

ANNUAL REPORT

**Hertfordshire Independent
Stop and Search Community Scrutiny Panel**

1 April 2019 – 31 March 2020

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 2019 and 31 March 2020.¹

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 2020/21, 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 1 March 2019 to 29 February 2020. Data for February 2020 is contained in the report, however due to Covid-19 the panel were unable to meet in March to complete any dip sampling of stop and search records from February 2020.

² Body Worn Video is camera footage that 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

Following a change in the Chair during the course of the year, it has fallen to me as interim Chair of the Hertfordshire Stop and Search Panel to take responsibility for the writing and provision of this report. I need to say that the former Chair, Chris Cowdrey was, over his 15 months as chair, active, energetic and resourceful. It is greatly to his credit that the Panel had a further successful and, we believe, efficient and effective year.

I could not have known that Covid-19 would prevent the Panel from having regular meeting. However, the Panel was able, in the last few weeks, to have a virtual meeting; 8 members of the Panel joined and were able to discuss a number of issues and, albeit on restricted information, successfully undertake dip sampling to a satisfactory extent. Further such "meetings" are planned over the coming weeks and a new Chair will be appointed.

This year the Panel has added to its numbers and, in doing so, has widened both its ethnic and its age base, as set out in more detail in the body of this report. There is still some way to go in both areas; and it is promising that a further recruitment process is, or will be when conditions permit, taking place, with an emphasis on seeking to increase the number of BAME and younger members of the Panel. The Panel has during the past year continued to examine and overlay the data on stop and searches of those from other ethnic groups. It is important that, among the 7 police forces of a similar nature to Hertfordshire, our county force has the second lowest level of disproportionality and that the issue is one which applies to all forces. Nevertheless, the Panel has continued to examine the statistics with care and to question senior officers about an issue which troubles the members; and they will continue to do so.

In the year 2019/20 the Panel has expanded its familiarity with Body Worn Video (BWV) footage. The concern expressed in last year's reports that BWV was being switched on too late has been successfully addressed, at least in the case of most of the footage which has been seen in the year to which this report relates. Watching and observing BWV gives the Panel a much more in-depth view of each incident than can be obtained from dip-sampling; but the process requires much more time. What is happening is often not clear, particularly when events are taking place in the dark or when there is loud noise. Much as the Panel would like to be able to see more BWV, at present the Panel does not have the numbers or the time to enable that to happen. This is a problem which must be addressed in the present year.

Finally, the Panel would like again to thank the staff at the Police and Crime Commissioner's office for the enormous help they give; and particular thanks are due to Chief Inspector Chris Treadwell who has continued to answer all our many questions to him with candour, enthusiasm and an obviously genuine desire to help.

Jeffrey Burke

Chair of the Hertfordshire Independent Stop and Search Community Scrutiny Panel

Police and Crime Commissioner's Foreword

The Hertfordshire Countywide Independent Stop and Search Scrutiny Panel has been established for five years. In that time the Panel of volunteers have provided a vast amount of valuable feedback and scrutiny to the Constabulary which has been used to support improvements in the quality and grounds for the searches. I am incredibly grateful for the time, effort and diligence that continues to be shown by Panel members.

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 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 and feedback on their conclusions as to whether the performance complied with established criteria.

This Annual Report highlights the significant work undertaken by the Panel throughout 2019/20 relating to the dip sampling of stop and search records, review of countywide trend data, BWV and use of Section 60 authorisations under the Criminal Justice and Public Order Act 1994. The report shows that there has been a slight decline in the stop to arrest ratio this year, averaging 13.5 per cent, however there has been a marked improvement in the number of cases where officers had adequately justified the appropriate use of the power. The Panel found that they were confident in 87.7 per cent of the records they reviewed.

I am pleased to see that the Constabulary continue to meet 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) despite changes and relaxation being made to national guidance in August 2019. The report highlighted that there is further work for the Constabulary to do to ensure that BWV is being turned on at the earliest opportunity so that it supports the capture of clear and irrefutable evidence. We know that BWV can support a reduction in the use of force against officers, has a significant impact on public confidence and trust, can assist with complaints of conduct and ultimately support achieving swifter justice. I look forward to the Panel stepping up its scrutiny in this area over the coming year.

The Panel has identified a number of recommendations. This includes increasing the public profile of the scrutiny Panel through effective and regular engagement with wider and diverse community groups across the county. The Panel is also keen to undertake a number of deep drive reviews to understand complex areas including proportionality. 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

Hertfordshire Constabulary's Foreword

Stop and Search can be an effective tool in preventing crime and deterring criminals. In recent years there has been a significant increase in knife crime with over half of victims being under the age of 25. Our work with young people has shown that drugs and gangs are a key feature in why some carry knives.

Greater use of Body Worn Video when officers are using their powers has allowed the scrutiny Panel to examine whether officers are treating individuals with respect as well as ensuring compliance with procedural requirements. Feedback from the Panel has allowed us to learn and adapt operational activity.

Stop and search remains controversial and independent scrutiny is vital if we are to build and maintain confidence in our communities. It is encouraging to see the improvements reported by the scrutiny Panel. However, there remains disproportionality in its application especially in relation to black people. The Constabulary is committed to equality and fairness for everyone, further work is under way in this regard and we welcome the Panel's scrutiny around this complex but important issue.

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.

I would like to thank members of the scrutiny Panel for their work. We remain committed to this independent scrutiny and challenge.

Bill Jephson
Assistant Chief Constable – Local Policing

Summary

Key findings

- a. There has been a steady reduction in the stop to arrest ratio since 17/18, declining from 18.5 per cent to 17.5 per cent in 19/20. This has been further pronounced during 19/20 with the arrest rate now sitting at 13.5 per cent⁴.
- b. All districts saw a decline in average positive disposal rates compared to the previous year. East Herts was the highest-ranking district with an average positive disposal rate of over 30 per cent.
- c. 329 stop and search records were dip sampled this year out of a possible 8040 (4.1 per cent)⁵.
- d. The Panel's position of confidence with records dip sampled remains high, now at 87.7 per cent, with 12.3 per cent marked as not confident and 0 per cent classified as unsure. This shows a percentage increase of 5.2 per cent in the Panel's confidence levels, compared to 2018/19 when confidence was at 82.5 per cent.
- e. The Panel recognises the need to look more at disproportionality in those being stopped and searched, but that the standard nationally used metrics and measurements do not give an accurate picture. The Panel will seek to gather further local data and information in order to undertake analysis and report on findings and judgements.

Recommendations for the year ahead

- a. Further recruitment for 2020/21, to increase the size of the Panel and ensure greater resilience if members are unwell or unable to attend. Whilst recruiting the Panel will continue to ensure a diverse membership.
- b. To increase the number of BWV incidents reviewed over the next 12 months using a purposeful sample size to include individual and group searches. It is hoped that an increase in the membership of the Panel will enable more BWV footage to be viewed over the year.
- c. Commission further research and undertake sophisticated modelling to get a better picture of proportionality rates around age, gender and ethnicity in Hertfordshire (see Section 9 for further information).
- d. Increase the public profile of the scrutiny Panel through effective and regular engagement with community groups across the county.
- e. Ensure that a senior police officer in each of the districts attends a Panel meeting during the next 12 months. This is part of a broader feedback process around stop and search with the independent Panel having an important role.

⁴ A positive outcome for a Stop and Search it does not have to result in an arrest..

⁵ Dip sampling took place out 11 meetings across the year; one fewer than previous years. This was due to the March 2020 meeting not taking place due to Covid-19 restrictions.

- f. Conduct a deeper review into positive disposal rates to identify reasons why all districts saw a decline over the last 12 months.

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 A⁶. 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.

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 16 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.

Wherever possible, the Panel seeks to reflect the demographics within Hertfordshire. The gender breakdown of the Panel is 62.5 per cent male and 37.5 per cent female⁷.

⁶ In 2014 Her Majesty's Inspectorate of Constabulary (HMIC) reported that 27 per cent 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.

⁷ Of the estimated population of Hertfordshire at mid-2018, 49 per cent were male

The age breakdown of the Panel is;

- 18-30 – 18.75 per cent (0 per cent in 18/19)
- 31-40 – 12.5 per cent
- 41-50 – 6.25 per cent
- 50-60 – 25 per cent
- 61 and above – 37.5 per cent

The self-defined ethnicity of Panel members is⁸;

- White British – 62 per cent (73 per cent in 18/19)
- Black British – 13 per cent
- British Asian – 13 per cent
- Black – 6 per cent
- Asian – 6 per cent

The District representation among Panel members is;

- St. Albans – 31 per cent
- East Herts – 19 per cent
- Broxbourne – 6 per cent
- Watford – 6 per cent
- Welwyn Hatfield – 25 per cent
- Hertsmere – 13 per cent

Meetings

Terms of Reference (ToR) are in place to guide the Panel and are reviewed annually⁹. This ensures that the role of the Panel and the way in which it operates is kept up-to-date.

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 district 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 district area.

The Panel meets monthly to review the preceding month's activity and therefore, this report covers its activities between 1 April 2019 and 31 March 2020, correlating to the Constabulary's stop and search activity from 1 March 2019 to 28 February 2020.

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.

⁸ Hertfordshire ethnic breakdown: White 87.6 per cent, Asian/Asian British 6.5 per cent, Black/African/Caribbean/Black British 2.8 per cent, Mixed/multiple ethnic groups 2.5 per cent, other ethnic groups 0.6 per cent; ONS Census 2011

⁹ ToR are available on the Police and Crime Commissioners Website: www.hertscommissioner.org/stopsearch

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. 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 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 four Section 60 authorisations.

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 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 Trigger¹⁰ 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. There have been no Community Complaints Triggers for the last year.

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.

A number of Panel members have also been active in other scrutiny roles in relation to police performance. Three of the current stop and search scrutiny Panel members sit on the 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. There is also representation on the Constabulary's Coercive Powers Board meeting which seeks to support organisational learning related to the use of coercive powers and the identification of any strategic, corporate and national issues that may impact on the achievement of the Community Safety and Criminal Justice Plan objectives.

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.

¹⁰ 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. 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

Key Findings

Stop to arrest ratio

Hertfordshire Constabulary conducted 8,040 searches in 2019/20. Of these searches 1,074 resulted in an arrest, a percentage of 13.5. This is down from the previous year in which the force was able to reach a stop to arrest ratio of 17.4 per cent.¹¹

Figure 1: Stop and Search in Hertfordshire between 2013 and 2020

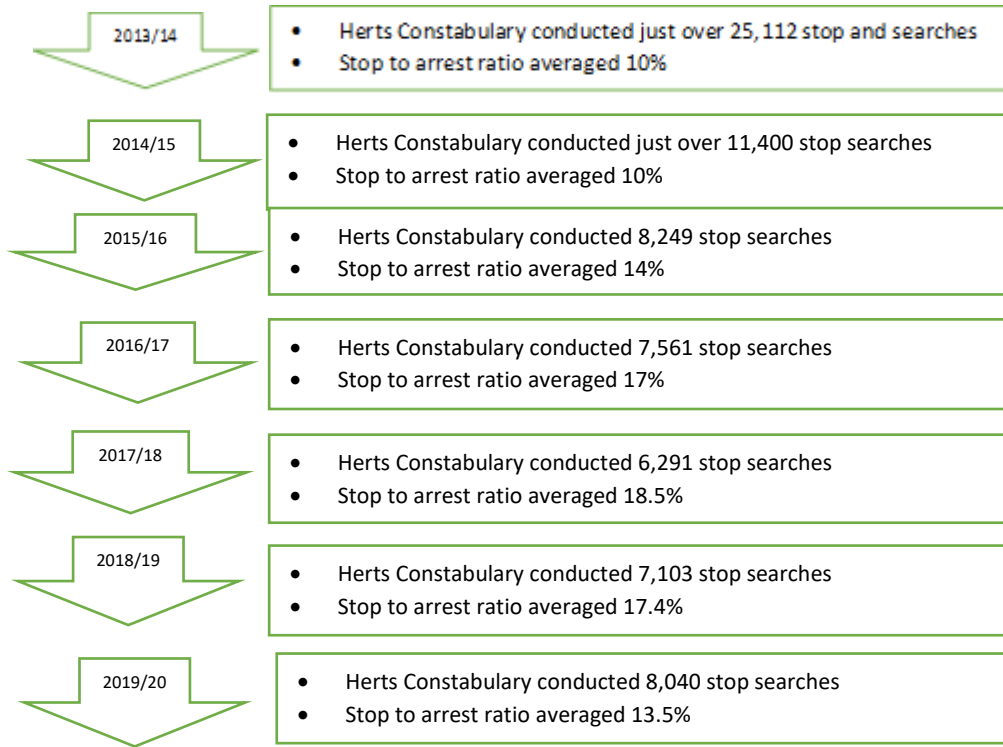
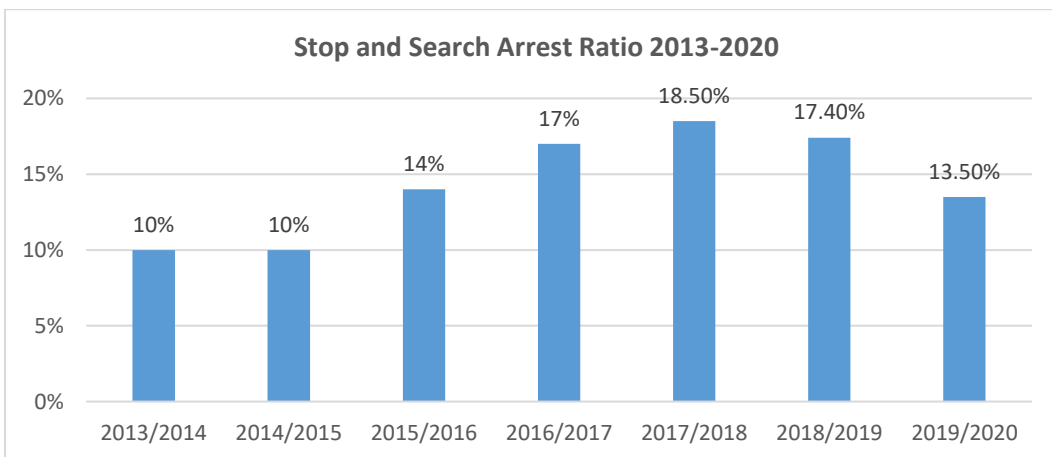


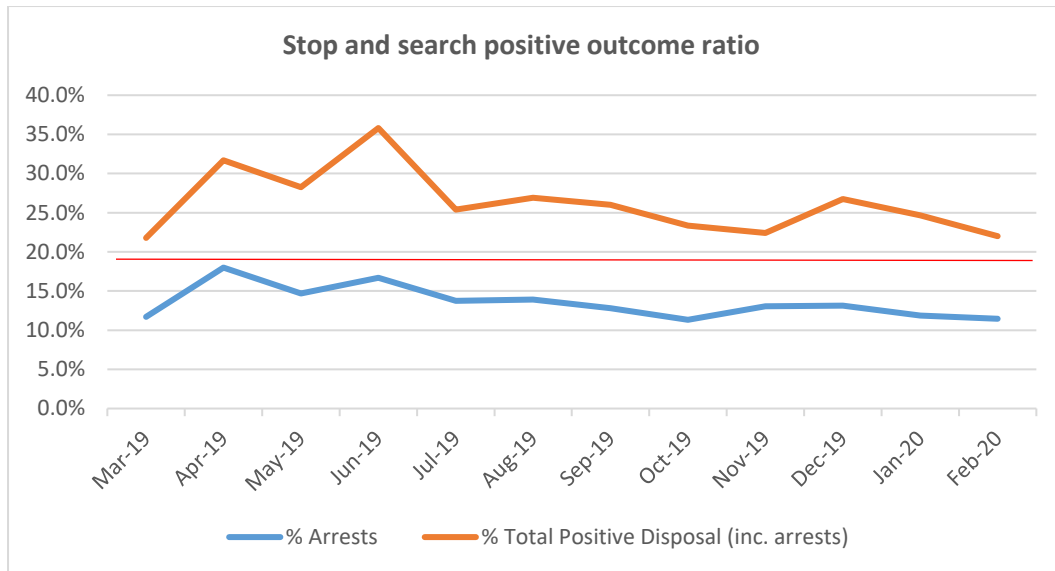
Figure 2: Stop and Search arrest ratio between 2013 and 2020



¹¹ In comparison to other areas: Hampshire 4307 stop and searches were carried out between April 2019 - September 2019 with a stop to arrest ratio of 18 per cent, West Midlands had 25,221 stop and searches carried out between April 2019 – March 2020 with a stop to arrest ratio of 13.6 per cent. Essex carried out 8508 stop and searches were carried out between April 2019 - September 2019.

The number of searches conducted per month has fluctuated between a low of 523 and a high of 875, averaging 670 per month. Arrest rates have been maintained at a largely consistent level, with some peaks in April and June. There has been no month where the aspirational Government target of 20 per cent has been met ¹².

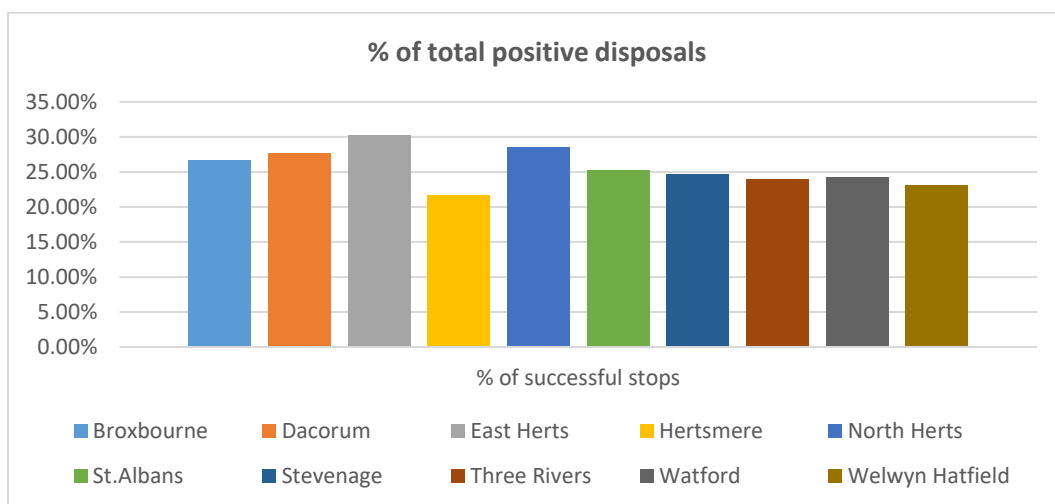
Figure 3: Stop and Search positive outcome ratio (March 2019 – February 2020)



The percentage of positive outcomes per search have also been disaggregated per CSP. All CSP’s saw a decline in average positive disposal rates compared to the previous year. The Panel were pleased to see East Herts averaging over 30 per cent.

The average positive disposal rates for the year was 26.2 per cent, down from 31.2 per cent the previous year. This is an area that the Panel area about which the Panel is particularly concerned; the Panel has recommended a deeper investigation of this area over the next 12 months.

Figure 4: Percentage of total positive disposals per CSP (per 1000 population) for the period 1 March 2019 to 29 February 2020

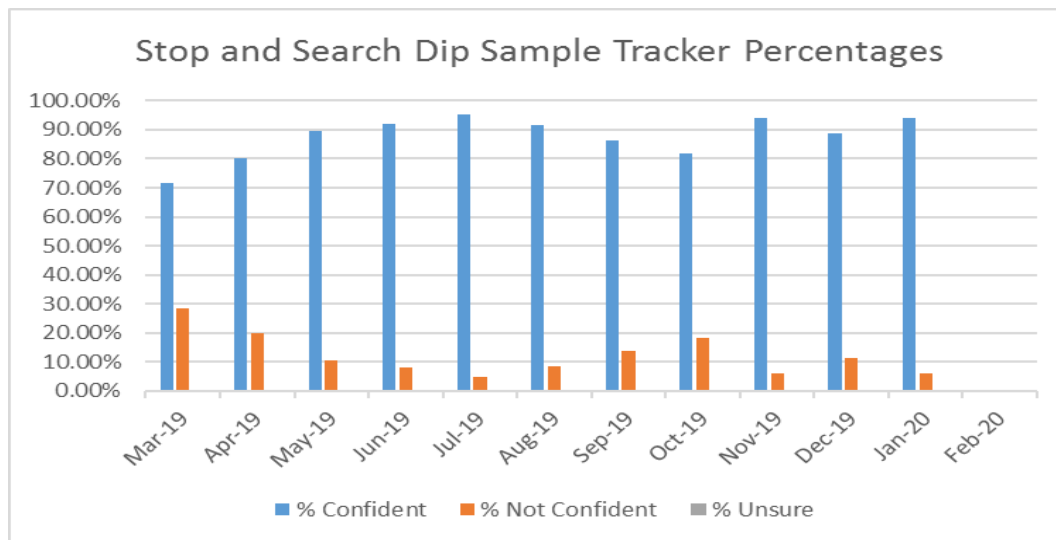


¹² Positive outcomes, include arrests, as well as out of court disposals, such as Drug Warnings or Cautions, which negate the need for individuals to be formally processed through custody suites.

Stop and search records

329 dip samples of stop and search records for Hertfordshire were assessed this year out of a possible 8040 (4.1 per cent)¹³. The position of confidence in the stop and search forms currently sits at 87.7 per cent, with 12.3 per cent marked as not confident and 0 per cent classified as unsure. This shows a percentage increase of 5.2 per cent in the confidence levels, compared to 2018/19 when confidence was at 82.5 per cent. The Panel were pleased to note the continued rise in confidence levels since 2017.

Figure 5: Confidence levels



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

The Panel were 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 further rise in confidence levels this year.

The main reason for the Panel noting they were not confident in a record was due to the report not being specific or it being unclear how the intelligence is linked to the individual being searched.

There have been very few 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 dip sampling has identified the need for grounds in group searches to be more robust. In particular incidences where the same grounds have been cut and pasted for multiple records. These incidences have not been individually tailored enough to sufficiently justify the grounds for a search.

¹³ Dip sampling took place out 11 meetings across the year; one fewer than previous years. This was due to the March 2020 meeting not taking place due to Covid-19 restrictions.

Proportionality

The Panel have taken a keen interest in examining data relating to the proportionality of stop and searches by ethnicity over the course of 2019/20. Current metrics and measurements used nationally to judge disproportionality have not enabled the Panel to make any firm judgements relating to ethnicity, gender and age in Hertfordshire.

Data currently used to measure proportionality is subject to the following limitations:

- Cross-border movement in which individuals living outside of the county are stopped and searched in Hertfordshire.
- Differences in the those available to be stopped and searched compared to the resident population at any one time.
- Using outdated resident population including the 2011 Census data and 2015 mid-year population estimates.
- 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 correlate.¹⁴

Given these challenges in measuring disproportionality, the Panel is putting together a specification outlining further data and information they would like as part of their review to better understand what the population stopped looked like compared to those available to be stopped in a given area.

This year the Panel held a strategy day and for the coming year the Panel have asked the Constabulary to include data on the positive disposal rate for each ethnic group as part of the Panel's monthly summary data.

A review took place to identify if there was any correlation between individual's ethnicity and cases dip sampled by the Panel where they did not feel confident in an officer's record. In the period January 2019 to December 2019 there were 32 instances where the Panel did not feel confident in the officer's record. Of these 32 instances, 53 per cent involved individuals who self-identified as white, 28 per cent involved individuals who self-identified as black and 9 per cent who self-identified as Asian. No clear pattern or trend emerged, but this would continue to be monitored to see if any learning can be identified.

This year the Panel have been pleased to see the Constabulary produce an Equality Impact Assessment to help better understand the impact of stop and search on different communities across Hertfordshire.

District deep-dives

Over the previous 12 months, the Panel has met with senior officers from eight of the districts from across the county. 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 any short-comings, concerns and good practice. BWV was also

¹⁴ 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.

reviewed during the meeting with feedback provided to the senior officer. Senior officers have fed back after the meeting regarding how they have discussed any issues raised or positive comments with their staff

Body Worn Video (BWV)

The Panel reviewed the footage of 8 stop and searches captured on officers' BWV this year. The panel recognise that this is a very small sample size and of those 8 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.

Issues identified regarding BWV footage have been fed back to the Constabulary. These areas over the last 12 months have included whether cameras are being turned on at the earliest opportunity and whether officers have made those they have stopped aware that their cameras are on.

The review of BWV footage has shone a light on areas such as how group searches are carried out. The Panel have observed group searches where the group are kept in a cluster while searches on individuals are carried out. The Panel would like to see individuals separated from the group and taken to one side while the search is undertaken in line with Constabulary policy.

The Panel would like to be able to spend more time on BWV footage but each item of footage takes up much more time to observe, listen and reach conclusions than does even a difficult stop and search episode when considered as part of dip sampling. It is important that the Panel should consider a sufficient number of cases by the dip sampling method for the Panel's conclusions to carry weight. That is why the Panel sees BWV at each alternate meeting at present.

The Panel realise there is more work to do and consideration is being given to how the Panel may be able to review a purposeful sample size of BWV footage. A further recruitment process is now in progress (or will be when circumstances allow) which should support this aim. Consideration is also being given to focussing meetings around a thematic area. This could allow for two meetings a year to have a deeper dive into BWV and review additional footage.

The Panel are also pleased to hear that the Constabulary have extended an invitation for any Panel member to observe their 'in house' dip sampling of BWV footage which is undertaken monthly.

Section 60's

Four Section 60's were reviewed by the Panel at their meetings between April 2019 and February 2020.

There have been two changes to police stop and search guidance in 2019 with Police forces having been advised not to follow Best Use of Stop and Search on 'no suspicion' searches.

In August 2019 new Home Secretary Priti Patel announced that the Best Use of Stop and Search guidance on the authorisation times for no suspicion searches would be relaxed to the statutory minimum. Forces are no longer required to have officers of higher ranks authorise Section 60 searches. Those of the rank of Inspector or above can now authorise the searches. Furthermore, Police Forces are no longer required to show a

higher degree of certainty when issuing an authorisation. Section 60 searches can be authorised if they reasonably believe a serious violence incident may take place (rather than will take place).

The Panel were pleased to see that the Constabulary continue to meet 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) despite changes being made to national guidance.

The geographic area that the Section 60 applies to has, on occasion, has been questioned for being too broad. In line with Best Use of Stop and Search, the Panel would like to see authorisations being used within a clearly defined locality.

Complaints

In 2019/20 the Panel were informed of all complaints about the conduct of stop and search received by PSD, CRT and the FCR, that relate to stop and search.

Eight complaints were made by the public into PSD between 1st April 2019 and 31st March 2020. One of these was suitable for a local resolution, three were not upheld and three are still being investigated. It was determined there was no case to answer for one of them.

Eight complaints were made directly to the CRT, 5 of which were determined to be valid. 35 complaints were reported into the FCR, 3 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 2019/20. To date there have been no complaints about the Stop & Search Panel.

Key achievements

- a. 329 dip samples of stop and search records for the Constabulary were assessed this year out of a possible 8040 (4.1 per cent)¹⁵. The Panel also reviewed the footage of 8 stop and searches captured on officers' body worn cameras and reviewed 4 Section 60 authorisations.
- b. Process was introduced regarding Section 60 authorisations. Inspectors now provide a summary of all activity that has taken place during a Section 60 and this is included within the briefing packs for the Panel to review.
- c. A meeting in public was held at The Nobel School in Stevenage on 23rd July 2019. The meeting was attended by the Assistant Police and Crime Commissioner, the Chief Inspector of Crime Reduction and Community Safety, as well as the Chair of the Panel. During this meeting, attendees were given the opportunity to observe the work of the Panel, including the random sampling of stop and search

¹⁵ Dip sampling took place out 11 meetings across the year; one fewer than previous years. This was due to the March 2020 meeting not taking place due to Covid-19 restrictions.

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. Reflections from the group identified that whilst it was positive for members of the public to observe and understand the work of the Panel, there was a small attendance and therefore a suite of engagement opportunities with the public would serve better in seeking their views. The Panel continue to aspire to engage with members of the public and have identified other meetings they could attend across the county in order to achieve this. This includes Oaklands College, Hertford Regional College and the BAME Police Association.

- d. A recommendation for 2019/20 was to ensure the demographic of the membership is diverse, particularly those from BAME groups and people aged between 18 and 30. Recruitment was carried out across the year and 19 per cent of the Panel are between 18 to 30 years old. There were no Panel members under the age of 30 in the previous year. 62 per cent of the Panel identify as White British; this figure was 73 per cent the previous year and highlights the focus that has been undertaken to ensure greater diversity.
- e. A strategy day was held in November 2019. The items raised included data quality, positive disposal rates, community engagement, a deeper review of data on proportionality and recruitment of more Panel members. These items all form part of the forward work programme for the Panel to be progressed over the next year. The Panel also supported identifying thematic areas and splitting the meetings to focus on different topics once the membership is large enough to allow for this.
- f. The Panels feedback regarding BWV footage has been fed into the Constabulary's thematic review of BWV which is an action in the Police and Crime Commissioner's Community Safety and Criminal Justice Plan for 2020/21.

Appendix A: Progress Review

2018/2019 recommendations		Progress Update
1.	Further recruitment for 2019/20, to ensure that the demographic of the membership is diverse, particularly those from BAME groups and people aged between 18 and 30.	A new round of recruitment was undertaken in March 2019, which resulted in 6 volunteers joining the Panel. At the time of writing there are 16 Panel members with a new round a recruitment to be progressed. Continued active recruitment of panel members will ensure resilience.
2.	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.	Work continues on this recommendation. A training session is being organised for early 2020. The Panel will continue to use available ethnicity data to probe and discuss areas relating to disproportionality.
3.	Increase the public profile of the scrutiny Panel through effective engagement with community groups across the county.	A meeting in public was held in July and a presentation made to YC Hertfordshire over the last year. Other engagement opportunities have been explored for 2020/21 including with the Chaplaincy, University of Hertfordshire, Hertfordshire Criminal Justice & Herts Black and Asian Police Association.
4.	Increase the number of training opportunities available to the Panel to improve their understanding of stop and search.	Discussed at the strategy meeting during the year and a programme of training opportunities will be identified in 2020/21.