

<b>Committee(s):</b> Professional Standards and Integrity Committee	<b>Dated:</b> 18 February 2022
<b>Subject:</b> Q3 Stop and Search and Use of Force update	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	1- People are safe and feel safe
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N/A</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of: Commissioner of Police</b> Pol 13-22	<b>For Information</b>
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### Summary

Members will recall that due to the date of the Home Office data extract, there is limited analytical capability and the full Stop/Search and Use of Force cannot be prepared in time for this Committee cycle. Summary reports are attached, and a headline analysis is provided below.

There is a noticeable decrease in both Stop/Search and Use of Force reporting over this quarter which cannot be attributed to the introduction of 'Plan B' measures in early December. The positive outcome rate for Stop/Search increased compared to the last quarter to 37% (up 4%): we believe that protest in London and Glasgow (where officers were deployed for COP26) exerted a similar affect in relation to 'going equipped' searches as that noted during Q2.

The disproportionality index in relation to black members of the community increased for both Stop/Search (2.2) and Use of Force (2.58) in Q2, above the rolling average over the last two years (2.0 for Stop/Search and 2.2 for Use of Force). The reason for this is not clear, and we continue to examine the records: we will report in detail on this in our next report.

Handcuffing remains the most common type of force used during this quarter (in line with established trends). We also saw a decrease in the overall number of times Taser was deployed, but an increase in the number of discharges (1 this quarter compared to none in Q2). There has been a small decrease in subjects injured as a result of force being used, with a corresponding (small) increase in the number of officers being spat at during this quarter.

In terms of matters arising from you previous meeting, we have provided a detailed analysis of subjects recording as having been injured as a result of force being used against them in Q2, and there are no causes for concern (all relate to minor injuries, the majority minor discomfort etc as a result of handcuffing). We have also provided

an analysis of the impact of protest during August and September on Q2 stop/search trends.

## **Recommendation**

Members are asked to note the report

## **Main Report**

### **Background**

1. As Members are aware, the timing of the quarterly data return to the Home Office clashes with this committee cycle and due to limited analytical capacity the Force currently has, the full analysis reports are not available to circulate with this report: the summary reports are attached. We have provided initial analysis based on those summaries and included (where appropriate) more detailed analysis on the Q2 data from work conducted since your last meeting.
2. Whilst the positive outcome rate for Stop/Search remains in line with the established trend, and up on previous quarters, the overall number of stop/search records is down. As is the number of Use of Force records and this cannot be attributed to the implementation of Plan B measures in December 2021. Disproportionality affecting black members of the community was up in Q2 for both Stop/Search and Use of Force, and above the rolling average: the cause of this is not yet known and is subject to further analysis by the Force.

### **Current Position – Stop Search**

3. The overall number of Stop and Searches during this quarter is down on the previous quarter by 14%. The reason for this is not immediately clear: whilst November was broadly consistent with the average number of stops per month both October and December where down. Stop and Searches during December do not align with the announcement of Plan B measures: in other words, there is no correlation between the announcement of Plan B and a reduction in Stop and Search. It is possible that officer nervousness about the risk the Omicron variant posed to their own health influenced consideration of the use of this tactic, but there is no evidence in the data or anecdotal evidence to suggest this and the Police Officers actively discount this as the reason for this trend.
4. However, whilst the overall number of stops is down the positive outcome rate has increased to 37% (up 4% on Q2); this includes an increase of 3% (to 34%) for positive find rates, and an increase of 4% (to 27%) for arrests stemming from Stop and Searches (Members are reminded that a positive find does not automatically lead to an arrest which is why these measures do not align).
5. In line with the established trend, searches for drugs under the Misuse of Drugs Act continue to account for the majority of Stop and Searches (50%). The largest group of searches relate to 'Going Equipped' (21%). As with the Q2 data, this period covers a significant period of protest activity within London and nationally, and it is likely that the policing of this activity is (at least in part) driving this trend.

6. Of note, 166 searches (17%) took place outside the Force area. This is slightly higher than Q2 but reflects the deployment of officers to both Scotland in support of the COP26 conference and the Force's contribution to policing concurrent protest in greater London during that period, which was significant.
7. The gender split for subjects of Stop and Search remains static compared to Q2. The self-defined ethnicity split also remains broadly similar, with a slight increase (26% in Q2, 29% in Q3) in subjects identifying as white. The percentage of subjects who self-identified as black remains the same at 9%, although those who identify as Asian decreased from 11% (Q2) to 8% (Q3). The percentage who declined to self-define their ethnicity remained broadly the same (48% in Q2, 49% in Q3).
8. This headline data suggests that the disproportionality index should be broadly consistent with Q2. In Q2 we saw a slight increase in the disproportionality for black individuals from 1.9 to 2.2 (increase of 0.3). By contrast the disproportionality in the MPS force area is 4.3. This increase takes the force above the rolling 12 month average of 2.0. It is not immediately clear what drove this increase, and the Force will conduct further analysis of the Q2 and Q3 data (once the full report is available for Q3) to understand and address the underlying driver for this change.
9. **Thematic Review – Offensive Weapons.** A thematic review of stops focused on offensive weapons during Q2 has been conducted since the Committee's last meeting, which was something Members showed a specific interest in. A total of 46 records related to records where the object of the search was an Offensive Weapon, with 20% of the records reviewed. Where available Body Worn Video (BWV) was reviewed, and the written record was reviewed in all cases. Clear grounds for the search were recorded in all records reviewed, and in the instances where BWV was available the elements of 'GOWISELY' (the key pieces of information an officer is required to give to a subject prior to searching them) were covered in clear, easy to understand language.
10. The review identified some instances of good practise, especially where officers have had intelligence of a weapon prior to the stop and they have intervened with an appropriate level of force, but rapidly de-escalated and established a good rapport with the subject.
11. The review did highlight an administrative issue which has been fed back into individual officers and team briefings. BWV recordings of Stop/Search encounters are not, routinely, retained beyond 30 days unless the officer flags it as evidential (retained for 7 years) or as a 'Resented Stop/Search' (13 months). In a number of cases officers had indicated recordings were saved but had not appropriately classified the footage as Evidential etc, meaning the recording had automatically been deleted. No adverse outcomes were identified as a result of this administrative irregularity.
12. The next phase of HMICFRS dip sampling of Stop/Search records is about to commence. The last review placed the Force very near the top of the national lead table with over 90% of grounds assessed as valid. We await the outcome of the

latest national review and will report on these in our next report (if available by then).

### **Current Position – Use of Force**

13. The noticeable decrease in Use of Force reported to you in Q2 has been further investigated, and it is now apparent that a technical issue affected a number of reports which meant they were not included in the totals. This has now been addressed, and whilst the overall number of reports has increased, it has not altered against the key measures in a statistically significant way.
14. In Q3 we continue to see a slight downwards trend in total use of force reporting (accounting for the reports not previously included in the Q2 data): this equated to a 3% reduction from the (adjusted) Q2 data to Q3. As with Stop and Search records, this does not correlate with the announcement of Plan B. Records in October and December were down compared to the monthly average whilst in November records were broadly in line with the trend. However, when compared year-on-year, we are seeing a higher frequency of Use of Force reporting in 21/22, compared to 20/21. This is almost certainly reflective of the increasingly stringent COVID restrictions in place during Q3 20/21, which included the period of lockdown 2. However, compared to Q3 19/20, the year on year trend is down.
15. Handcuffing continues to account for the majority of use of force records: 510 in Q3, 498 in Q2. Taser use overall is down from Q2 (31 in Q2, 18 in Q3): however in Q3 there has been 1 instance of Taser being discharged compared to none in Q2: this followed an incident where a vehicle failed to stop for an Armed Response Vehicle. As with all uses of Taser, this will be reviewed by the Lead Taser Instructors and any learning fed back into the training cycle. At the time of writing, there has been no complaint about this incident.
16. The number of subjects injured as a result of Use of Force is down slightly from 18 (Q2) to 13 (Q3). A full analysis of the Q2 data is given below as was requested at your previous Committee. None of the incidents where an injury to the subject has been recorded have been flagged as serious or requiring further investigation, and it is very probable that a similar trend to that seen in Q2 will be seen in the Q3 data (see below for details of the Q2 data). Conversely, we saw a slight increase in officers being spat at over this period, with 11 officers subjected to this sort of assault compared to 7 in Q2.
17. The gender split of subjects that force was used against, is broadly the same as Q2 (75% male in Q3, 73% male in Q2). The officer-defined ethnicity has shown some movement, with 53% of subjects defined as white, and 23% as black in Q3; compared with 48% and 28% respectively in Q2. It is not possible to speculate on how this will affect the disproportionality index, although the variations are unlikely to be statistically significant. As with Stop/Search, during Q2 the disproportionality index for black subjects rose above the 2 year rolling average. In Q2 the index was 2.58; the two-year average is 2.2 (for Asian individuals, by contrast the index was 0.84, which is the rolling two year average).

18. Of the 704 Use of Force records from Q3 38 involved under 18s (5%): including one record where a Taser was deployed and the subject red-dotted. Without a line-by-line examination it is not possible to comment in any detail on these records. However, Members will recall that we provided a detailed examination of the records of Use of Force involving under 18s over Q1 and Q2 in our last report. Over the first two quarters of the year these reports accounted for 4% of the total number of reports, so the Q3 data represents a slight (but not statistically significant) increase. In Q1 and Q2 the majority of use of force against U18s involved 16 and 17 year olds. Across the first two quarters of the year, the under 18 cohort was broadly in line with the main cohort except with the involvement of a weapon, which was three times more likely in the under 18 cohort. We would expect the Q3 data to indicate a similar trend and will report in our Q4 report if that is not the case.

### **Matters arising from previous PSI Meeting**

19. **Briefing Sessions for Members.** A further Stop/Search briefing session for Members had to be postponed before Christmas due to operational demands: this will be rescheduled during Q4. A series of Use of Force briefing sessions have started to be delivered to Members, and these will be followed with opportunities for members to attend Officer Safety and Public Order Training; and a bespoke session on Taser training.

20. **Injuries arising from Use of Force.** At the Committee's last meeting, members asked for confirmation that none of the subjects who force was used against, and records indicated that they had suffered injuries during Q2 and Q3, had suffered serious injury. The records of each of these incidents (including Body Worn Video) have been reviewed.

21. Of these records, 8 (61%) involved subjects who offered active or passive resistance only 2 involved subjects who were compliant. All of the records indicate only Minor injuries, and all bar 3 (or 76%) were seen by medical professionals. The vast majority of incidents involved only the use of tactical communications and handcuffing. Six records (46%) involved unarmed tactics (restraints etc); two involved Taser (one red-dot; one discharge) and one incident each involved limb restraints and one ground restraint.

22. Officers were assaulted in 3 incidents recorded during this period.

23. In almost all incidents the subject stated that they had soreness or minor scratches as a result of being handcuffed. In a small number of cases, minor injuries (grazes) were experienced as a result of the subject being taken to or falling to the floor whilst resisting arrest. In one incident the subject stated (after being handcuffed) that they had previously broken their arm and couldn't flex sufficiently: the officers immediately changed the handcuff position. In a final incident, the subject complained of an ankle injury: they were taken to hospital for an X-Ray which indicated nothing more serious than a sprain. No medication was prescribed.

24. As noted by former Assistant Commissioner Sutherland during the last committee meeting, if any serious injuries had occurred these would have been referred to,

and investigated by, the Professional Standards Dept at the time. None of these incidents would have triggered a Professional Standards referral and following the examination of the records none are of concern.

25. **Effect of Protest on Q2 Stop/Search trends.** At your last meeting, it was noted that there was a spike in searches under s1 PACE during Q2. Our working assumption was that this was driven by the significant protest activity in the City at the end of August and beginning of September. We undertook to examine this further. We do not have the resources to individually examine every record in this period but we have dip sampled a number of records and examined the trend through August into September.
26. The period of protest (linked to Extinction Rebellion) covered the period 22 Aug 21 to 5 Sep 21. For August and September as a whole there was 197 Stop/Searches under s1 PACE; during the two weeks of protest there were 80, representing 41% of the total for those two months. Examining reasons for those stops, during the period of protest 44 searches were conducted for articles to be used in criminal damage. This accounts for 55% of searches during that period. By contrast, over August and September as a whole there were 57 searches for articles to be used in criminal damage, representing only 29% of searches under s1 PACE.
27. Put in a slightly different context, the s1 PACE searches conducted during the two weeks of protest activity account for 77% of all such searches over August and September. This strongly indicates that protest activity was the driver for the increase in s1 PACE searches noted in the Q2 data. This is confirmed by the (limited) dip sampling of the search records over this period.
28. **New Dip Sampling Regime.** Since the Committee's last meeting the Force has introduced a revised process for the dip sampling of Stop/Search records and BWV recordings. Currently in a pilot phase just within Local Policing (which accounts for 95% of the Force's stop/search records), the new process will involve all supervisors from Sergeant to Chief Superintendent reviewing a random selection of stop/searches every month. We had hoped to have some initial data to report to the Committee on this process, but technical challenges in generating the report required to allow supervisors to begin the review process has delayed its implementation.
29. Once those issues are resolved we intend to report on the themes identified through this process in our future quarterly reports. Our intention is to extend the same process to Use of Force in due course, however as Use of Force recordings do not automatically generate a unique reference number more work is required to confirm the business process. We anticipate having the pilot of the review of Use of Force records in place before your next meeting (although there may not be any data to report at that stage).

## **Conclusion**

30. The quality of our stop/search encounters (based on dip sampling and the positive outcome rate) remains high. The ongoing HMICFRS national dip sampling exercise will provide us with independent assurance on this, together with the

additional internal scrutiny processes introduced this quarter, and the external scrutiny provided by this Committee and the Independent Advisory and Scrutiny Group.

31. The reasons for the increase in the disproportionality affecting black individuals is not understood and is subject to further review and analysis by the Force leads: we will report on this further in our next report. Similarly, the dip in overall Stop/Search and Use of Force records this quarter has no clear driver and this will continue to be monitored by the Force and reported to this Committee in subsequent meetings.

### **Appendices**

1. Stop/Search Q3 FY21/22 summary report
2. Use of Force Q3 FY21/22 summary report

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