

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

Location: Online via Microsoft Teams

Date and Time: Monday 14 November 2022 at 1600

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

Apologies: Dr Fathi Jamil

	Item Discussed	Actions
1.	<p>Welcome and introduction</p> <p>Minutes of the last meeting, update on any actions taken from last meeting</p>	<p>NR opened the meeting and welcomed panel members.</p> <p>NR informed the group that Martin Cadd had stepped down and thanked him for his involvement and contribution over several years. He added that after this meeting Insp DF would be taking over from Insp NH in guiding the panel through stop and search incidents.</p> <p>MC updated the group on a UoF incident from the 18 Jul 22 panel meeting (3161 of 15 Jul 22) involving 2 officers guarding a male subject in hospital. The officers had been spoken to by their sergeant and given guidance.</p> <p>NR had attended the Stop and Search Commission on 21 Sep 22. There had been nothing of concern regarding disproportionality as overall figures appeared to be going down. The minutes were now available online and the next commission would be in 6 months.</p>



2.	<p>Update on S&S data</p> <p>Insp Nick Hill/ Insp Dawn Fox</p>	<p>NH gave a summary of stop and search activity in Birmingham West (BW) for Jul, Aug & Sep 2022.</p> <ul style="list-style-type: none"> - 592 eSearch records - 26.5% resulted in a positive outcome with 94 arrests (15.9%) and 30 knives recovered. - 95.9% met the required standard - 73.6% were live records, and - 95.8% were recorded on body-worn video (BWV). <p><u>Powers used</u></p> <ul style="list-style-type: none"> - 59.3% S1 PACE - 38.5% S23 Misuse of Drugs Act - 2.2% other powers inc S47 Firearms Act 																					
	<p>Update on UoF data</p> <p>Insp Michelle Cassidy</p>	<p>MC gave a brief overview UoF legislation and BWV policy before giving a summary of UoF figures and BWV compliance for the WMP Force overall and Birmingham West (BW) NPU, for Sep & Oct 22, as follows:</p> <table border="1"> <thead> <tr> <th></th><th>WMP</th><th>BW</th></tr> </thead> <tbody> <tr> <td>UoF Forms (Sep)</td><td>1,845</td><td>231</td></tr> <tr> <td>BWV Compliant (Sep)</td><td>84%</td><td>95%</td></tr> <tr> <td>UoF Forms (Oct)</td><td>2,040</td><td>267</td></tr> <tr> <td>BWV Compliant (Oct)</td><td>85%</td><td>93%</td></tr> </tbody> </table> <p><u>Disproportionality for BW.</u></p> <table border="1"> <tbody> <tr> <td>Sep 22</td><td>Asian 1.4</td><td>Black 5.1</td></tr> <tr> <td>Oct 22</td><td>Asian 0.7</td><td>Black 5.4</td></tr> </tbody> </table> <p><u>Taser Tactics for BW.</u></p> <p>Sep + Oct 22: Total 23 (10 drawn, 2 aimed, 8 red dot, 3 fired)</p>		WMP	BW	UoF Forms (Sep)	1,845	231	BWV Compliant (Sep)	84%	95%	UoF Forms (Oct)	2,040	267	BWV Compliant (Oct)	85%	93%	Sep 22	Asian 1.4	Black 5.1	Oct 22	Asian 0.7	Black 5.4
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3.	<p>Dip sample of S&S records</p>	<p>NH offered 3 e-Search records and their associated BWV footage, from which the following 2 were selected by panel members for scrutiny:</p> <p>Record ID: SSBW-AJ-50377071 Live/Retrospective: Live Ethnicity/Sex: White male Powers Used: S1 PACE Outcome: NFA Details: The subject was stopped after a report of a bike theft where he and the bike matched the description given.</p>																					



		<p>It became evident very quickly in the footage that the officers realised they had stopped the wrong subject. They were very polite – almost apologetic – while taking details; the subject appeared surprised but remained calm and cooperative. The first (inexperienced) officer's explanation of the grounds for the stop was weak but a better explanation was provided by his colleague.</p> <p>Panel Decision: OK. The grounds for the stop were weak but, having initiated the stop, the officers continued in a courteous and professional manner.</p> <p>Follow Up: None</p> <p>Record ID: SSBW-LY-52760739 Live/Retrospective: Live Ethnicity/Sex: Middle Eastern male juvenile (15 y/o) Powers Used: S1 PACE Outcome: Arrest – unrelated offence Property Recovered: stolen items and knuckle duster Details: Having stopped the subject, the officers allowed him to pass his jacket to someone inside a property, potentially compromising the search. The officers kept poor control over the situation. Their questioning was not in accordance with GOWISELY, including asking the subject for his parents' details.</p> <p>Panel Decision: The panel was concerned that the officers were not in control of the situation and allowed the subject to interact with others who were not subject to the stop and search.</p> <p>Follow Up: Refer to officer for update. NH.</p> <p>*The panel noted that in order to ensure the independence of the group, there ideally should be a larger choice than 3 (say, 6 or more) of e-Search records from which to select those to be scrutinised.</p>
4.	Dip sample of UoF records	<p>Insp MC offered BWV footage from 6 incidents involving UoF, from which the following 3 were selected by individual panel members for scrutiny:</p> <p><u>UoF Incident #3. 3304 on 1 Sep 22 (PC 22777)</u> Several officers attended a report of males in balaclavas robbing at knifepoint near Corporation Street, Birmingham City Centre. One subject was already wanted for robbery. While there was no obvious threat, the footage was shaky and confusing, an officer had drawn his taser, which activated the BWV automatically.</p>



		<p><u>Scrutiny panel decision:</u> Given the report of a knife being involved, the panel were satisfied that the UoF was justified and proportionate. However, NR requested further clarification from MC.</p> <p><u>UoF Incident #1. 1326 on 21 Sep 22 (PC 22963)</u> The incident took place on the upper deck of a bus in Birmingham City Centre. At least 3 officers, including a female special constable were attempting to persuade a young female subject to get off the bus. The subject was believed to be a 12 year-old missing person. The officers were hesitant in dealing with the subject, partly because of her antagonistic and foul-mouthed interaction with them, and partly because of distractions from other passengers keen for the bus to get moving. The officers attempted to explain to the subject that she was under a PPO (Police Protection Order) and that she had no choice. The subject remained uncooperative and made verbal threats to kill. Eventually, the officers handcuffed the subject and physically handled her off the bus.</p> <p><u>Scrutiny panel decision:</u> The panel considered the UoF to be justified and proportionate but felt the officers should have been more assertive and in control of the situation.</p> <p><u>UoF Incident #4. 4036 on 20 Oct 22 (PC 23796)</u> Officers were dealing with a male subject in the Arcadian Center, part of the Chinatown/night-time economy. The aggressive male had spat at an officer. He was handcuffed behind his back and arrested. Due to his continued aggressive behaviour, a spit-guard/hood was also placed over his head. Throughout the incident the officers remained patient and restrained.</p> <p><u>Scrutiny panel decision:</u> The panel was satisfied that the UoF had been justified and proportionate, and requested that positive feedback be passed on to the officers involved.</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 16 January 2023 at 1600 (online), Monday 20 March 2023 at 1600 (online), Monday 15 May 2023 at 1600 (venue or online TBC)