

Minutes



Stop & Search / Use of Force Internal Accountability Meeting

Date: 20 April 2023 13:00 hrs

Location: MS Teams

Attendees

MC	Mark Cunningham	External Scrutiny Panel Member (Chair)
CD	C/Supt Clive Davies	Divisional Commander & Force Lead for Stop & Search
EN	Emma Newton	T/ Sergeant – Staff Officer to C/S Clive Davies
CT	Chris Tinney	C/Insp Ops
AH	Andy Hill	C/Insp Criminal Justice
JS	Julian Sherlock	Performance Analyst
PMcD	Paul McDowell	Insp Performance Team North Division
AT	Adam Tatton	DCI Deputy Head PSD
DG	Dan Gutierrez	C/Insp Neighbourhoods East Division
BR	Blaine Rafferty	Insp Borough Commander West Division
SG	Simon Gibbs	Office Manager PSD

Apologies

	Supt Chris Colley CI Dave Mitchell CI Dallas Mcdermott	Force Lead for Use of Force Performance Team West Surrey Division Neighbourhoods North Division
--	--	---

	Notes	Owner
	Introductions	
	Actions	

MC highlighted that the action tracker had a typo around the year of two of the actions from the previous meeting and showed 2023 instead of 2022. EN said this would be corrected.

No further questions from the panel regarding the update for Action 30.
Action closed.

Actions 53 – 57, 59 – 61 inclusive – Discharged

New Action: 20.04.2023

EN to circulate Stop and Search / Use of Force Accountability meeting SPOC profile to appointed attendees.

SPOC SMT Level / Deputy SPOC Insp Level

New Action: 20.04.2023

BR to report back to C/S Clive Davies by 05 May reason for reduction in searches on West Surrey Division.

New Action: 20.04.2023

DG to look at the five Section 60 searches that were not fully completed and ensure appropriate feedback is delivered.

New Action: 20.04.2023

DG to review the issues around the data since it is such an infrequently used power and to compile a consistent message regarding its use which can be circulated across the division reiterating as a reminder to officers that even if searching someone under this power, although it's a blanket power for that geographical area, they still need to record on the search records the reason for the search, to ensure it is necessary and proportionate.

New Action: 20.04.2023

EN to contact Pronto to suggest that an additional form to be added. In the meantime, comms to be circulated regarding the importance of putting

appropriate grounds for the strip search in the current box on the current form.

New Action 20.04.2023

Action: AH and EN to review strip search policy focused on taking young people to custody.

New Action: 20.04.2023

EN to circulate a reminder to all officers regarding the change of policy on young persons' strip searches whilst being held in custody.

New Action 20.04.2023

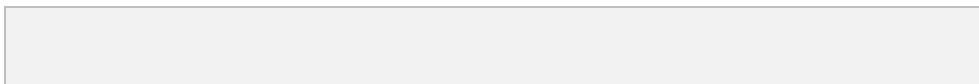
EN to audit a number of procedural justice reviews of BWV from each SPOC to ensure the SPOCs are assessing to the same objective and appropriate standard.

New Action: 20.04.2023

EN to draft comms around Use of Force justification on relevant forms to be disseminated together with the Stop and Search comms

New Action: 20.04.2023

CC /EN to explore further, the increase in data around active resistance category, with regards to Black subjects.



Stop & Search



SS Q3 22-23.docx



SS Q3 Oct-Dec 2022
Performance Product.

CD – There was an approximate 11% reduction in searches over the last twelve months. This is consistent with the rest of the country. There has been a notable drop on West Surrey Division, much higher than North and West.

BR explained that because he is new to role at this point could not give the explanation but would look at this and report back to C/S Clive Davies in two weeks' time.

CD - Find rates have increased year on year and going in the right direction. If Thorpe Park is discounted it is now approximately 34% which is notably higher than a couple of years ago when it was at 27%.

CD - Some search powers should be used around our priority crime methods on where the threat harm risk is the highest.

Previously there were a lot of searches for cannabis possession in beauty spot car parks that clearly were not local priorities. A lot of work has been done with various departments and teams to push the message of search powers for the right (priority) reasons in the right areas against the right people.

Cannabis possession searches have dropped by 20%, this indicates that the message is being delivered and acted upon and that the focus is on search powers that need it and that have higher risk and a higher priority.

CD Section 60

In the last quarter there's been one section 60 authorised which was on East Surrey in the Redhill area following violent activity in that area.

Staff officer Emma Newton has provided a product which looks at every single section 60 search. Section 60 Powers, gives police power to search anyone in that area, however having that power does not necessarily mean that everyone in that area should be searched. Therefore, it is important for grounds of the search to be recorded to show it is proportionate. During that period in November in Redhill there were nineteen searches in all that were carried out, 14 out of 19 were justified and that they had grounds that were proportionate and were justifiable.

The five that were deemed non justified and that was due to lack of sufficient circumstances noted on the stop and search form, so some of them literally just said NA or not applicable and some of them only had a very short one line saying section 60 in place which was deemed non justified. That is approximately five out of 19, 25%. Which is quite a high number of searches which is not unlawful, however the grounds for the search should be recorded to show that section 60 powers are being used properly.

New Action: 20.04.2023

DG to look at the five Section 60 searches that were not fully completed and ensure appropriate feedback is delivered.

A discussion was held around the Stop and Search form on Pronto and the completion of mandatory boxes. It was agreed that it was a possibility that officers dealing with Section 60 are writing NA in the grounds box to bypass rather than writing the actual grounds for the stop and search. It was agreed that comms need to be circulated to reiterate that officers need to complete the grounds for the stop and search section.

New Action: 20.04.2023

DG to review the issues around the data since it is such an infrequently used power and to compile a consistent message regarding its use which can be circulated across the divisions reiterating as a reminder to officers that even if searching someone under this power, although it's a blanket power for that geographical area, they still need to record on the search records the reason for the search, to ensure it is necessary and proportionate.

CD – Disproportionality

There are different rates of change of searches for different ethnicities for example for black people, the search rate has dropped by only 5%; for white people, 11%; for Asian people, 27%. There is a five times higher drop in searches carried out on Asian people compared to black people. This means disproportionality, compared to white people, has increased for black people and decreased for Asian people.

CD confirmed that Emma Newton, Staff Officer has an action from the External Scrutiny panel meeting held at the end of March to look at data around this subject.

The data now being used is from the current census which has now been published. All the reports have been changed to reflect the current census which has had quite an effect for example disproportionality has changed from approximately 11 % to 6.6 % for Black ethnic background which is still high but far less high.

Cambridge University are continuing their research around exploring disproportionality to see if it is solely police action or do social economic factors play a part.

Cambridge University are also looking at testing virtual reality with a proposal to design scenarios involving people from different ethnicities. This would involve putting officers into the scenarios to test their reactions, their body language, their changes, and approach. This would aim to understand unconscious bias based on the different ethnicities.

CD – 18 to 24-year-olds are the biggest age group to be searched followed by 25 - 34-year-olds, then 15- to 17-year-old age group.

Each time an under 13-year-old is searched, an individual review is conducted centrally to check the appropriateness of that search and, crucially, whether safeguarding was completed. The last audit confirmed that for all three divisions, each time an under 13-year-old was searched safeguarding was completed.

The recent Children's Commissioner's report on young people being stripped searched made national headlines around searches in the Met Police area and we have again done a very thorough audit of our strip searches of young people within Surrey. Emma Newton has gone through them case by case.

Officers are getting confused between a stop and search strip search and a post arrest custody strip search. If someone gets arrested and is taken to custody, the custody Sergeant can authorise a strip search an authorised detainee. That is not a stop and search and does not require a form.

Emma Newton has audited the reports to extract those which are not actually stop and search. There will be some comms produced which can be circulated locally to reiterate and remind officers the requirement of completing the appropriate form or not depending on the search.

With regards to young persons' being stripped searched, an appropriate adult must be present unless there are exceptional circumstances.

Our current forms do not have boxes which need to be completed for young persons' strip search. Therefore, we have gone out to Pronto for the region and asked them to update the forms so those become mandatory boxes for strip searches on young people. However, in the meantime local comms need to be circulated regarding young persons' strip searches.

MC - raised the question that on the information received at the recent External Scrutiny Panel meeting held in March, for strip searches for persons under the age of 18, the initial searches were justified, but subsequent

separate strip searches were not justified, however drilling down further, none of them seemed to be justified.

CD – Confirmed MC was reading that information correctly and explained for those at the meeting who have not seen the data, now as a matter of course, every quarter there is a review of every single strip search. Not just those of children, but any strip search which has taken in place and to remove those that are the custody strip searches which can be discounted and– then breakdown the others into child and adult searches.

If there has been appropriate safeguarding, the reason why so many of those forms have been deemed as not justified is largely because within the grounds section of the form, regarding the circumstances, the proportionality, the necessity of the search in most cases, the officer covered the initial stop and search quite well but there was no further explanation or justification as to the strip search element of the search, and given what an intrusive power that is and the additional scrutiny that we now have around strip searches, it is an important factor that if officers for example are carrying out a more thorough search or an exposure of intimate parts, then officers need to be providing those grounds in addition to the grounds of the original stop and search.

To conduct a strip search is far more intrusive and there should be extra grounds recorded sitting over and above the original grounds.

A general discussion was held around comms being circulated to officers to remind them of the process and perhaps with an –example included of how the form regarding additional grounds for strip searches should be completed. Also, it was suggested an additional bespoke box to be included on the form.

New Action: 20.04.2023

EN to contact Pronto to suggest that an additional form to be added. In the meantime, comms to be circulated regarding the importance of putting appropriate grounds for the strip search in the current box on the current form.

CD reiterated the change of policy on young person strip searches which happened in 2022 which now states all young person strip searches must be carried out in custody as custody provides far more safeguards and is a safe environment.

A further discussion was held around reviewing the current custody strip search policy strip procedure and in particular the issue around it being conducted in cells of which are covered by CCTV.

AT stated that there is some concern over the policy regarding this point which has been raised with the College of Policing and the IOPC due to recent complaints.

AH raised around the appropriateness of strip searches in cells, and offered to work with EN around how the policy should look in relation to young people being taken to custody for strip searches.

Action: AH and EN to review strip search policy focused on taking young people to custody.

CT asked would there be exceptions around certain operations for example Thorpe Park.

CD confirmed yes, but that should be very much the exception. In 2022 CD was GOLD Commander for Thorpe Park and approved stepping away from the policy for this specific operation because there were very sound grounds and safeguards in place to justify it. A bespoke search tent set up at Thorpe Park with an appropriate adult present on site and youth intervention officers present who have experience of dealing with young people and therefore a secure safe environment was provided.

New Action 20.04. 2023

EN to circulate a reminder to all officers regarding the change of policy on young person strip searches being held in custody.

CD stated a central audit is held every quarter including 96 stop and searches of a mixture of ethnicities from across all divisions and departments which gives a good indication on how appropriate the searches for Surrey Police.

Lawfulness and grounds are over 90% -with most searches being appropriate. A small number were not deemed appropriate with the grounds for the searches not explanatory. This is done through EN who in turn updates the appropriate SPOCS who in turn can feed back to the officers.

CD informed the attendees that the feedback which needs to be delivered to the officers will monitored and logged back through EN to ensure that the message of the requirement is being delivered.

CD then moved onto Procedural Justice which was rolled out in 2022 and was not just about the legality of the search but for example about complying with GOWISELY, are we being respectful and the quality of the interaction which gives the person being searched the chance to communicate with us therefore providing a two-way communication.

Many video audits have been completed by local SPOCs and the feedback is incredibly good showing high scores. Just to ensure that we are not being unduly lenient in some of our auditing EN will be conducting several dip checks and the results will be shared at future meetings.

New Action 20.04.2023

EN to audit a number of procedural justice reviews of BWV from each SPOC to ensure the SPOCs are assessing to the same objective and appropriate standard.

Use of Force

CD explained the Supt Chris Colley, Force Lead for Use of Force, was dealing with a critical operational matter and therefore would not be able to deliver the Use of Force performance product information however EN would deliver on his behalf.



UF Q3 Oct-Dec 2022
Performance Product.



UF Q3 Oct-Dec 2022
Report.docx

Rolling year volume of Use of Force Incidents

In the latest rolling 12 months to 31-Dec-2022 the force has recorded 5,006 (previous 12 months 4,207) use of force Incidents. This represents an increase of 799 Incidents (19.0%).

Rolling year volume of Use of Force FORMS - Under 18

In the latest rolling 12 months to 31-Dec-2022 the force has recorded 1,042 (previous 12 months 775) use of force Forms. This represents an increase of 267 Forms (34.5%).

CD asked PMcD was he aware of any local activity on north division that could be driving that large increase in under 18s.

PMcD said he has raised this question on north division via their daily management meeting. During this quarter Op Aztec particularly in Spelthorne.

Op Aztec was an operation to try and tackle youth disorder, youth violence and essentially young kids who were carrying weapons and being heavily involved in child criminal exploitation and that operation ran for several months with some success.

PMcD also stated it can also be attributed similar patterns of youth disorder and violence in some of our other boroughs including Runnymede.

Rolling year volume of Use of Force Incidents White subject

In the latest rolling 12 months to 31-Dec-2022 the force has recorded 4,281 (previous 12 months 3,540) use of force Incidents. This represents an increase of 741 Incidents (20.9%).

Rolling year volume of Use of Force Incidents Black, Asian or Minority Ethnic subject

In the latest rolling 12 months to 31-Dec-2022 the force has recorded 868 (previous 12 months 772) use of force incidents. This represents an increase of 96 Incidents (12.4%).

EN explained that regular reviews are conducted around the use of Parva with under 18s. An incident occurred this quarter where PAVA was used on a 13-year-old male. EN has reviewed and discussed this incident with Supt Colley, and it has been deemed completely proportionate in the circumstances. There was a 13-year-old male in a mental health crisis at home with his mum. They were contained in a small messy kitchen, within proximity to weapons.

Mum was a big impact factor being quite destructive. The officers in question had tried to use other tactics which have been unsuccessful, so PAVA was deployed and was successful and there was a suitable welfare and safeguarding considered afterwards.

Looking at the qualitative reviews overall, there were eight cases out of approximately 80 that lacked the required justification to be able to say this use of force was proportionate and justified in the circumstances.

Those have all been sent out to the divisional SPOCS for further review and feedback.

Justification should also be on the use of force form. Not a complete copy and paste of an officers MG11 report but just the circumstances of the incident

and how each force tactic was used and if it was tactic that was used was proportionate and necessary in the circumstances.

Taser

Taser usage is also reviewed and this quarter there were approximately a hundred and seventeen forms, three of which lacked the required justification and those have also been sent out to each of the SPOCS. Use of Force and use of use of PAVA in Custody are also reviewed.

There have been no PAVA use in Custody in the last quarter and no issues have been identified. That will be kept under review as part of the quarterly data.

The use of PAVA by a male officer on a female subject.

One incident in this last quarter, this was deemed as not justified due to the use of force lacking sufficient detail.

The key message really for use of force is to keep driving the necessity of thorough use of force forms to be able to justify use of force for each officer. Each member of staff, or any officer involved in the use of force incident, must complete a form, specific to that officer, the tactics that they used and they're justification.

New- Action 20.04.2023

EN to draft comms around Use of Force justification on relevant forms to be disseminated together with the Stop and Search comms

MC queried the data from the performance product data which stated that black subjects are becoming increasingly resistant.

A discussion was held, CD stated that further dip checks could be conducted into those cases for clarity around active resistance. The description of active resistance is where a subject might pull away or push an officer but doesn't strike them or attack them that that would then be falling into the category of aggressive resistance. There are also the categories of compliance, verbal resistance, passive resistance, and then active resistance. Black subjects overall are much more compliant as previous data has shown however the recent data albeit nothing obvious, has shown a recent increase that black subjects are becoming more actively resistant.

EN stated this is force wide and not restricted to one area or one borough. It's an overall increase in data, however this will be monitored whilst the data is reviewed.

CD suggested it may be worth linking in with the national policing lead Matt Twist to see how this is seen nationally.

New Action 20.04.2023

CC /EN to explore further the increase in data around Black subjects increase within the active resistance category.

PSD Complaints

SG gave an overall view of complaints received for Stop and Search / Use of Force for this quarter.



Q3 Oct-Dec 2022
Complaints Data.pptx

A total of 13 complaints.

West and North complaints have increased but only by a couple. East Division has had no increase.

No officer concerns.

One complaint where the service was deemed not acceptable. This was a case of mistaken identity where the wrong individual was apprehended an apology given and accepted.

One complainant was from a non-white British background in this quarter.

An Asian male on East division complained he was stopped in a vehicle due to the colour of his skin.

An explanation and was provided and was accepted and resolved.

Themes - the majority, as they seem to be, seem to revolve around roads, policing and vehicle stops.

Three complaints around excessive use of force and two of alleged discrimination, which has been previously mentioned.

Drugs - there was only one complaint and that was on West division

In summary for stop and search complaint data it is very low numbers and there are no obvious trends at all around the person's background or around the officer searching or around the reasons searches.

A discussion was held around the QR Code on the Stop & Search which give a link to a survey.

CD stated that it is known that often complaint figures for stop and search don't necessarily match the level or people's unhappiness as often people do not want to make a complaint. The idea of the survey is to make it easier. The QR code takes you straight to the link and- questions regarding the interaction with the police doing that stop and search. However, the uptake for that has also been quite low. There is also a link on the Surrey Police website.

AT asked if something was identified as a potential conduct issue from that questionnaire then that would automatically be referred into PSD. EN confirmed that this was the case.

AT stated when people make a complaint it is also quite often inked with other matters. Sometimes with a stop and search people don't feel at the time there was anything of issue with regards to the ground stop and search. However, once they have reflected and perhaps spoken with family and friends or members of their community then they sometimes link potential discrimination or targeting or from ethical or ethnicity of profiling.

AT thought that it was interesting as opposed to people feeling at the very early outset of that search that people were being overtly discriminatory.

SG continued to state that use of force decreased on the last quarter and are the lowest since the same quarter last year in 2022. Highest on West division and the lowest in Custody.

75% of complainants identified as white British, one Asian / Indian, one black African, and one any other ethnic group.

No major obvious trends with regards to themes.

Four allegations around arrest and handcuff restraints.

AT stated he was new to his role as DCI, deputy head of PSD however he would like to look at this area in a little more detail and give more context to what the results of some of these specific complaints which explain and balance the initial allegation to the actual findings.

CD closed the meeting by stating that the intrusive powers which had been discussed at the meeting are important powers and that they need to be used appropriately especially in the current context of policing behaviour and

	policing standards. It is essential that due diligence is applied to their use to scrutinize their use. CD stated it was important to ensure that these powers are being used appropriately to uphold public confidence.	
	A.O.B - None	