



Stop & Search and Use of Force Panel – External Wednesday, 24th July 2024 at 6.00pm

MINUTES

IN ATTENDANCE

Connor Eastwood (CE)
Clinton Smith (CS)
Keith Kirby (KK)
Paul Entwistle (PE)
Debbie Storr (DS)
Amanda Wooldridge (AW)
Mark Hindle (MH)
George Stewart-Moss (GSM)
Chief Supt Chris Hardy (CH) – Lancashire Constabulary
Inspector Jon Campbell-Smith (JCS) – Lancashire Constabulary
Hamza Foy (HF) – Lancashire Constabulary
David Bosson (DB) - HMICFRS
Ian Dickinson (ID) – OPCC (Chair)
Carol Benton (CB) – OPCC

APOLOGIES

Marcus Naylor
Reece Richards
Stephen Donnell
Christopher Hopkinson
Halima Karbhari
Louise West
Nichola Grimshaw
Paul Hudson
Dean Roscoe
Glenn Ireland
Gill Strachan

ID opened the meeting and welcomed everyone. Introductions were made and the role of HMICFRS explained to members.

DECLARATION OF INTEREST

The Chair reminded members of the Panel to consider whether they may have to disclose to the meeting knowing any individuals or officers in relation to any matters under consideration on the Agenda. If it became apparent they knew any persons or properties during the discussions, they should make the Chair aware and step out of the meeting for that item.

MINUTES OF THE LAST MEETING

The Minutes of the last meeting having been previously agreed were accepted as a true record



ACTIONS FROM PREVIOUS MEETING

ACTION 1: The video highlighting the role of the independent chair of this panel has not been completed as there is currently no Chair.

Action carried forward until a new Chair is appointed.

ACTION 2: CH plans to operate the ride-a-long scheme in it's widest terms linked to policing operations where it is believed a stop search will take place. A draft Policy and Risk Assessment have been prepared and, once approved and dates are known, the intention would be to invite participation of panel members through CB.

Action ongoing.

ACTION 3: New data sets have been set up and a new Pronto form has gone live which now includes additional fields. This will be sent to members for information.

Action discharged.

ACTION 4: Zahid Dudhia was present to provide a more detailed complaints data update.

Action discharged.

ACTION 5: JCS has produced, and CB circulated, information regarding the three levels of intrusiveness.

Action discharged.

The difficulties of circulating the material used in the induction were explained but options are being considered to share information with members electronically.

ACTION 6: JCS confirmed feedback had been given to Learning and Development to remind officers to record all officers present on the paper-work, and also to use BWV at the earliest opportunity.

Action discharged.

ACTION 7: This action to consider how the data set can reflect the operational context has been superseded by the work of the Stop and Search Data sub-group which had met the previous week to review all year end stop and search data.

Action discharged.

ACTION 8: JCS confirmed there was no Community Impact Assessment (CIA) completed for the Nelson Section 60 Authority reviewed at the last meeting.

Action discharged.



ACTION 9: JCS to ascertain how long email addresses provided for the purposes of receiving a copy of the stop report are retained.

Additional Information: Where data is retained for non-criminal purposes, the force are guided to follow College of Policing procedures. However, the position is somewhat unclear, so advice will be sought from the force data experts.

REVIEW OF STOP SEARCH AND ASSOCIATED BWV

The Panel considered 3 **Stop and Search Cases**. In each case, the Panel were shown an incident log, stop and search form(s) and BWV where available.

The Panel reviewed **Stop and Search Incident 1** with the following outcomes:

- **What went well**
 - The panel did not identify anything they thought went well.

- **What did not go well**
 - The BWV was switched on late and it was difficult to view the search due to the camera positioning/ movement.
 - The officer provided only limited information, that he had been seen sniffing but not what.
 - The form states 1 officer was present but there were more.
 - Some members felt the officer was quite friendly, some commented on him addressing the subject as 'mate' then 'sir', they felt he could have spoken to him better. Officer stated he did not have the option of being courteous? The audio was unclear.
 - Compared to other cases viewed previously members felt it was somewhat chaotic, other people were approaching the subject and there seemed to be a lack of control.

- **Additional Information:**
 - The internal panel felt that Gowisely was covered but the grounds/objective have to be covered prior to the search and in this case it was at the same time.
 - The internal panel agreed the search was too quick and not thorough enough, as small snap bags can be hidden easily.
 - The internal panel felt the officer was polite and respectful but JCS appreciated the external panels views regarding how he addressed the subject.

ACTION 10: JCS to ensure officer receives feedback about completing Gowisely before the search commences.

The Panel reviewed **S&S Incident 2** with the following outcomes:

- **What went well**
 - Members felt it was a good and thorough search.
 - The BWV came on earlier.



- **What did not go well**
- The proximity of the camera again wasn't helpful when it came to viewing the footage.
- A member queried if there were enough grounds to arrest and members were advised officers arrest 'on suspicion of' and collect further evidence prior to the charging decision.
- Grounds for the search were not clear enough.

- **Additional information:**
- The definition of a pointed or bladed article was discussed and explained to members.
- Accepting the issues raised by members regarding the cameras positioning it was explained why other officers could not video the search, as they may be distracted by other things and have to turn away, officers might be single crewed on occasions and continuity is essential. The peer assisted recording feature on the new cameras was discussed.
- The internal panels views were the same as the external panel but they also had a discussion about whether in the circumstances a S1 PACE search had been right or whether it should have been a S32, search after arrest. It decided the right decision had been made.

The video linked to **S & S Incident 3** wasn't working and so could not be viewed.

The Panel reviewed **S&S Incident 4** with the following outcomes:

- **What went well**
- Gowisely was covered, but as they were searching not before they started.
- The objective was achieved without using force. The exchange was deemed acceptable but whether the officer used good de-escalation tactics was subjective.

- **What did not go well**
- The officer lost control at the beginning, stating in front of the subjects that he did not know how to proceed. He did however retain control mid-way though the interaction.
- The subjects were in the vehicle for a long time prior to being searched.
- The forms state there were 2 officers present but there were more.
- The grounds could have been explained more clearly.

- **Additional Information**
- The internal panel debated whether the rear seat passenger should have been handcuffed but they decided not, as that would have escalated the situation and they felt there was a lack of control until additional officers arrived on scene.

REVIEW OF USE OF FORCE

The Panel considered three Use of Force Cases available chosen by the algorithm and then selected one random case. In each case, the Panel were shown an incident log, stop and search form(s) and BWV where available.



The Panel reviewed **UoF Incident 1** with the following outcomes:

- **What went well**
- Compliant handcuffing, though some members questioned the need to cuff the subject as he was so compliant. The operational reasons and considerations were explained to members.
- Members felt the officer was fair, he kept it low key, handled it well and was in control.

- **What did not go well**
- The panel did not identify anything they felt did not go well.

- **Additional Information**
- The internal panel discussed officer safety issues as the officer had his phone in his hand when hands free is preferable. They also discussed when to cuff as in this case it was at the van which was late and he was cuffed to the front which is dangerous. There needs to be a reason to cuff and the form in this case gave it as prior knowledge.

The Panel reviewed **UoF Incident 2** with the following outcomes:

- **What went well**
- The officer's voice was powerful when asking the subject to stop.
- The incident showed the benefit of having the police dog attend as the subject stopped immediately on seeing the dog.

- **What did not go well**
- The members did not identify anything they felt did not go well.

- **Additional Information**
- The internal panel identified that a use of force form hadn't been submitted for the officer who applied the handcuffs.

ACTION 11: JCS to ensure officer receives feedback regarding the need to submit use of force forms.

The Panel reviewed **UoF Incident 3** with the following outcomes:

- **What went well**
- The subjects were compliant at the end.

- **What did not go well**
- The scene was felt to be chaotic and like it could have 'kicked off'. Members felt there were too many people in the kitchen to guarantee officer safety and queried whether the female could have been moved elsewhere before she was arrested?
- The officer looked aggressive and it seemed he later struck the male, though the video wasn't clear enough.



- The audio showed that PAVA was used but it wasn't seen on the footage.
- **Additional Information**
- It was confirmed that some of what members saw were approved distraction techniques used by officers to gain control of individuals.
- The internal panel shared the same views with the added comment that there did not seem to be sufficient aftercare evidenced following the use of PAVA, as officers have a duty of care to explain its effects and how to disperse it through blinking for example.

The Panel reviewed **UoF Incident 4** with the following outcomes:

- **What went well**
- The arrest was secured.
- **What did not go well**
- Members were divided over whether or not the grandfather's wife should have restrained him as she did. Some felt she was best placed to calm him down whilst others felt it was inappropriate. It was agreed there were only 2 officers present whose focus was on the youth they had attended to arrest but they were monitoring the situation.
- **Additional Information**
- A discussion took place regarding whether the officers could have closed the door so the arrest wasn't visible but the grandparents were the youth's guardians/AA so they should witness the arrest.
- The internal panel also discussed whether closing the door could have led to further problems and it was also noted that as the guardians of the child, officers should allow them to witness the arrest and support him. Closing the door and keeping guardians out could have looked as though the officers were restricting the rights of the guardians.

The Panel selected at random and reviewed **UoF Incident 8** with the following outcomes:

- **What went well**
- The members did identify some positive elements from the incident, however, they focussed the discussion on the points below.
- **What did not go well**
- The camera came on late.
- The subject removed 2 items of clothing which appeared helpful, but the officer did not appear to then search the jacket. Members felt the officer should have directed to subject to keep the items on and remove them if/when asked.
- The subject removed his cap even though officers can't require that, and it could have then been used it as a weapon.

ACTON 12: JCS will feed this back to the officer and check if the jacket was searched or not.



- **Additional Information**
- JCS showed members a feedback form which details the feedback from both the internal and external panel and explained the feedback process.

ACTION 13: CB to arrange for an external panel member to sit on the internal panel to observe.

A discussion ensued about the feedback loop and members asked how was the feedback received? They also debated how the panel might communicate their work to the public to increase trust and confidence in this area of policing. Suggestions discussed included identifying the key information that would give assurance and increase trust, publishing information on the PCC web-site, including promoting the work of this panel to safety partnerships or parish councils for example, publishing stop and search data and monitoring complaints to see if the Code of Ethics was being successfully embedded and what impact that had. Feedback from this panel goes to the Chief Constable and the PCC.

ACTION 14: For future cases, JCS to report back to this panel how the feedback was received when it is given from this panel.

ACTION 15: At the end of the FY the external panel to produce a feedback report detailing what members have observed, recognising best practice that has been identified, but also highlighting where the panel has influenced change in Stop Search and Use of Force.

STOP AND SEARCH DATA UPDATE

Members were advised that the Quality Assurance Thematic Testing (QATT) was now live. The QATT has taken what the Sergeants were already doing around quality assuring Stop Search and Use of Force on teams and has formalised the process in a purpose-built app. Sergeants will still conduct 15 reviews per month, but now in addition, Inspectors will QA 5 of their Sergeants reviews and Senior Management in Divisions will also QA 5 Inspector reviews per month. This process is all around identifying best practice and development and learning needs where officers are not performing to expected standards.

To ensure proper scrutiny of the data a small sub-group of members had met the previous week on Teams to review the year end stop and search data. One member provided feedback and reported it had been an interesting and detailed overview of the data which had focussed on identifying any disproportionality. A summary of the main points discussed would be circulated to members.

ACTION 16: That a summary of the main points of the meeting and actions be circulated to members.

It was agreed the meeting had been productive and would be repeated quarterly to be held the week before the main panel meeting via Teams. The data packs would be circulated in advance to allow for prior scrutiny and consideration of questions. Any member who didn't attend but would like to attend a future meeting should let CB know.

ACTON 17: Data sub-group meetings to be scheduled for the year and invites sent out.



UPDATE ON RIDE-A-LONG

This item had been covered earlier in the meeting.

SECTION 60 AUTHORITIES

There were no Section 60 Authorities to review.

COMPLAINTS DATA

Zahid Dudhia attended the meeting to present an update on the complaints data. He explained his role was to look at issues of disproportionality across the PSD portfolio and stated that there were only a low number of complaints received relating to stop and search.

The data shows a low number of complaints are submitted from ME communities and through discussions with community members, we understand this is due to lack of trust and confidence and lack of awareness. The Community Complaints Workshop will enable the complaints team to engage with members of the public to raise awareness around the complaints process. The scheme will be piloted in South BCU with established community groups and extended to other BCUs across the force.

In Quarter 1 (1 March 2024 – 30 June 2024), out of 418 Complaints received, 2% referred to Stop & Search complaints and 9% for Use of Force.

Of the 5353 individuals subjected to the Stop & Search procedure, 0.22% submitted a complaint.

Of the 7765 Use of Force forms completed, 0.6% complaints received.

CH confirmed that information regarding complaints was included in the FAQs

ANY OTHER BUSINESS

No other business was raised.

DATE OF NEXT MEETING Wednesday, 16th October 2024

Mr Steve Freeman
Interim Chief Executive and Chief Finance Officer