

RESPONSE OF THE POLICE AND CRIME COMMISSIONER OF WILTSHIRE AND SWINDON TO THE HMICFRS REPORT

Criminal Justice Alliance’s super complaint- Sec 60 Criminal Justice & Public Order Act 1994 & Independent scrutiny of community stop & search

Chief Officer comments

The Force notes the HMICFRS publication and accepts the recommendations against which to improve the consistency and supervision of the Section 60 Stop and Search Power.

Portfolio lead comments.

Please add any supporting comment.

<p>The report details 10 recommendations, x7 for Police as below.</p>	<p>Wiltshire Police Response –</p> <p>Timelines and guidance:</p> <ul style="list-style-type: none"> • Force Response: Completion date no later than 31/01/2024 (approx. 1wk prior to submission date of 09/02/2024) <ol style="list-style-type: none"> 1. Completion by portfolio lead C/Supt Staynings 2. Review/approval by ACC Cooper. • OPCC Response: Completed after above. <ol style="list-style-type: none"> 3. Onward forwarding to HMICFRS within 56 days of publication of report. <p>Portfolio lead please provide a brief summary considering the current Force position in relation to the recommendations, adding any plans to progress.</p>
<p>Description</p> <p>By 14 June 2024, Chief Constables should make sure their forces review the content of training on Section 60 of the Criminal Justice and Public Order Act 1994 and how they provide it. The review should consider current national police curriculum requirements and the adequacy of Force training for:</p> <ul style="list-style-type: none"> • Officers who may be required to authorise section 60s; and • Officers who may be required to conduct section 60 stop and searches. 	<p>Wiltshire Police recognise that Section 60 power is not utilised on a regular basis, however, remains a significant power available to Police Forces. Over the previous 18-month period there have been incidents within Wiltshire that have led to the implementation of a Section 60 in response to/in likelihood of, serious violence.</p> <p>Alongside reforms to internal management of stop and search processes, Wiltshire Police have identified and implemented a clear governance structure and framework for the strategic management of stop and search, with a focus on both short- and medium-term considerations. The recommendations from the super complaint will be adopted and taken into practice.</p>

<p>The review and any associated actions should be proportionate to each Force's use of section 60.</p>	<p>Wiltshire Police recognise a training gap for both officers who authorise Section 60s, and for those officers who are required to conduct Section 60 stop and search. Whilst an initial input is currently given it is through the wider consideration of stop and search powers. Commanders who authorise such powers (Inspectors and Superintendents) utilise tools such as College of Policing APP and Police visual handbook to guide their considerations.</p> <p>Wiltshire Police commit to ensuring a roll out of internal awareness and clear direction for the use of Section 60, including training for Commanders involved in the authorisation. This will be supported through using national products including the College of Policing online learning portal.</p> <p>Wiltshire Police also commit to creating an auditable record for Inspector/Supt public authorisations, including Section 60.</p>
<p>Description</p> <p>By 14 June 2024, Chief Constables should make sure briefing and debriefing arrangements for their Force's activities under Section 60 of the Criminal Justice and Public Order Act 1994 are thorough and in line with Police and Criminal Evidence Act 1984 Code A and authorised professional practice content and guidance. Chief Constables must make sure Section 60 authorisation briefings are recorded. This may be as a written briefing. But formal verbal Section 60 authorisation briefings should be given on audio-visual devices such as body-worn video or approved handheld communication devices. They should be capable of being recorded as part of the policing operation and be subject to scrutiny. Section 60 briefings to officers who are required to use their stop and search powers should include information on:</p> <ul style="list-style-type: none"> • The relevant law and guidance. • The grounds for authorising the use of section 60 stop and search powers. • All relevant and current information and intelligence. • The geographical area covered, and time limitations authorised • All relevant community information (including policing history) and any community impact assessment. • All relevant community information (including policing history) and any community impact assessment. • The importance of recording all section 60 stop and search encounters on body-worn video in their entirety. 	<p>It is recognised that Section 60 stop and search powers can be utilised during both an 'immediate response' to an incident, and as a pre-planned consideration dependent on the circumstance.</p> <p>Through the Force delivery plan in place, Wiltshire Police will embed a mechanism whereby:</p> <ul style="list-style-type: none"> • Immediate and spontaneous Section 60 authorisations are both verbally given to officers and recorded via body worn video • Pre-planned Section 60 authorisations are briefed, and authority sought from a Supt via a recorded TEAMS briefing, before an audio recorded briefing to all officers involved in the operation. <p>A clear process for the storage of the documentation will be put in place, with ease of access for external scrutiny. An auditable recording mechanism will also be created and available for such scrutiny.</p>

<p>Description</p> <p>By 14 June 2024, Chief constables should make sure all officers who exercise stop and search powers understand, and comply with, their responsibility to safeguard children who are stopped and searched.</p> <p>In doing so, Chief constables should make sure that:</p> <ul style="list-style-type: none"> • in line with the national policing curriculum, officers undertaking searches are appropriately trained to take the necessary steps to minimise any emotional harm that may be caused through these encounters. • their force has processes in place to assist appropriate safeguarding referrals when children are stopped and searched; and • there is robust checking and assessment of all such searches that takes account of the safety and welfare needs of the child. 	<p>We recognise the need to ensure compliance and overarching responsibility when considering the searches of children throughout wider use of stop and search powers.</p> <p>Wiltshire Police will embed a process to highlight if a child has been subject of a stop and search, and to recognise within the report whether there have been any safeguarding concerns raised. This will build upon the 'AWARE' (Appearance; Words; Activity; Relationships and Dynamics; Environment) principles and enable concerns to be raised and considered in a swift manner. Wiltshire Police will also embed an internal 'line management scrutiny' process, to allow line managers to dip sample and check the content of stop and search records, allowing clear scrutiny for records involving children.</p> <p>All stop search reports are open to scrutiny and if safeguarding concerns have been raised there is an expectation of positive action with the officers conducting the search.</p> <p>Front line supervisors at Sergeant and Inspector rank are able to review and robustly check the circumstance of the stop and search.</p>
<p>Description</p> <p>By 14 June 2024, Chief constables should make sure forces effectively communicate with communities and interested parties on the police use of section 60 stop and search powers. This should include:</p> <ul style="list-style-type: none"> • making sure communications reach the communities most likely to be affected by the section 60 authorisation and checking their communication strategies were effective. • publicising details to inform the public, give reassurance and maximise any deterrent effect; and • reporting back to communities and interested parties on operational outcomes. 	<p>We recognise the importance of ensuring communication with the community, partners and stakeholders as part of the use of Section 60 powers. During previous authorisations, Wiltshire Police have engaged with community leaders to establish views when considering the authorisation of a pre-planned Section 60.</p> <p>Wiltshire Police understand the value in ensuring engagement with IAGs, and community scrutiny panels.</p> <p>We will embed a clear process to ensure that community views are actively recorded during the authorisation of a Section 60 in an open, transparent and easily accessible manner. This will be documented and open to scrutiny. We will also ensure community consultation relating to Section 60 is considered before or as soon as practicable after the authorisation, with a commitment to review this both internally and externally and publicise the results across our social media channels.</p>
<p>Description</p> <p>By 14 June 2024, Chief constables should satisfy themselves that their Force gives community scrutiny panels (or their equivalents) all relevant information to help them scrutinise police stop and searches and other police actions arising from Section 60 authorisations. This should include:</p> <ul style="list-style-type: none"> • the grounds and underlying reasons for the authorisations. • any recordings of briefings. • written records of searches. 	<p>Wiltshire Police already have a current Police Powers Scrutiny Board, comprising members of the public, who offer an independent assessment of both stop and search, and use of force reports.</p> <p>Wiltshire Police are currently reviewing the approach to scrutiny to ensure that a wide cross-section of the community can respond and have the opportunity to engage in such a process.</p> <p>Currently, the process allows for the randomised 'dip sampling' of stop and search records.</p>

<ul style="list-style-type: none"> information about the outcomes of searches; and body-worn video footage of entire encounters. <p>In addition, Chief constables should satisfy themselves that their Force incorporates feedback from community scrutiny panels (or their equivalents) when evaluating and improving the forces' use of Section 60.</p>	<p>As part of this review, we will embed an 'automatic referral' process that will see any Section 60 authorisations automatically referred to the external scrutiny panel for review. All available records and sharable information will be provided to ensure the panel are able to reach a far- and wide-ranging consideration</p> <p>Feedback from the external community scrutiny panel will be actioned through the existing stop search Force governance to ensure the feedback is adopted and considered.</p>
<p>Description</p> <p>By 14 June 2024, Chief constables and where applicable PCC's (or equivalents) should make sure their forces work in partnership with community scrutiny panels (or their equivalents) to:</p> <ul style="list-style-type: none"> review panel membership and vetting arrangements to remove any unnecessary barriers to recruiting panel members. promote the recruitment of culturally diverse members, with a particular focus on representing, involving and retaining those from under-represented communities and young people. promote the representation, involvement and retention of those who have been stopped and searched. make sure the force gives community scrutiny panels information on the police use of force, including handcuffing, relevant to the police use of stop and search powers. make sure they support and help community scrutiny panels to review section 60 authorisations, searches, community impact assessments and associated complaints. give members appropriate training and support to help them effectively carry out their role scrutinising all stop and searches, taking account of the effect the role could have on them; and provide the right level of police representation at panel meetings to support and advise as required, and to make sure the panel's feedback helps to improve both individual officer and organisational learning. 	<p>Wiltshire Police have a current Police Powers Scrutiny Board, comprising members of the public, who offer an independent assessment of both stop and search, and use of force reports.</p> <p>Wiltshire Police are currently reviewing the approach to scrutiny to ensure that a cross-section of the community can respond and can engage in such a process. This will have a specific focus on taking scrutiny groups out into communities, ensuring barriers are removed and correct information and guidance provided. The Force will ensure a clear process to refer Section 60 authorities and individual uses of the power through internal debriefs - this will see the Force embed an auditable record-keeping process with Force leads for stop and search actively monitoring use.</p> <p>Wiltshire have now appointed a new 'Stop Search/Use of Force Delivery Officer' role, to provide the pivotal operational link between Wiltshire Police, the OPCC and external scrutiny.</p>
<p>Description</p> <p>Within 56 days of the publication date of this report, the National Police Chiefs Council , the Association of Police and Crime Commissioners and the Home Office should inform His Majesty's Inspectorate of Constabulary and Fire & Rescue</p>	<p>This response will be shared on the Wiltshire Police website.</p>

Services, the Independent Office for Police Conduct, and the College of Policing how they intend to respond to the recommendations.

Within 56 days of the publication date of this report, forces should publish on their websites an explanation of how they have responded or will respond to the recommendations. Forces should send the National Police Chiefs Council links to where this information can be found.