

Committee(s): Police Committee	Date: 1 November 2018
Subject: Stop and Search update -Best Use of Stop and Search -Report on the removal of more than Jacket, outer clothing or gloves (JOG) during stop search	Public
Report of: Commissioner of Police Pol 77-18	For Information
Report author: Lee Presland, Superintendent Response and Operations, Uniformed Policing Directorate	

Summary

This is an update to the report provided to your Committee in 2017 (Pol 21-17 refers) and details developments on the City of London Police (CoLP) management and implementation of stop and search tactics in line with Home Office-led Best Use of Stop and Search Scheme (BUSS).

The report continues the discussion of searches involving more than the removal of outer coat, jacket and gloves, although these searches were small in number and do not feature as a particular issue or point of discussion in the most recent HMICFRS report covering stop and search: *'PEEL: Police Legitimacy (including leadership) An Inspection of City of London Police HMICFRS' (December 2017)*

Police legitimacy – a concept that is well established in the UK as 'policing by consent' – is crucial in a democratic society. 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.

To achieve this support – or 'consent' – the public needs to believe that the police will treat them with respect and make fair decisions (while taking the time to explain why they are making those decisions), as well as being friendly and approachable. This is often referred to as 'procedural justice'. Police actions that are perceived to be unfair or disrespectful can have an extremely negative effect on police legitimacy in the eyes of the public.

The Best Use of Stop and Search Scheme or BUSS was announced by the Home Secretary to Parliament on 30th April 2014. The principal aims of the scheme were to achieve greater transparency, community involvement in the use of stop and search powers and to support a more intelligence-led approach, leading to improved outcomes, for example, an increase in the stop and search to positive outcome ratio. Stop and search is a complex issue and requires a tailored response in the City due to its unique environment, particularly as a large number of those stopped and searched live outside of the City boundaries. CoLP is dedicated to ensuring that stop and search is carried out appropriately and justifiably and that the force and officers remain accountable for their searches.

Whilst the force has now been acknowledged as fully compliant with the requirement of the BUSS scheme, it was still assessed by HMICFRS as 'requires improvement' for this area of policing within the recent legitimacy report. In particular it was emphasized that improvement was required in the key areas of training, supervision and management of data.

An effective and detailed training package is currently being rolled out across the force which should improve both officer knowledge and awareness of reasonable grounds as well as improved supervisory oversight. Equally, IT developments with use of the new hand held devices should improve inputting of data in turn improving quality of data returns.

Finally, the force's new crime management system NICHE, whilst still subject to teething issues, should ultimately enable the force to better identify any areas of stop and search where disproportionately may exist and either be able to explain it as a legitimate result of anomalies between the residential and migrant population of the City, or if confirmed as a disproportionality issue, be able to better understand what part of the population is being affected and why. In this way remedial action such as training, improved leadership and if necessary individual accountability of poor performing officers can be effectively addressed.

At the same time, the force was complemented by HMICFRS for its efforts to improve its public engagement in an environment of limited interest and it continues to expand the diversity and depth of contact in this area.

Recommendation

It is recommended that Members note the report.

Main Report

Background

1. The main facts and figures show that:

- There were 1574 stop and search incidents in City of London in the financial year 2015/16 at a rate of 3.9 per 1,000 people compared to a force average for England and Wales of 4.8 per 1000 people¹
- The number of stop searches conducted by City of London Police continues to decline with a total of 1122 searches conducted for 2017/18²
- Between 2010/11 and 2014/15, in England and Wales the likelihood of Black people being stopped and searched fell from 6 times that of White people to 4 times that of White people; it then rose again to just over 8 times more likely in 2016/17³

¹ PEEL: Police Legitimacy (including leadership) An Inspection of City of London Police HMICFRS (December 2017)

² Niche RMS

³ Home Office Policing Statistics: Ethnicity Stop Search Facts and Figures (May 2018)

- In 2015/16, in the local population of City of London Police, Black people were 8.1 times more likely to be stopped and searched than White people. This is in line with the national average⁴
 - In England and Wales there was an arrest rate of 17% in the year ending March 2017 following any stop and search.
 - City of London police had the highest arrest rate, with 33% of searches leading to an arrest.⁵
2. In 2014, the Home Office and College of Policing launched the Best Use of Stop and Search (BUSS) scheme. 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:
- Data recording and publishing;
 - The introduction of lay observation policies to allow members of the public to accompany officers on patrol when they might observe stop and search powers being used;
 - The introduction of a community complaints trigger, a complaint policy which triggers explanation to local communities when large numbers of stop and search-related complaints are received; Reducing the use of stop and search powers under section 60 Criminal Justice and Public Order Act 1994;
 - Monitoring the impact of stop and search on young people and black, Asian and minority ethnic communities.
3. In 2015, HMIC assessed the compliance with each feature of the scheme in each of the 43 Home Office-funded forces in England and Wales, as part of its 2015 PEEL Legitimacy inspection. 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.)
4. 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.

⁴ PEEL: Police Legitimacy (including leadership) An Inspection of City of London Police HMICFRS (December 2017)

⁵ Police powers and procedures, England and Wales, year ending 31 March 2017 Statistical Bulletin 20/17

5. 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.
6. However, HMICFRS also found that the force needed to improve its scrutiny and understanding of this data, so that it can identify and act on concerns. HMICFRS acknowledged that the force is 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 contends that the massive influx of people, including black people, travelling to the area daily for work or pleasure, changes the profile of the population of the area and skews the data, given the small residential population. HMICFRS acknowledges that this is likely to be true, as the increase takes the population to around 400,000, and so is a significant change, but emphasised that the force has not yet carried out research to confirm this.
7. HMIC recognised that the introduction of a new IT system in 2017 should allow the force to present all its stop and search data in a way that made it easier to scrutinise, but an understanding of how this material can improve individual and organisational learning needs to be developed.
8. HMIC also found the community scrutiny group provided appropriate challenge to the force on stop and search and use of force. The force has had difficulties in attracting members to this group but has taken positive steps to attract a wide and diverse membership, including contacting local residents using social media. Members will be aware from the Equality and Inclusion Update to your September Committee that work is progressing on re-vamping this group along with the Independent Advisory Group.
9. 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 the position had not improved since 2013; indeed, it had worsened slightly but recognised that part of the decline may have resulted from the introduction of a new electronic hand-held device, a 'tough pad', in 2016, which officers, staff and supervisors found difficult to use to record and supervise stop and search. HMIC also noted that in 55 of the 200 records reviewed, the item searched for was found.
10. Overall the force was assessed as 'requires improvement' in relation to its use of stop and search with the following listed as areas for improvement:
 - The force should ensure that all relevant officers have received appropriate training on the use of stop and search powers.
 - The force should maintain and monitor a comprehensive set of data to understand the impact of its use of stop and search powers.

- The force should ensure that all relevant officers and supervisors understand what constitutes reasonable grounds for stop and search and how to record them.

Progress

What is disproportionality?

11. 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

- 12.** 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, this becomes problematic when applied to the City of London Police 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.
- 13.** When comparing potential disproportionality rates within the City of London, a possible alternative option 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.
- 14.** Another option is to look at the residential addresses of people stopped to better understand where those coming into the City of London have travelled from. 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.

15. 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.

Data Collection

16. The extraction of data has proved difficult owing to a transfer of the force crime recording systems to Niche⁶ RMS (Records Management System). Subsequent committee reports will enable quarterly comparison of data on Niche in line with the imminent publishing of quarter one of 2018/19 on the force's website. (See Appendix 1)

Stop and Search Working Group

17. 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.

Community Scrutiny Group

18. The Force set up a Community Scrutiny Group (CSG), focused not just on stop and search but also use of force and deployment of Taser. The purpose 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 has become less effective over the years and the level of scrutiny required is not being achieved.

19. As aforementioned, CoLP are looking to introduce a new CSG which will be an amalgamation of the CSG and Independent Advisory Group (IAG). The new CSG will represent a more diverse community base in terms of ethnicity and social groups. The Force started to consult with 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 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.

⁶ Niche RMS is CoLP core operational system, supporting the management of information in relation to people, locations, vehicles and incidents, and compliant with the principal doctrines of UK policing. The system supports crime, intelligence, incidents, property, custody and case file prep

Community Engagement Patrols

- 20.** 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.
- 21.** 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.
- 22.** The aim of the Community Engagement Patrol scheme is to improve public trust and confidence in City of London Police through reassurance that CoLP's processes and procedures are transparent, by allowing members of the public, on successful application, the opportunity to observe everyday policing activities. This is designed to allow the community to engage with police staff, increase understanding of our work and allow for feedback to be given to our Community Scrutiny Group about their experiences. The intention is that this process will increase trust in the police.
- 23.** The Community Engagement patrols provides opportunities for members of the local community to accompany officers on patrols and enables two-way learning to take place bringing the police closer to the public and the public closer to the police. Community engagement 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.
- 24.** 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.
- 25.** 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.

Electronic hand-held devices (Tough Pads)

- 26.** Since November 2016 the new electronic hand-held devices (Tough Pads) have been used by all front line officers to record all information involving stop searches automatically. The devices have allowed prompt and accurate collection of data, have helped in reducing the time persons are detained, reduced errors and highlighted any trends in crime, powers used or persons stopped.

27. At the same time, as noted by HMICFRS, there have been some issues associated with the use of the hand-held electronic tablet devices and the overall digitisation of the stop search process. Some of this can be levelled at the introduction of an increased requirement for more data under the principles of BUSS which coincided with the digital roll-out. Whilst the quality of submissions has improved as officers have become more competent in use of the tablets, it is acknowledged that the use of Windows on tablets is challenging. A planned move from tablets to Smart phones should enable officers to complete electronic forms more effectively reducing the number of errors and omissions.

Training

28. The Force's Learning and Development Department is currently delivering refresher training to all front-line officers on grounds for stop and search, based on the latest guidance from the national stop and search team and College of Policing training. The aim of the training is to give officers confidence to use their powers legally, fairly, professionally and transparently and help them recognise the potential for unconscious bias. The training is designed to support officers to demonstrate clear, objective and reasonable grounds before conducting a search and to assist them to make decisions clearly and treat members of the public fairly and respectfully.

29. Learning and Development commenced training on 5th April 2017. As of 4/10/18, 183 officers have received the updated stop and search training. Out of the 537 outstanding officers left to train, only 199 of those outstanding are considered a priority owing to performing an operational role⁷. By the end of the year all officers who are considered a priority will have been trained. Six courses have so far been run with another ten more planned and 50% of eligible delegates have already pre-booked to attend. All front-line supervisors are also receiving refresher training around stop and search. A more intrusive approach has been implemented when supervisors are inspecting stop and search. All electronic stop and search forms are scrutinised first by a supervisor and then by a dedicated stop search quality assurance officer. Issues with any part of the information supplied, including grounds, are raised via a staged process, culminating in the Chief Inspector within Uniformed Operations being informed if the issue remains unresolved within 7 days. This aim is to reduce poor practise and highlight any areas of concern for additional training. Front line supervisors are required to attend the updated training package for stop and search and are considered priority delegates. They will therefore fall into the category of having received the training before the end of the year.

30. All front-line supervisors are also receiving refresher training around stop and search. A more intrusive approach has been implemented when supervisors are inspecting stop and search. All electronic stop and search forms are scrutinised first by a supervisor and then by a dedicated stop search quality assurance officer. Issues with any part of the information supplied, including grounds, are raised via a staged process, culminating in the Chief Inspector within Uniformed Operations being informed if the issue remains unresolved within 7 days. This

⁷ On 4th October a note/ dashboard was circulated to Members of the P&RM Sub and the PSI Sub which detailed the position as at 17th September 2018.

aim is to reduce poor practise and highlight any areas of concern for additional training.

31. A summary report on issues identified (including grounds) is completed by the stop and search quality assurance officer and considered for any actions required by the monthly working group, chaired by the Chief Inspector Operations.

Community trigger scheme (complaints)

32. In line with the requirement of the BUSS we have 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.
33. CoLP have made the decision to report to the Community Scrutiny Group every single 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 finalized, 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. This aspect of the complaint was upheld as this was contrary to Code A, Codes of Practice that dictates that cooperation should be sought in every case and force, in this case handcuffing, should only be used as a last resort.

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

34. 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. 9% of stops in 17/18 (101) involved some clothing being removed ranging from just outer clothes to a full strip search. The majority of these stops (70) just involved outer clothing being removed.
35. For the financial year 17/18 29 people were subject to a strip search as part of a stop and search encounter. This is 2% of all stops, which is the same percentage as 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) is 32%, which is marginally lower than 33% across all searches in the same period. The most common outcome from a strip search was no further action (18, 61%), 11 people were arrested (35%), one person was issued a cannabis warning and one arranged a voluntary attendance. Ultimately three people were charged and one cautioned.
36. Most strip searches resulted from drugs stops (26, 84%), the breakdown for all reasons/legal powers is:

01 Police & Criminal Evidence Act 1984 (s1)	4
Going Equipped	3
Bladed article	1
Firearms Act 1968 (s47)	1
Firearms	1
Misuse of Drugs Act 1971 (s23)	26
Drugs	5
Drugs - Cannabis	8
Drugs - other	10
Evidence of offences under the act	3

37. Most strip searches were carried out on males. Just one involved a female. She appeared to be of white, South European ethnicity was in her 40s and stopped in relation to going equipped for ATM fraud. No items were found and the woman was released with no further action.

38. The age breakdown for strip searches is as follows;

Age Range	Searches
10-17	1
18-24	16
25-34	7
35-59	6
Unknown	1

The one search in the 10-17 category was a full strip search of a 17 year old white male under s23 misuse of drugs act. Drugs were found and as a result of the stop he was arrested and then later released under investigation.

39. The ethnicity breakdown is as below and also cross referenced with ages;

Ethnicity	Searches
White	12
Black	7
Asian	11
Other	1

	10-17	18-24	25-34	35-59	Unknown
White	1	5	1	4	1
Black		1	5	1	
Asian		10	1		
Other				1	

Conclusion

- 40.** 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 HMIC 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.
- 41.** 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.

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