

<b>Committee(s):</b>	<b>Date:</b>
Police Authority Board – For information	28 <sup>th</sup> November 2019
<b>Subject:</b> Annual Stop and Search update 2018-19	<b>Public</b>
<b>Report of:</b> Commissioner of Police Pol 90-19	<b>For Information</b>
<b>Report author:</b> Lee Presland, Superintendent Response and Operations, Uniformed Policing Directorate	

## Summary

This is an update to the report provided to your Committee in 2018 (Pol 77-18 refers) and details developments on the City of London Police (CoLP) management and implementation of stop and search tactics in response to the annual HMICFRS PEEL Inspection (Legitimacy) in line with Home Office-led Best Use of Stop and Search Scheme (BUSS).

Figures and commentary for the number of searches involving more than the removal of outer coat, jacket and gloves are also included in the report. However, these searches are small in number and do not feature as a particular issue or point of discussion in the last two HMICFRS reports covering stop and search: '*PEEL: Police Legitimacy (including leadership) An Inspection of City of London Police HMICFRS*' (December 2017) and '*City of London PEEL Inspection 2019-Legitimacy (May 2019)*'.

The statutory role of HMICFRS is to assess the force in its implementation of these powers and from a legitimacy perspective the overarching question that HMICFRS asks of forces is: 'To what extent does the force treat all of the people it serves with fairness and respect?' Overall the Force continues to be assessed by HMICFRS as 'Requires Improvement.'

The report also details other measures being put in place to make improvements to analysing any disproportionality and to increase external scrutiny of stop and search.

## Recommendation

It is recommended that Members note the report.

## Main Report

### Background

1. The Force provides an annual update to your Police Authority Board on Stop and Search and this report provides an update on activity in this area since the last report on this subject to your Board in November 2018.
2. Police legitimacy is a concept that is well established in the UK as ‘policing by consent’. The police have powers to act in ways that would be considered illegal by any other member of the public. Therefore, it is vital that they use these powers fairly, and that they treat people with respect in the course of their duties.
3. The headline facts and figures for Stop and Search for City of London Police show that:
  - There were 1523 stop and search incidents in City of London in the financial year 2018/19. The number of stop searches conducted by City of London Police has started to increase this year due to increased support from senior leadership and refresher training – it has increased by 36% since 2017/18 (401 more searches). This increase is being seen nationally with an England and Wales increase of 32%.
  - Nationally black people were 9.7 times more likely to be stopped than white people in the year ending March 2019 – the rate has risen sharply since 2014/15 when it was 4.4.
  - In the City when looking at the resident population only, black people are 12.9 times more likely to be stopped than white people.
  - However as so few of the people stopped in the City of London are City residents (on average 1 a month) and the majority live in the greater London area, it is more appropriate to compare our stops to the whole London population. This gives a likelihood rate of 1.9 for black people stopped compared to white people.
  - In England and Wales there was an arrest rate of 15% for the year ending March 2019 following any stop search.
  - City of London Police had the highest arrest rate of any force nationally with 32% of searches leading to an arrest.

### Best Use of Stop and Search scheme (BUSS)

4. As Members are aware from previous reports to your Board, in 2014, the Home Office and College of Policing launched the Best Use of Stop and Search (BUSS) scheme<sup>1</sup>. The scheme aims to achieve greater transparency and community involvement in the use of stop and search powers, and to support a more intelligence-led approach, leading to better outcomes. The scheme sets out guidance on:

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<sup>1</sup> <https://www.gov.uk/government/publications/best-use-of-stop-and-search-scheme>

- Data recording and publishing;
  - Lay observation policies
  - The introduction of a community complaints trigger
  - Monitoring the impact of stop and search on young people and black, Asian and minority ethnic communities.
5. The BUSS placed several conditions on the use of Section 60 of the Criminal Justice and Public Order Act, which went over and above what is set out in law. These are detailed in Appendix A.
6. On 13<sup>th</sup> August, 2019 the government announced the suspension of a number of conditions across the country on a pilot basis- See also Appendix A.

### **HMICFRS Inspections- Stop and Search**

7. It should be noted by Members that all recommendations from HMICFRS inspections are monitored and scrutinised through your quarterly Police Performance and Resource Management Committee chaired by Deputy James Thomson. A report on all recommendations is submitted to this Committee and an update tracker of progress is maintained and presented to Members. So all of the below areas for improvement have been reported to your Police Performance and Resource Management Committee (P&RM) as appropriate over the relevant time period and continue to be. However a snapshot of Inspections since 2015 is given below.
8. In 2015, HMIC assessed the compliance with each feature of the BUSS scheme in each of the 43 Home Office-funded forces in England and Wales, as part of its 2015 PEEL Legitimacy inspection. As previously reported to your Board at that time, that inspection identified that:
- Only 11 forces were complying with all five features of the scheme;
  - 19 forces (including the City of London Police) were not complying with one or two features of the scheme; and
  - 13 forces were not complying with three or more features. (In February 2016, the Home Secretary suspended these forces from the scheme.)
9. City of London Police was found not to be complying with:
- Recording and publishing outcomes including showing the connection between outcomes and objects,
  - Monitoring the impact particularly on black, Asian and minority ethnic people and young people.
10. When HMICFRS re-visited the City of London Police in late 2016, they found it to be fully compliant emphasising the following key areas:
- The working group on stop and search and use of force provides internal challenge and a link to organisational learning;
  - The Force discusses feedback from the external community scrutiny group while having access to a wide range of stop and search data and Body Worn Video (BWV) footage.

11. However, HMICFRS also found that the force needed to improve its scrutiny and understanding of this data, so that it could identify and act on concerns. HMICFRS acknowledged that the Force was aware of the data showing that black people are eight times more likely to be stopped and searched than white people. It further emphasised that the Force contended that the massive influx of people, including black people, travelling to the area daily for work or pleasure, changed the profile of the population of the area and skewed the data, given the small residential population.
12. HMICFRS acknowledged that this is likely to be true, as the increase takes the population to around 600,000, and so has a significant impact on who is likely to be stopped. It is important to note that the daytime population is likely to increase by 75,000 in the medium term with the expansion of the Eastern Cluster and Cross Rail amongst other developments in the City of London.
13. During the 2017 inspection, HMIC reviewed 200 stop and search records; 42 did not record grounds that they considered reasonable indicating that some officers and supervisors either still do not understand fully what constituted reasonable grounds or did not know how to record them properly. HMIC emphasised that further improvement was required in this area but recognised that part of the issue may have resulted from the introduction of a new electronic hand-held device, a 'tough pad', in 2016, which officers, staff and supervisors found challenging to use to record and supervise stop and search when it was first implemented. HMIC also noted that in 55 of the 200 records reviewed, the item searched for was found.
14. Overall the Force was assessed as 'requires improvement' in relation to its use of stop and search with areas for improvement identified for training, collection and analysis of date and a better understanding of grounds. These were all included on the HMICFRS recommendation and action tracker reported to the P&RM Committee.
15. In 2018/19 the Force was again inspected by HMICFRS and the findings in relation to use of stop and search powers were published in May 2019, again all fully reported to your P&RM Committee.
16. This noted improvements in supervision and that all officers had now been trained. Additionally that knowledge of grounds had improved considerably. HMICFRS reviewed a representative sample of 452 stop and search records to assess the reasonableness of the recorded grounds. They found that 75 percent had reasonable grounds recorded.
17. HMICFRS also found in the 2018/19 that the Force had complied with a number of recommendations from the 2017 legitimacy report. Recommendations for improvement were made in relation to drug stops.
18. HMICFRS also found that the force's monitoring of stop and search data had also improved significantly with areas for improvement identified including monitoring of BWV more routinely and clearer SOPs around commencement of recording.

## **Progress**

### **What is disproportionality?**

19. When the Equality and Human Rights Commission (EHRC) published their Stop and Think report in 2010 looking in to the use of stop search by UK police forces they used two measures to assess fairness in terms of ethnicity; a disproportionality ratio and a count of excess stops. Since then disproportionality has become a key measure for forces when examining the use of stop and search. The ratio looks at how much more likely black and Asian people are to be searched than white people based on their prevalence in the local population. Calculating the figure in this way allows for comparisons between forces of different sizes and ethnic diversity.

### **Disproportionality and the City**

20. Traditionally disproportionality towards a particular ethnic group within a force has been assessed using the residential population divided into different ethnic groups compared to the number of people actually stopped from each ethnic group. However, as aforementioned, this becomes problematic when applied to the City of London owing to its small residential population and large influx of people living outside who come into the City of London for work or recreational purposes.

21. When comparing potential disproportionality rates within the City of London, a possible alternative approach available is to use the workday population as the 'resident population' which includes all people who gave a fixed work place in the City and those residents who are at home during the day. However given that 60% of stops occur outside of a typical working day (Monday-Friday 08:00-18:00) this is also unlikely to give an accurate representation.

22. Another approach is to look at the residential addresses of people stopped to better understand where those coming into the City of London have travelled from.

23. For the first quarter of the financial year 2018/19, figures of those stopped show 61% live in the greater London area, 12% are of no fixed abode, 13% are from other areas and 14% did not give their address. Given that over three fifths of those stopped are London-based but not residents of the City of London, it is in the process of being decided that whether from the start of the reporting year 2018/19, rates of disproportionality will be calculated using the residential population figures for the whole London region and the stop search figures duly published in this manner. By using this method, black people are still disproportionately more likely to be stopped than white people but the figure is reduced to twice as likely.

24. This disproportionality rate may be further reduced if it takes account of the fact that City of London officers are frequently deployed to tackle gang violence in areas with a higher proportion of black residents and are

conducting stops within these areas. Further analysis is being conducted to ascertain the accuracy of this hypothesis.

### **Stop and Search Working Group**

25. The City of London Police set up a new working group in 2016, the Stop and Search and Use of Force Working Group, recognising the additional work that was required in improving our approach to stop and search. The group continues to work on the progression of action plans and to increase scrutiny of and transparency of data. A stop and search action plan has been developed and progressed, being monitored and updated monthly by the working group. The group is chaired by Superintendent Lee Presland of the Uniformed Policing Directorate. This group has been positively recognised in the most recent HMICFRS report.

### **Community Scrutiny Group**

26. The Force set up a Community Scrutiny Group (CSG), focused on a number of issues including stop and search, use of force and deployment of Taser. One of the purposes of this group is to monitor how Stop and Search is used and also to highlight where improvements can and should be made. CoLP has recently reviewed and revised how it engages with the community in terms of community scrutiny and is keen to reach out to a wider audience. The CSG had become less effective over the years and the level of scrutiny required was not being achieved.

27. CoLP has been working to implement a new CSG; an amalgamation of the CSG and Independent Advisory Group (IAG). It is anticipated that once up to strength, the new CSG will represent a more diverse community base in terms of ethnicity and social groups. The Force started to consult with other community groups within the square mile and on the outskirts of its geographical border. This is in line with a recognition that a majority of the individuals that come police attention do not reside in the City of London. Equally, the Force serves international and local businesses, community services and residents. Superintendent Lee Presland recently wrote an on-line article to promote the CSG. The Force Equality and Inclusion Manager has also engaged with a BAME community group from the Mansell Street Estate and with a diverse community group that is on the outskirts of the City.

### **Community Engagement Patrols**

28. The City of London Police strives to be an open and trusted organisation with our community having confidence in us. To contribute to this ethos we welcome members of the community to experience our work through Community Engagement Patrols.

29. The Community Engagement Patrol forms part of our commitment to the BUSS. Members of the community are able to accompany officers on patrol to observe the use of stop and search and wider policing powers.

30. The Community Engagement patrols enables two-way learning to take place bringing the police closer to the public and the public closer to the police. These patrols have been taking place since 2016 where members of the public of varied ages and ethnicity have been out on patrol with City of London Police officers. Since the commencement of these patrols on average three members of the public a month are taking part in this scheme.
31. The scheme has been highlighted through the force's Twitter account, the City of London Police external website and community outreach programs, to increase our audience and reach and connect with more diverse groups of communities within London.
32. The Forces Equality & Inclusion Manager has also been liaising with several harder to reach communities that border the City of London Police environs, to increase participation and engagement. Hopefully, interactions between Police officers and members of the public will increase confidence and satisfaction and expand the knowledge and understanding of our Police Officers to the needs and issues of our local & business communities.

### **Training – unconscious bias**

33. The Force is in the process of introducing a new online training package to all front-line staff. The course is summarised as follows: 'Unconsciously, we are all inclined to make decisions by sorting and identifying people into different groups, making judgements and categorising, giving us learned stereotypes that are automatic, unintentional, deeply ingrained and able to influence our behaviour. This training is designed to expose people to their unconscious biases, provide information to adjust automatic patterns of thinking, and ultimately eliminate discriminatory behaviours.'

### **Community trigger scheme (complaints)**

34. In line with the requirement of the BUSS the Force has introduced a community trigger scheme in the City of London. The idea behind this is that when a certain number of complaints or complaints of a certain nature regarding stop and search are received this will cause a trigger, and will require the police to report the circumstances of the stop and search and the complaint to the Community Scrutiny Group.
35. CoLP has made the decision to report to the Community Scrutiny Group every complaint received regarding stop and search. In the last twelve months the Force's Professional Standards Directorate (PSD) have recorded five complaints relating to stop and search, one of these searches being conducted by a CoLP officer outside of the City of London. Four of the five complaints are still subject to investigation. The fifth complainant has been recently finalised, and the complaint was in part upheld. This related to the complainant being handcuffed while the officer decided if he was going to arrest or search the complainant.

## **Searches that involve the removal of more than a jacket, outer clothing or gloves (JOG)(strip search)**

36. As mentioned in the Summary, the requirement to report on this area is not an issue for CoLP but a brief update is included for information.
37. A strip search is a search where more than an outer coat, jacket, gloves, is removed. The vast majority of stop and search encounters do not require any clothing to be removed at all.
38. For the financial year 2018/2019, 41 people were subject to a strip search as part of a stop and search encounter (in 2017/2018 this number was 29).
39. For 2018-19 this is 3% of all stops, which is a 1% increase from the preceding year. No strip searches took place in public view. The hit rate for finding an object in a strip search (partial or full) was 51% (17/18 32%), which is significantly higher than 38% across all searches in the same period. The most common outcome from a strip search was to arrest (22, 54%) then no further action (17, 41%). Two further people received drugs warnings
40. Most strip searches resulted from drugs stops (26, 84%), the breakdown for all reasons/legal powers is:

<b>01 Police &amp; Criminal Evidence Act 1984 (s1)</b>	<b>3</b>
Going Equipped	1
Offensive weapon/Bladed article	2
<b>Misuse of Drugs Act 1971 (s23)</b>	<b>38</b>
Drugs - Cannabis	13
Drugs - other	25

41. Most strip searches were carried out on males. Just one involved a female. She appeared to be of white, North European ethnicity was in her 30s and stopped due to erratic driving and a drug wipe and test were positive for cocaine so she was arrested for drug driving and further searched on suspicion of secreting drugs about her person. No items were found
42. The age breakdown for strip searches for this period is as follows;

<b>Age Range</b>	<b>Searches (Last year in brackets)</b>
<b>10-17</b>	1(1)
<b>18-24</b>	22 (16)
<b>25-34</b>	10 (7)
<b>35-59</b>	8 (6)

43. The one search in the 10-17 category was a full strip search of a 16 year old black male under s23 Misuse of Drugs Act. Cannabis was found and as a

result of the stop he was arrested and then later released under investigation and referred to his local youth offending team.

44. The ethnicity breakdown for the period is as below and also cross referenced with ages;

Ethnicity	Searches (Last year in brackets)
White	12 (12)
Black	4 (7)
Asian	21 (11)
Mixed / Other	4 (1)

	10-17	18-24	25-34	35-59
White		3	4	5
Black	1	2	1	
Asian		15	4	2
Mixed/Other		2	1	1

## Conclusion

45. This report presents information to Members on the Force's current position and progress on stop search and also data on the removal of JOG. This is the third report in this format, initially prompted by a number of HMICFRS recommendations, but also recognising that this is an important area on which Members would wish to be informed. The data presented in this report will provide a baseline against which future annual reports can be considered, allowing a comparison to be made and potential issues or trends highlighted.

46. The Force sees a small number of occasions when clothing needs to be removed beyond JOG. The monitoring and collecting of data is now electronic which will allow a faster integration of the procedure and highlight any trends or misuse of powers.

### Contact:

Lee Presland

Superintendent Response and Operations

Uniformed Policing Directorate

E mail: [Lee.presland@cityoflondon.pnn.police.uk](mailto:Lee.presland@cityoflondon.pnn.police.uk)

Tel: 020 7601 2102

## **Appendix A**

The BUSS placed several conditions on the use of Section 60

- Raising the level of certainty needed from officers before authorising a s60 from believing serious will “may” take place, to “will” take place
- Raising the seniority of officer needed to authorise (Inspector) and extend one authorisation (Superintendent) to senior officer level
- Limiting the duration of authorisations (initial authorisations were restricted to 15 hours, with subsequent authorisations limited to 9 and a final 15 hours- a total of 39 hours)
- Requiring forces to communicate to the public about the use of s60s where practicable, and afterwards

On 13 August, 2019 the government announced the suspension of a number of conditions across the country on a pilot basis

- The level of certainty needed from officers before authorising a s60 from believing serious is “may” take place
- The seniority of officer needed to authorise is Inspector and to extend is Superintendent
- The powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.
- If an inspector gives an authorisation under S60 they must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed
- If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any activity falling within the authorisation, they may direct that the authorisation shall continue in being for a further 24 hours.
- In addition the Assistant Commissioner has stipulated for the CoLP that as well as informing the on-call superintendent as soon as practicable after a S60 has been put in place by the minimum of an inspector, the on-call chief officer must also be informed.