



**Lancashire
Constabulary**
police and communities together

REPORT TO : STRATEGIC SCRUTINY MEETING – 7TH JANUARY 2016
REPORT BY: SUPT IAN DAWSON
TITLE: STOP AND SEARCH UPDATE

1. Summary

1.1 This report updates the Commissioner on the progress as against the Home Secretary’s recommendations in 2014 and 2015 in respect of the Best Use of Stop and Search (BUSS). It also outlines the current performance on Stop and Search.

2. Decision Required

2.1 The Commissioner is requested to note the report.

3. Information

3.1 On the 12th June 2015 a report was presented to the Scrutiny meeting on the Best Use of Stop and Search. It highlighted the latest position against the Constabulary’s progress against the 13 recommendations of the BUSS scheme announced by the Home Secretary in her statement to Parliament on 30 April 2014.

3.2 By way of a reminder the principal aims of the Scheme are to achieve greater transparency, community involvement in the use of stop and search powers and to support a more intelligence-led approach, leading to better outcomes, for example, an increase in the stop and search to positive outcome ratio.

The features of the Scheme are:

- a) Data Recording – forces will record the broader range of stop and search outcomes e.g. arrests, cautions, penalty notices for disorder and all other disposal types. Forces will also show the link, or lack of one, between the object of the search and its outcome.
- b) Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol using stop and search.

- c) Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.
- d) Reducing section 60 'no-suspicion' stop and searches by –
- raising the level of authorisation to senior officer (above the rank of chief superintendent);
 - ensuring that section 60 stop and search is only used where it is deemed necessary – and making this clear to the public;
 - in anticipation of serious violence, the authorising officer must reasonably believe that an incident involving serious violence will take place rather than may;
 - limiting the duration of initial authorisations to no more than 15 hours (down from 24); and
 - communicating to local communities when there is a section 60 authorisation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.

3.3 By adopting the Scheme, forces will use stop and search strategically, which will improve public confidence and trust.

3.4 The Commissioner agreed at the Strategic Scrutiny meeting held on the 24 June 2014 that he would monitor the Best Use of Stop and Search Scheme (BUSS) on a bi-yearly basis.

3.5 A detailed Action Plan incorporating the 13 requirements of the Scheme was developed by the Constabulary to achieve the necessary compliance. However, the recent Her Majesty's Inspector of Constabulary (HMIC) report "**Stop and search powers 2: are the police using them effectively and fairly?**", following their January 2015 inspections and surveys of officers, has identified a further 11 new recommendations with very clear direction and timescales. These recommendations build on the previous requirements and have been assessed alongside Lancashire's progress and Action Plan, and a new Action Plan has been developed (Appendix A).

3.6 Stop and Search progress against the Action Plan and monitoring has been incorporated into Divisional Quality Meetings, Diversity and Equality Delivery Group (DEDG), and the Audit and Ethics Committee. The emphasis is on the proportionate, proper and respectful use of Stop & Search rather than pure performance data. Independent Advisory Groups (IAGs) will continue to provide independent observations and oversight.

3.7 By way of highlighting the current position in response to the requirements;

- Data Recording – forces will record the outcome of searches in more detail to show the link, or lack of, between the object of the search and its outcome e.g. arrests, cautions, penalty notices for disorder and all other disposal types.

The Constabulary are compliant with this recommendation, including on new Samsung devices. A further recommendation was given by HMIC earlier this year asking for a couple more additions, for example the sex of officers present or more than outer clothing removed – this will be incorporated into future ICT updates / Kelvin Connect. We have also developed an automated Supervisor quality assurance process to review the stop and search submissions.

- Lay observation policies – providing the opportunity to members of the local community to accompany police officers on patrol using stop and search.

In terms of 'general independent scrutiny' we now have a Lay Observations Scrutiny Panel, chaired by Carolyn Mercer (West IAG). This panel has terms of reference which aim to provide constructive feedback on data submitted (dip-sampling of forms), monitor equality issues around our use of Stop and Search (though a regular update report we provide), ask intrusive questions around important areas such as quality of grounds recorded. Whilst the next step would be to open up a 'ride along' scheme to the wider public, we recognise the administration burden this could create when in fact we do not have a major community confidence issue in Lancashire with Stop and Search, so at this time have used the pragmatic approach that the IAG / Scrutiny Panel members represent the community, and they have accompanied us on patrol. The chance of seeing a Stop and Search in action is small though, as we do around 15 per day across the whole of the county.

- Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.

The Constabulary have an internal trigger process, with quarterly monitoring of Stop and Search complaints by the Professional Standards Department, with escalation process to DEDG, Basic Command Unit Senior Management Teams and independent members. The Constabulary have links to dedicated email accounts and complaints processes from our external web site, and that information on how to complain is on the rear of the Stop and Search form. We are currently developing a basis on which a 'community trigger' can be delivered. We are also rolling out receipt form with helpful advice included (for example where a printer is not available for a PDA form).

- Reducing section 60 'no-suspicion' stop and searches by –
 - raising the level of authorisation to senior officer when they reasonably believe that an incident involving serious violence *will* take place.
 - ensuring that section 60 stop and search is applied in accordance with case law and only used if necessary – making this clear to the public;
 - limiting the duration of initial authorisations to 15 hours (from 24); and
 - communicating to local communities when there is a section 60 authorisation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.

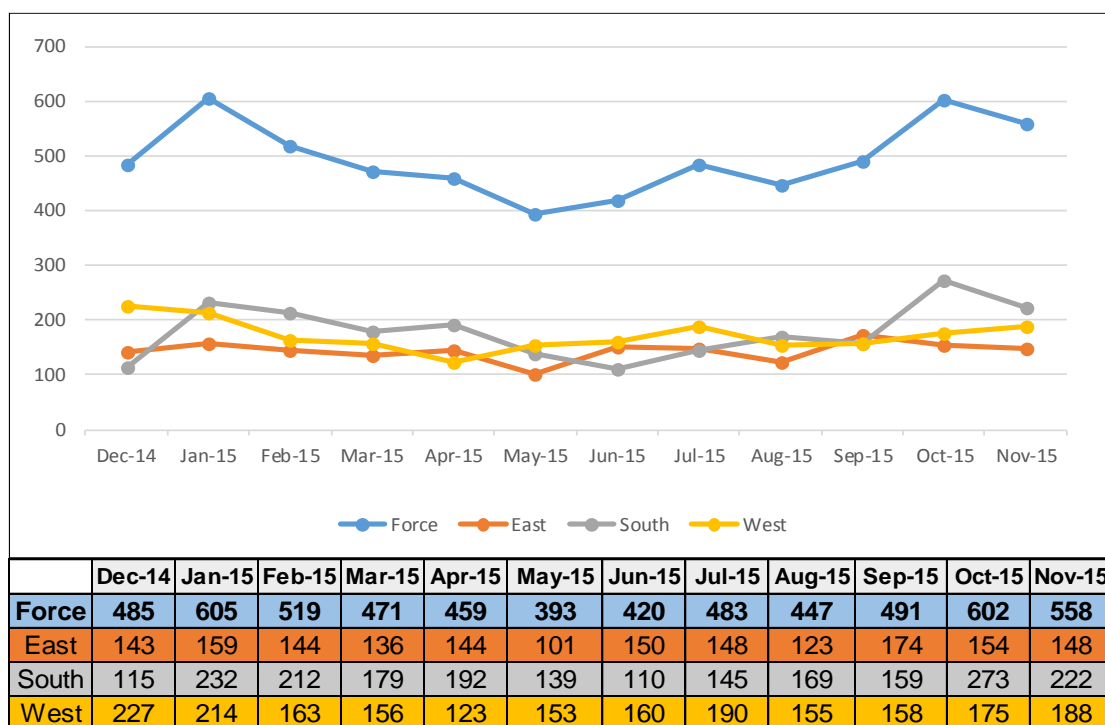
New processes are in place and we are compliant with this aspect of the scheme

- 3.8 In relation to the requirement to record all vehicle stops, there continues to be a national push back due to the bureaucracy and ICT issues involved. We await further direction but nothing has yet been mandated. It is expected this will be introduced sometime next year.
- 3.9 The Constabulary now feed all data into police.uk, however, due to the current 3 ways of issuing a form (paper, PDA or Samsung) lots of these need to be manually Quality Assured and released. We are in the process of getting the Samsung devices geo-mapped directly to sleuth which should provide a solution. We have also linked the Constabulary's internet site to the police.uk site to enter publication of information is more readily available.
- 3.10 The current performance position in relation to Stop and Search is shown below for the period 01/12/14-30/11/15 as at 07/12/15.

The table below shows the total Stop and Searches for The Constabulary for the period above broken down by BCU and Power of Search:

	FORCE	East	South	West
Total	5,933	1,724	2,147	2,062
S1 PACE	2,927	869	1,087	971
S23 Drugs	2,933	827	1,029	1,077
S43/44 Terrorism	4	0	3	1
S47 Firearms	32	12	15	5
S60 CJ & PO	6	0	5	1
Other	31	16	8	7

The chart below shows the total Stop and Searches for The Constabulary and BCU's for the period 01/12/14-30/11/15 broken down by month:



More detailed information on current performance is contained within Part 2 of the Agenda.

4 Implications

- 4.1 The Constabulary is required to be compliant with the BUSS scheme, which has a number of timescales attached. The Constabulary will be inspected by HMIC against the compliance with the scheme and this will be reported.

5 Links to Police & Crime Plan

- 5.1 The effective, lawful, fair, ethical and transparent use of Stop and Search is central to police legitimacy. The BUSS scheme aims to establish greater community involvement in the use of stop and search powers. Stop and Search used as identified above is central to enabling police officers impact on crime and community confidence and is a specific tactic available to officers in Frontline policing.

6 Reasons why Restricted

- 6.1 N/A

7 Background Documents

- 7.1 Appendix A – Lancashire Constabulary Stop and Search Action Plan
Her Majesty's Inspector of Constabulary (HMIC) report "Stop and search powers 2: are the police using them effectively and fairly?"

8 Contact for Further Information

- 8.1 Chief Inspector Damian Kitchen – Headquarters Operations, Tel.412855