

OFFICE OF POLICE AND CRIME COMMISSIONER

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

DATE: July 2021

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 Legitimacy Scrutiny Panel exercise undertaken in April 2021.
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

In response to the continued COVID-19 restrictions, a virtual Legitimacy Scrutiny Panel session took place in April 2021 covering stops and searches during the period 1st October 2020 to 31st March 2021. 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

Due to the success of the first virtual stop and search Panel exercise, it was agreed that this session would include a random selection of records for specific review of the grounds provided as well as the data for the period, along with a random selection of body worn video (BWV). 38 records were chosen at random by one of the Panel members, with a number to be further selected by the members for review during the session. Any remaining records from the selection would be included in the supplementary review undertaken by the OPCC in support of the virtual process.

As previously agreed within the OPCC, due to the limited resources undertaking the dip sample a reduced number of entries would be reviewed with an equal number of Black, Asian and minority ethnic (BAME) and White records examined.

Key Findings

Data

- Stop and search activity continued on an upward trend during 2019/20, reflecting national trends.
- During the period May 2020 to March 2021, Gwent experienced a downward trend in the number of stop and searches as a result of the ongoing COVID restrictions.
- 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. Furthermore, Asian individuals continued to experience a higher rate of stop-searches than other ethnic minority groups.
- A number of potentially duplicate entries were found - a review of 200 records identified 4 possible instances of apparent duplicate entries; as these share common blank fields, it suggests a continued issue with uploading from mobile devices, which may not be easily rectifiable if caused by technical rather than user issues. This is being monitored by the internal Coercive Powers Quality Improvement Group
- Within the entire record-set, 5 of the required fields showed blank information, which could be caused by the duplication issue. However, it is accepted that outcome data might not always be completed in cases where the subject has been arrested and transferred to custody.
- Of the 100 entries dip sampled, 50% had “strong” grounds, 35% had “moderate” records, and 15% had “weak” grounds. Weak grounds included:
 1. Lack of justification and detail for the stop and search;
 2. Lack of original purpose for the stop;
 3. Smell of cannabis included as grounds with no supporting rationale;
 4. Lack of any detail relating to the encounter;
 5. Lack of detail provided to support reasons for suspicion or provide more background; and
 6. Confusion in the way the grounds were written up.
- The majority of encounters with Black, Asian and minority ethnic 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.
- Black, Asian and minority ethnic people in Gwent were stopped and searched at 6.2 times the rate of White people compared to the national figure for 2019/20 of 4.1 times. This change is attributed to the overall increase in recorded encounters in Gwent during 2020/21 and high

disproportionality rates recorded in Monmouthshire and Newport West during the quarter 4 period.

- Black people in Gwent were stopped at around the same rate of those identifying as White, compared to the national rate for 2019/20 of 8.9 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.
- Suspicion of drugs remains the highest purpose for stop and search in Gwent, with 29.0% of Black, Asian and minority ethnic and 24.0% of White subjects recorded under this purpose in the dip sample.
- Searches relating to 'going equipped' (for the purposes of criminal activity, such as burglary) provided the second highest purpose in the dip sample in 2.0% of encounters Black, Asian and minority ethnic individuals and 3.0% of White individuals.
- Asian ethnicities continued to experience a higher rate of stops and searches for drugs; during this period, they also experienced the highest rates for bladed article and offensive weapon searches. This is being monitored by the internal Coercive Powers Scrutiny Board.
- No Further Action (NFA) remained the highest recorded outcome within the dip sample; however, there was a reduction when compared to the last scrutiny period, particularly for White ethnicities. Encounters with White subjects continue to yield a greater number of positive results than for minority ethnicities.
- Across all records, Black, Asian and minority ethnic individuals were arrested in 0.9% of encounters compared to 6.0% for White ethnicities.
- The data does not provide any reference to operational activity that might have contributed to the changes in ethnicity data. However, this now forms part of the discussions at the Coercive Powers Scrutiny Board.
- Feedback on the BWV footage reviewed was mixed, with members again recognising instances of positive and appropriate engagement by officers. Several observations were made relating to perceptions regarding officer safety, use of resources, quality of communication by officers and the timing of BWV usage. All learning opportunities have been fed back to the force for follow-up as appropriate.

Conclusion and Recommendations

Gwent Police continues to keep a close focus on stop and search, and now has in place effective internal scrutiny mechanisms to support continuous improvement in the use and recording of these powers, as well as understanding how they are used across our communities. As a result of these improvements, fewer recommendations are being identified through the

Scrutiny Panel process. There continues to be a focus on data quality, the recording of subject ethnicity, and effective BWV camera usage.

The gradual relaxing of COVID restrictions may stimulate an increase in stop and search activity nationally, and this will be kept under observation to identify any related concerns locally, including changes in the RDR.

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 Black, Asian and minority ethnicities.

- 1. Gwent Police should consider whether the addition of year-to-date and year-end comparator RDR figures would enhance the level of scrutiny currently facilitated by the Quarterly Performance Report. This would enable a wider perspective on RDR performance across the year and an understanding of how the year-end rate compares to the previous year(s).**

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 Coercive Powers Scrutiny Board and other associated internal meetings as appropriate. Feedback on the learning points will be provided at the next Legitimacy Scrutiny Panel stop and search exercise to support members' knowledge and understanding of the Gwent Polices response to the report.

5. FINANCIAL CONSIDERATIONS

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.

6. PERSONNEL CONSIDERATIONS

Whilst the scrutiny exercise is undertaken as part of the OPCC's normal working arrangements, 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: Legitimacy Scrutiny Panel Stop and Search Exercise - April 2021