

Police Powers Scrutiny Panel



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25 January 2022

Police Powers Scrutiny Panel meeting minutes. Meeting no. 6

Tuesday 25 January 2022. In person meeting held at Wiltshire Police Headquarters, Devizes.

Attendees

- Sergeant Tom Ellerby – Equality, Diversity and Inclusion (EDI) Officer
- Emily Adams – EDI Officer
- Inspector James Williams – Tactical Lead for Stop & Search, Hate Crime, Rural Crime and Disproportionality
- Elaine Bendle – HMICFRS
- Inspector Gareth Kitchener – EDI Inspector
- Inspector Graham McLaughlin – Tactical lead for Use of Force (UoF)
- Superintendent Liz Coles – Strategic Lead for Stop & Search, Hate Crime and Disproportionality
- Martin Parker – Office of Police and Crime Commissioner (OPCC), Disproportionality and Out of Court Disposal
- Kene Grobbelaar – Member
- Ken Oxley – Member
- Abdul Amin – Member
- Debbie Mason – Member
- Liz Priscott – Member
- Aileen Bevan – Member
- Anton James – Member
- Chris D’Arcy – Member
- Andrea Fenton – Member
- Nazma Bibi Ramruttun – Member
- Steve Botham – Member
- Sonia Carr – Member

Confidentially Agreement. Other members of Wiltshire Police, the OPCC and HMICFRS also introduced themselves to the panel.

The Feedback Loop (image 1) that has been implemented was explained to the panel and the learning and training that has been progressed was clarified.



Image 1 – Feedback Loop

Welcome

Sgt Tom Ellerby introduced himself to the panel, cited the Terms of Reference and asked all panel members to review and sign a copy of the

PAVA: Incapacitant Spray

PAVA is a non-lethal, temporary self-defence tool. It contains a 0.3% solution of pelargonic acid vanillylamide (PAVA).

PAVA primarily affects the eyes, causing closure and extreme pain. The effects subside after 15-35

minutes and will go quicker by facing into fresh moving air. It is a prohibited weapon under [Section 5](#) of the Firearms Act 1968. It is a tactical option that an Officer has, and discharge must be **Proportionate, Lawful, Accountable** and **Necessary (PLAN)**.

The minimum safe distance for deploying is 3 feet and the maximum distance is 15 feet. An Officer will usually use a 1 second burst.

The law in relation to Use of Force was explained to the panel, including Common Law, S117 Police and Criminal Evidence Act (PACE) and S3 Criminal Law Act 1967. Wiltshire Police's [Use of Force Policy](#) was also cited.

The Force Continuum (image 2), in relation to Use of Force, was shown to the panel and explained.

Escalation Ladder
Mere Presence
Tactical Communications
Pain Compliance, Take downs, Chemical Agent
Baton, Taser, Dog
Incapacitating strike, hold
Deadly force

Image 2 – Force Continuum

Data Update: 12 months up to December 2021

Key headlines reviewed and briefly discussed, and this is summarised below:

- Force was used on **1,478** subjects. This is +4.3% on the previous year.
- Of the 1,478 subjects, **76** (5.1%) were subject to irritant spray.
- Of those 76 subjects:
- **Injury - 17** (22.3%) were recorded to have sustained an injury.
- **Gender - 73** were male, **3** were female
- **Location** - In terms of area, **Swindon CPT** has recorded use of it against **29** subjects (28%)

Ethnicity

For every 1,000 members of the population, 0.1 people with a white ethnic background were subject to use of irritant spray.

Data shows that you are more likely to have irritant spray used against you if you are from the following ethnic groups:

- Black – 7 times more likely
- Asian – Equal
- Mixed – 2 times more likely
- Ethnic Minority Groups – 2 times more likely

Post Arrest

For every 1,000 arrests made on those of White ethnicity, 7 were subject to use of irritant spray.

You are more likely to be subject to irritant spray if you are from the following ethnic groups:

- Black – 1.29 times more likely
- Asian – 1.14 times more likely
- Mixed – 1.14 times more likely
- Ethnic Minority Groups – 1.14 times more likely

Independent Review of Police Use of Force Records Led by Lisa Collins (Chair)

10 incidents were chosen by the Chair to be reviewed. During the meeting, 7 of the incidents were reviewed including the Body Worn Video (BWV).

The assessment criteria were reviewed, and panel members were asked to consider whether the *written grounds* provided were justified and *after* the BWV was shown, they were asked if *they deemed the grounds to be sufficient*.

Their assessment was measured by a **Red, Amber, Green** (RAG) vote, as shown below.

Green - In the lay view of the Panel, *Grounds or circumstances* justify the Use of Force or Stop Search being carried out

Amber - In the lay view of the Panel, *Grounds or circumstances* aren't CLEAR enough to make a decision either way or weren't SUFFICIENT enough, but we understand why the decision was made

Red - In the lay view of the Panel, *Grounds or circumstances* are NOT sufficient to warrant Use of Force or Stop Search. Further investigation required

Résumé of Search Results Provided by Panel Members

Key:

Voting results are shown as the percentage of people who voted **Green**, **Amber** or **Red**.

No.	Panel Voting Results	Comments
1	15% 70% 15%	<p>The panel felt that more warnings should have been given before PAVA was used.</p> <p>One panel member explained why they thought restraint was important after PAVA use because natural instinct is to rub/cover/touch eyes when they hurt, however this doesn't help relieve symptoms of PAVA. Suspect had no weapon so why was PAVA used?</p> <p>Are police officers trained in empathy? Why try to cuff someone and not calm them down.</p>
2	0% 10% 90%	<p>Of the 3 people who abstained from voting, one stated that they couldn't compare to other occurrences as they are so different and they weren't sure when PAVA had been used.</p> <p>Once it was explained that PAVA being shown to suspect, but not used, was still recorded as Use of Force one of the panel members who abstained wanted to add a green vote. This has not been reflected in the data on the left.</p> <p>Tom stated that he will add information in the PowerPoint presentation in relation to UoF being recorded in situations as above.</p> <p>Officer was much calmer than first BWV shown. They were a good role model and very professional.</p>
3	8% 15% 77%	<p>Male stated female was pregnant during the occurrence. Not much communication from Officers once things kicked off. It felt like the suspects were being baited and the Officers shouldn't have pushed them out of the door. The Police were the</p>

		<p>first to push and if they hadn't it wouldn't have escalated.</p> <p>The suspects didn't look threatening to one panel member.</p> <p>The amount of force used on the female was disproportionate.</p> <p>One panel member pointed out that we don't know what happened with the suspects before the BWV was turned on or before the Police turned up.</p>
4	0% 0% 100%	<p>Suspect was aggressive and angry towards Police Officers and wasn't doing as he was asked to do. Comms from Officers was good. Suspect warned a couple of times.</p> <p>UoF warranted.</p>
5	8% 38% 54%	<p>UoF was too much altogether, hence red vote.</p> <p>Suspect seemed quite clam throughout incident although he was known to be violent.</p> <p>Officer was seen to punch the suspect even when they were not kicking.</p> <p>One member commented that she would have used spray for his own safety.</p> <p>There was no warning given to suspect about spray being used.</p>
6	7% 31% 62%	<p>Suspect didn't need to be arrested.</p> <p>The situation escalated because there were 6 Officers and only 2 people who needed to be dealt with.</p> <p>There wasn't enough intervention early enough, hence the yellow vote.</p>
7	8% 25% 67%	<p>There were strong opinions on this occurrence.</p> <p>One member commented 'What have we learnt from George Floyd? Why did Officers need to put foot on someone when suspect just wanted to talk to his girlfriend?'</p> <p>3 other members of the panel stated that they thought the Officers were respectful and very patient. The Officers gave every opportunity to the suspect before using PAVA.</p> <p>One member commented that maybe a foot wasn't the right way to go, but the Officers had tried everything else.</p> <p>One member thought the Officers were super patient and wondered if</p>

		the suspect had been white if they would have been so patient. One member commented on how patient the Officers were and that they wouldn't have waited that long before spraying the suspect.
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The Officers involved in the cases that were reviewed will be contacted directly with lessons learnt and positive feedback from the panel.

The occurrences that had amber votes will be reviewed by the local Inspectors and updates will be provided at the next panel meeting. Minutes from the meetings will be published internally and externally.

Internal communication will continue to be sent out to the whole organisation and the internal intranet will be updated.

Date of Next Meeting

01 March 2022

Contact Details

If there are any questions or queries, please contact the Equality, Diversity and Inclusion Department as EDI@wiltshire.police.uk