



PURPOSE: Report to the Police and Crime Panel (25/10/19)

Title: Progress report following the Deep Dive Scrutiny Report of Dyfed-Powys Police's Use of Force

Executive Summary:

In light of significant public interest and a requirement to improve the police's recording of their use of force, the Office of the Police and Crime Commissioner (OPCC) undertook a 'deep dive' review of the use of force within the Dyfed-Powys area. The report was provided to the Chief Constable on 9th October 2018, who subsequently formally responded, accepting each of the recommendations.

This paper reviews the progress made by Dyfed-Powys Police against the recommendations of the report in the subsequent 12 months.

Headline achievements:

- The organisation has successfully introduced Unique Reference Numbers to facilitate easier tagging and retrieval of records and footage.
- Officer safety training has been refreshed using feedback from the deep dive report relating to recording limitations and insights from officer injury data.
- The suggested requirement for a 'pool' of Body Worn Video (BWV) cameras has been reviewed and subsequently agreed not to be necessary.
- Alterations to current BWV units have been made in response to concerns expressed by specialist sections through the review.
- Procurement of the new records management system is well underway.
- Over 50% of the recommendations have been considered as having been completed. The remaining half are making adequate progress.
- Of those recommendations still in progress, four relate to improving communications to officers and the public, one relates to improving diversity of public scrutiny and one relates to the organisation's own audit and supervision arrangements.

Recommendation:

That the Police and Crime Panel note the contents of the report.

Police and Crime Commissioner for Dyfed-Powys

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the NOLAN Principles for Conduct in Public Life.

Signature:

Date:

Report of the Police and Crime Commissioner to Members of the Police and Crime Panel

Progress report following the Deep Dive Scrutiny Report of Dyfed-Powys Police's Use of Force

1. Purpose of Report

In light of significant public interest and a requirement to improve the police's recording of their use of force, the Office of the Police and Crime Commissioner (OPCC) undertook a 'deep dive' review of the use of force within the Dyfed-Powys area. The report was provided to the Chief Constable on 9th October 2018, who subsequently formally responded, accepting each of the recommendations.

The purpose of this paper is to review the progress made by Dyfed-Powys Police against the recommendations of the report in the subsequent 12 months.

2. Outcome

The review, conducted between June and September 2018, found:

- the use of force was being under-recorded by officers;
- alcohol, drugs and mental health were recorded as the most prevalent impact factors;
- unarmed skills, handcuffing and ground restraints were the majority of tactics giving rise to complaints of excessive force;
- public feedback was mainly positive in relation to police use of force;
- the Commissioner's Quality Assurance (QA) Panel (independent representatives of the residents of the Dyfed-Powys area) supported the positive public feedback in finding that officers dealt with incidents proportionately and reasonably; and
- some shortcomings in the accurate collection, collation and analysis of data on how force is used by Dyfed-Powys Police officers.

3. Situation

The review contributed to the following aspects of the Commissioner's Police and Crime Plan:

- Make best use of our frontline resources to proactively tackle and deal with crime and incidents. (Priority 1: Keeping our communities safe).
- Advocate a reasonable and proportionate response by frontline officers when dealing with people experiencing mental ill health. (Priority 2: Safeguarding the vulnerable).

The review sought to:

1. Seek assurance that Dyfed-Powys Police (DPP) were using their powers of force appropriately;
2. Improve public confidence in Dyfed-Powys Police; and
3. Improve performance in this area (Independent Office for Police Conduct).

Through:

- a) Identifying any trends in terms of the use of force by Dyfed-Powys Police officers and staff;
- b) Highlighting areas of good practice and areas for improvement;
- c) Providing independent oversight of police use of force;
- d) Seeking assurance that officers are appropriately recording all incidents of use of force; and
- e) Informing the public about their rights with regards to the use of force by police officers.

4. Choices and Consequences

The lack of unique reference number, combined with there being no specific use of force categorisation tag within the Body Worn Video (BWV) storage software means that evidence of encounters where force had been used were extremely difficult to locate. The implications of this may include:

- Resources
 - Extensive use of staff and officer time 'trawling' through records in an attempt to locate relevant footage.
 - Complaints and claims taking longer to resolve due to the inability to locate evidential footage.
- Financial
 - Potential for more successful 'excess force' damages claims due to officers being unable to disprove claims without records and footage.
 - Poor realisation of benefits from the significant investment in BWV.
- IT storage and Data Protection
 - Inappropriate retention / deletion of footage due to potential for inappropriate tagging.
 - Difficulty in handling subject access requests due to difficulties in identifying correct individuals in footage without corresponding written records.
- Public confidence and staff wellbeing
 - Lack of transparency may reduce subjects' trust and confidence in the police.
 - Difficulty in implementing effective supervision and audit dip-sampling to reflect on effectiveness of approaches.
 - Lack of trust in the accuracy of recording may negatively impact on officer and staff wellbeing.
 - Possibility that as compliance increases, the perception will be that force is being used more than it is as the data currently only represents the number of forms submitted and not the number of incidents.

5. Actions and Review

	Recommendation	Initial comment from the Chief Constable	Position as of September 2019
1	Introduce Unique Reference Numbers (URNs) for use of force forms as a matter of urgency.	Work to introduce and utilise Unique Reference Numbers (URNs) had already been authorised.	There has been a delay in the upgrade to the application due to failures of the system during testing phases. However successful tests have now been completed and the necessary changes to PRONTO have been made. This has allowed improved scrutiny to be undertaken as it has allowed the latest profile produced to be more detailed in what it has reported on e.g. – it has allowed for details of type of force used & ethnicity of subject data comparisons. Recommendation discharged.
2	URNs must be used to ensure Body Worn Video (BWV) footage is appropriately tagged and readily retrievable.		The delay, caused by testing failures, in finalising the PRONTO upgrade had a knock on effect on the final part of the process which allows Officers to be sighted on the relevant URN, which in turn will allow categorisation of BWV against that URN. The Digital Team has confirmed the necessary work has now been completed, however the system is reliant on users accurately inputting the URN on the BWV system and tagging the footage as an evidential clip to ensure it is retained beyond one month.
3	Communicate clear and consistent recording requirements to officers and staff, including the importance of Body Worn Video footage and justification of the force used.	A communication strategy to articulate recording requirements to the workforce was being prepared.	There have been regular discussions through the Force Digital Projects Board in relation to several aspects of its ongoing work streams. This has included instructions to staff on the use of Body Worn video in relevant circumstances, and the appropriate times to categorise it. In an attempt to roughly monitor officers' compliance with the requirement to report all instances of use of force, Dyfed-Powys Police's use of force profile compares the number of use of force forms submitted with the number of arrests during

			<p>the same period. This data must be reviewed with caution, as not every use of force will result in an arrest, and not every arrest will require the use of force, however, it gives an indication of the expected trend.</p> <p>During the review and reporting periods (Quarters 1 and 2 of 2018/19), the rate of form submissions to arrests was a stable 54%. In the two financial quarters following the report being published (Quarters 3 and 4 of 2018/19), this had reduced to approximately 48%. Further work is required to understand whether the organisation's manner of assessing compliance is fit for purpose, or whether actual recording rates have declined. This will be assessed further through the Commissioner's Quality Assurance Panel review later in October 2019.</p>
4	Review and consult with officers on the current use of force training package to ensure this reflects reality as far as possible and includes sufficient coverage of reporting requirements.	Reviews of the officer safety training package and body worn video provision were underway and would incorporate the points raised by the review.	<p>Representatives from the Quality Assurance Panel observed the refreshed officer safety training in March 2019, which provided valuable insights and assurance on the variety of tactics at officers' disposal when dealing with resistant subjects. At a meeting of the Ethical Use of Police Powers (EUPP) group in May 2019 it was reported that there was an issue with officers attending their annual safety training refresher course. Since the meeting, the organisation has issued communication to all relevant officers to inform them of the refreshed package to encourage attendance. Specific instructions on the recording requirements, with talk through examples are also covered within the training.</p> <p>Recommendation discharged.</p>

5	Set in place audit and supervision arrangements to assess understanding and subsequent compliance with use of force recording requirements.	Following the introduction of URNs, a supervision process to review recording compliance would be established by the Force.	<p>Throughout the period between the initial report and this progress review, a member of the Commissioner's team has maintained oversight of DPP's own management and scrutiny of use of force data through attendance at the quarterly governance group meetings. Through these meetings, it has been observed that the organisation's data analysis of use of force incidents has matured, with more detailed performance reports available for internal scrutiny.</p> <p>The EUPP group set a task for a dip sample audit of use of force submissions to provide an assessment of specific supervision requirements in relation to audit i.e. what is easily achievable for first and second line supervision. Also this tasked audit was due to report on where the organisation currently was in terms of compliance levels for use of force form submissions. This has proven to be challenging due to limitations in the IT systems. The OPCC continue to discuss these challenges with DPP.</p>
6	Review the existing use of force forms with a view to auto-populating fields, reducing the amount of data required and considering how officers' rationale is recorded.	The use of force forms would be reviewed to allow officer's rationale to be inputted.	<p>The form that is completed is a nationally designed form that has been adopted by the majority of UK Forces and therefore changes cannot be made to the template.</p> <p>Recommendation discharged.</p>
7	Work with the OPCC to educate the public on the necessary, reasonable and proportionate use of force by police officers and their rights relating to the exercise of the power.	The Force would work with the OPCC through the Use of Force governance group (recently renamed to the Ethical Use of Police Powers (EUPP) group) to educate the public.	<p>Three months following the review, the Commissioner's Quality Assurance Panel undertook a second review of recorded incidents of use of force in order to assess any immediate progress which had been made. The Panel found that the use of force was consistently necessary, reasonable and proportionate.</p> <p>The review reported that 55 allegations relating to the excessive use of force by officers were recorded by Dyfed-</p>

			<p>Powys Police within a 15 month period (April 2017 – June 2018). During the 12 months ending 31st July 2019, 50 such allegations were recorded. This shows very little variation in the average number of allegations per month (3.7 and 4.2 respectively).</p> <p>It is encouraging that officers are continually found to be exercising their powers ethically, however more should be done to educate the public about this. The OPCC will continue to work with DPP to communicate key messages to the public.</p>
8	Ensure officers routinely complete the individual profile of those subjected to force in order to enable appropriate monitoring of potential disproportionate use on different demographic groups.	See recommendation 5.	<p>In their review during December 2018, the Quality Assurance Panel found some discrepancies in the information recorded on the forms, with personal details differing on forms based on the same incident.</p> <p>Communication with officers over the past several months has highlighted the requirement to complete forms accurately with all information, including personal details. The evidence seen thus far is that this is an improving picture with forms now completed in more detail than previously. The organisation recognises that further work is required to improve on overall submission compliance. In order to achieve this there is a consultation exercise being planned through the Corporate Communication Team, to better understand any barriers that may be in the way – which can then be developed upon if identified. Work is ongoing to develop this area of work.</p>
9	Consider the provision of a 'pool' of BWV cameras for those without personal issue to access when there is an operational need.	See recommendation 4.	<p>Consideration has been given to a 'pool' capability of BWV through the Forces Digital Projects Board, however following consultation with staff this was not deemed necessary. Recommendation discharged.</p>

10	Improve the way in which the Force records officer injuries associated with the use of force. This information should be used to ensure officers are appropriately equipped and protected from sustaining harm in the course of their duties.	Recommendations 10 to 14 were being considered by the Force in order to identify appropriate opportunities to address the recommendations.	<p>The review highlighted that 61 officers reported sustaining injuries as a result of their use of force during April to June 2018. Subsequent quarters' data show a reduction in these reports, to an average of 46 officers injured within a 3 month period.</p> <p>It was reported in a meeting of the Ethical Use of Police Powers Group during May 2019 that data recorded regarding assaults on officers would be utilised to inform future training (for example promoting the use of leg restraints as the most common assault on police was from kicking).</p> <p>Recommendation discharged.</p>
11	Continue to work with local health services to develop tailored plans for the appropriate management (including the safest, most effective and appropriate forms of force recommended) of repeat offenders, especially those with protected characteristics.		<p>Dyfed-Powys Police has formal procedures in place to meet regularly with other services to review the management of individuals living with mental health conditions who are frequent service users. The aim of this work is to identify those who are common to more than one service (emergency and health and social care) and develop appropriate coordinated care plans to safeguard the vulnerable people and staff working with them.</p>
12	Work with the OPCC to improve public involvement in the scrutiny of police officers' contact with the public.		<p>Towards the end of 2018 the Commissioner's office and NPT officers worked with Pembrokeshire People First to discuss perceptions of the police and individuals' rights in relation to police contact. The session provided useful insights into the experiences and perceptions of people with learning difficulties and autism.</p> <p>The Quality Assurance Panel continues to review a variety of police-public contact methods and includes representation from the Independent Advisory Group.</p> <p>The Commissioner's team intends on replicating similar sessions with other representative groups in the future. Further</p>

			work is planned for the coming months to engage with a more diverse population to ensure the views of those with protected characteristics are captured and considered.
13	Prioritise a decision on the future records management system, ensuring every effort is made to improve interoperability and improving auto-population of certain fields, thus reducing the volume of separate reporting requirements placed upon officers.		<p>The procurement process for the new records management system is underway and a decision on the supplier is expected before the end of 2019.</p> <p>Whilst it is considered this recommendation is complete, the organisation will need to ensure that written and video records are appropriately connected and readily retrievable.</p> <p>Recommendation discharged.</p>
14	Review the concerns of specialist sections to ensure officers are equipped appropriately to undertake their duties effectively.		<p>This was reviewed and the relevant specialist sections have had their BWV lights deactivated as per their suggestion.</p> <p>Recommendation discharged.</p>

6. Background / Supporting papers

- Original report: <http://www.dyfedpowys-pcc.org.uk/media/6719/use-of-force-report.pdf>
- Chief Constable's response: <http://www.dyfedpowys-pcc.org.uk/media/6720/use-of-force-chief-constables-response.pdf>