

Committee(s): Police Professional Standards and Integrity Committee	Date(s): 5 th February 2021
Subject: Covid-19 Fixed Penalty Notices (FPNs) and Stop and Search update	Public
Report of: Commissioner of Police Pol 14-21	For Information
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Summary

At your May 2020 Police Authority Board as part of the new governance and scrutiny arrangements, the Force was directed to submit regular quarterly reports to the Professional Standards and Integrity (PSI) Committee on Stop and Search. The first of these reports, detailing Q1 data was submitted to your September 2020 PSI Committee and the second detailing Q2 data was submitted to your November 2020 PSI Committee.

The Force has not been able to submit a full report on Q3 data to this Committee owing to a timing issue, as at the time of submission, the data for Q3 is still being collated and analysed and the Force Stop and Search Working Group meets to consider this data on the 3rd February 2021. However, a summary infographic is presented in the main report with indicative data, and a link to the full Q3 data and analysis report on the City of London Police Website will be circulated to Members as soon as it is published.

At both previous PSI meetings a number of observations in regard to the stop and search data and presentation of data were raised. These are detailed in the main report with responses shown. Where shown some are being considered in Force by the Stop and Search Working Group in terms of whether there is a cost and if it would be an efficient use of resources.

Also presented here is the data on Covid-19 Fixed Penalty Notices (FPNs) issued FYTD, which is an area of interest for Members, this includes numbers issued, where issued (CoLP/MPS), ethnicity, gender and offences (Appendix 1).

Recommendation

Members are asked to note the report

Main Report

Background

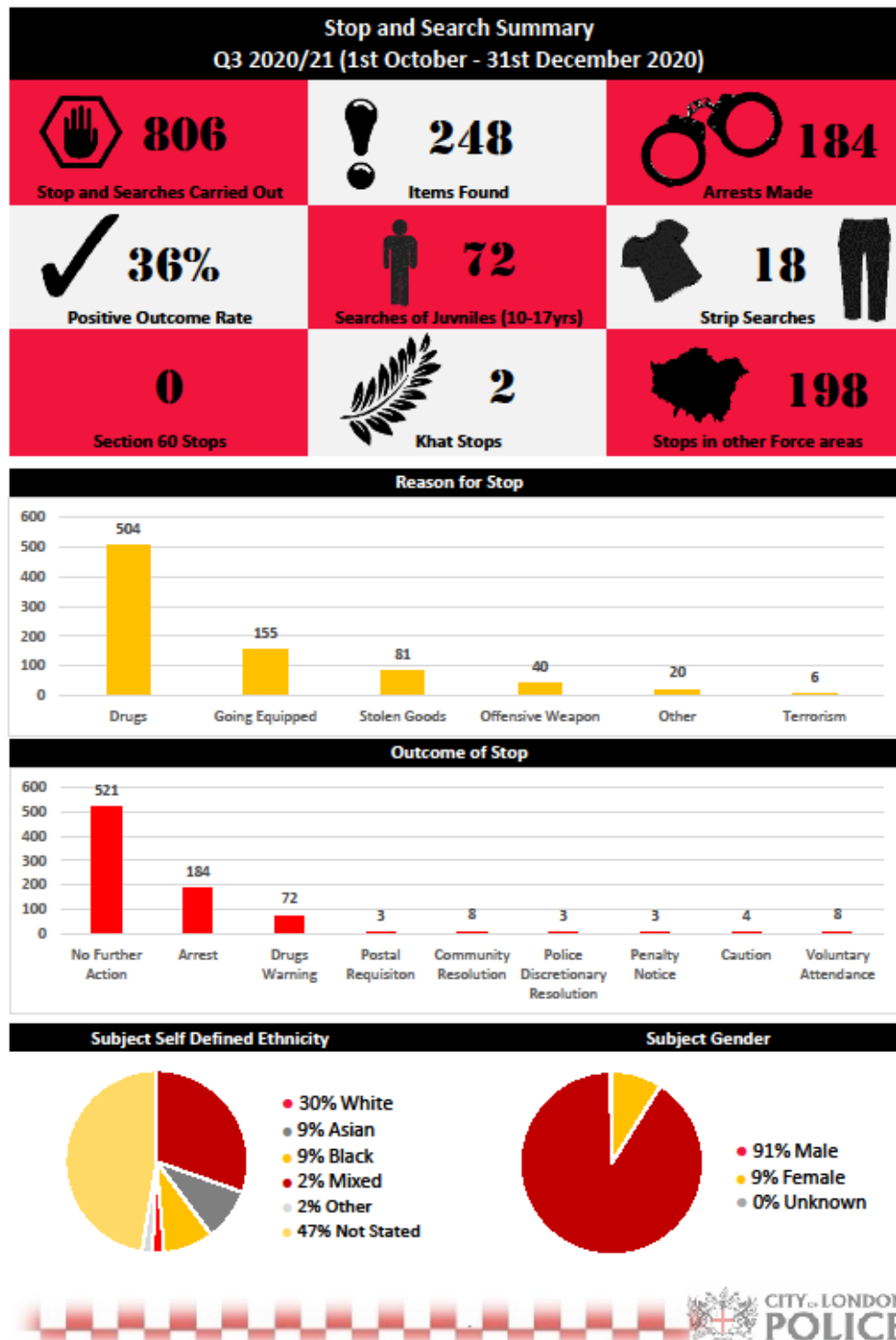
1. The Force previously used to report annually on Stop and Search into the Police Authority Board (PAB). At your May 2020 PAB as part of the new governance and scrutiny arrangements, the Force was directed to submit regular quarterly reports to the Professional Standards and Integrity (PSI) Committee on Stop and Search. It was agreed with the Chairman of this Committee and the Police Authority Team, that the Force would submit the Quarterly Stop and Search reports that it publishes on the CoLP website. This was completed for Q1 and Q2.

Current Position

2. Owing to a timing issue, there is no full Q3 report and analysis, as at the time of submission, the data for Q3 is still being collated and analysed and the Force Stop and Search Working Group meets to consider this data on the 3rd February 2021. However, a summary infographic is presented below and a link to the Q3 data from the Force website will be circulated to Members as soon as the full report is published.
3. Additionally, the Force is able to present to Members data on the issue of Covid-19 FPNs, attached at Appendix 1. This shows numbers issued, where issued, offence, ethnicity, gender, whether City resident. A verbal account in support of this data will be provided at the meeting.

Q3 Stop and Search data Summary infographic¹

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¹ These figures are preliminary and need to be reconciled before the figures are finalised for the full report that will be published, but are indicative.

Observations on Stop and Search data previously presented

4. Comments on the presentation of data made at the September meeting by an observer when the Q1 data was presented and by Members at the November meeting when the Q2 data was presented are shown below with Force responses:

Comment:	Response:
Q1	
There appeared to be differing approaches to statistics within the quarterly report varying between self-identified ethnicity and perceived ethnicity, which could give rise to misleading statistics.	This is a reporting requirement. The officer is required to record their perception of ethnicity on each stop search form and to ask the subject of the stop to self define their ethnicity but they are not required to answer. The Force is required to report both sets of ethnicity data in to the Home Office and used as the basis for different measures, which is why the Force presents the information in this format.
There was also a differing approach to using either graphic presentation of data versus narrative descriptions where a direct comparison of like with like would perhaps be more helpful.	Noted. The Force will look to provide like for like comparisons where possible. Often the narrative is the analysis which describes what the graphic presentation means however.
It would be helpful if data could be presented in a more qualitative way e.g. breaking drug stops down into whether the arrest was for Class A, Class B, and either supply or possession	We cannot give a breakdown based on possession/supply or Class of drug as this information simply is not available on the form which is set nationally. It would require a time consuming manual trawl of data on both the stop search forms and other linked occurrences for the individual. The only breakdown we can provide in terms of drugs is Cannabis/Khat/Other as those are the categories available in the reason section of the search form set nationally. We can however make the breakdown of drug type by ethnicity clearer in the report.
Observer queried how many of the 106 drug stops conducted (Q1) were done for the reason that cannabis could be smelled, which was bad practice.	This would require a manual trawl of the grounds on the form and so has not been undertaken as no capacity to do this level of trawl. The Force has delivered training on the Best Use of Stop and Search (BUSS) scheme: under BUSS, the smell of cannabis alone should not form the basis for a search, however as noted below it could be lawful grounds for a search. All Stop Search forms (including grounds) are reviewed by the officer's supervisor, and this should be done within 24hrs. Additionally, records are dip sampled regularly so any would be highlighted and any issue identified through the supervision process. Additionally, although the College of Policing advises officers against carrying out a stop and search, based solely on the smell of cannabis and a recent report by HM Inspectorate of Constabulary (HMICFRS) found that the smell of cannabis

	<p>should not be grounds to stop a suspect in and of itself. This is only guidance for officers and not law. Reasonable grounds for suspicion must relate to the likelihood that the object in question will be found. There is no stated case which says that the smell of cannabis alone cannot provide reasonable grounds. However, based on the HMIC report, searching Officers should consider and record all of the information available to them, including their own observations of suspicious behaviour, not just the smell of what they believe to be cannabis. As stated all grounds have to be reviewed and approved (after the search) by a supervisor and are dip sampled regularly.</p>
Q2	
<p>A Member queried the outcome rates on page 30. In response, officers, whilst pointing out that CoLP was the best performing Force in the UK in terms of positive and judicial outcomes post arrest (28%), cautioned Members that the data within the Report needed to be set in context; once an arrest was made, it could result in a range of eventualities, which did not, in and of itself, negate the overall effectiveness and efficacy of Stop and Search as a tactic in the City. Indeed, Her Majesty's Inspectorate of Constabulary's (HMIC) recent review found that 92% of the grounds for a Stop and Search by City of London Police were reasonable – this was the highest rate across all UK Forces. Whilst the picture was nuanced, the Assistant Commissioner confirmed that he would look to provide clearer explanation on the data in future.</p>	<p>The Force is unclear what further information, if any, is required in this regard, the minutes do not detail the query, if this could be explained further we can look into if it is possible.</p> <p>Again though, if Members are looking for the outcome after arrest, this requires a manual trawl of data on both the stop search forms and other linked occurrences for the individual, this can be very time consuming and a previous trial of this found that in a significant number of stops when someone is arrested they are taken to a MPS custody suite not Bishopsgate, in which case we do not know the outcome of the arrest thereby potentially skewing the available data.</p>
<p>Concerning Stop and Search based on ethnicity could be presented in percentage terms going forward</p>	<p>It is already presented in % terms in the report.</p>

5. With reference to the requests that would require a manual trawl, the Stop and Search Working Group will:
 - a) consider whether the Force has the capacity to do this and if this would be an efficient use of current resources and
 - b) assess where a change to systems/processes/forms could lead to enhanced data presentation, what the cost will be and whether the change is possible and also cost effective.
6. These will be considered prior to the start of the new financial year and depending on the assessment of the Stop and Search Working Group, any changes will be made to the reports going forward for 2021-22. It would be desirable for no further changes to data presentation to be made in year if possible.

Conclusion

7. Stop and Search is an important tactic for the Police Service and the Force recognises the importance of effective oversight and scrutiny in this area. All Force Stop and Search data is now published on the Force Website² which provides transparency to the public that we serve.

Appendices

Appendix 1- Covid-19 Fixed Penalty Notices (FPNs) 1st April 2020-18th January 2021

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² <https://www.cityoflondon.police.uk/police-forces/city-of-london-police/areas/city-of-london/stats-and-data/stats-and-data/>