

**Evaluation of the West Yorkshire police community  
scrutiny panels (stop and search)**

ADAMSON, Sue and COLE, Bankole <<http://orcid.org/0000-0001-6741-0467>>

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ADAMSON, Sue and COLE, Bankole (2007). Evaluation of the West Yorkshire police community scrutiny panels (stop and search). Technical Report. University of Hull.

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**THE UNIVERSITY OF HULL**

**EVALUATION OF  
THE WEST YORKSHIRE POLICE  
COMMUNITY SCRUTINY  
PANELS (STOP AND SEARCH)  
Final Report July 2007**

**Sue Adamson & Bankole Cole  
Department of Criminology and Sociological Studies**

**Authors:**

**Sue Adamson, Research Fellow, Centre for Criminology and Criminal Justice**

**Dr Bankole Cole, Deputy Director, Centre for Criminology and Criminal Justice**

## **Acknowledgements**

The evaluators would like to thank West Yorkshire Police for the opportunity to conduct this evaluation. The evaluators would like to thank police officers and panel members in all West Yorkshire Police Divisions who gave of their time in providing documentation and completing questionnaires and without whom this research could not have been carried out. In particular, the panels of Bradford North, Kirklees, Pudsey and Weetwood and Wakefield which were the subject of closer study, additionally welcomed us to their meetings and to their homes and places of work for interviews.



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# 1. Executive Summary

- West Yorkshire Police introduced divisionally based Scrutiny Panels for Hate Incidents and Stop and Search early in 2005 with the aim of increasing transparency and accountability of police procedures and thereby promoting public confidence. This evaluation was tasked to specifically consider the Stop and Search element of the scrutiny panels.
- West Yorkshire Police produced force guidelines for the Scrutiny Panels providing common minimum standards but divisions were expected to tailor implementation to local circumstances. There is therefore considerable variation in the structure and operating procedures of the panels. However few panels had formally defined their local arrangements. This omission may contribute to lack of clarity in the understanding of panel members about their role and police expectations of their commitment.
- The size and composition of the panels varies considerably. Some panels are probably too small either in the listed pool of members or in attendance to be an effective public scrutiny. Although all panels include representatives from partner agencies and community members, the balance varies considerably and some panels are light on the latter.
- All panel members include representatives of minority ethnic groups. Half of the survey respondents, excluding police officers, were white, one quarter Pakistani and smaller numbers from other ethnic groups. More men than women are involved with the panels and there have been particular difficulties in reaching women of Asian background. Few panels had succeeded in including young people. It is important that the panels are representative not only of the communities they serve but of those who are most likely to be the subjects of stop and search.
- Few of the panels have provided formal training to panel members although some have introduced information packs which panel members can use for reference purposes. Ensuring that panel members can work from a knowledgebase is essential to the effectiveness of the panels.

- All except one panel conform to the force guidelines for monthly meetings. Panels vary in the timing and location of meetings. Some always meet in the same place (frequently the police station), some alternate between different geographic locations within their divisions and others make efforts to meet on non-police premises. Some panels meet in the afternoon, some in the evening and others alternate. These variations have been introduced to maximise attendance at meetings.
- Most panels comply with the force guidance that police representation should include an inspector although there are some where the rank is lower always or sometimes. On the other hand chief inspectors attend some panels. Senior police officer input is welcomed by panel members in signalling to members and police officers the value of the panel.
- Most panels are chaired by police officers although for one there is a regular lay chair and for others a revolving chair. Panel members generally thought the quality of the chairmanship was more important than whether or not the chair was a police officer.
- Almost all the respondents to the survey thought that the meetings were open and transparent and all that members had the opportunity to have their say.
- There was some variation in the way that stop and search forms were presented, notably in whether the panel members selected the forms for scrutiny and whether they were able to examine the forms themselves. It is important for transparency that this takes place. Some panels presented stop and search statistics while others did not.
- Panels vary in their recording of their proceedings. All the panels submit a monitoring form to police headquarters after each meeting but in some panels this is not available to panel members. Some panels however produce formal minutes. Some panels formally feedback on unresolved issues raised at previous meetings but in others this is more adhoc. Feedback is essential for accountability. The monitoring form/minutes can provide a useful aide memoire in providing feedback.

- Few panel members thought that the panel proceedings had shown irregularities in police conduct of stop and search. Those that were expressed included insufficient grounds for stop and search and the large numbers of cases where those stopped had refused their copy of the form.
- Half the respondents to the survey and most of those interviewed identified issues in the recording of stop and search. These included incomplete recording, illegibility and counter signature of faulty forms by supervising officers.
- The scrutiny panels have the potential to impact on community knowledge about stop and search, improve the transparency and accountability of the stop and search process, and raise public confidence in the police, particularly among ethnic minority communities. However these impacts are restricted by issues of representativeness of the community, superficiality of scrutiny because of an insufficient knowledgebase or time constraints and feedback to the community.
- The scrutiny panels can have an effect on police performance of stop and search although again this is limited because the panel sees only a record. There is however evidence that the panels are improving recording of stop and search and can identify issues of supervision and training. The panels cannot address disproportionality in stop and search but can address the perception of that disproportionality among community members.
- A number of good practice suggestions and performance indicators have been identified summarised as follows:

### **Summary of good practice**

- Panels need to be big enough to represent the variety of agencies and the communities in the area.
- It is important that panels are representative of the communities that they aim to serve.
- In order to ensure that panel members can provide effective scrutiny and to maintain their interest, panel members need to be informed of the purpose of the panel, the issues involved in stop and search, the relevant legislation concerning police powers and grounds for search and the police codes and abbreviations.

- Monthly meetings provide an interval for scrutiny which does not overburden the panel in time commitment but allows review of an acceptable proportion of forms.
- There is no “right” time or location for meetings but panels need to be aware that time and location can discourage or encourage particular sectors of the population or agencies from participation.
- The panel guidance suggests that an inspector should be present at panel meetings and this is felt to be essential to ensure that issues arising from the panel can effectively be taken forward.
- It is important that the chair of the panel is experienced in leading meetings and informed on the issues which are the subject of the panel in order that the scrutiny can be conducted effectively to consider the business in a timely and critical way.
- The provision of a formal agenda can assist the chair in ensuring that all necessary business is discussed and that items such as feedback on previous outstanding matters are not omitted. It can also assist in keeping the meetings to time, and perhaps prevent overlong meetings which could discourage some members from attending.
- It is important that the stop and search forms are selected by panel members in order to ensure complete transparency and prevent possible accusations of bias in the scrutiny
- The presentation of the forms as a photocopied form anonymised by felt tip pen through the name and address data appears to work well.
- The scrutiny by all panel members of the selected stop and search forms is desirable in order that the panel as a whole can agree on issues arising and to enable new panel members to learn from their colleagues
- Statistics at the divisional level about the ethnic breakdown of stop and search and trends over time are valued wherever and however they are presented.
- It is vital that panel meetings are recorded and that the panel members receive the record so that it is clear what action the police intending to take.
- It is important not only to take action on issues raised by the panel but to show clearly to the panel members that such action has been taken.

- It is important that panel members are clear about the extent to which the proceedings of the panel may be disseminated and the extent to which they are confidential
- Although panel members should be encouraged to spread the word about the panel, there is also a role for the police in a need for a greater publicity about the panel.

## **List of Performance Indicators**

### **A. COMPETENCE**

#### **A. 1 Community Representation**

- % of members from BME backgrounds or BME community representatives (including faith groups).
- % of members representing other diversity groups.
- % of members who are young persons or young adults or representatives of local youth organisations.

#### **A. 2 Panel Members' Knowledge of Procedure and Issues**

- % of panel members trained or given information packs.

### **B. OPERATIONS**

#### **B.1. Attendance**

- % increase/decrease compared with preceding year, or no increase/decrease.

#### **B.2 Quality of scrutiny**

- % of panel members who said that the quality of the documentation presented by the police is adequate to ensure effective scrutiny.
- % of panel members who said that the dynamics within the group enables effective scrutiny to take place.
- % of panel members who said that the conduct of the meetings enables effective scrutiny to take place.

- % of panel members who said that the recommendations of the panels and actions taken at meetings are being followed through by the police.
- % of panel members who said that they received feedback from the police on recommendations or action points regarding particular cases.
- % of panel members who are satisfied with the way that cases are selected for scrutiny.
- % of panel members who said that the way that cases and materials are presented allows effective scrutiny to take place.
- % of panel members who said that the operation of the panels is open and transparent.

## **C. IMPACT**

### **C.1 Public Awareness**

- % of community members/residents who said that they are aware of the existence of their local panels.
- % of young people who said that they are aware of the existence of the panels and what they do.
- % of BME community members/residents who said that they are aware of the existent of the panels and what they do.
- % of community members/local residents who said that they are aware of the existence of the panels and what they do.
- % of community members/local residents who said that their knowledge of stop and search has improved.

### **C. 2. Police Performance**

#### **First Line Supervisors**

- Total numbers of anomalies in stop and search forms identified by the panels.
- Number of cases indicating improper examination of stop and search forms by first line supervisors identified by the panels.
- Numbers of first line supervisors warned or disciplined for improper examination of stop and search forms.

- Numbers of first line supervisors warned or disciplined for ineffective monitoring of officers within their command for inappropriate behaviour identified by the panel.

#### **Front line officers (Constables)**

- % of front line police officers who said that they are aware of the existence of the panel and what it does.
- Numbers of front line officers identified by the panels for inadequate use or recording of stop and search forms.
- Number of front line officers warned or disciplined for inadequate use of recording of stop and search forms as a result of queries raised by the panels.
- % of front line officers whose cases were reviewed and who said that the review has had a positive impact on their use of stop and search.

### **C. 3. Community Engagement and Confidence**

- % of community members/residents who said that they have learnt more about police use of stop and search powers from information that they have received from panel members or people who have attended the panel meetings
- % of local residents who said that the scrutiny panels are an effective means of community consultation and engagement
- % of community members/local residents who said that they have changed their perception that police use of stop and search is fair or unfair, as a result of information received from panel members.
- % of local residents who said that the scrutiny process is transparent and effective.
- % of community members/local residents who said that they feel more confident about police use of stop and search as a result of information received from panel members.

## **D. STRATEGIC**

### **D. 1 Influence on policy on stop and search**

#### **(a) The Police Authority:**

- % of community members/local residents who said that the scrutiny panels are an effective mechanism for holding the police to account for inappropriate or discriminatory use of stop and search
- % of community members/residents who said that they are more confident that police use of stop and search is fair, as a result of information received from the panels
- % of community members/local residents who said that the setting up of the scrutiny panels shows a commitment by the police to accountability and transparency in stop and search

#### **(b) Police Command Levels**

##### Chief Constable:

- Whether or not information received from the panels or the work of the panels has contributed to the annual review of force policy on the use of stop and search.

##### BCU Commanders

- Number of cases identified by the panels on disproportionate use of powers by particular officers or groups of officers
- Number of cases followed up at BCU level to address discrimination or other inappropriate behaviour by particular officers or groups of officers identified by the panels.

##### Force Training

- Whether or not issues identified by the panels have been embedded in stop and search training undertaken by staff
- Whether or not issues identified by the panels have been used in the evaluation of the effectiveness of stop and search training

## Recommendations

### For Police Divisions

- Divisions should develop protocols defining the terms of reference and operating procedures of the panels as implemented locally. These would supplement the force wide guidance (Hanks 2005) for police use and be available to lay panel members to provide clarity about their role and procedures.
- Divisions should aim to achieve a panel membership of at least 12 and set a quorum for attendance of at least half the non-police members.
- Divisions should continue to try to achieve representation across the diversity of the communities they serve, not only in terms of race but in age, gender and socio-economic status.
- Divisions should provide a modest training to panel members in order to enable informed scrutiny and to maintain members interest. Written manuals or training packs may serve as reminders to members.
- All divisions should consider varying times and locations of meetings in order to access as wide as possible a range of participation.
- Police representation in panels should be at at least inspector level at all meetings and there are perceived benefits from chief inspector involvement.
- Divisions should observe some formality in conduct of meetings in order that all necessary business is conducted. An agenda may be a helpful tool.
- Divisions should ensure that stop and search forms for scrutiny are selected by panel members. This can be by requesting panel members to select forms at DIU if there are problems in carrying forms to panel meetings.
- Divisions should ensure that panel members are able to personally examine stop and search forms.
- Divisions should present statistics on local performance on stop and search but it is important for panel members to benefit that police officers explain anomalies. Provision of paper summaries for leisured examination outside of meeting may be helpful.

- Divisions should ensure that issues raised by the panel are not only pursued with officers concerned but that reports on decisions taken are made to later meetings.
- Divisions should ensure that panel members understand the need to publicise the panel's existence, aims and general findings while continuing to emphasise the confidentiality of individual cases.
- Divisions should conduct local publicity initiatives within more general force-wide campaigns.

### **For panel members**

- Panel members should make efforts to inform their local communities and agencies that they represent of the existence and findings of the panels, while respecting the confidentiality of individual cases.
- Panel members should feed back to their panels the results of their activities in community engagement.

### **For West Yorkshire Police Force**

- West Yorkshire Police should consider devising a training programme and pack centrally which can be used across the force with local amendments and additions.
- West Yorkshire Police should collect monitoring information in order to assess the impact of the panels on police performance of stop and search, public knowledge of stop and search, public perceptions of disproportionality and public confidence in the police.

### **For West Yorkshire Police Authority**

- West Yorkshire Police Authority should consider a widespread publicity campaign regarding the panels' existence, aims and general findings.
- West Yorkshire Police Authority should publish reports on the achievements, performance and best practice of the panels.
- West Yorkshire Police Authority should conduct research to assess the performance of the panels.

## 2. Introduction

### 2.1 Background

West Yorkshire Police is the fourth largest force in England and Wales covering an area of 2032 square kilometres with a resident population of 2.2 million. Each month on average 8,000 people are subject of a 'Stop' and 5,700 people are Stopped & Searched (West Yorkshire Police 2006). Although Stop and Search can be a valuable tool in tackling criminality and terrorism, there have been national concerns over a disproportionality in its use amongst black and minority ethnic groups. HMIC Baseline Inspection 2004 for West Yorkshire found an increase in stop/searches per 1000 ethnic minority population from 40.46 in 2002/3 to 54.77 in 2003/4, larger than the Most Similar Force average and the increase for white population was also higher than the MSF average. As a result of the Race Relations (Amendment) Act 2000, West Yorkshire Police, together with other public services, has a general duty to promote race equality, including the elimination of unlawful discrimination and promotion of good relations between persons of different racial groups. In addition, Stop and Search requires the support and confidence of the community to be most effective and this can only be achieved if the process is seen to be fair and equitable. It was partly with this in mind that that the McPherson Report in 1999 recommended:

*“That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.”*

West Yorkshire Police were a pilot 'Stops' Force, prior to the statutory requirement for recording Stops on 1<sup>st</sup> April 2005. The aim for recording stops was

“to promote trust and confidence in the police by providing transparency and accountability on the spot and at a strategic level, for the police-initiated non-*statutory encounters*.”

West Yorkshire Police introduced Scrutiny Panels for Hate Incidents and Stops/Stop and Search early in 2005, providing required common minimum standards to be applied by divisions but allowing room for variation in implementation across the force area. The aim of the West Yorkshire Police Scrutiny Panels is to review performance in respect of hate incidents and stop and search. Panels were set up on a Basic Command Unit basis in order to examine cases at a local level. Unlike the police scrutiny panels elsewhere in the country, for example in London, West Yorkshire Police Scrutiny Panels are permanent features in the operations of the Force. The panels are intended to meet monthly and to consist of partner agencies and community representatives with some variation in representation across the divisions and a particular focus on encouraging younger community members. West Yorkshire Police Authority members are invited to attend any meeting. Police representation is expected to be at least inspector level but meetings to be chaired by non police personnel wherever possible.

The aims and objectives of the panels are to:

- Promote public confidence especially of minority communities through improving transparency
- Engage communities in the Scrutiny process and act on their recommendations
- Improve the quality of investigation and supervision particularly in respect of race and diversity matters
- Provide a mechanism for the community to influence policing
- Address issues of disproportionality in discharge of police duties

## **2.2. The Evaluation**

This evaluation aims to assess the effectiveness of the Scrutiny Panels in relation to their stated aims in respect of stop and search. Since the Scrutiny Panels had been operating

for less than two years at the time of the evaluation start, the evaluation concentrates on the processes of panel functioning and the potential to impact on the desired outcomes rather than measurement of those outcomes. The evaluation aims to consider not only what processes have been implemented but the mechanism by which and the circumstances in which those processes may be expected to produce the desired outcomes (Pawson & Tilley, 1997).

Key functions of the Scrutiny Panels to be considered include:

- The structure of the panels –the variation between the 10 police divisions in panel composition and organisation
- Frequency of the meetings
- Community representation – including the extent to which the panel members are representative of the age, ethnicity and socio-economic structure of the areas they represent.
- Selection process- including the extent to which panel membership can or should be open to all and any essential qualifications
- Size of groups
- Knowledge of statutory processes/requirements
- Feedback mechanism – from and to groups – including its degree of formality
- Relevance of documentation
- Reporting processes
- Effectiveness of groups – as perceived by panel members and police officers

For the force as a whole the evaluation will attempt to identify

- Performance measures
- Best Practice issues
- Recommendations for improvement

Since all the panels consider hate crimes and, in one case, domestic violence cases at the same meetings as the stop and search scrutiny the evaluation has necessarily observed

and received comments upon the hate crime procedures. However, the evaluation is tasked to examine stop and search scrutiny alone and therefore the procedures with regard to hate crime will be commented upon only in so far as they contribute to the understanding of the Stop and Search processes.

### **2.3. Methodology**

This evaluation of the West Yorkshire Stop and Search Panels is designed as a two stage process, the first being a limited review of implementation in all ten divisions and the second a more detailed consideration of four selected divisions. The first stage which was reported upon in the Interim Report in March included:

- a. A review of the documentation provided by those responsible for the panels in each division.
- b. An analysis of questionnaires returned by panel members

At the request of the evaluators an email was sent by West Yorkshire Police Community & Race Relations Officer to police officers in each division with responsibility for the panels on 6 February 2007. This email briefly described the evaluation and requested the supply to evaluators of documentation concerning the panel and lists of panel members. After a reminder information about all the panels was eventually received, together with lists of panel members. Some divisions initially supplied names and contact details of only non-police panel members but after further enquiry complete contact lists of panel members were supplied for all divisions except Wakefield and Pudsey & Weetwood. The lists provided names of 118 panel members across all nine divisions.

Using the lists supplied, questionnaires were sent to all panel members for whom an email or postal address was available. There were a few panel members for whom only telephone numbers were provided. 96 questionnaires were sent by email and 17 by post. A first batch were sent on 22 February and, following receipt of further panel members details, further questionnaires on 6, 7 and 13 March. Reminders were sent to the first email addressees on 7 March. At 23 March 38 questionnaires had been returned

representing a response rate of 34% overall which was a little disappointing. The analysis reported in the Interim Report was based on these responses but, since that date, further questionnaires have been returned, particularly from the divisions selected for closer study in stage 2 of the evaluation. This brought the total responses to 52, although there were a few panel members who were involved in several panels. For these only one questionnaire was sent to each individual but the individual has been counted for each of the panels he/she represents in the table. Table 1 shows the final breakdown of responses by division.

Table 1 Responses to Survey by division

	Questionnaires sent	Delivery failed	Questionnaires returned	Response rate
Bradford North	8	0	6	75%
Bradford South	23	2	6	26%
Calderdale	6	0	3	50%
City & Holbeck	13	0	6	46%
Keighley	12	0	8	67%
Killingbeck	9	1	3	33%
Kirklees	20	2	8	40%
Pudsey & Weetwood	16	3	9	56%
Wakefield	12	0	7	58%
Not stated			1	

3 individuals were members of three panels each

One questionnaire sent by post was returned as gone away and seven questionnaires sent by email failed in delivery. For three of the latter a questionnaire was subsequently sent by post. One addressee was on maternity leave and two said they were no longer active panel members. The small number of returns means that while the analysis can draw conclusions overall, the breakdown of responses by division may be unreliable.

Stage 2 of the evaluation included:

- a. Review of minutes relating to meetings of the panel in 4 selected divisions
- b. Observation of two panel meetings in each of those divisions.
- c. Interviews of 5 panel members in each of those divisions to assess their views as to the value of the panel and the validity of the procedures followed.

- d. Interviews with the Divisional Commander for each selected area in order to assess views on panel implementation, effectiveness in role, benefits brought to the division and perceived weaknesses.

The panels selected for closer study were chosen on the basis of the information provided relating to operating procedures and the views expressed in the questionnaires to provide a mix of types of approach. The panels selected included a variety of sizes, mixes in representation in terms of agencies and community members, levels and numbers of police representatives, chairmanship by police or other member and frequency of meetings. The panels also represented a spread across the area of West Yorkshire. The chosen divisions were Bradford North, Kirklees, Pudsey & Weetwood and Wakefield.

One panel meeting in each of the divisions was observed by both members of the evaluation team and the second meeting by one evaluator. In the event, because of cancellation of one Kirklees panel meeting because of adverse weather conditions, it was possible to observe only one Kirklees panel within the evaluation time frame. The panel members interviewed were chosen to provide a mix of agency representatives, community members and police officers. Interviews with two divisional commanders were achieved but a third commander delegated the interview to a chief inspector and the fourth was unable to provide an interview at all. All the interviews were audio recorded and transcribed.

## **2.4 Structure of the Report**

The report is arranged in a number of sections. Section one is the Executive summary and Section two the introductory chapter. Section three reviews the limited literature on the use of scrutiny by the police and other areas of the criminal justice system. Section four describes the guidance laid down by the police for the operation of the scrutiny panels (Hanks, 2005) and the varying ways in which this has been implemented by the different divisions. It discusses the findings of the questionnaire survey in relation to these procedures and provides comments made by panel members at interview on problems identified and improvements which might be made. Section five considers the issues

identified by the panel members in respect of police handling and recording of stop and search. Section six discusses the potential of the panels for impacting on police work and on relationships with the community. Section seven suggests good practice for operation of the panels and section eight proposes performance measures to assess the performance of the panels. Section nine summarises conclusions and recommendations for improvement.

## 3. Review of Literature

### 3.1 Introduction

“Stop and search continues to be a high-profile feature of policing. When it is used fairly it is key to the development of good relations between the police and communities. However, when used inappropriately stop and search is ineffective and can damage these relationships” (Stop and Search Manual, 2005: 4).

Controversies around police powers to stop and search have centred on a number of issues. The key issues that arise from the literature include:

1. Evidence of inconsistencies between forces in the use of stop and search powers and variations in the recording or non-recording of stops and searches
2. The disproportionate use of stop and search powers against suspects from minority ethnic backgrounds and explanations given in terms of perceived police racism
3. The issue of repeated stops and searches and their impact on the recorded figures for stop and search
4. Trust and confidence issues arising from police use of stop and search and the impact on police-community relations.
5. The extent to which displacement of crime can result from the use of stop and search
6. The adequacy of training, monitoring and accountability of police officers in the use of stop and search, and
7. The impact of stop and search on crime control generally (see Millar et al, 2000a, 2000b; Quinton et al, 2000)

The more we understand how the police use stop-and-search, and the operational imperatives and working assumptions behind it, the more confident the public will be that these powers are being used fairly. Used properly, stop and search can increase public confidence, both in police officers as agents of the law and the police force as a whole. It can also reduce the fear of crime. However, where statistics or public perceptions indicate or reveal improper or discriminatory use of these powers, the result has been damaged police community relations, especially amongst the social groups known to be disproportionately stopped and searched by the police – Black and minority ethnic people and young people. (see Lea and Young, 1993; Bowling and Phillips, 2002). In West Yorkshire, the results of the WYPA stop and search consultation with young people revealed that “those who have been stopped or stop/searched tend to have a more negative view of policing than those who have not” (WYPA 2006a: 5).

Much of the debate on police stop and search has been on how the police use these powers (who was stopped and why) and how people have been treated when stopped or stopped and searched by the police (the nature of the interaction) (see Quinton et al, op.cit) It would be of much value to the public and will, perhaps, unravel the disproportionality problem, if research is focused on the evaluation of the procedures in place for monitoring police use of stop and search and/or the structures set up to hold individual police officers and the police organisation to account for how stop and search powers are used locally.

### **3.2 Statutory provisions on the review of stop and search**

Each police authority has a duty to ensure that its communities have trust and confidence in their police force. Recommendations 62 and 63 of the Macpherson Report (1999) and the Race Relations (Amendments) Act 2000 make Police Authorities responsible for holding forces accountable for their use of both stop and stop and search powers. Police Authorities are expected to play an important role in public awareness of people’s rights when stopped or stopped and searched, especially the requirement in Recommendation 61 of the Macpherson report which states that a record must be made by police officers of

all stops and searches, including non-statutory ('voluntary') stops, and that a copy must be given to the person stopped. Police authorities are therefore required to publicise information about how stop and search powers are used locally. The main purpose of these duties is to ensure accountability and make the use of police stop and search power more transparent to the public.

In addition, the police service and police authorities are under an obligation to arrange for community representatives to monitor their stop and search records. They must also establish ways of publishing the information, and how the powers are used locally

Keeping communities informed is emphasised in the Home Office document Stop and Search Explained (2006a). In addition, the Stop and Search Manual (Home Office, 2005) stipulates the types of community engagement and accountability that should exist at different levels of police command and operations. For example:

**Chief Constables should ensure that:**

- Local communities are encouraged to participate in developing force stop and search policies, consultations, scrutiny and training" (Home Office, 2005: 11)

**BCU Commanders should ensure that:**

- Feedback is given to local communities following extensive use of stop and search, for example, using section 60 and section 44. (Ibid: 12)

**Front line supervisors should ensure that**

- Every stop and search record/form that is submitted is examined and any anomalies are dealt with appropriately.

- The stop and search activity of each officer within their command is monitored for any inappropriate behaviour, such as discrimination, stereotyping or inappropriate generalisations. They should also ensure that any inappropriate behaviour is challenged and dealt with accordingly.
- Emphasis is put on the quality rather than the quantity of stops and stop and search interactions. (Ibid: 12)

**Heads of Force Training Departments should ensure that**

- The community has the opportunity to be involved in stop and search training. (Ibid: 14)

**Individual police officers should ensure that**

- They submit an accurate record for every stop and search to their first-line supervisor.
- They are fully aware of the impact that stop and search has on the community. (Ibid: 13)

The manual concludes:

*“Training alone is not enough. It needs to be backed up with active supervision and ‘leading by example’. Supervisors need to check not just their teams’ forms and data, but also observe their practice”* (Home Office, 2005: 6)

### **3.3 Scrutiny and public service**

The term “scrutiny” in relation to public service can be broadly defined as the review, investigation or interrogation of decisions made or actions taken in connection with the discharge of any functions that are the responsibility of a public institution, usually by an independent body or committee representing primary stakeholders or service users

(usually the public) in order to assess compliance with specified professional standards or public 'interest' criteria.

Scrutiny is an established procedure in local government as a means of “examining alternatives, analysing the decision making process and feeding in new ideas into policy” (Raynsford, 2003). Where local communities are involved in the scrutiny process, it is often seen as signifying a bottom-up approach to initiating change. More importantly, scrutiny allows the public to know how decisions are made and to have their say in the process. The purpose of scrutiny in public service varies, ranging from providing an opportunity for effective monitoring to disciplinary control. The ultimate aim is to improve the delivery of public service and public satisfaction.

Since local governments have had a long standing experience of use of scrutiny, a body of literature around what constitutes good practice in public scrutiny exists. Some of the factor identified as important for effective scrutiny include:

### **3.3.1 The qualities and skills of panel members**

In a report published for the Office of the Deputy Prime Minister (ODPM), Snape, Leach and Copus (2002) suggested that one of the pre-conditions for effective scrutiny is “active and enthusiastic engagement of panel members with appropriate skills and knowledge”. This disaggregates into a need first for panel members to be enthusiastic, to prioritise panel work and actively feed back to their constituents issues discussed and changes recommended. Further, panel members must have appropriate skills and knowledge. Where specialist knowledge is required, the obvious route would be by training. Centre for Public Scrutiny, in its 2005 report (CfPS 2005a), specifically recognised the particular need for ongoing training and support for representatives of voluntary organisations because of a potential lack of capacity.

### **3.3.2 Inclusive approach**

Both Snape, Leach and Copus (2002) and the CfPS (2005b) emphasise the importance of inclusive panel representation. The view expressed is that all stakeholders should be

drawn in, including seldom heard and disadvantaged groups. The CfPS report makes the point that lack of capacity, resources and time may prevent voluntary organisations and particularly community groups from participating and that availability of financial support through expenses or allowances should be considered.

### **3.3.3 Responsive agency**

Snape, Leach and Copus (2002) suggested that further pre-conditions for effective scrutiny are a responsive executive, willing to take on board the panel findings and a supportive senior management.

### **3.3.4 Understanding of the scrutiny process**

Snape, Leach and Copus (2002) indicated that a further pre-condition for effective scrutiny is an understanding of the scrutiny process and identified a need for publicising the work of the panel with partners, the public and the media. The report from the CfPS conference report (CfPS 2005b) reiterated a need for feedback, for keeping people informed. The CfPS Overview and Scrutiny guidance for fourth option councils in 2004 also emphasised a need for clarity of role to members, officers and the public.

### **3.3.5 Chairmanship**

Snape and Taylor (2001) pointed to a need for strong chairmanship and the development of a critical friend relationship between the chair and executive and officers. The CfPS (2005a) also suggested that the quality of chairmanship is crucial to achieving dialogue and ensuring that the scrutiny process is open and accessible to all participants.

### **3.3.6 Panel Ownership**

Snape and Taylor (2001) took the view that scrutiny members need to take a lead in selecting the panel's work and that "Scrutiny will only ever work if it is owned and led by the members". The CfPS (2005a) also recommended that papers should be available in time for adequate preparation. (See Adamson and Cole, 2006)

### **3.4 Scrutiny and policing**

Of all the agencies in the criminal justice system, the police are the most scrutinised! This position arises from their being at the frontline of the criminal justice system where contact with citizens is most prominent. Thus, the impact of their work on important political issues such as human rights and race relations, for example, cannot be underestimated.

Scrutiny of policing takes place at two levels: at the executive level by the HMIC, the Audit Commission and the IPCC, and at the community level where ‘customers’ are involved in the evaluation of service delivery and how the application of the law affects local residents. Much of Home Office literature on policing in recent years emphasises the need for the police to do more of the latter. (See Section 8).

However, the method of scrutiny most commonly used to review policing is that of evidence gathering by panels set up specifically to examine an aspect of police operations or service delivery or investigate police performance, for example, in relation to the policing of a particular serious crime. This approach to scrutiny aims to consider the evidence and arrive at findings, conclusions and recommendations against stated terms of reference. This is a method of scrutiny that is popular with the Metropolitan Police Authority (MPA). MPA have used one-off scrutiny of specific aspects of MPS performance; for example, the MPA’s scrutiny of rape investigation and victim care (MPA, 2002). The panel heard evidence from key people who had views on rape investigation and victim care. In addition, written evidence was gathered from organisations across London and from a victim questionnaire. The panel also visited victim referral centres and attended two conferences on the subject of rape. From all of the evidence heard, the panel made recommendations aimed at improving rape investigation and victim care. Other examples are the Metropolitan Police Authority’s Gun Crime Scrutiny Panel and the Stop and Search Panel (MPA, 2004a; 2004b). Both also involve scrutiny by evidence gathering through research, and the conduct of evidence gathering sessions (or public hearing sessions) with witnesses, victims and other interested parties, resulting in recommendations to improve practice or policy. The Stop

and Search Panel reviews evidence from witnesses, community members, officers, stakeholders and other interested parties with a view to presenting recommendations to “bring to light facts and opinions that are frequently hidden from view”. The ultimate aim is policy review of mainly the operational use of stop and search by the police.

### **3.5 Community involvement in police stop and search**

*“Developing a partnership approach with local communities is key to improving their confidence in stop and search” (Home Office, 2005:7)*

In order to be citizen-focused and meet other similar recent demands on the policing, the police forces in the UK have intensified efforts to involve communities in the scrutiny or review of their performance. The Macpherson report (1999) has led to the prioritisation of Black and minority ethnic issues in this process.

The Home Office document Stop and Search Explained (Home Office, 2006a) detailed some examples of ways by which communities have been involved in assessment of use of stop and search by their local police and have played an important part (in conjunction with local police authorities) in educating local residents about stop and search, especially their rights as stipulated in section 63 of the Macpherson Report (1999).

With regard to the scrutiny of stop and search, the document listed some ways by which communities have been involved. This includes scrutiny by police community consultative groups such as Independent Advisory Groups (IAGs) and community groups set up specifically to monitor stop and search, such as the Lambeth Stop and Search Monitoring Group in London. The most common method of scrutiny is by inspection and analysis of Stop and Search statistics made available to the panels by the local police. This may be useful in identifying trends and then questions may be asked as to why, for example, stop and search figures are higher in certain communities or amongst certain ethnic groups, but it cannot address the issue of how stop and search powers are actually being used on the streets. The West Yorkshire Police Scrutiny Panels are the only panels

known to the evaluators where Stop and Search forms are used for scrutiny. This provides an opportunity for panel members to have an overview of how the powers are actually being used.

The membership of panels varies from fixed membership, as in the case of IAGs, to selection by open invitation to community representatives and partner agencies. In London, the MPA plays a significant role both as members and as direct or indirect facilitators of the panels.

Other methods of community involvement in stop and search mentioned in the document Stop and Search Explained (Home Office, 2006a) include:

- An ‘Open Access’ approach practiced in Hertfordshire, whereby local people are invited to directly observe and engage in policing. Under this scheme, local residents can go on patrol with local officers and observe how stops and searches are being done (see Home Office, 2006a for details).
- Community involvement in stop and search training. For example, In the Mock Town interactive training course centre in Bournemouth people from local communities take part in role-play. This helps officers to develop their skills. (See Home Office, 2006a for details)

There is no conclusive research evidence that scrutiny panels are effective. However, research on local councils indicates that scrutiny seems to be producing results. According to Raynsford (2003):

“The research led by Professor Gerry Stoker on evaluating new council constitutions suggests a strong correlation between those councils rated as having both strong scrutiny and strong leadership and those with high CPA scores. While we cannot yet say that this is a case of direct cause and effect, it is certainly worth thinking *about*”

Scrutiny provides a mechanism by which real accountability can be delivered, based on a sound knowledge of the facts and the alternatives. Raynsford (2003) continued:

Where local communities have been intimately involved, constantly updated on information, and have contributed their own views, there has been significantly more progress and much better prospects of lasting improvements. It is no longer enough to impose top-down change on voters; they have to be involved at the *grass roots*. [ ] *People need to know how decisions are taken” (Raynsford, 2003)*

More importantly, there is no research evidence of the impact of stop and search panels on police use of stop and search. There is no evidence that stop and search panels described in this section have contributed, for example, to a reduction in disproportionality, change in police attitude to the use of stop and search or informed police training in stop and search. This is partially because scrutiny initiatives are either politically motivated or superficial. As will be seen in the following sections of the report, the West Yorkshire Police Scrutiny Panels have taken a different approach and have the potential to have impact in at least some of these areas.

## 4. Panel composition and operating procedures

### 4.1 Guidance documentation

West Yorkshire Police produced in 2005 a guidance document for the implementation of the Race Hate and Stop and Search Scrutiny Panels (Hanks, 2005). This document provides general guidance for divisions to interpret in detail according to their particular circumstances. The basic provision may be summarised that:

- Each division will establish a panel to scrutinise race hate incidents and Stops/Stop and Search activities at a local level
- The panels will convene not less than once per calendar month
- The panels will consist of partner agency and community representatives
- An open invitation is extended to the West Yorkshire Police Authority for a member to attend any of the panel meetings
- Police attendance at the panels will include an officer of at least the rank of Inspector
- At the conclusion of the meetings, a summary report will be forwarded to HQ Community Safety for monitoring.

In terms of more detailed guidance on Stop and Search Scrutiny the guidance provides:

**“3.4.1 The Panel will review both Stops and Stop Search forms.**

The panel will review the Stops / Stop Search Records and the circumstances relating to recorded Stops, both statutory and non-statutory.

**3.4.2 The panel will review not less than 10 Stop / Stop Search Forms per session.**

Due to the high number of Stops / Stop Searches a month, and the near certainty of a substantial increase following the introduction of the STOPS project, it was felt that to set

a percentage of divisional performance would be inappropriate. It is therefore intended to be more qualitative in the approach to Stops scrutiny, and to focus on the interactions themselves.

In selecting the forms for review, it is proposed that 5 of the records will be searches carried out on members of Black and Minority Ethnic Communities, and that 5 will be selected at random to provide a control / comparative sample. Data collection mechanisms in Force provide the facility for further analysis by 16+ 1 classification.

This approach should enable suitable scrutiny of BME / disproportionality issues, whilst maintaining a balance to reflect the situation in the wider community.

#### **3.4.3 The panel will select those forms to be scrutinised.**

It is proposed that all search records that have been submitted in the previous month be presented to the panel for selection. Panel members will be able to select at random 10 records for further scrutiny.

#### **3.4.4 Having selected the forms for scrutiny, a request will be made of the officer conducting the Stop to provide a copy of the Pocket Book Entry for the interaction and if appropriate a supplementary report outlining the circumstances.**

It is intended that this process will make officers more aware of their actions in using powers to Stop and Search and supervisors more aware of their responsibilities.

More importantly however, it will demonstrate to panel members and subsequently members of our communities our openness in dealing with such matters. It will also go some way towards explaining the processes which officers undertake when carrying out such acts. This should contribute towards increased public confidence in the Police use of Stop and Search.

#### **3.4.5 The Officer's report together with the Stop/Search Record will be scrutinised at the next panel, and should include fuller details of the stop and its purpose. This should include details of the outcome of the interaction.**

The review of the interaction will raise awareness amongst the panel of the reason for the stop / search and any outcomes arising therefrom. It is anticipated that evidence will be presented which will show an intelligence-based approach, whether through formal NIM produced intelligence products, or decisions made by officers based on the prevailing circumstances.

As alluded to above, the fact that search records submitted may be scrutinised by the Divisional Commander and also members of the community should have an impact upon the qualitative side of our stop search activity and submission.

Details scrutinised by the panel should be de-personalised and must adhere to data protection principles.

**3.4.6 Any recommendations made by the panel regarding the interactions and any identifiable trends will be notified to the Divisional Commander.**

Any observations made should be dealt with by the division in question and reported back to the following panel meeting. In the event of a disagreement over Police action, this should be referred to the Divisional Commander for review.

Where concerns are raised regarding the conduct of an officer this should be reported to the Divisional Commander. The Divisional Commander should then cause further enquiry to be made.

*Such recommendations may give rise to a further review of the officer's practices across a whole range of interactions. This may indicate discriminatory behaviour, which in turn may lead to disproportionality in the service we provide.*

Positive and transparent action by the Force and subsequent reporting to the panel will go some way towards improving public confidence.

Where operational issues are identified these should be fed into the Divisional tasking process.”

Six of the divisions specifically referred to the guidance when asked about their procedures. However one inspector involved with one of the panels was unaware of its existence and it is not, to the knowledge of the evaluators, available to lay panel members. While the guidance is comprehensive, few of the panels have any kind of protocol which defines the way the guidance is interpreted in the division. Such a document could be useful to police officers in providing a framework within which to work. It could also serve as terms of reference for the lay panel members, something which appears to be missing from most panels at present. It is important that panel members have a clear idea of their aims and objectives and of what is expected of them in achieving them.

All the panels appear to conform to the force wide guidance in most respects although there are some departures. However the ways in which the divisions have interpreted the guidance vary considerably. The following paragraphs will discuss departures from the guidance, differences in interpretation and the views of panel members on those differences.

## **4.2 Size and composition of the panels**

### **4.2.1 Size and geographic distribution**

The size of the panels varies considerably, although this may be a little misleading as some divisions specifically gave lists of regularly attending members whereas others may have included all members however infrequent their attendance. Nearly one fifth of survey respondents said they did not know how many members their panel had and a number of others gave a range, saying that panel attendance varied considerably. Half the respondents considered that their panels had between 6 and 10 members, one fifth 11-15 members and the remaining tenth over 16 members. However over 70% of the respondents thought that the panel size was about right with the remainder thinking that there were too few members. Of the eleven respondents who thought the panel had too

few members seven were from panels with 6-10 members. Four respondents who thought the panel size was too small were from Bradford North (which had only 8 members listed) but three were from Kirklees which had 20 members listed. Three of the Kirklees respondents specifically annotated their responses that panel attendance varies.

There may be an issue concerning attendance rather than the pool of panel members. One member interviewed said, *“there have been times where I’ve been the only lay member that’s turned up”* Some panels have set a quorum although in practice those members who have turned up have agreed to go ahead with the meeting even when attendances have been below quorum. If attendance at panel meetings is poor, then however large and representative the pool of panel members may be, the proceedings of individual panel meetings will not represent the interests of the residents and agencies in the areas. One panel member thought that size was not necessarily an issue saying

*“If it’s doing a good job I don’t think it’s necessarily the quantity of people, if it can do a good job with a small number than that’s fine.”*

One police officer suggested that payment of expenses incurred in panel attendance might encourage some. One panel with an evening meeting provided sandwiches, a thoughtful point as some members were coming straight from work. One member said

*“little things like putting on a lunch or putting on something to eat for members it goes a long while because quite often members are rushing home from work, not having time to eat and they know that they will get something there.”*

Other panel members mentioned that provision of refreshments might help.

One panel member and one senior police officer talked about more substantial incentives, particularly for young people saying,

*“I know our community like incentives, if there’s something in it for them they may do it. If you say come for 6 weeks, after 6 weeks we will reward you with this, see how it goes, it will be a way of getting them, if they are interested they might stay, but I know our community usually do like incentives with everything. There has to be something in it for them as well. It’s just the way they work.”*

*“I mean the only way you can get young people actually involved not through an interest but you wanting them to be a part is you have to pay them. You would have to give them some incentive to come along and attend these meetings.”*

However a lay panel member thought that expenses or incentives were not a good idea because

*“they’ll go along but the problem is the meetings don’t function very well because people went there because they’re not interested they’re there because they want the (incentive)”.*

Another panel member thought that members attended irregularly because the meeting could be a *“dry affair”* and that they could be enlivened by presentations on police procedures, for example in relation to dealing with evidence. Yet another thought that panel members could be encouraged by recognition of their input, particularly when this is over a long period.

Nearly 80% of respondents thought that there were enough panels in their areas indicating that there is probably generally no need for panels at a more local level than division. Two respondents who thought there were insufficient panels were from Killingbeck and three from Kirklees. Those from Kirklees may be influenced by the local feelings which have also led to alternating meetings in Huddersfield and Dewsbury (see para 4.4). At interview one member suggested that separate panels for Huddersfield, Dewsbury and Batley might lead to better panel attendances because of travel difficulties and knowledge of local issues.

#### **4.2.2 Community or agency representation**

All panels include representatives from partner agencies and individual community members although the balance varies. Table 2 shows that the panels include a wide variety of agencies/ organisations but that the number and type of organisations differ between panels. Most panels include at least one representative from organisations/agencies dealing with race matters. These include Kirklees Racial Equality Council, Bradford Hate Crime Alliance, Leeds Racial Harassment Panel, local authority hate crime and equalities officers and a hate line volunteer. Four panels (City & Holbeck, Bradford South, Calderdale and Keighley) include representatives from organisations/agencies representing young people (youth services, schools) although it is not clear whether young people themselves are involved.

Although some panels have members from faith groups, one panel member thought that there should be more people from the religious groups, particularly the mosques and in fact offered to act as an intermediary for this to happen. He felt that religious leaders were generally educated men and influential in the community and could therefore be valuable to the panel.

Some of those interviewed pointed to a need for more community representatives on some panels. Comments included

*“I think that organizations like myself should be there but I think we need to get to some members of the public.”*

*“they should involve some more people from the community”.*

*“In the last three meetings we have not had any community members or residents come.”*

Table 2 Panel membership

	Bradford North	Bradford South	Calderdale	City & Holbeck	Keighley	Killingbeck	Kirklees	Pudsey & Weetwood	Wakefield
Police	2	6	2	2	2	2	4	4	4
Victim Support	1	1		1	1	1		1	
Hate Crime/ race equality	1	2		2	1	3	1	2	1
Youth Services		2	1	1					
Housing		2	1			1	3		
Bradford Trident		1							
CPS		1						1	
Tenancy enforcement officer		1							
LA Safer Communities		1							
Hate line volunteer		1							
Schools, education		1	1					1	
Faith groups		3					3		1
Mediation				1	1		1		
Community organisations			1	4	4		3	1	
Refugees/ asylum workers				1			1		
Voluntary services					1				
Councillor					1			1	
Neighbourhood Watch			1					1	
PCT								1	
Mesmac									2
Lay member	4	3	1	1	2	4	8	6	8
Total	8	25	8	13	13	11	24	19	16

The issue may not be one of whether members are on the panel as individuals or as representatives of particular groups but rather whether they are suitable people who can make an effective contribution. This was emphasized by one divisional commander. One police officer described a problem with a former panel member who had used inappropriate behaviour showing that it is important to interest the right sort of members and not just anyone from the community. Another said that what impressed him about the panel was

*“they were not just, yes sir no sir, you know they were independent, they wanted answers. They were not prepared to move on to the next point unless things were clarified. They’re not just self-appointed type community leaders, they are individuals who can think for themselves and that’s what I liked.”*

The police representation varies in size and in level. Bradford South has six police officers involved with the panel of whom four are inspectors and two are PCs. Only two of the inspectors attend any one panel. Other panels have fewer police officers. All except Keighley, whose police officers are a sergeant and a PC, include at least one police officer of inspector level or above. City & Holbeck , Killingbeck, Kirklees, Pudsey & Weetwood and Wakefield include a chief inspector.

The documentation provided does not make clear how the panel members are derived. One division indicated that the panel consists of *“volunteer members of the public, representatives from organisations such as Leeds Racial Harassment Project, Community Safety and councillors”*. Another says that the panel is composed of *“volunteers made up of an equal balance between lay members and professional members”*. In another, fifteen representatives from “partner organisations” and the community were invited to an initial presentation and the panel proceeded from there. A fourth invited *“volunteer members of good character”* and with a mix of ethnicity and gender to sit on the panel. The questions arise how it is decided who to invite, how volunteers are canvassed, whether the representatives from organisations/agencies are the most relevant and whether the lay members are representative of the communities in the nine areas.

The four panels studied more closely used a variety of sources for their members including police hate crime coordinator contacts with particular agencies and community groups, hate crime victims, neighbourhood watch groups and contacts made by PCSOs. One problem identified in respect of agency representatives is that such staff change jobs and successors are not necessarily as interested in the work of the panel. In some panels,

members are encouraged to bring along those who they think might be interested. One said,

“the P.C. who works with us, she says, if I want to bring two or three people along with me from various backgrounds then do so. The more diverse the *persons that turn up the better.*”

This practice has widened the panels concerned, bringing in some young people, local residents from specific BME backgrounds and hard to reach groups such as ex-offenders. However few of these participants become regularly attending members in the long term. Police officers have however commented on the value that these different perspectives have brought to the panels.

The respondents to the survey were asked to say how they came to be on the panel. Table 3 shows a spread of different representation. Police officers form the largest single group but it is encouraging that over a third of the respondents classed themselves either as community organisation delegates or as volunteers.

Table 3 How respondents came to be on the panel

	Number	Percentage
Elected community representative	3	6
Community organisation delegate	8	15
Race group delegate	1	2
Local authority delegate	5	10
Other agency delegate	6	12
Police representative	16	31
Volunteer	11	21
Other	2	4
Total	52	

### 4.2.3 Ethnicity

The population of the West Yorkshire Police Force area is 89% white with 9% Asian and smaller percentages of other ethnic groups (WYPA 2006b). However the Scrutiny Panels were set up with a dual purpose of scrutinising race hate crime and examining police use of stop and search where the statistics nationally and in West Yorkshire have shown

evidence of racial disproportionality. It might therefore be expected that the panels would include a larger proportion of ethnic minority groups. The monitoring returns provided by three of the observed panels gives some indication of the ethnicity of panel members but some of the examples provided to the evaluators show incomplete recording, for example ethnicities not being recorded at all, the number of ethnicity definitions not fitting the total attending the panel or individuals known from interview to be of particular ethnicity not being recorded. It is therefore difficult to obtain a complete picture. The information provided shows that the panels vary with one having mainly white partner agency representatives and Pakistani community members, a second white community members but agency representatives from a variety of backgrounds and a third varied ethnicities in both agency and community representatives. The reason is no doubt at least in part the result of the different ethnic composition of the divisions but may also reflect the problems of engaging some ethnic minorities and varied success in resolving them.

90% of survey respondents indicated that their own panel included minority ethnic members. The survey also provides a further indicator of the ethnicity of panel members, although, of course, it cannot be assumed that the survey addressees who did not respond were of the same ethnicities as those who did. However the panel observations and monitoring statistics seem to confirm that the pattern is not too dissimilar. Table 4 shows that overall the majority of respondents were white, to some extent skewed by 15 of the 16 police officers being white. If police officers are excluded half the respondents were white and one quarter Pakistani.

Table 4 Ethnicity of respondents

	Number	Percentage
White	33	64
Indian	4	8
Pakistani	9	17
Bangladeshi	1	2
Other Asian	1	2
Black Caribbean	1	2
Black African	2	4
Other ethnic group	1	2

The survey responses also pointed to groups which panel members thought were not represented. One panel member identified a lack of minority ethnic community members

although there were BME agency representatives. Some groups most frequently mentioned were Eastern Europeans and refugees and asylum seekers. Some panels including one of those observed have successfully included representatives of these groups and it is known that other panels recognise the problem and are trying to deal with it. Panel members interviewed from two panels pointed to a lack of representation of white community members. One of these suggested particular geographic areas were not represented but that the neighbourhood policing team would be able to identify suitable people to fill these gaps. The other said that it was important that the panel represented residents of all ethnicities, not just BME people. Faith groups were also mentioned as missing although two of the panels observed included such representatives. One of those interviewed said

*“The big religious groups, you have got the churches and mosques and they could be recruited through religious bodies as well, normally religious bodies are interested in fair play.”*

#### **4.2.4 Gender**

The monitoring returns showed the active involvement of more men than women although there were again variations between panels. Those from agencies tended to be male but one panel had frequent attendances from a female agency representative. In one panel almost all the community members attending were male while in another women attended more frequently than men. These differences among community members are probably related to their ethnicity. The community members were white in the panel with more women whereas the male dominated panel had several Asian members. At interview it was commented that it was difficult to engage Asian women in meetings because of their cultural relationships with men and because of child care commitments. One of those interviewed said

*“women of ethnic minority, because we are represented mostly by men, we don’t talk, our culture is represented by mostly men”* and *“They won’t speak out*

*because, I mean, we don't feel very confident to say things out when we've got men besides us"*

There had been problems in one panel when Asian male members complained to the husbands of Asian women about what the women had been saying at the meeting. Another pointed to the timing and location of meetings as a factor in attracting Asian women, saying

*"Asian women would not come on evenings, they are usually busy, for them it would be better probably in a morning when they have dropped the children off to the schools, another thing would be somewhere more local for the mums if they are wanting parents."*

In the survey rather more than half the respondents were male (58%) compared with 48% of the population of the police force area.

#### **4.2.5 Age**

The monitoring returns showed that most panel members in the panels observed were in the middle age groups of 25-44 and 45-64. One panel had one regularly attending community member aged under 24 and one or two over 65. Table 5 shows that the survey respondents were also concentrated in the middle age groups

Table 5 Age groups of respondents

	number
Not given	1
21-30	3
31-40	14
41-50	16
51-60	13
61-70	5
Total	52

The lack of representation of young people was one of the issues commented upon in both the survey and the interviews. It is regarded as important to include young people

because research nationally and in West Yorkshire has shown that they are more likely to be the subjects of Stop and Search than older people. One senior police officer said,

*“It’s them who are the subjects of stop & search. And some of them will actually have the experiences of their own or their friends, what it feels like to be on the other side.”*

Only 20 of the survey respondents indicated that they thought their panel included young people, varying across the panels from 5 to none at all. A further 20 or 38% of the respondents indicated that young people were a group not represented. The main reasons given for the low attendance/involvement of young people were that young people were not aware of the panels, were difficult to access through usual community engagement methods or had no interest.

One panel had managed to involve young Black people for a while but found that they soon lost interest. From comments made at least two panels have tried to develop links with schools to increase the representation of young people but with limited success. One member of another panel said he could use his links with schools and colleges as an intermediary to get more young people on his panel. He also suggested that meeting on school premises could help, saying

*“You could meet at the school. If you want more representation the best way would be to meet where there are people.”*

Another panel member had actively tried to take young people along to meetings with some success although those of student age were frequently away in term time. Another panel is considering developing already existing links with local universities and colleges to encourage students to participate. A police officer suggested that because young people coming alone might find the panel intimidating it might be advantageous to invite them in pairs.

#### **4.2.6 Other groups not represented**

Two respondents to the survey associated with Bradford South and three with Bradford North mentioned “community groups” as not being represented. Other groups mentioned included the unemployed, the disabled and residents of high crime areas. The main reason for why these groups did not participate was thought to be lack of awareness or that they had not been approached because of difficulties in access but other reasons included the time commitment required, the timing of the panels and lack of interest or perception of the panels as worthwhile. The three Bradford panels plan a re-launch to try to attract wider representation.

Only 27 of the respondents to the survey thought that the panel of which they were a member included varied socio-economic groups and at interview one member thought that the panels should include more working class people. She suggested that more working class people might be attracted by approaching organisations like Leeds Tenant’s Federation, saying

“Tenants groups will represent everybody, that would be a good start in attracting lots of different people.”

#### **4.3 Training of panel members**

Three quarters of the survey respondents said they had not been required to have any training to sit on the panels. The thirteen that said they had were spread across six panels but five of these were police officers. One police officer interviewed said that training had been provided at the first panel session when the panel started but not since in spite of a turnover of members. None of the lay panel members interviewed indicated that they had received training but some referred to information packs which they had been given. The pack provided by Pudsey and Weetwood includes such information as definitions of a hate incident, the aims of the panel, a checklist for scrutiny, the aims and objectives of recording stops, ethnicity codes, the legislation involved in stop and search grounds,

police powers and a glossary of abbreviations. This was appreciated by one panel member who said

*“At first I was a bit bamboozled by the different terms, I know they are laid out in a handbook so that was good, so I read through that.”*

This member said that she had to keep asking questions at first, but thought that was normal in any new venture and that training would not necessarily help as it could not cover all the terms used. It is known that other panels are considering the introduction of similar packs. There was for example considerable discussion at a Bradford North panel meeting observed concerning what the packs should include, for example ethnicity codes and things to look for – time of day/age of person, reason, grounds, outcome. Members from that panel interviewed thought that descriptions of the purpose of the panel and police powers should be included. It is understood Bradford North has recently produced a training pamphlet.

At the same Bradford North meeting a panel member proposed that new panel members should have training – possibly half a day. He thought that greater knowledge would make meetings more interesting for panel members, enable them to know what they are doing to provide more effective scrutiny and encourage them to continue attending. At interview another panel member suggested that training sessions should not be only for new members but could take place every 6-12 months. Opinions in other panels varied. One panel member said because of his background training *“would have been useful but not 100% necessary”* but that there was an issue about *“awareness of the problems, if you can call that training, probably a little bit about the various laws relating to race hate.”* Another said *“I would like more training and if there was more and people knew what their role was, it was explained to them why they are here and what for, that would help get in more people.”*

It would seem to be self evident that if community members and possibly to a lesser extent agency representatives are to provide effective scrutiny of Stop and Search they

need to do so from some kind of knowledgebase. Scrutiny needs to be informed otherwise it is unlikely to identify any irregularities which might be present. One panel member commented that it was important that panel members understand what they are doing. He said

*“there was this particular one time, three guys turned up and, not being disrespectful, but they haven’t got a clue what’s happening, everything was over their head”.*

Another said that some sort of induction should be used because

*“depending on who the members are on the panel I am not sure whether everyone has a clear understanding of what the wider issues are...in terms of stop and search...now each panel meeting...takes on a very different dynamics depending on who is there.”*

Another panel member, however, thought that what *“we have there are pretty knowledgeable people so that does compensate. It’s not just about having somebody as a token but somebody who has an interest and does make a difference”* Another panel member interviewed said that his panel would be improved by the inclusion of a member with legal training and knowledge of police procedure who could independently assess the police performance. He said,

*“we could do with somebody who has a legal mind for things because end of the day we have to accept what the police tell us. Whereas if there was a solicitor on the panel, who was independent, then things may be slightly different.”*

#### **4.4 Frequency, timing and location of panel meetings**

All the panels meet at approximately monthly intervals except Kirklees which meets every 6 weeks. Although the guidelines suggest that a monthly meeting should take

place, the responses to the questionnaire indicated that all respondents, whether meeting at monthly or six weekly intervals were happy with the frequency and there does not therefore seem to be a problem.

There may be more issues relating to the timing and location of meetings. The questionnaire survey did not include these matters but the observation, interviews and informal discussion arising from the questionnaire survey have identified that some panels recognise that timing and location may influence panel attendances. In Calderdale for example meetings are held at Halifax Police Station but there have been concerns that because of the size of the area it serves, Todmorden people do not attend. Kirklees panel alternates its meetings between Dewsbury and Huddersfield for similar reasons.

It is apparent that no single time is going to suit all panel members. Pudsey and Weetwood alternate meetings between 2pm and 6 pm in order to maximise attendance of different members, recognising that day time meetings suit agency representatives attending as part of their jobs but evening meetings provide opportunities to attend for those working during the day. However one member said

*“The timing, 6 o’clock, is good in many respects, because it means that people come direct to the meeting from work. But, if you are late getting away, getting here for 6 o’clock, in the rush hour is not easy.”*

Bradford North currently meets at 1 pm which enables some members to use their lunch hour. Some of those interviewed thought that varying the times and days of meetings might increase the breadth of participation. One for example said

*“perhaps having it on alternate times possibly, maybe once in a morning, and then in an evening so that those who aren’t able to attend during the day.”*

Timing has already been mentioned in relation to attracting Asian women. However it was also recognised that a regular meeting time and day was easy to remember.

Most of the panels seem to meet in police premises but Kirklees panel varies its meetings to take place in other venues. Two examples are the Kirklees Race Equality Council and Pathfinder offices. The reason is that it is thought that some potential panel members such as minority ethnic young men and Asian women may be reluctant to attend meetings in a police station but may be encouraged to attend on neutral premises. This question was discussed at interview and comments included

*“if we are talking about bringing independent people from the community, then let’s get out in the community”*

*“We also found that, sort of, meeting here was a bit of a bar to some of the younger members that we’d been trying to target.”*

*“some people might think it’s being bugged or are we being watched”.*

One of those interviewed talked about particular difficulties for Asian women, saying

*“Their husbands will find out and say no not at the Police Station, but if its at the local school, we have a parent and toddler group at the local school ....I think a lot of the husbands feel it’s a safe environment or the local community centre perhaps the library or somewhere more local. Just the word Police Station is frightening as well.”*

However another member thought that the police station was better because the panel member would feel *“that he has been considered valuable. He is not attending the police station as a criminal. He is helping. Feel proud of it.”*

If meetings are to be held in police stations, the police should ensure that members are able to gain access through the front desk without undue delay and difficulty. One of those interviewed commented,

*“you have to press your bell...and then you wait and depending on who comes..... (at) times you feel that you are getting the third degree...all you have done is that you have come there ...join the scrutiny panel...and...if I can feel that at times....and...yes...I think it can be an issue for some people.”*

The evaluators observed that there was sometimes a considerable wait at the front desk before the bell was answered. The issue is one of encouraging panel members, making them feel valued and not putting off those who are perhaps uncomfortable with police stations anyway.

#### **4.5 Panel Attendance by West Yorkshire Police Authority**

Although the guidance suggests that an open invitation should be extended to WYPA to attend meetings and it is known that some panels extend this invitation, less than half the survey respondents thought that WYPA attends meetings and members of specific panels were divided on the question. Most of Bradford North and Wakefield respondents said that WYPA did not attend. A meeting observed at Wakefield was unusually on WYPA premises and at that meeting a representative was present but as a learning experience rather than as a regular panel member.

#### **4.6 Level of police representation**

As discussed previously, police representation varies in rank and number between the panels. 94% of respondents to the survey thought that police representation was at an appropriate level in terms of rank. The two that said that it was not sufficiently high were respectively from Killingbeck and Kirklees both of which include a Chief Inspector. It is unlikely that the respondents thought that the question concerned numbers of police officers as Killingbeck has two officers and Kirklees has four involved with the panel. It is possible that these opinions may be because the Chief Inspector may not always have attended or there may be some other reason. All six respondents from Keighley regarded the level of police representation as high enough although police representation there is only at sergeant rank. However, at interview a number of panel members expressed views

that it was important for the police to show the value placed on the panel by according it attendance by a senior officer. Comments were made by both police and lay panel members. One Chief Inspector annotated his questionnaire

*“I felt it was essential in my role as C/Insp Support and as member of the SMT of the division to show how important we thought it was.”*

A panel member said

*“I think what our chief inspector is saying is “look this is important” and “ it’s also signalling to police officers that this is important, something I am involved with and important”.”*

Another said

*“it’s the person with the finger on the pulse and what tends to happens is that person will take it back. If there are any issues identified ... plus again it’s the kudos of the process shows the police are interested and committed to devoting that time, because no doubt we are all busy. I think it’s good to have a Chief Inspector there.”*

In one panel it was remarked that a police inspector had previously attended meetings but that recent panels had been led by a PC. While respecting the hard work and competence of the officer concerned, panel members thought that the inspector should attend to provide the ability to take forward any issues that the panel might identify. One comment was

*“(Name) can take things on board but he cant give the answers & he is not in the position for other things to happen whereas the inspector can, and it shows more commitment from the police service that you got somebody there with some rank.”*

## 4.7 Conduct of Meetings

### 4.7.1 Panel Chair

The detailed general guidance for the Scrutiny Panels (Hanks, 2005) provides that:

*“In selecting a Chair, it is recommended that in order to ensure independence that this person is non-police personnel, where this is possible to achieve.”*

However most of the panels are chaired by police officers of varying ranks. The questionnaire survey showed for example that City and Holbeck is chaired by a chief inspector, Keighley by a sergeant and Calderdale by an inspector. It is understood that some panels such as Killingbeck have a rolling chair but Pudsey and Weetwood is regularly chaired by a local authority member with a community member as a vice chairman in case of his absence. The feeling by some members at Weetwood is that only by having an independent chair can the panel be seen to be truly independent. A member said

*“the fact that it’s chaired by an independent person to the police, I think gives that impression, or I think, it enforces that impression that it’s an independent panel, and we do get the opportunity, as I say, to feed back to police officers.”*

He also commented that having an independent chair might bring benefits for police officers, saying

*“it’s probably nice to get a feedback from an external member of the police, to say, you know, ‘well done, thank you very much, Chair of the Group’ as opposed to Chief Inspector Smith says ‘thank you very much’.”*

However another Weetwood member said *“I don’t think it matters. It might be seen to be better, I am not sure it would be”* and a third said that a rotating chair might be good in empowering the panel.

The police chairing of other panels has been partly because of a perceived lack of members with experience of chairing meetings, partly because only the police attend regularly in some panels and partly because it is seen that only the police have the knowledge to guide panel members through the hate crime cases and stop and search. One panel member said *“the chair must drive the thing... must have a clear idea”*. As one panel member put it:

*“have a person with that experience. So the chair, may be someone who’s never chaired a meeting before, and so might struggle.”*

Other comments include:

*“Part of the problem .... is who can guarantee to be there at every single meeting. I think the only people that are are the police. You also need someone I think who has the skills and confidence to be able to do that, and also the training, it is quite technical and that is one of the advantages of (name) chairing the meeting because he does has the breadth of knowledge.”*

*“I would prefer that the police chair the meeting....I think that if you have the police chairing it then he or she controls the way the meeting is being chaired, because they know what’s happening within the police”*

Another said that it was important to have consistency in chairmanship and therefore the chair should be a regularly attending member.

In addition the way in which some panels deal with the problems of anonymity, where for example Stop and Search forms are not presented for members to read but are read out by

the police chair of the meeting, may make it impossible for a lay person to chair the meeting.

Only the police have the opportunity to look through the paperwork before the meeting and prepare for the meeting. This has been something that the Pudsey and Weetwood independent chairs have felt detracts from their effectiveness in the role. It is therefore suggested that if there is to be an independent chair it might be helpful if that chairman had the opportunity to look at the paperwork before the meeting. One of those interviewed said that an independent chair would need training to be effective.

#### **4.7.2 Style of meetings**

The survey responses showed that 96% thought that the meetings were open and transparent and 100% that members had the opportunity to have their say. Those interviewed were also happy with the way meetings were conducted. One comment was

*“everyone is given the opportunity because they will say “any questions”, people can put their hands up, so I think that’s quite fair.”*

However, the way in which the meetings are conducted varies considerably. Only one of the four panels observed tabled a formal agenda, although it is understood that another had in the past. The meetings varied in length between approximately 1.5 and 2.5 hours and one of the panels not selected for closer study is reported to sometimes last 3.5 hours. One panel member commented that meetings could sometimes be over long and that this might discourage some members from attending. Two panels were led by police officers in the chair position. In both of these there was opportunity for members to ask for explanations and point out omissions and anomalies but on some occasions there was little take up of the opportunity while on others there was a lively discussion. This variation may be connected with the extent of the knowledge and confidence of those attending particular meetings. One panel’s meetings were very informal with members working separately and asking questions principally of a police hate crime coordinator who walked round the table to answer individual members’ questions. The fourth panel,

with a formal agenda and a lay chair, was the most structured of the panels, clearly setting out the business to be considered. A police officer involved in that panel suggested that some formality was helpful “*so that people don’t over-talk people, so that people do listen to what is being said.*” In this panel, the police had put in a lot of effort in preparation and although they were ready to explain they did not try to run the meeting.

It was clear from the interviews that not all panel members knew who their fellow members were. Although at several of the panels observed, members did introduce themselves round the table, this may not always take place. One panel member thought that this should happen more generally because “*if you don’t go through that round of introduction you don’t really know who’s there.*”

#### **4.7.3 Hate crime and stop and search**

All the panels consider both hate crime and stop and search at one meeting. One panel member specifically volunteered that he thought this was a good thing because

“If you have an understanding of the race hate problems in an area then you have *a better understanding of the stop and search policies.*”

He considered that the two were likely to be related and there were spin off benefits in considering them together. One panel additionally considers domestic violence cases.

#### **4.7.4 Presentation of cases/forms**

It is understood that a number of panels began by presenting hate crime cases and stop and search forms on Powerpoint and some panels still do this. One member of several panels interviewed thought this worked well and that the police officer going through the cases on Powerpoint ensured that points would not be skipped. The panels which were the subject of the stage 2 study had however either not used, or tried and then abandoned, this method for a mixture of reasons. Firstly, working through all the documentation on a screen at a meeting was found to be “Death by Powerpoint”, tedious in the extreme,

members tended to lose interest and those remaining in one panel asked for something simpler. In addition, the construction of the Powerpoint presentation including the anonymising of the data was time consuming for police officers. One of those interviewed suggested that use of Powerpoint had disadvantages in that every panel member had to read the material at the same pace and people had different speeds of reading and comprehension.

The current ways in which the material is presented by the four panels observed were:

- Presentation of a paper anonymised summary of six hate crime cases and photocopies of 10 anonymised Stop and Search forms. Stops only forms are not considered, a departure from the guidance document. The explanation given was that “they have very little substance to them and do not need the powers that *stop/searches do to allow them to happen.*” The hate crime cases are selected by panel members the meeting before from a numbered list. The Stop and Search forms are selected by DIU and supplied to the police officer leading the panel for photocopying. The police officer leading the meeting explains the précised cases referring as necessary to the full records which only he sees. Similarly he goes through the Stop and Search forms taking great pains to explain the terminology and possible issues. At the first meeting observed there was little input from the panel members with the police leading in identification of issues in connection with the hate crimes and stop and a search recording and supervision by the police. At the second meeting (attended by different members) there was more questioning from panel members.
- Again the selection of hate crime cases is done by the panel but that for Stop & Search is done by DIU. Anonymised photocopies of the full details of fifteen hate crime cases and seventeen Stop and Search forms were presented but these were distributed among the panel members on a single case/form basis for review. In other words all panel members did not review the same paperwork. Panel members could ask questions of police officers present including the PC who led the meeting and the Chief Inspector who contributed authority to responses. The

- meeting was very lively and informal with considerable discussion taking place but could have been very confusing for a new member.
- Hate crimes and stop and search were both chosen by panel members. The hate crime cases were reviewed as anonymised photocopies of complete records. The stop and search forms were picked at random from two piles of forms separated into white and BME persons. The inspector chairing the meeting examined the chosen forms and identified issues with the procedures/recording. The panel members did not see the actual forms as they were originals retaining confidential identity data. At the second meeting the stop and search forms were selected from the whole month's stops for BME stops but only from the last few days in relation to white persons because of the difficulty in bringing all the forms to the meeting venue away from the police station. Otherwise procedures were the same. The inspector gave very clear explanations and the panel members participated by asking questions to which responses were given by herself and the chief inspector.
  - Hate crimes and stop and search forms were selected by panel members, the hate crimes for the next meeting and the stop and search forms for the current meeting. A police officer then took away the stop and search forms for copying and anonymisation before distribution to all members. The panel members participated freely. Their questions were respected and efforts made to answer them

This evaluation is concerned with Stop and Search but occasional comments on issues relating to the hate crime element of the panels may be of interest. In the panel where hate crime cases were presented in précis form, the members asked at one meeting observed for the addition of particular information from the original records to future summaries to provide a fuller picture. Although it is clear that the summaries are much more user friendly than the full printouts, there is a concern that they may be produced by police with a police perspective. Part of the reason for the panel, as described by two of its members, is to bring a fresh perspective, a viewpoint different to that of the police, and therefore it could be argued that panel members should be able to read for themselves the original record to provide true scrutiny. Some of those interviewed recognised this

difficulty saying that the précis could omit matters of concern. An alternative way of handling the complexity of the printouts is for a police officer to talk through the cases as was done at another panel observed. One police officer said this also helped to combat difficulties some panel members might have with written English.

In the panel where members scrutinised hate crime cases and stop and search forms individually, the system had been introduced in response to panel members requests to consider a larger number of cases, once panel members became familiar with the issues. In addition it had been found that when panel members looked at cases individually they tended to all come up with the same issues. Advantages were thought to include the opportunity for each member to read at their own pace and the confidence issue of being able to ask questions of police officers or neighbouring members without needing to speak to the whole meeting. However one new panel member said that he felt unhappy with being the only person to look at a case in the light of his inexperience and suggested that panel members should work in pairs and one member said at interview that numbers were not the crucial point but rather quality of scrutiny. As he put it:

*“I think it would be worthwhile to provide the quality rather than the quantity. At the end of the day we are in the business putting any fears of people aside saying the police haven’t dealt with this properly that sort of thing. We want to gain public confidence and that can only be gained if the quality is there. I would much rather say we have examined 10 cases and 9 there is no problem and 1 this is the fault with it. Rather than say 20 and they appear to be ok.”*

At the meeting where panel members could not themselves examine the Stop and Search forms, discussion after a meeting around the reasons for stop and search forms not being copied as in other panels brought the explanation by the police officers concerned that the blacking out exercises carried out in other panels still left sufficient information to identify the persons concerned. There was also an aversion to what was regarded as unnecessary photocopying. More importantly, the observed procedure does not accord with that laid down in the protocol for that Division which state:

*“The Panel will be read a summary of the crimes/ incidents and the stop searches by the chair. They will then be presented with the copies and a recording sheet for notes and given the opportunity to scrutinise the paperwork. The chair will be on hand to give explanatory guidance and encourage individual note taking.”*

In this panel, the police inspector spotted procedural failures herself and pointed them out to the panel. However, no other panel member had the forms and was therefore in a position to check that the information being read was correct. Did she spell out all the details? Could the panel members have spotted something else if they had copies of the forms in front of them? The divisional commander for this panel thought that panel members would be more interested and able to connect if they had the forms in front of them. However panel members from this panel did not express any dissatisfaction with the procedures. In another panel where a police officer led the panel through the forms, he was able to provide the police procedural experience to identify errors and omissions but the members could also examine the forms for themselves. In both the panels observed where the panel members were expected to spot problems themselves, police officers also scrutinised the forms and contributed their own criticisms.

The guidance (Hanks, 2005) provides that selection of the stop and search forms for scrutiny should be by the panel (see para 4.1). However only one of the four panels observed completely complied with this provision. Two of the panels observed received forms selected by DIU and in the other panel members selected from a full months stop/search forms at the first meeting but only from a police selected sample at the second. The reasons for the panel not making the selection may include the location or otherwise of the DIU and the panel meetings in the same building. This may result in difficulties of carriage of large quantities of forms to the meeting sites and a reluctance of DIU to allow the original forms off police premises in view of the confidential identity data involved. Another problem mentioned was the ‘logistics’ of getting a community member to go through the piles of forms and selecting samples. However, this raises the question of whether the sampling is shown to be random and without bias and whether the police could have any reasons to select particular forms for scrutiny. If it is not

practicable for forms to be taken to the meeting, panel members could perhaps in turn attend the DIU to witness the selection. It is not suggested that the police are using bias in the selection but that the process is not fully transparent and could be laid open to such accusations. Some panel members emphasised at interview that the selection should be by the panel members. One said

*“Because that’s the crux of the issue. If stuff is randomly picked out and you can compare and contrast you have a really good idea of what’s going on.”*

The guidance suggests that the presentation of the selected Stop and Search forms will be accompanied by a Pocket Book Entry and if appropriate a supplementary report outlining the circumstances. It was therefore originally envisaged that the presentation to the panel should include not only the form itself but fuller details of the stop, its purpose and its outcome. None of the panels observed presented such material to the panel members in documentary form for scrutiny. For two panels the selection of stop and search forms is carried out at the meeting at which the form is scrutinised, which obviously does not permit the gathering of background information. For the others accompanying material was not presented to the panel members although police officers had that material available for reference purposes. Generally it was after the forms had been scrutinised and found deficient in some way that the police followed up the forms with the officers carrying out the stop/searches and their supervisors. At that stage background information would be obtained and, in one panel at least, photocopies of the resultant documentation provided to the panel.

There has been criticism of the Stop and Search scrutiny by both police officers and panel members that there is little to scrutinise. Panel members’ comments in the survey and at interview include

“the stop and search do not mean anything because they cannot be analysed. I feel strongly that the stop and searches are included in the panel so West

Yorkshire Police can meet targets set by government. As a panel member they do *nothing to help*".

*"Not enough information for panel members in advance"*.

*"There is a question mark on stop and search. It is difficult to see from the scrutiny what it is about"*

*"what you mainly are looking at is a Q.A check, have they put the victims ethnicity, has the sergeant signed it, in the terms of a stop is there anything which tells us where that individual was stopped and if not you can ask for that. From a layperson's point of view it's pretty difficult to gain any meaning."*

A police officer added

*"there is very little on the form itself for them to scrutinise. It's a very basic form, and once you've anonymised that form, there is very little to sort of, look at, to pick the bones out of and to scrutinise."*

However he continued that the division do try to obtain background by emailing the officer concerned before the meeting saying

*"we try and get a report from the officer involved about the interaction, why was he stopped, you know, what was the interaction like? Positive or negative, and what was the outcome."*

Background material would provide more to scrutinise and help to provide a clearer picture of what happened for all the forms examined, providing evidence to the panel that the forms truly reflect this. It would give an increased transparency of process which is one of the aims of establishing the panels. Additionally, if the procedure followed in the guidance were followed and the related material provided for all Stop and Search forms

scrutinised there would obviously be a greater awareness among police officers of the panel's existence as up to ten police officers and supervisors would be asked to provide information at each panel rather than just the one or two at present identified as presenting irregularities. The evaluation has provided some evidence that there has been some impact on police performance which will be discussed later in this report but there may be the potential for wider effects.

However one divisional commander commented that the additional work would not be justified and that "at the time when the government is already looking at tackling all the *bureaucracy at its best by probably reducing one or two forms, it wouldn't be the right step for me.*" An inspector in another panel agreed saying that the pocket book entries might not add much detail anyway and might not exist for stops alone.

One panel member suggested that the Stop and Search forms should be in Urdu in order that panel members should not be barred from the panel because of a lack of ability to read English. While the rationale behind this suggestion is understandable, it is impractical to expect all forms to be translated into BME languages. However, it does raise the issue of comprehension by those offered copies of the form in the street.

#### **4.8 Presentation of Stop and Search Statistics**

Presentation of stop and search statistics is not required by the guidance document but some panels have introduced this. Three of the four panels observed presented stop and search statistics at at least one of the meetings and panels may also provide this information to panel members. One panel observed additionally presented a crime pattern analysis of race and homophobic crime. The fourth panel observed did not present statistics. It is clear that the form of the presentation varies considerably and is not necessarily at every meeting. An early email from one panel said that statistics prepared centrally were presented on screen from a computer if there was time and this was observed to take place at one meeting. The statistics were in table and graph form and, in the evaluator's opinion, it was quite difficult to compare visually the graphs on

consecutive screens. However those interviewed from this panel found them of interest although some said it was not necessary to have them every month.

Another panel's divisional protocol stated that statistics were provided for the previous month and at one meeting observed a paper printout was provided, described by the police officer leading the meeting and available for closer examination by panel members after the meeting. A panel member from that panel said she found it difficult to understand graphs and would prefer "*something written.*" A third panel however had gone to some lengths to provide this information. Printed copies of the graphs and tables similar to those presented by the two panels described above had been provided to previous meetings but at two meetings observed a more detailed analysis by beat was provided on paper and explained by the senior police officer present. He said that the new format allows not only a breakdown by beat as presented but also by unit, team and individual officer and that as the months pass the panel should be able to see trends and identify anomalies. Reaction from panel members was positive. This would appear to have the potential to answer a question raised at another panel observed as the possibility of discovering from statistics whether particular officers were disproportionately stopping persons of particular ethnicities. The evaluators do not suggest that such information should be made available to the panels but that it could improve the quality of internal police monitoring.

While the guidance (Hanks, 2005) did not suggest that stop and search statistics should be presented, a considerable number of panel members have welcomed them and one panel which has not previously included the practice is to do so at the request of members. The evaluators suggest that if statistics are presented, it is important to do so in a way that is comprehensible to lay members and that police officers are prepared to explain anomalies. While panel members generally found the statistics of interest one thought that

*“it’s important with statistics that there is someone there to explain the relevance of them. Otherwise you can make statistics tell you what you want to make them.”*

One panel has made efforts to ensure that the statistics are presented in the context of current criminal activity and policing in the area. An officer said that the panel had provided the incentive to analyse statistics in more detail to assess the reasons behind perceived anomalies. A lay panel member from another panel thought that the presentation of statistics provided an opportunity to ask questions about the ethnic breakdown and look at trends. He thought that supply of the statistics in advance of the meetings so that members had time to try to understand them and prepare questions would be helpful. One divisional commander thought that statistics could be provided with the minutes.

#### **4.9 Recording of meetings**

90% of the respondents to the survey indicated that they thought the panel meetings were properly recorded. It is understood that all panels submit to police headquarters a report in standard format concerning the date and location of meetings, attendance of panel members by partner agency/ community representative, gender, age and ethnicity, references of cases/stop and searches scrutinised, issues raised and way in which these were resolved. Samples of these monitoring forms have been supplied to the evaluation by two of the panels which were part of the stage 2 study. A third panel had completed these returns but not kept copies in the division and a fourth had expanded the monitoring form to provide brief minutes of the meeting. One panel produced in addition to the monitoring form separate minutes describing issues raised in some detail. This had been introduced at the suggestion of a panel member.

Of the four panels observed, two submitted their monitoring forms to headquarters but did not seem to provide either a copy of the monitoring form or any other written record of proceedings to panel members, either before or at the next meeting. This has led to difficulties of panel members remembering from one meeting to the next what issues

were raised and where they had asked for additional information. One of those interviewed said

*“If you don’t have the minutes you can’t always remember that. What you did ask for.”*

Another said

*“if we did get minutes it would actually record on the minutes questions raised from that particular meeting that would be carried forward to the following meeting and you would ensure that there is a follow up.”*

He said however that all that was really needed was action points. The other two panels provided minutes to the panel and one of these additionally produced documentary evidence that action had been taken for example in copies of letters written at the suggestion of the panel. It seems self explanatory that for the panel to see that its activities are being effective, some evidence needs to be provided that the police are taking forward the comments of the panel and minutes provide a basic means for this.

One panel member interviewed (from a panel which did not receive minutes) suggested that summaries of the business could be sent out to panel members who had not been able to attend to maintain their interest.

*“I would also think it would be a better idea if the panel members could be registered with the police, because if they’re not there for that meeting then they could be sent a resume of what happened, either by e-mail or by post.”*

Another said that she would find minutes useful.

#### **4.10 Follow up and Feedback to panel of outstanding matters**

Two of the panels observed presented feedback at the meetings observed on issues raised at previous meetings, one beginning the meeting with a verbal report as part of a review of the previous meeting's minutes and the other providing photocopies of written material to support the review of the minutes. One panel member commented that anything the panel questioned would be clarified by police officers and *"it's then carried forward to the next meeting and it doesn't go off the agenda until we get the reply back."* One panel member said she was pleasantly surprised at *"the rigour with which the particular anomalies picked up were followed through"*

At a third panel no feedback was given at either of the two meetings observed even though there had been issues raised at the first of the two meetings. The non police panel members were completely different at the two meetings and this was therefore not queried. Discussions with the police officer after the meeting showed that the issues had been investigated and information was available but by oversight it had not been presented. One of the panel members interviewed from this panel thought it was important that there was feedback. As previously mentioned an agenda and minutes might help to prevent such omissions. In the fourth panel there was no feedback but there had been no outstanding issues at the first meeting observed. One member from that panel said at interview that he thought he remembered some feedback once and another said that there was feedback when necessary. However another said

*"we need some feedback, you know, for cases where we think that the police haven't done so well on dealing with cases."*

One member of several panels said feedback in some panels *"happens on an ad hoc basis and therefore you are committing a lot of things to memory which you shouldn't do and shouldn't need to and you can let things slip"* because there were no formal minutes.

Proper accountability can only be provided to the panel if feedback is made concerning action taken on issues identified. The preparation of minutes or at least the presentation to

the next panel of the monitoring return may help to ensure that this happens appropriately. However 96% of survey respondents thought that findings from the panel meetings were actioned, thereby expressing confidence that the police take notice of the panel even where there is no clear feedback.

#### **4.11 Feedback of panel proceedings to partner agencies/the community**

Half of the 52 survey respondents said that they reported on the proceedings of the panel to their organisation or group. However nine of these were police officers and a further eight representatives of community organisations. Ten of those who classed themselves as volunteers said that they did not report back. At interview most of those who were community representatives said that they reported informally by talking to friends and those with whom they came into contact. One had put up notices in the mosque. Some said that they reported to meetings of one kind or another and one mentioned police contact points. Three members of one panel said that they did not report because they understood the proceedings of the panel to be confidential, saying

*“there are issues relating to the information being restricted” and “I think we were told initially that we weren’t allowed to talk about it. I haven’t spoken about it to anybody. Some people have tried to get it out of me but I have said I can’t talk about it. It’s confidential anyway, its casework.”*

One panel member referred to lack of resources in preventing his dissemination of information.

It is evident that the message that the police take seriously hate crime and that all persons may be stopped and searched if they are in the wrong place at the wrong time or are seen to be acting suspiciously can only be spread in the community if the community hear about the panels. Although police can use publicity, panel members should help by talking about what goes on and encouraging others to attend the meetings. Some panel members already do this. Comments included:

“I always try to take 1 or 2 people from the community *around here.*”

*“I have also brought on a number of occasions, other people who have had particular experiences of, or particularly bad experiences of stop and search, at least that is what they think, so it is good for them to come along and actually see how it does operate and that it is an open and fair system”*

## 5. Principal issues

The issues identified by the panel fall into two main groups: issues connected with the police handling of Stop and Search and issues in relation to police recording of Stop and Search.

### 5.1. Police conduct of Stop and Search

Less than a third of the respondents to the survey said they had concerns about the police conduct of Stop and Search, ten of the fifteen with concerns being members from Kirklees, Pudsey and Weetwood and Wakefield. Respondents' concerns included

- insufficient grounds for the stop/search
- the fact that documentation was completed does not provide proof of the way stop/searches are conducted or that disproportionality or prejudice had not taken place. The forms only present police viewpoint.
- the large numbers of cases where those stopped had refused a copy of the form

Those interviewed were generally happy that stops and searches were conducted for legitimate reasons. Comments included:

*“We haven’t (identified) any major problems at all where people are being stopped and searched without there being a valid reason.”*

*“I think stop and search, going back over the time I have attended, I think almost all, or the majority of the times the stop and searches have been for a legitimate reason.”*

Panel members had not identified evidence of discrimination against particular communities or areas and recognised that in areas where there were concentrations of

particular minorities stops/searches were likely to be of people of those ethnicities. Comments included:

*“I don’t feel there is a problem with any of the actual stop & search and I know I have been on about (different ethnicities), and I can’t say that I have ever picked up on anything yet but it is something I particularly do look for.”*

*“I don’t think that there’s any area that has been targeted unfairly, without reason, that we’ve come across.”*

*“if the police (are) stopping somebody in this area .... or the particular areas where the Asian people are so obviously there are more chances of Asian people doing the wrong thing as well. If the police (are) stopping people in (named area), so obviously there will be more white people.”*

Panel members interviewed, like the survey respondents, commented on the importance of the stop and search subject taking his/her copy of the form as a record and some had tried to convince those with whom they came into contact of this. One said,

*“I think with the stop and search its right that they have to write it down, it’s absolutely vital and that the suspect is given a copy of the form.”*

However, some members were concerned about the limitations of the panel in scrutinising stop and search for compliance with the law because of members’ lack of expertise in the law, suggesting that a panel member with legal training would help to improve the capacity of the panel. One said,

*“I think this is where the legal minded person would come in handy and like I said earlier we have to take in what the police tell us. If the police say *there’s a hot spot area* then we have the right to stop and search up to a certain point then *we can’t really question that unless we know any specific reasons.*”*

Another panel member suggested that the actual process of stop and search could be handled better by the police and that feedback from the community could be sought as to the problem areas and how to resolve them.

## **5.2. Police recording of Stop and Search**

Half the respondents to the survey said they had concerns about the police recording of Stop and Search, again with more concerns from members from Kirklees, Pudsey and Weetwood and Wakefield. The concerns described included:

- Illegibility of forms
- incomplete recording particularly omission of ethnicity, grounds for stop, outcome and whether the suspect took a copy or not.
- Lack of clarity or vagueness in the recording of decisions taken, particularly in relation to grounds for stop.

These issues were also seen at panel meetings observed where police agreed to follow up particular forms with the officers concerned and their supervisors. Additionally the following issues were noted at observed meetings:

- forms not being signed by supervisors or inadequately completed forms signed by supervisors.
- stop and search reasons not matching the sections of the law under which they were made (for example, a stop and search for drugs [section 23] ticked as a section 1 stop)

Comments from those interviewed related to similar concerns and included:

*“Quite often, the power isn’t identified on the stop-search, sometimes the outcome isn’t, or you know, did they take a copy, It’s all blank”*

*“As long as there’s some valid reason for stop and searches that’s ok and if there’s a very weak one non existent reason or haven’t given a reason then it’s good for the panel to say “there isn’t a reason for this and we need one””.*

*“we did find that within the scrutiny, the stop & search form, there was an issue about the description of ethnicity.”*

*“occasionally the forms aren’t filled in sufficiently, and they should be, you know they are supposed to be checked by a supervisor and signed.”*

One of those interviewed said that the poor recording and supervision gave the impression that the police were bored with stop and search and were only going through the motions or that they were overloaded with paperwork. He said

*“In the last three years I can say there are serious cases of bad supervision”.*

Another suggested that his panel had, in the past, identified particular officers who were at fault and that the police while not, of course naming those officers, were able to provide additional training to resolve the issue. He said,

*“we were not told which officers but the police knew. You could see the consistency in that particular officer. I think they have taken that on note to say yeah we know which person is doing this so we will take on board to train that person. So things did improve”*

Others both in the survey and at interview thought that recording had improved over the life of the panel. Examples of comments include:

*“we’ve certainly seen an improvement in the standard of documentation”*

*“the panel is seeing more clarity in stop and search forms as time passes. There used to be missing areas, especially the result. The police must record a result even if it is negative. There has been an improvement in recording in the time the panels have been going.”*

Some panel members also mentioned the importance of proper recording of the forms for the police themselves, in terms of protection against public complaints. A police officer thought that there must be enough on the form to show that the grounds were legitimate if the form is examined by a third party or solicitor. A panel member commented::

*“(The police) need to take it with all the care. Because yes we are looking at them, scrutinizing them but I think if they took a little bit more care, it would be better for them. I think the idea of the form is to protect the officers so that nobody could come back on them.”*

Others thought that the form must be recorded in such a way that the stop and search subject could understand his copy.

Some police officers specifically regarded the completion of the forms as a training issue saying for example,

*“We’re going to once again push in the training the need to put accurate information on the forms.”*

## 6. Potential impact

The potential for impact of the scrutiny panels may be considered several different areas. These are in relation to:

- the documented aims of the panel as described in Section 2,
- the perceived purpose of the panels as described by panel members, both police and lay,
- the benefits or disadvantages observed by panel members or those connected with the panels.

The documented aims fall into two groups, firstly of improving police performance and secondly of promoting links with the community and public confidence in the police. This section will describe the results of the survey and comments of those interviewed in respect of achievement of those aims. Firstly however it is appropriate to discuss the way in which the panel members see the role of the panel.

### 6.1 The purpose of the panel as perceived by panel members

The respondents to the survey viewed the role of the scrutiny panels in relation to stop and search to be principally one of providing accountability, making stop and search equitable, promoting community confidence in stop and search and preventing discrimination against minority ethnic groups, as shown in Table 6. Allowing the community to have a say in stop and search and promoting good race relations were regarded as less important.

Table 6. Role of Panels

	% respondents
Improve accountability of the police in Stop & Search	92
Ensure that Stop & Search is equitable	92
Improve the confidence of the community in Stop & Search	85
Prevent discrimination against BME groups in Stop & Search	83
Improve knowledge in the community about Stop & Search	77
Promote good relations between different race groups	62
Allow the community to have a say in Stop & Search	54

A number of panel members interviewed emphasized the role of the panels in improving the accountability of the police or in ensuring that the police follow proper procedures. Comments included:

*“The police are accountable for their work, it is a public body and one of the ways they are accountable is through a scrutiny panel where as a panel we take a random selection of cases and actually see whether they have been handled correctly.”*

*“(The role of the panel is) to ensure that the police follow the procedures that they have laid down to carry out whether it be for stop & search or stop only issues.”*

This accountability was thought to include a duty to ensure police conduct is fair and equitable. As panel members put it, the role of the panel is to:

*“(make) sure that they do their job as it should be done, and that no individual groups are unfairly targeted.”*

*“make sure that the Police are perceived to be fair to everyone, are fair to everyone and not discriminate on any grounds of race of sexuality.”*

Some panel members based their descriptions of the role of the panels on only the hate crime scrutiny element of the panel’s work although most panel members also valued the work in relation to stop and search. A considerable number of panel members thought that the role of the panels was mainly one of improving community knowledge about police procedures, especially those relating to hate crime. Comments include:

*“What I think it’s there for, is for us to create some knowledge on how the police work and how they deal with crimes.”*

*“I think it’s trying to get out to the people in the wider community to know about what’s happening within their community about any police matters, any hate and crime, domestic violence, any issues that they might want to bring and discuss, it’s just getting to all the other people who aren’t aware about it really.”*

Other members, including police officers, regarded the panels as an additional forum for the community to have input into police practice saying for example that the panel

*“(enables) suggestions and concerns that community can raise in order for police to perform their tasks more efficiently. So areas where they might not be looking at from the community’s perspective.”*

*“gives us an opportunity to see things through other people’s eyes.”*

One panel member suggested that the panel provided a forum for improved communication between the community and the police and another would like the panels to develop into forums for the community to raise issues with the police. However yet another thought that it was important not to raise unrealistic expectations in the community about the panel.

## 6.2 Impact in relation to role perceived by panel members

Panel members interviewed generally valued the work of the panel in both scrutiny of hate crime and of Stop and Search. Panel members thought the panels help the communities to understand how the police use stop and search. Comments suggested that the work of the panel,

*“does give you an insight as to what is happening either in the locality where the stop & search is occurring. What kind of issues are been raised to that. I mean it does, from my point of view make me understand what’s on.”*

and

*“is of benefit to the community particularly stop and search this is where most people are grieved about the police they feel they have been stopped and search for no reason”*

A police officer said,

*“the thing that I’ve seen, perhaps, change, somewhat, through the progression and the knowledge of the members is that their expectations of the polices actions is perhaps a little bit higher than, maybe, we would have. As that learning process has developed and they’ve realised actually, what our capabilities are, I think that their expectations are perhaps a little more realistic.”*

However, there were some reservations about the extent to which the panels were fit for the purposes described in para. 6.1 above. Some panel members expressed doubts as to the extent to which the panels could be effective in providing accountability or ensuring equitability because of insufficient knowledge of panel members as discussed previously or of superficiality of scrutiny because of time constraints or incomplete presentation of paperwork. Comments included:

*“obviously your panel members being, you know,(not) having the knowledge to be able to do that as well.”*

*“The only recommendations that we’ve done, really, is to make sure that these forms are correctly filled out and we can read it in English and not scrawl”*

*“people do want to go through as quick as possible in order to the business but the question is, is that real scrutiny?”*

*“with the stop and searches, because there is so little to review, I’m not to sure what benefits there are.”*

“effective scrutiny is, is being totally transparent and letting the panel members view everything.”

Most panel members thought that they had learned from being on the panels, in relation to hate crime and stop and search. Comments included:

*“I’ve learned about stop and search, and I’ve also learned about how they deal with racial cases.”*

“I think to be honest I have learnt more about the powers of stop and search and what you can and can’t do.”

*“Stop and searches again, learning things that I wasn’t aware of before I came onto the panel, for instance such as you should be offered the top copy of the document.”*

However most panel members thought that the general public knew very little about the panels. 63% of survey respondents thought that the community knows little about the panels and a further 35% that it knows nothing at all. Panel members interviewed considered that the scrutiny panel could not be effective in raising the knowledge levels about stop and search procedure in the community because only a few community members had the opportunity to attend the panels and there was no publicity about the work of the panel. Some panel members who had introduced community members to the panels, pointed to good reactions from these individuals. One panel member reported one of the persons he had taken to a panel meeting as saying,

*“we could never ever believe that the police (are) doing such a nice job behind close doors. They are checking their own people, whether they are doing their job correctly or not, which is a very good impression.”*

Another panel member commented on a similar experience:

*“I have also brought on a number of occasions, other people who have had particular experiences of, or particularly bad experiences of stop and search, at least that is what they think, so it is good for them to come along and actually see how it does operate and that it is an open and fair system.”*

Other comments from panel members include:

*“I think they have to find a way to improve for more people to attend the meetings. I have learnt there is information there that you don't know about until you get to the meetings.”*

*“It is that sort of information that needs to be disseminated down to community level.”*

Some panel members thought that, for panels to be effective, members should be drawn from a wider range of backgrounds. One panel member said:

*“Not just professionals, all background, all walks of life, better turn up of people at the meetings would be effective, you can't have just 2 or 3 people going to one meeting and then going out and feeding back to them, you need a good number of people, whether they can't make it for that reason they would have to work out a way where they can get people for it to be effective.”*

One police officer thought that it was important that the panels were open to everyone and that it did not become the exclusive province of

*“a little group who think they've got a monopoly on doing some of these things with us.”*

## 6.3 Impact in relation to stated objectives - police performance

### 6.3.1 Improving police investigation and supervision

62% of survey respondents thought the panels could help to improve police investigation and supervision generally. In relation to stop and search most of those interviewed thought that the panel was being effective in improving the quality of recording and the supervision of that recording. Comments included:

*“I think in some ways we have seen like in stop & search forms, they have improved remarkably from what I had seen at the first meeting”*

*“I have seen that there is an improvement there, specially in relation to completion of forms and then I can say supervision and training has been given to these officers now.”*

One police officer suggested that the panel might help to improve police performance because officers know that they are being monitored, saying,

*“if you do a stop search on the street or you deal with a hate incident, it might go to the Panel and the Panel might start asking very pertinent questions, you know. So from self preservation perspective you’ve got to get it right, which obviously is significant.”*

He explained that he would expect both good and bad reports from the panel in respect of particular officers to be included by the line manager in that officer’s internal appraisal. Formerly supervisors had signed stop and search forms to indicate that they were the supervisor but now the signature implied a check that *“that officer is not reinforcing any negative stereotypes, that they are lawful in the powers that they’re using.”*

Another police officer suggested that there should be a mechanism for analysis of the results of the scrutiny, to look for patterns such as whether there were consistent irregularities in particular police teams or individuals. One panel has instigated the

production of detailed statistics with the potential to do this. It is not suggested that the panel should be part of a disciplinary process but that the work that the panel does could be used to assist the police in their internal performance monitoring.

At one panel observed it was suggested that an officer concerned in one case might be asked to attend the next panel to explain his actions in person. While it is not clear whether this has happened a police officer of another panel welcomed the suggestion that this might be appropriate in some cases. He said:

“if we do bring the officer in to explain under some section *you’ve signed this and* say explain to the Panel what you mean by this, that could have a massive impact on *officers.*”

However care would be required in applying this as a general rule as the panel should not become a witch hunt. One panel member emphasised that he did not see the panel as “*a disciplinary arm of the police force through picking up mistakes by police officers*” but that the panel could raise training and education issues. A police officer said “*we find failings and that’s what we address, and we can, obviously, adopt the points that we’ve learnt.*”

### **6.3.2 Improving police handling of race and diversity issues**

76% of survey respondents thought the panels could help to improve police investigation and supervision in relation to race and diversity issues. A police officer said, “I think it will make officers more aware of race and diversity issues” and a panel member agreed saying:

“*it raises awareness that they are being monitored, and obviously a group that’s being monitored by an independent group are probably going to be more careful in how they operate*”.

### 6.3.3 Addressing issues of disproportionality in police duties, and specifically in Stop and Search

66% of survey respondents thought the panels could address issues of disproportionality in stop and search. Several panel members volunteered that in fact they had seen no evidence of disproportionality, that the issue was one of perceptions only and pointed to reasons for variations in the numbers of people of different ethnicities stopped. Comments included:

*“It gives us knowledge that they are not, in actual fact, people are treated, you know, equally.”*

*“And then you’ve got to look at the other factors, now if you’ve just had Huddersfield carnival where it’s predominantly I mean everybody attends but there’s a larger you know Caribbean community in attendance ... the stop and searches will be higher so you need the other factors involved you can’t just draw that conclusion.”*

However some panel members felt that the panel could not address the issue of disproportionality by reviewing a limited number of stop and search forms. A comment was:

*“If the aim of the process is to look at disproportionality in respect of communities that are being stopped and stop-searched, I don’t see that (the panel is) actually achieving anything. “*

Another said that his panel could not achieve this because stop and search statistics were not presented at panel meetings. The presentation of statistics alone will not address perceptions of disproportionality but statistics with explanations from the police of the reasons for anomalies may help to do so.

## 6.4 Impact in relation to stated objectives - community engagement and confidence

### 6.4.1 Improving the transparency of the Stop and Search process

86% of respondents to the survey and most of those interviewed thought that the panels could be effective in improving the transparency of the Stop and Search process. Most thought that the panels provided some transparency for those present and that the police were trying to be open saying, for example, *“Police is open I have no doubt about that.”* However, many pointed out that, because the numbers involved were small and the community in general was not aware, this achieved little. Comments included:

*“if you are not having the attendance there, you can’t be transparent. If you asked any of his friends in the community, if you stopped them and said do you know what this “Stop and Search” they would have no idea and it’s the local shops, local businesses they need to know about this as well.”*

*“I would say the question is that whilst they are improving the transparency, how they are making the community aware of it. So I mean its ok within the scrutiny panel knowing that the transparency is there but for the community to be aware of is very important.”*

*“I suppose it is for those people that go to the panel, again it’s about communication of that as well, but for those that are there at the panel it is obvious it is transparent and that there is scrutiny but for the general public, I am pretty sure they will not know that those panels actually happen.”*

One panel member thought that there could be greater transparency by provision of more information around the stop and search than the forms alone or even,

*“We need to spend a day in a squad car and see where they are going, not flashing blue lights but looking at how they deal with people.”*

#### **6.4.2 Raising public confidence in the police, particularly among minority ethnic communities**

80% of respondents thought that the panels could be effective in raising public confidence in the police and 86% in raising that of minority ethnic communities but only around half of those interviewed thought that the panels at present did this except in a small way. Again the problem perceived was that few of the general public participate in the panels and there is little publicity about its activities. Comments included:

*“I feel there is more need for the community members, BME community, public to join in.”*

*“I suppose it could do but as it stands at the moment, I would say no because you have not got enough community.”*

*“we could do it more I think, to improve that, you know, and you sit back and think, well, we could do more, we could put regular articles in the newspaper to brief people what we’re doing and we could share the information with more people and sell ourselves that bit better.”*

#### **6.4.3 Providing a mechanism for the community to influence policing**

One aim of the panel was to engage communities in the scrutiny process and act on their recommendations. Only 54% of respondents and a similar proportion of those interviewed thought that the panels could provide a mechanism for the community to influence policing. As with the issue of raising confidence, panel members felt that there was limited potential unless there was more publicity about the panels and a wider involvement of the community. Comments included:

*“There is not enough of the community involved because there is no feedback into the community. What they could do, the cheapest thing to do is, results of the cases investigated how many in total, how many stop and searches, how many*

ethnic minority if these are posted in the community centres and places of worship and then if they ask at the same time who are their representatives of their community then they could approach and through that process have some *feedback.*”

*“Limited members of the public, only those that know the panel. I don’t think that at this moment in time it’s a tool for anybody else to influence the policing.”*

## 7. Good Practice

The panel implementation has varied considerably across the police divisions and it is clear from the generally favourable views of the panel members that there is value in the different approaches. No one model can be shown to have clear superiority and the evaluators do not suggest that there is one recipe for “success”. However a measure of uniformity across the Force may be a good idea and identified good practice may be helpful to all divisions in improving their panels. In addition some panels have developed ways of solving particular problems and others may learn from their experience rather than repeated “reinventing the wheel”.

Some of the good practice identified includes:

- **Size**

Panels need to be big enough to represent the variety of agencies and the communities in the area. There is no specific ideal size but less than 12 is probably too few, given that not all members will be able to attend all meetings. Very large panels will present problems in conduct of meetings and ensuring that all members have the opportunity to contribute. The practice of having a very large pool of panel members in order to ensure that a quorum is attained is not necessarily helpful as it may result in a lack of continuity between panels. It may be better to ensure better attendance by encouraging panel members’ full engagement in the proceedings and confidence that their input is valued. It may be helpful to set a quorum of half the non police members in order to ensure that scrutiny is valid.

- **Mix of representatives**

It is important that panels are representative of the communities that they aim to serve. While representatives of agencies such as hate crime organisations and victim support provide useful expertise in the issues that the panel considers, if the aims of the panels in allowing the community to influence the police and raise public confidence are to be achieved it is important

that there is also wider representation from the community. This representation should take account of the ethnic diversity of the area and attempt to include not only representatives of the larger minorities but also smaller groups such as refugees and asylum seekers. It is important however that the white majority should not be forgotten in the effort to access BME groups. The panels should represent all residents, including those of lower socioeconomic groups as well as educated middle class people. Panels already involve residents through neighbourhood watch, contacts with victims of crime and community contacts of police hate crime coordinators, neighbourhood policing teams and PCSOs. Panel members suggested that panels could be widened by approaches through tenants and faith groups. Young people might be accessed through developing links with schools, colleges and universities. Some panels have widened their scope by encouraging members to bring along others. One of those interviewed said it was important in attracting new members to make clear that expert knowledge was not required and the extent of the commitment needed. However considerable and sustained effort may be required to achieve regular attendance from some members. One police officer commented that with some minority communities it was necessary to issue personal invitations for each meeting to individuals in order that they will attend.

## ▪ **Training**

In order to ensure that panel members can provide effective scrutiny and to maintain their interest, panel members need to be informed of the purpose of the panel, the issues involved in stop and search, the relevant legislation concerning police powers and grounds for search and the police codes and abbreviations. While some existing panel members have had long experience of these matters, those new to the police environment need training. It is suggested that an initial training for new members could be quite short, perhaps half a day, but with a training pack to act as a continuing reference. Pudsey and Weetwood have already developed a basic pack and it is understood that the three Bradford divisions are in the process of so doing. It is suggested that a force wide basic pack would reduce the need to “reinvent the wheel”. The basic pack could be added to and adapted to suit the circumstances of individual panels. For example one panel member suggested that those for whom English is not their first language might benefit from translation of the Stop and Search form into other languages. While this is not

practical for the form as employed in police work, a translation in the information pack might be of value.

- **Frequency, timing and location of meetings**

Monthly meetings provide an interval for scrutiny which does not overburden the panel in time commitment but allows review of an acceptable proportion of forms. There is no “right” time or location for meetings but panels need to be aware that time and location can discourage or encourage particular sectors of the population or agencies from participation. For example it has been found that certain agencies such as the CPS prefer to attend during normal office hours. On the other hand, community members participating as private individuals who are employed can often only attend outside normal working hours. Young women with children are constrained by responsibilities to children and may be available only in school hours. Those with pre school children however may prefer evenings when partners are available for baby sitting duties.

Similarly with location, in geographically large divisions or those with more than one centre, residents may be reluctant to attend in one location rather than another because of the cost or time of travel or of local allegiances. Some panels have resolved the problem with alternating meetings at different locations. Meetings in the police station are convenient for the police and may be central for most members. However there may be others such as young men of varied ethnicities, those with a history of offending and Asian women who are reluctant to enter a police station. Some panels have conducted meetings on more neutral ground such as that of community or race hate organisations. However panel members have suggested that going further into the community on ground familiar to residents and seen to be unthreatening might be of still greater advantage. Suggestions have included one stop shops, schools or community centres.

- **Level of police representation**

The panel guidance suggests that an inspector should be present at panel meetings and this is felt to be essential to ensure that issues arising from the panel can effectively be

taken forward. While less senior officers have proved competent and hard working, leaving the panel only to a sergeant or PC may be interpreted as indicating that the panel is of limited importance. Some panels have benefited from being actively driven by a chief inspector and this has resulted in the message going out within the police force and to the panel members that the panel and its views are valued and that action will be taken on its findings.

- **The chair**

It is important that the chair of the panel is experienced in leading meetings and informed on the issues which are the subject of the panel in order that the scrutiny can be conducted effectively to consider the business in a timely and critical way. The appointment of lay members as chair and vice-chair in one panel has been valued in showing that the panel is independent of the police. However, a lay chair does not necessarily add to the independence of the panel unless that chair is informed and has the necessary skills. Other meetings which are chaired by police officers have been regarded as open and transparent and some panel members have suggested that it does not matter whether the chair is a police officer or lay person so long as all members have the opportunity to make queries and give their views.

- **Formal agenda**

The provision of a formal agenda can assist the chair in ensuring that all necessary business is discussed and that items such as feedback on previous outstanding matters are not omitted. It can also assist in keeping the meetings to time, and perhaps prevent overlong meetings which could discourage some members from attending.

- **Selection of stop and search forms**

It is important that the stop and search forms are selected by panel members in order to ensure complete transparency and prevent possible accusations of bias in the scrutiny. It is accepted that there may be difficulties in making the selection at the meeting because of problems in carrying the forms to meetings held other than at a central police station

but panels could consider inviting panel members in turn to attend the police station to make a selection for the next meeting.

- **Style of presentation of forms**

The presentation of the forms as a photocopied form anonymised by felt tip pen through the name and address data appears to work well. The small chance that a panel member might recognise an individual from other details of the form is not sufficient to outweigh the advantage in transparency given by allowing the members to actually read the form for themselves. The photocopying itself is important to the effective operation of the panel.

The scrutiny by all panel members of the selected stop and search forms is desirable in order that the panel as a whole can agree on issues arising and to enable new panel members to learn from their colleagues. Quantity of forms does not necessarily make for effective scrutiny but rather thorough consideration of those forms examined.

Some police officers have suggested that inclusion of background information with the scrutiny form would not provide sufficient added information to justify the effort in its collection because of the likely limitations of pocket book entries in respect of stop and search. However in view of the criticism that there is little to scrutinise in stop and search this should perhaps be considered.

- **Presentation of statistics**

Statistics at the divisional level about the ethnic breakdown of stop and search and trends over time are valued wherever and however they are presented. Panel members have however sometimes found the statistics difficult to comprehend. Good practice suggests that it is important for a knowledgeable police officer to explain the trends and any anomalies rather than just providing a set of graphs or tables. Panel members also suggested that they would prefer the information on paper and if possible in advance of

the meeting (perhaps accompanying the agenda) in order that they could digest the material and prepare queries.

- **Recording of meetings**

It is vital that panel meetings are recorded. In terms of monitoring information breakdowns of attendance by age, ethnicity and agency are only worth doing if they are consistently and accurately completed. The more important record, however, is of the issues which the panel identifies. The monitoring form makes provision for these to be briefly entered but panels vary in the detail with which the entries are made. It is important to record sufficient detail for panel members to be able to recognise their concerns, and to allow the police to resolve the issues. It is also important that the panel members receive the record so that it is clear what action the police are intending to take.

- **Feedback of outstanding matters**

It is important not only to take action on issues raised by the panel but to show clearly to the panel members that such action has been taken. This means that meetings should routinely report on progress regarding outstanding matters from previous meetings and that these outstanding issues should remain on the agenda until the panel members are satisfied. Including feedback as an agenda item can help to ensure that this happens.

- **Reporting to the community**

It is important that panel members are clear about the extent to which the proceedings of the panel may be disseminated and the extent to which they are confidential, something about which there appears to be currently some confusion. The aims of the panel in promoting public confidence and improving the knowledge in the community about stop and search can only be achieved if the community is aware of the panel. Panel members should be encouraged to promulgate information about the existence, aims and general findings of the panel. They need however to be aware that they should not discuss individual cases.

Although panel members should be encouraged to spread the word about the panel, this should not be left to panel members because of their limited constituencies and their lack of resources. There is also a role for the police in a need for a greater publicity about the panel. One senior police officer suggested this should be driven by HQ Community Safety although some panels have tried to tackle this individually. For example one has advertised on an Asian community website. Panel members interviewed suggested varied ways of promoting greater awareness and its aims and ultimately, the potential for a wider membership. These included

- Articles in the local press
- Information in local authority and other free newsletters
- Posters and leaflets
- Notices and invitations in community centres and places of worship
- Adverts on buses
- Notices in doctor's surgeries
- Emails to organisations including tenants organisations, action groups and trade unions
- Police open days
- Contacts with elected representatives
- Publicity through local council area committees and forums
- Leaflets to victims of crime
- Presentations in schools
- Presentations at mosques

One divisional commander referred to a force local newspaper with divisional sections which has recently been created and could be used as a vehicle for publicity about the panels.

## 8. Performance measures

The measurement of police performance using specific performance measuring instruments or by identifying targets has been a key part of British policing since the 1980s at least. The Policing Performance Assessment Framework (PPAF) is the official instrument currently being used to assess 'policing' as a whole and to measure the types of relationship that should exist between the police, communities and other agencies in bringing about effective and efficient policing. The performance of each police force in England and Wales is assessed in seven key areas:

- Reducing Crime
- Investigating Crime
- Promoting Safety
- Providing Assistance
- Citizen Focus
- Resource Use
- Local Policing

Stop and search as a police activity could be assessed under any or all the seven categories listed above. However, for the purpose of this report, it is the citizen focus assessment that is most relevant. The police are expected to meet citizen-focused standards.

Citizen-focused policing means making sure that police decision-making, service delivery and practice reflect the needs and expectations of individuals and local communities. According to the Home Office publication “Citizen Focus: Good Practice Guide”, the objectives of citizen-focused policing are:

*“To improve public confidence, to increase satisfaction of service users and to increase public involvement in policing” (Home Office, 2006b:3)*

In addition, the Home Office/ACPO document: A strategy for improving performance in race and diversity 2004 – 2009 added that the aims of citizen focused policing are:

“To bring about a change in the way people experience policing, both as direct users of the service and as part of the wider community. People must have confidence that they will receive basic standards of customer service, that policing in their area reflects and responds to their needs, and that they have genuine opportunities to become involved.”

The ultimate aim is to ensure that citizens feel that the police and the criminal justice system put them first.

Performance assessment of West Yorkshire Police in 2004/05 states:

*“The force has seen very significant performance gains in 2004/05, but improving Citizen Focus performance presents a challenge for the future”* (Home Office/HMIC, 2005: 56)

The latest PPAF assessment scores for West Yorkshire Police (2005/06) show a poor rating in comparative satisfaction of minority ethnic groups, although the overall rating for Citizen Focus was fair. However, the Service had a good/excellent scoring for parity of arrests arising from stop and search between ethnic groups. (Home Office/HMIC, 2006)

## **8.1. Performance management and stop and search**

Performance management refers to the process by which decisions are taken in response to current performance in order to make future performance better than it might otherwise be. Various performance assessment instruments exist for the police but the key one are: Statutory Performance Indicators (SPIs); Key Diagnostic Indicators (KDIs) and

Efficiency Targets. The data used for these processes are both qualitative and quantitative (see Home Office, 2007).

The Statutory Performance Indicator no 3 (SPI 3) deals with the assessment of fairness, equality and diversity issues. These are assessed in five categories (a – g). The only measurement mentioned in SPI 3 relating to stop and search deals with the percentage of PACE searches that lead to arrest, by ethnicity of the person searched (SPI 3c). However SPI 3a deals with satisfaction of victims of racist incidents with respect to the overall service provided and SPI 3b with comparative satisfaction of white and minority ethnic groups with respect to the overall service provided. In addition, SPI 3d deals with a comparison of sanction detection rates for violence against the person by ethnicity of the victim. The last 2 SPIs in this group (SPI3e and SPI 3g) deal with diversity issues with regards to the recruitment of people from minority ethnic backgrounds and women into the force.

Whereas public satisfaction is highlighted in the SPIs as an indicator of performance, it is interesting that it is not mentioned in relation to stop and search – an area of police work that has persistently raised controversies as to its apparent unfair and disproportionate use against minority ethnic and young people. However, it is unclear whether satisfaction with stop and search is measured using the User Satisfaction Measures listed in SPI1. Furthermore, the assessment of public confidence (SPI 2) is expected to be based on British Crime Survey (BCS) data. Thus, it is generally unclear how the fairness of stop and search is to be measured or assessed. Section 95 statistics do not come with guidelines for interpretation and use. It depends on how each police area chooses to interpret its own data.

However, public satisfaction is a key issue in the debate on confidence and ratings of the police. Public confidence in the police is important for police powers to be seen as legitimate. Public confidence derives from public satisfaction with the services they receive from their local police forces, satisfaction that police powers are being used fairly

and satisfaction that members of the public are being consulted in policing decisions that affect them (accountability).

One of the groups of drivers of satisfaction listed by the Home Office in relation to the police is ‘satisfaction with action taken by the police’. A key driver in that group is ‘being assured by what the police did’ (Home Office, 2006d). In addition, out of the 37 predictors of satisfaction identified by ACPO in 2003 (Home Office, 2006e), the majority (11 predictors) has to do with satisfaction resulting from personal interaction and a close second (six predictors) has to do with the provision of information. Most importantly, seeing and believing the police to be fair and treating people equally are key drivers of satisfaction and confidence in the police. According to the Citizen Focus: Good Practice Guide, in order to drive public confidence and satisfaction, it is essential that the police develop and work within a ‘citizen focused culture’. A citizen-focused culture exists when:

*“Every member of staff considers the impact that their actions have on the people they serve and proactively seeks ways of improving the quality of the service that they provide” (Home Office 2006b: 10)*

This evaluation raises the question of how the performance of a community engagement initiative set up to assess performance in a key area of police work (stop and search) can be measured. It is about the accountability of those entrusted with the accountability of others; that is, the police. The issues are whether the panels are an effective means of ensuring police accountability in the use of stop and search and what standards should be enforced to ensure that they meet the aims and objectives for which they have been set up and also be an effective mechanism of police accountability. Police accountability implies not only that public scrutiny of policing is effective but that police methods and procedures are seen by the policed as transparent and fair.

This report has already discussed the limited extent to which the panels can be effective in scrutinising police performance of stop and search, because the panels examine only a

limited record of the activity. However it has been seen that the panels can have an effect on the recording of stop and search and panel members have suggested that the recording is improving. This highlights the importance of assessing the performance of the panels (as some of the members have pointed out) in terms of its effectiveness as a quality check mechanism for police use of stop and search. It is clear that the panels cannot address the problem of disproportionality as stop and search decisions are based on several factors and professional judgement. The panels were not set up specifically to address the issue of racism or homophobic behaviour of police officers in the context of stop and search. However, there is some indication that the panels have the potential to affect how stop and search decisions are recorded and supervised. In this manner, they are capable of identifying training and supervision issues that could lead to improvements in the use and recording of stop and search decisions by the police (the quality of stop and search); and also contribute to review of force policy on stop and search

## **8.2 Suggested Performance Indicators**

The performance of the scrutiny panels could be measured at four levels:

1. Competence in delivering its scrutiny functions (functional)
2. How the panels work to achieve these aims and objectives (operational)
3. Effects on police performance and public perceptions and confidence in stop and search (potential impact)
4. Influence of panel activities on policy (strategic)

### **A. COMPETENCE**

#### **A.1 Community Representation**

How well the panels reflect the communities that they represent

Indicators:

- % of members from BME backgrounds or BME community representatives (including faith groups).
- % of members representing other diversity groups.

- % of members who are young persons or young adults or representatives of local youth organisations.

The reasons for these PIs are as follows:

- About 11% of the resident population in West Yorkshire is BME
- BMEs are disproportionately represented in stop and search statistics both nationally and in West Yorkshire.
- Young people are also disproportionately represented in stop and search figures in the county
- It is important that the composition of the panels reflect the demographic composition of the communities/residents that they represent

The following percentages are suggested as a guide for composition of each panel. It should be noted however that categories are not mutually exclusive as those of BME backgrounds, for example, may be local residents, young people or representatives of partner agencies.

25% - Members from BME backgrounds and BME community groups or organisations (including faith groups)

10% - Representatives of other diversity groups

20% - Local residents representing the socioeconomic composition of the area

15% - Young people or their representatives

15% - Representatives of partner (e.g. Criminal Justice, Victim Support, Education) agencies

15% - Police representatives (including at least one at the rank of Inspector)

Using the above percentages, a panel consisting of 20 members will include: 5 members from BME backgrounds and groups (including faith groups); 2 representatives of other diversities; 4 other local residents; 3 young people or their representatives; 3 representatives of partner agencies and 3 police officers.

Whilst the approach taken to membership of some panels appears to be ‘open door’, it is clear that some members do attend regularly. It would be beneficial to the work of the panels if efforts can be made to secure the regular attendance of at least one member from each of the non-police panel groupings listed above.

## **A. 2 Panel Members’ Knowledge of Procedure and Issues**

The importance of the training of panel members has been highlighted in the report. There should be some evidence that members have undergone some induction or training or that detailed information packs are provided. For those members who are transient, whose attendance is one off, a shorter bullet point summary could be provided.

Indicator:

- % of panel members trained or given information packs.

## **B. OPERATIONS**

### **B.1. Attendance**

Whether attendance has increased/decreased or stayed the same compared with preceding year.

Indicator:

- % increase/decrease compared with preceding year, or no increase/decrease.

### **B.2 Quality of scrutiny**

Indicators:

- % of panel members who said that the quality of the documentation presented by the police is adequate to ensure effective scrutiny.
- % of panel members who said that the dynamics within the group enables effective scrutiny to take place.
- % of panel members who said that the conduct of the meetings enables effective scrutiny to take place.
- % of panel members who said that the recommendations of the panels and actions taken at meetings are being followed through by the police.

- % of panel members who said that they received feedback from the police on recommendations or action points regarding particular cases.
- % of panel members who are satisfied with the way that cases are selected for scrutiny.
- % of panel members who said that the way that cases and materials are presented allows effective scrutiny to take place.
- % of panel members who said that the operation of the panels is open and transparent.

## **C. IMPACT**

### **C.1 Public Awareness**

Indicators:

- % of community members/residents who said that they are aware of the existence of their local panels.
- % of young people who said that they are aware of the existence of the panels and what they do.
- % of BME community members/ residents who said that they are aware of the existent of the panels and what they do.
- % of community members/local residents who said that they are aware of the existence of the panels and what they do.
- % of community members/local residents who said that their knowledge of stop and search has improved.

### **C. 2. Police Performance**

As stated in the Stop and Search Manual, it is expected that properly trained officers take responsibility for their own behaviour. In addition, their first-line managers and more senior managers are responsible for ensuring that officers are fully and properly briefed, using the best available intelligence, before they go on to the street. Furthermore, “managers at every level must follow up complaints and any irregularities that show up in the reporting data. Managers must also ensure that their teams know they will treat seriously all instances of discrimination” (Home Office, 2005: 5). The work of the panels

should contribute towards improvements in the supervision of front line police officers and their use of stop and search on the streets.

### **First Line Supervisors**

Indicators:

- Total numbers of anomalies in stop and search forms identified by the panels.
- Number of cases indicating improper examination of stop and search forms by first line supervisors identified by the panels.
- Numbers of first line supervisors warned or disciplined for improper examination of stop and search forms.
- Numbers of first line supervisors warned or disciplined for ineffective monitoring of officers within their command for inappropriate behaviour as identified by the panel.

### **Front line officers (Constables)**

Indicators:

- % of front line police officers who said that they are aware of the existence of the panel and what it does.
- Numbers of front line officers identified by the panels for inadequate use or recording of stop and search forms.
- Number of front line offices warned or disciplined for inadequate use of recording of stop and search forms as a result of queries raised by the panels.
- % of front line officers whose cases were reviewed and who said that the review has had a positive impact on their use of stop and search.

## **C. 3. Community Engagement and Confidence**

This relates to performance in terms of the nature and quality of feedback by panel members to the communities.

Indicators:

- % of community members/residents who said that they have learnt more about police use of stop and search powers from information that they have received from panel members or people who have attended the panel meetings.

- % of local residents who said that the scrutiny panels are an effective means of community consultation and engagement.
- % of community members/local residents who said that they have changed their perception that police use of stop and search is fair or unfair, as a result of information received from panel members.
- % of local residents who said that the scrutiny process is transparent and effective.
- % of community members/local residents who said that they feel more confident about police use of stop and search as a result of information received from panel members.

## **D. STRATEGIC**

With regards to the effects on police performance, it is essential that the performance indicators for the panels have some relevance for the accountability of all those responsible for stop and search; including the Police Authority (WYPA), Chief Constables, BCU Commanders, first line supervisors and police constables on front-line line duties (Home Office, 2005), and some impact on stop and search policy

### **D. 1 Influence on policy on stop and search**

#### **(a) The Police Authority:**

As mentioned above (Section 3) each police authority has a duty to ensure that its communities have trust and confidence in their police force. In relation to stop and search this includes fulfilling requirements as set out in Recommendations 62 and 63 of the Stephen Lawrence Inquiry Report and under the Race Relations (Amendment) Act, 2000. These legal provisions require that police authorities should demonstrate that forces are held to account for their use of stop and stop/search. In addition, the Stop and Search Action Team (SSAT) recommended that Local Police Authorities should ensure that:

*“Communities are consulted on the police use of the power and receive feedback on the results of the consultation” (Home Office, 2005: 10)*

West Yorkshire Police Authority currently implements a Public Perception Survey in each policing division across West Yorkshire, testing public satisfaction with policing in local communities on a continuous basis (WYPA 2007). It is suggested that questions could be included in this survey to assess whether the public are aware of the existence of the panels and whether the panels have had any impact on public understanding of stop and search or on public perceptions of equitability and fairness in stop and search.

Indicators:

- % of community members/local residents who said that the scrutiny panels are an effective mechanism for holding the police to account for inappropriate or discriminatory use of stop and search.
- % of community members/residents who said that they are more confident that police use of stop and search is fair, as a result of information received from the panels.
- % of community members/local residents who said that the setting up of the scrutiny panels shows a commitment by the police to accountability and transparency in stop and search.

#### **(b) Police Command Levels**

These indicators relate to the contribution of the panels to the development of force policy on stop and search that is usually communicated to all force officers and citizen staff, and the public.

Chief Constable:

Indicator:

- Whether or not information received from the panels or the work of the panels has contributed to the annual review of force policy on the use of stop and search.

BCU Commanders

- Number of cases identified by the panels indicating disproportionate use of powers by particular officers or groups of officers.

- Number of cases followed up at BCU level to address discrimination or other inappropriate behaviour by particular officers or groups of officers identified by the panels.

#### Force Training

- Whether or not issues identified by the panels have been embedded in stop and search training undertaken by staff.
- Whether or not issues identified by the panels have been used in the evaluation of the effectiveness of stop and search training

### **8.3. Summary of key areas**

The performance indicators listed above cover the following key areas of assessment:

- The capability of the panel to carry out its scrutiny functions.
- The operation of the panels: Do the panels provide effective scrutiny?
- Impact: The ability of the panels to achieve the stated aims and objectives.
- Public awareness and confidence in the panel as an effective scrutiny process.
- Public view of the panels as effective community engagement.
- Impact on public confidence in the police generally and stop and search specifically.
- Impact on police supervision of stop and search.
- Impact on front line police officers in the use of stop and search.
- Use made of panel queries to inform police training in use of stop and search.
- Use made of panel queries to inform force policy on use of stop and search.

## 9. Conclusions and recommendation

The West Yorkshire Police Scrutiny Panels have been operating now for two years in their present form although some panels predate this by some considerable time. It is apparent that all divisions have made substantial efforts to implement the panels, that many senior police officers have accorded the panels a priority in their attention and that officers at lower levels have devoted large amounts of time, enthusiasm and energy to running the panels.

The aims and objectives of the panel cover two principal areas:

- effective scrutiny of police conduct of stop and search for its compliance with the law, sensitivity of handling of those stopped and accurate recording
- and
- effective engagement of the community in the scrutiny process in order that the diverse views of the varied West Yorkshire communities may contribute to improvement of police conduct of stop and search and in order that public confidence in the police may be raised through greater knowledge of police procedures and experience of the reality of stop and search.

It has been seen that the scrutiny exercised by the panels has some limited potential to impact the first of these areas. There is evidence of impact on standards of recording in improvements in the completeness and appropriateness of the entries on the forms. From observation at panel meetings it is apparent that the panel can pick up on the appropriateness of the grounds for stop search recorded but generally where the record has appeared inappropriate, further investigation of particular stop searches has showed the problem to be one of recording rather than of actual police conduct. The fact that the scrutinised form is not accompanied by background material means that the panel has no scope to assess whether the form records accurately what took place. Moreover even if

such material as pocket book entries and officer accounts were included, the perspective would be only that of the police. There is no current procedure for obtaining satisfaction statements from stop search subjects. Nevertheless, the knowledge that forms can be spot checked by the panel and the officer called to explain his actions may be an incentive to officers to conduct their stop searches in compliance with the law and police procedures and to supervisors to ensure that their teams are fully conversant with the issues involved.

Similarly it is evident that the panels through their involvement not only of relevant agencies such as hate crime organisations, victim support, housing and faith groups but also of individual members of the community have achieved some engagement of that community with the police. Since this process is in each division, around 100 individuals across West Yorkshire have contact with the police on a regular basis and the opportunity to learn about police procedure and the reality of stop and search. They are also able to provide a different viewpoint on stop and search and thus to contribute to police awareness of the sensitivities involved. This means that, in spite of their limitations, the scrutiny panels can be regarded having some potential for improving public confidence in the police. However this potential is at present limited because of:

- irregular attendances because of incomplete engagement
- gaps in representation
- differing extent of feedback of panel members to their constituencies
- lack of publicity about the panels aims and findings

The scrutiny panels must therefore be regarded as only part of police strategy on community engagement and confidence building contributing in the wider arena of partnership working to address issues involved in diversity.

Since divisions have been encouraged to implement the basic guidance in ways tailored to their own circumstances, there is a wide variety in detail of implementation. While the evaluators would not suggest that there is one recipe for panel implementation that should be rolled out force wide, there are certainly learning points for some panels which the

section on good practice has tried to indicate. The following are some recommendations, for divisions, for panel members, for West Yorkshire Police centrally and for West Yorkshire Police Authority:

### **For Police Divisions**

- Divisions should develop protocols defining the terms of reference and operating procedures of the panels as implemented locally. These would supplement the force wide guidance (Hanks 2005) for police use and be available to lay panel members to provide clarity about their role and procedures.
- Divisions should aim to achieve a panel membership of at least 12 and set a quorum for attendance of at least half the non-police members.
- Divisions should continue to try to achieve representation across the diversity of the communities they serve, not only in terms of race but in age, gender and socio-economic status.
- Divisions should provide a modest training to panel members in order to enable informed scrutiny and to maintain members interest. Written manuals or training packs may serve as reminders to members.
- All divisions should consider varying times and locations of meetings in order to access as wide as possible a range of participation.
- Police representation in panels should be at at least inspector level at all meetings and there are perceived benefits from chief inspector involvement.
- Divisions should observe some formality in conduct of meetings in order that all necessary business is conducted. An agenda may be a helpful tool.
- Divisions should ensure that stop and search forms for scrutiny are selected by panel members. This can be by requesting panel members to select forms at DIU if there are problems in carrying forms to panel meetings.
- Divisions should ensure that panel members are able to personally examine stop and search forms.
- Divisions should present statistics on local performance on stop and search but it is important for panel members to benefit that police officers explain anomalies.

Provision of paper summaries for leasured examination outside of meeting may be helpful.

- Divisions should ensure that issues raised by the panel are not only pursued with officers concerned but that reports on decisions taken are made to later meetings.
- Divisions should ensure that panel members understand the need to publicise the panel's existence, aims and general findings while continuing to emphasise the confidentiality of individual cases.
- Divisions should conduct local publicity initiatives within more general force-wide campaigns.

### **For panel members**

- Panel members should make efforts to inform their local communities and agencies that they represent of the existence and findings of the panels, while respecting the confidentiality of individual cases.
- Panel members should feed back to their panels the results of their activities in community engagement.

### **For West Yorkshire Police Force**

- West Yorkshire Police should consider devising a training programme and pack centrally which can be used across the force with local amendments and additions.
- West Yorkshire Police should collect monitoring information in order to assess the impact of the panels on police performance of stop and search, public knowledge of stop and search, public perceptions of disproportionality and public confidence in the police.

### **For West Yorkshire Police Authority**

- West Yorkshire Police Authority should consider a widespread publicity campaign regarding the panels' existence, aims and general findings.
- West Yorkshire Police Authority should publish reports on the achievements, performance and best practice of the panels.

- West Yorkshire Police Authority should conduct research to assess the performance of the panels.

## 10. Bibliography

- Adamson, S. and Cole, B. (2006) Evaluation of the West Yorkshire Crown Prosecution Service Scrutiny Panel Final Report. Hull: Centre for Criminology and Criminal Justice
- Bowling, B & Phillips, C. (2002) Racism, Crime and Justice, London: Longman,
- Centre for Public Scrutiny (2005a) On the radar: developing the relationship between local authority overview and scrutiny committees and the voluntary and community sector London: CfPS.
- Centre for Public Scrutiny (2005b) Citizens Scrutiny and Public Governance. A Report from the Centre for Public Scrutiny's Third Annual Conference Summer 2005 London: CfPS.
- Hanks, Insp M. (2005) Scrutiny Panels in West Yorkshire Operating Summary
- HMIC (2004) Baseline Assessment (revised) of West Yorkshire Police
- Home Office (2004) A strategy for improving performance in race and diversity 2004 – 2009. The Police Race and Diversity Learning and Development programme London: Home Office
- Home Office (2005) Stop and Search Manual London: Home Office
- Home Office (2006a) Stop and Search Explained: How police powers work in the community London: Home Office
- Home Office (2006b) Citizen Focus: Good Practice Guide London: Home Office
- Home Office (2006c) 2006/07 SPI Good practice Guide . Police and Crime Standards Directorate. London: Home Office
- Home Office (2006d) Satisfaction Drivers London: Home Office
- Home Office (2006e) Predictors of Satisfaction London: Home Office
- Home Office (2007) Guidance on Statutory Performance Indicators for Policing 2007/08 London: Home Office
- Home Office/HMIC (2005) Police performance assessments 2004/05 London: Home Office
- Home Office/HMIC (2006) Police performance assessments 2005/06 London: Home Office
- Home Office (2007) Guidance on Statutory Performance Indicators for Policing 2007/08 Version 1. Police and Crime Standards Directorate. London: Home Office

Lea, J., & Young, J. (1993) *What Is To Be Done About Law And Order?* London: Pluto Press.

Macpherson, W. (1999) *The Stephen Lawrence Inquiry: report of an inquiry by Sir William Macpherson*, London: HMSO.

Metropolitan Police Authority (2002) *Scrutiny Report: Rape Investigation and Victim Care*. London: MPA

Metropolitan Police Authority (2004a) *Gun Crime Scrutiny. Final Report* London: MPA

Metropolitan Police Authority (2004b) *Report of the MPA Scrutiny on MPS Stop and Search Practice* London: MPA

Millar, J. Bland, N. and Quinton, O. (2000a) *The Impact of Stop and Search on Crime and the Community Police research Series Paper 127*. London: Home Office

Millar, J. Bland, N. and Quinton, O. (2000b) *Upping the PACE? An Evaluation of the Recommendations of the Stephen Lawrence Inquiry on Stop and Search Police Research Series Paper 128*. London: Home Office

Pawson, R. & Tilley, N. (1997) *Realistic Evaluation*. London: Sage

Quinton, P. Bland, N. and Millar, J. (2000) *Police Stops, Decision Making and Practice Police Research Papers No 130*. London: Home Office

Raynsford, Nick (2003) *Speech delivered at the annual conference of the Centre for Public Scrutiny*, 17 June.

Snape, S & Taylor, F. (2001) *A hard nut to crack? Making overview and scrutiny work* London: LGA Publications.

Snape, S., Leach, S, & Copus, C. September (2002) *The Development of Overview and Scrutiny in Local Government*. London: ODPM

West Yorkshire Police Authority (WYPA)(2006a) *Analysis of Stop and Search Consultation. Final Report 12 September 2005 to 18 July 2006*  
<http://www.wypa.org/files/docs/report-final-stops-consultation-201006.pdf>

WYPA (2006b) *West Yorkshire Police Authority Equality Scheme 2007 to 2010*  
[www.wypa.org](http://www.wypa.org)

WYPA (2007) *West Yorkshire Police Authority Report 2006/07*