

# Mr Robert Peterson

## Investigation into contact between Humberside Police and Robert Peterson on 17 October 2014

Independent Investigation  
Final Report

IPCC Reference: 2014/036901

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## Introduction

1. During the early hours of 17 October 2014, Police Sergeant (PS) Christopher Wright of Humberside Police received an Automatic Number Plate Recognition (ANPR) alert relating to a white van. There was intelligence to suggest the occupants of the van may have been involved in criminal activity and may have been wanted by the police.
2. PS Wright communicated this information to colleagues travelling in separate vehicles and they followed the van with the intention of carrying out a pre-emptive stop and arresting the occupants.
3. The van came to a sudden stop in Gertrude Street, Grimsby and the passenger ran away. PS Wright chased after the passenger whilst Officer A approached the driver, who was subsequently identified as Mr Robert Peterson. Mr Peterson allegedly refused to get out of the van and a struggle ensued. Officer A, PS Wright, Officer B and PC Lee Curtis were all involved in restraining Mr Peterson.
4. Mr Peterson sustained facial injuries during the struggle and alleged they had been caused by an officer stamping on his head.
5. The following day, Mr Peterson made a complaint to Humberside Police, alleging he had been assaulted and verbally abused by the officers.
6. Mr Peterson's complaint was referred to the IPCC on 24 October 2014 and an independent investigation commenced on 8 December 2014.

## Terms of Reference

7. The terms of reference for the investigation were:
  - 1) To investigate the circumstances surrounding the contact between Mr Peterson and Humberside Police on 17 October 2014 in the vicinity of Gertrude Street, Grimsby, in particular:

- a) What were the circumstances and provenance of injuries sustained by Mr Peterson?
  - b) Did the officers involved comply with local and national guidelines and training relating to restraint techniques and the use of force in respect of this incident?
  - c) Was excessive force used by the police during the restraint of Mr Peterson, resulting in him sustaining injuries?
  - d) Did the officers involved comply with local and national guidelines and training relating to the reporting of incidents and, if appropriate, the challenging of improper conduct?
- 2) To assist in fulfilling the state's investigative obligation arising under the European Convention of 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.
  - 3) To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, send a copy of the investigation report to the Director of Public Prosecutions (DPP) for him to decide whether criminal proceedings are to be brought.
  - 4) To identify whether any subject of the investigation, in the investigator's opinion, has a case to answer for misconduct or gross misconduct, or no case to answer.
  - 5) To consider and report on whether there is organisational learning, including:
    - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
    - whether the incident highlights any good practice that should be shared.

## Subjects to the investigation

8. There are four subjects to this investigation, PC Lee Curtis, PS Christopher Wright, Officer A and Officer B.

### PC Curtis

9. On 28 October 2014, Humberside Police Professional Standards Branch (PSB) served PC Curtis with a notice of investigation under Regulation 15 Police (Conduct) Regulations 2012 and Regulation 16 Police (Complaints and Misconduct) Regulations 2012. He was also served with a notice of suspension from duty, with effect from 25 October 2014.
10. Although the initial referral from Humberside Police was received, and acknowledged, by the IPCC on 24 October 2015, it was not until 8 December 2015 that the IPCC informed Humberside Police an independent investigation was to take place.
11. In the intervening period Humberside Police began an investigation into Mr Peterson's complaint.
12. PC Curtis was subsequently interviewed under the misconduct and criminal cautions by Humberside Police PSB on 5 December 2014.
13. On 21 January 2015, PC Curtis was served with a notice of investigation under Regulation 16 Police (Complaints and Misconduct) Regulations 2012 by IPCC investigators.
14. The notice informed PC Curtis he was under investigation in relation to an alleged breach of the Standards of Professional Behaviour and his alleged conduct, if proven or admitted, had been assessed as amounting to gross misconduct. PC Curtis was also informed by IPCC investigators he was under investigation in relation to the potential

criminal offence of assault. PC Curtis provided a signed written response to the notice, dated 26 January 2015.

15. The notice alleged that PC Curtis had used excessive force on Mr Peterson resulting in him sustaining injuries, and that following the incident he had failed to comply with local and national guidelines and training relating to the reporting of incidents.
16. PC Curtis attended an interview with IPCC investigators under the criminal caution on 16 March 2015, however, subsequently exercised his right to leave and therefore was not interviewed under the misconduct caution.

### **PS Wright, Officer A and Officer B**

17. On 28 October 2014, Humberside Police PSB served PS Wright, Officer A and Officer B with notices of investigation under Regulation 15 Police (Conduct) Regulations 2012 and Regulation 16 Police (Complaints and Misconduct) Regulations 2012.
18. On 21 January 2015, the officers were each served with a Regulation 16 notice by IPCC investigators.
19. The notices informed the officers they were under investigation in relation to an alleged breach of the Standards of Professional Behaviour and their alleged conduct, if proven or admitted, had been assessed as amounting to misconduct. The officers provided signed written responses which were dated 30 January 2015.
20. On 10 February 2015, PS Wright, Officer A and Officer B were each served with amended notices by IPCC investigators. The notices informed the officers their alleged conduct had been re-assessed as amounting to gross misconduct. The officers were also served with letters informing them they were under investigation in relation to the potential criminal offence of assault.

21. The notices alleged that during the course of detaining Mr Peterson the officers used excessive force on him resulting in him sustaining injuries; that during the course of detaining Mr Peterson they had failed to challenge or intervene when PC Curtis used excessive force on him and that they failed to comply with local and national guidelines and training relating to the reporting of incidents.
22. The officers were interviewed under the criminal and misconduct cautions by IPCC investigators on 16 and 20 March 2015.

## Chronological summary of events

### CCTV footage

23. CCTV footage recorded on 17 October 2014 by the front view camera on PS Wright's unmarked police vehicle was seized Humberside Police PSB. The footage was of good quality and contained an audio track.
24. Chief Inspector Roger Mitchell from Humberside Police Operations Branch viewed the CCTV footage on 23 October 2014. He identified the officers in the footage as being PC Curtis, PS Wright, Officer A and Officer B.
25. An IPCC investigator prepared a CCTV viewing log which detailed the following information. The footage began at 3.52am on 17 October 2014. PS Wright received information from the police communications room regarding a suspect vehicle:  
  
*"it's Robert Peterson's van seen in the early hours, trying door handles...  
  
another individual been using it a lot and he's wanted and disqualified."*
26. PS Wright drove behind the white van through a residential area. There was no recorded discussion in relation to stopping the van but PS Wright said to the police communications room:

*“alright I think he might have clocked me, I don’t think he’s going to stop you know.”*

27. The van accelerated and then came to a sudden stop in the middle of Gertrude Street. The front seat passenger got out of the van and ran towards an alleyway which runs between two of the houses on Gertrude Street. PS Wright got out of his vehicle, ran down the driver’s side of the van and chased the passenger down the alleyway.
28. The CCTV footage shows how Officer A, who was in a separate police vehicle partnered with Officer B, ran towards the driver’s door of the van, opened the door and leaned into the vehicle. Officer A then disappeared from view inside the cab of the van for approximately 15 seconds. PS Wright reappeared from the right hand side of the screen and ran towards the driver’s door. Officer A and PS Wright pulled Mr Peterson from the van and stood him up on his feet.
29. Officer B came back into view and with the other two officers is seen to struggle with Mr Peterson, all moving towards the rear of the van. Mr Peterson’s right hand appears to be in a fist while Officer A had hold of his right arm. PS Wright had hold of Mr Peterson’s left shoulder and Officer B his left arm.
30. As they reached the rear of the van, Mr Peterson managed to free his left arm and stepped away from the officers. Officer B reached forward and using his right arm put Mr Peterson into a ‘head lock’.
31. The officers struggled with Mr Peterson and all moved back towards the van. When they reached the driver’s door, Officer A, PS Wright and Mr Peterson disappeared from view inside the van.
32. PC Curtis arrived on the scene and ran towards the driver’s door. Mr Peterson was then pulled by Officer A from the van and onto the ground. The view of Mr Peterson is then obscured by an officer who was kneeling down next to him.



33. PC Curtis stood over Mr Peterson and looked down at him. PC Curtis's right leg can be seen to be moving as though he was kicking something on the ground.
34. PC Curtis placed his left hand on the shoulder of a colleague (it is not clear from the CCTV footage which colleague this was) and took a step towards the van. PC Curtis then rose considerably, as though he had stepped up on to something, and held onto the door of the van with his right hand. He then bounced up and down four times and a man's voice is heard to cry out. PC Curtis remained in his elevated position and a man's voice cried out again. An officer's arm can be seen pointing out of the van and PC Curtis then ran away from the van and towards the alleyway.
35. Mr Peterson remained on the ground whilst the remaining officers stood around the vehicle. Mr Peterson was then brought to his feet by an officer and laid against the bonnet of PS Wright's police car. He was later taken by Officer A to the back of the van which was subsequently searched. The CCTV footage ends at 4.12am.

## Witness accounts

### Mr Peterson

36. Officers from Humberside Police PSB visited Mr Peterson on 19 October 2014. During the visit he provided a signed witness statement in support of his complaint.
37. He stated that during the early hours of 17 October 2014, he drove an individual from Cleethorpes to Gertrude Street.
38. He stopped his van in Gertrude Street and his passenger realised they had been followed by the police. His passenger got out of the van and ran down the alleyway followed by two police officers.

39. A police officer came to the driver's door of Mr Peterson's van and told him to turn off the engine. Mr Peterson asked "*what for?*" and the officer replied "*get out of the vehicle, get out of the vehicle now.*" Mr Peterson did not feel he had done anything wrong and told the officer to "*fuck off.*"
40. The officer grabbed both of Mr Peterson's arms and tried to pull him from the van. He resisted and pulled the officer into the van with him, saying "*fuck off, I haven't done shit.*"
41. Another officer arrived and may have entered the van through the passenger door. Mr Peterson felt as though he had been punched to the side of his neck and recalled the officer who was trying to remove him from the van had him in a headlock or may have had his hands around his neck.
42. Mr Peterson was removed from the van but refused to go to the ground as he was not under arrest and had not done anything wrong. He '*grappled*' with the officer by holding on to his arms.
43. He broke free from the officer and ran towards the back doors of the van. He was pulled back by the officer and felt his head being pushed down. He remembered another officer arriving on the scene at this point.
44. Mr Peterson eventually went to the ground. He was on his right side and was balancing on his right elbow. He did not want to put his face on the ground as it was wet, but the officers were shouting "*get down, get on the fucking floor*". Mr Peterson was '*resisting but not fighting*' at that point.
45. Another officer, who Mr Peterson referred to in his statement as '*Stamper*', then became involved. Mr Peterson was now fully on the floor with his head closest to the back wheel on the driver's side of the van. His right cheek was on the ground.

46. The officer who had pulled Mr Peterson from the van was kneeling on his left hand side and was pushing him down. Mr Peterson was also pushed or punched several times to his body, but he could not identify the officer responsible for this.
47. He recalled '*Stamper*' telling him to get his head down and calling him a "*clever little bastard.*" The officer then stamped on the left hand side of Mr Peterson's face, and possibly his neck, numerous times '*possibly between seven and twelve times.*' He also tried to kick Mr Peterson in the face. Every time the officer stamped on him he said "*get your head down you clever little bastard.*"
48. Mr Peterson was sure the officer he had identified as '*Stamper*' was responsible for stamping on him:  
*'I am 100% sure that the officer I call Stamper did all the stamping as I could clearly see him and hear his voice throughout.'*
49. Mr Peterson was screaming and recalled the right side of his face was constantly hitting the ground. In relation to the level of force used:  
*'on a scale of 1-10 with 10 being the greatest force possible, I would put the force used as 10.'*
50. He had no way of protecting himself from the stamping other than to put his head under the van. Mr Peterson noted:  
*'the other officers must have heard and seen what was going on and I feel they turned a blind eye.'*
51. Mr Peterson thought his head was bleeding so asked to be let up, but it was actually water from under the van as opposed to blood.
52. He recalled '*Stamper*' saying "*you're lucky it wasn't my 17 stone mate stamping on your head.*" He was put face down on the bonnet of a blue BMW and was breathalysed by the officer referred to as '*Stamper.*'

53. Mr Peterson's van was searched and his documentation was checked before his handcuffs were removed and he was released.
54. Following the incident, Mr Peterson thought his skull must have been fractured by the force of the stamping. He visited the Diana, Princess of Wales, Hospital, Grimsby, on 18 October 2014 and was told he had lacerations, severe swelling and bruising to the right hand side of his forehead, as well as whiplash.
55. Mr Peterson provided a second statement to Humberside Police PSB on 23 October 2014, having been provided with the opportunity to view the CCTV footage of the incident.
56. Mr Peterson stated how by that time his injuries were barely visible as the abrasions and cuts to his head had almost healed and he reported having dizzy spells as a result of the assault.
57. Having viewed the CCTV footage, Mr Peterson confirmed the officer who stamped on his head was not the officer who had breathalysed him and who he had originally referred to as '*Stamper*.' He confirmed the officer who stamped on him was actually the officer who ran down the alleyway after he had been taken to the ground and handcuffed. [This officer was PC Curtis.]
58. IPCC investigators visited Mr Peterson on 10 January 2015 and recorded a further statement from him.
59. Mr Peterson reiterated the officer who breathalysed him was not the officer who had stamped on him. He confirmed the officer who stamped on him had been wearing fluorescent clothing.
60. He also described an officer lying across his chest whilst he was on the ground and said he had been punched in the face by this officer.
61. Mr Peterson provided further details regarding his injuries. He explained that when he visited the hospital he reported head and neck

pain to the doctor. His head and neck were fully examined, but a full body examination was not completed and he had remained fully clothed. Mr Peterson maintained he had suffered depression, anxiety, headaches and dizziness following the incident.

### Rebecca Burgess

62. Ms Rebecca Burgess, a resident of Gertrude Street, provided a statement to Humberside Police PSB on 3 November 2014. She had heard a disturbance in the street at approximately 4.10am and had got up to look out of her bedroom window.
63. She saw a male and three or four police officers in the road. The man was handcuffed with his hands behind his back. The man went into the driver's side of the cab and then walked to the back of the van with an officer close behind him. She heard words to the effect of "*calm down*" and "*I am calm.*" Next time she looked, the man's handcuffs had been removed.
64. Ms Burgess did not see the police struggling with the man and did not notice whether he had any visible injuries.

### Dr Arundel

65. Dr Arundel, Doctor in Emergency Medicine, provided a signed witness statement to Humberside Police PSB on 4 November 2014 and provided an additional statement to the IPCC on 21 January 2015.
66. Dr Arundel did not examine Mr Peterson personally but referred to the detailed contemporaneous notes of the locum registrar who examined Mr Peterson.
67. Mr Peterson attended the Accident and Emergency Department on 17 October 2014 accompanied by police officers. He alleged he had been assaulted by the police and had been stamped on, kicked and punched. He complained of stiffness to the left side of his neck but had not lost consciousness.

68. The Locum Registrar took a systematic approach to Mr Peterson's medical examination. He examined his head, neck, arms, shoulders, hips, legs, chest and abdomen. Dr Arundel described the examination as thorough but noted the Locum registrar had not examined Mr Peterson's feet and ankles.
69. Mr Peterson did not have any injuries to his arms, shoulders, hips or legs. He had abrasions on the right side of his forehead and was tender over his left eyebrow. X-rays were performed but they did not reveal any fractures. Mr Peterson was diagnosed as having a minor head injury and a minor neck sprain.
70. Having reviewed Mr Peterson's medical notes, Dr Arundel stated:  
*'I form the professional opinion that the injuries detailed in Mr Peterson's medical records are potentially consistent with Mr Peterson being kicked, stamped or punched to the head and neck area, or having fallen'.*
71. He concluded:  
*'the abrasions to the right side of Mr Peterson's face and the tenderness over his left eye are consistent with blunt force trauma of some description and the stiffness in the left hand side of his neck is consistent with a fall onto his right side'.*
72. Dr Arundel emphasised he had not examined Mr Peterson and did not have any forensic expertise or training.

## Subject accounts

### PC Curtis

73. PC Curtis provided the IPCC with a signed written response to his Regulation notice on 26 January 2015. The response did not contain any substantive information regarding his interaction with Mr Peterson on 17 October 2014. Instead, the response referred to the answers he

had given during his misconduct and criminal interview with Humberside PSB on 5 December 2014. The officer asked that these answers be viewed as his response to the IPCC notice of investigation.

74. PC Curtis attended an interview with IPCC investigators on 16 March 2015. Following a number of questions put by the investigators under criminal caution, he read a short prepared statement. Submissions were then made by his legal representative and the officer exercised his right to leave the criminal section of the interview. PC Curtis did not return for the misconduct section of the interview.
75. The following evidence was provided during PC Curtis' interview with Humberside Police PSB on 5 December 2014.
76. PC Curtis joined Humberside Police in 2004 and described himself as a mature and professional officer.
77. He had completed all necessary refresher training in relation to conflict management, conflict resolution and self defence techniques. He confirmed he was also familiar with the National Decision Model (NDM) and the legal provisions which regulate the use of force.
78. At approximately 3.55am on 17 October 2014, PC Curtis was made aware by PS Wright that a van belonging to Mr Robert Peterson had activated the ANPR camera in PS Wright's vehicle. PS Wright suspected the van may be being driven by another individual, who he knew was disqualified from driving and was wanted by the police. The intelligence also suggested the van had been used in possible burglary attempts in September 2014.
79. He had met Mr Peterson on two previous occasions, during which Mr Peterson had threatened to assault him. He described Mr Peterson as an *'aggressive, confrontational, non-compliant individual who has made threats of violence in the past'*. The officer also knew his

passenger was a high priority (prolific) offender who had a history of violence.

80. PS Wright's plan was to complete a pre-emptive stop on the van. PC Curtis followed his colleagues through a residential area of Grimsby and waited at the junction of Gertrude Street. This was so he could follow the van more easily if it drove off or the passengers if they attempted to make away on foot.
81. PC Curtis parked approximately 100 feet away from where the van and other police vehicles had stopped on Gertrude Street. He saw Officer B running down the road and thought the situation must have escalated. He drove down Gertrude Street and could see his colleagues struggling to control a man in the street.
82. The man was kicking out against the officers and was shouting "*fucking get off me.*" PC Curtis ran to assist his colleagues. He grabbed hold of Mr Peterson's left leg and lifted it off the floor in an attempt to unbalance him. He also shouted "*stop fighting.*"
83. Mr Peterson went to the ground due to the combined weight of the officers who were trying to restrain him. Mr Peterson remained aggressive and non-compliant. He was kicking out at the officers and swearing. PC Curtis continued to shout "*stop fighting.*"
84. The officer could not use his PAVA spray (an incapacitant spray dispensed from a hand-held canister in a liquid stream) or asp (extendable baton) due to the confined space but he felt this would have been justified.
85. He described the situation as an '*unorganised melee*' and conceded he did not know why Mr Peterson was being detained, what offence had been committed or if any weapons were being carried by Mr Peterson.



86. Mr Peterson was struggling and PC Curtis thought he was trying to stand up. He could not see what Mr Peterson was holding in his hands and handcuffs had not yet been applied to him.
87. He delivered a *'pre-emptive strike'* to Mr Peterson's left thigh with his right foot. This was to prevent Mr Peterson from getting to his feet and to act as a distraction technique. He hoped it would provide time for his colleagues to take hold of Mr Peterson's arms so he could be handcuffed.
88. The strike had no effect and Mr Peterson continued to struggle with his arms and legs. PC Curtis was asked in interview why he felt a leg strike was the most proportionate option in the circumstances. PC Curtis declined to answer and referred to his written statement. It was also put to him by police investigators during interview that the CCTV footage showed him delivering two leg strikes to Mr Peterson, as opposed to one. PC Curtis declined to comment and referred to his written statement.
89. PC Curtis then stood on Mr Peterson's ankles to stop him from kicking out at him or his colleagues. He applied pressure at regular intervals using a bouncing motion and did not apply his full body weight. He was asked in interview how he had been able to prevent his whole body weight from being applied to Mr Peterson's ankles; his response was *"by not putting it all on"*. He was also asked whether he had used something to displace his weight in any way, to which he replied *"no."*
90. PC Curtis stated he did not, at any time, stamp on Mr Peterson's head, neck or any other part of his body.
91. As soon as his colleagues were able to apply the handcuffs to Mr Peterson, he immediately became compliant. At that stage, PC Curtis felt he could remove the pressure from Mr Peterson's ankles as he was

under control. He then left the scene and went down the alleyway to assist in the search for the vehicle's passenger.

92. He did not subject Mr Peterson to verbal abuse and did not see any other officer use excessive force or subject Mr Peterson to verbal abuse. PC Curtis said his actions were:

*"justified and appropriate and I only used sufficient force to protect myself and my colleagues, and that force was in line with the national decision model."*

93. Following the incident, PC Curtis submitted an intelligence report and recorded his actions in his pocket notebook. PC Curtis emphasised he was alone when he made his pocket notebook entry.

### **PS Wright, Officer A and Officer B**

94. PS Wright, Officer A and Officer B provided the IPCC with signed written responses on 30 January 2015. The officers were subsequently interviewed by IPCC investigators under the criminal and misconduct cautions on 16 and 20 March 2015. Investigators compiled records of the interviews.
95. The officers read out their written responses at the beginning of their interviews and also answered the majority of the questions put to them. The format and content of the officers' written responses were virtually identical to the extent they contained the same typing errors.
96. At the beginning of each interview, the officers were also shown the CCTV footage which had been seized from PS Wright's police vehicle.

### **PS Wright**

97. PS Wright joined Humberside Police 25 years ago and described himself as having extensive operational experience. He confirmed he had completed all necessary training in respect of personal safety, use of force and restraint techniques.

98. On 17 October 2014 at approximately 3.55am, the ANPR camera in his unmarked police vehicle was activated by the white van.
99. PS Wright felt there was *“sufficient information and intelligence to fully justify causing the vehicle to stop to ascertain who the occupants were and whether any criminality had been committed.”* He remained in contact with his colleagues over the radio in relation to the movements of the van and planned to perform a pre-emptive stop.
100. It was his intention to arrest the driver of the vehicle for an *“arrestable offence”* and to *“take away his liberty for the period of time that I needed it.”* During the interview PS Wright conceded the term *‘arrestable offence’* no longer existed but was unwilling, or unable, to provide his understanding of the current Police and Criminal Evidence Act 1984 (PACE) *‘necessity criteria’* for arrest.
101. Before a pre-emptive stop could take place, the driver of the white van accelerated slightly before coming to a stop at the end of Gertrude Street. PS Wright saw the passenger exit the vehicle and run towards the alleyway.
102. He chased the passenger on foot but was not able to apprehend him. He returned to Gertrude Street and could see Officer A had hold of Mr Peterson. Mr Peterson was violently resisting Officer A’s attempts to remove him from the vehicle.
103. PS Wright approached the van and took hold of Mr Peterson by the front of his clothing. He did not feel he had any option but to remove Mr Peterson from the van as he was fighting with Officer A and the engine of the van was still running. The officers were able to pull Mr Peterson from the van onto his feet.
104. Mr Peterson continued to struggle with the officers until his legs gave way and he was taken to the ground. PS Wright went to the ground with Mr Peterson and had hold of the upper part of his body.

105. Mr Peterson was trying to stand up, so PS Wright placed his knee against Mr Peterson's neck area, between his ear and his shoulder, and used controlled pressure to stop him from standing up. PS Wright said:
- "I positioned myself on his head and neck area almost in what I would describe as a ground pin position without having his arms er, so, yeah, my knees were on top of his head and neck area facing down."*
106. The ground pin had not been 'textbook' due to the confined space, but the officer was adamant the technique had been taught by Humberside Police. PS Wright emphasised he was knelt over Mr Peterson's head and neck and was not applying pressure directly to the area:
- "there was controlled pressure according to how he's reacting but he's not got 17 stone on his neck."*
107. Mr Peterson continued to thrash his head around so PS Wright applied more pressure as he was concerned Mr Peterson might injure himself. Mr Peterson was handcuffed to the rear after a vigorous struggle and he immediately became compliant.
108. Mr Peterson remained on the road surface whilst the officers searched his van and made checks on the Police National Computer (PNC) and local intelligence systems. Nothing could be found to link Mr Peterson with criminality requiring his further detention.
109. Mr Peterson was brought to his feet in a controlled fashion but was kept in handcuffs as he *'was still extremely verbal'*. Mr Peterson was then searched and breathalysed by PS Wright before the handcuffs were removed. Mr Peterson provided a negative breath specimen.
110. As soon as Mr Peterson was brought to his feet, PS Wright noticed he had a graze to the right side of his forehead. Investigators asked PS Wright how Mr Peterson may have sustained his injuries and he responded they were:

*“consistent with him thrashing about on the floor with me on top of him.”*

111. Mr Peterson accused PS Wright of stamping on his head and referred to him as ‘PC Stampy’. Mr Peterson also alleged at the scene that PS Wright had changed his footwear. PS Wright asked Officer B to take a photo of Mr Peterson’s injuries and said:

*“I didn’t want him going away from that scene and making allegations at a later time that he had had a good kicking.”*

112. PS Wright stated he had applied the NDM to his interaction with Mr Peterson and had relied upon Section 3 of the Criminal Law Act 1967. When asked by investigators PS Wright was unable to provide his understanding of the NDM or outline the relevant provisions of the legislation. PS Wright was also unable to provide his understanding of the Standards of Professional Behaviour or the Police Code of Ethics.

113. In relation to the force used against Mr Peterson, PS Wright said:

*“it was reasonable, it was necessary and what we were doing was proportionate in the circumstances.”*

114. PS Wright denied his personal conduct fell below the required Standards of Professional Behaviour.

115. He denied he had failed to intervene or challenge his colleagues in relation to their conduct as he maintained he did not witness any behaviour which would have caused him to do so and did not see any officer stand on Mr Peterson’s ankles or kick him.

116. PS Wright denied that he failed to comply with local and national policies relating to the reporting of incidents. As there is no ‘use of force’ reporting form within Humberside Police, he reported the incident to an inspector as soon as possible and made a detailed entry in his pocket note book.

117. Finally, PS Wright was asked about the written response he submitted to the IPCC. He initially stated he could-not remember how it was produced but then said he personally drafted it on his own computer. PS Wright did not recall conferring with anyone prior to writing the statement. It was put to PS Wright that the statements submitted by himself and his colleagues were almost identical and asked if he knew how that had come about. He stated that he did not know how that had happened.

#### Officer A

118. On 17 October 2014, Officer A was the driver of a marked patrol vehicle and was partnered with Officer B.
119. When Officer A arrived on Gertrude Street, he saw the van accelerate and then stop suddenly. PS Wright exited his vehicle and ran towards the driver's door of the van. As this door was opened Officer A saw the passenger run across the front of the vehicle and disappear from view down the alleyway.
120. Officer A approached the driver's door of the van and saw a man, now known to be Robert Peterson, sitting in the driver's seat. There was a bottle of vodka on the front passenger seat. He identified himself as a police officer and asked Mr Peterson to step out of the van. Mr Peterson replied:  
*"fuck off...fuck you."*
121. Officer A suspected criminal offences had been committed and Mr Peterson may have been involved. He intended to arrest Mr Peterson and stated he had considered the PACE '*arrest criteria*'. Officer A was unwilling to explain his understanding of the arrest criteria to investigators
122. He felt the safest course of action was to remove Mr Peterson from the vehicle:

*“based on the pattern that’s building up now and the threat assessment that was made by myself at the time, followed by ‘fuck off fuck you’ it wouldn’t be safe or appropriate to say ‘actually kid, you just sit there’”.*

123. Officer A described how he took hold of Mr Peterson’s right arm with both hands and attempted to pull him from the van. Mr Peterson resisted and he was pulled inside the van.
124. PS Wright arrived, reached in through the open driver’s door, and took hold of Mr Peterson by the front of his clothing. Officer A noted they were able to pull Mr Peterson from the van despite him being *‘totally non-compliant’* and *‘actively resisting’*.
125. As Mr Peterson’s right hand was in a fist, Officer A kept hold of his arm to prevent himself, or his colleagues, from being assaulted.
126. Officer B arrived at the scene and took hold of Mr Peterson. Officer A recalled:
- ‘there were now three officers attempting to restrain Peterson. It was a very fluid situation, there was no opportunity for Peterson to be properly cautioned and told that he was being arrested on suspicion of an arrestable offence.’*
127. Although he had not told Mr Peterson he was being arrested, Officer A felt he had arrested Mr Peterson by taking hold of his arms.
128. Officer A described Mr Peterson as:
- ‘very physical, he was agitated and aggressively struggling, he was able to literally throw me and my colleagues around seemingly effortlessly.’*
129. Mr Peterson’s legs gave way and he went down to the road surface, trapping Officer A’s left arm as he fell. He maintained Mr Peterson did not bang his head on the road surface. Mr Peterson remained non-compliant and made attempts to stand up. Officer A was able to pull Mr

Peterson's right arm behind his back and Officer B did the same with his left arm. Mr Peterson was handcuffed to the rear and immediately became compliant.

130. After the relevant checks had been completed, and Mr Peterson was brought to his feet, Officer A saw a graze on the right side of Mr Peterson's head. He offered medical assistance and Officer B also photographed the injury. Mr Peterson accused PS Wright of stamping on his head; referred to him as '*PC Stampy*' and said he was going to make a complaint.
131. When investigators asked Officer A how Mr Peterson sustained his injuries he emphasised Mr Peterson may have sustained them prior to his interaction with the police and noted:  
  
*"I'd class them as abrasions consistent with moving your head from side to side on a road surface."*
132. Officer A maintained he had relied on the NDM and Section 3 of the Criminal Law Act 1967 throughout his interaction with Mr Peterson and was able to demonstrate his understanding of these provisions to investigators during interview.
133. Officer A denied his personal conduct fell below the required Standards of Professional Behaviour.
134. He also denied he had failed to intervene or challenge his colleagues in relation to their conduct as he maintained he did not witness any behaviour which would have caused him to do so. He had not been aware of PC Curtis' presence at the scene until he looked up after the handcuffs had been applied to Mr Peterson. He did not see PC Curtis or either of his other colleagues, kick Mr Peterson or stand on his ankles.
135. Officer A denied he failed to comply with local and national policies relating to the reporting of incidents and felt he took appropriate steps



after the incident as he recorded a detailed account in his pocket note book.

136. Investigators asked Officer A about the written response he provided to the IPCC. He stated he had given the account to his legal representative in the presence of Officer B. Officer A could not recall whether PS Wright was also present in the meeting. Officer A had agreed the content of the statement with his legal representative before signing it.

### Officer B

137. Officer B joined the police in 1989 and described himself as an experienced patrol officer. When investigators asked him to describe his level of training in respect of personal safety, use of force and restraint techniques, Officer B replied:
- “it’s got to be suitable otherwise I wouldn’t be an operational police officer on the streets.”*
138. Officer B arrived at the scene with Officer A as they were travelling in the same marked patrol vehicle. He recalled Mr Peterson had been removed from the van and was struggling with PS Wright and Officer A by the time he reached the driver’s door of the van. Officer B approached to assist his colleagues and took hold of Mr Peterson’s left arm.
139. It was Officer B’s intention to arrest Mr Peterson for an ‘*arrestable offence*’. When investigators asked him to provide his understanding of the ‘*arrest criteria*’ Officer B declined to answer and referred the investigators to his written response.
140. Investigators showed Officer B the CCTV footage of the incident and asked if he accepted that at one point, he could be seen to be holding Mr Peterson in a head lock. He replied:

*“I’ve got him in a firm hold, yes... I’ve got my arm around his head yeah.”*

141. When investigators asked whether this was a trained technique, Officer B replied:

*“there was a threat to me at that point so I took hold of what I could get hold of.”*

142. Being concerned for his own safety and that of his colleagues, Officer B felt there were no other tactical options available to him:

*“at that time I did what was instinctive and what was presented to me, that was the safest option for him and me.”*

143. Mr Peterson continued to struggle aggressively before his legs gave way momentarily and he was taken to the ground. Officer B went down onto the road surface with Mr Peterson and landed on his own knee. Officer B continued to hold Mr Peterson’s left arm and was eventually able to pull it up behind his back so Officer A could apply his handcuffs.

144. Officer B was not aware Mr Peterson had sustained any injuries until he was brought to his feet and the handcuffs were removed. Investigators asked Officer B how Mr Peterson had sustained his injuries. He replied:

*“I can only assume while he’s been thrashing around on the road surface.”*

145. As with his colleagues, Officer B explained he relied upon the NDM and Section 3 of the Criminal Law Act 1967 during his interaction with Mr Peterson. He maintained the force used was reasonable and minimal and the interaction was professional:

*“when you watch the video it’s over and done with in a short period of time, he was restrained and handcuffed and then the threat’s taken away.”*

146. In his written response, Officer B denied his personal conduct fell below the required Standards of Professional Behaviour.
147. He also denied he had failed to intervene or challenge his colleagues in relation to their conduct as he maintained he did not witness any behaviour which would have caused him to do so.
148. Officer B did not see any officer strike, kick or jump on Mr Peterson and did not know PC Curtis had been present until he watched the CCTV footage of the incident.
149. He denied he failed to comply with local and national policies relating to the reporting of incidents and felt he had taken appropriate steps as he recorded an account of the incident in his pocket note book.
150. Officer B was asked by investigators about the written response he provided to the IPCC. He explained he had attended a meeting with his legal representative and had been through what he wanted to say. The statement was drafted by his legal representative and he agreed the content before signing it. He did not confer directly with his colleagues.

## Report prepared by Derek Christmas

151. Mr Christmas served as a police officer for 25 years before being seconded to the College of Policing as Director of Studies. He specialises in delivering personal safety training and is currently responsible for personal safety training within South Yorkshire Police.
152. The IPCC commissioned Mr Christmas to produce a report which explored the training received by Humberside Police officers in relation to personal safety, use of force and restraint techniques. He was asked to comment specifically on the most appropriate techniques for restraining an individual who is '*kicking out on the floor*' and was asked to confirm whether standing, bouncing, jumping or bouncing on legs is a trained technique within Humberside Police

153. Mr Christmas stated:

*'bouncing, jumping or stamping on legs or ankles would not be taught due to the very high risk of injury to the subject... In the heat of the moment and under severe stress, an officer will possibly use a tactic that may have never been taught. Having taken such action, it will be for the individual officer to justify their actions using the national decision model'.*

## Policies and Procedures

### Police and Criminal Evidence Act (PACE) 1984

154. PACE (part I) outlines the 'stop and search' powers which are available to police constables. Section 1 of the act gives a police constable the power to 'stop and search' any person, or vehicle, provided:

- *they are looking for stolen or prohibited articles and*
- *they have reasonable grounds to suspect they will find stolen or prohibited articles during the search.*

155. PACE (part III) outlines the 'powers of arrest' which are available to police constables. Section 24(1) of the act gives a police constable the power to arrest a person who:

- *is about to commit an offence.*
- *is in the act of committing an offence.*
- *is suspected to be about to commit an offence.*
- *is suspected to be committing an offence.*

156. Section 24(2) of the act states a police constable has the power to arrest a person if:

- *they have reasonable grounds to believe an offence has been committed and*

- *they have reasonable grounds to believe the person in question is guilty of the offence.*
157. If an offence has been committed, section 24(3) of the act states a police constable has the power to arrest a person if:
- *they are guilty of the offence or*
  - *the police constable has reasonable grounds for believing they are guilty of the offence.*
158. The powers of arrest which are outlined in sections 24(1-3) of PACE can only be exercised if the police constable has reasonable grounds to believe the arrest is necessary for one of the reasons outlined in section 24(5) of the act. These reasons are commonly referred to as the '*necessity criteria*' or '*arrest criteria*' and are shown at paragraph 165 below.
159. Section 28 of PACE states when a person is arrested by the police, they must be informed they are under arrest and must be told the grounds for their arrest. If this is not possible at the time, the person must be told at the earliest opportunity.
160. Section 117 of PACE states a police constable can, if necessary, use reasonable force when exercising the powers which are made available to him through the act.

### **Criminal Law Act 1967**

161. Section 3 of the act states:
- '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'.*
162. The legal test for '*reasonable force*' is to ask whether the person in question had an honestly held belief the use of force was necessary in

the specific circumstances and the force used was reasonable.<sup>1</sup> There is an additional element to the legal test which asks whether a reasonable person at the scene would have viewed the use of force in those circumstances as being reasonable.

### Serious Organised Crime and Police Act 2005

163. The Serious Organised Crime and Police Act 2005 Section 110, abolished the category of '*arrestable offence*' and introduced '*general arrest criteria*' which are:

- a. *to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);*
- b. *correspondingly as regards the person's address;*
- c. *to prevent the person in question:*
  - (i) *causing physical injury to himself or any other person;*
  - (ii) *suffering physical injury;*
  - (iii) *causing loss of or damage to property;*
  - (iv) *committing an offence against public decency (subject to subsection (6)); or*
  - (v) *causing an unlawful obstruction of the highway;*
- d. *to protect a child or other vulnerable person from the person in question;*
- e. *to allow the prompt and effective investigation of the offence or of the conduct of the person in question;*
- f. *to prevent any prosecution for the offence from being hindered*

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<sup>1</sup> *R v Williams (G)* 78 Cr App R 276 and *R. v Oatbridge*, 94 Cr App R 367

*by the disappearance of the person in question.*

### **The National Decision Model (NDM)**

164. The NDM is a risk assessment tool, or decision making model, which is used by police forces across the country. It was introduced to replace the Conflict Management Model and was approved by the Association of Chief Police Officers (ACPO). The NDM has five key elements, all of which centre around the Code of Ethics. The five key elements in the NDM are; to gather information and intelligence, to assess threat and risk and develop a working strategy, to consider powers and policy, to identify options and contingencies and to take action and review those actions.
165. The NDM can be applied to spontaneous incidents or planned operations; by an individual or a team of people and to both operational and non-operational situations.
166. Decision makers can use the NDM to structure a rationale of what they did during an incident and why and managers and others can use it to review decisions and actions and promote learning.

### **Standards of Professional Behaviour – Police (Conduct) Regulations 2012**

167. The Standards of Professional Behaviour, which replaced the Police Code of Conduct, clearly set out the standards which should be adhered to by police officers and reflect the expectation the public have of the behavior of those working in policing.
168. Importantly, it also sets an expectation that officers will report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behavior.

169. It also states police officers will only use force as part of their role and responsibilities, and only to the extent it is necessary, proportionate and reasonable in all the circumstances.
170. It goes on to say it is for the police officer to justify his or her use of force but when assessing whether this was necessary, proportionate and reasonable all of the circumstances should be taken into account and especially the situation which the police officer faced at the time. Police officers use force only if other means are or may be ineffective in achieving the intended result.

### **Police Code of Ethics**

171. The new Code of Ethics was introduced by the College of Policing under Section 39A of the Police Act 1996 and recognises the need for all police decisions to be consistent with the principles and standards of behavior set out in the code.
172. The code has legal status as a code of practice and sets out nine principles which are accountability, fairness, honesty, integrity, leadership, objectivity, openness, respect and selflessness.

## **Conclusions**

### **What were the circumstances and provenance of injuries sustained by Robert Peterson?**

173. PS Wright received information to suggest the white van may have been involved in criminal activity and he intended to stop it, search it and speak to the occupants. He and the other officers involved acted in accordance with the necessary legislation in deciding to stop and search the vehicle and its occupants.
174. After the vehicle stopped, the four officers became involved in a struggle with the driver Mr Peterson, who in their own words was '*violently resisting*' attempts to remove him from the vehicle. Officers



forcibly removed Mr Peterson from the van and took him to the ground, where the struggle continued.

175. The CCTV footage recovered from PS Wright's vehicle does not show with any great clarity what each officer, apart from PC Curtis, was doing, as Mr Peterson lay on the floor. Mr Peterson alleged significant force had been used against him and complained an officer had stamped on his head.
176. Similarly, the CCTV footage does not support the officers' descriptions of Mr Peterson '*violently resisting*' attempts to remove him from his van. There is no independent evidence to support their comments on Mr Peterson's behaviour.
177. The medical evidence relating to Mr Peterson's injuries does not support his allegation that significant force was used against him. It does suggest his injuries could have been caused by blunt force trauma or by him having been kicked, stamped on or punched to the head and neck area or having fallen to the ground.
178. The photographs of Mr Peterson's injuries show abrasions, which are not particularly serious, and I am of the opinion they do not reflect the likely outcome of Mr Peterson's claim that an officer stamped on his head with considerable force. In my opinion the injuries incurred by Mr Peterson were more consistent with the versions of events given by the police officers involved.
179. It is reasonable to assume the injuries sustained by Mr Peterson were caused by PS Wright, PC Curtis, Officer A and Officer B during the struggle.

**Did the officers comply with local and national guidelines relating to restraint techniques and the use of force in respect of this incident?**

180. The information provided to the officers by the police communications room clearly indicated the occupants of the white van first seen by PS Wright may have been involved in criminal activity. Consequently, by virtue of Section 1 and Section 24(2) of PACE, the officers had the necessary powers to stop and search the vehicle and to arrest the occupants, having reasonable grounds to believe an offence had been committed and the person(s) in question was/were guilty of the offence, namely being involved in attempted burglary.
181. However, in order to exercise the power of arrest the officers were required to consider if the arrest was necessary for one of the reasons outlined in paragraph 160 above. Similarly, police officers must consider other statutory powers, guidelines and training before deciding to use force in order to arrest or restrain members of the public for any reason.
182. The investigator believes it is vital that police officers are conversant with these statutory powers and guidelines and their training. Any professional ignorance of these powers suggests police officers cannot make reasonable judgements concerning the need for using force and the level of force which is required in the circumstances.
183. PS Wright, Officer A and Officer B all stated their intention was to arrest Mr Peterson for an '*arrestable offence*', a term which no longer exists in English law. They were unable or unwilling to define which of the arrest criteria they applied in the circumstances.
184. PC Curtis got involved in the restraint of Mr Peterson to assist his colleagues. There is no evidence that he knew why Mr Peterson was being restrained other than to control him.
185. Similarly, there is no indication any of the officers told Mr Peterson the reason for him being stopped or that he was under arrest. There is no

indication any of the officers told Mr Peterson why he had been detained upon his release.

186. Officer A stated he identified himself to Mr Peterson as a police officer and told him to get out of the vehicle. Before any other questions were put to Mr Peterson, Officer A took hold of him with the intention of pulling him from the vehicle. In the ensuing struggle, Mr Peterson was restrained at times by all the other officers present.
187. There is no evidence any of the officers attempted to tell Mr Peterson why he was being restrained or that he was under arrest.
188. The officers used a variety of techniques to restrain Mr Peterson. These included employing a headlock (Officer B), and kneeling on his neck (PS Wright). PC Curtis kicked Mr Peterson and stood on his legs applying pressure by moving up and down.
189. None of these techniques are taught by police trainers. The report prepared by Mr Christmas makes it clear any restraint technique will possibly be used by officers, *'in the heat of the moment and under severe stress'*. He added it would be for the officer to justify the use of such techniques.
190. There is no evidence to suggest the restraint technique used by Officer A was not a technique taught by police trainers.
191. None of the officers were able to explain why it was necessary to arrest Mr Peterson. Although he was, by his own admission, uncooperative from the outset of this incident the decision to remove him from the van at such an early stage of their engagement, and to use force in doing so, appears to have been unnecessary and unjustified, in my opinion.
192. The police officers made little or no attempt to enter into a dialogue with Mr Peterson to ascertain what his movements had been prior to their involvement. They did not pose such questions at any time even after he had been subdued.

193. Consequently, it is my opinion the officers involved in the restraint of Mr Peterson did not comply with local and national guidelines and training relating to restraint techniques and the use of force in respect of this incident.

### **Was excessive force used by the police during the restraint of Mr Peterson, resulting in him sustaining injuries?**

194. The Standards of Professional Behaviour make it clear it is for police officers to justify the use of force when dealing with incidents involving members of the public.
195. Mr Peterson stopped his vehicle in Gertrude Street without being challenged by any police officers. Although his passenger immediately ran away from the scene there was no indication to the officers at that time, other than the information relayed from the police communications room, that he may have committed any offences.
196. Although Mr Peterson was uncooperative from the first contact with Officer A, the officers made no attempt to question him or to resolve the situation in a peaceful fashion. Officer A took hold of Mr Peterson in an attempt to remove him from his van and he was joined very quickly by three colleagues.
197. Mr Peterson was taken to the ground by three police officers. With the addition of a fourth officer they then used a variety of techniques to subdue him. PS Wright knelt on his neck, using more pressure as Mr Peterson continued to struggle. Officer B at one stage held him a headlock and PC Curtis kicked him and stood on his legs in what Mr Peterson described as a bouncing motion.
198. PC Curtis was clear in his accounts that he did not stand or stamp on Mr Peterson's head. He did admit to standing on Mr Peterson's legs but stated he had not used all his force when doing so. The CCTV footage

is not conclusive in this respect and I have no reason to believe this aspect of PC Curtis' evidence is not credible.

199. Consequently, Mr Peterson sustained injuries as a direct result of the officers' actions. In the circumstances of this incident the use of force was a first resort and was not, as advised by the Standards of Professional Behaviour, used only when other means were or may have been ineffective in achieving the intended result.
200. In my opinion the available evidence indicates Officer B and Officer A may have used excessive force on Mr Peterson because it is not clear they were acting lawfully in removing him from his vehicle and subsequently restraining him.
201. However, the level of force they used was not inherently excessive or gratuitous and the finding of a case to answer in their cases is based on my view they may not have had the power to use any force against Mr Peterson. It is for this reason I have found a case to answer for misconduct against Officer B and Officer A.
202. The level of force used by PS Wright and PC Curtis was different. In my opinion the nature and degree of force used by both officers would have been unnecessary and disproportionate even if there had been lawful grounds to use some force to restrain Mr Peterson. Their conduct is more serious than that of their colleagues and in my opinion, if proven, could warrant dismissal.

**Did the officers involved comply with local and national guidelines and training relating to the reporting of incidents and if appropriate, the challenging of improper conduct?**

203. At the time of this incident there was no specific procedure for reporting such incidents involving the use of force in Humberside Police. Each of the officers subsequently made a full pocket note book entry detailing what had occurred and CCTV evidence was secured at the scene from the police vehicles involved.

204. PC Curtis subsequently submitted an intelligence report on the incident and PS Wright instructed Officer B to take photographs of Mr Peterson's injuries at the scene for future reference.
205. Consequently, it is my opinion the officers have not breached local or national guidelines relating to the reporting of incidents.
206. I have carefully considered Mr Peterson's allegations that PS Wright, Officer A and Officer B failed to challenge improper conduct by PC Curtis; his kicking and jumping up and down on him whilst he was on the ground. I am of the opinion that each of those officers has a case to answer in respect of their use of force. In the light of that opinion it would be inappropriate and is unnecessary to find a case to answer in respect of the allegation of failing to challenge improper conduct.
207. A charge that an officer (Officer A) has failed to challenge the use of excessive force by another officer (Officer B) is appropriate where there is no suggestion that Officer A has used excessive force. Such a charge is simply intended to punish a failure to act to prevent the misconduct of a fellow officer.
208. Having carefully considered the evidence, I am satisfied that is not the position in the incident subject of this investigation. The evidence indicates all four officers used force on Mr Peterson and the force used by those officers, individually and jointly, may have been excessive, albeit to differing degrees. If there has been misconduct on their part, it arises from their own use of force on him. The actions of fellow officers are of course relevant context which, if misconduct proceedings should follow this investigation, may be considered by the relevant tribunal when assessing the conduct and culpability of each officer.
209. On that basis, I am of the opinion PS Wright, Officer A and Officer B have no case to answer in respect of the allegation they failed to challenge improper conduct.

## Recommendations

### PC Curtis

210. On the basis of the evidence above, it is my opinion there is sufficient evidence to suggest that PC Curtis used excessive force when restraining Mr Peterson resulting in him sustaining injuries, such that a reasonable misconduct hearing could find, on the balance of probabilities, gross misconduct.

### PS Wright

211. On the basis of the evidence above, it is my opinion there is sufficient evidence to suggest that PS Wright used excessive force when restraining Mr Peterson resulting in him sustaining injuries, such that a reasonable misconduct hearing could find, on the balance of probabilities, gross misconduct.

### Officer B

212. On the basis of the evidence above, it is my opinion there is sufficient evidence to suggest that Officer B used excessive force when restraining Mr Peterson resulting in him sustaining injuries, such that a reasonable misconduct meeting could find, on the balance of probabilities, misconduct.

### Officer A

213. On the basis of the evidence above, it is my opinion there is sufficient evidence to suggest that Officer A used excessive force when restraining Mr Peterson resulting in him sustaining injuries, such that a reasonable misconduct meeting could find, on the balance of probabilities, misconduct.

John Brennan  
Lead Investigator, IPCC  
14 July 2015