



Police and Crime Plan Priority: Policing Legitimacy

Title: Increasing Confidence in West Midlands Police – Stop & Search and Use of Force

Presented by: Chief Superintendent Richard North

1. Purpose of paper

1.1 This paper will look to provide the Board with a report on progress towards the objectives in the West Midlands Police Crime Plan 2021 – 2025 relating to stop and search and use of force.

2. Background

2.1 Interacting with the public is an essential facet of police work that helps us make our communities feel safer. However, in order to reduce crime and disorder, many of those interactions require the use of stop and account and stop and search powers.

2.2 The Police and Criminal Evidence Act 1984 (PACE) outlines statutory powers police officers hold allowing a person, and or vehicle to be stopped and searched if the officer(s) has 'reasonable grounds' for suspicion that an unlawful item is being carried. Police officers are trained on the appropriate use of these powers, including when and how to use them and what constitutes as appropriate reasonable grounds.

2.3 Stop & search powers are vital tools to help prevent crime and protect the public. The fair and effective use of stop and search will save lives from knife crime; prevent the exploitation of young people from County Lines drugs gangs; and reduce serious acquisitive crime.

2.4 West Midlands Police are proud that over the past three years the Force has invested heavily in data, technology and community feedback and have taken

difficult decisions so that our use of stop and search powers continue to be fairer for all communities and more effective at preventing crime and protecting the public.

2.5 West Midlands Police introduced a Fair and Effective Use of Police Powers Board in 2020 which outlined four core objectives:

2.5.1 Ensure West Midlands Police use its powers of stop and search, use of force and Section 163 Road Traffic Act 1988 fairly and effectively to prevent crime, protect the public and help those in need.

2.5.2 Ensure West Midlands police officers are sufficiently trained in how to use their powers fairly and appropriately and are using them fairly and appropriately.

2.5.3 Ensure West Midlands Police understands the impact the use of our powers has on our communities and that our communities are able to challenge and scrutinise our use of these powers.

2.5.4 Ensure that the principles of Fairness in Policing are established and embedded in the way we discharge our powers. Namely that people who are affected by the powers we use, have a voice, and are treated with dignity and respect and that our motives are trusted.

3. Context

3.1 Recent years has seen an increase in violent crimes being committed, including crimes involving the use of weapons. Strategies set out within the West Midlands Police and Crime Plan 2021 – 2025 outline the ambition to tackle violence and reduce crime and to also increase public confidence.

3.2 West Midlands Police has long adopted an intelligence led approach to policing. On a daily basis incidents and crime are reviewed both locally and on force-wide level through a daily threat and risk meeting.

3.3 This is supplemented with a monthly Local Tactical Delivery Board (LTDB) and a Force Tactical Delivery Board (FTDB). Both forums ensure that police resourcing is appropriately directed to deal with the most significant challenges faced by the communities of the West Midlands, and in turn, ensure that patrolling resources are deployed in locations where they can deliver the most significant impact upon reducing harm.

3.4 West Midlands Police encourage the use of these Stop & Search powers to allay or confirm suspicions about individuals without exercising their power of arrest. West Midlands Police officers must always ensure that the warrant of a stop and search is necessary, proportionate and justifiable and conducted by an officer that legally possesses these powers.

- 3.5 The way in which West Midlands Police exercise stop and search powers has been subject to scrutiny in the recent years, both internally and externally in response to the popular view that such powers are highly intrusive and should be rigorously managed.
- 3.6 Most Section 60s are put in place in a response to a specific incident or intelligence. It is not imposed because crime rates may be particularly higher over a period of time. Similarly, if crime rates were low over a sustained period, this would not prevent police from putting a Section 60 in place if the criteria were met.
- 3.7 Social Media is used to advertise a planned Section 60 operation. The geographic and temporal scope, alongside side a brief intelligence picture is provided. Following conclusion of the operation, the Office of the Police and Crime Commissioner (oPCC) is updated with the operational outcome, and local officers will work through both the scrutiny panels and key individual networks to brief specific local stakeholders.
- 3.8 Search wands, where deployed, are used to assist officers forming the grounds to complete a search and are often seen where a search regime is in place as part of a condition of entry, or in conjunction with a knife arch operation. There is not policy, as of yet, relating to the use of knife wands. These items however are used in the custody environment, and to a lesser degree in street-based search operations. Between April 1st 2021 – March 31st 2022 the drugs find rate resulted in 34.4%, the knife find rate resulted in 13.5% with firearms find rate resulting at 9.5%

4. Performance

- 4.1 Over the last three years West Midlands Police has applied the appropriate scrutiny and focus into the use of police powers. A number of forums alongside the Fair and Effective Use of Police Powers Board has been introduced, including; Local Neighbourhood Unit Scrutiny Panels and Bi-monthly Oversight Meetings. The objective of these forums is to assure the appropriate oversight is given to stop & search and use of force to allow for positive work to be identified and learnings/recommendations shared and to also identify any areas for improvement such as disproportionality. The scrutiny panels allow for engagement with the public to allow for their feedback to heard, further supporting community engagement and confidence in West Midlands Police
- 4.2 West Midlands Police record all stop & search cases on the Stop & Search Database; this allows for improved tracking and analysis of any trends. The latest figures on the Stop & Search Database, for the period of 1st April 2021 to 31st March 2022, show West Midlands police officers completed 27,061 searches; this is compared to the previous year's figures, for the period of 1st April 2020 to 31st March 2021, in which 26,058 searches had been completed.

- 4.3 West Midlands Police drive best practice by encouraging police officers to complete stop & search records live at the point of the search to allow for accuracy and improved engagement; in some cases, the record needs to be completed later at a police station following arrest. The Stop & Search Database makes a clear distinction between records completed live at the scene and records completed at a later stage. Of the 27,061 searches conducted in this reporting period, 4,639 searches had been recorded retrospectively, which equates to 17% of searches.
- 4.4 A small percentage of individuals have been subject to repeat searches, meaning the individual has been subject to stop & search on more than one occasion.
- 4.5 The Force lead for stop & search chairs a bi-monthly oversight meeting, at which all departments, Neighbourhood Policing Units and the Office of Police and Crime are represented. Through this forum trends in stop & search are examined, including repeat stops on specific individuals or the targeting of communities, which would identify any disproportionality, in which local leads are then asked to account for these trends and overall performance.
- 4.6 In line with the core objectives of the Fair and Effective Use of Police Powers Board disproportionality figures are regularly assessed and reported into the Board. Use of powers statistics are broken down by ethnic minority communities and the data indicates a higher disproportionality figure in the use of these powers against Black and Asian communities.
- 4.7 The disproportionality figures for the period 1st April 2021 – 31st March 2022 show the Asian search ratio at 2.7 and the Black search ratio at 4.4; this is compared to the previous reporting period, 1st April 2020 – 31st March 2021, where the Asian search ratio was 2.6 and the black search ratio was 3.9. The Force lead for stop & search will continue to track and manage this through the Fair and Effective Use of Police Powers Board to further understand the disproportionality.

5. Strip Searches

- 5.1 West Midlands Police look to ensure that all stop & search powers are used in a lawful and respectful manner.
- 5.2 A search involving exposure of intimate parts of the body, also referred to as strip search, is the most intrusive form of search permitted under stop and search powers and must only be used where necessary and reasonable.
- 5.3 West Midlands Police conduct strip searches in accordance to regulations outlined within PACE, in which a police officer may conduct a strip search if it is considered necessary to remove an article which a detainee would not be

allowed to keep and the officer reasonably considers the detainee might have concealed such an article.

- 5.4 Police officers conducting the strip search must be of the same sex as the detainee and shall only be conducted in a place where the detainee cannot be seen by anyone who does not need to be present, nor by a member of the opposite sex. Where this is not the case, the officer searching would have to justify why it was unsafe not to wait to get an officer of the appropriate gender to attend to conduct the search. Officers will treat the subject of the search as the gender they identify. West Midlands Police support officers to work and use powers in line with the gender they personally identify as.
- 5.5 Between April 1st 2021 and March 31st 2022 West Midlands Police conducted 548 strip searches across all ages; this amounted to 2% of the total number of searches. When analysed it would appear that 28 strip searches were conducted on young people.
- 5.6 The legal position states that unless there is a risk of serious harm to the child/young person or another, an appropriate adult must be present during the strip search, if it involves the exposure of intimate body parts. The search can only take place in the absence of the appropriate adult if the child/young person specifically requested this and the adult agrees, in which the decision should then be recorded and signed by the appropriate adult.
- 5.7 On reviewing the Stop & Search Database, the presence of an appropriate adult is recorded in a free text field, which is subjective in the detail recorded. These decisions are also being subject to the supervisory review regime and other forums noted including local management and the bi-monthly oversight meeting.
- 5.8 Recent national headlines relating to the 'Child Q' incident led West Midlands Police to review performance and approach for the use of stop & search against children. West Midlands Police currently experience very few concerns raised for this area. Lessons are being accounted for following the Metropolitan Police Service review.

6. Best Use of Stop & Search Scheme (BUSS)

- 6.1 West Midlands Police have been operating under the Best Use of Stop and Search Scheme announced by the Home Secretary on 30th April 2014. Key features of this scheme included:
 - 6.1.1 Data recording of the broader range of stop & search outcomes, e.g. arrests, cautions, penalty notices for disorder and all other disposal types.
 - 6.1.2 Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol using stop & search.

6.1.3 Stop & search scheme complaints ‘community trigger’ – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.

6.2 A letter dated 16th May 2022 from Rt Hon Kit Malthouse MP set out the relaxation of all restrictions set out in the Best Use of Stop and Search Scheme (BUSS) regarding the use of Section 60 Criminal Justice and Public Order Act 1994 (CJPOA), this letter was sent to all 43 police forces in England and Wales, including the British Transport Police. Relaxed conditions to Section 60 stop & search include:

6.2.1 Reducing the level of authorisation required for a Section 60 from Senior Officer (currently Assistant Chief Constable rank and higher) to Inspector.

6.2.2 Lowering the degree of certainty required by the authorising officer, so they must reasonably believe an incident involving serious violence ‘may’, rather than ‘will’ occur.

6.2.3 Extending the length of the initial Section 60 period from 15 hours to 24; increasing the length of individual authorisations from 39 hours to 48 hours.

6.2.4 Reducing the level of authorisation required to extend a Section 60 beyond 24 hours from Senior Officer to Superintendent.

6.2.5 Removing the requirement for forces to communicate where a Section 60 authorisation is to be put in place.

6.3 West Midlands Police are currently undertaking a review of its use of Section 60 authorisations.

7. Continuous Improvement

7.1 The Fair and Effective Use of Police Powers Board has oversight of the continuous improvement, recording of recommendations and key learnings to help improve outcomes, build confidence with the public and bridge the gap of disproportionality.

7.2 West Midlands Police utilise a number of tools to assess officer conduct with the public when conducting stop & search and incidents involving the use of force. Body Worn Video (BWV) has been used in West Midlands Police for the last several years. There has been significant progress in body-worn camera compliance in recent years. To provide perspective within the period 1st April 2021 – 31st March 2022, out of the 27,061 searches conducted, 95.3% were recorded using BWV; the small percentage of non-compliance is being easily identified and all instances are addressed by supervisors.

- 7.3 West Midlands Police are currently reviewing mechanisms which will allow for members of the public to access their BWV footage of their search. Further work in this area is required to assure that by releasing BWV footage to the public does not compromise privacy legislation, nor pose any risk to members of the public.
- 7.4 The use of such tools, such BWV and the Business Insights Tool, provide an insight for supervisors to identify any learning and address individual performance related matters. A supervisory regime has recently been introduced in West Midlands Police. An initial dip sample of 80 incidents using BWV footage was conducted as a pilot; the pilot was conducted to assess how accurate current supervisor reviews are, and are there any differences in the way police powers are used against black males compared to other ethnic groups.
- 7.5 The supervisory regime is currently being used to gain better insights into disproportionality. Methodology has been amended to allow for all searches conducted on black males between 18-34 to be subject to a supervisor review. Whenever a person in this category is searched, BWV footage will be reviewed by the supervisor, in the case in which the search was not recorded on the officers' body-worn camera, the officer would have to be able to justify why this was the case.
- 7.6 Further 'continuous improvement pilots' have been commissioned in the recent months, for example the use of quick response (QR) codes to capture feedback of individuals subject to stop & search; this has also been trialled in a similar format in Custody.
- 7.7 Planning is currently underway for a pilot aimed to reverse the roles of stop & search; this pilot will see members of the public, specifically young black males, conducting the search on police officers. The objective of this experiment is to increase understanding of those that the use of police powers has the greatest impact upon, and to gain insight on opportunities to better improve this process with the community.
- 7.8 West Midlands Police, over the last three years, has applied the appropriate scrutiny via a number of forums, including the Fair & Effective Use of Police Powers Board, Local Neighbourhood Unit scrutiny panels, bi-monthly oversight meetings etc. The objective of these forums is to assure the appropriate oversight is given to stop & search and use of force to allow for positive work to be identified and learnings/recommendations shared and to also identify any areas for improvement such as disproportionality. The scrutiny panels allow for engagement with the public to allow for their feedback to heard, further supporting community engagement and confidence in West Midlands Police.

8. National Learning

- 8.1 The fair and effective use of police powers is of key focus on a national scale. Police forces and national partners across the UK continue to scrutinise, challenge and identify key learning recommendations.
- 8.2 HMICFRS introduced the police, effectiveness, efficient and legitimacy (PEEL) inspections in 2014. The aim of the inspections is to understand processes and procedures working well, and to identify any learnings/recommendations and opportunities.
- 8.3 A number of HMICFRS inspections have now been conducted across policing and within West Midlands Police. Recent inspections have identified good practice in policing legitimacy and use of police powers, recommendations and learnings have been formalised which are being tracked via the Force Strategy & Direction department. The latest HMICFRS inspection was conducted in April 2022 and the formal debrief report is awaited.
- 8.4 The Independent Office for Police Conduct has recently commissioned a national stop & search learning report. The report brings findings from a number of stakeholders and published research to highlight concerns on policing legitimacy. The formal learning report, shared with Forces in April 2022, has identified 18 recommendations which are currently being considered and tracked via the Fair and Effective Use of Police Powers Board.

9. Next Steps

- 9.1 The Fair and Effective Use of Police Powers Board will continue to have oversight of stop & search and the use of force, driving recommendations, learnings and identifying opportunities. The Board will also continue to apply scrutiny and challenge behaviours that are not aligned to the Force's visions and values.
- 9.2 A wider piece of working is currently ongoing to review the stop & search policy. This will look to incorporate learnings to drive continuous improvement and accommodate national guidelines such as the Best Use of Stop & Search Scheme.
- 9.3 The Board is ask to note this report.

Author(s): Chief Superintendent Richard North

Job Title: Birmingham West Neighbourhood Policing Unit & Fair and Effective Use of Police Powers Force Lead.