

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Exercise - April 2018

DATE: May 2018

TIMING: Routine

PURPOSE: For scrutiny

1. RECOMMENDATION

To consider the outcomes of the scrutiny exercise undertaken on 13th April 2018 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. The group was renamed the Legitimacy Scrutiny Panel (LSP) and continues to be Chaired by the OPCC Policy Officer.

The Policy Officer and Diversity and Inclusion Manager 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 considers Gwent Police's use of force and Part 2 reviews the use of stop and search powers. Within each part, members are provided with a highlight report of the overall data for the scrutiny period – usually, this is for the preceding six-months; however, a decision was made by the Policy Officer to extend the period for this exercise, aligning scrutiny timeframes with the financial, rather than the calendar year. In this way, analysis from and outcomes of Panel reviews will be more directly comparable with those of statutory data submissions and internal reporting.

Members also review a selection of available, relevant body worn video footage from the previous month (footage is only retained for 30 days). Commentary and feedback will include positive points as well as issues of concern and operational learning. In addition, the Panel will review a random sample of the

total number of stop and search forms submitted during the same timeframe. Due to the increase in recorded encounters for the period, a greater number of records have been examined to ensure that the findings are robust. The scrutiny timescale for this exercise runs from 1st July 2017 to 31st March 2018.

The Panel will also be given opportunities to review and discuss other matters relating to use of force and stop and search. In this way, any feedback provided can be used to inform further activity in these areas.

Part 1 – Use of Force

Data Overview

As noted in the last LSP report, use of force data for Gwent is not available prior to August 2017. Therefore, Panel members were provided with a data report for incidents recorded between 5th August 2017 and 31st March 2018. Of the 1159 incidences recorded on the QlikView system, it was noted that 35 showed as ‘test’ entries, 18 of which had been categorised under Black, Asian and Minority Ethnic (BAME) ethnicities; this impacts not only on the quality of the data, but also on the Race Disproportionality Ratio (RDR) for use of force. The RDR helps evidence whether different groups of people are being subjected to police powers (usually stop and search) more disproportionately than others. In considering the total number of entries, the RDR shows that individuals from BAME backgrounds are 2.75 times more likely to be subjected to use of force in Gwent. After removing the ‘test’ entries, this figure reduces to 2.3. The RDR for use of force will be assessed as part of each exercise to monitor how this.

It was also noted that:

- the Transgender entries and the ‘Do not identify as male, female or transgender’ entries were submitted within the ‘test’ data (2 records each);
- three test entries were recorded under the 0-10 age range; and
- 15 White records show under the ‘test data’.

The report showed an upward trend in the number of incidences in Gwent, with peaks recorded for October 2017 and January 2018. It is anticipated that these would relate to tactical operations undertaken at those times; however, to better understand the context of the data, a request has been made to Operational Support for an overview of operations during the year. This information would also be requested to support future scrutiny panel exercises.

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

- Of White ethnic origin (1035 incidences);
- Male (969 incidences);
- Aged 18 to 34 (502 incidences) compared to 11 to 17 year olds (96 incidences);

- Subjected to handcuffing (980 incidents);
- Under the influence of alcohol (399 incidents) with possession of a weapon as the second most likely (234 incidences); and
- Subject to arrest (844 incidences).

Use of force is most likely to be used to protect the officers attending (238 incidences) followed by affecting an arrest (127 incidences).

Regarding use of Taser, the data overview showed that the greatest number of incidents attended do not lead to Taser use (1015 incidents) and that only a small number of incidents lead to a Taser being fired (10 incidents).

Members commented on use of force recorded on individuals in the 0-10 age range (officer perceived). As previously noted, three records were found to be test entries; of the remaining entries, two were found to have alcohol as an aggravating factor, with mental health recorded for the third. One individual was arrested, with 'other' recorded as the outcome in both remaining cases. Closer examination of the date of birth information for these individuals revealed that, for one entry the date of birth was recorded as 'Not Known'; however, for each of the remaining entries, the years of birth had been recorded as 1954 and 1984. Officers should only fill in the age range information if the date of birth is unknown and therefore the age range information should be disregarded.

The Home Office has recently introduced an Annual Data Return (ADR) for use of force and the data for 2017/18 will provide the first such return. However, the current ADR requirement is for age range rather than date of birth. This will provide an incomplete submission where the officer has correctly entered the subject's date of birth and not the age range. To help minimise the number of black fields for future ADRs, Gwent Police is implementing a calculator function within the QlikView system that will auto populate the age range data based on the date of birth information available. It should be noted that it there is national acceptance that the data contained within initial ADR submissions may be incomplete across many constabularies.

Members also commented on the number of incidences where mental health (124 entries) and Acute Behavioural Disorder (21 entries) were recorded as impact factors. This may be attributed to the influence of the Police Control Room Clinical Advisor (PCRCA) who is able to provide officers with information and support when dealing with individuals with mental health conditions.

Joint Firearms Unit: Gwent Data 2017

The Panel was provided with supplementary data from the Joint Firearms Unit for firearms and Taser authorities in Gwent for January to December 2017. This allowed a comparison to the same data for the 2016 calendar year. Overall, the figures for both years are comparable; however, the number of Taser authorities in 2017 showed a 9% decrease compared to 2016.

Peak months for activity were June and July for both years and again, contextual information regarding the impacts of any operational activity would support a better understanding of the reasons behind the increases.

Body Worn Video

Three videos relating to the use of force were selected 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 attended the address of a 'wanted' male in order to affect an arrest and bring him into custody. Family members attempted to obstruct officers' entry into the property, in spite of the individual having been observed inside. A physical altercation between the officers and family members took place prior to the individual being successfully apprehended. Use of force involved physical restraint and handcuffing.

The footage had been provided to the Panel by Gwent Police's Professional Standards Department (PSD), who had investigated a complaint against the officers for an alleged assault on a member of the family. Panel members commented on the obstructive behaviour of the individuals involved and the observed assault on the officer involved in the altercation. They also queried why the individual causing the obstruction was not arrested for their actions, which may have led to a quicker de-escalation of the situation. In addition, it was felt that the footage provided very limited awareness of the officers' 'doorstep' engagement with the family prior to their entry of the property, and that all available body worn cameras should have been switched on as soon as officers left their vehicles to approach the building.

Members acknowledged the volatile nature of the situation and, under the circumstances, felt that the officers had used appropriate force to deal with the individuals involved. Following extensive discussion around the actions of all parties, members agreed with the PSD findings which did not uphold the complaint.

Incident 2: Officers attended a call to assist colleagues with a male in possession of two large knives and threatening self-harm and suicide. The male was contained behind a glass fire door on a small, enclosed landing at the top of a staircase; he posed an additional risk to the other residents on that floor of the building. During the officer's engagement with the individual (through tactical communications), the male continued to make threats to self-harm and was seen to make cutting motions to his body. At this point, the officers entered

into the enclosed space to attempt to restrain the individual and remove the weapons. The individual was immediately seen to jab one of the knives into the lead officer's protective armour, at which point the Taser was used (fired) to subdue the male. Officers were able to clear the weapons from the immediate area, handcuff the male and subsequently remove him from the location.

Panel members commented on the professionalism shown by the lead officer when dealing with the vulnerable individual. It was agreed that the circumstances provided no other option than to Taser the male, thus preventing any further threat of, or actual injury. Members were also impressed by the way the officers quickly focused on the individual's welfare following the incident, continuing to talk to and reassure him in his distressed state. Concern was expressed at the manner in which the weapons were removed from the area, as there did not appear to be any warnings issued to the other officers in the vicinity prior to their ejection into the stairwell. The video of this incident was used as evidence in the prosecution of the male, who was sentenced to four years in prison for attempting to stab the officer and has since been published across social media by Gwent Police.

Incident 3: Two officers attended an incident in a hotel, whereby a male and a female guest had been reported to be causing damage to property and harassing other guests through inappropriate and loud behaviour. Alcohol and drugs are suspected to have had an impact on their conduct. Hotel staff were also in attendance and members of the public had access to the area. The lead officer was seen to speak the male in the doorway of their room, requesting that they leave the premises. Whilst waiting for the couple, the officer spoke to the female's mother on the phone, who expresses concern about the female's mental state. Suddenly, the partially dressed female is seen to run at the officer, shouting obscene language whilst attempting to physically attack him. The male also becomes involved in the altercation, resulting in one of the officers receiving a blow to the face. Taser is used on the male, who is then handcuffed, and both individuals are arrested.

Panel members commented on the way in which both officers dealt with the extremely challenging situation. One of the officers was a probationer on his first shift and members noted the way the lead officer instructed his colleague throughout the incident. Members also noted the way in which the hotel staff cooperated with the officers throughout the incident, helping to minimise the risks to other guests within the immediate area. Concern was raised at the ease with which the officer's radio was dislodged from his jacket, as this could render an officer unable to call for support, thus placing them at prolonged or additional risk in similar situations. Members agreed that the use of Taser was wholly appropriate for the situation and supported the actions taken by the officers.

Members expressed overall satisfaction with the use of force observed during the exercise. They agreed that the officers involved exercised high levels of professionalism and courage in some highly charged situations. They also

welcomed Gwent Police's decision to share the footage of the stabbing incident, believing that it would help to challenge some of the public perceptions of police officers' conduct.

Part 2 – Stop and Search

Members were provided with the following information and updates related to stop and search.

College of Policing Authorised Professional Practice (APP) Cannabis Guidance

Earlier in 2018, the College of Policing undertook a consultation across the police service regarding the stop and search of persons suspected of being in possession of a controlled drug, including vehicle and vessel stops under Section 23 of the Misuse of Drugs Act 1971. The intention was to understand current police activity in this area, and remove the reported ambiguity in the wording of the related APP guidance. Specifically, this related to the use of 'smelled cannabis' as grounds to detain a person for the purposes of a search.

The report indicated that 'a focus on suspect behaviour is much more important than the smell of cannabis and likely to lead to more productive searches in criminal justice terms. Forces should guide their officers towards using multiple strong grounds, including behavioural factors rather than situational factors, when deciding whether to stop and search someone. This does not mean that the perceived smell of cannabis cannot form part of an officer's grounds for a search.'

The update was welcomed by Panel members in terms of informing their knowledge when undertaking the scrutiny of stop and search records.

Update on Internal Dip Sample Activity

Members were updated the internal activity around stop and search and use of force undertaken by Gwent Police in November 2017. The results of the supervisor's dip sample of stop and search records were congruent with the findings from the previous Scrutiny Panel exercise. In addition, a small focus group was undertaken with operational officers that provided healthy discussions and recommendations from an operational perspective.

Members agreed with the recommendations and highlighted the importance of effective operational oversight of stop and search since the change to electronic forms. They also supported the suggestion to involve current front line officers in delivering stop and search training.

Criminal Justice Alliance Correspondence with the Police and Crime Commissioner

At the end of March 2017, the Commissioner received a letter from the Criminal Justice Alliance regarding race disproportionality and the high rate of 'no further

action' (NFA) as an outcome of stop and search activity in Gwent (based on 2016/17 data). The letter also referenced the findings of the Alliance's *No Respect* report, published in 2017. Members were advised that the Commissioner had discussed the letter with the Chief Constable and requested more information of the reduction in recorded levels of stop and search encounters in Gwent. In addition, an understanding of the use of NFA was also requested.

Members were provided with the recommendations from the *No Respect* report and advised that, where relevant, they had been incorporated into the form used to record member observations when reviewing the stop and search records. The remaining recommendations are incorporated into existing activity. Members supported the approach to the recommendations.

Data Overview

Panel members were provided with a data report for stops encounters undertaken between 1st July 2017 and 31st March 2018. Once again, the report showed a continued reduction in the number of stop and search encounters recorded during this period. This is reflective of the national picture for stop and search numbers. Figures published in a statement issued by the National Police Chiefs' Council Chair Sara Thornton show that searches conducted under the Police and Criminal Evidence Act (PACE) have reduced by nearly three quarters in the last six years from 1.2 million in 2010/11 to just over 300,000 in 2016/17 and that the reduction of officers on patrol and greater use of intelligence have contributed to this decline (Annex 1).

Panel members expressed concern at the lack of positive outcomes (arrest; caution; etc.) for youth stops and the very small number of positive outcomes related to BAME people (one positive outcome for 64 records). Comment was also made on the low number of positive outcomes for White ethnicities (47 positive outcomes for 734 records). This reflects the concerns raised regarding the high rate of NFA outcomes as an ongoing issue within Gwent.

Dip Sample of Records

800 stop and search records were available for the dip-sample timeframe of 1st July 2017 to 31st March 2018. The total number of stop and search records were shared between the Panel members and 165 records (a 21% 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 (33 entries each) and recorded their findings against each category on the evaluation forms. To provide a greater understanding related stop and search activity, all BAME records were scrutinised where the ethnicity was recorded (64 records total). It should be noted that, due to the way the data was provided it has not been possible to undertake detailed analysis relating to each ethnicity classification; therefore, analysis has been undertaken according to the main ethnicity groupings provided.

Table 1.1 provides analysis of the records dip-sampled and Table 1.2 shows the overall figures for the 800 records for the same period.

| Table 1.1 | | | | Table 1.2 | | | |
|-----------------------------------|---------------------------------|--------|-----------------|--------------------------------|---------------------------------|--------|-----|
| Dip sample analysis (165 records) | | | | Overall analysis (800 records) | | | |
| Category | | Number | % | Category | | Number | % |
| Gender | Male | 152 | 92 | Gender | Male | 629 | 79 |
| | Female | 13 | 8 | | Female | 84 | 10 |
| | Unknown | 0 | 0 | | Unknown | 87 | 11 |
| Grounds | Not recorded | 0 | 0 | Grounds | Not recorded | 90 | 11 |
| Age | Not recorded | 0 | 0 | Age | Not recorded | 99 | 12 |
| | Under 17 | 40 | 24 | | Under 17 | 167 | 21 |
| | 18 to 25 | 65 | 39 | | 18 to 25 | 301 | 38 |
| | 26 to 35 | 37 | 22 | | 26 to 35 | 139 | 17 |
| | 36 to 45 | 16 | 10 | | 36 to 45 | 63 | 8 |
| | 46 to 55 | 6 | 4 | | 46 to 55 | 25 | 3 |
| | 56 to 65 | 1 | 0.6 | | 56 to 65 | 6 | 0.7 |
| Ethnicity | Not recorded | 23 | 14 | Ethnicity | Not recorded | 215 | 27 |
| | Asian | 22 | 13 | | Asian | 22 | 3 |
| | Black | 9 | 5 | | Black | 9 | 1 |
| | Mixed | 31 | 19 | | Mixed | 31 | 4 |
| | Officer Called Away | 0 | 0 | | Officer Called Away | 0 | 0 |
| | Other | 2 | 1 | | Other | 2 | 0.1 |
| | White | 71 | 43 | | White | 480 | 60 |
| | Unknown | 7 | 4 | | Unknown | 41 | 5 |
| Purpose | Not recorded | 77 | 47 | Purpose | Not recorded | 412 | 51 |
| Outcomes | Advise | 0 | 0 | Outcomes | Advise | 0 | 0 |
| | Arrested | 0 | 0 | | Arrested | 0 | 0 |
| | Caution (Simple or Conditional) | 5 | 3 | | Caution (Simple or Conditional) | 8 | 0.1 |
| | Khat or Cannabis Warning | 0 | 0 | | Khat or Cannabis Warning | 0 | 0 |
| | No Further Action (NFA) | 105 | 64 | | No Further Action (NFA) | 552 | 69 |
| | Other | 0 | 0 | | Other | 0 | 0 |
| | Penalty Notice for Disorder | 7 | 4 | | Penalty Notice for Disorder | 16 | 2 |
| | Summonsed | 2 | 1 | | Summonsed | 8 | 1 |
| | Damage Incurred | 0 | 0 | | Damage Incurred | 1 | 0.1 |
| | Evidence Located | 0 | 0 | | Evidence Located | 11 | 1 |
| Nil Located | 0 | 0 | Nil Located | 12 | 1 | | |
| Property Seized | 0 | 0 | Property Seized | 5 | 0.6 | | |
| Not Recorded | 46 | 28 | Not Recorded | 187 | 23 | | |

Overall Data Quality

Poor quality data provides one of the biggest risks for stop and search. Previous reports have highlighted the issues regarding incomplete forms and duplicate submissions related to mobile data issues. During the analysis of all 800 records for the period, it was found that:

- 87 records (11%) provided blank submissions with only the occurrence, purpose and outcome fields completed. Outcome data is affected as follows:

| Outcome | Number | % |
|-----------------------------|--------|-----|
| Damage Incurred | 1 | 0.1 |
| Evidence Located | 11 | 1.4 |
| NFA | 42 | 5 |
| Nil Located | 12 | 1 |
| Penalty Notice for Disorder | 1 | 0.1 |
| Property Seized | 5 | 0.6 |

- 35 records were found to be duplicated, providing a total of 101 duplicates (13%) across the whole record set. The highest number of duplications counted for a single record was 12.

This has caused a high inaccuracy rate across the data of 188 entries (23%). If these records were to be removed from the data set, the number of stop and search encounters recorded for the period reduces from 800 to 612. This has the potential to significantly impact on the RDR and other outcomes, as well as any national data submissions for stop and search performance in Gwent. However, in the interests of parity with external data scrutiny, the overall outcomes from the exercise are based on the 800 submissions into the system. It should be noted that the dip sample did not include any of the blank submissions; however, it is possible that members may have separately reviewed duplicate entries due to the random selection process.

The 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 (165 records) | | | Overall analysis (800 records) | | |
| | Number | % | | Number | % |
| Ward Area | 32 | 19 | Ward Area | 235 | 29 |
| Age | 3 | 2 | Age | 88 | 11 |
| Ethnicity | 23 | 14 | Ethnicity | 215 | 27 |
| Outcome | 46 | 28 | Outcome | 187 | 23 |

As a result of these inconsistencies, it is not possible to draw accurate conclusions from the data. Gwent Police is aware of the concerns surrounding the accuracy of stop and search data and there has been a continued focus on improvement. Work has been undertaken to produce a detailed update report regarding Gwent Police's current position in relation to stop and search and use of force data recording. Produced in April 2018, the document draws on a number of sources, including live HMICFRS recommendations and areas for improvement; observations and recommendations from the LSP reports; current processes for data recording and viewing; staff training and communications; data quality assurance; and any other ongoing actions.

Grounds

All grounds fields for the 165 records examined had been completed. In 88% of cases (145 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;

These findings replicate the comments from the previous LSP exercise reported in January 2018.

However, Panel members also commented on several records that had comprehensive and thorough grounds. Once again, a small number provided legitimate grounds detailed against each requirement of the 'GOWISELY'¹ process.

Gender

152 records of the 165 reviewed (92%) related to individuals who identified as male and 13 (8%) identified as female – therefore, all were found to be completed. In considering the overall data set of 800 records, 87 were shown as unknown – a direct correlation with the blank entries previously noted. Notwithstanding the duplicate entries, this provides an indication that all gender fields were completed.

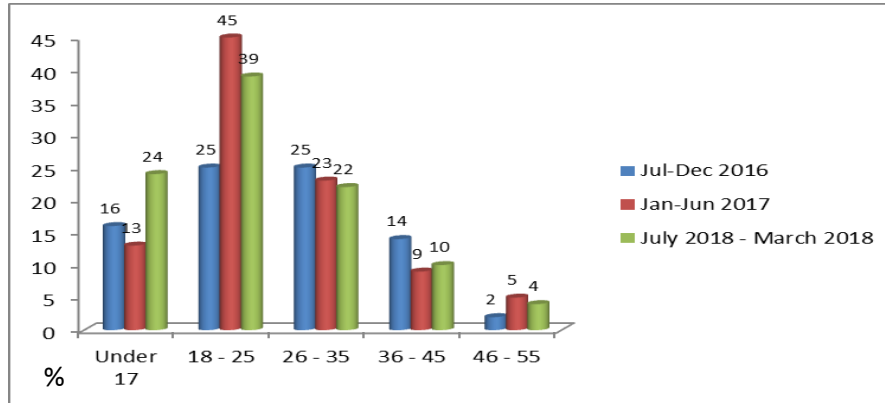
Age

Within the dip sample, the highest number of encounters took place with individuals in the 18 to 25 age range (39%), followed by the 17 and under age range (24%). 22% of encounters took place with individuals aged 26 to 35.

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.

¹ GOWISELY – Grounds; Object; Warrant card; Identity; Station; Entitlement of the search record; Legal power; You are being detained for the purposes of a search. As long as this process is undertaken the order of delivery is not important.

Table 3 – Stops comparison by age



The comparison indicates a reduction in the proportion of encounters recorded for the 18 to 25 and the 26 to 35 age groups, with an increase for the under 17 age group. Further analysis regarding the location of stops for the under 17 age range identified that a total of 16 encounters were recorded within the Llantarnam ward, 15 in the Stow Hill ward, 12 in Victoria and 11 in Pillgwenlly. 9 encounters were recorded in the Ringland and Alway wards respectively and 5 in Bettws. There is opportunity to explore the reasons for the demographic change through the internal Equality Meeting and work being undertaken with the Service Development Analyst around stop and search and use of force data.

Ethnicity Proportionality

Dip-sample analysis showed that 43% of people (71 records) stopped and searched during the period identified themselves as White British. 39% (64 records) were identified as a minority ethnicity and 18% (30 records) did not state any ethnicity. It was noted that 20 BAME stop and searches undertaken with individuals aged 17 and under (12%). In terms of the 18 to 25 age range, 19 BAME encounters were examined within the dip sample (11%) with 64 BAME encounters recorded within the whole record set.

In considering all the stop and search records for this period, 60% of individuals (480 records) were identified as White; 8% (64 records) identified with a minority ethnicity; and 32% (255 records) showed no ethnicity recorded.

During the dip sample of the non-BAME records, members discovered that a number of the entries missing the ethnicity description actually related to BAME individuals (as identified within the grounds for the records). This further prevents accurate analysis of the data and calculation of the RDR, whilst misrepresenting the activity recorded within Gwent.

Applying the RDR helps evidence whether different groups of people are being stop and searched more disproportionality 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 |
| 2017/18 | 1296* | 872 | 103 | 67% | 8% | 2.9 |

**this figure drops to 1108 after removing the duplicate and empty entries for this exercise*

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 the currently recorded levels for 2017/18. 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 caused the RDR to increase. However, incomplete or duplicate 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.

Outcomes

No Further Action (NFA) remains the most common outcome within the dip sample, accounting for 64% (105 records) of encounters. This is consistent with the overall six month stop and search data where 63% (552 records) of stop and searches resulted in NFA. 46% (28 records) of the dip sample had incomplete outcomes, increasing to 23% (187 records) of all records for the period. There were no recorded arrests for the period examined; however, this was found to be inaccurate as one of the records examined was seen to corresponded to body worn video footage reviewed during the exercise. Therefore, the findings of the exercise suggest that current stop and search data quality cannot be relied on to provide an accurate representation of arrests following encounters.

The following outcomes were noted for the 'Under 17' age range (167 records):

| Outcome | White | BAME | Unknown |
|--------------|-------|------|---------|
| NFA | 86 | 17 | 29 |
| Not Recorded | 13 | 3 | 19 |

The continued high number of NFAs remains a concern, particularly in relation to encounters where drug-related items were found; e.g. paraphernalia; traces of cannabis or power; or where items were handed to the officer conducting the search. Members were unclear as to the current guidance to police officers in

this respect and expressed concern that the apparent lack of positive outcomes, particularly for this age group, could have a negative impact on public perceptions around use of stop and search.

During the exercise, members were also interested to identify whether there was any parity between the outcomes of similar encounters for White and BAME individuals. Comparison was made of a stop and search undertaken with a White individual and an encounter under comparable circumstances with an Asian individual. It was noted that the individual identified as White was issued with a Penalty Notice for Disorder, whilst the individual identified as Asian was released with an NFA. Members discussed whether some officers could be reluctant to issue individuals identified as BAME with positive outcomes; this could also be extended to young people generally. It was agreed that this matter would be fed back at the next internal Operational Tactics Meeting in April 2018.

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. Once again, Panel members found this quite difficult to identify due to the high number of NFA outcomes. 95% of the dip sampled records did not show 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 10% of records indicated that an item had been found in connection with the object of the stop; 49% did not provide any indication within the available record information.

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.

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. As previously indicated, the forms completed by members had been amended to reflect the applicable recommendations from the 'No respect' report

Review Comments

Incident 1: Officers conducted a stop and search on an individual who was believed to have concealed an item about his person on being seen by the

officers. After lengthy engagement with the lead officer, the individual requested to be taken to the nearest police station for the purposes of the search.

Panel members were satisfied that the encounter had been conducted according to PACE requirements but felt that the grounds for the stop could have been communicated more clearly to the individual. It was believed that the officers treated the individual fairly and with respect, and acted professionally in the circumstances presented. Members also commented on the way the lead officer recognised the risk presented and acted accordingly.

Incident 2: Following intelligence regarding drug-related activity in that area, an officer detained two individuals suspected of engaging in the sale/purchase of drugs. The purchaser identified himself as 16 years of age and was asked to wait while the officer dealt with the suspected seller, who was seated in his car. The actions of this individual lead to the officer using force to restrain and detain them from absconding from the scene.

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, in spite of very challenging circumstances. Due to the escalation of the situation, the officer was unable to complete the search prior to arresting the individual for possession and intent to supply, due to other evidence presented. Again, members commented on the way the officer engaged with the younger individual, changing their approach to account for the person's age, attitude and demeanour during the encounter.

Incident 3: An officer responded to intelligence regarding an individual (older and possibly vulnerable) suspected of concealing drugs in his sock. The officer stopped the male at the side of the road to implement the search. The individual was known to the officer (understood via the officer's communication with the individual) and was requested to enter the passenger area of the police van to enable the search to take place. A wider search found the individual to be in possession Methadone prescribed to another person. As a result of the officer's knowledge of the individual, the officer requested that the male attend the local police station the next day for a voluntary interview.

Panel members were satisfied that the encounter had been conducted according to PACE requirements. Discussion took place regarding the extent of the search; however, reassurance was given that this is appropriate for these circumstances. Members also commented on the value of officers' knowledge of their local area and members of that community.

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

Data Quality

Data quality would be improved with the removal of any test entries immediately after submission. This would reduce the risks associated with the data as currently presented. Also, as previously indicated, officers should either complete date of birth information or, where unknown, the age range field. However, the proposed work within QlikView would help to mitigate the issue.

Data Analysis

Work being undertaken with the Service Development Analyst will help to map use of force data against operational activity to understand any peaks in recorded activity. This can be used to help inform related discussions at the internal Operational Tactics and Equality Meetings.

Body Worn Video

There has been a great deal of positive feedback from Panel members regarding officer conduct in challenging circumstances. This could be used to help to provide reassurance to officers around scrutiny processes as well as around their use of body worn video.

Stop and Search

Impact of Mobile Data

The submission of electronic forms via mobile devices continues to present challenges with regards to reliability and data quality. The presence of duplicate records and records with inaccurate location data should be recognised as a risk for future external challenge. This will remain a key consideration for the OPCC at the Operational Tactics Meeting.

Quality of Records

The presence of duplicate entries and blank records has negatively affected the overall picture for stop and search for the scrutiny period. As for use of force, any test entries for training or other purposes should be removed from the system once that activity has been completed. Incomplete data within records remains an issue, particularly regarding self-defined ethnicity. This field is not currently mandatory on mobile devices and consideration should be given as to whether this is a viable option.

The completion of grounds remains an area for improvement, particularly where officers are not providing a detailed explanation, or in some cases, any detail at all. As previously, a number of good examples of grounds were also noted. It has been proposed that officers who regularly conduct stop and searches could offer peer support and training to colleagues around quality of report submission.

Outcomes

The high number of NFA outcomes remains a concern. Recent discussions between the Commissioner and the Chief Constable highlighted this issue and work will continue with regards to better understanding the reasons for the high numbers, and what action can be taken to improve this performance. With regards to the low number of positive outcomes, this will also be incorporated into the improvement work.

Age

Within the body worn video reviewed, engagement was seen to be of a positive and age-appropriate nature. Mapping operational activity against stop and search data will further our understanding of trends and impacts relating to children and young people, and also our BAME communities.

Engagement

‘Know Your Rights’

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. To date, three of the five local authority areas have delivered the sessions with positive feedback received from the pupils. A formal evaluation report is being prepared and the findings will be used to help design future sustainable and wider engagement with children and young people.

4. NEXT STEPS

The Stop and Search and Use of Force Situation Report produced by Gwent Police in April 2018 will help to provide a focus in continuous improvement for the areas identified within this report. The report identifies the OPCC Legitimacy Scrutiny Panel as a vital asset to Gwent Police’s effective external scrutiny of stop and search and use of force. Recommendations and observations from the Scrutiny Panel reports have been incorporated into the resulting action plan, which has been proposed as the basis for work to improve local stop and search and use of force performance. The Policy Officer has been consulted on the proposed actions and will work with the Sergeant responsible as part of the development process.

Data Analysis

Equality data regarding use of force and stop and search will be monitored at the internal Equality Meeting with any issues or concerns noted to be fed into the appropriate Boards for consideration and action required.

Copies

Following recent discussions at the Operational Tactics Meeting, there is a proposal to explore an electronic solution for the provision of a receipt following a stop and search encounter. This is included in the aforementioned action

plan.

Body Worn Video

Work has been undertaken to increase the use of body worn cameras by Gwent Police Officers. Use of positive internal communications will support this. The Policy Officer is liaising with Gwent Police's Communications and Engagement Manager regarding the feedback from Panel members.

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. This was reviewed with the IAG at their meeting in April 2018 with agreement to draft a Terms of Reference and a complaints reviewing process.

Web Based Anonymous Feedback Facility

As previously reported, there is an option to redesign to old Quality of Encounter survey and relaunch it with a supporting awareness-raising campaign. This remains an ongoing consideration between the OPCC and Gwent Police to determine the most appropriate way forward.

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/or Commissioner's Strategy and Performance Board and the Operational Tactics 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 externally on the OPCC website.

11. CONTACT OFFICER

Caroline Hawkins – Policy Officer, OPCC

12. ANNEXES

Annex 1 – NPCC statement *Violent crime - we must back our officers to use their powers with confidence*



Annex 1
Violent-crime.pdf