

Committee: Police: Performance and Resource Management Sub Committee	Date: 15 th November 2013
Subject: HMIC Stop and Search Inspection	Public
Report of: Commissioner of Police Pol 53/13	For Information

Summary

Between October 2012 and April 2013, Her Majesties Inspectorate of Constabulary (HMIC) conducted a national inspection of all 43 police forces in England and Wales in Stop and Search. The inspection was entitled 'Stop and Search Powers: Are the police using them effectively and fairly?' The inspection methodology took the format of interviews with staff, examination of documentary evidence and focus groups to triangulate findings.

Members may recall that the Force underwent a 'Next Steps' Inspection on Stop and Search, conducted by the National Policing Improvement Agency (NPIA) in November 2012 which was reported to your committee in February 2013. The findings from this inspection were positive for the Force.

The national thematic inspection resulted in 10 recommendations being made including areas such as defining stop and search, monitoring compliance, complaints process and also training. The report details the recommendations and shows the current Force position against each recommendation.

Additionally, for the actual City of London Police Inspection a number of observations were made by the HMIC in relation to specific issues including provision of data, monitoring and community impact and consultation. Again the observations are listed in the main report with a current Force position. This essentially gives a baseline position from which to work.

A draft action plan has been drawn up to address both the national recommendations and the observations made when the Force was inspected. This is being monitored by the Stop and Search Working Party and the Force's PMG. Further reports on progress will be submitted to your Sub -Committee in the future

to monitor progress.

Recommendations

It is recommended that the report be received and its contents noted.

Main Report

Background

1. Between October 2012 and April 2013, Her Majesties Inspectorate of Constabulary (HMIC) conducted a national inspection of all 43 police forces in England and Wales in Stop and Search. The inspection was entitled 'Stop and Search Powers: Are the police using them effectively and fairly?'¹
2. The objectives for this inspection were:
 - to determine how effectively and fairly the police service is using the powers of stop and search in the fight against crime;
 - to establish whether operational police officers know how to use stop and search powers tactically as part of evidence-based practice to fight crime; and
 - to identify how the powers can be used in a way that builds the public's trust in the police, supporting the legitimacy of the service rather than eroding it.
3. There is no clear definition or agreed understanding of what constitutes an effective stop and search encounter. The statutory powers of stop and search are provided to assist police officers in the prevention and detection of crime, and to avoid unnecessary arrests in circumstances where a quick search on the street might confirm or eliminate an officer's suspicions.

Inspection Methodology

4. Nationally, five hundred senior managers were interviewed, including police officers of the rank of inspector and above, and

¹ <http://www.hmic.gov.uk/media/stop-and-search-powers-20130709.pdf>

focus groups were held with over five hundred and fifty operational constables and frontline supervisors.

5. To test what HMIC were told in these interviews, HMIC made unannounced visits to at least two police stations in each force area, and analysed their stop and search data at a local and national level. They also reviewed the policies, procedures and guidance documents relating to stop and search that were available to operational police officers.
6. HMIC also checked at least two hundred completed records from each police force to assess both their compliance with the Police and Criminal Evidence Act 1984 Code A² and whether sufficient grounds for conducting searches were recorded.
7. Of the 8,783 stop and search records examined nationally 27% did not include sufficient grounds to justify the lawful use of the power. The corresponding figure for the CoLP, from a sample of 200 records, was 18%.
8. Members may recall that prior to this HMIC inspection, the Force had commissioned a 'Next Steps' Inspection of Stop & Search procedures by the National Police Improvement Agency (NPIA), now College of Policing, in November 2012. This was reported to your Committee in February 2013 (Pol 11/13 refers). This inspection broadly mirrored the inspection protocol of the HMIC. The 'Next Steps' findings were generally very positive for the Force.
9. This subsequent thematic inspection report of all 43 Forces makes ten specific recommendations. These are listed below with an update of the current position within the CoLP for each of the recommendations.

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117594/pace-code-a-2011.pdf

National Recommendations

Recc No	Recommendation	CoLP position
1	Chief Constables and the College of Policing should establish in the stop and search Authorised Professional Practice document a clear specification of what constitutes the effective and fair exercise of stop and search powers, and guidance in that respect. This should be compliant with the code of practice.	Awaits guidance from Chief Constables Council and the College of Policing. Nothing in the feedback from either inspection from HMIC or NPIA gave cause for concern
2	Chief Constables should establish or improve monitoring of the way officers stop and search people, so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the code of practice), and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.	Both inspections found that supervision of stop & search was carried out by first line supervisors and was an ongoing process. There is continuing work, through the Organisational Learning Forum to ascertain any issues connected with individual stops, and any subsequent learning and dissemination of this learning to the relevant staff.
3	Chief Constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the code of practice and equality legislation.	This is covered at point 2.
4	The College of Policing should work with Chief Constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.	Awaiting feedback from the College. The NPIA inspection identified Stop & Search training delivered to new recruits, both regular & special constables, by the CoLP as good practice. This training includes an input by a community representative who is a published commentator on the subject.
5	Chief Constables should ensure that officers and supervisors who need this training are required to complete it, and that their understanding of what they learn is tested.	This requires further work to establish any learning needs in addition to those training products currently being delivered (see recommendation 6).
6	Chief Constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime fighting effort.	Recording of Stop & Search encounters have been recorded on the Force UNIFI Intelligence System since August 2013. This was actioned with the specific purpose to capture stop & search

		<p>data, in quick time, to inform ongoing police operations in order to counter criminality. This recording is being further refined with briefings, being delivered over next 3 months, to operational officers to address emerging data input issues.</p>
7	<p>Chief Constables should, in consultation with elected local policing bodies, ensure that they comply with the code of practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people.</p>	<p>A Stop & Search Community Scrutiny Group is being formed. The formation of the group has been delayed to enable young persons from the Mansell Street estate to be identified and invited. The initial meeting is scheduled for mid November. Part of the Group's remit will be to critically examine anonymised Stop & Search records (Form 386).</p>
8	<p>Chief Constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include gathering information about dissatisfaction reported to other agencies.</p>	<p>Historically and currently, there have been a low number of complaints connected to the use of Stop & Search within the City (7 since January 2013). These complaints are closely supervised by PSD and there are no trends identified from those complaints. Customer Satisfaction Surveys are sent to those making complaints to the CoLP. In addition surveys have been sent to residents and the business community to establish their confidence in the CoLP complaints system including why they may not have made a complaint against police in the past.</p>
9	<p>Chief Constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the code of practice.</p>	<p>The Force awaits recommendations from Chief Constables' Council.</p>
10	<p>Chief Constables should work with their elected local policing bodies to find a way of better using technology to record relevant information about stop and search encounters, which complies with the law and reveals how effectively and fairly the power is being used.</p>	<p>Technological solutions are being scoped to enable Airwave to record encounters, this will mirror the system used by Greater Manchester Police. At the present time this is expensive and is most likely to be achieved when mobile devices are rolled out to front line staff.</p>

Force Inspection

10. In addition to the outcomes from the National Thematic Inspection, feedback contained in the CoLP Force inspection report contained the following observations. As before, the current position within the CoLP is added after each observation.

No	Observation	CoLP position
1	Statistical data could be provided to police committee on an agreed regular basis	Data is already supplied to CoLP Performance Management Group (PMG) on a quarterly basis and can be reported to the relevant member at update meetings
2	Publish a force definition of an effective outcome from the use of stop and search powers.”	This awaits national guidance (see recommendation 1) and subsequent work by the Force Stop & Search Working Party. However, stop & searches resulting in an arrest are already monitored and reported at the Force PMG
3	To monitor and analyse the effectiveness of the use of the power.	See 8 above
4	To analyse or review for effectiveness, fairness or impact upon the community	This will be standing item at the Stop & Search Community Scrutiny Group.
5	To analyse the effects of the use of stop and search powers on recorded and detected crime, including mapping of searches against crimes.	The Force Intelligence Bureau has been asked to consider tracking all individuals that have been stopped and searched in order that any recidivism can be monitored in relation to future offending patterns. This applies rigour to the process by following evidence based management and gives an indication as to which interventions work best to prevent crime
6	To conduct public surveys seeking the views of people subjected to stop and search by the force.	This requires further work to be directed by the Force Stop & Search Working Party with a view to using the same mechanisms currently used by the Force for satisfaction surveys. Surveys will be conducted with sufficient rigour to ensure that sufficient samples will lead to statistically significant results; this links to point 16, tracking of those stopped.
7	To conduct force audits to assess the fair and effective use of stop and search.	This has commenced. No untoward trends have been identified.

8	To ensure all records contain sufficient information to support reasonable grounds.	This is linked to the above. Any trends will be fed into the OLF to inform any future training requirement. All Stop & Search records are countersigned by the officer's supervisor
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11. This report is intended to give Members an overview of the national Stop and Search Inspection and the local Force Inspection. A draft action plan has been drawn up to address both the formal recommendations from the National Thematic inspection and the observations from the Force inspection. This will be subject to periodic review by the Force Stop and Search Working Party and quarterly updates to the Force's PMG meeting. This essentially gives a baseline for the Force from which to work. Further updates to your Sub Committee will also follow.

Conclusion

12. The HMIC inspection was mostly very positive and follows on from the positive feedback given by the NPIA as a result of their 'Next Steps' inspection in 2012. The HMIC have indicated that they will revisit this area of business in the next 18 months to assess progress made against the national recommendations.

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