

**Minutes:
Bedfordshire Community Stop Search Scrutiny Panel**

Day and Date	24 th February 2022
	18:00 – 20:30
	Via Microsoft Teams
	<p>Panel Members: Hina Shafi (HS), Martin White (MW), Peju Atkins (PA), David Baptiste (DB), Elaine Keen (EK), Gwin Masaka (GM), Lorraine Parkinson(LP), Loveness Bishi (LB), Serena McDonnell (SMc), Phil Dickson-Earle (PDE), Marcella Taylor-Swift (MTS), Myrna Loy (ML), Karen James (KJ)</p> <p>Bedfordshire Police: Karangit Sanghera (KS), Ian Taylor (IT), Michael Gallagher (MG), Ommer Khan (OK)</p> <p>OPCC Office: Katie Beaumont (KB)</p> <p>Observers:</p>
	Francesca Keen (FK) and James Turner (JT)
	DP = Detained person

1	<p>Welcome, Introductions, apologies: SH welcomed everyone to the meeting, introductions were made and apologies noted.</p>
2	<p>Confidentiality: HS reminded the Panel of the confidentiality agreement for this meeting.</p>
3	<p>Minutes of last meeting with Matters arising and action points:</p> <p>The minutes of the 25th November 2021 were agreed and the Action discussed. There was an action for IT to email MN the training videos so that he can distribute them to the Panel. IT confirmed that they were sent but advised that he will send them again to HS for distribution. IT advised that there is a limited amount of times that they can be shared due to them costing a significant amount of money and there are lots of other Forces as well who are asking to access them. The other action was for MN to send out the Reasonable Grounds document to Panel members. SH advised that she will locate this document and sent to Panel members.</p>
4	<p>Policing context:</p> <p>IT updated that the HMICFRS came into force as part of their usual round of auditing of Forces, one of the thematic areas they often look at is stop and search on the basis that it is not lost on policing and that it is an important piece of legislation to tackle violence and offending, it can also have a hugely detrimental impact on communities if not used correctly.</p>

	<p>It was pleasing to see that Bedfordshire finished top of that National audit, every Force was part of the audit to see if any reasonable grounds were recorded in terms of stop and searches completed. They didn't look at all of them, only a sample size but of the sample size they looked at in Bedfordshire 95.8% were recorded as reasonable grounds, the national average was recorded as 82% and the last time that exercise was conducted was 2018 and on that occasion Bedfordshire had an 81% reasonable grounds rate. As a consequence of that Nationally, lots of Forces have been getting in touch with us to find out what we are doing, a lot of it is around the CPD we deliver but actually our CPD and training which we deliver to Officers has really stemmed from the feedback received from this Panel.</p> <p>My message to the Forces that have contacted us is, have a Panel that is engaged, that you are very open and transparent with them in what you share with them in terms of data. There is another HMRC FMS survey or visit that is taking place in May 2022 and that is based on a National position where a 'Super Complaint' has been submitted which relates to Section 60 Use Nationally. They have selected some Forces that they feel are doing well to find out what we are doing that puts us in a better position Nationally. HS asked if the response Bedfordshire Police received has been advertised anywhere? IM advised that it was and we went out externally and internally as it is a good news story for Bedfordshire and hopefully reassuring the public.</p>
5	<p>Chairs / OPCC's update:</p> <p>HS updated that MN has now stepped down as Chair in December 2021 and we are currently going through a transition of finding a new Chair for this Panel. The role is yet to be advertised but once it is you are all welcome to put your names forward if you want to. KB advised that when Montel stepped down it caught the attention of the OPCC, at that time we were going through a transition from our previous CEO to the new CEO and the OPCC oversight sits over the Panel. You are independent and we wont be influencing the Panel but the oversight and recruitment of the Chair needs to involve the OPCC.</p>
6	<p>Report back from S&S Sub Group:</p> <p>KS updated the Sub Group did not take place last month due to the uncertainty that has been going on so at this time there is nothing to report back.</p>
7	<p>Report back from Use of Force Sub Group:</p> <p>KS advised we had our Panel meeting last month where we reviewed 4 videos which were all graded green which is very positive news.</p> <p>IM shared that Chief Inspector Hoque is going to be taking over the Use of Force Portfolio with immediate effect.</p> <p>ML asked if there will be any changes with regard to the Use of Force, is there going to be another governance for that as well?</p> <p>KB confirmed that she has been appointed the Use of Force and Stop and Search Lead within the OPCC and the same exercise will be completed such as the Terms of Reference review. KB is currently working through this to ensure that it mirrors in the same way as Stop and Search. We will also be moving forward and looking at the recruitment as well.</p>
8	<p>Vice Chair; Reasonable grounds, GOWISLEY & RAG:</p> <p>HS advised that she has put the RAG, Reasonable Grounds and Go Wisely documents in the chat. Once we have seen the videos we will have a discussion and all feedback will be captured on the form. KS included a link in the chat where members are able to vote on each video.</p> <p>KS advised that before he plays the videos if anyone know the individual involved to raise their</p>

hand and we will ask you to leave the meeting for the time being and return once that video and discussion has been concluded.

- 9 **BW video 1:**
KS advised this video involves a male who is a resident of Luton. This is a stop and search that took place in January this year and the grounds given by the Officer are 'driver was seen driving a vehicle on Buxton Road, Luton, he was seen to be holding a balloon up to his mouth whilst driving. The vehicle was stopped and balloons were seen within the vehicle. I informed why I stopped the vehicle to which he stated "I didn't know it was illegal". I had reason to believe that h had possession of a psychoactive substance or had any evidence to intend to supply the psychoactive substance. These were the stop and search grounds under Section 36 of the Psychoactive Substance Act.
- MT shared that it was confusing at the beginning where the Officer says 'you have been stopped for being in possession of the balloon etc, the chap then asks if it is illegal then the Officer says its not illegal but it is illegal to deal it' I am confused on what he has stopped him on, I thought he should have stopped him because he saw him using the balloon whilst driving. HS advised the Officer was giving the passenger information on the fact that it isn't illegal to use this substance however it is illegal to deal it.
- MW advised that the Act does not constitute an offence for using it is producing the supply and offering to supply or being in possession with intent to supply, so that fact that he had the balloon at his face and possibly using the psychoactive substance was not an offence, it might have been a driving offence but not under that particular Act. I would question whether the Officer when stopping and searching him under the Psychoactive Substances Act, in my view he should have referred to something like the Section 23 Misuse of Drugs Act which gives the power to stop and search.
- ML stated that she was confused when they stopped them and then said that they didn't find anything, I would have thought that when they saw someone blowing up a balloon, given the laws that have come out where you cant touch a phone, you cant touch the radio etc when driving, I would have thought that they would have stopped him for reckless driving. In relation to the search itself I thought that the Police Officers were excellent, did a good job and the communication was very good.
- DB shared that he thought the Officers went through Go Wisely mannerly, they were having two way conversations which I thought was done well. I still do have some confusion however as to the stop in regard to the balloons not being illegal.
- SM advised that it is a bit confusing because as we have established the stop was right but the wrong reason was given.
- PA shared that the stop was fine other than the Officers talking over each other at the beginning as it was difficult to hear what they were saying. In regard to Go Wisely I wrote down each of the letters and believe I heard all of the letters during that stop.
- HS confirmed for the purpose of the form and feedback from the Panel, Go Wisely was met but we have questions on the grounds that were given, all were in agreement.
- HS advised that she had emailed inviting people to attend the Sub Panel but unfortunately no one turned up therefore, HS KS and GM had a Sub Panel where they selected these videos. HS advised from the information they had received they picked a handful of videos to be viewed at the Panel meeting today.
- SMc asked how we would get a green even though everything was fine with Go Wisely, it was still the wrong reason the Officer gave for the initial stop and he didn't talk about reckless driving in any way.

DB shared in my view Police are there as a form of deterrent in the sense that you see them, they remind you of what they stand for and that is why they are not in plain clothes. In the case here we have a person who is driving, they have a balloon to their mouth and the Police Officer does not know what sort of substance is in the balloon so therefore I think it is reasonable grounds. HS advised that the Act that was given was not aligned with what should have been given but in regards to him saying it is illegal, I think that was just a conversation advising it is not illegal to use a psychoactive substance but it is illegal to distribute it as the member of the public was questioning whether it was illegal or not. In relation to voting and the RAG system, if Go Wisely is met but one thing is missing we have the evaluation form where we can write additional comments that the Panel feel so under the grading that was given we could put in the comments 'The Panel strongly feel that the reasonable ground that was given did not align with the stop'.

IT advised that as the Officers involved are Operational Officers and I am making the assumption regarding Psychoactive Substances that balloons are the platform for these substances to be consumed. As they have driven past and seen the individual with the balloon to their mouth so instantly they have a suspicion but I agree there has got to be an element of consideration around driving whilst under the influence but given the grounds the Officers have articulated, they can stop the vehicle Under 163 of the Traffic Act, the Officers then articulate that they see further balloons in the vehicle so that is now where their suspicion arises that this could be more than simple possession and personal use, they are consuming it but actually they may have more within the vehicle and on themselves that then might push this into the Possession with Intent to Supply arena.

EK advised she feels the Officers had reasonable grounds to stop and they acted very well in my opinion.

MG advised that it seemed that after the stop, when the Officer looked into the car he has seen more things that we could not see in the video. This is what would have possibly led him to question whether there was an intent to supply and in my view the power was there for them to conduct a search based on what they had witnessed and seen in the car.

HS stated to the group that they should never feel that they have a silly question as having these conversations gives clarity and justifies the way we are voting and provides feedback to the Officers involved.

MW commented regarding the process, the fact that there were balloons in the car which the Officer saw and used that as his evidence for suspicion, he could have been on his way to a party but, on the streets balloons are used to ingest psychoactive drugs, they often come in small containers, they are emptied into the balloons and then ingested from those. I mention that as it is a means of taking on board these substances.

SMc queried what is the process once you have voted but following a further discussion you wanted to change your original vote? KS advised that generally if the members want to ask the Force it is better to do so after you have voted as that way it won't be seen to be influencing anyone's votes however, if it is a strong feeling afterwards that you want to change your vote you are welcome to do that. IT advised, my view is that I would not advocate change, you vote for the very reason that is your initial view and then we can come in after to give more context. Stick with what you have voted and then after you can provide more detail and give some feedback.

KB agreed with IT and advised not to change anything and if discussions have happened after you have voted, these will be minute anyway.

HS confirmed that we will stick to what we have already been doing – view the videos, discussion, vote and then if we have any questions for Officers we will then bring them into it.

There were issues with some Panel members using the link to cast their votes, some votes were

received via the link, Team Chat and WhatsApp Messages and the results are as follows;

5 for Green 2, 2 for Green 3, 1 for Amber 4 and 1 for Amber 6. On the whole Green 2 was the winning vote.

10 **BW video 2:**

KS advised the subject of this search is a person from Luton. The grounds for this as written up by the Officer are 'a call was made into the Police that a male was climbing through a window of a property and it appeared that a male was stood on the corner being a lookout. Once I had arrived the IC1 male ran down Stockingstone Road towards Bedford Road. I had chased the male with my colleague, detained the IC1 male and then returned back up the hill and detained the IC3 male. I then completed a Section 1 Pace search on the first male to which no items were recovered, he was then released and offered a copy of the search'.

DB advised that he feels the Officer did cover Go Wisely, the youth was expressing that the Officer was a bit heavy handed regarding the approach and there were quite a few of them. The conversation between them was polite and the youth was responding.

PDE agrees that Go Wisely was followed, my only concern was the use of force by using the handcuffs as the young man seemed extremely compliant so I don't really understand why the handcuffs were deployed.

KJ agreed that she didn't understand why the handcuffs were needed as he was being polite, calm and letting them search him, I felt that the handcuffs were too much and the fact that he felt intimidated.

EK advised that she did not see an issue with the handcuffs even though he was being polite for the reason that he is investigating, in the Officers mind, a break in, so for me they were looking for something he had potentially used to break in with. I would have cuffed him as well for the safety of myself and my colleague.

SMc felt that the interaction was good and Go Wisely had been followed but I had originally thought the one we were watching had been the one they chased and that they had cuffed him as they were afraid that he was going to get away again. I don't understand why he had the handcuffs on as they were plenty of Officers there and he did not seem intimidating in any way.

ML In relation to the handcuffs, I thought by that time they knew that this was where the person lived. HS advised that they found this out afterwards – a driver was driving past and called in that an individual was climbing through a window, they identified what they looked like and what they were wearing. The Officer has found them, stopped them and whilst they were carrying out stop and search they were trying to get information on whether it is his house or not, so they didn't search him knowing that he did live there.

PA said that she found the beginning of the video uncomfortable to watch with the young lad telling the Officer how intimidated he felt, he was trying to calm the situation down and I felt that it was a bit overkill. In regards to Go Wisely I ticked off all of the letters.

HS advised regarding handcuffing, the RAG system says 'Handcuffs used without the necessary test' and from the feedback received from Panel members, it cannot be a Green 1, it can go from Green 2 to a minimum of Amber 6. All of the additional comments such as the individual being intimidated, the Offices being alongside him and the handcuffs, I have included this in the evaluation form.

There were issues with some Panel members using the link to cast their votes, some votes were received via the link, Team Chat and WhatsApp Messages and the results are as follows;

Green 3 with 6 votes, Amber 4 with 2 votes and Green 2 with one vote.

11 **BW Video 3:**

The subject involved in this stop and search is a man from Luton. The grounds given by the Officer are 'Seen on CCTV that they had possession of a knife/large screwdriver'.

PDE advised that he was very impressed with the handcuffing Officer as he seemed to have great regard for the wellbeing of the individual on the floor i.e. are the handcuffs too tight and talking him through what was going to happen next. It was good to see that policing can be sensitive. In relation to Go Wisely, it seemed that when he was trying to do it there was a lot of talking, stopping and he tried to say it 3 or 4 times but he finally went through it. If he was seen on CCTV with a knife or screwdriver then I think that is grounds in itself. I am happy from the point in which we saw the video, that everything seemed okay.

GM shared that the grounds were quite clear cut but in terms of Go Wisely, the Officer was reminded by one of his colleagues to say it but there was a lot of huffing and puffing, people were not settled. I think it ended up being like a tick box exercise when going through Go Wisely as the person must understand what is going on, although they eventually got there I think there was the need for everyone to settle before going through it. It was okay but it wasn't textbook and there are some lessons that can be learnt.

DB agreed that Go Wisely was followed but the Officer was told two or three times to go through it which he eventually did. The Officer who assisted with the handcuffs was helpful to the gentleman in terms of making sure the handcuffs were not too tight and making him as comfortable as possible.

SMc felt that when the other Officer was telling the Officer to go through Go Wisely, the reason he hadn't done it straight away was that he wanted to make sure the gentleman was okay before going into Go Wisely.

MW shared that even though it was dark and the conditions were wet, it was pretty much textbook. I counted the prompting of Go Wisely 4 times but it got done and it was done before the search was undertaken, it was reasonably timely but what we didn't see at the end was the handcuffs being taken off. We did see the handcuffs being put on at the start which was done considerably.

EK shared her only slight concern was that it was on the road, we didn't see him put down and I feel that he was laying in the road for slightly too long.

HS advised from feedback received from the Panel and from the Officer and the way that he dealt with it, it would have to be within the green category and everything else that has been said, will be included in the feedback.

All were in agreement the Officer should receive feedback that the example that he set was excellent.

IT advised that the Officer completing the search was a Student Officer who has not long left initial training. I expect the other Officer who was with him was his Tutor or a more experienced Officer which is why he would have been prompting Go Wisely. KS agreed that it is good for us to see this as well as the Officer who were prompting him shows good team work within that team.

There were issues with some Panel members using the link to cast their votes, some votes were received via the link, Team Chat and WhatsApp Messages and the results are as follows;

Green 2 with 5 votes, Green 1 with 3 votes and Green 3 with 1 vote.

12 **Stop & Search data:**

IT presented the data for January 2022 but advised that Quarter 3 data is also available. There were 390 searches completed in the month and the majority of searches were drugs related.

In regards to the positive outcome rate we have 2 no further actions which rounds up to a 32% positive outcome rate which shows that we are moving in the right direction. In relation to self defined ethnicity we ask members of the public how they define their ethnicity but it is well within their rights to refuse to answer this and within stop and search they can refuse to tell us anything about themselves. The headline for this data would be that those under the category 'mixed race' would be six times more likely to be stopped and searched.

Outcomes by Ethnicity, we are looking at making sure that our outcomes are relatively proportionate i.e. that we are not suddenly seeing that we are arresting a high number of any one ethnicity rather than the other, as our grounds for arresting, our threshold has got to be equitable across the board. If we did see a disparity then we would start to look into those in more detail. Having looked at the current data there is nothing there that causes me any concern.

Age Overview – this is a new part of the dataset and is the first time we have looked at age as part of our data pack. On this occasion the age range is 20 – 44. We looked at this in our internal scrutiny panel that was held last week and the narrative is that there has been some targeted activity, particularly in Luton at particular gangs and OCG's and it is this age range that are being targeted as they are more senior members of these gangs or OCG's. HS queried on the data the Under 5's/error where it shows that 2 have been searched. Is this when an adult is searched but have a child who is under 5 years old with them? IT advised that he believes this is an error but will take this as an action to find out.

Action – IT will provide information on the Under 5 search that shows 2 have been searched.

Body worn video is also a new dataset that is included as part of the data pack, this is to look at the body worn video compliance rate. The Officer has to, as part of the recording platform that we use (Two Serve), articulate whether they have captured the stop and search on body worn video. Where it shows that this hasn't been captured, it will be fed back internally and Officers will be asked why they have not captured this on video. Often as frontline Officers work 12 hours shifts, the body worn cameras only has a certain lifespan in terms of its battery. So if they have been out and about utilising the camera a lot and have not had the chance to get back to the Station to recharge it, those are often the non compliance rationale.

As part of the recording platform, if they tick no to the box to say that they haven't, it then brings up another drop down box for the reason why. MW asked regarding the 'False Numbers' and asked if they are where the officers has specifically ticked that there has been a recording but no recording has been found? IT advised in essence the Office has ticked yes 'I have body worn camera footage, we know that the criteria means that the videos are retained for 3 months and deleted if it is non evidential. We haven't looked into the 2,044 videos to confirm if there is a video as there is trust there, but we would expect that as the Panel are looking at the video, as it is within that three month time frame and the Panel found that the video does not exist, we would then be picking it up with the Officer. We will feed this back to the Analysts as the way it has been recorded makes it a bit confusing.

The Stop search by ethnicity disproportionality ratios by CSP is an incomplete data set at this time but you can see the self-defined ethnicity rates within Central Bedfordshire and Bedford are higher than we would like. MW asked regarding the 'Mixed Ratio' which is 6 and said that last year it was 3.1. Is there any reason why this has doubled? IT shared in terms of a year to year comparison I wouldn't be drawing too much from one month albeit it, Mixed does look this month. It could be as a consequence of more people being stopped and searched saying 'I am from a mixed background' but we work more on the office defined as we find that it is more complete

data set. In terms of officer defined there is no officer defined ethnicity group that covers mixed so the Officers are either saying ' I think you sit in white, Asian or black' because they are the main categories. The black officer defined ethnicity group has risen, we were down as 3.2 for quarter 3 so that has gone up by .9. We had the internal stop and search meeting last week and the headlines in terms of why that number is higher really aminate from Central Bedfordshire and Bedford. In terms of the CBC searches that totals 6 which is a relatively low number, there is a specific action from each of those stop and searches to be subject to a deep dive review where we look at the body worn video internally, make sure that we are happy with the grounds and ensure that the searches are justified. MW asked regarding the NFA rate which is 68% up across the county, are there any statistics on the rates between the 3 areas and between the ethnicities? IT shared that this can be provided and will ask the analysts if we can present this information going forward.

Action – IT will ask Analysts to breakdown NFA data by local authority area and by ethnicity.

Stop search postcode map – From January, along the A6 in Central Bedfordshire we can see a higher activity and this is because there have been some specific targeted operations to deal with county lines in that area.

Stop and search weapons, the NFA rate is 73%, the arrest of those found with weapons is higher than the overall rate.

Stop and Search Drugs, PWITS (Possession with Intent to Supply), positive outcome for simple possession is higher. Individual with drugs on them which we believe they are intending to supply, the NFA rate is higher. There were some discrepancies within the figures which IT will feedback to the Analysts.

HS advised that she will send the report pack to members.

13 PSD referrals and outcomes:

IT advised in terms of public complaints, there was only one in quarter 3 (October 2021 – December 2021).

As a rolling year which will end on the 31st March 2022, we have had five complaints in total, the year before we had 12. We also track that those where the complaint is in relation to 'how I was stopped and searched'. We have a good reduction in terms on complaints. In terms of finalised stop and search allegations or complaints there were 10 in quarter 3, of those that were specific to stop and search, 1 was resulted of no further actions, 1 was referred back to practice requiring improvement and the final one was reflected practice and that was a PCSO who unlawfully stopped the complainant and did not follow the Go Wisely procedure.

We look at the conduct that we expect from our Officers if that has fallen below the threshold whilst conducting a stop and search, we haven't had any this financial year and we had 2 in 2020/2021. IT advised that they encourage the public to come forward if there is something they are not happy with.

KB shared that one of her roles in the OPCC is to complete dip sampling on a monthly basis, review complaints and ensure that everyone is happy with the outcome and the learning, this also shows that I am independent as I hold the Force to account in a variety of complaints.

14 AOB & Date of next meeting to be advised:

KS advised going forward for confidentiality agreements to be submitted at every meeting due to the changes that have taken place in regard to the change in Chairs and Membership. Once this is set it will be every 6 months.

IT thanked the Panel for their ongoing support and advised Bedfordshire we are in a much better place and that is down to the work that the Panel are doing.

The date of the next meeting is the 26th May 2022.

Action List from this meeting and last:

1	IM to email the training videos to MN to distribute to Panel members. IM to redistribute the link to the video which he will send to SH to distribute to Panel members.	
2	MN to send out the 'Reasonable Grounds' document to Panel members. SH advised that she will locate this document and sent to Panel members.	
3	IT will provide information on the Under 5 search that shows 2 have been searched.	
4	IT will ask Analysts to breakdown NFA data by local authority area and by ethnicity.	
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		