

<b>Committee(s):</b> Police Committee	<b>Date:</b> 3 <sup>rd</sup> November 2016
<b>Subject:</b> HMIC Recommendations- Stop and Search Powers 2 Update	<b>Public</b>
<b>Report of:</b> Commissioner of Police Pol 51-16	<b>For Information</b>
<b>Report authors:</b> A/ Superintendent William Duffy Uniformed Policing Directorate	

### Summary

This report provides an overview and update on Her Majesty's Inspectorate of Constabulary (HMIC) Recommendations from HMIC Report *Stop and Search Powers 2: are the police using them effectively and fairly?* published in 2015. Stop / search impacts upon public trust and confidence and has been the link to a number of high profile incidents.

There were two Recommendations from this inspection which require Forces to:

- i) *"record all searches which involve the removal of more than an outer coat, jacket or gloves (JOG) ...."*
- ii) *"put in place a process to report, at least once a year, the information they get from recording searches that involve the removal of more than an outer coat, jacket or gloves to their respective police and crime commissioners and to any community representatives who are engaged in the scrutiny of the use of stop and search powers....."*

In terms of Community Scrutiny, the Force has established a new Community Scrutiny Group, focused not just on stop and search, as was previously the case, but also on use of force and deployment of Taser. This group has community membership, Lead Member for Vulnerability and Safeguarding, Nick Bensted-Smith, and a member of the Independent Advisory Group.

Previously the Force recorded Stop / Search on paper records. From November 2016 the new electronic hand held devices will record all information involving stop/ searches automatically. This allows prompt and accurate collection of data, reduces the time persons are detained, reduces errors and highlights any trends in crime, powers used or persons stopped. This will allow a clear picture of trends or highlight any significant issues in relation to the use of stop search going forward.

Data collected from January 2016 to September 2016 on this issue shows that the Force has a low number stop/ searches where individuals have been required to *remove more than an outer coat, jacket or gloves. From a total of 991 stops 23 were categorised as JOG (2.3%); these were all male with none being children or young persons.*

Of the 23 stop/ searched in the JOG category, 5 resulted in arrest (21%), 2 received cannabis warnings (8.5%) and 16 resulted in no further police action (69.5%). There was no direct comparison available with the Metropolitan Police Service (MPS) as their JOG data has only been collated and made available since June 2016.

However for Members interest the link to this data is below.<sup>1</sup> A full breakdown of each CoLP incident for the reporting period where more than jacket, outer coat and gloves were removed can be found at Appendix 2.

A short update on the Best Use of Stop and Search Scheme is also provided for information.

## **Recommendations**

Members are asked to:

- Note the report.
- Endorse report format and data for annual update.

## **Main Report**

### **Background**

1. The authority to stop and search comes from the Police and Criminal Evidence Act 1984 (PACE). This power is governed by Code A (PACE). The Force is also a voluntary member of the Home Office Best Use of Stop Search Scheme (BUSS) which sets out a number of recommendations in relation to monitoring stop search, increased engagement with the community and a visible and transparent approach to what stop search involves. In 2015, HMIC published a report – Stop and Search Powers 2: are the police using them effectively and fairly? which included the following recommendations:

#### **Recommendation 7**

Chief constables should require their officers to record all searches which involve the removal of more than an outer coat, jacket or gloves. This record must specify: the clothing that was removed; the age of the person searched; whether the removal of clothing revealed intimate parts of the person's body; the location of the search including whether or not it was conducted in public view; and the sex of the officers present.

#### **Recommendation 10**

Chief constables should put in place a process to report, at least once a year, the information they get from recording searches that involve the removal of more than an outer coat, jacket or gloves to their respective police and crime commissioners and to any community representatives who are engaged in the scrutiny of the use of stop and search powers to help them assess whether these searches are lawful, necessary and appropriate.

2. Regular reports on progress against HMIC Recommendations are submitted to your Police Performance and Resource Management Sub Committee.

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<sup>1</sup> [http://www.met.police.uk/foi/units/stop\\_and\\_search.htm](http://www.met.police.uk/foi/units/stop_and_search.htm)

## Current Position

3. This update is provided to fulfil the HMIC recommendations to report to the Police Authority.
4. The Force re-aligned two discrete service areas into one new working group earlier this year - : *The Stop Search and Use of Force Working Group*, recognising the additional work required to improve the Force's response to stop /search. The group work to progress action plans to improve scrutiny and transparency of data. A stop/search action plan has been developed and progress is monitored and updated monthly by the working group. The data produced for the group is in the process of being made available for viewing on the Force website.
5. The Force has also established a new Community Scrutiny Group, focused not just on stop and search as was previously the case, but also on use of force and deployment of Taser. This group has community membership, Lead Member for Vulnerability and Safeguarding, Nick Bensted-Smith, and a member of the Independent Advisory Group. Other members are actively being sought. The Terms of Reference for this group are published on the Force Website at <https://www.cityoflondon.police.uk/about-us/your-right-to-information/stopandsearch/Documents/stopandsearch-community-scrutiny-group-termsofreference.pdf>
6. Previously the Force recorded Stop / Search on paper records. Each record was supervised and submitted for data collection which is published on the CoLP and Home Office websites. The Force has now moved to electronic hand held devices which have the HMIC / Home Office approved stop/ search forms embedded within the software. All paper records have now been removed and kept as a contingency. From November 2016 the new electronic hand held devices will record all information involving stop/ searches automatically. This allows prompt and accurate collection of data, reduces the time persons are detained, reduces errors and highlights any trends in crime, powers used or persons stopped. This will allow a clear picture of trends or highlight any significant issues in relation to the use of stop search going forward. (Appendix 1 – Stop Search Electronic Format Screen Shot).

## Legal Framework

### Section 3.5 Police and Criminal Evidence Act 1984

7. There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves, except under section 60AA of the Criminal Justice and Public Order Act 1994 (which empowers a constable to require a person to remove any item worn to conceal identity). A search in public of a person's clothing which has not been removed must be restricted to superficial examination of outer garments. This does not, however, prevent an officer from placing his or her hand inside the pockets of the outer clothing,

or feeling round the inside of collars, socks and shoes if this is reasonably necessary in the circumstances to look for the object of the search or to remove and examine any item reasonably suspected to be the object of the search. For the same reasons, subject to the restrictions on the removal of headgear, a person's hair may also be searched in public.

## Stop Search Powers utilised over the period January 2016 – September 2016

Section 1 PACE – Stolen or prohibited articles

Section 23 Misuse Drugs Act – Controlled substance

### Analysis overview

8. The below table details the total numbers of stops, Male/ Female and number with more than Jacket, outer coat or gloves (JOG) removed. All those in the category were male and there were no children or young persons. As a percentage of total stop/ searches, the JOG category accounted for 2.3% of all stop/searches.

Month	Total Stop Search Conducted	Male	Female	More than JOG Removed M/F	Children / Young Person
January 2016	150	140	10	2M	0
February 2016	103	94	9	3M	0
March 2016	118	104	9	3M	0
April 2016	108	95	13	1M	0
May 2016	100	96	4	2M	0
June 2016	100	92	8	1M	0
July 2016	98	95	3	3M	0
August 2016	122	117	5	3M	0
September 2016	92	91	1	5M	0
<b>Total</b>	<b>991*</b>	<b>924</b>	<b>62</b>	<b>23</b>	<b>0</b>

\*5 undefined M or F

### Outcomes

9. Of the 23 stop/ searched in the JOG category, 5 resulted in arrest (21%), 2 received cannabis warnings (8.5%) and 16 resulted in no further police action (69.5%). There was no direct comparison available with the Metropolitan Police Service (MPS) as their JOG data has only been collated and made available since June 2016. However for Members interest the link to this data is below.<sup>2</sup> A full breakdown of each CoLP incident for the reporting period where more that jacket, outer coat and gloves were removed can be found at Appendix 2.

<sup>2</sup> [http://www.met.police.uk/foi/units/stop\\_and\\_search.htm](http://www.met.police.uk/foi/units/stop_and_search.htm)

## **Update on compliance with Best Use of Stop and Search Scheme**

10. The CoLP HMIC PEEL Police Legitimacy 2015 report published in February 2016 reported that the Force was non compliant with some elements of the Best Use of Stop and Search (BUSS) scheme.
11. However, the Force has made a number of improvements in order to regain compliance including, outcome data is now published on the force external website (with April 16 to June's data now available). This data specifically references KHAT (drug) with a nil return<sup>3</sup>; and as aforementioned regarding improved independent scrutiny through the Community Scrutiny Group which has been re-invigorated; in terms of using powers, immediate refresher training has been conducted particularly around 'Grounds' with news articles published and following a report to the Force Training Improvement Board the new Stop and Search training has been mandated and is programmed for delivery (classroom element) with NCALT modules being completed in advance.
12. The HMIC have recently contacted Forces to advise of possible re-inspection in November/ December for Stop and Search, based on a desk top review of documents and evidence that the Force will provide them with. Full details of the HMIC inspection recommendations are reported quarterly to your Police Performance and Resource Management Sub Committee who monitor progress for areas for improvement.

## **Conclusion**

13. Members are invited to note the Force's current position on the HMIC recommendations in Stop and Search Powers 2: are the police using them effectively and fairly? This is the first report in this format, recognising that transparency and confidence of process improves legitimacy. 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.
14. The Force only sees a relatively small number of occasions when clothing needs to be removed beyond that of jacket, outer coat and gloves (JOG). The monitoring and collection of this data will now be electronic which will allow a faster intergration of the procedure and highlight any trends or misuse.

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<sup>3</sup> <https://www.cityoflondon.police.uk/about-us/your-right-to-information/stopandsearch/Documents/stopandsearch-data-Q1.pdf>

## Appendix 1

Pronto CoLP — 12817p (Training)

< Home Search Finish Stop Copy To More

**Stop - Not Complete**

Incident Details **Stop/Search Details** Person Vehicle Location

Date/time search started	15:57 10/10/2016 Choose
Nature of Stop	
Account or search type?	<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Pedal cyclist <input type="checkbox"/> Pedestrian <input type="checkbox"/> Vehicle <input type="checkbox"/> Unattended vehicle
Stopped under ANPR	<input checked="" type="radio"/> Yes <input type="radio"/> No
Power	
Clothing removed?	<input checked="" type="radio"/> Yes <input type="radio"/> No ?
More than jacket, outer coat or gloves?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Detail clothing removed	
Intimate parts exposed?	<input checked="" type="radio"/> Yes <input type="radio"/> No ?
In public view?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Location	?
Sex of officers present	?
Details	

  

Object of search:	
Reason/grounds/authority of stop	
Criteria	
Items recovered?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Injury caused?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Arrested?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional information	
Officer Signature	Unsigned Sign
Date/time search ended	Now Choose
Copy requested?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Supervisor department	Response Group (UPD)
Supervisor sub department	

Pronto CoLP — 12817p (Training)

Home Search Finish Stop Copy To More

**Stop - Not Complete**

Incident Details Stop/Search Details **Person** Vehicle Location

Person details

Title

Forename(s)

Surname

**Date of birth known?** ☒ Yes ☐ No

**Date of birth**  Choose

Age

**Address known?** Yes

**City of London resident?** ☒ Yes ☐ No

Address

House number

House name

Address line 1

Address line 2

Town

County

Country United Kingdom

Postcode

Height

## Appendix 2 – Breakdown of each month January 2016

### January 2016

Number of searches which more than outer clothing removed = 2

- Section 1 PACE, removed from public search for stolen items  
Male Chinese IC5, year of birth 1980 age 36yrs No items found. No further police action
- S.23 Misuse Drugs Act, removed from public to Bishopsgate Police station for strip search No items found. No further police action  
Male IC4 year of birth 1989 age 27yrs No items found. No further police action

### February 2016

Number of searches which more than outer clothing removed 3

- Section 1 PACE, removed from public for search for counterfeit Money  
Male IC1 year of birth 1988 age 28yrs Arrested Counterfeit money (Fraud)
- Section 23 Misuse Drugs Act, removed from public for search

Male IC4 year of birth 1981 age 26yrs No items found. No further police action

c) Section 23 Misuse Drugs Act, removed from public for search  
Male IC1 year of birth 1993 age 23yrs Arrested

### **March 2016**

Number of searches which more than outer clothing removed 3

a) Section 23 Misuse Drugs Act, removed from public for search  
Male IC3 year of birth 1981 age 25yrs Cannabis Street warning

b) Section 23 Misuse Drugs Act, removed from public for search  
Male IC1 year of birth 1986 age 20yrs No items found. No further police action

c) Section 23 Misuse Drugs Act, removed from public for search  
Male IC1 year of birth 1997 age 19yrs Arrested

### **April 2016**

Number of searches which more than outer clothing removed 1

a) Section 23 Misuse Drugs Act, removed from public view to van for search  
Male IC3 year of birth 1992 age 24yrs Arrested

### **May 2016**

Number of searches which more than outer clothing removed 2

a) Section 23 Misuse Drugs Act, removed from public view to van for search  
Male IC3 year of birth 1992 age 24yrs Arrested

b) Section 23 Misuse Drugs Act removed all clothing at custody Bishopsgate  
Male IC1 year of birth 1989 age 27 No items found No further police action

### **June 2016**

Number of searches which more than outer clothing removed 1

a) Section 23 Misuse Drugs Act, removed from public view to van for search,  
tracksuit top and bottoms removed  
Male IC3 year of birth 1992 age 24yrs No items found No further police action

### **July 2016**

Number of searches which more than outer clothing removed 3



- a) Section 23 Misuse Drugs Act, removed from public view to Bishopsgate Police Station No items found No further police action  
Male IC4 year of birth 1991 age 25yrs
- b) Section 23 Misuse Drugs Act, removed from public view to Bishopsgate Police Station Cannabis warning  
Male IC4 year of birth 1992 age 24yrs
- c) Section 23 Misuse Drugs Act, removed from public view to Police Van  
Male IC4 year of birth 1997 age 19yrs No items found No further police action

## **August 2016**

Number of searches which more than outer clothing removed 3

- a)Section 23 Misuse Drugs Act, removed from public for search at Bishopsgate police station custody Male IC3 year of birth 1996 age 20yrs No items found. No further police action
- b)Section 23 Misuse Drugs Act, removed from public for search Bishopsgate police station custody  
Male IC1 year of birth 1990 age 26 yrs No items found. No further police action
- c) Section 23 Misuse Drugs Act, removed from public for search Bishopsgate police station interview room  
Male IC3 year of birth 1994 age 22 yrs No items found. No further police action

## **September 2016**

Number of searches which more than outer clothing removed 5

- a) Section 23 Misuse Drugs Act, removed from public for search at Bishopsgate police station Male IC1 year of birth 1991 age 25yrs No items found. No further police action
- b) Section 23 Misuse Drugs Act , removed from public view for search Bishopsgate police station Male IC1 year of birth 1992 age 23 yrs No items found. No further police action
- c) Section 23 Misuse Drugs Act , removed from public for search police van  
Male IC1 year of birth 1994 age 22 yrs No items found. No further police action
- d) Section 23 Misuse Drugs Act, removed from public for search Bishopsgate police station interview room  
Male IC1 year of birth 1992 age 23 yrs No items found. No further police action
- e) Section 1 PACE removed from public for search

Male IC4 year of birth 1995 age 21 yrs No items found. No further police action

These figures have been taken from Force system PRONTO & a manual trawl of hard copies.