

## **OFFICE OF POLICE AND CRIME COMMISSIONER**

**TITLE:** OPCC Stop and Search Interim Dip Sample Exercise - May 2020

**DATE:** June 2020

**TIMING:** Routine

**PURPOSE:** For scrutiny

### **1. RECOMMENDATION**

1. For the Commissioner and Gwent Police chief officer team to consider the outcomes of and recommendations from the interim dip sample exercise undertaken in May 2020.
2. For Gwent Police to provide feedback to the OPCC in response to the recommendations to demonstrate how the recommendations will be addressed.

### **2. INTRODUCTION & BACKGROUND**

The Legitimacy Scrutiny Panel for stop and search usually convenes on a six-monthly basis to examine and consider Gwent Police's use of stop and search, providing independent, public scrutiny of data and body worn video. Due to the COVID-19 restrictions in place, and following consultation with Legitimacy Scrutiny Panel members, a decision was made to suspend the regular stop and search scrutiny activity scheduled for May 2020. In its absence, a dip sample exercise was undertaken to provide some continuity for Office of the Police and Crime Commissioner (OPCC) scrutiny processes. This report provides a brief overview of the key findings and recommendations related to the exercise. The detailed findings are provided at Annex A.

Following consideration and any feedback by the Commissioner, the report will be provided to Gwent Police in support of its self-assessment and continuous improvement processes. Where appropriate, the recommendations are reflective of the HMICFRS PEEL inspection findings and areas for improvement.

### **3. ISSUES FOR CONSIDERATION**

A random selection of Gwent Police stop and search records from the period 1<sup>st</sup> October 2019 to 31<sup>st</sup> March 2020 were dip sampled and reviewed by the OPCC policy lead for stop and search. Whilst it is acknowledged that this does not provide the same level of independent scrutiny as the Legitimacy Scrutiny Panel, it supports and enables the Police and Crime Commissioner to hold the Chief Constable to account for the delivery of an effective police service at this time.

Due to the limited resources undertaking the dip sample, it was agreed within

the OPCC that a reduced number of entries would be reviewed with an equal number of records relating to Black, Asian and minority ethnic (BAME) and White subjects examined. Once formally re-established, future scrutiny exercises will look to temporarily increase the percentage of entries dip sampled to compensate for the reduction with the COVID period.

## Key Findings

### Data

- Stop and search activity is on an upward trend, with around a 26% increase overall. This reflects national trends.
- The number of duplicate entries has greatly reduced, although a small number are still being logged. A technical fix is planned for July 2020 following an upgrade to Niche.
- Within the entire record-set, a number of fields still show blank information (grounds, purpose, self-defined ethnicity (SDE) and outcome). However, it is accepted that outcome data might not always be completed in cases where the subject has been arrested and transferred to custody.
- Records relating to 39.2% of BAME and 40.2% of White ethnicities were believed to provide reasonable grounds. Queries from the exercise included:
  - Where smell of cannabis is given as grounds for a search linked to a vehicle stop but the original reason for engagement is not clearly stated;
  - No reason provided for stopping specific individuals;
  - Lack of detail to support reasons for suspicion or provide more background; and
  - No original reason for the stop provided to link to the purpose of the search.
- The majority of encounters with BAME subjects were recorded in the Pillgwenlly and Stow Hill wards of Newport. A greater number of searches were performed on people identifying as Asian, consistent with previous exercises.
- BAME people in Gwent were stopped and searched at 4.5 times the rate of White people compared to the national figure of 4.3 times (based on 2018/19 data).
- Black people in Gwent were stopped at less than 0.1 times the rate of those identifying as White, compared to the national rate of 9.7 times.
- 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.
- The majority of subjects identified as male.
- Drugs remains the highest purpose for stop and search in Gwent, with 36.2% of BAME and 28.7% of White subjects recorded under this

purpose in the dip sample.

- Searches for bladed articles provides the second highest purpose in the dip sample in 3.9% of BAME and 2.9% of White encounters.
- Asian ethnicities continue to experience a higher rate of stop and searches for drugs; Black ethnicities continue to experience higher rates for bladed article searches with no clear explanation for the reasons behind this. It is anticipated that the in-depth analysis by Gwent Police will examine this further.
- No Further Action (NFA) remains the highest recorded outcome within the dip sample. Across all records, NFA outcomes had increased for BAME searches, but reduced for White. Stop-searches on BAME individuals result in a disproportionate number of NFA outcomes.
- Slight increases in the issuing of drug warnings were noted, but arrests for the period had reduced slightly for both ethnic groupings.
- Across all records, BAME individuals were arrested in 1.8% of encounters compared to 7.2% for White ethnicities.
- The data does not provide any reference to operational activity that might have contributed to the changes in ethnicity data. Previous recommendations have highlighted the importance of demonstrating understanding and public awareness of how operational activity is linked to the use of police powers.
- Previous recommendations regarding raising awareness of how to obtain copies of stop and search records remain.

### **Conclusion and Recommendations**

Overall, Gwent Police continues to demonstrate improvement in the recording of stop and search encounters during the scrutiny period. However, Gwent is above the national average for stop-searches of BAME subjects compared to White. In addition, Asian ethnicities continue to experience a higher rate of stop and searches for drugs, while Black ethnicities continue to experience higher rates for bladed article searches, with no clear explanation. The detailed research and analysis undertaken by the force should provide greater insights into the reasons for this inequality and the OPCC will monitor this activity closely.

The next Scrutiny Panel exercise might identify any impacts arising from the limitations to force monitoring and scrutiny during the Covid-19 period. The OPCC Policy Officer and Gwent Police's Head of Diversity and Inclusion continue to work together on stop and search matters during this period and will undertake additional engagement with the new force strategic lead for Operational Tactics to provide support as appropriate.

The recommendations provided in the report aim to support Gwent Police's transparency and effective self-assessment around stop and search, improve public confidence in its use, and to promote a better understanding by the

organisation of the causes of any disproportionality for BAME ethnicities. A number of recommendations from the previous scrutiny report are carried over to provide a continued focus on these areas.

- 1. As a priority, Gwent Police should explore the reasons for the disproportionality in outcomes between ethnicities and provide feedback on the findings. This will enable internal work to address any identified issues within operational practices and activity and support enhanced scrutiny of these areas.**
- 2. Gwent Police should monitor data transfer processes through the Operational Tactics Meeting, thereby providing a greater focus on reliable and consistent data.**
- 3. Gwent Police should ensure that stop and search training provides a consistent and appropriate focus on what constitutes legitimate and justifiable grounds for encounters. This should further improve the quality of grounds being recorded and mitigate any risk of unjustifiable or questionable grounds being provided as the basis for stop-searches.**
- 4. Gwent Police should evidence the connections between operational activity on stop and search activity relating to age and ethnicity as a minimum. Comparing activity with demographic data will help to provide public reassurance that certain groups are not targeted for stop and search and that activity is supported by appropriate intelligence.**
- 5. Gwent Police should ensure that website publication of stop and search and related equality information is up-to-date and relevant. This will support transparency and public confidence and contribute to public awareness of the use of stop and search in Gwent.**
- 6. Gwent Police should work with communities to build confidence and trust in the way police powers are used in Gwent, raising awareness of how to obtain copies (including accessing police stations or provisions) and how to make a complaint regarding their stop and search experience, if dissatisfied.**
- 7. Gwent Police should provide timely feedback to the OPCC against the recommendations from Scrutiny Panel exercises to highlight progress and ensure wider understanding of the reasons underlying continuing challenges to improvement.**

#### **4. NEXT STEPS**

Recommendations and observations from Legitimacy Scrutiny Panel reports will continue to be provided to Gwent Police for follow-up as applicable. Progress will be monitored via the Operational Tactics and Equality Meetings as appropriate. Future meetings of the Legitimacy Scrutiny Panel will be reviewed according to governmental guidelines regarding Covid-19.

#### **5. FINANCIAL CONSIDERATIONS**

IAG Members' costs are met by Gwent Police; there are minor costs for the OPCC in providing refreshments for the Panel due to the duration of the scrutiny exercise.

#### **6. PERSONNEL CONSIDERATIONS**

Whilst the scrutiny exercise is undertaken as part of the OPCC's normal working arrangements, it is supported by Gwent Police colleagues to ensure access to data and BWV footage as appropriate.

#### **7. LEGAL IMPLICATIONS**

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.

#### **8. EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS**

Legitimacy and fairness form an objective within the Joint Strategic Equality Plan 2016-2020 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.

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.

#### **9. RISK**

Use of force 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.

**10. PUBLIC INTEREST**

The scrutiny exercise can help promote public confidence in the use of Police powers. The report is published externally on the OPCC website, and, where appropriate, discussed at the Commissioner's public Strategy and Performance Board.

**11. CONTACT OFFICER**

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**12. ANNEXES**

Annex A: Interim Stop and Search Dip Sample Exercise - May 2020