

<b>Committee(s):</b> Professional Standards and Integrity Committee	<b>Dated:</b> 25 May 2022
<b>Subject:</b> Q4 Stop and Search and Use of Force update - 2021-22	<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:</b> Commissioner of Police Pol 31-22	<b>For Information</b>
<b>Report author:</b> Superintendent James Morgan, Head of City Police Task Force & Head of Contact	

### Summary

The number of Stop Searches conducted in Q4 has increased slightly (6%) compared to the last quarter, in contrast to the overall year on year decrease of 2% which is likely to be linked to the lingering effects of the pandemic. The positive outcome rate for the FY was 35%, remaining in the established trend (between 33% and 39%) and well above the national average (10-15%). For Q4 it was 34%. Disproportionality has increased slightly to 2.2 for black individuals and 1.3 for Asian individuals: above the rolling average for black individuals (2.0) but significantly below the wider London rate. We will conduct further analysis of this trend and provide further reporting to the committee's next meeting.

There were 8 Strip Searches over this quarter, all involving male adults aged 21-24; 38% were white males, a further 38% Asian males and the remaining 13% black males. Of these, 50% lead to a positive outcome.

In response to the Child Q report, the Force is conducting a review of all strip searches involving juveniles over the last 3 years. A summary of the data relating the FY 21/22 is included in this report (5 reports in total). The Force will provide a separate fuller detailed report to this Committee and the Police Authority Board setting out the outcome of the review in due course. There is however a joint report of the Director of Children's and Community Services, and the Commissioner on the agenda regarding the Child Q practice review.

The new dip sampling process for Stop Search reports introduced in pilot form in Q4 has achieved the target sampling rate (target 10-20%; actual rate for Q4, 13%); 20% of the records examined were considered best practise.

Use of Force continues to fluctuate extending the trend seen through Q2 and Q3. This requires further examination and will be addressed in future reports. Taser use (discharge) increased slightly this quarter, whilst handcuffing remains the most frequently used type of force. The gender, age and ethnic profile of those we use force against has remained largely consistent with Q3.

## **Recommendation**

Members are asked to note the report

## **Main Report**

### **Background**

1. Members will recall that due to the timing of the quarterly submission for the Home Office annual data return clashing with the committee cycle there is insufficient analytical capacity to produce the full Stop Search and Use of Force reports in time for this Committee. These will be available to Members once published on the Force website, and summary reports are attached to this paper. If the full reports identify any significant variations from established trends, these will be addressed in our subsequent reports to this Committee.

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

2. Over the last quarter the total number of stop/searches has increased by 6% compared to the previous quarter: this most probably reflects the increased footfall in the City in general. However, a year-on-year comparison shows a slight overall decrease of 2%, reflecting the ongoing impact of the pandemic during the start of the year. The positive outcome rate has decreased slightly to 34% compared to Q3: over the financial year as a whole the rate was 35%, also a slight decrease on FY 20/21 (37%). Both the quarterly and annual variations are in line with the established trend, the rate normally fluctuating between 32% and 39%, compared to a national average of between 10 and 15%.
3. Over this quarter there has been a drift in the peak time for stop/searches from Wednesday afternoon (which was the historic, established trend) to the early hours of Saturday mornings. There has been a corresponding increase on Fridays and Saturdays as well. This reflects the growth of the leisure and night-time economies, and the corresponding policing focus to counter associated crime types.
4. Disproportionality increased slightly this quarter, after having reduced in Q3 following the spike reported in Q2. For black individuals it increased from 2.1 to 2.2, and for Asian individuals from 1.1 to 1.3. This is above the rolling average for black individuals for the last year (2.0) but below the average for Asian individuals (1.5). More work is required to understand this trend, which has emerged since the end of the pandemic. We will conduct a detailed review and report the findings in our next quarterly report.
5. Stop/searches involved 37 under 18s this quarter (6% of the total), the majority of these searches relating to going equipped or offensive weapons. None of these searches resulted in a strip search. This is in line with the trend for juveniles subject to stop/search in the City and is in contrast to the overall trend which sees the majority of persons stopped for drug-related matters.

## **Strip Searches**

6. At your last meeting members asked for more information regarding Strip Searches conducted under Stop/Search powers. Strip Searches conducted under Stop/Search powers fall into two categories. A 'More Thorough Search' in which intimate parts are not exposed; and an 'Intimate Parts Exposed' search. A More Thorough Search maybe conducted away from the Police station but must be conducted out of public view and involves the removal of anything other than 'JOG' items of clothing (jacket, outer-garment, gloves). An Intimate Parts Exposed search involves the exposure of the subject's intimate body parts. An Intimate Parts Exposed search must be conducted in a police station, and for juveniles an Appropriate Adult must be present, and a supervising officer must be consulted prior to the search. The conduct of strip searches under these powers is directed by the statutory guidance given in Code of Practise 'A' issued under the Police and Criminal Evidence Act 1984 ('PACE Code A'). These powers are different from those which govern the conduct of strip searches of detainees in custody: those are governed by Code C of PACE and not covered in this report
7. In future, we will provide specific reporting each quarter on Strip Searches.
8. In Q4, 8 or 9 individuals were subject to strip search under 'Code A' powers: At the time this report was required to be submitted, the data was being verified by the Performance Information Unit and the *exact* number will be confirmed at the meeting.
9. The following data relates to the 8 records which have been reviewed in detail by the Force Stop/Search lead. 7 consisted for a full (intimate parts exposed) search and 1 a 'more thorough search' (in which intimate parts where not exposed). All were male, aged 21-24. Of this group, 38% were from a white background, a further 38% from an Asian background and 13% from a black background. The sample size is too small to base a disproportionality index calculation on. However, for white and black subjects these percentages approximately mirror the breakdown of the Force's custody population, but not for Asian subjects (FY20/21, 43% white; 14% black; 12% Asian). All of these searches were conducted under the powers from s.23 Misuse of Drugs Act 1971. In 50% of the cases there was a positive outcome (3 arrests, 1 drugs warning).
10. In all bar one record the grounds for the stop/search are clearly and comprehensively set out in the written record. Where smell of cannabis has been a factor it has not been the sole factor which led to the stop, and the other information and intelligence available to the officers is clearly set out. The record for the final instance of stop/search is less clear, with a lack of clarity leading to ambiguity. The officer's accompanying arrest statement sets out the grounds more clearly, but this learning will be fed back to the officer.

## **Quarterly Thematic Review – Juvenile Strip Search**

10. Following the release of the report into the incident involving Child Q, the quarterly thematic review for this quarter has focused on juvenile strip searches. This has been conducted as part of a wider programme of work the Force has initiated to implement the recommendations of that report and a more detailed report on that review will follow. In the last FY there were 5 records relating to *juvenile* stop

searches. Learning has been identified and action has already been taken to implement this. There is a joint report by the Director of Children and Community Services and the City of London Police regarding Child Q on this agenda.

### **Dip Sampling**

11. As previously reported to the Committee, the Force introduced a new process for dip sampling Stop/Search records during Q4 on a pilot basis. The aim of this process is to achieve a 10-20% dip sampling rate of written records and Body Worn Video recordings by supervisors (Sergeant to Chief Superintendent) across Local Policing (with wider role out to the whole Force to follow). Initial role out was confined to Local Policing to test and validate the process as Local Policing accounts for c92% of all stop search activity in Force.
12. Over Q4 a dip sampling rate of 13% was achieved. Body Worn Video was available for review in 68% of the records examined. Body Worn Video may not be available if the officer forgets to turn it on, or after the incident fails to save it and the dip sampling takes place more than 30 days after the incident (to comply with data protection legislation unless there is a policing purpose for longer retention BWV recordings are automatically deleted after 30 days).
13. Learning was identified in 17% of the BWV recordings reviewed. This falls into two broad categories: officer safety considerations (position of the officer in relation to the subject of the search) and the need to give 'GOWISELY'<sup>1</sup> both clearly and comprehensively before the search begins.
14. In all but 4 instances the written record was also reviewed as part of the dip sampling process. Learning was only identified in relation to 3 of the records examined, all relating to how comprehensive the officer's written record of their grounds was.
15. Of the records reviews, 17 (20%) were considered to be best practise, with feedback being provided to officers with identified learning or whose work has been identified as best practise. In two cases this was done in writing, with the remainder consisting of a face to face debrief/feedback session.
16. The key lessons identified during this quarter relate (in order) to the need for officers to activate Body Worn Video (BWV) as early as possible during encounters; to categorise BWV recordings appropriately to ensure their retention when officers have indicated that the recording has been retained; officer safety considerations when conducting searches; and the need for 'GOWISELY' to be clearly and comprehensively explained, backed by equally comprehensive notes.
17. Following the pilot, from Q2 FY 22/23 onwards we will be extending the dip sampling process force wide and including Use of Force. Changes will be made to the forms used to collate supervisor feedback to allow key themes/trends to be more easily quantified to enable easier reporting and feedback to the Force as a whole.

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<sup>1</sup> GOWISELY is an acronym used by officers as an 'aide memoire' for the information they are supposed to give to a stop/search subject, prior to commencing the search, to ensure compliance with Code A of PACE

## Current Position – Use of Force

18. Use of Force reduced between Q3 and Q4 from 741 to 639 incidents, a 13% reduction. This continues the trend of notable fluctuations quarter-on-quarter we have seen since the end of lockdown 3 and it remains unclear what is driving these variations over the year. In relation to the shift from Q3 to Q4 it is possible that the impact of policing the Christmas period in Q3 is influencing the figures compared to Q4. We will conduct additional reviews of the data and report further in our subsequent reports.
19. Handcuffing remains the predominant type of force used. Taser use has seen a slight variation compared to Q3, with 4 discharges and 20 other uses (compared to 1 discharge and 21 other uses in the Q3). Other uses of force with significant medical impact factors also saw fluctuations this quarter: Batons were not used at all (compared to 3 in Q3), whereas police dogs were deployed twice (compared to none in Q3).
20. Injuries linked to or resulting from Use of Force also fluctuated with officer injuries reducing from 10 (Q3) to 3 (Q4), and subject injuries increasing by 1, from 13 (Q3) to 14 (Q4).
21. Subjects of force remain overwhelmingly male (82% in Q4; 74% in Q3) with the percentage of females subject to force remaining largely static (8% in Q4; 9% in Q3). This largely tracks the Force's custody population (FY21/22) which was 86% male and 12% female (and 2% not recorded).
22. The ethnic breakdown of those subject to force also remains relatively consistent (based on officer-defined ethnicity). In Q4 49% of subjects were recorded as white (53% in Q3), 14% Asian (12% in Q3) and 28% black (23% in Q3). Without the full analytical report, it is not possible to say if this will cause the disproportionality indexes to move from Q3 (1.98 for black individuals; 0.72 for Asian: the rolling average being 2.2 and 0.89 respectively).
23. Reported use of force involving juveniles represented 4% of the total for this quarter, down from 5% in Q3. This is in line with the force's custody population in FY 21/22 where 4% of detainees were juveniles.

## Matters arising from previous PSIC Meeting

24. **'Use' of Batons.** At the Committee's last meeting Members enquired about the definition of 'use' in relation to police Baton's. The question was asked in the context of the sub-divisions of the term 'use' for Taser (draw, aimed, red-dotted, discharged). The use of batons by officers is recorded in a similar manner. Officers are required to report when they draw their baton, and when they use it. In this context, 'drawn' refers to removing it from the holster.
25. This can be either a 'discrete' draw where the baton is not extended, or an 'overt' draw here the baton is withdrawn and extended at the same time. For the report of Use of Force when an officer records that their baton has been 'used' this refers

to having used the baton in any other way than removing it from the holster: this includes striking the subject or using the baton defensively to maintain a stand-off distance between the subject and the officer, although in practise it will almost always refer to a strike being delivered with the Baton. If an officer draws their baton and immediately uses it that would only be recorded as a 'Use' rather than a 'Draw' and 'Use': where 'Draw' is recorded first this indicates the officer used the drawn baton as a tactic in itself and the situation has deteriorated to the point where they have been required to 'Use' the baton (i.e., strike the subject).

26. Baton Use has one of the highest medical impact factors of tactics available to officers, more so than the deployment of Taser. We would therefore expect to see Batons be used less frequently than other tactics, including unarmed defensive skills, PAVA incapacitant spray, handcuffing and Taser. This is reflected in the established Use of Force trends across the Force, with Batons being only rarely used.
27. Batons may also be used in public order operations where the context is slightly different. First, commanders may *order* officers to draw their batons as a collective show of strength in a public order situation. This would be recorded as a 'Use' by all the officers involved, but officer giving the order would be required to justify the use (whereas in normal circumstances the individual officer must justify the force they use). Also in public order situations, the medical impact factors associated with baton strikes are not as significant as a different baton, made of plastic, is currently used in public order operations.
28. Over the last two years we have recorded Batons being *drawn* on 82 occasions. This equates to an average of 3.5 per month but the distribution is not even. The bulk of these records (44n<sup>2</sup> or 54%) relate to a single day in June 2020 which involved a significant public order operation in central London linked to protest/counter-protest relating to the Black Lives Matter movement. When those records are removed, the average run rate equates to 1.6 records per month. 71% (58n) of records relate to Use of Force during Public Order operations, and 76% (62n) occurred in the Metropolitan Police Area.
29. Over the same period, we recorded 31 *uses* of batons. In 12 of these instances, the baton was used directly; in the remaining 19 a corresponding 'Baton Drawn' record exists. Of the records of Batons being used, 20 relate to Public Order incidents (65%), and the majority (24n or 77%) occurred in the Metropolitan Police Area which largely mirrors the records of Batons being drawn. As with Batons being drawn, a significant percentage (11n or 35%) relate to the same large public order operation on one day in June 2020.
30. **Emotionally and Mentally Disturbed (EMD).** Members asked for more information regarding this term. This term does not refer to subjects who have a specific diagnosis, but rather is a planning consideration for officers to be aware that subjects of force may not react rationally or in a predictable manner based on either internal factors (such as mental illness) or external factors (stress created by the situation). The term, however, does encompass subjects suffering from

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<sup>2</sup> n= number

Acute Behavioural Disturbance and Excited Delirium which are medically recognised terms.

31. Specific guidance is given to officers during training on how to recognise the potential indicators that an individual may be subject to Emotional and Mental Disturbance, and tactical considerations for dealing with such individuals. This may include backing off, containing (rather than restraining) and giving them time and space. However, it is important to note that even with a subject who officers believe is suffering from Emotional and Mental Disturbance, it may be necessary for officers to move forward and use force (restraints etc) depending on the circumstances, for example an immediate threat to others, members of the public or the subject themselves.

## **Conclusion**

32. The established trends in both Stop/Search and Use of Force continue, although we are beginning to see a shift (in particular relating to Stop/Search) in the time searches occur. This is most likely in response to the change in the leisure and night-time economy.

## **Appendices**

1. Stop/Search Q4 FY21/22 summary report
2. Use of Force Q4 FY21/22 summary report

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