Mae'r ddogfen hon ar gael yn Gymraeg yn ogystal â Saesneg.

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COMISIYNYDD HEDDLU A THROSEDDU DYFED-POWYS POLICE AND CRIME COMMISSIONER

Police and Crime

Commissioner for Dyfed-Powys

Scrutiny Panel

Dip Sampling Exercise

Stop and Search Incidents

Panel Members' Findings & Feedback

November 2020

1.0 Background

In their second virtual scrutiny session on the 25th of November 2020, Members reviewed 15 Stop and Search incidents. These included a selection of searches conducted on Black And Minority Ethnic (BAME) individuals and individuals who had been stopped on more than one occasion. The focus was to consider if the grounds for the search had been sufficiently documented, and whether there was any evidence of disproportionate searching of BAME individuals. The Panel were asked to consider the amount of detail they felt should be documented within a Stop and Search record to support recording improvements.

Both a Specialist Operations Inspector and a Sergeant from the Demand & Performance, Collaboration and Efficiency Team attended the meeting to give an operational overview of Stop and Search and an input on what they look for when conducting audits of Stop and Search incidents. The Force currently undertake an audit of Stop and Search incidents every three months. All BAME Stop and Search incidents are reviewed.

A representative from the Independent Advisory Group (IAG) was also present to support the Panel's scrutiny.

It was explained that all stop and searches should follow GOWISELY:

- Grounds – reason for the search
- Object – what is being searched for
- Warrant card if not in uniform
- Identity – officer name & collar number
- Station – officer's base
- Entitlement – copy of the record
- Legal power – legislation being searched under
- You – explain you are being detained for a search

All Stop and Searches should be undertaken with a genuine suspicion that an officer will find the object being searched for, suspicion should be based on facts and information such as the person's behaviour, conversations and actions; the surrounding circumstances and/or accurate and current intelligence. Stops should not be carried out on the smell of drugs alone, on physical appearance – unless matching a description of a suspect, on being a known criminal or known drug user or being in an area of high crime and drug usage.

A discussion took place in relation to the added benefits of all officers having Body Worn Video (BWV) cameras. Compliance with GOWISELY can clearly be identified by reviewing footage. All Officers must now explain on all Stop and Search forms if or, indeed, why their Body Worn Video cameras have not been activated. All Stop and Search incidents reviewed had accompanying Body Worn Video footage available, however out of 41 possible records initially dip-sampled for the Panel, only 18 were found to have accompanying BWV. Due to technical issues in sharing the videos securely online, the Panel were unable to view the BWV within the meeting on this occasion. Although, a small number of Panel members were able to access the videos securely after the meeting.

2.0 Findings

1. The Panel identified that 6/15 records stated N/A for object found.

- Members felt that N/A does not explain the result of the search. It was felt that outcome options should be found or not found.

2. No individuals had requested a copy of their Stop and Search form

- All forms noted that a copy of the form had been offered, but all forms stated that a form was not requested. Panel members acknowledged this may not be an accurate reflection and that they would need to review the body worn video footage in order to confirm these figures. However, positively one Panel member noted from his independent review of the BWV footage after the meeting, that all individuals had been offered a copy of their form.

3. Outcome of search does not always reflect what was found

- The Panel noted that whilst 6 officers found controlled drugs as part of their search, the outcome of the search was recorded as nothing found /no further action.
- One particular record was identified as good practice due to the relevant STORM reference (call handling system) being linked to the incident. Members recognised that although no further action was noted, further enquiries may have been undertaken which were not recorded as part of the initial Stop and Search record.
- One incident related to an individual found smoking cannabis and in possession of further cannabis on his person, but the outcome of the search was no further action (NFA). The Sergeant confirmed that the individual may have been given an Out of Court Disposal and that not all possible outcomes were available as a drop down selection on their mobile device form. The Panel felt that all possible outcomes should be added to

the Stop and Search mobile system to ensure accurate recording on forms as NFA may be being recorded due to limited options being available. It was confirmed that the available outcomes for selection are: Arrest, Summons, Caution, Cannabis Warning, Penalty Notice, Community Resolution and Other/NFA.

4. The detail of Grounds varied significantly

- Members identified another record as good practice. It was felt that this record detailed grounds succinctly but in detail, with the location of the search explained, past intelligence included and a description of how the individual was acting in order to raise the officer's suspicion.
- The Panel found two particular records provided a very detailed account of the search and relevant context to why officers were suspicious. Although this was thought to be thorough, it was noted that this level of detail would be difficult to sustain for all searches conducted and queried the balance of thoroughness and efficiency. Members noted that one officer was very new in post and positive feedback should be shared to raise awareness of the volume of information needed.

5. Insufficient grounds and explanations recorded for some cases

- One record noted that the individual was acting suspiciously. Members felt that more detail was required to justify this as a ground, it would be useful to have a description of how they were acting in order to raise the officer's suspicion. This incident also referred to previous intelligence, however it was not clear if this was relevant or current.
- Members identified a poor example of grounds being recorded, where the purpose of the search was recorded as to ensure that there was nothing to threaten or harm anyone, however, the grounds of the search just noted that the individual was 17 years old and had been drinking. Members felt that detail needs to be recorded on why the officer felt that the individual was a threat of harm to himself or anyone else.
- The Panel were unable to reach a conclusion as to whether another report had sufficient grounds recorded. The incident referred to an individual who was searched outside a property where officers were attending in order to carry out a bail check. It was unclear from the record whether the individual was the subject of the bail check and it was therefore unclear if the search was carried out based on the smell of cannabis alone.
- Members felt that the grounds to search a passenger of a car which was stopped on the basis of a smell of cannabis was insufficient. A further 3 records for individuals from the same car were also reviewed, where it was found copy and paste was used for all three. Grounds were included for 2/3

searches, however, only smell was relevant for one individual which was not a sufficient ground alone.

- The grounds of one search were noted as the individual being a known drug user who was found out and about during a period of Covid-19 movement restrictions. Panel members noted that being a known criminal or drug user are not adequate grounds alone.
- A suggestion was made by the representative from the IAG that it may be beneficial to provide headings to the grounds section of the form, for officers to complete at least two sections to ensure adequate grounds are covered. Prompts to the form may remind officers of the need to have adequate reason to lawfully carry out the search. For example:
    - recent (within the last month) information that the person should be stopped and searched,
    - what behaviours did you observe that suggested to you that searching this person should be carried out?

6. Context of search is not always clear

- Members reviewed Stop and Search records for individuals searched together. It was found that two connected searches did not include reference to the individual being part of a group when being searched. The Panel felt that reference should be made if an individual is part of a group in order to add context. The Panel felt that ideally all Stop and Searches carried out in one incident should be referenced or linked on the form. This would safeguard the officers in proving that all individuals involved in a particular incident were treated fairly and appropriately. This would also add context to Stop and Search data, figures may be high in a particular area due to one large group of individuals being Stop and Searched at one given time.

7. Review of BAME individuals

- Panel members noted that no trends or issues were identified in relation to the Stop and Searches of BAME individuals. However, it is acknowledged that due to the sample reviewed being small, they were unable to accurately assess this area. QAP members will continue to assess this data in all future Stop and Search reviews.

8. Body Worn Video footage

- The Panel noted that it was positive to see an increase in the figures of body worn video footage available for review. Video footage provides vital evidence which safeguards both the officers and members of the public

that a search is being conducted appropriately. The Panel urged the importance of Body Worn Video cameras being activated early in order to capture the entire encounter.

- In addition to Body Worn Video, Members also recognised the importance of having a detailed form. It was acknowledged that video footage may only be kept for a limited period and that forms would be required in the event of a complaint, for a court proceeding and for individuals to have a personal copy at their request.

3.0 Observations

Observation	Force Response
Outcome section should state item found or item not found. N/A under the outcome section is unclear.	Feedback noted and actioned: Data transferred from the MDT to Pronto system did not match. IT department are resolving the issue to show "No" rather than "N/A".
Panel noted that many forms record drugs being found, however, the outcome of the search is noted "nothing found, no further action." There should be an explanation to note why no further action was appropriate in the circumstances.	Feedback noted. We will liaise with our IT dept. and see what changes can be made. However there are many outcomes that can come from stop and search and officers can use their discretion so it may not be possible to include every outcome.
The Panel felt that all possible outcomes should be added to the Stop and Search system to ensure accurate recording on forms. NFA may be being recorded due to limited options being available on the mobile devices.	Feedback noted. We will liaise with our IT dept. and see what changes can be made. However there are many outcomes that can come from stop and search and officers can use their discretion so it may not be possible to include every outcome.
The detail of Grounds varied significantly between records. It was suggested that the Force consider adding prompts of adequate grounds able to be added to Stop and Search forms to encourage more detailed recording.	New training is being rolled out in early 2021 to all staff to improve the standards of stop and search. There will be several methods of engagement with staff. Recent focus group sessions with PCs and Sergeants have highlighted the S.H.A.C.K.S prompt which may assist officers when recording grounds:

	Seen? **H**eard? **A**ctions? **C**onverstation? **K**nowledge? **S**mell? We will work with the IT Dept. to see if this can be added.
The Panel identified Stop and Search record 2 as an example of good practice.	Noted, this will be fed back into our review team and incorporated into future training. The search record has been shared with our Learning and Development Team.