

Stop & Search, Use of Force and Continuous Improvement Panel – External

Wednesday, 17th April 2024 at 6.00pm



MINUTES

IN ATTENDANCE

Connor Eastwood (CE)
Clinton Smith (CS)
Marcus Naylor (MN)
Keith Kirby (KK)
Reece Richards (RR)
Paul Entwistle (PE)
Debbie Storr (DS)
Gill Strachan (GS)
Mark Hindle (MH)
Stephen Donnell (SD)
George Stewart-Moss (GSM)
Christopher Hopkinson (CH)
Inspector Jon Campbell-Smith (JCS) – Lancashire Constabulary
Ian Dickinson (ID) – OPCC (Chair)
Carol Benton (CB) – OPCC
Rachel Whittle (RW) - OPCC

APOLOGIES

Chris Cottam
Halima Karbhari
Louise West
Nichola Grimshaw
Paul Hudson
Amanda Wooldridge
Dean Roscoe
Glenn Ireland
Don Green
Chief Supt Chris Hardy (CH) – Lancashire Constabulary
Rozila Kana – Lancashire Constabulary

ID welcomed everyone to the meeting and thanked everyone for volunteering their time to sit on the panel. He explained that the previous Chair had relinquished the role therefore a new Chair would be sought, and anyone interested in the role of Chair should let CB know.

Since the last meeting two induction sessions had been delivered via Teams, which several members had attended.

DECLARATION OF INTEREST

The Chair reminded members of the Panel to consider whether they may have to disclose to the meeting knowing any individuals or officers in relation to any matters under consideration on the Agenda. If it became apparent they knew any persons or properties during the discussions, they should make the Chair aware and step out of the meeting for that item.

MINUTES OF THE LAST MEETING

The Minutes of the last meeting having been previously agreed were accepted as a true record

ACTIONS FROM PREVIOUS MEETING

- 1) **ACTION:** At the last meeting it was noted that the video highlighting the role of the independent chair of this panel had not been completed and CH undertook to progress the matter.

This has not yet been completed.

Action carried forward until a new Chair is appointed.

- 2) **ACTION:** At a previous meeting members had been informed that some forces have a stop and search ride-a-long scheme but that is not the way that Lancs wish to go, as officers may feel compelled to do a stop search. CH prefers to operate the ride-a-long scheme in its widest terms linked to policing operations where it is believed a stop search will take place. A draft Policy and Risk Assessment have been prepared and, once approved and dates are known, the intention would be to invite participation of panel members through CB.

JCS updated that there was a lot of change ongoing currently with the main focus being building new systems so this action has not yet been progressed.

Action ongoing.

- 3) **ACTION:** CH to compile a list of additional data sets through Pronto.

The way the force records stop and search data is changing and different data reports set up. An agreed set of metrics had been produced and the intention is to produce the report in time for these panel meetings.

JCS confirmed that the new data sets have been set up and the age demographic has been included in the current data set as requested.

Action Discharged.

- 4) **ACTION:** JCS to arrange for Zahid Dudhia, PSD, to attend a future meeting to give a more detailed complaints data update.

JCS confirmed he had the complaints data to present when required, due to the operational difficulties of someone from PSD being available to attend this meeting.

Action Discharged.

5) **ACTION:** Stop and Search Incident 1 CH to produce and circulate, through CB, an aide memoire explaining what can be done.

CB confirmed this had been completed.

Action discharged.

6) **ACTION:** Stop and Search Incident 2 JCS to advise L and D to remind officers to ensure officers are being properly advised to record all officers on the paper work.

JCS confirmed this had been done.

Action Discharged.

7) **ACTION:** Stop and Search Incident 4 CH to consider how he can make the data set show the operational context. Links to Action 3 above.

Action Ongoing.

UPDATE IN RELATION TO STOP & SEARCH DATA

This links to the actions from previous meetings above.

A verbal update was given regarding changes being made but no data was presented to members.

SECTION 60 AUTHORITIES

There were 2 Section 60 Authorities to review.

Panel members were reminded that Section 60 of the Criminal Justice and Public Order Act 1994 allows a senior police officer to authorise constables to stop and search persons in a specific area, either where a serious public order problem is likely to arise or has taken place, or for offensive weapons or dangerous instruments.

The Panel reviewed Section 60 Authority Incident 1 which occurred in Blackpool in August 2023, with the following outcomes:

- **What went well**
- The Authority was well executed
- The paperwork was good/excellent

- **What did not go well**
- There was no review process apparent so it's unclear whether it was successful or not?

- **Additional Information**
- It was confirmed that following a Section 60 Authority there would be some form of community wrap around
- As a result of the Criminal Justice Alliance's Super-Complaint it will be mandatory to hold a de-brief after every Section 60 Authority, to assess how effective it had been, whether the powers had been properly used etc.

- Members were advised that signing up to 'In the Know' was a good way for members of the community to receive updates from the Constabulary about matters affecting their communities.

The Panel reviewed Section 60 Authority Incident 2 which occurred in Nelson in December 2023, with the following outcomes:

- **What went well**
- Members agreed the power used was proportionate.
- **What did not go well**
- JCS felt there was room to be more fluid in the decision making.
- **Additional Information**
- A request was made to see the Community Impact Assessment (CIA) for this incident if one was done.

ACTION 8: JCS to bring the CIA for this Section 60 Authority to the next meeting if one was completed.

REVIEW OF STOP SEARCH AND ASSOCIATED BWV

The Panel considered 3 **Stop and Search Cases**. In each case, the Panel were shown an incident log, stop and search form(s) and BWV where available.

The Panel reviewed **Stop and Search Incident 1** with the following outcomes:

- **What went well**
- The majority of Gowisely was covered.
- The officer conducted themselves well, was calm, had a good manner/tone and handled it well.
- The officer spoke to the detainee which can put them at ease.
- There was plenty of room, and the man was compliant.
- **What did not go well**
- The BWV was switched on late after the officer had already engaged with the male. JCS advised it should be switched on at the point of deciding to stop search.
- The delivery of Gowisely needs to be considered, or it might come across as a scripted training exercise.
- **Additional Information:**
- A member asked whether the second (student) officer present should have introduced herself and JCS advised it would have been worthwhile, though she had put her BWV on.

The Panel reviewed **S&S Incident 2** with the following outcomes:

- **What went well**
- The panel felt that Gowisely was covered.

- Panel members felt that the officer gave good advice relating to the friend's bag.
- **What did not go well**
- Members were limited in what they see of the search due to the positioning of the BW camera.
- Other officers BWC were not activated.
- The form states only 1 officer was present, which is incorrect.
- The officer doesn't quote the full legislation, and omits the Misuse of Drugs Act.
- The officer asked the detainee to search the bag.
- **Additional information:**
- The internal panel felt that standard were poor.
- A copy of the search record can be emailed and a question was asked as to how long the email addresses provided were retained?

Action 9: JCS to ascertain how long email addresses provided for the purposes of receiving a copy of the stop report are retained.

The Panel reviewed **S&S Incident 5** with the following outcomes:

- **What went well**
- Use of Force was used and had been referenced in the log.
- The BWV was switched on early so members saw the approach.
- Gowisely was covered.
- The search was good.
- **What did not go well**
- The officer uses the term 'spiel' a couple of times which members felt de-values the message given, and sounds unprofessional / robotic.
- One male was cuffed behind his back not supporting his body weight.
- The way the waist-band was searched could have caused problems if there has been something concealed such as a razor blade.
- Some members felt the male was hand-cuffed too early, without asking their version of events, whilst others felt it was right.
- Some felt the officer didn't control the situation very well, they didn't explain why they had hand-cuffed him which could have escalated it.
- The officer advised the male he wasn't under arrest but was detained, without explaining what it meant, ie for the purposes of a search.
- **Additional Information**
- JCS advised the officer was with a PCSO who have limited powers therefore in effect had to control the situation quickly, which ,might account for the quick hand-cuffing.
- A discussion took place about when a shoplifting offence actually occurs, past the point of payment however there is an offence of attempt shoplifting under certain circumstances.

REVIEW OF USE OF FORCE

Due to time constraints, the Panel agreed to consider two Use of Force Cases of the 5 available chosen by the algorithm. They selected **Use of Force Incidents 3** and 5 and were shown an incident log, Use of Force form(s) and BWV.

The Chair again reminded members of the Panel to consider whether they may have to disclose to the meeting knowing any individuals or officers in relation to any matters under consideration on the Agenda. If it became apparent they knew any persons or properties during the discussions, they should make the Chair aware and step out of the meeting for that item.

A discussion took place about what constitutes Use of Force.

The Panel reviewed **UoF Incident 3** with the following outcomes:

- **What went well**
- Members felt one of the officers dealt nicely with the incident, was restrained and gave the subject space.
- **What did not go well**
- The second officer got uncomfortably close to the subject.

The Panel reviewed **UoF Incident 5** with the following outcomes:

- **What went well**
- Members felt the female officer managed the situation well, successfully getting a large male who was under the influence down on the floor.
- **What did not go well**
- Although the officer tried to cuff to the rear she was unable to due to his size, so had to cuff to the front.
- **Additional Information**
- It was noted that the officers involved were both young in service, one being a student officer and the other her tutor.

UPDATE ON RIDE-A-LONG

This item had been covered earlier in the meeting.

COMPLAINTS DATA AND CONCLUSION

The data was available at the meeting but was not discussed due to time constraints.

ANY OTHER BUSINESS

No other business was noted.

NEXT MEETING

Wednesday, 24th July 2024
Mrs Angela Harrison
Chief Executive