

**Written questions for the PCC**  
**Police and Crime Panel meeting 11 August 2020**

**Question from PCP on behalf of member of the public in response to FOI question (item 6)**

**Item 6**

Follow up question in response to the FOI regarding the issue of FPNs during Covid 19 lockdown:-

I was informed the Commissioner's office does not currently take any measures to monitor policing and racial equality. However, I see that the Commissioner's office has a Stop and Search Scrutiny Panel which analyses disproportionality. The report notes that black people are some 4.7 times more likely to be subject to stop and search than a white person, with white people less targeted than any other group. Was this an honest answer, in being told there are no measures to monitor racial equality? Or was it that the results are not favourable?

The independent Stop and Search scrutiny panel assesses a dip sample of individual stop and search records against the best use of stop and search scheme guidance. Whilst the panel has previously attempted to analyse whether stop and search is used disproportionately, the report this year details why such analysis has significant limitations.

**Further question in response to the written answer provided by the PCC to the FOI:-**

With regards to the attached, it is apparent that scrutiny of potential racial disproportionality in Covid legislation FPNs did not take place until subsequent to my question to the OPCC and a number of weeks well into the lockdown period. Considering the known high rates of disproportionality in stop and search figures should the OPCC be more proactive on this matter?

This is incorrect. All data on FPNs is collated and disseminated from ACRO, the Criminal Records Office and therefore the Constabulary and OPCC are dependent upon the timeliness of the data being sent. The OPCC was in receipt of the data on 22 May 2020 and had undertaken informal scrutiny prior to the FOI. The formal coercive powers board meeting was held on 12 June 2020, after the FOI response was issued. At the time of the FOI request the OPCC had not undertaken formal scrutiny which is why it came back as a nil return which was the legal position and advice given around responding to the request. We are reviewing our FOI process to see whether there are ways that we can add value to responses in the future. Given the low level of FPNs in Hertfordshire, it is considered that timeliness and level scrutiny undertaken by the OPCC is appropriate and proportionate.

**Questions from Cllr Colin Woodward**

**Item 6**

Pl ask the PCC to update us (and the public who raised the matter) now that his next meeting (as mentioned below) with the Extraordinary Coercive Powers Board will have occurred.

*The next meeting is scheduled for Monday 20 July of which the OPCC is invited and is able to ask questions and scrutinise the data on behalf of the Commissioner. When the OPCC received the Freedom of Information request on 3 June, the Coercive Powers Board had not formally met and the OPCC was awaiting the data to be released to Hertfordshire Constabulary from ACRO*

Individual postcodes and addresses of the 259 issued with FPNs have been analysed finding that nearly one third were issued to people who do not live in Hertfordshire. Of the 259, 189 were issued to white people and 67 to BAME people.

It was noted that FPNs are not random, and only applicable to those breaching regulations, which will be a small subset of the population. Therefore, it is not possible to use the resident population as the base for understanding whether there is a disparity. It is also the case that there have been multiple FPNs issued to some individuals who continued to breach lockdown rules and it was unclear in the meeting how many individuals the 259 tickets relate to, which could skew the data further. Further work is being undertaken by the Constabulary to understand how many individuals those tickets relate to.

However, with those caveats, a crude disparity analysis shows that the likelihood of being issued with an FPN was 1.6 times higher for BAME residents than white residents. It is not felt at the moment that this is a helpful way to understand whether there is disproportionality, and more work is being done to find a better way to analyse the data.

#### **Questions on the Annual Report, Independent Stop & Search Community Panel:**

1. Why have recruitment of members not been pursued using 'virtual' interviews to reach at least a short list for vetting? Clearly there is a challenge to get younger members with 69% over 41 and most likely not representative of those Stopped. Younger applicants would potentially be comfortable with such a process being largely on-line and advertising could already be on social media; is it? BAME recruitment is mentioned several times and yet the composition of the current Panel seems heavily skewed to over-representation vs the Census, (we are not given the mid-term comparators), of Herts population demographic.

A challenge faced nationally by most volunteer schemes is how to recruit people across all demographics. The panel have previously had a number of members who are students from the University of Hertfordshire under the age of 25. However, their attendance has been time limited given the nature of their studying timetable and things not always being convenient for those studying or in part-time jobs. As part of the panel's engagement activities, presentations have been given to YC Hertfordshire, youth clubs and Oakland College Students

2. The ACC states: *We welcome feedback from our communities in relation to stop and search. The feedback form can be found here [www.herts.police.uk/Information-and-services/About-us/Transparency/Stop-and-search/Community-complaints-trigger](http://www.herts.police.uk/Information-and-services/About-us/Transparency/Stop-and-search/Community-complaints-trigger).* Is this feedback known to the Panel and what does it indicate?  
The panel receives regular updates from the Professional Standards Department about complaints received and the OPCC Complaints Resolution Team. There were no Community Triggers during 2019/20.
3. Panel Terms of Reference are apparently annually reviewed, where might they be found?  
The terms of reference, and other information relevant to the panel, are available on the Herts PCC website at <https://www.hertscommissioner.org/stopsearch>.
4. A Use of Force Panel is mentioned – why doesn't PCP have their report?  
The use of force panel is a Constabulary supported panel and does not produce an annual report. Information about the panel including the minutes of the meetings can be found at <https://www.herts.police.uk/Information-and-services/About-us/Transparency/Use-of-force/Use-of-Force-Scrutiny-Panel>.
5. Page 11, there are no comparative figures for Essex as there are for other forces.

Essex carried out 8508 stop and searches between April 2019 - September 2019 with a stop to arrest ratio of 9.8 per cent.

#### Questions arising from Item 9 – Independent Custody Visitors Annual Report:

1. With two functioning Custody Suites now up to standard i.e. including Skype connectivity, what is the plan for 'mothballed' suites that in some cases have languished unused for many years e.g Bishop's Stortford, (there may be others)? Are they to be uprated in case of need? Otherwise it seems an inefficient use of the estate.  
Custody provision is a matter for the estates and facilities team and is reviewed on a regular basis. This is not a matter for Independent Custody Visitors.
2. With less than half of ICV's under 59, all but 2 over 50, and all over 40, the Report identifies the need for action to redress the poor representation vs those in custody *this year*. So, what has been done pl?  
The OPCC has started to utilise different channels including Instagram to reach out to younger people. This is in addition to Twitter and Facebook. The OPCC have a dedicated University of Hertfordshire account which enables the OPCC to directly message students. Posts can include a message to ask people to tag friends and family that they think they might be interested or share it on their own timeline. We do not underestimate the challenges that this presents given that the scheme sets a minimum requirement of visits per year as well as attendance at Panel meetings which is not always convenient for students and those in full time jobs.
3. Custody detentions are said to have fallen by 6% due to 'the positive impact of Drug Warnings and Cautions'. How does the Commissioner assess 'positive impact' and ensure it not e.g. just less time and paperwork for officers having to transport and wait for booking in of detainees to utilise these other options.  
This 'positive impact' is a comment on custody numbers, not the effectiveness of drug warnings and cautions, which is not a matter for Independent Custody Visitors to take a view on. However, drug warnings and cautions contain a reparative condition, which ensures that the offender takes steps to repair the harm they have caused.
4. The PCC values frontline policing. How much Officer time is lost to the front-line by operating just two Custody Suites and issues such as in 3 above?  
Time spent transporting detainees to custody is part of the role of a police officer, and as such is not time lost. The time spent undertaking this duty is an operational matter and custody provision is a regular agenda item in my formal holding to account meetings with the Chief Constable.
5. 14% in custody are recorded by ethnicity as Black vs 2.8% of the Herts population. How does the PCC account for this difference and has this given rise to any actions?  
The 2.8% figure is from the 2011 census and therefore 9 years out of date. Additionally, and as discussed previously, a proportion of those detained in Hertfordshire will not be Hertfordshire residents. Whilst I intend to fully pursue the question of disproportionality, we need to develop a more nuanced methodology and recognise that disparity does not necessarily imply disproportionality.

#### Question from Dr Malcolm Ramsay

The Commissioner will have heard this before, but my query to him remains: Can it really be right for his Annual Report as Police and Crime Commissioner to exist in largely a measurement vacuum?

Right at the very beginning of the report, there is a sequence of conflicting statements which highlight the measurement vacuum. First there is a ringing claim: “Last year showed a very positive picture for the performance of Hertfordshire Constabulary with crime down by 1.8% and a criminal justice outcome rate of 13.4%.” (At the very least, there is a missing word here: the reference should be to ‘recorded crime’, not just ‘crime’.)

Less than a dozen lines later, another paragraph opens: “Under-reported crime means that victims are not getting justice and perpetrators are free to harm others.”

What is the ordinary reader to make of these apparently contradictory statements so close together, right at the beginning of the Foreword?

Tackling the measurement vacuum is not going to be easy, but this Commissioner is well placed at the national level to do more to address the vacuum. He has the clout, and the links with the Home Office, to enable him to promote a more nuanced and intelligible set of indicators, to provide a clearer picture of what has been happening during his lengthy tenure for Hertfordshire, now approaching a full decade.

Meanwhile, shouldn't any discussion of measurement of crime in the Commissioner's Annual Report come with more a 'health warning'?

As you mentioned, we have had these discussions before. The matters you refer to are issues that need to be addressed mostly at the national level, and then broken down by constabulary area, and I am a part of those discussions. Some crimes are underreported and any improvements in levels of reporting lead to an increase in recorded crime. Some crimes are more consistently reported and increases in levels of reporting are an actual increase in levels of crime. The overall recorded crime figures give, to some extent, a gauge of the true level of crime in Hertfordshire. Although, as we have discussed at previous meetings, changes to recording standards invariably result in an increase in recorded crime whilst the true level of crime remains static. Whilst we are moving to a prevention focus for the constabulary in an effort to reduce the occurrence of crime in the first instance, we will all recognise that there are factors beyond our control, such as can be seen in the significant fall in crime this year caused by the lockdown.

#### **Questions from Mr Ian Laidlaw-Dickson**

On item 8, Annual Report.

Page 18, file quality. What improvement in performance has occurred since the Case File standards Unit was created?

The File Quality Unit assure and enhance files for onwards submission to the CPS, helping officers get the files read for cases and trials. The new staff have just completed their induction training and are now ready to go live. It is therefore too early to have any quantifiable data to show an improvement. The unit is based on the similar model to that in Cambridgeshire, but Hertfordshire is also required, as set out by Thames and Chiltern CPS, to produce domestic abuse cases to a Not Guilty Anticipated Plea (NGAP) standard. Whilst the Cambridgeshire unit is therefore not entirely comparable, in the first 12 months of being operational, files that did not meet the national file standard fell from 31% to 24%.

Page 20 Rape Scrutiny Panel, great initiative but has improvement in rape outcomes occurred?

The rape scrutiny panel has only recently been set up, so it is not currently possible to assess its impact. However, rape and sexual offence criminal justice outcomes is a top priority for the constabulary. Over the last year, rape outcomes have increased from 3.2% to 7.7%, and sexual offences outcomes have increased from 5.8% to 12.8%. For rape outcomes, Hertfordshire is 2<sup>nd</sup> in our most similar group of forces, and for sexual offences outcomes Hertfordshire is 3<sup>rd</sup>. There is clearly still more work to do, but we are moving in the right direction.

Item 10 Stop and Search. Real issue is what view Commissioner has on Stop and Search and its efficacy. Arrest rate is declining - what's then overall benefit and will the Constabulary's Equality Impact Assessment be published?

I share the scrutiny panel's concerns around the reduction in the positive outcomes during 2019-2020 and will be looking to commission some work to better understand what is driving this change. I am particularly keen to broaden it out beyond arrests to include court disposals, drug warnings and cautions which negate the need for individuals to be processed through custody suites. I am interested to see whether there is variation in the positive outcome rate between those stops and searches under S23 for Drugs and those S1 searches for offensive weapons.

### **Questions from Cllr Sam North**

Item 8.

What are the current entry requirements for a PC and has that minimum requirement changed in the past 3 years as a part of the recruitment drive?

That is an operational matter.

What priority is Hertfordshire Constabulary putting towards the environment and its carbon footprint? Have measures been taken to improve its overall impact on the environment?

My Community Safety and Criminal Justice Plan commits to looking at a range of initiatives to help us to be more environmentally sustainable and develop initiatives for energy efficiency, fuel savings and carbon off-setting. As part of our estates programme all new buildings are energy efficient through improvements in insulation and LED lighting. The Chiltern Transport Consortium are already reviewing our fleet arrangements with an intention to reduce the constabulary's carbon footprint, and the redevelopment of Stanborough is being used as an opportunity to reduce our reliance on fossil fuels.

Racial inequality is clear to see in many of the figures recently presented such as Stop and search and FPN issued. Is Hertfordshire police acting on all of the recommendations from the Macpherson report and Lammy enquiry and if so what progress has been made with each of the relevant recommendations?

The implementation of police recommendations is an operational matter.

Item 9.

Of those cases where a detainee has complained of an issue relating to their rights, how many were investigated and what was the result of those investigations?

Those matters are dealt with in the report. Where issues relating to rights were raised, they were dealt with by the ICV liaising with custody staff.

What percentage of people detained under S136 of Mental Health Act were kept in police custody suite for any period of time?

This is dealt with in the report. No one detained under S136 has been kept in a police custody suite in Hertfordshire in the last five years.

**Item 10.**

What are the causes for the reduction in positive disposals of stop and searches?

This is not within the scope of the stop and search panel annual report, but is being looked into by the OPCC.

12.3pc non confidence is an improvement however is still rather high when considering the audit process of stop and searches. What is the definition of 'non-confidence'? Of those 12.3pc of incidents, how many are investigated by IOPC or Internal professional standards?

The panel have their own definition with regards to confidence and not confidence of the stop and searches. These relate to the panel judging, for example, that the officer has not provided sufficient grounds to the subject about the reason for the search and/or the officer not providing information on how the individual(s) searched matched the intelligence and description provided to them. A view of non-confidence from the panel does not mean that the stop and search was inappropriate or unlawful. Any records that the Panel deem 'not confident' are shared with the relevant Chief Inspector and used as a training and learning opportunity with the individual/s.

Why did the panel only view 8 incidents of BWV. Is it not the case that all stop and searches must be recorded on BWV? If so, what action was taken against those officers who did not use BWV and conversely, if BWV is not a requirement, why is it not?

Page 16 of the Stop and Search report gives the rationale as to why the panel were only able to review 8 incidences of BWV in the year 2019 -2020. This is primarily because the footage takes up more time to observe, listen and reach conclusions than it does to dip sample the record. As a monthly meeting, the Panel undertake a range of functions including dip sampling of cases, reviewing county data and any S60s. Every other meeting BWV is reviewed and twice a year the Panel review any complaints data. The Panel realise there is further work to do increase its sample size and are actively recruiting new members to provide additional capacity.

It is down to individual forces to determine their policy around BWV. Hertfordshire Constabulary adopt the mandatory position to switch on BWV to incidents of domestic abuse and stop and search. The level of officer compliance with BWV is subject to an internal audit review by the Constabulary.

On a further note: it would be interesting for the panel to see the Stop and search training provided to officers and include the frequency of retraining.

That is a comment and not within the remit of the Panel.

**Item 11.**

I am glad to see this report but would ask that we please also have a quarterly report on officer welfare and force human resource resilience. Is this something the PCC would be happy to Provide?

This is a request for operational information and, as such, not within the remit of the Panel.