

Swyddfa Comisiynydd yr Heddlu a Throseddau, Gwent
Office of Police and Crime Commissioner, Gwent

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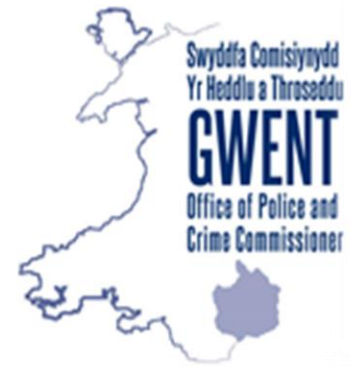
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Comisiynydd Heddlu a Throseddau Gwent | Police and Crime Commissioner for Gwent:

Jeff Cuthbert B.Sc., MCIPD



The Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
LONDON
SW1P 4DF

12th April 2021

Dear Home Secretary

Disproportionate use of police powers. A spotlight on stop and search and the use of force.

As required by statute, I am writing to you to respond to Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection entitled 'Disproportionate use of police powers. A spotlight on stop and search and the use of force'.

I welcome the findings of the report and am pleased that it identifies improvements in several aspects of performance and oversight nationally. Despite the positive steps taken, it is concerning that members of our Black, Asian and Minority Ethnic communities are still treated disproportionately when it comes to stop and search and use of force. I agree that further work needs to be undertaken in order to ensure we understand why this is happening so it can be prevented. Rest assured I will be utilising the opportunity to integrate the feedback from this report into the ongoing work by Gwent Police and my office to identify, understand and address issues of disproportionality in stop and search and use of force.

My office continues to work closely with Gwent Police on all matters relating to equality, diversity and inclusion. Most recently, we have supported their implementation of more robust internal scrutiny arrangements, enabling greater oversight and understanding of local data and more effective challenge of disproportionality and racism. This culminates in twice yearly reports to the Strategy and Performance Board where I hold the Chief Constable to account.

I am pleased to inform you that there are long-standing external scrutiny arrangements in place in relation to stop and search and use of force which are coordinated by my office. The Legitimacy Scrutiny Panel (LSP) is made up of members of the Gwent Police Independent Advisory Group and they dip sample records and view Body Worn Video in order to provide an independent perspective on this area of work. Outcome reports from the LSP are published on my website at

<https://www.gwent.pcc.police.uk/en/transparency/know-your-rights/stop-and-search/dip-sampling/>.

We are working with Gwent Police to ensure that this work remains supportive and effective, including improving the diversity of panel members and their experiences. We are also supporting Gwent Police's expansion of community engagement, including the establishment of Community Cohesion and Youth Cohesion groups, regarding stop and search and use of force. This will provide further opportunities for community review and feedback on their use and to further understand public perceptions of disproportionality.

I have noted that drug searches are the primary purpose for stop searches, with Gwent placing 8th nationally during 2019/20. I acknowledge that the force now reports this information to its Coercive Powers Scrutiny Panel but nevertheless, it is a concern that force priorities are not considered more when considering whether to execute a stop search. I also have concerns that Gwent lies 6th nationally for self-generated searches, with less than 10% being recorded as intelligence-led activity. I am aware that this is something often queried by the LSP and have been informed there is a technical issue with the form used in Niche and that the force are working with the software provider to resolve it. I will however be asking the Chief Constable to provide me with a further update as to how she intends to tackle these problems, as even with the resolution applied to the form, I would still suspect that the level of intelligence-led searches would need improvement. It is imperative these are considered appropriately as the effect unnecessary searches can have on the relationship with local communities is likely to be detrimental.

The Chief Constable has acknowledged that even in light of the improvements we have made in Gwent recently, there is still further work that needs to be progressed in this area as evidenced in her comment below:

"I welcome this national report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services that examines the use of Stop and Search and Use of Force powers with a particular focus on disproportionality.

We recognise that the powers given to police officers to use force and conduct stop and searches upon members of our communities are significant, however they are designed to prevent crime and bring offenders to justice. Over the last few years we have worked hard to drive forward our approach to remove any perception of discrimination, and to ensure these powers are used proportionally, fairly and only when absolutely necessary against all members of our communities, regardless of race or background. I am grateful to HMICFRS for the support and challenge they have provided us to guide our approach and I am pleased that they have recognised our commitment to improving our use of these powers.

We have embraced new methods to review data in this area, to ensure that scrutiny is applied both internally and externally and to ensure we are open to challenge regarding our use of these powers.

Within Gwent, we have a robust governance and scrutiny structure and as Chief Constable I am held to account bi-annually by the Police and Crime Commissioner on the force's use of these powers.

Whilst as a force we have made significant progress, we are not complacent and understand that there is still work to be done. We are committed to continued work in this important area to demonstrate to the public that our use of these powers is appropriate, lawful and most importantly; transparent".

In a positive step forward, the four PCCs and four Chief Constables in Wales have also committed to working with the Black Lives Matter Movement to ensure that the use of stop and search is appropriate and proportionate.

I also include below an update to the relevant recommendations contained within the report:

Recommendation 1:

By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation.

Gwent Police will enhance its training provision in this area to all officers. This will be via a series of short training videos as well as face to face sessions. These will be included in a new syllabus that will be delivered as part of a revised Officer Safety Training package from 2022.

Recommendation 2:

By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

In line with the response to recommendation 1, the portfolio lead for this area is working closely with Learning and Development to design a new series of short training videos which also include members of the public with lived experiences of stop search and use of force.

This is also an area that my office has commented on via the LSP reports and I am pleased to report that Gwent Police has agreed to feed back to supervisors and officers where body-worn video identifies communication that is below expectation or inappropriate.

Recommendation 3:

By September 2021, forces should:

- **ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;**
- **have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and**
- **provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.**

Gwent Police already have a number of practices in place that support this recommendation. Currently over 90% of all stops are recorded on Body Worn Video and every encounter is scrutinised by a line manager including the footage. A revised governance structure was implemented in September 2021, led by a Superintendent, which supports the internal monitoring of Body Worn Video and the implementation of learning. Officers are also frequently reminded of the importance of using Body Worn Video via supervisors and the use of the intranet.

My office lead on the independent scrutiny of stop and search via the previously mentioned LSP which considers stop and search and use of force, including the viewing of Body Worn Video.

Recommendation 5:

By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.

Gwent Police has strengthened its internal monitoring processes which includes newly formed strategic and tactical monitoring and scrutiny meetings which support our understanding of where there is disproportionality, the causes and what action can be taken. These meetings report to the Operational Performance Board, chaired by the Assistant Chief Constable. HMICFRS have also attended meetings set up under the revised governance structure and have recorded the improvements made in this area.

Recommendation 6:

By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken

As mentioned previously, my office has a well-established LSP that meets on a quarterly basis to monitor both stop search and use of force. The Superintendent portfolio lead attends this meeting to ensure any feedback is disseminated across the force. A single point of contact within Gwent Police is now in place who is able to provide additional support to the Panel and also assists by interpreting information as needed.

Recommendation 7:

With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

I am pleased to inform you that in Gwent, this is something that already takes place and is scrutinised and monitored through the governance structure.

My office has previously made recommendations to Gwent Police in relation to mandating the ethnicity field in the stop-search form to minimise the opportunity for this information not to be recorded. This has resulted in improvements but there are still some gaps present in the data. It must be noted that only self-defined ethnicity is reviewed as part of the LSP process as this is what is reported on in the Annual Data Requirement.

I will continue to provide my support to the Chief Constable to further our joint working to improve this important area and ensure there is fairness for everyone within the communities of Gwent when it comes to being stopped and searched and the use of force.

Yours sincerely



**Jeff Cuthbert B.Sc., MCIPD
Police and Crime Commissioner for Gwent**