



Strategic Policing and Crime Board

27th June 2023

Police and Crime Plan Priority:

Title: Increased Confidence in WMP – Stop and Search and Use of force

Presented by: ACC Claire Bell

Purpose of paper

1. This paper will provide the Board with a report on progress towards the West Midlands Police Crime Plan objectives 2021 – 2025 relating to Stop and Search (S&S) and Use of Force (UoF).

Stop and Search

2. Oversight and analysis of S&S and UoF powers is a key priority for West Midlands Police (WMP) due to the impact such powers can have on local communities and the effect on public trust and confidence. The aim of WMP is to be a minimal force organisation and we are committed to ensuring these powers are utilised in a proportionate, consistent and reasonable way.
3. In general terms, parliament have defined the level of certainty that a police officer needs to make use of a specific power. The power to S&S someone requires an officer to have reasonable suspicion that a person may be in possession of a prohibited article in a public place. WMP assess that this power is used as parliament intended.
4. The police would expect to S&S a proportion of people and find no prohibited articles. WMP believe that a find rate of around 30% supports the assumption that the police are working at a threshold which is an accurate and proportionate application of the law.
5. Once a S&S record has been created, it must be signed off by a supervisor to ensure that the record is completed appropriately. This would include scrutinising the S&S record to assess proportionality, reviewing the grounds provided for conducting the search and determining if the body worn video camera was switched on during the search. This provides individual supervisors with the opportunity to provide feedback if the S&S record does not meet the required standard. It also allows the supervisor to recognise quickly any positive or developmental patterns of behaviour from the individual or team.

6. The "Fair and Effective Use of Police Powers Board" (FEUPP Board) consider national issues, community feedback, critical incidents and other information to make a recommendation to the "Communities Board" which is chaired by an Assistant Chief Constable to decide where the supervisory framework should be directed and which searches should have a more in-depth review. Currently all stop searches of black males aged between 18 and 34 are reviewed, due to less confidence in the use of this power and also disproportionality rates associated with the black community.
7. The Targeted Guardian Patrol (TGP) areas have been identified by the Data Analytics Lab as the areas where there are higher rates of violent crime and serious youth violence (excluding domestic abuse). These areas are smaller than Impact Areas and specifically focus on areas where violent crime is more prevalent. They represent 1.4% of the geography of the West Midlands, but account for 17% of violent offences and over 18% of harm caused. Therefore, any policing activity, including stop searches, occurring in the TGP areas correlates with the locations where violent crime rates are higher.
8. Of those stop searches conducted in TGP areas, 34% resulted in a positive outcome compared to 30% in the same period across the whole force. This shows there is a slightly higher positive outcome rate in the TGP areas.
9. Since October 2022, 4,124 stop searches were conducted in these violence hotspot areas, equating to a daily average of 19. This represents 23% of the total number (17,975) of stop searches conducted across the force area in the same period. This shows that the use of these powers is focused in the areas where rates of violence are higher.
10. In the TGP areas, where the reason for the stop search reason was either 'firearms', 'offensive weapon/bladed article' or 's60 searching for dangerous instrument as opposed to drugs or stolen items', the positive outcome rate was 23%.

Stop and Search Meko of Reason to Outcome

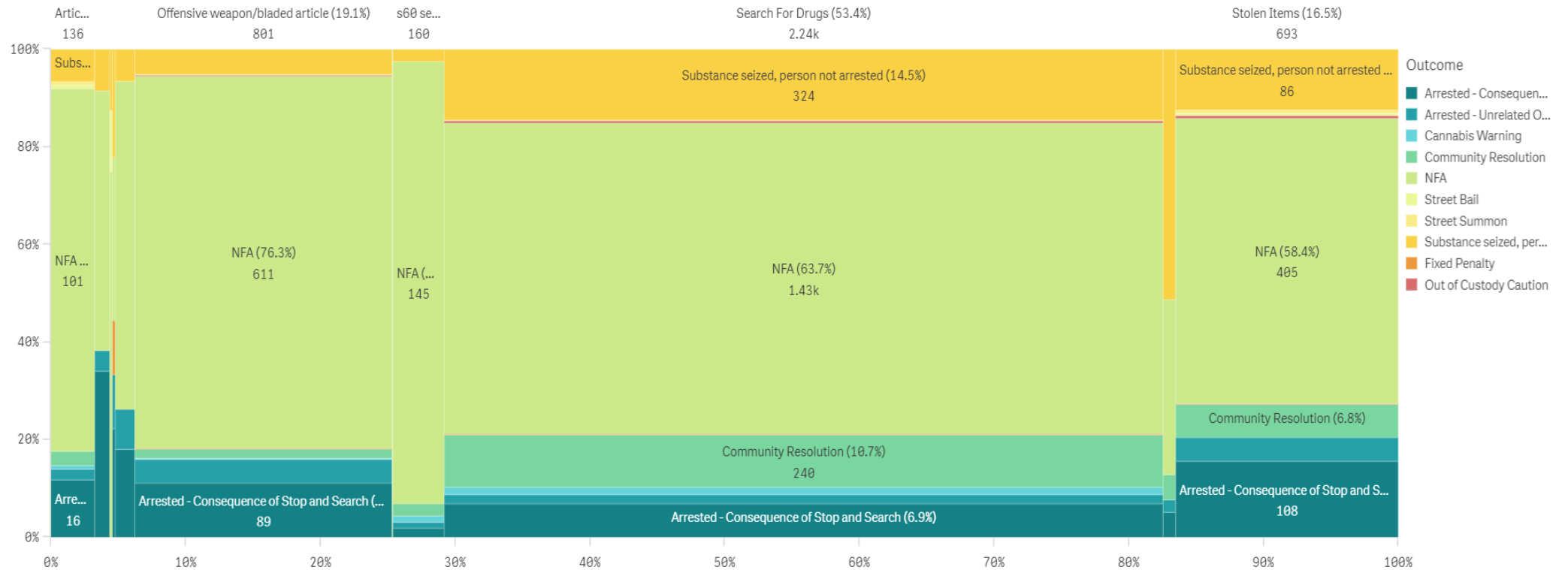


Figure 1: Chart showing the reason given for stop search against the outcome of the stop search (Business Insight TGP – Guardian RCT)

11. During May 2022 to April 2023, 19.6% of searches detailed the object of the search as an Offensive Weapon / Bladed Article. Of these searches, 410 resulted in knives being recovered with a find rate of 6.7%. Find rates are calculated by the proportion of stops where items recovered directly relate to the object of the search (i.e. where the object of the search was a knife, we have found a knife on the person).
12. All searches, regardless of object being sought resulted in 919 searches having an outcome of a knife being recovered (a knife find rate of 14.9%). In comparison, the drug find rate between May 2022 to April 2023 was 37.2% for the same period.

Ethnicity	May 2022 - April 2023	
	Drug Find Rate	Knife Find Rate
All	37.2%	14.9%
Asian	32.9%	10.1%
Black	43.4%	12.2%
Mixed	39.1%	13.8%
White	37.5%	15.3%
Other	29.3%	11.8%

Table 1: provides a breakdown of the different find rates across different ethnicities

13. The drug find rate during this period was highest within the black ethnicity group whereas the highest knife find rate was highest within the white ethnicity group.
14. The WMP tasking process sets the tactical and operational priorities for the force. This informs the briefing information provided to frontline officers. WMP prioritise issues such as serious youth violence and robbery, issues which involve the use of weapons by perpetrators.
15. S&S is a power to be used by a police officer if it is legal, necessary and proportionate to do so. Officers are deployed tactically to different locations against Force priorities, but they are not directed to use a S&S power as a prescribed tactic. Officers need to use their operational judgement in each case to decide whether action can be justified. This is in line with the guidance within the Police and Criminal Evidence Act. Possession of a controlled drug is illegal, and officers cannot ignore this breach of the law if information comes to their attention whilst conducting their general police duties. If controlled drugs are found during a search for another item, the matter needs to be appropriately recorded and dealt with.
16. The force does utilise knife wands for S&S, for specific operations such as knife arch deployments and supporting education partners with operations. This is to ensure the least intrusive method is used where possible in specific pre-planned deployments.
17. The compliance of body-worn camera use during a S&S is monitored by a "Silver Meeting" which is chaired by the force S&S lead (who is a Superintendent). General compliance for body-worn camera use is high as described later in the paper. The force can scrutinise data from both teams or individual level, and local senior leadership teams are tasked to conduct a detailed review if there are outliers or officers failing to comply.
18. S&S powers can only be analysed against the publicly available population data. The objective is always to ensure intrusive police powers are used legally, fairly and proportionally. The aim is not to ensure the powers are proportionate to the population

we serve. However, where a power is disproportionately used on one group, it requires examination to ensure it is not being exercised through a bias or discrimination.

19. Disproportionality data is cross referenced against the residential data for where the S&S had taken place. Whilst a useful starting point, this potentially distorts what this data is telling us about the extent to which the use of the power is disproportionate. By way of example, one factor which may inform this is the age profile of people who might be searched. Generally, it is unusual for older people to be subject of a S&S, but they may make a large proportion of the residential proportion, and because of social economic history, older people in a particular location may have a much higher proportion of white people in their number. Other issues also include stop searches that are conducted on people who have travelled into the West Midlands area, which occur in areas with a very small residential population; city centres being a clear example.
20. WMP takes disproportionality data very seriously and scrutinises it extremely closely. It does inform where we direct our supervisory focus. A supervisor will conduct an enhanced review of all stop and searches of black males aged between 18-34. Our focus is to ensure that S&S is used legally, proportionality and only when necessary.

Ethnicity	May 2022 - April 2023 Positive Outcome Rates							
	WMP	Birmingham	Coventry	Dudley	Sandwell	Solihull	Walsall	Wolverhampton
All	30.1%	28.7%	30.6%	36.1%	32.8%	30.3%	29.1%	31.2%
Asian	28.5%	27.4%	29.6%	41.7%	29.7%	30.1%	26.9%	32.1%
Black	30.1%	29.4%	31.5%	30.4%	39.0%	21.2%	26.6%	31.0%
Mixed	29.1%	26.0%	30.4%	37.6%	35.4%	27.3%	34.3%	31.3%
White	29.6%	28.1%	28.9%	33.6%	31.4%	32.5%	29.5%	28.9%
Other	26.6%	31.0%	9.5%	0.0%	100.0%	0.0%	0.0%	40.0%

Locations are where the search took place

Table 2: provides a breakdown of the different find rates across different ethnicities and different local policing areas. Some additional data relating to non-person searches or data errors has not been displayed in the above table.

21. Table 2 details the positive outcome rates across all Local Policing Areas and ethnicities. LPAs are based on location of search (as opposed to location of officer conducting the search). There is a variance between LPAs and ethnicities, but this will be impacted by the different demographics of the locations and the reasons described above.
22. To ensure that more search records are being completed, staff are being encouraged to complete more records at the scene (live records) and this is a continual focus of the Silver meeting process. Each LPA and force department are required to report on their live record completion and asked to provide rationale as to the levels. Using Business Insights, departmental SPOCs are required to deep dive into the data, identify specific teams or individuals who are lower than desired and report on local plans/process to improve these levels. This is also part of localised scrutiny panel processes as well as the force level S&S commission meeting.
23. West Midlands Police have established a team of two sergeants and four officers (a further 2 Police Officers are due to join the team in the coming weeks) who report to

the Out of Court Disposal (OOC) manager and take responsibility for dealing with OOCs once administered by the investigators, as well as scanning for opportunities to further increase usage by triaging crimes being processed in Public Protection Unit and Force Criminal Investigation department. Work will be done with LPAs to increase knowledge of the available pathways, and referral processes, such that use of OOCs will start to increase.

Ethnicity	Count of Ethnic Description
Asian	2016
Black	1152
Mixed	698
N/A	13
Not applicable	1274
Not stated	678
Other	21
White	2995
Total	8847

Table 3 – breakdown of ethnicity in relation to OOC

Section 60 of the Criminal Justice and Public Order Act 1994

24. Section 60 of the Criminal Justice and Public Order Act 1994 allows Inspectors or above, who reasonably believe that serious violence will take place in an area, to authorise the use of Section 60 powers for up to 24 hours (informing officers of the rank of Superintendent or above as soon as practicable). Superintendents or above have the authority to extend section 60s for up to an additional 24 hours.
25. WMP is aware of the significant impact these powers can have on the community and has retained Section 60 authorisation at Assistant Chief Constable level, whilst encouraging active and appropriate use of targeted section 60s to tackle violent crime. Where possible, Independent Advisory Groups and other partners are consulted when a section 60 power is evoked, which may be before the event, during or after, dependent upon the situation.
26. There are no examples of any significant delays in Inspectors contacting an Assistant Chief Constable (ACC) regarding authorisation. There are also no examples of an ACC retracting a Section 60 authorised by an Inspector.
27. The purpose of the power is to stop people from carrying a weapon in order to prevent further serious violence. It is not a power to necessarily detect crime, but rather to prevent further crimes from occurring. When authorising a section 60, WMP's objective is to ensure that as many people as possible are aware the power is in place including partner agencies such as education and social care as well as through Independent Advisory Groups (IAG).

Strip Search of children

28. WMP recognise that the strip search of a child is significant and must only be done when it is proportionate and absolutely necessary. WMP are also committed to ensuring that any strip search is conducted in a manner which minimises the impact on the child being searched.

29. When a detained person attends the designated police station, the custody officer will determine if there is sufficient evidence to approve the detention of the person to secure and preserve evidence or obtain evidence by questioning 37(1) 37(3) PACE.
30. When a custody officer has determined that a person will be detained (as described above) they will then conduct a full risk assessment of the detained person. The purpose of the risk assessment is to assess vulnerability, threat and risk and develop a working strategy to mitigate. When conducting a risk assessment, the custody will consider numerous things what may include warning markers, behaviour of detained person, information provided by the officers, nature and type of offence being investigated and impact factors.
31. Unless there is risk of serious harm to the child/young person or another, an appropriate adult must be present for a strip search if it involves exposure of intimate body parts. It can only take place in the absence of the appropriate adult if the child/young person has specifically requested this, and the adult agrees. The decision should be recorded and signed by the appropriate adult. Consent is not required to strip search a child or young person.
32. Between May 2022 and April 2023, 11 people under 18 years of age have been strip searched, all who were male. The overall positive outcome rate was 36.4% with 33.3% drug find rate. Of the searches conducted, 81.8% were conducted under S23 Misuse of Drug Act and 18.2% were conducted under Section 1 PACE. The following are some examples of the strip searches that have been conducted:
- S23 Misuse of Drugs Act / Search for Drugs: Seen by PCSO to make an exchange with another person believed to be a drug deal. Detained and subject to search. PNC reveals warning signal for Possession with Intent to Supply (PWITS). Individual taken to custody suite for strip search. BWV used, However, switched off for strip search. 17 yrs. outcome NFA.
 - S23 Misuse of Drugs Act / Search for Drugs: A Fiat Punto was seen driving. This vehicle has numerous intelligence reports linked to drugs. When officers have come behind it, there were three occupants. One of the males was seen shuffling in the back seats as if to conceal drugs on his person. As this is a high crime area, the intelligence linked to the vehicle and the other male acting suspiciously, all three occupants were searched. 16-years; outcome arrested.
 - S1 PACE / Stolen Items: Member of the public has approached police and stated an IC4 young male with a white hoodie has approached some youth's and stolen some money and threatened them with a knife. Just seconds before a male in a white hoodie ran towards McDonalds on the ramp. Police have gone to McDonalds and seen a male in a white hoodie at the bottom of the stairs, he went upstairs and then down a few minutes later with the hoodie around his neck. This appeared to be in an attempt to change his appearance. When being searched around his waistband officer saw the male had his boxers pulled up in a bunch, he kept stating that he needed the toilet, officers believed this was in an attempt to hide and then discard evidence. 17-years; outcome NFA.
 - S1 PACE / Articles for burglary/theft/fraud/TWOC: Report of 2 white males aged 15/16-years all in black riding on a stolen cart. When males have noticed police, they have run off. After a short chase police have got hold of males and conducted a S1 pace search for stolen items. Whilst conducting initial search white powder was found which nominal said was cocaine. He then said he had

some more hidden in his underwear. 13-years; outcome substance seized; person not arrested.

- S23 Misuse of Drugs Act / Search for Drugs: Officers on foot patrol identified several known drug users heading towards a known drug dealing spot. After several minutes waiting the officers then saw a suspected drug dealer head to the drug dealing hot spot-on bike. Officers then ran around the corner of the building on and saw the individual taking cash off several known drug dealers. The individual was searched but nothing found so he was taken to a Police Stations and strip searched. 16 years; outcome arrested – consequence of Stop & Search.

33. In light of the Children’s Commissioner report, the board has directed a review of all recent searches to see where they physically took place. No concerns have been raised about this in WMP but a more detailed review is ongoing.

34. WMP has gone through a change so that when officers conduct a strip search, they are required to fill in mandatory boxes on the e-search that identify the location of the search, if an appropriate adult was present and the rationale for the search. Prior to conducting any search involving a young and/or vulnerable person, the officer is required to seek prior authorisation from an officer equal to or above the rank of Chief Inspector. This is a local measure put in place to provide greater oversight and scrutiny and not a legal requirement. Any searches meeting the required criteria are reviewed and discussed at the 6 weekly Silver S&S meeting.

Use of Force and Body Worn Video (BWV)

35. WMP is committed to improving its overall use of Body Worn Video (BWV). Training has been provided to all front-line supervisors as to the importance and benefits of using BWV. Individual officers, supervisors and leads are accountable for monitoring, reviewing and addressing BWV related issues. Compliance is monitored and scrutinised through the S&S and UofF governance meeting.

36. During the previous 12 months, BWV compliance has been 84.7%. There are a number of reasons why an incident might not be recorded including the spontaneous nature of it, technical failure of the equipment or user error. Custody staff do not routinely deploy with BWV which impacts upon the compliancy rates when considering UofF v BWV compliance.

37. Disproportionality rates in relation to UofF are regularly reviewed. Since the introduction of the new census data, data indicates that there is an inequality in the UofF for both Asian (0.7) and Black individuals (2.3). The reasons for this are complex but include the type and nature of incidents officers respond to where force is used.

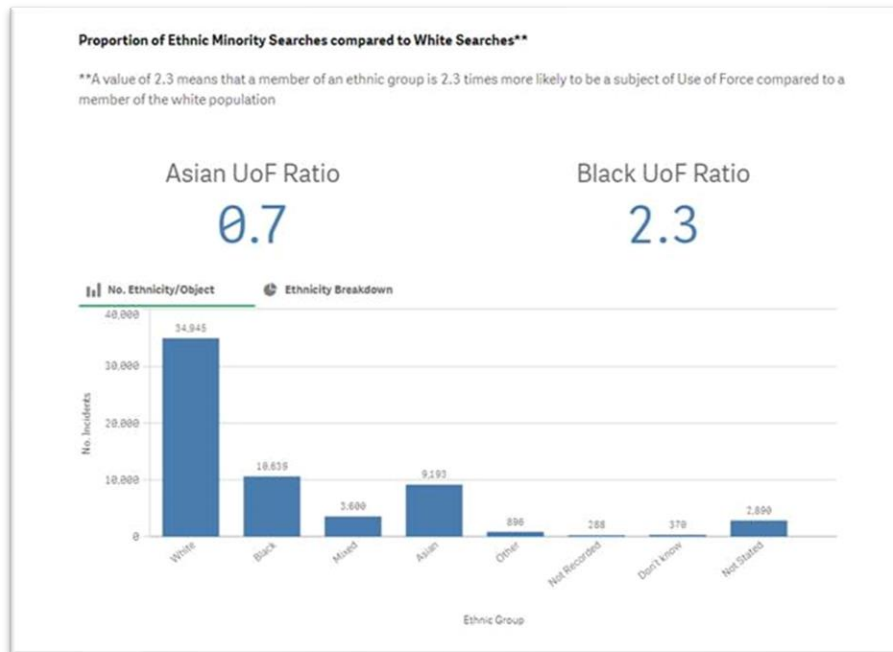


Chart 1: Proportion of Ethnic Minority Searches compared to White Searches.

38. Where incidents involve the UoF and 'serious' injury occurs, there is no deviation from the force policy or the APP in relation to death, serious injury (DSI).
39. Any UoF which resulted in death or serious injury would be known about immediately and result in Post Incident Management (PIM) procedures being initiated. This would be reviewed, including whether a referral to the IOPC is required.
40. In the unlikely event that a serious injury caused by an officer using UoF was not identified immediately, there is a trigger review system in place conducted by the officer's supervisor. This would also catch any lower-level injuries caused by UoF. WMP have provided all supervisors a recognised structure to follow where they review bodycam footage and officer statements to assess officers in five areas: Use of the National Decision Model (NDM), tactical communication, aftercare provided, proportionality & necessity of the force used, and the empathy shown by the officer during the incident. Once the supervisor has assessed each of these areas, they will then provide an overall grading for the officer's UoF grading it from Tier 1 to Tier 5 (Tier 1 is deemed an excellent UoF, and Tier 5 would result in a PSD referral). The overwhelming majority of these reviews come out at Tier 2 (standard) or Tier 3 (minor learning). A small amount of these reviews are then quality assured by the Public and Personal Safety Training team within Learning and Development.

Serious Violence Reduction Orders (SVRO)

41. The use of Serious Violence Reduction Orders (SVROs) went live in WMP on 18th April 2023. Offences which fit the criteria for an SVRO include:
 - Has occurred in a public place
 - The offender is identified and over 18
 - The weapon is considered to be an offensive weapon or bladed article

42. WMP are monitoring all offences where an SVRO could have been applied for to ensure they are being applied for fairly. Every officer prosecuting an adult suspect for a violent crime involving a weapon, will need to consider whether a SVRO application is appropriate as part of their investigation. WMP document whether each eligible case was referred to the CPS or not and state the decision-making process that led to an application, or no application being made.
43. As part of the evaluation pilot, the force are collating ethnicity data to monitor the proportionality of applications. In order to ensure WMP are implementing the pilot legislation fairly and proportionality, regular reviews are being considered at all stages of the process which will include identification, application and enforcement.
44. Targeted use of S&S when used fairly and proportionately, as part of a wider approach to intervene and support offenders, will help to safeguard those communities most at risk. The pilot will test how well the orders deter violent offenders from carrying weapons, before a decision is made on national roll out and is subject to an external evaluation.
45. WMP are committed to the pilot, but we understand the sensitive nature of S&S and how this may be received by communities. There is comprehensive internal and external community led scrutiny in place around our policing powers and the use of this power will fall part of these processes. Officers will not be directed to purposely target those with an order.

Training

46. Within Uniform Training, all student officers complete a mandatory NCALT online Unconscious Bias course before they start initial training. In week one of the initial training programme, trainers from Learning and Development (L&D) deliver a Fairness in Policing lesson. This covers unconscious bias in detail and examines protected characteristics. On the same day students receive the recently developed 'Learning from our Black History' lesson which is focused on lessons learned to raise awareness of unconscious bias and racial bias. Student officers have two inputs from professional standards to communicate the standards of behaviour which WMP expect from all officers.
47. During a bespoke S&S lesson during initial student training, trainers build on the earlier lessons covering unconscious bias and incorporate a group exercise where they cover the importance of treating individuals with fairness, dignity and respect. Trainers focus on ways to minimise embarrassment, ensuring everyone is treated as an individual. Students then carry out S&S role plays and are assessed on how they apply these principles alongside their application of the law.
48. Within the realm of physical training, personal safety trainers teach safe and effective search whilst remaining objective and professional in the use of any search power. During the S&S training the 'golden thread' that trainers teach relates to fairness in policing, adopting a non-escalatory approach, utilising numerous communication models (LEAPS, MOREPIES, 5 step appeal etc) in order to build rapport, mitigate the need to use force and ensure that the process is conducted in a timely, fair, proportionate and thorough manner.
49. The training considers all protected characteristics, and also considers invisible conditions relating to mental health. An active listening approach (supported in the communication models) is promoted in an effort to ensure officers 'see and hear' the subject in an effort to mitigate unconscious bias based on any stereotypes.

50. The Physical Training Manager within Learning and Development sits on the 'Fairness & Effective Use of Police Powers Board' and the 'Use of Force/Stop and Search Silver' meeting to ensure that current operational policing issues are fed into training and vice versa.
51. Learning and Development recently welcomed members of the Faith Board on two occasions to attend initial student training to observe and provide feedback. The feedback has been positive, and the members noted that our training paid due regard to de-escalation, fairness and communication.
52. The ambition of the Diversity and Inclusion department has shifted recently to improving cultural intelligence, so that police officers' value what is important to different communities. This is supported by the force' cultural calendar and mandatory training on our duty within the Equality Act 2010. These products provide a blended learning approach to improve cultural intelligence across a range of police activity, not just S&S and UoF. We have also supported the development of the face-to-face training "Learning from our Black History". As described above, this is now part of student training, new police staff induction with a view to rolling it out to all existing staff and officers within the force.
53. WMP continuously strives to be innovative in its approaches and methods to improve interactions between officers and those being stop & searched. In 2021 WMP developed an alternative approach to upskilling officers when using S&S and UoF, focusing on reflective practice as the main method of learning. This followed a successful pilot led by the Diversity and Inclusion department with Project Guardian where officers commented that it made them think more about their stop & search and how they would do things differently in the future.
54. The Diversity and Inclusion department, in collaboration with members of our Black communities who had experienced S&S, led on a piece of work to better understand the quality and impact of stop & search. A small survey was developed and offered via a QR code in a pilot involving Project Guardian officers. Whilst the QR code did generate insight, officers commented that they felt that because they were being surveyed, they changed the way they interacted. It became apparent that what was intended for one thing (user insight), was also a de-escalation tool and a nudge for officers to consider their behaviours when conducting stop & search. This has now been embedded into the stop & search app and at the time of writing, has resulted in over 200 responses from people involved in stop & search.
55. Stop & Search and Use of Force (UoF) is a Diversity and Inclusion priority within the community segment of the Fairness & Belonging Strategy. It specifically links to one of the strategic objectives within the Strategy to "Enable our workforce to engage with our communities in line with our values, recognising all who we encounter through the broad spectrum of our work". Stop & search and Use of force are both governed within the Fair & Effective use of police powers board. Independent public scrutiny panels support WMP in holding officers to account for the conduct when using their powers.
56. The Diversity & Inclusion department have been supporting the leads of Stop and Search and Use of Force to review the current policies by developing a thorough and comprehensive Equality Analysis, using a newly devised Equality Analysis (EA) template with supplementary guidance toolkit. The Equality Analysis is an aid for us to consider or think about how our policies or decisions affect people who are protected under the Equality Act 2010 and provides opportunities to demonstrate due regard to

our Public Sector Equality Duty (s.149 of the Equality Act 2010) namely, how we strive to;

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

57. This has involved a consultative process with members of the public, a literature review, and review of data held nationally and locally. The analysis covers everything from training to scrutiny, and includes references from the Lammy Report and Crest. These live documents are available on a shared account available to colleagues involved in this work and the Diversity & Inclusion department. This platform allows for a collaborate approach in developing the EAs, ensuring people can see any additions and comments. In addition to having a live Equality Analyses, the Diversity and Inclusion (Community) Sergeant, attends this board and discusses progress of the Equality Analyses as a regular agenda item. Whilst the EA is a live document and regularly reviewed, this approach also allows us to develop an organisational memory of what previous work in these areas have been done.

58. The Equality Analysis captures both positive work taking place in these areas (e.g. use of the QR code to gain insight and improve interactions), which can then be shared as best practice across the whole force (or showcased nationally), along with any risks identified e.g. disproportionate use of Taser towards ethnic minority communities. This risk management approach allows the leads to identify the greatest risk to the organisation and our communities and allocate resources to address those areas. An example of this is working, is that knowing there is racial disproportionality in stop & search and UOF, which is having a significant impact on police legitimacy with ethnic minority communities, we have commissioned academic research to look at the impact of police officer behaviours prior to the use of Force and working with the College of Policing to support their taser research to understand racial disparity. This research is managed through the Fair & Effective Use of police powers board.

59. In the event of a significant risk being identified, which requires a multi-departmental response (e.g. following implementation of new legislation / update to apps), this will be raised through the Fairness & Belonging community board or as a force risk which is added to the force risk register for continued monitoring.

60. Taken collectively, all these interventions enable us to demonstrate due regard to our Public Sector Equality Duty (s.149 of the Equality Act 2010) for both stop & search and UOF.

Legal Implications

61. Every Stop & Search conducted is subject to a more senior officer reviewing the information provided which includes grounds given. If searches do not meet the desired standard, follow up action is taken with the officer completing the search and feedback given to improve future practices.

62. To add a further layer of scrutiny, some specific searches (18-34 Black males) are subject to enhanced supervisor reviews, which means a deeper dive into the search which will involve the reviewing officer watching all the body worn video of the interaction. A 5-tier grading system is used and again where identified, reflective

practice and appropriate feedback/further training is delivered. The Silver/Bronze lead has also conducted a 'dip sample' of over 100 records to review grounds.

63. Finally, external scrutiny panels select random searches to review grounds and provide community and public oversight and feedback as to the grounds of the searches. Again, a feedback loop is completed for best practice and learning for officers.

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