



Independent investigation

Investigation report

Investigation into the
deployment of a Cleveland
Police dog on 30 March 2024

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Investigation information

Investigation name:	[Name Redacted]
IOPC reference:	2024/203573
Investigation type:	Independent
IOPC office:	Wakefield
Lead investigator:	Victoria Fahey
Case supervisor:	Kim Manning
Director General delegate (decision maker)	Sophie Mellor
Status of report:	Final
Date finalised:	18 February 2025

Please note this report contains language that some people may find offensive.

Please note this report contains photographs depicting an injury.

The investigation

Introduction

1. The purpose of this investigation report is to present and explain the relevant evidence. It does not contain any opinions or conclusions about outcomes.

Summary of events

2. On Saturday 30 March 2024, a Cleveland Police dog handler, Officer O7, responded to an emergency request for assistance from two Cleveland Police officers, Officers O3 and O5, who were attempting to detain a man, Mr A. Upon arrival at the scene, the dog handler deployed his police dog (PD) which bit Mr A's right arm resulting in him sustaining a serious laceration and bite marks.

Terms of reference

3. The IOPC decision maker approved the terms of reference for this investigation on 17 April 2024, and they were provided to all interested parties. In summary, we investigated the following matters:

To investigate the contact between Mr A and Cleveland Police on 30 March 2024, specifically in relation to:

- a) The decisions and actions of the police dog handler and, subsequently, the actions of the police dog
- b) Whether Cleveland Police officers acted in accordance with legislation, local and national policies and procedures, and their training.

Other investigations

4. On [date redacted], Mr A was postal charged with two counts of assaulting a police officer in relation to the incident under report. He appeared in court on [date redacted], where he pleaded guilty and was fined and ordered to pay compensation to Officers O3 and O5.
5. The IOPC is aware of a civil claim being raised by Mr A against Cleveland Police, however, it does not have any involvement in this matter.

The Death or Serious Injury (DSI) questions

6. This report also includes an accurate summary of the evidence relating to:

- c) the nature and extent of Cleveland Police's contact with Mr A prior to him sustaining his injuries
- d) whether the available evidence indicates that Cleveland Police may have caused or contributed to Mr A's injuries.

Summary of the relevant evidence

7. On Saturday 30 March 2024, Cleveland Police officers O5 and O3 were on duty in the [redacted] area of Cleveland. As part of the post incident procedure (PIP) that was implemented following this incident, the officers provided stage three and stage four accounts of their involvement. O5 also provided a duty statement. In their accounts, they explained they were on duty patrolling the local area as part of the Neighbourhood Policing Team (NPT) to aid in community problem solving and reduction of crime and antisocial behaviour when they saw two young, male teenagers riding a small motorbike. The officers described how the two young men, after apparently seeing the police, turned around and rode off away from them, over pedestrian footpaths.
8. The officers spoke to two young female children regarding the motorbike, and they provided the officers with the name of the owner. O3 contacted the local Police Community Support Officer (PCSO) and asked whether the owner was known in the area. The PCSO passed the officers an address, and explained that the owner of the motorbike lived there with his mother, Ms B. There was no mention by the PCSO of any other male living at the address.
9. O5 explained that, fearing the young riders were putting themselves and other road users and pedestrians at risk, he and his colleague attended the given address to try and identify the riders and the motorbike. O3 also explained that the intention was to deal with the motorbike via low-level and educational means. He stated that the plan was to go to the address and if the motorbike was there, they would seize it. If it was not there, then they intended to give words of advice to the teenager's mother, about the risks of young people riding motorbikes. It would also have been discussed how repeated anti-social behaviour (ASB) in an area could lead to ASB sanctions. O3's body worn video (BWV) footage of the incident and the police incident log confirm that O3 and O5 attended the address to make enquiries about the motorbike.
10. O3's BWV shows Ms B spoke with the officers outside of the property with the front door closed behind her. She had a young baby in her arms. O3 described the baby to be "no more than a year old". O3's BWV does not capture the start of the conversation between the officers and Ms B, however, when the audio does begin, they appear to be talking about the teenagers who were seen on the motorbike.
11. At approximately 13 seconds into the BWV a man, now known to be Mr A, can be seen as he opened the front door.

12. In their accounts, the officers described Mr A as having glazed eyes, slurred speech and was unsteady on his feet, stating their belief that he was intoxicated at the time. O5 also stated "Whilst his eyes were fixated he also appeared vacant, as if he was determined to use violence." In the BWV, Ms B can be heard stating on several occasions that Mr A had had a drink, which appears to support the belief that Mr A was intoxicated.
13. O3 described Mr A's demeanour as "aggressive", this description is supported by O5's statement. In the footage, Ms B can be seen to turn and say to Mr A, "Get in you, you've had a drink [laughs] get off me, you're meant to be in bed." Ms B appeared to push Mr A back inside with her body and attempted to block the doorway to prevent him from coming out. A young girl and a young boy can also be seen stood just inside the doorway. Mr A continued to push past Ms B, and in response to this O3 stated, "She's got a baby, don't be dragging her around!" O3 described this behaviour as "aggressive and dangerous." This assessment is supported by O5's statement.
14. The BWV shows Mr A appeared to push past Ms B and walk towards O3. Mr A said to O3, "What the fuck do you want?" Mr A repeated this twice more as he approached O3. O3 can be heard instructing Mr A to get on the ground, however, Mr A can be heard laughing and did not comply with the instruction as O3 attempted to gain control of Mr A's arms.
15. O5's BWV shows O3 appeared to reach towards Mr A and take hold of his right wrist. Mr A then appeared to push back with his arms against O3. O3 described this motion as Mr A swinging his arms towards him (O3) and O5 in an "aggressive manner", explaining that Mr A appeared fixated and intent on fighting the officers. O5 explained that as a result of Mr A swinging his arms, he (Mr A) made contact with him and the officer sustained minor injuries to his face.
16. Due to the angle of the BWV, the footage does not clearly show the full interaction between Mr A and the officers. O3 and O5 both explained that they attempted to restrain Mr A by taking hold of his arms. O5 described Mr A having turned his attention to him with closed fists and a "very angry expression on his face". The officers stated that, when Mr A continued to resist, they took him to the ground in an attempt to restrain him. O3 described Mr A as "exceptionally strong for someone of his stature and level of intoxication."
17. In his accounts, O5 recalled O3 managed to apply the handcuffs to Mr A's right wrist but not the other wrist due to Mr A's strength and resistance.
18. O5 stated that whilst laid on his front on the ground, Mr A locked his right arm under his body whilst using his left hand to grip hold of his (O5's) police belt, where his TASER (conductive energy device which delivers an electric shock to a subject with the aim of temporarily immobilising them for detainment) was located, and then turned his head, which O5 believed was in an attempt to bite his left arm. About the same time, Mr A can be heard on the BWV making what appeared to be a "growling noise", however, due to the angle and obstruction of the camera, it cannot be confirmed if Mr A did try to bite O5.

19. O5 described using his PAVA spray with a short burst to Mr A's eyes in order to deter him due to his level of aggression. He explained that he had no opportunity to warn Mr A in advance as he believed he and his colleague were in imminent danger. The PAVA spray appeared to be ineffective as Mr A continued to resist and the officers were still not able to handcuff Mr A completely.
20. There appears to be a potential discrepancy for which action took place first as O3 recalled the PAVA spray being deployed first before he managed to attach one bracelet of the handcuffs to Mr A's wrist, whereas O5 believed it was the other way round. The BWV does not appear to clarify this due to the fast-paced nature of the incident and obstruction of the BWV camera.
21. O3 explained he considered other methods of controlling the situation including using his PAVA spray, however, said he risk assessed them to not be appropriate at the time due to Mr A's behaviour and the risk he posed to the officers and surrounding people including Ms B and the baby. He stated, "using anything less than physical hands-on restraint was not appropriate given the level of violence shown. I had to act in self-defence."
22. The BWV shows O3 requested urgent assistance, three times, via his police radio before his earpiece became temporarily dislodged. O5 also explained that, due to the altercation, his earpiece broke, and he was unable to hear any following radio transmissions. O3 stated that when he was able to replace his earpiece he heard and understood that assistance was on the way. O5 stated that following this his hands became free as he knelt on Mr A's arms and at this point, he activated his emergency alarm on his radio, confirming it had been properly activated due to seeing the screen light up, however, this is not clear on the BWV. An emergency alarm is a button on an officer's radio which they press when they need urgent assistance from other officers. O5 explained that in his 18 years of police service, he believed he had only activated the alarm on three occasions as it is considered an option of last resort and only used in an emergency.
23. On the BWV, O5 can be heard providing their location over the radio. A witness, now known to be Ms C, can be heard on the BWV shouting at the officers to get off Mr A and that she was recording them on her mobile phone camera. IOPC investigators arranged to record a witness statement from Ms C and to obtain the footage from her phone, however, she sadly died before we were able to do so.
24. The officers confirmed that they saw Ms C and that they requested she move away. They also confirmed that Ms B came over to where they were trying to restrain Mr A. It can be seen on the BWV that at one point she cradled Mr A's head and told the officers to stop as she could calm him. O5 stated that he feared she would try and release Mr A from their hold, so he pushed Ms B backwards away from him. O5 further explained that he believed he and O3 would be in a vulnerable position should another person get involved in the altercation, but he understood that more officers were being dispatched to their location. At this point, Mr A's right arm remained to be the only handcuffed arm

as he had it locked under his body whilst O5 had his left arm pinned into his lower back.

25. O5 explained that, whilst Mr A was still pinned on the ground on his front, he told him that he was under arrest for assaulting the police, however, when Mr A heard this, he tensed up his whole body and tried to free his arms. O5 further stated that he told Mr A that he wanted him to give him his arm that was under him so that he could handcuff and secure him, however, he continued to have his arm locked underneath his body. The officer again explained that he was fearful that if Mr A freed his right arm, he could use the handcuffs attached to his right wrist as a weapon.
26. We obtained a statement from Mr D, Ms B's neighbour, who witnessed the incident. He also provided CCTV footage recorded by cameras from his house, however, due to the location of the incident, it was not fully captured on the footage. He stated that, whilst stood in his garden, he heard Ms B shouting, "Get off him, get off him, he's drunk!" He then saw Mr A laid on the ground with two officers on top of him and said that he did not appear to be a threat to the officers as he was not moving. He also said he saw the officers wrestling with Mr A, kicking, punching and kneeling him, all over his back on multiple occasions. He further stated that Mr A appeared to him to be intoxicated.
27. In his stage three and stage four account, O7 explained that he responded to O3 and O5's emergency alarm request for immediate assistance and could hear a tone of distress and panic over the radio. In his stage three account, O7 said he arrived at the scene after approximately five minutes and in his stage four account he said he believed it would take an estimated six to eight minutes from his original location to travel to the scene, as this was what his in-car satellite navigation system indicated the route would take. O3's BWV shows that O7 arrived at the scene approximately five minutes after the commencement of the incident.
28. O7 stated that for the duration of the journey he continued to hear "prolonged screaming and shouting" which he determined to be a "continuing struggle" with a non-compliant subject where the officers had not yet achieved control of him. O7 explained as a result of this, he believed a "significant threat was still being posed". He stated that in his operational experience the emergency button "is only pressed when an officer is in immediate danger or a high level of risk is posed which requires urgent assistance from every available free unit." As a result, he believed he was responding to an urgent incident and travelled to the scene with his police car's blue lights activated.
29. O7 provided a rationale for his decisions and actions in deploying his PD and why he chose this over other tactics. He explained that whilst en route he heard over his police radio that PAVA incapacitant spray had already been used but this had been unsuccessful in securing control over Mr A. He further explained that "This information and intelligence forms part of my continued and developing risk assessment in line with the NDM [National Decision Model – explained in the policies and procedures section of this report] and forward planning" and "still travelling to the scene, I am conscious in assessing what

options are available to me in line with level of threat combined with the evolving picture.”

30. He also stated that, as a TASER trained officer, he was aware of the risks of using a TASER in situations such as this. He outlined that such risks included in effectivity of the device when used at close range, potential of hitting vulnerable areas such as the neck, head or genitalia, and the inability to use a dog in conjunction with using a TASER. He also explained that he was conscious that the TASER only holds two cartridges and once spent, no spares would be readily available to him at the material time should both TASER deployments fail or be ineffective.
31. O7 explained that when presented with the situation, he conducted a dynamic risk assessment considering the information he had already gathered en route and what he witnessed upon his arrival at the scene. This included the length of time the officers had been struggling to restrain Mr A thereby increasing their susceptibility to fatigue and injury, consideration of Mr A potentially being under the influence of alcohol/drugs and or experiencing Emotional Mental Disturbance (EMD) which may have aided Mr A’s “sustained continued resistance”, members of the public within close proximity, and him being the first officer to arrive and not being aware of when additional officers would also arrive to assist. O7 concluded that he did not believe unarmed skills (assisting O3 and O5 in the struggle) would be effective in gaining control of Mr A. He stated, “It was my honest held belief that with unarmed skills I would be at greater risk of injury and I don’t believe that I would achieve the lawful objective.”
32. O7 stated that he considered the “immediacy to resolve the incident in order to prevent injury” and made the “balanced decision,” in line with the NDM and the police code of ethics, to immediately deploy with his PD. He explained his decision making in that he anticipated that if he did not do so and subsequently needed to use the dog as a tactic to resolve the incident quickly, his PD was too far away from where the incident was occurring which “could potentially render greater risk to myself and make the use of the dog redundant.”
33. O7’s BWV shows his arrival at the scene, following which he retrieved his PD from the back of his police car, and they ran towards O3 and O5. The PD appeared to be on a short leash and began barking loudly and consistently. O7 stated that as he approached, he could see other people in the immediate vicinity and as a result he was cautious as to their intentions. He explained that the personal safety training he had undergone had taught him that, when a threat is unknown or high, he should be in a state of readiness to respond to the threat.
34. O7’s BWV shows the officers were still struggling to restrain Mr A on the ground, who appeared to be continuing to resist against them. O7 explained that he saw one officer attempting to control Mr A’s legs whilst the other attempted to control his upper body without success. He deemed that as he perceived Mr A, who he did not know and had no previous dealings with, was actively resisting preventing any restraint being achieved, he was “out of

control.” He further explained that he observed Mr A had his left arm up by one of the officer’s neck, whilst his right arm had the handcuffs attached (this can be seen on the BWV) which he believed could be used spontaneously as a weapon.

35. O7 further explained that as he believed Mr A could use the handcuffs as a weapon, his threat assessment escalated and that “it was my honest held belief that the officers were to be overpowered and seriously assaulted using said weapon [the handcuffs] that injury potential would likely be life changing injury.” He also stated that “This was a fast paced time critical incident where an immediate threat was being posed, any time delay to discuss slow time tactics would have likely resulted in serious injury. It is my strong opinion that this would have been reckless and dangerous.”
36. Mr D stated that he witnessed O7 arrive at the scene with his PD. He said that the officer stood with his dog in front of Mr A and the other officers and shouted instructions to them, although he could not recall what he was shouting. He then saw O7 pulling the dog back, which he said from his experience of dogs, was antagonising the police dog and aggravating it. He said he did not see every movement of all the individuals involved but recalled seeing one of the officer’s kick Ms B whilst shouting for her to get back in the house. Mr D also explained that O7 continued to pull his PD back and forth for a few minutes before giving it enough rein on its leash to go forward and bite Mr A.
37. The BWV shows the PD jumping up and towards Mr A whilst O7 kept hold of his leash. O7 explained that his PD was barking throughout so that Mr A would have been able to hear and see the dog, however, this appeared to have no effect on Mr A’s behaviour.
38. On the BWV, O7 can be heard telling Ms B and Ms C to move back and move away. O7 can then be heard shouting O3’s name three times, then instructing him to stand back. O5 explained that Mr A was continuing to fight with him at this point. After O3 instructed O5 to also disengage, the two officers quickly moved away from Mr A. Mr A was free from restraint for approximately two seconds, during which time he appeared to sit up. O7 explained that he observed Mr A kick out at one of the officers “showing his violent intent.” He further stated that “it was my honest held belief that the behaviour being displayed by the subject was that of one intent to cause injury to police and evade arrest.”
39. O7 stated that he made a further dynamic risk assessment in line with the NDM and made the decision to deploy his PD. He explained that he firmly believed that this was the minimal most proportionate use of force based on the gravity of the threat.
40. The BWV shows that O7 did not verbally instruct his PD to bite, instead he walked forward with his PD, who bit on to Mr A’s right arm. Mr A can be heard giving audible screams, appearing to be in pain. During the time in which the PD had a hold of Mr A, officers instructed Mr A to move his arm behind his back and O7 appeared to physically move Mr A’s arm to behind his back. Officers O3

and O5 were able to apply a set of handcuffs to Mr A whilst the PD continued its hold on Mr A and a second set once the dog released its bite.

41. O7 acknowledged that he did not verbally warn Mr A of his intention to release his PD, but explained it was not possible given the situation in that it “was extremely fast paced and there was no practicable period to give a verbal challenge.”
42. The BWV footage shows the PD held the bite for approximately 27 seconds. Once the officers appeared to have control of Mr A, O7 used a bite stick (also known as a gag stick, a short stick with a hooked end which triggers a dog’s gag reflex, allowing a bite to be released) on his PD, who subsequently released his bite immediately. O7 explained that his PD performed as expected in line with his training and license.
43. The BWV shows O7 stepped back from Mr A and the officers with his PD, who was still on a short lead. The PD continued to bark, which O7 said in his account he encouraged him to do “so a constant audible warning was aired whilst the subject was being controlled and to prevent any other outside influence from engaging and obstructing police.” The PD can be seen jumping up, whilst the other two officers continued to control Mr A and attend to the bite injuries. They also informed him again that he was under arrest for two counts of assaulting a police officer. There was no further physical contact between the PD and Mr A or any member of the public.
44. Shortly after, O7 placed his PD in the back of his police car whilst other colleagues who had arrived to assist attended to Mr A’s injuries. Mr A sustained a number of bite wounds to his right arm which paramedics assessed at the scene before transporting him to James Cook University Hospital for further treatment.
45. The injuries Mr A sustained are shown in the photographs below. The first photograph was taken on the day of the incident whilst the second two were taken once the injuries started to heal.





46. In his stage four account, O7 outlined some PD deployment reasons, under control of the dog handler relevant to the incident involving Mr A as follows:

“Deployment/control/containment of spontaneous/sporadic disorder

Deployment to detail armed/violent offenders in line with the NDM and to provide security/ support for operational officers.”
47. O7 further explained that as a dog handler, and with any use of force, it is his decision to deploy a PD, in line with his powers available to him under common law, Section 3 of the Criminal law Act 1967, Section 117 of the Police and Criminal Evidence Act (PACE) 1984, and Section 76 of the Criminal Justice and Immigration Act 2008. This legislation is detailed later in this report, together with relevant extracts from the Association of Chief Police Officers (ACPO) Police Dogs Manual of Guidance 2011 Version 1.1 which was in force at the time of this incident.
48. O7 subsequently completed a use of force form which appears to support the rationale he gave in his account that he deployed his PD for the purposes of “effect arrest, prevent escape, prevent harm, protect other officers and protect self”, with impact factors of “alcohol, crowd, prior knowledge and other.”
49. Following this incident, the Cleveland Police Dog Training Manager conducted a review of the PD deployment and completed a dog deployment report, also known as a bite report. This review included watching the BWV. He stated that “The footage is clear and it is clear to see the suspect actively resisting officers on the ground. It is also clear to see one rigid handcuff loose on one arm which could easily be used as a weapon. I believe the actions taken by [O7] was proportionate and necessary to the situation. PD [name of PD redacted] acted in accordance with his training by detaining the subject to the right upper arm. The dog released by use of a bite stick in accordance with training.” He concluded that there was no reason why O7 and his PD should not remain operational.

50. The Dog Training Manager explained that the dog deployment report would usually be completed by the dog handler, reviewed by a nominated officer and then forwarded to the Cleveland Police Department of Standards and Ethics (DSE). If it met the DSI criteria, it would then be referred onto the IOPC.
51. He stated that on this occasion, as the PIP was initiated due to Mr A sustaining a serious injury, and O7 was involved in the PIP, he was unable to obtain an account for the dog deployment report which had to be submitted within 24 hours. He said he therefore submitted a report on the information he was aware of in order for the correct referral procedure to be followed. He stated that this would account for why O7 recorded his rationale for not issuing a warning prior to deploying his PD in his subsequent accounts and not in the dog deployment report.
52. The IOPC invited Mr A to provide an account if he wished to do so, however Mr A chose not to.

Training

53. O7's Personal Safety Training (PST) was up to date at the time of the incident, as of 6 March 2024.
54. O7 completed a 13-week general purpose dog handling course with his PD in 2020/21 as a result of which they achieved a full operation license. The records show that the last re-licencing session prior to this incident was in February 2024, which confirms both O7 and his PD were operationally qualified.
55. Cleveland Police made the IOPC aware at the beginning of the investigation that the only matter recorded in relation to the PD's biting behaviour was that he had recently had his Firearms Support Dog licence revoked "as a result of him searching an empty premises at distance from his handler and the search is negative [sic] he, on occasions, targets furniture. This is not an issue in a general purpose capacity..."

Relevant legislation, policies and procedures

Legislation

Common Law

56. "If you have an honestly held belief that you or another are in imminent danger, then you may use such force that is reasonable and necessary to avert that danger."

Section 117 Police and Criminal Evidence Act (PACE) 1984

57. "Where any provision of this Act or order:
- e) Confers a power on a constable; and
 - f) Does not provide that the power may only be exercised with the consent of some person, other than a police officer
- ...the officer may use reasonable force, if necessary, in the exercise of the power."

Section 3 Criminal Law Act 1967

58. "A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large."
59. In assessing the reasonableness of the force used, prosecutors should ask two questions:
- Was the use of force necessary in the circumstances, i.e. was there a need for any force at all? and
 - Was the force used reasonable in the circumstances?
60. The courts have indicated both questions are to be answered on the basis of the facts as the accused honestly believed them to be (R v Williams (G) 78 Cr App R 276), (R. v Oatbridge, 94 Cr App R 367).

Section 76 Criminal Justice and Immigration Act 2008

60. Section 76 provides clarification of the operation of the existing common law and statutory defences. Section 76(9) in particular, neither abolishes the common law and statutory defences nor does it change the current test that allows the use of reasonable force.
61. Section 76(3) confirms the question of whether the degree of force used by the defendant was reasonable in the circumstances is to be decided by reference to the circumstances as the defendant believed them to be.
62. Section 76(4) provides that where the defendant claims to have a particular belief in regard to the existence of any circumstances, the reasonableness or otherwise of that belief is relevant to the question of whether the defendant genuinely held it.
63. However, if it is established the defendant did genuinely hold the belief he may rely on that belief to establish the force used was reasonable, whether or not it was a mistaken belief, and if it was mistaken, whether or not the mistake was a reasonable one to have made, i.e. the crucial test at this stage is whether the belief was an honest one, not whether it was a reasonable one. However, the

more unreasonable the belief, the less likely it is the court will accept it was honestly held.

National policies, procedures or guidance

ACPO Police Dogs Manual of Guidance 2011 Version 1.1

61. "4.6 When facing or anticipating a threat, information and intelligence received leads to a threat assessment as to the dangers faced against whom and when. That informs an intention or working strategy which is likely to have an order of priority. After consideration of the relevant and necessary powers and policy the appropriate tactical options are chosen to manage the threat and resolve the conflict by proportionate action."
62. "5.1. All police dog handlers will need to justify the direct deployment of their police dog by making reference to the NDM."
63. "5.2. As with all use of force applications it will be for an individual officer to justify their actions based on their perception at an incident with regard to their training and previous experience. It is impossible to dictate to an individual officer when they should, or should not, utilise force to affect control. For this reason there is not a list of 'appropriate offences' for when a police dog might be deployed or not; the test is rather one of necessity and proportionality in those particular set of circumstances."
64. "5.5 'Use of force' deployments include:
 2. Engaging and detaining a suspect who presents a threat
 4. Defending handler against attack
 5. Defending other officers against attack
 8. Defending itself against attack"
65. "5.6.3. Direct Deployment – These are circumstances where the dog is deployed and is likely to, or instructed to, bite a subject. At this point a verbal warning should be given by the handler if circumstances allow."
66. "Section B – Training & Care – 6. Bite Work
 - 6.2 The main objectives in teaching a police dog to bite are to ensure that the dog is capable of going forward to engage, normally by the means of biting, a person posing a serious risk to members of the public, police officers or others. It also needs to show that it is capable of detaining an escaping criminal and that it is capable of defending the handler or itself against attack. The person(s) posing the risk may be armed with a weapon. Bites may occur whilst the dog is deployed either on a leash or running free."
67. 6.3 The arms are to be trained as the target area for biting.

The Personal Safety Manual Module 14

68. The Personal Safety Manual Module 14 in relation to Role Specific Skills outlines the following in relation to dog handlers:

“If the officer should lose control of the dog, it may inflict injury not only to a subject or member of the public, but to officers as well. Officers should therefore comply with any instructions/directions given to them by a dog handler. This may include keeping a distance from the dog, standing still or disengaging from a subject they are attempting to restrain.”

69. “8.3.2 Warning Before the Use of a Police Dog - A handler must call out an appropriate warning before using their dog to detain or search for a person, unless impractical to do so. The warning must be in full to any person who may be within earshot, and who may be affected by the use of the dog. Where it is not practical or possible to deliver a warning prior to the dog being used or prior to it biting a person, the lack of a warning does not, on its own, make the use of the dog unjustified. The handler should justify their lack of warning, utilising the NDM, in any subsequent police dog deployment report.”
70. In relation to incidents that may result in the dog biting someone, the warning must state that a police officer, with a police dog is present. It must clearly indicate that the police officer intends to send the police dog to detain the suspect unless the suspect stops what they are currently doing. The handler should repeat the warning before releasing the dog. If circumstances dictate that further or subsequent warnings are possible and necessary, then these will be carried out as appropriate to ensure the minimum level of force to detain the suspect is used.

National Decision Model (NDM)

71. The College of Policing (CoP) NDM is specific to policing and aims to help everyone in policing make decisions whilst providing a framework for those decisions to be examined and challenged. Within this is the Code of Ethics for all decision making, and the NDM encourages all officers and staff to act in accordance with the Code and use discretion where appropriate.
72. The NDM model:



Local policies, procedures or guidance

73. Cleveland Police do not have local policies relating to dog deployment and refer to the ACPO guidance detailed above.

Analysis of the evidence

74. My analysis of the relevant evidence is set out below, with reference to each point of the Terms of Reference.

Addressing the Terms of Reference

The decisions and actions of the police dog handler and, subsequently, the actions of the police dog

75. The evidence indicates that O3 and O5 were struggling to detain a non-compliant subject who they could not gain control over or detain by fully applying handcuffs to both wrists. The officers' requested urgent assistance, and one officer activated the emergency alarm button on their police radio. Police officers are expected to respond to emergency requests from their colleagues if they are able to do so. On this occasion, O7 responded, driving his police dog car to the scene with blue lights activated so that he could arrive as quickly as possible to assist his colleagues. His rationale for doing so was due to his previous operational experience that officers only activate the emergency button when they are in immediate danger or facing a high level of risk. The BWV, plus various CCTV clips obtained from surrounding properties (which do not show the deployment of the police dog), show that numerous

other officers subsequently arrived to assist, after O7 had deployed his PD, which may indicate that O7's understanding of the required response was the same as that held by other attending officers.

76. When responding to an incident, police officers are required to use the NDM to assist them in risk assessing the situation and making appropriate decisions. The NDM requires them to gather information and intelligence, assess the threat and risk and develop a working strategy, consider the legal powers available to them and any applicable policies, identify options and then take the appropriate action.
77. The available evidence indicates that whilst en route to the scene, O7 utilised the NDM and considered the various options available to him. He provided his rationale for why he did not choose other tactics over the use of his PD, ultimately responding to a risk he identified using the information he had prior to his arrival, and once at the scene. He provided his rationale for why he considered, and then discounted, the use of PAVA, which had already been deployed but had been unsuccessful, and TASER, which he believed held too many risks associated with its use in the given circumstances.
78. The available evidence indicates that O7 conducted a dynamic risk assessment based on the information he had gathered whilst en route together with what he witnessed upon his arrival at the scene. This risk assessment was based upon a number of factors. This included the length of time O3 and O5 had been attempting to detain Mr A, this being approximately five minutes, which O7 assessed could have increased the officers' susceptibility to fatigue. He also considered that Mr A may have been under the influence of intoxicants which could have aided his continued resistance to the officers' attempts to restrain him and apply handcuffs to both of his wrists. This belief is supported by the BWV footage of the officers' initial interaction with Ms B and Mr A as Ms B said that he had been drinking and in addition, whilst receiving treatment in hospital, Mr A told the escorting officer that he had been drinking whilst at Ms B's house.
79. O7 also considered the risk he believed Mr A posed in that Mr A could use the handcuffs, which were only applied to one of his wrists, as a weapon against him or his colleagues and he did not believe that him using unarmed skills to assist his colleagues would have achieved the aim of fully restraining him and may have left him, O7, at greater risk of injury. O7 was unaware if any members of the public in the vicinity posed a risk and as a result of his public safety training, this impacted on his stated threat assessment. Finally, although O7 understood other officers would be en route to assist as a result of the activation of the emergency alarm button, he did not know how long it would take for them to arrive. As a result, when he arrived at the scene, it was only him and his PD who could assist O3 and O5.
80. It is for individual officers to justify their decisions and actions. In this case, whilst en route to the incident, O7 did not have the benefit of seeing what was happening and had to rely on the information he was able to glean over the police radio. The available evidence indicates that once at the scene, he

recognised the immediacy of acting quickly to assist his colleagues and gain control over Mr A.

81. O7 instructed his colleagues to disengage with Mr A prior to his PD biting Mr A on his arm. This protected the officers from being inadvertently injured by the PD. The PD retained its bite whilst O7 shouted instructions to Mr A, however, he did not immediately comply with those instructions. The officers were subsequently able to detain Mr A and the PD immediately released its bite as soon as O7 instructed it to do so by use of the bite stick. The subsequent review of the incident by the Cleveland Police Dog Training Manager confirmed that the PD acted in accordance with its training by both detaining Mr A by biting his right arm and then releasing the bite when its handler instructed it to do so.
82. It is unfortunate Mr A sustained the injuries to his arm, however, deploying the PD achieved the aim of bringing the incident to a conclusion and effecting Mr A's arrest.
83. It is acknowledged that O7 did not verbally warn Mr A before deploying his PD. He provided his rationale for this, explaining that he did not believe it was possible in the circumstance as "The situation was extremely fast paced and there was no practicable period to give a verbal challenge." O7's understanding of the nature of the incident and his stated belief for the need for immediate action upon his arrival at the scene has been outlined earlier in this report.
84. As detailed in the ACPO Police Dog Manual of Guidance, as a police dog handler, it was O7's decision alone to deploy his PD and he subsequently provided his rationale for doing so based on his stated honestly held belief of the necessity to do so based on the situation as he perceived it to be at the time.
85. In relation to the comment Mr D made about O7 and the PD; the BWV does not appear to support Mr D's assertion that O7 was pulling his PD back and forth prior to O7 deploying the dog, instead it appears to show the dog handler controlling his PD on a short leash, keeping him away from Mr A and the officers at that time. O7 appears to have had full control over the PD.

Whether Cleveland Police officers acted in accordance with legislation, local and national policies and procedures, and their training.

86. O3's and O5's BWV show that their initial interaction with Ms B whilst making their enquiries about her son and the motorbike appeared calm and professional. Mr A chose to intervene, and the reasons for him doing so are unknown nor are they apparent on the BWV footage. Ms B attempted to get Mr A to go back inside the house, but he refused to do so and took hold of her arm and pushed past her. At this time, she was carrying a young baby and the officers attempted to reason with him and told him not to "drag" her around

whilst she was carrying the child. This appeared to have no impact on Mr A who came towards the officers, using profane language and appearing to wave his arms towards the officers. They tried to reason with him, and Ms B also tried to push him back inside the house. He again took hold of Ms B's arm and pushed past her, walking towards the officers whilst again using profane language a number of times and appearing to show aggression by raising his arms towards them with his fists clenched. One of the officers told Mr A he was under arrest and instructed him to get on the ground, however, he did not comply and appeared to actively resist the officers whilst appearing to laugh manically at them. The officers were eventually able to get Mr A onto the ground, however, he appeared to resist their efforts to handcuff him.

87. The legislation detailed earlier in this report, including Section 3 Criminal Law Act 1967 and Section 117 Police and Criminal Evidence Act (PACE) 1984, provides that officers may use such force as is reasonable in the circumstances in the exercise of their powers. This includes in effecting or assisting in the arrest of suspected offenders. Common law also provides that if the officers had an honestly held belief that they were in imminent danger, then they could use such force as was reasonable and necessary to avert that danger.
88. Section 76 Criminal Justice and Immigration Act 2008 provides that the question of whether the degree of force used was reasonable in the circumstances is to be decided by reference to the circumstances as the individual believed them to be. The test is whether the belief was an honest one, not whether it was a reasonable one.
89. Both O3 and O5 stated that Mr A was aggressive, and they feared he would assault them which is why they attempted to arrest him and used force whilst attempting to do so. The BWV, as described above, would appear to support the officers' belief regarding the threat they perceived Mr A posed to them. The fact that the officers also requested urgent assistance from colleagues and one of the officers pressed his emergency alarm button on his police radio would also support their stated belief that Mr A posed a danger to them. Mr A could have cooperated with the officers at any time but appeared not to.
90. Mr A was subsequently arrested and charged with two counts of assaulting a police officer. This matter was subsequently dealt with at court where Mr A pleaded guilty and was fined and ordered to pay compensation to both officers. This would also appear to support the officers' stated belief and their decision to use force to detain him.
91. Mr D said he saw one of the officers kick Ms B. This cannot be seen on the BWV. O5 admitted that he had pushed Ms B backwards away from him as he stated that he believed she would try and release Mr A from their hold. O3 and O5 were trying to restrain Mr A but were unable to do so and they stated that they believed Mr A could possibly use the handcuff that they had been able to apply to one of his wrists as a weapon if he was able to get his arm free. As stated above, common law allows that if an individual believes that they or another is in imminent danger, then they may use such force that is reasonable and necessary to avert that danger.

92. The legislation detailed above applies equally to O7 and his decision to deploy his PD. O7 explained in his stage four account that he responded to the urgent request for assistance in that he believed the activation of the emergency alarm button was only used when officers were in “immediate and high risk” danger and need immediate assistance from “every available unit”. As such, it may not be considered unreasonable that O7 believed he was responding to assist in effecting the arrest of a suspected offender who was posing a risk to his colleagues.
93. As detailed earlier in this report, O7 explained his use of the NDM to support his risk assessments and consideration of the various options available to him, resulting in his final decision to deploy his PD. It is not intended to repeat them here. As detailed in Section 76 Criminal Justice and Immigration Act 2008, his decision to use force by deploying his PD and whether this was a reasonable use of force is to be decided by reference to the circumstances as O7 honestly believed them to be. O7 stated that he firmly believed the deployment of his PD was “the minimal most proportionate use of force based on the gravity of the threat.” If O7’s account is accepted, his decisions and actions would be in line with the statutory defence provided for by the stated legislation. O7’s belief may be supported by the Cleveland Police Dog Training Manager’s assessment that “the actions taken by [O7] was proportionate and necessary to the situation.”
94. The primary guidance relevant to this incident, and to which O7 as the dog handler was expected to comply, is the ACPO Police Dogs Manual of Guidance. This outlines that O7 would need to justify the deployment of his PD by reference to the NDM and that his use of force would be for him to justify based on his perception of an incident with regard to their training and previous experience. O7 provided his rationale for deploying his dog, an analysis of which is detailed in the previous section and is not repeated here. In addition, the guidance outlines that use of force deployments include engaging and detaining a suspect who presents a threat and defending other officers against attack. Both of these are applicable to O7’s stated rationale for deploying his PD.
95. O7 did not give Mr A a warning prior to deploying his PD which bit him. The guidance outlines that in the case of a direct deployment of a PD where it is likely to bite a subject, a verbal warning should be given by the handler if circumstances allow. It should be noted that the guidance says “should” and not “must”. O7 provided his rationale for why he did not believe it was possible for him to give a warning in this case in that he was dealing with an extremely fast-paced situation which presented no practical period to give a challenge. It is also considered worthy of note that throughout O3 and O5’s interaction with Mr A prior to O7’s arrival, he had failed to comply with any of their instructions.
96. The Personal Safety Manual Module 14, which outlines the role specific skills in relation to dog handlers, says that a warning “must” be given unless impractical to do so. As detailed above, O7 provided his rationale for why he did not believe it was practical to give a warning in this case.

97. This module further outlines that the lack of a warning does not, on its own, make the use of the dog unjustified and that the dog handler should justify their lack of warning, utilising the NDM, in any subsequent police dog deployment report. As O7 was involved in a PIP immediately following the deployment of his PD, he did not have the opportunity to complete a dog deployment report and record his rationale. The Cleveland Police Dog Training Manager completed the report on O7's behalf in order for it to be submitted within the required time frame. His assessment was that O7's actions were "proportionate and necessary to the situation," that the PD acted in accordance with its training with regard to the bite and the release from the bite, and that there was no reason why O7 and his PD should not remain operational.

Addressing the DSI questions

98. Full details of the evidence relating to the DSI questions are provided above. In brief, this evidence is as follows:

The nature and extent of Cleveland Police contact with Mr A prior to him sustaining his injuries

99. The available evidence indicates that the police first became involved in this incident at approximately 3.15pm on 30 March 2024. Officers O3 and O5 attended an address and spoke with Ms B with regard to her son. The BWV shows that Mr A intervened and questioned the officers' attendance, using foul language. The BWV appears to show Mr A offered aggression towards the officers without any provocation. Shortly after this a struggle ensued between the two officers and Mr A during which the officers were unable to restrain Mr A and apply handcuffs to his wrists. The officers requested urgent police assistance and one of the officers pressed their emergency alarm button. The dog handler O7 arrived and deployed his PD to assist with Mr A's restraint which involved the PD biting Mr A's right arm. This allowed O3 and O5 to place Mr A in handcuffs and inform him he was under arrest for two counts of assaulting a police officer before they and paramedics tended to his bite injuries.

Whether Cleveland Police may have caused or contributed to Mr A's injuries

100. The BWV shows that Mr A sustained the injuries to his right arm as a result of O7's deployment of his PD.

Organisational learning

101. Throughout our investigation, we considered whether there were any opportunities for regional or national learning.

102. In this case we did not make any organisational learning recommendations.

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