

**PROFESSIONAL STANDARDS AND DIVERSITY COMMITTEE – 4 MARCH 2010**

**MONITORING AND POLICY DEVELOPMENT OF STOP AND SEARCH AND STOP AND ACCOUNT**

**REPORT BY THE CHIEF CONSTABLE**

**PURPOSE OF THE REPORT**

*The purpose of this report is to provide members with a performance update for the period 1 April 2009 to 31 December 2009 for the purposes of monitoring 'stop and search' and 'stop and account' activity and to update on policy and procedure.*

**1. BACKGROUND**

- 1.1 Statistics for stop and search and stop and account appear as a Standing Agenda Item at each meeting of this Committee. These statistics, which are supplied to members on a quarterly basis in the format agreed, are designed to enable members to monitor, assess and keep the Force's use of 'stop and search' and 'stop and account' powers under review.
- 1.2 At the meeting of the Committee on 29 October 2009, members were presented with statistics for the period 1 April 2008 to 31 August 2009.

**2. STOP AND SEARCH AND STOP AND ACCOUNT PERFORMANCE STATISTICS FOR THE PERIOD 1 APRIL 2009 TO 31 DECEMBER 2009**

- 2.1 The statistics for the period 1 April 2009 to 31 December 2009 are attached to this report at Appendix A.
- 2.2 Members are asked to note that due to a technical problem, stop and account data is not currently included in the report, full details can be found on page 2 of the attached report. An interim solution to ensure data is available for reporting purposes from April 2010 has been developed and progress will be reported to members in May.

**3. STREET INTERVENTIONS POLICY AND PROCEDURE DEVELOPMENT**

- 3.1 Members will be aware that the Street Interventions Project was commissioned following comment from both Her Majesty's Inspector of Constabulary (HMIC) and the Commission for Racial Equality (now known as the Equality Commission) relating to the use of Stop and Search in Dorset. The Commission requested that the Force undertake a Race Equality Impact Assessment on the Stop Search Policy and respond appropriately. In addition the Green Paper entitled 'From the Neighbourhood to the National' focused on improving confidence and addressed the potential to

balance the effectiveness and efficiency of accountability. The outcome has been a national change in the recording of Stop and Account interactions.

- 3.2 These issues have been developed by the Force Street Interventions Project that includes Police Authority membership. The Terms of Reference seek to ensure that the Force's stop and search and street interventions policy, practices and arrangements are 'fit for purpose' and support the promotion of trust and confidence in the use of relevant police powers amongst all communities. A new policy and procedure has been introduced and full implementation is progressing through an action plan co-ordinated by the Street Interventions Working Group which is aimed to improve local confidence in the use of stop and search. The Force is also currently considering engagement with a National Policing Improvement Agency (NPIA) pilot scheme that will be complementary to the local street interventions improvement programme and will support the development of a national model. This is called the Next Steps Programme.

#### NPIA Stop Search 'Next Steps'

- 3.3 Next Steps is designed as a tool to enable forces to increase community confidence through the legitimate, accountable, efficient and effective use of Stop and Search. The project is planned to run in two beat areas of both the Bournemouth & Poole and County Divisions from April onwards for approximately six weeks. The object of the project is to understand and reduce disproportionality and to increase public confidence in the Police Service by communicating further regarding Stop Search activity.

#### Stop Search Reporting by Mobile Data Transfer

- 3.4 The Force is currently developing a system to enable stop and search reporting by mobile data transfer which forms part of the Mobile Data Transfer Programme to be rolled out in 2010. The transfer to mobile data recording will ensure that stop and search data collection will comply with Home Office requirements.

## **4. RECOMMENDATION**

- 4.1 Members are asked to note the contents of this report.

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Integrity

Professionalism

Fairness

Respect



# Stop/Search and Stop/Account Report for April-December 2009

Date: 10 February 2010

## 1. INTRODUCTION

This report has been prepared to advise Dorset Police and Dorset Police Authority on the application of street intervention powers under PACE Code A. The report covers the 3<sup>rd</sup> quarter period 1 April 2009 to 31 December 2009.

Stopping and Searching suspects in the street continues to be an important tactic for detecting and preventing crime and disorder and thereby Making Dorset Safer. The power enables officers to detain suspected persons for the purpose of searching to locate evidence of crime and to do so without making an arrest and depriving a person of their liberty for a longer period than necessary. This is a power that is particularly relevant to the priorities of **Reducing Serious Violent Crime and Protecting Vulnerable People** and **Reducing the Crime Most Affecting Local Communities and Tackling Serious and Organised Crime**. This report is set out to reflect the use of powers relative to the Policing Plan Priorities.

Following the Stephen Lawrence Inquiry, new guidance was introduced to ensure that Police Forces and Police Authorities publicise people's rights in relation to stop and search, engage communities in publicising the benefits of stop and search, and where there is evidence of disproportionate use, explore the reasons and identify what can be done to remedy it.

One strand of ensuring fairness is demonstrated by the proportionate use of the powers relative to the make up of communities. This is assessed from a baseline community profile drawn from the 2001 Census and further informed by 2006 Office of National Statistics assessment. Outcomes of stop and search activity are also monitored through the number of arrests following stop and search activity and national guidance suggests that Forces should review the use of stop and search powers in any areas where the arrest rates fall below 10%.

## 2. DEFINITIONS

The Stephen Lawrence Inquiry defined a 'stop' as follows:

*"When a police officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, a record of the encounter must be completed at the time and a copy given to the person who has been questioned."*

A stop and search is where an officer stops a person, having reasonable grounds to suspect they are in possession of an item or where a power has been granted under specific legislation and searches that person; these include:

- S.1 Police and Criminal Evidence Act 1984
- S23 Misuse of Drugs Act 1971
- S.47 Firearms Act 1968
- S.60 Criminal Justice and Public order Act 1994
- S.44 Terrorism Act 2000

The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest. Police and Criminal

Evidence Act (PACE) 1984 Codes of Practice, Code A, govern how the police exercise their statutory powers of stop and search.

### **3. DATA AVAILABLE**

The data for this assessment is drawn from contemporaneous records of stops conducted by officers and comparison with previous records, reasons for use, demographic background and base line community profile.

In relation to Stop and Search, officers record details of an encounter onto a stop and search form and this is transferred into the force database.

Stop/Account has been the subject of reduced recording requirements since January 2009 when a system was introduced for officers to record limited data including ethnicity via their radio terminals. Unfortunately a technical problem was identified after collation of the 1<sup>st</sup> Quarter statistics and this is due to an intrinsic radio programming issue. The solution to the technical issue was agreed shortly afterwards but requires re programming of all radios and this will not be completed until September 2010. Whilst Stop Account activity is still reported by officers via radios, the data is currently unreliable. Much consideration was given to 'cleaning' the data and to introducing other methods of recording for the period until the technical issues had been overcome, but this proved impossible. An interim robust recording method has been developed and will be introduced to officers by the end of the 4<sup>th</sup> quarter. Publication of stop account data has been suspended until valid data can be provided following implementation.

Community profiles used for comparison purposes rely on a census that was completed nearly 10 years ago and it is evident that there has been a change in the population in the intervening years. The Office of National Statistics published some 'experimental' data in 2006 that draws on a variety of assessments and comparisons are also made to this data in this report although that data is now four years old. Other methods also inform community profiles. Studies of on street populations in Bournemouth in 2005 showed that visible ethnic minority people made up 9% during the course of the observations. Current research using a commercially available socio-demographic profiling tool (Mosaic Database) which collates information from a variety of sources and makes assessments based on the names of residents, indicates that two beats in Bournemouth where stop and search activity appears most disproportionate also has significantly higher populations of black and ethnic minority residents. Research is being conducted to see if more reliable school pupil information will present a more valid proxy comparator.

#### 4. PROPORTIONALITY IN THE USE OF STOP AND SEARCH

This summary is presented relative to the use of powers as an important tactic that supports the delivery of the 2009/10 Policing Plan Priorities.

COMPARISON 2008/09 - TOTAL NUMBER OF STOP/SEARCHES									
For period April - December 2009 (9 months)									
Table 1		No. of Searches		Change	2008		2009		Change +/-
		2008	2009	+/-	Arrests	Arrest Rate	Arrests	Arrest Rate	Arrest Rate
	White	4972	4172	-16.1%	560	11.3%	464	11.1%	-0.1%
	White Non British	122	124	1.6%	21	17.2%	17	13.7%	-3.5%
	Mixed	120	79	-34.2%	15	12.5%	10	12.7%	0.2%
	Black & Black British	248	228	-8.1%	27	10.9%	35	15.4%	4.5%
	Asian & Asian British	75	98	30.7%	10	13.3%	9	9.2%	-4.1%
	Chinese & Other	57	32	-43.9%	9	15.8%	6	18.8%	3.0%
	Not Stated	41	2	-95.1%	9	22.0%	1	50.0%	28.0%
	<b>OVERALL</b>	5635	4735	-16.0%	651	11.6%	542	11.4%	-0.1%
<b>BME</b>	622	561	-9.8%	82	13.2%	77	13.7%	0.5%	

**Table 1** above shows that overall a total of 4735 stop/searches were undertaken in this reporting period, a reduction of 16%. Overall, this reduction equates to a total of 900 fewer stop/search incidents.

For the Force as a whole, of the total stop and searches, 4172 (88% of total, 16% reduction in numbers overall), were on white people and 561 (12% of total, 9.8% reduction in numbers overall) were on BME groups.

Of note, there have been large reductions in the number of stop/search incidents for Mixed, Chinese and other groups (-34.2% and -43.9% respectively) and an increase for the Asian and Asian British Group of 30.7%. Further research is to be undertaken into this increase.

The overall arrest rate, following stop/search incidents, is in line with national guidance at 11.4% (542 arrests). The arrest rate varies slightly across the ethnicity groups with the lowest being the Asian and Asian British group at 9.2% and the highest being the Chinese & Other group at 18.80%. Arrest rates will be volatile for groups with low numbers of arrests.

There has been a significant reduction in the number of searches where ethnicity was not stated.

**DIVISIONAL STATS**  
**Total No. of Stop Searches**  
**For period April - December 2009 (9 months)**

**Table 2**

	Bmth			Poole			Dorset County		
	2008	2009	Change +/-	2008	2009	Change +/-	2008	2009	Change +/-
White	2056	1583	-23.0%	1087	824	-24.2%	1829	1763	-3.6%
White Non British	75	77	2.7%	13	20	53.8%	34	27	-20.6%
Mixed	78	56	-28.2%	15	11	-26.7%	27	12	-55.6%
Black & Black British	202	187	-7.4%	22	17	-22.7%	24	24	0.0%
Asian & Asian British	61	66	8.2%	5	16	220.0%	9	16	77.8%
Chinese & Other	32	10	-68.8%	7	10	42.9%	18	12	-33.3%
Not Stated	9	1	-88.9%	8	0	-100.0%	24	0	-100.0%
<b>OVERALL</b>	<b>2513</b>	<b>1980</b>	<b>-21.2%</b>	<b>1157</b>	<b>898</b>	<b>-22.4%</b>	<b>1965</b>	<b>1854</b>	<b>-5.6%</b>
<b>BME</b>	<b>448</b>	<b>396</b>	<b>-11.6%</b>	<b>62</b>	<b>74</b>	<b>19.4%</b>	<b>112</b>	<b>91</b>	<b>-18.8%</b>

**Table 2** above shows the number of stop and searches across the County broken down by divisions and sub-divisions. Total number of stop and searches in Bournemouth was 1980, Poole 898 and Dorset County 1854.

Of note, the number of stops in the Bournemouth and Poole Division has reduced by 21.5% overall. There are large variations in many ethnic groups, which is related to the low numbers involved and is to be expected.

**Table 3**

<b>REDUCING MOST SERIOUS VIOLENT CRIME</b>						
	No. of Searches			Change +/-	2009	
	2008	2009	Arrests		Arrest Rate	
	Firearms	47	26	-44.7%	4	15.4%
Offensive Weapon	461	353	-23.4%	58	16.4%	

**Table 3** above sets out the number of searches that were conducted to reduce or detect crime involving firearms and weapons. The number of Firearm Stop Searches is low at 26 in total and reflects the lower level of threat from firearms in the Dorset region. The overall arrest rate is 15.4%.

Stop Searches for offensive weapons have dropped 23.4%. Arrests rates remain above average at 16.4%.

<b>REDUCING THE CRIMES MOST AFFECTING LOCAL COMMUNITIES</b> For period April - December 2009 (9 months)						
<b>Table 4</b>		No. of Searches		Change +/-	2009	
		2008	2009		Arrests	Arrest Rate
	Stolen Property	1192	1036	-13.1%	161	15.5%
	Drugs	3169	2649	-16.4%	263	9.9%
	Going Equipped	522	502	-3.8%	41	8.2%
	Criminal Damage	244	169	-30.7%	15	8.9%

**Table 4** above sets out the number of stop searches that influence crimes most affecting local communities. Overall, numbers of stop searches have decreased, particularly regarding criminal damage. Arrest rates are above average for 'Stolen Property', but below average for other searches. Reasons for the lower arrest rates are not clearly understood at this time but research is ongoing within divisions and the findings will be reported in due course.

<b>Reasons for Stop Searches</b> For Period April - December 2009 (9 months)														
<b>Table 5</b>	Ethnicity	Stolen Property		Drugs		Firearms		Offensive Weapons		Going Equipped		Criminal Damage		Grand Total
			%		%		%		%		%		%	
	White	937	22.5%	2280	54.7%	21	0.5%	312	7.5%	459	11.0%	163	3.9%	<b>4172</b>
	White Non British	26	21.0%	65	52.4%	0	0.0%	12	9.7%	19	15.3%	2	1.6%	<b>124</b>
	Mixed	12	15.2%	57	72.2%	0	0.0%	6	7.6%	4	5.1%	0	0.0%	<b>79</b>
	Black & Black British	33	14.5%	164	71.9%	4	1.8%	14	6.1%	10	4.4%	3	1.3%	<b>228</b>
	Asian & Asian British	16	16.3%	69	70.4%	1	1.0%	7	7.1%	4	4.1%	1	1.0%	<b>98</b>
	Chinese & Other	11	34.4%	14	43.8%	0	0.0%	2	6.3%	5	15.6%	0	0.0%	<b>32</b>
	Not Stated	1	50.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	<b>2</b>
	<b>OVERALL</b>	<b>1036</b>	<b>21.9%</b>	<b>2649</b>	<b>55.9%</b>	<b>26</b>	<b>0.5%</b>	<b>353</b>	<b>7.5%</b>	<b>502</b>	<b>10.6%</b>	<b>169</b>	<b>3.6%</b>	<b>4735</b>
	<b>BME</b>	<b>98</b>	<b>17.5%</b>	<b>369</b>	<b>65.8%</b>	<b>5</b>	<b>0.9%</b>	<b>41</b>	<b>7.3%</b>	<b>42</b>	<b>7.5%</b>	<b>6</b>	<b>1.1%</b>	<b>561</b>

**Table 5** above identifies the reasons for stopping and searching individuals. It is clear that the investigation of controlled drug possession (55.9%) and theft (21.9%) are the two main reasons for stopping and searching. Stop searches in all categories are predominantly exercised on White individuals. 65.8% of searches of BME individuals and 54.7% of White individuals were conducted under the authority of the Misuse of Drugs Act.

Intelligence continues to be received that young black males are visiting Bournemouth and Boscombe to deal drugs and there has been an increase in enforcement activity regarding the supply of class A controlled drugs in recent months. This is borne out by analysis of every stop search by reason of the Misuse of Drugs Act on Black & Black British individuals. Of the 22 Black African males stopped only 3 gave addresses outside Dorset. Of the 46 Black Any Other males stopped, 16 (35%) gave addresses in London. Of the Black Caribbean male group that were stopped, 42% gave addresses outside Dorset, the vast majority in London. These statistics suggest that local officers are responding to the drugs intelligence regarding Black dealers from London. Overall, 35% of all Black males stopped under the Misuse of Drugs Act gave an address outside Dorset. Moreover a significant number refused to give an address or gave no fixed abode. Further research is required to identify reasons for the rate of search of Asian and Asian British people.

## 5. STOP AND SEARCH PROPORTIONATE TO COMMUNITIES

**Table 6** below shows that the figures for stop and searches per 1,000-population. Using the 2001 census indicates that 6.2 white people per 1,000 population were stopped and searched compared to 18.2 people per 1000 from the Black and Minority Ethnic (BME) groups. However, using more up to date Office of National Statistics (ONS) mid 2006 estimates which give Dorset an estimated 7.1% resident BME population, the rate changes to 6.4 per 1,000 populations for white people compared to 11.3 for BME groups. Rates for Black and Black British groups are significantly higher at 44.7 per 1000 population.

<b>NUMBER OF STOP/SEARCHES PER 1000 POPULATION</b>					
<b>For period April - December 2009 (9 months)</b>					
<b>Based on 2001 and 2006 Census statistics</b>					
<b>Table 6</b>		Census Data		Bmth & Poole	Dorset County
	<b>Ethnicity</b>	<b>2001</b>	<b>2006</b>	<b>2006</b>	<b>2006</b>
	White	6.2	6.4	8.8	4.7
	White Non British	7.0	5.5	8.4	2.4
	Mixed	16.2	11.4	18.1	3.8
	Black & Black British	148.0	44.7	78.5	9.6
	Asian & Asian British	34.3	12.6	19.5	4.4
	Chinese & Other	8.6	4.4	5.3	3.4
	<b>OVERALL</b>	6.8	6.8	9.7	4.6
	BME (sub total)	18.2	11.3	18.1	3.8

**Table 7** below shows the number of stop/searches per 1000 population from a Divisional perspective and highlights the larger disproportionality that exists in the Bournemouth area, compared to other areas of Dorset.

<b>Area Comparison</b>				
<b>No.of Stop Searches per 1000 Population</b>				
<b>For period April - December 2009</b>				
<b>Based on 2006 population statistics</b>				
	Bmth	Poole	Dorset County	Dorset Overall
White	11.0	6.4	4.7	6.4
White Non British	9.9	5.3	2.4	5.5
Mixed	22.4	9.2	3.8	11.4
Black & Black British	98.4	24.3	9.6	44.7
Asian & Asian British	26.4	9.4	4.4	12.6
Chinese & Other	3.8	8.3	3.4	4.4
<b>OVERALL</b>	12.3	6.6	4.6	6.8
BME (sub total)	22.9	8.6	3.8	11.3

Table 7

Within the confines of the Bournemouth and Poole Division, there can be seen a large variance in Stop and Search activity between the two population centres. There were 187 searches conducted on Black and Black/British individuals in the Bmth and Poole division but only 17 (8.3%) of those searches were carried out in the Poole area.

In the Bournemouth and Poole Division, the most marked disproportionality still relates to the number of Black and Black British persons searched. The beat area of Boscombe West accounts for 36% of all searches carried out involving Black and Black British persons. Boscombe West and Bournemouth Central beat areas account for more than half of all searches.

Arrests of BME offenders made up 16% of all arrests; however this figure increased to 23% in respect of drugs offences. It is accepted that this figure of 23% is disproportionately high and could indicate that in terms of criminality BME offenders are more likely to be involved in drug dealing than white offenders. The high figure for drugs arrests and the significant number of young Black males from London searched under the Misuse of Drugs Act supports the intelligence picture that London based Black drugs dealers are being attracted to the well established drugs markets in Boscombe and Bournemouth.

Arrests of Black and Black British persons in the conurbation are 126.9 per 1000 (source: Equality Matters Report) which is approx 5 times the rate for white persons. 24% of all arrests of black persons occurred in a single beat area, Boscombe West. Of particular interest is the reason for encounters leading to arrest. The majority, 56% resulted from a call from control room usually following a call from a member of the Public, with a further 18% resulting from enquiries. Stop check and stop and search, where a degree of discretion is involved accounted for 20% of arrests.

It is considered that there may be a significant transient population of young BME males in particular who visit Bournemouth, perhaps stay for a short while and then move on. More research aimed at understanding of the size of our young BME population particularly in Boscombe is required. This research needs to involve analysis of the ethnicity of 14 – 16 year old school aged youths in the conurbation and extrapolate the data to the 16 – 25 years age group, the group most likely to be stopped and searched. It is hoped that this research will run alongside detailed analysis of stop and search figures in terms of the place of residence of the person stopped. Once this information is available, it will need to be communicated to our local communities and, if there is a problem, work together to address it.

In the Dorset County Division, Section Commanders continue to review their sections stops, to ensure that stop/search powers are being exercised appropriately and effectively. The reporting period shows approximately a 5.6% reduction in total stop/searches when compared to the same period last year.

BME stop/searches have reduced from 112 in 2008 to 91 in 2009. The only increase being the Asian & Asian British group, which increased from the very low figures of 9 to 16.

## **6. SECURING TRUST AND CONFIDENCE**

### **Independent community review**

Bournemouth & Poole are continuing to work closely with the Dorset African & Caribbean Association to raise awareness of people's rights, build better understanding of community issues around Stop/Search and to seek advice on other wide ranging issues.

In the Dorset County Division, Section Commanders continue to review their sections stops, to ensure that stop/search powers are being exercised appropriately and effectively. Enhanced trained IAG (Independent Advisory Group) members are continuing to review the forms for community type issues and to obtain a 'lay persons' view as to proportionality.

### **Complaints regarding breach of Code A PACE on Stop and Search**

There has been one complaint recorded for Breach of Code A PACE on Stop and Search. The case is still live. No complaints have been finalised in this reporting period.

### **Complaints against the organisation (direction and control complaints)**

There have been no complaints this quarter. For the year to date; two complaints have been made which refer to being stopped whilst in vehicles. One makes reference to generally being stopped in Weymouth (this has now been finalised, see below) and the other to being stopped 4 times in a short period of time without a valid reason.

### **Civil claims**

No civil claims relating to stop and search have been received this quarter.

## **Finalised Complaints**

No complaints have been finalised this quarter. For the year to date; two Direction and Control Complaint cases have been finalised. One concerned a male person aggrieved about his arrest; his car being damaged during recovery and generally being stopped by police in Weymouth. This was addressed by an officer visiting the complainant, explaining procedures and advising on the process for making a civil claim. The second involved a person who was stopped four times. Advice and forms were provided so that the registered keeper (complainant's partner) could make a subject access request.

## **The priority to Secure Trust and Confidence**

This priority overarches all other priorities and seeks to raise the confidence of people irrespective of them being victims, suspects or offenders.

There is no direct data indicating the satisfaction or confidence of people who have been stopped and searched. The latest British Crime Survey data reports on the period up to the end of September 2009. This indicates that 63.6% of respondents stated that they thought their local police were doing a good or excellent job.