

Minutes

Stop & Search and Use of Force External Scrutiny Panel

Date: Wednesday 8th May 2024 at 18:30hrs – 21:00hrs

Location: Schofield Room, Surrey Police HQ, Guildford
(with an MS Teams link in meeting planner)



Attendees

CD	Clive Davies	T/ACC, Strategic Stop & Search Lead
CC	Chris Colley	Superintendent, Strategic Use of Force Lead
EN	Emma Newton	Sergeant, Tactical Stop & Search and Use of Force Lead
DE	Dean Evans	Instructor for Public & Personal Safety Training and former Police Officer
MC	Mark Cunningham	Chair of the External Scrutiny Panel
AC	Angus Cleaver	Role Play Volunteer and Victim Support
AH	Anita Ho	Director for Surrey Minority Ethnic Forum
SG	Sarah Gosling	BT

Apologies

RC	Rajen Chhetri	
SG	Shanice George	
SL	Sailesh Limbachia	

	Notes	Owner												
1	Welcome, Introductions & Apologies MC opened the meeting. <i>Note from EN: *The meeting recording was not of good quality due to the echoing of the room where the meeting took place. The microphone did not pick up some of the conversation, or the conversation could not be heard clearly. We will be mindful of this for future meetings*</i>	MC												
2	Previous Minutes & Action Tracker Previous Meeting Minutes MC highlighted some spelling mistakes that changed the context of what was being said, such as ‘complaint’ instead of ‘compliant’. New Action – EN to re-review meeting minutes and amend any spelling errors. AC requested for the minutes to be distributed in a closer timeframe to the meeting date. CC highlighted at the last meeting when he had stated he and EN were leading and undertaking significant force wide project work and there would be a slight difference in the service we could provide in respect of Stop & Search and Use of Force in the immediate future. EN is the only person who can provide the Stop & Search and Use of Force work, but that this had been unprecedented, and a normal service would now resume. AC queried whether two weeks would be an acceptable time frame? CC and EN will discuss and agree a timeframe with MC. New Action – EN, CC, and MC to agree an acceptable time parameter for distributing meeting minutes. Action Tracker <table><tr><th>Item No.</th><th>Date of Origin</th><th>Action Details</th><th>Update</th></tr><tr><td>Action 33</td><td>14.02.2023</td><td>To hold a separate meeting with panel members for them to decide and agree what they want posted on their External Scrutiny SS / UoF Facebook page.</td><td>Not Completed – there will be a discussion, but the action can be closed. Discharged</td></tr><tr><td>Action 41</td><td>01.11.2023</td><td>Share reviews of probationer Stop & Search form dip checks and BWV reviews at the next External Scrutiny Panel meeting.</td><td>Completed – this was sent out to panel members to review. Discharged</td></tr></table>	Item No.	Date of Origin	Action Details	Update	Action 33	14.02.2023	To hold a separate meeting with panel members for them to decide and agree what they want posted on their External Scrutiny SS / UoF Facebook page.	Not Completed – there will be a discussion, but the action can be closed. Discharged	Action 41	01.11.2023	Share reviews of probationer Stop & Search form dip checks and BWV reviews at the next External Scrutiny Panel meeting.	Completed – this was sent out to panel members to review. Discharged	MC
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	Action 42	01.11.2023	View all BWV footage from the 24 stops of this quarter of the two proactive officers and compare with the Stop & Search forms.	Not Completed – the data was sent out to panel members but not reviewed. The data will be updated and sent out in a new action. Discharged
	Action 43	01.11.2023	Send all panel members [redacted] copies of the dip checks of the 24 records.	Completed – this was sent out to panel members to review. Discharged
	Action 44	01.11.2023	Review of compliant subjects' forms and BWV.	Completed – this was sent out to panel members to review. Discharged
	Action 46	01.11.2023	Review of incidents where mental health is an impact factor in under 18's.	Completed – this was sent out to panel members to review. Discharged
	Action 47	01.11.2023	Dip check use of force forms and BWV for Black subjects in Spelthorne, Epsom, and Guildford.	Completed – this was sent out to panel members to review. Discharged
	Action 48	01.11.2023	Review incidents where alcohol is an impact factor.	Completed – this was sent out to panel members to review. Discharged
	Action 49	01.11.2023	Provide Asian specific data for the next meeting.	Completed – this was sent out to panel members to review. Discharged
	Action 50	01.11.2023	Further to Action 49, produce Asian specific drugs data, searches and finds, across the county and with borough breakdown.	Completed – this was sent out to panel members to review. Discharged
	Action 51	01.11.2023	Prepare data and information on knife crime, including dip checks.	Completed – this was sent out to panel members to review. Discharged
3	Body Worn Video Reviews			EN
	BWV Reviews			
	MC referred to the new Body Worn Video (BWV) form, created by a representative from the Office of the Police & Crime Commissioner, that asks questions about the Stop & Search, and invites a red / amber / green rating.			
	CC asked how the panel propose to complete the form. EN said the working suggestion was to bring up the form on screen after viewing the footage and complete as a group. EN can then save the form and email out to the panel with any other documentation (minute, actions, etc). This approach was agreed by panel members.			
	<i>BWV Incident 1 (45240007221) Use of Force Incident (selected to view by AH):</i>			
	EN showed the BWV clip to the panel. In summary, this was a double crewed marked police unit responding to the report of a robbery on a bus where the suspects were said to be in possession of knives. The unit sighted the suspects in the street. The officer directed for them to stop, however the suspects made off and the officer gave chase, with verbal commands to stop and get down on			

to the floor. The suspects were intercepted by officers from the other direction, restrained to the ground, arrested, and handcuffed.

EN summarised that there had been a recent spate of knife point robberies in that area, and there was a call of a robbery on a bus.

CC commented that the footage happened quite quickly and suggested that the first few seconds of the footage be replayed in slow motion, to highlight the three subjects that ran off, and show the officer's actions in relation to the remaining 4th subject.

EN replayed the footage in slow motion from the point that the officers get out of the car and tell the males to stop and get up against the wall. The officer makes his way round the back of the car towards the suspects. 3 of the suspects turn and run off. The officer is then seen to deploy PAVA spray to the 4th subject, and then pursue after the other 3 subjects, leaving his colleague with the subject who has just been PAVA'd.

CC summarised that the 4th suspect who was PAVA'd was a 14-year-old Black male.

The panel noted that he was not moving as fast as the other 3 suspects and asked to hear the summary recorded on the Use of Force form. EN read out the officer's use of force form to the panel which outlined the summary of the incident from his perspective and his rationale and justification for his use of force. CC asked the panel for their views.

DE stated the justification could possibly be questioned. AH commented that the subject seemed to be standing still. CC asked what the panel would like fed back to the officer as his justification for using the spray may not be good enough. AC asked what were the alternatives? CC stated to remain with his colleague and not run after the other subjects.

CC confirmed he would refer the incident to PSD for review, as it appears there is a 14-year-old offering no threat who has been PAVA'd on a just-in-case basis. CC will update the panel once we know more.

CC confirmed that this officer was one of the two officers in relation to the previous Action 42 and 43 and confirmed he would be grateful for their views on a wider dip check of BWV.

The panel queried if we were completing the BWV Review Form for this incident. EN highlighted that the BWV Review Form was designed for Stop & Search. AH stated the questions are still good to ask and asked that the form be developed to include use of force questions so we can use it for use of force reviews.

The panel agreed they wanted to complete the form. EN completed the Use of Force section of the form on screen in consultation with the panel members.

New Action – EN to send a more up-to-date list of Stop Searches and Use of Force incidents to the panel for independent review.

New Action – EN to confirm the outcome of that incident.

New Action – EN to develop a UoF section to the BWV review form in consultation with Herval.

New Action – CC to update panel with outcome of PSD referral.

BWV Incident 2 (45240009239) Use of Force & Stop & Search Incident (selected to view by AH):

Following a report from a member of the public of males at the location in possession of knives, subjects in a vehicle matching the description was sighted and stopped by police. Upon stopping the vehicle, one male made off on foot. The lead officer approached the vehicle with his TASER drawn, red dotting both the driver and the front seat passenger, due to the information about being in possession of a knife, and the vehicle ignition still being on. The driver was instructed to turn off the ignition and remove the keys, however he stated he could not, therefore the vehicle was not immobilised. A large portion of the footage was obscured by the officer's uniform, audio only. Once other officers arrived to assist, the subjects were compliantly handcuffed and detained under Section 1 PACE. GO WISELY was read out and the subjects were searched.

EN advised the car was also searched, nothing was found, and there was no further action taken.

CC highlighted that initially the officer was outnumbered, and the vehicle was not immobilised, so TASER red dotting was a way of gaining compliance until support arrived. AC asked what TASER training officers get? DE was unable to answer as he doesn't teach TASER. AC asked if there is any documentation of procedures that shows where red dotting is an improved procedure? CC highlighted that everything depends on the circumstances, but the question appears to be was the officer's actions in line with TASER training. AC wants to know what the TASER training says. CC clarified that determining if use of TASER is justified in the circumstances won't be just about the training, it also needs the context of the circumstances of the incident and whether the officer's actions are reasonable and justifiable in the circumstances that are presented.

New Action – Incident to be reviewed by a TASER instructor and fed back to panel.

New Action – Summarise TASER training.

The panel raised concerns around use of red dotting when there is apparent compliance from the subject. SG acknowledged that the officer initially was on his own, and queried why the officer handcuffed the subject to the front. DE confirmed they encourage officers in training to handcuff to the rear. Sometimes due to the circumstances it's not practical to do that. It is down to the officer's decision-making process at the time.

AC stated that Section 1 didn't appear to be followed, but EN confirmed GO WISELY was followed. Sometimes it can be conversational and easy to miss and isn't always said in the order of GO WISELY. CC stated the grounds were not detailed enough, the officer stated he was looking for a knife, but did not provide any more detail than that. EN confirmed that the grounds recorded on the Stop & Search for were also not very detailed, and that this would be fed back to the divisional representative for feedback.

EN and the panel completed the BWV form, the conversations on this are documented in the form.

There were also some conversations about the wording and order of the questions which will be reviewed when the form is amended to include the Use of Force questions.

BWV Incident 3 (45240019254) Use of Force Incident (selected to view by AH):

	A solo-crewed female officer was responding to assist a solo-crewed male colleague who had detained a suspect. Upon arrival, the female officer could see the male suspect holding on to metal fence railings, and the male officer holding on to the male subject. The female officer had her TASER drawn and used verbal commands to the male suspect to get him to let go of the railings and handcuffed him. It then transpired the male officer had deployed PAVA to the subject, and both the officer and subject were experiencing the side effects to the PAVA. The panel again queried the use of the TASER, wanting to understand more about TASER training before making a final determination. The Body Worn Video review form was completed.	
4	Use of Force Headline Briefing & Discussion Use of Force Updates: CC summarised in the previous 12-month period, there had been 10,958 forms completed, which is a percentage increase of 23.5%, with a comparable split across the divisions. CC acknowledged a question which had been submitted ahead of the meeting asking how do we explain the continuous increase in numbers? CC explained the internal accountability process we have in force, the use of force scenario training process which covers BWV and form completion, and how the forms are accessible from personal-issue mobile data terminals. These three factors assist the completion of forms and therefore provides a more accurate representation of when force is used. Officers also know that if they are involved in a group use of force, there must be a form per officer, per subject submitted. <i>[If, for example, you have 4 officers and 4 subjects, this would total 16 forms for one incident].</i> EN summarised that every usage of TASER is reviewed per quarter, whether aimed, drawn, red-dotted, discharged. This quarter, there have been 147 uses of TASER. Of those, 18 have been deemed to be not justified, based on the documented grounds, rationale, and justification on the Use of Force form. Within the 147, there were 6 subjects aged 14, all were justified in the circumstances. There were 25 instances in total of TASER on under 18, no discharges, but 6 were deemed non-justified. Those 6 were aged 15-17, part of one group, where the use of force was by one officer. The ethnicity of the subjects was 2 White males, 2 Black males, and 2 Asian males. The officer had largely copied and pasted the grounds for each subject on to each form. EN highlighted where forms are not justified, this is nearly always due to the documented summary, rationale, and justification on the forms. In these cases, the officer's Chief Inspector is advised and instructed to review the officer's statement and Body Worn Video footage to ensure the actual use of the force was justified in the circumstances. In most cases it is. CC acknowledged that there was a spike in uses of force on under 18's in January, and he will take this to the Internal Governance Board to try to identify the reasons.	CC

	CC stated there was a 54.5% increase in uses of force on Black subjects, in particular on the 3 Northern boroughs, and again this will be followed up in the Internal Governance Board meeting. The qualitative reviews have identified some non-compliance, in 7 out of 60 reviews, again due to lack of summary, justification, and rationale on the form. CC confirmed we are not seeing any disproportionate uses of force based on a subject's ethnicity. The data is still showing that Black subjects are more compliant than White subjects. Handcuffing is the force used for just over 60% of incidents for Black subjects. The data and qualitative reviews show that the officer's use of force is matching the subject behaviour. Disproportionality has increased quite significantly: West has increased to 5.6, and North to 5.9, which will be explored at the Internal Governance Board to see if there are any known reasons for this, such as specific crimes.	
5	Stop & Search Headline Briefing & Discussion EN summarised in the last 12 months there have been 5180 Stop & Search forms, of which over 1200 forms were related to Thorpe Park searches. Due to the number of forms at Thorpe Park for the specific operation that takes place in October, we sometimes will discount Thorpe Park data in order to get more accurate reflection of overall Stop & Search data. Therefore, discounting Thorpe Park data, there has been a 1% increase in Stop & Search forms, with a relatively even split across the divisions (North 35%, East 30%, West 28%). The Find Rate is 35.2% which has increased from previous 12-month period, as well as the last quarter. CD commented that the Find Rate of 35% was quite high and has increased force wide over the last few years from the mid-20's percent to where it is now, so it's going up in a noteworthy way which is a good thing. We wouldn't expect a massively high Find Rate because the whole point of Stop & Search as a power is to be proactive, but to be a way of avoiding arresting people. To search someone you just need suspicion, which is a low threshold of knowledge. If we had a very high Find Rate it would indicate we are searching people where we are sure they have something on them, but the law is in place for suspicion. The more we don't find, the more we haven't arrested someone, which is a less intrusive power. Our Find Rate is therefore in a healthy position and what we'd expect from using this power. EN continued summarising data looking at stop powers, where the highest stop power is drug stops: • Drugs represents 65% of all stops. • The Find Rate for drugs is 28%, which is a slight decrease. • 2/3^{ds} of all drug stops are for possession, with a Find Rate of 33%. • Most drug possession searches are for cannabis (64%), with a Find Rate of 41%.	EN

	CD highlighted that for every force in the country, drugs is the biggest reason for searches. Previously in Surrey, over 70% of our searches was for drugs, which was higher than other forces. Our current rate puts us in line with other forces. There is a big overlap of drugs crimes and more serious criminality such as serious inquisitive crime, and also county lines, which targets people who are more vulnerable, and brings in serious violence from other force areas. Targeting drugs crimes is still a force priority because of what drugs caused and what drugs are linked to. CD would rather we use drug search powers on dealers rather than users, and something to keep an eye on is the initiation of drugs searches, in supply vs possession. Cannabis possession on its own is not a force priority, and CD is pleased to note that cannabis possession searches have decreased whilst overall drugs supply searches have increased. The panel had two questions/requests in relation to this: New Action – How do Surrey compare nationally to other force with Find Rates? New Action – Look at search volumes and crime types and compare Find Rates. EN confirmed that Stop & Search disproportionality for the last 12 months was 5.1, based on 60% of stops being on White subjects and 6% of stops on Black subjects. 5.1 is a marginal increase from last year but still a substantial decrease from the last few years. AC asked if this is based on census data? EN confirmed disproportionality is based on census data, and where parts of Surrey have a transient population, this can impact on data figures. We have the ability to filter out non-residents within our data to review different data sets, for example Black residents' disproportionality is 3.4 compared to all Black stops which is 5.1 disproportionality. CD acknowledged that disproportionality is increasing and the proportion of searches on Black people has increased by 20%, whereas the proportion of searches on White people has increased by 6%, causing the disproportionality increase, but the census data is the foundation for our figures. CD reminded the panel that we have tasked out research to Cambridge University to explore disproportionality, and some Virtual Reality proposals to test officer reactions. CD highlighted he has asked EN for a clear deliverable plan with a time scale for quick progress.	
6	A.O.B None raised. Next meeting: The next meeting is on Wednesday 4th September 2024 [to discuss Quarter 1 which will be April to June 2024, and rolling year data to 30th June 2024]. MEETING ENDED	MC