

# ANNUAL REPORT



## Hertfordshire Independent Stop and Search Community Scrutiny Panel

1 April 2021 – 31 March 2022



**David Lloyd**  
Police & Crime  
Commissioner  
FOR HERTFORDSHIRE

## 1 Purpose of the report

This report provides a summary of the work undertaken by the Hertfordshire Independent Stop and Search Community Scrutiny Panel between 1 April 2021 and 31 March 2022. 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 1 March 2021 to 28 February 2022.

It is the role of the Panel to scrutinise and provide feedback on 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 work of the Panel's scrutiny function, including the random sampling of stop and search records, monthly and trend summary data, body-worn camera footage (BWV) and Section 60 authorisations. It also considers the Panel's development in its role and outlines the Panel's next steps for 2022/23, in order to continue improving external scrutiny measures.

At the end of the report there is a glossary to explain some of the terminology used throughout the report.

## 2 Deputy Chair Foreword

The aim of the Hertfordshire Independent Stop and Search Scrutiny Panel, (set up 7 years ago) is to ensure transparency and enhance public confidence in the Constabulary's ethical and lawful use of stop and search powers. Over the last year the Panel has continued to scrutinise stop and search records, Stop & Search data, body worn camera footage (BWV) and any Section 60 authorisations. Most of our monthly meetings have been managed virtually but as restrictions have been lifted, we have been able to meet face to face.

There has recently been a very successful recruitment drive held by the Office of the Police and Crime Commissioner with the Panel currently numbering 35 members in total. Going forward the Panel will continue to seek representation from those communities most affected by stop & search and those with lived experience.

It is the Panel's role to objectively review officer records whether written or visual as in the case of BWV. When we meet, the Panel scrutinises the record to ensure that the Officer had reasonable grounds to suspect that an unlawful item or stolen goods were being carried. The Officer record should enable the Panel to obtain a clear picture of why, when and how the member of the public was stopped and searched.

Stop and search has attracted controversy nationally since its inception and the Panel is there to represent the people of Hertfordshire to ensure that the use of stop and search is fair and

appropriate. This year the Panel have resumed their scrutiny of body worn video footage and focused on obtaining further clarity in the written records. The Panel have identified that the main reasons for not being confident in written records includes the use of the word 'intelligence' without any detail of what the intelligence was or how recent it was, and stating that the individual searched 'matched' a description without detailing that description and how they matched it.

The panel have also highlighted records which are a copy and paste of any record. Recently they have been pleased to see that the Constabulary's internal guidance have been updated to clarify that copy and paste records are no longer considered appropriate.

The Panel has contributed to continuing professional development of officers both by means of training videos, and in the continuing presence of sergeants to our meetings.

The Panel's new Data Champion has been instrumental in supplying the Panel with a monthly summary of stop and search data. This has enabled the Panel to identify trends over a longer period and to compare and contrast data across the 10 Community Safety Partnerships (CSPs). Going forward as the Constabulary moves to fully use Microsoft Power BI (interactive data visualisation software), we will be able to home in on specific areas.

Finally, on behalf of the Panel, I would like to thank Marianne Murphy who has supported and chaired the Panel with gusto over the past 12 months. I would also like to thank the staff at the Police and Crime Commissioner's office and Inspector Nicki Dean and Sergeant Karen Mellor from Hertfordshire Constabulary's Crime Reduction and Community Safety Unit. We are also grateful to the Constabulary's data team who support our data analysis, and for the continued attendance of members of the Constabulary at our meetings which has enabled us to ask further questions and indeed to seek clarification on certain operational issues.

### **Mohammad Islam-Ruman**

Deputy Chair of the Hertfordshire Independent Stop and Search Community Scrutiny Panel

## **Police and Crime Commissioner's Foreword 3**

The Hertfordshire Countywide Independent Stop and Search Scrutiny Panel was first established in 2015 and I am pleased to see that Hertfordshire has maintained a strong scrutiny Panel over the past six years, with the current Panel being the largest in number and most diverse since the Panel's inception. The Panel of volunteers continue to dedicate their time each month to providing a vast amount of valuable feedback and scrutiny to the Constabulary. I am incredibly grateful for the time, effort and diligence that the Panel has continued to show over the past 12 months.

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 power to search is coercive however, and must always be used fairly, ethically and with just cause. It is the role of the Hertfordshire's Stop and Search Panel

to provide independent scrutiny of police performance. This independent scrutiny should give the public greater confidence that the police are discharging their powers proportionately, legitimately and ethically. That fairness and integrity sits at the heart of modern policing and this panel helps to provide that useful challenge and temperature check.

The report notes an increase in the arrest rate and positive disposal rate which is encouraging to see after a number of years of continued decline. The report notes a decrease in the confidence rate of the panel, with confidence levels at 66% for the year. I recognise there are many reasons why the Panel may find that they are not confident in a record such as lack of grounds, because it is a copy and paste record or because the member of public should have been arrested rather than a stop and search conducted. I will be asking my office to conduct a review of the non-confident records from the past year and provide a report that identifies the reasons for that lack of confidence.

I am pleased to see that the Panel has managed to resume their scrutiny of BWV footage and hope that over the coming year a suitable sample size can be reviewed in order to make observations and recommendations. I am also pleased to see the impact that the Panel's feedback has had on Constabulary policy and the clear guidance that copying and pasting grounds for a search is never acceptable.

I look forward to working with the Panel over the coming months to commission and fund a significant research project to further understand the disproportionate use of the power in Hertfordshire. I acknowledge the thesis completed by Inspector Andrew Palfreyman and thank him for his work. I hope to build upon this and whilst we can see from the data that the use of stop & search is disproportionate, I want to understand whether there is evidence that the tactic is being deployed on a discriminatory basis.

The Panel has identified a number of recommendations in this report. This includes additional scrutiny of CSPs whose positive disposal rates are much lower than other areas of the County and identifying new ways to engage with those most impacted by Stop & Search. I strongly support and endorse the Panel to do so and look forward to hearing the outcomes from their reviews. I will use the findings from their reviews to inform my regular meetings with the Chief Constable.

**David Lloyd**

Police and Crime Commissioner for Hertfordshire

## 4 Hertfordshire Constabulary's Foreword

The police use of stop and search is one of the most widely debated, examined and at times contentious elements of police powers. Stop and search is by its very nature highly intrusive and whilst a valuable tool in fighting crime and keeping people safe, its use or indeed misuse, goes to the very heart of police legitimacy. It is not unreasonable therefore for the public to expect the very highest standards of professionalism and integrity in all that we do in order to protect them. The public also expect that when we do use our powers we use them appropriately, respectfully, ethically and judiciously in order to maintain the very fabric of the British policing model, that being policing by consent.

We've also seen both nationally and locally, very real concerns about the use of these powers and its potential to undermine trust and confidence among some communities, particularly when such powers are seen to be used disproportionately when compared to the local population. It is only right therefore that a large amount of time and scrutiny is focused on topics such as disproportionality in order to understand when it occurs, seek evidence to explain it and do this openly, in order to build trust amongst all the communities we serve.

The Hertfordshire Independent Stop and Search Community Scrutiny Panel plays a vital role in providing independent oversight and highly valued feedback to the Constabulary at strategic, tactical and operational levels. It helps us to better understand how stop and search is carried out across the county but also, at an individual level, how Officers approach and record stop and search encounters. This includes whether their justification or 'grounds' appears appropriate and sufficient. It enables feedback to be given to Officers and their supervisors, supporting learning where we don't get things right. And, in turn, the feedback helps the Constabulary in understanding whether there are apparent reasons for disproportionality or wider areas of concern. This has seen a number of actions over the past 12 months, including the use of 'dip sampling' of Body Worn Video by supervisors to ensure our Officers are maintaining the high standards we demand.

It is pleasing to note a lot of recruitment activity this year for the panel which has seen its membership increase to 35. However, it should be noted that whilst successful in terms of growth, despite directly targeting organisations and groups that we hoped would have an interest, this was less successful in terms of expanding the diversity of the panel. As a result, I know the OPCC will be working to address this over the next 12 months to which we will give our full support. I also note that 15 Police Sergeants joined panel meetings last year to observe with positive feedback received from both the panel and the Sergeants. This assists not only the panel to better understand the operational context, but also allowing the officers to gain a greater understanding of the impact on communities which can then be taken back to their teams.

The panel has assisted with the creation of high-quality training materials that have been rolled out across the entire Constabulary, adding to officers' knowledge and further setting out the standards we expect. The panel brings real lived experience of those subject to stop and search providing insight which in turn, better informs our understanding of the impact of stop and search and how best to use it.

As we moved out of COVID we have seen a return to 'normality' and with it, we have seen a rise in both arrest rates and wider positive disposals as a result of stop and search encounters. Where we have seen areas of the County which have not seen similar improvements, we have commissioned deep dives in order to understand why. However, I also note that the panel's overall rate of confidence in the records reviewed is at 66% for the year, which is a reduction on the previous year. Whilst disappointing, this serves to demonstrate that this is a complex and evolving topic, with the panel rightly setting a very high bar on behalf of the communities they represent. We will continue to work with the panel to ensure we do all we can to improve their overall confidence in the coming year.

Finally on behalf of the Constabulary, I would like to thank all Panel members for their commitment, feedback and insight and, in particular, the coordination and leadership of the Chair Marianne Murphy over the past 12 months. I look forward to their ongoing feedback and re-commit to supporting the Panel's work and recommendations.

**Chief Superintendent Dean Patient**

Chair of the Hertfordshire Constabulary's Use of Police Powers Board

## 5 Summary

### Key Findings

- ❖ This has been the first year since 2017/18 where an increase has been seen in the stop to arrest ratio. The stop to arrest ratio for 2021/22 was 15.7% which was up from 10.6% in 20/21.
- ❖ Overall, the positive outcome rate for the County increased from 23.5% to 26.9%. Eight Community Safety Partnerships (CSPs) observed an increase in positive outcome rates with only North Herts and Broxbourne observing a decline compared to 20/21.
- ❖ Welwyn Hatfield had the highest positive outcome rate (for all search types) of all CSPs at 34.8%.
- ❖ Watford and North Herts observe the lowest positive outcome rates at 19.9% and 21.7% respectively.
- ❖ 337 stop and search records were dip sampled this year out of a possible 7461 (4.5 %). This is similar to the previous year where 4.6% of records were sampled.
- ❖ The Panel's position of confidence with records dip sampled is at 66% with 34% marked as not confident. The most common reasons for not being confident were:
  - o Record being a copy and paste of another record.
  - o Where the Officer had a description of the individual they were looking for, they have noted the individual searched 'matched the description' without giving detail of what that description was.
  - o The Officer has given 'intelligence' as their grounds or part of the grounds without detailing how recent that intelligence was or how it was relevant.

### Key achievements

- ❖ The Panel have continued their scrutiny role, mainly through virtual meetings across the year. In addition to the regular monthly meetings many of the Panel have also attended refresher training over the past 12 months.
- ❖ The Panel resumed scrutiny of body worn video in June 2021 with eleven pieces of footage reviewed this year.
- ❖ 15 Panel members supported with scrutiny of some additional records, outside of the regular Panel meetings. This scrutiny supported the Constabulary with a deep dive they were conducting in one area of the county.
- ❖ 337 dip samples of stop and search records for Hertfordshire were assessed this year out of a possible 7461 (4.5 %). The Panel also reviewed 2 Section 60 authorisations.
- ❖ In early 2022 there was a very successful recruitment webinar held by the Office of the Police & Crime Commissioner and supported by the Panel. 150 members of the public joined this webinar which resulted in 20 new members joining the Panel.



- ❖ The Panel have engaged with and supported an Inspector to complete a University Master's thesis on disproportionality in Stop & Search.
- ❖ A deep dive was held in November exploring Stop & Search of those under the age of 18 years.
- ❖ Changes have been made to the Stop & Search Standard Operating Procedure following Panel feedback which makes it clear that copy and paste should not be used in grounds for a Stop & Search.
- ❖ 15 Sergeants have joined the Panel meetings to observe over the past 12 months. Feedback from these Sergeants has been very positive, and they have said they found it an interesting and beneficial exercise.

### Recommendations for the year ahead

- ❖ To fully induct new members onto the Panel and keep all members up to date with training. This will help to ensure that there is consistency across the panel when scrutinising records. A moderation process will also be developed.
- ❖ To identify CSPs where additional scrutiny may be helpful in order to support improvements or identify legitimate explanations for lower positive disposal rates, e.g., Watford, North Herts and Broxbourne.
- ❖ To identify new ways to engage with the community; particularly with those who are most impacted by Stop & Search.
- ❖ To continue to ensure that feedback to the Constabulary is clear. Following the recommendation in Inspector Palfreyman's thesis, the Panel will explore introducing a red, amber, green rating system. (This was a thesis on disproportionality in Stop & Search.)
- ❖ To further explore disproportionality and support the PCC to commission research to understand whether there is any evidence of Stop & Search in Hertfordshire being discriminatory.

## Background 6

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 A. In the same year 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. It was intended that the reforms should contribute to a significant reduction in the use of stop and 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 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 PCC 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.

## 7 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 35 volunteers, all of whom live, work or study in Hertfordshire. Recruitment for new Panel members is normally undertaken twice a year. Many of the current Panel members joined after a very successful recruitment campaign in early 2022 with these members attending their first meetings in February and March 2022.

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. Additional training or information is provided throughout the year as needed or requested. For example, this year the Panel received a presentation on the use of handcuffs in stop & search.

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

The gender breakdown of the Panel is 49 % male and 51 % female.

The age breakdown of the Panel is;

- 18-30 years – 0%
- 31-40 years – 14%
- 41-50 years – 20%
- 50-60 years – 17%
- 61 years and above – 49%

The self-defined ethnicity of Panel members is;

- White British – 77%
- White European – 0%
- Black – 14%
- Asian – 3%
- Mixed – 6%



This compares to the Hertfordshire ethnic breakdown which according to the ONS Census 2011 was:

- White – 87.6%
- Asian/Asian British – 6.5%
- Black/African/Caribbean/Black British – 2.8%
- Mixed/multiple ethnic groups – 2.5%
- Other ethnic groups – 0.6%

Of the estimated population of Hertfordshire at mid-2019, 49% were male and 51% were female.

### **What is a Stop & Search?**

When a police Officer stops you or your vehicle and searches you, your vehicle, or anything you are carrying.

Powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination.

### **What is the purpose of Stop & Search?**

To enable Officers to eliminate or confirm suspicions that an individual may be in possession of stolen or prohibited items, without exercising their power of arrest, and to provide safeguards for those who are searched.

### **What is reasonable suspicion?**

Reasonable grounds for suspicion is the legal test which a police Officer must satisfy before they can stop and detain individuals or vehicles to search them. Reasonable grounds for suspicion will depend on the circumstances in each case.

There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind. Reasonable suspicion can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by, the person concerned.

A police Officer has powers to stop and search you if they have 'reasonable grounds' to suspect you're carrying:

- illegal drugs
- a weapon
- stolen property
- something which could be used to commit a crime

## 8 Meetings

Terms of Reference (ToR) are in place to guide the Panel and are reviewed annually. This ensures that the role of the Panel and the way in which it operates is kept up to date.

A Chief Inspector, Inspector or Sergeant from Hertfordshire Constabulary's Crime Reduction & Community Safety department is in attendance at all meetings so that operationally specific questions can be asked directly by members. In addition, the Chief Inspectors of each district are invited to attend meetings during which stop and search records and BWV footage from their areas are reviewed. They are accountable for any issues and concerns identified that are linked to their district area.

The Panel meets monthly to review the preceding month's activity and therefore, this report covers its activities between 1 April 2021 and 31 March 2022, correlating to the Constabulary's stop and search activity from 1 March 2021 to 28 February 2022.

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, the review of monthly summary data and the scrutiny of BWV footage, Section 60 authorisations and complaints. (See appendix for further details.)

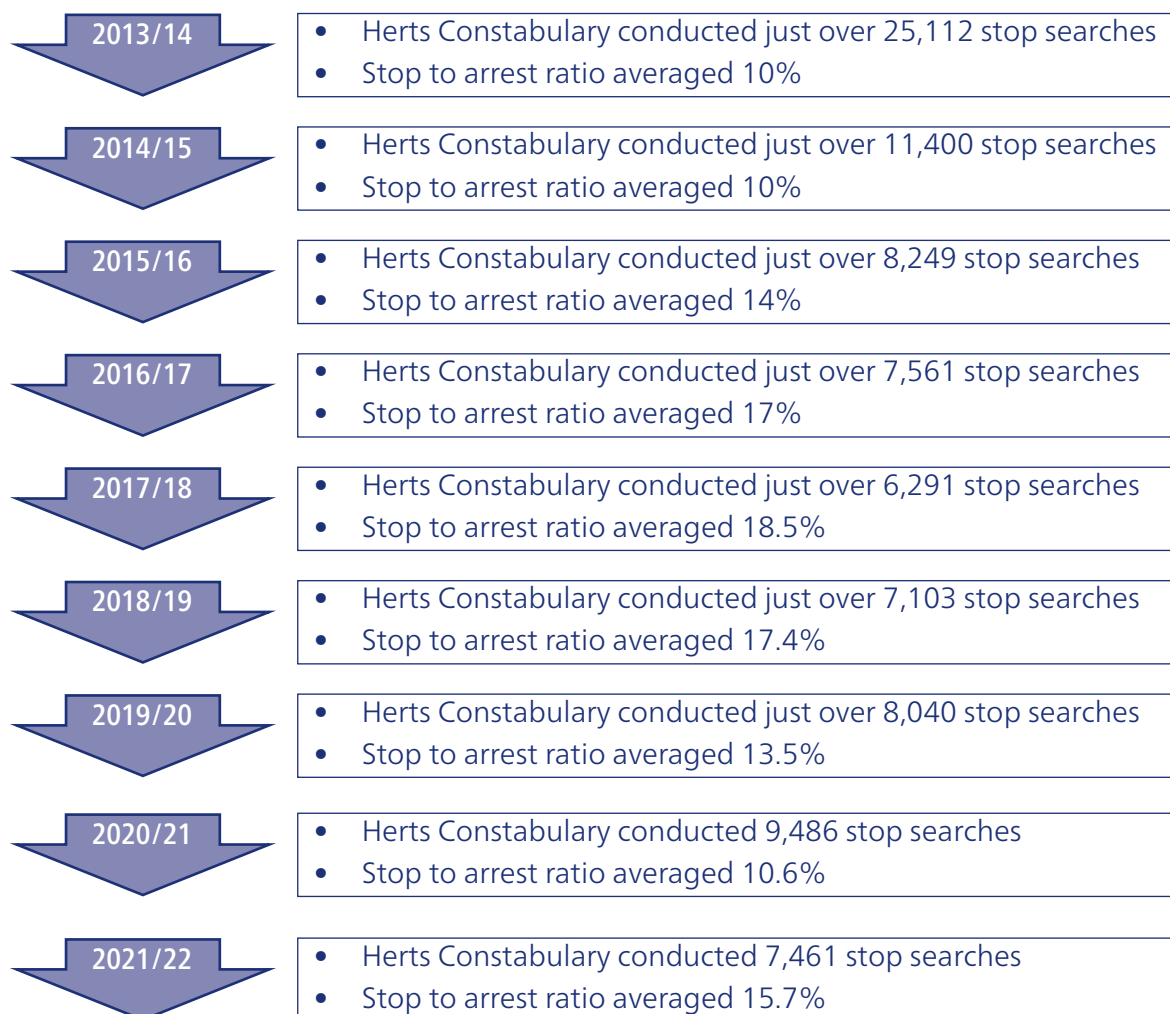
To ensure the work and views of the Panel impact on the performance of Officers on the ground, a full feedback loop has been developed. At the end of each meeting, feedback corresponding to all scrutiny activities identified above, is circulated to senior Officers in the Constabulary, including the Chief 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 Professional Standards Department (PSD).

As stipulated in the Best Use of Stop and Search, Panel members have previously been 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. Unfortunately, during the pandemic, the ride along scheme has been on hold. It has recently been resumed and Panel members will be invited to apply shortly.

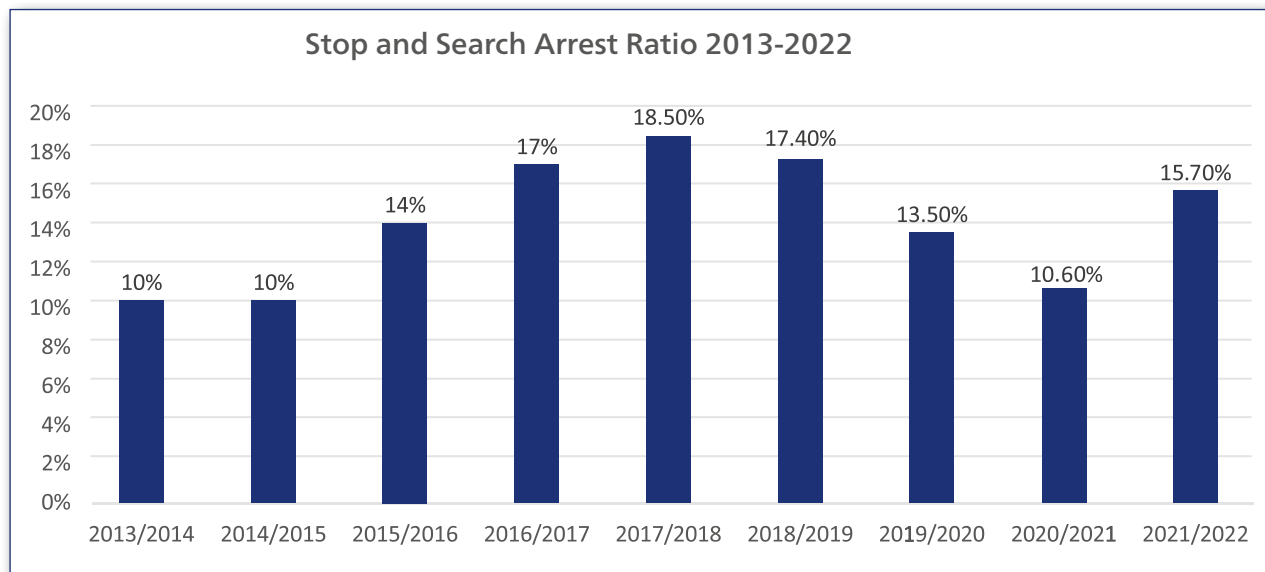
### Stop to arrest ratio

Hertfordshire Constabulary conducted 7,461 searches in 2021/22. Of these searches 1,168 resulted in an arrest (15.7%). This is up from the previous two years in which the force was able to reach stop to arrest ratios of 10.6 % and 13.5%. (See appendix for comparison to similar force areas.)

**Figure. 1 Stop and Search in Hertfordshire between 2013 and 2021/22**



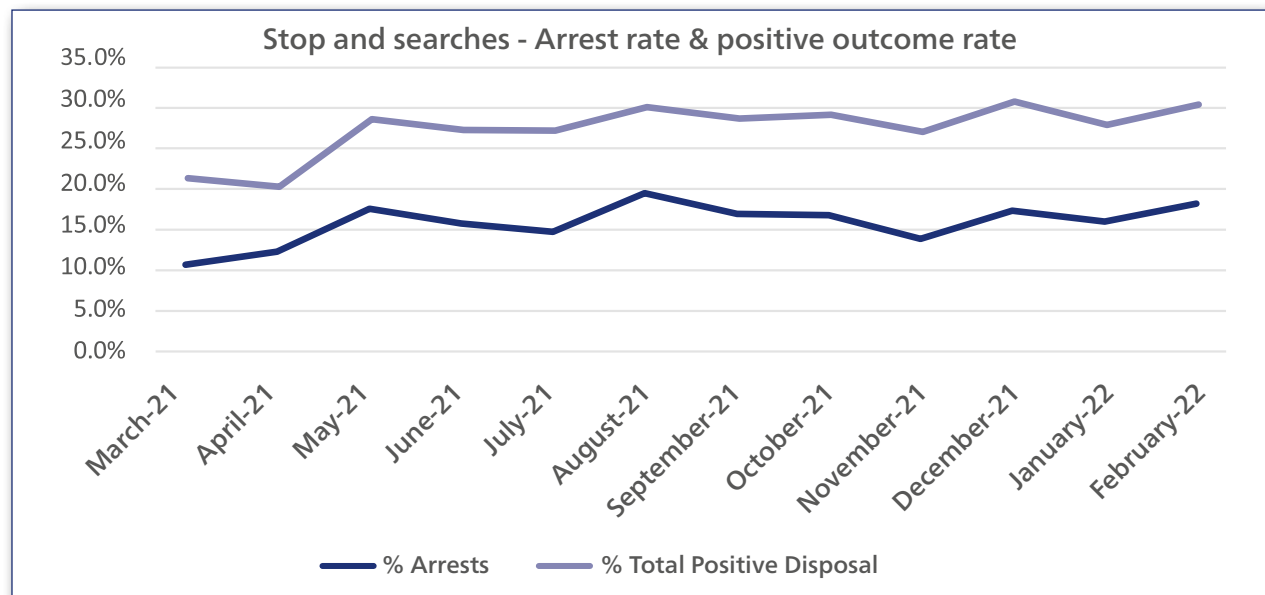
**Figure 2: Stop and Search arrest ratio between 2013- 2022**



The number of searches conducted per month has fluctuated between a low of 475 and a high of 856, averaging 622 per month.

Arrest rates have fluctuated between 10.7% and 19.6%, with the highest levels seen in August 2021 and February 2022.

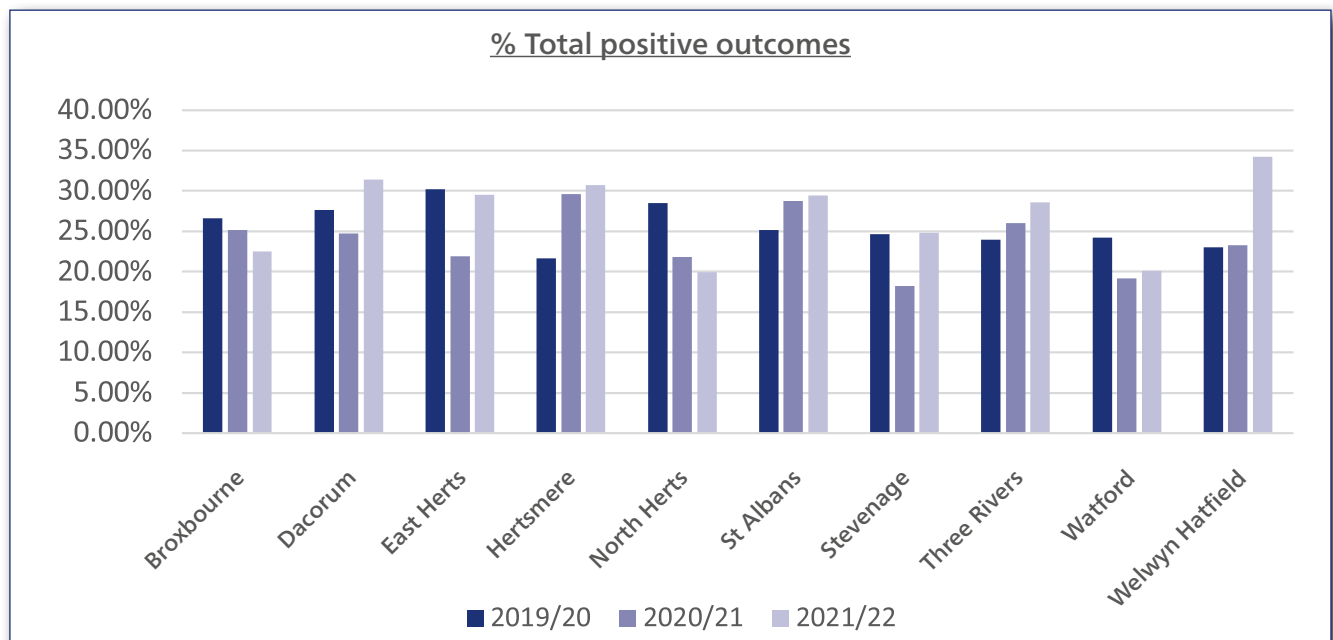
**Figure. 3 Stop and Search positive outcome ratio (March 2021 – February 2022)**



The average positive outcome rate for the year was 26.9%. This was up from 23.5 % in 20/21 and 26.2% in 19/20.

- ❖ The percentage of positive outcomes per search have also been disaggregated per CSP. Positive outcomes include arrests, as well as out of court disposals, such as community resolutions or conditional cautions, which negate the need for individuals to be formally processed through custody suites. Eight CSPs observed an increase in positive outcome rates with only North Herts and Broxbourne observing a decline compared to 20/21. Welwyn Hatfield had the highest positive outcome rate (for all search types) of all CSPs at 34.8%. Watford and North Herts observe the lowest positive outcome rates at 19.9% and 21.7% respectively.

**Figure 4: Percentage of total positive outcome per CSP for the period 1 March 2021 to 28 February 2022 compared to the same period for the previous two years**



### What is the national picture?

Statistics are currently available on the use of the powers of stop and search by the police in England and Wales up to the year ending 31 March 2021.

Between 1st April 2020 and 31 March 2021 an increase was seen in the number of stop & searches across England and Wales and the stop to arrest ratio declined from 13% to 11%.

Among the 43 Forces in England and Wales, Hertfordshire observed the 8th highest arrest rate.

70% of stop and searches in the year ending March 2021 were on males aged between 15 and 34, whilst this cohort comprises 13% of the overall population. Males aged 15-19 had the highest rate of stop and search.

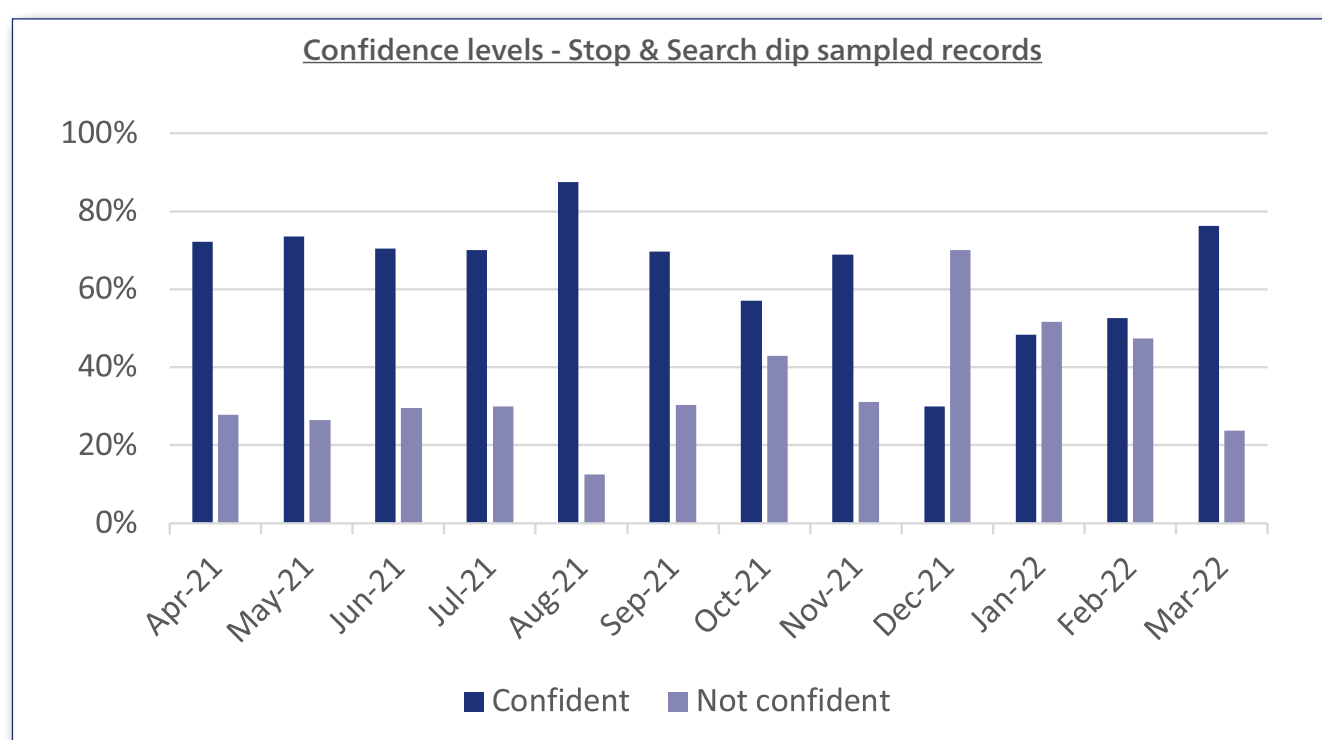
Based on self-defined ethnicity, individuals from a Black or Black British background were searched at a rate 7.0 times higher than those from a White ethnic group (compared with 8.8 times in the previous year), across England and Wales.

## Stop and search records

337 dip samples of stop and search records for Hertfordshire were assessed this year out of a possible 7461 (4.5 %). The position of confidence in the stop and search forms currently sits at 66%, with 34% marked as not confident. This is a decline compared to the previous year where the Panel were confident in 72.2% of records.

Of the 116 records the Panel were not confident in 84 (72%) were searches of individuals of white ethnicity, 17 (15%) of individuals of black ethnicity and 10 (9%) of individuals of Asian ethnicity

**Figure 5: Confidence levels and data reviewed at the monthly meetings**



### Data reviewed in the monthly meetings

April – Countywide data

May – St Albans

June – Countywide data

July – Countywide data

August - Countywide data

September – Hertsmere and North Herts

October – Countywide data

November – Countywide data on those under 18

December – Watford and Welwyn Hatfield

January – East Herts and Hertsmere

February – Dacorum and Welwyn Hatfield

March – Stevenage and Broxbourne

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

- Records being a copy and paste of another record. Due to the copy and paste nature of these records it is often unclear as to why a search was justified for each individual.
- Where the Officer had a description of the individual they were looking for, they have noted the individual searched 'matched the description' without giving detail of what that description was.
- Location details are not clear with no information provided of how close to an incident the individual was stopped.
- Record mentions 'recent intelligence' without any indication of time and how recently that intelligence was received.
- Use of the term 'known drug dealer' or 'known drug user' as grounds for search.
- Smell or admission of drug use is used for grounds without any detail of why they think the individual still has drugs on their person – previously having used drugs is not enough under best use of stop & search guidance to conduct a stop & search.

#### **What do we mean by 'not confident' in a record?**

The Panel review records where the Officer has given their grounds for undertaking that Stop & Search. The Panel review this in line with guidance on PACE Code A and best use of stop and search in order to decide if they were 'confident' or 'not confident' that the Officer had reasonable grounds to conduct the search. Most of the time when the Panel have not been confident it has been because the records lack the necessary detail required. It could lack this detail because:

1. Officer didn't have any further information or grounds.
2. Officer had further information and grounds but didn't include in the record's write up. This may include stating there was 'intelligence' but not how recent that intelligence was or how it was relevant to the Stop & Search, or saying the individual 'matched the description' but not including what the description was and how they matched it.

The Panel can only go on the information they have in front of them in the record so if the detail hasn't been included, they will have to conclude that they are not confident.

In most cases the Panel will state they are not confident if there is more than one record which is identical to another (a copy and paste record). This is because the grounds of the stop & search should be relevant to the individual being searched and it is unlikely that the grounds for searching multiple individuals will be identical.



### **Case Study of a record the Panel were not confident in**

An assault occurred in Hertford on the evening of 03/12/2021. During this assault the victim was punched to the face and had a green laser pen shone in his face. This caused him to lose sight in his left eye for a small amount of time. There are three unknown offenders for this job however the male searched matched the description of one of the potential offenders. Because of this I searched the male under Sec 1 PACE. During this search I was looking for a laser pen. This search was negative, and the male was let on his way.

**Panel feedback:** 'Matched description' on its own won't do – the records need to say how the person matched the description.

No idea of proximity to the assault in Hertford – how close was this stop search to where the offence took place? How close was the stop (in time) was this stop to the assault?

The panel has also sought to recognise good practice and have identified these records to the relevant CSPs. These records have included where the narrative has been clear and concise or explained how the intelligence links to the individual(s).

### **Case Study of a record the Panel were confident in and highlighted as a good practice example**

Police were called to an incident in which a male had been seen to be in possession of a metal pole and a glass bottle. Police had been informed that the male was being aggressive towards members of public and staff. A description of the male had been passed. This was an Asian/ Arabic male wearing a yellow t-shirt, blue jeans and sandals. Upon arrival at scene staff pointed out the subject. I was aware of who the subject was and that he had warning markers for violence. Due to matching the description and the subject's level of intoxication I detained the subject for a section 1 search.

**Panel feedback:** Very clear report and good description given.

## **9.1 Proportionality**

The Panel have continued to take a keen interest in examining data relating to the proportionality of stop and searches by ethnicity and age over the course of 2021/22.

Figure 6: Stop and Search broken down by Officer defined ethnicity (March 2021 – February 2022)

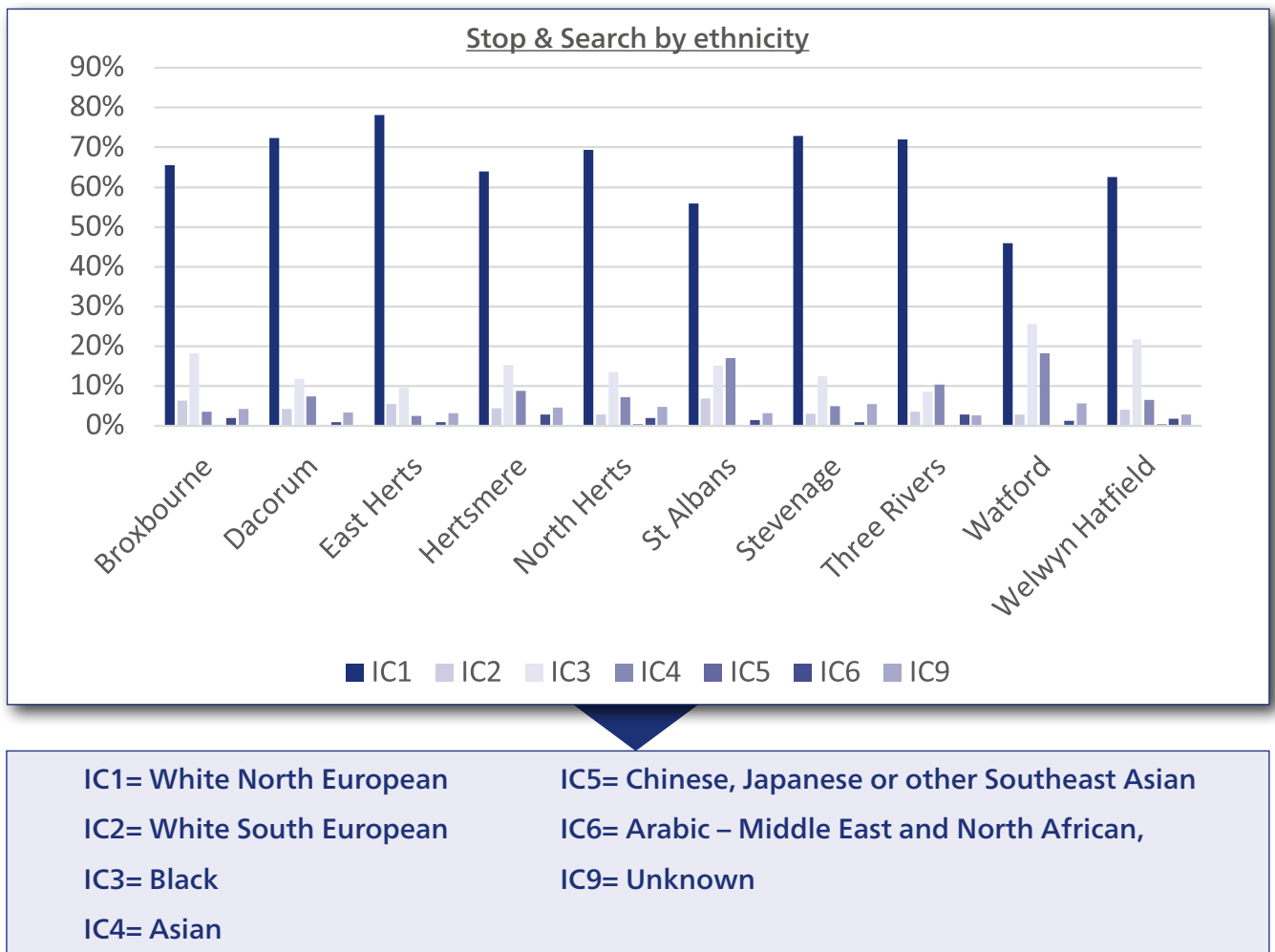
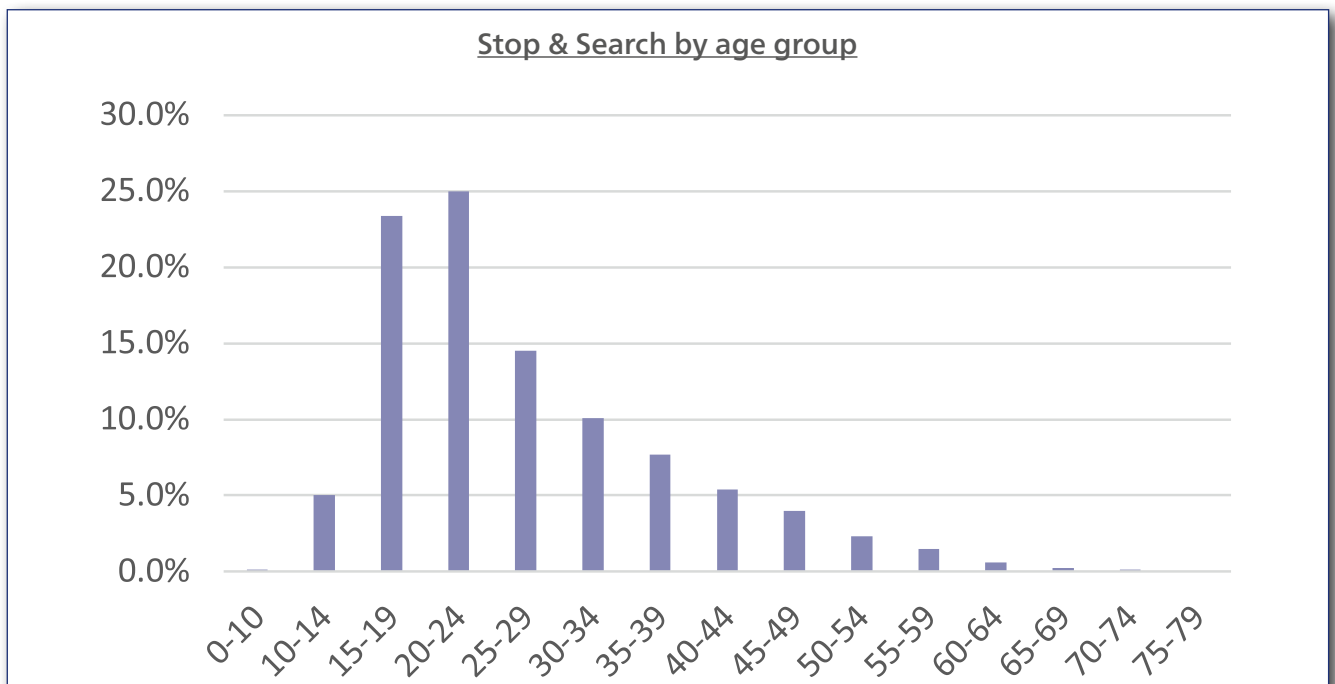


Figure 7: Stop and Search broken down by age (March 2021 – February 2022)



## 9.2 District deep-dives

Over the previous 12 months, the Panel has met with senior Officers from the ten districts across the county. On each occasion, the Panel was able to scrutinise a significant number of stop and searches from that area and report to the Officers on any short-comings, concerns and to highlight good practice. Senior Officers have fed back after the meeting regarding how they have discussed any issues raised or positive comments with their staff and on occasion have come back to the Panel seeking further clarification or to note that they have reviewed records and from their perspective were satisfied with grounds.

## 9.3 Body Worn Video (BWV)

In the last annual report, the Panel stated that they would like to resume the scrutiny of Body Worn Video (BWV) footage.

Due to continued challenges with the pandemic, many meetings have still been held online and this has caused challenges with reviewing BWV. Workarounds have been found to get small groups together to review some footage and recently agreement was given to share BWV via Teams meetings.

It has therefore been possible to review 11 pieces of BWV this year. There was one piece of footage where the video started after the stop & search had finished and therefore the group could not provide feedback. Of the 10 other pieces of BWV reviewed the Panel were confident in them all. Feedback from these 10 pieces of BWV was:

- Detainee was treated with respect and communication was clear.
- Officer treated individual with dignity and respect which led to good cooperation.
- The BWV illustrated the situation; however, the stop and search report would not have stood up to scrutiny on its own.
- GOWISELY was heard in most instances although there were some videos that were difficult to hear, and the Panel couldn't be sure every aspect was covered.

## 9.4 Section 60's

Two Section 60's were reviewed by the Panel at their meetings between March 2021 and February 2022. These were both reviewed in the February 2022 meeting.

The Section 60 authorisations were both related to the same incident in Stevenage where there was intelligence to suggest gang retaliation after a stabbing.

### What is a Section 60 search?

Section 60 of the Criminal Justice and Public Order Act 1994 is different to normal stop and search as it gives police the temporary powers to search people without reasonable grounds. This can only happen in a defined area at a specific time when a senior Officer believes there is a possibility of serious violence, or weapons are involved.

## 9.5 Complaints

All expressions of dissatisfaction are initially logged by the Hertfordshire OPCC Complaint Resolution Team (CRT). Those meeting certain risk criteria (including any relating to a stop and search) and any logged matters which cannot be resolved to the complainant's satisfaction are referred to PSD. In 2021/22 CRT received 14 complaints. Of these 8 were retained by CRT due to the complainant either not engaging with sufficient information to progress, complaint relating to a stop, not a stop and search and BWV being able to disprove the allegation from outset. The remaining 6 complaints were referred to PSD.

Between 1st April 2021 and 31st March 2022, PSD finalised 15 stop and search complaints. There was only one case of learning being identified in finalised complaints. This noted for the subject of the complaint to undergo learning in relation to the completion and submission of stop and search forms – especially with regard to ensuring that the search, object, and rationale of the search are recorded.

There was no use of the community complaints trigger for 2021/22.

To date there have been no complaints about the Stop & Search Panel.

## Appendix A: Comparison of Stop & Searches figures from Hertfordshire and other force areas from July 2021 – December 2021

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Force	Number of Stop & Searches conducted (Monthly Average)	Percentage arrests	Percentage positive outcomes (includes arrests)	Percentage No Further Action
Avon & Somerset	3,109 (518)	15%	24%	67%
Essex	8,419 (1,403)	10%	26%	74%
Hampshire	4,660 (777)	10%	29%	71%
Hertfordshire	3,470 (578)	12%	24%	76%
Staffordshire	2,126 (354)	13%	25%	74%
Sussex	2,934 (489)	20%	32%	68%
Thames Valley	5,501 (917)	14%	26%	73%

**Note:** 9.46% of Avon & Somerset Stop & Searches were blank and had no outcome listed.

## Appendix B: Progress Review

2020/21 recommendations		Progress Update
1.	To resume the scrutiny of Body Worn Video (BWV) footage from stop & search incidents. Ensuring that a purposeful sample size is reviewed which will include individual and group searches.	This has been possible, and 11 pieces of footage were reviewed.
2.	Raise the public's awareness of the scrutiny Panel through effective and regular engagement with community groups across the county.	<p>Awareness was raised during the recruitment webinar which was attended by 150 members of the public.</p> <p>A member of the East Herts Black Parents Association also joined to observe a Panel meeting. The Chair of the Essex scrutiny panel also attended a meeting.</p> <p>Wider engagement has continued to be difficult due to ongoing challenges with regards to the pandemic.</p> <p>A communications plan has been worked on and will be a focus of the coming year.</p>
3.	To identify areas of focus for deep dives and provide constructive feedback to the Constabulary on the findings and any learning. These areas could include group searches, searches of those under 20 years old and a focus on those areas with the highest proportion of searches that resulted in no action.	<p>Deep dive was conducted on Under 18's this year.</p> <p>An exceptional meeting was also held to support the Constabulary with some records looking at disproportionality.</p>
4.	Continue to monitor positive disposal rates and disproportionality with a view to seeing an improvement in the data or legitimate explanations provided.	The Panel have continued to review the data and been pleased to see an increase in disposal rates this year.
5.	Review the College of Policing guidance on scrutiny Panels to assure ourselves that we are following best practice.	Review completed.
6.	Review the role of Vice Chair to include the role of data Champion in order to support the Panel further in its data scrutiny.	Review completed and new role descriptions distributed.

7.	The Panel would like to see a reduction in the number of copy and paste records the Panel are recording within the sample they review each month.	Panel have continued to highlight copy and paste records and been pleased to see the police update their standard operating procedure to provide clarity that copy, and paste is never acceptable.
8.	To further the opportunities for Constabulary Officers and Sergeants to observe the workings of the Panel and their dip-sampling to better understand the voice of the public.	Over the last year there have been 15 Sergeants who have joined the Panel meetings to observe. Feedback from these Sergeants has been very positive and found it a useful exercise to join a Panel meeting.

## Appendix C: Panel meetings

During Panel meetings the Panel may do any of the following:

### 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 as to whether the Officer had sufficient grounds to justify a 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 outcome.

### 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 and of the conduct of the Officer(s) concerned. In the same way as 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 to support training and development.

### 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.

This year the Panel reviewed two Section 60 authorisations; both of which were authorised in Stevenage and were related to the same incident and intelligence.

### 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 Complaints Resolution 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 Commissioner's Office and through the Force Communications Room (FCR).

It was agreed by the Panel that a Community Complaints Trigger 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. The 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. There have been no Community Complaints Triggers for the last year.



## Glossary of Terms

Terms	Acronym (if applicable)	Description
<b>Best Use of Stop and Search</b>	BUSSS	The best use of stop and search scheme was announced by the Home Secretary in 2014.  The scheme introduced a number of measures designed to create greater transparency, accountability and community involvement in the use of stop and search powers.
<b>Body Worn Video</b>	BWV	The cameras Officers wear to capture both video and audio evidence.
<b>Complaint Resolution Team</b>	CRT	Complaints about Hertfordshire Constabulary are initially by the Complaint Resolution Team (CRT). If a complaint can be handled outside of Schedule 3 of legislation the CRT will attempt to service recover the complaint. If a complaint needs to be formally recorded within Schedule 3 of legislation due to its nature, then it will be forwarded to the Professional Standards Department in Hertfordshire Constabulary who will handle all these matters.
<b>Community Safety Partnership</b>	CSP	Community Safety Partnerships are made up of representatives from the police, Local Authorities, fire and rescue authorities, health and probation services (the 'responsible authorities'). The responsible authorities work together to protect their local communities from crime and to help people feel safer. In Hertfordshire there are 10 Community Safety Partnerships.
<b>Force Communications Room</b>	FCR	The Force Communications Room is responsible for taking emergency and non-emergency calls, recording crime and deploying resources to incidents.
<b>GOWISELY</b>		A mnemonic used to cover all the information that an Officer needs to give to the individual who has been detailed for a search. They stand for Grounds Object Warrant number ID (if not in uniform) Station (attached to) Entitlement to a copy of the search record Legal Power 'You are detailed for the purpose of a search'.
<b>Microsoft PowerBI</b>		Power BI is an interactive data visualization software product developed by Microsoft with primary focus on business intelligence.

### Progress Review Continued

<b>Police &amp; Crime Commissioner</b>	PCC	<p>The role of the PCC is to be the voice of the people and hold the police to account. They are responsible for the totality of policing.</p> <p>PCCs aim to cut crime and deliver an effective and efficient police service within their force area.</p>
<b>Police &amp; Criminal Evidence Act Code A</b>	PACE Code A	<p>PACE Code A covers police powers to stop and search persons and vehicles and the requirements for Officers to make a record of a stop or encounter.</p>
<b>Positive Outcome</b>		<p>Positive outcomes, include arrests, as well as out of court disposals. An out of court disposal may be a community resolutions or conditional cautions, which negate the need for individuals to be formally processed through custody suites. These cautions or resolutions may involve fines, behaviour change programmes or victim reparation.</p>
<b>Professional Standards Department</b>	PSD	<p>The Professional Standards Department consists of Complaints, Misconduct, Anti-Corruption and Vetting, all committed to maintaining and improving public confidence and quality of service, protecting and enhancing the integrity of Bedfordshire, Cambridgeshire and Hertfordshire forces.</p>
<b>Red, Amber, Green rating</b>	RAG	<p>Also known as 'traffic lighting,' this rating system is used to summarise indicator values, where green denotes a 'favourable' value, red an 'unfavourable' value and amber a 'neutral' value.</p>
<b>Section 60</b>	S60	<p>Section 60 of the Criminal Justice and Public Order Act 1994 is different to normal stop and search as it gives police the temporary powers to search people without reasonable grounds. This can only happen in a defined area at a specific time when a senior Officer believes there is a possibility of serious violence, or weapons are involved.</p> <p>This means anyone in that area (near a football ground, for example) may be searched for weapons without the police Officer having reasonable grounds for each person searched.</p>
<b>Stop &amp; Search</b>	S&S	<p>A police Officer has powers to stop and search you if they have 'reasonable grounds' to suspect you are carrying:</p> <ul style="list-style-type: none"> <li>• illegal drugs</li> <li>• a weapon</li> <li>• stolen property</li> <li>• something which could be used to commit a crime, such as a crowbar</li> </ul>