Report of	**OFFICE OF CHIEF CONSTABLE**
Subject	**STOP AND SEARCH UPDATE REPORT Q4 2020/21**
Date	**FRIDAY 18 JUNE 2021 – 2:00 p.m**
Author	**T/SUPERINTENDENT PAUL ALLEN**

Purpose of Report

1. To update the committee on Stop and Search activity in LLR between January and March 2021.

Recommendations

2. The Committee is recommended to discuss the contents of the report.

Ethical Dilemmas

3. Stop and search has been a highly scrutinised policing tactic over many years and one which continues to attract a considerable amount of public and media attention.

4. The main issue of concern is one of proportionality in the rates that people of different ethnicities can expect to be stopped and searched and the in the outcomes which they face.

5. Police officers rightly face rigorous examination in the use of these powers but have to balance these concerns with the need to protect the public and proactively tackle crime.

6. The key question is of how to target the proportionate use of intelligence-led stop and search to reduce serious harm, whilst not over-policing minority communities who may happen to live in areas of policing focus.

7. We would not want to discourage officers from using these powers ethically, but we do want to focus them on the areas of highest harm and public concern.

Background

8. Stop and search data is reported publicly in the force's published annual stop and search report. The 2019 / 2020 report was discussed at the December 2020 Ethics, Integrity and Complaints Committee.

9. It is also examined internally at the bi-monthly PILOT group, chaired by ACC Debenham and externally at the bi-monthly Coercive Powers Scrutiny Group, chaired by Dr Iris Lightfoot of The Race Equality Centre (TREC).

10. The 2020 / 2021 annual report is due to be published in July 2021.

11. This report has been requested as an interim update for Q4 20/21, however due to the above reporting frequencies the data is not collated quarterly and is therefore presented as a breakdown from rolling 12 months (where available) or from the most recent end of Quarter month (March 2021).
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Body of report

Update on numbers.

Monthly Actual Stop Search Rates and Arrest Proportion
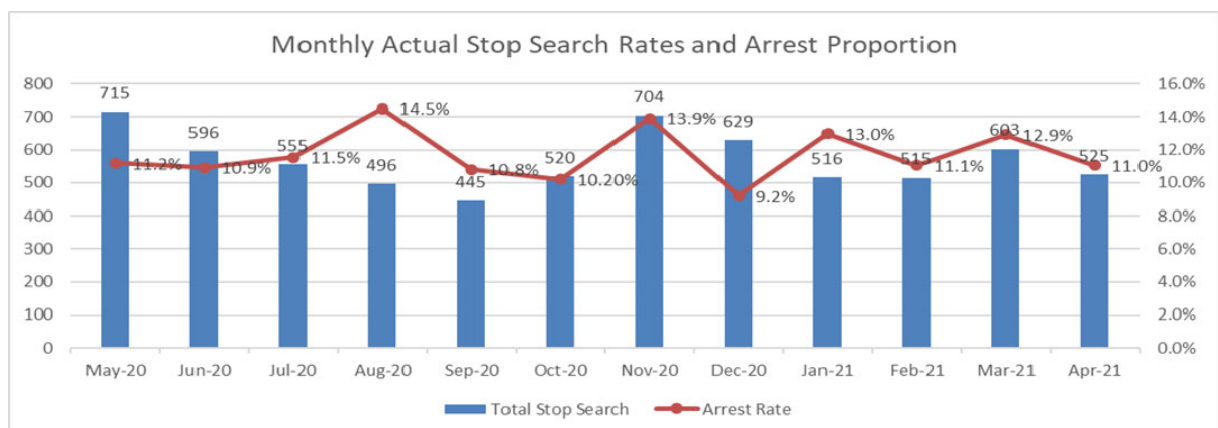
12. The average number of stop searches per month for the rolling 12 months was **575** and for Q4 it was **574.**

13. The variations in overall volumes are dependant on many factors, such as policing operations, crime trends and officer availability.

14. The average arrest rate for the rolling 12 months was **11.75**% and for Q4 was **12.3**%

15. The national covid lockdowns during 2020 coincided with the two highest increases in search volumes on the above chart.

**Monthly Stop Search Figure Broken Down into % Outcomes**
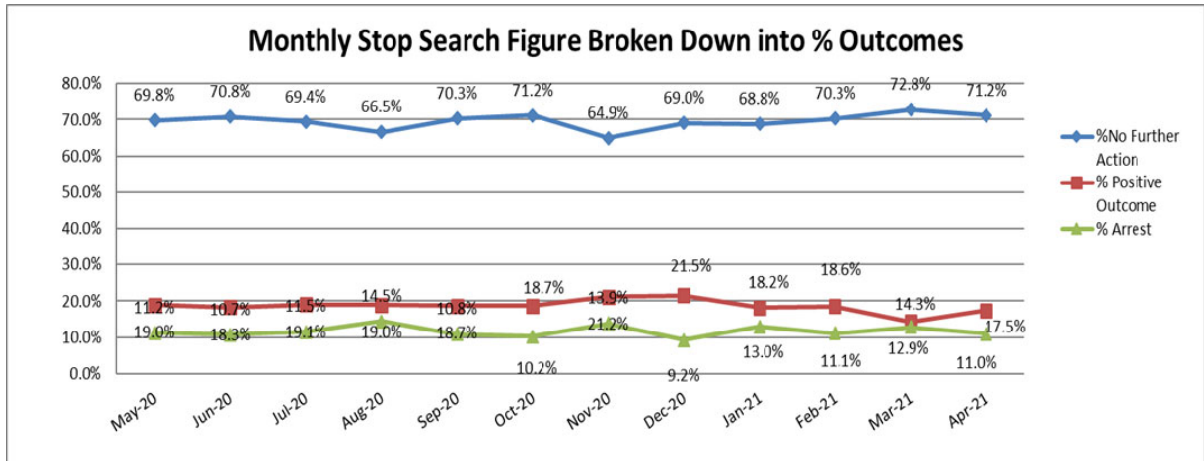
The total positive outcome rate which includes all arrests, community resolutions, voluntary attendance at a police station etc for the rolling 12 months was **30.5%** and for Q4 it was **29.4%.**

Stop Search Reason by % of the Monthly Stop Search Total
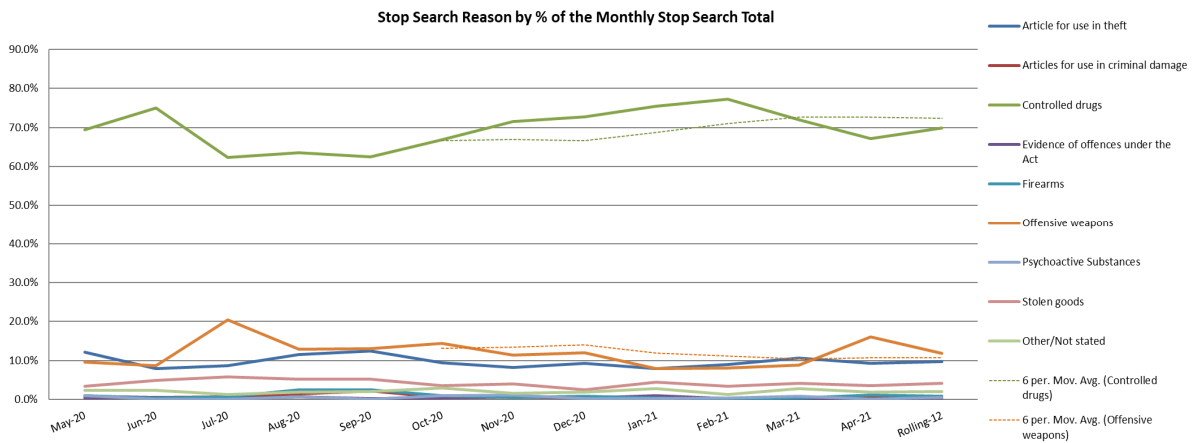
16. One noticeable change during Q4 has been a peak in the number of searches for drugs as a percentage of all stop searches. For the rolling 12 months drugs accounted for around **75%** of all stop searches, but in Q4 this peaked at around **78**% in February before falling back to **70**% in March.

17. The percentage of searches for offensive weapons rose to a peak of **17**% in the same period and this is the area where we expect to see more focus going forwards in line with force priorities.

Total Stop searches by ethnicity
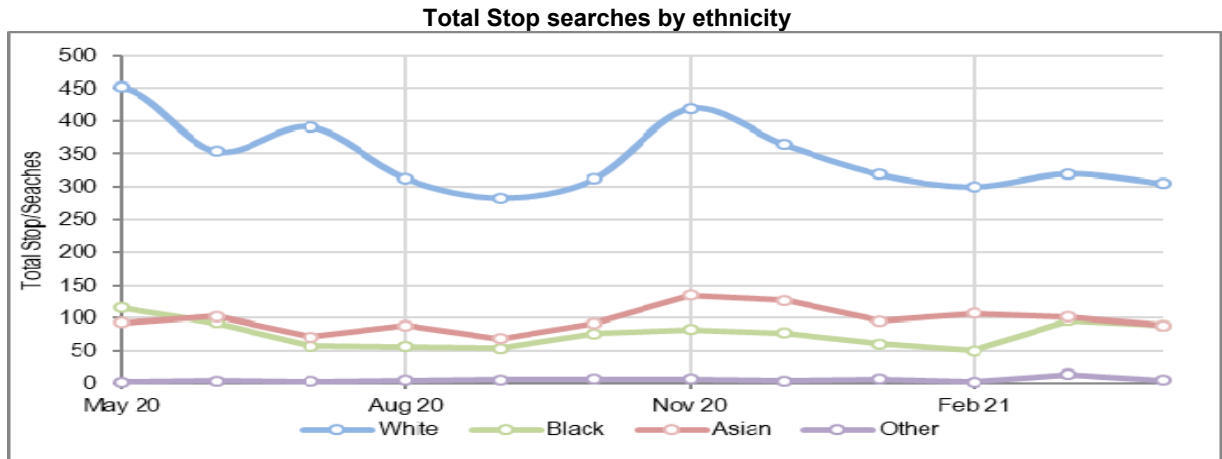
The above chart shows the total number (actual monthly figures) of Stop Searches broken down by the Ethnicity of the subject. The number of searches carried out had remained relatively stable in line with the number of searches for all Ethnicity types since May 2020 and in Q4 had stabilised from earlier fluctuations.
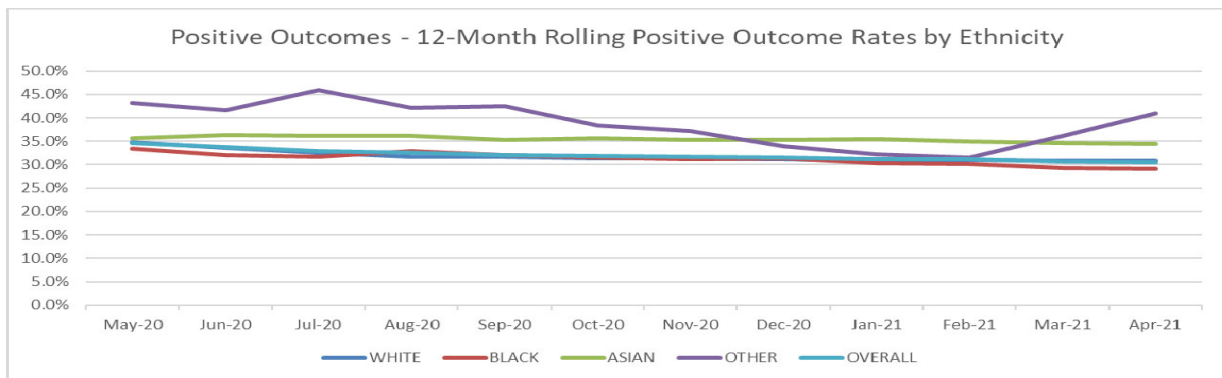
The trend for positive outcome rates has remained relative stable, albeit there has been a slight
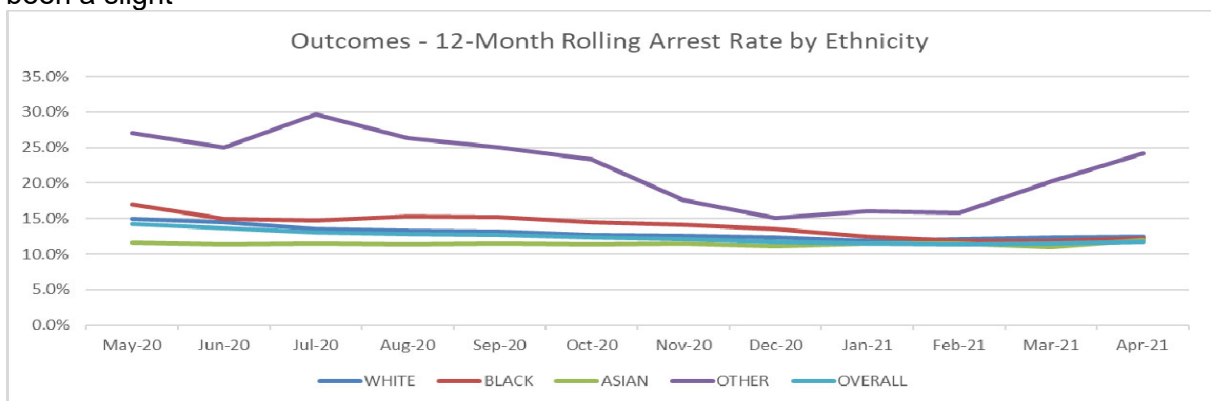
This trend is also replicated in the arrest rates, but is again consistent across ethnicities.

18. Disproportionality refers to the overrepresentation of a racial or ethnic group compared to its percentage in the population. Disproportionality is calculated by using the ethnicity proportions of the Leicestershire population from the 2011 Census. The disproportionality charts show firstly, the ratio of how many times a person is likely to be searched when compared with a White person. The excess searches refer to the number of searches above or below parity if, the Black/White or Asian/White or Other/White disproportionality ratio was 1.0. Both the disproportionality rates and excess search figures are rolling 12-month figures.

Black Disproportionality
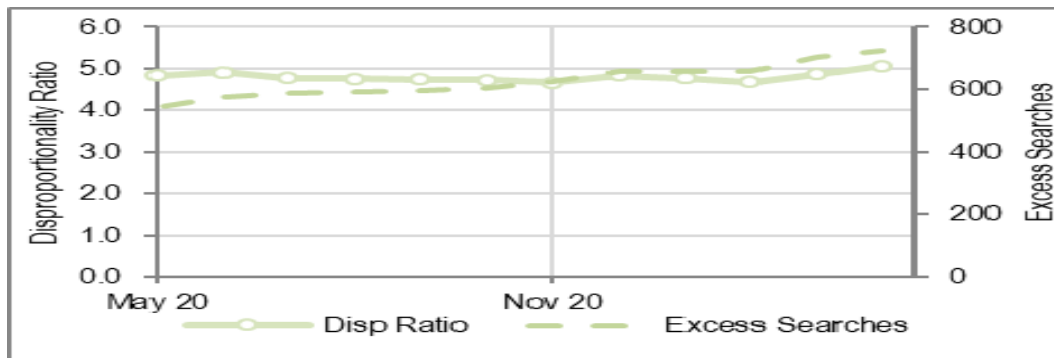
19. The disproportionality ratio for Black subjects has been relatively stable since May 2020 from 4.83, to 4.9 by April 2021. This means that a Black person is 4.9 times more likely to be searched than a White person. The excess search figure had increased gradually over the past 12-months which means that if the Stop Searches were proportionate to the make-up of the population, then in March 2021 the rolling 12-month search figure of Black subjects would be around 165.

Asian Disproportionality
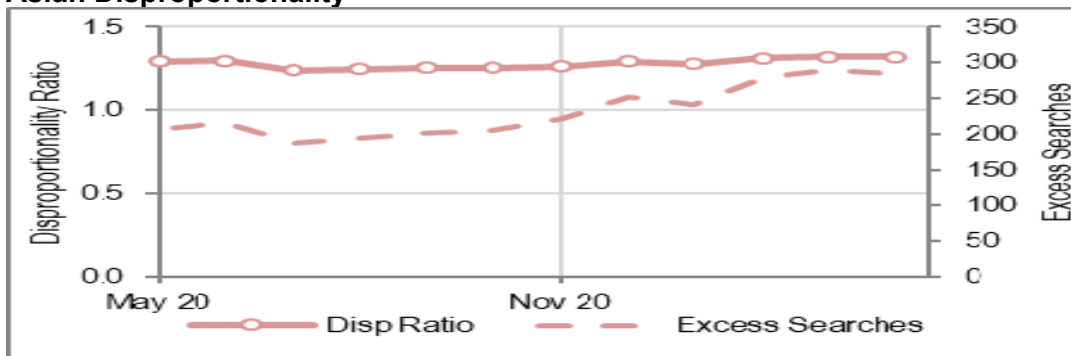
20. The disproportionality ratio stayed the same and excess search figure had decreased since May 2020. Currently an Asian subject is 1.32 times more likely to be searched than a White subject, with a disproportionality ratio of 1.32 in March 2021 and an excess search figure of 284.

Other Ethnic Disproportionality
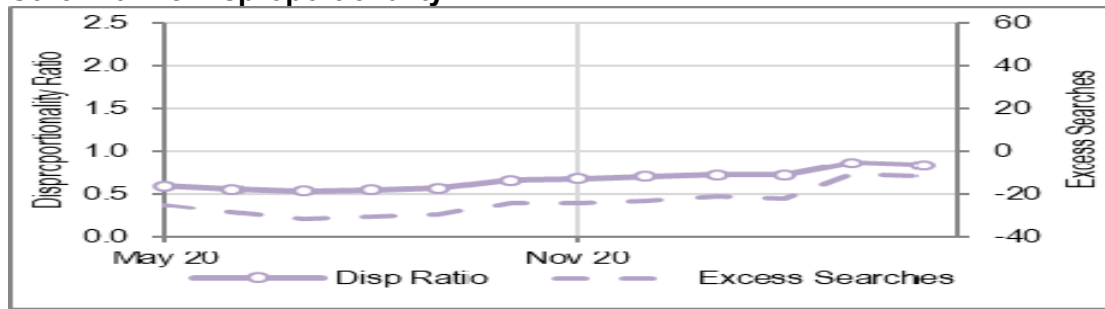
21. With regards to all Other* Ethnic Groups, the trend over the past year had seen decreases in both the excess search figure and the disproportionality ratio and then a slow rise. The disproportionality ratio stood at around 0.9 for March 2021.

Other includes any other non-white group, such as oriental or Arabian / middle-eastern

Covid Element

22. The key observation in relation to stop and search and policing the pandemic is that there are notably two peaks in stop and search activity across the last 12 months.

23. These peaks were in April and November 2020 and coincide with the national lockdowns coming into effect. The imposition of restrictions on travel and gatherings meant that the police service experienced temporary falls in other demand, giving officers more opportunity to be proactive in tackling community issues and force priorities.

24. Additionally, at the beginning of the first lockdown, and with the restrictions on non-essential travel, a greater proportion of people who were encountered driving or out on the streets were likely to be committing Covid breaches as there were far fewer legitimate reasons to be out. This in turn led to greater interaction with police and the subsequent forming of grounds for a search.

14. In terms of proportionality and how stop and search compares to Covid-19 enforcement, a recent Home Office study into covid-19 fines and proportionality found that in Leicester, Leicestershire and Rutland:

- A Black person was x4.4 more likely to be fined than a white person (4.9 for stop search)
- An Asian person was x1.4 more likely to be fined than a white person (x1.32 for stop search)
- Other people of non-white heritage were x1.8 more likely to receive a fine that a white person (x0.9 for stop search)*

15. Whilst comparisons between different police forces do not always compare like with like, this study did recognise that Leicestershire Police had used fines more proportionately than our most similar police forces nationally and significantly so when compared to the rest of the East Midlands.

*There are differences in the reporting of *black mixed-race, Asian mixed-race* and *other* between the Home Office report and the Stop Search report, so comparisons of the *other* group may not be entirely accurate.

16. While fines for covid-19 breaches and stop searches are generally unlikely to be as a result of the same incident, the fact that they are both most likely to be street-based interventions, either as a result of an officer's discretion or a report from a member of the public does go some way to explain the similarities on the proportionality figures.

Summary

17. The stop and search data for Q4 2020/21 is broadly consistent with previous reporting. The number of factors affecting the volumes in the last year have made it difficult at times to truly understand the reasons behind some of the data, but as we move towards fewer covid-19 restrictions we should begin to see less variability allowing us to gain a deeper understanding of what drives our officers' use of stop and search powers.

18. Whilst we may look to explain some of the disproportionality issues in our data, we do not seek to justify them or be complacent as to why they occur. Significant effort is being put into developing our internal and external scrutiny processes and to address the concerns of our communities in the use of stop and search (see Appendix A).

19. We are also exploring ways of understanding our data better, including through a collaboration with De Montfort University in which artificial intelligence may be used to examine large amounts of data for key themes in officer behaviour.

20. Finally, our involvement in the "Colours of Injustice" conference in April 2021 and hosted by TREC, highlighted some key themes for us to focus our development on, including;

- Use of body worn video to capture all of an incident
- Searches for low-level drugs possession, especially cannabis
- Expanding community panel membership
- Examining how stop and search proportionality relates to other areas of policing

21. This work continues apace in order to improve our understanding and shape our direction of travel.

Implications

Financial: None

Legal: Stop and search falls under the Police and Criminal Evidence Act 1984, Codes of Practice, Code A.

Equality Impact Assessment: Stop and Search is a highly scrutinised area of policing and undergoes a greater level of equality impact assessment than virtually any other area of business.

Risks and Impact: Continued levels of disproportionality create community concern. A significant amount of time is devoted to gaining a better understanding of the issues that affect this.

Link to Police and Crime Plan: Stop and search has implications across many areas of policing. However, it is most associated with *visibility* as a front-line policing tactic.

List of Appendices

Appendix A - Internal scrutiny and accountability

Person to Contact

T/Superintendent Paul Allen paul.allen@leics.police.uk

Internal scrutiny and accountability

Crime and Operations Effectiveness Board – Monthly meeting chaired by an Assitant Chief Constable, where data about the use of stop and search powers is presented and considered alongside a wider set of performance information about how the force treats people.

PILOT meeting - (Police Intervention, Legitimacy and Organisational Transparency), chaired by a Chief Supt, meets Bi-Monthly and actively seeks to identify any information which could suggest any abuse in the use of powers or discriminatory behaviour. The group was formed in January 2017 and consists of a cross section of senior police managers, training and equality and diversity officers who provide internal oversight and scrutiny on the use of coercive powers to include stop search, strip search, use of Taser and use of force (UOF).

The PILOT group reviews stop search data from the most recent period and up to the previous three years carrying out careful analysis to determine any concerning trends or patterns, unacceptable use, learning opportunities, matters of policy and the examination of disproportionality. Those officers highlighted as high users of stop search powers have their search records examined by the tactical stop search lead or one of the stop search coaches.

Tactical level meeting - Chaired by an Inspector, supports the PILOT group and has nominated representatives from around the force responsible for:

- Dip sampling 5% of all stop search records and officers Body Worn Video
- The recruitment, administration and development of stop search coaches
- Arranging, publicising and hosting reasonable grounds panels across the force area
- Training and development
- Maintaining a Lay Observers scheme and
- National best practice and scanning

Chief Officers and OPCC scrutiny - In addition, on request, reports on the use of stop and search are sent to both the Office of the Police and Crime Commissioner's Ethics, Integrity and Complaints Committee, the force Strategic Fairness and Equality Board chaired by the Chief Constable and the Race Religion and Belief steering group, chaired by the Deputy Chief Constable, which examines proportionality across a wealth of data to include stop search, staff recruitment and retention, staff grievances, progression etc.

Transparency and External governance

Body Worn Video - Leicestershire Police has personally issued 1500 Body-worn video cameras (BWV) to all of our frontline officers and staff and we have an expectation that recording is activated whenever coercive powers are used or when attending incidents likely to involve confrontation. We dip sample and review the footage from such incidents both internally and via the showing of randomly selected footage to the Coercive Powers Scrutiny Group.

The use of body worn video cameras help to reassure the public that their interactions with the police are recorded. The technology offers greater transparency for those in front of the camera as well as those behind it. Cameras allow us to demonstrate the professionalism of officers, the gathering of evidence and demonstrate their professionalism in the face of many challenges.

Best Use of Stop and Search Scheme (BUSSS) – The force is a voluntary member of the Best Use of Stop and Search Scheme (BUSSS 1.0) and are committed to delivering the requirements of any subsequent schemes in addition to following the revised guidance within the College of Polciing Authorised Professional Practice (APP).
BUSSS guidelines and the APP encourage forces to use external scrutiny and support to improve the use of stop and search whilst promoting community confidence.

Coersive Powers Scrutiny Group - In addition to our internal scrutiny described above, analysis of stop search and use of force is shared with the external Coercive Powers Scrutiny Group. CPSG meets bi monthy and is chaired by the Director of the The Race Equality Centre (TREC) with invited attendees from the community, FPAGE (Fire and Police Advisory Group for Equality), representatives of young people's groups, legal advocates and the Office of the Police and Crime Commissioner.

The group seek to better understand how we are using our powers, to provide us with an independent perspective and when necessary to challenge us about usage whilst identifying ways in which we can increase confidence in the community. At each meeting, the group are supplied with data about the use of stop and search and use of force powers and are asked to randomly select and review Body Worn Video footage of officer stop and search encounters.

Reasonable Grounds Panels – The force hosts regular external stop search reasonable grounds panels which are held in different locations around the force area and which are open to the public to come along and review the grounds used in ten stop and search encounters.

We use both meetings to seek the opinion of those attending to develop points of individual and organisational learning and to gain a better sense of how the use of coercive powers is perceived by the public. These opinions, both positive and where areas for development are identified, are then fed back directly to officers to aid thier continued professional development.

Independent Evaluation - We have previously worked in partnership with the University of Leicester, recruiting an intern to work solely on how stop and search was perceived by the public and by ethnic minorities. The intern was allowed access to Force systems and accompanied officers on patrol to observce the use of stop search powers. The intern also designed and distributed several internal and external surveys around the perception of the use of stop search.

The survey identified that over 60 % of respondents (public and police officers) believed that Stop and Search was a positive power for the police although it did highlight that better explanation of why the powers are being used to both the individual and the wider public would be beneficial to the Police. This report helped to

influence the redesign of the receipt that officers now hand out during a Stop and Search encounter.

Lay Observation - We operate a 'lay observers scheme' where we have recruited independent observers to accompany officers during operations and to view Body Worn Video footage that specifically use stop and search powers in order that we can seek their views about how the powers were used and how the subjects were treated by officers. We are actively seeking to increase the number and diversity of our observers to ensure they reflect the community that we serve.

We currently have six Lay-observers that have gone through Force vetting and are available for deployment.

S.60 Criminal Justice and Public Order Act 1994 - S.60 of the Criminal Justice and Public Order Act 1994 is the "blanket" power to stop and search any person in an defined area to prevent serious violence or to find weapons which are believed to be being carried.

This power was not used in the 12 month period.

Publication of Data - Leicestershire Police publish data and statistical information in relation to stop and search on the Police.uk website. A direct link to this site can be found by accessing the stop and search pages on our website: www.Leics.police.uk

All officers now use mobile data terminals to record stop and searches electronically (PRONTO), this has greatly improved the efficiency and speed at which the Force can examine and publish stop and search data. It also provides a quicker and more convenient method for people searched to obtain an electronic copy of the record.

Complaints - Leicestershire Police advocates that a fair stop search is a justifiable one, which is without prejudice and is conducted efficiently and with respect. It is recorded, open to scrutiny and supports public confidence.

In 2019/20 we received four public complaints in relation to stop search, which amounts to just 0.09% of all stop searches conducted in that year.
HMICFRS - Her Majesty's Inspectorate of Constabulary's Fire and Rescue Services publish data on the efficiency, effectiveness and legitimacy of the Force and this includes the use of stop and search.

HMICFRS recently undertook a desk top review examining our officers compliance with recording 'reasonable grounds'. From a random sample size of 173 stop searches taken from the period 1st January 2019 – 31st December 2019 they found our officers to be compliant in 94% or 162 of cases.
This is consistent with the findings from their 2018/19 Police effectiveness, efficiency and legitimacy inspection (PEEL) where they reviewed 163 records from 2017/18 and concluded a 95% compliance rate.
Given the substantial rise in the volume of Stop Searches completed this demonstrates that a rise in volume has not resulted in a deteriorating compliance rate.
The table below, whilst not reflecting this annual report recording year, puts into context the relative position of Leicesterhire in comparison to other forces nationaly in regards to compliance with reasonable grounds. A more recent comparator table is

expected to be published in November 2020 showing our position based on 2018–19 data.

HMIC review of reasonable grounds by force 2017/18

The below chart shows the percentage of stop and search records that were found to have reasonable grounds meaning that the search was justified. This gives an indication on how well the forces use their stop and search powers.

Reasonable Grounds by Force 2017/18

Test ▇ Normal ▇ Outlier-High ▇ Outlier-Low
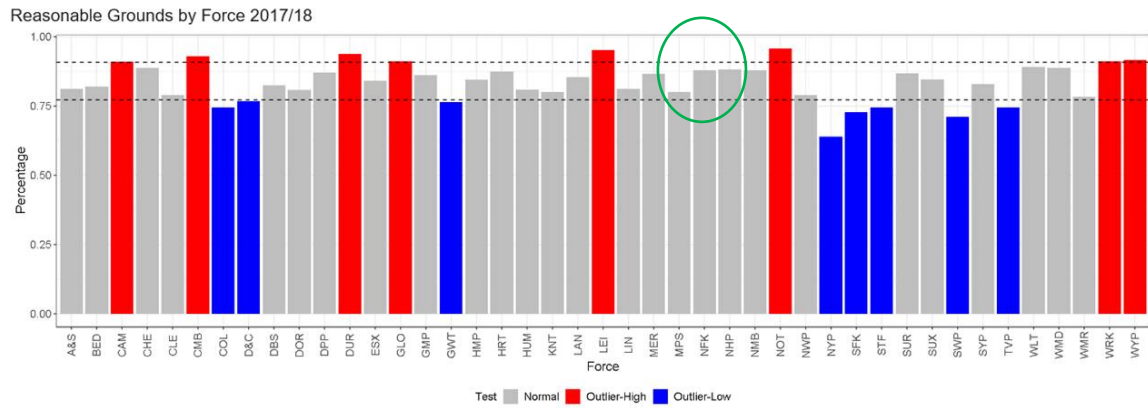
95.09% of stops in **LEI** had reasonable grounds

What does the data mean?

Forces with a **higher** value and an above average reasonableness level may be using search powers only where necessary and may have good practice to share.