

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Stop and Search Exercise – May 2022

DATE: July 2022

TIMING: Routine

PURPOSE: For Scrutiny

1.	<u>RECOMMENDATION</u> <ol style="list-style-type: none">1. For the Commissioner and Gwent Police's Head of Operational Support to consider the outcomes of, and recommendations from the Legitimacy Scrutiny Panel exercise undertaken in May 2022.2. For Gwent Police to provide feedback to the OPCC in response to the recommendations to demonstrate how the recommendations will be addressed.
1.	<u>INTRODUCTION</u> <p>A virtual Legitimacy Scrutiny Panel (LSP) session took place in May 2022 covering stop and searches during the period 1st October 2021 to 31st March 2022. A selection of records was chosen at random by one of the Panel members for dip sampling during the session. Data, including disproportionality and item found rates were reviewed. Due to persistent technical issues, the Panel was unable to review any body worn video (BWV) for the scrutiny period within a reasonable timescale. This report highlights the outcomes of the Scrutiny Panel's activity for this session. Following the dip sample, any remaining records from the selection are included in the analysis within this report.</p>
2.	<u>ISSUES FOR CONSIDERATION</u> <p>Data</p> <p>Gwent Police has continued to experience a downward trend in the number of stop and searches since the relaxing of COVID restrictions, in line with national trends. Local contributions to this decline have included an active focus on intelligence-led stops, the restructure of the Area Support Unit (ASU) to become the Roads Policing and Specialist Operations (RPSO) Team, which has reduced the number of proactive stops and searches undertaken, and internal scrutiny processes and messaging. We were advised that the Head of Operational Support had provided inputs on effective use of stop and search to frontline officers to support the use of police powers. During these sessions, feedback had also been received on the impact of operational demand on officers' capacity to conduct proactive searches.</p> <p>We also discussed the potential contributions of negative media and public perception on the number of encounters undertaken, as members believed that</p>

this would certainly influence officers. The role of effective intelligence in driving activity was highlighted as the Panel, as was the increase in frontline officers in the early stages of their service who would need additional support to build confidence in applying their policing powers.

Consistent with previous scrutiny exercises, suspicion of illegal drugs remained the highest recorded purpose for stops. Individuals aged between 18 and 25 years continued to be most likely to experience stop and search generally. Find rates for items searched for continued to show the improved use of intelligence.

The race disproportionality ratio (RDR) showed an increase on the last scrutiny period from 2.8 times to 3.7. This continued to reflect the previously mentioned changes in the way that stop and search activity is being undertaken across the force. A breakdown of RDR data to ward level is reviewed at the quarterly internal Coercive Powers Scrutiny Board, attended by the OPCC. This enables a better understanding of how resident population can affect the RDR in certain areas. For the period, 73 (8%) of individuals self-identified with either a Black, Asian or minority ethnic background.

Feedback on Previous Actions

During the November 2021 session, the following actions were agreed:

Action 1: Gwent Police to consider how to address the issue of inconsistency in outcomes for similar encounters.

Update: This is ongoing as part of internal improvement work; where such instances are identified, they will be reviewed and feedback given to the continuous improvement lead and/or Head of Operational Support for action as appropriate. The LSP will continue to provide feedback where any disproportionality in outcomes between encounters with people from ethnic minority backgrounds and those from white backgrounds is noted.

Action 2: Feedback to be provided to the officer's line manager on the sub-standard quality of grounds recorded.

Update: Feedback has been provided to the supervisor to support any further discussion with the officer in question.

Action 3: Clarity to be sought on whether the disposal recorded for the search is appropriate and why this was used.

Update: The disposal has been confirmed as a Cannabis Formal Warning and therefore deemed appropriate to the circumstances.

Action 4: Positive feedback to be provided to the officer on the quality of grounds recorded.

Update: Completed.

Action 5: Feedback to be provided to the Tutor Pod regarding quality of stop

and search training for trainers to ensure appropriate and consistent messaging and communication.

Update: Feedback has been provided and noted.

Action 6: Gwent Police to establish if there is a policy for engaging with the deaf community and feed back to the Panel.

Update: There does not appear to be any specific guidance in place to support engagement. This has been raised with the Head of Diversity and Inclusion for further consideration to include in awareness training. This action will remain on the LSP action tracker until a further update has been received by the OPCC.

Action 7: OPCC to discuss the status of equality and diversity training with the Head of Diversity and Inclusion to determine how this is being provided and whether the existing provisions are suitable.

Update: The OPCC raised this point and we were advised that sustainable equality and diversity training across the force is currently being explored with various options that complement existing packages under consideration by the force. This will be monitored through the internal governance process and opportunities for IAG members to observe training sessions.

Action 8: Gwent Police to follow up on learning with the officers involved and provide feedback to the Panel.

Update: Feedback has been given and messaging provided to the Learning and Development Department around appropriate oral communications between officers and members of the public.

Dip Sample of Records

For the scrutiny period, 800 entries were recorded for both 'person' and 'vehicle' stop-searches, with 156 of these relating to vehicle stops only. 56 'person' entries were randomly selected for this period, with 17 of these records further reviewed by Panel members to assess the recorded grounds.

Gwent Police has continued to focus on improving the overall quality of stop and search recording, and this is largely seen across the data. However, the following information was found to be incomplete in the dip sample:

- Self-defined ethnicity was missing for 3.8% (n=2) of the dip sampled records for this period.
- The Purpose had not been recorded in 1.8% (n=1) of the dip sampled records.
- Grounds were recorded in 100% of the dip sampled records; however, this does not indicate the quality of the information recorded.

Data quality remains an area of scrutiny for Gwent Police via the internal Coercive Powers Scrutiny Board, with a particular focus on the recording of ethnicity, grounds, and location, as well as the quality of encounter.

Grounds

Of the 17 entries reviewed during the session, 35.3% were determined to have “strong” grounds, 17.6% had “moderate” grounds, and 47% had “weak” grounds. Weak grounds were identified due to:

1. Lack of detail;
2. Smell of cannabis provided as grounds with no supporting rationale;
3. Lack of detail relating to intelligence to support the stop;
4. Lack of information to rationalise the outcome of the search; and
5. Confusion in the way the grounds were written up.

The following actions were agreed for the force during the dip sample exercise, with any outcomes to be provided to the Panel in due course:

Action 1: Gwent Police to provide feedback to the LSP regarding the outcome of investigation into the presence and rationale behind the exceptionally poor grounds provided on the stop and search form (record no. 14).

Action 2: Gwent Police to give feedback to the officer and their Sergeant regarding the lack of recorded details in the grounds, particularly around the rationale for suspicion and following actions (record no. 24).

Action 3: Gwent Police to provide feedback to the officer regarding the lack of detail in the grounds and the reason for a No Further Action (NFA) outcome when the individual had admitted to possession of the item searched for (record no. 31).

Members commented that the quality of grounds reviewed was particularly poor this time and expressed an expectation to see an improvement by the next LSP stop and search session. Concerns for the force were raised regarding the potential impact linked to grounds that are not sufficiently justified (whether found by HMICFRS or perceived by the public) and the effect on trust and confidence in the use of police powers. The effectiveness and consistency of internal messaging to officers was discussed, and the Head of Operational Support provided assurance that this will remain a priority to ensure improvements are seen.

Ethnicity

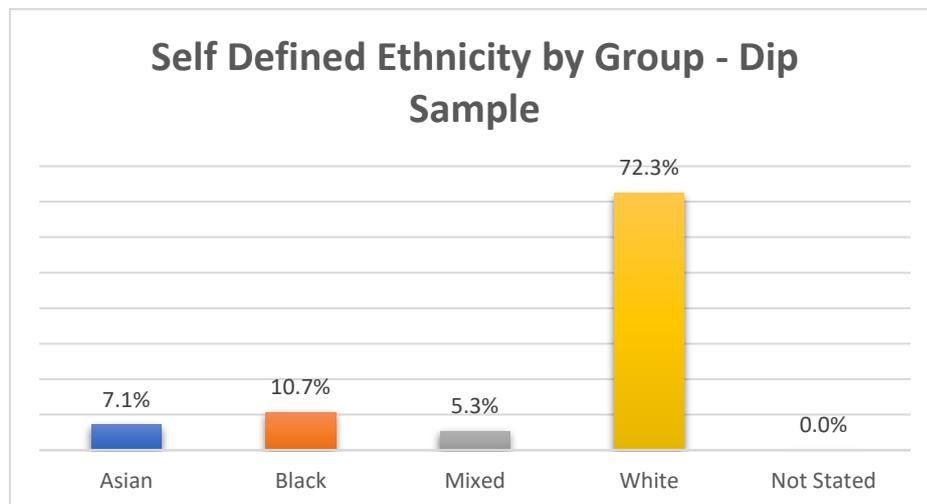
During the scrutiny period, people from Black, Asian and minority ethnic backgrounds in Gwent were 3.7 times more likely to experience stop and search than people from white backgrounds. This reflects changes in stop and search activity during quarter 4 of 2021/22, including:

- The total number of stops encounters rising by 1.4% during quarter 4, the first quarter on quarter increase recorded during the past year;
- The number of ethnic minority individuals stopped increasing to 12.6% from 8% in quarter 3; and
- The total number of stops conducted within the wider Newport area accounting for just 29.4% of the force total, the lowest recorded figure during the last two years (broken down to 5.4% for Newport City Centre, 11.1% for Newport East, and 12.9% for Newport West).

We welcome Gwent Police’s continued internal scrutiny regarding the trends and activity that may impact stop and search for people from minority ethnic backgrounds. We will continue to monitor this through the Coercive Powers Scrutiny Board and our ongoing independent scrutiny processes.

Table 1 provides a breakdown of self-defined ethnicity (SDE) by percentage for the dip sample of 56 records. 23.2% of individuals self-identified with an ethnic minority group, with 10.7% of these belonging to a Black background and 7.1% belonging to an Asian background. Less than 0.1% of entries did not state the individual’s SDE.

Table 1



As previously mentioned, the geographical profile of stop and search activity has seen changes over the last few scrutiny periods. Encounters recorded in the Newport area have seen a continual decrease with Torfaen recording 17.1% of all stops across the force area during the period. This is one of the factors that influences the force’s overall RDR figure. When stops encounters have been more evenly spread throughout the force area the RDR figure tends to be lower; however, this is dependent on the ethnicity proportionality of those being stopped. Through the Coercive Powers Scrutiny Board, Gwent Police retains a detailed focus on understanding ethnicity and population demographics at a ward level. Quarterly information is reported to these meetings, enabling effective oversight, discussion and understanding of the impact of stop and

search. Local Inspectors review performance in their geographical areas and highlight at the meeting any operational or community activity that may impact on the data. Opportunities to address issues or disproportionality are discussed and agreed as appropriate.

To support better public awareness and understanding of the outcomes of local activity, Gwent Police's stop and search data is available on their website at [Stop and Search | Gwent Police](#). A link is also provided on the relevant page of the OPCC website.

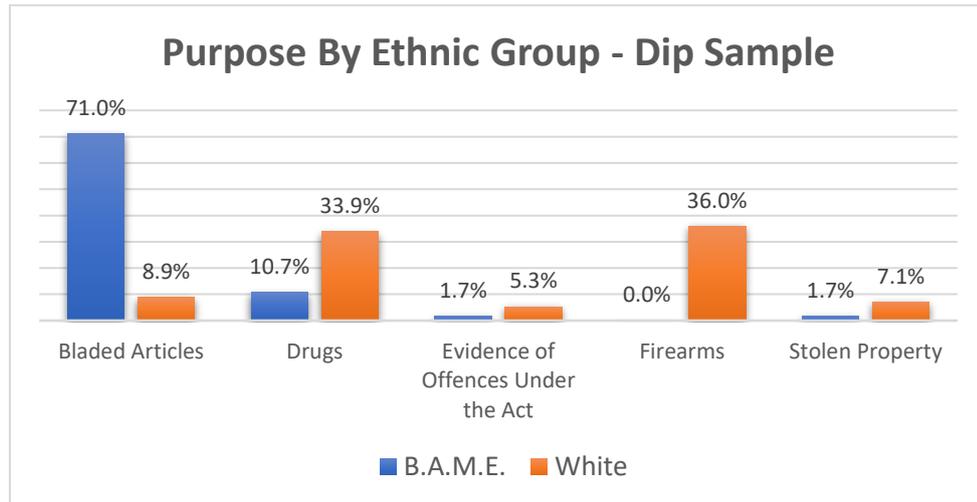
Within the dip sample, a slightly higher proportion of encounters were recorded within the 26 and over age group. However, when considering age and ethnicity, the highest proportion of encounters was recorded for the 17 and under age group, where 33.3% of stops involved people from ethnic minority backgrounds. The quarter 4 report to the Coercive Powers Scrutiny Board noted that the median age of a person stopped had fallen to 24, with the percentage of those aged 17 and under having increased. Children and young people remain a focus for both Gwent Police and the OPCC via the Child Centred Policing Strategy. During the period, the OPCC has continued to engage with children regarding their feeling towards and perceptions of the police and their direct experience of dealing with officers. Their feedback is being used to inform our approaches to children and young people, including for stop and search encounters.

Purpose

Illegal drugs remained the most searched for item in Gwent; during the scrutiny period, 48.2% of the dip sampled related to this purpose with 22.2% of these records related to encounters with ethnic minority individuals. There was an even distribution of dip sampled records for Black, Asian and Minority ethnicities (referred to as B.A.M.E within the charts).

Table 2 provides a breakdown of purpose by ethnic grouping for the dip sample. Gwent Police's continued focus internal scrutiny and consistency of messaging for stop and search has continued to shine a spotlight on the quality of grounds provided for encounters. This is a welcome outcome for an area of national concern that we will continue to monitor through OPCC scrutiny processes and the Coercive Powers Scrutiny Board

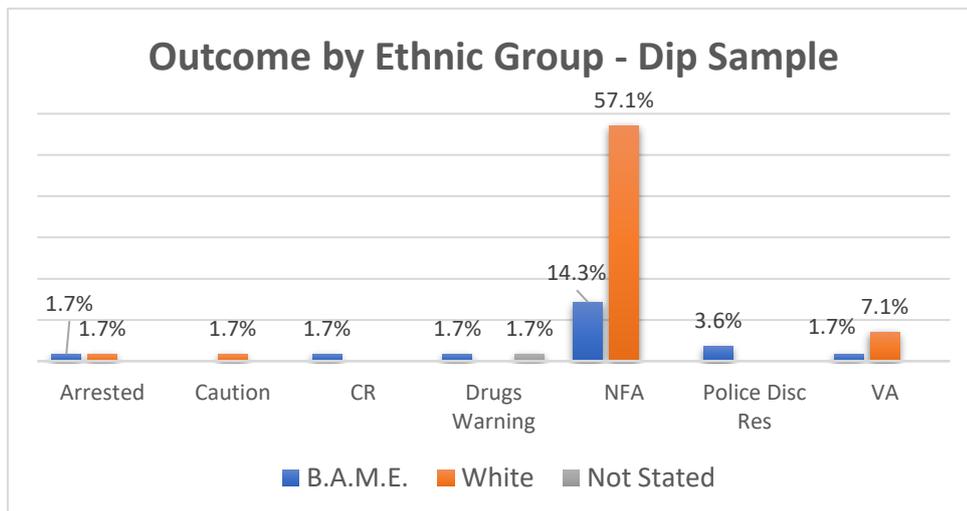
Table 2



Outcomes

Table 3 provides an overview of the dip sample outcomes by ethnicity grouping. Of the 56 records reviewed, a total of 73.2% resulted in No Further Action (NFA), with 14.3% of NFA outcomes recorded for individuals from ethnic minority backgrounds. It was noted at the Coercive Powers Scrutiny Board that within quarter 4, stops and searches involving individuals from ethnic minority backgrounds resulted in a higher positive outcome rate than those involving individuals from white backgrounds. However, the dip sample does not reflect this due to the random selection process.

Table 3



It was also noted that, during quarter 4, a higher arrest rate was seen for people from ethnic minority backgrounds compared to those from white backgrounds; again, something not reflected in the dip sample. However, it was highlighted that the find rates based on ethnicity showed a higher number of items had been found on white individuals than on those from ethnic minority backgrounds, i.e., a higher proportion of those from ethnic minority backgrounds were arrested or received a positive outcome despite a lower find rate. This is a potential concern which could indicate the existence of disproportionality, particularly when

considered with the higher percentages of arrests and positive outcomes for ethnic minority groups, and that the trend was also seen in quarter 3.

This will be given further consideration by the Coercive Powers Scrutiny Board to better understand and appropriately address these outcomes. We will continue to monitor the data and any resulting trends and ensure that Gwent Police is effective in its response to any identified issues of disproportionality.

Conclusion

Gwent Police has continued to focus on the appropriateness of stops and searches through the recording of reasonable grounds, data quality, and subject ethnicity. The detail provided within the quarterly reports to the Coercive Powers Scrutiny Board support supports this and enables effective challenge of performance during the reporting periods. It is worth noting that the feedback provided by the force during LSP sessions is honest and open, particularly when the information presented is below acceptable standards. This supports members' discussions and decision-making when agreeing actions or recommendations to be put to the force.

The observations and actions included within this report aim to support Gwent Police's transparency around use of stop and search, improve public confidence in its use, and promote a better understanding by the organisation of the causes of any apparent disproportionality for people from Black, Asian and minority ethnic backgrounds.

3. NEXT STEPS

Progress will continue to be monitored by the OPCC through LSP exercises and via the Coercive Powers Scrutiny Board and other associated internal meetings as appropriate.

Additional public scrutiny of stop and search has been established via a new Youth Scrutiny Group (YSG), jointly created between Gwent Police and the OPCC in late 2021. Two sessions were held during the remainder of the 2021/22 academic year. Feedback from the YSG sessions will be fed into to LSP sessions to support their awareness and understanding of the issues and concerns raised by other community members, as well as being provided to the Coercive Powers Scrutiny Board and other internal meetings and processes as appropriate.

The learning from the delivered sessions is currently being used to review the YSG process and supporting materials to ensure effectiveness during the 2022/23 academic year. The OPCC is working with Gwent Police's Diversity and Inclusion Team to ensure appropriate and sustainable engagement support is available.

4. FINANCIAL CONSIDERATIONS

	<p>LSP members' costs are met by Gwent Police in undertaking this role as part of the Independent Advisory Group function; there are minor costs for the OPCC in providing refreshments for the Panel due to the duration of the scrutiny exercise when meeting face-to-face.</p>
<p>5.</p>	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>Whilst the scrutiny exercise is undertaken as part of the OPCC's normal working arrangements, support is provided by Gwent Police colleagues to ensure access to data and BWV footage as appropriate.</p>
<p>6.</p>	<p><u>LEGAL IMPLICATIONS</u></p> <p>Under section 5.4 of PACE Code A, Chief Constables, in consultation with Police and Crime Commissioners, must make arrangements for stop and search records to be scrutinised by representatives of the community, and to explain the use of the powers at a local level. The exercise also falls within the Commissioner's wider accountability duties.</p>
<p>7.</p>	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></p> <p>Legitimacy and fairness form an objective within the Joint Strategic Equality Plan 2020-2024 and the LSP process is a core activity within this objective. Under the Equality Act 2010, in carrying out their functions, police officers must pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and, take steps to foster good relations between those persons. The scrutiny process aims to help demonstrate that police powers are being used effectively, proportionately, and justifiably across all communities in Gwent.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report. Any decision to exercise the powers contained within stop and search procedures must be based on the principles of legality, legitimate aim and proportionality as required under the Human Rights Act.</p>
<p>8.</p>	<p><u>RISK</u></p> <p>Stop and search has the potential to negatively affect public confidence in the police if not carried out appropriately and with consideration of an individual's needs. The scrutiny process aims to help ensure that encounters are undertaken appropriately. For the purposes of the exercise all data is anonymised, and members of the LSP have been vetted according to Gwent Police processes. A robust Terms of Reference sets out the expectations of members whilst engaged in the scrutiny process. This is reviewed annually to ensure it remains fit-for-purpose.</p>

9.	<u>PUBLIC INTEREST</u> The scrutiny exercise can help promote public confidence in the use of Police powers. The report is published externally on the OPCC website.
10.	<u>CONTACT OFFICER</u> Caroline Hawkins – Policy Officer, Office of the Police and Crime Commissioner
11.	<u>ANNEXES</u> None