**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** Legitimacy Scrutiny Panel Section 60 Review – December 2024

**DATE:** December 2024

**TIMING:** Routine

**PURPOSE:**For Scrutiny

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| **1.** | **RECOMMENDATION**   1. For the Commissioner to consider the feedback provided and put forward any recommendations from the Legitimacy Scrutiny Panel session to Gwent Police as appropriate. 2. For Gwent Police’s Head of Specialist Operations to consider and act on the outcomes of the Legitimacy Scrutiny Panel exercise. 3. For Gwent Police to provide feedback to the Office of the Police and Crime Commissioner (OPCC) in response to the actions or recommendations to demonstrate how these will be addressed. |
| **2.** | **INTRODUCTION**  In October 2024, following a request by the OPCC, the Legitimacy Scrutiny Panel (LSP) agreed to implement a process for a retrospective review when Section 60 (S60) powers are used in Gwent. S60 of the Criminal Justice and Public Order Act 1994(CJPOA) provides for a power to stop and search in anticipation of, or after, serious violence. It allows ‘no suspicion’ searches in a defined area, so prior authorisation based on an objectively held reasonable belief is a requirement.  S60powers allow a police officer in uniform to stop and search any pedestrian - or anything carried by them - or any vehicle, its driver, and passengers, for offensive weapons or dangerous instruments. The officer can make any search they think fit, whether or not they have any grounds to suspect that the person or vehicle is carrying the above items.  Such wide powers must be used only where necessary and in a proportionate manner. In line with legislation and Police and Criminal Evidence (PACE) Act Code A, their use must be authorised, and their geographical scope and duration must be limited. Use of S60 powers may only be authorised by an officer of at least inspector rank. If the authorising officer is an inspector, they must ensure that an officer of at least superintendent rank is informed about the authorisation as soon as practicable.  The process had been agreed between the OPCC and the Chief Superintendent Head of Specialist Operations and took into consideration the Criminal Justice Alliance’s S60 super-complaint of May 2021 and the Draft Community Scrutiny Framework: National Guidance for Community Scrutiny Panels. It used as a basis the College of Policing Authorised Professional Practice and Gwent Police’s Stop and Search S60 Policy and Procedure.  Undertaking this process will help to provide assurance on the proportionate and lawful approach to S60 and promote transparency in its application.  S60 sessions will consider the background and context for the authorisation, compliance with the authorisation process, ethnicity, age, and gender data, and a review of body worn video and the associated written grounds for the stop search. The number of complaints relating to the authorisation and whether a Public Protection Notice (PPN) referral has been made for individuals aged under 18 years.  As per the regular LSP process, any stop and search incidents involving a more thorough search (MTS) or an exposure of intimidate parts (EIP) search of a child aged under 18 will be reviewed by the LSP.  This report highlights the outcomes of the Scrutiny Panel’s activity for this session. |
| **3.**  **3.1**  **3.2**    **3.3**    **3.4** | **ISSUES FOR CONSIDERATION**  **Compliance**  The Head of Specialist Operations advised that a spontaneous S60 authorisation had been made on 7th November 2024 following a stabbing incident in the Newport area and provided additional context in relation to the grounds and intelligence used for the authorisation. We were informed that community and stakeholder engagement had been carried out during the authorisation period with a community impact assessment initiated and maintained throughout.  Members recognised the potential for significant community impact in such cases and were assured that due process had been followed in making the authorisation supported by appropriate use of intelligence. We discussed the importance of effective decision-making by officers when exercising discretionary powers and reflected on the recent input to the LSP on training and the use of S60 powers.  **Data** Members were presented with the data relating to the 24-hour authorisation period.   |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | **Total Number** | **Ethnicity** | **Item Found** | **Clothing Removed** | **Outcome** | **Age** | **Gender** | **PPN** | | 1 | White | No | No | NFA | 26 | Male | N/A |   No complaints had been received by Gwent Police in relation to the S60.  Members agreed that the small number of stops undertaken provided assurance in how the power had been used during the authorisation period. No concerns were raised in relation to the data provided.  **Body Worn Video**The body worn video for the stop and search encounter was reviewed and discussed. The following section provides a synopsis of the encounter along with the feedback provided by members.  **Video 1:** Officers on patrol in the location of the S60 authorisation intercepted the individual on the grounds of suspicious behaviour conducive to them attempting to hide something from the officers.  **Feedback:** Members agreed that the engagement by the officer was very good and remained positive throughout the encounter, noting clear and effective communication of the reasons and grounds for the stop and search  The grounds were assessed to be ‘moderate’. While it was noted that the written grounds exactly recorded what had been observed in the body worn video, more detail regarding physical appearance, ethnicity, age grouping, etc. could have been included. This would have demonstrated a clear link to the intelligence underpinning the authorisation.  **Conclusion**  As a result of the scrutiny session, members were satisfied that:   1. The grounds for the S60 authorisation were justified; 2. Gwent Police was compliant with the agreed authorisation process; 3. There did not appear to be any negative impact on the community; and 4. No learning had been identified or concerns raised for escalation to the force and/or Commissioner.   Therefore, members were assured that, in this instance, the use of S60 powers was legitimate and proportionate to the circumstances. |
| **4.** | **NEXT STEPS**  Prior to publication on the OPCC website this report will be provided to the Commissioner for consideration and any further action through the OPCC’s internal governance process.  The OPCC will also consider appropriate public messaging to provide assurance of the scrutiny of the use of S60 powers in Gwent.  The outcomes will be shared at the internal Coercive Powers Scrutiny Meeting to raise awareness of the process, and members’ feedback. |
| **5.** | **FINANCIAL CONSIDERATIONS**  LSP members’ costs are met by Gwent Police in undertaking this role as part of the Independent Advisory Group function; currently there are minor costs for the OPCC in providing refreshments for the Panel due to the duration of face-to-face scrutiny exercises. Sessions are hosted on police premises with a virtual attendance option provided, which does not incur any additional costs. However, financial consideration would need to be given to the addition of other independent members in line with existing volunteer schemes. |
| **6.** | **PERSONNEL CONSIDERATIONS**  The scrutiny exercise is undertaken as part of the OPCC’s normal working arrangements, and support is provided by Gwent Police colleagues to ensure access to data and body worn video footage as appropriate. |
| **7.** | **LEGAL IMPLICATIONS**  Under section 5.4 of PACE Code A, Chief Constables, in consultation with Police and Crime Commissioners, must arrange 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**  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**  The use of S60 powers has the potential to negatively affect public confidence in the police if not carried out appropriately and with consideration of the impact on the local community.  This scrutiny process aims to help ensure that S60 authorisations are made legitimately and appropriately. For the purposes of the exercise all data is anonymised, and members of the LSP have been vetted according to Gwent Police processes. The S60 review process has been incorporated into the LSP Terms of Reference.  A risk and issues log for the LSP is maintained for the OPCC policy lead. |
| **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. |
| **11.** | **CONTACT OFFICER**  Caroline Hawkins – Policy Officer, Office of the Police and Crime Commissioner |
| **12.** | **ANNEXES**  None |