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DYFED-POWYS
POLICE AND CRIME
COMMISSIONER

**Police and Crime
Commissioner for Dyfed-Powys**

**Scrutiny Panel
Dip Sampling Exercise**

Review of 2017/18 Quarter 2 (July – September 2018)

**Stop and Search incidents
Complaint cases relating to neighbourhood disputes**

Panel Members' Findings & Feedback

October 2018

Contents

| | | |
|-----|---|----|
| 1.0 | Overview | 2 |
| 2.0 | Background, Purpose and Methodology | 2 |
| 3.0 | Complaint Cases | 2 |
| 3.1 | Summary of Findings..... | 2 |
| 3.2 | Best practice | 3 |
| 3.3 | Areas for learning | 4 |
| 3.4 | Key observations for the Force..... | 4 |
| 3.5 | Professional Standards Department comments..... | 5 |
| 4.0 | Stop and Search | 6 |
| 4.1 | Stop and Search Incidents | 6 |
| 4.2 | Key Observations for Force..... | 11 |
| 4.3 | Questions for Force | 13 |

1.0 Overview

At the eighth meeting of the Commissioner's Quality Assurance Panel held on 24th of October 2018, Members reviewed a random dip-sample of stop and search incident report forms, complimented with their relevant Body Worn Video footage (BWV). The Panel reviewed a total of 18 searches.

During the afternoon session the Panel reviewed 4 complaint cases relating to neighbourhood disputes, focusing on the initial incident / contact of the complainant with the police.

2.0 Background, Purpose and Methodology

The background and purpose of the Panel along with how the dip sampling is carried out and what the Panel is asked to consider is detailed in the Quality Assurance Panel handbook, which is available on the [PCC's website](#).

3.0 Complaint Cases

The Panel reviewed four closed complaint cases from the last year from the Professional Standards Department (PSD). Within the Panel meeting of June 2018 the Panel reviewed complaint cases relating to neighbourhood disputes and concentrated on the police's initial response to the complaint, reviewing if this had had an impact on the outcome of the complaint. Within this meeting, the Panel were asked to review the initial incident which had given rise to the complaint, to assess the initial police response and consider the factors which may have influenced the complaint.

3.1 Summary of Findings

- It was felt that once a case has been identified as a civil matter, police involvement should have been kept to a minimum. It was felt that officers attending the initial incident should have advised that the police could not help with the civil dispute, this managing expectations from the start. Possibly a local mediation solution is needed to help resolve civil matters, which would allow officers to signpost individuals to services, and as such reduce the demand on policing. Members noted that one case led to an appeal, which may have been able to be dealt with via local resolution. Members noted that a large amount of time and resource is being spent on dealing with civil matters which is outside of the police remit. It was feared by the Members that positive involvement of the police may encourage complainants to keep responding to the Force for help with such matters, resulting in a diversion of police time and resources.

- Members also considered that officers should be attending incidents with their BWV cameras activated, especially when attending incidents with a series of calls and incidents linked to a case, this would safeguard officers and the public and would ensure necessary evidence is collected.
- It was found that in all four cases reviewed that the complaint had been dealt with in an open manner and that the complainant had been kept regularly informed.
- It was felt that in three out of the four cases reviewed that the complaint was investigated in a fair and timely manner, with sufficient support provided to the complainant.

3.2 Best practice

Panel Members highlighted the following:

- The Panel noted positively that in one particular case mediation had been arranged between the relevant parties in an attempt to resolve the neighbourhood dispute i.e. not between the complainant and police.
- The Members noted when reviewing two of the cases that the timeframe in which the complaint was dealt with was reasonable. In one of the cases it was found that from the initial telephone call there were good response times, with initial contact being made within 1 day. It was also felt that due to the length and complexity of the issues within the second case reviewed, the timeframe in which the case was dealt with was fair and practical.
- The Members noted positively that within one of the cases reviewed the officers did initially identify the case as a civil matter; however a large amount of police time was spent contacting the complainant.
- The Panel felt that the final investigation report of one of the more complex cases was very thorough and fair in its conclusions, with 5 complaint allegations being upheld and 18 not being upheld.

3.3 Areas for learning

Panel Members highlighted some areas of learning:

- The Panel were of the opinion that within one of the cases a series of miscommunication between the complainant, Force and victim support service led to a misunderstanding in relation to the improper disclosure of information which led to a further complaint. The Panel considered that the suspicions should have been verified prior to closing the complaint, as the final outcome did not seem clear.
- Members expressed their repeated concern that letters to complainants are often written using templates and lack appropriate personalisation and review to ensure the resulting letter is clear and suitable for recipient. It was noted that emails from officers have been copied into letters, which at times was felt to be unprofessional and could possibly lead to further complaints.
- In one particular case there was a delay of 21 days between the case being resolved and the resolution letter being sent to complainant, it was felt that possibly this could have been done quicker.

3.4 Key observations for the Force

- It was noted that dealing with neighbourhood disputes is a significant drain on police resources. As a result Members considered that some form of local mediation service may help resolve civil matters that are not able to be dealt with by the police.
- Through this and the Panel's last review of complaint cases, Members are of the firm view that expectations should be enforced at the initial point of contact with the police if the issue is a civil matter, to avoid the inappropriate use of police resources.
- The Panel were aware of the volume and complexity of cases and the strict (national) guidance of what must be included within resolution letters to complainants. Members recognise that this may restrict the amount of tailoring of individual letters, however they rose concerns that that the letters may not be as easy for complainants to understand as they could be. Members were keen to understand the Department's quality assurance process surrounding correspondence with complainants. Members strongly urged the Department to consider internal proofing of letters before sending if the process was not already in place.

3.5 Professional Standards Department comments

The Professional Standards Department welcomes the panel's comments and feedback, especially the identification of best practice. The identified cases will provide useful case studies to demonstrate what a good resolution looks like and assist in the future training of complaint handlers.

In February representatives of the Professional Standards Department attended a Quality Assurance Panel meeting to discuss the panel's findings in more detail. This dialogue was extremely positive and allowed the panel to expand on their comments and gave the Professional Standards Department the opportunity to explain their processes and challenges they face.

One of the main issues was in relation to the use of templates and the quality assurance process in place. The Professional Standards Department explained that all forces take a different approach in terms of Local Resolution, with some only sending a brief letter informing the complainant the process was complete and providing the right of appeal and some send the full unedited Local Resolution report with a standard covering letter.

Dyfed Powys adopt a more personal approach, summarising the Local Resolution and actions taken in the final outcome letter. The use of templates is necessary to create continuity and ensure the letters meet the regulatory requirements.

There is a quality control process in place which involves the Senior Manager reviewing the final letter before it is sent out. It is recognised that there can be variance dependent on the quality of the written Local Resolution report and the capabilities of the staff member drafting the letter. However, due to the challenges presented by resources this is the most efficient process at the current time.

The panel were reminded that the most important element of a successful Local Resolution was the actual engagement between complainant and resolving officer and the subsequent outcomes put in place. The letter is a means of achieving finalisation. In two of the cases reviewed there was excellent communication between the officer and the complainant and the complainant was clearly happy with the actions taken.

It was also positive that the panel noted the complexities and challenges the Professional Standards Department encounter when dealing with some complaints. In this instance the cases reviewed had their origins in neighbour disputes which the police had become embroiled in. What can appear on the face of it simple or low level matters can become escalated due to the personalities and emotions involved. Police officers will often try their best to assist in resolving these issues, but can unfairly become the subject of complaints by one or both parties involved due to their unreasonable expectations.

4.0 Stop and Search

The Panel reviewed a dip sample of Stop and Search cases from July to September 2018 with a total of 18 cases being reviewed. 15 of these cases were enhanced by the availability of Body Worn Video (BWV) footage to accompany the written record. Following difficulties in obtaining corresponding footage for the Panels last review of stop and search, the Police and Crime Commissioners Office has worked with Dyfed-Powys Police to improve the sample collection. As a result, the force was on this occasion able to provide 29 BWV footage out of the 53 cases independently selected by the OPCC. The Panel also considered three strip search incidents without the use of BWV.

4.1 Stop and Search Incidents

Search 1 and 2 (same strip searches)

These strip searches were as a result of a vehicle stop. Members noted that no vehicle information was provided on the form however, the details of the vehicle were recorded in the description of the search. Members noted that from the Stop and Search records there was no way of knowing whether the vehicle was stopped due to intelligence and therefore difficult to judge whether the grounds for the search were reasonable. It was felt that, if a search is based on intelligence this should be recorded somewhere on the form.

It was noted that there was an error on the search location for the second record; stating that the strip search was conducted on a public highway and not at the Police Station as was actually the case.

Within the comments of the search it was noted that 'a large quantity' of drugs was found. A query was raised as to what the guidance is for officers on what amount of drugs is deemed as a large quantity.

Members felt that due to the limited information within the description box, there were not sufficient grounds for a strip search. It was recognised that officers were likely to have had additional information to warrant this type of search, however, this was not evidenced on the form.

Members noted that the individuals in both searches 1 and 2 were recorded as the driver of the vehicle. A query was raised as to whether this was a recording error, or whether there was some confusion as to which person was the driver of the vehicle. Additionally, it was queried whether staff would have had sufficient grounds to search the passenger of the car in addition to the owner of the vehicle.

Department Lead Comments:

- The vehicle should have been recorded on the stop and search record.
- There should always be grounds recorded for the actual stopping of the vehicle if it were intelligence led. However police officers have the authority to stop any vehicle on the public highway (Road Traffic Act) and so it may have been a routine stop. As a result, the smell of cannabis together with possibly the demeanour of the driver and passenger may have led officers to the search of the vehicle which in turn led to the recovery of a large amount of drugs. It would be difficult to establish who would have been responsible for ownership of the drugs unless one of the parties were to admit possession which is unlikely. Due to both parties in the vehicle with the drugs then if as mentioned above the grounds were there (even though not recorded in sufficient detail) then there would have been grounds to search both parties in order to try and identify the owner of the drugs and of course to check whether or not they were in possession of any additional drugs.
- Search location appears again to have been recorded in error as rightly identified. The Mobile Data Terminal has a drop down to click on location so clearly an oversight by the officer.
- Officers receive training on searching and grounds to search. A large amount of drugs would have meant more than an amount that would have been classed as for personal use. They would not have the exact quantity until weighed back at the station.

Search 3 (strip search)

Members felt that based on the information on this record the grounds were insufficient. Members questioned why it was felt that a strip search was needed, based on the fact that the individual 'looked to be a drug user' and the small amount of cannabis found nearby. Members felt that this was possibly excessive due to having no evidence that the cannabis nearby belonged to the individual and due to the small amount found. Members queried the rationale for the original stop, as it appeared that pouch containing cannabis was found nearby after the officer approached and stopped the individual.

Members queried why there was no Supervisor endorsements provided for this record.

Department Lead Comments:

- There is a lack of information recorded to support the strip search.
- There are some stop and search records without supervisor comments. This has been highlighted and is being addressed through additional training, additional auditing and also possible amendments to the Mobile Data Terminal- where the information is recorded, as there may be some technical issues.

Search 4

Based on the BWV and form, members felt that this record was completed well and that there were reasonable and sufficient grounds to conduct the stop and search.

Search 5

Members felt that this stop and search was handled very well and that officers showed themselves to be very patient and tolerant, handling a very difficult situation fairly and professionally. Members felt that there was reasonable grounds to conduct this search, however, they noted that the 'section 32' power used, power to search upon arrest, was not recorded on the form and instead 'other' was recorded.

Search 6

The Panel felt that the grounds for this stop and search were reasonable and appropriate. A query was raised as to whether officers sufficiently explain what will happen, giving their name, number and the power that they are using to conduct the search. Members were unable to confirm this due to the BWV sometimes being activated after the initial approach and due to the absence of audio for the first 30 seconds of each recording.

The Panel noticed that on a number of the forms "other" is noted within the search power used box. Members queried whether it would be worthwhile having a free text box, which may allow officers to evidence and explain their grounds clearer.

It was also noted from the BWV that a number of officers were in attendance at the search; however, only one officers details was recorded on the stop and search record as in attendance.

Department Lead Comments:

- Officers will be reminded to switch on their BWV at the initial contact with members of the public in order to capture the introduction.
- Officers will be reminded regarding the use of "other" on the search records. We will consider adding a free text box.
- All officers present should be included on the search record.

Search 7

The Panel felt that there were reasonable grounds for this search which clearly stated on the record and verbally on the BWV. Members noted that the conduct of Dyfed-Powys officers at the scene was positive, with the officers explaining to the individual exactly why they were being searched.

It was noted that more than one officer was in attendance at the search, but only one name was recorded on the stop and search record.

Department Lead Comments:

- This issue has come about as a result of Officers from another force being present. This matter is being addressed through their line management.

Search 8 and 9 (same incident)

The Panel noted that although these incidents appeared to be linked from the BWV footage viewed; different dates and times were recorded on the forms.

However, the Panel felt that the grounds for these searches; were reasonable and appropriate.

Department Lead Comments:

- This is likely to be as a result of operator error.

Searches 10 and 11 (same incident)

Search 10: The Panel found that the forms and BWV footage have been wrongly correlated, form 10 note the details of a female, yet the BWV showed the search of a male. Members highlighted that they felt the tone and attitude of the officer conducting the search to be aggressive and inappropriate. officer referred to individual as "boy" instead of using learnt name. The Panel also questioned

whether the use of handcuffs in this search was necessary as the individual did not appear to be non-compliant.

It was noted again, that the Officer involved did not explain their name/number and the point of the search very clearly.

Search 11: As explained above, the Panel highlighted that the wrong form had been linked to the footage. The record linked stated that a search had been undertaken yet there was no evidence of a search on the BWV. The Panel felt that the footage has been wrongly linked to the records. A query was raised as to whether supervisors check record forms against other systems to cross reference incidents and ensure accurate record keeping.

It was noted again that there were a number of officers in attendance on the BWV, but only one name recorded on the form.

Department Lead Comments:

- This error is likely to have occurred whilst gathering the information for review. The BWV and the actual recorded search records should link electronically.
- Even though the officers utilised their BWV at the start there may have been previous dealings with this individual, and they may have been known to police for their aggressive behaviour. (Intelligence linked to the individual). This would have also then explained the reasons for the handcuffs.

Searches 12 and 13 (same incident)

It was noted that although both incidents were linked there was some contradicting information on both forms, i.e. record 12 stated that there was only one officer involved, but record 13 stated four were and there was no vehicle information recorded on the form for stop and search 12, but all vehicle information was recorded on form 13.

The Panel felt that the grounds for the stop and search were fair and appropriate and commented that the officer in BWV 12 was very thorough, fair and respectful whilst carrying out the search.

Department Lead Comments:

- All officers should record the correct number of officers present and their collar numbers. All details should also be recorded such as vehicle and occupants.

Search 14 and 15 (same incident)

The Panel felt that this was a fair and respectful stop and search, with adequate grounds for it to be carried out. The Panel noted that there were two officers in attendance, but only one recorded on the form.

The Panel felt that the officers were very helpful to the individuals involved, providing them with advice on where to stay for the night following the search.

Department Lead Comments:

- Again all officers present should be included on the form, however it may be that only 1 officer actually carried out the search on the person.

Search 16

The Panel felt that there were no concerns over this stop and search encounter, it was noted that the search was recorded well and evidenced adequate grounds for a search to be undertaken.

Search 17

Members found no issues with this stop and search encounter. The Panel felt that the form had been completed well and that there were sufficient grounds for the search to be undertaken.

Search 18

The Panel felt that the description for this stop and search was recorded well, it evidences clearly that the search was taking place due to intelligence received, providing sufficient and fair reasons for the individual to be stopped.

4.2 Key Observations for Force

| <u>Key Observations</u> | <u>Related Searches</u> |
|---|--------------------------------|
| An observation was made that it may be useful to offer a free text box when describing the search power used rather than using "other". | Search 1, 5 and 6 – |
| It was felt that, if a search is based on intelligence this should be recorded somewhere on the form. | Search 1 – |

| | |
|--|--|
| <p>Some of the search records included inaccurate details.</p> | <p>Search 1: strip search was conducted on a public highway and not at the Police Station as was actually the case.-</p> <p>Search 1: Both individuals recorded as driver of vehicle.-</p> <p>Search 8 and 9: Different dates and times recorded on form.-</p> <p>Search 10: BWV and form wrongly linked.-</p> <p>Search 11: BWV and form wrongly linked. -</p> <p>Search 12 and 13: Conflicting information -</p> |
| <p>No Supervisor endorsements for Search 3.</p> | <p>Search 3 -</p> |
| <p>A query was raised as to whether officers sufficiently explain what will happen, giving their name, number and the power that they are using to conduct the search. Members were unable to confirm this due to the BWV sometimes being activated after the initial approach and due to the absence of audio for the first 30 seconds of each recording.</p> | <p>Search 6, 10 -</p> |
| <p>It was noted from the BWV viewed that within 7 out of the 18 incidents reviewed the number of Officers that were involved in a stop and search incident did not match the number of officers recorded on the forms.</p> | <p>Search 6, 7, 11, 12, 13, 14 and 15 -</p> |
| <p>Search 10: Members highlighted that they felt the tone and attitude of the officer conducting the search to be aggressive and inappropriate. Officer referred to individual as "boy" instead of using learnt name.</p> | <p>Search 10 -</p> |
| <p>The Panel felt that 13 out of the 18 incidents reviewed adequate and reasonable grounds were evidenced for the search, with the search being handled fairly and respectfully.</p> | <p>Search 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16. 17 and 18</p> |

4.3 Questions for Force

| <u>Questions</u> | <u>Related Searches</u> |
|--|--------------------------------|
| <p>What is the guidance for officers on the amount of drugs deemed as a large amount?</p> <p><i>Department Lead Comments:</i></p> <p>A large amount of drugs would have meant more than an amount that would have been classed as for personal use. They would not have the exact quantity until weighed back at the station.</p> | <p>Search 1 and 2</p> |
| <p>Search 3 was a strip search needed?</p> <p><i>Department Lead Comments:</i></p> <p>There is a lack of information recorded to support the strip search.</p> | <p>Search 3</p> |
| <p>Search 10: The Panel questioned whether the use of handcuffs in this search was necessary as the individual did not appear to be non-compliant.</p> <p><i>Department Lead Comments:</i></p> <p>Even though the officers utilised their BWV at the start there may have been previous dealings with this individual, and they may have been known to police for their aggressive behaviour. (Intelligence linked to the individual). This would have also then explained the reasons for the handcuffs.</p> | <p>Search 10</p> |
| <p>Do supervisors as a result of collating the information from various systems check record forms against other systems to cross reference incidents and ensure accurate record keeping?</p> <p><i>Department Lead Comments:</i></p> <p>This error is likely to have occurred whilst gathering the information for review. The BWV and the actual recorded search records should link electronically.</p> | <p>Search 11</p> |