

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Use of Force Exercise - July 2019

DATE: October 2019

TIMING: Routine

PURPOSE: For scrutiny

1. RECOMMENDATION

To agree the recommendations arising from the use of force scrutiny exercise undertaken on 26th July 2019.

2. INTRODUCTION & BACKGROUND

The Legitimacy Scrutiny Panel for stop and search convenes on a six-monthly basis to examine and consider Gwent Police's use of force, providing independent public scrutiny of data, and body worn video (BWV). This session implemented the revised use of force scrutiny process and Gwent's HMICFRS Inspector attended to observer from a point of interest.

This report provides the key findings and recommendations related to the exercise. Detailed findings are provided at Annex A.

3. ISSUES FOR CONSIDERATION

The latest exercise took place on the 26th July 2019 to examine activity undertaken between the 1st January and 31st June 2019. The process focuses on reviewing body worn video (BWV) footage captured by officers during incidents where force has been used, as well as compliance regarding submission of Use of Force forms post incident.

Key Findings

Use of force data showed a marked increase in the number of forms submitted across the scrutiny period. During this time, Gwent Police had provided a focus on the completion and submission of forms, which would account for the increase

Members were satisfied that, overall, the figures appeared to be proportionately comparable across the data range, and that the increase in submissions was linked to Gwent Police's focus on this, rather than as a result of increased use of force. Gender and age profiles for use of force reflected those seen for stop and search activity.

Members queried whether the actual ages of the subjects within the 11 to 17 age-range were available, and expressed that it would be helpful to identify whether there were any age-related patterns or concerns for under-18s. This would help to mitigate any challenge on the public information provided.

Ethnicity Proportionality

Whilst there is far less national scrutiny of use of force as compared to stop and search, it is still important to understand whether there is any disproportionate impact on certain communities.

Across the date ranges, incidences of use of force had decreased for White and Other subjects, but increased across the remaining Black, Asian and minority ethnic (BAME) groupings. The greatest increase was recorded within the Black (or Black British) grouping; this changed from 0.6% for April to September 2018, to 2.9% for January to June 2019. However, the Asian (or Asian British) group had the most experience of use of force compared to the other BAME groups.

Gwent Police data for the current scrutiny period indicates that around 10% of use of force incidences involved BAME subjects. In terms of Gwent's population according to the Welsh Government's Annual Population Survey for the year ending 31st March 2019, the data suggests that use of force in Gwent is proportionate.

Body Worn Video

Six videos were randomly selected and reviewed by the Panel. Following each viewing, the relevant Use of Force forms were examined. Members were particularly impressed with the way some officers dealt with the situations observed, and acknowledged that the video often provides a limited perspective.

Panel members' feedback and concerns related to some of the encounters observed included:

- Greater communication with the subject at the beginning of encounters, particularly in regard to the officers' expectations of the subject's behaviour and compliance
- Correct recording of the type of force used
- Ensuring submission of forms

Conclusion and Recommendations

Overall, members felt that Gwent Police demonstrated appropriate and proportionate use of force. However, there was some concern that not all use of force had been captured as required.

The review of BWV footage provided generally positive feedback and members were impressed with the way officers conducted themselves and treated individuals during incidents. Members recognised that officers are required to make rapid assessments and quick decisions based on the information available at the time. We acknowledged that whilst BWV is an

extremely useful tool, it has limitations and does not always provide a holistic view of the situation and circumstances. Therefore, feedback from the Scrutiny Panel only reflects what is seen during the exercise.

As a result of some of the discussions during the session, we agreed that it would be useful to invite representatives from PSD and the Officer Safety Training (OST) team to participate in future use of force scrutiny. This would support members' understanding of use of force and associated internal processes. In addition, members felt it would be useful to observe relevant OST sessions or receive an input from OST on how officers are trained in the NDM. This will be progressed by the OPCC.

The recommendations 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 BAME ethnicities.

- 1. Gwent Police should be able to identify and explain use of force on children aged 17 and under and whether it is linked to any specific operational activity to provide a better understanding of activity on this age group. This should include a breakdown of the numbers of subjects aged 17 and under within the data sheet.**
- 2. Gwent Police should include in the data sheet the number of use of force incidences for each of the local authority areas. This would provide a greater understanding of where activity is taking place.**
- 3. Gwent Police needs to demonstrate an understanding of the impact of use of force linked to operational activity within BAME communities. Comparing operational information against use of force data will help to provide reassurance that any increases in activity are proportionate and justified.**
- 4. Gwent Police should regularly promote positive internal messages about use of BWV to provide reassurance to officers in using their powers. Further public messaging about use of force would help to promote confidence in local policing.**

4. NEXT STEPS

Recommendations and observations from the Scrutiny Panel reports will continue to be provided to Gwent Police for follow-up as appropriate. A debrief meeting following each exercise has been established to ensure appropriate ownership, feedback and timescales on the recommendations by work stream leads.

Progress will be monitored via the Operational Tactics and Equality Meetings as appropriate. Any thematic issues identified from either external sources or thorough Gwent Police self-assessment processes will be used to inform future Scrutiny Panel exercises.

5. FINANCIAL CONSIDERATIONS

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

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 BWV footage as appropriate.

7. LEGAL IMPLICATIONS

Use of force public scrutiny does not currently fall under any specific legislation. However, the exercise 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. 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

Stop and search 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.

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 and, where appropriate, discussed at the Commissioner's public Strategy and Performance Board.

11. CONTACT OFFICER

Caroline Hawkins – Policy Officer, OPCC.

12. ANNEXES

Annex A – Legitimacy Scrutiny Panel July 2019 – Use of Force