

# POLICE & CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE & CRIME PANEL

PAPER MARKED

Report of	<b>POLICE &amp; CRIME COMMISSIONER</b>
Date	<b>16<sup>th</sup> September, 2015</b>
Subject	<b>Best Use of Stop &amp; Search Scheme</b>
Author	<b>ACC Kay</b>

## **Purpose of Report**

1. To provide the Police & Crime Panel with information relation to the use of stop and search powers and the participation in the national Best Use of Stop & Search scheme by Leicestershire Police.
2. Whilst the use of stop and search is used operationally by the Police, the oversight and governance of the use of this tactic is undertaken by the Police and Crime Commissioner (PCC).

## **Recommendation**

3. The Panel is asked to note the contents of this report.

## **Background**

4. In March 2010 the Equality and Human Rights Commission (EHRC) published a national report 'Stop and Think' on the impact of stop and search in different communities. In particular it highlighted the disproportionate numbers of stop and searches experienced by the Black and Asian communities when compared with those experienced by the White communities.
5. As a result, Leicestershire Police along with Thames Valley Police were under a Section 32 agreement with the EHRC for a couple of years. This effectively meant that the EHRC closely scrutinised the force in their use of stop and search powers, regularly monitoring and scrutinising all activity in this area. This led to the introduction of major changes in its approach.
6. The force, during this time commissioned De Montfort University (DMU) to carry out research in this area. DMU researchers inspected some 13,000 stop and search records dating from 2011 to 2013. It found that over those two years the number of stop searches reduced significantly for all ethnic groups.
7. The research also found a reduction in the disproportionality rates when comparing the use of stop and search between the Black/White and Asian/White

communities. Nevertheless disproportionality was still a feature of its use between different ethnic groups. As a result the research findings made recommendations about more effective supervision and better recording of the grounds for exercising the powers.

8. 2013 saw an all force inspection by HMIC which highlighted a number of issues, including figures that revealed doubts about the legality of 27% of all searches. HMIC made ten recommendations, followed by a re-inspection in March 2015. HMIC will review the force's response during the next visit to the force in late September, 2015.
9. In early 2014 the Home Secretary introduced prescriptive changes to the police service's use of stop and search powers with the introduction of a national Best Use of Stop and Search Scheme. Leicestershire Police was one of the early adopters of the scheme, implementing some elements in June 2014. The scheme is designed to make the use of stop and search powers more transparent, involve the community in monitoring of its use, focus encounters on intelligence led searches and expanding the ways in which outcomes from searches are measured.
10. The scheme also saw changes to the authorisation levels for the use of Section 60 search powers elevated to Assistant Chief Constable level. (Section 60 is a power designed to provide an exceptional response to anticipated violence. It allows for police to be authorised to search any person or vehicle for weapons in an area where serious violence is reasonably anticipated).
11. Early 2015 saw amendments to Part A of the PACE Codes of Practice which added clarity as to what constitutes reasonable suspicion in connection with the use of stop and search powers and outlines disciplinary action against individuals failing to comply with the codes.
12. Leicestershire Police has adopted a number of other work-streams designed to increase transparency and accountability. These include the mapping of stop and search on the Police.UK website to enable members of the public to view encounters in their locality.

### **Information**

13. The Force have seen a huge reduction in the use of stop and search, from **28,000** in 2011 to a current annual position of approximately **2919** in May 2015. This effectively means that the use of stop and search has dramatically reduced from an average of **75** stop and searches every day in 2011 to approximately **8/9** stop and searches every day in May 2015. Whilst the disproportionality rates of the use of stop and search powers have also reduced from Black/White rates of 8:1 and Asian/White rates of 4:1 in 2011 to the current rates of Black/White 3.7:1 to Asian/White 1.4:1 in July 2015. Nevertheless these rates still cause concern amongst different communities.
14. One element of the Best Use of Stop and Search Scheme still to be introduced is the introduction of a Lay Observer Scheme. The current position is that a policy and accompanying guidance have been produced and are currently out for community consultation with Independent Advisory groups and other interested stakeholders, prior to implementation. Neighbourhood Policing Inspectors have identified key individuals from local communities who may wish to participate. An induction and training programme has been designed for the observers and is

also currently out for community consultation. The consultation concludes at the end of September with an implementation in late 2015.

15. Another key element of the scheme is the use of community triggers, whether they be through official complaints made against police or through other channels, such as the Rate Your Local Police website (which now has a specific drop down box relating to stop and search ratings). It should be noted that the Force on average receives only 1 or 2 formal complaints on stop and search encounters every year, hence the closer scrutiny of other avenues whereby complaints or concern in the police use of stop and search powers can be identified.
16. The force has also supported the development of the National Learning Standards by the College of Policing. The learning standards are fully mapped to Authorised Professional Practice (APP), as well as to relevant National Occupational Standards contained within the Policing Professional Framework

### **Oversight & Governance**

17. Current scrutiny on the use of stop and search powers is undertaken by ACC Kay through the Strategic Community and Confidence Board which he chairs. Performance information is also published on the management information gateway. The Force are in the process of setting up an internal Stop and Search scrutiny panel chaired by a Chief Inspector, to increase the oversight and governance in this area of policing activity. The panel will initially meet monthly and randomly scrutinise stop searches conducted during the previous month. Areas of good practice will be identified and also areas where improvements and changes need to be made. These will then be referred to the Getting it Right First time meeting to embed future best practice.
18. The Force are also working with Leicester Race Equality Centre (TREC) to reinvigorate the external Stop and Search Reference Group (SSRG), this will provide external community scrutiny of the use of stop and search powers. It has been over 10 months since the group last met due to dwindling numbers and technical issues with the administration of the group. With TREC agreeing to be the focal point for the re-establishment of the group, a media and social media campaign has been undertaken to attract new members.
19. As the roll out of Body Worn Video continues, officers will use them when conducting stop and searches. Work is also underway to explore how the footage can be independently viewed whilst complying with data protection and privacy requirements. This work includes the Police and Crime Commissioner's Youth Commission to be part of the scrutiny programme.

### **Summary**

20. In summary, the force has embraced all of the recommendations of the Best Use of Stop & Search scheme. It continues to work closely with the Home Office, College of Policing, Universities, other forces and our external community groups to ensure that the stop & search powers are used to protect the people of Leicester, Leicestershire & Rutland in a way that reassures our communities.

## **Implications**

Financial: None

Legal: None

Equality Impact Assessment: The Equality Unit have written previous equality impact assessments on this area of work. As the Best Use of Stop and Search scheme progresses this will be revisited to highlight any new areas of good practice or potential risks identified by monitoring and consultation.

Risks and Impact: Use of Police Stop & Search Powers has the potential to undermine confidence in the Police Service.

Police & Crime Plan: Police use of stop & search links to the PCC's objectives as set out in the Police and Crime Plan.

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