

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Use of Force Exercise – July 2022

DATE: September 2022

TIMING: Routine

PURPOSE: For Scrutiny

1.	<p><u>RECOMMENDATION</u></p> <ol style="list-style-type: none">1. For the Commissioner and Gwent Police's Head of Operational Support to consider the outcomes of and recommendations from the Legitimacy Scrutiny Panel exercise undertaken in July 2022.2. For Gwent Police to provide feedback to the Office of the Police and Crime Commissioner (OPCC) in response to the recommendations to demonstrate how they will be addressed.
1.	<p><u>INTRODUCTION</u></p> <p>A Legitimacy Scrutiny Panel (LSP) session took place in July 2022 covering use of force during the period 1st January to 30th June 2022. The session was observed by a member of Gwent's Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) team.</p> <p>Use of force may involve any of the following actions:</p> <ul style="list-style-type: none">• 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.

	Data for the period, 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.	<p><u>ISSUES FOR CONSIDERATION</u></p> <p>Updates on Actions</p> <p>Gwent Police provided feedback on the actions from the previous session in November 2021.</p> <p>Action 1: (Video 1) Gwent Police to follow up on the learning opportunities with the officers involved in the incident, and the Learning and Development Department regarding the observed interactions and behaviour as appropriate, providing feedback to the panel on the outcomes.</p> <p>Update: De-escalation and communication had been discussed at length at the previous LSP session in November 2021. The Head of Operational Support advised that HMICFRS had also noted this within their latest Spotlight report on stop and search and use of force. As there is now a national recommendation for forces to look at the training offered around de-escalation tactics, the contribution of the LSP discussion was recognised and welcomed by the force. Subsequently, Gwent Police lesson plans have been reviewed and the learning objectives updated accordingly. In addition, the national Officer Safety Training (OST) syllabus has been extended from one to two days to strengthen the role of verbal communication and de-escalation tactics in training.</p> <p>Action 2: (Video 3) Gwent Police to provide the positive feedback and recognition from the LSP to the officers involved in assisting an individual experiencing a mental health crisis.</p> <p>Update: The feedback was provided to the officers involved.</p> <p>Action 3: (Video 4) Gwent Police to provide the officers involved with positive feedback and recognition of the way they dealt with the incident and ensured the safety of all present.</p> <p>Update: The feedback was provided to the officers involved.</p> <p>Action 4: (Video 6) Gwent Police to provide positive feedback and recognition from the LSP to the officers involved in assisting and safeguarding an individual experiencing a mental health crisis.</p> <p>Update: The feedback was provided to the officers involved.</p> <p>Action 5: (Video 7) Gwent Police to provide positive feedback and recognition from the LSP to the BWV officer in respect of their conduct and engagement with the individual.</p> <p>Update: The feedback was provided to the officers involved.</p>

Data

The Head of Operational Support provided an overview of data relating to the scrutiny period, highlighting key areas of focus including data accuracy, form submissions, and ethnicity and age.

The majority of individuals experiencing use of force remain in the 18 to 35 age group. Use of force on individuals aged 10 and under and 11 to 17 is particularly scrutinised by Gwent Police through internal dip sampling, to ensure that force is used appropriately. Any issues relating to race or ethnicity and age are also examined in the same way, supported by relevant contextual updates from policing commanders. No concerns of disproportionality in use of force had been identified during the period.

Frequency of use of force by officers and operational teams is also examined to identify any patterns of potential excess or misuse. We were advised of one case that had been raised as a concern at the last Coercive Powers Scrutiny Board (attended by the OPCC) and that the Professional Standards Department (PSD) was involved. This provided members with reassurance that internal scrutiny is working in this regard.

The Head of Operational Support invited members to observe OST training sessions, to better understand the nature of the training provided and how it is delivered. Members welcomed the opportunity and would follow this up outside the meeting.

Members raised the importance of engaging with local communities to raise awareness of scrutiny processes and outcomes, to promote trust and confidence in Gwent Police's use of force. It was agreed that Gwent Police would further explore this with community partners.

Gwent Police's use of force data is available on their website at [Use of force | Gwent Police](#). 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 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 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.

Members discussed the engagement between the officers and the individual. Concerns were raised that earlier opportunities to de-escalate the situation had been missed by the officers. However, members acknowledged that engagement improved during the latter half of the incident, recognising the officers' safeguarding of the individual and removal of restraints at the earliest opportunity. We agreed that learning opportunities would be fed back to the officer regarding the use of communication and de-escalation tactics.

Action: Gwent Police to provide feedback to the officer regarding learning opportunities and tactical communications and update on the outcomes to the Panel.

Video 2: 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 themselves inside a property with the potential weapon.

Members commented on how the officers' forced entry may have contributed to the individual's reaction, and that no audible warnings for entry and Taser were noted. Comments were also made on the officers' use of expletive language and perceived attitude at the situation. We acknowledged the risks of forced entry to all involved in incidents and recognised that decisions made by officers would be intended to minimise unnecessary harm.

Action: Gwent Police to provide feedback to the officers regarding use of language and appropriate verbal warnings and update on the outcomes to the Panel.

Video 3: 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.

Members discussed the use of Taser and agreed that it did not seem appropriate to the circumstances and perceived level of threat. We also discussed the role of internal supervisory review and scrutiny processes in ensuring that the rationale provided on Use of Force forms for Taser incidents matches the body worn video. The Head of Operational Support recommended

that the footage be reviewed by the Taser trainers and feedback on their observations provided.

Action: Gwent Police 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.

Video 4: 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.

Members commented on the clear communication by the officer intended to de-escalate any potential hostility towards the police and safeguard the individual. We acknowledged the officer's age-appropriate treatment of the individual and the quality of the encounter.

Action: Gwent Police to provide the Panel's positive feedback to the officers involved.

Video 5: 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.

Members expressed concern that the officers were seen to place themselves in the line of Taser discharge, reducing the effectiveness of the tool while increasing their risk of being hit during any deployment. Positive comments were made on the measures taken to safeguard the individual's health and welfare and the way the officers spoke to the individual and responded to his concerns about his health condition. Feedback was given regarding officer placement in relation to the Taser, which would have reduced the effectiveness of the tool and placed others at risk of being hit by the barbs on deployment.

Action: 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.

Video 6: Officers responded to an anonymous phone call from a member of the public reporting shouting and screaming inside a property. On arrival, officers found items in the property had been smashed, and one of the individuals had shut themselves in the kitchen, intoxicated and distressed. This individual stated that they had made the call and they wanted the officers to leave.

Members acknowledged that this was a difficult situation that escalated despite the restrained way the officers dealt with all the individuals at the property. We were advised that this situation reflected a Taser training scenario run in force

	<p>based on a similar real-life case, and that the individual, as the caller, has the right to request that the police leave and can use reasonable force to eject officers from the property. We noted that once the officers confirmed the individual was not at risk of harm and agreed that they should probably have left the property at the individual's first request which would have prevented the individual assaulting the officer. However, as the individual was emotionally volatile and intoxicated, and considering the state of the property, there was the potential for breach of the peace to have occurred. We also noted a potential risk to officers due to the positioning of the individuals and a lack of clear sight between the officers between the rooms, as well as whether there had been any risk of self-harm to the individual while alone in the kitchen. No actions or feedback were identified.</p>
3.	<p><u>NEXT STEPS</u></p> <p>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.</p> <p>The OPCC Policy Officer continues to work with Gwent Police's Strategic Equality and Diversity Manager and other relevant police colleagues to support to internal scrutiny processes as appropriate.</p>
4.	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>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.</p>
5.	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>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.</p>
6.	<p><u>LEGAL IMPLICATIONS</u></p> <p>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.</p>
7.	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></p> <p>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,</p>

	<p>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.</p> <p>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.</p>
8.	<p><u>RISK</u></p> <p>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.</p>
9.	<p><u>PUBLIC INTEREST</u></p> <p>The scrutiny exercise can help promote public confidence in the use of Police powers. The report is published externally on the OPCC website.</p>
10.	<p><u>CONTACT OFFICER</u></p> <p>Caroline Hawkins – Policy Officer, Office of the Police and Crime Commissioner</p>
11.	<p><u>ANNEXES</u></p> <p>None</p>