

**Police and Crime Commissioner for Dyfed-Powys**

**Scrutiny Panel Dip Sampling Exercise**

**Stop and Search Incidents Panel Members’ Findings & Feedback**

**May 2024**

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* 1. **Overview, Background, Purpose and Methodology**

The Quality Assurance handbook, available on the PCC’s website, states

the background, purpose and methodology of the Panel.

On the 20th of May 2024, Quality Assurance Panel membersmet at Dyfed Powys Police Headquarters to review a selection of Stop and Search forms and their accompanying Body Worn Video Footage. The Panel reviewed 6 Stop and Search incidents whichincluded a selection of adult, juvenile and ethnic minority cases. This was the first meeting chaired by the Panel elected QAP Chair.

A Specialist Operations Trainer who delivers training to newly recruited police officers on Stop and Searches briefed the Panel beforehand on Stop and Search procedures emphasising that all Stop and Searches should follow GOWISELY:

* + - **G**rounds – reason for the search
    - **O**bject – what is being searched for
    - **W**arrant card – if not in uniform
    - **I**dentity – officer name & collar number
    - **S**tation – officer’s base
    - **E**ntitlement – copy of the record
    - **L**egal power – legislation being searched under
    - **Y**ou – explain you are being detained for a search

All Stop and Searches should be undertaken when there is a genuine suspicion that an officer will find the object being searched for.

Stop and Searches should not be carried out on:

* + - * the smell of drugs alone;
      * physical appearance – unless matching a description of a suspect;
      * being a known criminal or known drug user; or
      * being in an area of high crime and drug usage.

It was also explained that the mnemonic ‘SHACKS’ has been introduced for officers to use when completing Stop and Search forms to ensure that the justification for the Stop and Search is properly documented.

* + - * **S**een – What have you seen? Include actions, behaviour, articles present.
      * **H**eard – What have you heard? Include conversations, alarms, glass breaking etc.
      * **A**ctions – What did you do? Include what they did in response to your presence.
      * **C**onversation – What did you say to them? Include what they said in response or whether they evaded answering questions or gave differing answers.
      * **K**nowledge – What is already known?
      * **S**mell – What could you smell?

1. **Review of Stop & Search Incidents**

*Search 1*

*A juvenile male has been stopped and searched following reports of suspicious activity.*

**Positives**

* The Panel considered that the generalconduct of the officerswas professional and sensitiveto the needs of the juvenile.
  + The Panel noted that the stop and search was conducted with care and dignity and that search actions were well explained to the suspect.
  + Officers engaged in a group discussion following the stop and search highlighting the recent concern of drugs in the juvenile’s school. The panel noted this as an area of best practice as the officers were building a positive relationship with the juvenile and others present.

**Feedback**

* + This search was undertaken based on a search request by another unidentified officer who had observed suspicious activity by the subject. However, some panel members questioned whether more effort should have been made to question the suspect about the alleged incident before conducting the physical search.
  + Some Panel members were concerned that the officers conducting the search were not clear on what the grounds were. They unfolded during the conversation with the suspect.
  + It was noted that the officers did not fullycover GOWISELY as the officer’s station was not given.
  + The stop and search log noted that the search had not been conducted in a public place, but the panel noted that it was conducted in a public setting.

**Queries raised**

* + The panel noted that the accompanying officer was a sergeant who appeared to play little part in proceedings. He was not recorded in the log. (The Panel queried whether this incident could have been part of a training assessment).

Search 2

*A male was identified on CCTV as a suspect who had allegedly threatened to stab another member of the public person.*

**Positive**

* + Officers covered the GOWISLEY requirement.
  + Appropriate action was undertaken by the officers in relation to the serious allegation.
  + Officers handled the situation professionally and dealt with the suspect professionally and with care and dignity.
  + Officer clearly explained the reasoning for the stop and search.

**Feedback**

* + The panel noted that the location recorded within the stop and search report was inaccurate.
  + No details of the accompanying officer were noted.
  + No occurrence end date or time recorded was noted within the report.
  + Members of the public were allowed to enter the area during the stop and search. Panel members queried whether the accompanying officer could have prevented or protected people passing; especially with the claim that the suspect was in possession of a weapon.

**Queries raised**

* + Members questioned whether the venue management were notified of the stop and search from a Health and Safety perspective.

Search 3

*Officers engaged in a pre-planned search of a school utilising a specialist search dog. Four juvenile males were stop and searched after being seen to secrete themselves out of sight of officers behind portacabins/shipping containers within the grounds.*

**Positive**

* + The juveniles that were stopped and searched were of different ethnic backgrounds and it was felt that everyone was treated fairly.
  + Officer engaged well with the juveniles with a good rapport built.
  + Officer explained clearly why the search was being conducted and checked the suspect’s understanding.

**Feedback**

* + Members observed that the officer stated that he was from the dog unit but did not disclose their station.
  + Although thiswas a planned search, no information forms were made available to those who were stopped and searched.
  + Although the suspects had disclosed that they had been stopped and searched before, there was no reference to this on the stop and search log.

Search 4

*A Male suspected of a burglary was detained and searched which resulted in a knife being found.*

**Positive**

* The officer conducted the search in a professional manner.
  + GOWISLEY criteria were wellcovered.

**Feedback**

* + A female officer conducted a search on a juvenile male. The Panel had been informed that the Force’s aim is to conduct same sex searches whenever possible (but understood that this may not always be possible).
  + The officer removed the hat of the suspect when conducting the search.
  + The search location recorded on the log was incorrect.
  + Stop and search receipt was not available.
  + Panel members were concerned by the lengthy discussions which took place between officers at the scene and that the situation lacked clear leadership.

Search 5

*Vehicle has been stopped as there was a strong smell of cannabis. A bag of cannabis has been found in the car.*

**Positive**

* + - GOWISELY requirement covered.

**Feedback**

* Members noted that the log stated that the suspect had *“glazed eyes”* and a *“delayed response”.* Members were concerned that they could not identify from the recording that the individual was drug tested or stopped from driving.
* Members also questioned whether the search was thorough as it appeared that officers did not search the boot.
* Members queried whether a community resolution outcome was suitable.
* Suspect was stopped on the basis of the smell of cannabis alone which is not a reasonable ground to conduct a search.
* Details within the stop and search log were missing.
* Multiple officers appeared in blue light vehicles. The Panel considered this an overreaction as the suspect was compliant.

**Queries raised**

* Was, the subject, having been observed to be under the influence of drugs, subject to a drugs test and/or allowed to continue to drive? and if not, why?
* The Panel would likeclarification was to why it was deemed appropriate to issue an adult community resolution to the suspect.

Search 6

*A juvenile transgender male has been stopped after reports of them self-harming with a blade in the street.*

**Positive**

* + - The Panel commended the officer, who recognised the individual and knew that they identified as male and asked about their preference on being searched by a male or female officer.
    - Officers were kind and caring and showed empathy.
    - GOWISLEY criteria was covered.

**Feedback**

* + - The panel noted that the suspect had clear mental health issuesand hoped that referrals to mental health services/social services were made; however, this information was not confirmed on the documents provided.
    - The report references the suspect as both male and female; although, it was stated that they identify as a male.
    - The address on the Stop and Search log was incorrectly noted as the roundabout.

1. **General Comments and Observations**

**Force Response**

**Observations**

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| Overall, the 6 Stop and Search cases reviewed were well executed on the grounds. There were too many inaccuracies and errors in the Stop and Search logs. Errors and omissions related to use of drop-down menus and stick and paste. Failure to record all details accurately can result in poor understanding, follow-up opportunities being missed and ultimately undermine the integrity of evidence.  While the panel appreciates the time pressures on individual officers, better supervision and checking the detail of online reports would be beneficial. | I agree with the panel and it is frustrating that officers continue to get this area wrong.  Changes to the recording of stop search within Niche has created a problem whereby the completion of stop search forms has become much more complicated. Officers are required to complete the form via a series of drop-down boxes rather than free hand. This has meant that the answers are much more structured which can not be changed. Officers are often having to select a drop-down menu that does not entirely fit the circumstances that they find themselves in which leads to officers selecting the best option that is available for the circumstance in which they find themselves in.  However, as officers become used to using the stop search function within Niche then this will improve.  Some of the missing information from the stop search record can be found in other areas of the Niche incident and it requires carful navigation to tease that information out of the Niche record. |
| The Panel identified that the stop and search receipt/know your rights form was not available on several searches. Are these forms routinely available to all officers? | These are available and all officers should carry a copy with them for use during stop searches. |
| Members observed that during case 2 members of the public were allowed to enter the area as the stop and search was being conducted. This could have resulted in members of the public being intimidated or injured.  As the suspect was being searched after reports of them carrying a weapon. The Panel members questioned whether the accompanying officer could had prevented or protected people from entering the space in which the search was conducted. | Having reviewed the BWV I would suggest that conducting a search outside the male toilets in a busy pub is not and ideal place to undertake the search. It is clear on the BWV that a male exits the toilets during the search which could have potentially escalated the situation if the male exiting the toilet had become involved with the suspect.  However, the Sgt correctly can not hinder persons exiting the toilets and has no power to hold them within the toilets during the search.  The female who is seen to engage with the police during the search is both a witness and or potential suspect and the Sgt engages with her during the search. It is clear that the female is having a positive influence on the suspect being searched and her presence is keeping him calm during the engagement.  Despite her clear intoxication it is evident that she is important and to send her away risks compromising the information that she has to impart thereby jeopardising the investigation. But it also risks enflaming the situation, therefore I feel and clearly the officers feel that it is important that she stays.  My observations are that the officers should have moved away from the toilets and not conducted the search directly outside the toilet door. But this is the only criticism of the search that I have. But it is clear that the officers are searching for a weapon, and they have decided to conduct the search in the first available safe space which could be argued is on the landing where the search has taken place.  The area that the search does take place allows the officers to safely tactically withdraw creating a reactionary gap if the male become violent and reconsider what ranged tactics are available to them such as a Taser. |
| Panel members asked if the Force have a general requirement to inform venue management of their presence to conduct a stop and searches e.g.from a Health and Safety perspective, especially as the report inferred a knife was being carried. | There is no requirement to inform a venue management of an officer’s presence to conduct a Stop Search.  The majority of the time it is the establishment that will contact the police to inform us that there is a person on the premises who needs police involvement. Therefore, the management are aware and expecting us.  But in the situation reviewed the officers do not have to go and inform the management that they are there because of the potential risk to members of the public of a male with a knife. Speed in locating the individual is important in this situation and overrules the need to find the management.  But manners would dictate that post the search that officers seek out a member of staff and or the manager to explain their presence within the property. |

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| In relation to case 5 the panel would like clarity as to whether a drugs test was conducted on the suspect and whether they were allowed to continue to drive the vehicle. | In relation to this incident, I have discussed with the officer the reasoning why the BWV camera was turned off when it was and was a drug swipe conducted.  In relation to the drug swipe, it was conducted by Pc 1097 Kevin Jones (RPU). The male driver passed the drug swipe and was free to drive away once the ACR was issued. Pc Jones does not have any BWV in relation to the drug swipe being conducted.  I have discussed the issues around the officer turning off his BWV early and learning has been provided around the need to continue to record the event in its entirety. |