

## **OFFICE OF POLICE AND CRIME COMMISSIONER**

### **Legitimacy Scrutiny Panel Use of Force Exercise - January 2020**

On the 26<sup>th</sup> January 2020, the Legitimacy Scrutiny Panel convened to examine Gwent Police use of force activity for the six-month period 1<sup>st</sup> July to 31<sup>st</sup> December 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.

The use of force scrutiny process aims to:

- Consider the available data for use of force in Gwent for the scrutiny period, providing feedback on any queries or issues identified;
- Provide comment on the interactions between officers and members of the public observed through a selection of BWV footage to enable good practice and points of learning to be fed back to Gwent Police as appropriate. Selection can be either at random or thematic;
- Examine compliance regarding submission and completion of Use of Force forms, as identified through the Operational Tactics meeting;
- Promote public confidence in how Gwent Police uses force in our communities;
- Provide recommendations for change to support improvements to recording and the application of use of force powers.

### **Data Overview**

Table 1 compares the data for the current and previous scrutiny periods. A minor decrease of 1.8% was recorded in the number of form submissions for the current scrutiny period compared to the previous. It should be noted that the number of incidents does not show how many individual people experienced use of force, but rather how many times force was recorded by officers. For example, in a situation where multiple police officers are required to use various types of force on a single individual, separate Use of Force forms should be submitted by each of those officers. This could result in a single event or individual might appear in multiple use of force incidents. Therefore, the data examined during scrutiny exercises cannot be used to find out the number of unique events in, or individuals on which force was used.

Age information is not provided on the data infographic, and so was not available for consideration as part of the exercise. However, following the exercise, this was reviewed from use of force data drawn from the QlikView system and the figures included within table 1. A number of inconsistencies were noted within the recording of perceived age, including entries marked as "Select Mixed", "Select Varied Ages", and "Is the subject physically disabled?". In addition, use of force age data only provides an estimation of

the age of a subject based on the recording officer's observations. Therefore, reporting practices could be improved through more consistent use of the fields available within the form.

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 considered in force meetings.

**Table 1 – Comparison data January to June 2019 and July to December 2019**

	1 <sup>st</sup> Jan to 30 <sup>th</sup> Jun 2019	1 <sup>st</sup> July to 31 <sup>st</sup> Dec 2019
<i>Total forms submitted</i>	3662	3595
<i>Gender: Male subjects</i>	79.2%	79.1%
<i>Female subjects</i>	19.9%	20.4%
<i>Identify as neither gender</i>	0.4%	0.1%
<i>Top 5 tactics used</i>	Compliant Handcuffing 49.8%	Compliant Handcuffing 49.3%
	Unarmed Skills 27.8%	Unarmed Skills 28.9%
	Tactical Communications 25.5%	Tactical Communications 28.1%
	Non-Compliant Handcuffing 19.0%	Non-Compliant Handcuffing 19.1%
	Ground Restraint 9.6%	Ground restraint 9.8%
<i>Records involving use/ drawing of Taser</i>	2.4%	2.7%
<i>Top 5 reasons for use</i>	Effect Arrest 40.0%	Effect Arrest 42.0%
	Prevent Harm 7.9%	Prevent Harm 8.8%
	Prevent Escape 6.9%	Prevent Escape 6.6%
	Effect Search 5.0%	Effect Search 5.5%
	Protect Self 4.9%	Protect Self 4.2%
<i>Outcomes shown: Arrested</i>	75.6%	75.3%
<i>Other</i>	10.5%	12.3%
<i>Detained S136 MH Act</i>	3.0%	2.7%
<i>Hospitalised</i>	1.5%	1.3%
<i>Age: Under 11 years</i>	<0.1%	0.2%
<i>Age: 11-17</i>	8.9%	9.2%
<i>Age: 18-34</i>	61.9%	61.6%
<i>Age: 35-60</i>	27.0%	27.8%
<i>Age: 61-64</i>	0.0%	0.0%

Age: 65+	0.3%	0.3%
<i>Impact Factors</i>	Almost 1 in 3 forms cited alcohol 1 in 5 forms cited drugs	<i>Unable to determine from the available information</i>
<i>Injuries</i>	241 (6.6%) of subjects injured as a result of force used	339 (9.4%) of subjects injured as a result of force used
	310 incidences of officers physically injured	276 incidences of officers physically injured
	208 incidences of intentional assault on officers	182 incidences of intentional assault on officers
<i>Ethnicity: White</i>	87.6%	89.0%
<i>Asian</i>	3.6%	3.4%
<i>Black</i>	2.7%	3.5%
<i>Unknown</i>	2.4%	1.0%
<i>Mixed</i>	2.3%	2.4%
<i>Other</i>	1.2%	0.7%
<i>Age under 18, by ethnicity (% against total U18)</i>		
<i>White</i>	84.3%	87.2%
<i>Asian</i>	7.4%	3.6%
<i>Black</i>	3.4%	6.2%
<i>Mixed</i>	3.7%	2.4%
<i>Other</i>	1.2%	0.6%

Members were satisfied that, overall, the figures appeared to be comparable across the data range, and use of force recording consistent. Compliant handcuffing remains the primary use of force, recorded in almost half of all incidents - some of which will be linked to stop and search encounters. Unarmed skills is the second most used type of force, occurring in almost 3 in every 10 incidents.

The proportion of arrests resulting from use of force remains fairly consistent with the previous period, with 7 out of every 10 incidents resulting in an arrest. Less than 1% of people were detained under S136 of the Mental Health Act (MHA), 14 fewer people than during the last period.

6 in every 10 incidents were found to occur on individuals within the 18 to 34 age range, with less than 1 in every 10 incidents (9%) involving individuals aged under 18. This is in line with the national average.

As per the national standard, use of force forms do not record a subject's self-defined ethnicity, but instead, record the subject's *perceived* ethnicity (i.e. what the officer believes the individual's ethnicity to be). We noted that

incidences of use of force had increased slightly for White and Mixed subjects, with the greatest increase recorded within the Black grouping (from 2.7% to 3.5%, representing an increase of 24 individuals). Members were satisfied that the changes appeared to be proportionate to the increases in the number of Use of Force forms submitted.

In terms of age and ethnicity, the majority of use of force incidents involving people aged under 18 were recorded for people identified as White, with an increase of 2.7% (18 records) against the previous period. For Black, Asian and Minority Ethnic (BAME) people, those perceived as Black were subject to a greater frequency of use of force compared to other BAME ethnicities. For Asian children, use of force reduced by half for the current period compared to the previous (from 24 incidences to 12). These changes correspond with the overall ethnicity data trends for the current reporting period.

The data does not provide any references to operational activity that might have contributed to the changes in the numbers of BAME subjects recorded. 199 incidences were recorded for stop and search purposes during the period.

The 2011 UK Census recorded the BAME population of Gwent to be approximately 4%. Gwent Police data for the current scrutiny period indicates that around 10% of use of force incidences involve BAME subjects; this is consistent with the previous period. However, it is important to remember that subject ethnicity is recorded as perceived by the reporting officer and may not, therefore, be as reliable and accurate as self-defined ethnicity data. Therefore, the actual figure may be different to that represented in this report.

Members queried whether there could be any circumstances in which an officer has used force but not formally recorded the incident. We were advised that this could happen where an officer has forgotten to submit a form for a very minor incidence, or where this has been missed due to the nature of the situation being addressed. However, members remained reassured of the positive culture change regarding form submission that has taken place in the force over the last 12 months.

**Gwent Police should ensure that perceived age range information is consistent. This would support continued improvements in recording practices.**

**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.**

### **Body Worn Video**

Following each BWV viewing, the relevant Use of Force forms are examined for compliance and accuracy. The footage observed during the exercise was randomly selected from the available use of force footage, supplemented by a specific search for Taser incidents at the request of Panel members.

Video 1 - Random: A male subject had been taken to an A&E department at the local hospital following his arrest. Due to numerous markers, including violence and self-harm, the male was handcuffed and detained in a controllable space adjacent to the main waiting area. The subject became agitated, making threats and spitting towards the male officer, while the female officer remained engaged with the subject through tactical communications, attempting to prevent escalation of his behaviour. The male officer was also heard to requested additional assistance from colleagues. The subject's increasingly agitated and difficult behaviour led to the male officer taking the subject to the ground and pinning him, while the subject attempted to spit at the officer. The footage ended with the arrival of additional support, who took over the primary management of the subject.

Comments: Members felt that, for most of the 20-minute footage, the officers had interacted well with the subject, in spite of his refusals to remain calm. However, due to the positioning of the body camera at the time of the use of force, the reasons for taking the subject to the ground were unclear. It was noted that the officers had already been with the subject for one hour prior to the camera being switched on, but it is unknown whether this was within the health setting, or at an alternative location.

Two Use of Force forms should have been submitted; only one was found. The information provided in the record corresponded with the BWV footage of the incident.

Video 2 - Random: Officers had responded to a call from a member of the public to assist an intoxicated male found in the road with a head injury. Whilst conveying the subject to hospital, the male removed all his clothing and attempted to asphyxiate himself in the rear of the police van. Subsequently, the subject was handcuffed to prevent any further harm to himself. On the advice of the Mental Health Triage professional in the Force Control Room, the subject was taken straight to A&E for assessment of the head injury. Whilst being removed from the vehicle, the male was verbally abusive to the officers and hospital staff who were attempting to provide alternative clothing for the subject.

Comments: Panel members acknowledged the quick actions of the officers in preventing any further harm to the subject, and commended the way they preserved the subject's dignity whilst removing him from the police vehicle.

Whilst there was limited visual information, all audio of the interaction was clearly heard by members and all use of force was believed to be appropriate for the circumstances. Members expressed some concern that the male had not been assessed for risk of self-harm during transport (including removal of his belt), in spite of the original caller stating that he had made claims of that nature.

All forms were found to have been submitted for the incident. The information was found match the observations from the video.

Video 3A - Random: Officers attended an address to apprehend a male wanted on a 'no bail' warrant and in breach of a restraining order. The Area Support Unit (ASU) were also in attendance. Officers conducted an interior search for the subject who was found hiding upstairs in the property. Tactical communications were used by the officer while a Taser was aimed to encourage compliance with the instructions being given to the individual. The subject was handcuffed to aid removal from the property. Once outside, he became hostile and aggressive to the officers, making verbal threats and spitting whilst attempting to break free of their restraint. The subject was taken to the ground and fast-straps were used. A spit hood was also used. The male was then conveyed to custody (video 3B)

Comments: Panel members were impressed with the way the officers approached the situation, ensuring that the subject posed no risk to anyone else in or outside the property. The officers remained calm, issuing clear communication throughout, and their use of force was felt to be proportionate to the situation.

Several forms were submitted for the incident, although the exact number was difficult to determine (based on the footage). The information on the forms matched the observations from the video footage.

Video 3B – Selected to accompany video 3A: Once the subject had arrived at custody, officers were seen to discuss the most effective way to safely remove him from the vehicle. The subject continued to display aggressive and threatening behaviour towards the officers. The lead officer issued a warning to the subject that PAVA would be used if the behaviour continued. Due to the subjects refusal to desist, PAVA was sprayed prior to removing the subject from the vehicle to the ground, to enable the application of limb restraints. The subject was taken immediately into a cell where the handcuffs were changed from the rear to the front of the individual and all other restraints removed. The video review was halted at the point of a strip-search of the subject being initiated.

Comments: Members acknowledged that the officers dealt with the subject swiftly, minimising any risk to the individual in removing him from the vehicle

and applying the limb restraints. They noted that a Custody Nurse was in attendance throughout to assess the condition of the subject.

Several forms were submitted for the incident, although the exact number was difficult to determine as the number of officers involved in the incident was unknown (based on the footage). The information on the forms matched the observations from the video footage.

Video 4 – Taser: Officers undertook a planned entry of a property to carry out a welfare check on the subject, who had expressed intent to self-harm. Tactical communications were attempted with the subject prior to entry into the building. Once inside, officers located the subject at the top of the staircase. The lead officer continued to engage with the subject, issuing Taser warnings, including arcing to encourage compliance. Due to a possible weapon being observed in the subject's right hand, Taser was used to mitigate any risk of self-harm to the subject, or possible harm to the officers. The subject was then restrained, and arrested for the purposes of his own safety.

Comments: Members commented on the excellent use of communication with the subject, and highlighted the change in approach to the individual following use of Taser, when safeguarding became the primary focus. Members also recognised the way officers immediately debriefed on their actions during incident to identify what, if anything, could have been done differently. However, members were satisfied that, within the circumstances presented, no alternative action existed to successfully safeguard the subject.

A single form was found for the incident, covering the use of restraint. No form was found for use of Taser. A note of this was made to enable feedback following the exercise. The information on the form matched the observations from the video footage.

Video 5 - Taser: Officers attended a report of criminal damage to a property while the owner was present. While the officers prepared to enter the property, the subject exited the property and engaged with them. Due to the circumstances of attendance and the perceived threat of violence, the Taser was arced and warnings given to the subject. Due to the subject continuing to aggressively confront the officers, the Taser was fired at the subject, who was then restrained, handcuffed and arrested. Pre-existing hand injuries were noted by the officers at this time. A welfare and property check was then carried out with the owner, at which time it was disclosed that the subject required medication for a mental health condition.

Comments: Members acknowledged officers' attitudes throughout the encounter and the subject's attempts to provoke certain individuals. Use of force was deemed appropriate to protect the officers and prevent any further damage to the property, or injury to the subject. Members commented on the

positive way the officers engaged with the subject whilst attempting to remove the Taser barbs and wire from his person.

Use of force forms had been submitted; however, comment was made that a short justification for the escalation in use of force would have been welcomed. The information on the forms matched the observations from the video footage.

Video 6 – Random: Officers were seen to engage with an older male inside a property. The subject was clearly disorientated and vulnerable, with communication difficulties. The male was red-dotted by the Taser officer, and another officer searched the subject's clothing for any concealed weapons, whilst trying to establish the subject's wellbeing. The subject was handcuffed and removed to another location.

Comments: Due to the BWV camera not being switched on until the officers were in the room with the subject, members found it difficult to establish any context for the engagement without supplementary information from the associated records. However, once informed, they were satisfied that the actions taken by the officers were appropriate to the location and condition of the subject, who was at risk of self-harm and of committing further property damage. Members felt that the officers treated the subject respectfully, with a clear concern to secure his wellbeing prior to taking any action.

Forms were found to have been submitted; however, inconsistencies were noted in the information provided relating to the subject's behaviour. In addition, tactical communications was missing from one of the submissions.

Information relating to inconsistencies and queries was captured during the exercise and has been provided to the appropriate individuals in Gwent Police for feedback.

**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.**

**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.**

For the next exercise, members have suggested a review of any dog deployments or firearms incidents, in addition to a random selection from the available footage.

## **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 positive feedback and members were impressed with the way officers conducted themselves and treated individuals during incidents. Members acknowledged that there can be some difficulty in interpreting the field descriptors within the use of force form, which could lead to some inconsistencies in the way they are completed.

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.**

Recommendations from previous scrutiny exercises have been reviewed with Gwent Police to assess progress and identify any additional barriers to improvement. These areas will continue to be monitored via the established mechanisms. Observations from the Scrutiny Panel reports will continue to be provided to Gwent Police for follow-up as appropriate.

Any thematic issues identified from either external sources or thorough Gwent Police self-assessment processes will also be used to inform future Scrutiny

Panel exercises.

**CONTACT OFFICER**

Caroline Hawkins

Policy Officer, OPCC.