



**Lancashire
Constabulary**
police and communities together

REPORT TO: JOINT AUDIT AND ETHICS COMMITTEE

DATE: 13 June 2016

REPORT AUTHOR: Chief Insp Kitchen

SUBJECT: Ethics update - Best Use of Stop and Search Scheme (BUSSS)

1 Issue for Consideration

- 1.1 The purpose of this report is to provide an overview of the introduction of the Best Use of Stop and Search Scheme (BUSSS) and action taken by Lancashire Constabulary to ensure compliance with the Scheme and in response to the areas highlighted in Her Majesty's Inspectorate of Constabulary Police Effectiveness Efficiency and Legitimacy Inspection report in February 2016, which led to the Constabulary being suspended from the BUSSS.
- 1.2 That the BUSSS becomes a standing item until such time that Lancashire is reinstated in to the Scheme and then report twice yearly.

2 Recommendation

- 2.1 For members of the committee to note the report and comment on proposed actions.

3 Background

- 3.1 The Constabulary was one of the thirteen Forces suspended from the BUSSS, following the Effectiveness Inspection (Legitimacy) report in February 2016.

- 3.2 Following suspension Deputy Chief Constable Andrew Rhodes and Police and Crime Commissioner Clive Grunshaw wrote to the Home Secretary Teresa May outlining the Constabulary's current position in terms of adherence to the Scheme and in relation to the three elements of the BUSSS that we were considered non-compliant, namely; Community Trigger, Ride-along scheme and availability / link to the Police.co.uk website.
- 3.3 The response received from the Home Secretary indicated that the Constabulary would remain suspended from the Scheme until further Inspection from HMIC, which would occur within 6 months.
- 3.4 We immediately developed our approach in terms of the above areas and ensured that we were fully compliant. We also submitted Lancashire Constabulary's updated Action Plan which has been accepted by the National Team as reaching the required standard with all required elements now completed (see below).
- 3.5 We currently await contact from Her Majesty's Inspectorate of Constabulary (HMIC) in relation to a re-inspection and eligibility to re-join the scheme. At this time we are not aware when this inspection is likely to take place.
- 3.6 The Inspection report did identify the effective use of stop and search in Lancashire, in terms of outcomes, with 23% of outcomes relating to the item searched for subsequently being found. This is a position which is maintained across the Force and is carefully monitored as part of the scrutiny process. This figure also compares favourably with the National average of 17% as described in the Inspection report.
- 3.7 Recognising the need for greater transparency, the quarterly report which is produced for internal scrutiny and scrutiny by the Police and Crime Commissioner has now been linked to the Constabulary's website for completeness (the website link to this information is <http://www.lancashire.police.uk/media/796794/best-use-of-stop-and-search-january-16-website.pdf>)
- 3.8 The Constabulary were foremost in supplying the data requirements to Police.uk. However, we recognise the fact that the report highlighted the requirement of a link from the Constabulary's website direct to Police.uk. This has now been added with a direct link to Police.uk stop and search data which made the Constabulary fully compliant in this respect.
- 3.9 The Force also implemented a ride-along scheme, which is advertised via the Constabulary website, and enables members of the public to apply to go out on patrol with either Immediate Response Officers or Neighbourhood Officers. A governance process has been implemented for the scheme to be overseen and administered.

- 3.10 The Constabulary has also undertaken proportionality work and a Scrutiny Panel with members from diverse communities has been formed. This panel meets every six weeks to discuss the use of stop and search within Lancashire. Part of this process involves the random selection of stop and search records for scrutiny. If the panel feels that the search record needs clarification then further details are obtained from the searching officer and fed directly back to the panel. The searching officer's supervisor is involved in this process so that learning and guidance is provided to the officer to improve future stop and search encounters.
- 3.11 In the know was used to recruit members of the independent scrutiny panel which is now up and running. The stop and search report is advertised on social media and ITK to inform the public that it is available to view.
- 3.12 The Inspection report highlighted that the Constabulary had considered a 'community trigger' but at the time of the Inspection did not have a published policy or invitation to utilise such a trigger. The Constabulary monitors all personal complaints in respect of its use of stop and search through the Diversity and Equality Delivery Group. The Constabulary have developed the requirement for a community trigger, which has been published on the Force external internet site. Lancashire is now compliant in all 5 areas that were highlighted during the PEEL Legitimacy Inspection.
There is a link from the homepage of the website to the stop and search page where the community trigger policy is located. The community trigger has been in existence since February 16. To date there has not been any complaints received.
- 3.13 The force also have a dedicated email box for all enquiries relating to stop and search and is accessed by a link on the website, (the website link to this information is <http://www.lancashire.police.uk/help-advice/stop-and-search/community-complaint-trigger.aspx>). This email box has had 2 enquiries regarding access to data relating to stop and search. It is also used to apply to participate in the ride along scheme. (there have been 2 applications to date).
- 3.14 The Inspection report positively identified that the Black, Asian and Minority Ethnic (BAME) proportions of stop and search undertaken in Lancashire showed no statistical difference both in the likelihood of stop and search or arrest between white and BAME people. This clarity in approach and governance through the Diversity and Equality Delivery Group enables this position to be maintained and reviewed.
- 3.15 As part of the Constabulary's governance structure for Stop and Search it is developing a Strategic Assessment product (to supplement the quarterly product) which can be shared and reviewed at Tactical and Strategic Management Board meetings bi-annually so that performance can be monitored and leaders can be updated at regular intervals on the use of stop and search. Governance will also be assured through the Joint Audit and Ethics Committee meetings, Diversity and Equality Delivery Group, the Stop and Search Governance meetings and the Independent Scrutiny panel. This will be a joint report from Corporate Development

Analysts and the Intelligence Analysts. It is currently an on-going piece of work and there will be a further update provided at the next scrutiny meeting.

- 3.16 Tactical Governance is supplied through Divisional Quality meetings and effectiveness and assurance maintained. Stop and Search is a standing item on the divisional quarterly meetings. One of the identified areas for improvement was the supervisor QA process of all stop and search records. As of April 2016 99% of all stop and search records had been quality assured. This in turn is assisting in improving grounds recorded on the forms. Each division has a dedicated Chief Inspector responsible for implementing the Best use of stop and Search who regularly dip sample records and drive compliance.
- 3.17 Training: 'Train the trainer' training will commence in May by the College of Policing followed by a 2 day mandatory training package which will be promulgated across Forces. The training will be delivered to approx. 1820 frontline officers. The first step is a 1 hour NCALT training package. The classroom based training is 2 days; however this does not need to be consecutive days. There will be an initial 1 days training based on the history of stop and search, the grounds required and public perception of stop and search. This will begin in July 2016 for a period of 15 weeks and it is anticipated to run 3 session per week (44 per BCU). The second days training will be within 12 months and used as refresher training. The training will be CoP compliant tailored to Lancashire's needs and will be interactive including the use of video.
- 3.18 Stop and Search must be considered in the wider context of policing legitimacy, public engagement and understanding the impact of policing rather than as individual tactics. The Approved Professional Practice on Stop and Search proposes that S.163 vehicle stops are also recorded in line with Stop and Search requirements. This requirement will place a substantial burden on forces to submit, collect, analyse and report on 3.5 to 5 million vehicle stops per year. At the National workshop for BUSSS in April, there was a universal feeling that the recording of Stops linked to S163 was an unnecessary and disproportionate step. It was also suggested that PNC could provide the functionality for Stops to be recorded and the Home Office could deliver the technology to achieve this. However, there did not appear to be an appetite from the Home Office to deliver this.

4 Implications

- 4.1 There would be significant implications if Lancashire Constabulary had not achieved compliance with the BUSSS and following further Inspection would continue to be suspended from the Scheme. It was essential that the Constabulary developed in the three areas outlined in the Inspection report to achieve compliance. There are

resource and cost implications for the extension of Stop and Search training from 1 day to 2 days per officer

4.2 .

5 Links to Police & Crime Plan

5.1 The implementation of these actions and training is critical to ensure reinstatement to the BUSSS. This Programme contributes directly to the Police and Crime Plan and particularly to Defending the Frontline Policing priority.

6 Reasons why Restricted

6.1 N/A

7 Background Documents

7.1 None

8 Contact for Further Information

8.1 Chief Insp Damian Kitchen 01772 412855