

Surrey PCC Response to HMICFRS Report: Disproportionate Use of Police Powers - A Spotlight on Stop & Search and the Use of Force

Stop and search and use of force is an important topic and I thank the HMICFRS for reporting on this issue. The report rightly says there is more to do to improve and regulate this vital crime-fighting weapon. I believe the report is too one-sided though. It does not explore how effective the power can be in deterring criminals from carrying knives and other offensive weapons in the first place. This is inherently difficult to measure, but we must use every means at our disposal to prevent our streets becoming safe places for people who are bent on violence.

Above all, police officers must not be frightened to follow their instincts: if something feels wrong, they should swing into action there and then. Naturally, officers are accountable for all their decisions but, if they follow the procedures, act reasonably and can explain convincingly why they took the course they did, I for one will back them to the hilt.

I have asked the Chief Constable for his response to the report, particularly with regard to the recommendations made. His response is as follows:

Chief Constable of Surrey response:

I welcome the HMICFRS report, "Disproportionate Use of Police Powers: A Spotlight on Stop & Search and the Use of Force", which highlights that police forces must be doing more to ensure they identify disproportionality, understand the reasons for it, take action to reduce it where required, and explain those reasons and actions to the public.

The report suggests a number of national recommendations. Surrey already have a number of processes in place and will monitor and make the relevant changes to ensure compliance with the recommendations.

The HMICFRS report makes a total of 8 of recommendations, of which 6 relate to police forces, which can be summarised as follows:

Recommendation 1:

By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation.

Surrey's Position:

- *Surrey Police officers attend bi-annual Officer Safety Training sessions, during which the subject of effective communication skills is discussed.*
- *Tactical Communications is nearly always the primary tactic used in a situation that requires Use of Force.*
- *Surrey Police provide a number of Stop & Search and Use of Force online training programmes through NCALT which are mandatory for officers to complete, and includes tactical communications.*

- Officers are also given awareness of 'Alert Cards' that people may be carrying, that may relate to a neuro-divergent condition or a particular communication or interaction difficulty or requirement, in order that where possible a situation is not misinterpreted and does not escalate unnecessarily.
- New starters have a lesson on Use of Force, NDM, Search Powers and Tactical Communications; they also have a reflective work based practice session that focuses around Communications.
- 5 Step Appeal, Behaviour Models, Drama Triangle, Betari's Box, and Visual, Vocal & Verbal comms are all discussed.

Recommendation 2:

By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

Surrey's Position:

- The College of Policing have been developing a de-escalation skills package for some time, although currently it is not yet complete.
- Surrey have therefore delayed our own package due to time pressures to fit in other activities that have been considered more urgent in the time there is available to deliver refresher training.
- Surrey are not anticipating covering tactical communications as a stand-alone lesson in Phase A which will be in place before July 2021.
- Tactical communications will of course be included alongside Use of Force tactics during the practical activities, as per the above update in Recommendation 1.
- The College have also recently previewed a Conflict Management 8 hour training package to all Forces online.
- The relevant training resources will be uploaded to the College Knowledge Hub in due course.
- A random selection of Body Worn Videos for Stop & Search and Use of Force incidents are reviewed on a quarterly basis. Where individual learning points are identified, they are disseminated to the officer(s) in question and their supervisor.
- Where there are wider organisational learning points, they are also identified and actioned, e.g. through training (training department representatives are present at the scrutiny meetings).
- Body Worn Videos are normally shown during the quarterly External Scrutiny Panel meetings (this has not been possible to continue during the COVID-19 pandemic as the meetings have moved into online meetings there are not the safety measures in place to enable to secure viewing of Body Worn Videos).

Recommendation 3:

By September 2021, forces should: Ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents; Have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and Provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.

Surrey's Position:

- *Surrey Police policy is that where a police officer or PSCO is equipped with Body Worn Video, they will record the interaction.*
- *Surrey reinforce the message that all officers should have their Body Worn Cameras switched on and recording the entirety of Stop & Search and Use of Force encounters.*
- *Compliance is reviewed through internal governance.*
- *A random selection of Body Worn Videos for Stop & Search and Use of Force incidents are reviewed on a quarterly basis. Where individual learning points are identified, they are disseminated to the officer(s) in question and their supervisor.*
- *Where there are wider organisational learning points, they are also identified and actioned, e.g. through training (training department representatives are present at the scrutiny meetings).*
- *Body Worn Videos are normally shown during the quarterly External Scrutiny Panel meetings (this has not been possible to continue during the COVID-19 pandemic as the meetings have moved into online meetings there are not the safety measures in place to enable to secure viewing of Body Worn Videos).*

Recommendation 5:

By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.

Surrey's Position:

- *Surrey have an effective internal monitoring process including an Internal Scrutiny Panel that takes place within 1-2 weeks of the External Scrutiny Panel.*
- *The Internal Scrutiny Panel jointly covers Stop & Search and Use of Force and meet on a quarterly basis.*
- *The Internal Scrutiny Panel consists of the Force Lead for Stop & Search, the Force Lead for Use of Force, Officer Safety Trainers, Divisional Chief Inspectors, and the Chair for the External Scrutiny Panel.*
- *60 Use of Force reports are reviewed at random per quarter (30 White and 30 BAME), the findings of which are initially presented to the External Scrutiny Panel and discussed. Any reports that are deemed not to have appropriate grounds are fed back to the officers in question and their supervisor for discussion and training. These are recorded on a spreadsheet and the records are retained.*

Recommendation 6:

By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken.

Surrey's Position:

- *Surrey have an effective External Scrutiny Panel already in place which jointly cover Stop & Search and Use of Force and meet on a quarterly basis.*
- *The External Scrutiny Panel consists of the Force Lead for Stop & Search, the Force Lead for Use of Force, Officer Safety Trainers, and a representative panel of members of the public (in respect of BAME, age, LGBTQ etc.)*
- *The panel is led by an external chair who is BAME. All panel members were trained on the topic areas via face to face sessions with Officer Safety Trainers supported by Learning & Development, and all were appropriately vetted.*
- *The panel are presented with a number of documents including but not limited to:*

- *Stop & Search and Use of Force ‘Performance Products’ which provides data on a rolling 12 month trend in respect to total number of reports per year and per month for White and BAME subjects.*
- *Stop & Search Quarterly Review: a document presenting figures/percentages for the number of Stop & Searches, find rate, stop reason and outcomes in total, and per division, and how many of the above listed stops there were per gender and ethnicity.*
- *Use of Force Quarterly Review: a document presenting figures/percentages for the number of Use of Force reports submitted including subject type and tactic used in total and per division, and how many of the above listed Use of Force reports there were per gender and ethnicity.*
- *90 Stop & Search forms are reviewed at random per quarter (45 White and 45 BAME, 15 of each per division), the findings of which are presented to the External Scrutiny Panel and discussed. Any forms that are deemed not to have appropriate grounds are fed back to the officer in question and their supervisor for discussion and training.*
- *60 Use of Force reports are reviewed at random per quarter (30 White and 30 BAME), the findings of which are presented to the External Scrutiny Panel and discussed. Any reports that are deemed not to have appropriate grounds are fed back to the officers in question and their supervisor for discussion and training.*
- *Any Use of Force report which discloses the use of a firearm, baton round or Taser is also separately reviewed and scrutinised.*
- *These quarterly meetings have continued during the COVID-19 pandemic virtually instead of in person, with the sanitised reports being sent out ahead of the meeting and also presented on screen during the panel meeting.*
- *Pre COVID-19, a random selection of Body Worn Video footage was selected, viewed and discussed at the External Scrutiny Panel, it has not been possible to continue with this in a virtual format during the COVID-10 pandemic, however when we resume face to face meetings, we will resume the Body Worn Video aspect to the Quarterly External Scrutiny Panels.*
- *Following each panel meeting detailed minutes are distributed to all panel members and once approved are uploaded to the force website for public viewing.*
- *The Chair to the External Scrutiny Panel has also been offered ‘ride-alongs’ with our Proactive Units in order to see Stop & Search and Use of Force first hand.*

Recommendation 7:

With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

Surrey’s Position:

- *It is Surrey Police policy that the requirement to record a person’s ethnic origins is a requirement to state:*
- *The ethnicity of the person as described by the person and,*
- *If different, the ethnicity of the person as perceived by the police officer or PCSO.*
- *Surrey regularly reinforce this message to officers.*

The Chief Constable has provided a full response to the recommendations made and I am confident that Surrey Police will meet all the required standards and processes. However,

as said, I would like to see more balance on the topic of Stop and Search and support for officers using the power in carrying out their duties.

David Munro, Police and Crime Commissioner for Surrey
March 2021