

## **PROFESSIONAL STANDARDS BRANCH QUARTERLY UPDATE REPORT**

### **PURPOSE OF THE REPORT**

1. The quarterly statistics package for Professional Standards Branch (PSB) is appended to this report at Appendix A. Following agreement with Mr Gammon and Mr Kingston the package has been slimmed down from the PSB report in an attempt to reduce bureaucracy and to tailor the package more precisely to suit members' needs. The papers will not now contain a quarterly thematic report as a matter of course but Professional Standards would provide reports to address specific Police Authority requirements at the request of the lead member. Members are asked to note the report and statistics package.

### **BACKGROUND**

2. The report is designed to reflect the performance of Humberside police for the period 1 April to 30 June 2011 in terms of complaints from members of the public, the outcomes of those complaints, any intervention from the IPCC and to provide an overview on conduct matters.

### **OPTIONS, RISKS AND OPPORTUNITIES**

3. None.

### **POLICING PLAN AND PERFORMANCE**

4. Effective response to complaints and feedback are important to ensure that the organisation remains responsive to public need and that improvements to performance and service delivery are driven by customer needs and expectations.

### **IMPACTS ON OR LINKS TO COLLABORATION**

5. None at present. Complaints are local issues and there would seem to be few savings achievable through collaboration. Much of the investigative process is specifically detailed in law. Future events in terms of changes to the complaints handling process in future legislation may present opportunities.

### **FINANCIAL IMPLICATIONS**

6. None.

### **LEGAL IMPLICATIONS**

7. All legal aspects have been considered to ensure the Authority and Force are acting within existing legislation.

## **EQUALITY AND DIVERSITY AND HUMAN RIGHTS**

8. All aspects of diversity have been considered as well as Human Rights legislation.

### **CONCLUSION**

9. Report attached for noting by members.

### **RECOMMENDATIONS**

10. It is recommended that Members:
- (i) Note the content of the quarterly report.
  - (ii) Raise any concerns by exception.
  - (iii) Continue to receive future reports on a quarterly basis.

**TIM S HOLLIS**  
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Background documents: PSB Quarterly Report      Appendix A  
Learning the Lessons      Appendix A1

# Humberside Police



Protecting Communities, Targeting Criminals

## Quarterly Report to Police Authority 1 April 2011 to 30 June 2011

Reference Number:	PSB 01/2011
Prepared By:	Lyn Williams on behalf of Detective Superintendent Higgins
Version	One
Date Created:	5 September 2011

Handling Instructions:-

- This cover sheet must not be detached from the report to which it refers.
- This report is intended for dissemination to the Humberside Police Authority.

Approved: Det Supt Higgins

Date: 9 September 2011

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	<b>Appendix A1 – Learning the Lessons IPCC Bulletin No 14</b>	

NB Where no time period is shown, the data relates to the current year (i.e. April to June 2011).

## 1. Executive Summary

This quarterly reporting period, April to June 2011, has seen a continuing trend of reduction in the overall level of complaints taking into account public complaints and direction and control complaints. Numbers have fallen by 47 cases from the same period last year. This equates to a 26% reduction on the same period in 2010.

Those areas subject to increased focus and attention by PSB and appearing in the Branch control strategy are those areas coded C,S and U namely 'Excessive Force', 'Neglect or Failure in Duty' and 'Incivility/Impoliteness and Intolerance'. It is pleasing to note that each of these key areas has seen substantial reductions in this period.

Excessive Force shows a reduction of 51%

Neglect or Failure in Duty shows a reduction of 61%

Incivility/Impoliteness and intolerance shows a reduction of 51%

PSB are driving improvements in our service and processes to respond more effectively to indications of public dissatisfaction and, where service has not met with expectations, to put things right at the earliest opportunity. Police supervisors are involved early in this process of managing service supplied to need and expectation of the public. PSB ensure that recorded dissatisfaction is appropriately addressed through effective and timely management of the complaints process. The level of recorded complaints received from the public has reduced substantially when compared to the same period from 2010.

Maintaining the current timeliness of complaint investigations is seen as important both for ensuring the satisfaction of those who go on to complain as well as seeking a speedy resolution for those staff members complained about.

Particular attention is being directed towards the effective management of repeat complainants, and seeking to determine effective long term policing solutions to repeat complaints. This work is being devolved to Divisions to address the underlying issues that are prompting repeat complaints

Officers subject to multiple complaints or allegations are subjected to additional management focus to identify appropriate measures or additional training to reduce the likelihood of attracting a complaint. Early indications are encouraging in these areas. Work is ongoing with the Training Unit to construct aspects of a training course to focus on communication style and negotiating skills to better equip officers for dealing with challenging situations and to assist in recognising those repeat situations which tend to give rise to public complaint. One Trainer is currently seconded to PSB to develop a tailor made training course to help officers subject to repeat complaints to recognise how their actions may give rise to complaints and to seek ways of better managing and communicating in such scenarios. In time we hope to refine and condense this training into a package suitable for the wider force. We hope that this will lead to further reductions as well as better service to the public.

The number of appeals upheld by the IPCC against decisions and investigations by Humberside Police remains low and evidences sound decision making and ethical investigation.

Within this reporting period no further investigations have been taken on as *independent* investigations by the IPCC, one investigation remains ongoing from May 2011 and relates to a death following police contact where no misconduct has been identified. The IPCC are currently *supervising* two investigations within force, though the investigations are conducted by PSB and relate to incidents outside of this reporting period.

The Police Authority is being made aware whenever a mandatory referral of a case is made to the IPCC. 6 mandatory referrals were made within the reporting period of which 5 were returned for local investigation by PSB.

## 2. Headline Indicators as published by the IPCC

	April – June 2010 Q1	April – June 2011 Q1	Change
Complaint Cases Recorded	157	92	-65
Direction and Control Cases Recorded*	21*	39*	18
<b>Total Complaint Cases*</b>	<b>178*</b>	<b>131*</b>	<b>-47*</b>
Complaint Allegations Recorded	311	171	-140
Complaint Allegations per 1000 employees	71	39	-32
Complaints cases per 1000 incidents*	3.6*	2.1*	-1.5*
% of Control Strategy allegations	69%	55%	
% of allegations Locally Resolved	50%	29%	
% of allegations discontinued, dispensed, de-recorded, withdrawn	11%	22%	
Allegations substantiated/upheld	18	1	-17
% of Local Resolutions appealed to IPCC	3%	6%	
Average number of days to locally resolve allegations	36	35	
Average number of days to finalise allegations by investigation	84	141**	

\* This is local data which has not been supplied by the IPCC.

\*\* An error has been identified in the recording of this data. Steps are being taken to correct this as the figure is substantially less.

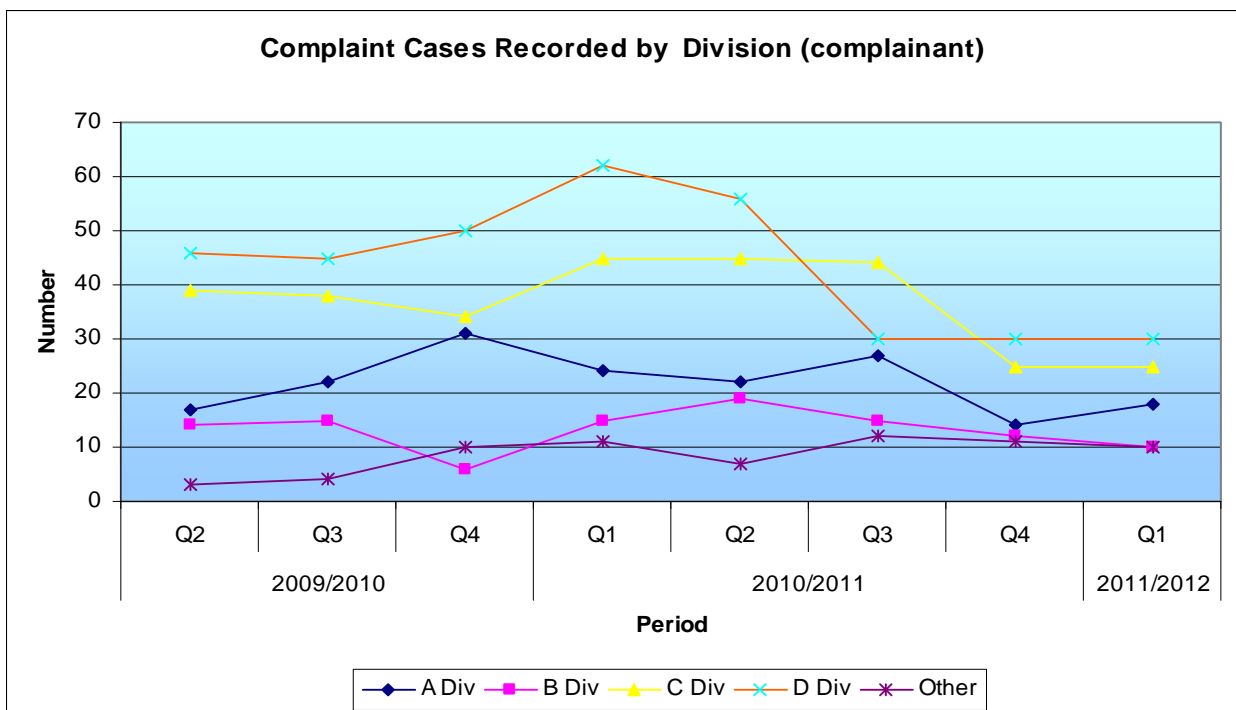
Some of the figures provided later in this report may not be identical to those shown above. This is because the IPCC data download was run at a different time to the compilation of the rest of the data.

### 3. Complaint Cases and Allegations Recorded

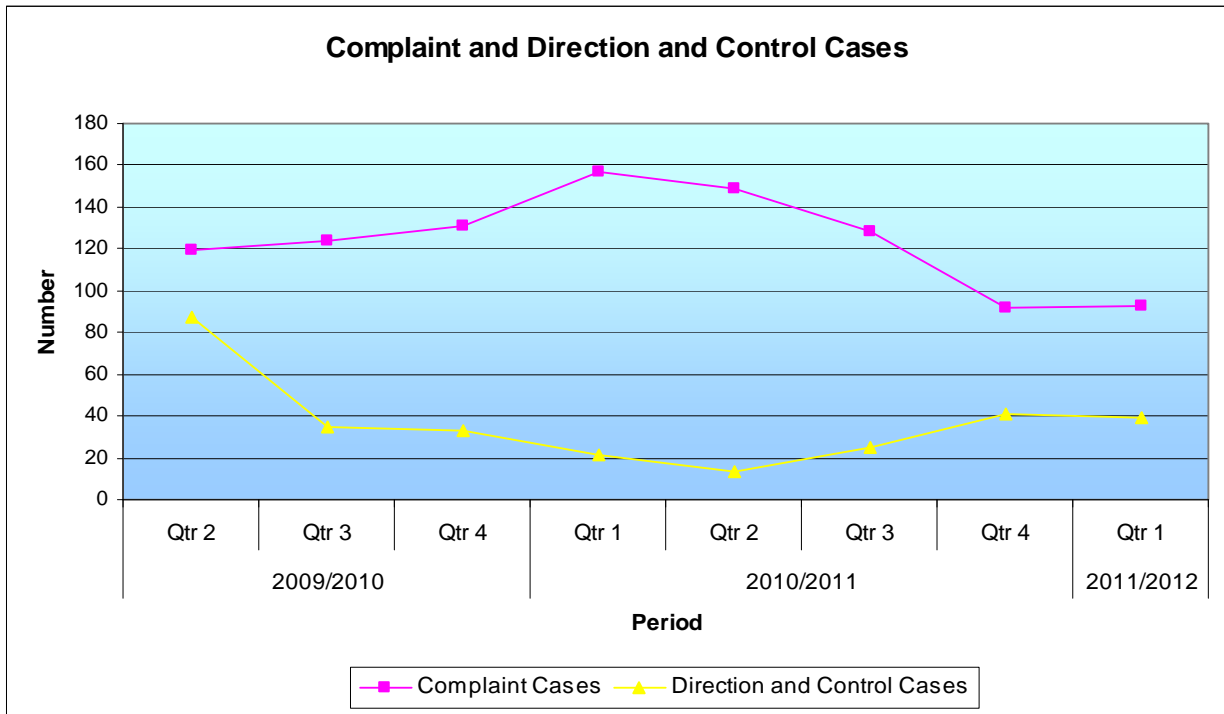
Period	2010 – 2011		2011 - 2012		Change	
	Cases	Allegations	Cases	Allegations	Cases	Allegations
Q1	157	311	92	173	-64	-138
Total	157	311	92	173	-64	-138

The table above relies on data provided by the IPCC.

The data for period 1 shows a significant reduction in the number of public complaints about the conduct of officers and a reduction in the number of allegations recorded within these complaints. This has been achieved by a combination of dealing with dissatisfaction at an early stage through service recovery, robust recording decisions and increased use of direction and control complaints where appropriate.



This graph indicates the trend for complaint cases for a 2 year period and indicates a downward trend across all 4 divisions and 'out of force' complainants



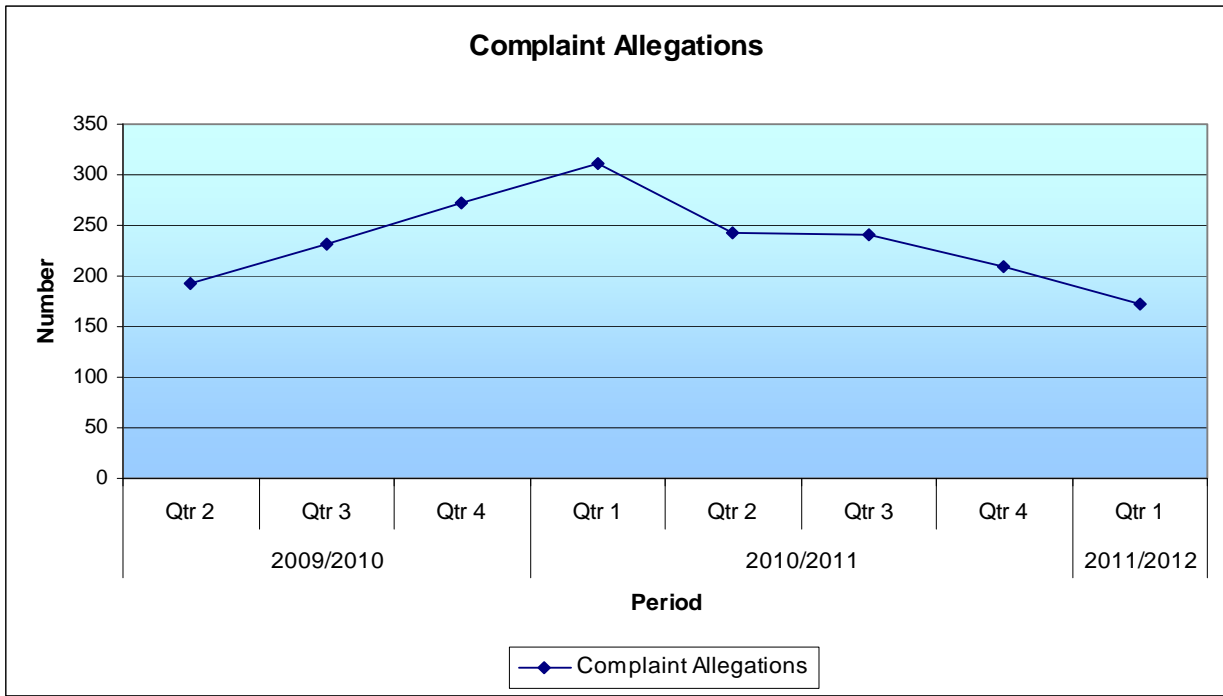
This graph identifies that Direction and Control cases initially decreased as Complaint cases increased following the initial recording decision but following the reversal in this decision Direction and Control cases are slowly rose as Complaint Cases fell, both categories have now largely levelled out in comparison to the previous quarter.

Direction and Control cases      April to June 2010 = 21  
 Direction and Control cases      April to June 2011 = 39

Complaint cases                      April to June 2010 = 157  
 Complaint cases                      April to June 2011 = 92

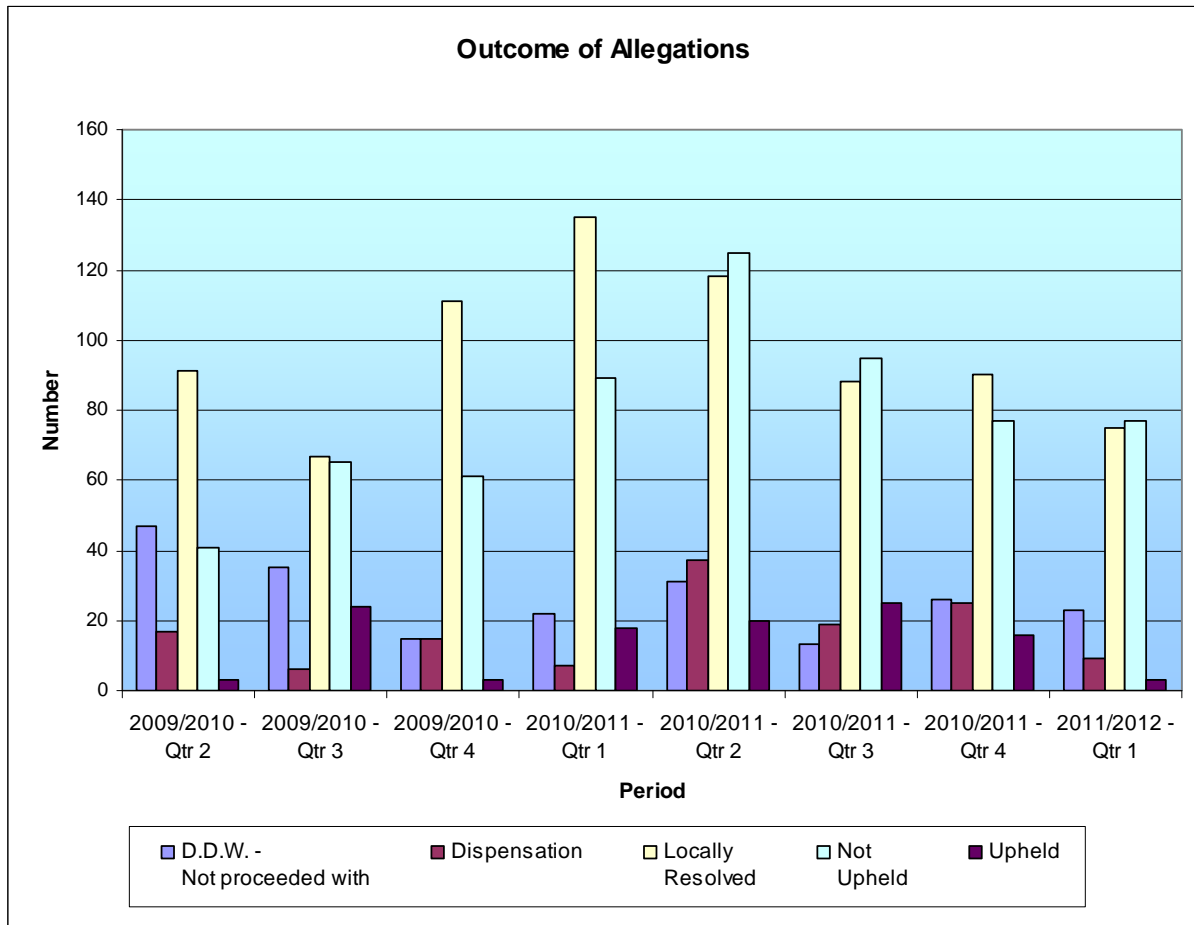
Total of all cases                    April to June 2010 = 178 (157 + 21)  
 Total of all cases                    April to June 2011 = 131 (92 +39)

Total reduction in all complaint cases = 26%



The above table shows a continuing reduction in the number of individual allegations made within complaints.

#### 4. Outcome of Allegations



- D.D.W. above relates to cases where the complaint is Discontinued, De-recorded or Withdrawn

The table demonstrates the five possible outcomes for a complaint. The majority of complaints are either 'not upheld' or 'locally resolved'. In all cases where there is an investigation the complainant has a route of appeal to the IPCC should they remain dissatisfied.

## 5. Direction and Control

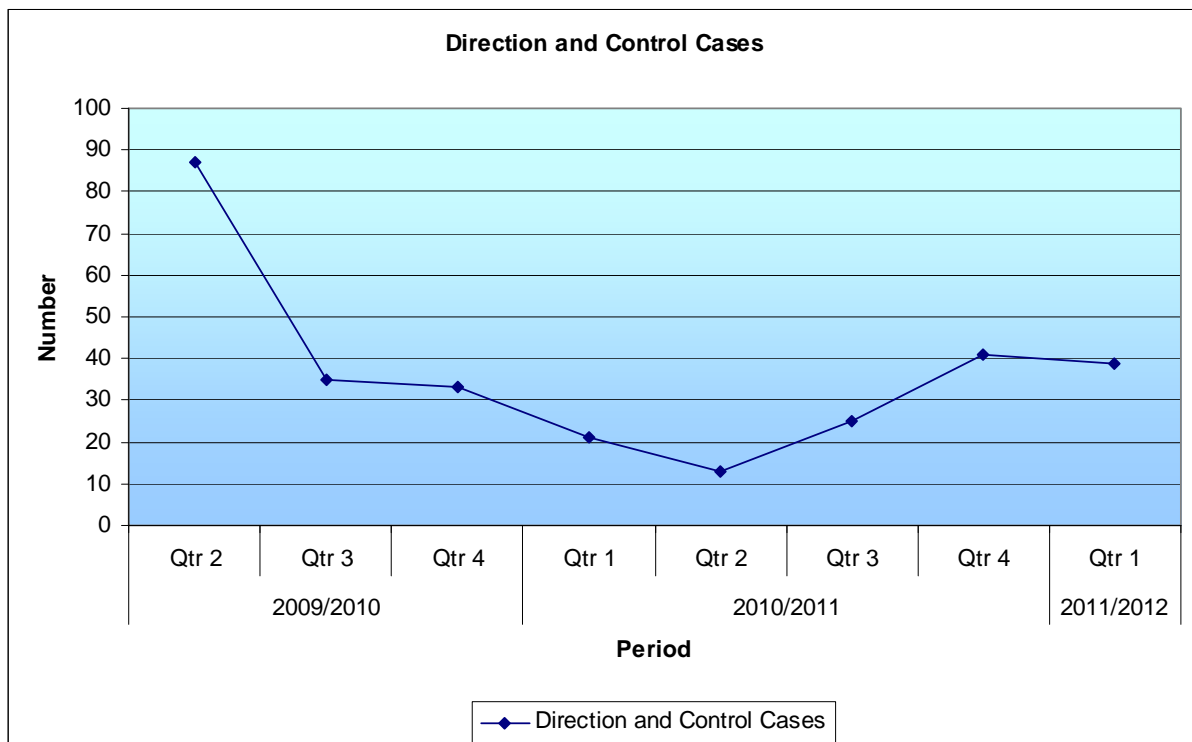
The Police Reform Act excludes any complaint or part of a complaint related to the 'direction and control' of a police force by the chief officer of that force or anyone carrying out the functions of the chief officer (i.e. under delegated authority).

The IPCC considers the term 'direction and control' to include the strategic or operational management activity such as response times, policy and procedure decisions, general policing standards etc.:

A complaint that concerns any of the above is excluded from the main provisions of the Police Reform Act and should not be recorded under it.

The table below shows the number of recorded Direction and Control Cases.

Division/Branch	2010 – 2011	2011 - 2012	Change
	Q1	Q1	
A Division	1	6	+5
B Division	3	5	+2
C Division	4	10	+6
D Division	8	11	+3
HQ	2		-2
Ops	3	5	+2
Out of Force/Not identified	-	2	+2
<b>Force</b>	<b>21</b>	<b>39</b>	<b>18</b>



The level of direction and control complaints is higher than the corresponding reporting period from 2010 due to the change in recording policy but has not increased to the same degree as the decrease in public complaints.

## 6. Most Similar Forces Comparison

Force	Complaint Cases April – June 2010	Complaint Cases April – June 2011	Local Resolutions as a % of Finalised Allegations April – June 2011	Complaint Allegations per 1000 staff
Derbyshire	*	*	*	*
Durham	49	60	60%	53
Gwent	94	85	29%	32
<b>Humberside</b>	<b>157</b>	<b>93</b>	<b>40%</b>	<b>39</b>
Nottinghamshire	110	112	37%	45
South Wales	162	148	38%	48
South Yorkshire	171	99	40%	35

A strong and improving performance positions us well within our MSF range in terms of comparable performance with only South Yorkshire showing such marked reductions in numbers of complaints.

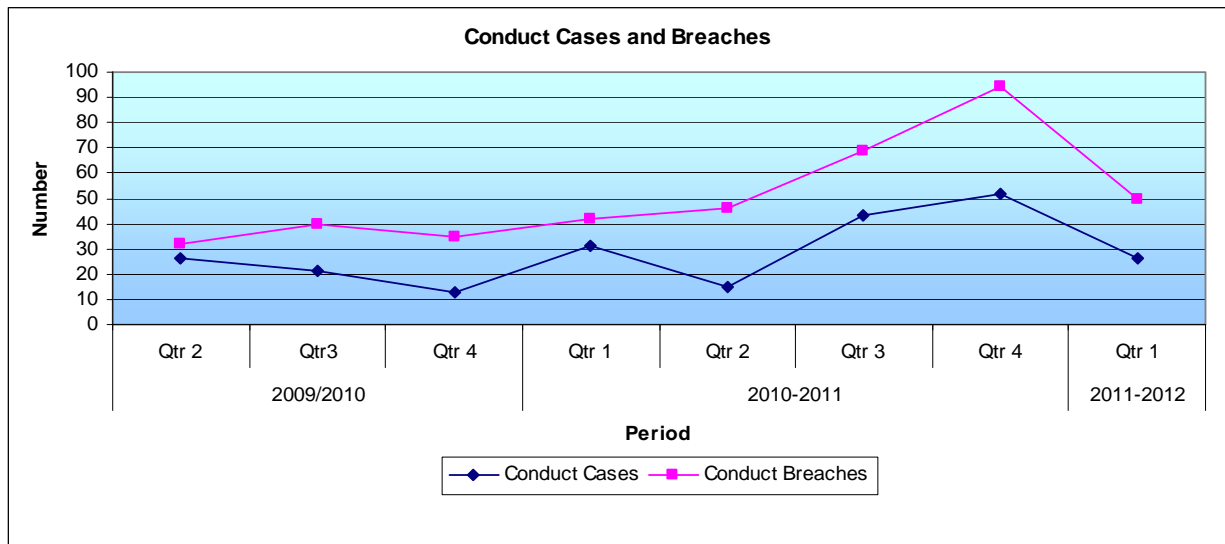
\* Data not supplied

## 7. Misconduct Cases and Breaches

Division/Branch	2010 -2011		2011 - 2012		Change	
	Cases	Breaches	Cases	Breaches	Cases	Breaches
A	3	5	2	3	-1	-2
B	1	1	3	4	2	3
C	7	10	8	13	1	3
D	15	21	11	26	-4	5
Other	5	5	3	5	-2	0
<b>Total</b>	<b>31</b>	<b>42</b>	<b>27</b>	<b>51</b>	<b>-4</b>	<b>9</b>

The table above shows that the number of misconduct cases has reduced slightly in comparison with the same period last year whilst the number of alleged misconduct breaches within those cases has increased slightly. Nothing within this data is particularly indicative of an emerging problem as the number of breaches within misconduct cases can vary considerably.

The table indicates that the number of cases in A and D Division along with the 'Other' Branches have reduced. B and C Division have seen small increases. Measures are being taken by C Division senior management team to take positive action on reports of misconduct and reduce the level of misconduct cases.



The numbers of cases and allegations remain broadly equitable across the comparable periods. Confidentiality issues remain a concern, though substantial efforts are made to ensure system security. Investment in systems audit processes has improved the detection of inappropriate systems access.

Most of the incorrectly recorded police staff misconduct cases as described in the last report have now been amended. There are still some process issues to be addressed as the two distinct units dealing with conduct matters continue to develop an effective working relationship.

## 8. Lessons Learned

Please see the attached Learning the Lessons bulletin number 14 (Appendix A) which explores learning from investigations into the police use of force in a variety of situations.

This document is supplied to relevant departments within Humberside Police. No specific action is required of Humberside Police from this bulletin

9. Glossary	
Direction and Control Complaint	Organisational issue not within the provision of the Police Reform Act 2002
Allegations	A complaint allegation concerns the conduct of a person serving with the police. It is made by someone defined as a complainant under the Police Reform Act 2002. An allegation may be made by one or more complainants about the conduct of one or more persons serving with the police. An allegation will be recorded against an allegation category.
Conduct/Misconduct	Represents a single investigation into one or more matters. It relates to nay matter which may or may not have been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have a) committed a criminal offence or b) behave in a manner which would justify the bringing of a disciplinary proceedings. A conduct case may include one or more of the above matters.
Discontinued	Where the investigation has commenced and it is no longer practical to continue with or conclude the investigation.
Withdrawn	The complainant or person acting on their behalf retracts the complaint.
Dispensation	Can only be applied for where the investigation has not commented (this does not include the initial evidence gathering). In respect of dispensation an application to the IPCC can only be applied for on one occasion.
Local Resolution	Local Resolution can be a proportionate and effective way of resolving many complaints against police officers and police staff. It is a simple and flexible way for people to tell the police what happened and find out why it happened. It can only be carried out with the agreement of the person making the complaint.
Not Upheld	<p>Examples of instances where complaints will not be upheld</p> <p>A complaint will not be upheld where the facts are clearly established and it is determined that what the complainant claims happened did not occur.</p> <p>A complaint will also not be upheld where there is insufficient evidence to conclude, on the balance of probabilities, that the complainant's allegation is true. Commonly, this will arise where there is a conflict of accounts that cannot be reconciled on the evidence available and the investigator cannot establish the facts.</p> <p>Other considerations</p> <p>An investigation which is into more than one complaint may recommend upholding separate complaints but on different bases</p>
Upheld	<p>A complaint should be upheld where the findings show that the service provided by or through the conduct of those serving with the police did not reach the standard a reasonable person could expect. Any facts on which the judgement to uphold the complaint is based must be proven on the balance of probabilities. For example, this test will be met where it is found that there is a case to answer against an officer in respect of misconduct or gross misconduct or, in the case of a member of police staff, that there are grounds for disciplinary action in relation to the matter and the matter is not an ancillary matter. This test will also be met when it is not found that there is a case to answer against an officer or, in the case of a member of police staff, that there are grounds for disciplinary action, but the service provided by or through the conduct of a person serving with the police did not reach the standard a reasonable person could expect.</p> <p>In deciding what standard of service a person could reasonably expect, the investigator, IPCC and appropriate authority should apply an objective standard of a reasonable person in possession of the available facts. They</p>

	<p>should have regard to the Standards of Professional Behaviour (or equivalent for police staff), any agreed service standards and any national guidance that applies to the matter.</p> <p>The decision to uphold a complaint should not be seen as in any way prejudicing the outcome of a subsequent misconduct meeting or hearing (and possible later appeal) for police officers or misconduct procedure for police staff. The decision to uphold is always and only a judgement on the service provided to the complainant by the force as a whole and should not be seen as a judgement against the person subject to the complaint.</p> <p>This means that an investigation without special requirements can result in an upheld complaint. For example, it will be appropriate where the officer or police staff member complained about has limited experience or skill and acts in a well intentioned but ill judged way giving good grounds for complaint but not so as to warrant a special requirements investigation.</p>
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# LEARNING THE LESSONS

[www.learningthelessons.org.uk](http://www.learningthelessons.org.uk)

Ask yourself:  
Could it  
happen here?

## Bulletin 14: Use of Force

This bulletin explores learning from investigations into the police use of force in a variety of situations including:

- spontaneous incidents involving the deployment of firearms officers
- stopping and searching people and vehicles
- restraining violent people, including suspects and people in police custody

### Among cases featured...

#### Using stop and search powers effectively

Officers could have avoided a stop and search ending in an unlawful arrest if they had identified themselves in accordance with PACE and explained why they wanted to search a man's vehicle [CASE 2].

#### The importance of clear communication

Clear communication could have stopped incidents escalating. In one case [CASE 2] a struggle might have been averted if a man in a car had been told why he was being stopped; explaining to a woman in custody why her personal items were being removed could have prevented a confrontation with custody officers [CASE 8].

#### Recording

Case 1 highlights the extent of recording needed in siege situations – firearms officers need to use a channel that records what they say, negotiators need equipment to record their conversations and command teams need to be able to record their briefings and discussions.

#### Booking out kit

Recording is particularly important when weapons are concerned. In two cases [CASE 1] and [CASE 2] who got which weapons, ammunition and other pieces of kit was not properly recorded.

Find out  
more online

Learning reports available online include the recommendations made in each case, full details of action taken by each of the forces involved, and details of any criminal or misconduct outcomes.



## Case summaries

### RISK IN POLICE DECISION-MAKING AND ACCOUNTABILITY IN OPERATIONAL POLICING

How the IPCC judges the actions of individual officers when it carries out an investigation has been the subject of comment since its inception. The view of many in the police service is that it holds them to impossibly high standards while not understanding how tough the job is.

As an organisation the IPCC has been asking whether it contributes to risk averse policing, and how it can challenge misconceptions about its approach to investigations. As a result the IPCC has developed a simple position that sets out its expectations of police officers when they make decisions and therefore the way in which we reach our conclusions.

#### *The IPCC position*

- Police officers and staff are accountable for the decisions and actions they take and are expected to provide a rationale for those decisions when questioned.
- We recognise that police operational decisions involve taking risks and in assessing decision-making we will focus on whether the decision was reasonable and proportionate in all the circumstances (including the information and intelligence available and the operational policing context) as they existed at the time.
- In considering the decisions and actions of individual officers we recognise that police operational decisions often need to take into account competing objectives, timescales and limited resources.
- Policies and/or Standard Operating Procedures (SOPs) are a vital tool for police officers, but only where they are appropriately evidence-based and embedded in frontline policing. Compliance with policies and SOPs is not a substitute for reasonable discretion and professional judgment.
- We will apply these principles as part of the process of determining whether there are any conduct matters requiring investigation and the severity assessment to follow, including whether identified failings raise performance rather than conduct issues.
- We will seek to ensure not only that learning from adverse incidents is disseminated for the benefit of future policing, but that the recommendations we make are reasonable and proportionate.

**You can download the position and read relevant case studies showing how it relates to our work by visiting the IPCC website at [http://www.ipcc.gov.uk/en/Pages/ipccguidelines\\_papers.aspx](http://www.ipcc.gov.uk/en/Pages/ipccguidelines_papers.aspx)**

### SPONTANEOUS INCIDENTS

#### 1 Fatal ending to a siege

A man who suffered from depression and had a drink problem started firing out of his back window at the house opposite. Armed police went to the scene. The decision to send them and the reason was not recorded on the Computer Aided Despatch system. Tactical advice provided to the officers was not recorded either. In addition, the weapons and ammunition at the scene had not been booked out from the kit van.

When armed police went into the house opposite the man fired again and the officers returned fire. Police cordoned off the immediate area and decided to post armed officers in nearby houses to contain him and then try to negotiate a surrender. Cordon logs were used, but not fully completed. There was confusion about who had the role of Bronze Firearms Commander – one officer appeared to act as both Bronze Firearms Commander and Tactical Advisor. This dual role led to communication problems between commanders.

Negotiators arrived promptly. Police vehicles were used to drive them to the scene, and set up a negotiating cell nearby. This included a Firearms Liaison Officer to enable the cell to communicate with the firearms team. Negotiators then spoke to the man on his land line for nearly an hour. The man could not hear properly so the negotiator took the phone off speakerphone and put the handset to his ear. As a result, only the negotiators' voices, and not the man's, were recorded and at times the recording was switched off when the man was not on the phone.

The Firearms Liaison Officer was able to give negotiators information from the firearms officers about the man's movements and behaviour, so negotiators knew when he picked up his gun and could ask him to put it down. Towards the end of the hour, the line went dead, though the man did hold notes up to the window during this time. The Firearms Liaison Officer told negotiators that one of the notes said that he wanted to say goodbye and then kill himself. This was not relayed to the Silver Commander, however.

Communication between the Negotiator Co-ordinator and the Silver Commander or Bronze Intelligence Commander was not recorded at the time and there was no audio recording of any discussions between the command team, or discussions of tactics/strategy. There was also no record of the briefings given to officers over the radio or of any warnings given to officers about use of force because firearms officers were communicating with each other on a channel that is not recorded.

When it came to reviewing the intelligence, threat assessment, powers and policy and tactical options,

officers did not seem to have used the Conflict Management Model. They did follow the ACPO guidance for dealing with a potential provoked police shooting, but there was no documentation recording this risk or the actions taken to mitigate against it.

The man rang 999 while he was out of contact with police. In the meantime, police at the scene were considering whether to deliver a field phone to him, though the Silver Commander was not informed of either of these developments. Eventually, the police were able to get through to the man on his mobile, but after about 40 minutes, he fired again out of the window and a police officer returned fire.

A few minutes later the command team learnt for the first time that the woman who lived next door to the man was in her house with her two young children. She had been there throughout, having rung 999 several times and been told to remain at the back of her house. This was poor advice and the police had not called her back as promised. The Silver Commander decided it was too dangerous to evacuate her at that stage.

It was now getting dark. The Silver Commander decided not to use lighting in case officers or technicians were put at risk. Despite this, arrangements were made to illuminate the scene. A few minutes later the man leaned out with his shotgun in his hands and then appeared to be pointing it at officers in nearby houses. One of the lighting technicians was in one of the houses at the time, having been asked by the armed officers with him to wait on the stairs, where it was safe.

Thinking Mr X was about to shoot them or their colleagues, seven officers fired towards him and he fell back inside. Despite first aid, he was pronounced dead. Although officers had contact details for the man's parents, it was three hours before they were informed of his death.

#### Key questions for police officers/staff

- **Do you ensure that your considerations, decisions and advice are documented on the spot?**

#### Key questions for policy makers/managers

- **Do you separate the roles of Bronze Firearms Commander and Tactical Advisor?**
- **Do you provide equipment to record command team briefings and discussions and negotiators' telephone conversations?**
- **Does the channel your firearms officers use record what they say?**
- **Does your force require a record of any weapons and ammunition booked out of the kit van?**
- **How would you have avoided the failures in communication that left the neighbour next door throughout the incident and the man's parents unaware of his death for over three hours?**
- **Do you have systems in place to ensure that non-police staff do not have to go inside cordons?**

#### National issues

The National Negotiator Group should:

- **Promote the practice adopted in this incident of negotiators using police vehicles to get to the scene quickly and using a Firearms Liaison Officer to aid communication between negotiators and firearms officers.**
- **Develop standards for Negotiator Co-ordinators on recording of communications with the Silver Commander and other parties during incidents.**
- **Provide clear guidance to forces and negotiators on use of recording equipment to record both sides of a negotiation and dialogue within the negotiating cell.**

#### Action by the force

- **All negotiators have been issued with a digital audio recorder, microphone lead, and telephone ear recorder.**
- **Tactical advice provided via telephone and radio is now recorded.**
- **The force has developed and implemented a training course for all coordinators which includes modules on operational methodology, incident assessment, technical assistance and command and control.**



[Click here for a link to the full learning report](#)

## STOP AND SEARCH

### 2 Unlawful drugs search leads to confrontation

Officers approached a man who was parked in his car outside a block of flats, believing him to be involved in dealing drugs. In fact he was waiting in the car for family members to come down from the flats and join him. The man said the officers asked him to get out of the car and, when he asked them why, they would not tell him. One of the officers then opened the boot of the car and only after doing so did he say it was a drugs search. This upset the man who got out of the car to try to shut the boot. The officers grabbed hold of him and he became angry and started struggling, while asking why he was being searched for drugs.

The officers brought him to the ground, front down, and handcuffed him with his hands behind his back. To help restrain him, one of the officers knelt on his back, wrongly believing this to be an officer safety approved taught technique. While he was still on the ground one of the officers punched him and pushed his thumb into the back of the man's ear to prevent him resisting. The man was then arrested for obstructing a drugs search and taken into custody.

However, when arresting him the officer simply said 'arrest'. Because the man was not given an adequate reason for his arrest at the time, the arrest was unlawful. Moreover, the Crown Prosecution Service (CPS) decided that the initial search was unlawful as, in breach of PACE, the officer had not given his name

or the name of the police station to which he was attached (or the geographical location of the building he was based in if it was not a police station). They also said that the man was therefore entitled to defend himself against the officers. As a result, he could not be charged with obstructing the search.

The 'GOWISELY' mnemonic is taught to police officers to remind them of each requirement before searching a person or vehicle or detaining a person or vehicle for the purposes of a search.

#### Mnemonic Information to be given

<b>G</b>	Grounds for the search
<b>O</b>	Object of search
<b>W</b>	Warrant card if not in uniform
<b>I</b>	Identity –tell the suspect your name (except in the case of enquiries linked to the investigation of terrorism, or otherwise where the officer reasonably believes that giving his or her name might put him or her in danger, in which case a warrant or other identification number should be given).
<b>S</b>	Station to which attached, or the geographical location of the building in which you are based.
<b>E</b>	Entitlement to a copy of the search record.
<b>L</b>	Legal power being used for detention.
<b>Y</b>	You must tell the person stopped that they are being detained for the purpose of a search.

The man complained the force used against him was excessive, that the officers were rude and disrespectful and that their actions were racially motivated. No evidence of racism was found and since the officers who restrained the man believed that the initial search had been lawful, they were entitled to use reasonable force. However, it was recommended that the officer who knelt on the man's back be given further officer safety training on approved techniques and that officers across the force be trained in using communication to prevent situations escalating in this way.

In an attempt to restore community faith in the police and the police complaints system, the investigating officer delivered a presentation on the police complaints process and the role of the community in improving the police service at a community panel meeting.

#### Key questions for policy makers/managers:

- Do you ensure that your officers are taught about the value of communication in helping to prevent/diffuse situations like this one?
- Do you teach officers the GOWISELY acronym and do you make them aware of its importance in conducting an effective and lawful search?

## USING STOP AND SEARCH POWERS EFFECTIVELY

Over the past seven years the IPCC's experience has led us to believe that complaints about stop and search are often not about the stop itself, but about the officer's failure to explain why it was necessary, or about the manner in which it was carried out.

### The IPCC position

- Each officer who uses stop and search powers – whether or not the law requires the stop to be on reasonable grounds – must be able to answer the question: "Why did you stop me?" It is not enough to say "Because I can", or "I don't have to give a reason". The officer should be able to respond by explaining the reasons.
- Regardless of the purpose for which stop and search powers are used, the police should be able to demonstrate effectiveness of these powers through regular monitoring, taking into account the volume of complaints, the number of fixed penalties, cautions, arrests and charges arising from stops, the impact on crime profiles and the level and quality of local intelligence-gathering.
- Local police commanders need to ensure that the most appropriate powers are used to achieve policing objectives. They must also ensure that their officers can differentiate between, and have a good understanding of, the different powers available to them.
- Local police commanders need to inform communities about how stop and search powers are being used in their area, and give them the opportunity to share their experience of how powers are being used and discuss any other concerns they may have about crime in their area.
- Police authorities should monitor their force's use of the powers and play a proactive role to ensure that public confidence is not damaged as a result of that use. When a complaint is made about stop and search, a significant proportion of these can be dealt with using Local Resolution. The quality of the resolution as well as the willingness of the police to provide an explanation or apology, as appropriate, and learn from complaints are therefore crucial to public confidence. Where the complaint results in an investigation, this should examine the relevant intelligence and authorisations, as well as the individual officer's knowledge of the powers and process, rather than focusing narrowly on the alleged misconduct.

You can find out more about our work around stop and search by visiting our website: [http://www.ipcc.gov.uk/en/Pages/stop\\_and\\_search.aspx](http://www.ipcc.gov.uk/en/Pages/stop_and_search.aspx)

**Key question for police officers/ staff:**

- **Where you use the GOWISELY mnemonic do you always record this in your Evidence and Action Book?**

**Action by the force**

- **Legal advice obtained by the force after this incident suggests that it is not sufficient to give the unit, team or area to which you are attached when using GOWISELY. Instead, officers must give the name of the police station or the geographical location of the building at which they are based.**

 [Click here for a link to the full learning report](#)

**3 Conducting a safe mouth search**

Three officers went to a house where the police had been told cannabis was being grown. On arrival, they saw a known heroin user cycling towards them. They stopped the man and informed him that he was being detained for a drugs search. The man turned away and put a package in his mouth. The officers were concerned this could contain drugs and that he might choke or come to harm in some other way.

The man refused to allow officers to search his mouth, and a struggle developed, with the man ending up on the floor. The officers used a variety of techniques to try to get his mouth open, including persuading him, pinching his nose, kicking him in the face, rolling an ASP on his throat in a rolling pin action, and using an ASP to try and force his teeth apart. Eventually the officers were able to flick the drugs from the man's mouth.

A tactical defence instructor later reviewed the methods used and concluded that, while they were not recognised techniques, the officers were acting to save life and their use of force was reasonable in the circumstances. However, the force concerned had no specific guidance, and provided no training to officers, on conducting mouth searches.

In another case, a Coroner made a Rule 43 recommendation, recommending that where an officer believes a person has or has had something in their mouth that is likely to be harmful, they should immediately call an ambulance.

**Key questions for policy makers/managers:**

- **Do you provide officers with guidance or training on how to conduct safe/effective mouth searches?**
- **Do you train your officers to call an ambulance if they suspect someone has or has had something in their mouth that could be harmful?**

**Key questions for police officers/staff:**

- **What would you have done to check the man's mouth or prevent him from swallowing the drugs?**

 [Click here for a link to the full learning report](#)

**4 Dealing with patterns in officer behaviour**

An officer who was on duty in a marked police carrier

outside a nightclub stopped a man under the Misuse of Drugs Act because he was acting in a suspicious manner. The man tried to pull away from the officer, who then handcuffed him.

The officer took the man into the back of the police carrier to continue the search out of the view of the public. Two other officers were present in the vehicle. While the officer was trying to restrain him in the vehicle the man sustained a number of injuries. He was arrested for obstructing a drug search and for an offence contrary to section 5 of the Public Order Act 1986. He was then taken to hospital for treatment before being taken into custody, charged and bailed. In the event, none of the charges were pursued.

IPCC investigators raised with the force Professional Standards Department (PSD) the number of complaints (12) against the officer involved between May 2006 and February 2009. The PSD felt that this level of complaints was not excessive given that the officer worked in a unit that is involved in, among other things, public order policing. The force's Complaint Intervention Scheme required only officers who received three complaints in any 12-month period to be flagged up to the PSD and placed on to the scheme.

Within the force the Complaints Intervention Scheme (CIS) is an important way of enabling managers to monitor and develop individuals and make early interventions when information suggests that their performance may have fallen below the required standard.

The IPCC was told that the officer was not part of this scheme. It came to light at a later meeting between the IPCC and the PSD that he was, in fact, part of this scheme before the IPCC first queried the number of complaints against him.

Meanwhile, the IPCC had asked the force Investigating Officer (IO) to examine the officer's complaints history in more detail to establish whether any of the previous allegations made against him were similar to the allegation made by the man who had been injured. The IO later said that none of the allegations were similar, although evidence from the CPS showed that this was not true. This lack of clarity about the officer complaints history led the IPCC to request a study comparing the officer's complaint history with that of the rest of his unit.

When interviewed, the officer said that the force he had used was necessary to stop the man spitting at him and headbutting him. There was no evidence to the contrary, so the use of force could not be held to be disproportionate or unlawful.

However, given the number of complaints against him, a meeting was set up between the officer and his line manager to discuss the incident and agree an action plan. This initial action plan was fairly limited in scope, and the IPCC recommended that it be amended to include more detailed and proactive training.

**Revised action plan**

- Ensure that the officer is up to date with officer safety training and use of force powers.
- Supervisor to check with Officer Safety Training instructors to see if there are any developmental needs.
- Line manager to monitor arrests and dip sample Evidence and Action Books
- Officer to study the officer safety manual and communication model.
- Line manager to monitor how officer deals with members of the community
- Officer to participate in youth diversion work to help prevent young people becoming involved in crime, and line manager to observe communication with young people

**Key questions for policy makers/managers:**

- **Does your force have an equivalent of the Complaint Intervention Scheme to deal with officers who have multiple allegations made against them?**
- **Does your force monitor levels of allegations made against officers working in units that are likely to attract complaints to help spot any abnormally high levels of complaints against specific officers?**
- **Do you routinely consider the officer's complaint history as part of an investigation into a complaint or provide this information to IPCC investigators?**

**Action by the force:**

- **The PSD now has a more robust oversight of officers placed onto the Complaints Intervention Scheme. Detective Inspectors now attend monthly performance meetings where they are asked to provide evidence to show how they are supporting the Borough's Operational Command Unit's SMT regarding officers on the Complaints Intervention Scheme.**

 [Click here for a link to the full learning report](#)

## CASES INVOLVING RESTRAINT

### 5 Restraining a man showing signs of excited delirium

In the early hours of the morning officers became involved in a struggle with a man who had been causing a disturbance and threatening security guards at an industrial unit. He said the officers assaulted him, but according to the officers the man launched himself at them in a violent and threatening manner, and they were forced to use their batons and CS spray to defend themselves. The officers called for backup and a number of officers arrived. The struggle continued, and the officers used their batons and deployed CS spray several times, but the man continued to struggle violently. A total of three cans of CS spray were used by different officers but appeared to have little effect.

The officers suspected the man was under the influence of drink or drugs, and officers discovered later that he had a large quantity of amphetamine in

his system at the time of the incident

The man sustained a number of injuries and an ambulance was called, but as he continued to be violent and aggressive it was decided that he should be transported to hospital in the back of a police van.

Because of the man's violent and aggressive behaviour, the officers did not want to take him out of the police van when they arrived at the hospital, until more officers had arrived to help. As a result, he was left in the van outside A&E for 15 minutes or so. Officers were unclear about who had responsibility for him while he was outside the hospital.

The man exhibited many symptoms associated with excited delirium a condition which is thought to be caused by drugs, alcohol, a psychiatric illness or a combination of these, and may lead someone to struggle against restraint beyond the normal point of exhaustion. Features of excited delirium include agitation, excitability, paranoia, aggression, great strength, numbness to pain and elevated body temperature. The officers in this case were unaware of the condition or the potential dangers.

Following this incident officers had difficulty identifying which CS canisters and batons belonged to which officers.

**Key questions for policy makers/managers:**

- **Do your officers/staff receive training about the symptoms of excited delirium as part of their training on personal safety techniques?**
- **Does your force have a protocol with the health service on handling potentially violent individuals?**
- **Do you have a clear audit trail that records who equipment (batons and CS spray in particular) has been issued to?**

**Action by the force:**

- **The force's Public Protection Unit and training school are working with the National Policing Improvement Agency (NPIA) to develop and deliver training on 'responding to people with mental ill health or learning difficulties'.**

 [Click here for a link to the full learning report](#)

### 6 Reasonable use of force

Police officers were sent to search the home of the girlfriend of a man who had recently been arrested for firearms and drugs-related offences. After entering the property, they identified themselves and explained the reasons for the search before starting.

In one of the bedrooms they found a man sitting with his back to them. He was in a wheelchair, though the officers did not realise that. The man looked up at the officers, looked away, and then reached for something on the bedside table. The officers thought it could be a firearm or possibly drugs and one of them shouted at him to show his hands. As the man did not

respond, the officer grabbed hold of him from behind and they both fell to the floor. The officer gripped the man's jaw to prevent him from swallowing, but by then it was too late.

Another officer entered the room, took hold of one of the man's hands and helped restrain him. The man was held on the floor for about a minute before being sat up and placed back into his wheelchair. He was then searched and handcuffed for the duration of the search.

He declined the offer of an ambulance. Before they left, the officers advised the man to go to hospital to get his stomach pumped.

#### Key questions for policy makers/managers:

- **Does your force require officers to make a note when a member of the public refuses medical aid (particularly when it is suspected drugs have been swallowed) and ask the person to sign the record?**
- **Does your force expect officers to give people advice about the medical implications and appropriate action if they suspect they may have taken drugs?**

 [Click here for a link to the full learning report](#)

## 7 Making a record

Two police officers stopped a car after receiving intelligence that there was a baseball bat in the back.

One of the officers told the driver that he intended to search the vehicle. The man responded with a torrent of swearwords and protested that the officer had no right to search him. Concerned about the man's reaction, the officer started to handcuff him, but before he could get the handcuffs on the man got out of the car. The officer held on to the back strap of the cuff to prevent the cuff being used as a weapon against him – a technique he had been taught.

The officer managed to get the man onto the ground by using a straight arm bar 'drag down' technique. This enabled the officer to handcuff him. The man was then arrested on suspicion of possessing an offensive weapon and placed in the police car while his car was searched. The bat was found. The man apologised for his earlier behaviour. He was warned about carrying an offensive weapon, released from arrest and his handcuffs were removed. The man said he suffered from a brittle bone condition and had some discomfort in his wrist, but he declined the officers' offer to call an ambulance.

At the time of the incident the officer who spoke to the driver was wearing a body camera, but he did not turn this on when he first got out of the police car as he was not expecting the man to react so strongly. He turned the camera on only after the man was under control, and turned it off when the baseball bat was found. As the man was released from arrest and no further action was planned in relation to the baseball bat, the footage from the camera was not saved.

The officer did not submit a use of force form as it was not obligatory at the time. Once he was aware that the man had complained about his use of force, he made a "duty statement" and completed a use of force form.

#### Key questions for policy makers/managers:

- **Do you have a policy on when use of force forms should be used, and are all officers aware of it?**
- **Do you have guidance on when body worn cameras should be activated and how they should be used?**
- **Do you have guidance about when and how body worn camera footage should be downloaded and retained, as well as the period of retention?**

#### Action by the force:

- **Completion of use of force forms is now compulsory within the force and covers any use of force.**
- **Several Borough Command Units are now using 'tracker cabinets', which require a fob swipe for access. Roll out of these is taking place gradually across the force.**

 [Click here for a link to the full learning report](#)

## INCIDENTS IN POLICE CUSTODY

### 8 Excessive use of force against two women in custody

Two young women were arrested for assault, handcuffed and taken into custody.

When the first woman arrived at the custody desk, her handcuffs were removed. A member of police staff searched her and removed bobbles from her hair without warning. She yelled at the member of staff and the officers who had brought her to the desk to get off her and demanded to know what they were doing. The member of staff put her left arm up in a straight arm bar hold and shouted 'behave' at her.

The member of police staff who conducted the search was not expected to assist with restraining detainees or removing handcuffs and her officer safety training was one year out of date. She had not been made fully aware of the limits of her role in respect of the use of force.

The woman's arms were then raised behind her back and, when she did not appear to understand a question, an officer put his arm under her chin. These restraint techniques were used even though she had not become physically aggressive and no-one had explained why she was being searched, why she was being restrained and what was expected of her. The custody officer told her she would 'learn the hard way'.

When the second woman was brought into custody she got the same sort of treatment. While at the custody desk, she asked one of the officers behind her "Why are you holding my neck like that?" - CCTV showed her head moving back and forward. An officer on the other side of the custody desk then

grabbed hold of the woman's head and pulled it down to the counter, swearing at her repeatedly and telling her not to move or he would "rip her skull off". The two officers behind her raised her arms behind her back and held them above her head for about a minute and a half, so her body pressed down on the custody desk, while the officer behind the desk pulled her handcuffs towards him. She was made to beg to be released and when she complained that she was in pain was told "it's meant to hurt". Her arms were badly bruised. CCTV did not suggest she posed a physical threat to the officers concerned.

The custody officer was present during the processing of both detainees. He not only failed to stop the excessive force used, he told the first woman that she would only get food and drink if she was polite and the second that the police "are trained to hurt".

The custody officer and the officer who grabbed the head of the second detainee from the other side of the custody desk were found guilty at trial of misconduct in a public office and were each sentenced to 18 months imprisonment. The two officers who took the women into the custody suite and the member of police staff all received formal advice and management action.

As part of the IPCC managed investigation, a supervising sergeant from the police force concerned was asked to review the actions of all the officers involved. The sergeant was required to give evidence for the prosecution at the criminal trials of the officers on both the force's training regime and on the appropriateness of the officers' actions. It would have been preferable to be able to draw on a regional cadre of self-defence experts so that experts from other police forces could have given evidence on the appropriateness of the officers' actions, while an officer from the home force provide evidence on training in the force.

Officers from the force in question attended a one-day officer safety course, which was refreshed every 18 months.

#### Key questions for policy makers/managers:

- **Are you confident that your officers are adequately trained in officer safety, self-defence and restraint techniques?**
- **How do you ensure that detainees in your custody suites are treated properly?**
- **Do you have arrangements in place to use experts from other forces to give evidence at criminal trials of your officers when needed?**

 [Click here for a link to the full learning report](#)

## Recurring issues

A number of issues raised in this bulletin have been covered in previous editions:

### Clarity in roles

- The same officer acting as both Bronze Firearms Commander and Tactical Advisor led to communication problems between commanders [CASE 1].

### Dealing with medical conditions

- Officers unaware of the symptoms of excited delirium did not realise it can make someone struggle against restraint beyond the normal point of exhaustion [CASE 5].
- An aggressive man needing urgent medical treatment was left in a police van outside hospital for 15 minutes; forces need to have protocols with hospitals in place on dealing with violent offenders [CASE 5].
- Where someone suspected of swallowing drugs refuses medical assistance, the force should give written advice about the medical implications of swallowing drugs, and get signed confirmation from the person in question that medical assistance was refused [CASE 6].

### Record keeping

- Which officers get which weapons (and similar equipment) needs to be properly recorded; it was not apparent in two cases – one involving guns [CASE 1] and the other CS canisters/batons [CASE 5].
- An armed man was shot dead following attempts to negotiate his surrender - briefings given over the radio and communication between the Negotiator Coordinator and the Silver Commander/Bronze Intelligence Commander and between the command team were not recorded. [CASE 1].

### Communication

- A stop and search encounter would not have ended in a struggle and unlawful arrest if officers had explained their reasons for stopping a man and arresting him [CASE 2].
- If officers had explained to a woman in custody why they were searching her and removing her hair bobbles during the booking in process, she might not have become physically aggressive [CASE 8].

### Contacting us

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