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28A recommendation and response record

To	Detective Chief Superintendent Peter Costello, PSD
Copied to	complaintreviews@merseysidepcc.info
Date sent	29 July 2021
Deadline for response	56 days after the date above
Case name	North Hill Street
Case type	Independent
Case reference	2020/139365
Recommendation from	Catherine Bates, Operations Manager
Police case reference	

We have identified organisational learning for Merseyside Police and make the recommendation(s) below under Paragraph 28A of Schedule 3 to the Police Reform Act 2002¹.

¹ In the case of contractors, Regulation 81 of the Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015 applies

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You are required by law to respond, in writing to us by the deadline specified above (56 days from the date this recommendation has been sent to you) and should do so using this form. Paragraph 28B of Schedule 3 of the Police Reform Act sets out the requirements in relation to the response.

On receipt of your response, we are required to publish it within 21 days and send a copy to any person who was sent the original recommendation (as listed above). If you have any representations why this response should not be published, e.g. if it may prejudice ongoing proceedings, please let us know.

The brief outline of the investigation is as follows

On Thursday 9 July 2020 at 1.40pm, Merseyside Police received reports of a woman walking down the street in possession of a knife. Armed officers attended and engaged with the woman, but despite instructions to drop the weapon, the woman came towards the officers with the knife in her hand and she was shot. The officers administered first aid and she was taken by ambulance to hospital.

To be completed by IOPC			To be completed by recipient	
Reference	Recommendation	Previously sent as an informal recommendation?	Do you accept?	Details, to include a) action to be taken, b) reason for no action, or c) reason not accepted
		Date sent		

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	<p>1. The IOPC recommends that Merseyside Police should remind their officers and staff that immediately after a firearms incident has occurred, the Post Incident Procedure (PIP) process begins, and during the PIP it is important that the identities of Key Police Witnesses (KPWs) are protected. Pseudonyms for the officers involved in a firearms incident should be used as soon as the PIP process has commenced, including addressing the officers over radio communications or whilst at the scene, which may be being recorded on police worn body Body Worn Cameras or other recording devices used by members of the public.</p> <p><i>This is as a result of the IOPC becoming aware that whilst reviewing the material for the investigation, following the incident, one of the firearm officer's first name was used over the radio, and at the scene. Whilst the firearms officers themselves were very careful in protecting</i></p>	<p>Yes</p>	<p>8/4/21</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The recommendation is noted and action has been taken in order to mitigate a reoccurrence.</p> <p>Individual learning has been provided to the member of staff who used the first name of the officer involved.</p> <p>Organisational learning has also been addressed in that the PIP process has been reinforced across key departments including the Force Control Room, Force Incident Managers and PIM's.</p> <p>This will be extended to inputs on Leadership Courses delivered in force.</p>
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	<i>their identities, other officers may need to be reminded of this requirement.</i>				
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	<p>2. The IOPC recommends that Merseyside Police reviews the settings on the body worn video (BWV) cameras used by armed officers and considers whether the pre-record functionality, as used in some other forces, should be switched on.</p> <p><i>This follows an investigation into a police shooting where, owing to the time taken for body worn cameras to power up once they were switched on, the shooting was not captured on the BWV of either of the officers. During the investigation we were told that there is an automated shutdown if the camera has been idle for 2 minutes and it would then take seven seconds from the record switch being slid down to the recording starting. The cameras have a function that allows the camera to record on a 30 second constant loop. This function allows the time immediately prior to the record switch being slid down to be retained. This functionality is currently switched off for cameras used by Merseyside Police, due to the impact this function can have on battery life. it would however, be very useful for officers deploying to a fast moving situation. BWV footage not only assists any subsequent investigation but provides transparency and can be beneficial for public confidence.</i></p>				<p>The Body Warn Cameras that were in force at the time of the incident and are currently in force and used by Merseyside Police have capability to pre-record on a 30 second loop. However, a decision was made that this is not 'switched on as a setting' due to the impact on battery life.</p> <p>As a result of this incident and the recommendations, the following 2 options have been considered;</p> <ol style="list-style-type: none"> 1) To switch it on to this setting and ensure staff are appropriately briefed regarding this. <p>or</p> <ol style="list-style-type: none"> 2) Don't switch it on and continue with current policy due to the issue with battery life. <p>It has been agreed by Chief Officers that the first option will be progressed, and the setting will be changed to allow the pre record of 30 seconds as recommended, however, the battery life issue remains.</p> <p>There are some practical and procedural issues that have prevented this happening immediately.</p> <p>The force has a large piece of ongoing work around IT / capability, with a new phase of upgraded Body Warn Cameras coming in.</p>
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	3.				

Please return this form when completed to sarah.evans@policeconduct.gov.uk