

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Use of Force Exercise - January 2020

DATE: May 2020

TIMING: Routine

PURPOSE: For scrutiny

1. RECOMMENDATION

For the Commissioner and Gwent Police chief officer team to consider and provide comment on the outcomes of the scrutiny exercise undertaken in January 2020 and the recommendations arising from the activity.

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 report provides a brief overview of the key findings and recommendations related to the exercise. 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, the recommendations are reflective of the HMICFRS PEEL inspection findings and areas for improvement.

3. ISSUES FOR CONSIDERATION

The latest exercise took place on the 26th January 2020 to examine activity undertaken between the 1st July and 31st December 2019. The data focus for the exercise has been drawn from Gwent Police's quarterly internal *Stop and Search and Use of Force* scrutiny report. This will help to provide similar information to that which is considered in force meetings.

Key Findings

Data

- Overall, figures appeared to be comparable across the data range, with consistent use of force recording.
- Compliant handcuffing remains the primary use of force, followed by unarmed skills.
- The proportion of arrests remains fairly consistent with the previous period.
- Less than 1% of people were detained under S136 of the Mental Health Act, a decrease on the last period.
- 6 in every 10 incidents involved individuals aged 18 to 34; less than 1 in every 10 incidents involved individuals aged under 18.

- Incidences increased slightly for people perceived as 'White' or 'Mixed' race; the greatest increase was seen for those in the 'Black' grouping.
- For people aged under 18, the highest use of force was seen for 'White' subjects; those perceived as 'Black' experienced a greater frequency than people from the other black, Asian and minority ethnic (BAME) groupings.
- Use of force reduced by half for Asian children under 18 compared to the previous period. This change corresponds with the overall ethnicity data trends for the reporting period.
- Members were satisfied that the changes in ethnicity data appeared to be proportionate to the number of Use of Force forms submitted.
- The data does not provide any reference to operational activity that might have contributed to the changes in ethnicity data. Previous recommendations have highlighted the importance of understanding how operational activity is linked to the use of police powers. 199 incidences were recorded for stop and search activity during the period.
- Gwent Police data indicates that around 10% of use of force incidences involve BAME subjects – this is consistent with the previous period. National benchmarking for use of force incidences is not currently available; however, HMICFRS are developing their inspection regime for use of force, which might provide further data comparisons in the near future.

Body Worn Video

Seven videos were randomly selected and reviewed by the Panel. The review of footage provided positive feedback and members were impressed with the way officers conducted themselves and treated individuals during incidents. Panel Members' feedback and concerns related to some of the encounters observed included:

- Ensuring body worn cameras are switched on prior to the start of the encounter. Currently, records do not show whether body worn video is used for incidences of use of force.
- Inconsistent age range recording.
- Inconsistent reporting of use of force across multiple forms linked to a single incident.
- Missing forms linked to incidents with multiple officers in attendance.

Conclusion and Recommendations

Overall, Members felt that Gwent Police demonstrated appropriate and proportionate use of force during the scrutiny period. However, there was concern that not all use of force had been captured as required.

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 ensure that perceived age range information is consistent. This would support continued improvements in recording practices.**
2. **Gwent Police should review the QlikView 'Use of Force' dashboard to ensure that the information available enables more efficient data analysis and supports the focus of future scrutiny. The information currently available on the dashboard allows very limited monitoring and analysis; parity with the stop and search dashboard would enable more thorough data review and support future HMICFRC inspection and review activity.**
3. **Gwent Police should ensure that forms record the justification for escalation of incidents. This will help to reduce the risk of any ambiguity with records if BWV is not reviewed/available for review.**
4. **Previous recommendations have been made regarding officers switching on BWV prior to engaging with subjects. This recommendation remains relevant and consideration should be given to finding ways to encourage officer to do this.**

4. **NEXT STEPS**

Gwent Police's new internal quarterly performance reports on stop and search and use of force, reviewed at the Operational Tactics Meeting, will provide a more detailed focus on areas of concern related to continuous improvement. Recommendations and observations from the Legitimacy Scrutiny Panel reports will continue to be provided to Gwent Police for follow-up as applicable. Progress will be monitored via the Operational Tactics and Equality Meetings as appropriate, both attended by representatives of the OPCC.

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**

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. 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 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

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12. ANNEXES

Annex A – Legitimacy Scrutiny Panel Use of Force Exercise - January 2020