**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** Legitimacy Scrutiny Panel Use of Force Exercise – February 2023

**DATE:** March 2023

**TIMING:** Routine

**PURPOSE:**For Scrutiny

|  |  |
| --- | --- |
| **1.** | **RECOMMENDATION**   1. For the Commissioner and Gwent Police’s Head of Operational Support to consider the outcomes of and actions/recommendations from the Legitimacy Scrutiny Panel exercise undertaken in February 2023. 2. For Gwent Police to provide feedback to the Office of the Police and Crime Commissioner (OPCC) in response to the actions or recommendations to demonstrate how they will be addressed. |
| **1.** | **INTRODUCTION**  A Legitimacy Scrutiny Panel (LSP) session took place in February 2023 covering use of force during the period 1st July to 31st December 2022.  Use of force may involve any of the following actions:   * handcuffing (compliant and non-compliant) * unarmed skills (including pressure points, strikes, restraints and take downs) * use of dogs * drawing or use of baton * drawing or use of irritant spray * limb / body restraints (usually used in addition to handcuffs when dealing with excessively violent individuals that continue to pose a threat to themselves and / or to others present). * spit guard (a mesh hood worn by the detainee to help control spitting or biting behaviour, preventing, or reducing harm to everyone present) * shield * drawing or use of Taser * drawing or use of attenuating energy projectile (AEP) (soft-nosed projectiles that are intended to deliver a high amount of energy over an extended period) * firearms * any other actions which are deemed forceful.   Relevant data, along with a random selection of body worn video (BWV) were reviewed and this report highlights the outcomes of the Scrutiny Panel’s activity for this session. |
| **2.** | **ISSUES FOR CONSIDERATION**  **Updates on Actions**  Gwent Police provided feedback on the actions from the previous session in November 2022. A summary of each situation is included for context.  **Summary:** Officers responded to a call from an individual claiming to have been assaulted by their partner, who had also hurt their dog. The individual had been locked out of the property by the partner.  ***Action 1***: Gwent Police to provide feedback to the officer regarding learning opportunities and tactical communications and update on the outcomes to the Panel.  **Update:** Feedback was provided the officers involved and to the Officer Safety Training team.  It was noted that clarity was requested to the officer as to whether medical assistance was sought for the victim.  **Summary:**Officers responded to a call regarding a neighbour dispute. The individual in question was reported to have been damaging the property with a metal bar or golf club. On arrival, the individual was in a distressed state and had barricaded themself inside a property with the potential weapon. ***Action 2:***Gwent Police to provide feedback to the officers regarding use of language and appropriate verbal warnings and update on the outcomes to the Panel.  **Update:** Feedback was provided to the officer’s supervisor.  Often in these circumstances due to the natural tendency for auditory shutdown in high-pressure situations this type of language proves effective in securing a response from people in acute stress.  However, it was highlighted that, despite swearing himself the officer then warns the individual over his use of language.  **Summary:** Officers responded to an incident involving an individual reported to be damaging a neighbour’s car with a dog chain and shouting threats. The individual had also been drinking. On arrival, the individual ran off from the officers who gave chase. ***Action 3:***Gwent Police to seek feedback from the Taser trainers regarding the timing and appropriateness of the use of Taser during the incident. Where any learning is identified, feedback to the officer should also be provided. An update on the outcomes will be provided to the Panel.  **Update:** The BWV, record log and officer’s statement were all reviewed and the statement was found to be fairly comprehensive, covering most of the points raised by the Panel. With regards to the use of Taser, while the BWV could have been switched on sooner, it captured the discharge. While the chain is not an offensive weapon per se, it appears to have been adapted for that purpose by the individual, which the officers assessed as a threat. Use of a ‘distance control method’ (i.e., Taser) to subdue the individual would be appropriate as there is a potential for injury if the subject decides to swing it at the officer, or at any members of the public present (although not visible in this particular footage). Taking all factors into consideration, the use of Taser in this case is believed to be justified.  **Summary:** Officers attended multiple calls from a residential property where the individual in question had smashed exterior windows and threatened to injure the staff with a large shard of glass. The individual had also vandalised their bedroom and thrown their belongings out of a window before fleeing the property.  ***Action 4:***Gwent Police to provide the Panel’s positive feedback to the officers involved.  **Update:** Feedback was provided to the officer and the Learning and Development Department made aware of the good practice example.  **Summary:** Officers responded to a neighbour dispute and reports that the individual was in possession of a knife and making threats to kill. Previous threats to the caller were also alleged to have been made. The individual was believed to have bipolar disorder and possibly experiencing a manic episode. ***Action 5:***Gwent Police to provide the Panel’s positive feedback to the officers involved, as well as appropriate advice regarding officer safety in relation to potential Taser use.  **Update:** Feedback was provided to officer and the Learning and Development Department made aware of the good practice example.  **Data**  The Head of Operational Support gave a summary of the relevant draft findings and feedback from the Gwent Police’s most recent HMICFRS PEEL inspection. The Strategic Equality and Diversity Manager advised that one of the comments regarding increasing the diversity of community representation within independent scrutiny processes already formed part of wider work involving Third Sector and youth scrutiny roadshows which would improve the capacity for wider feedback into the force and OPCC. It was agreed that the new Continuous Improvement lead would also be involved in this work, to ensure that any opportunities for improvement would be taken forward. Members would receive a full briefing on the PEEL inspection in due course as part of the Independent Advisory Group (IAG).  The Head of Operational Support provided headline data for the period. The following was highlighted:   * Quarter 3 saw a positive increase in the number of use of force forms submitted, which reflected the targeted messaging provided to frontline officers. * The 18 to 35 age group remained the highest affected by use of force; however, it was noted that 7.8% of all force recorded was used on children aged 11 to 17. * Individuals from Asian backgrounds experienced higher use of force than those from other ethnic minority groups. * The number of strip searches in Gwent involving removal of more that jacket, outer clothing, and gloves remains low; however, additional scrutiny would be included in stop and search data to ensure a holistic understanding.   We were advised that the March Coercive Powers Scrutiny Board would have a stronger focus on use of force to ensure a comprehensive understanding of practices and outcomes.  Gwent Police’s use of force data is available on their website at [Use of force | Gwent Police](https://www.gwent.police.uk/police-forces/gwent-police/areas/about-us/about-us/use-of-force/). A link is also provided on the relevant page of the OPCC website.  **Body Worn Video**  A selection of video footage was provided for review by the panel. Standard criteria for selection includes incidences involving Taser, mental health, individuals identified as from ethnic minority backgrounds, and children aged 17 and under. The selection can also incorporate footage provided by Gwent Police’s Professional Standards Department (PSD) in connection with closed complaints. While any feedback provided by the panel would not affect the outcome of the complaint investigation, additional organisational learning may still be identified as part of the independent review.  Members also have an option to review any additional footage for incidents to obtain wider context and support greater understanding of the circumstances in which force was used on that individual. Where this is the case, videos will be labelled as such.  Video 1: Officers were requested to support mental health practitioners during a visit to the individual at home as they had reportedly stopped taking medication required to manage their condition. The aim was to safely escort the individual to hospital for assessment and treatment. Warning markers were in place on the individual for previous behaviour and related offences. On arrival at the property, the individual assaulted those attending with a firearm, injuring one of the officers.  Members discussed the reactions and responses of the professionals involved and further contextual information was provided regarding the individual’s history. The importance of the Force Control Room Mental Health Triage Team in supporting such engagement was highlighted. Members commented on what was felt to be inappropriate language used by the officers and the impact on public perceptions of the police but recognised that the encounter was highly charged due to the presence of the weapon and the physical environment. The rapid de-escalation of the situation and professional conduct by the officers was noted. Members provided positive feedback regarding the actions and engagement by the BWV officer.  **Action:** **Gwent Police to provide the Panel’s positive feedback to the officer regarding their manner of conduct in the circumstances.**  Video 2: Officers responded to a call regarding a vulnerable member of the public suffering from dementia who had gone missing from home. On attending, the individual was located close by the property. Despite attempts to engage with and safely return the individual home, they repeatedly refused to cooperate, eventually claiming to have a knife concealed about their person.  Members welcomed the positive way the officers engaged with the individual and family members. Comments were made regarding the choice of words used to communicate with the individual and whether simpler language may have helped the individual more quickly understand what was being asked in some cases. The importance of support from the Force Control Room Mental Health Triage Team was again highlighted.  **Action a):** **Gwent Police to provide the Panel’s positive feedback to the officers involved regarding their engagement with the individual.**  **Action b): Gwent Police to advise of what dementia friendly training is provided to new officers to support the force’s Dementia Friendly accreditation.**  Video 3: Officers responded to reports of an individual causing problems for a neighbour and destroying residential property. The individual was seen to be acting violently, using aggressive language, and threatening the officers. The individual was restrained and then moved to a safer location away from the property in case of escalation. The individual was later restrained on the ground, subsequently biting an officer on the leg.  Members discussed the calm way the officers engaged with the individual and the actions taken to risk assess potential opportunities for injury but queried whether a quicker resolution could have been achieved in any way.  **Action: Gwent Police to provide the Panel’s positive feedback to the officer in question regarding their demeanour and how the situation was handled and risk assessed overall, including any missed opportunities to resolve the engagement more quickly.**  Video 4: Officers attended a call regarding an individual carrying a knife. The individual was intercepted in a public area and officers made to intercept them and locate the knife.  Members discussed the tone and energy of the engagement and whether the officers’ actions made best use of the known information about the individual. Comment was made regarding the perceived use of Taser as a compliance tool rather than in response to threat. It was noted that it was not easy to determine the lead officer during the engagement.  **Action: Gwent Police to reinforce training around lead officer roles during engagement and effective use of communication, both with the individual and the other officers involved.**  **Conclusion**  LSP feedback has consistently included the themes of missed opportunities for de-escalation and effective use of communication. Improvements were seen in both these areas within the incidences reviewed in this session. These themes will remain under consideration in future sessions to ensure that effective and sustained change is embedded into organisational culture and practice. |
| **3.** | **NEXT STEPS**  Progress will continue to be monitored by the OPCC through Legitimacy Scrutiny Panel exercises and via the Coercive Powers Scrutiny Board and other associated internal meetings as appropriate. Feedback on the actions will be provided back to the LSP at the next scheduled use of force session.  The OPCC Policy Officer continues to work with Gwent Police’s Strategic Equality and Diversity Manager and other relevant police colleagues to support internal and independent scrutiny processes as appropriate. |
| **4.** | **FINANCIAL CONSIDERATIONS**  Scrutiny Panel members’ costs are met by Gwent Police in undertaking this role as part of the Independent Advisory Group function; there are minor costs for the OPCC in providing refreshments for the Panel due to the duration of the scrutiny exercise when meeting face-to-face. |
| **5.** | **PERSONNEL CONSIDERATIONS**  Whilst the scrutiny exercise is undertaken as part of the OPCC’s normal working arrangements, support is provided by Gwent Police colleagues to ensure access to data and BWV footage as appropriate. |
| **6.** | **LEGAL IMPLICATIONS**  Under section 5.4 of PACE Code A, Chief Constables, in consultation with Police and Crime Commissioners, must make arrangements for stop and search records to be scrutinised by representatives of the community, and to explain the use of the powers at a local level. The exercise also falls within the Commissioner’s wider scrutiny and accountability duties. |
| **7.** | **EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS**  Legitimacy and fairness form an objective within the Joint Strategic Equality Plan 2020-2024 and the Legitimacy Scrutiny Panel process is a core activity within this objective. Under the Equality Act 2010, in carrying out their functions, police officers must pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and take steps to foster good relations between those persons. By extension, these principles are applied to the Welsh language in support of the Standards imposed on the Commissioner and the Chief Constable. The scrutiny process aims to help demonstrate that police powers are being used effectively, proportionately and justifiably across all communities in Gwent.  Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report. Any decision to exercise the powers contained within stop and search procedures must be based on the principles of legality, legitimate aim and proportionality as required under the Human Rights Act. |
| **8.** | **RISK**  Use of force has the potential to negatively affect public confidence in the police if not carried out appropriately and with consideration of an individual’s needs. The scrutiny process aims to help ensure that encounters are undertaken appropriately. For the purposes of the exercise all data is anonymised, and members of the Scrutiny Panel have been vetted according to Gwent Police processes. A robust Terms of Reference sets out the expectations of members whilst engaged in the scrutiny process. |
| **9.** | **PUBLIC INTEREST**  The scrutiny exercise can help promote public confidence in the use of Police powers. The report is published externally on the OPCC website. |
| **10.** | **CONTACT OFFICER**  Caroline Hawkins – Policy Officer, Office of the Police and Crime Commissioner |
| **11.** | **ANNEXES**  None |