



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

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DYFED-POWYS
POLICE AND CRIME
COMMISSIONER

**Police and Crime
Commissioner for Dyfed-Powys**

**Scrutiny Panel
Dip Sampling Exercise**

**Review of
Hate Crime & Incidents (Jan – Jul 2019)
&
Stop and Search Records (May – Jul 2019)**

Panel Members' Findings & Feedback

28th August 2019

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1.0 Overview

At the thirteenth meeting of the Commissioner's Quality Assurance Panel held on the 28th of August 2019, a random selection of Hate Crime incidents from the last 8 months were revised by the Members with the aim of focusing on high quality response, as well as, ensuring initial actions were implemented. A total of 10 cases were reviewed by the Panel.

During the afternoon session the Panel reviewed 26 Stop and Search records surrounding events occurring over the last 4 months. Three of the incidents had Body Worn Video (BWV) footage available to supplement the forms. The low number of videos available was due to difficulties in accessing the recording system in order to retrieve the footage in sufficient time for the meeting. This is an issue which the Commissioner's Office and Dyfed-Powys Police are working on collectively to resolve for future dip sampling exercises.

2.0 Background, Purpose and Methodology

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

3.0 Hate Crimes and Incidents

A Hate Incident is "any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate."

During a previous meeting in April 2018, the Panel received a training input on Hate Crime, which outlined what a Hate Crime or Incident is and which procedures are in place when recording such incidents.

At this meeting (August 2019) the Panel reviewed 10 Hate Crimes and Incidents dating from January – July 2019. Two cases were reviewed and discussed by the Panel as a group before splitting into smaller groups to

review a smaller section of cases. The Panel were asked to answer a series of questions which focused their critical examination on safeguarding the vulnerable, supporting victims and supervision.

3.1 Best Practice

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

- The Panel came to the conclusion that risks had been identified and dealt with appropriately in 8 of the 10 cases. Feedback forms completed by Panel Members suggested that threats and vulnerability were being identified and recorded and that Hate Crimes were addressed in these cases.
- The Panel stated that vulnerability issues had been appropriately addressed in seven of the reviewed cases.
- The Panel found that 9 out of 10 cases indicated that a Supervisor regularly endorsed the log. One noted that the Supervisor logged more than the officer in the case did.

In one case Members considered that Dyfed-Powys Police officers' efforts to engage with the victim were more than reasonable considering the individual appeared to be wasting time and refusing to cooperate after reporting a crime.

3.2 Areas of learning

Panel members highlighted some areas of learning:

- The Panel queried as to why five of the cases were identified as hate crimes as there was insufficient information recorded or views from the victims that they did not perceive them to be hate related. Sometimes it was unclear why an incident had been tagged as hate-related, with the Panel expressing mixed views and unable to reach a consensus.

- It was noted in one particular case that the victim did not regard it as a hate crime and Members queried as to why it is being considered as one.
- The Panel questioned as to whether the “THRIVES” (Threat, Harm, Risk, Investigation, Vulnerability, Engagement, Safeguarding) questions of four cases have been addressed properly. For example, threat and/or harm were answered as ‘no’ though the incident description suggested that there was a risk of threat or harm to the victim. Members suggested that THRIVES needed to be checked thoroughly and efficiently by Supervisors.
- It was stated that all victims of hate crimes or incidents should be allocated a HCSO, as well as referred to Victim Support provided the victim was in agreement. Within four out of the ten cases reviewed it was unclear as to whether the victim was referred to Victim Support though it was clear that they had agreed to it in their contract.

Dyfed-Powys Hate Crime Strategic Lead Comment:

This is very useful feedback and I am grateful to the panel.

For both the ‘Best Practice’ and ‘Areas for Learning’ sections, it would be beneficial if any issues identified could be passed back to OICs and their supervisors to ensure that learning is captured. For example, under Best Practice it is identified that *‘vulnerability issues had been appropriately addressed in seven of the reviewed cases,’* suggesting that there is learning to be had in three cases.

With regard to the five cases identified as hate crime with insufficient information, I have reviewed and found that four were updated in such a way that the hate element is apparent. For the other case I have asked the OIC to either clarify the hate element or, if it’s been tagged incorrectly, to ensure that this marker is removed.

It is worth referencing the definition of a hate-crime here: The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

3.3 Supporting Victims

Within this section the Panel looked at whether a victim contract had been created i.e. consideration given to how the victim would like to be communicated with and supported throughout the investigation. The victim contract had been clearly logged and created but had been declined by the victims within seven of the cases. In one of the cases the Panel noted that the victim contract was not visible.

The Panel also debated that one case from the sample was perceived to be incorrectly recorded as a Hate Crime. Members also stated that within this case it had been recorded that House to House enquiries were not required but had been conducted anyway. Members debated as to whether this was to provide victim and community reassurance rather than contributing to the investigation. Although this case was seen as it shouldn't have been recorded as a Hate Crime, it was still recognised that this case had positive police involvement and the victim had been kept updated in line with their contract. It was suggested by the Panel that this could then prevent further victimisation as the issues had been positively dealt with.

Another specific case sparked debate between the Panel since the threat was seen as generic, yet there was a contract created for the caller who was not the victim. This raised concerns as there was no evidence that the victim had been updated in line with the agreed contract, and whether the contract was applicable?

Members found that the victim had been updated in line with their agreed contract within seven of the ten cases reviewed. It was identified that some

updates may have been missing from the record within one case as the crime was linked to another crime and therefore the updates may have only been entered on the other record which the Panel did not have sight of.

The Panel noted that within half of the cases reviewed a Hate Crime Support Officer (HCSO) had been appointed and made contact with the victim within 48 hours of the incident being recorded (as per policy). Two cases had very little information recorded about it being a hate crime, or any reference to a HCSO being appointed, so the Panel felt this may have not been applicable. Within three of the ten cases however, the Panel felt as if it was not clear in the log whether a HCSO had made contact. One of these three cases was linked to another crime therefore some confusion was emerged within the Panel about the appointment of the HCSO. Also, the Panel reviewed another one of the three cases and a discussion ensued about how the HCSO was initially appointed then stood down, yet the case was still classed as a Hate Crime. The Panel queried if this would be dealt with differently if it had been a different victim.

A query was raised by the panel regarding Victim Support. Four of the cases reviewed stated that "the complainant is in agreement with a referral to Victim Support" however, there was no evidence of contact being made with Victim Support. The question raised was whether this needed to be reported on the Crime Management System (CMS) or was recorded elsewhere which the Panel did not have sight of.

One specific case caused confusion amongst the Panel as the HCSO was introduced for support, however the HCSO contacted Goleudy (who do not deal with Hate Crime), and then looked for further support from the Hate Crime Team. Members queried why the HCSO did so as they should be providing support themselves directly or referring the victim to Victim Support.

One case was missing the final page of the CMS report, so the Panel noted that fundamental information could have been on that specific page, such

as the appointing of the HCSO or referral to Victim Support. As such, the Panel were unable to make a complete judgement on the support provided to this particular victim.

Dyfed-Powys Hate Crime Strategic Lead Comment:

Again, I am grateful to the panel for the valuable feedback. There is some great learning to be had and I will ensure that it is captured.

The report notes that, *'in one of the cases the Panel noted that the victim contract was undocumented and no victim updates were recorded for this case.'* I have reviewed the crime and I can confirm that the victim was updated, but I can see that the update was not visible to the panel.

The report also states, *'the Panel also debated that one case from the sample was perceived to be incorrectly recorded as a Hate Crime.'* The record of the offence clearly states that the victim believed he was targeted due to his disability and I am satisfied that the hate element is apparent.

The feedback regarding deployment of HCSOs is useful. I am in the process of reviewing our approach to quality assurance and audit of hate crimes and this will feature.

4.0 Stop and Search

The College of Policing Authorised Professional Practice¹ describes Stop and Search as "allowing officers to detain a person who is not under arrest in order to search them or their vehicle for an unlawful item."

The Panel reviewed a selection of 26 Stop and Search cases conducted between May and July 2019. The Panel were joined by a representative of Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) and an Independent Advisory Group (IAG) Member who had experience in scrutinising Stop and Search incidents. The Panel appreciated the individuals' experience and knowledge and benefitted from their

¹ <https://www.app.college.police.uk/app-content/stop-and-search/>

contribution to the discussions. One of the records reviewed included a Strip Search and three of these cases were enhanced by the availability of Body Worn Video (BWV) footage to accompany the written record.

4.1 Best Practice

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

- The Panel Members noted that in 11 cases the search was well recorded, the grounds were justified and there was sufficient information documented.
- The Body Worn Video footage was beneficial to the Panel in supporting their review; as it allowed the Panel to see the wider picture and gain a better understanding of the circumstances and reason for the searches. The Panel urged that the Force continually stress to frontline officers that Body Worn Video cameras must be turned on before conducting a search whenever possible, in order to capture the whole interaction to safeguard the officer and enable the Panel to provide the best possible assurance. .
- The Panel were pleased with one specific search with BWV footage. Even though this was a search on arrest and not a Stop Search, the Panel noted it was well conducted - the arrest was explained clearly, the officer was courteous and to the point and he thought on his feet. However, as this case was linked to a previous search, the Panel queried as to why there was no BWV footage for that case as this search was dependent on the previous search. The Panel recognised there may have been a time delay between both searches.

4.2 Areas of Learning

Panel members highlighted some areas of learning:

- Two of the cases reviewed with BWV had unclear grounds as the search reason was not stated in either footage. However the Panel recognised that this could be due to a recording issue, as the start of discussion and search was not captured on video.
- One specific search clearly displayed three officers present on the BWV footage, however the Panel noticed that the Stop and Search record stated there was only one officer involved. Stop and Search records must be completed fully in order to provide an accurate account of the incident.
- Panel Members felt that within 13 cases there were unclear or insufficient grounds as to why the search was conducted. However, it was understood by the Panel that Stop and Search records should be reviewed by a Supervisor and feedback provided to the officer. There are IT restrictions, however comments were provided verbally for this – there were only 5 of the 26 which evidenced any supervisor endorsements, which were all positive in nature.
- The Panel stated that four cases lacked reasonable grounds to justify a search, as guidance clearly states that the smell of an illegal substance alone is not sufficient.
- It was found in two cases that the searched subjects were part of a group, though did not state number of people within this group. The records lacked justification as to why the searches were conducted and whether some members of the group due to one person being found to be in possession of controlled substances.
- The Panel noted that three cases identified that the officer was searching for, and found, controlled drugs, but the outcome of search stated “nothing found/no further action”. It was felt by the Panel that this information was contradictory and required further explanation.

- Also stated by the Panel, the last section (outcome, removal of clothing and gender of officers present) of most forms were not completed correctly or lacked information. Vehicle information was also not completed in some cases when a vehicle was involved in the search.
- In one of the cases, the Panel felt that the incorrect search power may have been recorded. The vehicle was stopped for a drink drive offence but recorded as a Misuse of Drugs Act 1971. The lack of information recorded caused some confusion among the Panel.

Department Lead Comments:

The QAP have reported that 11 out of 26 cases were well recorded and the panel did provide examples of these. Two cases reviewed reported that BWV did not show clear grounds. Officers have been reminded to ensure they utilise their BWV at the earliest opportunity to avoid such situations. All officers at the scene of any search or incident have been trained to immediately start their BWV; this will provide improved coverage of the situation/incident.

Another issue highlighted was that on one search there were three officers present but only one officer recorded on the actual stop and search form. This has also been highlighted to officers and they have been advised to include all those present at the time of the search. I am aware that officers are able to record the fact they have utilised the BWV following a recent upgrade to the stop search form. This will assist the QAP when conducting reviews and will allow the audits to have a clear picture of how many officers are using the BWV when conducting stop checks. This is supported by a clear message from the force that officers are instructed to always utilise their BWV when conducting stop searches.

13 cases reviewed showed unclear in respect of insufficient grounds. The officer's supervisor should review each record submitted, however this is not always the case. The QAP reported that out of 26 records only 5 contained supervisor comments whilst they had identified 13 cases had insufficient grounds. The QAP report that they were content with the supervisor comments recorded. No supervisor comments being registered is disappointing. Again, we recognise the importance of supervision to ensure the integrity and legitimacy of the searches conducted throughout

the force and this is also part of communication to our staff and through our police safety training (PST) to ensure this takes place.

I would concur with the panel's statement that there is significant variation in the quality of the records reviewed by the panel and through our internal auditing processes. There is a need for all records to be accurately completed and to ensure that officers are recording sufficient grounds of the search ensuring that the BWV is made available to enhance the written record. As a Force, we welcome the value of feedback, which can only assist in improvements within which in turn will ensure the best possible service for the public. The QAP allow us to consider the perspectives of people from a wide range of backgrounds adding value to our audits and service delivery creating an environment where partnership working flourishes and creates tangible benefits for all.

4.3 Queries Raised

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

- Members queried as to why there was a 30 second silence at the beginning of every BWV footage.

Department Lead Comments:

This is known as the buffering period before the BWV is activated by the officer. The 30-second silence is a short delay whilst the BWV calculates and initialises prior to recording upon officers activation. Officers are being reminded to switch on the BWV at the earliest opportunity.

- Members queried whether there was an option on the Stop and Search form to record if a copy of the search record was offered during search but refused by person being searched.

Department Lead Comments:

There is an option to record when copy of the search was requested and I can confirm that of all our audits that have been undertaken this has always been a result of "no copy requested".

- Members questioned whether there should be two officers present during a Strip Search as only one officer had been recorded in the case reviewed by the Panel. Members also questioned whether it was proportionate to conduct a strip search on this occasion as the grounds given were that the individual was carrying medication.

Department Lead Comments:

At least two officers should conduct strip searches. Both officers should be recorded on the search form. I would suggest there were additional grounds, which may not have been recorded in their entirety which were reviewed by the panel.

- Members queried whether going on a member of the public's account is justifiable for a search and whether the grounds recorded for four linked cases were based on the opinion or judgement of the officer who had responded to the member of the public's concerns.

Department Lead Comments:

I would suggest that the member of the public's account would have only formed part of the officer's justification for the search and not the whole picture. There would be a requirement to have additional grounds to support this to avoid victimisation.

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 of the search and ensuring that the corresponding Body Worn Video footage is available to enhance the written record.