**OFFICE OF POLICE AND CRIME COMMISSIONER**

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

**DATE:** July 2024

**TIMING:** Routine

**PURPOSE:**For Scrutiny

|  |  |
| --- | --- |
| **1.** | **RECOMMENDATION**   1. For the Commissioner to consider the feedback provided and put forward any recommendations from the Legitimacy Scrutiny Panel exercise 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. |
| **1.** | **INTRODUCTION**  A Legitimacy Scrutiny Panel (LSP) session took place in June 2024. The session reviewed a selection of stops and searches and use of force incidents that took place during Quarter 4 2023/24.  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 a member of 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. One incident had been identified during the period and included with the dip sample for this session.  The session welcomed to the Panel the three Youth Offending Service Managers within Gwent who represent the voices and experiences of children at risk of or engaged with criminal justice processes and provide a youth justice perspective within the scrutiny process.  This report highlights the outcomes of the Scrutiny Panel’s activity for this session. |
| **2.** | **ISSUES FOR CONSIDERATION**  Due to unforeseen circumstances and scheduling conflicts, the LSP March session was unable to take place as planned. Therefore, the updates from the actions recorded during the last session in November were considered here.  **Feedback on Previous Actions from November 2023**  **Summary (stop and search/MTS/EIP search):** Officers pursued the subject who had run away from them at sight. The subject’s associates had stated that they were in possession of drugs. When stopped and searched, bags of cannabis and a scale with white powder residue were found on the individual’s person. When officers moved the subject to the police vehicle, their behaviour escalated violently resulting in use of force to restrain and handcuff them.  **Action 1:** Gwent Police to provide feedback to the panel following further review of the incident to identify the trigger for the behaviour change and provide assurance to the Panel regarding the circumstances and whether any learning is identified. **Update:** Learning has been identified and will be shared by the Head of Special Operations outside of the meeting as it was not available for the meeting.  **Action 2:** Gwent Police to provide feedback to the Panel regarding the way in which the information relating to the strip search element was written and identify any opportunities for improvement around communication with the individual. **Update:** Work has been undertaken by a multi- agency Task and Finish Group for MTS and EIP searches of children, which is a local and national concern. Recommendations have been made to the Safeguarding Board by the Task and Finish Group regarding the submission of Public Protection referrals for stop searches of anyone under the age of 18, regardless of whether a pat-down, MTS, or EIP search. A ‘go live’ date is being worked towards with the head of the Public Protection Unit.  **Summary (use of force):** The officer was in a vehicle pursuit following a report of a robbery and assault. On stopping the vehicle, the officer unholstered his Taser and gave warnings and instructions to the driver and passengers. The driver was subsequently handcuffed and detained in the police car enabling the officer to engage with the passengers while waiting for support to arrive.    **Action 3:** Gwent Police to provide the Panel’s positive feedback to the officer regarding their professional conduct during the incident and update the Panel on the nature of the feedback provided. **Update:** The officers involved were spoken to and the positive feedback passed on. The incident was also reviewed by the operational lead for Taser with no concerns identified.  **Action 4:** Gwent Police to provide feedback to the second officer regarding their overheard use of expletives and the perception of professionalism and provide an update to the Panel on the nature of the feedback provided. **Update:** Following the Panel’s feedback, words of advice were given to the officer on the use of language and public perception.  **Summary (stop and search):** Officers attended a premises following a 999-call reporting a group of youths trespassing on the site. Members of the group initially fled the scene before being detained and searched for suspected involvement. During the searches, the officer confiscated several vapes from the children. The grounds were assessed as ‘strong’; however, it was noted that the officer referred to a “call about drugs” which was not recorded in the grounds.  **Action 5**: Gwent Police to provide feedback to the officer regarding the missing information in the grounds for the search and update the Panel on the nature of the feedback provided. **Update:** Feedback was given to the officer regarding the noted discrepancy. ‘Back to basics’ training on effective grounds has been delivered to 250 officers and will be rolled out as part of force training days. The internal scrutiny form has also been amended to support greater accuracy of recording.  **Summary (use of force):** Officers attended a hospital premises where an individual under the influence had been reported as refusing to leave, claiming to possess a knife and a bomb. The individual disclosed that he was seeking readmission to hospital due to his circumstances. A member of hospital staff was also present during the incident and provided additional information relating to the individual and his earlier behaviour which had posed a danger to himself and others. While the individual was being handcuffed his behaviour became violent and disruptive. **Action 6:** Gwent Police to provide the Panel’s positive feedback to the officer on their manner of engagement with the individual and update the Panel on the nature of the feedback provided. **Update:** The Panel’s positive feedback regarding the way the individual was treated has been passed onto the officers.  Panel members were satisfied with the updates provided and no further queries were raised.  **Data**  The Head of Special Operations provided an overview of stop and search and use of force data for the Q4 period.  We were advised that the total number of stop and search encounters had reduced by 33.1% when compared to the same period for 2022/23 (534 encounters from 798). This reflected the force’s ongoing focus on quality of encounter rather than on volume. Over half the stop searches recorded in Q4 were conducted under Section 23 of the Drugs Act.  The Newport area accounted for 42.5% of the force-wide total activity, consistent with that of the previous quarter. The highest number of encounters with individuals of Ethnic Heritage occurred within Newport East (n=12).  Overall, across Gwent, people of Ethnic Heritage were 1.1 times more likely to be stopped and searched than those from white backgrounds, a decrease from 1.4 recorded in Q3 23/24. The overall force percentage of Ethnic Heritage individuals stopped and searched fell from 9.3% in Q3 to 7.3% in Q4, lower than the 8.6% Ethnic Heritage population recorded in the Census 2021.  25.2% of all stop searches in Q4 resulted in a positive outcome, including an arrest or caution, compared to 22.3% recorded last quarter. The find rate across the force improved from 26.6% in Q3, to 29.8% in Q4 (broken down as 37.5% for Ethnic Heritage individuals and 30.2% for white individuals).  Arrest rates for those from an Ethnic Heritage background increased by 12.5% in Q4 to 28.1%. Arrests made on a person from a white background increased from 11.0% to 14.1%. Due to the small number of Ethnic Heritage arrests (n=9) it was not possible to conduct any meaningful data analysis; however, this will have contributed to the large percentage noted.  The median age of a person stopped and searched in Q4 was 25, slightly below that of 27 recorded for Q3.  Data for EIP searches is divided into four subcategories: full strip, no clothes removed, outer clothes only and partial strip. During Q4, a total of two full and one partial searches resulting from stop searches were carried out by Gwent Police:   |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | 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 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | | Partial Strip | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |   Gwent Police closely monitors the number of EIP and MTS searches of children.  As previously noted, one incident was recorded for the scrutiny period, which related to drug offences and was provided to the Panel for review.  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 1,270 use of force forms had been submitted during the period. A total of 964 subjects had had force used against them, of which 10.3% were from an Ethnic Heritage background, higher than the percentage of the population in Gwent (8.6%). We were reminded that use of force forms only provide the officer’s perceived ethnicity of an individual, whereas Census data is self-defined. In addition, 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.   |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | 0-10 Years | 11-17 Years | 18–34 Years | 35–49 Years | 50-64 Years | 65 and Over | Unknown | Total (n) | Total (%) | | White | 2 | 117 | 513 | 394 | 105 | 13 | 0 | 1144 | 90.1% | | Black (or Black British | 0 | 12 | 15 | 11 | 1 | 0 | 0 | 39 | 3.1% | | Asian (or Asian British) | 0 | 4 | 20 | 10 | 0 | 0 | 0 | 34 | 2.7% | | Chinese | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0.2% | | Mixed | 0 | 1 | 18 | 4 | 1 | 0 | 0 | 31 | 2.4% | | Other | 0 | 0 | 8 | 1 | 2 | 0 | 0 | 14 | 1.1% | | Unknown | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0.5% | | Total Number | 2 | 144 | 574 | 422 | 109 | 13 | 6 | 1270 | 1270 | | Total % | 0.2% | 11.3% | 45.2% | 33.2% | 8.6% | 1.0% | 0.5% | 100% | 100% |   45.2% of forms submitted were for individuals in the 18-34 age grouping, and 11.3% identified individuals with the 11-17 age group. Further review of the incidents where individuals had been assessed as in the 0-10 years age grouping confirmed them to be aged 13 and 14 years.  The most common tactic used was ‘compliant handcuffing’ (33.1%). 96 use of force forms (80 subjects) stated that taser had been used as a tactic (drawn, aimed, red-dotted, or fired), of which 13.8% were of an Ethnic Heritage background. The overall most common use of Taser was ‘red-dotted’, recorded on 43 forms.  65.9% of forms stated that the subject had been arrested. 3.0% 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 will be highlighted by the Head of Special Operations at the July Coercive Powers Scrutiny Board.  Members discussed the effects of traumatic incidents on officers and the support available within Gwent Police to help manage any impacts on mental health. We were also informed that Gwent Police is developing mechanisms for members of the public who are stopped and searched to be able to provide feedback on their treatment and experience. This might also provide further opportunities for direct engagement with individuals. Members suggested that consideration be given to including information and signposting to support and advice for anyone adversely affected by their experience with the police, which was agreed by the Head of Special Operations.  In relation to police custody, it was raised that the Custody Disproportionality Scrutiny Group also reviews footage recorded in custody; however, due to this being taken mainly from CCTV, the footage is frequently without audio which provides some challenges for members. The Head of Operational Support agreed to link in with the relevant force lead over opportunities to include relevant audio or officer BWV for future custody scrutiny sessions.  **Action 1:** Head of Special Operations to link in with custody scrutiny lead over opportunities to include audio or officer BWV for the Custody Disproportionality Scrutiny Panel.  Members also discussed the classification of Ethnic Heritage groupings by the police and requested further information on this for the next meeting.  **Action 2:** Head of Special Operations to provide an Ethnic Heritage ‘guide’ to the next meeting.  The OPCC Policy Officer reminded members of the opportunity to undertake thematic reviews for stop and search and use of force scrutiny and suggested that the Panel may wish to consider a review of bladed articles and weapons linked to the increased focus on serious violence and knife crime. Members welcomed the suggestion and agreed to conducting a thematic review at the September session.  **Action 3:** OPCC Policy Officer to arrange a thematic review of incidents involving bladed articles and weapons for the September session.  **Dip Sample**  A random selection of BWV recordings had been made prior to the session by a Panel member. A total of seven incidents (some with additional footage) 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 (stop/MTS/EIP search):** Non-uniformed officers had observed a drug-related exchange in a public place. On identifying themselves as police, the individual responsible fled the scene, but was pursued and subsequently detained by the officers. During the search, the individual was identified to be 17 years old. A large amount of cash was located on the person, who was consequently arrested on suspicion of drugs-related offences and removed to another location where an MTP/EIP search was conducted.  **Feedback:** Members commented that everyone involved in the encounter remained relatively calm, but queried whether, due to their age, the individual could have been moved to a less public place for the initial search to be conducted. We were informed that the individual had been involved in a previous altercation with police and a decision to remain in location may have been made to minimise any opportunity for escalation.  The grounds were assessed as ‘strong’; however, it was felt that the information recorded in the grounds did not quite cover all the circumstances prior to the body worn video being switched on. No further action was agreed.  **Video 2 (stop and search):** Two individuals matching the description of the alleged offenders, had been found in the immediate area of an attempted vehicle theft. On seeing the police vehicle, they ran from the officers but were detained a short distance away by a police dog handler. The individuals were subsequently detained and searched. One of the individuals was identified to be 16 years old.  **Feedback:** Panel members noted the clear provision of information and explanation of the individuals’ rights and entitlements by the officer. They also commented on how the dog handler controlled the interaction between the dog and the individuals, which remained calm throughout. Members discussed the engagement by the female officer with one of the individuals, and it was suggested that some of the comments made to the individual, while intended to be informal, could be perceived to a little unprofessional and made as personal remarks about the individual.  The grounds were assessed to be ‘strong’.  **Video 3 (use of force):** Officers attended a town centre premises in response to reports of threats to staff made by the individual. On arrival at the location, they were informed that the individual had been persistently harassing customers, including a 13-year-old female. After engaging with all parties, the individual was arrested on suspicion of harassment. As the officers attempted to handcuff the individual for movement to custody, their behaviour became violent resulting in them being taken to the ground and manually restrained. One officer was assaulted during the altercation.  **Feedback:** Members noted that the individual appeared impaired by drugs or alcohol and agreed that this may have contributed to their behaviour during their arrest. It was felt that the officers engaged with the individual well and tried to prevent the situation from escalating. Members discussed whether earlier handcuffing of the individual may have helped to manage the situation more successfully; however, it was suggested that the handcuffing of a seemingly compliant individual could be perceived negatively by public observers. In addition, it was felt that earlier attempts to handcuff the individual could have triggered their behaviour sooner. There was discussion over whether incapacitant spray had been used by officers during the altercation; however, checks of use of force forms found that no spray was used.  The use of force was believed to be justified by the circumstances.  **Video 4 (use of force):** Officers attended a residential property in response to reports of a dangerous dog within the household. On entry to the property, the individual was found in the living room, talking on a mobile phone. The officers stated that they were making an arrest on suspicion of the individual “being in charge of a dangerous dog”. The individual was handcuffed and searched before being removed from the property.  It was confirmed that the dog, suspected to be a banned breed, had escaped from the address, and attacked a member of the public, causing serious injuries.  **Feedback:** Members discussed the differences between searches undertaken for a stop search, and those done following arrest. As the incident was straightforward and the individual compliant, members had no further comments.  The use of force was believed to be justified by the circumstances.  **Video 5 (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 also present, due to them not wishing to be ‘grabbed’ by the police. On further engagement by the officers, the individual attempted to break away and return to the barrier. Subsequently, the individual was detained under the Mental Health Act and handcuffed to enable safe removal from the location for a mental health assessment.  **Feedback:** Members discussed the challenges of the location and perceived potential risks to all parties due to moving traffic on the carriageway. It was assumed that this was residual activity following closure of the carriageway; however, this could not be confirmed. Comment was also made regarding the inappropriate presence of members of the public at the scene. Members discussed whether alternative action could have been taken to support the individual, such as engagement with youth services and other partners, as the individual was likely to be known and a response plan in place. It was felt that this knowledge could be used by officers in preparation for arrival and engagement. However, it was recognised that the engagement by the officers was positive under very difficult circumstances with high risk to safety.  The use of force was believed to be justified by the circumstances.  **Action 4:** Gwent Police to provide the Panel’s observations to the Roads Policing and Specialist Operations (RPSO) team on the M4 lane closures and perceptions of safety and feed back to the Panel on any response from RPSO and provide feedback to the Panel.  **Action 5:** 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.  **Video 6 (stop and search)** Officers conducted a vehicle stop following intelligence suggesting that the vehicle and driver had been involved in drug supply in the local area. During the search, cannabis was located on the other individual and in the vehicle.  **Feedback:** While recognising that relaxed approaches to engagement can prevent escalation of incidents, some members felt that the officer’s engagement with the individual was a little more informal and relaxed than may have been appropriate. The importance of communication and relationship-building with members of the public was highlighted, along with the relevance of professional boundary setting by officers during ‘conversation’ with detainees. Members raised a perceived risk in the potential for the individual take advantage of the situation and assault the officer with their handcuffs. However, no further action was agreed.  The grounds were assessed as ‘weak’ as they provided only minimal information on the rationale for the stop and did not include any further reference to the ‘intel’ acted on. While cannabis was located during the search, it was not included in the information recorded.  **Action 6:** Gwent Police to provide an overview at the next meeting of the training provided to officers on the recording of stop and search grounds.  **Video 7 (use of force)** Two sets of footage were reviewed: police ‘dashcam’ with no audio, and officer BWV with audio.  Firearms officers were in pursuit of a vehicle driving at speed through a residential area. The occupants of the vehicle had been identified as involved in a machete attack on a young male. When safe and opportune, the police vehicle was used to disable the lead vehicle. The officers swiftly approached the stationary vehicle with their firearms on show, shouting and using expletive language while hitting the windscreen and smashing the windows of the car. The driver was pulled clear of the vehicle and arrests were subsequently made.  **Feedback:** Members commented on the speed and effectiveness with which the vehicle was disabled and the occupants detained. We discussed the range of tactics that officers may use in such circumstances, including to deliberately intimidate and disorientate subjects, as seen in the footage. Members discussed the use of face coverings by the officers and public perceptions around this, particularly for young people, as well associations of gang culture and organised crime. We also discussed police powers in relation to the use of section 60 to allow officers to stop and search anyone in a specific area without needing to have reasonable grounds.    **Action 7:** Gwent Police to provide an update to the next session on recent work and activity around S60, including HM Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) recommendations and the process for use.  **Conclusion**  While there has been a noted improvement in the recording of stop and search grounds across the force in the last few months (from 74% in March to 87% in May), there remains a focus on continued improvement through officer and supervisor training and internal messaging. The outcomes of internal auditing and scrutiny processes are monitored at the Coercive Powers Scrutiny Board, highlighting further opportunities for improvement, and ensuring that suitable progress continues to be made by the force.  The reduction in stop and search disproportionality rates and increases in find rates and positive outcomes for people of Ethnic Heritage is encouraging; however, it is important that changes are considered within the context of local incidents and areas of operational focus, including where implemented nationally. This will help to explain or address any negative outcomes and consequences, and support activity to manage or improve issues. The Coercive Powers Scrutiny Board monitors stop and search performance quarterly and facilitates closer internal scrutiny of any matters of concern.  Use of force data also remains a focus for Gwent Police, and technological solutions to improve the effectiveness of recording and oversight are being identified and implemented. This includes the roll-out of the Taser app in June 2024, which supports greater monitoring of the use of devices across the force.  The OPCC continues to participate in the Coercive Powers Scrutiny Board, which provides opportunity to update on the outcomes of LSP and raise any matters of concern for further discussion with attendees as appropriate. |
| **3.** | **NEXT STEPS**  Internal communications resulting from collective scrutiny and improvement activity will 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 Board and other internal governance arrangements as appropriate. The OPCC Policy Officer will continue to engage directly with the Head of Special 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. |
| **4.** | **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. |
| **5.** | **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. |
| **6.** | **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. |
| **7.** | **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. |
| **8.** | **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. |
| **9.** | **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. |
| **10.** | **CONTACT OFFICER**  Caroline Hawkins – Policy Officer, Office of the Police and Crime Commissioner |
| **11.** | **ANNEXES**  None |