

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Legitimacy Scrutiny Panel Stop and Search Exercise – November 2021

DATE: January 2022

TIMING: Routine

PURPOSE: For Scrutiny

1.	<p><u>RECOMMENDATION</u></p> <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 November 2021.2. For Gwent Police to provide feedback to the OPCC in response to the recommendations to demonstrate how the recommendations will be addressed.
1.	<p><u>INTRODUCTION</u></p> <p>To accommodate the continued COVID-19 restrictions, a virtual Legitimacy Scrutiny Panel (LSP) session took place in November 2021 covering stops and searches during the period 1st April to 31st September 2021. A selection of records was chosen at random by one of the Panel members for dip sampling during the session. Data for the period, including disproportionality and item found rates along with a random selection of body worn video (BWV) were also reviewed. Following the dip sample, any remaining records from the selection are included in the analysis within this report.</p> <p>As a result of Gwent Police’s improved internal governance and scrutiny of stop and search, the Commissioner is confident that effective arrangements are now in place. Therefore, this report will highlight the outcomes of the Scrutiny Panel’s activity for this session. Appendix A provides a full comparison of dip sample data against all records for the scrutiny period.</p>
2.	<p><u>ISSUES FOR CONSIDERATION</u></p> <p>Data</p> <p>During the period May 2020 to September 2021, Gwent experienced a downward trend in the number of stop and searches as a result of the ongoing COVID restrictions. This decline may be attributed to several factors, including:</p> <ul style="list-style-type: none">• Further relaxation of ongoing COVID restrictions;• An active focus on intelligence-led rather than officer initiated stops;• The restructure of the Area Support Unit (ASU) to become the Roads Policing and Specialist Operations (RPSO) Team. This has allowed officers to focus on becoming more intelligence-led in their stop and

search activities. However, in becoming more targeted, the number of stops being carried out has dropped; and

- Consistent and effective internal scrutiny processes.

Consistent with previous scrutiny exercises, suspicion of illegal drugs remained the highest recorded purpose for stops, with individuals aged between 18 and 25 years most likely to be stopped and searched generally. However, an improved find rate for items searched for was seen, likely linked to better use of intelligence.

An improvement in the race disproportionality ratio (RDR) was also noted. This was predominantly caused by stop and search activity being more widely spread across the force area. For the period, 105 (8.9%) of individuals self-identified as being from a Black, Asian or Minority Ethnic background.

Members were also advised that Gwent Police has engaged an independent consultant to review its use and governance of stop and search. During the early stage of this work, the consultant engaged with the OPCC to determine how the independent scrutiny process operates and whether it is effective in supporting Gwent Police's improvement work. The feedback received was very positive and recognised the valuable role of the Scrutiny Panel in supporting continuous improvement and accountability processes, transparency and public confidence.

Dip Sample of Records

For the scrutiny period, 1,456 entries were recorded for both 'person' and 'vehicle' stop-searches. 88 'person' entries were randomly selected for this period, with 20 of these records further reviewed by Panel members in order to assess the grounds recorded.

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

- Self-defined ethnicity was missing for 9.1% (n=8) of the dip sampled records for this period.
- The Purpose had not been recorded in 1.1% (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.

In contrast to previous exercises, a review of 200 records did not identify any examples of potentially duplicate entries. The distribution of replacement upgraded devices to all officers may have helped to minimise this issue. However, this will be reviewed again within the next report to assess consistency. Data quality remains an area of scrutiny for Gwent Police via the internal Coercive Powers Scrutiny Board (attended by the OPCC), with a

particular focus on the recording of ethnicity, grounds and location. The findings of this report support the work undertaken in this regard.

Grounds

Of the 20 entries reviewed during the session, 40% were determined to have “strong” grounds, 50% had “moderate” grounds, and 10% had “weak” grounds. Weak grounds were identified due to:

1. Lack of detail;
2. Smell of cannabis included as grounds with no supporting rationale;
3. Lack of connection to the original purpose for the stop;
4. Lack of detail provided to support reasons for suspicion;
5. More information to rationalise the outcome of the search; and
6. 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: Gwent Police to consider how to address the issue of inconsistency in outcomes for similar encounters.

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

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

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

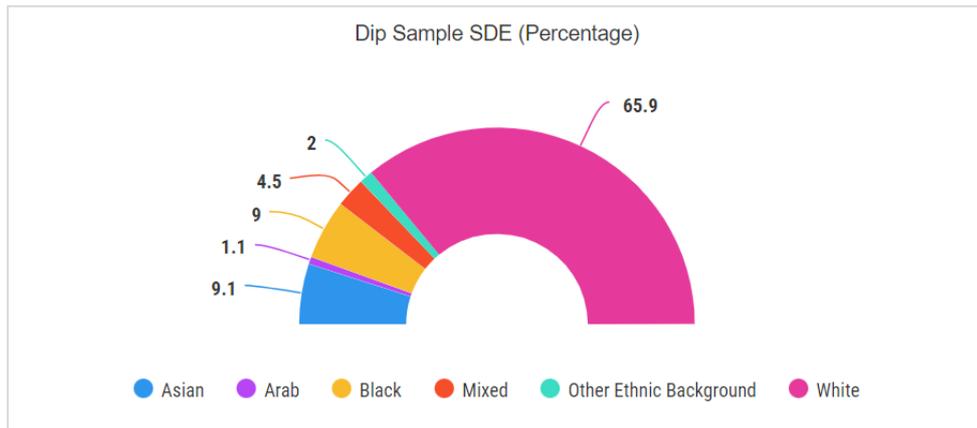
Action: Feedback to be provided to the Tutor Pod regarding quality of stop and search training for trainers to ensure appropriate and consistent messaging and communication.

Ethnicity

During the scrutiny period, people from Black, Asian and Minority Ethnic backgrounds in Gwent were 2.8 times more likely to experience stop and search than people from white backgrounds. We welcome Gwent Police’s continued commitment to reducing rates of stop and search disproportionality for people from minority ethnic backgrounds and will continue to monitor this through the Coercive Powers Scrutiny Board.

Table 1 provides a breakdown of self-defined ethnicity (SDE) by percentage for the dip sample. 25.7% (n=22) of individuals self-identified with an ethnic minority group, with 9.1% (n=8) of these belonging to an Asian background. This is consistent with previous exercises and wider Gwent Police data.

Table 1

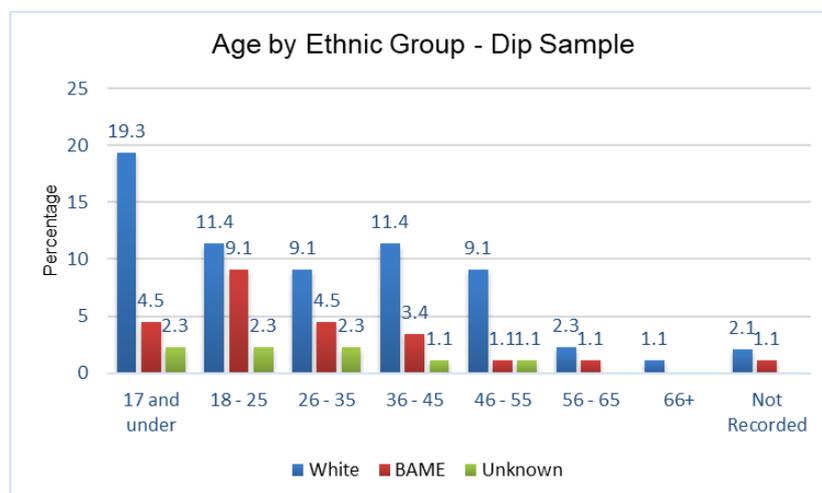


The highest rates of activity involving people from ethnic minority backgrounds were recorded in the Pillgwenlly, Stow Hill and Victoria wards of Newport. This is consistent with the overall activity rates for stop and search during the period and reflects population demographics for these areas. However, Gwent Police has enhanced its focus on better understanding ethnicity and population demographics at a ward level. This information is presented on a quarterly basis to the internal Coercive Powers Scrutiny Board, enabling effective oversight, understanding of the outcomes and challenge of any disparity in the use of stop and search powers in Gwent.

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.

The greater number of encounters continues to take place with the 18-25 age group; compared to census data, this group continues to be over-represented in stop and search activity in Gwent. Table 2 provides a comparison of age by ethnic group.

Table 2

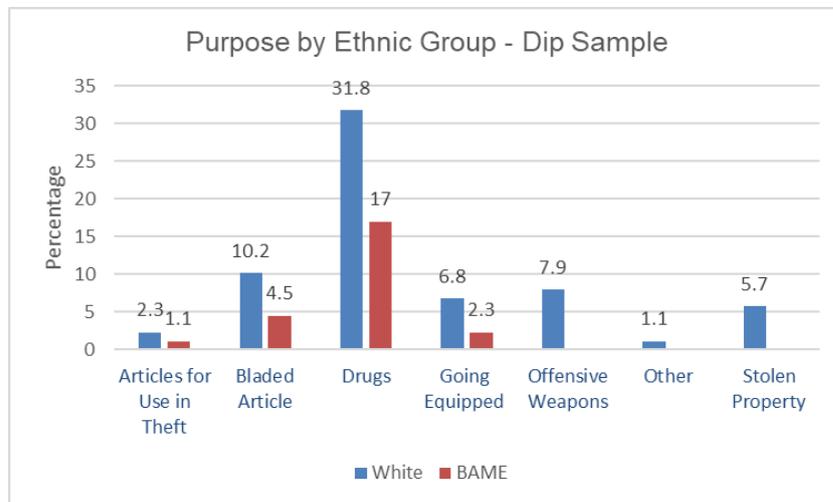


A slight increase in stops and searches for the 17 and under group was seen in the dip sample. This reflects the significant increase in recorded encounters for this group during the scrutiny period, which was noted for monitoring at the September Coercive Powers Scrutiny Board meeting. Children and 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

Table 3 shows the purpose by ethnic grouping for the dip sample. Suspicion of illegal drugs remains the highest purpose for stop-searches in Gwent; however, the dip sample suggests a reduction in the overall number of drugs-related searches for the scrutiny period. Of the records dip sampled, 17% of ethnic minority and 31.8% of white individuals were stopped for this purpose (compared to 29% and 24% respectively for the previous period). Individuals from Asian backgrounds continued to be most likely to be stopped and searched in relation to suspicion of drugs.

Table 3

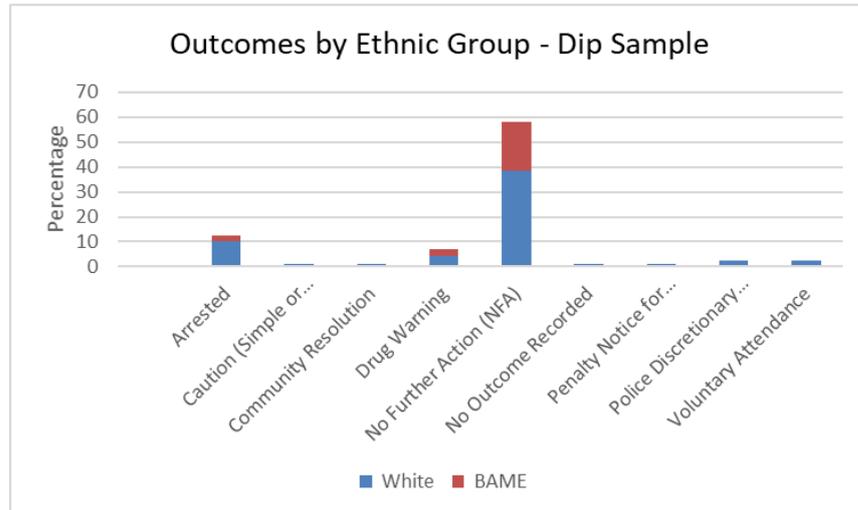


As already mentioned, Gwent Police has provided a greater focus on internal scrutiny and consistency of messaging for stop and search. This has shone a spotlight on the quality of grounds provided for encounters, resulting in the loss of speculative searches that would have contributed to the higher numbers previously seen. 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.

Outcomes

Table 4 provides an overview of the outcomes of stops and searches in the dip sample for white and ethnic minority groups. Within the dip sample, 17% of ethnic minority individuals (n=15) were searched on suspicion of drugs. One third of these encounters yielded a positive outcome of either arrest, drugs warning, or penalty notice for disorder.

Table 4



Gwent Police noted a significant increase in the proportion of arrests of ethnic minority individuals during this period, rising from 9% in quarter 1 to 20% during quarter 2 of 2021/22. When compared with the find rates for the period, this presented a slightly concerning anomaly that could indicate an increased level of disproportionality in the pattern of individuals being arrested. This has been identified at the Coercive Powers Scrutiny Board as an area for additional examination and reporting to understand and address the causes as appropriate.

While there has been a decrease in the number of drugs-related searches of ethnic minority individuals within the scrutiny period this remains an area of focus for Gwent Police through the Coercive Powers Scrutiny Board, aligned to monitoring the use of intelligence versus officer initiated stops and searches and targeted operational activity.

Body Worn Video

The following section provides a summary of the BWV section of the exercise, including member feedback and observations. Where feedback is given, particularly in respect of concerns or possible points of learning, this will be provided to the force via the attending officers, and subsequently highlighted to the Coercive Powers Scrutiny Board.

Video 1: Officers attended a report of an individual trying car doors and shop shutters. A person at the scene was identified as matching the description. After initial attempts to speak to the individual, officers determined that the person was profoundly deaf.

We discussed the way the officers engaged with the individual and members felt that an attempt had been made to comply with the Police and Criminal Evidence Act (PACE). It was noted that there was a clear focus on conducting the search with apparently little regard to any other circumstantial information being offered by the person. However, officers did make attempts to be understood and understand the limited information requested. We queried what Gwent Police's policy for engaging with members of the deaf community is and how this is incorporated within organisational equality and diversity training. We agreed that feedback would be provided to the officers to support improved engagement in similar circumstances.

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

Action: OPCC to raise equality and diversity training with the Head of Diversity and Inclusion.

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

Video 2: Officers conducted a search on an individual observed entering an enclosed area known to be a drug-dealing hotspot. The individual stated that they were waiting for an unidentified friend.

Members were satisfied that all PACE requirements had been met. We noted that this incident was recorded in the same location on the following day as one of the dip sampled encounters. Members felt the officers engaged well, appearing to know the person and showed an interest in their wellbeing. We discussed whether this could have been the same individual as in the other encounter and whether there were robust enough grounds to conduct the search. Further information was provided on the incident which supported the grounds for the search.

Video 3: Officers responded to a report from CCTV operators of an individual in a phone kiosk believed to be taking class A drugs.

Members were satisfied that all PACE requirements had been met; however, recording did not start until the encounter was underway. The officer engaged positively and communicated well with the individual throughout the search.

Video 4: Officers attended a call to a pub in a busy public location where an individual was reported to have threatened door staff with a knife.

Members were satisfied that PACE requirements had been met. We acknowledged the way the officers tried to keep the engagement calm, despite the individual's abusive behaviour. We noted that their reaction was likely influenced by past experiences in their country of origin. We discussed the

continued value of community engagement regarding the wider role of the police, particularly with asylum seekers and refugees. We also discussed the challenge of officer engagement in public spaces with people with very limited English language skills and the lack of tools available in such circumstances. Members also highlighted the prevalence of certain assumptions with particular communities and suggested that these may have been a factor leading to the call to the police.

Conclusion

Gwent Police has continued to demonstrate a commitment to effective governance and scrutiny of the use of police powers during this period. Focus remains on the appropriateness of stops and searches through the recording of reasonable grounds, data quality, and subject ethnicity, as well as an understanding of the impact of activities on our communities. The independent review of stop and search further confirms this commitment and the findings will enable Gwent Police to make greater progress in improving the use and outcomes of stop and search and increasing public confidence locally. The work has also highlighted many of the concerns that have arisen from Scrutiny Panel exercises; this is a positive outcome that supports the contribution of the OPCC's independent scrutiny process.

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. An overview of the session and outcomes was provided to the Coercive Powers Scrutiny Board in December, with a further action agreed for the Superintendent operational lead regarding the issue of effective police engagement with members of our disabled communities. Considerations around training and engagement were also highlighted, to be taken forward through the Board.

The OPCC Policy Officer and Gwent Police's Head of Diversity and Inclusion continue to work together on stop and search matters and provide support to the force's operational lead for stop and search as appropriate.

3. NEXT STEPS

Progress will continue to be monitored by the OPCC through Legitimacy Scrutiny Panel exercises and via the Coercive Powers Scrutiny Board and other associated internal meetings as appropriate. Additional public scrutiny of stop and search will also be provided by the new Youth Scrutiny Panel (YSP), jointly established between Gwent Police and the OPCC, which held its inaugural session in November. Feedback from YSP sessions will be provided to LSP members to support their awareness and understanding of the issues and concerns raised by other community members, as well as being fed into the

	Coercive Powers Scrutiny Board and other internal meetings and processes as appropriate.
4.	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>Scrutiny Panel 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>
5.	<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>
6.	<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>
7.	<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 Legitimacy Scrutiny Panel 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>
8.	<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 Scrutiny Panel 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.</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>  LSP Stop Search Analysis Table Nov 20