

**DECISION NO:**

**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** Legitimacy Scrutiny Panel (formerly Stop and Search Dip Sample Group)  
Exercise - November 2017

**DATE:** January 2018

**TIMING:** Routine

**PURPOSE:** For scrutiny

**1. RECOMMENDATION**

To consider the outcomes of the scrutiny exercise undertaken on 27<sup>th</sup> November 2017 and the observations arising from the activity.

**2. INTRODUCTION & BACKGROUND**

Since January 2013, the Office of the Police and Crime Commissioner (OPCC) has undertaken a procedure to dip-sample stop and search records held by Gwent Police (Decision Log PCCG-2013-001). The Dip Sample Group comprised of Independent Advisory Group (IAG) members, the OPCC Policy Officer with responsibility for Equality and Diversity, Gwent Police's Diversity and Inclusion Manager and the Diversity and Inclusion Officer, who provides advice to the group on operational queries arising during the scrutiny exercise.

In September 2017, at the request of the Assistant Chief Constable, work commenced to expand the remit of the group to include all use of force exercised by Gwent Police. Working with the Diversity and Inclusion Manager, a development plan was created by the OPCC Policy Officer to support the new process. A revised Terms of Reference was created and the group renamed the Legitimacy Scrutiny Panel (LSP) to reflect the broader remit. Membership was transferred from the Dip Sample Group, with an option to co-opt further operational support regarding the use of force elements and to recruit additional community members from outside the IAG. LSP members were consulted on the new Terms of Reference to ensure consensus on the methodology and desired outcomes, as well as the requirements for confidentiality and the responsibilities of the panel members. Any feedback has been incorporated into the final version (Annex 1) which will be published on the OPCC website.

The Policy Officer and Diversity and Inclusion Manager continue to meet with the Superintendent for Operational Support (who leads on use of force for Gwent Police) to discuss any issues or concerns that could provide an additional focus for the exercise.

**3. ISSUES FOR CONSIDERATION**

The LSP scrutiny process is split into two parts. Part 1 will review Gwent

Police's use of force and Part 2 will review the use of stop and search. Within each part, members will be provided with a highlight report of the overall data for the six-month period, and review a selection of the available body worn video footage from the previous month (footage is only retained for 30 days). Commentary will include positive points as well as issues of concern and operational learning. The Panel will also review a random sample of the total number of stop and search forms submitted during the same six-month timeframe. To provide some consistency on a meeting-by-meeting basis, a total of 120 records will be selected by members during each exercise.

### **Part 1 – Use of Force**

As this was the first time that the LSP has reviewed use of force, there was agreement that the session would be used to trial the proposed methodology. To assist with any queries Panel members may have during the exercise, the session was also attended by a Bronze Cadre Inspector with responsibilities for use of force and stop and search under the Superintendent for Operational Support.

In considering the most effective way to review use of force data, it was agreed that, due to the lack of 'free text' fields in the form, a similar dip sample process would not provide the best use of resources and that a better assessment of legitimacy could be made from reviewing body worn video footage. Prior to each exercise, the Policy Officer and Diversity and Inclusion Manager will review the overall data for each period to identify any emerging themes or areas of concern which will be fed back to the LSP as part of the data overview. The Policy Officer has approached the QlikView data team with a view to creating a standard report format for use of force data.

### **Data Overview**

In researching the methodology it was found that use of force data for Gwent is not available prior to August 2017 and therefore outside the scrutiny period for this exercise. However, to support establishment of the process, prior to the meeting the Policy Officer and the Diversity and Inclusion Manager undertook the pre-analysis exercise of the data to identify any trends, key issues or other factors that could be highlighted to the LSP when discussing the data. Members were provided with a sample report based on this data to facilitate discussion around and provide an indication of the frequency and type of use of force, demographics, impact factors, outcomes, Taser and the reasons for use of force.

It was noted that 37 of the incidences recorded showed as test entries which inflated the Race Disproportionality Ratio (RDR) to 3.27. The RDR helps evidence whether different groups of people are being subjected to police powers (usually stop and search) more disproportionately than others. Once the test entries were removed from the calculation the RDR fell to 2.10, which suggests that Gwent Police exercises use of force proportionately based on the

available data. This measure will be assessed as part of each exercise to monitor any changes to proportionality. Following agreement with police colleagues, all test entries are to be removed to promote future data accuracy.

The data overview indicated that the majority of subjects are likely to be:

- Of White ethnic origin (377 incidences);
- Male (362 incidences);
- Aged 18 to 34 (209 incidences) compared to 11 to 17 year olds (48 incidences);
- Subjected to handcuffing (369 incidents);
- Under the influence of alcohol (136 incidents) with drugs as the second most likely (84 incidences); and
- Subject to arrest (294 incidences).

Use of force is most likely to be used to protect the Officers attending (103 incidences) followed by affecting an arrest (43 incidences).

Regarding use of Taser, the data overview showed every incident where a Taser authorised Police Officer had been in attendance, rather than every incident of Taser use. This indicated that the greatest number of incidents attended do not lead to Taser use (393 incidents) and that only a small number of incidents lead to a Taser being fired (5 incidents).

Members agreed that this was a useful overview to have and provided suggestions to improve future data reports, specifically a comparison of use of force by gender and age breakdown. These will be used to inform the design of the standard template. The complete data set will be reviewed again during the next planned scrutiny exercise covering 1<sup>st</sup> August to 31<sup>st</sup> December 2017 when it will be possible to provide more definite analysis of the period.

### **Body Worn Video**

This was the first time that members had viewed body worn video for use of force and it was agreed that this session would be used to assess the effectiveness of the methodology. Six videos relating to use of Taser were provided and members selected three for review. In each instance, the background and operational context was provided by the Diversity and Inclusion Officer.

Overall, the use of Taser observed was considered appropriate and proportionate for the circumstances after the situation had been initially assessed by the Police regarding the level of threat, risk and harm, as well as the vulnerability of the individuals involved.

### **Review Comments**

Incident 1: Officers responded to a call within a domestic setting regarding the

breach of a restraining order. Following initial engagement with Police negotiators due to threats to self-harm, Officers forced entry and red dotted the individual to enable restraint and arrest.

Panel members commented on the significant resources required to respond to an incident of this nature. They also commented on the assertive but civil way the lead Officer spoke to the individual and the restraint exercised by the Taser Officer during the situation.

Incident 2: Officers responded to a call to assist staff within a mental health setting. The patient had damaged hospital property and made threats to injure both staff and themselves. Officers engaged with the individual who was red dotted during the incident, but was calmly searched and restrained.

Panel members commented on the calm but assertive manner the Officers used to deal with the vulnerable individual, leading to their compliance, safe restraint and removal from the room. Once again, clear and civil communication had been used to engage with the individual.

Incident 3: A lone Officer had located an individual reported to be carrying a knife. The incident took place at night in a very low-lit area of a Town Centre. The Officer red dotted and detained the individual until further Police support arrived to assist with the arrest.

Panel members commented on the clear and calm communication provided by the Officer to the individual who subsequently complied with the Officer's instructions.

It was proposed that the outcomes of the exercise are emphasised internally to highlight the good conduct observed. This will be explored as part of the next steps activity.

Panel members expressed overall satisfaction with the approach to use of force scrutiny exercise. They agreed that it was a useful exercise to undertake from the perspective of public confidence. In future, use of force reviews will be undertaken thematically to allow more detailed examination by the LSP.

## **Part 2 – Stop and Search**

To help increase Panel members' knowledge of stop and search, an input on the training provided to Police Officers was provided. Further inputs will be provided to reflect any changes to Officer training to ensure members' knowledge remains up-to-date.

### **Data Overview**

Panel members were provided with a data report for stops encounters undertaken between 1<sup>st</sup> January and 30<sup>th</sup> June 2017. The report showed a continued reduction in the number of stop and search encounters recorded during this period.

Panel members commented on the low number of positive outcomes (arrest; caution; etc.) for youth stops and queried whether it was possible to determine how many positive outcomes related to Black, Asian and Minority Ethnic (BAME) people. It was also noted that a breakdown by gender was missing from the report; subsequently, a request will be made to the QlikView data team for these items to be included.

Members discussed the information in the report relating to the number of stops by Officer and queried whether there was any specific reason why these Officers showed a higher stops rate than the remainder. The Inspector advised that Officers belonging to specialist units can be more proactive in undertaking stop and search activity due to the nature and demands of their roles.

### **Dip Sample of Records**

496 stop and search records were available for the dip-sample timeframe of 1<sup>st</sup> January 2017 to 30<sup>th</sup> June 2017. The total number of stop and search records were shared equally between the Panel members and 120 records (a 24% sample) were randomly selected and individually examined against the criteria set out within the record monitoring form.

Individual group members evaluated their randomly selected records (30 entries each) and recorded their findings against each category on the evaluation forms. Prior to the meeting, the scrutiny form was revised to reflect the requirements of the Best Use of Stop and Search (BUSS) Scheme to include whether an item was found during the search, and whether the object and the outcome of the encounter were linked.

Table 1.1 provides analysis of the records dip-sampled and Table 1.2 shows the overall figures for the 496 records for the same period.

Table 1.1				Table 1.2			
Dip sample analysis (120 records)				Overall analysis (496 records)			
Category		Number	%	Category		Number	%
<b>Gender</b>	Male	107	89	<b>Gender</b>	Male	438	88
	Female	13	11		Female	57	11
	Unknown	1	1		Unknown	1	1
<b>Grounds</b>	Not recorded	All completed	0	<b>Grounds</b>	Not recorded	5	1
<b>Age</b>	Not recorded	5	4	<b>Age</b>	Not recorded	19	4
	Under 17	16	13		Under 17	75	15
	18 to 25	54	45		18 to 25	199	40
	26 to 35	28	23		26 to 35	126	25
	36 to 45	11	9		36 to 45	50	10
	46 to 55	6	5		46 to 55	25	5
	56 to 65	0	0		56 to 65	2	1
<b>Ethnicity</b>	Not recorded	10	8	<b>Ethnicity</b>	Not recorded	44	9
	A01 - Asian	0	0		A01 - Asian	0	0
	A02 - Asian Pakistani	8	7		A02 – Asian Pakistani	18	4
	A03-Asian Bangladeshi	1	1		A03-Asian Bangladeshi	3	1

	A09 - Other Asian Background	1	1		A09 - Other Asian Background	7	1
	B01 - Black Caribbean	1	1		B01 - Black Caribbean	1	1
	B02 - Black African	1	1		B2 - Black African	3	1
	B09 - Other Black Background	2	2		B09 - Other Black Background	2	1
	M01 - Mixed Caribbean	0	0		M01 - Mixed Caribbean	4	1
	M02 - Mixed African	0	0		M02 - Mixed African	0	0
	M03 - Mixed Asian	0	0		M03 - Mixed Asian	0	0
	M09 - Other Mixed Background	0	0		M09 - Other Mixed Background	1	1
	N03- Officer Called Away	4	3		N03- Officer Called Away	20	4
	O09 - Other	0	0		O09 - Other	0	0
	W01 - White British	92	77		W01 - White	386	78
	W02 - White Irish	0	0		W02 - White Irish	0	0
	W09 - White Other	0	0		W09 - White Other	6	1
<b>Purpose</b>	Not recorded	20	17		<b>Purpose</b>	Not recorded	97
<b>Outcomes</b>	Advise	11	9		<b>Outcomes</b>	Advise	52
	Arrested	13	11			Arrested	25
	Caution (Simple or Conditional)	1	1			Caution (Simple or Conditional)	5
	Khat or Cannabis Warning	8	7			Khat or Cannabis Warning	20
	No Further Action (NFA)	68	57			No Further Action (NFA)	313
	Other	0	0			Other	4
	Penalty Notice for Disorder	1	1			Penalty Notice for Disorder	3
	Summonsed	4	3			Summonsed	8
	Not Recorded	14	12			Not Recorded	66

## Overall quality

The 120 records examined during the dip sample were found to be of varying quality with missing data found across a range of categories as detailed in Table 2.

Table 2 – Data Not Recorded					
Dip sample (120 records)			Overall analysis (496 records)		
	Number	%		Number	%
Ward Area	15	12	Ward Area	56	11
Age	5	4	Age	19	4
Ethnicity	10	8	Ethnicity	44	9

As a result of incomplete fields, it has not been possible to draw accurate conclusions regarding ethnicity proportionality. Gwent Police is aware of the concerns surrounding the accuracy of stop and search data and there has been

a continued focus on improvement. In November 2017, Gwent Police held a focus group with operational Officers to better understand the issues, barriers and potential improvements to undertaking stop and search encounters. A set of recommendations has been provided for consideration at the next Use of Force Group meeting.

## **Grounds**

All grounds fields for the 120 records examined had been completed. In 82% of cases (99 records), members believed the stated grounds to be reasonable; however, the remainder were questioned due to either ambiguous, limited or absent details. Several of the records required additional information from Police systems to determine whether or not stop and search powers had been used legitimately; this continues to present an opportunity for external challenge. Member observations on these records included:

- Lack of clarity that grounds were intelligence led until further system information provided;
- No detail provided in grounds on original reason for the stop;
- Overall lack of detail provided; and
- No indication of whether items located during the encounter were seized;

The use of personal appearance was also a queried for a number of drugs-relates stop and search encounters; however, none of these appeared to be linked to any of the protected characteristics.

There continues to be some uncertainty in undertaking stop and searches on the grounds of 'smelled cannabis'. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) had previously written to all Chief Constables to set out their revised position in respect of searches based solely on the smell of cannabis, which they had subsequently deemed to be acceptable. Due to reports in December 2017 of conflicting perspectives held by the College of Policing and HMICFRS, the College has launched a limited consultation on the proposed changes to the Authorised Professional Practice relating to stop and search and specifically cannabis searches. This aims to remove any ambiguity contained within the guidance for stop and search. The consultation closes on the 9<sup>th</sup> February 2018.

Panel members also commented on several records that had comprehensive and thorough grounds. A small number provided legitimate grounds detailed against each requirement of the 'GOWISELY'<sup>1</sup> process.

## **Gender**

107 records of the 120 reviewed related to individuals who identified as male;

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<sup>1</sup> GOWISELY – **G**rounds; **O**bject; **W**arrant card; **I**dentity; **S**tation; **E**ntitlement of the search record; **L**egal power; **Y**ou are being detained for the purposes of a search. As long as this process is undertaken the order of delivery is not important.

13 identified as female and 1 record showed the gender as ‘unknown’. This is a marked improvement in the recording of gender, which is reflected in the overall analysis of the whole record set where all gender fields were also completed.

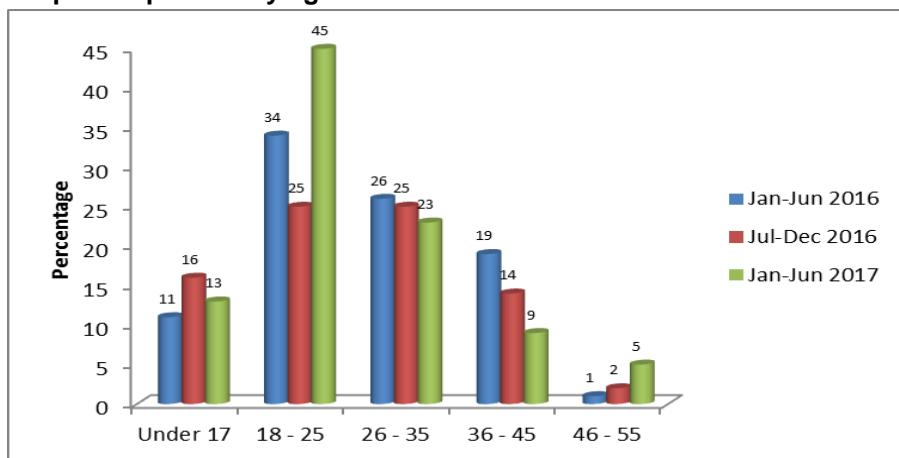
### Age

Within the dip sample, the highest number of encounters took place with individuals in the 18 to 25 age range (45%), followed by the 26 to 35 age range (23%). 13% of encounters took place with individuals aged 17 years and under. Whilst the frequency of encounters for individuals aged 17 and under has reduced slightly for the latest dip sample, there is a marked increase in those for the 18 to 25 age range. This can be attributed to a combination of factors, including Operation Gravitas.

Table 3 provides a comparison by age and percentage of the number of records dip sampled across the last 3 exercises. This provides a useful indication of stop and search activity over time.

Further analysis regarding the location of stops for the 18 to 25 age range identified that a total of 5 encounters had taken place within the Lliswerry area, and a further 4 encounters in the Victoria and Pill wards respectively. 3 encounters took place in the Marshfield and Pontypool wards.

**Table 3 – Stops comparison by age**



### Ethnicity proportionality

Dip-sample analysis showed that 77% of people (92 records) stopped and searched during the period identified themselves as White British. 12% (14 records) self-identified as a minority ethnicity and 8% (10 records) did not state any ethnicity. It was noted that there were no BAME stop and searches undertaken with individuals aged 17 and under. In terms of the 18 to 25 age range, 12 BAME encounters were examined within the dip sample (a further 2 records did not state the ethnicity) with 24 BAME encounters recorded within the whole record set.

In considering all the stop and search records for this period, 78% of individuals

(392 records) identified themselves as either White British or White Other; 8% (38 records) identified with a minority ethnicity; and 9% (44 records) showed no ethnicity recorded. In a further 4% of stops (20 records), no ethnicity was recorded as the Officer was called away.

Applying the RDR helps evidence whether different groups of people are being stop and searched more disproportionately than others. When compared to the national RDR of 7.0, Gwent Police continues to stop people proportionately. Comparing the total data since 2013/14 (Table 4) it is evident that the RDR for Gwent Police rose significantly in 2014/15 and has continued to do so since.

**Table 4 – Year-on-year comparison**

Stop and Searches	# of Stops (Total)	# of Stops ('White')	# of Stops (BAME)	% of Stops ('White')	% of Stops (BAME)	RDR
2013/14	4597	4303	225	94%	5%	1.3
2014/15	2318	2148	203	93%	9%	2.3
2015/16	1770	1597	143	90%	8%	2.2
2016/17	1410	1248	127	88%	9%	2.5

Gwent has seen a significant and progressive reduction in the number of recorded stops encounters year-on-year since 2013/14, falling from 4,597 in 2013/14 to 1,440 in 2016/17. This has resulted in a large decrease in the number of encounters recorded for 'White' ethnicities. Whilst a small reduction has also been seen across BAME stops, this has increased the RDR from 1.2 in 2013/14 to 2.5 in 2016/17. However, any incomplete ethnicity data makes the calculation inaccurate. Ensuring that the 'Self Defined Ethnicity' information is recorded for each encounter would provide more precise data analysis and RDR calculations. Future dip sample exercises will examine all BAME stop and search records to provide assurance that these encounters are justified.

## Outcomes

No Further Action (NFA) remains the most common outcome within the dip sample, accounting for 57% (68 records) of encounters. This is consistent with the overall six month stop and search data where 63% (313 records) of stop and searches resulted in NFA. 12% (14 records) of the dip sample had incomplete outcomes, increasing to 13% (66 records) of all records for the period. There has been a slight decrease in arrests from 13% in the previous dip sample to 11% for the current exercise.

In terms of the 'Under 17' age range, the following outcomes were noted:

- 1 encounter resulted in an arrest;
- 10 encounters resulted in NFA;

- 1 encounter resulted in a summons;
- 2 encounters resulted in advice given; and
- 2 records were incomplete.

As previously indicated, no encounters with BAME individuals were recorded for this age particular group.

For all records in the review period, only 5% (25 records) show the outcome as ‘Arrested’, which is significantly lower than in previous exercises. Of these, only 1 arrest related to a BAME individual. As in previous dip sample reports, this continues to suggest that arrest rates for stop and search haven’t greatly improved since 2015. However, during the current exercise an increase in the use of alternative outcomes was noted; for example, 9% were provided with advice; 7% resulted in a Khat or Cannabis warning and 0.8% resulted in issue of a ‘Penalty Notice’. 13% (66 records) of outcomes were incomplete; this does not allow for accurate analysis of the outcomes of encounters to be provided.

In line with the requirements of the BUSS Scheme, the dip sample exercise also attempted to identify:

- The connection between the outcome and object of searches. Panel members found this quite difficult to achieve due to the high number of NFA outcomes which resulted in 48% of the dip sampled records not showing a definite or confirmed connection; and
- The item found rate. Records did not clearly show whether an item was found that could be linked to the original purpose of the stop. Only 8% of records indicated that an item had been found in connection with the object of the stop; 68% did not provide any indication within the available record information.

Previously, Officers had recorded the outcomes of ‘Evidence Located’ or ‘Property Seized’ on forms where applicable; however, publication requirements of the BUSS Scheme have reduced the overall number of outcome categories currently in use. This contributed to the difficulties in clearly assessing against the outcome/object and item found criteria.

### **Copies provided**

Following a stop and search encounter, PACE Code A (section 3.8 (e)(i)) requires that a copy of the stop and search record or a receipt is provided to anyone requiring it. The implementation of mobile data across Gwent Police in 2015/16 and the subsequent use of electronic stop and search forms resulted in Officers no longer being able to provide copies of stop and search records. Currently, in Gwent there is nothing in place to enable Officers to provide a card or receipt directly to an individual and copies of stop and search records can be obtained by the individual making a request to Gwent Police, (in person, at a police station for example). As such, Gwent is the only Police service in Wales

not to offer a card to individuals at the conclusion of stop and search encounters.

### **Body worn video**

Members were provided with observation forms to complete during the body worn video review to gain feedback on the legitimacy of the stop and search and the Officer's conduct and treatment of individuals in each case.

#### Review comments

Incident 1: Officers conducted an intelligence-led stop and search on multiple individuals relating to misuse of drugs. This resulted on one individual being arrested having been found in possession.

Panel members were satisfied that the encounter had been conducted according to PACE requirements and that the Officers involved had treated the individuals professionally, fairly and with respect. Members also commented on the way the lead Officer engaged with the individuals involved which contributed to the way the encounter was undertaken.

Incident 2: An Officer responded to a report of an individual attempting to open car doors within a car park. The person stopped and searched matched the description of the individual within the report.

Panel members were satisfied that the encounter had been conducted according to PACE requirements and that the Officer involved had treated the individual professionally, fairly and with respect. Again, members commented on the way the Officer engaged with the individual, changing their approach to account for the person's attitude and demeanour during the encounter.

Incident 3: Officers responded to intelligence regarding the occupants of a vehicle suspected of dealing drugs and drug use. A search of the vehicle yielded a knife that was undisclosed to the Officer during routine questioning. As a result, the Officer issued a caution regarding the weapon which was seized at the time of the encounter. In addition, the driver of the car was requested to voluntarily attend a police station to present documents relating to the vehicle.

Panel members were satisfied that the encounter had been conducted according to PACE requirements. It was observed that both individuals involved in the stop and search were aged below 25 years and comment was made that the Officer's treatment of and engagement with the individuals was particularly commendable.

Incident 4: Officers detained an individual matching the description of a person wanted on recall to prison. The individual was requested to verify their identity to enable Officers to eliminate them from their enquiries. Whilst the individual was compliant throughout the encounter, several other members of the public approached the police vehicle to challenge the Officers and attempt to confirm the individual's identity.

Panel members were satisfied that the encounter had been conducted

according to PACE requirements and that the Officers involved had treated the individual professionally, fairly and with respect. They were also satisfied that the same conduct had been extended to other members of the public, thereby minimising any potential confrontation.

Incident 5: Officers conducted an intelligence-led stop and search on an individual relating to misuse of drugs. The individual was found to be in possession of a Class A substance and immediately taken into custody.

Panel members were satisfied that the encounter had been conducted according to PACE requirements and that the Officers involved had treated the individual professionally, fairly and with respect. Members were particularly impressed with the Officer's attitude towards the individual, who was compliant and calm through the whole encounter.

In all cases, it was noted that Officers had communicated clearly with individuals, varying the way they spoke (the language and tone used) to meet the level of engagement required, and had acted in a calm and professional manner throughout.

## **Conclusions**

### **Use of Force**

Formal conclusions regarding use of force will be made following the next exercise.

### **Stop and Search**

#### **Impact of Mobile Data**

Work to rectify the issues previously reported with electronic stop and search forms continues. Duplicate entries and inaccurate locations for stops are still occurring due to data connectivity issues. Progress by the Project Fusion team continues to be monitored through the Use of Force Group and other meetings with the Operational stop and search lead.

#### **Quality of records**

During the analysis of all records, in addition to the incomplete fields noted, a number of duplicate entries were identified. This will have provided an inaccurate total number of stop and search records for the six-month period and also affected the analysis across all data areas. Therefore, it should be assumed the results of the dip sample are similarly flawed; however, as the selection of individual records was undertaken at random from a larger quantity of records from a sequential date range, the impact is most probably minimal.

Regular checks of stop and search forms by supervisors will help to address these issues. Between August and October 2017, additional dip sampling work was undertaken by Gwent Police Inspectors. Comparable issues regarding the quality of records were identified and have been fed back to the Use of Force

Group for consideration and action as appropriate.

In addition, the technical work being undertaken to resolve the mobile data issues should also support improvements to the overall quality of records.

### **Dip sample analysis – sample size**

Previously, the findings of the dip sample failed to reflect the sometimes larger number of records with incomplete data, with some categories under or over represented or not having acknowledged the impact of missing data. To attempt to improve the robustness of the quantitative evidence examined, the sample size for each exercise has been increased to 120 records. This has resulted in more consistent findings between the percentages calculated in the dip sample and the total number of records for this exercise. One exception is the number of NFA outcomes recorded which rises from 57% (68 records) to 63% (313 records) respectively. This will be monitored across future exercises and reviewed pending any significant increases in the number of stop and search encounters recorded within Gwent.

### **Areas for operational development/training**

The following have been listed as potential areas for improvement as related to what amounts to ‘reasonable grounds’ as per PACE Code A:

- Grounds not being fully completed or missing information: details for the grounds of the stop must be provided in each case.
- Further clarity regarding the grounds for stops related to ‘smelled cannabis’ following the results of the College of Policing consultation.

### **Age**

There will continue to be a focus on children and young people across forthcoming scrutiny exercises. Within the body worn video reviewed, engagement was seen to be of a positive and age-appropriate nature. Inclusion of age-related body worn video will help to provide reassurance or areas of learning as appropriate.

### **‘Know Your Rights’ engagement**

The roll-out of ‘Know Your Rights’ awareness sessions within the Police Schools’ Liaison Programme and Positive Futures commenced in September 2017. The programme aims to raise awareness of individual’s rights if they are stopped and searched by the police, using a targeted, co-ordinated and collaborative approach. 2 schools in each local authority area will receive the input prior to Easter 2018. To date, both sessions for the Newport schools have been delivered. An evaluation report will be compiled post-delivery of the programme for 2017/18.

## **4. NEXT STEPS**

### **Quality of records**

The technical issues with stop and search forms and the identified missing data have already been highlighted within this report, along with the remedial activity in place. The accuracy of original stop and search data and subsequent system-held records and the completion and accuracy of all categories is monitored through the Use of Force Group and other arrangements with Gwent Police colleagues. Specific focus will be given to ethnicity, gender and grounds, ensuring compliance with the BUSS Scheme. In addition, the overall numbers of stop and search encounters recorded will continue to be monitored.

### **Copies**

Options for the provision of a receipt or card to individuals on request continue to be explored with Gwent Police colleagues.

### **Body-worn video**

Work is ongoing to increase the prevalence of body-worn video use by Gwent Police Officers. This will be monitored by the Use of Force Group and any increase will be seen in the availability of footage for scrutiny.

### **Complaints**

Under the BUSS Scheme, there is a requirement for the details of complaints (Officer-redacted) to be examined on a quarterly basis by 'Independent Scrutiny Groups' and that any concerns raised are fed back to the Professional Standards Department for consideration, appropriate action and wider organisational learning. Following discussion with Scrutiny Panel members, it is proposed that the IAG is approached to fulfil this function.

### **Web based anonymous feedback facility**

The BUSS Scheme also requires participating Constabularies to put in place a web based anonymous feedback facility. Previously, the OPCC attempted to gain feedback from members of the public who had been stopped and searched within Gwent, to help better understand their experiences and inform engagement practices. The 'Quality of Encounter' survey was launched in the summer of 2015 but, despite regular and varied promotion (including plans to provide access details on any receipt provided), it experienced limited success and was discontinued in 2016. Following this, Gwent Police trialled a telephone survey via the Diversity and Inclusion Unit; this too experienced limited success due to the willingness of people to directly discuss their experiences and has since been discontinued.

In order to fulfil this requirement, there is an option to redesign the survey and relaunch it with a supporting awareness-raising campaign. This is subject to ongoing discussions between the OPCC and Gwent Police to determine the most appropriate way forward.

### **'Know Your Rights'**

In order to ensure adherence to any requirements on the Commissioner regarding raising awareness of people's rights if they are stopped and searched by the Police, the OPCC has approached the Association of Police and Crime Commissioners (APCC) for clarification of the current duties. The outcome will be shared with the Use of Force Group once received.

Future legislative changes to stop and search requirements and any associated impacts will continue to be monitored by the OPCC and implemented through the appropriate mechanisms within Gwent Police.

## **5. FINANCIAL CONSIDERATIONS**

IAG members' costs are met by Gwent Police; there is no additional expenditure for the OPCC relating to this exercise.

## **6. PERSONNEL CONSIDERATIONS**

There are currently no additional personnel considerations; the scrutiny exercise is undertaken as part of the OPCC's normal working arrangements.

## **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 2016-2020 and the Legitimacy Scrutiny Panel process is a core activity within this objective. This demonstrates clear commitment to ensuring that we regularly monitor the use of Police powers to ensure they are used lawfully.

Under the Equality Act 2010, when Police Officers are carrying out their functions, they also have a duty to have 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 use

of force procedures must be based on the principles of legality, legitimate aim and proportionality as required under the Human Rights Act.

**9. RISK**

All 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, the stop and search records have been anonymised thus limiting any issues regarding data protection. All members of the Scrutiny Panel have been vetted according to Gwent Police processes.

**10. PUBLIC INTEREST**

The scrutiny exercise can help promote public confidence in the use of Police powers. In addition to discussion at the OPCC Executive Board and the Use of Force meeting, the report is also provided to the IAG to form part of their stop and search discussions and to allow any further feedback to be considered. The report is also published on the OPCC website.

**11. CONTACT OFFICER**

Caroline Hawkins – Policy Officer, OPCC

**12. ANNEXES**

Annex 1: Legitimacy Scrutiny Panel Terms of Reference



Legitimacy Scrutiny  
Panel TOR October 21