intoxicated, how do officers ensure that suspects are safe during transportation?

*Case 3*

Strip search and compliant handcuffing of an adult male in custody *(audio only)*.

*Note: The body-worn camera was blanked off at the start of the search and only audio was available to the Panel. On the basis of the audio the Panel concluded that the search was carried out satisfactorily.*

**Positive**

* UoF was appropriate in the circumstances.
* Two male officers conducted the strip and search**.**

**Negatives**

* No explanation provided to the suspect. Lack of communication from the officers throughout the search.
* UoF form states that the suspect was handcuffed but no evidence of this within the body worn video footage or audio.
* Blank justification form.
* No supervisor form completed.

**Queries raised**

* What guidance is given to officers conducting strip searches in custody when the body-worn video is obscured and only audio is recorded?

*Case 4*

Officers applied unarmed skills, non-compliant handcuffing, and use of PAVA spray on a male adult suspect.

**Positive**

* Officers conduct was appropriate in the circumstances.
* Complete UoF and justification forms.
* Officers did try tonegotiate with the suspect.
* Good communication from officers.

**Negative**

* PAVA spray administered in enclosed surroundings, adversely affecting the officers and the other female resident present.
* Officer failed to keep the female resident out of the situation and allowed her back into the room where the suspect was being apprehended.
* Suspect was handcuffed behind. The panel had concerns for the suspect’ssafety once placed in the police van.

*Case 5*

Non-complaint handcuffing and other/improvised UoF on a juvenile female suspect.

**Positive**

* Justification form contained detailed information.
* The panel were dividedon whether the UoF was appropriate. Some panel members noted that the officers had very few options available and thus the UoF was necessary.

**Negative**

* The panel queried whether the officers could have approached the situation differently and tried to negotiate with thesuspect.
* Concern was raised over theconduct of the female officer. The panel noted that she appeared frustrated and was losing her patience.
* The individual was handcuffed and placed in the back of the police van although she was had obvious mental health concerns and was not under arrest. Another option could have been to transport the distressed juvenile using the police car present at the scene.
* Apparent lack of coordination with and support from other agencies. Social services should be supporting the police with cases such as this.
* Gender on the UoF form is noted as “other”.

## General Comments and Observations

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| **Observations** | **Force response** |
| In relation to Case 1 the panel had concerns that the dangerous dogs were not removed from the property before officers entered.  | I have reviewed this incident, and I am satisfied that the appropriate measures were in place to manage the dog situation during this warrant effectively.From the body worn video footage of the attending officers it is clear that two members of the Force’s dog team were present. Both officers were equipped with shields specifically designed to protect against dangerous dogs and can assist in subduing them when necessary. In addition, both officers carried dog lassos, which consist of a long steel pipe with a multi strand steel cord running through it. One end of the lasso has a loop while the other has a handle. This allows the officers to place the dogs head into the loop from a safe distance, secure the dog and handle it safely. Based on these observations, I am satisfied that the officers took the necessary precautions when handling the dogs at the property. In relation to the query as to whether the female was arrested or just handcuffed, I have checked with the officer. Due to the number of people in the room the suspect was handcuffed initially in order to search her and ensure that she wasn’t a danger to officers and or anybody else in the room which would allow her to be searched safely and effectively minimising the risk to her and officers. The female was subsequently arrested following the completion of the search on suspicion of Possession of Class A drugs with intent to supply.  |
| The panel questioned the Force’s policy on handcuffing. What guidance is given to officers regarding handcuffing suspects behind the back? | Handcuffs, when properly applied, are extremely effective for temporarily restraining suspects who must be lawfully restrained. Placing handcuffs on an individual is both a necessity and a responsibility. Learning when and how to properly handcuff individuals is essential for every police officer. Suspects under arrest react to being handcuffed with differing levels of compliance. It is important for officers to understand these possible reactions and be prepared for any and all of them. Officers are trained to be ready to resort to de-escalation techniques to try and regain control of a situation, but these do not always work.* **Compliant:** The suspect follows the officer's instructions and offers no resistance. In these situations, officers will generally seek to handcuff the suspect to the front in what is called a front stack. Officers are trained to give clear and concise instructions on how the suspect must react and what to do with their hands. The suspect will remain standing through out the process. However, this technique places the officer at an increased risk of assault if the suspect decides to become violent. By using this technique, the officer places themselves in a position where they are stepping to the suspects fighting arc increasing the risk of injury whilst applying or removing the handcuff. Therefore the officer must be sure that the suspect will remain compliant through out the arrest process. It is not a favoured option for officers in the main.
* **Passive resistance:** The suspect does not follow instructions, becomes argumentative, and may lock arms at their sides, making handcuffing more difficult. This is where officers have to really relay on de-escalation techniques to try and bring down the risk to officers and members of the public. However, when ever there is a risk of violence due to the suspects demeanour officers are taught to handcuff from the rear. If the suspect is not showing to much active resistance, they may remain standing, and the handcuff technique is usually to handcuff the officer in the back-to-back position. This technique has the suspects palms facing outwards and the back of their hands come together in the small of their back. If they become violent then the officer can disengage by pushing the subject away from them allowing them the space to consider other tactical options.
* **Active resistance Non-Compliant:** The suspect struggles against the officer's attempt to arrest them or physically tries to escape from custody. In this situation the advice is that the suspect is taken to the ground and handcuffed in the prone position. Here there are three options available to the officer with regards handcuffing. The back-to-back position, the rear stack (on hand above the other with palms facing the ground, or the hybrid (which is basically any way in which you can get them into handcuffs). The style of handcuffing is determined by where the first handcuff is placed on the wrist.

The force does not provide the techniques and advice around handcuffing. We follow national standards and guidance on handcuffing techniques which are set by the College of Policing. The force trains these techniques, and we are assessed and audited with regards our lesson plans and delivery of these techniques to students by the college. Often it comes down to officers’ personal preference and experience as to which handcuffing techniques they wish to employ. My preference would be always to handcuff to the rear unless there were strong valid reason not to for example age, infirmity, injury, and size. Each handcuffing episode will present a different set of challenges and it is through effective communication and situational awareness that officers will make the correct judgement with regards which is the most appropriate handcuffing technique. From experience generally officers will utilise a rear handcuffing technique as it limits the opportunities for violence against officers and it is extremely difficult to flee when you are handcuffed to the rear.  |
| How does the Force ensure the safe transport of suspects in the police van when handcuffed? The panel noted that vulnerable suspects were being placed in police vans while handcuffed and queried whether it was a safety risk.Additionally, the panel would be interested in understanding what training officers have regarding prisoner van use, transport and what records exist regarding vehicle checks prior to use.  | The safest means to transport any person under arrest is in a caged vehicle. This is the Force’s stance with regards the transport of prisoners. In order to ensure and maintain the safety of the detained suspect there must be a minimum of two officers in the transporting vehicle. One of those officers will sit in the rear of the vehicle and maintain observations on the detainee And ensure that there is an open line of communication in order to check on the prisoner’s welfare. In order to ensure that this is easily facilitated all caged vehicles within the fleet have rear facing seats so the officer in the back of the vehicle is sat facing the cage at all times. With regards training the current black wall set up (a series of foam panels which are shaped to create a specific area) that HDPP use include the rear of a police van. Officers receive training on inserting and extracting detainees from a caged vehicle in both their initial and yearly refresher training. All vehicles must be checked for roadworthiness cleanliness prior to their use. This includes a thorough check of the cages. This is recorded in vehicle logs. There is also a weekly check of all the vehicles, and this would include the cages looking for any defects and potential damage. If any defect or damage identified, then the vehicle is removed from use to allow defects to be repaired. Prior to any detainee being placed in a cage officer must undertake a visual inspection of the cage to ensure that it is clean and suitable to be used to transport. If it is dirty, then it is not to be used. Following the removal of a detainee from the cage officers must then undertake a further inspection of the cage. During this inspection officers are looking for any items that might have been discarded. Also, the cleanliness. If the cage is dirty through muddy boots for example, then officers can use a pressure washer to clean the cage. However, if it is contaminated with bodily fluids vomit urine blood etc then a specialist company is used to attend to clean the vehicle to ensure that any contaminant is removed. The vehicle is not to be used until the cage is cleaned.  |
| In the event of a police van carrying persons under arrest being struck from behind, is there an alternative emergency exit if the rear door is jammed?  | There are two entrances to the cage in a police vehicle. The main entrance is through the rear doors. This is the largest and most accessible entrance. However, there is also a second entrance that can be found within the vehicle a back door if you like. If for what ever reason the main doors become stuck through collision or mechanical failure the internal door can be used to extract the prisoner. All caged vehicles within Dyfed Powys have two this two-door configuration.  |
| Justification forms were poorly completed, important information was frequently omitted. The need for improved supervision of the justification process is also indicated.  | Currently the force is going through a transitional period following the implementation of Niche. Prior to Niche there were a series of Dashboards which identified areas of concern around the completion of use of force forms and stop search. These dashboards allowed UoF forms to be easily reviewed and scrutinised by Inspectors. These dashboards were wiped out with the implementation of Niche. The information is available with a dig down of Niche, but it is not easily accessible. C/Insp Bowen Spec Ops is currently in the process of implementing a series of new Dashboards and check and Testing processes which will be implemented in the coming months. This will allow a far more rigorous check and testing regime to be implemented in force as was prior to the implementation of Niche. We are fully cognisant on the dip in performance around the use of force forms and there is a lot of work currently being undertaken to try and resolve the situation and get us back to where the Force was prior to Niche.  |
| Gender on UoF forms was noted as other. The panel question whether this is automatically completed by the system or are officers noting this?  | I am currently unable to answer this question and I refer you to the above answer. With the implementation of the new dashboards and check and testing regime will identify any issues which will be able to be addressed Force wide.  |
| In order to assist future scrutiny of audio-only records of strip searches in custody and protect suspects and officers alike it is suggested that officers are reminded of the need to give a clear vocal explanation of the search beforehand and as it takes place.  | Noted. I will speak to custody to issue a force wide e-mail explaining the need to be clear and concise when undertaking a strip search in a cell. With regards this the detainee will have to be booked into the custody system and the custody Sgt will have to provide both a verbal explanation to the suspect at the desk and a written explanation on the custody record as to the necessity for a strip search. Therefore it might be worth considering in the future utilising CCTV from custody and reviewing the custody log to ascertain this information.  |