

<b>Committee:</b>	<b>Date:</b>
Police: Performance and Resource Management Sub Committee	26 <sup>th</sup> February 2014
<b>Subject:</b> HMIC Stop and Search Inspection update	<b>Public</b>
<b>Report of:</b> Commissioner of Police Pol 11/14	<b>For Information</b>

### **Summary**

This report provides an update to the report to your Sub Committee in November 2013 (Pol 53-13), which provided Members with an initial update on Her Majesties Inspectorate of Constabulary (HMIC) Stop and Search Inspection.

This report gives an up to date position on the national recommendations and also the specific City of London Police observations made by HMIC when the Force was inspected. This is being monitored by the Force's Stop and Search Working Party and the Force's Performance Management Group (PMG) at which the Town Clerk's representatives attend.

A number of the areas identified at a national level are still awaiting guidance or direction from either the Association of Chief Police Officers (ACPO) Chief Constable's Council, or the College of Policing.

Members may wish to note that since the last report to your Sub-committee in November 2013, one of the key areas of progress is that the Stop and Search Community Scrutiny Group has been formed and the inaugural meeting was held on the 19<sup>th</sup> December 2013 where Terms of Reference for the group were discussed and agreed and standing agenda items were agreed for future meetings of the group.

### **Recommendation(s)**

Members are asked to note the report

## **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?’<sup>1</sup>

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. An initial report on the outcomes and findings of the HMIC inspection was submitted to your Sub Committee in November 2013 (Pol 53-13 refers). The recommendations from this inspection are listed below with a further update of the current position within the CoLP for each of the recommendations.
  
4. With reference to a number of the national recommendations, progress is dependent upon guidance and / or direction from the College of Policing and through Chief Constables Council. It is possible, although not explicitly articulated, that owing to the new formation of the College and other priorities, this is still a work in progress.

### Current Position

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. Recent changes have placed more onus upon first line supervisors who supervise all forms prior to input onto the Crime and Intelligence database by FIB ( From

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

		6/1/14)
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.	Still awaiting resolution from the College. The NPIA 'Next Steps' inspection <sup>2</sup> 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 through Chief Constables and the Policing College to establish any learning needs in addition to those training products currently being delivered (linked to 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 are recorded on the Force Crime and Intelligence System and have been since August 2013. This was actioned with the specific purpose to capture stop & search data, in quick time, to inform ongoing police operations in order to counter criminality such as terrorism, acquisitive crime and low level crime by organised crime gangs.
7	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.	A Stop & Search Community Scrutiny Group has been formed. The inaugural meeting was held on 19 <sup>th</sup> December 2013. The membership includes representation from the IAG and City community. Next meeting is 11 <sup>th</sup> February.
8	Chief Constables should ensure that those people who	Historically and currently, there

<sup>2</sup> The 'Next Steps' Inspection on Stop and Search, was 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.

	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.	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. A further update on outcomes of this survey will be reported to your next Sub Committee.
9	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.	The Force awaits recommendations from Chief Constables' Council.
10	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.	The technology requirement has now been included in the user specification for the Force mobile devices project and we are looking at a roll out in November 2014. This is being led by I&I. The use of Airwave option has been fully explored, but was discounted due to cost and the progression of the other work stream.

5. 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 to which the lead Member for Performance and representatives of the Town Clerk's office in its capacity as the Police Authority are invited and attend. However, an annual report could be submitted to the Performance Sub Committee in May of each year to review the previous year's data if preferred.

2	Publish a force definition of an effective outcome from the use of stop and search powers.	National guidance is still not forthcoming so the Force will work in the next period to work up a force definition of an effective outcome- (this will then be refreshed and informed by the national guidance when it is published) This will be managed by the Force Stop & Search Working Party. 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 number 6 of the above national recommendations.
4	To analyse or review for effectiveness, fairness or impact upon the community	This is a standing item at the new Stop & Search Community Scrutiny Group. No issues brought up at the inaugural meeting on the 19 <sup>th</sup> December 2013.
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 tasked 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.
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. New work has commenced this year ( since 6/1/14)
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 Organisational Learning Forum to inform any future training requirement. All Stop & Search records are countersigned by the officer's supervisor.

## **Community Scrutiny Group**

6. At the last meeting of your Sub Committee, Members expressed particular interest in the formation of the new Stop and Search Community Scrutiny Group. This met on the 19<sup>th</sup> December 2013 and discussed the terms of reference for the way forward, along with agreement around the key areas which will need to be transparently examined by the membership. A brief resume of key issues raised along with mitigation plans, if appropriate, will be included in future updates. The next Community Scrutiny Group is scheduled for the mid February 2014.

## **Conclusion**

7. Members should be reassured by the Force's approach and track record for historic proportional use of Stop and Search. However, the City of London Police recognises that this is an area where further enhancements will aid process and transparency, which will ensure that the Force continues to perform well in this area of business.

## **Background Papers:**

Pol 53-13- HMIC Stop and Search Inspection

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