

**POLICE & CRIME
COMMISSIONER FOR
LEICESTERSHIRE
POLICE & CRIME PANEL**

PAPER MARKED

Report of	POLICE & CRIME COMMISSIONER
Date	WEDNESDAY 17th DECEMBER 2014
Subject	BEST USE OF STOP AND SEARCH SCHEME
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Purpose of Report

1. To provide the Police & Crime Panel with information relating to the reform of stop & search powers co-ordinated by the Home Office and the participation of the 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 PCC.
3. This report updates the Panel on how the scheme is used operationally by the force in these initial months and how the PCC has and will be providing oversight and scrutiny

Recommendation

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

Background

5. In April this year, the Home Secretary announced a voluntary scheme, called the Best Use of Stop and Search Scheme (BUSSS), which is designed to deliver greater transparency and enhanced community involvement in the use of stop & search powers. Leicestershire Police signed up to the scheme in August 2014.
6. The scheme is designed to contribute to a significant reduction in the overall use of stop and search, deliver better and more intelligence-led stop and search activity, and improve stop-to-arrest ratios.

7. The scheme has four key features to deliver the desired objectives:
 - (i) Enhanced Data Recording
 - (ii) Reducing S. 60 (no-suspicion) stop and searches
 - (iii) Introducing Lay Observation policies
 - (iv) Assessing Stop and Search Complaints as a potential “community trigger” (this requires the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.

8. The Chief Constable has, in Force Guidelines related to the use of Body Worn Video, mandated that:

“All ‘stop and search’ encounters should be recorded unless the search is an ‘intimate search’ or ‘strip search’ or if the search requires removal of more than outer clothing.”

“A video recording does not replace the need for a ‘record of search’ to be completed by the officer.”

9. The introduction of lay observation policies is based on some excellent practice elsewhere in the country, particularly Avon & Somerset and the Metropolitan Police whereby members of the public can see stop & search in action. Leicestershire Police is also considering the opportunities to incorporate Body Worn Video to increase the level of independent scrutiny and the involvement of the Youth Commission sub-group is also being progressed.

10. The Criminal Justice and Public Order Act (1994) legislates for Section 60 ‘stop and searches’. They are used where there is a fear that serious violence ‘may’ take place or that persons are carrying dangerous instruments or offensive weapons in any locality in a police area without good reason. It allows officers to search anyone for weapons or dangerous instruments within a specified geographical area for up to 24 hours where it is ‘expedient to do so’. Officers do not need reasonable grounds to carry out a search under this power. Under current legislation, an Inspector or above can authorise a section 60 but this must be followed by a review by a Superintendent or above.

11. The BUSSS means that section 60 can only be authorised by a “senior officer” which for these purposes means a chief officer. The authorisations are limited to a maximum of 15 hours and communicating to local communities when there is a section 60 authorisation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.

12. To achieve this, the force has used social media including Twitter and Facebook, to provide information about two S.60 authorities in the City area in September.

13. Leicestershire Police works with the Stop and Search Reference Group and the Policy Advisory Group on Race & Equality to enhance the scrutiny that can be given to its use of stop & search powers.

14. The Force has previously worked closely with the Equality and Human Rights Commission to assess its use of Stop and Search in order to start to understand the impact of disproportionality. The Force also commissioned De Montfort University to undertake independent research on its use of Stop and Search powers.

Oversight & Governance

15. The Police & Crime Commissioner scrutinises stop and search performance through a number of internal processes. Primarily this is through the Strategic Assurance Board, but use of the tactic is also reported at Performance Delivery Group and the Safe & Confident Communities Board which the PCC or a representative attends. With the scheme only in place for a few months, trends and patterns are starting to be analysed to enable areas of good practice and of improvement to be assessed and discussed in detail at the forums. Day-to-day strategic oversight is provided by ACC (Operations).
16. Day to day operational discussions in relation to stop and search take place at the joint COT and OPCC weekly meeting (where appropriate) and in more detail at the regular 1 to 1 meetings between the Chief Constable and the PCC.
17. External scrutiny is provided by the Policy Advisory Group on Race & Equality and also through the Stop & Search Reference Group.
18. In addition, the PCC undertakes dip sampling of complaints files and this will potentially include any complaints which relate to Stop and Search.
19. The BUSSS is expected to improve performance in respect of disproportionality, although it is too early to directly attribute the impact of the scheme, early indications are that these will improve.
20. Very early information shows that from a peak level of 28,000 three years ago, numbers are approximately 4,500 per year now, equating to an average of 12 per day. The number of stop and searches where a person was arrested remains at 11%, rising from 6% previously. There have been a total of 8 stop and searches carried out under the two section 60 authorisations power throughout 2014.
21. The PCC has requested information on findings and trends be brought forward for consideration to the performance Delivery Group and then the Strategic Assurance Board in early 2015, to enable an informed discussion to take place on both the use and impact from the new scheme.

Summary

22. 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, other forces and our external community groups to ensure that the stop & search powers are used to protect the communities of Leicester, Leicestershire & Rutland in a way that reassures our communities.

Implications

Financial: None

Legal: None

Equality Impact Assessment: The Force Equality & Diversity team ensure that all policies & procedures are subject of rigorous equality impact assessment

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

Police & Crime Plan: The Force use of Stop & Search Police use of stop & search links to the Commissioners objectives as set out in the Police and Crime Plan.

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