

ANNUAL REPORT



Hertfordshire Independent Stop and Search Community Scrutiny Panel

1 April 2020 – 31 March 2021

1 Purpose of the report

This report provides a summary of the work undertaken by the Hertfordshire Independent Stop and Search Community Scrutiny Panel, hereinafter referred to as 'the Panel', between 1 April 2020 and 31 March 2021.¹

It is the role of the Panel to scrutinise the actions of Hertfordshire Constabulary in relation to stop and search, to ensure transparency and enhance public confidence in the constabulary's ethical and lawful use of stop and search powers.

This report reflects the exercise of the Panel's scrutiny function, including the random sampling of stop and search records, summary data, bodyworn camera footage (BWV)² and Section 60 authorisations³. It also considers the Panel's development in its role and outlines the Panel's next steps for 2021/22, in order to continue improving external scrutiny measures.

¹ The Panel meet every month to review the preceding month's activity and therefore, this report covers the Constabulary's stop and search activity from 1 March 2020 to 28 February 2021. Data for March 2020 and April 2020 are contained in the report, however due to Covid-19 the Panel were unable to meet to complete any dip sampling of stop and search records from these months.

² Body Worn Video is camera footage that refers to video captured by cameras worn by police officers. In face to face meetings the panel review BWV. Due to the Covid-19 pandemic all meetings have been held virtually over the past year; as such no BWV footage has been viewed.

³ Section 60 of the Criminal Justice and Public Order Act 1994. This power gives officers the right to search individuals within a specified locality, without any grounds for suspicion, in circumstances in which incidents involving serious violence may take place.

Chair Foreword 2

I am delighted to have recently been elected as Chair of the Hertfordshire Independent Stop and Search Community Scrutiny Panel. My first welcome duty is to thank Jeffrey Burke for agreeing to continue in the role last year, and steering the Panel through these unprecedented times. His steady hand on the tiller has enabled the Panel to continue to fulfil its role, namely to provide independent scrutiny of police performance, and to ensure lessons learned are shared with the constabulary to secure further improvements and to embed good practice. Stop and Search serves to both protect the public and to prevent crime and must be used fairly and appropriately. The Panel considers its impartial scrutiny and challenge vital to ensure that the communities of Hertfordshire continue to have confidence in the work of the police.

I would also like to take this opportunity to welcome the Panel's new members and to thank the entire Panel for its remote, flexible work this past year. It has embraced technology and new ways of 'virtual' working. It has continued to study and evaluate the data in a determined and resolute way. It is very pleasing to note that the current Panel at 19 members is the largest it has been since its inception in 2015 and that the more diverse ethnic, gender and age mix has facilitated robust, focused and challenging data scrutiny. The larger Panel has meant that it was able to review more records than last year despite the slightly reduced number of meetings due to the pandemic. The attendance of the chief inspector or inspector from the relevant area continues to allow the Panel further opportunity to question the data in depth. The Panel has also reviewed two Section 60s and once it is able to meet again in person will resume its scrutiny of BWV footage.

The Panel is robust in its monthly review of the stop and search data and it continues to ask incisive and probing questions about the officer narrative of why a member of the public has been stopped and searched. The Panel has seen some excellent examples which are always fed back to the Local Policing Team chief inspector present. However, it must be acknowledged too that there has been a slight decline in the Panel's overall confidence in the reports. This could be due to the greater amount of records reviewed or indeed that there has been a large influx of new police recruits who are still honing their descriptions.

Over the past year, data analysis has continued to pose questions and challenges relating to disproportionality and the decline of the positive outcome rate. The picture for both these areas varies across Hertfordshire and the Panel continues to strive to find reasons behind these emerging patterns. It is pleasing to note that our questions/review are now being added to the internal review that the constabulary is itself conducting. A huge thank you must again be paid to the constabulary's data team who continue to respond in a positive way to the Panel's requests for more data and varied data. The data we have reviewed during the pandemic has highlighted a change in outcomes and going forward this will be another variable for the Panel to consider and challenge.

Finally, the Panel would like again to thank the staff at the Police and Crime Commissioner's office for the assistance they give, and in particular to Inspector Nicki Dean for her guidance, honesty and openness.

Marianne Murphy
Chair of the Hertfordshire Independent Stop and Search Community Scrutiny Panel

3 Police and Crime Commissioner's Foreword

The Hertfordshire Independent Stop and Search Scrutiny Panel was first established in 2015, and I am pleased to see that Hertfordshire has maintained a strong scrutiny Panel over the past six years, with the current Panel being the largest in number and most diverse since the Panel's inception. The Panel of volunteers continue to dedicate their time each month to providing a vast amount of valuable feedback and scrutiny to the constabulary. Over the last year the Panel have adapted to carrying out this scrutiny virtually and I am incredibly grateful for the time, effort and diligence that has continued to be shown.

Stop and search remains a valuable tool for the police to protect the public, not only in solving crime but also helping to prevent crime. The power to search is coercive however, and must always be used fairly, ethically and with just cause. It is the role of the Panel to provide independent scrutiny of police performance. This independent scrutiny should give the public greater confidence that the police are discharging their powers proportionately, legitimately and ethically. That fairness and integrity sits at the heart of modern policing and this panel helps to provide that useful challenge and temperature check.

This year the Panel managed to increase the number of records they dip sampled and provided feedback on 432 records reviewed, 31% more than the previous year. This has enabled the Panel to identify key learnings and trends to feedback to the constabulary. The report notes a disappointing decline in the stop to arrest ratio this year, averaging 10.6%. The positive disposal rate has also seen a decline. Whilst confidence is still relatively high this has also seen a slight reduction.

I am pleased to see the Panel have raised their concerns about disproportionality to the Coercive Powers Board. I believe that if we really want to understand why disproportionality exists and what we can do about it, we need to invest in some detailed research. Having recently been elected for a third term as PCC for Hertfordshire, I will be looking to fulfil my manifesto commitment to work with Hertfordshire's Independent Stop and Search Scrutiny Panel to commission and fund a significant research project to see whether there is evidence that the tactic is being deployed on a disproportionate basis in Hertfordshire.

Looking ahead to the next year, I am interested in hearing more from those in Hertfordshire who have experience of being stopped and searched, and engaging those with lived experience in the scrutiny of this power. I will also increase the scrutiny of body worn video footage and ensure that a suitable sample size can be reviewed in order to make observations and recommendations.

The Panel has identified a number of recommendations in this report. This includes raising public awareness of the scrutiny Panel, and continuing to monitor positive disposal rates and disproportionality, with a view to seeing an improvement in the data or legitimate explanations provided. I strongly support and endorse the Panel to do so and look forward to hearing the outcomes from their reviews. I will use the findings from their reviews to inform my regular meetings with Chief Constable Charlie Hall.

David Lloyd

Hertfordshire Police and Crime Commissioner

Hertfordshire Constabulary's Foreword 4

The public has a right to expect that the police will protect them and that we will do so by using our powers effectively and fairly. Stop and search is one of the most intrusive and contentious of all police powers and whilst it can be a valuable tool to fight crime, our use of it goes to the very heart of police legitimacy. In other words, whether stop and search is used appropriately, ethically, fairly, judiciously and respectfully is central to the British model of policing by consent. This includes whether the power is used disproportionately – in differing proportions on different ethnic groups – and, if it is, whether there is compelling evidence to justify it. Stop and Search disproportionality is a national issue for the police service and whilst levels of disproportionality in Hertfordshire are lower than many other areas, levels of stop and search are still higher for some ethnic groups, particularly black people, when compared with the resident population.

Hertfordshire's Independent Stop and Search Scrutiny Panel provides highly valued feedback to the Constabulary at strategic, tactical and operational levels. It helps us to understand better how stop and search is carried out across the county but also, at an individual level, how officers approach and record stop and search encounters. This includes whether their justification or 'grounds' appears appropriate and sufficient. It enables feedback to be given to officers and their supervisors, supporting learning where we don't get things right. And, in turn, the feedback helps the Constabulary in understanding whether there are apparent reasons for disproportionality. The Constabulary continues to strive to understand better disproportionality, and has commissioned further detailed analysis.

As in so many other ways, the pandemic has had an impact on the police's use of Stop and Search. During the first lockdown period, Stop and Search numbers increased compared with the same months in 2018 and 2019. Reasons include more reports from the public of suspicious, anti-social or COVID-19 related incidents in public areas and because there was much lower 'footfall' overall, officers were able to more easily distinguish and assess behaviour worthy of further investigation, sometimes leading to grounds to Stop and Search. That said, the positive outcome rate has fallen a little this year (albeit Hertfordshire's arrest rate for the year ending 31 March 2020 was the 4th highest of all forces), as have the Panel's confidence levels. These are issues that the Constabulary is focused upon and an updated officer training programme is soon to be rolled out. We are also seeking to expand the way in which those subject to Stop and Search can quickly and easily provide feedback themselves, alongside the community complaints trigger and in addition to the existing complaints procedure.

On behalf of the Constabulary, I would like to thank all Panel members for their commitment, feedback and insight and, in particular, the coordination and leadership of outgoing Chair Jeffrey Burke and new Chair Marianne Murphy. I look forward to their ongoing feedback and re-commit to supporting the Panel's work and recommendations.

Chief Superintendent Geoff Camp

Chair of the Hertfordshire Constabulary's Coercive Powers Board

5 Summary

Key Findings

- ❖ There has been a steady reduction in the stop to arrest ratio since 2017/18, declining from 18.5% to 17.5% in 2018/19 and to 13.5% in 19/20. This has been further pronounced during 2020/21 with the arrest rate now sitting at 10.6%⁴. National data for England & Wales is not yet available for 2020/21, however nationally a declining arrest ratio has been seen since 2017/18⁵.
- ❖ Overall the positive outcome rate for the county declined from 26.2% to 23.5%. However, the picture varied across individual Community Safety Partnerships (CSPs) with Hertsmere, St Albans, Three Rivers and Welwyn Hatfield seeing an increase in positive outcome rates with the remaining six CSPs observing a decline.
- ❖ Hertsmere had the highest positive outcome rate (for all search types) of all CSPs at 29.6%.
- ❖ Watford and Stevenage observe the lowest positive outcome rates with over 80% of the searches in those areas during the past 12 months leading to no further action.
- ❖ This year 432 stop and search records were dip sampled out of a possible 9486 (4.6 %) ⁶. This is the highest number of records reviewed by the Panel since 2016/17 and is a 31% increase on the number of records reviewed the previous year.
- ❖ The Panel's position of confidence with records dip sampled remains high, now at 72.2%, with 22.2% marked as not confident and 5.6% classified as unsure. This is a decline compared to the previous year where the Panel were confident in 87.7% of records.
- ❖ In total there were 79 records that the Panel found they were not confident in. Of these records, 78.5% were for individuals of white ethnicity, and 19% were individuals of black or Asian ethnicity⁷. Of those records, 82% resulted in no further action.
- ❖ The Panel continues to hone in on disproportionality and seeks to understand more about how it is affecting various socio-economic and ethnic groups across the county. Open dialogue and challenge have continued with the constabulary.

⁴ A positive outcome for a stop and search does not have to result in an arrest.

⁵ Source: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935355/police-powers-procedures-mar20-hosb3120.pdf

⁶ Dip sampling took place during ten meetings across the year. This was due to the April and May 2020 meetings not taking place due to Covid-19 restrictions.

⁷ Unknown ethnicity equated to 2.5%.

Recommendations for the year ahead

- ❖ To resume the scrutiny of BWV footage from stop and search incidents. Ensuring that a purposeful sample size is reviewed which will include individual and group searches.
- ❖ Raise the public's awareness of the scrutiny Panel through effective and regular engagement with community groups across the county.
- ❖ To identify areas of focus for deep dives and provide constructive feedback to the constabulary on the findings and any learning. These areas could include group searches, searches of those under 20 years old and a focus on those areas with the highest proportion of searches that resulted in no action.
- ❖ Continue to monitor positive disposal rates and disproportionality with a view to seeing an improvement in the data or legitimate explanations provided.
- ❖ Review the College of Policing guidance on scrutiny Panels to assure ourselves that we are following best practice.
- ❖ Review the role of Vice Chair to include the role of data Champion in order to support the Panel further in its data scrutiny.
- ❖ The Panel would like to see a reduction in the number of copy and paste records the Panel are recording within the sample they review each month.
- ❖ To further the opportunities for constabulary officers and sergeants to observe the workings of the Panel and their dip sampling to enhance their understanding of the public's view.

Background

In 2014, the Home Secretary introduced a package of reforms (Best Use of Stop and Search Scheme) in response to concerns about police compliance with the Police and Criminal Evidence Act (PACE) 1984 Code of Practice A⁸. It was intended that the reforms should contribute to a significant reduction in the use of stop and search; more intelligence led stop and searches; and improved stop to arrest ratios.

The reforms included measures to allow stop and search records to be scrutinised by community representatives through independent external scrutiny. Hertfordshire Constabulary signed up to the Best Use of Stop Search Scheme (BUSSS) in August 2014, recognising the need to ensure better scrutiny of stop and search and compliance with PACE 1984 Code of Practice A. Hertfordshire Constabulary also recognised that independent scrutiny and oversight was needed and approached the Office of the Police and Crime Commissioner (OPCC) to ask if an external independent scrutiny panel could be set up as they genuinely believed that community scrutiny would be beneficial. It followed in November 2014 that the OPCC undertook scoping work to see what models of external scrutiny were in place in other forces/PCC offices and build a panel for Hertfordshire.

⁸ In 2014 Her Majesty's Inspectorate of Constabulary (HMIC) reported that 27% of the stop and search records they examined did not contain reasonable grounds to search people, even though many of the records had been endorsed by supervising officers. Reasonable grounds do not include personal appearance. A police officer cannot lawfully stop and search an individual because of their age, ethnicity, style of clothing or hairstyle etc. There is no such thing as a 'voluntary search'. If you are stopped and searched, the police officer must follow the correct police procedure.

The result of this was the decision of the OPCC to set up the Hertfordshire Independent Countywide Scrutiny Panel in 2015. The Panel's remit was to provide a voice for community concerns; and to help inform and influence police training around stop and search practices. The Panel has evolved and changed since its inception in order to provide clear and transparent information for both constabulary and community benefit; and to enhance public confidence in police performance.

Panel membership

At its inception in 2015, the Panel had six members, but over time, additional recruitment has been undertaken to expand the membership, establishing, where possible, a diverse membership from a variety of backgrounds. The current Panel has a core membership of 19 volunteers, all of whom live, work or study in Hertfordshire. Recruitment for new Panel members is normally undertaken twice a year.

Following the submission of an application form, each Panel member is interviewed and subject to police vetting before membership is confirmed. A training session on PACE Code A⁹, as well as the Panel's role more generally, is delivered to enable members to understand police powers and to assist in developing their ability to critically challenge and scrutinise Hertfordshire Constabulary's stop and search data.

Wherever possible, the Panel seeks to reflect the demographics within Hertfordshire. The gender breakdown of the Panel is 42% male and 58% female¹⁰.

The age breakdown of the Panel is;

- 18-30 years – 21%
- 31-40 years – 21%
- 41-50 years – 5%
- 50-60 years – 21%
- 61 years and above – 32%

The self-defined ethnicity of Panel members is¹¹;

- White British – 47%
- White European – 5%
- Black – 32%
- Asian – 11%
- Mixed – 5%

⁹ See glossary at end of report

¹⁰Of the estimated population of [Hertfordshire](#) at mid-2019, 49% were male and 51% were female

¹¹Hertfordshire ethnic breakdown: White 87.6%, Asian/Asian British 6.5%, Black/African/Caribbean/Black British 2.8%, Mixed/multiple ethnic groups 2.5%, other ethnic groups 0.6%; ONS Census 2011

Meetings

Terms of Reference (ToR) are in place to guide the Panel and are reviewed annually¹². This ensures that the role of the Panel and the way in which it operates is kept up-to-date.

A chief inspector or inspector from Hertfordshire Constabulary's Crime Reduction & Community Safety department attends all meetings so that operationally specific questions can be asked directly by members. In addition, the chief inspectors of each district are invited to attend meetings during which stop and search records and BWV footage from their areas are reviewed. They are accountable for any issues and concerns identified which are linked to their district area.

The Panel meets monthly to review the preceding month's activity and therefore, this report covers its activities between 1 April 2020 and 31 March 2021, correlating to the constabulary's stop and search activity from 1 March 2020 to 28 February 2021.

Panel meetings have evolved since their inception and although there is an established process, the group is open to adaptation as its work progresses. Currently, at each Panel meeting, following the usual standing items (welcome, apologies, minutes and actions), members will engage in a variety of scrutiny exercises. These include; the dip-sampling of stop and search records, the review of monthly summary data and the scrutiny of BWV footage, Section 60 authorisations and complaints.

The dip-sampling of stop and search records

During meetings members will split into small groups (2-4), and will review a random selection of the stop and searches which have taken place in the preceding month in Hertfordshire. Each group is allocated a portion (e.g. 1-25, 26-50 etc) of the spreadsheet from which they randomly select individual cases for review. They will record their conclusions for each record on a feedback form, which enables them to comment on whether they were confident, not confident or in doubt as to whether the officer had sufficient grounds to justify a stop and search. Following each meeting, the feedback forms are typed up and provided to the constabulary's lead officer for follow-up with supervisors and officers.

Monthly summary data

A segment of the meeting also involves members reviewing data provided by the constabulary which provides an overview of stop and search activity from the preceding month. The data pack includes:

- The number of stop and searches where the object of the search was found, as well as other property found.
- The gender of those stopped and searched for all stops.
- The total number of stop and searches (including a breakdown of ethnicity, both officer defined and subject defined), arrests and positive outcomes by CSP per month.
- The total number of stop and searches in relation to drugs and acquisitive crime per month and how many resulted in an arrest or a positive outcome.

¹²ToR are available on the Police and Crime Commissioner's website: www.hertscommissioner.org/stopsearch

Body worn video footage

During meetings in which individual CSPs are reviewed, the Panel review randomly selected BWV footage of stop and search encounters. The Panel are provided with the correlating stop and search record, before reviewing the footage. Each clip is assessed against a series of prompts, including whether the record reflects what they saw in the footage and whether the officer complied with procedures appropriately. Following a group discussion, Panel members make a decision as to whether they felt confident or not confident in the appropriateness of the search and of the conduct of the officer(s) concerned. Similar to the feedback forms from the dip-sampling of records, all feedback is collated and fed back to the constabulary, to be addressed with individual officers to support training and development.

Section 60 authorisations

In 2018, the Panel began reviewing Section 60 authorisations. During meetings the Panel review all Section 60s which were authorised by the constabulary in the previous month. Officers searching under Section 60 are not required to provide reasonable grounds for individual searches and therefore, there is no requirement for the Panel to scrutinise individual grounds. To ensure the Panel are able to fulfil their scrutiny function effectively, in line with the guidance under Code of Practice Code A and the Best Use of Stop and Search, the Panel are presented with the following:

- Overview of the application made to a senior officer and the rank of the authorising officer.
- Details of how the authorisation was managed.
- Outline of how, and through what means, the use of the power was communicated to the public/local community before (where practicable) and after its authorisation.
- Summary of activity during the period concerned. For example, the number of stop and searches, details of items found and positive outcomes.

This year the Panel reviewed two Section 60 authorisations; both of which were authorised in Welwyn Hatfield and were related to the same location, incident and intelligence.

Complaints

In accordance with the Best Use of Stop and Search guidance, the Panel has agreed to have sight of any complaints made by the public about a stop and search event which has undergone investigation and resolution by the Professional Standards Department (PSD) and/or the Complaint Resolution and Service Improvement Team. Every six months the chief inspector of PSD attends a Panel meeting to provide a verbal update on the quantity and type of complaints made into their department. Additionally, the CRT provide a written update on the number of complaints made into the Police and Crime Commissioner's Office and through the Force Communications Room (FCR).

It was agreed by the Panel that a Community Complaints Trigger¹³ will be issued if the number of complaints for a particular district is higher than one per month, with the scrutiny Panel being given the option to do a further deep dive of these complaints. There have been no Community Complaints Triggers for the last year.

¹³The Community Complaints Trigger is a complaint policy that requires the police to explain to the community how the powers are being used if there is a large volume of complaints. This is in addition to the force complaints process. This allows for an independent review and ensures there is a response to any public concerns about stop and search activity in their community. More information about the Trigger can be found here - www.herts.police.uk/Information-and-services/About-us/Transparency/Stop-and-search/Community-complaints-trigger

To ensure the work and views of the Panel impact on the performance of officers on the ground, a full feedback loop has been developed. At the end of each meeting, feedback corresponding to all scrutiny activities identified above, is circulated to senior officers in the constabulary, including the chief inspectors of the Local Policing teams and PSD. This feedback is used to not only provide direct feedback to individual officers, but to also inform future training activities. In cases involving serious misconduct, procedures have been developed to enable the Panel to refer the incident directly into PSD.

A number of Panel members have also been active in other scrutiny roles in relation to police performance. Three of the current stop and search scrutiny Panel members sit on the Use of Force Panel which scrutinises the constabulary's use of force, including unarmed defence tactics, handcuffs and incapacitant spray.

Through the random dip-sampling of officer statements and BWV footage, the Panel looks at the appropriateness of the force used, providing feedback to the force and highlighting areas of concern or good practice. There is also representation on the constabulary's Coercive Powers Board meeting, which seeks to support organisational learning related to the use of coercive powers and the identification of any strategic, corporate and national issues that may impact on the achievement of the PCC's Community Safety and Criminal Justice Plan priorities.

As stipulated in the Best Use of Stop and Search, Panel members are provided with the opportunity to accompany police officers out on patrol. As part of the constabulary's Ride Along scheme, Panel members are given the opportunity to see 'real-life' stop and search encounters with frontline officers.

Meetings during the coronavirus pandemic

The Stop and Search panel was suspended at the beginning of the pandemic. As such there were no meetings in April or May 2020. When it became clear that in person meetings would not be possible for some time, virtual meetings were arranged. The panel have met virtually each month since June 2020 in order to continue their scrutiny role.

The virtual meetings have enabled the Panel to scrutinise data and to dip sample stop and search records. Due to challenges with regards to information governance it has not been possible for the Panel to review body worn video footage virtually.

Despite having missed meetings in April and May 2020, the Panel have dip sampled and scrutinised more records this year than they did the previous year. As this report notes they have also reviewed two Section 60 authorisations, received an update from the Professional Standards Department and engaged with chief inspectors from eight of the ten CSPs.

The Panel have also sought to develop and grow over the year with recruitment of eleven new Panel members, refresher training for members and a data session with the constabulary's Head of Performance.

6 Key Findings

Stop to arrest ratio

Hertfordshire Constabulary conducted 9,846 searches in 2020/21. Of these searches 1,007 resulted in an arrest, a percentage of 10.6. This is down from the previous year in which the force was able to reach a stop to arrest ratio of 13.5%.¹⁴

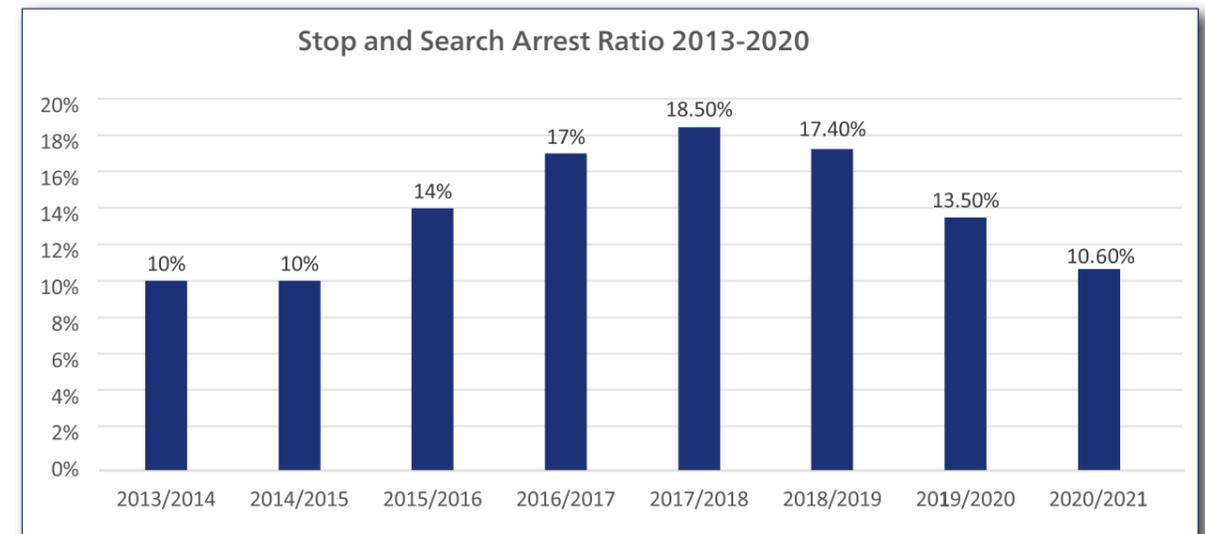
Figure. 1 Stop and Search in Hertfordshire between 2013 and 2021¹⁵



¹⁴In comparison to other areas: Hampshire 4307 stop and searches were carried out between April 2019 - September 2019 with a stop to arrest ratio of 18%, West Midlands had 25,221 stop and searches carried out between April 2019 – March 2020 with a stop to arrest ratio of 13.6%.

¹⁵Reporting of arrests rates have changed over time and therefore the data should be read with the awareness that we may not be comparing like for like data. In 2017/18 the guidance was changed and arrests were split to show arrest (as a result of items found) and arrest (not related to the stop). The latter is where nothing is found in the stop but an arrest takes place at the time of the stop e.g., due to warrant or public order. The data from 2018 onwards therefore only includes arrests where an illegal item was found during the search. In 2021 the Home Office guidance has updated and states that both types of arrests should again be classified as arrest. The panel will therefore use both types of arrests when reviewing data in 2021/22.

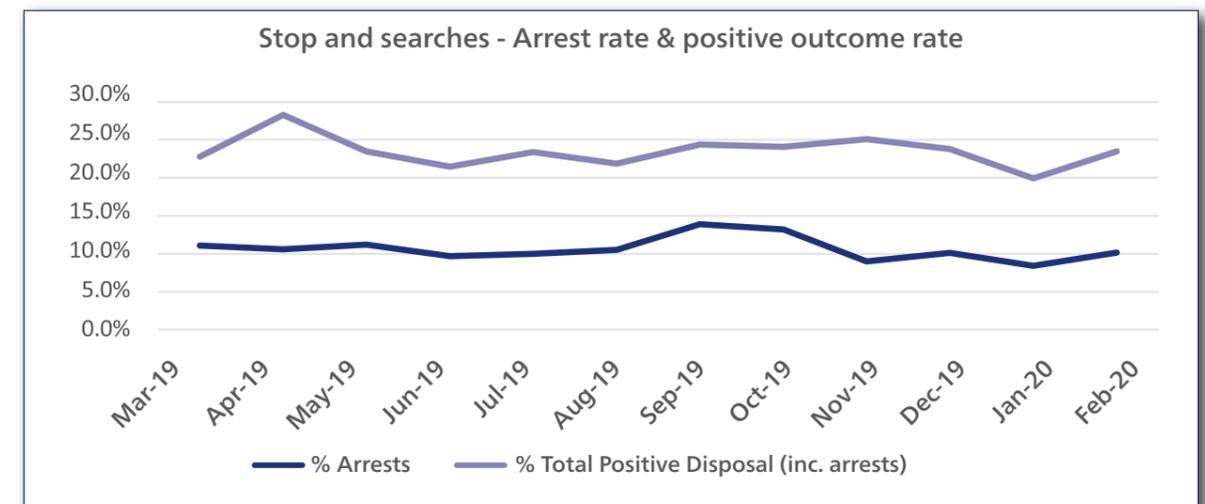
Figure 2: Stop and Search arrest ratio, 2013- 2021¹⁶



The number of searches conducted per month has fluctuated between a low of 645 and a high of 1046, averaging 791 per month. The greatest number of stop and searches took place in May and June with over 1000 taking place each month.

Arrest rates have fluctuated between 8.4% and 13.8%, with the highest levels seen in September and October.

Figure. 3 Stop and Search positive outcome ratio (March 2019 – February 2021)

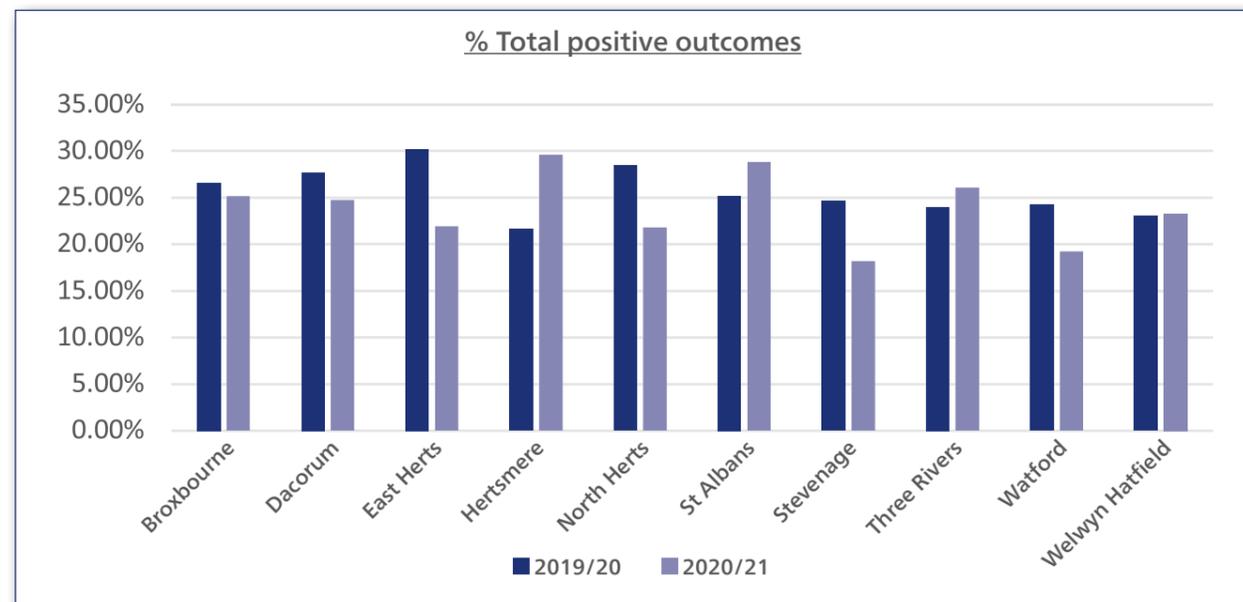


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The average positive outcome rates for the year was 23.5%, down from 26.2% the previous year and from 31.2% the year before that. This is an area that the Panel remain concerned about and have looked to understand why the positive outcome rate continues to decline.

The percentage of positive outcomes¹⁷ per search have also been disaggregated per CSP. Six CSPs saw a decline in average positive outcome rates compared to the previous year. Hertsmere, St Albans, Three Rivers and Welwyn Hatfield saw an increase in average positive outcome rates compared to the previous year.

Figure 4: Percentage of total positive outcome per CSP (per 1000 population) for the period 1 March 2020 to 28 February 2021 compared to the period 1 March 2019 to 29 February 2020



Stop and search records

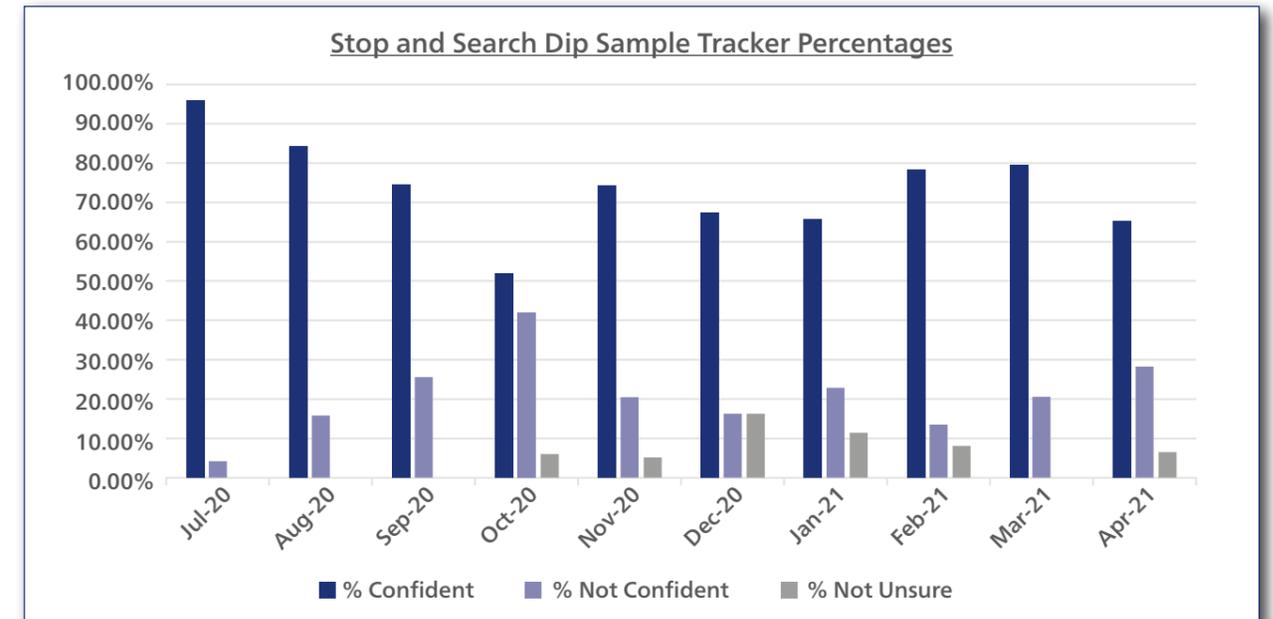
In 2020/21 432 dip samples of stop and search records for Hertfordshire were assessed out of a possible 9486 (4.6%)¹⁸. The position of confidence in the stop and search forms currently sits at 72.2%, with 22.2% marked as not confident and 5.6% classified as unsure. This is a decline compared to the previous year where the Panel were confident in 87.7% of records.

There may be some explanations offered for the decline in confidence levels including the influx of new panel members who have challenged and honed the Panel’s thinking. In discussions with the constabulary the Panel have heard about the number of new recruits coming through who perhaps need more support to ensure they write clear and concise grounds. The feedback the Panel gives may help to support their learning and the Panel have also been pleased to see officers requesting to observe the Panel and enhance their understanding of the public’s perception of stop and search grounds. This is something the Panel would welcome more of over the next year. The Panel are considering areas they may wish to focus dip sampling of records on next year and one of these may be new officers in order to support with learning and development.

¹⁷Positive outcomes, include arrests, as well as out of court disposals, such as community resolutions or conditional cautions, which negate the need for individuals to be formally processed through custody suites.

¹⁸Dip sampling took place at ten meetings across the year. This was due to the April and May 2020 meetings not taking place due to Covid-19 restrictions.

Figure 5: Confidence levels and data reviewed at the monthly meetings



June – Countywide data	November – Stevenage and North Herts
July – Welwyn Hatfield and Hertsmere	December – Watford
August – Countywide data	January – Countywide data
September – Countywide data	February – Dacorum and Three Rivers
October – Countywide data	March – Countywide data

Over the current year there has been a number of common trends identified during the dip-sampling of stop and search records. These include:

- An increase in the number of cut and paste records and grounds in group searches. Due to the cut and paste nature of these records it is often unclear as to why a search was justified for each individual in a group.
- The Panel noted that there was not enough narrative or clarity which led to them trying to piece together the events.
- The Panel have identified a number of records that talk about intelligence linking them to an individual without a note of what the intelligence is and how it is relevant. There have also been a number of records where the grounds have relied on the individual being a ‘known’ drug user or being in a ‘known crime hotspot’.
- An increase in the number of stops and searches where the smell of drugs or admission of having smoked drugs has been the only grounds offered. There have been a number of records where the grounds have needed expanding in order to build a picture of why the officer felt the individual still had drugs in their possession. For example, the Panel found they were not confident in a record where the grounds read ‘large group, smelled cannabis’.

The panel has also sought to recognise good practice and have identified these records to the relevant CSPs. These records have included where the narrative has been clear and concise or explained how the intelligence links to the individual(s).

Case Study of a records the Panel were not confident in

Male was seen speaking to the resident of (address redacted) who is known for drug dealing. The male exchanged with the resident for approximately one minute before leaving the address. Male was then seen on the HIGH STREET was detained for a S.23 search. The male is known to officers as he is a drug user.

Case Study of a record the Panel were confident in and highlighted as a good practice example

Hertfordshire police log reference [xxxxx] refers to a burglary where an offender was disturbed on [xxxxx road], Cheshunt. The offender (who had assaulted the home owner after stealing gold) had been described as a white male, 50-60 years old, approximately 6ft tall with short grey hair and wearing a blue surgical mask. He was believed to be wearing a black jacket (possibly north face) and dark trousers. He was seen to leave the address in the direction of [xxxxx], Cheshunt holding a plastic carrier bag. The subject was sighted by officers searching the area on [xxxxx], Cheshunt. This is approximately five minutes' walk from the offence location accessed via a nearby overbridge. The subject is a 68-year-old white male standing at around 6ft tall. He had short grey hair under his hoodie, a black jacket, and black gloves. He was wearing a blue surgical mask and carrying a plastic carrier bag.

Proportionality

The Panel have continued to take a keen interest in examining data relating to the proportionality of stop and searches by ethnicity over the course of 2020/21. The Panel have not yet been able to make any firm judgments relating to ethnicity, gender and age in Hertfordshire.

The Panel attended a data session in January 2021 led by the Head of Performance at the constabulary. Discussions were had around proportionality and the Panel shared a number of suggestions including:

- Exploring elements of disproportionality against each other. For example, age against ethnicity.
- Producing a heat/time map. For example, identifying time of day of stops against ethnicity or against positive disposal, or number of searches within a particular area such as the high street.
- Producing a breakdown of ethnicity vs number of positive disposals.

The Panel have raised their concerns around ethnic proportionality with the Coercive Powers Board who are exploring the area further.

Case Study of a record the Panel were confident in and highlighted as a good practice example

The male was seen in an area well known for drug use and supply. The time the male was stopped at fitted the times the supply of controlled substances was occurring. The vehicle was also seen during the national lockdown period (regarding Covid-19 restrictions), which requires only essential travel.

The male is very well known for drug use and supply and was recently dealt with for the supply of Class A.

Upon talking to the male, he was nervous, uncomfortable and evasive regarding what he was doing. He appeared to be lying regarding his actions. His mannerisms were 'twitchy' and he seemed like he had something to hide due to not being able to stay still.

The male stated that he had not been out at all in his vehicle that day. This was a clear lie as officers knew that the same vehicle had been driving in the area. He stated that he was the only one who had access to the vehicle.

There appeared to be drug paraphernalia visible in the vehicle – Rizla and small clingfilm pouches (commonly known to carry Class A).

The male was driving an expensive car and stated that he was not currently working. Where he was getting his source of income was suspicious.

Given all these factors the searching officer suspected there to be Class A substances either on his person or in the vehicle.

Cases dip sampled by the Panel where they did not feel confident in an officer's record have been reviewed to identify if there was any correlation between individuals' ethnicity and non-confidence in the grounds. In the period March 2020 to March 2021, there were 79 instances where the Panel did not feel confident in the officer's record. Of these instances, 78% involved individuals whom the officer identified as white, 10% involved individuals whom the officer identified as black and 9% whom the officer identified as Asian. This is lower than previous years and no patterns can be observed.

District deep-dives

Over the previous 12 months, the Panel has met with senior officers from eight of the districts across the county. On each occasion, the Panel were able to scrutinise a significant number of stop and searches from that area and report to the officers on any short-comings, concerns and to highlight good practice. Senior officers have fed back after the meeting regarding how they have discussed any issues raised or positive comments with their staff.

Body Worn Video (BWV)

In the last annual report, the Panel stated that they would like to review a purposeful sample size of BWV footage and that further recruitment to the Panel would support this.

Due to the meetings being held virtually over the last 12 months as a result of the pandemic, it has not been possible for the Panel to review any BWV. The Panel have noted how beneficial they find BWV in scrutinising stop and search and are keen to include this in meetings as soon as they are back to meet face to face.

Section 60s

Two Section 60s were reviewed by the Panel at their meetings between March 2020 and February 2021. These were both reviewed in the November 2020 meeting.

The Section 60 authorisations were both related to incidents over a weekend in Welwyn Hatfield.

Complaints

In 2020/21 the Panel were informed of all complaints about the conduct of stop and search received by the PSD. Under the new Police Regulations which came into law from 1 February 2020, all expressions of dissatisfaction are initially logged by the Hertfordshire OPCC Complaint Resolution and Service Improvement Team. Those meeting certain risk criteria (including stop and search) and any logged matters which cannot be resolved to the complainant’s satisfaction, are referred to PSD for recording.

- Twenty-one complaints were made by the public into PSD between 1 April 2020 and 31 March 2021.
- Fourteen stop and search complaints were finalised by PSD between 1 April 2020 and 31 March 2021.
- Where learning has been identified in finalised complaints, the most common learning has been for officers to activate BWV at the earliest opportunity.
- There was no use of the community complaints trigger for 2020/21.
- To date there have been no complaints about the Stop and Search Panel.

7 Key Achievements

- ❖ The Panel have continued their scrutiny role throughout the pandemic, moving to very effective virtual meetings. In addition to the regular monthly meetings many of the Panel have also attended refresher training over the past 12 months and a data session with the Constabulary’s Head of Performance.
- ❖ In 2020/21 432 dip samples of stop and search records for Hertfordshire were assessed out of a possible 9486 (4.6%). The Panel also reviewed two Section 60 authorisations. This is an increase of 31% compared to the previous year when 329 records were reviewed.
- ❖ Over the past year, there has been a significant amount of recruitment undertaken which resulted in eleven new Panel members recruited and trained. This has also resulted in a more diverse Panel membership with regards to age and ethnicity.
- ❖ Strengthening the feedback to the Coercive Powers Board and escalating concerns such as declining positive disposal rates.
- ❖ Reviewing the role of the Vice Chair to include the responsibility of being the data Champion to ensure an appropriate focus on data and that items can be identified and escalated.
- ❖ Continuing to focus on proportionality and challenging the constabulary to provide an explanation where disproportionality exists.

Appendix A: Comparison of Stop & Searches figures from Hertfordshire and other force areas from September 2020 – February 2021 8

Force	Number of Stop & Searches conducted (Monthly Average)	Percentage arrests	Percentage positive outcomes (includes arrests)	Percentage No Further Action
Avon & Somerset	10246 (854)	15%	25%	68%
Essex	19625 (1635)	10%	25%	74%
Hampshire	12408 (1034)	12%	31%	69%
Hertfordshire	9000 (750)	10%	23%	76%
Staffordshire	5396 (450)	14%	31%	69%
Sussex	8755 (730)	17%	27%	73%
Thames Valley	21924 (1827)	12%	22%	73%

Note: 6% of Avon & Somerset Stop and Searches were blank and had no outcome listed. 5% of Avon & Somerset Stop and Searches were blank and had no outcome listed. The figures above for these two forces do not include these blank records, positive outcomes or No Further Action for these forces, as such, the figures could be higher by up to 5 or 6%.

Appendix B: Progress Review

2019/20 Recommendations		Progress Update
1.	Further recruitment for 2020/21, to increase the size of the Panel and ensure greater resilience if members are unwell or unable to attend. Whilst recruiting the Panel will continue to ensure a diverse membership.	Over the past year there have been six resignations from the Panel due to work or personal circumstances. There has been a significant amount of recruitment undertaken which means the Panel finishes the year with 19 core members. Demographics of Panel members can be found in Section 7.
2.	To increase the number of BWV incidents reviewed over the next 12 months using a purposeful sample size to include individual and group searches. It is hoped that an increase in the membership of the Panel will enable more BWV footage to be viewed over the year.	It has not been possible for the Panel to review BWV footage over the last year due to the pandemic and moving to virtual meetings. The Panel remain committed to increasing the amount of BWV footage they review and have a plan to resume activity when restrictions allow.
3.	Commission further research and undertake sophisticated modelling to get a better picture of proportionality rates around age, gender and ethnicity in Hertfordshire (see Section 9 for further information).	This research is currently being undertaken by the constabulary's Organisational Learning team. Some early insight has already been shared with the Panel and research is ongoing.
4.	Increase the public's awareness of the scrutiny Panel through effective and regular engagement with community groups across the county.	It has not been possible for the Panel to carry out the community engagement activity they had hoped to due to the pandemic and restrictions over the past 12 months. This remains a priority for 2021/22.
5.	Ensure that a senior police officer in each of the districts attends a Panel meeting during the next 12 months. This is part of a broader feedback process around stop and search with the independent Panel having an important role.	Chief inspectors have attended from eight of the ten districts; Hertsmere, Welwyn Hatfield, Broxbourne, Stevenage, North Herts, Three Rivers, Dacorum and Watford. All but St Albans and East Herts who are planned for early 2021.
6.	Conduct a deeper review into positive outcome rates to identify reasons why all districts saw a decline over the last 12 months.	The Panel have completed graphs to show performance for each CSP over the past 12 months in order to identify specific areas of concern. The Panel also attended a data session to explore these areas further with the Head of Performance at the constabulary.

Glossary of Terms

Terms	Acronym (if applicable)	Description
Best Use of Stop and Search	BUSSS	The best use of stop and search scheme was announced by the Home Secretary in 2014.
Body Worn Video	BWV	The scheme introduced a number of measures designed to create greater transparency, accountability and community involvement in the use of stop and search powers. The cameras officers wear to capture both video and audio evidence.
Complaint Resolution Team	CRT	Complaints about Hertfordshire Constabulary are initially by the Complaint Resolution Team (CRT). If a complaint can be handled outside of Schedule 3 of legislation the CRT will attempt to service recover the complaint. If a complaint needs to be formally recorded within Schedule 3 of legislation due to its nature then it will be forwarded to the Professional Standards Department in Hertfordshire Constabulary who will handle all these matters.
Community Safety Partnership	CSP	Community Safety Partnerships are made up of representatives from the police, Local Authorities, fire and rescue authorities, health and probation services (the 'responsible authorities'). The responsible authorities work together to protect their local communities from crime and to help people feel safer.
Force Communications Room	FCR	The Force Communications Room is responsible for taking emergency and non-emergency calls, recording crime and deploying resources to incidents
Police & Crime Commissioner	PCC	The role of the PCC is to be the voice of the people and hold the police to account. They are responsible for the totality of policing. PCCs aim to cut crime and deliver an effective and efficient police service within their force area.
Police & Criminal Evidence Act Code A	PACE Code A	PACE Code A covers police powers to stop and search persons and vehicles and the requirements for officers to make a record of a stop or encounter.
Positive Outcome		Positive outcomes, include arrests, as well as out of court disposals, such as community resolutions or conditional cautions, which negate the need for individuals to be formally processed through custody suites.

Glossary of Terms Continued

Professional Standards Department	PSD	The Professional Standards Department consists of Complaints, Misconduct, Anti-Corruption and Vetting, all committed to maintaining and improving public confidence and quality of service, protecting and enhancing the integrity of Bedfordshire, Cambridgeshire and Hertfordshire forces
Section 60	S60	<p>If a senior officer (Assistant Chief Constable or above) believes people may be carrying weapons or causing serious violence in a particular area, temporary powers may be authorised under section 60 (S60) of the Criminal Justice and Public Order Act 1994.</p> <p>This means anyone in that area (near a football ground, for example) may be searched for weapons without the police officer having reasonable grounds for each person searched.</p>

