



To: Business Coordination Board

From: Chief Constable

Date: 12 June 2014

STOP AND SEARCH

1. Purpose

- 1.1 To update the Business Co-ordination Board (the Board) on Cambridgeshire Constabulary's use of Stop and Search powers, ensuring that the power is being used proportionately and appropriately.
- 1.2 To inform the Board of the package of reforms being introduced by the Home Secretary, explaining the roles and responsibilities of the Police and Crime Commissioner and Chief Constable in implementation and how these powers impact on the 'integrity' agenda.

2. Recommendation

- 2.1 That the Board notes the detail contained within this report and specifically the current position of Cambridgeshire Constabulary with regards to stop search together with the Home Secretary's proposals for reform.

3. Background

- 3.1 In 2012, the Home Secretary commissioned Her Majesty's Inspectorate of Constabulary (HMIC) to inspect all police forces around their use of stop and search powers.
- 3.2 Cambridgeshire Constabulary was inspected on 24th and 25th January 2013. Following this inspection, a report on the Force's use of stop search powers was published on 9 July 2013¹. The paper indicated a number of positive indicators together with observations (areas for improvement).

¹ 'HMIC Inspection Findings' paper 2013

3.3 In order to complement the national findings of the inspection, the Home Office conducted a public consultation on the use of stop and search which generated over 5000 responses.²

3.4 On 30th April 2014, the Home Secretary issued a press statement and wrote to all Chief Constables regarding the findings of both the inspection and consultation. Here, she set out her concerns together with an intended change pathway. The package of reform included the launch of a voluntary '*Best Use of Stop and Search*' scheme, a College of Policing review of national stop search training, and revision of the Police and Criminal Evidence Act regarding "reasonable grounds to suspect". In addition, there is a drive for greater public transparency and accountability of stop search data that is held by forces.

4. Area of noticeable concern

4.1 Stop search figures for all forces within England and Wales were recently published. They showed that during 2012/13, Cambridgeshire had an arrest rate of 2%. This is the lowest in the country. There were 16040 searches conducted in this period, with the arrest rate of 2% being at significant variance with the national average of 10%.

4.2 It is felt that the figure of 2% does not represent the true picture in the County and gives an incorrect suggestion to the public. In fact, prohibited items (drugs, weapons, stolen property) are recovered in 17% of searches in Cambridgeshire

5. Explanation and discussion around low arrest rate

5.1 The low arrest rate is driven by the strong desire in Cambridgeshire to deal with offenders utilising powers other than arrest; depriving someone of their liberty only when necessary. Between 2008 and 2013, the number of people arrested in the County fell from 23,610 to 14,111. At the same time, crime rates have fallen, and more offenders brought to justice.

5.2 The position has been further affected by inaccurate initial data submission to HMIC and weak data capturing processes. It is apparent that there were some flaws in the original data submission and a re-run of the 2012-13 data has identified the actual arrest rate to be 4%. This error is as a result of the particular data capture programme employed, which has since been amended. The accurate figures will be re-submitted to the Home Office by 30 June 2014

5.3 The figures are also skewed by the process whereby arrests following stop search are recorded within the custody system (NSPIS) meaning that officers do not have to complete an additional stop search form. This was designed to reduce bureaucracy, but has led to stop search generated arrests being missed from the data set. It is recognised that in order to ensure accurate recording it is imperative that officers make it clear to Custody Sergeants, at the time of prisoner process, that the arrest was indeed a result of a stop search. Although measures have been introduced to

² The findings of this consultation are contained within the Home Office report: 'Police Powers of Stop and Search – Summary of Consultation Responses and Conclusions' (published in April 2014).

improve this particular process, it is recognised that the introduction of mobile data solutions implemented as part of the Metis project will significantly improve data collection and analysis.

- 5.4 Explanation has been given to the Home Office on these areas as there was surprise that Cambridgeshire had the lowest arrest rate (as the HMIC inspection had identified working practises to be strong). On 14th April 2014 Superintendent Tony Ixer attended a meeting at the Home Office to explain the data. This was a positive meeting, where the technical shortcomings of systems and also the wider picture of other recorded stop search outcomes, were discussed and noted. The positive relationship with the Home Office representative for stop search will be maintained via future meetings.
- 5.5 The new Home Office drive around stop and search emphasises the importance not just of an arrest but of “positive outcomes”³. Using this system, the Constabulary has an overall positive outcome from stop search for the year to April 2014 of 41.8%. These figures are generated by the following outcomes:
- Arrests – 3.7%
 - Formal Warning – 6.7%
 - PND – 1.7%
 - GAP (Guardian Awareness Programme) – 0.9%
 - Officer Advice – 23.9%
 - Other (e.g. reported for summons) – 4.8%
- 5.6 The criteria of “Guardian Awareness Programme” and “Officer Advice” apply where the individual is not found in possession of items that would constitute a criminal offence, but where their behaviour puts them on the fringes of criminality. Here, the officer needs to offer advice to steer them away from potential offending. Where the individual is a child, the Guardian Awareness Programme is utilised to send a letter to the child’s parent or guardian.
- 5.7 When these two criteria are removed, the outcomes where an individual is found in possession of an item that constitutes an offence (weapons, drugs, stolen property) is 17%.
- 5.8 Formal Warnings relate to possession of cannabis.
- 5.9 The above figures clearly highlight that a successful outcome from stop search is more sophisticated than purely achieving an arrest and that in almost half of all encounters, a positive outcome is achieved. At present, there is no national data set to compare how the Force is doing against peers, with the arrest rate being the only figure available. The Home Secretary has requested that all Forces begin to report on the positive outcome rates in the future. Informal comparison with other Forces suggest that Cambridgeshire is in a healthy position.

³ *Best Use of Stop and Search Scheme 2014*

6. Cambridgeshire Constabulary Stop / Search – Current Position

- 6.1 The Cambridgeshire HMIC report of July 2013 contained a number of findings and observations but made no formal recommendations. There were, however, ten recommendations in the wider national report. Overall the Cambridgeshire report was very positive with many areas of good practice identified. HMIC reviewed 316 Cambridgeshire stop and search records and found that reasonable grounds for suspicion to search were adequately recorded against 91.4% of cases, against the national average of 73%. Clearly this demonstrates room for improvement but also places Cambridgeshire in a strong national position in a key area of concern for HMIC.
- 6.2 The Constabulary has an All Stop Steering and Scrutiny Group (ASSSG) which was established in 2010. The group is chaired by Superintendent Tony Ixer, who is also Force Lead around the use and governance of stop search. The group meets on a quarterly basis and membership includes representation from Territorial Policing Command, Investigations, Independent Advisory Group (IAG), Corporate Performance, IT, Recruitment and Training, Force Diversity Advisor and Joint Protected Services. Additional attendees are invited based on specific issues.
- 6.3 Good practice highlighted by the HMIC included the work of the ASSSG to provide guidance and direction around stop search, intrusive monitoring of stop search powers, development of mobile data solutions and representation on the Group by a member of Cambridgeshire Independent Advisory Network (CIAN.)
- 6.4 Areas for improvement included a requirement for improved communication to the public, improved understanding of data and continuation of training provision for officers.
- 6.5 The Force Executive Board (FEB) agreed that the ASSSG would take responsibility for progressing an improvement action plan, reporting to Assistant Chief Constable Mark Hopkins. This plan focuses on each area for improvement identified by the report.
- 6.7 Public scrutiny of stop search powers in Cambridgeshire is primarily achieved through the Independent Advisory Group membership within the ASSSG. The membership has proved invaluable, accompanying officers to witness stop search in action, scrutinising current NCALT training package from a lay perspective and acting as a conduit for the wider Cambridgeshire Independent Advisory Network. In 2011 a significant study on proportionality and bias in stop search powers by Cambridgeshire Constabulary was conducted by the Institute of Criminology at Cambridge University⁴. Outcomes were positive with little evidence of disproportionality identified.
- 6.8 Further public consultation has recently been implemented with the addition of a question set surrounding stop search to the Police Initiated Contact (PiC) survey.
- 6.9 Complaints arising from stop searches are monitored at every ASSSG meeting with learning fed back to relevant officers or departments. In the period from 1st

⁴ Assessing the Disproportionality Hypothesis in Stop and Search Practises of Cambridgeshire Constabulary by Barak Ariel, PhD Institute of Criminology, University of Cambridge.

November 2013 to 31st January 2014 eight incidents were recorded as a complaint against police in relation to stop search. All were dealt with appropriately by managers to address issues of dissatisfaction. These figures resulted from 2910 stop searches conducted in this period.

7. Home Secretary Package of Stop Search Reforms

7.1 Following the 2013 consultation into stop and search, the Home Secretary issued a number of proposals. These proposals are detailed fully within the Home Office document entitled *Police Powers of Stop and Search* dated April 2014. In summary, they involve:

- Revision of PACE Code A to clarify what constitutes ‘reasonable grounds for suspicion’.
- College of Policing to review the training with Chief Constables and Police and Crime Commissioners. This will include assessment where if officers fail they will not be able to utilise the power.
- An annual review of the stop and search powers.
- Introduction of the *Best Use of Stop and Search Scheme*.
- The Home Office to work with Chief Constables and Police and Crime Commissioners to explore the possibility of quick and efficient recording of information via the new Emergency Services Network.
- Introduction of lay observation policies whereby members of the local community can apply to accompany Police Officers on patrol.
- Introduction of a stop and search complaints ‘community trigger’ whereby the Police must explain to local community scrutiny groups how the powers are being used where there are a large volume of complaints.
- PACE Code of Practice A requires Police Forces to make arrangements for public scrutiny of their use of stop and search. The Home Secretary will write to all Chief Constables and PCCs to tell them to adhere to the Code. If they do not the Government will bring forward legislation to make this a statutory requirement.
- Stop and search data to be included on Police.uk. This will increase accountability and transparency and enable the general public to monitor the use of powers.

7.2 Cambridgeshire Constabulary is already working towards a number of these proposals with governance through the ASSSG. The ASSSG continues as the responsible group to ensure that the Force fully embed all of the outlined proposals set out in the Home Office report. The group will regularly notify the ACC and PCC as to progress.

7.3 It is clear that the introduction of some stop search reforms, identified by the Home Secretary overlap the ‘integrity’ agenda and the nine key policing principles identified in the Code of Ethics. The focus here is about “doing the right thing in the right way”. The development of the integrity agenda aims to increase legitimacy in policing by

showing transparent, ethical behaviour. Stop search is an area where such transparency is crucial with a need to show fairness, impartiality and accountability.

- 7.4 Strong leadership is required to ensure that officers are doing the right thing. By working in line with the Code of Ethics' Principles, it will ensure the power is used lawfully and proportionately, undertaken for the benefit of the public in Cambridgeshire. Stop search must be an effective policing tactic rather than a counter-productive one which only serves to damage existing relationships.

BIBLIOGRAPHY

Source Document (s)	Contact Officer	Location
1. Stop and Search Powers – Are the police using them effectively and fairly? (2013)	HMIC Website	www.hmic.gov.uk
2. Police Powers of Stop and Search – Summary of Consultation Responses and Conclusions (April 2014) 3. Home Secretary Statement to Parliament (30 April 2014) regarding Stop Search	Home Office Website	www.homeoffice.gov.uk
4. Home Secretary Letter to all Chief Constables in England and Wales entitled 'Stop and Search' (30 April 2014)	ACPO Staff Office	Headquarters, Huntingdon.
5. Julian Huppert Press release entitled 'Cambridgeshire Police Worst In Country for Inaccurate Stop and Search' and subsequent Cambs Police press release	Press Office (Neil Franklin)	Headquarters, Huntingdon
6. Home Office Statistics on use of stop search	Home Office Website	https://www.gov.uk/government/publications/tables-for-police-powers-and-procedures-england-and-wales-2012-to-2013
7. All Stops Steering and Scrutiny Group (ASSSG) Meeting Agenda and minutes.	Inspector Ian Ford	  ASSSG Agenda 25-09-14.docx ASSSG Actions 091214.docx

