

Spencer Beynon

Investigation into the Dyfed Powys Police response to incidents reported on 14 June 2016 concerning Mr Spencer Beynon

Please note, this investigation was completed and submitted to the decision maker before 8 January 2018, while we were still the IPCC. Therefore, the report will contain the investigator's opinion, which may differ from the final outcome. The report refers to the IPCC and the Commission throughout, and does not reflect the new structure of the IOPC.

Independent investigation report

Investigation information

Investigation name:	Spencer Beynon
IPCC reference:	2016/067830
Investigation type:	Conduct

IPCC office:	Cardiff
Lead investigator:	Emma Yoxall
Case supervisor:	Richard Reynolds
Commissioner:	Derrick Campbell (previously Jan Williams)

Status of report:	Final
Date finalised:	11 October 2017

This report contains graphic detail of injuries which some may find upsetting.

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Introduction

1. This is the report of the IPCC's independent investigation into the death of Mr Spencer Beynon, who died following an incident during which an officer from Dyfed Powys Police discharged a TASER¹ device, on 14 June 2016.
2. Police records indicate that at 10.53am on Tuesday, 14 June 2016, Mr Christopher Beynon, father of Mr Spencer Beynon (hereafter referred to as Spencer), contacted Dyfed Powys Police to report concerns about his son. He explained that Spencer had visited his house earlier that day and had "*terrified*" his wife. Mr Beynon said that he had a long standing problem with his son who was suffering with post traumatic stress disorder, compounded by his use of cannabis. He said that Spencer had been to his house that morning and had started "*screaming and ranting*", and that he was in possession of a packet of cannabis "*or something stronger*". Mr Beynon said that Spencer had then left, driving off at high speed. Mr Beynon also told the call handler that Spencer "*needs to be sectioned*", and asked if he could "*speak to a member of drugs squad or appropriate person*". Mr Beynon told the call handler that, on two previous occasions, armed response units had responded to reports involving Spencer. He stated that he did not want the police to contact him directly as his wife would not be happy if she knew that he had contacted them. He asked the police to "*just act on*" the information he had provided. The incident was given a response time target of 24 hours and no police officers attended either the address of Mr Beynon, who had reported the matter, or the address of his son Spencer.
3. Later the same day, at 7.06pm, Dyfed Powys Police received a telephone call reporting that a man had smashed a window on Bryn Road, Llanelli. The caller also reported that a man had attended his mother's address and threatened to throw acid on her. The caller reported that he and a friend had left the property to try and locate the man and that the man had shouted abuse at him in the street. A description of the man's clothing was provided, along with his direction of travel. Two officers, referred to for the purposes of this report as Officer 1 and Officer 2, were dispatched to the incident. The incident log was subsequently updated to report that officers were looking for the man and an area search had been conducted.
4. At 7.10pm, another member of the public called Dyfed Powys Police. She reported that a man was walking along Station Road, Llanelli carrying a "*bong*"² and what she believed was a stolen dog under his top. She reported that the man was not wearing any shoes.
5. At 7.28pm, another member of the public reported a further incident to Dyfed Powys Police, stating that a man was lying in the middle of the road at Maes y

¹ A TASER is an electrically powered weapon designed to incapacitate individuals by discharging an electrical current along fine wires which are discharged from a cartridge. The current passes through probes at the end of the wires into the subject. The TASER is designed to induce loss of voluntary muscle control and also causes pain.

² A bong is a type of pipe which usually contains water and is used to smoke drugs.

Bwlch, Llanelli. The caller reported that it appeared that the man had blood on him and stated that he "*probably*" needed an ambulance. The member of the public reported that the man had tried to climb over a fence and was "*on something*" and that he appeared to be having a "*fit*". The incident was graded as requiring an immediate response.

6. At 7.33pm, an update was recorded on the incident log to state that the man had a wound to his neck and "*TASER deployed*". A later report made on police records stated that Spencer had been "*aggressive*" to police officers and he had been subject to the discharge of a TASER device. Police records state that following this event, the police officers noticed that Spencer had a "*gash*" on his throat.
7. According to police and ambulance records, police officers administered first aid to Mr Beynon and requested an ambulance to attend the scene. The ambulance arrived at 7.39pm and Spencer received advanced life support including cardio-pulmonary resuscitation (CPR) from paramedics and an emergency care doctor. The doctor declared Spencer's life extinct at 8.04pm.

The purpose of this report

8. I was appointed by the IPCC to carry out an independent investigation into the death of Spencer Beynon. This matter came to the attention of the IPCC within hours of Mr Beynon's death and IPCC Investigators were deployed to the scene and to the Post-Incident Procedures during which the officers involved in the incident provided their initial account of events. The lead investigator subsequently decided that there was an indication that Officer 1 may have committed a criminal offence or behaved in a manner justifying the bringing of disciplinary proceedings. The actions of Officer 1 were referred to the IPCC as a recordable conduct matter.
9. This is my report for the Commission. It summarises and evaluates the evidence, refers to relevant documents and where necessary makes factual findings. In my conclusions I will:
 - a) give my opinion about whether the subjects of the investigation have a case to answer for misconduct or gross misconduct, or no case to answer.
 - b) draw attention to any evidence which may be the basis for a decision by the Commission delegate that the performance of any subject of the investigation may have fallen below the standard expected of them.
 - c) draw attention to any lessons which may need to be learned by any organisation related to the investigation about which the Commission delegate may wish to make a recommendation.
 - d) provide the Commission with sufficient information, and if appropriate express a view about whether it should refer any subject of the investigation to the CPS (Crown Prosecution Service).
10. It is intended that, for the purposes of this report, the powers and obligations of the Commission will be exercised by the Commission delegate.

11. On receipt of this report, the Commission delegate will send it to Dyfed-Powys Police, which must then advise the Commission delegate what action it will take in response to it. If the Commission delegate does not agree with Dyfed-Powys Police, they may make recommendations and ultimately directions about what action to take. The Commission delegate will also decide whether to make a referral to the Crown Prosecution Service (CPS).
12. This investigation is also intended to assist in fulfilling the state's investigative obligation arising under the European Convention on Human Rights (ECHR) by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.
13. Article 2 of the European Convention on Human Rights (ECHR) imposes an obligation on the state to protect human life. This involves both a prohibition on the state taking life and, in certain circumstances, a positive duty to protect life.
14. It was initially determined that the circumstances of Mr Spencer Beynon's death potentially engaged Article 2.
15. Article 3 of the ECHR provides that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. There are legal requirements of an IPCC investigation where Article 3 may be engaged, which are similar to those for Article 2, but an IPCC independent investigation is not always required.

Other investigations

16. A Dyfed Powys Police investigation took place in relation to an allegation that Mr A, who lives in the street where Mr Beynon died, assaulted Mr Beynon³ before police attended. Mr A was arrested and bailed during this investigation but was not charged with any criminal offence. A number of the witness statements referred to in this report were obtained by Dyfed Powys Police as part of their investigation into the allegation of assault and some statements were obtained in joint interviews carried out by Dyfed Powys Police and the IPCC. The IPCC has attempted to contact all witnesses who were spoken to by Dyfed Powys Police to establish whether they wished to add to their police statements. The IPCC has obtained further statements from those witnesses that the IPCC was able to contact who had additional information to provide. References to statements taken by Dyfed Powys Police are clearly indicated in this report.

Background information about Mr Spencer Beynon

17. The information in this section of the report has been included to assist the reader in understanding the context within which the events of 14 June 2016 occurred. As noted in paragraph 206 below, there is no evidence that the officers who attended the incident of 14 June were aware of the identity of Spencer Beynon when a TASER was discharged. Furthermore, there is no evidence that any of the officers were aware of the background information provided in this section of the report. Therefore, the information given in this section is not directly relevant

³ Contrary to Section 39 of the Criminal Justice Act 1988

to the IPCC's assessment regarding the use of force and is provided to assist context and understanding.

18. Spencer's partner, Miss B (now deceased), and a number of his friends have provided evidence to the IPCC. Full details of the evidence provided by these witnesses can be found in their witness statements. The legal representative of Spencer Beynon's immediate family informed the IPCC that they would not be providing any statements or evidence to the IPCC investigation.
19. According to his medical records, which his family agreed to release to the IPCC, Spencer Beynon was born on 23 April 1973 and was forty-three years old at the time of his death. He served in The Royal Welsh regiment of the British Army, including service in Afghanistan and Iraq. He was diagnosed with Post-Traumatic Stress Disorder as a result of his military career and was medically discharged from the army.
20. Many of the witnesses whom the IPCC interviewed described Spencer as a deeply spiritual, kind and generous person who did much to help others, including former army colleagues and members of the local community where he lived in Llanelli. Mr C, a former army colleague, stated that other soldiers *"looked up to"* Spencer and that he was well liked and popular, with natural charisma.
21. Miss B, who had known Spencer for many years and with whom she had been in a relationship since 2015, stated that, on reflection, she considered that it was possible that Spencer may have undergone a *"kundalini"* (spiritual awakening) in the last few weeks of his life.
22. Miss B stated that in the forty-eight hours before Spencer's death, she noticed a change in his behaviour. She stated that, on Sunday 12 June 2016, he was driving at excessive speed on the motorway without looking at the road and that on the morning of Tuesday 14 June she noticed that he drove away from his parents' house in a manner which was out of character for him. She explained that during the day on 14 June he was speaking in a *"rushed"* manner, *"as if he may have known his time was short"*. She also said that a number of Spencer's friends came round to his house on the day he died and Spencer told them that he loved them and thanked them for being in his life. She stated *"it was as if he knew something was going to happen to him"*.
23. Miss B also stated that during the visit, which she and Spencer had made to his parents on the morning of 14 June 2016, his mother, Mrs D, had said that she believed that Spencer had been taking drugs and indicated that she was very concerned about this. Miss B stated that both she and Mrs D were aware that Spencer self-medicated with marijuana and sometimes used amphetamine to give himself motivation, but she did not believe that he abused either drug or that he had taken any drugs that morning. She indicated in her witness statement that Mrs D strongly disagreed with her views regarding this matter.

The investigation

Terms of reference

24. The terms of reference for this investigation were approved by IPCC Commissioner Jan Williams on 27 June 2016. They were amended in November 2016 following discussions with the Coroner to include events taking place two months before Mr Beynon's death and his state of mind. The terms of reference were updated in May 2017 to bring them into line with work already completed relating to the investigation of conduct matters identified during the investigation. The terms of reference specific to this investigation are:
1. To investigate the Dyfed Powys Police response to incidents reported on 14 June 2016 concerning Mr Spencer Beynon, specifically:
 - a) How the reports received were resourced and progressed;
 - b) How information and intelligence available to the police was utilised;
 - c) The circumstances surrounding the deployment of TASER; and
 - d) Whether police action was in accordance with applicable law , local and national guidance.
 2. To investigate the behaviour and demeanour of Spencer Beynon in the two months prior to his death.
 - a) To establish whether there were any events of note in that time;
 - b) To look at his patterns of behaviour during this time;
 - c) To gather any information that may assist in establishing his state of mind.
 3. To assist in fulfilling the state's investigative obligation arising under the European Convention on Human Rights (ECHR) by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.
 - a) In relation to the conduct matters identified during the investigation, to conclude whether in the investigator's opinion a person serving with the police has a case to answer for misconduct or gross misconduct, or no case to answer.
 - b) In relation to the conduct matters identified during the investigation, to assess whether a person serving with the police may have committed a criminal offence and if so, investigate accordingly (including making contact with the CPS as appropriate); to include in the final report sufficient information for the Commission delegate, to decide whether the report should be referred to the DPP.
 4. To consider and report on whether there is organisational learning, including:
 - a) whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - b) whether the incident highlights any good practice that should be shared.

Family concerns

25. In a letter sent to Dyfed Powys Police, Nia Griffiths MP and the IPCC in June 2016, Spencer's father Mr Christopher Beynon, raised a number of concerns regarding the actions of officers and staff from Dyfed Powys Police, particularised below:
- a) Mr Beynon stated that he had spoken to an eye-witness to the incident who told him that police officers had "shot" Mr Beynon "like a dog".⁴ He expressed concern that his son may have been subject to a TASER discharge whilst he was "bleeding out" "in the paroxysms of death", at a point when he was not a threat to anyone present.
 - b) Mr Beynon expressed concern regarding whether his son was subject to TASER discharge before or after he head-butted the wall [of Address A].
 - c) Mr Beynon expressed concern that the TASER itself may have caused his son's death.
 - d) Mr Beynon requested clarification as to whether two officers had deployed TASERs, with one missing its target.
 - e) Mr Beynon expressed concerns regarding the lack of a response from Dyfed Powys Police to his call to them on the morning of 14 June 2016, during which he expressed concerns regarding his son's behaviour and demeanour. Spencer had died approximately eight hours after this call.
 - f) Mr Beynon queried whether anyone in Dyfed Powys Police told the officers who attended Maes y Bwlch shortly before his death that Spencer Beynon was a trained British Army small arms specialist and "not to take any chances with him".
 - g) Mr Beynon expressed concerns that someone in Dyfed Powys Police may have made a decision not to involve an armed response unit in dealing with Spencer as he had "surrendered himself" on previous occasions when armed units had responded.

⁴ Mr Beynon did not identify the eyewitness in his letter.

Subjects of the investigation

26. If an investigator finds an indication that a police officer, may have committed a criminal offence, or behaved in a manner that would justify the bringing of disciplinary proceedings, that person will be categorised as a subject of the investigation. During this investigation, upon analysing the evidence, I identified conduct concerns in relation to the officers listed below.
27. Any police officer or member of police staff whose conduct is under investigation is categorised as a subject of the investigation. A notice of investigation must be served on all subjects, informing them of the allegations against them.
28. They must also be informed of the severity of the allegations. In other words whether if proven they would amount to misconduct or gross misconduct.
29. The following people have been categorised as subjects of this investigation:

Name	Role	Severity	Allegations
Officer 1	PC	Gross misconduct	<p>It is alleged that:</p> <ul style="list-style-type: none"> • He has provided an account which is inconsistent from other witness accounts, as a result of which he has failed to provide a reasonable individual justification for his use of a TASER. • That he discharged his TASER against Mr Spencer Beynon when this was not appropriate.
Ms E	Call Handler	Misconduct	<p>It is alleged that:</p> <ul style="list-style-type: none"> • She incorrectly graded the call made by Mr Christopher Beynon at 10.53am on 14 June 2016 as requiring a scheduled response • She did not record all relevant information on the incident log.

Summary and analysis of the evidence

30. During this investigation, a volume of evidence was gathered. After thorough analysis of all the evidence, I have selected the evidence I think is relevant and answers the terms of reference for my investigation. As such, not all the evidence gathered in the investigation is referred to in this report.
31. In order to reach my findings it was necessary for me to analyse and evaluate the evidence. Where I have needed to make factual findings, I have applied the 'balance of probabilities' standard of proof. In deciding whether something is more likely than not to have occurred, I have had regard to all of the available evidence and the weight to be attached to it.
32. The standard of proof for a conduct investigation is whether there is sufficient evidence upon which a reasonable tribunal, properly directed, could find that a subject breached the Police Standards of Professional Behaviour (those standards are set out in Schedule 2 of the Police (Conduct) Regulations 2012). This is the standard of proof that I have applied when considering the allegations against each subject, and in weighing the evidence in relation to each allegation. The reader should assume that every opinion, finding and conclusion expressed in this report arises from the application of this test.

Spencer Beynon's visit to his parents' house on the morning of 14 June 2016

33. Miss B, Spencer Beynon's partner at the time, stated that on the morning of 14 June 2016, when she arrived at their home after working a night shift, Spencer told her that they should go and see his parents to tell them how happy they were and that he had asked her to marry him. Miss B stated that he had in fact asked her to marry him several weeks previously.
34. Miss B stated that during the visit to Spencer's parents, Spencer held his father in a tight bear hug and stated that he could "see the devil" in him. She stated that Mr Beynon's parents were uncomfortable with this and that his mother suggested that Mr Beynon had been taking drugs, although Miss B did not believe this to be the case and said that he was "high on life". Miss B stated that Spencer's parents asked him and Miss B to leave their house.

The call made by Mr Christopher Beynon to Dyfed Powys Police at 10.53am on 14 June 2016 (police incident log 122)

35. At 10.53am on 14 June 2016, Mr Christopher Beynon, telephoned Dyfed Powys Police.
36. According to the recording of the call, Mr Beynon informed the call handler, Ms E, that: *"I've got a problem, a long standing problem with my son who is suffering with post traumatic stress disorder compounded by his constant use of cannabis. Now he's been to the house this morning, he's terrified my wife. I was out walking, when I came back he started screaming and ranting and he's in*

possession of a packet of cannabis or such stuff, stronger I suspect but his mother made him throw it out but then he went off driving at high speed. I mean he needs to be sectioned so can I speak to a member of drugs squad or appropriate person please?"

37. When asked if he had reported this matter before, Mr Beynon stated that armed response units had attended on two previous occasions *"to sort him out" "...but it's to no avail. He is absolutely insane here this morning."*
38. Mr Beynon stated that Spencer had visited him between 9.00am and 9.30am. However, he also stated that Spencer visited the house half an hour prior to the time he called the police, which would have meant that Spencer had visited the house at approximately 10.23am.
39. When asked what his son was doing with his wife, Mr Beynon replied *"Well, he, he converted her apparently now to be, he is now a Buddhist monk and he's praying on his knees [REDACTED]"* He added: *"I mean he's terrorised my wife as he always has done for many years with his temper and shouting but he didn't shout or rant this in temper but he was shouting how much he loved us, I'll make you proud. I just don't want him here I just want some kind of restriction on him coming to the property."*
40. Mr Beynon stated that Spencer had driven off in a car, which he believed was a white Vauxhall Astra. According to the call recording, he was not asked if he recalled any of the vehicle registration number. He stated that Spencer's girlfriend was called [Miss B's first name] but he did not know her surname.
41. Mr Beynon informed Ms E that he did not want police officers to contact him or his wife because his wife would *"do anything to protect"* her son and she would not be happy if she knew that he had contacted the police. He asked Ms E if police could *"just act on"* the information he had provided.
42. According to the incident log, Ms E indicated to Mr Beynon that she would pass the message on. She classified the call as a drug-related crime on the force computer system. She completed an electronic risk assessment known as a THRIVE assessment (a process detailed at paragraph 58 below) in which she indicated *"NOTHING ONGOING/CALLER NOT VULNERABLE"*. She graded the call as requiring a *"scheduled"* (grade 3) response, meaning a response within twenty-four hours. She then passed the incident to a different team within Dyfed Powys Police known as the Incident Resolution Team, which at the time of this incident was responsible for resolving incidents allocated a *"scheduled"* call grading, as opposed to a more urgent *"immediate"* or *"priority"* grading .
43. The fact that Spencer was suffering from Post-Traumatic Stress Disorder, Mr Beynon's belief that Spencer needed *"to be sectioned"* and his request for a *"restriction"* on Spencer coming to the property, as evident from the audio recording, were not recorded onto the electronic incident log.
44. Ms F, the member of staff from the Incident Resolution Team who dealt with the incident, stated that she accepted control of the incident log through Dyfed Powys Police systems at 11.08am. She clarified that the incident reported by Mr Beynon would have been one of a number of incidents that she would have been dealing

with at this time and that she would not have taken any action as soon as she took control of the incident as she would have been working through incidents in priority order based on when the incidents were received and their seriousness. She stated that, for example, incidents classified as violent crimes, domestic incidents or incidents raising a concern for welfare would be given a high priority.

45. She stated that as the incident had a "*scheduled*" grading (also referred to as a grade 3 response), she had twenty-four hours to deal with it, but that a "*schedule*" incident should nevertheless be dealt with as soon as possible. She stated that in general terms, if she considered that an incident should receive an "*immediate*" or "*priority*" grading (with a response time target of twenty minutes or one hour respectively), she could either send the incident back to her colleagues in dispatch who would then arrange for police officers to attend if appropriate or discuss the incident with a divisional sergeant if she felt that it had not been correctly graded.
46. Ms F stated that based on a retrospective review of the incident log, she would not have changed the incident grading when she took control of it on the force computer system. She stated that in her view the "*scheduled*" grading was appropriate because the incident had been reported two hours after it had happened, because the man (now known to be Spencer Beynon) had left the location of the reporting person (Mr Christopher Beynon), there was "*nothing ongoing*" and Mr Spencer Beynon's details had been provided to enable further enquiries to take place.
47. Ms F stated that she added a mental health "*tag*" to the incident log at 11.54am, which she understood would lead to the incident being reviewed by a member of the "*Mental Health Triage Team*" (see paragraph 59 below for an explanation of the Mental Health Triage Team) when they were next on duty. She stated that there was a published rota online which she could use to find out when they were next on duty. Ms F stated that she added the mental health tag to the incident log because of remarks made by Mr Beynon which led her to believe that there may be mental health concerns in relation to Spencer.
48. According to the incident log, Ms F then conducted intelligence and Police National Computer checks regarding Spencer and added a summary of the information obtained to the incident log. This information included the fact that Spencer had warning markers on police systems regarding firearms offences, that he had convictions for drug-related offences and that there were several intelligence logs available. The latter information was intended as a prompt to any officers who later attended the incident to ask for further information regarding the intelligence logs.
49. Ms F stated that as a result of the intelligence information she had obtained and because of her concerns relating to the information entered onto the incident log, she decided that she would inform the duty sergeant of this incident. She stated that she would have contacted the sergeant either by phone or directly through their radio using the "*point-to-point*" facility, which is a system of direct communication between police radio handsets. Neither phone calls to and from the Incident Resolution Team nor point-to-point communications are audio recorded. Ms F stated that she could not remember the name of the sergeant who was on duty nor the detail of the conversation which she had with them. She

could not recall whether she mentioned the detail of this particular incident log to the sergeant, as either or both of them may have been too busy to discuss it in detail and they may have been discussing a number of incidents during the conversation. She stated that having spoken to the sergeant she transferred the incident log to be dealt with by PCs in Llanelli.

50. The sergeant concerned, PS G, stated that whilst he did not dispute the account of Ms F, he had no recollection of any such conversation with her. He stated that he could not recall why he had accessed this particular incident log, but stated that he would sometimes look at the incident log for all ongoing incidents in the area whilst on duty.
51. The incident log indicates that PC H made a log entry at 12.52 pm. She stated that from memory she read the log and thought that there was not much that could be done in relation to what Mr Beynon was saying without gaining more information, but he did not want police to contact him. She stated that she phoned through to the sergeant PS G and asked him what his view was and he advised her to submit an intelligence log in relation to Spencer's drug use. She stated that PS G agreed that there was nothing further that the police could do regarding this incident. She stated that as she had submitted the intelligence log as instructed, she closed the incident log. She stated that there was nothing further to follow up and that there were no actions to progress. Therefore, no further action was taken regarding this matter.
52. PS G stated that he could not recall any conversation with PC H, although he did not dispute her statement that a conversation had taken place. He stated that he had no specific memory of this incident.

Policies and procedures regarding call handling

53. Dyfed Powys Police, in common with many other police forces, operate a graded response procedure. The force's graded response process is consistent with the National Call Handling Standard, which is a document produced by the Home Office which sets out how police forces should grade incoming calls.
54. The Dyfed Powys Police Graded Response and Deployment Policy defines a "grade 1" (immediate) incident as an emergency, which requires an immediate police response. Grade 1 incidents have a response time target of a maximum of twenty minutes. The policy defines a grade 1 incident as any incident which is taking place and in which there is, or is likely to be a risk of:
"Danger to human life.
 - *Use or immediate threat of use, of violence.*
 - *Serious injury to a person and/or,*
 - *Serious damage to property."*
55. The policy further states:
"Where the contact relates to an allegation of criminal conduct, it will be dealt with as an emergency if:
 - *The crime is, or is likely to be serious, and in progress.*

- *An offender has just been disturbed at the scene.*
 - *An offender has been detained and poses, or is likely to pose, a risk to other people."*
56. The policy defines a "grade 2" (priority) incident as a non-emergency. It defines a "grade 2" response as:
- "a response in which the police call/incident handler acknowledges that there is a degree of importance or urgency associated with initial police action, but an emergency response is not required. These typically arise in the circumstances where:*
- *There is a genuine concern for somebody's safety.*
 - *An offender has been detained.*
 - *A witness or other evidence is likely to be lost.*
 - *At a road collision, there are injuries or a serious obstruction.*
 - *A person involved is suffering from extreme distress or is otherwise deemed to be extremely vulnerable.*
 - *Hate crime."*
57. Regarding a "grade 3" response (also referred to as a "scheduled" response, with a 24 hour response time target), which was the response grading allocated to the incident regarding Spencer, the policy states that:
- "in these circumstances, it is accepted that the needs of the caller can be met through scheduling because:*
- *The response time is not critical in apprehending offenders.*
 - *The matter is service-orientated and a better quality of initial police action can be taken if it is dealt with by either a pre-arranged police response, or by other appropriate resource, or attendance at police premises."*
58. To assist call handlers in their decision-making, including call grading, Dyfed Powys Police use a framework known as THRIVE (Threat, Harm, Risk, Investigation, Vulnerability, Engagement). Call handlers are trained to assess incoming calls using this framework and Dyfed Powys Police have issued written materials to call handlers specifying considerations which they should take into account in relation to each of the "THRIVE" factors, as follows:
- *"Threat - What is the level of threat and to whom/what?*
 - *Harm - If the threat is carried out or the circumstances of the incident deteriorate, what is the likely level of harm caused?*
 - *Risk - What are the risks involved to the person and/or situation and how probable is that risk?*
 - *Investigation - Is an investigation required and if so, in what form and by whom? [...]*
 - *Vulnerability - Is someone related to the incident vulnerable? How, why and in what circumstances? A person may be vulnerable if as a result of their*

situation or circumstances, they are unable to take care or protect themselves, or others, from harm or exploitation."

59. The Mental Health Triage Team, to which Ms F referred in her statement, is a collaborative initiative between the police and the NHS, which in the case of Dyfed Powys Police involves having both a police officer and an NHS mental health practitioner present in the police control room. They advise on cases with a mental health element and if necessary attend the location of a person in mental distress to complete an initial mental health assessment. The operating procedure for the Mental Health Triage Team indicates that they are only on duty between 4pm and midnight, Thursday to Sunday, to cover the peak demand for their service.

Responses of call handler Ms E

60. The IPCC has been provided with a written account of an Inspector responsible for control room supervision who met with Ms E on the day after Spencer's death. The inspector stated that Ms E said during the meeting that she graded the incident as requiring a *"scheduled"* response and recorded that there was no risk of harm based on her perception of the risk to the caller, Mr Christopher Beynon, at the time when he called. The inspector stated that she had advised Ms E of the need to consider the wider picture when considering the call grading and the THRIVE risk assessment factors, including Spencer's vulnerability and that Ms E had accepted this advice.
61. Ms E also provided the IPCC with a written response to her notice of investigation, in which she stated that the supervisors in the control room had provided her with advice *"with the benefit of hindsight"*.
62. In her response, Ms E stated that Mr Beynon did not provide details of the vehicle in which Spencer had driven away from his father's house despite her attempting to obtain this information through asking probing questions. She also stated that she was unable to look up information regarding Spencer Beynon on the PNC (Police National Computer) because she was not trained to carry out *"person checks"* on the PNC and she could only carry out *"vehicle checks"*. However, she did not have a partial vehicle registration number to enable her to complete such a check.
63. Ms E stated that she attempted to contact the CID (Criminal Investigation Department) when Mr Beynon said that he wanted to speak to *"a member of drugs squad"* but there was no reply and she informed him of this.
64. Ms E stated that she understood that Mr Beynon was requesting that officers attend his son's address to look for drugs, as he believed that he was in possession of cannabis. She stated that any such action would require an application for a search warrant and a risk assessment to be completed before officers could attend his address for this purpose.
65. Ms E stated that she completed the THRIVE risk assessment (see paragraph 58 above for an explanation of this process) and indicated on the risk assessment that she considered that the caller and his wife were not at immediate risk. She

stated that this risk assessment was based on the fact that Spencer had left the address and Mr Beynon's wife had taken the drugs from him.

66. Ms E stated that: *"I am satisfied that all of the relevant information regarding the call was entered onto the call log at the time given the context of the call. Mr Beynon was concerned regarding his sons use of drugs and he clearly wanted this to be dealt with which is why he initially asked to be transferred to the drugs officer / CID. He did not ask that the police attend and deal with his son for any other issue although this had been mentioned by him in order to explain why he was calling."*
67. Ms E further stated that as the incident had occurred an hour and a half prior to the call it was *"historic"* and needed to be sent to the IRT for further work.
68. Ms E stated that she geobased (i.e. electronically linked) the incident with Spencer Beynon's address. She stated that she did this because Mr Beynon had said that this was the address which needed to be *"busted"* and he was adamant that he did not want any police contact. She further added that geobasing the incident to Spencer Beynon's address may have made details of his vehicle and his girlfriend visible to the Incident Resolution Team. She stated that she had been advised that she should have *"geobased"* the call to Mr Beynon Senior's address but that she considered that this was a matter of opinion and that she had acted appropriately.
69. Ms E stated that with the information available to her, her only option was to grade the incident as requiring a *"scheduled"* response, adding that it was necessary for the incident to be passed to the Incident Resolution Team (IRT) as they were able to carry out *"person checks"* on the Police National Computer and had time to carry out research in more depth. She also stated that she was physically located near to the IRT and that she knew that the call would be reviewed by the IRT in a few minutes, which it was. She questioned whether her colleagues who were responsible for dispatching officers to *"immediate"* and *"priority"* incidents, who are not part of the IRT, would have been able to do anything further with the call if it had been graded as *"priority"*, given the limited information available.
70. Ms E stated that she discussed the call with a supervisor on completion of the call card, who told her that *"it is not a crime to drive off at high speed"*. It is unknown whether the supervisor was made aware of the concerns regarding Spencer's mental health, which were not recorded onto the incident log.
71. Ms E also stated that the incident log was viewed by two call handler supervisors in less than two minutes, by the IRT and by a divisional sergeant, none of whom decided to upgrade the incident despite being empowered to do so. She stated that, in her view, this indicated that her grading decision was correct. She also added that when two call handler supervisors spoke to her on the day after Spencer Beynon's death, they did not say that the call grading was incorrect.

Analysis

72. It is noted that according to the call grading criteria above, incidents where there is a genuine concern for safety fall within the *"priority"* grading with a response

target of one hour. Ms E stated in her written response that she considered that she had recorded all relevant information within the context of the call and that Mr Beynon had mentioned issues other than drugs *"in order to explain why he was calling"*. However, bearing in mind Mr Beynon's reference to PTSD and his view that his son *"needs to be sectioned"*, it is my opinion that there was clear evidence of a genuine concern for safety related to his mental health and that the incident should have been graded as *"priority"* rather than *"scheduled"* in these circumstances.

73. Furthermore, it is noted that all of those who viewed the incident log, other than Ms E, would in the first instance have been relying on the information which had been typed onto the log, which as noted above makes no direct reference to the fact that Spencer had a known mental health condition. As such, it is my opinion based on the evidence that the supervisors and sergeants who viewed the incident log were not in possession of all relevant information.
74. Regarding Ms E's questioning of whether dispatchers would have been able to take any action in relation to the call given the limited information available, it is my opinion that although the information was limited, there was sufficient information to enable a welfare check of Spencer. It is noted that Mr Beynon informed the call handler of Spencer's name, address and concerns regarding his mental health and the nature of his behaviour during Spencer's visit to his house.
75. Had a priority (grade 2) grading been assigned, this would have resulted in a response time target of one hour being allocated to the incident. It is my opinion that grading the incident as *"priority"* (grade 2) with a one-hour response target may have led to police attendance at Spencer's address in Bryn Road before the sequence of events which took place later in the evening, between nine and ten hours later.
76. However, it is noted that the Mental Health Triage Team were not on duty at the time of the incident reported by Mr Beynon and would not have been back on duty for more than two days. Furthermore, the operating procedure for the Mental Health Triage Team states that the triage team will review incidents reported whilst they are on duty, but does not indicate that they would have the capacity to review incidents occurring two days before the start of their shift.

Events prior to the evening of 14 June 2016

77. Miss B stated that Spencer's friend Gareth Shaw called briefly at Spencer's house after they had returned from his parents' house, but that Spencer said that he had to go because his mother would be visiting shortly.
78. Miss B stated that after Mr Shaw had left, they went into their bedroom, where Spencer told her that she would never know how much he loved her and how happy he was that they would be getting married and that his parents knew this. She observed that Spencer was *"rushing"* whilst talking and that it seemed to her that *"it was almost like he wanted to get some things off his chest"*. She stated that he was behaving more irrationally in the forty-eight hours before his death and that *"it was as if he knew that his time was short"*.

79. Miss B recalled that their friends Tracy Rees and Mr C came round to their house later in the afternoon and that Spencer told them that he loved them and thanked them for being in his life. She stated that it was as if Spencer knew that something was going to happen to him.
80. Miss B stated that when everyone had left, she and Spencer sat down and had a cup of coffee. She stated that he was no longer acting in the *"rushed"* manner that he had been earlier that day and seemed more like himself. Miss B stated that he told her how much he was looking forward to her fortieth birthday and how he wanted to get married on the beach. Miss B stated that he put some cannabis into a glass pipe (commonly known as a *"bong"*) and smoked some of the cannabis before placing the *"bong"* on the table. Miss B stated that he then received a phone call from Mr K, who is the boyfriend of Ms L, asking him to go over to his house, but he then decided that he would stay at home that evening and kicked his shoes off.
81. Miss B stated that Spencer then sat in his recliner chair and he asked her to give him a cwtch⁵, which she did. Miss B stated that when she pulled away from him, he was *"like a different person"*. Miss B stated that his eyes went black for a moment and he said *"The devil hasn't left this house"* and pushed her away from him very hard, which she stated was out of character for Spencer. Miss B stated that he then picked up the *"bong"* and the dog, placing the dog under his arm very roughly. She stated that she was standing in front of him at this point. Miss B stated that he raised the *"bong"* and said *"if you don't get out of my fucking way I'm going to kill you."* She stated that this was also extremely out of character. Miss B stated that Spencer then *"stormed off"* through the front door and the glass in an internal door smashed when the front door was opened due to a gust of wind.
82. Miss B stated that as Spencer ran out of the house, she recalled that, several months previously, Spencer had told her not to follow him if he ran out of the house and that if he did he would come back. She added that as he was leaving the house, Spencer had said *"I'm taking the fucking car"* and that she had responded that he was not going to take it. Miss B stated that after Spencer had left, she began to clean up the glass as she was concerned that Spencer would cut himself when he came back as he had left the house with bare feet.

CCTV and witness evidence of events after Spencer had left his house on the evening of 14 June 2016

83. The IPCC analysed CCTV from the Address B and from a property in Maes y Bwlch as well as GPS data and audio transmissions from police radio handsets. No body worn video was available. A map showing the route which it is believed Spencer Beynon may have taken between the time when he left his house and when he arrived at Maes y Bwlch based on witness and CCTV evidence is reproduced.

⁵ A Welsh word meaning an affectionate hug.

84. According to CCTV from Address B, at 7.05pm⁶ Spencer hurried along the pavement from the direction of Marine Street along Copperworks Road towards the general direction of New Dock Road. He then walked across the road towards Address B, before swiftly turning around and walking back across the road, narrowly avoiding a collision with a green Vauxhall Corsa. He continued to walk and then ran in the direction of New Dock Road. He appeared to be carrying something in his arms.
85. Mr J, a taxi driver, stated that at approximately 7.05pm his taxi was parked on the junction of Marine Street and Copperworks Road, pointing towards Marine Street. He stated that he had just got back into his taxi when he noticed a man who was carrying a dog "*antagonising*" two other men by repeatedly running towards them and shouting at them in an "*aggressive*" manner. He stated that they gestured at the man to go away and the man with the dog then began to walk in his direction. Mr J stated that he was concerned that he may be attacked and decided to drive away. He stated that as he attempted to drive down Marine Street away from Copperworks Road, the man with the dog ran out into the road and lunged towards the window of his vehicle, managing to get to within a metre of it. He stated that the man shouted "*I'm gonna get you*". Mr J stated that he then accelerated away from the scene and drove towards Bryn Road, where he was stopped by another man who phoned the police.
86. Spencer walked into the view of a CCTV camera covering Address D at 7.14pm. According to the footage, he was carrying something in his left arm and drinking from something in his left hand. A few seconds later, he opened the door of Address A and went inside.
87. Mr K, who lives at Address A, stated in his statement to Dyfed Powys Police⁷ that he had received a phone call from Spencer at approximately 7.00pm and that Spencer told him that he was trying to contact his [Mr K's] brother and would call round to see him. Some time later, he recalled the front door opening and seeing Spencer there. He stated that Spencer was wearing nothing on his feet and was carrying a dog in one hand and a glass "*bong*" in the other which was broken as the stem was on the floor just outside his front door and there was water around it. He stated that he assumed that Spencer must have tripped or fallen through the front door.
88. Mr K stated that he asked Spencer if he was OK and that he said "*Demons, Demons, there's Demons about...*" and then began to shout "*Jesus*" repeatedly. He stated that he had met Spencer on a previous occasion and that he "*was not the same Spencer*" that he had been then. He stated that he believed that Spencer was under the influence of drugs or experiencing a psychotic episode. He stated that Spencer called for his partner, Ms L, but he prevented Spencer from going up the stairs.

⁶ CCTV timings referred to have been adjusted to take into account the difference between CCTV system time and the current time.

⁷ As noted above, Dyfed Powys Police completed a number of witness statements in relation to the investigation of the allegation that Mr A allegedly assaulted Mr Beynon. A number of witness interviews were conducted jointly by the IPCC and Dyfed Powys Police. The IPCC has attempted to contact all witnesses who were spoken to by Dyfed Powys Police and has taken additional witness statements from those witnesses who had additional information to provide.

89. Ms L stated to Dyfed Powys Police that she heard Spencer calling for her and that it sounded like he was speaking in a different voice to his normal voice. She added that Spencer said *"Where's Laura?"* and then said *"Jesus"* and *"the demons are coming for us"*, *"Ganash"*, *"The demons are in here"* and *"possessed"*.
90. Mr K stated that Spencer dropped to his knees on his kitchen floor and that he appeared to be praying. He stated that Spencer then put the "bong" down and kept hold of the dog. He stated that Spencer began to rock backwards and forwards and began to cause catastrophic injuries to the dog as described in his statement, saying *"she's all right"* in a raised voice. He stated that Spencer then said *"Demons, demons"*. He stated that his partner Ms L then came downstairs and told Spencer that he was scaring her children. Mr K stated that Spencer then got up and walked into the back garden.
91. Ms L stated that when she came downstairs she noticed that there were large pieces of clear glass just outside her front door and that there was dirty water in her living room and hallway.
92. Mr K stated that Spencer sat on a bench in his back garden and continued to cause catastrophic injuries to the dog as described in his statement. [REDACTED]
93. Mr K stated that Spencer then came back into the kitchen and spat at Laura. He stated that he could see blood from the dog on Spencer's face and mouth. He added that he knew that the blood had come from the dog as Spencer did not have any injuries. [REDACTED]. He stated that Spencer then said *"I cast out the demons"* and repeated *"demons"* and *"Jesus"*. Mr K stated that Spencer then walked out into the back garden again and jumped over the fence, at which point he lost sight of him.
94. According to the CCTV from Address D, Spencer climbed over the fence at the rear of Address A at 7.21pm. He was then out of the view of the camera.
95. Ms M stated that she came out into the street when her daughter saw Spencer jump over the fence. She stated that she saw the man whom she now knew to be Spencer causing injuries to the dog as described in her statement. She stated that Spencer had no shoes on his feet and that he pointed at his feet and said *"Do you see my fucking feet? I have no shoes on. I am Jesus."*
96. Ms M stated that she saw that Mr Beynon had blood on his clothing and that she believed that the blood was coming from the dog, as it had been injured. She stated that Spencer began to walk towards her and that he was hitting the dog with something sharp near to its ear. She stated that she then turned and ran towards her house. She stated that Spencer grabbed lightly at the collar of her cardigan but she managed to pull away from him and to reach her own house.
97. Ms M stated that she looked out of her living room window and could see Spencer lying on the pavement outside Address E. She stated that he was

injuring the dog and appeared to be shaking as if he were having a fit. Ms M stated that she telephoned for an ambulance.

98. Ms M stated that she then then went back into the street to take one of her neighbour's children home and heard Spencer saying words similar to *"fuck off I'm god"* and something about *"doing the devil's work"*. She stated that Spencer was continuing to injure the dog. She stated that Spencer was holding something in his hand which in her view was causing him to bleed, as his hand was covered in blood. She did not specify in which hand Spencer was holding the item. She stated that the item was preventing Spencer from fully closing his hand. She stated that she believed that the item was a piece of glass, a stone or something sharp. She stated that Spencer was using the same hand to hit the dog in the area of its ear. She stated that Spencer sat up, spread his arms and said that he was God. She stated that at this time, Spencer was uninjured and that she believed the blood which was on him was coming from the dog. She stated that, whilst injuring the dog, Spencer was saying to it *"you are my only friend and if I'm going you are coming with me."*
99. Ms M stated that she saw Spencer run towards a neighbour, Mrs N, and that he pulled her towards him in a headlock. She stated that her neighbour's husband, Mr A, managed to pull Spencer away from her by grabbing his shoulders and that Mr A and her own partner Mr O then ran after Spencer as they wanted to help him.
100. Ms M stated that she saw Spencer head butting the door of Address A and that when he was on the driveway of the house: *"He kept hitting himself and as though he was looking for something on the ground."* She stated that he was lying down and that he began to inflict injuries to himself by hitting his throat area. She stated that he was holding a piece of glass in his hand with which he hit his *"throat area"* 4 or 5 times using a closed fist. She stated that when Spencer was hitting himself with a closed fist the position of his thumb was face-up. She stated that she then saw blood coming from Spencer's *"throat area"*.
101. Ms M's partner Mr O stated that Spencer was *"gargling"* and that he and his neighbours were concerned that he may be choking and that he asked one of his neighbours to call for an ambulance. He stated that the dog next to Spencer was covered in blood and its own excrement and that Spencer was banging the dog's head on the floor. He also stated that he noticed that there was a wet patch on Spencer's trousers. He also stated that he believed that the blood on Spencer's clothing was coming from the dog.
102. Mr O stated that Spencer *"seemed to charge at the other people, I don't think he knew what he was doing"* and that the man from Address F [since identified by the investigation as Mr A] chased after Spencer but did not make contact with him.
103. Mr O stated that he saw Spencer head butting the door of Address A and added that he also saw Spencer hitting his upper body in the area of his upper chest with a clenched fist. He stated that Spencer hit himself in this manner three or four times.

104. Mrs N stated that the man, whom she now knew to be Spencer, *"didn't look well"* and that his hooded top was covering his face. She stated that she and another neighbour, Ms P, tried to get him into the recovery position, but he resisted their efforts to do this, flipping himself over so that he was lying on his stomach and then screaming loudly. She stated that he then resisted further attempts to get him into the recovery position and moved onto his back, shouting *"I am God"* and *"I just cast you out"*.
105. Mrs N stated that Spencer then got up, grabbed the dog which had been next to him and caused it further injuries as described in her statement, repeating *"I am God. I have just casted [SIC] you out"*.
106. Mrs N stated that Spencer *"was looking through us as if he wasn't aware what was going on."* She stated that Spencer then ran towards Mr O but she managed to get in between them. She stated that Spencer then put one arm around her neck and took hold of her ponytail and tugged it. She stated that her husband Mr A then pushed Spencer away from her and Spencer ran away towards Address A, followed by her husband and Mr O.
107. Mrs N stated that Spencer then ran at her with his arms outstretched and that with his right hand he grabbed her hair just above her fringe and shouted, *"I am God"*, but she managed to pull away from him.
108. Mrs N stated that as he approached the front door of Address A, Spencer slipped over on the grass.
109. Mrs N stated that she saw Spencer head butting the front door and the wall next to it with *"full force"*, whilst screaming that he was God. She stated that he then said *"If I'm going you're fucking going with me, gee"*. It is known from the statements of Miss B and Mr Shaw, a friend of Spencer, that Spencer called his dog *"G"*.
110. Mrs N stated that after Spencer had head-butted the door, he was on his knees and that he had a piece of glass which looked like the neck of a broken milk bottle in his hand, which he used to stab himself in the neck several times. She stated that he was also bleeding from the top of his head where he had been head butting the wall. She stated that Spencer continued to scream.
111. Ms Q, who was visiting a friend in Maes y Bwlch at the time, stated that she saw Spencer get up from the floor *"really fast, as if he had had a fright"* and that he then screamed at the dog. She stated that Spencer had a *"bong like item"* in his hand and that he was holding it close to the neck of another neighbour, Mrs N, and that he grabbed her by her ponytail. She stated that she did not know whether Spencer had hit the door or window of Address A but that she heard a bang.
112. Mr R, who was collecting a sofa from a house on the Maes y Bwlch estate, stated that he had a good view of Spencer from his van. He stated that when he first saw him, he was lying on the ground and appeared to him to be having an epileptic fit. He recalled that a woman was attempting to turn Spencer onto his stomach, but he turned back over onto his back and continued *"fitting"*. He then

stood up and turned around and picked up the dog. He then stepped onto the road.

113. Ms S, who also lives in Maes y Bwlch, stated in her interview with Dyfed Powys Police that she saw the man now known to be Spencer in the street and that he appeared to her to be having a fit and was covered in blood. She stated that a crowd of people had gathered in the street near to Spencer but that everyone was too frightened to approach him. She stated that, before the police officers arrived, she saw Spencer get up from the floor very quickly and that he then ran into the crowd. She stated that he was running back and forth, that he was *"all over the place"* and that there was a *"scuffle"*. She stated that a number of people from the crowd tried to grab Spencer, but that she did not see any punches being thrown. She stated that she heard a number of people say that they were trying to help him. She stated that Spencer was shouting *"I am God"* and *"I can be healed"* as well as saying *"If I'm gonna go you're gonna go"*. She stated that the latter comment was directed at what somebody told her was his dog. She indicated that Spencer was punching himself all over his body whilst saying this. She stated that she did not believe that he had anything in his hands. She stated that Spencer tried to grab one of her neighbours by the hair and the neighbour's husband ran after the man. She stated that he made contact with the man's leg but did not hit him.
114. Another resident, Mr T, stated that he walked out of his back gate after hearing voices in the street which did not sound normal to him. He stated that he could see the man whom he now knew to be Spencer lying outside Address E. He stated that he was behaving as if he had been injured. He stated that Spencer was *"using his legs and his back to lift himself up and down"* and that he then got up from the floor and appeared to be *"angry and stressed"*. He stated that Spencer *"lashed out at one of the women who was there and was physically going for people"*.
115. In his statement, Mr U, who was returning to his house in Maes y Bwlch estate, stated that he saw the man now known to be Spencer arguing with another man. He stated that he saw his son with a group of people who had gathered on the estate. His son then approached his vehicle and told him he had spoken to the man now known to be Spencer. He stated that his son told him that Spencer had said to *"stay off the drugs"* and that *"he had something he needed to do"*. Mr U stated that he saw a man pushing Spencer to his chest with open palms and that Spencer threw his dog at the wife of the same man. His statement does not describe the man who pushed him in detail. He stated that Spencer did not look like *"a normal person"*, that he *"didn't seem to care"* and that he looked like he *"was on drugs"*.
116. Mr U stated that he saw Spencer walk onto the driveway of Address A and that he could see him from the waste upwards. He stated that he saw Spencer punch the front door of the house approximately ten times. He stated that Spencer then stepped back and shouted *"I am god. I am going to end it now"* to the person who was upstairs in Address A [believed to have been Ms L] before walking out of his view towards the rear of the property, from where Mr U could hear banging and shouting. He stated that he believed that the person shouting was the man now known to be Spencer.

117. Mr U stated that, three minutes later, Spencer returned to the side gate of Address A and he could see that he had blood coming from the right side of his neck area and a gouge or scuff mark on his left arm.
118. According to the CCTV from Address D, at 7.31pm Spencer ran from left to right towards Address A. He was followed by two men, one of whom was Mr A. Mr A reached towards Mr Beynon as he arrived at the front door of Address A. He raised his left arm and Mr Beynon then fell to the ground and out of view of the camera.
119. When interviewed by Dyfed Powys Police in connection with this sequence of events, Mr A stated that he ran after Spencer because he feared for the safety of the children who were out in the street and for the safety of his family. He stated that it appeared to him that Spencer may be under the influence of drugs. He stated that Spencer slipped over in a dip or hollow in the grass outside Address A and that he reached out to grab Spencer but did not believe that he made physical contact with him. He stated that Spencer fell and hit his head on something as he fell. He stated that he then returned to his family and spoke to the ambulance service after taking a phone from his stepdaughter who was already speaking to them. He stated that, during the call, Spencer was barging and head-butting the front door of Address A.
120. The CCTV from Address D shows Spencer head butting the window of Address A at 7.31pm.
121. It also shows that at 7.31pm Spencer walked to the entrance of the driveway of Address A and that he appeared unsteady on his feet. He then tensed his body twice as if shouting at the houses opposite and pointed repeatedly and emphatically towards the first floor of Address A. He then made a "throwing" gesture towards the first floor of the property and sat down in the driveway.
122. The CCTV from Address D shows that at 7.32pm, a van parked in the way of the camera covering Address D, blocking the camera's view of the driveway of Address A.

The initial police deployment

123. Whilst the above events were taking place, Dyfed Powys Police received a number of calls from members of the public, which, in my opinion based on the reports received, appear to relate to the sequence of events involving Spencer, though it should be noted that none of the callers identified him by name.
124. At 7.06pm, a member of the public called 999 and reported that *"Somebody has just smashed a window in my street in Bryn Road. My mother said a male had come to the door and was threatening to throw acid on her. My mum told me and me & friend [SIC] came out of the house. My friend is still searching for the male."* The member of the public informed the call handler that he had spoken to Mr J, the taxi driver referred to at paragraph 85 above, who had now left the area. He stated that that Mr J had described the man whom he had seen as *"Male wearing a red bobble hat and had khaki coloured clothing on carrying a small dog."*

125. The incident was graded as requiring an immediate response. At 7.10pm, two police officers (Officer 1 and Officer 2) were dispatched to attend the area.
126. At 7.10pm, another member of the public called Dyfed Powys Police. She reported that a man was walking along Station Road, Llanelli carrying a "bong" and what she believed was a stolen dog under his top. She reported that the man was not wearing any shoes. The police operator recorded the updated information onto the incident log which had been created following the previous call and then recorded a further entry at 7.14pm stating that Officer 1 and Officer 2 had been updated. The caller stated that the man had just run down the turning in the direction of the Lidl supermarket. This information was recorded onto the incident log at 7.13pm.
127. Officer 2, who was crewed with Officer 1, stated that as they were driving along New Dock Road, they came across two teenage girls who were stood in the middle of the road trying to get their attention. She stated that the teenage girls said that they had phoned the police and that they had seen a man who was not wearing any shoes walking up New Dock Road with a dog up his jumper. Officer 2 stated that the teenagers indicated that he had left in the direction of the Machynys Golf Course and also pointed towards another group of teenagers who were further up the road. Officer 2 stated that she and Officer 1 asked the other group of teenagers in which direction the man had gone and they also indicated the direction of the Machynys Golf Course. She stated that they then drove towards Machynys but could see no sign of the man.
128. Officer 2 stated that the police control room then requested a traffic officer to assist and he began to make his way to the area but was then diverted to another call. This is consistent with the incident log and the police radio transmissions. Officer 1 and Officer 2 stated that they then decided to attend the address of the person who had reported that the unknown man with the dog had threatened to throw acid in his mother's face, in Bryn Road, to try to obtain further information.
129. At 7.28pm, Dyfed Powys Police received a further phone call from another member of the public who stated that there was a man lying down in the middle of the road covered in blood. The location of the incident was given as Address C, Llanelli. The caller also said that the man had tried to climb over someone's fence, adding that "he's off on something..... he looks right off his trolley....looks like he's having some sort of fit". The caller added that the man would need an ambulance.
130. Officer 2 stated that as she and Officer 1 entered Bryn Road on their way to the address of the person who had made the call, they heard the control room dispatching them to a report of a man lying in the middle of the road in Maes y Bwlch who was "covered in blood".

Analysis

131. It is noted that Officer 1 and Officer 2 were advised that the man had run down the turning near to the Lidl supermarket at approximately 7.13pm. According to the CCTV, they arrived at Maes y Bwlch at 7.32pm, nineteen minutes later, after

being asked to attend the area as a result of the call which identified the specific location.

132. In my opinion, Officer 1 and Officer 2 acted appropriately in conducting an area search near to the Machynys Golf Course based on the limited information available to them. In my opinion, it was appropriate for them to attempt to visit the original address in Bryn Road from which the original incident had been reported. Therefore, it is my opinion that there is no evidence of any undue or inappropriate delay in Officer 1 and Officer 2 attending Maes y Bwlch.

Summary of evidence regarding the interaction of officers from Dyfed Powys Police with Spencer Beynon, including the use of force

133. This section of the report contains a detailed summary of all relevant evidence available to the IPCC regarding the events which took place following the arrival of Officer 1 and Officer 2 at Address A (the location where Spencer was subject to TASER discharge and where he was declared deceased). The analysis of this evidence and the conclusions based on that analysis are contained in later sections of this report.

Electronic data evidence

134. The CCTV footage from Address D indicates that the police vehicle containing Officer 1 and Officer 2 arrived at 7.32.40pm⁸ and Officer 1 was on the driveway of Address A, eight seconds later at 7.32.48pm. These timings have been adjusted to take into account the time difference between the CCTV system and British Summer Time which was noted when the CCTV was recovered. The incident log indicates that Officer 1 pressed the emergency button on his radio handset, which he stated he did after discharging his TASER and realising that Spencer was unresponsive, at 7.33.08pm. The pressing of an emergency button by an officer is automatically recorded on the police incident log. Therefore, this evidence indicates that Officer 1 discharged his TASER between 7.32.48pm (when he is seen arriving on the driveway) and 7.33.08pm (when he pressed the emergency button on his radio handset), twenty seconds later.
135. TASER devices contain an internal memory which records when they have been discharged (fired) and the duration of the discharge. At the request of the IPCC, the Home Office Centre for Applied Science and Technology (CAST) downloaded the data from the TASER devices which Officer 1 and Officer 2 were carrying during this incident. This examination established that the device issued to Officer 1 was discharged once at 7.33.23pm (British Summer Time). However, the assessment completed by CAST noted that the internal clock of the TASER device can "drift" over time and that the download was completed ten days after Spencer's death. Therefore, the data cannot be relied upon to establish exactly when the device was discharged. The same assessment established that the TASER device issued to Officer 2 was not discharged at all during the incident.
136. The incident log was updated at 7.33pm to indicate that a TASER had been deployed and that Spencer was not conscious or breathing. It is evident from

⁸ CCTV system time is 7.34.58pm.

police radio transmissions that Officer 1 communicated this information to the control room.

Accounts of members of the public

137. A number of members of the public, including some of those who had witnessed the actions of Spencer prior to police attendance as summarised above, provided accounts of the sequence of events after the officers arrived.
138. Ms M stated that when the police officers arrived, the man whom she now knew to be Spencer was "erratic" and was "mumbling about God". She stated that she and her partner Mr O went over to the two police officers and told them that Spencer was "armed" and "dangerous". She stated that the two police officers approached Spencer, who was in the garden of Address A, and told him not to get up. She stated that the male police officer and the female police officer (known to be Officer 1 and Officer 2) stood on opposite sides of Spencer and that Officer 1 was closer to him. She stated that Spencer "did not listen and got up and went for the officers. He did not get to his feet but suddenly sat up and launched his hand towards them. The males [SIC] directed his aggression to the male officer. He was making some sort of noise at them which sounded aggressive. [REDACTED] I definitely think he wanted to end his life from his behaviour and the injuries he caused himself. I think the hand he went for them was the one he was holding glass with. I also think the male continued to harm himself when officers arrived, I think for their own safety the male officer Tasered the male. The male's body shock [SIC] before he hit the floor. I think he was gone then as he was lying on the floor with his eyes open."
139. In a clarification statement to IPCC Investigators, Ms M stated that: "I saw the male officer's hand go to his right side hip when Spencer went towards the male officer. The male officer then pulled something up and directed it at Spencer. I didn't know what it was but people who were stood around me were saying Spencer had been tasered. After the taser was used, I saw Spencer's body lift up off the floor and slam back down. After he landed, his body was lifeless."
140. Mr O, Ms M's partner, stated to Dyfed-Powys Police that when Officer 1 and Officer 2 arrived he told them that "you need backup" and "don't go near him [Spencer]". He stated that he said this because of the previous "erratic" behaviour that he had witnessed. He stated that the officers then approached Spencer who was still on the floor. He stated that he then heard the officers say "Stay down" about four times. He stated that he also heard them say "Don't get up". He stated that the officers were stood approximately two metres away from Spencer. He stated that "I then saw Spencer's head move forward as if he were trying to get up. I do not know if Spencer could physically get up due to the amount of damage he caused himself; however, I certainly thought he was trying to get up. I then saw the officer Taser Spencer."
141. Mrs N stated to Dyfed Powys Police that "[Officer 1] approached Spencer and he was still holding the piece of glass in his hand. The officer told [Spencer] to drop it and stop but he didn't comply so the officer then Tasered [Spencer] once and [he] dropped the glass and went straight to the ground."

142. In a clarification statement to the IPCC, Mrs N stated that she observed events from the front boundary of Address A. She stated that when the two police officers arrived, Mr Beynon was stabbing himself in the chest with a piece of glass with which he had previously been stabbing himself in the neck. She stated that the male police officer known to be Officer 1 told him to drop the glass but he continued to stab himself in the chest with it whilst repeating *"I am God"*. She stated that before he discharged his TASER, the officer said *"Stop stop TASER TASER"*. She stated that after the TASER was discharged, Spencer dropped to the ground. She stated that she did not feel that Spencer was a threat prior to being TASER'd and that she felt that the officers should have spoken to him more before it was discharged. She stated that the officers had been in the street for approximately one minute when this happened.
143. Mr A, who declined to provide an account to the IPCC, stated in his interview with Dyfed Powys Police in connection with the allegation that he assaulted Mr Beynon that he saw the two police officers enter the front garden. He stated that when the two police officers arrived, Spencer was stood up by the front door of Address A. He stated that Spencer had his arms out to his sides *"as if he was gonna do a star jump"*, that he was *"definitely aggressive"* towards the officer and that he had not been so aggressive at any time during the incident. He also stated that he did not know if Spencer was beckoning the officer.
144. Mr A stated that Spencer was shouting or saying something to the male officer although he could not tell what he was saying. He stated that Spencer was more aggressive at this point than he had been at any time during the incident. He stated that he heard the officer say something about TASER and then shout *"TASER TASER"* before discharging the device. He stated that he did not know if Spencer was subject to TASER discharge twice. He stated that he was close to the officer at this point and he saw that Spencer's chest moved backwards and his arms and legs moved forwards.
145. As Mr A has declined to provide an account to the IPCC, the IPCC has been unable to give him the opportunity to clarify a number of matters to a level of detail beyond the account provided in his interviews with Dyfed Powys Police. He has not therefore clarified the nature and extent of any movement from Spencer towards Officer 1 or the specific point or points in time relative to the TASER discharge of Spencer's possible *"beckoning"* action towards Officer 1 and his alleged *"aggressive"* behaviour.
146. Ms S stated in her interview with Dyfed Powys Police that after the police officers arrived: *"They [the officers] bent over him when he was on the floor, right, there was some sort of scuffle on the floor possibly, some sort of movement, legs, arms, right but he was definitely on the floor and the next thing I hear a shot."* She later clarified that the noise which she described as a *"shot"* was a bang like a gunshot but was not as loud as this. She stated that one of her neighbours told her that the man had been *"TASER'd"*.
147. Ms S added later in her interview that during the *"scuffle"* after the police officers had arrived, *"he [Spencer] wasn't up on his feet, I know that for a fact. He weren't [SIC] even on his knees. Right cause she [the female police officer now known to be Officer 2] was sort of bending down and I could still see her so he must have*

been flat, he must have been." Ms S further stated that the "scuffle" after the police officers arrived was "not a high scuffle" and emphasised that "at no point was he [Spencer] off that floor. At no point. He might have raised his head a bit but that's all."

148. Mr K, from Address A, stated that he heard police sirens and went to his front window, but could not see anything. He stated that he then heard police say something like *"Stop, stop, stand still or we will shoot the tazer [SIC]"*. He stated that he then heard a *"commotion"* outside his front door. He stated that he opened the door and saw Spencer lying with his head against the door.
149. Ms Q, in a joint statement made to Dyfed Powys Police and the IPCC, stated that she heard a male voice shout *"stop, TAZER [SIC]"* and that this was the first point at which she became aware that the police had arrived. She stated that she did not hear the police officers say anything else to Spencer and that she could not estimate the length of time between the arrival of the officers and the TASER discharge. She stated that she did not see the TASER discharge itself as she was not looking in the direction of Spencer and was focusing on the dog which was in the front garden of Address A. However, she stated that she did see Spencer fall to the ground near to the parked car in the driveway after the TASER discharge.
150. Mr U, in his statement made to Dyfed Powys Police, stated that he had a view of Spencer for a time whilst he was kneeling near to the front door of Address A but his view was then obstructed due to the number of people around him. Therefore, he could not see Spencer when the police officers arrived. He stated that *"When the male officer was walking to the side of T1 [the police vehicle] he had his hand resting on his Tazer [SIC]. I could see his hand resting on the case that holds Taser on his equipment vest on his right side. Initially the male officer had rested his hand on the front of the bonnet of the car to pass it and as he entered the driveway of Address A it was at this point that he had his hand on his equipment holder for what I believe was his Taser. At this point I could not see [Spencer] at all. The female officer was closer to the left side of the car near to the wall. [...]The female police officer then walked back out of the driveway and around the front of the car[...]."*
151. Mr U continued: *"At this time I saw the male officer step back. He was approximately 6 to 7 foot [SIC] from where I had previously seen [Spencer], he stepped back and shouted "STAY DOWN TASER DRAWN". I believe that he repeated this two or three times as I believe that the police have protocols to follow when using one as it is not a toy. The officer had the Taser in his both hands in what I would describe as two hands together with the Taser drawn and it appeared to be pointed down at an angle towards where [Spencer] had previously been seen by me. I did not hear anything else being said at all at this time."*
152. Mr U stated that he heard the TASER being fired as two further police vehicles arrived at the address. He stated that the police officer had taken a step to his left prior to discharging his TASER. However, he stated that he could not see Spencer at the time.

153. Mr R stated to Dyfed Powys Police that his view of the incident was slightly impeded by the police car and the wall at the front of the property, but he was in close proximity at the time. He stated that when the officers arrived, they said to Spencer *"Are you all right? Just stay where you are" two or three times. He stated that Spencer then moved into view as he stood up and was "screaming in anger". He stated that "I am not sure if he [Spencer] took a step towards[Officer 1]"*.
154. According to a child witness interview booklet completed during the police investigation into the allegation of Assault against Spencer Beynon, one of the children of Ms M and Mr O stated: *"The police came and my mother said that he had attacked the woman and man. The police said 'stay still, stay still, do not move'. The man went to grab the policeman . He reached out with both arms at the policeman. The policeman Tasered him and he fell on the grass in Laura's garden [Address A]."*
155. Mr T stated that he believed that the male police officer was trying to speak with Spencer prior to discharging his TASER. However, he stated that he was unable to see the TASER discharge due to a restricted view and could not describe the sound, which the TASER made.
156. The accounts of the remaining members of the public who were in Maes y Bwlch at the time indicate that they did not see or hear any interaction between Spencer and officers from Dyfed Powys Police.

Initial account of Officer 2

157. Officer 2, who was treated as a witness throughout the investigation, provided an initial account during the Post-Incident Procedure (PIP). The Post-Incident Procedure takes place after many police-related incidents following which a person has died. During the procedure, officers provide a brief initial account of what happened, including any use of force. In the days following the incident, they then draft full witness statements. Officer 2's initial account was as follows: *"I am officer 2 on 14/6/16 I attended Maes y Bwlch in Llanelli, with officer 1 to answer a call to a male laying the road covered in blood. I arrived and could see a male slumped on the ground in a doorway, I could see a lot of blood on him and the floor. We approached him, I was behind officer 1 there was a lot of background noise from the crowd in the area. I saw the male move forward, I then saw officer 1 discharge his Taser. Myself and officer 1 then commenced first aid, other colleagues and paramedics arrived. I saw a lot of blood pooling on the neck of the male coming through his clothing."*

Summary of detailed evidence of Officer 2

158. Officer 2 provided two witness statements regarding the incident of 14 June. The first of these statements is dated 20 June 2016 and the second of these is dated 30 September 2016 and was drafted based on an IPCC witness interview with Officer 2.
159. Officer 2 stated that when she and Officer 1 arrived at Maes y Bwlch, Officer 1 stopped the vehicle and said that he could see a man in the doorway of an address which was to her right-hand side. She stated that she got out of the

passenger side of the vehicle. She stated that she was faced with a large crowd of people and could hear crying and shouting, including hearing someone saying "he's killed his dog". She stated that she tried to find out exactly what was happening from the crowd who had gathered, but "was bombarded with shouting and different accounts".

160. Officer 2 stated that she recalled looking over in the direction of the man now known to have been Spencer⁹, who was sitting against the wall in the doorway of an address and that she could see a small black and white dog collapsed at his left-hand side. In her second statement, Officer 2 stated that the dog was not lying on Spencer and was separate to him. She could not describe the positioning of Spencer in any further detail other than to state that he was sat in the corner of the doorway to her left.
161. Officer 2 stated that she recalled seeing blood but did not know where it was coming from. She stated that based on the accounts of the original caller to the police who had reported a threat to throw acid and the information provided by the teenage girls whom they had encountered on their journey, she suspected that Spencer may be intoxicated or under the influence of drugs.
162. Officer 2 stated that the next thing she recalled was being approximately ten feet away from Spencer and that the dog was lying on its back with its legs in the air. Officer 2 stated: *"I can recall some movement from the male on the floor, possibly leaning forward as if to move towards us. OFFICER 1 was stood in front of me. There is quite a height and build difference between OFFICER 1 and myself, so my view of the male was obstructed by OFFICER 1. I recall the Taser being deployed by the crackle noise and OFFICER 1 shouting "TASER" as per our training. I have then pulled my Taser out from the holder and have pointed it towards the male. I have done this as an instinctive reaction, based on our training where we are guided to use Taser in pairs for our safety and for the safety of members of the public."*
163. In her second statement, Officer 2 stated that when she was ten feet away from Spencer she was standing in the entrance to the driveway of Address A, with Officer 1 directly in front of her; there were no other obstructions to her view. She stated that Spencer was sat up in the doorway and that *"prior to being TASER'd he made a movement forward"*. She stated that she saw a movement to her left and got her own TASER out of her vest. She stated that she could not describe Spencer's movement any further, other than to say that he moved. She added that *"He had been just sat there when I arrived and then suddenly he moved and the mood changed and it was frightening"*. She stated that *"as Spencer moved he made a noise like a groan or a shout"*. She stated that she did not see the TASER probes make contact with Spencer either because she was reaching for her TASER or because her view was obstructed by Officer 1. She added that *"Spencer was slightly to my left and he must have positioned himself towards OFFICER 1 as I did not see the probes make contact."*

⁹ Officer 2 stated that she did not recognise Spencer Beynon until after the TASER discharge. However, for readability, Spencer is referred to by name in this summary of her evidence.

164. In her second statement, Officer 2 stated that: *"I have been asked how I could see Spencer making a movement if OFFICER 1 was standing in front of me blocking my view. I recall that I was on the driveway to Address A as you enter the drive and straight ahead of me OFFICER 1 was blocking my view. Spencer was slightly to my left. I would not have seen any other movements that Spencer made because of where I was positioned. I next saw Spencer on his back on the floor. OFFICER 1 is about six foot 2 inches tall and weighs about 16 to 18 stone; he has a large frame and is a heavy build."*
165. Officer 2 stated that after Officer 1 discharged his TASER, Spencer was lying on his back facing towards the house, whereas he had been facing away from the house prior to the TASER discharge.
166. Officer 2 stated that she did not recognise Spencer until one of the people in the street identified him, after the TASER discharge. She stated that Spencer was well known locally as he had set up a Facebook page and that she had also taken a witness statement from him previously, but had never arrested him.
167. Officer 2 stated that she then realised that Spencer was unresponsive, retrieved a first aid kit from the back of the police vehicle and then assisted with providing first aid and Cardio-Pulmonary Resuscitation (CPR) to Spencer.

Initial account of Officer 1

168. Officer 1, the officer who discharged his TASER, provided an initial account of the incident during the Post-Incident Procedure (PIP) process (see paragraph 157 above for an explanation of the PIP process).
169. Officer 1 provided the following initial account of the incident: *"I am officer 1. I attended Maes Y Bwlch with officer 2 following a call regarding a male lying in the road bleeding. I went to [Address A], I saw a white male on his back against the door, holding a dog. I could see he was bleeding from the neck. I drew my Taser and walked towards the male, the male got to his feet and shouted, "I want to die" and charged towards me. This behaviour caused me to fear for my safety so I discharged my Taser. The male fell to the ground I approached him, he wasn't moving I was [ILLEGIBLE WORD] myself. As my colleague officer 2 gave first aid, until arrival of other officers and paramedics."*

Summary of detailed evidence of Officer 1

170. Officer 1 completed an initial witness statement following the incident and was subsequently interviewed under criminal caution by the IPCC on 30 November 2016 as a result of concerns arising from apparent discrepancies between his account and those of other witnesses. Officer 1 adopted the answers given in his criminal interview for the purposes of any misconduct proceedings.
171. Officer 1 was asked about his knowledge of Spencer Beynon prior to the events of 14 June. He stated that he had heard his name mentioned on many occasions whilst working in a previous role in the police control room, in connection with possession of firearms and drugs. He stated that he had met Spencer on one previous occasion whilst he was an operational police officer and that this was

during a missing persons' enquiry relating to his daughter. He stated that his most recent involvement with Spencer was when he put together an application for a warrant. He stated that this application involved completing intelligence checks regarding Spencer. He stated that he was aware from this work that Spencer was ex-military and that he had warning markers on police systems for possession of firearms and drugs. He stated that anyone with these warning signals would need to be treated with caution, but that he did not know him well enough to make a very informed judgement. He also stated that he was not aware that the person involved in the incident was Spencer Beynon until after he had discharged his TASER as he did not recognise him.

172. In his IPCC interview, Officer 1 stated that he first became aware of the report received from Bryn Road that a man with a dog had threatened to throw acid in the face of the caller to the police, whilst he was dealing with an unrelated matter at a different address. He stated that his initial risk assessment of the reported incident was that the caller was reporting a high-level threat of violence and that acid would be particularly dangerous as it is easy for one person to use acid against another.
173. Officer 1 was asked whether he considered mental health as a potential issue at this stage and responded that he did not *"self-consciously"* consider this because *"I tend to find mental health is something you only really discover when you're talking to somebody err or when you see their behaviour face to face."*
174. Officer 1 stated in his witness statement that two groups of teenagers whom he and Officer 2 encountered directed them towards the Machynys Golf Course. He stated that by the time they encountered the teenagers, they had already passed Maes y Bwlch. However, at this time there was nothing to suggest that the man they were looking for was located there. Officer 1 also stated that it would have been possible for Spencer to have travelled in the direction of the Machynys Golf Course indicated by the teenagers and to have then doubled back on himself to reach Maes y Bwlch.
175. Officer 1 stated that when speaking with the teenagers, he still considered that there was a high level of risk because smashing a window takes a considerable amount of force and because the man had reportedly threatened to throw acid at someone who was apparently unconnected to him. He stated that one of the teenagers who directed them to Machynys Golf Course said that the man with the dog had said he was Jesus as he was running down the road and that this led him to consider that there may be mental health concerns, although it was not possible to gauge what these were at this stage. They could not locate the man in this direction and therefore decided to attend the address in Bryn Road from where the incident had been reported, to try to gather further information.
176. Officer 1 stated in interview that when the control room requested him and Officer 2 to attend Maes y Bwlch as there was a man covered in blood in the middle of the road, he considered that it was likely that the call providing this information and the call relating to the threat to throw acid at someone may be connected, although this had not been confirmed. He stated that he considered that if the man was covered in blood, some violence must have taken place. However, he stated that he was used to encountering violence in his role and had to be prepared for this. He stated that, because of this, he considered that the fact that

the person was covered in blood and the likelihood that violence had taken place did not increase his assessment of the level of risk, given that there had already been a reported threat to throw acid at another person.

177. In his IPCC interview, Officer 1 was asked when he began to consider the tactical options, which were available to him in responding to this incident. He stated that he began to consider his options during the short drive from Bryn Road to Maes y Bwlch, which took approximately one minute. He stated that his initial thoughts were that there was a need to establish the location of the man and to arrest him for relevant offences such as criminal damage. He stated that at this time he considered that he was carrying out a "*normal arrest*" and that there were no specific tactical considerations in his mind other than those, which would generally apply in an arrest situation, although a threat to throw acid at someone is unusual.
178. Officer 1 clarified that in a "*normal arrest*" situation he would expect that there may be "*some sort of confrontation*" and that it was his role to try and calm the situation down and to be as reasonable as he could in the circumstances. He stated that this would involve explaining what had happened as well as the allegations against the person being arrested and the necessity to arrest the person. He stated that even where it was necessary to use force in arresting a person, it was important to try to restore "*normality*" to the situation.
179. Officer 1 stated that he would usually ask the control room for further information prior to attending an incident if he felt that relevant questions had not been asked or that the control room could provide further useful information. However, he stated that he did not believe that he had asked the control room operator whether they knew the name of the person who had been found in Maes y Bwlch because it was apparent to him that they had limited information as they had said that they did not know if the latest call was connected to the previous reports. He stated that he also took into account the fact that Maes y Bwlch was only a short distance from Bryn Road and that it may be difficult for the control room to obtain more detailed information in real-time from police systems in the time it took him and Officer 2 to arrive there.
180. In his interview, Officer 1 was asked whether he could have called for medical assistance when he was first told that there was a person in the middle of the road covered in blood. He stated that he did not make a call for medical assistance, but could not recall whether such a request had already been made by the control room. He stated that, in his view, it is the responsibility of the control room to request the attendance of an ambulance if the information that they have indicates that an ambulance is required. However, he could also call for an ambulance himself if an assessment of the person at the scene indicated that this was necessary. He added that the Ambulance Service would usually attend a scene at the request of the police, even where there was limited information available.
181. Officer 1 stated that when he arrived at Maes y Bwlch and got out of the police vehicle he could see over the garden wall of Address A and could see through the railings. He stated that he could see the man whom following the TASER discharge he later recognised as Spencer, propped up on the floor in the corner of the doorway of Address A, in a position between sitting and lying down, with

his legs pointing away from him. He stated that there was blood coming from the right-hand side of his neck, near to his collar. He stated that at this time he was approximately fifteen feet away from Spencer. He stated that his primary thought was that Spencer had suffered "*a self-harm wound*", as there was no-one else near to him and there was no evidence, such as a weapon nearby, to indicate that he may have been attacked or stabbed. He added that the top which Spencer was wearing was "*blood-soaked*". He stated that based on the amount of blood, he considered that a sharp object must have been used to cause a wound to Spencer's neck, although at this time he could see neither the sharp object nor the wound. He stated his primary concern was whether Spencer still had access to this item, as it would be a danger to everyone present.

182. Officer 1 stated that he could see the dog against Spencer's chest and that it appeared to him to be paralysed and covered in blood. He stated that seeing the dog led him to believe that the man on the driveway may be the same person who had reportedly threatened to throw acid at the mother of the person who had made the previous call to the police, referred to above. He therefore also considered that it was possible that Spencer may be in possession of an acid. He stated that he was not aware that he had been trained to take any specific precautions where there was a potential threat of the use of acid, although he was "*wary*" of the possibility of it being used. He also added that he did not see anything such as a bottle or a jar, which could have contained any acid. However, he stated that these concerns were quickly "*superseded*" "*both on a threat assessment level and a first aid level*" by the fact that Spencer appeared to be injured and bleeding.
183. In his interview, Officer 1 stated that he constantly applied the National Decision Model (NDM) structured decision-making process¹⁰ during the incident, when deciding what if any action to take. He stated that he considered the National Decision Model "*unconsciously*" as he had to make decisions in a very short time.
184. In his interview, Officer 1 was asked to outline his considerations with regard to obtaining medical assistance for Spencer, given that, as stated previously, his primary thought on arriving at the scene was that Spencer had harmed himself. He stated that medical assistance was a constant consideration, but he was aware that the ambulance service would request information such as whether Spencer was conscious and breathing and what had caused any injury that he had received in order to make a decision regarding the urgency of the incident. He stated that he therefore considered that it was appropriate for him to complete an initial assessment of Spencer himself. He stated that these considerations were subconscious and that it therefore only took him four or five seconds to get out of the car and go up the drive.
185. In his interview, Officer 1 stated that he knew that he did not have the option of keeping his distance from Spencer because of the amount of bleeding. He stated that one of his duties as a police officer was to protect life and he therefore considered that he had to take some action. However, he added that against this

¹⁰ The National Decision Model is a structured decision-making process developed by the College of Policing, which provides national guidance for police officers. The NDM requires officers to gather information, assess risk and threat, consider powers and policies, consider available options and contingencies, take action and then review what happened.

he had to balance his concerns regarding the whereabouts of the sharp object which he believed had been used to cause a wound to Spencer, given the increasing amount of visible blood staining on his clothing, and whether Spencer had access to this object. Officer 1 stated that because of this concern, he removed his TASER from its holster and removed the black "safety" clip, which is attached to the front of the TASER device whilst it is carried in its holster. He stated that he needed to remove the clip in order for his TASER to be available for use and that he had not decided to discharge the device at that point. He stated that the clip was "fiddly" to remove and that it was therefore necessary to remove it if there was the possibility that he may need to use the device, particularly given the small distance between himself and Spencer at this time.

186. Officer 1 stated that before arriving at the entrance of the driveway, he considered what options were available to him if Spencer were to become violent. He stated that he considered using his PAVA spray, but decided that this was not appropriate as he was aware that the spray could incapacitate himself or his colleague and because the spray would take a few seconds to take effect.
187. Officer 1 stated that as he approached the driveway of the property, a member of the public said to him *"you want to be careful with this one"*. He stated that he could not recall any further interaction between himself and other members of the public, although there were a number of people gathered at the scene. Officer 1 stated that if Mr Beynon had suffered an injury at the hands of another person, such as a stab wound, he would have expected the members of the public who were at the scene to have informed him of this. He stated that the fact that no one made any such remarks to him led him to consider that the injury that Spencer had received was likely to have been self-inflicted.
188. In his witness statement, Officer 1 stated that Spencer was moving his crossed arms back and forth slightly, with the dog still resting on his left-hand side. He stated that he started to walk up the driveway. He stated that he could hear *"muted noises"* coming from Spencer but could not distinguish any words. He also noted that there was a large blood stain on the crotch of Spencer's trousers, which he stated had dried slightly.
189. Officer 1 stated that when he was approximately ten feet away from Spencer, he shouted *"Hello"* to him, but he did not respond. He stated that at this point he was holding his TASER, which was pointing downwards, in his right hand, on the right-hand side of his body. He added that it was not pointed at Spencer at this time. In his interview, Officer 1 stated that he believed that at this time, Spencer would not have been able to see the TASER.
190. Officer 1 stated that as he moved closer to Spencer, he could still see blood coming from his neck but could not see what had caused the bleeding. He stated that when he was six or seven feet from Spencer, he flicked the safety switch on his TASER from *"Safe"* to *"Fire"*, as he *"hadn't been able to gauge his temperament"*.
191. In his interview, Officer 1 stated that when he flicked the *"safety"* switch on the TASER he was level with the rear door of the vehicle, which was parked in the driveway of Address A. He stated that he needed to flick the safety switch because he was only a short distance from Spencer and would have had a very

short time to react if necessary, either to discharge his TASER or to "get out of there". He stated that he was aware that it would be possible for Spencer to "close [him] down" quickly. In his interview, Officer 1 stated that he had not made a decision to use his TASER at this point and that he changed the position of the safety switch so that he would have the option of using his TASER if necessary. He stated that he could not see Officer 2 at this point and that his attention was focused on Spencer as he could see that he was injured. He stated that Spencer's demeanour had not changed "considerably" at the point when he flicked the safety switch.

192. In his interview, Officer 1 stated that he had to make "fast progress" towards Spencer as he was not moving and he was concerned that his lack of movement may be due to the injury that he had received. He also stated that it was not possible to begin any kind of conversation or negotiation with Spencer as he was not engaging with him, and was only making muted noises.

193. Officer 1 stated in his witness statement that:

"As I was focussing on him, I could see that he has moved his head to look straight at me and has almost immediately sprung up from the floor and got to his feet with the dog falling off to his left hand side onto the floor. He was now looking directly at me. His stance was not standing tall but rather his head, which was covered in blood all over and appeared to me to be being kept wet by his sweat, was lowered and his hands were behind his sides so I could not see them clearly. As he has got his stance, he has said to me, not shouted but spoken loudly saying "I want to die" as he started to charge towards me very quickly. As he said this, I just didn't know what his intentions were as I was standing in his way"

"The male, to me, was of proportionate normal build and was still fairly tall even though he was not standing to his full height. This has caused me concern as I still did not know where my colleague was and I felt that I would have to deal with this male, at least initially, on my own."

"I could see from the way that he was focussing on me that I was the only person he was looking at and due to his very sudden movements and complete change of character from being an injured person lying on the floor to suddenly jumping on his feet, I was now in fear that he was going to try and get to me. I feared what he might try to do and I still could not clearly see his hands to know if he had any sort of weapon on him that was going to do me, my colleague and the members of the public who were standing nearby some harm."

"My TASER was still down to my right hand side and this male was now charging at me with his eyes focussed on me, he was making direct eye contact."

"I have shouted "TASER, TASER, TASER" to warn him, my colleague and everyone else around that TASER had been deployed and I have left the TASER to continue in it's automatic 5 second cycle. I have not switched off the TASER before this cycle ended as I needed the time to assess that it was effective and assess the behaviour of this male following the use of the TASER."

194. In his interview, Officer 1 stated that it took less than two seconds for Spencer to get to his feet and move towards him and that he was therefore taken by surprise, as prior to this point Spencer was on the floor and was clearly injured. He stated that the first aspect of this movement which he noticed was the dog rolling off

Spencer to his left-hand side, whilst Spencer got up to his right. He stated that he did not think Spencer had used any object or furniture to help him get up from the floor as there was nothing there for him to use. He stated that he could not recall the movement itself in *"a huge amount of detail"*.

195. In his interview, Officer 1 stated that, on getting up from the floor, Spencer was *"down in a stance" "with his head down slightly"* and that he could see the blood on his face glinting in the sun. He stated that Spencer had a *"like a determined [SIC] on his face"* and that he was in a *"bladed stance"* with his palms backwards.
196. Officer 1 stated that whilst Spencer was in the stance described above, the highest part of him was at a height of approximately 5 feet nine or five feet ten inches, which was short of his full height. Officer 1 stated that his own height was 6 feet 2 inches. He stated that he recalled that the vehicle on the driveway was a camper van or pick-up truck and that he did not recall it being especially tall, but did not recall any further detailed information regarding how tall it was.
197. Officer 1 stated that, after getting up from the ground Spencer had made an *"almost an immediate sort of exertion to towards me and then erm and almost as if he's falling into a run"*. He stated that he recalled that Spencer had taken two or three steps towards him and that he had been five or six feet from Spencer when he had discharged his TASER. He stated that the information regarding the number of steps may have come to him after the incident.
198. Officer 1 stated that, in his view, he had no alternative but to use his TASER, as it was the only option, which would be effective in the short time that it would take Spencer to reach him. He stated that he did not know what Spencer may do if he managed to get past him and closer to Officer 2 or the members of the public who were gathered at the scene, whether he had any weapons which he could use to stab him or anyone else and what he had used to cause his injury. He stated that he also took into account that Spencer's dog appeared to be paralysed. He stated that he had to protect himself in order to be able to remove the threat and help Spencer, as well as the other members of the public who were present. He stated that as Spencer was *"charging"* towards him, he considered that the threat that he represented took priority over the fact that he was injured. He stated that his intention in discharging his TASER was to stop what he considered to be a threat to his own safety and the safety of others present at the scene. He stated that he believed that he was the *"primary target"* of Spencer because he was directly in his way. Therefore, he considered that his use of the TASER was appropriate.
199. Officer 1 stated that he took a step back from Spencer whilst he was *"charging"* at him, in order to create distance between the two of them so that the TASER would be effective, as per his training, as it was necessary for there to be a sufficient distance between himself and Spencer.
200. Regarding the TASER discharge itself, Officer 1 stated during his interview *"it was instinctive"* as *"I obviously knew TASER was there subconsciously"*. He stated that he then briefly aimed the TASER from the right-hand side of his body at the *"biggest mass"* of Spencer that he could see. He stated that he could not recall whether he said *"TASER TASER"* before or after discharging the device. He stated that after he had discharged the TASER, Spencer took a step backwards. He stated that Spencer then turned to his right, possibly because of

the effect of the TASER or because he had lost his footing. He then fell to the ground, with his head towards the door of the house and his feet towards the garden wall. Officer 1 stated that he concluded from this that the TASER had had an effect.

201. Officer 1 stated that he could not see Officer 2 at any point prior to discharging his TASER because he had got out of the driver's side of the vehicle and stepped onto the pavement whilst looking down the driveway, whereas Officer 2 had emerged from the passenger side of the vehicle. He stated that this meant that Officer 2 was at the back of the crowd of people who had gathered and that he had his back to her throughout, until she came into his view to his left-hand side after the TASER had been discharged. He stated that he did not consciously look to see where Officer 2 was prior to the TASER being discharged, but he knew that she would not be far away as he worked with her regularly and he did not feel that he needed to specifically look for her or ask for her assistance.
202. Officer 1 stated that after the TASER discharge, he then took another few seconds to assess Spencer's condition now that he was lying on the floor. He stated that Spencer was now lying with his feet pointing towards his left hand side towards the garden wall and his head was on the edge of the paving slabs of the driveway and the entrance to the doorway. He stated that he noticed a shard of green glass with a nozzle on it lying on the paving slabs just off to the left of the doorway as he looked at it. He stated that this shard of glass appeared to be bloodstained and that the staining was readily apparent, as the glass was translucent green on the dark background of the concrete slab.
203. In his witness statement, Officer 1 stated that after he had discharged his TASER, he activated the emergency button on his radio. Pressing the emergency button automatically alerts both the police control room and officers who are in the area regarding the emergency. He stated that he informed the control room and nearby officers that an ambulance was needed as Spencer was bleeding heavily from his neck. He stated that he then said to Spencer that the TASER was still connected, so that he would be aware that it could be activated for a second time if necessary. He stated that at this point, Spencer moved his head. He stated that he believed that Spencer consciously turned his head so that he was now looking to his left rather than to his right.
204. Officer 1 stated that he did not delay seeking medical assistance for Spencer, as he would always assess the condition of the person prior to requesting assistance. He stated that if he had not discharged his TASER and pressed the emergency button on his radio, his next action after approaching Spencer and completing a brief initial assessment would in any case have been to request an ambulance due to the level of bleeding.
205. In his witness statement, Officer 1 stated that he looked back at Spencer and could see that he was still bleeding heavily from the right side of his neck. He stated that he was aware that Officer 2 was behind him and he passed the TASER, which was still connected to Spencer, to Officer 2. In interview, Officer 1 stated that this action was a contingency in case Spencer became more aggressive as he approached him, in which case Officer 2 would be able to activate the TASER if necessary, although no such threat materialised. He stated that he then moved round to the right-hand side of Spencer, moving the dog,

which was still alive, out of the way in the process. He stated that Spencer's eyes were open and that they had a glazed appearance, adding that there was no movement from him at all. He stated that Spencer was continuing to bleed profusely from the wound on his neck and that the threat from him had diminished by this point. He stated that he then put on a set of gloves and checked Spencer's mouth for obstructions and to see if he was breathing, but could not feel him breathing at all. He stated that he then gathered up the hood of the top that Spencer was wearing and pressed it to the wound in his neck in an attempt to apply pressure to the wound to stem the bleeding, but he continued to bleed heavily.

206. Officer 1 stated that Officer 2 asked the people in the street whether any of them knew who the man was and that somebody replied "*Spencer Beynon*". Officer 1 stated that it was at this point that he recognised him. He stated that it had been some time since he had seen Spencer and that his previous interaction with him had been during an unrelated missing persons' enquiry.
207. In his IPCC interview, Officer 1 stated that he did not recognise Spencer prior to this point because he had only seen him for approximately ten seconds before he hit the ground and he was covered in blood.
208. Officer 1 stated that Officer 2 then began to carry out chest compressions on Spencer whilst he tried to stem the bleeding from the wound on his neck. He stated that Spencer was still completely unresponsive and his eyes were even more glazed. He stated that he updated the control room that they were attempting CPR but that he believed that Spencer may have passed away. It is evident from recorded radio transmissions that he relayed this information to the control room.
209. Officer 1 stated that Officer 4 then arrived and took over with the chest compressions, whilst Officer 2 tried to stem the bleeding and Officer 1 snapped the wires attached to the TASER barbs, which were lodged in Spencer's right hand and right shoulder, to ensure that Spencer was no longer connected to the TASER.
210. Officer 1 stated that he then assisted with securing the TASER in an evidence bag provided by another officer who had just arrived. He then remained at the scene so that he could be of assistance to the paramedics. He observed that there was a deep wound on the right hand side of Spencer's neck, which ran up towards his jaw. This wound was approximately an inch wide and four inches long. He added that he saw the paramedics use a defibrillator on Spencer on at least two occasions, but he did not respond.
211. In his IPCC interview, Officer 1 was asked about his training to use a TASER device. He stated that another officer recommended him for the TASER training course and that he had completed the course in March 2016. He stated that prior to the incident on 14 June; he had never fired his TASER outside of a training environment.
212. Officer 1 was asked about his training regarding whether it was appropriate to discharge his TASER when dealing with people who had mental health problems. He stated that there was no universal guidance even in cases where people had

mental health difficulties or may be suffering from acute behavioural disturbance, *"it still has to be measured against the threat that you see."*

213. Officer 1 was asked about his knowledge of the medical condition known as *"excited delirium"* or *"acute behavioural disturbance"*. He stated that he was aware that this condition is a medical emergency which *"can be brought on by mental health problems or by drugs or by anything [...] similar where somebody displays sort of unpredictable characteristics and [...] would be very very strong."*
214. Officer 1 was asked whether he had received any training regarding whether a TASER could be used on a person who may be suffering from *"excited delirium"*. He stated that he had not been trained that TASER was not an option in such cases and that he had been trained that *"you've still got to balance it with the threat you may be faced with"*.
215. Officer 1 was asked whether he had specifically considered the possibility of excited delirium at the point when he was informed about the call in relation to Spencer Beynon. He stated that he did not consider this explicitly, although the possibility that Spencer may be suffering from a mental health problem did cross his mind and he had a general awareness of the risks of excited delirium when people were taken into police custody.
216. It was suggested to Officer 1 that Spencer was in a *"contained"* environment when he arrived at the scene, as the front garden of Address A is surrounded by a fence and the only means of access to it is via the driveway. Officer 1 was asked whether in light of this he spoke to Officer 2 to discuss how to manage the situation prior to discharging his TASER. Officer 1 stated that because Officer 2 was behind a crowd of people he was unable to speak with her in the time between when he got out of the vehicle and when he discharged his TASER, which he variously estimated during his interview as between six and eight seconds.
217. It was put to Officer 1 that none of the witnesses other than himself had said that they had heard Spencer say *"I want to die"* after his arrival. It was also noted that, in his initial account, Officer 1 had stated that Spencer had shouted these words and that in his witness statement he had said that these words were *"spoken loudly"*. He was asked why there was a discrepancy between his accounts and those of other witnesses. He stated that he was closer to Spencer than the other witnesses, as Spencer was moving towards him. He also stated that due to his stature he would have blocked other witnesses' view of Spencer unless they were standing to his left-hand side. He also stated that Spencer was not shouting the words *"I want to die"* but said them in an *"energised phrase"* with *"a pushing of breath and from a husky start to perhaps the emphasis was on the die part then if you know what I mean"*.
218. It was put to Officer 1 that there were inconsistencies between his account of the movement of Spencer Beynon prior to being subject to TASER discharge and the accounts of other witnesses, as summarised above. He stated that his own recollection of events was not in accordance with the other witness accounts.
219. It was also put to Officer 1 that Officer 2 had said that she only saw *"a movement"* from Spencer prior to the TASER discharge, rather than seeing Spencer jumping

to his feet as he had described. He was asked if he was aware of any reason why she had said this. He pointed out his own large stature, the vehicle and the wall of the property, but stated that, as he could not see Officer 2, he did not know what her position was and therefore what she had seen. He was asked whether there was anything else that could have blocked her view. He stated that there were pillars on either side of the driveway which were approximately five feet in height, the wall which "*continues round*" and a tree in the garden. He reiterated that as he did not know where Officer 2 was, he could not say whether any of the above were obstructing her view of Spencer.

220. It was put to Officer 1 that it was very unlikely given Spencer's serious injury that he was in any fit state to get to his feet and "*charge*" at him as he had stated. Officer 1 stated that he did not agree with this statement.
221. It was then put to Officer 1 that other witness accounts, including the account of Officer 2, did not support his account of Spencer "*charging*" at him. It was put to Officer 1 that other witnesses had variously stated that Spencer had made a slight movement, tried to stand up or managed to stand, but that no witnesses had referred to Spencer "*charging*" at him. He was asked why no other witnesses would have seen Spencer jumping up from the ground and charging at him. Officer 1 stated that he could not answer for anybody else but that he had seen Spencer "*charge*" at him. He was asked whether he thought that everybody else was looking away at that point and responded that the only person whom he could see was Spencer.
222. It was put to Officer 1 that Spencer was a vulnerable man who was not a threat to him or to anybody else and that he had discharged his TASER without thinking of the consequences. Officer 1 responded "*No. I entirely disagree*".

First-aid and medical intervention

223. All of the police officers and members of the public who provided a detailed account of the medical intervention which Spencer received indicated that police officers attempted to perform Cardio-Pulmonary Resuscitation (CPR) on Spencer. Ms M and Mrs N stated that officers placed a "*bandage*" or "*cloth*" around the wound on his neck. Mr T stated that he could not remember whether any first aid was given to Mr Beynon but also stated that he had a restricted view.
224. Ambulance Service records indicate that "*bystander resuscitation*" was taking place whilst paramedics were treating Spencer. They also record that Spencer received two electric shocks from a defibrillator and that his life was recognised as being extinct at 8.04pm.

Expert evidence and post-mortem findings

Toxicology opinion of Dr V

225. The IPCC obtained a full toxicological opinion from Dr V of Alere Forensics.

226. Dr V stated that analysis of post-mortem urine indicated the recreational use of amphetamine but that there was no indication of excessive use of amphetamine prior to Spencer's death. He stated that the analysis also indicated that Spencer had taken cannabis at some time prior to his death. However, owing to the way in which cannabis is metabolised in the body, it was not possible to say when he had taken the drug.
227. Dr V stated that the analysis found no evidence that Spencer had consumed any "*synthetic cannabinoids*", which are among the drugs commonly referred to as "*legal highs*" and which Dr V stated could cause symptoms such as hallucinations and "*bizarre behaviour*" apparently consistent with the behaviour of Mr Beynon. However, he noted that "*synthetic cannabinoids*" will not always be identified through screening procedures for a variety of reasons as detailed in his statement and that as such it cannot be confirmed whether or not Mr Beynon consumed any of these substances.
228. Dr V stated that the toxicology analysis found no evidence that Spencer had consumed any alcohol or any other drugs in the period before his death, with the exception of amphetamine and cannabis.
229. Dyfed Powys Police recovered two syringes and an empty vial from Spencer Beynon's address, following concerns that Spencer may have been taking drugs in the days before his death. These syringes were tested for controlled drugs and were found to contain small amounts of trenbolone and testosterone, which are both steroids.
230. The IPCC therefore commissioned a forensic services provider to test a sample of blood taken from the post-mortem for steroids. The result of the tests indicated that the steroids testosterone and DHEA were found in the sample at levels consistent with the levels of these steroids which are naturally found within the human body¹¹.
231. The test results available to the IPCC indicate that the levels of testosterone and DHEA in Spencer's body are consistent with naturally-occurring levels of these steroids.

Post-mortem findings

232. The post-mortem of Spencer Beynon was conducted at the University Hospital of Wales on 16 June 2016 by Home Office pathologist Dr W.
233. Among his findings in his preliminary post-mortem report, Dr W identified a TASER probe in the back of Spencer's right wrist and a puncture wound on his

¹¹ Since this testing was completed, a forensic provider which dealt with the sample prior to testing, Randox Testing Services, has become subject to an ongoing criminal investigation regarding an unrelated matter, which has been well-documented in the media. The statement containing the original results of the tests on the blood sample from Spencer indicates that the testing was carried out on behalf of Randox by a different provider, Toxlab. Randox have confirmed to the IPCC in writing that the external provider Toxlab undertook the analysis of the sample from the post-mortem, rather than Randox themselves. They confirmed that based on this, the original sample results were not compromised.

right shoulder, 61.5cm above where the TASER probe had penetrated his skin. He also identified *"A complex wound, approximately 9.5cm wide, gaping to some 3cm, obliquely orientated on the front and right side of the neck, passing upwards and to the right, with features of sharp force injury, as well as bruising of the margins and abrasions/scratches of the margins and right-hand end."*

234. Dr W stated: *"Sharp force injuries to the neck - including the cutting of the right internal jugular vein, leading to external blood loss which would continue at low pressure until such time as emergency medical and surgical intervention took place, and which might be capable of explaining this death on its own - appeared to me to have involved the passing of a sharp-edged implement/weapon across the neck several times - a characteristic of self-inflicted injuries - and had some features of blunt trauma (localised bruising of the wound edges, superficial abrasions, and ragged wound margins in places), suggestive of injuries caused by broken glass. The presence of multiple small cuts to the right hand in particular would also be in keeping with the gripping of broken glass in that hand."*

235. Dr W was provided with the witness statements and other evidence gathered during the IPCC investigation, referred to above, to assist him in reaching his final opinion.

236. In his supplementary post-mortem report, Dr W stated:

"This remains a complex sudden death occurring in a combat veteran (with a history of post-traumatic stress disorder and substance misuse) apparently experiencing an acute behavioural disturbance, and who sustained a Taser discharge to the right arm. The most significant pathological finding is of incised wounds to the neck (a 'cut throat'), having the appearance of self-inflicted injury in keeping with having been caused by broken glass. A 'cut throat' provides an adequate explanation for cardiac arrest and death due to external blood loss. Other factors which may be relevant to why Mr. Beynon died when he did are: an acute behavioural disturbance in a setting of drug misuse (amphetamine and cannabis) and mental illness (post traumatic stress disorder); and a Taser discharge to the right arm. The immediate medical cause of death could be given as:

1a. Cut throat

Whether any of the other factors described above played a role in this death depends on the totality of evidence at Inquest."

237. In its guidance on the management of Acute Behavioural Disturbance in custody settings, the Faculty of Forensic and Legal Medicine provides the following background information regarding *"acute behavioural disturbance"*:

"Acute behavioural disturbance may occur secondary to substance misuse (both intoxication and withdrawal), physical illness (such as post head injury, hypoglycaemia [low blood sugar]) and psychiatric conditions (including psychotic and personality disorders). Of all the forms of acute behavioural disturbance, excited delirium is the most extreme and potentially life threatening. The clinical features of excited delirium include a state of high mental and psychological

arousal, agitation, hyperpyrexia associated with sweating, violence, aggression and hostility with insensitivity to pain and to incapacitant sprays."¹²

The expert opinion of Dr X, Consultant in Emergency Medicine

238. The IPCC Commissioned Dr. X, a Consultant in Emergency Medicine who is independent of any of the medical professionals involved in this incident, to provide a medical expert opinion regarding the effect of the use of TASER on Spencer Beynon as well as the first-aid that he received from police officers and the emergency medical care of the ambulance crews, based on evidence gathered by the IPCC.

239. Dr X addressed the specific questions put to him by the IPCC (which are printed in bold type in the following extract from his expert report) as follows:

"What would have been the physical effect of the Taser discharge on Mr Beynon, taking into account his general medical condition and the injury to his neck? Whether it is possible to conclude that Mr. Beynon would have died of exsanguination [bled to death] regardless of the use of the Taser.

The pain of a Taser discharge was likely to have caused a transient sympathetic response which would have led to an increase in heart rate. Theoretically, this might have caused an increase in the rate of bleeding from the neck wound for a short time. However, I believe that a severed internal jugular vein represents a very severe injury and Spencer Beynon would have died in these circumstances from blood loss regardless of the use of Taser.

[...] , to indicate to what extent the use of the Taser contributed to Mr Beynon's death and in particular, was the contribution more than minimal?

The use of Taser might have resulted in a short period of increased bleeding (probably no more than a few seconds). This can be considered a minimal contributor to the rate of bleeding overall.

To give my opinion on the quality of the emergency care provided to Mr Beynon by police officers after the Taser discharge and before the arrival of medical professionals. I was asked whether the care or cause contributed to his death. If the care did contribute to his death was the contribution more than minimal?

The Police officers quickly recognized his collapsed state and appropriately called for help, tried to stem the bleeding with clothing and initiated CPR. There is little else that they could have done. I have no concerns over the care offered by police officers to Spencer Beynon. It is likely that he had largely exsanguinated [bled to death] by the time of his collapse and at this time his condition was irretrievable.

To provide any other comments which will assist the investigation in understanding the course of events which occurred

¹² Faculty of Forensic and Legal Medicine, Guidelines for the Management of Acute Behavioural Disturbance in Custody Settings, 2016
<https://fflm.ac.uk/wpcontent/uploads/documentstore/1310745561.pdf>

The average adult male has approximately 5 litres of blood. Progressive blood loss causes physiological effects with collapse likely to occur after the loss of approximately 2 litres. As blood loss continues, the individual will become pale, experience an elevated heart rate and respiratory rate. Confusion and agitation will occur prior to collapse. Although it is impossible to gauge how much blood SB [Spencer Beynon] had lost by the time of his encounter with the police, it seems likely that blood loss at the scene and continuing blood loss that was witnessed was approaching, or even exceeding this amount. Therefore, by the time Police arrived, he was near approaching a state of collapse from blood loss. At this time, his only chance of survival would have been immediate access to intravenous replacement of circulating volume or blood products and immediate specialist surgery. No amount of standard first aid would have made a material difference by this time. It is theoretically possible that the Taser discharge hastened death through increased bleeding by perhaps a few seconds. I defer to an expert in use of force to comment on the appropriateness of Taser deployment in this case."

Expert cardiology and electrophysiology opinion of Dr Y

240. The IPCC commissioned an expert opinion from Dr Y, a cardiologist who specialises in electrophysiology.
241. In the summary of his opinion provided in his expert report, Dr Y stated that:
"There is considerable debate in the scientific literature about whether taser discharges can cause VF [ventricular fibrillation] and cardiac arrest. In Mr Beynon's case although he collapsed immediately following the taser discharge, his immediate collapse was not related to the taser discharge as his initial [cardiac] rhythm was PEA [pulseless electrical activity], rather than VF [ventricular fibrillation]. In my opinion this was caused by severe blood loss (hypovolaemia) possibly complicated by air embolism. The taser discharge did not contribute in any material way to this cardiac arrest."
242. Dr Y also stated that:
"As a further point on timing, it is possible that the air embolus could have occurred at the time he stood up to move towards Officer 1 (standing would have increased the chance in a hypovolaemic person that air would be drawn into the circulation, as the venous pressure would fall at this time). The process of standing or trying to stand could have resulted in immediate air embolus, thus possibly explaining the sudden collapse immediately after the taser was fired."

Expert opinion of PS (Police Sergeant) Z of the College of Policing regarding the use of TASER and other tactical considerations

243. Police Sergeant Z is responsible for designing training material on the use of TASER for the College of Policing, the national organisation which develops guidance and training for police forces. He is independent of Dyfed Powys Police. The IPCC commissioned Mr Z to provide an expert opinion regarding the use of TASER and other tactical considerations.

244. It should be noted that PS Z was asked to consider Officer 1's rationale. It was not part of PS Z's role to give an opinion regarding the various witness accounts obtained and which, if any, of these accounts should be preferred.
245. In his written opinion, PS Z considered a range of "*tactical options*" which were available to Officer 1 in responding to the situation in Maes Y Bwlch. These options included:
- Officer presence¹³
 - Communication skills
 - Containment and negotiation
 - Pressure points
 - Arm-locks
 - Wrist-locks
 - Use of handcuffs
 - Restraints
 - Use of irritant spray
 - Blocks
 - Strikes
 - Takedowns
 - Conducted Energy Devices (Taser)
 - Baton Strikes
246. PS Z expressed the opinion that communication and negotiation with Spencer would have delayed the provision of necessary first-aid, although he stated that he would expect officers to attempt communication before resorting to the use of force. He added that any attempt to communicate or negotiate with Spencer would rely on his co-operation and on him having the capacity to hear and to react to any communication.
247. PS Z stated that "*empty-handed skills*" such as strikes, blocks and takedowns would require officer 1 to get within an arm's reach of Spencer. He expressed the opinion that the use of such skills would not have been viable in this situation given the possibility that Spencer may have had access to a sharp-edged item and possibly to acid, given the previously reported threat to throw acid at members of the public of which Officer 1 was aware.
248. PS Z stated that irritant sprays (in this case PAVA Spray, also commonly referred to as "*pepper spray*") enable officers to use force from distance. However, he stated that these can take time to work and that these sprays rely on the effects of pain through irritation of the eyes and respiratory system. He stated that these sprays might not work on individuals who are under the influence of drugs or who

¹³ This refers to the possibility that the mere presence of a police officer can be sufficient to manage some situations.

are experiencing mental health issues, as these conditions can prevent subjects from experiencing pain.

249. PS Z stated that the use of a baton can cause temporary muscle impairment, but that in order to use a baton the officer would need to be within two or three feet of the subject (the length of the arm and the length of the baton combined). He expressed the view that, in the circumstances, Officer 1 would have had to get "dangerously close" to Spencer in order for this to be an option.
250. PS Z stated that a TASER, unlike the use of force techniques discussed above, does not rely on the effect of pain, as it causes neuro-muscular incapacitation which cannot be overcome through tolerance of pain.
251. PS Z stated that, of the use of force options available to uniformed response officers, the TASER offers the maximum possible reactionary gap¹⁴ between the officer and the subject.
252. PS Z stated that officers are taught to remove a TASER device from the holster in which it is carried relatively quickly. However, he expressed the opinion that it is not possible to remove a TASER from a holster quickly enough to prevent a person from reducing the "*reactionary gap*" between them and an officer. He further stated that aiming and drawing a TASER too quickly can result in the TASER missing the subject. He expressed the opinion that the most effective means by which Officer 1 could minimise the risk to Spencer, the officers and members of the public was to approach Mr Beynon cautiously with a TASER drawn as a contingency in case a threat presented itself.
253. PS Z stated that a reduction in the distance between Officer 1 and Spencer would have reduced the "*reactionary gap*" available to him and the time he had to react. He stated that to have transitioned to another use of force option (such as any of the other options set out above) would take time, whereas the TASER was already in Officer 1's hands as a contingency. He expressed the opinion that the use of TASER was the most suitable option in the circumstances.
254. PS Z also drew attention to a number of concerns regarding the TASER training packages used by Dyfed Powys Police when Officer 1 completed his initial TASER training course in March 2016. He stated that some areas of the course were not based on the most up-to-date national training materials, which were available at the time, and which all forces are expected to use. However, he stated that changes to TASER training are incremental and that the training material on the National Decision Model, on which much of his evidence was based (see paragraph 257 below for more detail on the national decision model), was based on the most up-to-date material. As such, he expressed the view that the concerns related to the training material did not have any impact on the actions of Officer 1 and that the actions of Officer 1 were in accordance with current national police training and guidance.
255. The training material used by Dyfed Powys Police has been updated since Officer 1 received his training. However, PS Z, as the National TASER Training Lead

¹⁴ PS Z stated that the term "*reactionary gap*" is used to refer to the distance between a subject and a police officer, which affects the time that an officer has to react to any change in behaviour by the subject.

from the College of Policing is now taking this matter forward with Dyfed Powys Police with a view to ensuring that the TASER training material is based on the most recent national training material. The IPCC has drafted a recommendation to Dyfed Powys Police to liaise with the other forces with whom they co-operate on firearms training (South Wales Police and Gwent Police) to ensure that TASER training material is kept up-to-date.

Legislation, policies and procedures

256. As part of my analysis of the interaction between Spencer Beynon and officers from Dyfed Powys Police, I have reviewed relevant legislation, policies and procedures. This section of the report contains a summary of relevant material identified.
257. The national guidance from the College of Policing, based on which police officers are trained, states that officers should apply the National Decision Model, including when making decisions regarding the use of force. As noted above, the National Decision Model (NDM) is a structured decision-making process developed by the College of Policing. The NDM requires officers to:
- Gather information
 - Assess risk and threat
 - Consider available powers and policies
 - Consider available options and contingencies (possible actions and "what if" scenarios)
 - Take action and then review what happened.¹⁵
258. The police use of force is governed by Section 3 of the Criminal Law Act (1967), the Police and Criminal Evidence Act (1984) and by common law. The above legislation requires that any use of force by the police must be reasonable and that the amount of force used must also be reasonable.
259. Section 76 of the Criminal Justice and Immigration Act 2008 clarifies the considerations that must be taken into account when assessing the reasonableness of a use of force for the purposes of self-defence, preventing crime or effecting a lawful arrest. Section 76 (3) states that the assessment of whether a use of force was reasonable must be based on the circumstances as the person who used the force believed them to be at the time. Section 76 (4) enables a person to rely on a genuinely held but mistaken belief about the circumstances in which they used force. It clarifies that the reasonableness or otherwise of that belief is relevant to whether it was genuinely held. Therefore, in criminal cases a person can rely on a genuinely held, but mistaken, belief regarding the circumstances. The investigator will apply this test when analysing any potentially criminal behaviour.

¹⁵ College of Policing, Authorised Professional Practice - National Decision Model, <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/>

260. In civil matters, a person can rely on a mistaken belief if the mistake was an objectively reasonable one to have made. The investigator will apply this test in forming case to answer conclusions.
261. Sub-paragraph (7) of Section 76 of the Criminal Justice and Immigration Act 2008 sets out two considerations that must be taken into account when assessing whether the force used was reasonable. These considerations are:
- "(a) that a person acting for a legitimate purpose may not be able to weigh to a nicety the exact measure of any necessary action; and*
- (b) that evidence of a person's having only done what the person honestly and instinctively thought was necessary for a legitimate purpose constitutes strong evidence that only reasonable action was taken by that person for that purpose."*
262. Police officers are accountable to the law and must provide an individual justification for their use of force based on their honestly held belief.¹⁶ Where the use of force is found to be not reasonable or proportionate in the circumstances, police officers can be found criminally responsible for their actions.
263. Regarding the use of TASER, the relevant guidance from the College of Policing states that any officer to be issued with a TASER must have passed the appropriate training course. It also states that where practicable, officers should warn a person who may be subject to TASER discharge of their intention to use the device and that *"They should give sufficient time for the warning to be heeded, unless to do so would unduly place any person at risk, or would be clearly inappropriate or pointless in the circumstances of the incident."*¹⁷

Analysis of evidence regarding the events in Maes y Bwlch and the use of force

264. It is noted that all of the witnesses who observed events in Maes y Bwlch prior to the arrival of police concur that Spencer was in the street prior to the arrival of police officers and that he was moving around the area near to Address A. Furthermore, all of these witnesses concur that Spencer was shouting *"I am God", "I am Jesus"* and words to a similar effect. It is my opinion that Spencer was behaving as described.
265. All of these witnesses with the exception of Ms S, who could not see the dog, concur that Spencer was injuring the dog that he was carrying. This is consistent with the findings of the post-mortem examination of the dog. It is my opinion that Spencer was injuring the dog.
266. Ms M, Mr O, Mr A and Ms S all stated that Spencer grabbed a woman by her hair. Mr T stated that Spencer was *"physically going for people"* and Mr O stated that he *"seemed to charge at"* people. It is noted that Mrs N stated that Mr Beynon

¹⁶ College of Policing Authorised Professional Practice, Use of Force, Firearms and Less-Lethal Weapons, <https://www.app.college.police.uk/app-content/armed-policing/use-of-force-firearms-and-less-lethal-weapons/>

¹⁷ College of Policing, Authorised Professional Practice on Conducted Energy Devices (TASER), <https://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/>

pulled her hair and grabbed her by her ponytail and that Ms M stated that Spencer attempted to grab her hair as well.

267. It is my opinion based on this evidence that Spencer attempted to grab the hair of Ms M and Mrs N as he moved rapidly through the crowd which had gathered in the street.
268. It is my opinion that the accounts of Mr K, Mr O, Mrs N, Mr A, Mr R and Ms S indicate that Spencer did not engage with the residents of the estate who attempted to speak to him and, in the case of Mrs N, to place him into the recovery position.
269. It is noted that Ms M and Mrs N stated that they believed that Mr Beynon was injuring himself with an item which he was holding in his hand prior to the arrival of the police officers. Mrs N stated that she believed that Mr Beynon injured himself with a piece of glass and Ms M stated that she believed that the item was a piece of glass, a stone or something sharp. None of the witnesses to these events stated that the injury was accidental or caused by another person. The Post-Mortem also found that Spencer had a wound on his neck, which was consistent with a self-inflicted injury. It is my opinion that, based on this evidence, Spencer was injuring himself with broken glass prior to the arrival of the police officers.
270. It is noted that all of the witnesses who saw Spencer outside Address A prior to the arrival of police officers state that he was head butting and/or punching the front door of the property before the officers arrived. It is my opinion that Spencer was behaving in the manner described.
271. Regarding events after the arrival of Officer 1 and Officer 2, it is noted that the vast majority of the witnesses who heard the sequence of events which led to the TASER discharge stated that they heard Officer 1 telling Spencer not to move before he discharged his TASER. There are discrepancies between their accounts regarding the exact form of words used and the number of times that Officer 1 gave this instruction. The remaining witnesses were not specific in their accounts regarding what, if anything was said. It is noted that, of the members of the public who provided a specific account regarding the words that they heard; only Mr R stated that he heard Officer 1 ask "*are you all right?*" Mr R was the only witness whose account indicated that Officer 1 attempted verbal communication with Spencer regarding his welfare. It is noted that Officer 1 stated that he said "*Hello*" to Spencer when he was approximately ten feet away from him but Spencer did not respond and continued to make "*muted noises*". However, none of the other witnesses refer to Officer 1 saying "*Hello*". It is further noted that Officer 1 stated that he approached Spencer due to the need to provide immediate first-aid because of his blood loss and that Spencer then "*charged*" at him, which led him to discharge his TASER. Officer 1 estimated the time period between when he got out of the police vehicle and his TASER discharge as between six and eight seconds.
272. Based on this evidence, it is my opinion that, in the circumstances in which he found himself, Officer 1 attempted to communicate with Spencer before discharging his TASER.

273. It is noted that a number of members of the public stated that Spencer was behaving in an *"aggressive"* manner. Ms M stated that Spencer *"directed his aggression"* towards Officer 1 (paragraphs 138 - 139 above) and Mr R stated that Spencer was *"screaming in anger"* (paragraph 153 above). Mr A stated that Spencer was standing up and that he was behaving in an increasingly *"aggressive manner"* and that he had his arms out to his sides and his legs apart (see paragraph 143 above). In addition, Mr O stated that he told Officer 1 and Officer 2 that they would need back up due to *"erratic"* behaviour (see paragraph 140 above). The child witness referred to at paragraph 154 above stated that Spencer *"went to grab"* the officer. It is noted, however, that none of these witnesses stated that Spencer got to his feet and *"charged"* at Officer 1.
274. In contrast, other witnesses stated that Mr Beynon was not behaving in a threatening manner prior to the TASER discharge. Mrs N gave no indication that Spencer was aggressive and stated that although Spencer was not complying with instructions from Officer 1, she did not believe that he was a threat at the point where Officer 1 discharged his TASER (see paragraphs 141 - 142 above). Similarly, Ms S stated that Mr Beynon was lying flat on the ground when the TASER was discharged and gave no indication that he was aggressive (see paragraphs 146 - 147 above).
275. As noted above, Officer 1 stated that Spencer *"charged"* at him whilst *"down in a stance"* and not at his full height. He stated that Spencer took two or three steps towards him.
276. It is my opinion that the account of Officer 2 does not assist that of Officer 1, as she stated that she saw *"a movement"* from Spencer and did not describe the movement in any greater detail or stated that Spencer *"charged"* at Officer 1. Furthermore, it is my opinion that Officer 2's statement that she could not see Spencer because of the height and build of Officer 1 does not fully explain why she could not see the position of Spencer or the movement which she stated he made prior to TASER discharge.
277. It is noted that there are discrepancies between the accounts of the members of the public who made statements regarding whether and if so to what extent Spencer moved prior to TASER discharge. These are summarised below, as follows:
- Mr A and Mr R stated that Spencer was *"stood up"*. Mr A stated that Spencer was already stood up when the police officers arrived, whereas Mr R stated that he stood up shortly before the TASER discharge. Mr R stated that he was not sure whether Spencer took a step towards Officer 1.
 - Mr O stated that Spencer moved his head forward *"as if he was trying to get up"* but he was not sure if he was able to stand.
 - Ms M stated that Spencer *"did not listen and got up and went for the officers. He did not get to his feet but suddenly sat up and launched his hand towards them."* She stated in her clarification statement that Spencer's body left the floor after the TASER discharge and then *"slammed back down"*.

- The child witness who was the child of Ms M and Mr O stated that Spencer "*went to grab*" Officer 1.
- Mrs N, Ms L and Mr U stated that they saw Spencer fall to the ground after the TASER was discharged. However, none of these witnesses provided a detailed account of the physical position of Spencer prior to the discharge. Ms L and Mr U stated that they could not see Spencer at this point. Mrs N stated that she did not consider Spencer to be a threat at this point.
- Ms S stated that Spencer was never off the floor at any point, although she stated that he may have raised his head.

278. As noted above, in order to provide an individual justification for a use of force such as discharging a TASER device, a police officer must give an account of their honestly held belief at the time when force was used.

279. In summary, the account of Officer 1 is that that the circumstances to which he had to respond upon his arrival in Maes y Bwlch were as follows:

- There was a man [later identified as Spencer Beynon] with blood coming from his neck which he believed was from a "*self-harm wound*", as there was no evidence to indicate that he may have been attacked or stabbed.
- Before he approached Spencer, a member of public says to him "*you want to be careful with this one*".
- A dog which had been injured was lying near to Spencer.
- Spencer's top was blood-soaked and he believed that a sharp item had been used to cause a wound to Spencer's neck.
- His primary concern was that, if Spencer still had access to the item, it would be a danger to everyone present.
- Based on the previously-reported incident, he considered that it was possible that Spencer may be in possession of an acid.
- He had to balance the need to provide assistance with his concerns regarding the whereabouts of the sharp object and he therefore removed his TASER from its holster.
- He considered other tactical options (as detailed above) but did not consider that any other options were appropriate.
- Spencer suddenly jumped to his feet and he [Officer 1] was "in fear of what he might try to do.
- He could not see Spencer's hands clearly to establish whether he had a weapon on him which may injure him, his colleague or members of the public.
- He was closer to Spencer than the other witnesses and would have had a clearer view of Spencer than they did, as his [Officer 1's] stature would block their view of him.
- It was his honestly-held belief that Spencer "*charged*" at him before he discharged his TASER.

280. In light of the varying accounts of the witnesses present regarding whether, and if so to what extent, Spencer moved prior to the TASER discharge as detailed above, it is my opinion that there is evidence which may indicate that Officer 1's account that Spencer "*charged*" at him may not accurately reflect the sequence of events, though any findings of fact regarding this matter are for a court or tribunal to make.
281. However, it is noted that whilst there is variation in the witness accounts as set out in the preceding paragraphs, the majority of the witnesses stated that they saw some movement from Spencer towards Officer 1 prior to the TASER discharge. Two witnesses stated that Spencer was standing up and one of these witnesses stated that he stepped towards Officer 1. It is my opinion based on all of the available evidence that Officer 1's belief in all the circumstances that Spencer had "*charged*" at him prior to the TASER discharge and that he therefore posed a threat to others present at the scene was both reasonable and genuinely held, even if it may have been mistaken. Therefore, in my opinion, Officer 1 is entitled to rely on his potentially mistaken belief that Spencer had "*charged*" at him in the assessment of whether the use of force was reasonable and proportionate, in accordance with Section 76 of the Criminal Justice and Immigration Act 2008.
282. In light of Officer 1's stated concerns regarding the possibility that Spencer may have access to a weapon as he was covered in blood or access to acid because of the reported threat to throw acid, it is my opinion that the use of TASER was the most appropriate and proportionate tactical option in the circumstances as Officer 1 believed them to be.
283. In addition, it is my opinion in light of the witness evidence and in accordance with the medical expert opinion of Dr X that all police officers and medical personnel, including Officer 1, did everything that could reasonably have been expected of them in the circumstances following the TASER discharge.

Conclusions

284. Below, I have set out my conclusions for the appropriate authority and Commission to consider.
285. If there are to be court or disciplinary proceedings it will be for the relevant panel in those proceedings to make final determinations. For example, where I conclude that person subject to the investigation has a case to answer for gross misconduct, this does not amount to a legal determination that there has been gross misconduct. If a charge is then brought by the appropriate authority a misconduct hearing will hear the evidence, and make its own findings about whether the charge is proved or not.
286. After reviewing my report and considering my recommendations, the Commission will decide whether any organisational learning has been identified that should be shared with the organisation in question. They may also recommend or direct unsatisfactory performance procedures.

Misconduct

287. For each person under investigation, I must determine whether there is a case to answer for misconduct or gross misconduct. In other words, whether there is sufficient evidence upon which a reasonable tribunal, properly directed, could find, on the balance of probabilities that the conduct of the person under investigation fell below the standard of behaviour expected of them.
288. Misconduct is defined as a breach of the standards of professional behaviour.
289. Gross misconduct is a breach of the standards of professional behaviour so serious that, if proven, dismissal would be justified.

Ms E

290. For the reasons given in paragraphs 72 - 76 above, it is my opinion that Ms E has a case to answer for misconduct in respect of the allegation that she did not grade the call received from Mr Beynon at 10.53am on 14 June 2016 appropriately or record all of the relevant information provided by Mr Beynon on the incident log.¹⁸

¹⁸This report was produced under the pre-2018 legislation applying to the IOPC, which required the Lead Investigator to include in the report their own opinion regarding whether any subject of the investigation had a case to answer for misconduct. Following the issuing of this report to Dyfed Powys Police, the force determined in accordance with paragraph 23 (7) of Schedule 3 the Police Reform act 2002 that there Ms E had no case to answer. In their response to (then) IPCC Commissioner Derrick Campbell, they stated to the effect that the call handling in this case had been reviewed by an inspector on the day after the incident and that Ms E had been reminded of the need to associate an incident with the correct address and to consider the wider context of a person's vulnerability. They indicated that they proposed to take no further action. Having considered this response (then IPCC Commissioner) Derrick Campbell agreed that Ms E did not have a case to answer for misconduct and that the decision that Dyfed Powys Police would take no further action was appropriate, in light of the action already taken to address the concerns raised.

Officer 1

291. For the reasons given in paragraphs 271 - 283 above, it is my opinion that there is insufficient evidence on which a reasonable tribunal, properly directed, could conclude that Officer 1 has breached the standards of professional behaviour. Therefore, it is my opinion that Officer 1 has no case to answer for gross misconduct in respect of his use of force (i.e. the TASER discharge) against Mr Beynon on 14 June 2016.
292. It is also my opinion that Officer 1 has no case to answer for the allegation that he breached the standard of professional behaviour regarding his honesty and integrity in providing his account of events.

Criminal offences

293. On receipt of my report, the Commission delegate must decide if there is an indication that a criminal offence may have been committed by any person under investigation.
294. If they decide that there is such an indication they must decide whether it is appropriate to refer the matter to the CPS.
295. Having analysed all the evidence, it is my opinion that there is no indication that any person under investigation may have committed a criminal offence.

Performance

296. If disciplinary charges are not directed or brought then an appropriate authority may invoke unsatisfactory performance procedures and in some circumstances can be directed to do so. A matter should only be dealt with as either misconduct or unsatisfactory performance, not both. Therefore, there is no requirement to consider whether the performance of Ms E may have been unsatisfactory at this time, as in my opinion she has a case to answer for misconduct.
297. It is my opinion that there is no indication that the performance of any other police officer or member of staff may have been unsatisfactory.

Organisational learning recommendations

298. After reviewing this report, the Commission will consider whether learning has been identified for any organisation involved in the investigation. If any learning is identified, the Commission can make organisational learning recommendations and send these to the organisations in question under separate cover.
299. Recommendations can include improving practice, updating policy or changes to training.

300. Often these recommendations and any responses to them are published on the recommendations section of the [IPCC Website](#).¹⁹
301. The Commission delegate may wish to consider recommending:
1. That Dyfed Powys Police liaise with South Wales Police and Gwent Police, with whom they co-operate as part of the Joint Firearms Unit, with a view to ensuring that the training delivered to officers who have access to TASER devices keeps pace with changes to the approved national training curriculum.
 2. That Dyfed Powys Police consider providing refresher training to control room staff in relation to the scope of the services that the mental health triage team offer; in particular, regarding whether they have any capability to review tags placed on logs outside the normal operating hours of the team and how "*out of hours*" cases that raise mental health concerns should be handled.
 3. That Dyfed Powys Police consider whether the number of staff and the hours worked by the mental health triage team fully meets the needs of those members of the public who may require the service.²⁰

¹⁹ The IPCC website has since been archived. Please find our recommendations on the [IOPC website](#).

²⁰ Although potential learning was identified during the investigation, no organisational learning recommendations were formally issued.