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Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel Dip
Sampling Exercise
Use of Force

Members' Findings & Feedback

May 2025

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1. Overview, Background, Purpose and Methodology

The Quality Assurance handbook, available on the <u>PCC's website</u>, states the background, purpose and methodology of the Panel.

On the 21st of May 2025, Quality Assurance Panel (QAP) members met at Dyfed Powys Police Headquarters to review a selection of Use of Force incidents involving children, women and members of the community who are Black or from an Ethnic Minority group.

In 2024, the OPCC published the <u>Strategic Equality Plan</u>, which sets out Dyfed-Powys Police (DPP) and the Police and Crime Commissioner's (PCC) priorities over the next four years in terms of meeting the Public Sector Equality Duty which includes:

- **a.** Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- **b.** Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- **c.** Foster good relations between people who share a protected characteristic and those who do not.

The Equality Act 2010 is legislation that protects people from discrimination in the workplace and wider society. Those protected characteristics are:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

The Panel were asked to assess 7 custody records and asked to assess against the following guidance taken from the Independent Office for Police

Conduct (IOPC), specifically from the '<u>Guidelines for Handling Allegations of</u>

Discrimination':

"The test for direct discrimination under the Equality Act 2010 is 'was the person treated less favourably because of a protected characteristic?' 'Less favourably' implies a comparison. Similarly, the test for indirect discrimination is that a policy, practice or procedure puts people who share a particular protected characteristic at a 'particular disadvantage'."

To support the Panel's understanding of the Use of Force (UoF), a Police Sergeant (PS) from the Roads Policing Unit (RPU) who has provided inputs on Stop & Search (S&S) and Use of Force (UoF) to other scrutiny panels such as the <u>Independent Advisory Group</u> and the <u>Youth Ambassadors</u>, delivered an input on the purpose of UoF powers in keeping the peace and upholding the law; emphasising the importance of justification for their use.

The Panel were 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

To compliment this, the PS also provided an input on the powers police have to conduct UoF which include:

Common Law

- Section 3 of the Criminal Law Act 1967
- Section 117 of the Police and Criminal Evidence Act 1984 (PACE)
- Section 135 & 136 of the Mental Health Act (2005)
- Section 5 & 6 Mental Capacity Act (2005).

In addition to the above, the PS also emphasised the importance of the Panel to understand the perception of the officer (consider what they know at the time), assess whether the application of UoF was appropriate and was UoF considered a last resort.

To support the Panel, the PS defined the term reasonable force as, what can the officer see or hear; and what information do they have to support their assessment. This is also in accordance to the <u>National Decision Making-Model</u> (NDM) which is used to train officers to manage and assess danger and to be effective in their decision making skills.

The Panel were tasked to scrutinise a selection of Use of Force forms and their accompanying Body Worn Video footage to assess the following criteria:

- To determine the type of force used by officers and assess from viewing the BWV whether the force applied was necessary, appropriate, and proportionate.
- 2. The test for direct discrimination under the Equality Act 2010 is 'was the person treated less favourably because of a protected characteristic?' 'Less favourably' implies a comparison. The Panel to assess whether the subject of the UoF was treated less favourably by the officers.

2. Executive Summary

Overall, the Panel reviewed seven UoF records.

Positive feedback:

Equality and Diversity

In all incidents reviewed, the Panel witnessed no concerns relating to equality or diversity. The Panel did reference one query with regards to one subject of Black and Ethnic Minority, who was handcuffed and searched first before their 2 other white counterparts. Please see the section 'Response to Oueries Raised' for further details.

• Use of Force (UoF) Considered Reasonable and Proportionate

From 4 of the 7 incidents reviewed, the Panel considered the UoF applied was reasonable and proportionate. There were 2 instances where handcuffs were applied without verbal justification and the handling of a youth was deemed to be excessive force.

Areas for improvement:

• Inaccuracies in the Recording of UoF Forms

The Panel identified a number of forms that were inconsistent with what they witnessed on Body Worn Video (BWV). They also identified on more than one occasion where officers have specified that they were carrying a taser when they were not trained to carry one. There was also an occasion when officers have specified that a taser was drawn, when there was no evidence of this on the BWV footage viewed.

3. Review of Stop and Search records

Record 1 – (Female)

Circumstance

Female has failed to provide a Roadside Breath Test and has been arrested as a result.

Positives

- Officer showed appropriate concern for the female subject, applied handcuffs sensitively, checking the tightness after they had been applied.
- The officer displayed evident and appropriate empathy to a female who appeared to be having a crisis and explained what support was available within custody.
- There was good communication throughout, illustrating a calm and polite manner.
- The officer gave several opportunities for the individual to provide a sample and explained the procedure of arrest should she continue to decline.
- A female officer was present for the purposes of a search, meaning that officers did consider her gender as a protected characteristic.

Areas for improvement

- The Panel were divided on whether the UoF was proportionate and necessary. The female subject was compliant; although clearly emotional and under stress, and handcuffs were applied immediately without verbal justification heard by the Panel from the officer on the rationale.
- The BWV does not show the context of the subject being stopped in her vehicle and neither is the context within the incident summary of the UoF form. This made it challenging for the Panel to understand the circumstances of her speaking with officers.
- Issues within the completion of the UoF record were discovered. The officer did not complete self-defined ethnicity, health condition or UoF resulting from a Stop Search within the form. The officer also defined gender as 'other' instead of female.
- Whilst the officer has indicated that impact factors include alcohol and Mental Health (MH), under the section of perceived MH condition, the response is no.

Queries raised

• The justification for the use of handcuffs were to 'Effect Arrest'. Do

- officers need to apply handcuffs to anybody who is arrested? If so, at what stage are handcuffs removed?
- Whilst the officer has indicated that impact factors include alcohol and Mental Health (MH), under the section of perceived MH condition, the response is no. Is there any clarity that you can offer with regards to this?

Record 2 - (Female)

Circumstance

A victim has notified the police that they were assaulted by their partner whilst driving and the assaulting partner has subsequently taken their vehicle without permission.

Positives

- There was no indication or concern of any equality or diversity issues with the interaction witnessed with the female subject.
- Officers were calm throughout their interaction with an intoxicated sounding female and explained why she was arrested.
- Officers appeared to be aware of their surroundings (conversing in a public place) and the time of evening/early hours in the morning by monitoring their voices during their discussion with the female subject.
- The Panel noted that this was a domestic related incident with a counter allegation, which made the incident more complex for officers to handle.

Areas for improvement

- The Panel did not hear the justification for the use of handcuffs. The female subject was asked to put her hands out, with four officers surrounding her. In consideration of the female's body size and compliance, some members of the Panel were not convinced that the force used was necessary or proportionate. However, other members within the Panel contested this by suggesting that the allegation involved violence, the female appeared under the influence of an unknown substance and also justification provided within the form specified to prevent escape. As the justification was not provided by the arresting officer, this provided the lack of clarity.
- There were 4 reasons for use of force noted but no supervisor review.

- Last Public Protection Safety Training (PPST) within the form for the officer appears to exceed the 12-month requirement for refresher training.
- During officer's explanation to the subject of the reasons for her arrest, the officer used police jargon including the term TWOC (Taken Without Owner's Consent) which the female subject was heard asking for clarification and this was not explained.
- The time recorded on the form was different to that on the BWV.
 There was no mention of other officers on the scene either.

Queries raised

- Is there a reason why no supervisor has reviewed this incident of UoF?
- The completion of the UoF was questioned. One aspect that the Panel found was that the officer indicated that they were not trained and authorised to hold a taser; and yet, the disclosed they were carrying a taser. Can this be clarified?

Record 3 - (Female)

Circumstance

Police receive a report of a female self-harming with a razor blade. A female has absconded from hospital. She was located and detained by officers due to threats to take her own life.

Positives

- There was no indication or concern of any equality or diversity issues with the interaction witnessed with the female subject.
- Female was noted to be passive resisting officer's attempt to handcuff, which the Panel thought was proportionate to prevent escalation of harm to themselves or to the officer. The female had been located after absconding; therefore, it was deemed proportionate to issue handcuffs to prevent the risk of escape.
- The approach of the officer referenced the female subject's first name, which the Panel deemed was effective to reduce the risk of escalation.

Areas for improvement

- Timing on the BWV is different to what is recorded on the forms.
- The necessity for arrest was not heard by the Panel; although, they did hear the requirement under section 1 of PACE to conduct a search on the person for the bladed article. However, the Panel queried why this was done under this setting, due to the dimly lit area the search was conducted.
- Alcohol is referenced as an impact factor; although, the Panel did not witness this from the BWV in the demeanour of the female subject.

Queries raised

• Why is the time on the BWV different to the UoF forms? Is this an administrative error?

Record 4 - (Youth)

A group of youths have become verbally abusive to staff members at a fast-food branch.

Positives

- The Panel noted the difficulties facing the police in handling this situation. The environment was not conducive to be handled calmly.
- There was a large group of youths that proceeded to film the officers on their mobile phones and one was heard making an accusation, which the officer calmly dismissed.
- Officers were heard on numerous occasions advising the youth to leave the premises.

Areas for improvement

- The BWV was edited in a manner which did not show context to how officers were in the position they were in order to assess whether the UoF applied was proportionate.
- The officer subject of the BWV appeared to lose control. Other officers, within the video, appeared to be confrontational and were in the personal space of the youth speaking to the individual at the same time. This appeared to escalate circumstances and contribute to what appeared to be a chaotic environment.
- The timing of the BWV does not match the UoF form entry.
- Youth appeared to have been treated differently in this BWV compared to the records scrutinised, as they were not handcuffed and officers displayed a more hands on approach. It was not clear why this youth was removed physically compared to the others that were accompanied with them. It was on this basis, the Panel did not deem the UoF necessary or appropriate.
- The Panel were disappointed to hear, what is believed to be one of the officers involved, goading one of the youths that were departing and had tripped. The officer was believed to be heard to be laughing and made the comment "enjoy your trip?" which the Panel deemed to be unprofessional and lacked the dignity and respect expected.

Queries raised

- Due to the number of officers that were prevalent at the scene, the Panel queried whether there should have been two officers escorting the individual out of the premises together, which would have potentially made things calmer, as opposed to the single officer escorting the individual out aggressively?
- Whose responsibility is it to edit videos concerning UoF incidents? What quality assurance is provided to ensure that the person

responsible edits appropriately for supervisory oversight?

Record 5 - (Youth)

Circumstance

Information received from 111 service that the subject had called them to state that they had self-harmed with a blade and were considering suicide. Unknown if the subject still had the blade with them and was reported missing.

Positives

- Equality and diversity were considered and deemed appropriate as a female officer was requested to support this youth.
- The UoF was well communicated, necessary and proportionate in this instance. Officers provided a verbal rationale to the youth when handcuffs were applied and stated that they would be willing to remove them if they became compliant and showed that they were listening to them.
- Officers displayed exemplary caring service despite the youth being very distressed and uncooperative for a large period of time.
 Officers were heard considering their tone, asking what they could do to help them and offered their first name. The Panel felt that this was an exemplary standard of service provided by the officers.

Areas for improvement

• The Panel were divided on whether the initial approach from the officers was appropriate, given that it was the middle of the night, the police van was used to obstruct the path of the youth and the supporting officer jumped out of the vehicle to apprehend them. This caused the youth to be quite distressed; however, other members commented that this would have been a tactic used to prevent a high-risk vulnerable child from fleeing in the night.

Queries raised

• Is there training for officers to deal with highly stressful situations? If so, how frequently are they conducted?

Record 6 - (Black and Ethnic Minority)

Circumstance

Police receive a call from a member of the public stating that they believe that drug dealing is occurring from a vehicle.

Police have located the vehicle matching the description. The vehicle contained 2 males within it with a third male approaching the vehicle as officers arrived at the location.

Positives

- Officer was clear on the circumstances of why they were present at the scene and explained why handcuffs were being applied. The officer displayed caution and advised the subject of this but also was very respectful.
- The Panel considered that the UoF applied was necessary and proportionate with the officer's rationale being for their own protection due to the size difference between the subject and the officer.
- The officer instructed very clearly on the process of how to make a complaint if the subject thought this was necessary.
- There was only one officer communicating, which made the process very clear. Other officers were seen to be supporting in the search.

Areas for improvement

- Within the UoF form, it stated that the officer was not trained and authorised to carry a taser and yet they have recorded that they were carrying a taser.
- The Panel were divided when discussing whether the Black and Ethnic Minority subject should have been searched first, given the two other occupants were ethnically white; however, the majority of the Panel considered that as the subject was the driver, this warranted that they would be spoken to and searched first.

Queries raised

- When a group of occupants within a vehicle are stopped, would the driver ordinarily be prioritised?
- Is there a difference between the terminology of a 'Pass' or 'Green' within the Supervisor notes?

Record 7 - (Black and Ethnic Minority)

Circumstance

Person has threatened their neighbour with a tool.

Positives

- Officers resorted to using a translate tool to help communicate with the subject who spoke little English.
- Officers appeared and sounded very measured in their discussions with the victim and the subject.
- Officers ascertained necessary enquiries via CCTV footage which prompted the necessity for the arrest. Due to the allegation of violence, the consensus was that the UoF of applying handcuffs was proportionate and necessary.
- From the footage witnessed, the Panel's consensus was that no issues in relation to equality or diversity were identified with this incident.

Areas for improvement

- Stated within the UOF form, one of the UoF tactics used was CED (Taser) Drawn, this was not evident in the footage witnessed by the Panel.
- Footage shows officers discussing medication with the subject, who
 discloses having prescription for a specific ailment; however, within
 the UoF form, it states that self-defined health condition was not
 completed by the officer and under the sections for medical
 assistance offered or provided, this was recorded as 'N/A'.
- The Panel witnessed officers physically withholding the subject from returning to their home which is not mentioned within the form.
- The officers proceeded to handcuff the subject without using the interpreter tool, used at the beginning of the footage, to explain why the handcuffs were necessary.

Queries raised

• Do officers on response have an option to contact an interpreter?

4. Response to Queries Raised

Observations Force response I do not have a definitive answer to this Within the UoF forms, why are there query at this time and will escalate this only 'perceived' gender, ethnicity, query / observation to the force Senior physical disability, MH condition and Management Team. ethnicity without the addition of 'self-defined'? 1. There is no "blanket" 1. Within record 1, the requirement to apply handcuffs iustification for the use of following a person's arrest. The handcuffs were to 'Effect decision to utilise handcuffs is Arrest'. Do officers need to one for each individual officer to apply handcuffs to anybody make based on their own who is arrested? If so, at what dynamic operational risk stage are handcuffs removed? assessment and each application of handcuffs is a use of force and 2. Additionally, whilst the officer the officer must be satisfied that has indicated that impact factors include alcohol and the use of handcuffs is justified Mental Health (MH), under the and lawful in each circumstance. section of perceived MH 2. In respect of this query, I will condition, the response is 'no'. request a response form the Is there any clarity that you officer; however, given the can offer with regards to this? amount of time that has elapsed since this incident they may in all fairness not be able to recall the specifics of the incident. It is also possible that this is an input error when completing the form. The need for accurate inputting of data on the forms will be feedback to the Learning & Development (L&D) and Specialist Operations Training Dept's for wider dissemination to officers. 1. Within Record 2, The Panel did 1. I will pass on feedback to the not hear the justification for officer regarding the views of the the use of handcuffs. The panel. In addition, I will raise the female subject was just asked to put her hands out. With point of verbalising the four officers on scene and the justification for use of handcuffs

female's slight stature and compliance, the Panel were not convinced that the force used was necessary or proportionate.

- 2. Additionally, was there a reason why no supervisor has reviewed this incident of UoF?
- 3. Given that refresher PPST training is essential for public protection, the Panel noted that the officer, subject of this review, exceeded their PPST. Is this a common issue within the Force and how does the Force monitor compliance with this training?

- (provided a situation allows for this) so that it is both understood (as far as reasonably practicable) by the subject and also captured on the BWV footage.
- 2. I am not able to provide a reason as to why the UoF record was not reviewed by a supervisor. I will add this to the officer and supervisor feedback. Supervisors are required to review potentially large number of UoF records from officers and on occasion reviews are missed as a result or the "review task" may still be pending on the supervisor's workload. A reminder of the requirement for review will be sent out to all officers.
- 3. I have clarified that this is an admin error (one that has occurred with rising frequency and is being addressed). The officers are confusing the box which states "length of service" with that of "Time since last PPST refresher". All operational officers are required to complete PPST refresher training every 12 months. An automated system is in place which tracks when skills such as PPST are expiring and sends a reminder to the officer and supervisor. Specialist Operations Training Dept also hold a master copy of the training records and if an officer goes over 12 months since PPST refresher training they are automatically notified along with supervisors etc that they are no longer permitted to be operational or have face to face contact with members of the public until PPST training has been completed.

For record 2 & 6, it states that the officer was not trained and authorised to carry a taser and yet they have advised that they were carrying a taser. Can this be clarified?

As with other areas within the use of force form this is likely to be a case of the in-correct button being pressed.

There are strict systems and control measures in place which ensure that only Specialist Taser Officers who have completed the mandatory training as well as any required annual refresher training are authorised to carry taser. Should an officer exceed the maximum duration between refresher training (12 months) they are automatically notified that they are no longer authorised to carry taser.

Within record 3, the time on the BWV is different to the UoF forms. Is this an administrative error?

Unfortunately, due to the dynamic nature of policing and many use of force incidents, it is not possible for the officers involved to complete the form immediately following the use of force (for a variety of reasons). Force policy is that the Use of Force form should be completed before they conclude their shift. It is therefore probable that there may be a disparity sometimes with the BWV exact timings and the timings on the form.

- 1. Within record 4, due to the number of officers that were prevalent at the scene, the Panel queried whether there should have been two officers escorting the individual out of the premises together, which would have potentially made things calmer, as opposed to the single officer escorting the individual out which was perceived to be in an aggressive manner?
- 2. Whose responsibility is it to edit videos concerning UoF incidents? What quality assurance is provided to ensure that the person responsible edits appropriately for supervisory oversight?
- 1. The number of officers required to remove a subject from a given situation is very much based on the situation at hand along with the number of officers available. I will be requesting some further details from the officer in relation to this incident and it is a matter for the individual officer to justify their actions within the confines of the law and police powers. Best practice where possible would be for two (or more) officers to escort a person from a volatile situation to add an extra layer of control to the situation.
- 2. In respect of the BWV incidents supplied to the panel for review, this was provided by the Force's

3. The Panel were disappointed to hear, what is believed to be one of the officers involved, goading one of the youths that were departing and had tripped. The officer was believed to be heard to be laughing and made a comment stating, "enjoy your trip?" which the Panel deemed to be unprofessional and lacked the dignity and respect expected.

point of contact. The footage is NOT edited in any way by the point of contact and the Panel are provided with the footage that has been uploaded to the Force software.

Footage will commence from 30 secs prior to the officer activating the BWV camera but other than in specific circumstances (Taser Activation or Activation of Blue Lights on certain police vehicles – Roads Policing Cars & Firearms Cars) the officer must physically activate the BWV camera themselves and it is down to the officer to decide when to activate and to justify accordingly.

If any footage is edited this would be indicated on the Force system and original footage is always retained.

3. All officers are expected to act in a professional manner at all times. It is accepted that at times there is a need for officers to use aggressive language etc; if the circumstances justify this and it is also the case that in high stress, dangerous or volatile situations, officers may speak in a way which in more controlled and calmer circumstances may not be at all appropriate.

The above being said however, officers should not "goad" or "insult" subjects in the manner described as this is clearly not professional behaviour. The officer's supervisor will be made aware of the panels comments and will be asked to speak to the officers in respect of the matter.

Is there training for officers to deal with highly stressful situations similar to Record 4? If so, how frequently are they conducted?

The force PPST training packages include several scenarios where situations replicate high stress including verbal and physical aggression. PPST training is completed by all operational officers every 12 months.

There is an open invitation to any panel members to attend PPST training in person to observe and this can be arranged by PS Hawksworth if required.

For record 6, if a group of occupants within a vehicle are stopped, would the driver ordinarily be prioritised to be searched first? If not, should the Black and Ethnic Minority subject have been searched first?

Generally, the driver of a vehicle would likely be prioritised to be searched first along with any front seat passenger. This is simply a systematic approach by officers working from "front to back" through a vehicle unless there are sufficient officers to safely search all occupants of a vehicle at the same time.

In addition, if there is intelligence linked to a particular vehicle, the driver is most likely to be searched first given that they are in overall control of the vehicle at the time.

In terms of the priority in which Black and Minority Ethnic occupants of a vehicle are searched, the ethnicity of the person should have no real bearing on the order in which persons are searched unless there is a specific reason to do so such as that outlined above.

Is there a difference between the terminology of a 'Pass' or 'Green' within the Supervisor notes?

There is no significant difference between the terminology. The templates used within the Niche RMS system cannot generally be amended by the individual force and there are several available templates for supervisory review.

Green would indicate that the supervisor is "fully satisfied" with the record following review.

Pass would indicate that the record has

passed the review criteria but there MAY be minor admin errors etc within the report.

- 1. For record 7, within the UoF form, it states that tactics used was CED (Taser) Drawn, this was not evident in the footage witnessed by the Panel. Can this be clarified?
- 2. Footage shows officers discussing medication with the subject who confirmed having prescription for an ailment; however, within the UoF form, it states that self-defined health condition was not completed by the officer and under the sections for medical assistance offered or provided, this was recorded as 'N/A'.
- 1. There are multiple "carries" that can be utilised by Taser officers depending on the circumstances of any incident.
 - Current reporting protocol states that anything beyond an officer simply placing their hands on the taser while still in the holster is classed as "taser drawn" for the purposes of UoF reporting.
 - Some of the positions a Taser is carried in after being drawn are designed to be discreet and less threatening than aiming the taser at the subject (while allowing the Taser to be rapidly bought to the point of aim if needed). Generally, these will see the Taser being held in the following ways which are not likely to be captured on the officers BWV due to the angle at which the camera must be attached to the officer's tactical vest:
- South Position The taser is pointed towards the ground and positioned very close to the officer's body at around waist height.
- Discreet South Position As above but the officer's other hand would be positioned over / in front of the Taser so that it is less visible and intimidating while speaking to a subject.
- Discreet Ready Position The taser is held in the officers "strong hand" (i.e. right if righthanded), ready to be bought to point of aim but is positioned behind the officers leg pointing towards the floor so it is essentially not visible to the

	subject.	
	Members of the panel are welcome to observe Taser Training in person (under controlled conditions) and this can be arranged by PS Hawksworth if required.	
	2. This may be an admin error or oversight on the use of force form which was likely completed after the fact. Feedback will be sent out as in previous points regarding accuracy of information.	
Do officers on response have an option to contact an interpreter when required?	Front line operational officers are all issued with MDT (Mobile Data Terminals) which also function as mobile phones.	
	All officers have access to the "Language Line" official interpretation service which is available by phone 24/7.	

5. Next Steps

The OPCC have been invited to attend Ethical Use of Police Powers (EUPP) Group, which is a meeting involving Chief Inspectors from each region of Dyfed-Powys to scrutinise performance in Use of Force and Stop & Search (S&S). The objective of this meeting is to have a holistic, effective and consistent performance management and performance for EUPP across Dyfed-Powys. It is within this forum, the findings of the QAP will be shared and progress will be monitored.

The QAP will continue to scrutinise UoF and S&S on an annual basis to assess progress in these areas.