west midlands
police and crime
commissioner

Strategic Policing and Crime Board

18th February 2020

Police and Crime Plan Priority: Improving confidence in policing

Title: Stop and search and use of force

Presented by: Superintendent Ed Foster

Purpose of paper

1. To allow members of the Strategic Policing and Crime Board to support the Police and Crime Commissioner in holding West Midlands Police to account in their use of stop and search powers and use of force.

Background

2. Police officers have the power to stop and detain members of the public for the purpose of a search when reasonable grounds for doing so can be made out by that officer. There are a number of specific pieces of legislation under which such a power can be exercised. Predominantly stop and search is carried out either under the powers conveyed by the Police and Criminal Evidence Act 1984, to search for prohibited weapons, items for use in stealing or stolen property, or the powers conveyed by the Misuse of Drugs Act 1971. The Firearms Act 1968 is also sometimes used and very occasionally other various bespoke pieces of legislation. When any of these powers are used, there is a requirement for the officer to record the circumstances of the search. The data generated from stop and search records is presented within this report.

3. Stop and search can also be authorised by a senior officer when there is reason to believe that serious violence is likely to take place within a particular geography and timeframe. This power is then conveyed to all officers without a requirement for them

to form their own reasonable grounds for a search under section 60 of the Criminal Justice and Public Order Act 1960 (section 60). The use of these powers are also examined within this report.

4. When officers stop members of the public and speak to them or even question them if they are suspicious of their activity at that time, there is no requirement in law to record that encounter. Similarly, a police officer has the power to stop any motor vehicle on a public road and check that the driver of that vehicle is a licensed and insured driver, but there is no requirement in law to record an encounter has taken place. Therefore, unless the police stopping the vehicle leads to a physical search of the vehicle or its occupants, it will not be included in the data discussed here.

5. The use of all police powers to carry out stop and search have come under intense public scrutiny since Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) conducted an inspection in 2013 and found most police forces to be below standard in the lawful use of these powers. Prior to this inspection, in 2011/12, 64,000 people were subject to a stop and search across the West Midlands. Only 4% of such encounters resulted in an arrest, 27% of records did not meet the requirements to demonstrate lawful use of the power and members of the black and minority ethnic (BAME) community were five times more likely to be subject to stop and search than members of the white population.

6. A senior command and oversight structure was established within West Midlands Police (WMP) to review the use of stop and search. In addition, the command structure reviewed how WMP was publicly held to account and how officers were trained in order to regain public trust and confidence in the use of such intrusive powers.

Performance Data

7. The 2011 census data shows there are 2,736,460 people living within the West Midlands Police area however, it is acknowledged that that estimates suggest the region is now more diverse than in 2011. This is broken down in to ethnicity across the West Midlands as demonstrated in Figure 1 below.
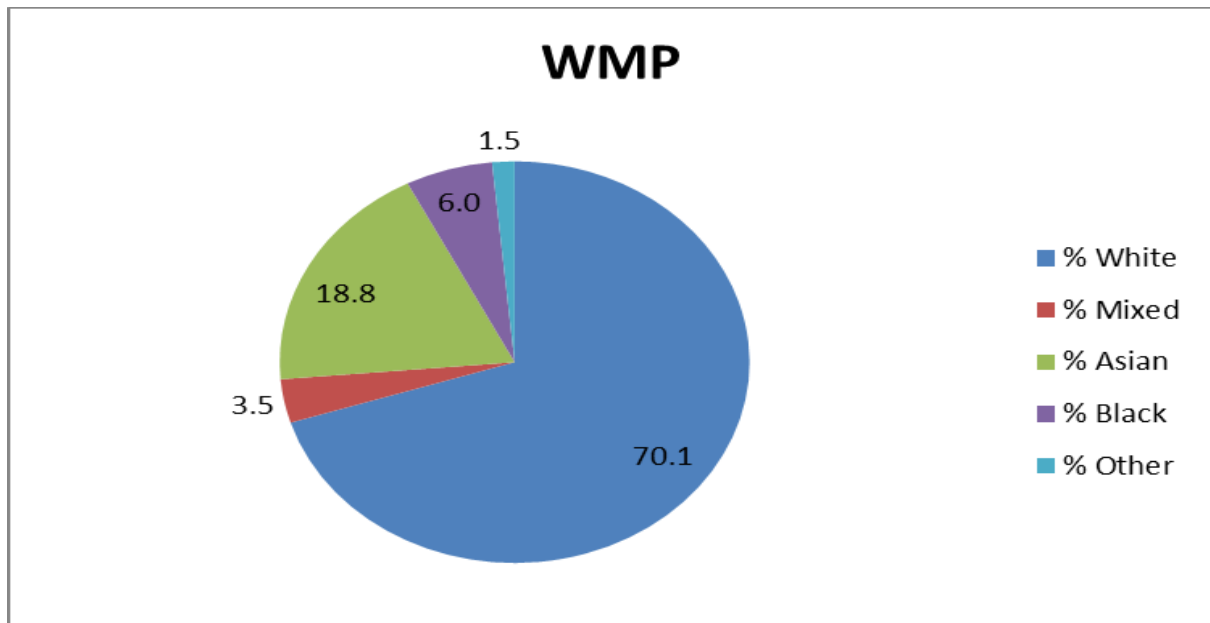

Figure 1 West Midlands Region Ethnicity Breakdown

8. Figure 2 shows the percentage breakdown of people by ethnicity across each Neighbourhood Policing Unit (NPU). This is not broken down in to the 18+ self-ethnicity classification which is nationally recognised as:

- W1 British
- W2 Irish
- W3 Gypsy or Irish Traveller
- W9 Any other white background
- M1 White and Black Caribbean
- M2 White and Black African
- M3 White and Asian
- M9 Any other mixed
- A1 Indian
- A2 Pakistani
- A3 Bangladeshi
- A4 Chinese

- A9 Any other Asian background

- B1 Caribbean

- B2 African

- B9 Any other Black background
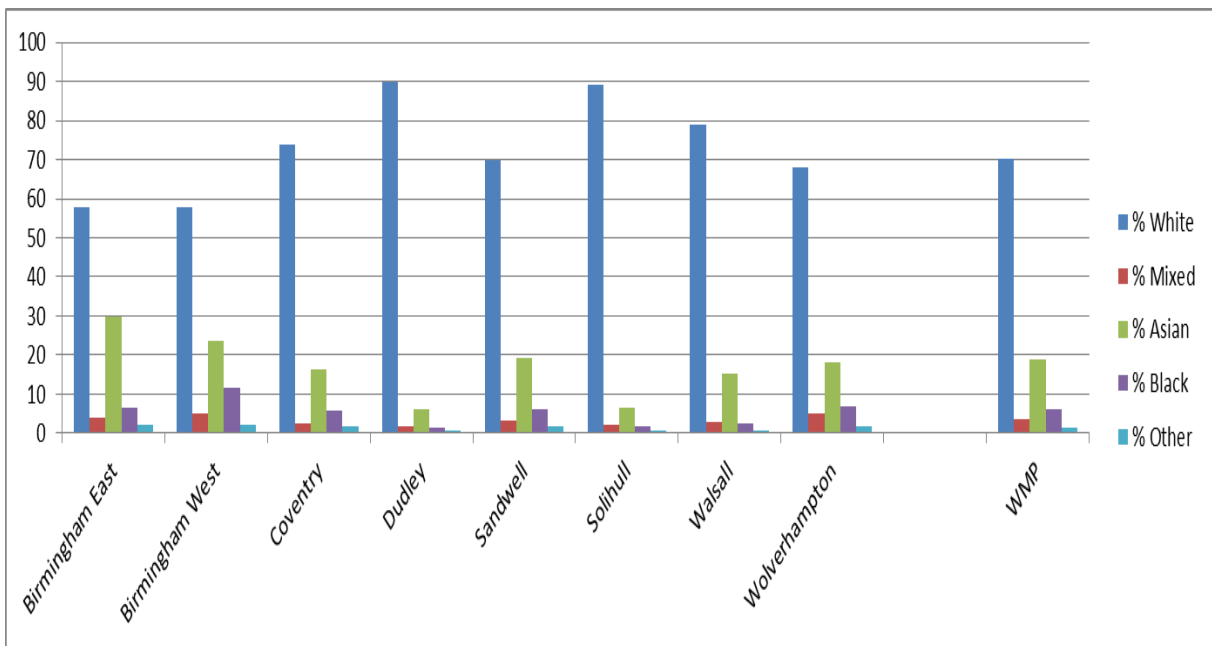
- O2 Arab

- O9 Any other

- NS Not stated

Figure 2 Number of Residents by Ethnicity (2011, census data)

9. From 1st April 2019 until 31st December 2019, 17,989 stop and searches were recorded across the West Midlands. Table 1 shows the key performance indicators for West Midlands Police (WMP) over the course of this year and is broken down into NPU. Live percentage data records when officers record the stop and search there and then at the time of the stop and search.

Area	Total	Live %	Positive Outcomes %	Arrest %	Pace S.1 by %	Drugs by %	Firearms by %	Disproportionality	
								Black	Asian
Total	17989	80.4%	28.1%	13.9%	38.8%	55.6%	3.8%	4.7	2.7
BE	4295	82.1%	26.2%	12.3%	36.3%	55.5%	4.6%	3.2	2.6
BW	6102	83.8%	29.2%	13.4%	36.4%	59.2%	3.6%	3.9	2.5
CV	1621	79.6%	27.5%	13.9%	34.7%	57.1%	3.1%	4.6	1.5
DY	956	76.2%	32.5%	18.0%	53.0%	44.4%	2.6%	8.3	4.0
SH	688	71.9%	23.3%	12.5%	50.1%	45.2%	3.1%	3.3	1.8
SW	2031	82.0%	29.6%	15.4%	38.0%	58.0%	3.3%	8.5	4.2
WS	1232	66.2%	25.5%	11.8%	41.2%	53.6%	5.2%	5.8	2.4
WV	1064	77.6%	29.8%	19.1%	46.8%	48.5%	4.5%	2.7	1.1

10. Figure 3 below shows the outcome rate recorded in relation to the searches that have been conducted. 12,937 of the searches resulted in no further action (NFA) being taken against the person searched, equating to 71.9%, with the remaining 28.1% resulting in a positive outcome. For example arrest 10.7% or cannabis warning 4.4%. During this period 416 Knives were also recovered as part of stop and searches.
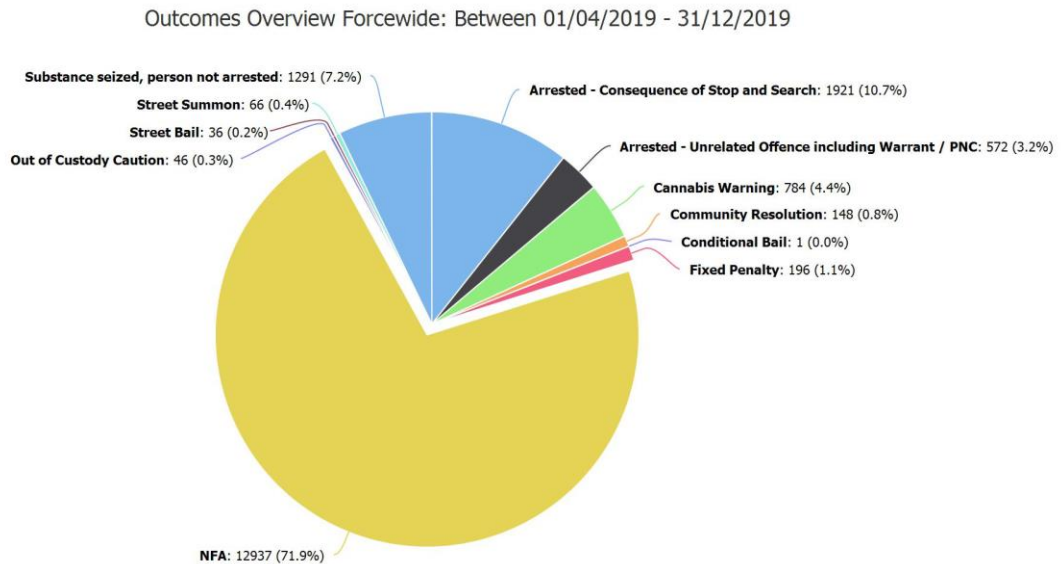

Fig.3 Stop and Search Outcome Rates for WMP April – December 2019.

11. Disproportionality rates for WMP are broken down in table 2 below which illustrates the comparison with Most Similar Forces (MSF), using rates of stop and search per thousand heads of population.

Searches by Ethnic group per 1000 head of population	WMP	England & Wales	GMP	Merseyside	West Yorkshire
White	4	3	1	7	2
Asian	10	8	1	5	5
Black	17	29	3	18	6
Mixed	15	9	2	7	4

Table 2. Comparisons of stop and search per 1000 head of population across MSF.

Best Use of Stop and Search Scheme

12. WMP was inspected by HMICFRS in 2017 and found to be fully compliant with the Best Use of Stop and Search Scheme. The inspectorate commented, "The public can be confident that most officers carrying out stop and search in the West Midlands understand how to do so lawfully, fairly and respectfully."

13. The Best Use of Stop and Search scheme placed several restrictions on the use of Section 60 of the Criminal Justice and Public Order Act, which went over and above what is set out in law. Specifically, controls included:

- Raising the level of certainty needed from officers before authorising a S60 from believing serious violence "may" take place, to "will" take place.

- Raising the seniority of officer needed to authorise (Inspector) and extend one authorisation (Superintendent) to Chief Officer Level.

- Limiting the duration of authorisations (initial authorisations were restricted to 15 hours, with subsequent authorisations limited to 9 and a final 15 hours- a total of 39 hours).

- Requiring forces to communicate to the public about the use of s60s where practicable, and afterwards.

14. In August 2019 the government announced the suspension of Best Use of Stop and Search scheme conditions across the country on a pilot basis.

15. S60 allows Inspectors or above to authorise the use of these powers for up to 24 hours (informing officers of the rank of Superintendent or above as soon as practicable) subject to the qualifications as set out in the CJPO Act 1994. Superintendents or above have the authority to extend s60s for up to an additional 24 hours.

16. WMP is mindful of community concern and has retained section 60 authorisation at Chief Officer Level, whilst encouraging active and appropriate use of targeted section 60's to tackle violent crime.

17. The government will review the impact of these piloted changes in due course. They also continue to encourage forces to maintain high standards of monitoring, in line with HMICFRS recommendations, to ensure the effective and fair use of these powers, including any impact on communities.

Independent Scrutiny Panels

18. Each Neighbourhood Policing Unit (NPU) continues to hold its own stop and search scrutiny panel, chaired by independent community members, supported by the NPU senior leadership team and single points of contact (SPOC). The make-up of each panel is determined locally. Some panels use social media to encourage engagement whilst others have made good use of feedback offered in the course of stop and search encounters themselves to recruit new panel members. Considerable progress has

been made in refreshing the representation of scrutiny panels and in particular from young people through the great efforts of youth trainers.

19. Youth Trainers are employed by the Office of the Police and Crime Commissioner (OPCC) to deliver inputs on stop and search to schools. As well as encouraging young people to provide feedback on stop and search and join scrutiny panels, the youth trainers have been invaluable over recent weeks in both raising awareness with young people about the risks of knife crime. The Youth Trainers have also helped young people understand the need for additional levels of stop and search across the West Midlands in order to keep themselves and their friends safe. Community engagement such as this has been critical to ensure that communities remain supportive of the necessary operational policing activity.

20. The OPCC also holds twice yearly commissions where all scrutiny panels, guests and the general public are invited to hold the Police and Crime Commissioner (PCC) and WMP to account. The last Commission was held on 4th July 2019 and it will next convene in February 2020.

21. Beyond this region, WMP continues to enjoy the support of non-governmental organisations, having been invited in recent times to represent UK law enforcement at overseas events. The force has also worked with civil society groups and stakeholders across academia, government and policing at a workshop hosted by Northamptonshire Police in February 2019 where learning from across the disciplines was shared

Joint Action Plan

22. The OPCC and WMP continue to work closely together in developing the best use of stop and search locally and in ensuring that WMP leads the way both nationally and internationally in this area.

23. There were key areas in the current joint action plan following the previous board. The first relates to academic research commissioned through the OPCC with Warwick University. This concerns the levels of disproportionality still evidenced in the use of stop and search amongst BAME communities and research that endeavours to better understand this and improve policy. Professor Neil Stewart's findings have been fed to the OPCC directly.

24. However, some early findings have already been shared with the OPCC's Commission. Firstly, the relevance of the 2011 census data when measuring

disproportionality has been analysed. Having used health and education data to remodel local populations since 2011, the key findings indicate that disproportionality levels are not significantly affected. Despite the inevitable population changes since 2011, the comparative sizes of each ethnic group across the population remains proportionate and changes are not statistically significant. Secondly, whilst rates of disproportionality have not reduced further when measured as a percentage comparator, the overall numbers of stop and searches against each ethnic group has been reduced dramatically since 2013. Therefore, the likelihood of being subject to a stop and search per head of population has been reduced.

25. The second area within the joint plan concerns the recording of vehicles stopped under section 163 of the Road Traffic Act 1988. Which is discussed later in the document.

WMP Governance Arrangements

26. The force continues to hold quarterly governance meetings, chaired by the Chief Officer lead (Gold - ACC), supported by the Force Tactical Lead (Silver - Superintendent) with representation from all NPUs, Departments and the OPCC. Data scrutiny continues to be applied at a granular level. Best practice is also shared through this group and accountability is provided to both the public, inspectorate and the OPCC.

27. HMICFRS recorded in their 2017 inspection that they were impressed by the manner in which WMP conducts internal governance around the use of stop and search.

Section 60 Criminal Justice and Public Order Act 1994

28. It is worthy of note that between 21th February 2019 and 31st March 2019 there was a significant upsurge in the use of section 60s across the whole of Birmingham and on occasion more widely. This was in response to the number of stabbings and murders involving young people. In total there were 28 section 60 authorised in this period.

29. From April 2019 there have been 26 Section 60 authorities resulting in 289 searches and 8 arrests following searches under. The majority of section 60s were authorised in Birmingham and Coventry with 127 searches taking place in Birmingham East, 32 in Birmingham West and 78 in Coventry.

30. The outcome rate for section 60 searches shows that 88% of stop and searches conducted had no further action, 3% of stop and searches conducted resulted in arrest and 7% showed other outcome. Please see figure 4 below.
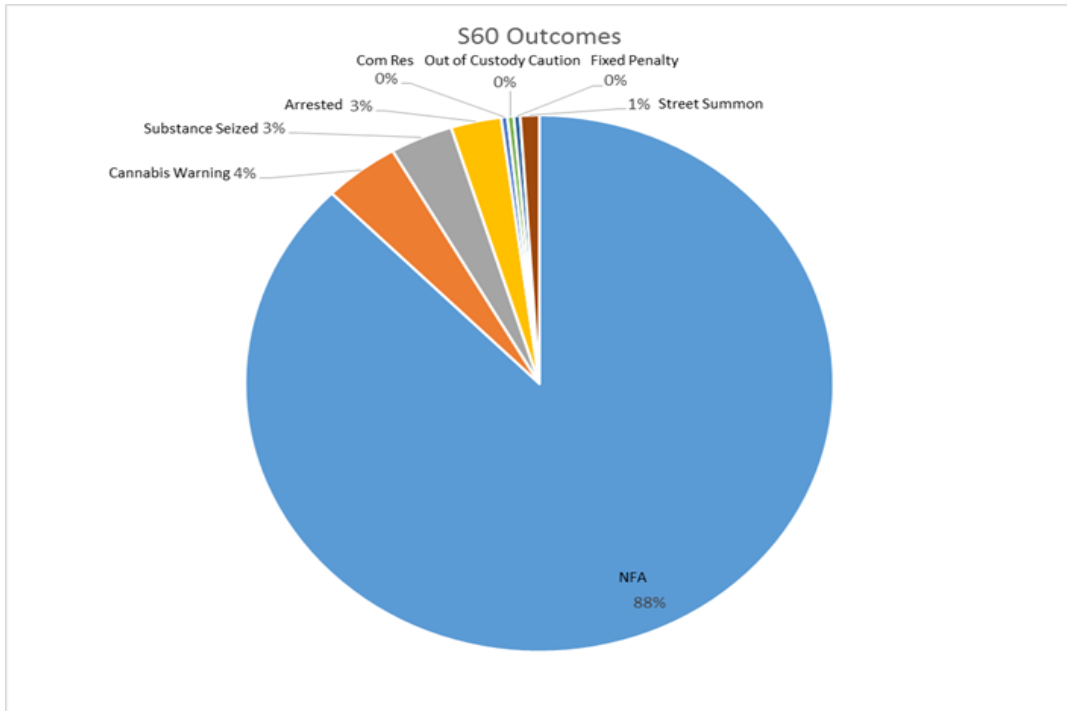
Figure 4 Outcomes from searches under section 60 of the CJPOA.

31. The proportions of searches conducted under section 60 by ethnicity is illustrated in figure 5. The ethnicity of the search subject has been recorded as: 39% Asian; 23% Black and 16% White.
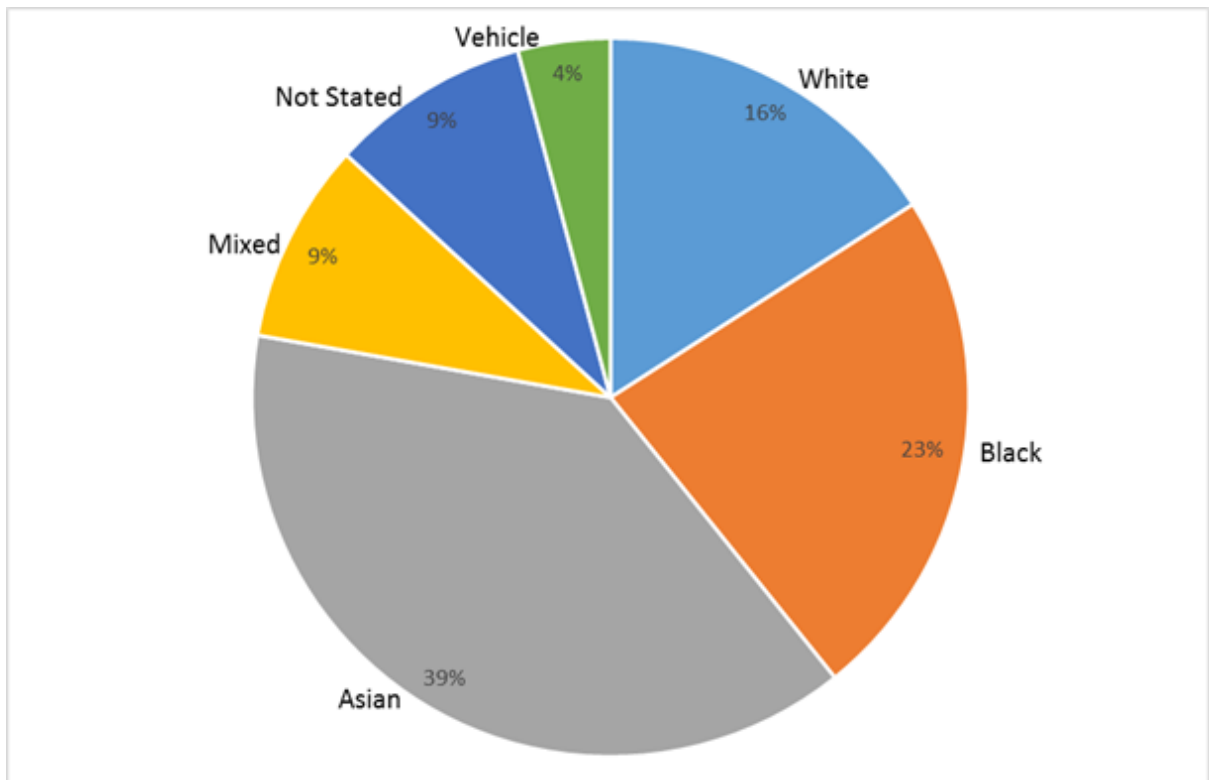

Figure 5. Proportions of searches conducted under s.60 of the CJPOA by ethnicity.

Body Worn Video (BWV)

32. Body worn video has now been authorised for use in public scrutiny panels and is being viewed by community members to provide greater reassurance and insight into how police use stop and search powers. This also provides a good opportunity to seek community feedback which has been overwhelmingly positive.

Recording of Vehicle Stops

33. Legislation under section 163 of the Road Traffic Act 1988 (RTA 1988) allows for an officer in uniform to stop the driver of any motor vehicle on a road without the need to form reasonable suspicion of the commission of any offence, but only to confirm that the driver is licenced and insured to drive that vehicle. Such a stop may then lead to the execution of further policing powers and although lawful, is perceived amongst some communities to be a power that is used disproportionately. It is therefore often difficult for a lay person, to differentiate between stop and search powers and the S.163 road traffic legislation. There is currently no requirement in law to record the use of this power to stop a motor vehicle on a road.

34. The Strategic Police and Crime Board (SPCB) has previously been updated on the outcomes of the WMP pilot of recording vehicle stops. The SPCB was advised that the pilot, using roads policing and central motorway patrol group officers only, confirmed that recording on mobile devices was feasible without impeding operational efficiency. It also concluded that the rates of disproportionality experienced in vehicle stops was not dissimilar to that experienced in stop and search. The final finding was that the data fields collected in the pilot were of limited value from both a public scrutiny and operational policing perspective and more data fields relating to both the vehicle itself and the driver and occupants are necessary. This would enable duplicate records to be eliminated and data quality to be assured. It will also allow for examination of the validity or otherwise of the suggestion that some vehicles and/or drivers are being repeatedly and unnecessarily stopped by police.

35. At the last SPCB meeting it was agreed in principle that an extension of the pilot into force response teams would allow the operational impact of recording to be assessed in a different operational arena. One where the primary operational activity of officers was not necessarily related to carrying out vehicle stops. It was also agreed in principle that any such extension of the pilot should seek to build in the requisite data fields identified through the first pilot.

36. Connect is the replacement ICT system for a number of our operational policing systems for the input of information and intelligence. The esearch system is one such system that is due to be replaced by Connect.

37. To capture such data, WMP will need to be satisfied that the current system developed to support this pilot, eSearch, either continues to be used post implementation of Connect, or that the capability, including the additional requisite data fields can be absorbed by Connect.

38. At the time of the last group meeting the author was unable to confirm to the chair that the technical challenges could be overcome, or whether there would be any implications on planned benefits realisation to the Connect project if changes were pushed through. It has now been confirmed by the Connect project team that the continuation of recording section 163 RTA 1988 vehicle stops will be technically feasible once Connect is launched.

39. The next Stop and Search and Use of Force Governance Board is due to take place on 17th February 2020 where the pilot will discussed.

Use of Force and Recording

Background

40. The National Police Chiefs' Council recording requirement, introduced following a review by former Chief Constable David Shaw in 2014-15, consisted of a nine page form with extensive details required about all types of use of force including tactical communications and numerous questions covering officer, subject and location information. It was intended that forces should start capturing this data by April 2017, publishing the data on a quarterly basis locally and that a subset of this data should appear in the mandated Annual Data Requirement (ADR).

41. The Chief Constable of West Midlands Police, following consultation with internal and external stakeholders, proposed that a more streamlined version of the form be adopted by the force. The intention was to reduce bureaucracy for officers, releasing them to focus on operational duties, and that the data would be captured by way of a technical solution to be developed by the force. This approach was supported by key stakeholders and West Midlands OPCC.

42. WMP started capturing use of force data on 4th January 2018. The intention of the use of force recording process was for accurate information to be provided to the public and the OPCC to enable them to hold WMP to account for its use of force.

Relevant Legislation Governing Use of Force[1]

43. The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and common law apply to all uses of force by the police and require that any use of force should be 'reasonable' in the circumstances. Reasonable in these circumstances means:

a) absolutely necessary for a purpose permitted by law

b) The amount of force used must also be reasonable and proportionate (i.e., the degree of force used must be the minimum required in the circumstances to achieve the lawful objective) otherwise, it is likely that the use of force will be excessive and unlawful. Excessive use of force is unlawful.

44. Section 76(7) of the Criminal Justice and Immigration Act 2008 sets out two considerations that should be taken into account when deciding whether the force used was reasonable. Both are adopted from existing case law. They are:

a) that a person acting for a legitimate purpose may not be able to weigh to a nicety the exact measure of any necessary action

b) That evidence of a person's having only done what the person honestly and instinctively thought was necessary for a legitimate purpose constitutes strong evidence that only reasonable action was taken by that person for that purpose.

Development of the Use of Force Recording System

45. In order to determine the requirements for a use of force recording system within WMP, a governance structure and internal stakeholder working group was established. The leads for this are as follows:

    a. Gold – Chief Officer – ACC Jardine

    b. Silver – Superintending Officer – Supt Rowe

    c. Bronze – (Currently vacant). Various other specialist departments represented at Bronze level on the stakeholder group including:

        i. Fairness in Policing

        ii. Learning and Development

        iii. Health and Safety

iv. Corporate Communications

v. Professional Standards Department

vi. Force Operations

vii. Force Intelligence

viii. Information Security

ix. Custody

x. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) WMP team

xi. The OPCC

46. Research was conducted with other forces to establish what they were recording and how and to identify good practice that could be replicated in the WMP system.

47. A recording process was piloted by the force Response department and developed as an application that is accessible through frontline officers' mobile devices, as well as on desktop computers. The application has undergone further robust testing to ensure that it is user friendly and captures all necessary information.

48. The purpose of the use of force recording system is to gather statistical data for analysis and publication. It does not provide an opportunity for officers and staff to justify their use of force. Officers and staff still need to record this in the usual manner which may be in their pocket notebook, by way of evidential statement, on the OASIS command and control log for the incident or on the ICIS custody system.

49. The form produced by the WMP system does not match the full 9 page National Police Chiefs Council (NPCC) form but does meet the majority of the requirements of the ADR.

What does the Use of Force System Capture?

50. WMP records on the use of force recording system the following uses of force:

a. Non-compliant handcuffing

b. Unarmed tactics (holds, strikes, takedowns, ground pins)

c. Dog bites

d. Baton (actual use only)

e. PAVA spray (actual use only)

f. Limb / body restraints

g. Spit Guards

h. Shield (when used to strike a subject)

i. Taser (all types of use from 'red dot' through to Taser fired)

j. Use of Firearms (drawn / used)

k. Use of Attenuated Energy Projectiles (baton rounds)

51. The following information is captured on each use of force record:

a. Type of use of force (more than one type can be recorded if used)

b. Subject information such as age, gender, ethnicity, perception of mental health issues or intoxication

c. Incident specific information such as time, date, location

d. The reason for the use of force

e. Injury sustained by officer/subject

f. Outcome of the incident

52. WMP will not make a record of the following types of use of force on the system, albeit officers and staff are still required to record this use of force in their pocket notebooks, evidential statement or on other systems as per current practice:

a. Tactical Communications

b. Compliant Handcuffing

c. Very low level unarmed skills

d. Baton deployed but not used

e. PAVA spray presented but not used

53. The officer or staff member using force should also record on the form whether there is body worn video footage of the incident.

54. A record is made by each officer using force so if for example officer 1 discharges PAVA spray against subject 1, and officer 2 applies handcuffs when subject 1 is being non-compliant then both officers will complete a use of force record.

Training

55. No formal training is necessary for completion of the use of force form as the form itself is very intuitive and during the testing period no issues were raised by officers regarding its use.

56. A briefing pack was designed and rolled out across the force to support the use of the recording system. The use of force recording process now features in the officer personal safety training refresher programme.

Types of Form

57. There are two circumstances in which an officer may complete a use of force record:

   i.   An officer using force against a subject individual.

   ii.   An officer may be a commander at a pre–planned public order incident, completing a form in respect of collective use of force by officers under their command during the course of that incident.

Performance Data

58. From 1st April 2019 until 31st December 2019 8594 use of force records have been recorded across the West Midlands. This is an increase of approximately 70% over the previous year. Figure 6 below, shows the key performance indicators for WMP over the course of this year. This is a marked increase on the previous year. Table 3 below will show the biggest contributors to that coming from Force Response, Operations and Criminal Justice.
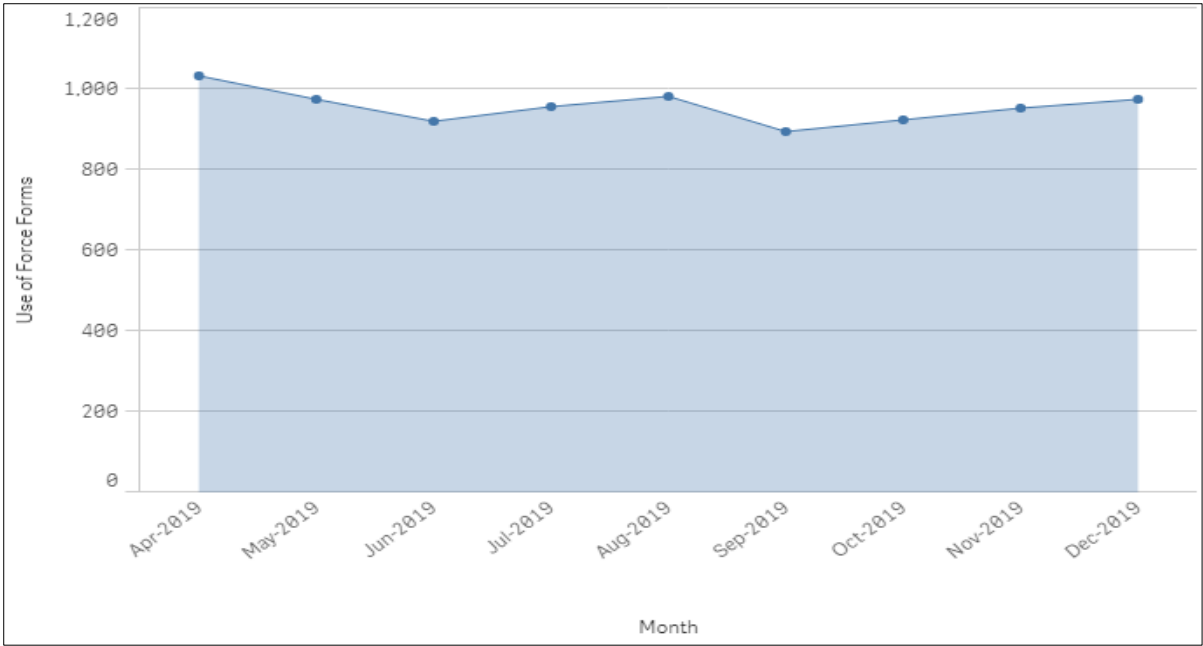
Figure 6 Use of Force Records from 1st April 2019 – 31st December 2019

Use of Force by department	
Birmingham East NPU	276
Birmingham West NPU	735
Coventry NPU	145
Dudley NPU	53
Sandwell NPU	98
Solihull NPU	23
Walsall NPU	62
Wolverhampton NPU	109
Force Response	4571
Operations	1283
Criminal Justice	760

Table 3 Use of Force by Department

59. The proportion of Use of Force is illustrated in figure 7. The data shows the ethnicity of a subject who may encounter use of force and how many times more likely they are to encounter use of force than a white subject.
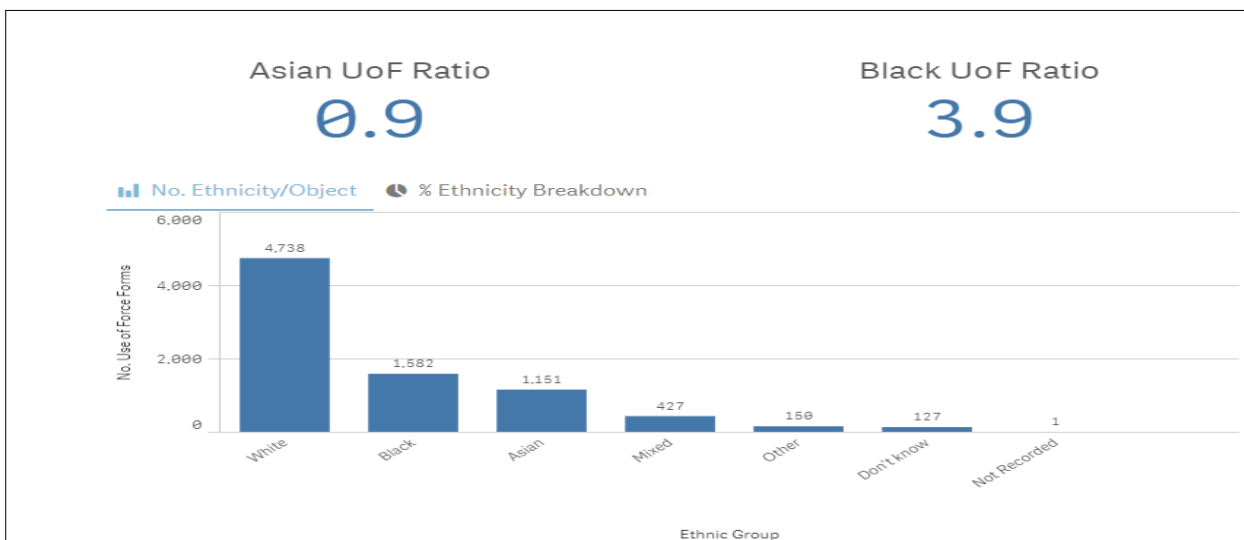

Figure 7 Use of Force Ethnicity Breakdown

60. Figure 8 below demonstrates data for use of force broken down by age categories. Age related use of force shows the majority of people having force used on them are within the 18-34 age range where 5003 use of force records have been recorded.

61. Data between April to date shows that use of force has been used on 15 individuals aged ten or under. There is a process in place to monitor this age group and a review is conducted if force is used. A review of these 15 use of force forms has taken place and this has highlighted some data quality issues in recording. The data is based on perceived age and not actual age. When reviewed it was found that 5 of the forms had dates of birth over 10 years and 3 of the forms had been duplicated therefore, only 7 individuals under the age of 10 had been subject to use of force. The review included reviewing use of force forms, police incident logs, crime reports and body worn video. The main reasons for use of force on the 7 individuals are:

   - To gain compliance or control in situations

   - Prevent injury to themselves or others including self-harm

   - Preventing damage to property

   - Preventing escape

   - One child did have the Taser red dot used on them but this was part of a pre-planned operation. Officers had gained entry to an address and there was an individual running down the stairs on their entry. This happened to be a 6 year old child.

62. There have been some extreme behavioural challenges which have resulted in the use of force on those under 10 years of age. Examples of some of those incidents are:

   - A PCSO was assaulted returning a 7 year old vulnerable high risk missing person with learning difficulties home requiring some control and restraint to prevent further assault and escape.
   - A PC was assaulted (bitten) by an 8 year old as he was removing her and siblings from an address under a High Court Collection Order.
   - A 9 year old had to be controlled having assaulted two paramedics then tried to assault the attending officers.

63. As a result of use of force on the 7 individuals under 10 there are **10** crimes that have been recorded which include:

   - 2 x Assault Police Constable
   - 1 x Section 47 assault on a Police Community Support Officer
   - 1 x Criminal Damage
   - 3 x Section 39 assaults on family members
   - 2 x assault on emergency worker (paramedics)
   - 1 x Possession of Cannabis.

64. The review has highlighted that appropriate and proportionate use of force has been used to gain control or compliance in the circumstances. Other lower level use of force

such as tactical communications were used but did not work. There have been no complaints as a result of the use of force in the circumstances highlighted.

65. The learning that has been taken from the review includes the further development of data quality and accuracy of recording. If use of force has been used on an individual aged 10 and under then body worn video should be used and the footage saved, whether evidential or not, for scrutiny as part of the review.

66. It is acknowledged that the age group between 11-17 can be quite different and this will shortly be changed to breakdown further that age group to capture 11-13 year old's separately. This is as a result of feedback from the SPCB.
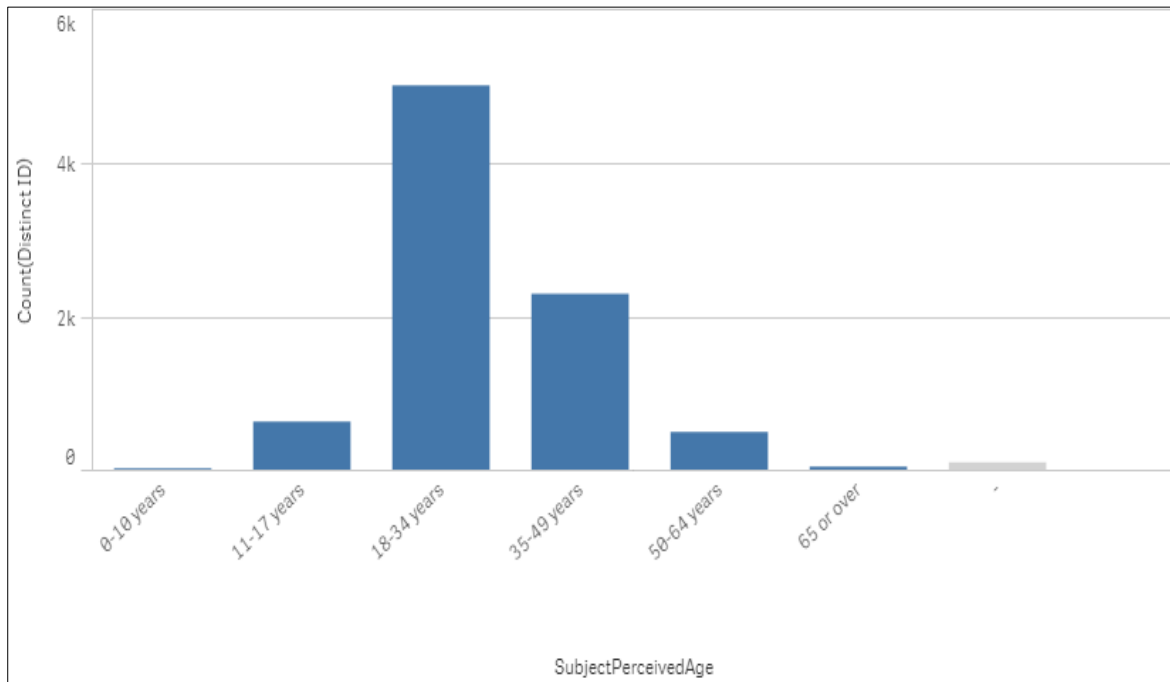

Figure 8 Age Use of Force Breakdown

67. Figure 9 below demonstrates use of force broken down by gender. Men predominantly are the main subjects when force is used. In this period there are 2 subjects who have had force used more than 10 times, and 11 subjects who have had force used more than 5 times. It must be noted that some of these subjects may be down to multiple officers using force on one subject. All have or are being reviewed to seek opportunities for learning and to potentially reduce future necessity for use of force.
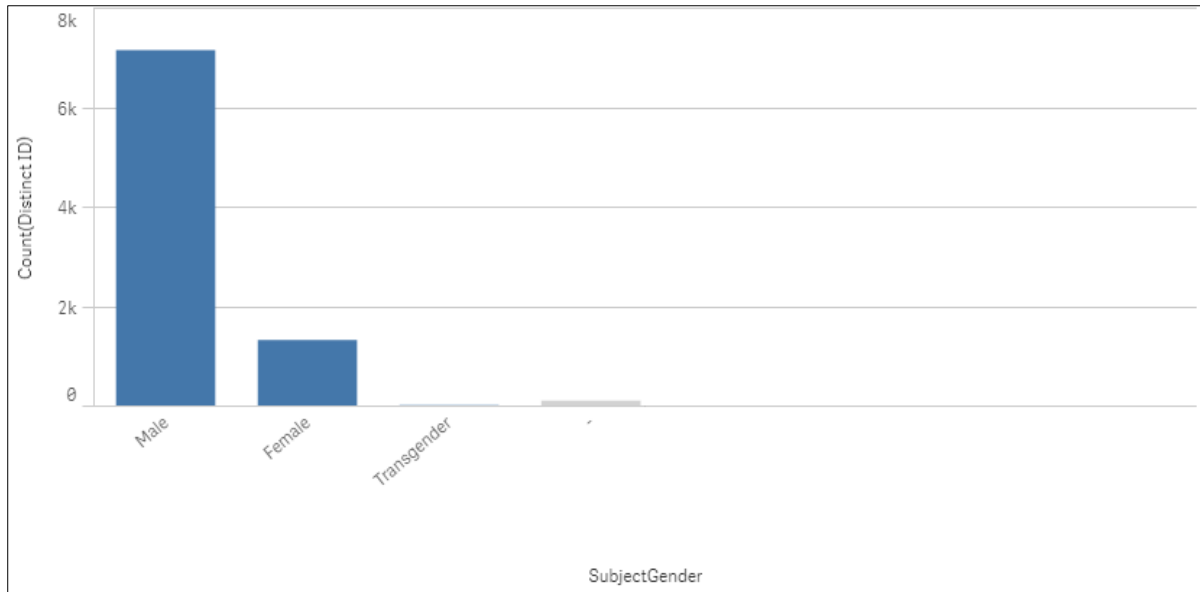
Figure 9 Gender Use of Force Breakdown

Use of Force and Mental Health

68. Mental health facilities, as a location, do not feature in the top 5 locations where use of force has been recorded during the period. Mental health as a subject behavioural impact factor features in 31% of the records completed during the period. This is consistent with the previous reporting period. Work is underway to develop a specific public scrutiny panel for the use of force aligned to the mental health IAG.

System Development

69. The App and use of force system now include geo-spatial data so use of force hot-spots can be mapped.

70. Dog and Taser use of force are now on the system and work is nearly complete to include full body mapping for taser.

71. The system has been enhanced for analytical capability similar to those developed as part of the eSearch Stop and Search system used by the force.

72. Further work to the system includes:

    i)   Review and tidy up of all questions

    ii)   Split into multiple pages for easier navigation

    iii)   Improved location capture through address lookup / pin on a map

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iv)   Clearer distinguishing between incidents non-custody and custody incidents

v)   Simplification of subject treatment details

vi)   Further breakdown of age groups

vii)   Ability for officers from out of force to record force in WMP

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Internal and External Scrutiny of Use of Force

73. Public scrutiny of use of force mirrors the robust scrutiny arrangements for stop and search. The established local stop and search scrutiny panels are including use of force in their remits and are able to select a number of cases from their area for the relevant time period. These are presented with additional information such as incident logs, statements and BWV footage, if available, to allow the panel to make an assessment as to whether the use of force was, in their opinion, fair and appropriate.

74. The panels are presented with local use of force data for their area, for the relevant time period, to enable them to assess any trends in use or to raise any key issues.

75. There has been some work to check panels are in place and operating which did give a high level of confidence. Further work is now ongoing to physically visit scrutiny panels to ensure they are fit for purpose.

76. Any individual and organisational learning will be gathered by the police representative at the panels and fed back into the use of force silver lead and local leaders to allow this to shape force policy. Where appropriate, it will also facilitate the delivery of both positive and developmental feedback to officers and staff.

77. A quarterly review with WMP Learning and Development department and Professional Standards department has now been instigated. A recent review took place and there were lessons learned from complaint. These lessons have now been fed directly back into operational courses delivered to front line officers.

78. Separate scrutiny processes are being explored for use of force and mental health. Specific issues would benefit from the experience of a bespoke group familiar with work in that arena. This is still a work in progress.

79. On a quarterly basis, use of force data is published as part of the Freedom of Information publication scheme on the WMP external website for public consumption.

80. Internally the stop and search and use of force board meets on a quarterly basis chaired by and governed by an ACC. The board analyses use of force data seeking to identify trends and areas of improvement for the force. The last meeting took place on 17th Feb 2020.

Compliance

81. The force has begun to attempt to assess the degree to which officers and staff are complying with the requirement to record use of force. This is carried out by dip sampling crime reports of assault on police and E-Safety report indicating an assault. Compliance in the previous reporting period was at 63%. This has been continually scrutinised and is now at 77% for the last 2 months which is reflected in the increase in recording.

Next Steps

82. The following are planned as future developments in the management of use of force within WMP.

    I.   APP - Improve data quality and collection, to assist the force in understanding factors that cause officers to use force, who force is used with and where force is used.

    II. Develop training packages for scrutiny panel leads and members.

    III. Continue to develop mental health and custody scrutiny panels.

    IV. OPCC Youth trainers to deliver a use of force workshop within schools. Consideration for OPCC Youth Commissioners to support scrutiny panels. Options to deliver this are currently being explored.

    V.   Continue to embed compliance scrutiny for areas that appear to be under recording.

    VI. Embed use of force awareness in command & control, crimes service team, custody, and handover packages to ensure compliance.

    VII. Work is ongoing to explore opportunities through the new Fairness in Policing lead on neurolinguistics programme training.

    VIII. Force communication strategy will include sharing live body-cam footage of use of force examples. This will improve procedural justice by being open and transparent and enable our communities to understand how and why we use force.

    IX. New National Conflict Management Guidelines is looking at using communication & negotiation skills before using force.

X.   Consideration for the Force to conduct an experiment with the College of Policing with Bedfordshire and Humberside to measure the number and type of use of force incidents, number and severity of assaults against officers and number and severity of perceived subject injuries. Force response and custody are currently scoping the impact and value of the experiment before making a decision.

XI.   To monitor research from the College of Policing and Exeter University regarding the annual analysis of use of force data from 30 police forces which will formulate national approach.

XII.   Look to establish bench marking with other similar forces.

XIII.   Long term aspiration for the Force to be able to have a mechanism to measure perceptions of fairness with all interactions we have with communities including citizens we use force against.

XIV.   Explore trends in use of force and how changes in Self Defence Training have impacted officer behaviour.

XV.   Recruitment of new bronze lead.

XVI.   Joint OPCC/WMP action plan to be developed.

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