

MINUTES

Stop and Search Reference Group Meeting Minutes

Date | time 5/26/2021 4:00 PM | *Meeting called by* SSRG | *Venue:* Online (Microsoft Teams Meeting)

In Attendance

Franstine Jones – Chair Phanuel Mutumburi Georgia-Mae Chung Liz Harlaar Ashton Harwood Michelle Plume David Brown Richard Hinton Tim Passmore Ian Brown Maria DeSousa Ruby Peacock Robert Jones Roger Salmon Oliver Edwards Audrey Ludwig Keiran Manners Rebecca Webster Sharon ODonnell Vivian Mushati	
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Welcome and Introductory Comments

Chair welcomed all and informed everyone present that the meeting was going to be recorded. There were introductions from everyone attending. She explained the dip sampling process with contributions from MP, RS, and GMC.

GMC shared her screen with the minutes from the meeting of 31st March 2021. The group were asked if they were happy with the content. RS gave an update for form 259723: He said that he had spoken to the force that the relevant officer is now a part of to pass on the concerns raised at the last meeting. The force confirmed that they were going to monitor his stop and search work. Chair made an amendment at Any Other Business point 1 to change the initials from RS to RJ.

Chair noted that there was not anyone in attendance from professional standards. RS said he had spoken to Detective Sergeant Simon Sharp who gave apologies and said the DI from that department wasn't available but he did give an update on some of the complaints that they had forms selected for.

PM mentioned that they would soon be revamping the ISCRE website, the stop and search work would feature prominently, and they are creating dedicated pages for work that is going on. He asked everyone in attendance if they were comfortable with ISCRE sharing the meeting minutes on the website for those who are unable to attend?

RS said the meeting minutes are often circulated shortly before the next meeting and it would be helpful to have them circulated earlier so they could be checked beforehand. It was agreed that the meeting minutes could go on the website.

LH raised the need to be cautious when doing the minutes when there is the odd bit of information that is sensitive but needs to be more anonymized. Chair said that they could perhaps put a caveat that there may be certain parts of the minutes that are not available for public viewing.

RJ says he thinks it is healthy to publish the minutes for transparency, particularly because we invite the public to the meeting. He said if there was body worn footage in the meeting at any point that might present difficulties because we can't pixelate faces.

Chair asks if there is an arrangement that only vetted people will see the body worn footage and other people will not. PM agrees there are a few identified people who have been vetted by the police, but we have discussed the potential of bringing the discussions to this meeting to see if it is possible in future. We know for certain that other groups in other parts of the country do it. At some point we may need to continue having those conversations about bringing body worn footage to the meeting.

Chair said last Bank Holiday Monday a member of the public called her while they were being stopped and searched and they filmed it, got the consent of the person who was being filmed, and sent it to her. She wondered if there should be a process for what she should do if members of the public do send her footage like this. There need to be conversations had about it.

RS said they did have showing of body worn video which was random dip sampling with vetted members of ISCRE. Sgt Hussein is now responsible for getting that back up and running now that restrictions are moving towards being lifted. That might be the forum to view some of it and then decide what is brought into the meeting as an interim measure before it is brought into the meeting.

TP thought it would be a good idea going forward to have a designated section of the meeting for confidential matters at the end.

Chair asked TP to explain to the public about performance and accountability meetings. TP says that they are open to members of the public. They are held six times a year. Looking at the performance of the constabulary. There is a selection of topics and reports throughout the year including stop and search where ISCRE helps with the report. They are online and members of the public can submit questions. They are looking to develop the meeting to look at more topics in depth and address the concerns of the public at large. It helps to hold the constabulary to account, shape policy, and budget decisions.

Review of Forms

Form 260322 – GMC spoke about the need to write the grounds on the form so that a member of the public can follow the rationale of what had taken place and she noted that this was the view of the supervisor who had also given feedback. She said that there was not enough specific detail and what was written wasn't enough to show suspicion in itself e.g. the subject being "seen close to the area where burglaries have taken place."

Chair said it might look to a third party like the subject was targeted.

AH asked if it was normal for stop and search records to have this lack of detail. In response, PM gave some context about the meeting. The form has a section on grounds on the face of it. It should show the reasonable grounds which led to the officer wanting to engage in the stop and search. Did the officer articulate on the front of the form what the reasonable doubt was and do we as members of the public see the same? In this example, we do not see what caused that suspicion in the mind of the police officer and that is why we have brought it to the meeting to ask. Chair said GMC and the team will look at the forms that have been sent and if there is a form that needs more explanation or context or doesn't show any grounds we will discuss them here.

IB talked about how he had a student at One College who was stopped with a group of other students and the police officer pulled her from the group of white females and questioned her and then let her go with no form or explanation. He wants the students to understand their rights and to understand the process. Chair said there is stop and account which they don't give forms for where they can ask someone to account for themselves in an area. It is only when it goes on to a search where they will get a form. She said they will talk outside of this about the know your rights presentation that she does.

RP talks about issues around the word “linked”. She said that is very nonspecific and difficult for people who have not written the form to understand what it means. It is hard for them to assess how relevant and how strong the link is and it would have a massive impact on the grounds.

PM pointed out how a lot of people could be seen close to an area where burglaries have taken place and that does not in itself make them suspicious. Moreover, we do not know what linked means e.g. being linked to your uncle because he is a drug dealer which isn't grounds to be stopped and searched.

RS mentions that there are varying amounts of detail in the grounds and that the grounds have improved over the years in terms of the amounts of detail. He has said there are community engagement officers, and the police can get in touch with them and help with informing young people of their rights.

He said there was a burglary the day before between 4 and 5 in the afternoon and this took place around the same time the next day. The detectives had a line of enquiry about a suspect. The officers were tasked to go and arrest the brother of the prime suspect and happened to attend the address only 1.6 miles from the burglary location to see the brother drive away from the officers in a vehicle that they know may contain stolen property. So, it was intelligence with local knowledge and proximity and events conjoining in one thing. He thought it was good proactive policing but agreed the grounds could have been articulated better. He said the officer may not want to give too much away while also trying to be lawful in what they are conveying and making sure the person understands because of sensitive information.

PM says we often talk in this meeting about how you need to reflect the reasonable grounds for the suspicion on the form. He wants to know if, after we speak about this in the meeting and point out an example, if anything is done. Is having reasonable suspicion on the face of the form just a nice thing to do or something that needs to be done?

RS says that it is in no one's interest to do a substandard form because it may not help a prosecution. Suffolk Police's position is that they are a learning organisation. We have seen a consistent improvement in the grounds going forward. There are always new people coming into the organisation, so you have to keep that learning going. We tend to find individuals who don't do particularly well with recording stop and searches also have other areas of policing they are not good at and, if they lost their job, it would be over multiple things rather than just that.

Recording systems that are new for stop and search may give us more of an idea. The officers are engaged with the feedback they are given and it is given in a constructive manner so he thinks the learning is going well.

Chair adds that there is provision in the best use of stop and search that if there is an officer who is clearly shown to have been abusing his stop and search powers it can be taken away from him. Suffolk and Norfolk have not done this yet but the provision is there to be acted upon. RS confirms that they can do this for any powers.

MD notes that improvements have been made to take stop and search from a written format into an electronic format these days. RS agrees with this, especially with younger staff who can use technology more quickly.

RP comments on the circumstances around the form and how it is an ongoing investigation, so they had to be cautious about what they put on the form. She wants to know if that information is recorded anywhere else or is it just in their notebook. When looking at the form we want to know what the officer has contemporaneously known alongside that. RS said that the information was recorded on the crime investigation so they were aware of the circumstances.

Form 260938 – GMC said that this was an example of a good form because of the detail given around the circumstances to give reasonable suspicion. It gives detail about things like whether the intelligence was recent or not, the time of night and specific circumstances.

RS said the good feedback has been given to the officer already and that he agreed that there were detailed grounds.

Chair brought up a discussion around electric scooters and whether or not it is illegal to use them. Have the police communicated what is legal?

PW said the Met had done some stops and searches on scooters and they had confiscated something like 16 scooters on the basis that there could be some kind of link to them delivering drugs.

Chair raised the concern that there is potential that it could be a modus operandi that black boys on scooters will be dealing drugs and then they will be targeted.

RS says this is the first time the issue about stop searches on scooters has been raised with them. He is not aware of any intelligence that would link class A drugs with electric scooters. In the enforcement of those scooters there is consideration that it is a public safety risk but these are also relatively new inventions so we need to make sure it is a discretionary use of power in circumstances that suit the vehicle at the time. Chair thinks we need to keep an eye on this in the same way as we did when handcuffs started to be a trend.

OE says it may be worth talking to Colchester police station about this because there is a hiring scheme and there is a local paper that is talking about there links to drug dealing.

RS says that he will speak to analytical department to see if there are links, and he will bring it back to the meeting.

Form 260190 – Concerns were raised about the lack of substance in the form. There was worry about overreliance on the smell of cannabis and the lack of inclusion of the fact stated in the supervisor's comments that the subject was preparing a cannabis joint at the time, which would have been ample grounds.

Chair asked RJ and TP with regards to cannabis what the constabulary's priority is (cannabis or class A)? She noted that cannabis always seemed to come up as the reason why people were stopped and searched but she hadn't seen anything about class A drugs. Where are the stop and search forms telling us about that?

TP said he would be interested to see the data on this. He says that just because the priority is the more serious end that does not mean that we want to be soft on the lower end drugs. There needs to be a focus on drugs as a whole.

RJ said that lots of their drug stops are for supply and it is not just criminalizing for possession. He feels the need to talk about why they stop quite so many people for drugs when they don't find as much as they do with knives for example and there are more instances of no further action. He notes how drugs can be concealed, used or discarded easily.

PW said he was concerned about the focus on drug use and asked if there was any evidence that drug use links to crime and destruction of communities to the extent that it has to be targeted relentlessly by police. He said there seems to be a weaponization of drug use in this county.

TP disagreed and said it was just one part of the issues that the constabulary had to face, although he admitted that there was an emphasis on drugs. He said that drug use and supply comes up at all of the public meetings that he has had. He suggested that it is important to get the balance right and not underestimate its importance.

RJ said there is case law and a reasonable approach for instances where people use drugs for medication.

Chair asked to go back to the question that she had asked (stop and search forms always targeting cannabis). RS said there were about 600 stop searches on a monthly basis and the group sees about 6 of those. He notes that they were ones that ISCRE had looked at and thought were worthy of debate/contentious. He says they do look at Class A but they weren't always discussed, probably because they were more confined and tight in the grounds.

Chair requested as an action that she has some data at the next meeting that gives a picture of some stop and searches resulting in drugs being found and what type of drugs those were (giving a picture of what happens in Suffolk). RS held up disproportionality report and pointed out a graph looking at

the amount of drug searches that were possession only drug searches (Suffolk is the best performing force there out of all 43 England and Wales forces – searches for drugs somewhere in the region of 50 or 55% are supply based rather than possession.) He said that the report is available on the HMIC website. TP said they referred to it in their last accountability report on stop and search.

OE spoke about the question of cannabis as evidence and talked about about data with what determinants of stop and searches for cannabis led to a conviction or charge. The college of police have done a report in this and it now forms part of their training – conclusion is that smell of cannabis is not determinative or an indicator that cannabis related crime has been committed.

GMC speaks about how she gets to see all of the dip sampled forms. She says she doesn't see many forms relating to drugs other than cannabis and that if she did see a form relating to those drugs that was more detailed she would happily bring it to the meeting.

AH asks if the person who was stopped and searched was seen rolling a cannabis joint on his lap, why was this not included on the front of the form? It is a stronger indicator.

RS agreed with comment about observation of the spliff and how it should have been put on. Supervisor agrees with the comments raised by ISCRE and that they should have been included. He said that there was intelligence around class A use at this location and quarter past 8 is not really a routine time where prayers were being made so he can see why officer would have been interested in the vehicle. The policy is clear in Suffolk police that we don't do cannabis only searches and they require something extra in the grounds. Conscious of the comments and they have been fed back.

PM explains for benefit of newer people – many people ask why we are trying to stop police and having this discussion. The reference group also wants drugs off the streets and we know stop and search to try to find them disproportionately affects those from ethnic minority backgrounds but mostly the visible minority. In London they found that 4/5 young people stopped on the smell of cannabis alone had no further action. So, a lot of them felt that police were just harassing them and off the back of that it has quite a lot of negative effects on the relationships between police and people from those communities. Police want good relations with communities, and it is important that they take on board some of those concerns and recommendations.

Form 261278 – Concerns that the grounds are saying that someone was stopped because of their ethnicity, which is problematic as it is so broad. There was also concern about how the grounds mentioned intelligence without any indication of how recent and reliable it is. It doesn't add anything and leads back to the question of ethnicity.

RS agrees and says there is some reassurance in that the supervisor has picked up in advance of the feedback from ISCRE that the use of terminology was not helpful. Context is that the individual is well known to the officer who is very familiar with them and the location. There is good intelligence around the address being a cuckooed address and the individual who was at that address was a strong associate of the person being searched. A story had been given about how he was going to get a drink, which was suspicious during lockdown.

RP asked if the person was stood outside the address. RS confirmed they were about 20 metres from it. He also says there was intelligence that was community based too rather than just generic intelligence from the system.

Forms Regarding Complaints:

Form 257330 – GMC spoke about the quality of the form being poor. She said that there are quite a lot of points in there but they are all quite weak in showing suspicion and why they thought they would commit a crime on this occasion. A lot of what was said isn't suspicious in itself. She points out that the complaint referred to whether excessive force was used with handcuffs and that there were allegations of discriminatory behaviour, related to how the officer perceived the subject to be black.

RS said he was aware that a member of the group knows the individual involved in this. The investigating officer has concluded the investigation and provided an update to the individual. There is

some reassurance from professional standards department that there is learning taken from the complaint regardless of if the individual wants to further interact with what is going on afterwards.

Chair asks, as an example, if she is 30 and committed a crime when she was 15 and was in possession of drugs during stop and search which led to her being arrested, could this be used 15 years later as a reason to raise your suspicion? She was referring to an individual doing something as a youth and they are now an adult and they answer no to a question posed by the officer about whether they have come to the attention of the police recently. Can what they did when they were young be used now in that scenario?

RS his personal view is that it shouldn't be and that it would have to be really significant to have any impact on what you are doing now. Chair recognizes that it is officer discretion. RS says if you ask most officers on what is recent information generally they will say what happened in the last three months. Chair then pointed out that arrest on the form was from 2019.

RS says what the officer is getting at is they have asked questions about an interaction two years ago and the individual has given an answer which is a falsehood and it has peaked the officer's interest more. But he does agree that he doesn't like the grounds because they weren't objectively reasonable and was poor in how it was written.

PM says complaints can be useful as a way of providing learning to the system and assurance to members of the public that if they are concerned with something, something can be done about it. Suggests that we need to provide this reassurance and confidence that the complaints process is another way the public can improve the system. It is for SSRG to reflect on in terms of how they can discuss complaints in the system.

Chair says the fact members of the public are bypassing police process and coming directly to her as chair of SSRG indicates that there need to be further discussions around increasing confidence from members of the black community in making complaints.

RS says in principle the constabulary will notify ISCRE and the group of complaints that come in with stop and search and if there is learning coming out of it, it is very constructive, and he will take it on board. He can take feedback and pass it onto the relevant investigating officer or the IOPC and these are the collective thoughts about the form. It is then for the investigating officer to make wider decisions about what that might link into.

RP looks at the form and says that him being asked whether he was known to police is vague and is a reference to previous criminal history. If someone is asked if they are known to the police would an arrest two years ago make you think yes? People are arrested all the time and there is no criminal history. The use of the word lied is quite strong and it is an assumption. Linked is also a very broad word. It doesn't mean the subject is aware of that intelligence.

RS agrees that the form is poorly written and says he will feed it back to Mr Sharp and the officer involved. A lot more could have been articulated. The prominent lump in the tracksuit bottoms just isn't enough either, more detail is needed, and it is too vague.

MD says she disagrees with RP and says that it does seem like a lie on the part of the subject and that she would think to disclose the arrest if she were the subject. Moreover, as an officer, she would expect them to say that they were arrested even if there is no criminal history.

RP notes that criminal history suggests a crime has occurred which isn't what an arrest is. MD agrees it could have been written in a better way but says that she would still be upset as an officer if they did not tell her that they had been arrested.

AH says there does seem to be a complete assumption that if he has been arrested before that automatically defines him as a criminal. If the person felt that he was being dealt with in a pre-judged and aggressive way he may be reluctant to give the information.

Forms 249158 and 249938: GMC summarizes the other two forms. She says that she brought them up because they were about the same officer and there was no clear conclusion to them. She also says on another note, she was concerned about how the forms were recorded. They concerned the

same officer at the same time but when she looked at the detail it said that that officer was with a different person in each incident and in a different place. She wanted clarification because it is a problem if they are not being recorded properly.

Chair asked if the members of the group wanted them to look at this and go over time. She concluded that the complaints would be brought back for the next meeting.

RS says he spoke to Simon Sharp in professional standards, and it is in the throws of being reviewed by the investigating officer. It is currently sitting in a pile ready for the outcome to be finalized and determined.

GMC asked for clarification on the point about them being recorded. RS said the officer was on the sentinel team so may have just been pulled to different points quite quickly.

Any Other Business/Updates from Roger Salmon and Phaniel Mutumburi

RS says the police have recently had the first training of new tutor constables including a stop search session. They had a good morning discussing issues like best practice and stuff that has come out of the scrutiny groups. It shows they need to be clear with officers about what is required when they go out there. They went into the issue of the smell of cannabis quite extensively and reinforced the fact that there is a lot of no further action. They spoke of the need to balance community relations with tackling illegal drugs and thinking about holistic ideas of public safety. They covered the importance of clarifying admissions like yes I have been smoking and putting that in and the avoidance of police jargon likefurtive. He was impressed by how much they already knew and thought this was reassuring. They are looking to do a lot more work in terms of dip sampling of general use of force. He wants to do a similar thing to what we have here in terms of general use of force reporting.

PM says ISCRE have been doing quite a bit of work in the community, especially with young people. He is glad that Ian and Ashton are attending today. PM and GMC have also been speaking to groups in different schools and different places. It is becoming clear that there is a huge deficit in knowledge of rights out there, particularly with young people. A lot of them assume that when they are stopped by the police they are going to be in trouble, and something is going to go wrong. We see that when it is properly done, and people are aware of their rights the interaction is improved and it is a lot more positive. We need to have a think about how we will get more knowledge out into the community.

LH says she does work with the eastern regions special operations unit and counter terrorism advisory work and brought up the Prevent Review with William Shawcross. She has had some dialogue with him recently on behalf of the regional counterterrorism advisory group chairs and he has extended the call for evidence due to end today to 11:59 on Wednesday 9th June so if there is anyone who wants to participate and give some evidence they have another couple of weeks. She suggests that anyone involved writes feedback in word and cuts and pastes if filling out the form. Chair asks if we can put this on ISCRE's website and say they can put it on the Suffolk Black Community Forum website. LH says she can put a link up and Chair agrees.

TP says one of the big jobs at the moment is the new Suffolk Police and Crime Plan. The idea is to have it ready to be adopted by the police and crime panel in October. They are drafting it at the moment and then they will put it out for public consultation. ISCRE is one of the main stakeholders. The consultation months would probably be August and September. TP says he will put Chair on the distribution list and sharing it is suggested.

PW thinks it would be useful for non-police individuals to have a debrief after these meetings. He suggests you aren't going to get the same level of engagement in these meetings in front of police officers.