

Committee: Police	Date: 11 th July 2012
Subject: Stop and Account	Public
Report of: Commissioner of Police POL 44/12	For Information

Summary

This report to your Committee is in relation to national changes recommended for the recording of Stop and Search and Stop and Account by the Home Office.

From 7th March 2011 the Home Office removed the national requirement to record stop and account, in order to reduce police bureaucracy. Instead, they allowed police forces to make a local decision based on evidence and consultation as to whether recording stop and account should continue in that force area.

On this basis, the City of London Police completed a process to examine whether or not it should continue with stop and account and through 2011 and early 2012 considered a number of reports at its Force Strategic Management Board (SMB). The process that the Force undertook included consultation with a number of groups, including the Independent Advisory Group (IAG); consideration of consultation undertaken by the Metropolitan Police Service (MPS); consideration of decisions made in other forces; an equality impact assessment by the EDHR unit and finally, consideration of options to reduce bureaucracy associated with the process of stop and account.

Having considered all the elements from the process, the Force made the decision at its February SMB meeting to continue with stop and account, but with a reviewed form which would result in a reduction in bureaucracy and time spent by the individual stopped.

Technical solutions to record stop and account are still being explored nationally.

The Force is in the process of convening a community monitoring group, which will monitor the impact of stop encounters, identify trends and any underlying issues, and help promote good practice by CoLP Officers. It is intended that this group will report any significant concerns to the Commissioner, with recommendations for action.

Recommendations

It is recommended that members receive this report and note its contents.

Main Report

Background

1. The recording of stop and account arose from Recommendation 61 of the Stephen Lawrence inquiry Report in 1999. This placed an obligation on police forces to provide people stopped with a credible reason and a written explanation at the time. Full roll out of this recommendation took place in 2003.
2. A 'stop and account' is where a police officer asks someone in a public place to account for themselves, that is, to explain their actions, behaviour or presence in an area or to explain possession of something they may have but does not require a physical search of that person. A 'stop and search' is when a police officer physically searches a person, their clothes and anything they are carrying. These searches can only be carried out in accordance with statutory powers. They usually require the Officer to have "grounds " for the search, prior to its initiation. There is no such thing as a 'voluntary' stop or stop and search.
3. Since the introduction of the stop recommendation, the volume of stops recorded for the City of London Police has increased year on year. Between 1st September 2010 and 1st September 2011, the City of London Police (CoLP) recorded 7547 Stop and Accounts. This exceeds the volume for stop and search, which totalled 4147.¹
4. The Crime and Security Act 2010 was drafted with a clear understanding that the bureaucracy of 'stop' activity could be significantly reduced, if individual forces were able to tailor the requirements according to local needs. This included forces considering the option to record these encounters via a technical solution.
5. The national recording requirement for 'stop and account' and 'stop and search' therefore changed. Individual Forces were to determine whether local concerns justified the continuance of recording 'stop and accounts'. From 7th March 2011 the Home Office removed the national requirement to record stop and account, in order to reduce police

¹ Statistic from CoLP Management Information Unit (MIU)

bureaucracy. Instead, they allowed police forces to make a local decision based on evidence and consultation as to whether recording stop and account should continue in that force area.

City of London Police Position

6. The number of complaints in the City for stop and accounts has always been low. In 2010, from 7547 stop and accounts undertaken, there were only 10 complaints received. This equates to a 0.13 % complaint rate (none of these were about disproportional use of the power).
7. Ten Forces nationwide have continued to record stop and account, including the City of London Police, Metropolitan Police and BTP. The latter have decided to record Stop and Account in London only.
8. A legal challenge is underway with Forces that have decided to dispense with stop and account, based on a lack of consultation with Police Authorities and Communities.
9. The Force went through a thorough process to consider the implications of continuing with, or ceasing stop and account. The Force Strategic Management Board considered a number of reports and considered consultation, equality impact assessment and consideration of options to reduce bureaucracy. The details of this process are outlined below.

Consultation

10. The Force has consulted with the Independent Advisory Group (IAG). They expressed a view that members of the public in this force area, having been stopped and satisfactorily accounted for their presence and movements, would be generally very unhappy about having to be kept longer in order to provide details for the officer to record on the relevant Form.
11. The Race and Equality tactical Group (now EDHR group) were consulted. Members expressed concerns that the existing method of stop and account could actually create a barrier between the Police and the community, due to the time and bureaucracy in filling out details on the form.
12. A bespoke community “challenge” group was also convened with representatives from groups and ages most likely to be stopped by Police. This proved invaluable in determining tangible views, which

confirmed a very strong stance that the Force should *continue* with stop and account. However, this was supported by a view that the Force should also review its processes and forms in order to reduce bureaucracy and ultimately to reduce the time for which the individual was stopped.

13. The MPS carried out an extensive consultation programme, involving targeted groups, online questionnaires, workshops, youth panel meetings and internal staff surveys. On 26th September 2011, Kit Malthouse, the previous Chair of the then Metropolitan Police Authority (MPA), confirmed that the MPS would continue to record stop and account.

Equality Impact Assessment

14. The Force's Equality Diversity and Human Rights (EDHR) Unit completed an equality impact analysis covering the issues surrounding stop and account. The Unit's assessment was based on the force's consultation, the extensive consultation carried out by the MPA, whilst also recognising wider consultation carried out by other Forces including Greater Manchester Police, Thames Valley Police and Leicestershire Constabulary.
15. The conclusion of the EDHR Unit's assessment and analysis found that cessation of the requirement to record stop and account would remove a means of public scrutiny or police accountability, in respect of the exercise of this power. It would remove the means of monitoring whether stop and account is used disproportionately against particular groups, and therefore there was a risk that discrimination may go undetected.
16. These concerns were articulated over a number of well evidenced and referenced pages in their assessment, and subsequently informed the recommendations which were placed before the force's Strategic Management Board.

Reducing bureaucracy

17. A number of paperless solutions continue to be trialled across the UK, primarily utilising the airwave radio as a means of instantly recording, and in some cases actually transcribing the detail immediately and automatically, in an attempt to reduce the bureaucratic burden of front line officers on form filling.

18. It is clear that a longer-term solution is some way off; additionally any IT supporting infrastructure will have a cost implication, which will include start up costs and yearly licences. The Force has considered that any such commitment is not prudent in the current economic climate, but may have merit in due course and will be reviewed in time.

Decision

19. Having gone through this process, in February 2012 the Force Strategic Management Board made an informed decision to continue with stop and account in the City of London. However, the Board agreed a recommendation that a new and much simpler form should be used for stop and account. The headings and required characteristics on the form are fewer and simpler, whilst ensuring that essential detail around age, ethnicity and sex is still recorded.
20. In support of the decision Learning and Development are rolling out two computer based training packages for both stop and account and stop and search. This will be consolidated by refresher training for all uniform groups re-inforcing the importance of the powers along with a focus on the reduced recording burden.

Future Governance

21. Additional measures will be taken in relation to providing a more intelligence based approach to both stop and account and stop and search activity, in order to ensure that Officers are targeting issues which have links to the Force priorities and have been identified through the tasking process. Inspectors have been made more accountable for the 'Stop and Search and Stop and Account' activity of their staff.
22. The Force is in the process of introducing an extra layer of external scrutiny by setting up a community monitoring group, which will monitor the impact of stop encounters, identify trends and any underlying issues, help promote good practice by CoLP Officers, and help the Force to promote a positive view of stop powers within the wider community. Its proposed membership will include community members who have a connection to the City, alongside youth services representative from the London Muslim Centre, IAG Members, representatives of the London Probation Trust and the local Youth Offending Team. It is intended that this group will report any

significant concerns to the Commissioner, with recommendations for action.

Consultees

32. At a one to one meeting on the 28th March 2012, the lead Member for EDHR was fully briefed on this process and the Force's decision by Supt. Dave Lawes, Uniform Policing Directorate and provided appropriate challenge on behalf of Members in this respect.

Conclusion

33. Members should be reassured that the Force has gone through a robust process to consider whether to continue with stop and account and given necessary consideration to all the relevant elements in making the decision to continue, albeit with a reduced burden of bureaucracy.

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