



## **RESPONSE OF THE POLICE AND CRIME COMMISSIONER OF WILTSHIRE AND SWINDON TO THE HMICFRS REPORT: DISPROPORTIONATE USE OF POLICE POWERS: A SPOTLIGHT ON STOP AND SEARCH AND THE USE OF FORCE**

### **Police and Crime Commissioner's comments**

I welcome the HMICFRS report on “Disproportionate use of police powers”, which was published at the end of February this year. The report itself effectively contributes to a continuation of the public discourse addressing such significant matters as disproportionality of the use of police powers, whilst making a number of recommendations. The report clearly highlights the fact that there is so much more that needs to be done to ensure that negative impacts of disproportionate use of police powers can be eliminated at its root causes. I fully agree that it is essential that forces improve their understanding of the impact on individuals and our diverse communities when it comes to use of police powers such as stop and search. As a result of better understanding, the policing community will be able to identify this phenomenon, understand the reasons for it and most importantly take actions in order to eliminate it whilst transparently continue to inform the members of the public about actions being taken.

Policing is an integral part of our communities and needs the support and consent of the public to keep our county safe and resilient. This collaboration between policing services and our communities can be endangered if police use their powers disproportionately and undermine police legitimacy, which as we all know is a fundamental aspect of the British model of policing by consent. To quote Sir Robert Peel: *‘The police are the public and the public are the police; the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.’*

In this regard, local policing has always been my priority. The Community Policing Teams, which are at the heart of this model, build strong connections with our communities which in effect empowers them to understand the needs of our communities. At the same time, by having the right model in place our Police Officers and Police Community Support Officers can fully engage with our communities, build strong relationships and continue to grow them which in turn allow them to

enhance community relations with our diverse communities. As the report highlights, communication with the public and effective external scrutiny processes are crucial in maintaining a two-way communication between the police and the public in order to avoid the damage to the fabric of our communities which can be caused by unexplained disproportionality of the use of police powers. It is important to explain that this can have further implications not only on policing but the whole Criminal Justice System by trapping some members of our diverse communities in the system while negatively impacting their lives and reducing their prospects and their work opportunities.

As pointed out by Her Majesty's Inspector of Constabulary, Wendy Williams CBE, the national Uplift Programme which was launched in 2019 offers a great opportunity to increase the number of officers who are more reflective of the communities they serve. This change opens a door to new opportunities how to re-connect with some people who previously may have not considered joining policing service and we must do everything that we can to ensure that this opportunity is not undermined by perceptions of disproportionality.

Wiltshire Police's Equality, Diversity and Inclusion Team have been a key function to work with communities and break down barriers to full representation across the organisation. Through the work that has been done to date, it is important to recognise just how challenging it is to make quick progress in this area. To make a real difference in the make-up of the organisation, we must start at the beginning by understanding the current barriers and encourage people from protected characteristics to join policing community.

There is a key role for the leadership to ensure that progress continues, and we work collaboratively to tackle race disparities through promoting closer ties with our diverse communities. My Police and Crime Plan has set the right direction to ensure that efforts are made in making the police more transparent and sensitive to the needs of Black, Asian and Minority Ethnic groups as well as being held accountable. I have seen first-hand how these efforts are being made, from being involved in the IAG, reflecting on the ethnicity data following the Lammy recommendations, through to the support we give Stephen Lawrence Day and the Fixed Penalty Notice (FPN) Scrutiny Panel.

When in response to the global COVID19 pandemic, the Government introduced new legislation aimed at slowing the spread of the virus and saving lives, including giving police the power to sanction Fixed Penalty Notices (FPNs) to anyone breaching the guidance, I approved a process to provide scrutiny and oversight of the legality and proportionality of FPNs including a regular update for the communities 'Summary Overview' to ensure transparency and openness with our communities around any enforcement action that Wiltshire Police officers have taken.

It is important that newly elected PCCs continue to drive this agenda forward, continue to tackle disproportionality and continue to share best practices and local initiatives. PCCs' key role is to hold their Chief Constables to account and to ensure

that the recommendations in the report are thoroughly implemented. Until I step down in few weeks' time, I will hold the Chief Constable to account on the implementing Her Majesty's Inspectorate of Constabulary and Fire and & Rescue Services' recommendations and ask for regular progress and performance reports during my discussions with the Chief Constable either during our 1-2-1 meetings or during my Monitoring Board which takes place every two weeks.

### **Chief Officer comments**

The Chief Constable of Wiltshire notes the published report and recommendations made within it and welcomes the recommendations to improve police processes.

### **Portfolio lead comments**

Wiltshire Police welcomes the report on the disproportionate use of powers.

The report supports the current direction of Wiltshire Police to promote transparency, welcome external scrutiny and to better understand how we can improve our processes, policies and approach in this critical and emotive area of policing.

Throughout 2021 we have continued our efforts to improve our practice in this area. This includes a refresh of our external scrutiny panel which will see an extension of its oversight to now include scrutiny of use of force and have access to officer's body worn video. Training has also been provided to our panel members to encourage and support them to ask the difficult questions and provide meaningful scrutiny.

We are in a better position this year to gather, present and assess our use of stop and search data to support our internal activities and provide an informed narrative to our communities. Communities can access this data through our force website which is now updated on a quarterly basis.

We've also welcomed the support of our Independent Advisory Groups oversight of Stop and Search through the Public Service Board where we have presented our data, improvement plans and sought critical feedback on this important area. In support of internal oversight and development I have developed a new Use of Police Powers Board, that will continue to drive those supporting activities to better understand disproportionality and push for continuous improvement in this area.

We recognise that when used correctly our powers can support the effective policing of local communities. But we also understand the importance of demonstrating that they are used proportionately, legitimately and in line with best practice. We will continue to adopt an approach of listening to our communities, our external stakeholders and to uphold professionalism in this area of policing.

Recommendations	Wiltshire response (In progress)
<p>The report makes 8 recommendations <b>6 specific to Police</b> which are referred to below;</p>	
<p><b>Recommendation No 1;</b> By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation</p>	<p>Effective communication training is provided to all officers and frontline staff to support conflict management and de-escalation. Opportunities to provide additional training in this area are being explored in consultation with the College of Policing. This includes effective communication and it is anticipated this will form part of annual officer training in future.</p>
<p><b>Recommendation No 2</b> By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.</p>	<p>During the review of our body- worn video policy, attention has been drawn to ensuring that it continues to contain reference to supervision being a suitable reason for reviewing footage whilst adhering to Data Protection principles. This is not mandated, but it is encouraged.  <i>“It is expected that supervisors should consider reviewing BWV footage relating to their officers as a supervision tool and as a means of improving performance or to identify training needs.”</i></p>
<p><b>Recommendation No 3</b> By September 2021, forces should:</p> <ul style="list-style-type: none"> <li>• ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;</li> <li>• have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and</li> <li>• provide external scrutiny panel</li> </ul>	<p>The policy for body-worn video has recently been refreshed. The policy identifies that our officers and staff <b>MUST</b> record Stop and Search encounters on body-worn video. The policy specifically highlights officers’ requirements to utilise body-worn video during incidents where the use of force can reasonably be expected or when a user decides to use statutory powers to stop a motor vehicle in order to engage with one or more of the occupants. In support of this our officers have been reminded of these obligations during recent training and internal messaging.  Where our scrutiny arrangements identify that body-worn video has not been used,</p>

<p>members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.</p>	<p>this will be captured with specific feedback to both the officer and their supervisor.</p> <p>An internal scrutiny panel has been developed. Their role includes sampling officers' body-worn video to identify best practice, lessons learnt and consider emerging themes or trends in practice. To date this has specifically focused on Stop and Search activity associated with the recent HMICFRS audit.</p> <p>Supervisors are actively encouraged to review body-worn video to support their supervision of officers, areas for development or identify lessons learnt.</p> <p>Wiltshire's external scrutiny panel has been refreshed with an improved level attendance and good representation from our BAME community. The panel which is independently chaired has seen its role extended to include oversight of use of force. The panel are presented with both stop and search data and use of force information to inform their decision making and understand how the powers are used. The panel will have access to both the written record submitted by officers and any available body-worn camera footage. Due to COVID19 meetings have been virtual. Footage has not been shared over a virtual platform. Once physical meetings have resumed, this will be made available. Feedback will then be provided to officers and their supervisors with specific recommendations to support ongoing development. Where positive practice is identified this will also be highlighted. In the interests of transparency, records are selected at random by panel members.</p> <p>Our external panel have received bespoke use of police powers training to support their knowledge and understanding to encourage active participation.</p>
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<p><b>Recommendation No 5</b></p> <p>By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.</p>	<p>Data relating to our use of force including information on disproportionality, powers, outcomes and volume is overseen on a thematic cycle through our Force Performance Board which maintains executive oversight of this area.</p> <p>In addition to this, the data is presented to our Senior Leadership Team through our Vulnerability Operations Board.</p> <p>Use of force forms are submitted through the Learning and Development team who will consider trends and review Body Worn footage where necessary to identify any opportunities for both individual or broader organisational learning that can be obtained from the interaction.</p> <p>The Assistant Chief Constable chairs the 'Use of Police Powers Board' that drives supporting activities to explore disproportionality and to drive continuous improvement in this area. Membership includes training, Health &amp; Safety, criminal justice, local policing, staff associations and tactical leads for both Stop &amp; Search and Use of force.</p>
<p><b>Recommendation No 6</b></p> <p>By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken.</p>	<p>Wiltshire's external scrutiny panel has been refreshed with an improved level of attendance and good representation from the BAME community. The panel which is independently chaired reviews use of force records and information.</p> <p>The panel are presented with use of force information to inform their decision making and understand how the powers are used.</p> <p>The panel will have access to body-worn camera footage. Due to COVID19 meetings have been virtual. Footage has not been shared over a virtual platform. Once physical meetings have resumed, this will be made available.</p> <p>In the interests of transparency, records are</p>

	<p>selected at random by panel members. Our external panel have received bespoke use of police powers training to support their knowledge and understanding to encourage active participation.</p>
<p><b>Recommendation No 7</b>  With immediate effect, forces should ensure that all stop, and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.</p>	<p>Stop and search records afford officers with the opportunity to capture both self-defined ethnicity and officer defined ethnicity. Compliance in this area will be monitored by our external scrutiny panel.</p>

Cc: Wendy Williams, HMI  
Chief Constable Kier Prichard, Wiltshire Constabulary