



**Lancashire
Constabulary**
police and communities together

REPORT TO: STRATEGIC SCRUTINY MEETING – 26TH FEBRUARY 2016

REPORT BY: SUPT IAN DAWSON

TITLE: STOP AND SEARCH UPDATE

1. Summary

- 1.1 This report updates the Commissioner on the progress and current position as against compliance with the Home Secretary's recommendations in 2014 and 2015 in respect of the Best Use of Stop and Search (BUSS). This follows Her Majesty's Inspection of Constabulary (HMIC) publication of the Legitimacy Inspection report and the subsequent suspension of the Constabulary from the Best Use of Stop and Search (BUSS) Scheme. Home Secretary's letter received on the 12th February 2016 and the Constabulary's and Commissioner's response.

2. Decision Required

- 2.1 The Commissioner is requested to note the report.

3. Information

- 3.1 On the 7th January 2016 a detailed report was presented to the Commissioner at Scrutiny which outlined the position of the Constabulary in relation to the BUSS scheme and its current usage of stop and search, this followed a previous submission in June 2015. The Commissioner monitors the Best Use of Stop and Search Scheme (BUSS) on a bi-yearly basis.
- 3.2 The update in January 2016 outlined the governance arrangements utilised within Force for Stop and Search progress against the Action Plan and monitoring which 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) are used proactively in stop and search scrutiny will continue to provide independent observations and oversight.

- 3.3 The HMIC Legitimacy Inspection report noted three areas of the BUSS scheme with which the Constabulary was not at the time of the Inspection compliant. These being;
- a. Recording and publishing outcomes following a stop and search
 - b. Providing opportunities for the public to observe officers using the power
 - c. Explaining to communities how the powers are being used following a “community complaint”

The current position in relation to these areas and the response provided in this respect to the Home Secretary is outlined below.

- 3.4 The Legitimacy Inspection report identified the effective use of stop and search in the county in terms of outcomes, with 23% of outcomes relating to the item searched for subsequently being found, this is a position which continues across the Force and is monitored as part of the scrutiny process. This is in comparison with the national average of 17% as described in the national Legitimacy report. The report also acknowledges that the full range of outcomes is recorded by the Constabulary and in this respect it is fully compliant with the BUSS scheme.
- 3.5 The quarterly performance report which is produced by the Constabulary to monitor the effective use of stop and search, and was presented at Scrutiny in January 2016 (of which the governance is outlined in the Inspection report) has now been linked to the Constabulary’s website for completeness. This is being developed into a Stop and Search Strategic Assessment. The Constabulary has also taken action in terms of supervisor quality assurance of stop and search undertaken and this is now an automated electronic system. This was implemented following the date of the data submission for the Inspection and prior to the Inspection taking place. The Constabulary were foremost in supplying the data requirements to police.uk, as the report highlights the requirement of a link from the Constabulary’s website to direct to police.uk this has now been added and should make the Constabulary fully compliant in this respect.
- 3.6 It was acknowledged that the Force had not yet implemented a ride-along scheme which is available and advertised to all members of the public. The report does highlight that the Constabulary has undertaken proportionality work and scrutiny from panel members from diverse communities, utilising members of the Independent Advisory Group for examination and scrutiny of stop and search scheme. Members of the group have also accompanied officers on patrol to observe use of stop and search. The January report to Scrutiny identified that the group 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. It also identified that the next step was to open up a ‘ridealong’ scheme to the wider public. The Constabulary will have a ‘ridealong’ scheme published and available to all members of the public by the end of February and will be fully compliant in respect of this element of the Scheme. The Constabulary does 15 stop/searches a day and both locally and nationally the ability of the public to observe a stop/search on such a scheme is limited.

- 3.7 Through the Constabulary's 'In The Know' messaging and engagement system, communities have also been engaged so that members of the public can be part of that scrutiny process.
- 3.8 The Legitimacy Inspection report also highlighted that the Constabulary have 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 report to Scrutiny in January 2016 identified that the Constabulary does monitor all personal complaints in respect of its use of stop and search through the Diversity and Equality Delivery Group and its Professional Standards Department. The Constabulary have links to dedicated email accounts and complaints processes from our external web site, and information on how to complain is on the rear of the Stop and Search form. The report to Scrutiny identified that we were currently developing a basis on which a 'community trigger' could be delivered. The Constabulary have now developed the requirement for a community trigger which was published on the Force external internet site week commencing 15th February and is fully compliant with this element of the BUSS scheme. A feedback request on experiences of stop and search is also advertised on the external website.
- 3.9 The Legitimacy Inspection report positively identified that the Black, Asian and Minority Ethnic (BAME) proportions of stop and search undertaken in the county showed no statistical difference, in either likelihood of stop and search or arrest between white and BAME people. This is data published by the Force and it is extremely important in terms of the diverse communities that are part of the county's make-up and communities with which we have exceptionally good relationships. This engagement with a range of communities is also highlighted in the 'outstanding' summary on engagement in the Inspection report. The report does acknowledge the Force to be fully compliant in this respect.
- 3.10 The Constabulary has provided its response to the suspension and action plan to the National Police Chiefs Council lead on Stop and Search DCC Adrian Hanstock and requested a peer review of its position.

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. The suspension from the BUSS scheme does not stop Lancashire Constabulary officers using its powers of stop and search. The letter from the Home Secretary outlines that HMIC will make follow up visits to determine compliance with the BUSS scheme which the Legitimacy Inspection report suggests will be completed in the next 6 months. The Constabulary will be fully compliant with all recommendations of the scheme when the 'ridealong' element is fully implemented.

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 use 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 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?"

HMIC Legitimacy Inspection Report (2016)

8 Contact for Further Information

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