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**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Stop and Search Incidents**

**Panel Members’ Findings & Feedback**

**July 2021**

# 1.0 Background

On the 15th July 2021, Members met via Skype for Business to review a selection of Stop and Search forms and their accompanying Body Worn Video Footage. The Panel reviewed 10 Stop and Search incidents in total.

Chief Inspector Tom Sharville, lead for Stop and Search attended a section of the meeting in order to give an overview of the current force position. The Chief Inspector also went through past observations the Panel had made in relation to Stop and Search and explained the progress that has been made in response to these.

It was explained that all stop and searches should follow GOWISELY:

* Grounds – reason for the search
* Object – what is being searched for
* Warrant card – if not in uniform
* Identity – officer name & collar number
* Station – officer’s base
* Entitlement – copy of the record
* Legal power – legislation being searched under
* You – explain you are being detained for a search

All Stop and Searches should be undertaken when there is a genuine suspicion that an officer will find the object being searched for. Suspicion should be based on facts and information such as the person’s behaviour, conversations and actions; the surrounding circumstances and/or accurate and current intelligence. Stops should not be carried out on:

* the smell of drugs alone;
* physical appearance – unless matching a description of a suspect;
* being a known criminal or known drug user; or
* being in an area of high crime and drug usage.

It was also explained that the mnemonic ‘SHACKS’ has been introduced for officers to use when completing Stop and Search forms to ensure that there are adequate grounds documented for the stop.

* **S**een – What have you seen? Include actions, behaviour, articles present
* **H**eard – What have you heard? Include conversations, alarms, glass breaking etc.
* **A**ctions – What did you do? Include what they did in response to your presence
* **C**onversation – What did you say to them? Include what they said in response or whether they evaded answering questions or gave differing answers
* **K**nowledge – What is already known?
* **S**mell – What could you smell?

# 2.0 Findings

Search 1

* Members noted that the officer in this case was very respectful and explained what was happening to the individual very well.
* Members reviewed two forms relating to two individuals linked to one incident. It was noted that due to the Body Worn Video Footage only being provided for one of the individuals it was difficult to have the context as to why the officers initially stopped the other individual and how both searches were linked. However, following the meeting the OPCC reviewed the other individual’s footage which clearly showed that individual hurrying away from the officers before voluntarily handing over a bag of cannabis.
* Members felt that the grounds of the search were well documented within the forms.
* It was also noted positively that the diversionary scheme was offered to both individuals.
* The Panel noted positively that a supervisor had reviewed both records. However, noted that where the form stated ‘any issues’ this was left blank on both forms, it was felt that yes or no should be recorded in order for completeness and clarity.

Search 2

* Members noted that although the grounds stated that a vehicle was stopped, the accompanying forms for both individuals stated that there was no vehicle involved and therefore no vehicle details were recorded.
* The Panel felt that the officers involved had a positive attitude and the object of the search was explained very well.
* It was also noted that the officers were able to converse with the individuals in Welsh, allowing the individuals to feel comfortable.
* Both forms had also been endorsed by a supervisor.

Search 3

* It was felt that the grounds recorded within the form were valid and sufficient. However, it was noted that the object of the search was recorded as being ‘article used in theft’, despite there being no mention of the theft or any intel documented within the grounds for stopping the vehicle. The grounds stated that the vehicle was stopped due to speeding and unsafe driving, which Members considered contradicted the object of the search.
* Members felt that the officers conducting the search were very friendly and polite. The individual was offered a copy of their Stop and Search form and was asked if they had any questions.
* It was observed that only the female officer involved in the search introduced herself and gave her details, the male officer involved did not introduce himself, or give his collar number from what was seen on the footage.
* The form had been endorsed by a supervisor.

Search 4

* The Panel stated that it was great to see that so many of the officers attending had their Body Worn Video footage turned on.
* The Panel noted that the individual was autistic and became very anxious and upset when asked to get in the back of the van. Positively, his needs were taken into consideration and he was allowed to travel accompanied in the back seat. It was however noted that the individual stated on numerous times that there was detail on his record that he is not to be placed in the back of a van, although the individual was listened to eventually, Members felt that his record should have been checked sooner as he was getting increasingly agitated and upset.
* It was noted that the sound was missing for the first section of the footage due to an administrative error by the OPCC. However, following the meeting the OPCC has reviewed and it is clear that officers are calm, pleasant and reassuring, explaining everything that they were doing and checking the individual’s understanding. The searching officer did provide their name, station, collar number, grounds, power and offered the individual a copy of the form.
* It was found that no supervisor had checked and endorsed the form, despite the search resulting in a significant arrest of a vulnerable individual with numerous officers involved.
* Members identified that it was unclear from both the form and the footage as to who was leading on the search and taking charge of the incident. It was also noted that the form did not note which officer carried out the search and who had completed the form. The form only lists all officers involved. Members felt that there should be a section on the form to identify the lead officer and who completed the form.

Search 5

* The officers in this case were respectful and the Panel felt that the individual would have felt listened to.
* It was noted that the female officer in the search only gave her first name and no other identification, however, it was acknowledged by the Panel that the individual appeared to be known to the police.
* It was found that the male officer involved in the search was not recorded on the Stop and Search form.
* The individual was stopped due to intel regarding drug dealing in the area. However, the Panel was unsure from the questioning shown on the footage as to why the initial stop escalated into a search. The Panel felt that the grounds as to why the check turned into a search were not strong, as the smell of cannabis or the individual being a known drug user were not enough alone. Members felt that further detail was needed on the form to strengthen the grounds noted.
* The Panel observed that the individual’s bag was searched by a male officer and no grounds or explanation as to why was given to the individual. Grounds were given by the female officer prior to the individual being searched, but this was after the male officer had searched her bag.
* Positively a supervisor had endorsed the form.

Search 6

* The Panel felt that there were no clear grounds for this Stop and Search and a reason as to why the vehicle was stopped. The only ground noted was a smell of cannabis, which is against policy and not a sufficient reason alone. The Panel felt that further context and detail were required.
* It was also found that no supervisor had endorsed the form.
* The Panel noted that there was a comma noted for the geo location on the form and queried whether this was due to the location not being able to be identified on the handheld device.

Search 7

* The Panel noted that the form did not have any vehicle details recorded, despite the Stop and Search being as a result of a vehicle stop.
* The Panel noted that they did not hear from the footage provided the officers introducing themselves and explaining the purpose of the search to the individual. Following the meeting the OPCC checked the footage to see if any important information was accidentally cut from the clip, but no additional key information was identified, suggesting that the Body Worn Video may not have been activated soon enough to capture the whole interaction.
* Positively a supervisor had endorsed this form.

Search 8

* The Panel felt that the officer in this Stop and Search was very reassuring, demonstrating excellent communication skills. Members noted that Officer explained the purpose of the search and explained that it was being recorded the protection of both himself and the stopped individual.
* Additionally Members observed that the search was in relation to a theft in a shop. The officer gave the individual’s bag with suspected stolen items back to the store, however Members felt that this bag should have been kept as evidence, or store staff should have been accompanied when taking the bag in order to preserve the evidence found. The Panel also noted that the individual being searched was not watched at all times, as the officer left the room to take a phone call.
* Members noted that the object of the search recorded on the form was noted as “Anything to threaten or harm anyone” which did not match the object of the search in terms of what was recorded in the grounds.
* No supervisor had endorsed the form.

Search 9

* The Panel felt that the officer in this Stop and Search was very friendly.
* Members noted that the object of the search recorded on the form was noted as “Anything to threaten or harm anyone” which did not match the object of the search in terms of what was recorded in the grounds.
* Positively a supervisor had reviewed and endorsed the form.

Search 10

* The Panel felt that the officer in this Stop and Search communicated very well, giving a clear explanation of the grounds to the individual.
* A Supervisor had reviewed the form and action had been taken.
* The Panel felt that the officers were very empathetic and a duty of care was shown. They did all they could to help this individual who was homeless.
* It was felt that the grounds of the Stop and Search were recorded very well on the form and was commended by the Panel.

# 3.0 Summary

* Members noted that they did not always hear a copy of the Stop and Search form being offered on the Body Worn Video footage.
* The Panel felt that there has been a great deal of improvement in this area and that overall good practice has been observed.
* The Panel noted that the grounds of the search did not always match the object of the search (3/10 records). It was however acknowledged that these forms are completed on a handheld device making it difficult for officers to maintain 100% accuracy. The sequencing of the forms and how user friendly they are was queried, with Members considering some improvements in this regard may assist officers.
* It was felt that overall the communication style and attitude of officers was very friendly and positive.
* It was found that not all forms had been endorsed and reviewed by a supervisor (3/10 forms missing supervisor review).
* It was found that the vehicle details were missing for 2/5 records.
* Overall the grounds documented on the Stop and Search forms were valid and detailed.
* The Panel felt that it would be useful for the forms to note the name of the officer carrying out the search and who the form is completed by. The form only lists all officers involved. It was felt that it was unclear sometimes as to who was leading on the search and taking charge of the incident.

# 4.0 Observations

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| **Observations** | **Force Response** |
| The Panel felt that it would be useful for the forms to note the name of the officer carrying out the search and who the form is completed by. The form only lists all officers involved. It was felt that it was unclear sometimes as to who was the officer in charge of the search. | There is no requirement to identify who is in charge of a search when multiple officers are in attendance.  However one officer will often take the lead. This will often be the officer who instigated the search and therefore will be the officer completing the stop and search form.  The officer completing/submitting the form is at the bottom of the list of Officers involved, any officers listed above are ‘corroborating officers’. It comes out this way due to the order of the boxes on the MDT form, although not ideal I appreciate. |
| It was found that not all forms had been endorsed and reviewed by a supervisor. | We are aware this is an ongoing area for improvement and are reminding all our staff through training and internal messaging.  The force has an overall supervision rate of around 90% for stop and search. |
| It was found that not all vehicles involved in a search are having their details recorded. | Vehicles are only required to be recorded if the vehicle is searched.  We will remind staff of their recording requirements via training and internal messaging. |
| Members noted that they did not always hear a copy of the Stop and Search form being offered on the Body Worn Video footage. | This should be covered in the initial GOWISELY mandatory information that must be told to all people who are searched.  All staff are now being issued a paper receipt that can be handed to the person searched that explains how they can get a copy of the search record. |
| The Panel noted that the grounds of the search did not always match the object of the search. It was however acknowledged that these forms are completed on a handheld device making it difficult for officers to maintain 100% accuracy. The sequencing of the forms and how user friendly they are was queried, with Members considering some improvements in this regard may assist officers. | We are having a big push to improve the level of detail recorded in the grounds.  Face to face training is being delivered to all frontline officers regarding the SHACKS template which will encourage greater detail and make it clear what is being searched for.  The information on the forms is a national requirement and cannot be changed. However the layout of the boxes can be reviewed when we move to a new records management system (due in next 2 years). |
| The Panel felt that there has been a great deal of improvement in this area and that overall good practice has been observed. | Thank you for the positive feedback. We recognise that there are still areas for improvement and are continuing to improve how stop and search is conducted and recorded. |
| The Panel noted that there was a cameraman filming Stop and Search 4. The Panel queried whether the camera was there with the Forces’ permission, or whether this was a member of the public, as it is seen to get very close to the incident. | The cameraman was present with the forces’ permission. He was filming for an upcoming TV show. |