

Minutes:
Bedfordshire Community Stop Search Scrutiny Panel

Day and Date	Thursday 25 th November 2021
	18:00 – 20:00
	Via Microsoft Teams
Attendees	<p>Panel Members: Chair Montell Neufville (MN), Doreen Chinedzwa (DC), Gwin Mousaka (GM), Loveness Bishi (LB), Martin White (MW), Hayley Jane Millar (H), Morine James (MJ), Phil Dickson Earl (P), Hina Shafi (HS), Crown Agabi (CA), Serena McDonnell (SM) and Marcella (M)</p> <p>Bedfordshire Police: S/Int Ian Taylor (IT) and A/Sgt Vic Sanghera (VS)</p> <p>OPCC Office: Zoe-Jade Fraser (ZF) and Katie Beaumont (KB)</p> <p>Observers:</p>
	Florence Carbell, Lorraine Parkinson, Kelly, Audrey Hall, and Ana Adreescu
	DP = Detained person

1	<p>Welcome, Introductions and Apologies: MN welcomed everyone to the meeting and all members introduced themselves.</p>
2	<p>Confidentiality: MN reminded colleagues that once minutes of this meeting have been agreed they can then be communicated. If you know anyone on any of the videos shown in this meeting either as an Officer or member of the public, you need to declare an interest and don't take part in that particular video, you can declare an interest at any time.</p>
3	<p>Minutes of last meeting with Matters arising and action points: The minutes of the previous meeting were discussed and agreed as an accurate record.</p> <p>The actions from the previous meeting were discussed as follows:</p> <p>More training on S&S for front line Officers has been completed.</p> <p>IT to review the data that has been provided – MN suggested that we provide the panel with the percentage of Officers who have the body worn cameras on. This is something that we used to monitor between 2015 – 2018 but then it dropped off. We will go through this data towards the end of the meeting as this is now being reported differently. IIT advised that the reason it dropped off in 2018 was simply because the server platform that we had moved to as a digital recording method simply didn't ask the question. IT confirmed that this is now a mandated field so we will be able to provide that data, in terms of compliance and the rate of Officers utilising</p>

body worn video and in relation to stop and search, that sits at about 98%. VS has taken the action to get some communications out to ensure that everyone is applying the correct stop and search retention criteria. MN clarified that all Officers, especially if they are going out to meet members of the public or if they met the community, are told to ensure that they turn on their body worn cameras. When we went in to look at the data, we found that a lot of the videos were not available for us to look at. The first issue was that the recordings were capped for 28 days and we have now asked for that to be extended to 3 months, we were however finding videos for 3 months but also 28 days. IT advised that at the point where an Officer has body worn footage, there are a set number of applications that they can apply, one of those would be if evidential and that then has a specific time frame that it is retained for. What you were finding is that if nothing was found from a search, the Officers were applying the non evidential setting which meant it would be deleted within the 28 days. What we have now done is added another choice which is 'this relates directly to a stop and search' and that now automatically retains it for 3 months.

Ride Along Scheme:

MN advised that this will be looked at again in the Spring.

4 **Policing context:**
IT advised in terms of National context, the headlines from the National data that was released earlier this week were in relation to the disproportionality in terms of the black community which still sits at 7 times more likely. This does pose more questions and asks for some internal searching for the Police to understand the context behind that. Locally we are in an improving space, the HMIC recently came in to inspect us and they stated that 95% of the stop and searches that they assessed were assessed as having reasonable grounds to suspect. This still leaves 5% where they were not happy so that still leave us with some improvements to make. To put that into context, in 2018 when we were last inspected that figure sat at 81%. The headline for the National statistics for Bedfordshire is that our arrest rate for the calendar year 2020/2021 were low and we sit about 5th bottom in terms of our arrest rate for stop and search. We do use out of custody disposals and the view is that the arrest rate has to be higher. We are seeing and have invested a lot in training our staff. Since we have done that for this quarter our arrest rate has increased back up to 12% which will put us back above the National average. IT advised that they worked with an external animation company across the three Forces and developed some training videos and showed the 'Quality of the encounter' video to the meeting. IT will send all the videos to MN to distribute to Panel members.

Action – IT to email the training videos to MN to distribute to Panel members.

5 **Chairs update:**
MN advised that Anna Villette is the new Interim Chief Executive for the OPCC and unfortunately has had to pass on her apologies for the meeting today.
MN updated that at the end of this year his term will end after 5 years and that he will not be continuing as Chair of the Bedfordshire Community Scrutiny Panel. MN advised that he would continue to Chair the Bedfordshire, Hertfordshire and Cambridgeshire Panel. MN has asked Hina and Martin, the two Vice-Chairs plus Phil who is the longest serving Panel member, to lead the recruitment process for the replacement Chair. MN shared that tomorrow he will write to every Panel member inviting them to continue the Panel if they choose to and also, to invite people to consider putting their name forward as Chair.
IT thanked MN on behalf of the Police for being an integral part of the Scrutiny Panel 'you have been a hugely helpful, critical friend throughout your duration as the Chair'.

Bedfordshire Community Scrutiny Panel Update - HS

HS discussed her presentation.

	<p>IT commented on the external scrutiny measures that we have in place and advised, there is a monthly meeting with Departmental Heads across the Force where we look at all things stop and search related such as the data, body worn videos and professional standards data. We have made a clear direction to our Sergeants that we need them to review body worn footage as well as just signing off the forms. VS advised on average we are about 30 – 40 per month for the enhanced dip sampling and we are working on sustaining those figures. IM stated what we do is we focus those dip samples on the data, we look at where there is disproportionality and ask the Sergeants to dip sample those areas.</p>
6	<p>Nominations for chair WEF 2022. (Vice Chairs remain): MW also passed on his thanks to MN on behalf of the Panel and the community generally and stated, ‘the amount of work you have put in over the years has been phenomenal’.</p> <p>MW went through the Job Description for the Panel Chair (attached). MW advised that MN will be sending out the Job Description to members which will include MW’s details for any expressions of interest to be sent.</p>
7	<p>Report back from BWV Subgroup – outcomes:</p> <p>VS shared since the last Panel meeting that took place in August 2021, we have looked at 12 stop and searches and out of the 12 we have only managed to view 5. These were graded as Green 1, Amber 4, Amber 5, Green 2 and Green 1. That feedback has been given to Officers. Out of the 12 we had the issue where we couldn’t find 7 of them, we were looking back further than one month and historically we have always looked at the previous month which covers the 28-day period but some of these videos were outside of that period. VS advised that he is doing some work to get some communications out to educate Officers.</p>
8	<p>Report back from Use of Force Subgroup:</p> <p>MN updated in regard to use of force, if we have a red we tend to report them to PSD (Professional Standards Department) however, if it is a red 7 we might report it to the Inspector or Force Lead. We did report one case to PSD however it got lost in the system, we have gone back to look at how the process works so that this does not happen again.</p>
9	<p>Vice Chair; Reasonable grounds & RAG:</p> <p>MW advised that the main guidance that Officers should follow is contained in Code A of the Code of Practice of 2015. MW read through some of the guidance which contains the basics of what we need to know when viewing the videos.</p> <p>‘The Officer must have formed a genuine suspicion in their own mind that they will find the object for which the search power has been exercised allows them to search for, and secondly, the suspicion the object will be found must be reasonable. This means that there must be an objective basis for that suspicion based on the facts, information and/or intelligence which are relevant to the likelihood of the objection in question would be found, so that a reasonable person would be entitled to reach the same conclusion based on the same facts, information and/or intelligence’.</p> <p>MW shared that if anyone in the Panel wishes to discuss the Law or Procedure, he is happy for them to contact him direct in relation to the Job Description.</p> <p>MN updated ‘in plain English’ that Officers must reasonably suspect that they will find an illegal item for example, if they are searching for drugs the must state ‘we are searching for drugs’ so they can’t just go fishing for everything and put their hands in peoples pockets. There is a lot more to it and MN will send out the documents to Panel Members.</p> <p>Action – MN to send out the ‘Reasonable Grounds’ document to Panel members.</p>

	<p>HS discussed the RAG system and explained that it is a traffic light system. Hina advised that we give feedback to Officers regardless of whether it is red, amber or green;</p> <p>Green 1 - Is where there is nothing wrong, but it can be used as best practice Green 2 – Is where its okay but Panel members have a minor question or issue Green 3 – Is where its okay but there is more than one minor question or issue</p> <p>Amber 4 – Is when there is more of an issue with it which is often the body worn camera is turned on too late Amber 5 – Is where there are clear training needs Amber 6 – Is where handcuffs have been applied or there are issues with it but not to the levels of where it should go to PSD</p> <p>Red 7 & 8 – Is where we don't think reasonable suspicion was applied Red 9 – Is where force was used as well as it being unlawful, or the language was unacceptable</p> <p>MN advised that during the videos VS will put a poll in the chat for everyone to vote where they feel what RAG rating applies. VS will then report the feedback to the Officers.</p>
10	<p>BW video 1: VS advised the young man in the video was from Luton and all confirmed that they did not know him. VS explained it is a Section 1 Pace search on the 8th October 2021 and read through the report from the Officers.</p> <p>Feedback from the Panel following the video.</p> <ul style="list-style-type: none"> • Based on the guidance, the Officer had no reason to suspect he would find any weapons on the individual and the search should not have been undertaken and it was unlawful. • Handcuffs were already applied before the video started. • The Officer is reminded to turn on his body worn camera as he approached the member of the public. <p>MN advised that the range should be between Green 2 – Amber 6. Amber 4 was the conclusion from the panel and was to be fed back to the Officer.</p> <p>MN completed the form with HS;</p> <p>Did reasonable grounds exist? 'No'. Did the Officer state any grounds? 'yes that he was searching for weapons, but we have concluded they did not exist in that case'. Object? 'Weapons'. Did Officer show Warrant card or state his name? 'He was in uniform and stated his name'. Did he identify his name and number? 'Yes'. Did they identify the Station they are based at? 'Yes' Was an entitlement to a receipt offered? 'Yes'. Was legal power used? 'He stated the legal powers'. Did the Officer say you are detained for the purpose of stop and search? 'No but we saw the handcuffs on straightaway when the video started'. Was the encounter necessary? 'He should have stopped the person, spoken to the member of the public and then established reasonable grounds but the Officer failed to do that'. Was it proportionate? 'He put the handcuffs on before establishing if that member of the public had an offensive weapon'. Was it Ethical? 'As the search was unlawful it was not ethical'.</p>
11	<p>BW video 2: VS advised the person is a male from Bedford and all confirmed that they did not know him. VS</p>

explained it is a search due to intelligence received in relation to drugs in the Millbrook Road area of Bedford, conducted on the 29th August 2021 and read through the report from the Officers.

Feedback from the Panel following the video;

- Handcuffs were used without justifying their lawful; use
- The search was conducted in relation to intelligence received however it is not known what that intelligence was.
- When the Officer spoke it was very rushed and not always clear what he was saying.
- There is a question as to whether there were reasonable grounds.
- The Officer should be offered training.

It was discussed and agreed by the panel that **Amber 6 was the decision of the panel and was to be fed back to the Officer.**

12 **BW Video 3:**

VS advised there are three videos (A,B and C) as three Officers are involved; The person who has been stopped has refused to give details so is unknown. VS explained it is a search due to BOSON operatives targeting nominals in relation to the SYV Gang in uniform noted male. This was conducted on the 23rd October 2021 and read through the report from the Officers.

Officer 1:

- The camera was turned on late
- The person was already in handcuffs
- The Officer failed to establish reasonable grounds when speaking with the person
- The Office quoted a number of things which are completely irrelevant e.g. 'high crime area'

. Red 8 was the decision of the panel and was to be fed back to the officer

MN completed the form with HS;

Did reasonable grounds exist? 'No, failed to establish lawful grounds before conducting the search'.

Object? 'The Officer was vague in what they were searching for'.

Did Officer show Warrant card or state his name? 'Yes in uniform'.

Did he identify his name and number? 'Yes'.

Did they identify the Station they are based at? 'No'

Was an entitlement to a receipt offered? 'The Officer failed to go through the rest of Go Wisely.

The member of the public declared that they had Mental illness and no account of that was taken. The Panel found the actions of the Officer to be a big red flag in how they were conducting the search'.

Was the encounter necessary? 'No'

Was it proportionate? 'No'

Was it Ethical? 'No'

- **Officer 2:** The officer failed to establish reasonable grounds
- The officer was not clear on the object they were searching for
- Was calm and considerate, tried to de-escalate the situation
- Very good with communication skills

Amber 4 to be reported back to the Officer.

Officer 3:

- The Officer was not briefed on the situation
- We did not hear the searching Officer going through Go Wisely

Amber 4 to be reported back to the Officer.

13 **Stop & Search data:**

The stop and search data was discussed and was viewed on screen. IT advised that the positive outcomes have increased where 31% of the searches resulted in a positive result and the arrest rate for this period has also increased to 12%.

The general overview for stop and search self-defined ethnicity was discussed and IT shared ethnicity is a question that is asked but there is no requirement for anyone to tell us. From this data it shows if Asian you are 3.2 times more likely to be stopped and searched and 4.3 times more likely if you are from the black community. To compare with quarter one of this year, that figure sat at 6.27 if you were from the black community and 4.04 if you were from an Asian community.

IT went through the Top Searching Officers Data. In terms of Officers the common theme is that the main searches are for drugs and all of the Officers are from the Community Policing Teams. IT queried why these searches were all for drugs and the information received has been all of the Officers are working within community areas where the local community have said drug related issues are a problem for them.

MN queried regarding those who have been searched but live out of area, what is the relevance to this comment? IT advised it is in relation to proportionality rate as this is set against the Census data of 2011 and the stop and search figures are measured against the populous as recorded in 2011. MN asked if the person is white and they do not live in the area, how does the data take account of that? IT advised that it would be the same and would also be the same if the person was black or Asian and lived out of the area, it would affect that ratio. IT explained that the search has to be justified but in terms of proportionality rates we do the same for any group because we monitor county lines operations and it is important that we know whether the people are from the area or not.

DC asked are there any separate statistics that are kept for the people who are stopped and searched who are not from the local area? IT advised that it is an incomplete data set because people searched do not have to give their personal details they can refuse to say who they are, address etc. We do track all of the information and it is based on their home address, if someone says they live in Norwich then that person would be recorded as not being from Bedfordshire.

DC also asked regarding the graph from the disproportionality, from a citizens point of view I am a bit concerned by two statements that you make. I would like to find if there is any correlation between arrest figures and Government funding the Force gets? IT advised no, our funding is based on population and in Bedfordshire we do get some special grants but they are based on complexities of crime that we are dealing with within the County. Doreen asked if arrest rates have gone up and you said 'it is a step in the right direction' what does that mean? MN advised if Officers are stop and searching people and are not making an arrest or they have no other lawful reason, that concerns us because we want Officers to take knives and drugs off the street, if they find those items in a large percentage of cases then they have either got intelligence or they are protecting the public from certain crimes. If they have got very low outcomes in terms of items found or arrest rates, it means there is something wrong.

Teresa asked regarding the Census and stated it is my understanding that this is done every 10 years and for this to be recorded quarterly is confusing? MN explained that it makes no difference if a person lives in the area or not because the biggest use of force for stop and search in the Country, 80% is the Met. An Officer must form lawful grounds to conduct every single stop and search whether they live in the area or not.

Gwyn stated I believe it is a lot of hard work policing the streets and having these numbers

balance is not easy either. From the Census of 2011 54.7% is White/British, Black/Asians are 29.9%, Black are 9.8% and Mixed are 4.2%. Based on the few videos we have seen today we have seen that the three people who were stopped, we have two mixed. MN advised we focus on Officers who's mark is amber or red and we check for high levels of disproportionality of black or Asian people – we are looking at the actions of the Officer. By the time the video's get to Panel you are looking at what has already been deep dived. IT advised Gwyn that it is a valid point and said it is a concern as the latest National data tell us that the Asian and Black community are 7 times more likely Nationally to be stopped and searched. Policing has to understand that and understand that is based on sound reasonable grounds, if its not and is based on Officers unconscious bias then we have got to tackle that. In Bedfordshire we are really starting to pull apart the data and from that data I will set an action based on the outcome to make sure every search is fair and ethical which is why we ask for them to be dip sampled.

MN advised Police Officers are a reflection of society and we know and on the scale there are very kind, professional people but on the other part of the scale there are people who are not. We know that some of these people end up in Police Uniform but then end up going through a disciplinary procedure if they have not behaved well, but there are some outstanding Officers. I have looked at a small percentage of Officers who have done a lot of stop and searches, I have then deducted 2% of Officers who do a high percentage of Black and Asian stop and searches without hardly finding anyone and that leaves 20 Officers out of 1,350 we get virtually no disproportionality, it drops down to below 2 which is 1.9.

Teresa asked if there is a record of black Officers stop and searching white people? MN advised that can be found because the number is broken down by Officer and it can be deep dived.

17 **AOB & Date of next meeting to be advised:**

MN thanked everyone and shared it has been really enjoyable and insightful doing this role and stated I hope you continue to do the excellent, wonderful work you are doing. There is a good team of support and Officers who go beyond their duty to support you.

Action List from this meeting and last:

1	IM to email the training videos to MN to distribute to Panel members.	
2	MN to send out the 'Reasonable Grounds' document to Panel members.	
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