**OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** Legitimacy Scrutiny Panel Exercise – October 2024

**DATE:** November 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 Special Operations to consider and act on the outcomes of the Legitimacy Scrutiny Panel exercise. 3. For Gwent Police to provide feedback to the OPCC in response to the actions or recommendations to demonstrate how the recommendations will be addressed. |
| **2.** | **INTRODUCTION**  A Legitimacy Scrutiny Panel (LSP) session took place in October 2024. As agreed, the session would provide a thematic review of stop and search and use of force incidents involving bladed articles and offensive weapons.  Use of force may involve any of the following actions:   * handcuffing (compliant and non-compliant) * unarmed skills (including pressure points, strikes, restraints and take downs) * use of dogs * drawing or use of baton * drawing or use of irritant spray * limb/body restraints (usually used in addition to handcuffs when dealing with excessively violent individuals that continue to pose a threat to themselves and/or to others present). * spit guard (a mesh hood worn by the detainee to help control spitting or biting behaviour, preventing, or reducing harm to everyone present) * shield * drawing or use of Taser * drawing or use of attenuating energy projectile (AEP) (soft-nosed projectiles that are intended to deliver a high amount of energy over an extended period) * firearms * any other actions which are deemed forceful.   A selection of Body Worn Video (BWV) was randomly chosen for dip sampling by the Panel. In the case of stop and search, BWV was reviewed along with the relevant recorded grounds for the encounter. A range of data, including race disproportionality and item found rates was also considered.  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 are provided to the LSP for review. No incidents had been identified during the period and included with the dip sample for this session.  The Panel session was observed by a member of His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspection team.  This report highlights the outcomes of the Scrutiny Panel’s activity for this session. |
| **3.**  **3.1**  **3.2**  **3.3**  **3.4**  **3.5**  **3.6**  **3.7** | **ISSUES FOR CONSIDERATION**  **Feedback on Actions from June 2024**   * **Action 1:** Chief Superintendent to link in with the force lead for the Custody Disproportionality Scrutiny Panel over opportunities to include audio or officer BWV to improve the quality of information provided for scrutiny. **Update:** Audio capability has been included as part of the refurbishment of the Ystrad Mynach custody facility and should be available by default for future scrutiny sessions once works have been completed (from mid-December 2024). * **Action 2:** Chief Superintendent to provide an Ethnic Heritage guide to the next meeting. **Update:** Members were provided with an explanation of the Home Office ethnicity categories used for stop and search and reminded of the differences between the categories used for self-defined ethnicity and officer-defined ethnicity. * **Action 3:** OPCC Policy Officer to arrange a thematic review of incidents involving bladed articles for the next LSP session. **Update:** Arrangements made for the October session. * **Summary (use of force):** Officers attended an incident involving a 16-year-old who had been reported missing. The individual, in extreme distress, had accessed the M4, climbed onto the outside of the bridge barrier and was leaning out over the carriageway below. Officers intercepted the individual who was initially supported by a member of the public who was also present. On further engagement with the officers, the individual attempted to break away and return to the barrier. Subsequently, the individual was detained and handcuffed to enable safe removal from the location and a mental health assessment. **Action 4:** Gwent Police to consider whether any additional actions could have been taken to manage or mitigate the risk and trauma to the individual and provide feedback to the Panel. **Update:** No additional actions or learning had been identified in relation to the incident. * **Action 5**: Gwent Police to provide an overview at the next meeting of the training provided to officers on the recording of stop and search grounds. **Update:** Agenda item for the October session. * **Action 6**: Gwent Police to provide an update to the next session on recent work and activity around Section 60 (S60) authorisations for stop and search, including any HMICFRS recommendations and the process for use. **Update:** Agenda item for the October meeting.   Panel members were satisfied with the updates provided and no further queries were raised.  **Section 60 Update** The Chief Superintendent reminded members that Section 60 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.  Section 60powers 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 section 60 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.  We were advised that Gwent has made very few S60 authorisations in comparison to other force areas, with the last one occurring in May 2024.  The Chief Superintendent informed us that there were six thematic areas for improvement (AFIs) for S60 stop and search that had come from HMICFRS inspection activity of the force.  Training: a training package for S60 had been created via Gwent Police’s Public and Personal Safety Training (PPST) unit, and sessions would be scheduled for delivery to Inspectors and above. Use of S60 was included in the ongoing training provisions to officers who conduct stops and searches. This covered community impact, and the difference between a S60 search and other searches conducted under different legislation.  Briefing: we were informed that the current S60 policy was undergoing a refresh, and that briefing and debriefing the individuals responsible for authorising and conducting those searches had been included. Once the Equality Impact Assessment was completed the draft policy would be sent out for consultation prior to implementation.  Members queried whether searches of children and any additional safeguards had been included in the refreshed policy. The Chief Superintendent reminded members of the work undertaken with the local Safeguarding Board on the searches of children involving the removal of more than outer clothing and the exposure of intimate parts. As a result of this work, there had been agreement that regardless of the level of search undertaken on a child, a Public Protection Notice (PPN) would be submitted to the local authority. The arrangement had gone live on 7th October and compliance monitoring would be undertaken.  Communication: communication with communities before and after a S60 authorisation is made was included in the new draft policy and would be embedded as part of the implementation process. Regarding the S60 authorisation in May, communication with the community was carried out both prior to and after the authorisation was made.  Scrutiny of S60: the Chief Superintendent and the OPCC Policy Officer had agreed a proposal for the Legitimacy Scrutiny Panel to review any S60 authorisations for stop and search. Sessions would be convened outside the regular LSP timetable to ensure any feedback and/or learning was identified as quickly as possible.  Scrutiny panels, vetting, and panel membership: training and awareness-raising for stop and search was provided to LSP members as part of sessions. More widely, the Chief Superintendent regularly provided presentations on stop and search to several diverse community forums. Meeting with these groups had uncovered a real appetite for involvement in scrutiny work, and even with the development of stop search policy in the future. The Chief Superintendent and the OPCC Policy Officer had met to discuss community involvement, including a youth forum, an action currently sitting with the force.  At one of the groups, a participant had suggested that the local community would welcome an educational video demonstrating what a good stop and search looked like, particularly if it was available in that community’s language. This suggestion had been picked up with Gwent Police’s Corporate Communications team, and work would begin in January to involve community members in the development of videos in a range of local languages. The information provided would help to manage public expectation by addressing some of the myths around stop and search and what officers are required to do and provide information on people’s rights when they are stopped and searched.  Members queried whether the change in terminology from ‘strip search’ to more accurate language reflecting a more thorough search or intimate search was being embedded in policing policies and practices, which had been a feature of the work with the Safeguarding Board. The Chief Superintendent advised that there were still some systemic and legislative issues across policing in this regard, which had been fed into the relevant national meeting. Locally, the force was working to reinforce the new terminology and ensure that systems and documentation also were also reflective.  The OPCC Policy Officer advised that they had provided a joint OPCC and Gwent Police response to the Home Office consultation on proposed changes to child searches under PACE. The response included an update on the work with the Safeguarding Board and advocated for changes to the term ‘strip search’. The use of alternative terminology was also being promoted within the OPCC through reports and other feedback to raise awareness and encourage change. However, it was recognised that it would take time for any changes to be fully embedded.  Members welcomed the updates and were assured that there was an appropriate focus on S60 in place.  **Section 60 Review Process** The OPCC Policy Officer provided an overview of a proposal that the Legitimacy Scrutiny Panel assume the responsibility for a retrospective review when S60 powers are used in Gwent. Doing so would help to provide assurance on the proportionate and lawful approach to S60 and promote transparency in its application.  The proposal 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.  Members were advised that the process had been based on College of Policing Authorised Professional Practice and Gwent Police’s Stop and Search S60 Policy and Procedure. If supported by the Legitimacy Scrutiny Panel members, the S60 review process would be incorporated into the Panel’s Terms of Reference for immediate implementation, with an update following any amendments to the force’s current policy.  Members supported the proposal and welcomed the opportunity to provide additional scrutiny and assurance for S60 authorisations. The process was agreed; however, members would be provided with additional time to consider any further feedback they would like to make.  **Action 1:** All members to provide any additional feedback to the OPCC Policy Officer on the proposed review process within two weeks of the meeting, to further inform the implementation.  **Action 2:** OPCC Policy Officer to link in with the Inspector lead for stop and search continuous improvement regarding any changes required to the LSP review process.  **Stop and Search Grounds Training** The Inspector gave an update on the stop and search training currently being provided across the force. The training aimed to:   * Provide an overview of stop and search and Gwent Police’s performance; * Provide further understanding in relation to reasonable grounds; * Understand the importance of recording reasonable grounds correctly; * Provide consistency in the quality of stops and searches undertaken; and * Understand the impact stop and search can have on communities.   We were advised that the mnemonic ‘SHACKS’ had been introduced to help officers remember the key factors in recording reasonable grounds:   * SEEN – actions/behaviour. * HEARD – conversation, alarms, smashing glass. * ACTIONS – how did they react? * CONVERSATION – what was the response? * KNOWLEDGE – intelligence/individual/group/location * SMELL – what did you smell?   Examples of both poor and good quality grounds were provided, along with common themes from audits, which reflected the feedback provided by the LSP.  Supervisory requirements were also included in the training, to help ensure effective oversight of stops and searches and enable timely feedback to be given to officers where the grounds for searches were found to be lacking reasonable foundation, or of a poor standard.  Members were also informed that officers were provided with two-days of scenario-based training to enable them to put the learning into practice, which included a debrief session to discuss their decision-making and actions taken, and any opportunities for improvement.  Members agreed that the update was helpful in supporting their understanding of the expectations and requirements on officers when undertaking stop searches and effectively recording reasonable grounds.  **Data** The Head of Specialist Operations provided an overview of stop and search and use of force data for the Q1 2024/25 period.  We were advised that the total number of stop and search encounters had risen by 36.4 percentage points (total of 945 stops, an increase of 252 encounters) when compared to the same period for 2023/24. Section 23 of the Drugs Act continued to be the most used power.  Stops conducted within the Newport area accounted for 43.3% (n=343) of the force total, a rise in comparison to Q4 23/24. The highest number of encounters involving individuals from Ethnic Heritage backgrounds occurred within Newport West (n=24).  Overall, across Gwent, people of Ethnic Heritage were 1.4 times more likely to be stopped and searched than those from white backgrounds, an increase from 1.2 recorded in Q4 23/24. This was due to the number of Ethnic Heritage individuals searched in relation to drugs within Monmouthshire. The overall force percentage of Ethnic Heritage individuals stopped and searched increased slightly from 7.3% in Q4 23/24 to 8.6% in Q1 24/25, matching the 8.6% Ethnic Heritage population recorded in the Census 2021.  20.2% of all stop searches in Q1 resulted in a positive outcome, including an arrest or caution, compared to 22.6% recorded in the previous quarter. The find rate across the force was 25% in Q1, compared to 26.6% in Q4.  Arrest rates for those from an Ethnic Heritage background decreased by 12.1% in Q1 to 7.4%. Arrests made on a person from a white background also decreased from 12.2% to 9%.  The median age of a person stopped and searched in Q1 was 25, consistent with Q4 23/24.  Data for searches involving the removal of clothing is divided into four subcategories: full strip, no clothes removed, outer clothes only and partial strip. During Q1, a total of one full clothing removal search (listed as ‘full strip’) resulting from a stop search was carried out by Gwent Police.  Gwent Police closely monitors the number of EIP and more thorough searches (MTS) of children.  As previously noted, one incident was recorded for the scrutiny period, which related to drug offences.   |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | Age | Under 10 | 10-17 Years | 18-25 Years | 26-35 Years | 26-45 Years | 46-55 Years | 56-65 Years | Over 65 Years | Total | | Full Strip | 0 | 1 | 4 | 4 | 0 | 0 | 1 | 0 | 10 | | Partial Strip | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |   Searches carried out in custody differ to those carried out in relation to stop and search. Each detainee is searched when they enter the custody unit; this involves being asked to removed outer clothing (e.g., coats and hats) and shoes. An officer will conduct a physical search by running hands over the outside of the detainee’s clothing and then a metal detector wand will be used to check for metal objects. MTS or EIP searches in custody are included within the remit of the Police Custody Disproportionality Scrutiny Group, of which the OPCC is a member.  For use of force, we were informed that a total of 1,626 use of force forms had been submitted during the period. A total of 1,197 subjects had had force used against them, of which 11.4% were from an Ethnic Heritage background, higher than the percentage of the population in Gwent. We were reminded that use of force forms only provide the officer’s perceived ethnicity of an individual, whereas Census data is self-defined. Furthermore, the national ethnicity groupings used in the Census data differ slightly compared to the national use of force form.  In addition to recording perceived ethnicity, use of force forms also record the officer’s perceived age of the individual.    We were advised that some subjects may be counted more than once as the data for volume of forms is based on the number of forms submitted, rather than the number of individuals that had force used on them.  46.9% of forms submitted were for individuals in the 18-34 age grouping, and 16.1% identified individuals with the 11-17 age group. Further review of the three incidents where individuals had been assessed as aged between 0-10 years confirmed two to be incorrect (one was aged 12, and the other aged 47, the latter likely to be an error on the form).  The most common tactic used was ‘compliant handcuffing’ (33.3%). 124 use of force forms (98 subjects) stated that taser had been used as a tactic (drawn, aimed, red-dotted, or fired), of which 13.3% were of an Ethnic Heritage background. The overall most common use of Taser was ‘red-dotted’, recorded on 45.2% of forms.  71% of forms stated that the subject had been arrested. 1.6% of forms stated that the subject had received an injury due to force used.  Data quality and accuracy of recording a subject’s perceived age has been highlighted by the Head of Specialist Operations at the Coercive Powers Scrutiny Board and will remain an area of focus within the wider data quality work.  The OPCC Serious Violence Duty Partnership Delivery Manager suggested that it would be helpful to see age data relating to bladed articles within the performance reports. This would provide a greater understanding of the prevalence of incidents involving children and support the partnership work being done across Gwent to address knife crime.  **Action 3:** Head of Specialist Operations to arrange for bladed articles data by age to be included within future performance reports.  **Dip Sample**  A random selection of BWV recordings had been made prior to the session. A total of five incidents were reviewed with relevant contextual and supporting information provided by Gwent Police to inform the scrutiny process. Comments and feedback are summarised below:  **Video 1 (use of force):** Gwent Police received a call from the father of a 16-year-old male stating that the individual was in possession of a knife and had made threats to kill. On arrival at the property, the officers located and detained the individual and conducted a search. No weapon was located.  **Feedback:** Members agreed that the officers had made appropriate efforts to calm the individual and communicated clearly with him regarding their presence and the need for the search. It was noted that safeguarding and support referrals had been made as a result of the incident. The use of force was believed to be justified by and appropriate to the circumstances.  **Video 2a (stop and search):** Officers stopped a suspected cloned vehicle containing two adult males. The passenger was carrying a cross-body bag on his chest; this was given to the officer to search with the individual stating that it did not contain anything sharp or harmful to the officer. On commencing the bag search, a black-handled implement was found by the officer at which point the individual admitted to carrying a bladed article in the bag. The individual was arrested for offences relating to the cloned vehicle and bladed article.  **Video 2b** (for context): police vehicle footage showed the pursuit and apprehension of the suspected cloned vehicle. On stopping, the driver was seen to jump out of the car and was prevented from fleeing the scene by the other officer.  **Feedback:** Panel members commented that the officer’s engagement with the individual was good, demonstrating a calm demeanour and clear communication, with consideration for the individual’s concerns regarding a pre-existing injury.  The grounds were assessed to be ‘weak’ due to lacking detail and clarity.  **Video 3 (use of force):** Officers attended a report of an adult male with a bladed article in the city centre. The individual had been observed sharpening the object (described as a pair of scissors or a knife) which was being thrown at a tree. The individual was also threatening to stab passers-by. The individual was intercepted by the officers in attendance and given instructions to lie in the floor. The individual resisted the officers’ attempts at handcuffing and incapacitant spray along with other physical force was used to encourage compliance. Eventually the individual was successfully detained.  Members were advised that a Taser officer had also been in attendance and a Taser had been aimed at the individual at the start of the incident.  **Feedback:** While accepting that it had required multiple officers to effect restraint of the individual, members felt that the officers had not completely or effectively controlled the situation. In addition, members questioned two of the actions taken which were felt to be excessive and commented on the public perception and potential risk factors of such actions.  The use of expletive language by the officers was also commented on which was perceived to be inappropriate and unprofessional.  Members discussed the levels of engagement and communication with the individual - identified as of Eastern European heritage - and the potential for language barriers which could affect their behaviour and responses. Specific feedback was given in relation to the tone of voice used by one of the officers as it was felt that this may have contributed to and/or prolonged the period of escalation during the incident.  It was agreed that better tactical communication after the Taser had been drawn would have helped the situation.  However, members acknowledged that the incident provided a high level of risk for public safety. The use of force was believed to be unjustified due to the specific actions identified.  **Action 4:** Gwent Police to refer the incident information to the PPST team for review to draw out the learning and arrange a debrief with the officers involved and improve related practice.  **Video 4 (stop and search):** Officers intercepted an adult male in a busy retail area following intelligence linked to drugs supply. On searching the individual, two mobile phones and quantities of cash and drugs were found. No weapons were located during the search.  **Feedback:** Members agreed that the officers engaged well with the individual and provided a thorough explanation of the rationale and grounds. It was noted that the officers moved the individual away from the main footpath to conduct the search.  The grounds were assessed to be ‘strong’.  **Video 5 (use of force):** Officers attended an incident involving a group of adult males fighting in the city centre. On arrival, the group had dispersed around the vicinity. The officer engaged with one of the individuals involved who had a cut and bruising to his head; the individual requested that the officers check on others in the group as he may have caused injuries during the altercation. The individual was arrested for assault and handcuffed. No weapons were located during the search.  **Feedback:** Members felt that the officer engaged well with the individual who was fully compliant throughout.  The use of force was believed to be justified by and appropriate to the circumstances.  **Conclusion**  Following the LSP session, members were assured that Gwent Police continues to provide an appropriate focus on continuous improvement for stop and search. This is reflected in the comments provided during this session and, more generally, in the quality of officer engagement observed over the past 12 months.  Members were also assured that there is an appropriate focus on improving the recording of stop and search grounds across the force (with the latest internal audit showing an improvement from 74% in March to 90% in October 2024) due to the consistent focus on officer and supervisor training and internal messaging. This has also been reflected in the Panel’s assessment of the strength of grounds over the past 12 months.  While there were specific concerns raised in relation to one of the use of force incidences reviewed during the session, members have noted that these are generally an exception and when they occur, the Panel’s feedback is appropriately acted on by Gwent Police.  Members were also satisfied that there is sufficient understanding of the causes of fluctuations in police data for both stop search and use of force, with consistent and appropriate approaches for internal governance and scrutiny in place. |
| **4.** | **NEXT STEPS**  Internal communications resulting from collective scrutiny and improvement activity will continue to be sent out by the force to bring together key messaging for stop and search, use of force, and custody practices. The LSP will continue to identify opportunities to undertake thematic reviews for any persistent or emerging issues. The OPCC will also consider opportunities for external communications to raise public awareness of the work of the LSP and the outcomes of its scrutiny activity.  Progress will continue to be tracked and monitored by the OPCC through LSP exercises and via the Coercive Powers Scrutiny Meeting and other internal governance arrangements as appropriate. The OPCC Policy Officer will continue to engage directly with the Head of Specialist Operations and the Strategic Equality and Diversity Manager to contribute to and support the force’s work in this area.  To enable better public awareness and understanding of the outcomes of local activity, Gwent Police’s stop and search data is available on their website at [Stop and Search | Gwent Police](https://www.gwent.police.uk/police-forces/gwent-police/areas/about-us/about-us/stop-and-search/). A link is also provided on the relevant page of the OPCC website. |
| **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 virtual attendance 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 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 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. While the exercise also falls within the Commissioner’s wider accountability duties, there is specific requirement on the Commissioner to host the scrutiny arrangements currently in place. |
| **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**  Both stop and search and use of force have the potential to negatively affect public confidence in the police if not carried out appropriately and with consideration of an individual’s needs. For example, children may be more likely to find the experience of stop and search traumatic which may have long-term effects on their perceptions of the police.  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 LSP 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. This is reviewed annually to ensure it remains fit-for-purpose.  An issues and risk log for the LSP is maintained by 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 |