

Birmingham South Stop and Search (S&S) and Use of Force (UoF) Scrutiny Panel

Location: Online via Microsoft Teams

Date and Time: Monday 16 January 2023 at 1600

In Attendance: Nick Reynolds (NR) (Chair), Stassi Chilas (SC) (Vice-chair), Lisa Hill (LH), Adriana-Romana Suciu (ARC), Natalie Cox (NC) (PCC's Office), Insp Michelle Cassidy (MC), Insp Dawn Fox (DF)

Apologies: Dr Fathi Jamil

| | Item Discussed | Actions |
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| 1. | Welcome and introduction Minutes of the last meeting, update on any actions taken from last meeting | NR opened the meeting and welcomed panel members. NR reported that the minutes of the panel meeting of 14 Nov 22 would be issued together with these minutes. MC added some further details to UoF video #3 from the last meeting where the footage had been confusing. Officers had turned off their BWV thinking the incident had ended. However, the incident continued with other officers' footage. |
| 2. | Update on S&S data Insp Dawn Fox | DF gave a summary of stop and search activity in Birmingham West (BW) for Nov & Dec 2022. <ul style="list-style-type: none"> - 910 eSearch records - 27.9% resulted in a positive outcome - 97.0% met the required standard - 87.1% were live records, and - 97.1% were recorded on body-worn video (BWV). - 107 S60 searches with 7.5% positive outcome <u>Powers used</u> <ul style="list-style-type: none"> - 47.0% S23 Misuse of Drugs Act - 38.9% S1 PACE - 11.8% S60 CJPO Act 1994 - 2.3% other powers inc Psychoactive Substances Act 2016 <u>Disproportionality</u> Asian: 4.5 Black: 10.4 The figure for black ethnicity was higher over this period due to recent gang-related incidents. |



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| | <p>DF described the GOWISELY acronym to panel members, which officers are expected to explain to subjects of a stop and search.</p> <p>Grounds - A clear explanation of the reasons for the officer's search, ie why he finds you suspicious.</p> <p>Object - What the officer will be looking for (eg drugs).</p> <p>Warrant - Warrant card to be produced, if the officer is not in uniform.</p> <p>Identity - The officer must state their name and collar number (except in terrorism cases, where the officer can provide just his collar number).</p> <p>Station - The officer must identify the station at which he is based.</p> <p>Entitlement - The officer must inform you of your entitlement to a copy of the stop/search record (which will be either handwritten or, increasingly, electronically recorded).</p> <p>Legal - The officer must specify the legislation under which he is searching you eg the Misuse of Drugs Act.</p> <p>You - The officer must clearly explain to you, that you are being detained for the purpose of a search.</p> | | | | | | | | | |
| Update on UOF data Insp Michelle Cassidy | <p>MC gave a brief overview of recent UoF figures and BWV compliance for the WMP Force overall and Birmingham West (BW) NPU, for Nov & Dec 22, summarised as follows:</p> <table><tr><td></td><td><u>WMP</u></td><td><u>BW</u></td></tr><tr><td>UofF Forms</td><td>3,486</td><td>445</td></tr><tr><td>BWV Compliant</td><td>86%</td><td>94%</td></tr></table> <p><u>Disproportionality for BW.</u></p> <p>Asian 1.0 Black 6.4</p> <p>The figure for black ethnicity was higher over this period due to recent gang tensions. Note: the 2011 census is now out of date on the IT system. Expect this to be brought up at the next stop and search commission.</p> <p><u>Taser Tactics for BW.</u> Nov & Dec 22: Total 8 (1 drawn, 3 aimed, 3 red dot, 1 fired) No significant learning points.</p> | | <u>WMP</u> | <u>BW</u> | UofF Forms | 3,486 | 445 | BWV Compliant | 86% | 94% |
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| 3. | Dip sample of S&S records | <p>DF offered 5 e-Search records and their associated BWV footage, from which the following 1 (due to time constraints) was selected by panel members for scrutiny:</p> <p>Record ID: SSBW-VM-71270951 Live/Retrospective: ? Ethnicity/Sex: White male Powers Used: S1 PACE Outcome: Cannabis warning as a result of S&S but not invoking S23 Misuse of Drugs Act. Details: Subject on e-scooter and matching description was stopped on suspicion of breaking in to Kings Norton station.</p> <p>Subject was agitated but admitted possession of cannabis for personal use, which was seized. He admitted being in the station but not to steal.</p> <p>The stop and search was carried out by several officers, including a student and tutor, whose engagement was firm but respectful.</p> <p>Panel Decision: OK, a positive stop and search. Follow Up: Panel recommended positive feedback to the officers.</p> |
| 4. | Dip sample of UoF records | <p>Insp MC offered BWV footage from 6 incidents involving UoF, from which the following 4 were selected by individual panel members for scrutiny:</p> <p><u>UoF Incident #1. PC 25415 on 23 Dec 22.</u></p> <p>This footage could not be retrieved from the system at the time.</p> <p><u>UoF Incident #3. PC 24291 on 28 Nov 22.</u></p> <p>Officers returned to an address where an intoxicated adult male subject had lived previously and had attempted to resolve the incident without an arrest. Officers repeatedly asked another resident of the property if the subject's actions had caused alarm or distress in order to establish whether an offence had been committed and the grounds for a potential arrest.</p> <p>The officers moved to the part of the property where the subject was and arrested him immediately. The subject was non-compliant and there was a slight struggle as he was handcuffed using firm but minimal force.</p> <p><u>Scrutiny panel decision:</u> The panel was satisfied that the UoF had been justified and proportionate.</p> |



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| | | <p><u>UoF Incident #6. PC 25669 on 21 Dec 22.</u></p> <p>Officers had been tasked to transport an already-arrested adult male who had sustained a head injury in the night time economy to hospital. On arrival at the hospital, the subject was initially asleep in the police van and refused to get out. He had already been handcuffed behind his back and appeared to be intoxicated.</p> <p>Officers gradually pulled him out of the van, held his arms and walked him into the hospital. Once inside, the subject was uncooperative and appeared to kick out at some hospital equipment. Officers used unarmed skills and applied limb restraints. Despite the frustration of the situation, the officers remained calm and treated the subject with care throughout.</p> <p><u>Scrutiny panel decision:</u> The panel was satisfied that the UoF had been justified and proportionate.</p> <p><u>UoF Incident #2. PC 22768 26535 on 5 Dec 22.</u></p> <p>A persistent offender under a community protection order had been arrested at a location where he should not have been and was taken to custody. He was aggressive and uncooperative and refused to be searched. Consequently, the custody sergeant authorised that he be taken to a cell to be searched (under S54 PACE).</p> <p>Inside the cell, he was placed face-down onto a mat on the floor and his outer coat was cut off without warning using a ligature knife from one of the custody staff.</p> <p><u>Scrutiny panel decision:</u> While the UoF in the circumstances had been justified, the panel argued that cutting off the subject's coat could have been avoided and had escalated the situation unnecessarily.</p> |
| 5. | Action noted from discussions for update at next panel | None raised |
| 6. | Any notes, questions, requests for the next Bi annual Stop and Search commission | None raised |
| 7. | Date and location of next panel meetings | Monday 20 March 2023 at 1600, online Monday 15 May 2023 at 1600 |