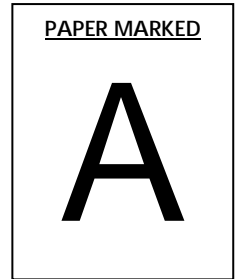


**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of	CHIEF CONSTABLE
Subject	BEST USE OF STOP AND SEARCH SCHEME
Date	FRIDAY 18 MARCH 2016 – 2:00 p.m.
Author	ACC PHIL KAY

Purpose of Report

1. To provide the Ethics, Integrity and Complaints Committee with an update in relation to the history of the use of stop search within Leicester, Leicestershire and Rutland, the current data on 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). In addition Leicestershire Police give regular updates to the external stop search reference group (made up of a variety of community members who have an interest in the use of stop search).

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 entitled '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 subject to a Section 32 voluntary agreement with the EHRC. This effectively meant that the EHRC closely scrutinised the force in their use of stop and search powers, regularly monitoring all activity in this area. A 'Gold Group' was established and chaired by an Assistant Chief Constable. During the 2 years the Force were under the agreement, the EHRC attended the Gold Group meetings, spoke to officers, reviewed all the work conducted in this area and spoke to members of the community. In October 2012 the EHRC formally ended its agreement with the Force. In a letter to the Chief Constable the General Counsel of the EHRC,

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John Wadham said: *"I am pleased to recognise that throughout the period Leicestershire Constabulary has fully delivered the inputs to which it was committed in the agreement, at a level well beyond minimal compliant action"*

6. During the 2 years that the Force were under the S.32 agreement with the EHRC 918 frontline officers received 1 days training on stop and search. This was followed up in 2014, on the 'Getting Right First Time' training programme, where, between February to December 2014, 910 officers received training on stop and search.
7. The force, during this time also 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.
8. 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 it's 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.
9. 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 nationally. HMIC made ten recommendations, followed by a re-inspection in March 2015.
10. In early 2014 the Home Secretary introduced 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.
11. The scheme also saw changes to the authorisation levels for the use of Section 60 search powers elevated to Chief Officer rank. (Section 60 is a power designed to provide a 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, without reasonable grounds).
12. 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.
13. 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 and the use of body worn videos to record all stop search encounters.

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Current Position

14. The Force has seen a huge reduction in the use of stop and search, from **28,000** in **2011** to a current annual position of approximately **1947** in **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 **5.3** stop and searches every day in **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 **4:1** to Asian/White **1.4:1** in **2015**.
15. The HMIC during their PEEL legitimacy inspection in late September, 2015 reviewed the Force response to the Best Use of Stop and Search Scheme. During this inspection they identified 3 areas where the Force still had progress to make. Namely, to increase the different categories of outcomes following a stop search encounter, advertising the “lay observer scheme” on the external website and publishing the impact of stop search on young people on the external website.
16. As a result of the three areas being identified, the Home Secretary suspended Leicestershire Police from the Best Use of Stop Search (BUSS) scheme in February 2016, along with 12 other forces. A follow up inspection will be carried out after 3 months to identify improvements made and if achieved, readmit the Force into the BUSS scheme.
17. All of these areas have been prioritised to ensure compliance by the end of March 2016. The introduction of a Lay Observer Scheme has led to a policy and accompanying guidance being produced. Community consultation with Independent Advisory groups and other interested stakeholders has been undertaken. Neighbourhood Policing Inspectors have also identified key individuals from local communities who may wish to participate. An induction and training programme has been designed for the observers. The scheme will be shortly advertised on the website.
18. Information displayed on the website in connection with stop search data is being altered to ensure that the impact on young people can be identified easily.
19. The electronic stop search form is being altered to ensure the cannabis and Khat warnings are itemised as a possible outcome of a stop search encounter.
20. Another key element of the scheme, which the Force has implemented, is the use of community triggers for complaints made about stop search encounters. This can 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.
20. The force has 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.

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21. The College of Policing has also conducted a trial with 6 forces on a training programme on stop search. This is due to be rolled out as a training product in May 2016. There are 2 national train the trainers day, the 18th May in Ryton and 25th May in Durham. EMCRIIS L&D will lead on the delivery of this programme, with each force responsible for getting agreement at their own force training priorities panel.

Oversight & Governance

22. Current scrutiny on the use of stop and search powers is undertaken by ACC Kay as the Strategic force lead. Performance information is also published on the management information gateway and scrutinised at the Performance Delivery Group, chaired by DCC Bannister. The Force has set up a 'Reasonable Grounds Panel' for the scrutiny of stop search activity. The panel is chaired by a Superintendent, and scrutinises a random selection of stop search forms. The panel held its first meeting in December 2015 and involved independent members of the community and local officers. A selection of random stop search forms were scrutinised and areas of good practice and development identified. These will then be referred to the Getting it Right First time meeting to embed future best practice.
23. The Force has also re-established the external Stop and Search Reference Group (SSRG), with the support of the 'The Racial Equality Centre' in Leicester (TREC). The first meeting of the reformed group was held on December 10th 2016 and are scheduled every 2 months. With TREC agreeing to be the focal point for the re-establishment of the group, a media and social media campaign was undertaken to attract new members.
24. 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, along with the Stop Search Reference Group.
25. DCC Hanstock the National Police Chiefs Council stop and search lead has held a conference call with the forces who have been removed from the BUSS scheme. This has identified that Leicestershire Police were one of three forces removed from the scheme for not implementing 3 minor elements of the scheme. DCC Hanstock is convening a national meeting on April 13th 2016 to discuss the next steps for the forces concerned.

Summary

26. Over a long period the Force has engaged in extensive work in connection with the fair use of stop search powers. Whilst the Force is temporarily suspended from the BUSS scheme, the three areas identified are being actioned and compliance with all aspects of the scheme will be achieved. Work continues 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.

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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.
Link to Police and Crime Plan :	Police use of stop & search links to the PCC's objectives as set out in the Police and Crime Plan.
Communications :	None.

List of Appendices

None.

Background Papers

None.

Person to Contact

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