

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Use of Force Scrutiny Exercise - August 2021

DATE: November 2021

TIMING: Routine

PURPOSE: For scrutiny

1. RECOMMENDATION

1. For the Commissioner and Gwent Police chief officer team to consider the outcomes of and any recommendations from the scrutiny exercise undertaken in August 2021.
2. For Gwent Police to provide feedback to the Office of the Police and Crime Commissioner (OPCC) in response to the feedback and / or recommendations and how they will be addressed.

2. INTRODUCTION & BACKGROUND

The law recognises that there are situations where police officers may be required to use reasonable and proportionate force – this includes “tactical communications” (including negotiation), “compliant handcuffing” (the subject willingly submits to use of handcuffs), as well as use of Taser or firearms in extreme circumstances. A glossary of terms can be found at the end of the report at Appendix A. Use of force and stop and search are also formally referred to as “coercive powers” and this terminology may be used interchangeably within associated documentation.

In response to the continued COVID-19 restrictions in place and following consultation with Legitimacy Scrutiny Panel members, scrutiny exercises moved to a virtual setting in November 2020. This report covers the period 1st January to 30th June 2021. The Panel session was attended by Gwent Police’s Superintendent who is the operational lead for coercive powers, and the Inspector for East (Operations). They provided operational feedback to members’ comments and observations as well as recording any organisational learning to be provided to the relevant departments or supervisors. The detailed findings are provided at Annex A.

Following consideration and any feedback by the Commissioner, the report will be provided to Gwent Police in support of its self-assessment and continuous improvement processes. Where appropriate, recommendations are reflective of any HMICFRS PEEL inspection findings and areas for improvement.

3. ISSUES FOR CONSIDERATION

Key Findings

Data

- The number of Use of Force Form submissions decreased by around 15.3% compared to the previous six-months, with 6.8% fewer form submissions compared to the same period last year. This reflects, among other things, a reduction in the number of police operations carried out during the pandemic.
- Overall, use of force recording appeared consistent with previous exercises.
- In common with previous exercises, some inconsistencies were noted in the recording of a subject's perceived age, causing issues with data analysis and potentially providing inaccuracies in information provision for local and national reports.
- The highest use of force was recorded in May 2021 which may coincide with the easing of lockdown restrictions at that time. Monitoring the impact of operational activity on use of force incidence data and where ethnic minority individuals are involved now takes place at the internal Coercive Powers Scrutiny Board, attended by OPCC staff.
- 9.6% of all force was used on Black, Asian and Minority Ethnic subjects. When compared to a 5.2% resident Black, Asian and Minority Ethnic population, force continues to be used disproportionately on individuals from ethnic minority backgrounds.
- During the scrutiny period, Black, Asian and Minority Ethnic individuals were 2.7 times more likely to have force used on them compared to White individuals.
- Male subjects continue to experience the highest use of force as a group. This is consistent with wider police and criminal justice data. Asian males were subjected to slightly higher incidences of use of force than those of other minority ethnicities.
- Compliant Handcuffing remained the primary use of force, recorded in half of all incidences with a 1.3% increase on the last scrutiny period.
- Asian individuals experienced a higher use of handcuffing in relation to searches than other minority ethnicities.
- Gwent has seen an overall 0.7% increase in Taser use compared to the previous period. Taser factored in 0.2% of occurrences linked to Black, Asian and Minority Ethnic individuals, consistent with the previous period.
- 19 occurrences in total recorded some form of Taser use where mental health was a factor; none of these involved an individual from a minority ethnic background.
- 10 Taser incidences involved children aged 17 or under, none of which involved individuals from Minority backgrounds. None recorded mental health as an impact factor.

- Consistent with the previous period, the top reasons for use of force were to effect arrest, prevent harm, effect search, prevent escape and protect self. Reasons for use across ethnic groupings forms an integral part of the performance monitoring undertaken at the Coercive Powers Scrutiny Board.
- Black, Asian and Minority Ethnic individuals were 2.3 times more likely to experience force linked to arrest than White individuals, 4.2 times more likely in connection to a search, and 2.4 times more likely for the officer to protect themselves.
- The proportion of arrests remains consistent with the previous period, with approximately 7 out of every 10 incidents overall resulting in arrest. That changes to 1 in 10 occurrences for Black, Asian and minority ethnic individuals with Black, Asian and Mixed ethnicities experiencing similar levels of arrests.
- The proportion of people detained under S136 of the Mental Health Act increased slightly when compared to the previous period, with 2.2% of all occurrences resulting in a S136 detention. 2 of the 75 occurrences were linked to Black, Asian and Minority Ethnic individuals. This outcome may well reflect the increased mental health demand on policing experienced during the pandemic and will continue to be monitored.
- Approximately 1 in every 10 incidences involved individuals aged 17 and under. Approximately 6 in every 10 incidences were found to involve individuals within the 18 to 34 age range. This is in line with the national average and is relatively consistent with the previous scrutiny period.
- Approximately 1 in every 5 incidences involved Black, Asian and Minority Ethnic children, with those from Asian backgrounds most affected. The proportion of incidences for this age group remains higher than that of the 18 to 34 group and remains under scrutiny.
- For both the 17 and under and 18 to 35 age groups, the largest outcome was Arrest, with the older age group experiencing the higher proportion.
- A selection of video footage was provided for review by the Panel, which included incidences involving Taser, mental health, and children aged 17 and under. Learning opportunities were identified in several instances, which have been taken up by the force leads to forward onto the relevant departments or supervisors and officers.
- Members also provided positive feedback on the way officers managed some very challenging situations and acknowledged where engagement had been appropriate to the circumstances or individuals involved.

Conclusion and Recommendations

Fundamentally, Gwent Police has recognised that disproportionality exists in the application of coercive police powers. The existence of any ethnic disparity undermines the trust and confidence of ethnic minority communities in the police. The work being actively undertaken within the force to identify and understand where disparity occurs remains encouraging, and we are satisfied

that this is currently subject to appropriate oversight by the Coercive Powers Scrutiny Board, which we will continue to engage with, support and challenge. However, it is important that there is transparency in how this work is undertaken and how the outcomes are communicated to our communities. We need to be able to demonstrate change if we are to successfully improve the trust and confidence of our ethnic minority communities in our policing services.

The outcomes of this report aim to support Gwent Police's transparency and effective self-assessment around use of force, improve public confidence in its use, and to promote a better understanding by the organisation of the causes of any apparent disproportionality for Black, Asian and Minority Ethnicities.

4. NEXT STEPS

Reports and recommendations from the Legitimacy Scrutiny Panel are fed into the Coercive Powers Scrutiny Board to inform continuous improvement and internal scrutiny processes. This also facilitates feedback to the OPCC in response. The learning from this scrutiny exercise has been taken forward by the Superintendent for action by the appropriate departments / individuals. Any thematic issues identified from either external sources or thorough Gwent Police processes will also be used to inform future Scrutiny Panel exercises.

5. FINANCIAL CONSIDERATIONS

IAG Members' costs are met by Gwent Police; there are no costs for the OPCC while scrutiny exercises take place in a virtual environment.

6. PERSONNEL CONSIDERATIONS

Whilst the scrutiny exercise is undertaken as part of the OPCC's normal working arrangements, it is supported by Gwent Police colleagues to ensure access to data and video footage as appropriate.

Legitimacy Scrutiny Panel sessions will continue virtually until such time as it is safe to meet face-to-face, and then in accordance with any COVID-19 restrictions in place.

7. 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 accountability duties.

8. 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. 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.

9. 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 policies. A robust Terms of Reference sets out the expectations of members whilst engaged in the scrutiny process.

10. 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.

11. CONTACT OFFICER

Caroline Hawkins – Policy Officer, OPCC.

12. ANNEXES

Annex A: Interim Use of Force Scrutiny Exercise - August 2021