

ANNUAL REPORT



Hertfordshire Independent Stop and Search Community Scrutiny Panel

1st April 2018 – 31st March 2019

— **David Lloyd** —
**Police and Crime
Commissioner**
for Hertfordshire

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Purpose of the report

This report provides a summary of the work undertaken by the Hertfordshire Independent Stop and Search Community Scrutiny Panel between 1st April 2018 and 31st March 2019.¹

It is the role of the Panel to scrutinise the actions of Hertfordshire Constabulary in relation to stop and search, to ensure transparency and enhance public confidence in the Constabulary's ethical and lawful use of stop and search powers.

This report reflects the exercise of the Panel's scrutiny function, including the random sampling of stop and search records, summary data, body worn camera footage (BWV)² and Section 60 authorisations³. It also considers the Panel's development in its role and outlines the Panel's next steps for 2019/20, in order to continue improving external scrutiny measures.

¹ The Panel meet every month to review the preceding month's activity and therefore, this report covers the Constabulary's stop and search activity from 1st March 2018 to 28th February 2019.

² Body worn camera footage refers to video captured by cameras worn by police officers.

³ Section 60 of the Criminal Justice and Public Order Act 1994. This power gives officers the right to search individuals within a specified locality, without any grounds for suspicion, in circumstances in which incidents involving serious violence may take place.

Chair's Foreword

This is my last 'Chair's Foreword' as Chair of the Hertfordshire Independent Stop and Search Community Scrutiny Panel. In January 2019, that role passed to Chris Cowdrey, who has for some time been a committed, alert and open-minded member and Vice-Chair of the Panel. I am now Deputy Chair and have begun to enjoy playing a role in its work without the additional chair's responsibilities. I have greatly enjoyed my chair's role since the Panel's inception in 2015 and I have learnt enormously from the work we have done.

In the last year, the Panel has been seeking to recruit members so as to increase its diversity and has to some extent, been successful; but there is a real need for the Panel to continue to recruit from all parts of the Hertfordshire community. The Panel has continued to ask questions about the apparent disparity between the stop and searches of those from minorities and of others. The disparity is smaller in Hertfordshire than in many other similar areas; and the Panel's work has been handicapped by a lack of an up-to-date statistical picture of the relevant population; but this is an issue which has troubled and will continue to trouble the Panel, and about which, the Panel must remain on its toes.

The Panel has continued to meet similar Panels from neighbouring counties to discuss working methods and has had a very interesting meeting with members of London Panels. It is good news that our Panel has received a high level of approval; and it is important that it should continue to do so. Last year I anticipated that BWV footage would take up more of our time; and this has turned out to be the case. The ability to see and hear what has been said and done by the officers in a stop and search episode and by the persons stopped, has been very valuable to a decision as to the correctness of the police actions. Consideration needs to be given to the extent to which BWV footage should be seen by the Panel on a wider basis; but to achieve that, the Panel would have to have more members, with more and/or longer meetings. An issue which has emerged, is that the BWV is often switched on too late; this issue needs to be addressed.

The Panel has noted how police descriptions and reports of stop and search episodes have continued to improve. It seems clear that the Panel's decisions are reported back to relevant officers and are used for training purposes; that is excellent and must be maintained; it plays an important part in improving standards. Once again the Panel is very grateful for the unstinting support given by the police and the staff of the Police and Crime Commissioner's Office—without which its work would be very much more difficult.

Jeffrey Burke

Chair of the Hertfordshire Independent Stop and Search Community Scrutiny Panel

Police and Crime Commissioner's Foreword

Stop and search remains a valuable tool for the police to protect the public, not only in solving crime but also helping to prevent crime. The existence of stop and search, and the awareness that the police are willing to use this power, can be enough to deter criminals from engaging in illicit activity, helping to keep our streets safe. The power to search is coercive however, and must always be done fairly, ethically and with just cause. It is the role of the Hertfordshire Stop and Search Community Scrutiny Panel to provide independent scrutiny of police performance and feedback on their observations against this criteria. It is important for the public to know that the Constabulary are not 'marking their own homework', but are being held to account for their actions, helping to ensure that public confidence in policing remains high.

This report highlights the progress that has been made in the last 12 months. I am glad to see that the Panel are now given the opportunity to question the Constabulary in relation to the use of Section 60 authorisations under the Criminal Justice and Public Order Act 1994. The powers available to the police under Section 60 are important in preventing serious violence, but must be used in accordance with the law, and as the number of authorisations have risen this year, it is essential that the public have trust in this process.

This report shows the stop to arrest ratio remains high, averaging 17.4%. The feedback given by the Panel in relation to the recorded grounds given by officers has resulted in improvements in the quality of the searches conducted. I am pleased to see that there is now a formal process in place for feedback to be given to supervisors in the Constabulary, particularly in relation to the complaints process, providing the scrutiny Panel with the opportunity to feedback directly to the Professional Standards Department if a case of misconduct is reviewed. The Panel's report also shows that the behaviour of officers, seen during the review of BWV footage, was courteous and polite. It is important to me that officers are professional and respectful when interacting with the public and it is good that the Panel have highlighted this in the report.

The Panel has identified a number of recommendations for the Constabulary to work towards in the coming year. Whilst good progress has been made in the recording of grounds, the Panel would like to see the number of records which 'lack sufficient narrative' be reduced. Additionally, it is expected that the data which is provided to the Panel can continue to be refined to ensure the effective and robust challenge of police performance. I will use these recommendations to inform my regular meetings with the Chief Constable.

David Lloyd

Police and Crime Commissioner for Hertfordshire

Hertfordshire Constabulary's Foreword

With more than 3,000 police officers and staff, supported by over 250 special constables, we work hard to catch criminals, keep people safe and to reduce crime.

Stop and search plays an important role in helping to protect our communities across the county. It is, however, vital that we retain confidence amongst our communities in the way this power is used.

Reflecting on feedback from the public this year, we have invested significant time in refreshed training for all front line staff in the Best Use of Stop and Search powers. The training included current legislation relating to stop and search, the Police Code of Ethics and the expectation to treat everyone with fairness and respect, when engaged in searching an individual or their property.

We continue to scrutinise our stop and search activities to ensure that we are utilising our legal powers correctly and only where absolutely necessary. It is important that as a Constabulary we support our officers in the effective use of stop and search powers when used appropriately as it can play a significant part in preventing crime and disorder, as well as, an opportunity to recover stolen property or weapons, that could cause serious harm to those carrying them or future victims.

As a Constabulary, we always strive to achieve the highest of standards in all aspects in delivering our public duty. Whilst we think we largely achieve this, we do recognise there may be times we do not and the expectations of the public are not met concerning stop and search. If police officers are discourteous or do not comply with the law correctly, these actions can make those people stopped less confident in the legitimacy and professionalism of the Constabulary. Therefore, we are always willing to listen and welcome any feedback about our approach to stop and search using our online feedback form: www.herts.police.uk/Information-and-services/About-us/Transparency/Stop-and-search/Community-complaints-trigger.

Alternatively, we operate a ride-along scheme which provides opportunities to observe our officers first hand (although we can't guarantee you'll see a stop and search). Further information is available on our website: www.herts.police.uk/Information-and-services/Get-involved/Ride-along-scheme

Bill Jephson

Assistant Chief Constable – Local Policing

Summary

Key Findings

- There has been a small reduction in the arrest rate for 2018/19 in comparison to 2017/18, down from 18.5% to 17.4%. This included some peaks above the government's aspirational target of 20%.
- The Panel's position of confidence sits at 82.5%, with 17.2% marked as not confident and 0.3% classified as unsure. This shows a percentage increase of 6.5% in the confidence levels, compared to 2017/18 when confidence was at 76%.
- 388 dip samples of stop and search records for Hertfordshire were assessed this year out of a possible 7103 (5.4%).
- There has been a reduction in the number of grounds which require more detailed narrative. The grounds provided by officers have been shown to demonstrate the reasoning for the search on a more frequent basis.
- A decline in the number of search forms which were not specific to the person concerned.
- The Panel is aware, based on Home Office population estimates, that there is a higher probability of being stop and searched in Hertfordshire, if your ethnicity is classified as Black, as compared to other ethnicity populations.
- The Panel are pleased with how officers are conducting searches when shown BWV footage but would like to see officers turn on their camera earlier.

Recommendations for the year ahead

- Further recruitment for 2019/20, to ensure that the demographic of the membership is diverse, particularly those from BAME groups and aged between 18 and 30.
- Continue to work with the Constabulary to refine the data provided, to enable effective scrutiny by the Panel, particularly in relation to age and ethnicity data, in order to identify any issues of concern which may warrant further investigation.
- Increase the public profile of the scrutiny Panel through effective engagement with community groups across the county.
- Increase the number of training opportunities available to the Panel to improve their understanding of stop and search.

Background

In 2014, the Home Secretary introduced a package of reforms (Best Use of Stop and Search Scheme) in response to concerns about police compliance with the Police and Criminal Evidence Act (PACE) 1984 Code of Practice A⁴. It was intended that the reforms should contribute to a significant reduction in the use of stop search; more intelligence led stop and searches; and improved stop to arrest ratios.

The reforms included measures to allow stop and search records to be scrutinised by community representatives through independent external scrutiny. Hertfordshire Constabulary signed up to the Best Use of Stop Search Scheme (BUSSS) in August 2014, recognising the need to ensure better scrutiny of stop and search and compliance with PACE 1984 Code of Practice A. Hertfordshire Constabulary also recognised that independent scrutiny and oversight was needed and approached the Office of the Police and Crime Commissioner (OPCC) to ask if an external independent scrutiny Panel could be set up as they genuinely believed that community scrutiny would be beneficial. It followed in November 2014 that the OPCC undertook scoping work to see what models of external scrutiny were in place in other forces/PCC offices and build a Panel for Hertfordshire.

The result of this was the decision of the OPCC to set up the independent countywide scrutiny Panel in 2015. The Panel's remit was to provide a voice for community concerns; and to help inform and influence police training around stop and search practices. The Panel has evolved and changed since its inception in order to provide clear and transparent information for both Constabulary and community benefit; and to enhance public confidence in police performance.



⁴ In 2014 Her Majesty's Inspectorate of Constabulary (HMIC) reported that 27% of the stop and search records they examined did not contain reasonable grounds to search people, even though many of the records had been endorsed by supervising officers. Reasonable grounds do not include personal appearance. A police officer cannot lawfully stop and search an individual because of their age, ethnicity, style of clothing or hairstyle etc. There is no such thing as a 'voluntary search'. If you are stopped and searched, the police officer must follow the correct police procedure.

Panel membership

At its inception in 2015, the Panel had six members, but over time, additional recruitment has been undertaken to expand the membership, establishing, where possible, a diverse membership from a variety of backgrounds. The current Panel has a core membership of 15 volunteers, all of whom live, work or study in Hertfordshire.

Following the submission of an application form, each Panel member is interviewed and subject to police vetting before membership is confirmed. A training session on PACE Code A, as well as the Panel's role more generally, is delivered to enable members to understand police powers and to assist in developing their ability to critically challenge and scrutinise Hertfordshire Constabulary's stop and search data.

Jeffrey Burke was appointed as chair until February 2019, at which time he handed over to Chris Cowdrey. At the time of writing, the Panel's Chair is Chris Cowdrey, with Jeffrey Burke as Deputy Chair and Roger Bosley as Vice Chair, all of whom have been elected by the Panel and whose appointment is subject to annual review. The next review date is January 2020.

The Panel's membership during the year has been⁵:

Jeffrey Burke, Chris Cowdrey, Roger Bosley, Marianne Murphy, Caroline Malcolm, Brian Malyon, Gavin Prime, Marian Langley, Stephanie Worrell, Margareta Allison, Michael Reeve, Barbara Graham, Mohammad Islam-Ruman, Sharon Farquhar, Ben Platt.

Wherever possible, the Panel seeks to reflect the demographics within Hertfordshire.

The gender breakdown of the Panel is 53% male and 47% female.

The age breakdown of the Panel is;

- 18-30 - 0
- 31-40 – 13.3%
- 41-50 – 6.6%
- 50-60 – 33.3%
- 61 and above - 46.6%

The self-defined ethnicity of Panel members is;

- White British – 73.0%
- Black Caribbean – 6.6%
- White Scottish – 6.6%
- Asian – 6.6%
- Prefer not to say – 6.6%

The District representation among Panel members is;

- North Herts – 6.6%
- St. Albans – 26.6%
- East Herts – 20.0%
- Broxbourne – 6.6%
- Dacorum – 6.6%
- Welwyn Hatfield – 20.0%
- Hertsmere – 13.3%

⁵ Due to other commitments, Margareta Allison, Brian Malyon and Stephanie Worrell resigned from the Panel during this year.

Panel member quotes

Chris Cowdrey

“I joined the stop and search scrutiny Panel over three years ago with the aim to help improve on how stop and search is carried out, how it is perceived by the public and to give something back to the community. Over this time, I have had the opportunity to work with and learn from the Panel’s experienced, supportive and diverse membership, plus other police professionals. I believe this is a very rewarding and challenging role and has helped me improve my personal and team working skills. Over the period I have seen a steady improvement in the quality, transparency and officer training around police stop and search activities.

Recently, I’ve had the privilege to be elected as Chair and look forward to continuing and developing the Panel’s work.”

Caroline Malcolm

“Since joining the scrutiny Panel, I have learnt how statutory legislation is laid out through the ‘Code of Practice for exercising stop and search’ within Hertfordshire County and how it affects policing and communities. This role has enabled me to improve my skills and understanding in analysing data and observing how good practice is rolled out using the ‘GOWISELY’ principle.

Working alongside key members of the public to improve transparency and accountability around the use of stop and search is very key within the BAME community. Members also work with staff from the Police and Crime Commissioners Office and police officers, sharing our skills and experiences. In analysing local and national data, listening to each other’s views and watching BWV footage, we are able to give critical feedback, which is communicated throughout the force and other working teams.”

Michael Reeve

“Since joining the Panel, I have found it to be a very rewarding experience. I feel that our comments and scrutiny has been fed back to the officers and this has led to an improvement in the records provided by the officers to the Panel.

I would implore any member of the public to consider joining the Panel. The role provides an excellent opportunity to make a positive difference to the way in which stop and search is managed by the police.

The Panel is a good mix of people from all areas in Hertfordshire, but we would welcome all new members, especially those aged 18-30. Our scrutiny has shown that this is the age-group who are most likely to be subject to stop and search, so their views would be welcomed by the Panel.”

Meetings

Terms of Reference (ToR) are in place to guide the Panel and are reviewed annually⁶. This ensures that the role of the Panel and the way in which it operates is kept up-to-date. The Panel's ToR have been amended this year (February 2019) with the addition of the following:

“An annual public meeting will be held to demonstrate transparency and encourage further community engagement in the scrutiny process. Access to meetings during the remainder of the year is also made available to members of the public following prior notification to the OPCC.”

A Chief Inspector from Hertfordshire Constabulary's Community Safety and Crime Reduction Unit attends all meetings so that operationally specific questions can be asked directly by members. In addition, the Chief Inspectors of each Community Safety Partnership (CSP) are invited to attend a minimum of one meeting a year, during which stop and search records and BWV footage from their areas are reviewed. They are accountable for any issues and concerns identified which are linked to their CSP.

The Panel meets monthly to review the preceding month's activity and therefore, this report covers its activities between 1st April 2018 and 31st March 2019, correlating to the Constabulary's stop and search activity from 1st March 2018 and 28th February 2019.

Panel meetings have evolved since their inception and although there is an established process, the group is open to adaptation as its work progresses. Currently, at each Panel meeting, following the usual standing items (welcome, apologies, minutes and actions), members will engage in a variety of scrutiny exercises. These include; the dip-sampling of stop and search records, monthly summary data, BWV footage, Section 60 authorisations and complaints.

The dip-sampling of stop and search records

During meetings members will split into small groups (2-4), and will review a random selection of the stop and searches which have taken place in the preceding month in Hertfordshire. Each group is allocated a portion (e.g. 1-25, 26-50 etc) of the spreadsheet from which they randomly select individual cases for review. They will record their conclusions for each record on a feedback form, which enables them to comment on whether they were confident, not confident or in doubt about the correctness of the individual stop and search. Following each meeting, the feedback forms are typed up and provided to the Constabulary's lead officer for follow-up with supervisors and officers.

Monthly summary data

A segment of the meeting also involves members reviewing data provided by the Constabulary which provides an overview of stop and search activity from the preceding month. The data pack includes:

- The number of stop and searches where the object of the search was found, as well as other property found.
- The gender of those stopped and searched for all stops.
- The total number of stop and searches (including a breakdown of ethnicity, both officer defined and subject defined), arrests and positive outcomes by CSP per month.
- The total number of stop and searches in relation to drugs and acquisitive crime per month and how many resulted in an arrest or a positive outcomes.

⁶ ToR are available on the Police and Crime Commissioners Website: www.hertscommissioner.org/stopsearch

Body worn video footage

During meetings in which individual CSPs are reviewed, the Panel review randomly selected BWV footage of stop and search encounters. The Panel are provided with the correlating stop and search record, before reviewing the footage. Each clip is assessed against a series of prompts, including whether the record reflects what they saw in the footage and whether the officer complied with procedures appropriately. Following a group discussion, Panel members make a decision as to whether they felt confident or not confident in the appropriateness of the search. Similar to the feedback forms from the dip-sampling of records, all feedback is collated and fed back to the Constabulary, to be addressed with individual officers.

Section 60 authorisations

In 2018, the Panel began reviewing Section 60 authorisations. During meetings the Panel review all Section 60s which were authorised by the Constabulary in the previous month. Officers searching under Section 60 are not required to provide reasonable grounds for individual searches and therefore, there is no requirement for the Panel to scrutinise individual grounds. To ensure the Panel are able to fulfil their scrutiny function effectively, in line with the guidance under Code of Practice Code A and the Best Use of Stop and Search, the Panel are presented with the following;

- Overview of the application made to a senior officer and the rank of the authorising officer.
- Details of how the authorisation was managed.
- Outline of how, and through what means, the use of the power was communicated to the public/local community before (where practicable) and after its authorisation.
- Summary of activity during the period concerned. For example, the number of stop and searches, details of items found and positive outcomes.

Complaints

In accordance with the Best Use of Stop and Search guidance, the Panel has agreed to have sight of any complaints made by the public about a stop and search event which has undergone investigation and resolution by the Professional Standards Department (PSD) and/or the Customer Response Team (CRT). Every six months the Chief Inspector of PSD attends a Panel meeting to provide a verbal update on the quantity and type of complaints made into their department. Additionally, the CRT provide a written update on the number of complaints made into the Police and Crime Commissioners Office and through the Force Control Room (FCR).

It was agreed by the Panel that a Community Complaints Trigger⁷ will be issued if the number of complaints for a particular district is higher than one per month, with the scrutiny Panel being given the option to do a further deep dive of these complaints.

To ensure the work and views of the Panel impact on the performance of officers on the ground, a full feedback loop has been developed. At the end of each meeting, feedback corresponding to all scrutiny activities identified above, is circulated to senior officers in the Constabulary, including the Chief Inspectors of the Local Policing teams and Professional Standards. This feedback is used to not only provide direct feedback to individual officers, but to also inform future training activities. In cases involving serious misconduct, procedures have been developed to enable the Panel to refer the incident directly into PSD.

⁷The Community Complaints Trigger is a complaint policy that requires the police to explain to the community how the powers are being used if there is a large volume of complaints. This is in addition to the force complaints process. This allows for an independent review and ensures there is a response to any public concerns about stop and search activity in their community. More information about the Trigger can be found here - www.herts.police.uk/Information-and-services/About-us/Transparency/Stop-and-search/Community-complaints-trigger

A number of Panel members have also been active in other scrutiny roles in relation to police performance.

Five of the current stop and search scrutiny Panel members sit on the recently created Use of Force Panel which scrutinises the Constabulary's use of force, including unarmed defence tactics, handcuffs and incapacitant spray. Through the random dip-sampling of officer statements and body worn footage, the Panel looks at the appropriateness of the force used, providing feedback to the force and highlighting areas of concern or good practice.

A Panel representative also attends the Hertfordshire Constabulary's Coercive Powers Board which provides the opportunity for direct feedback on the work of the Panel to senior officers and the opportunity to influence change at the highest level. This meeting is chaired by Assistant Chief Constable Bill Jephson and thus demonstrates the level of importance and value which the Constabulary are giving to the Panel's role in monitoring the appropriate and lawful use of stop and search powers.

As stipulated in the Best Use of Stop and Search, Panel members are provided with the opportunity to accompany police officers out on patrol. As part of the Constabulary's Ride Along scheme, Panel members are given the opportunity to see 'real-life' stop and search encounters with frontline officers.

Key Findings

Stop to arrest ratio

Hertfordshire Constabulary conducted 7,103 searches in 2018/19. Of these searches 1,243 resulted in an arrest, a percentage of 17.4. This is down from last year in which the force was able to reach a six year high of 18.5%.

Figure 1. Stop and Search in Hertfordshire between 2013 and 2019.

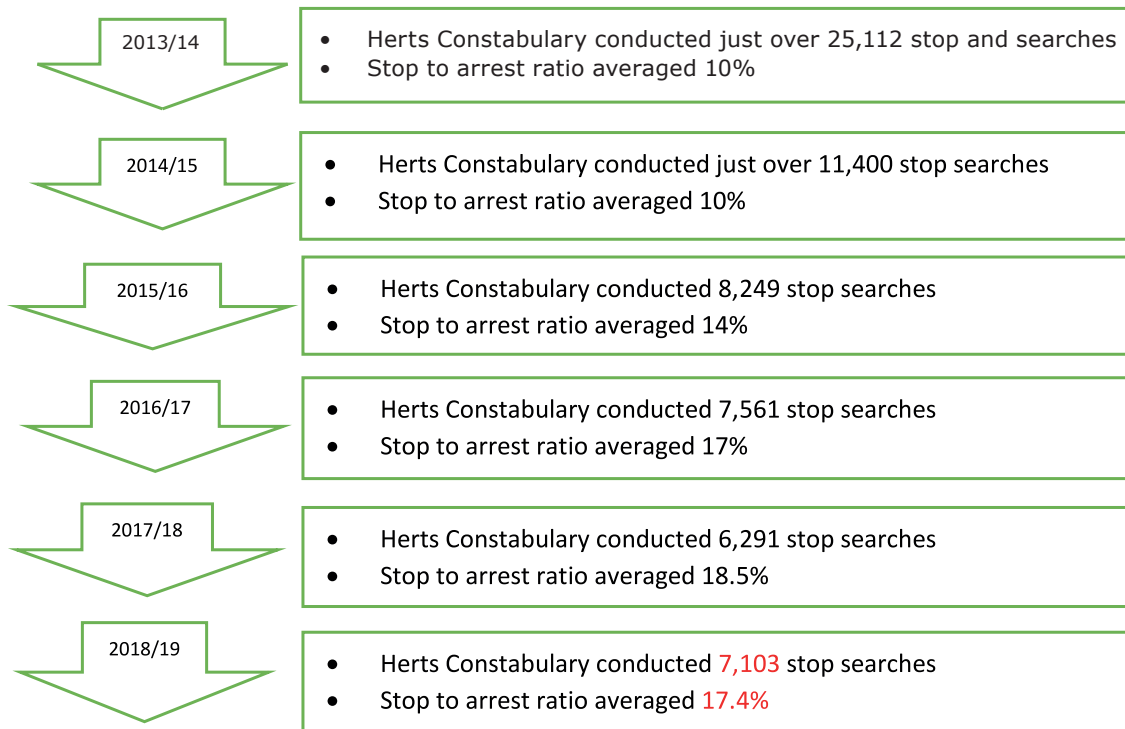
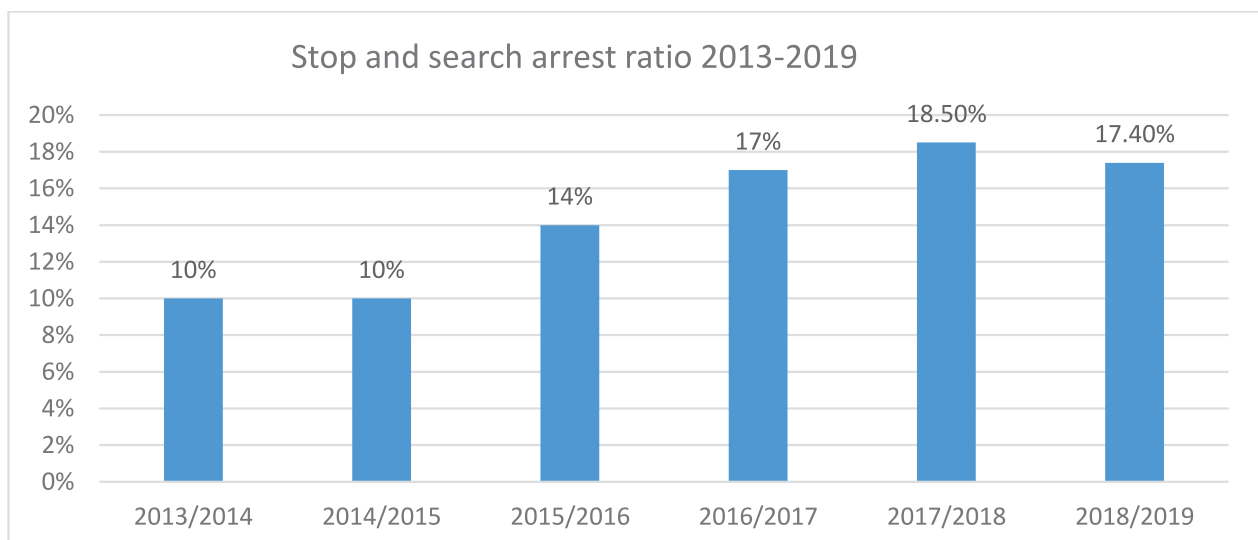
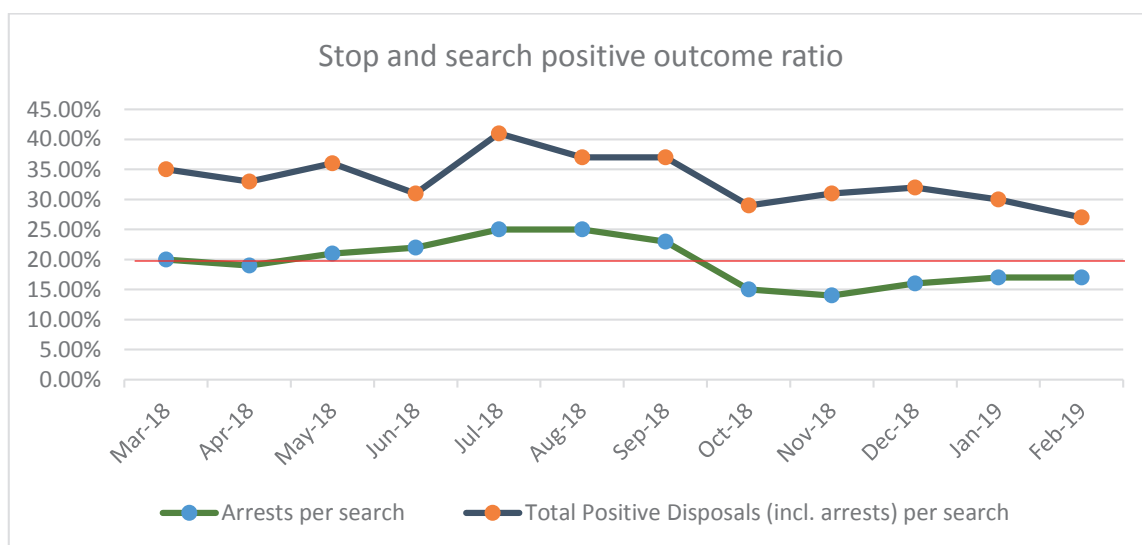


Figure 2. Stop and Search arrest ratio in Hertfordshire between 2013 and 2019



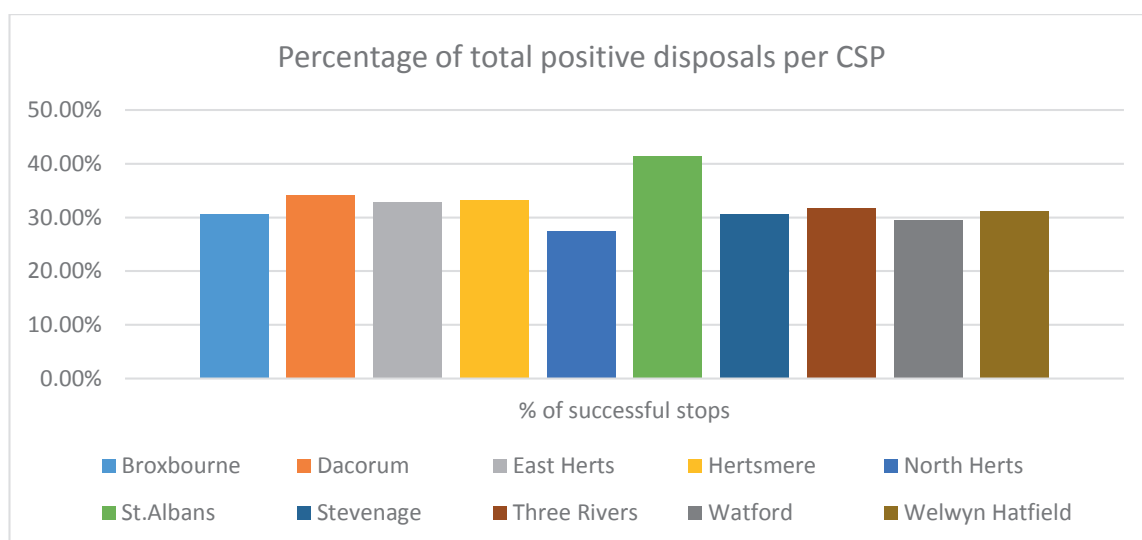
The number of searches conducted per month has fluctuated between a low of 453 and a high of 716, averaging a little under 600 per month. Arrest rates have been maintained at a largely consistent level, with some peaks throughout the year exceeding the government's aspirational target of 20%. The number of stop and searches which resulted in arrest declined from October, however, the Panel were pleased to see that the improvement had been broadly maintained from the previous year.

Figure 3. Stop and search positive outcome ratio⁸



The percentage of positive outcomes per search have also been disaggregated per CSP. The Panel were pleased that nearly all CSP's had an average positive disposal rate of over 30% and praised St. Albans for averaging over 40%.

Figure 4. Percentage of total positive disposals per CSP

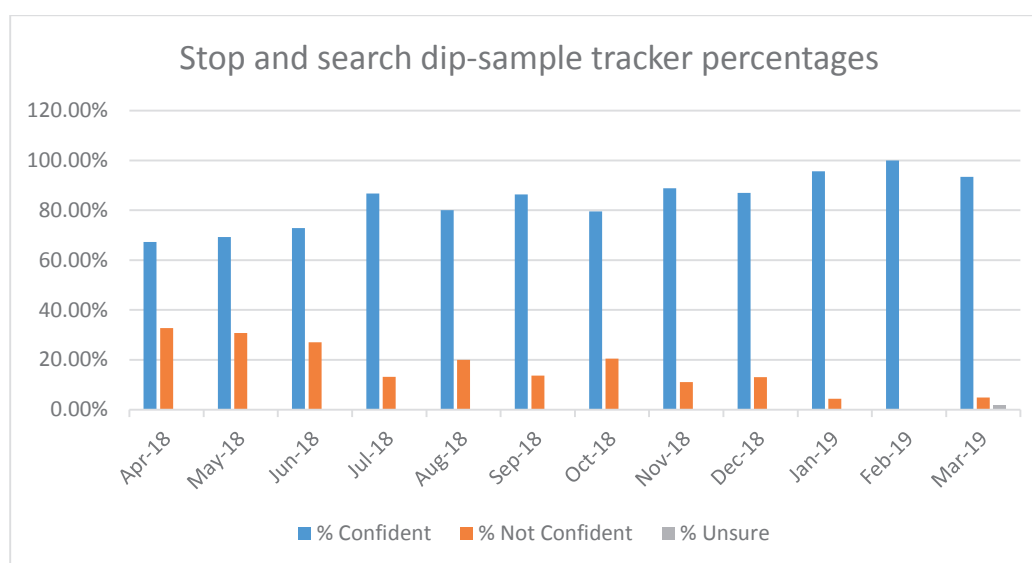


⁸ Positive outcomes, include arrests, as well as out of court disposals, such as Drug Warnings or Cautions, which negate the need for individuals to be formally processed through custody suites.

Stop and search records

388 dip samples of stop and search records for Hertfordshire were assessed this year out of a possible 7103 (5.4%). The position of confidence in the stop and search forms currently sits at around 82.5%, with 17.2% marked as not confident and 0.3% classified as unsure. This shows a percentage increase of 6.5% in the confidence levels, compared to 2017/18 when confidence was at 76%. The rise in the success rate has highlighted the impact the Panel has had since its inception in 2015, with officers taking on board Panel feedback, ensuring closer alignment with BUSSS guidelines.

Figure 5. Panel's level of confidence of dip sampled records between 2018 and 2019



Over the current year there has been a number of common trends identified during the dip-sampling of stop and search records;

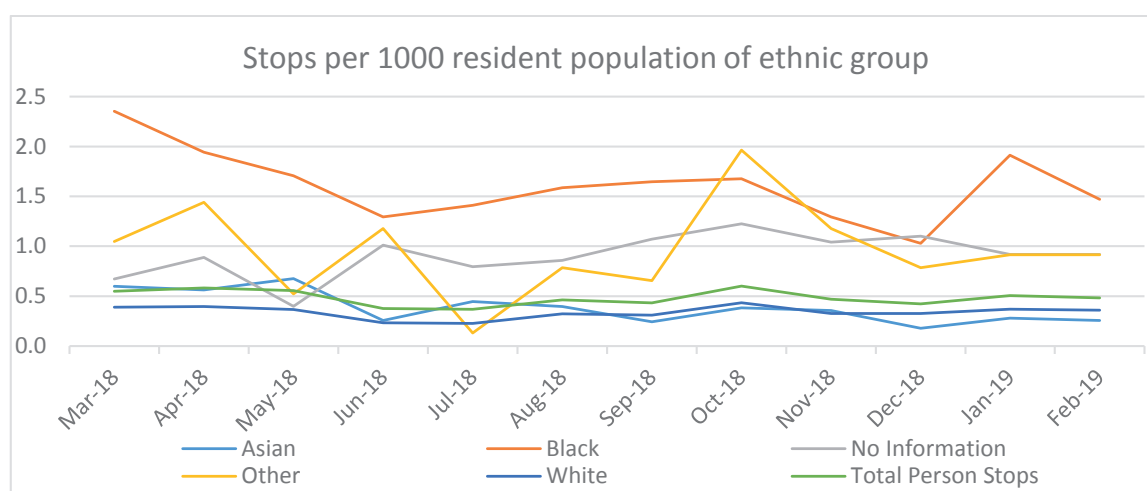
- The Panel are pleased to see that officer's accounts of searches detailed in the stop and search form, show clear evidence of searches being intelligence led, as required under the Best Use of Stop and Search. This is reflected in the rise in confidence levels this year.
- There has been a reduction in the number of grounds which require more detailed narrative. The grounds provided by officers have been shown to demonstrate the reasoning for the search on a more frequent basis. On the occasions in which insufficient information has been provided, officers should make sure that the grounds for stop and search include full and detailed descriptions; that it is clear how the encounter came about; and the source of information/report is clarified.
- There has been a reduction in the number of searches based on the smell of cannabis alone. The Panel are pleased to see that the Constabulary are continuing to ask officers to use additional suspicion factors on top of the smell of cannabis when determining whether there are sufficient grounds to search. The Home Office changed its guidance in 2018, enabling officers to search on the basis of smell, but it is felt that with additional factors, there is a higher likelihood officers will conduct productive searches.

- The Panel were also pleased to see that there had been a decline in the number of search forms which were not specific to the person concerned. This had arisen in previous years, in cases involving multiple searches, in which officers had copy and pasted grounds for different individuals. Progress can continued to be made and officers should always record information specific to the individual when completing a stop and search form.

Disproportionality

In 2018/19 the records continued to show that stop and search is used disproportionately between ethnic groups in Hertfordshire. Stop and searches per 1000 resident population of ethnic group showed that an individual is 4.7% more likely to be searched if they are Black in Hertfordshire than if they are white⁹.

Figure 6. Stop and Search stops per 1000 resident population by ethnic group between 2018 and 2019



A comparison with Hertfordshire's Most Similar Group (MSG) shows that the use of stop and search in Hertfordshire is more proportionate than average¹⁰. Of the seven forces in its MSF group, Hertfordshire has the third lowest rate of disproportionality¹¹.

The reliability of the data which is used to inform the calculation of disproportionality can be affected by the following;

- Cross-border movement in which individuals living outside of the county are stopped and searched in Hertfordshire.
- Differences in how ethnicity is recorded. It has been shown that the ethnicity recorded both by officers and those individuals self-defining their ethnicity does not always wholly correlate¹².

⁹ Population estimates are made using the Home Office mid-year estimates for 2017.

¹⁰ Hertfordshire's most similar group of forces are: Avon and Somerset, Essex, Hampshire, Leicestershire, Staffordshire, Sussex and Thames Valley Police.

¹¹ Based on Criminal Justice Alliance data, June 2018.

¹² Ethnicity is noted as either 'self-defined' or 'officer defined'. Officer defined ethnicity is recorded depending on their own perceptions and should be recorded in every instance, whilst self-defined ethnicity is expressed by the individual, depending on how that individual identifies. Individuals can choose not to express their self-defined ethnicity if they so wish.

Further analysis of the data provided by the Constabulary show that levels of disproportionality can also differ within age groups and for different crime types. For example, the profile of knife crime offenders is predominantly BAME males in their 20s, which can be different from the demographic profile of the areas in which they operate. Intelligence led operations to tackle and reduce knife crime can invariably contribute to disproportionality.

The Panel continues to be concerned about the level of disproportionality despite paragraphs 10.3.1, 10.3.2 and 10.3.3, and will work with the Constabulary to understand the reasonings for this disparity and how it can be reduced.

Community Safety Partnership deep-dive

Over the previous 12 months, the Panel has met a senior officer from each of the Community Safety Partnerships from across the county. In total 14 such exercises were conducted¹³. On each occasion, the Panel were able to scrutinise a significant number of stop and searches from that area and report to the officers on short-comings, concerns and good-practice. Senior officers have commented that they have derived substantial benefit from these meetings, highlighting the importance the Panel has in influencing police actions.

Body Worn Video (BWV)

The Panel reviewed the footage of 15 stop and searches captured on officers BWV this year. Of the 15 videos which were reviewed, one incident was marked as not-confident.

The introduction of the review of BWV footage into meetings has given confidence to the Panel that the grounds, scrutinised through the random-sampling of stop and search records, are an accurate account of events. The Panel are particularly pleased that the review of footage has shown officers to be polite and courteous and are following the guidelines laid out in the Best Use of Stop and Search.

The Panel have reiterated a concern from last year that officers commonly do not turn on their camera early enough. In these cases, the Panel are often unable to see the full interaction, making the review of footage more difficult. The Panel are aware that there are limitations to the technology and due to a short battery life and data storage capacity, officers can only turn on their camera when it is necessary to do so. When deciding to stop and search an individual, officers should look to turn on their camera at the earliest available opportunity, as is stated in the tri-force body worn camera policy.

Stop and Search Section 60

On 10 occasions between March 2018 and April 2019 the Constabulary issued a Section 60. All of these were reviewed by the Panel at a subsequent meeting.

The Panel were pleased to see that the Constabulary are meeting the requirements in the Best Use of Stop and Search for Section 60s to be authorised by a Senior Officer (above the rank of Chief Superintendent).

¹³ Broxbourne, Dacorum, St. Albans and Watford were each reviewed twice during this time period.

The publication of Section 60s were largely found to be completed in a timely manner. To help ensure that the public were made aware of the use of the power, it was commented that publication on the police website alone was insufficient. The Panel was pleased to see that following these comments, the Constabulary have begun issuing notices on social media platforms, including Twitter and Facebook, as well as the Hertfordshire Constabulary website.

The Panel would like to see more work being done in the coming year to make the public aware of the outcomes that arise from a Section 60 authorisation, including the number of people searched and the items found, in line with requirements under BUSSS. It can be expected that the capture and publication of this data will help give a better understanding of the effectiveness of Section 60 authorisations, influencing future policy and practice.

The geographic area that the Section 60 applies to has, on occasion, been shown to be too broad. The Panel would like to see authorisations being used within a clearly defined locality.

Complaints

In 2018/19 the Panel were informed of all complaints received by PSD, CRT and the FCR, that relate to stop and search.

- Three complaints were made by the public into PSD. One of these was suitable for a local resolution and another had been disappplied, following the end of the 12 month time-limit. One incident is still being investigated at the time of writing.
- Seven complaints were made directly to the CRT, two of which were determined to be valid. 29 complaints were reported into the FCR, seven of which were marked valid.
- The CRT managers classify a complaint as; valid, not valid, unknown, not applicable or outcome pending, based on a variety of factors. If a case is marked as valid there is reason to believe that the police could have done something better, i.e. in the behaviour of the officer during the search, that the correct policy had not been followed or that there is some form of learning to be taken away from the incident.
- There was no use of the community complaints trigger for 2018/19.



Key achievements

388 dip samples of stop and search records for the Constabulary were assessed this year out of a possible 7103 (5.4%). The Panel also reviewed the footage of 15 stop and searches captured on officers body worn cameras and reviewed 10 Section 60 authorisations.

The review of Section 60 authorisations was introduced into the Panel's remit in April 2018. Initial training was given to Panel members at this time and has been used in the review of all authorisations, using guidelines set out through the Best Use of Stop and Search.



The Panel were highlighted by the Criminal Justice Alliance as an example of best practice in a report focusing on stop and search community scrutiny panels across the country. The Hertfordshire Panel was recognised for its transparency, independence and diversity.

A meeting in public was held at the University of Hertfordshire on the 26th April 2018. The meeting was attended by the Deputy Police and Crime Commissioner, David Gibson and included a presentation by the Chief Inspector of Crime Reduction and Community Safety, Sian Lockley as well as the, then Chair of the Panel, Jeffrey Burke. During this meeting, attendees were given the opportunity to observe the work of the Panel, including the random sampling of stop and search records, as well as being given the chance to learn more about the use of stop and search in Hertfordshire. This meeting helped raise awareness of the Panel, improving transparency and encouraging public engagement in the scrutiny process.

The introduction of a formal feedback process to frontline officers has driven up standards and resulted in improvements in the quality of stop and search records. The information collated within these feedback forms have also helped inform training given to front line officers, demonstrating the impact the Panel has on improving police performance.

Appendix A: Progress Review

	2017/2018 Recommendations	Progress Update
1.	Further recruitment for 2018/19, to ensure that the demographic of the membership is diverse, particularly those from BAME groups and aged between 18 and 30.	A new round of recruitment was undertaken in March 2018, which resulted in three volunteers joining the Panel. At the time of writing there are 13 Panel members with five new volunteers currently going through vetting.
2.	Continue to work with the Constabulary to refine data provided to enable effective and increased review by the Panel, particularly in relation to age and ethnicity data in order to identify any issues of concern which may warrant further investigation.	The summary data which is provided to the Panel has been refined to include a breakdown of self-defined and officer-defined ethnicity.
3.	Embed the scrutiny of body worn video footage into meetings, ensuring focus only on content necessary and relevant to the remit of the Panel in order to improve the Panel's understanding of the experiences of people who have been stopped and searched, and to monitor the way in which officers conduct stop and search encounters and compare records of such in line with PACE Code A.	BWV footage has now been embedded into Panel meetings involving deep-dives of individual CSPs. The Panel secretariat reviews footage prior to the meeting to ensure the Panel are only shown content which is relevant to the scrutiny of stop and search.
4.	Ensure the Panel have sight of resolved complaints received both through the Professional Standards Department and the Customer Response Team to ensure monitoring in line with the Community Complaints Trigger.	The Panel has been given an overview of complaints relating to stop and search two times this year, in June and December. On both occasions the Chief Inspector of the Professional Standards Department has attended to give a verbal update.
5.	There were three occasions in March 2018 where Section 60 of the Criminal Justice and Public Order Act 1994 was authorised – Watford on 9th March 2018 and Berkhamsted on 16th and 17th March 2018. These authorisations fall outside the period of which this report covers. The Panel will be involved in reviewing the use of such authorisations and a summary of this activity will be included in the 2018/19 Annual Report.	The Panel have reviewed 10 Section 60's which have occurred between March 2018 and February 2019. A full update on the Panel's findings during these reviews is discussed in the main body of the report in section 8.6.

