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DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

Police and Crime  
Commissioner for Dyfed-Powys

Scrutiny Panel  
Dip Sampling Exercise

**Review of 2017/18 Quarter 2 (Oct -June 2018)**

Professional Standards Department Complaint Cases

(Relating to neighbourhood disputes)

Stop and Search Records

Panel Members' Findings & Feedback

June 2018



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## 1.0 Overview

At the sixth meeting of the Commissioner's Quality Assurance Panel held on 25<sup>th</sup> June 2018, Members reviewed a random selection of closed Professional Standards Department (PSD) case files from the last 12 months, where the initial point of contact made by the Police was relating to neighbourhood disputes.

Before reviewing a selection of complaint files the Panel received an input from the Commissioner's Quality of Service Caseworker, who asked the Panel to focus on the Polices' initial response to the complainant's call for service. The main purpose of this was to gain a better understanding of how neighbourhood dispute cases are initially handled and whether this impacted on why a complaint is submitted.

Following their input on Stop and Search in their previous meeting the Panel reviewed a dip sample of Stop and Search records from the previous 7 months. For the first time the Panel also reviewed the Body Worn Video footage of 2 of the Stop and Search records.

The Panel considered 11 complaint files and 24 Stop and Search records in total.

## 2.0 Background, Purpose and Methodology

The background and purpose of the Panel along with how the dip sampling is carried out and what the Panel is asked to consider is detailed in the Quality Assurance Panel handbook, which is available on the [PCC's website](#).

## 3.0 Professional Standards Department Complaint Cases

The Panel reviewed 11 closed cases from the last year from the Professional Standards Department (PSD). It had been agreed by the OPCC that Members would concentrate on complaints relating to neighbourhood disputes, as it has been recognised that these cases tend to be lengthy and involve a large commitment of Police resources. The Panel were asked to look at the Police's initial response to the complainant and to review if this has impacted on the nature of the complaint.

### 3.1 Best practice

Panel Members highlighted the following areas they considered to be best practice:

- Eight cases were identified as having been dealt with appropriately, following the correct procedures, dealing with the complaint impartially and providing a detailed report of the original incident.
- Members noted that in one case there were some data protection concerns, however they were reassured that this had already been identified by officers within the case and a recommendation was made for officers to complete an NCALT module (online police training package) and receive a refresher training input on data protection.
- Panel Members recognised that in many of the cases the Officers were dealing with difficult situations, which sometimes were not necessarily a police matter, but a civil dispute. Members noted that in the majority of cases it was felt that the Officers had given appropriate support and attempted to recommend appropriate resolution methods.

### 3.2 Professional Standards Department comments

The panel's positive comments have been noted and are very welcome. This feedback will be shared with the investigating officers in question.

### 3.3 Areas for learning

Panel Members highlighted some areas of learning:

- Members queried the current process / procedure for responding to civil disputes, which the police have no jurisdiction over. The difficulty in managing the complainants' expectations from the outset was recognised. The Members felt quite strongly that Officers appear to be going over and above their duties in an attempt to support members of the public. This may be resulting in complaints because individuals are unhappy that their issues continue to be unresolved, when possibly their issues are not police matters and therefore will never be resolved by the police. Members agreed it appeared that a disproportionate amount of police time was

being spent on these matters within the cases reviewed, as highlighted by a direct comment from one Member:

*“It is praiseworthy that the Police attempted to assist in resolving the initial dispute. However, by getting involved it was too easy for the complainants to raise complaints. It would be interesting to explore an agency for resolving neighbour disputes early on to ‘nip it in the bud’ when it comes to these situations”.*

- The Panel noted that care is needed to ensure the Force have the correct contact details, within two of the cases there was evidence of confusion over the addresses of the individuals involved, which could lead to delays and inappropriate disclosure of information.
- Within three cases the Panel felt that there was a lack of communication and updates given to the complainant, which exacerbated the case and impacted on the timeliness of the case being resolved.
- The Panel viewed one case which had been dis-applied due to difficulties in making contact with the complainant. The Panel recognised that the police had followed the process appropriately and in a timely manner, making every effort to make contact with the complainant. Members noted that on the record it stated that the case had been withdrawn. This possibly gave the impression that the complainant had requested this action, instead of the case having to be withdrawn by the Force due to being unable to contact the individual, making the record unclear. A query was also raised as to the welfare of the complainant (previously a victim of harassment) if staff were unable to make contact over a long period of time.

### **3.4 Professional Standards Department comments**

It is reassuring the panel recognise the difficulties faced by police officers when dealing with civil matters, especially neighbour disputes. These can be time consuming and will often lead to complaints.

Whilst many of the underlying issues are civil matters the individuals concerned will often try and use the police as a means to address their concerns. In these circumstances Police involvement is often unavoidable and more often than not the complaint that arises from the situation is as a result of an officer informing the complainant they are unable to deal as it is a civil issue.

In terms of communication and updates given to complainants, measures have already been taken within PSD to address this issue. The department

have introduced a contact log as part of the Local Resolution Report template. This allows investigating officers to keep a record of their contact with a complainant and acts as a reminder of the need for regular updates. This was introduced at the end of February and to date has been successful with 90% of all contact logs being correctly completed by the investigating officer. Those that didn't correctly complete it have been provided with feedback.

PSD have reviewed the dis-applied case considered by the panel, however it is unclear where on this case it states it has been withdrawn as indicated in the comments above. The case has been finalised under the category "Disapplication – by Force" and all correspondence to the complainant indicated that the complaint would be dis-applied.

Concerns for the complainant's welfare would be dealt with by the local policing team and would not necessarily be considered appropriate for recording on the complaint record.

### 3.5 Queries raised

Panel Members raised a number of issues during the session which required further clarification:

- Panel Members noted that there may be a disconnect between organisations in how neighbourhood disputes should be dealt with, for example, in one particular case the Police responded that is the case was a civil matter, yet solicitors advised the individual to contact the police. The Panel felt that partnership work with other organisations and the policy for how Officers deal with civil matters requires clarification.
- With regards to the standard of communications from the Force (e.g. a letter to residents regarding parking issues) the question was raised as to how these are quality assured to ensure the language is clear and at a level that all will understand.
- The Panel queried whether better use could be made of the [Community Trigger](#) and whether there are opportunities to provide additional support for residents regarding civil matters to reduce the demand on the police by more appropriate signposting.
- Overall the Panel considered that Dyfed-Powys Police appeared to be responding to neighbourhood disputes when it may be more appropriate for other agencies to be involved, possibly due to limitations in the availability of background information regarding disputes. As such, the



Panel were under the impression that, in some of the cases reviewed, the Force were being drawn into utilising excessive resources in response to incidents which were ultimately beyond their remit and/or more appropriately led by other agencies. The efforts of Officers to resolve neighbourhood disputes was commendable but partnership working and in particular early referrals to other agencies may result in more positive and faster outcomes, while also relieving pressure on police resources.

#### 4.0 Stop and Search cases

The Panel reviewed a dip sample of Stop and Search cases from the last 7 months with a total of 24 cases being reviewed. The Panel were joined by an Independent Advisory Group Member who has experience in reviewing Stop and Search Cases. The individual's knowledge and experience on the topic was welcomed by the group and their input to discussions was very beneficial. One of the records reviewed included a Strip Search. Two of these cases were enhanced by the availability of Body Worn Video footage to accompany the written record. Dyfed-Powys Police were in the process of analyzing their Stop and Search data in order to create a Force profile and as such, the Panel was unable to review the current performance data on this occasion. It had been agreed with the Force prior to the meeting that the profile would be circulated to the Panel for their consideration at the earliest opportunity.

#### 4.1 Best Practice

Panel Members highlighted the following areas they considered to be best practice:

- In 9 of the cases the Panel Members noted that the Stop and Search had been recorded well, with sufficient information and detail to explain the reason and outcome of the search.
- The Panel noted specifically in 5 of the cases that the situation was handled positively, with the record showing clearly that procedures were being followed.
- The Panel felt that the Body Worn Video footage was extremely beneficial to supporting their review; as it allowed the Panel to see the bigger picture and to gain a better understanding of the circumstances of the search. The Panel felt that more emphasis should be placed on the activation of Body Worn Video for Stop and Search encounters, as it was noted that the current policy states that it should be turned on before conducting a search.

## 4.2 Operational Lead's comments

Comments noted.

A communication plan has been in place in Force regarding the appropriate time for activation of Body Worn Video (BWV). Following the panels comments a further communication will follow specifically referring to the process surrounding BWV, and Stop & Search.

## 4.3 Areas for learning

Panel Members highlighted some areas of learning:

- Panel Members felt that within 8 of the cases there were unclear grounds for the appropriateness of the search, with inadequate detail and explanations given. However, the Panel recognised that this may be a recording issue, rather than there being insufficient grounds for a search. It is understood that all Stop and Search records should be reviewed by a supervisor and feedback provided to the officer. IT restrictions currently do not allow the Panel to view the supervisor's comments, a solution which may answer some of the Panel's queries or alleviate some of their reservations.

Operational lead's comment: The 8 cases referred to are being reviewed by a dedicated Operational resource, who will then feedback any specific learning to identified staff and Supervisors. If this review uncovers a trend this will then be referred to the Force 'learn the lessons' group for wider consideration and dissemination. The Force's Head of Specialist Operations is reviewing the process to enable the panel access to Supervisor comments.

- In one of the cases, the Panel felt that the incorrect search power was recorded. The form noted PACE Act 1984 as a search power for when the object of the search was controlled drugs and therefore the power should have been recorded as the Misuse of Drugs Act 1971.

Operational lead's comment: When a Stop Search is being conducted for Controlled Drugs the correct Power should be recorded as 'Misuse of Drugs Act'. Direct feedback will be provided to the Officer concerned in this case.

- It was found in four of the cases that the object of the search were controlled drugs, items found were controlled drugs, but the outcome of

search noted “nothing found/no further action”. The Panel felt that this information was contradictory and required further explanation.

Operational lead’s comment: These have been reviewed and it appears to be an input error by the Officers concerned. However due to the large number identified within the sample size this issue will be reviewed to identify if it is a Force learning issue.

#### 4.4 Queries Raised

Panel Members raised a number of issues during the session which required further clarification:

- Members queried why height was required to be recorded on the Stop and Search form.

Operational lead’s comment: Height is recorded as part of other descriptors, as these can assist with intelligence for future enquiries. It is not a lawful requirement for a Member of the Public to provide their name in all circumstances when being searched; therefore this becomes more applicable in those instances.

- In the event that an individual is arrested for being found in possession of drugs, Members queried whether this automatically meant that the individual is strip searched when in custody to ensure no further drugs are hidden.

Operational lead’s comment: Further information or intelligence to justify a strip search must be available to Officers when determining whether a strip search is carried out. Being found in possession of controlled drugs is not justification in its own right.

- A question was raised regarding the grounds to search individuals in a car, for example, if there is suspicion over a car or the owner of a car, would officers have reasonable grounds to then search all passengers?

Operational lead’s comment: Reasonable ground must exist to search each individual within a vehicle. The existence of intelligence relating **only** to a vehicle does not provide the grounds to search an individual.

- The Panel felt that it would be useful to note on a Stop and Search record if an individual is part of a group being searched as this may alter the view on whether a search was appropriate. From a record it is unclear whether all individuals in a group situation are searched. Members felt it

would possibly be beneficial to have a “related searches” section, which could link all related cases together.

Operational lead’s comment: This is a valid point raised by the panel and will be considered by the Stop & Search team in consultation with IT Services.

- Members noted that in the event that an individual volunteers prohibited items prior to being searched, the outcome of the search is recorded as nothing found. An observation was made that this will negatively impact on the success statistics of Stop and Search. Is there a way of recording this number?

Operational lead’s comment: In this event that matter should be recorded as a Stop & Search with clear comments identifying it was produced. It is a possibility that in these circumstances an Officer will form reasonable grounds to conduct a physical search.

- It was noted in a number of cases that although drugs were found there was no further action taken. The Panel sought clarification on the Policy regarding when action is taken against those found in possession of drugs.

Operational lead’s comment: The ‘outcome’ recording on Stop & Search forms is an indication of the outcome at the time of the Search. On occasions the matter may be dealt with by Officers at a later date, but at the time of the search they will not know the outcome. However at the next available opportunity a Force representative will attend to discuss the Forces policy relating to Controlled Drugs.

- It was suggested by the Panel that there may be an opportunity for police officers to offer information about the danger of drugs to engage more positively with young and possibly non-habitual users as a way of ending a Stop and Search on a more positive note.

Operational lead’s comment: The Force is currently considering various opportunities to engage further with individuals being Stop Searched. Some of these will seek to link in with the OPCC, and will be updated on in due course.

- A search under the Terrorism Act caused some opposing views amongst Members, with some believing the grounds to be reasonable and others considering the search to be inappropriate. The Panel failed to reach a conclusion on this particular record and as such requested that a police supervisor review it and feedback to the Panel.

Operational lead’s comment: This incident is being reviewed and further details will be made available in due course.

Overall the Panel felt that there was significant variation in the quality of the records reviewed which led the Panel to the conclusion that more needs to be done to ensure all Stop and Search encounters are recorded appropriately. This includes more detailed explanations of the grounds for the search and ensuring that the corresponding Body Worn Video footage is available to enhance the written record.