

**South Wales Police & Crime Commissioner**

# **Annual Summary of Scrutiny and Oversight Activity**

**April 2020 – April 2021**



## Introduction

The Police & Crime Commissioner for South Wales has a statutory duty and electoral mandate to hold South Wales Police to account on behalf of the public. He works to ensure the effective and efficient operation of the force by working together with the Chief Constable, aiming to provide the best possible police service to South Wales.

The Commissioner uses a range of ways to ensure that formal scrutiny of the force takes place throughout the year. As well as the weekly contact he has with Chief Officers in the force, the Commissioner chairs a Strategic Board on a quarterly basis. This is where he formally holds the Chief Constable to account in relation to crime reduction, force performance, and the delivery of priorities in the Police & Crime Plan. Further detail on these arrangements are laid out in the jointly agreed Manual of Governance and Annual Governance Statement.

In addition to this Board, the Commissioner has established a scrutiny programme, which enables detailed ongoing oversight of policing issues and the ability to act as a critical friend. The programme is delivered through a range of groups, meetings and activities, with the purpose of ensuring that critical and constructive challenge can be provided and that positive improvements can be driven where needed.

During the year's pandemic, there were inevitable challenges placed upon planned scrutiny activities. However, the Commissioner and team responded by ensuring that scrutiny activity could continue online, and that the scheduled scrutiny programme could be adjusted to incorporate oversight of the police response to the pandemic. There were also a number of high-profile events that impacted on policing during the year, both nationally and in South Wales. This led to considerable additional focus on community cohesion and equality and inclusion issues within the Commissioner's oversight role.

**This annual summary outlines the activity that was conducted via the scrutiny programme during the financial year 2020-2021.**

## Scrutiny & Accountability Board

This Board meets every 6 weeks and is alternately chaired by the Deputy Police & Crime Commissioner and the Chief Executive. Every other meeting contains a 'deep dive' topic for scrutiny, which enables detailed analysis of a specific policing topic. The Commissioner's team ensures that partner agencies, victims of crime, and the wider public, can feed in as much as possible. The deep dive topics discussed during 2020-21 are outlined below.

## Racial Disproportionality (August 2020)

### What was Considered

Force data for a range of policing issues was collected and analysed by ethnicity. In addition, the Commissioner's team sought the views of Black & Minority Ethnic young people and partner agencies working with ethnic minorities. The team also randomly viewed recent stop search and use of force footage, scrutinised stop search records and considered national data and research that highlighted racial disproportionality in policing and public perceptions of policing powers.

### Issues Identified

The key issues that arose during the deep dive were:

- That there continued to be racial disproportionality across a range of force practices, which was evidenced by available data.
- That there were large gaps in available ethnicity data, which appeared to be rising. This lack of ethnicity recording made it difficult to regularly review and understand the extent of racial disproportionality.
- That stop search and 'use of force' disproportionality rates were increasing, in particular the use of taser on Black and Mixed race people.
- That victim satisfaction rates were lower amongst Black and Minority Ethnic people, as were crime outcome rates for Black people.
- That a large number of young ethnic minority people felt there was racial discrimination and stereotyping in how stop searches were conducted.
- That many young ethnic minority people felt confused by the stop search situation, not always understanding the legal jargon that was used or the reasons for the search.
- That the majority of young ethnic minority people spoken to agreed that stop search was a useful and valid tool in tackling serious crime, but there was a fear that it may be used more with an increase in knife crime. There were concerns that this could increase racial stereotyping.
- That improvements needed to be made in the bodyworn video recordings of stop search. Not all encounters were being filmed in their entirety.
- That the majority of stop search records and bodyworn video footage tended to show that searches were legitimately conducted with reasonable grounds. Some encounters could appear too process-driven, which could impact on interactions.
- That South Wales Police continued to be under representative of its Black, Asian and Minority Ethnic population in the area, and that this was noted by ethnic minority communities who felt that an increased visible diversity would increase trust in the police.

- That a number of ongoing disproportionality issues were clearly of concern and that there was a willingness and sense of urgency to address these through a new Joint Race Equality Plan.

### Commissioner's Team Recommendations

A number of recommendations were made to the force following the deep dive, including:

- That ethnicity data quality issues and gaps in recording on force systems should be addressed.
- That consideration should be given to how to increase the proportions of Black, Asian & Minority Ethnic people in victim satisfaction surveys and other relevant consultation surveys to capture lived experience and feedback as much as possible.
- That the way in which language and communication was being addressed in stop search training should be reviewed to ensure appropriate and proportionate interactions.
- That work should be conducted to review the use of receipts and the seeking of feedback following stop search encounters.
- That bodyworn video stop search compliance should be continually monitored, ensuring that the whole encounter is recorded.

### **Community Engagement (November 2020)**

#### What was Considered

Force strategies and methods for engaging with communities across the force were considered. The Commissioner's Team considered the reach of this engagement, including its accessibility, as well as the make-up and diversity of those engaged with. The team considered how the force was working to understand its communities, and also considered the impact of force engagement and how public feedback had led to change of practice or policy.

#### Issues Identified

The key issues that arose during the deep dive were:

- That there were numerous tools in place to monitor the demographics of the South Wales population and these were used to best target policing communication as needed.
- That the Covid-19 pandemic had led to the development of new ways of engaging, many of which had seen positive numbers engaging with the police.
- That an engagement activity portal had been developed in the force to enable officers to input individual community engagement activity and outcomes. This was a useful tool but take-up had been slow and was not mandated.

- That community tensions were being monitored and regularly reviewed across the force and emerging community issues and threats were being considered on a forcewide basis.
- That the Crime Survey of England and Wales showed a decline in public confidence in policing in the force area. Plans were in place to consult on public perceptions and confidence in the coming year.
- That work was being led by the Commissioner's team in partnership with the force to enhance engagement with young people via a 'Young Voices' initiative. This was enabling young people to feed in their views on policing in a comfortable environment and with their peers.

### Commissioner's Team Recommendations

A number of recommendations were made to the force following the deep dive, including:

- That there was a need to establish how trends and issues picked up from community engagement were collected and regularly reviewed on a force-wide level to maximise learning.
- That better mechanisms should be established to measure the effectiveness and outcomes of community engagement activity across the force.
- That positive case outcomes and positive initiatives should be targeted to communities to encourage confidence and reporting.
- That the recorded decline in public confidence should be further explored and proposals developed to address this.

## **Black & Minority Ethnic Representation in South Wales Police (February 2021)**

### What was Considered

For this deep dive, the Commissioner's team considered employment and recruitment data and strategies, as well as the views of ethnic minority staff working for South Wales Police. In addition, focus groups were held with officers and staff acting as representative workforce Development Champions, and with a random selection of officers and staff internally. These were to find out the depth of internal awareness and understanding of the need for positive action to address the under-representation of ethnic minorities in the force and to find out where improvements could be made.

### Issues Identified

The key issues that arose during the deep dive were:

- That ethnic minority officers that had been recruited through the representative workforce programme spoke positively about their experiences of the programme and felt they had received good support.
- That many felt the current programme promoted police officer roles to the public much more than police staff roles and that this could be preventing Black & Minority Ethnic communities from understanding wider employment opportunities available.
- That the internal Development Champion scheme, that enabled volunteer members of the force to support ethnic minorities to apply for roles in the force, was having a positive impact. However, the scheme could benefit from some refocus in order to maximise efficiencies and effectiveness.
- That a review was needed into the existing internal and external Communications campaigns associated with the recruitment of Black, Asian & Minority ethnic people. Investment was needed in order to ensure this was seen as a priority and that accurate and useful information was being provided. This included the need for South Wales Police to 'sell' itself better to ethnic minority communities.
- That now that the numbers of officers and staff from ethnic minorities was improving, there was a need for a more visible commitment to their retention and progression.
- That it was unclear how regularly or effectively the representative workforce programme was being evaluated and reviewed, in which case there could be missed opportunities to introduce changes and improvements.
- That the team currently working to improve the representation of ethnic minorities in the force was extremely committed. However, it was unlikely that a continual reliance on the team alone was going to lead to sustainable outcomes. Some of the work needed to be more aligned to a broader Human Resources model.
- That there was a need for language and reporting in relation to recruitment of ethnic minorities to be more specific. Use of the term 'BAME' was regarded as unhelpful as it did not break down representation and under-representation enough, and this could provide a skewed picture.

### Commissioner's Team Recommendations

A number of recommendations were made to the force following the deep dive, including:

- That the force and Commissioner's team should come together to refresh the Black, Asian & Minority Ethnic Recruitment & Progression Strategy in line with all the scrutiny findings.

- That ongoing monitoring and scrutiny of this area should be prioritised, alongside monitoring of the new Joint Race Equality Plan.

### **Additional Scrutiny by the Board**

In addition to deep dive topics, the Scrutiny & Accountability Board conducted scrutiny of other policing issues during 2020/21. This included:

#### Automated Facial Recognition (AFR) Technology

The Board received updates on the deployment of AFR across the force, including the ongoing work to equality impact assess AFR in order to establish where any bias may exist in the technology. The Board was kept up to date on plans to test the technology and the Commissioner's team emphasised the need to engage with communities during this work.

#### Treatment of Detainees in Custody

The Board considered the findings of the Commissioner's team's monitoring of custody services during the Covid-19 lockdown. In addition to the findings of the Independent Custody Visiting Scheme volunteers, the Board considered the findings of the Scheme Manager who had made unannounced telephone calls to custody and randomly checked on electronic custody records throughout the period. Whilst the overall treatment of detainees was found to be excellent, some recommendations were made in terms of religious needs and sanitary provision, with the need for data recording improvements in these areas.

#### Internal Understanding of Race Equality Issues

The Board was kept up to date on progress relating to the 'Let's Talk About Race' sessions being held with officers and staff across the force. This provided insight into internal understanding of issues such as racial disparity, racism and white privilege. The findings were discussed in order to contribute to the development of the Joint Race Equality Plan priorities and commitments.

#### The Handling of Community Tensions across South Wales

The Board discussed how the force was working with communities to deal with tensions arising from specific incidents during the year. This included the Commissioner's team emphasising the need for early and honest communication with communities, and the importance of listening to community feedback.

### **Police Accountability & Legitimacy Group (PALG)**

PALG is chaired by the Commissioner's Chief Executive. The group meets quarterly and consists of external partner organisations and independent community members

who assist the Commissioner's team in providing a critical friend perspective of force performance and practice.

During 2020, a total of 6 new independent community members were recruited to the group, following an open advert process. The new members were able to bring independent input and advice, positively adding to the existing membership of partner organisations.

During 2020-21 the group considered a number of issues, including:

#### The Police & Partner Response to Covid-19

The group discussed the way in which South Wales Police was responding to incidents and managing victims during Covid-19 restrictions. Members also considered how commissioned services were operating and were able to question the nature of service delivery in order to be assured that victim needs continued to be met.

#### Automated Facial Recognition (AFR)

The group considered the ongoing work to ensure that AFR was being tested for bias and members were updated on the legal decisions around AFR use.

#### South Wales Police Equality Objectives

The equality objectives set out in the Joint Equality Plan were presented to the group so that they could receive updates on progress and question any issues arising.

#### Racial Disproportionality

During the year the group identified and queried a range of areas where racial disproportionality existed and were able to question how these were being addressed. Examples included the disproportionate rates of Fixed Penalty Notices being provided to Black & Minority Ethnic people for Covid-19 breaches, and continued disproportionality for stop search.

#### The Victims' Strategy and Treatment of Crime Victims

Proposals within the draft Victims Strategy for South Wales were shared with the group. Members were able to provide independent comments in order to shape the proposals further.

#### Police Complaints Processes

The group considered the complaints demands on the force and the trend towards increased and repeat complaints. Members considered the force's proposals on managing vexatious complainants and were in agreement with them.



## Community Tensions and Community Cohesion

During the year, the group was updated on community feeling and tensions arising from particular incidents that had led to a lack of trust and confidence in policing in some communities. The group questioned the force on how this was being handled and were able to put forward their views on what could be carried out to ease tensions.

## **Joint Independent Ethics Committee**

This committee is jointly run by the Commissioner and Chief Constable. It contains external independent members and has an independent chair. The committee meets quarterly and discusses ethical dilemmas that the force is presented with, with the aim of offering independent opinion. During 2020-21 the issues considered included:

### Traffic Speed Enforcement

The committee discussed supporting the position on enforcing traffic speed restrictions for environmental purposes. This was a different policing stance on speed enforcement, which ordinarily enforced for reasons relating to casualties arising from speeding. There were sensitivities relating to different national and political stances, and a need to consider public perceptions to a change in policing policy. Following debate, the committee felt that whilst environmental reasons for reducing speed were important in terms of public health, there was a need for education and partnership working on the matter to be prioritised over police enforcement.

### Use of CBD Products

Discussions took place around the availability of cannabidiol (CBD) products online and in health shops for medicinal purposes. It was recognised that use of these products by police personnel could be considered negatively by some members of the public. However, it was clear that the products were legal, and that they would not influence behaviour or show up in testing. The committee agreed that police personnel should be able to personally choose to use such products in line with the rest of the public and that force communication on this would be required.

### Bodyworn Video Use in Rape Interviews

The committee debated the sensitivities around bodyworn video use in rape interviews. National and force policy stipulated that this could not be used at initial interviews with victims. The ethical dilemma was posed as to whether an officer would wish to video in cases where they had gained victim consent and held a view that it would assist in evidence gathering for prosecution – hence going against policy. The committee debated both sides of the issue and could not come to an

immediate agreement on an outcome. The issue was later debated further internally at the committee's request and was brought back to the committee. The committee eventually advised against bodyworn video in this context.

## **Joint Audit Committee**

This committee operates jointly between the Commissioner and force. It consists of independent members, with an independent chair. The committee provides an oversight and monitoring function, particularly in relation to financial and audit matters. During 2020-21 the issues considered included:

- The presentation of accounts
- Annual Governance Statement
- Audit reports received in relation to South Wales Police and the Commissioner
- Reports and recommendations from Her Majesty's Inspectorate of Constabulary, Fire & Rescue Services (HMICFRS)
- Force risks, uncertainties and issues logs.

## **Other Oversight and Scrutiny**

In addition to the scrutiny work via Boards and groups outlined in this report, additional oversight and monitoring work took place within the Commissioner's team during the year. This included attendance at 'Out of Court Disposal Scrutiny Panels', whereby a selection of criminal cases that had been settled out of court were considered for their fairness and appropriateness.

Also, public complaints made to South Wales Police were randomly assessed by the team, to ensure that the force appropriately and fairly considered the cases and used appropriate methods to investigate them. Police officer Body worn video footage was randomly reviewed by the team in order that stop search and use of force powers could be independently assessed for appropriateness and fairness. In addition, stop search and use of force forms completed by officers were assessed for accuracy and fairness.

Finally, as part of the Covid-19 contingency plans for Independent Custody Visiting, the team conducted a number of random custody record checks during the year to ensure compliance with custody processes and the fair treatment of detainees.

## **Conclusions**

The oversight and scrutiny work that has taken place during 2020-21 has led to a number of recommendations, which South Wales Police is committed to working towards where possible. Ongoing monitoring and review of progress will continue

within the Commissioner's scrutiny programme for 2021-22. A forward work programme and review of lessons learnt from last year is underway.

The Commissioner and his team are committed to ensuring that scrutiny of South Wales Police is a fair and positive activity, which looks to identify good practice where possible, and to proportionately challenge the force where appropriate and where improvements on behalf of the public can be made.

Thanks are extended to the crime victims, members of the public, partner agencies and independent advisers who have substantially contributed to the scrutiny and oversight work during the year.



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