

**Stop and Search Commission**

Date: **Wednesday September 21st 2022**

Time:  **18:30 – 21:00**

Location:Ground Floor Conference Room, Lloyd House,

Colmore Circus Queensway, Birmingham, B4 6NQ

Chair: **Tom McNeil, Assistant Police and Crime Commissioner**

|  |
| --- |
| **Session 1**  |
| 18:30 | **Opening remarks**Assistant Police and Crime Commissioner Tom McNeil opened the meeting by thanking everyone for attending the in-person meeting tonight. This is the first in-person meeting since before Covid-19, hoping to get a sense of how authentic the dialogue is.* Request for WMP colleagues to cut to the chase in terms of what’s going really well, and to be really honest around the challenges so we can dig into these.
* Stop and search does not go down the public agenda in terms of being a massive issue. Event in London has resulted in more focus in the West Midlands. This meeting is more relevant than ever and important conversation.
* OPCC are very receptive to feedback and ideas as we want this to be high quality service.
* Stop and search is a massive agenda item in Simon Foster’s Police and Crime Plan. It’s a very controversial issue which needs to be heavily controlled about how it’s done, but recognise the important need for it. Trying to be honest in the debate and communicate the importance of that balance.
* Seeking results such as high-quality youth diversion, holistic diversion programmes for women. We want to commission services that are going to be used, and those that will prevent demand on police time.
 | Tom McNeil, Assistant Police and Crime Commissioner |
| 18:35 | **Action Points from previous Commission meeting (January 2022)**Mary took the Commission through the actions from the previous meeting. An updated action sheet will be circulated in due course.It was asked if the action points can be printed/screen shared at the next Commission.  | Mary Jacobs, OPCC Partnership and Engagement Officer |
| 18:40 | **WMP use of Stop and Search – performance update.**Superintendent Paul Minor spoke through the Stop and Search Presentation slides that were circulated prior the meeting. Some discussion points included:* Comparative data – showing the breakdown of search being conducted. Section 1 Pace, Section 23 Misuse of Drugs Act, Section 60.
* Aim as stop and search lead is to try and increase the level of section 1 pace
* Q: can we compare data before the pandemic?
* A: We can do, the system typically holds 3 years of data but it is possible
* TMC: Even when comparing pre-pandemic data, some of the key variables that have improved include body worn cameras.
* A: Year on year improvements have been made towards reducing the use of S.23 Misuse of Drugs searches with a direction towards greater use of S.1 Powers. While numbers are low the trend is in the right direction.

Handcuffing:* West Midlands Police have conducted a bench marking request to all other forces to understand what they measure in terms of handcuffing data and what the breakdown is of handcuff usage. Results were that very few forces actually capture this data and those that do are not of comparable in size and structure. That being said data results show largely figures are similar to WMP with us using compliant handcuffs marginally more often.
* This has developed within WMP over the last 10/15 years. The training around handcuffing and the use of powers is the same, we are now having more situations where officers are applying this more than before. Greater apprehension of fear amongst officers due to body worn cameras which previously didn’t exist.
* Spoke to the Met – they handcuff 35% of people compared to 50% in the WM, this is something that can be reviewed at future meetings.
* TMC - Is this being brought up through a new training package?
* PM – Messages are to be communicated within the force. There is a new policy on use of force.
* RN – This has to be left to subjective judgement of the officers. As we develop documentation, part of scrutiny regime could be around handcuffing
* MK – Are we able to see this data in terms of where handcuffing is taking place around the WM?
* JW – Believe that Pete Sandhu has done this at Dudley panel meetings, done a deep dive into those figures
* NC – Perhaps this could be something for all of our panels

**Section 60 data comparisons*** Current guidance from the Home Office is to reduce the authority level for a S.60 to the rank of Superintendent, as WMP feel we have robust processes in place we are remaining at the current more senior level for authorisation.
* January 2022 saw 282 searches under the S.60 power – Disproportionality for the month saw an overall rise to Asian = 5.9 Black = 9.7. All of these searches were conducted on the Birmingham West & Walsall NPU’s with a disproportionality for the S.60s being Asian = 12.9 Black = 17.2.
* 2019/20 – NPU’s were Birmingham West & East, Sandwell and Coventry
* 2020/21 – Only NPU to do a S.60 was Sandwell
* 2021/22 – NPU’s were Birmingham West & East, Dudley, Walsall and Coventry

Discussion points included the following:* TMC – We look at violent incidents and we often see a series of violent incidents in a night and particular risk?
* PM – When we get intelligence over incidents, we look to try and do something about it. Often succeeds as a prevention of violence
* TMC – How effectively are WMP communicating section 60s?
* PM – Fair to recognise if a section 60 is in place, sometimes social media goes out before the message gets across.
* TMC – Presumably an ACC is capable of making a quick decision?
* RN – If an ACC has authorised this, depending on the situation, you have to inform the ACC as soon as possible, we often don’t do this and that’s a gap in our approach. ACC should be informed as soon as possible for less community impact
* In terms of the data set, is it possible to look at section 60 in demographic and the concern of the area? Wondering to what extent is this a result of ethnicity?
* PM - Section 60s are not done everywhere, some parts not at all. May be right that sometimes it correlates with population.
* JW – Can a S60 be extended up to 90 hours?
* PM – Tend to work to 15 hours.
* DA – Wants to echo some of TMCs comments about letting people in the community and youth workers whether a s60 has occurred so youth workers can speak with young people about it and pre-warn them to be cooperative.
* PM – If we communicate as broadly as possible, we can never tell too many people.

**Strip Search** * In light of the Child ‘Q’ in London WMP have reviewed their current processes and submitted for consideration a change in authorisation level for none custody strip searches of juveniles (Chief Inspector).
* Permission has been given for this data to be shared at panel meetings

**Disproportionality** * PM – a lot of effort has gone into reducing disproportionality but unfortunately this hasn’t happened. PM personal view is this is due to S60 – these weren’t carried out very often in previous years
* TMC – positive outcome rates across demographic, very often is put forward as an explanation for doing things fairly. What are people’s reflection on this? Is demographic a good explanation for disproportionality and who thinks these figures aren’t as bad as they look?
* This is positive and hasn’t gone up drastically. Work at Birmingham west panel has been great. Figures don’t look amazing but we are still doing the work
* TMC: When is the latest census data going to be put in?
* PM – Advised it will be later this year
* Over the years, disproportionality figures have not changed. In terms of the explanation by area in terms of s60, what is not plausible is the explanation of the factors that are driving disproportionality. If it was intelligence led it would have an effect and positive outcomes. Is it about perception of the officers driving disproportionality in the situation we are seeing now?
* NR – you are more likely to be searched if you’re black, and the same find rate may be driven by the data. Reassurance in body worn videos trying to drive up standards. We are trying to drive standards for everyone.
* PM – In July 2022 West Midlands Police implemented a system of supervisor reviews for Stop & Search, this followed the precedent set by the Use of Force review process.
* Each time an officer searched under any of their Stop & Search powers a black male between the ages of 18-34 a review was created for the line supervisor.
* The reviews involve the officer’s supervisor reviewing the body worn video and then having a reflective practice conversation with the officer to highlight the good and bad from the incident and focus on learning and improvement.
* Alexander French asked why so many Body Worn Videos appear not to be available for Stop and Searches on Birmingham East and over the last few months this has been upwards of 50% unavailability.
* James Tandy agreed to follow this up with Inspector Simon Graham.

**TMC congratulated this initiative and the amount of work that goes into it.*** PM – QR codes are about to be rolled out across the force at the end of October
* Mike – last 3 panels there’s been an emerging trend that at least 50% of the body worn videos are showing no video at all. This might be pure chance but is also an observation.
* WMP agreed to look into this. Suspect it may be a tech issue.
 | Superintendent Paul Minor |
| 19.05 | **Serious Violence Reduction Orders – an update on the WMP pilot due to commence in January 2023*** WMP is part of a HO pilot around getting an order on conviction on an individual who has been convicted where a knife/weapon has been used.
* They have to be convicted and court and the order has to be issued by a judge or a magistrate.
* The order is a suspicion of stop and search over a matter of time that the judge has selected based on the number of time the individual has been considered a serious risk due to the offences that have taken place
* CPS ultimately review what we have presented and make a decision
* 4 forces, Merseyside, Sussex, Thames valley – 2-year pilot comes into force suggested time January 2023 but may be put back to April depending on forces ability to deliver services – training, investigating, data analysis
* Were aware of a number of concerns relating to disproportionality, JT is ensuring WMP responsibility CPS responsibility and rationale to ensure consistency within our systems.
* Will be assessing whether it achieves its purpose

Discussion Points:* Does this mean if someone has the order will they be stop and searched more?
* JT: Not necessarily but they could be, WMP wont need any suspicion/reason to search as the magistrates have deemed it appropriate to search that person. This is on 18s and overs and not juveniles
* TMC: What is the independent scrutiny going to be?
* TMC: This seems to fall into offender management category. Is this formed with meaningful wraparound activities to keep that person away from crime?
* JT: Any of the ordinary preventative work will still be around the individual, no specific identification around the order. The order is standalone and doesn’t impact preventative work
* TMC: Postcode lottery – how big of an impact is this going to have long term?
* JT – These are going to be really low numbers. In terms of selection process we are doing a lot of work with our data lab.
* TMC – qualitative info to ensure we understand how these discussions are made would be helpful
* Q – is there anything to address individuals that feel they’ve been oppressively stopped?
* JT – Grounds exist because there’s an order in existence, grounds of which the order is taken to activity can still be under scrutiny
* Q – Concerns – someone who has been through CJS and engaged with WMP a lot, then is on this order and potentially drawn to a situation where they would be arrested due to how they react to situations.
* JT – These are a lot of things that have to work out throughout the process. Would suggest the same with s60. Just because someone is on the order doesn’t mean you have to search them, but if you have reasonable grounds then you should use those powers
* Lots of people are involved in these discussions, not an isolated delivery
* Would you consider members of the IAG joining this work?
* JT – have spoken to SPOC’s, mindful not to make this too big but more than happy to have a consultative group for discussions and feedback
 | Inspector James Tandy |
| 19.15 | Custody UpdateThomas Joyce presented the Custody-WMP PowerPoint that was circulated prior to the meeting.Key points included:* We know that we are overusing strip searching. Progress is being made. November 2021 - lots of strip searches with no justification were carried out. July 22 we are seeing progress and improvements.
* Strip searches by rationale – having conversations with sergeants as to why they are strip searching. Main reason is ensuring safety of those around – conversations to state this is not precautioned. There has to be some grounds for it.
* No rationale recorded – focused on this for a long time as rationale should always be recorded.
* Recently got more intrusive into the violent/uncooperative/refusing PA
* Risk assessment – when someone comes into custody there’s an assessment into health and wellbeing
* Is the disparity amongst ethnicity due to types of offences they’re being arrested for?
* Does the type of offence someone is arrested for make them more likely to be strip searched? When we looked at data we found possession of weapons meant a black person was twice as likely to be in custody as a white person
* When we looked at offences, there’s some disparity in offence types. Started drilling into who’s conducting strip searches and speaking to inspectors about quality of decision making
* TJ – have found black people are likelier to be strip searched due to failure to comply with the risk assessment.

**APCC Tom McNeil thanked Chief Superintendent Thomas Joyce and paid his respects to the work that has been going into this.**  | Chief Superintendent Thomas Joyce |
| 19.35 | **Custody Scrutiny Panel –** an update on the pilot and progress madeNatalie Cox presented the Custody Panel Commission Update that was circulated prior to the meeting.Key points to note: Main findings so far:* Data collection issues regarding ethnicity at first panel – nearly 70% of records had no ethnicity, we are now getting this data which means the panels are able to begin to understand what this means
* Rationale/Justification of the strip search
* Levels of strip searches authorised in WMP
* Use of wands or arches
* Consideration of UOF levels in custody in relation to UOF during strip search

**Next steps:*** Review pilot – evaluate process and findings
* Review location, frequency and duration of panel
* Review learning from recommendation Criminal Justice Alliance Paper on Scrutiny- Chair
* Consider how we grow the panel to be open to the community and diversify our panel membership allowing for growth in knowledge base
* Work alongside custody to ensure we are capturing institutional learning from feedback and actions taken by WMP are feed back into the panel

**APCC Tom McNeil thanked Natalie and reiterated his commitment to this work.** | Natalie Cox |
| 19.45 | **Section 163 update**Defer to next meeting due to Jon’s absence and time on the agenda  | Inspector Jon Butler |
| 19:55 | *Comfort Break 10 mins* |

|  |
| --- |
| **Session 2**  |
| 20.05 | **WMP Use of Force – performance update. Q & A****Superintendent Nick Rowe spoke through the key points of the Use of Force Presentation, circulated prior to the meeting.*** Total use of force has increased over the last 12 months by 20%
* Use of force against black males increased 22.8%
* Body worn video recorded 88.2% average compliance over the last 12 months
* Body worn video recorded 89.2% average compliance over the last month.
* Disproportionality amongst black and Asian members of the community.
* The black disproportionality rates for use of force since 2019 are:
* 2019 – 3.8
* 2020 – 3.7
* 2021 – 3.5
* 2022 (to date) – 3.4
* Reduction in the last 3 years.
* Use of force on children, last 12 months data
* Every use of force on under 10s will be scrutinised by SPOC’s. There have been no concerns with this. These are typical children with mental health issues.
* Area to focus on over next 12 months is aged 10-13. There is currently no scrutiny in scope for this. Can take away as an action to look at the scrutiny around this
* TMC: Why is there not scrutiny on this?
* NR: Every trigger review we had would relate to using force on under the age of 10 being automatically sent to a supervisor

Discussion Points:* Question – ‘taser when its drawn’ – is this taser being used?
* NR – Can’t think of an occasion in the last 12 months where a taser has been drawn.
* MK – Is there training specifically for dealing with children with mental health issues?
* NR – We use the National decision-making model
* MK – Thinking more trauma informed
* NR – New recruits get a five-day training package, most officers get a one-year refresher package, most of the opportunities around mental health training are in this
* Concerns raised around the fact this is a lot for officers to deal with in terms of youth
* NC – Is there a way of putting a marker to make it known that officers are aware they’re going into a situation where a younger person has vulnerabilities
* NR – We’ve got access to far more data and intelligence, officers can access some information themselves. This is based on the timeframe they have to travel to the scene – sometimes there is more time but there are markers on vehicles, addresses etc.
* Q – Would street triage be called to any of these situations?
* NR – Unlikely, most of these situations we’re going to are violent so wouldn’t want to bring them into this risk.
* TMC reflected on the huge amount of work that needs to happen in terms of mental health authorities.

Supervisor reviews:* WMP have done over 5000 trigger reviews in the last 2 years
* Since July 2020 West Midlands Police have been running a system of supervisor reviews for use of force.
* Each time an officer used their baton, PAVA, taser, force on an under 10 or force resulting in hospitalisation a review was automatically generated.
* The reviews involve the officer’s supervisor reviewing the body worn video and then having a reflective practice conversation with the officer to highlight the good and bad from the incident and focus on learning and improvement.
* In April 2022 the five triggers were replaced to a single trigger of any force used on a black male aged18-34.

Things to work on in the next 6 months:* Live time scrutiny panels – opportunities for using this in use of force. Need to get this risk signed off by force exec
* UoF mental health project
* Emergency UoF panel
* Quarterly silver meeting
* Quarterly PSD / L&D / Legal meetings

Nick Rowe is moving onto a new department after five years, proud to be handing over to JasonAPCC Tom McNeil thanked Superintendent Nick Rowe for all the hard work Nick has put in over the last 5 years. | Superintendent Nick Rowe  |
| 20.30 | **Stop and Search scrutiny – young people.*** Training programme is doing well, we have recently taken on some new trainers, some of which are in attendance tonight.
* GH - Youth scrutiny – SM is running a youth scrutiny panel pilot in Black Country area. Wolverhampton and location source in Sandwell, discussions around a Walsall panel.
* Barriers is finding young people to come onto adult panels – young people not wanting to attend a police station, and so they are held at universities.
* We reimburse young people attending scrutiny panels to remove barriersof attendance.
* Suggested update on the PCC’s Stop and Search schools programme & a progress report on youth scrutiny panels pilot.
 | Natalie Cox and Georgie Hancock, OPCC |
| 20:40 | **Scrutiny Panel Chairs update and Q&A*** Desta has been nominated for an award at the Home Office's Lord Ferrers Awards 2022. Desta was congratulated for her hard work by all.

**Wolverhampton:** * Overall, we are quite pleased with the reduction in disproportionality in terms of Wolverhampton. Challenged in terms of recruiting young people. Would like to revert to using community assertive. Since pandemic have been meeting at police station which has been a hindrance for some community members and some young people. Seem to be having a lot of technical problems.

**Birmingham West:*** Meting virtually, working well so far, few people struggle so going to assess this in January but is working well so far at 10-15 per panel.
* Want to highlight ongoing work Nick Hill was doing dip sampling and came across a problematic stop and search which was brought straight to the panel which is important to highlight. If Nick hadn’t raised this, no one would have known but he brought it straight to the panel and this has been a really good piece of work of the police being transparent with the public.
* Nat – we are doing work around this which will be updated at the next commission.

**Birmingham South:*** Doing ok, minutes are independently taken and are on the PCC website which I am impressed with.
* Continue to meet virtually which works far better. Thanks to Nick Hill and Nat for continued support.
* Couple of new members coming and would be useful for an updated training package on use of force.
* Nat, Sheze and Georgie are working on this training package

**Birmingham East*** Next panel on Monday, planning to trial the hybrid meeting style.
* Looking at rotating the chair.
* Thankful for Natalie and the information provided.

**Dudley:****New Chair*** Had two meetings, keen to get new panel members, looking to divert from police station to Dudley college purely due to logistics and parking.
* Definitely need to increase numbers. Haven’t met some panel members due to lack of attendance. Going to discuss with Sheze whether we assess members due to commitments.
* Would be good to get OPCC feedback from the minutes in terms of content and detail.
* When Sheze is on leave, it would be helpful to know who the contact is to liaise with that person to avoid cancelling meetings.
* Georgie provided reassurance that Georgie/Nat/Sheze will always be around.

Support to be provided to new chairs. |  All |
| 20:55 | **Closing remarks and agreed actions**Tom thanked scrutiny panel chairs for all the time they give up to dedicate to this work. Special thanks to WMP colleagues for taking this work so seriously.APCC Tom McNeil thanked everyone for giving up their time tonight, and closed the meeting.  | Tom McNeil, Asst. Police and Crime Commissioner |
| 21:00 | **Close** |  |