

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

**TITLE:** Legitimacy Scrutiny Panel Stop and Search Exercise - October 2019

**DATE:** December 2019

**TIMING:** Routine

**PURPOSE:** For scrutiny

### **1. RECOMMENDATION**

To consider the outcomes of the scrutiny exercise undertaken in October 2019 and the recommendations arising from the activity. Whilst there are a number of recommendations, it should be noted that Gwent Police continues to demonstrate a commitment to continuous improvement in stop and search practices.

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

The Legitimacy Scrutiny Panel for stop and search convenes on a six-monthly basis to examine and consider Gwent Police's use of stop and search powers, providing independent, public scrutiny of data, stop and search records and body worn video (BWV). This report provides a brief overview of the key findings and recommendations related to the exercise. The detailed findings are provided at Annex A.

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

The latest exercise took place on the 26<sup>th</sup> April 2019 to examine activity undertaken between the 1<sup>st</sup> April and 30<sup>th</sup> September 2019. 1408 records were available, of which 191 related to individuals that had self-identified as having a black, Asian and ethnic minority (BAME) background. All BAME records were examined across the Panel and 147 of the remaining records were randomly dip sampled by members (a 24% sample size consistent with previous exercises).

#### **Key Findings**

Stop-search activity showed a 4% increase compared to the last scrutiny period. The highest activity was recorded in May and the lowest in September. Around 48.5% of those stopped and searched across the period were aged 25 or under, compared to 64.5% for the previous scrutiny exercise.

Data Quality - the BAME and dip sampled records were consistent with the last exercise. Again, several records were found to be duplicate entries and it is unknown how many duplicate entries were present within the overall data set.

Grounds – whilst all of the 341 records examined had completed grounds fields, one record showed 'Test' and at least one other only provided the

name of the operation the stop-search had been carried out in conjunction with. Some were also found to have what members considered to be 'questionable' grounds, the details for which can be found in Appendix A to this report. In most cases, there was continued improvement in the way grounds were written. A number of records had comprehensive and thorough grounds including some that provided detail against each requirement of the 'GOWISELY'<sup>1</sup> process.

Ethnicity - all self-defined ethnicity (SDE) fields for both the BAME and the dip-sampled records were completed. Across the entire record set, 73% of individuals identified as white, consistent with the previous exercise. For the BAME encounters, small increases were seen for Asian Indian, White/Black African, and Other/Mixed Background.

The race disproportionality ratio (RDR) for the six month period shows that BAME people were 4.9 times more likely to be the subject of a stop-search encounter compared to white. This continues to remain below the national RDR of around 9.

Within the report at Appendix A, where appropriate and relevant, commentary regarding ethnicity proportionality is provided as part of the analysis for each of the subject areas.

Age – almost half of the stop-search activity during the period was conducted on people aged 25 and under, with people aged 18 to 25 continuing to be over-represented.

Gender - 53.7% of BAME records and 36.0% of the dip sample identified subjects as male, and 2.0% and 6.5% respectively were identified as female. This showed a slight increase in female stop-searches for the dip sample compared to the previous exercise.

Purpose - drugs remains the highest purpose for stop-searches in Gwent. For all records, 10% of BAME and 44.2% of white encounters were for this purpose. However, these figures have reduced slightly compared to the previous period. Asian people remained the most likely to be stopped and searched for drug-related grounds.

Searches for bladed articles and offensive weapons provided the second and third highest recorded purposes. For bladed articles, black people are now more likely to be stopped, whereas for offensive weapons, Asian people are more likely to have this association over other ethnicities.

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<sup>1</sup> GOWISELY – **G**rounds; **O**bject; **W**arrant card; **I**ntity; **S**tation; **E**ntitlement of the search record; **L**egal power; **Y**ou are being detained for the purposes of a search. As long as this process is undertaken the order of delivery is not important.

Outcomes – ‘No Further Action’ (NFA) accounted for 38.7% of BAME and 25.9% of white encounters in the dip sample, a marked increase for white encounters compared to the previous period. For arrests, 8.0% of BAME encounters (previously 4.4%) and 6.2% (previously 9.0%) of white encounters were given an NFA outcome in the dip sample. Drug warnings were issued in 1.5% BAME and 4.1% white stop-searches. ‘No Outcome Recorded’ was seen for 5.9% and 2.9% of records respectively.

Across all records, 9.3% of BAME and 50.1% of white outcomes were NFA, compared to 9.7% and 55.7% respectively for the previous period. Arrests accounted for 2.0% of BAME and 7.4 of white outcomes. Drug warnings were issued in 0.3% BAME and 4.3% of white encounters, small reductions respectively compared to the previous exercise which could have been affected by the use of alternative disposals for the scrutiny period.

Across the period, there was a positive outcome rate of 19.1%, of which 2.7% related to BAME ethnicities. This continues to suggest that stop-searches for white subjects yield a greater number of positive results than for BAME ethnicities.

### **Body Worn Video**

Six videos were randomly selected and reviewed by the Panel. Panel members were generally satisfied that the encounters observed had been conducted according to PACE requirements and that the individuals had been treated appropriately. A number of positive comments were made regarding officer’s engagement with individuals.

Panel members’ feedback and concerns related to some of the encounters observed included:

- Perceptions of attitudes when dealing with younger subjects
- Ensuring body worn cameras are switched on prior to the start of the encounter

### **Conclusion and Recommendations**

Overall, Gwent Police continues to demonstrate improvement in the recording of stop and search encounters during the scrutiny period. The review of BWV footage provided generally positive feedback and members remain impressed with the way officers are seen to engage with subjects during encounters. Comments have been provided to the Chief Superintendent (Operations) for consideration at the next Operational Tactics Meeting with a request for appropriate feedback for the Panel.

The recommendations aim to support Gwent Police’s transparency around use of stop and search, improve public confidence in its use, and to promote a better understanding by the organisation of the causes of any apparent

disproportionality for BAME encounters.

1. **Gwent Police should utilise the outcomes of any unconscious bias testing to inform internal equality and diversity training. This would help ensure that stop and search powers are used correctly and efficiently.**
2. **Gwent Police should ensure that all data transfer processes are accurate, thereby providing more 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 and 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 demonstrate an understanding of the causes of any significant changes in outcomes for BAME groups. This will help to provide reassurance regarding the accuracy of data and the reasons for any notable fluctuations in outcomes.**
6. **Gwent Police should work with the community to build confidence and trust in the way police powers are used in Gwent, raising awareness of how to obtain copies of records (including accessing police stations or provisions) and how to make a complaint regarding their stop and search experience, if dissatisfied.**

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

The new quarterly performance reports will provide a more detailed focus on areas of concern related to continuous improvement. Recommendations and observations from the 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.

In addition, the OPCC is undertaking an 'areas for improvement' audit to measure progress against the recommendations from previous scrutiny panel exercises. The results will be shared with the OPCC and Gwent Police in due course.

**5. FINANCIAL CONSIDERATIONS**

IAG members' costs are met by Gwent Police; there is currently no additional expenditure for the OPCC relating to this 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**

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.

**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**

Caroline Hawkins – Policy Officer, OPCC.

**12. ANNEXES**

Annex A – Legitimacy Scrutiny Panel October 2019 – Stop and Search