

PROFESSIONAL STANDARDS AND DIVERSITY COMMITTEE – 13 MAY 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 statistics for the period 1 April 2009 to 31 March 2010 for the purposes of monitoring 'stop and search' and 'stop and account' during that period 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 4 March 2010, members were presented with statistics for the period 1 April 2009 to 31 December 2009.

2. STOP AND SEARCH AND STOP AND ACCOUNT STATISTICS FOR THE PERIOD 1 APRIL 2009 TO 31 MARCH 2010

- 2.1 The statistics for the period 1 April 2009 to 31 March 2010 are attached to this report at Appendix A.

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 recent 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.
- 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 revised Policy and

Procedure has been introduced and a related implementation plan is directing further development. The Force has engaged with the National Policing Improvement Agency (NPIA) and will be contributing to a national project to better understand issues of effectiveness and disproportionality.

Equality and Human Rights Commission (EHRC) report on Stop Search

3.3 On 15 March 2010 the EHRC published a report entitled 'Stop and Think'. The report published the EHRC's view on National Stop and Search statistics reflecting proportionality. The statistics relate directly to Home Office Section 95 figures for a five-year period up to and including 2007/08. Notwithstanding the policy and procedure development since that time, the report is generally critical of the apparent disproportionate use of stop and search powers in Dorset.

3.4 In response to the EHRC report, the Force issued a press statement that read:

The publication, entitled 'Stop and Think', was released today, Monday, 15 March 2010.

Deputy Chief Constable Chris Lee said: "We are very concerned by this report, which we have seen for the first time today. Recent results show Dorset as consistently one of the top two forces for doing a good or excellent job. In the HMIC's recent report, the Force was graded as good/excellent in relation to the satisfaction of people from a black or minority ethnic background."

Dorset Police, like all forces throughout England and Wales, makes use of legal powers to reduce and detect crime, but equally adheres to strict standards of fairness and respect while carrying out its duties.

The EHRC report relies on year-old statistics from 2007-2008, as well as data from the 2001 census – which is almost ten years old.

Communities have changed significantly since then and it is believed that the current street population does not reflect the data included in the 2001 census.

The statistics also fail to include visitor numbers. Dorset attracts 14 million visitor days a year – so it is likely that street populations will differ greatly from the census data.

DCC Lee continued: "Our targeting and monitoring has improved significantly since 2008 and focused use of the power has resulted in a 16% reduction in the overall number of stop searches this year.

"We have also volunteered to be involved in a national development pilot, called Next Steps, that aims to increase understanding of the use of this power by police forces in more rural environments. This scheme is due to start on Thursday, 1 April."

Between April and December 2009, officers used stop and search powers on 4735 people. This included 4172 white people and 228 black people.

This year just over half of all stop and searches on black people occurred in just 3 of Dorset's 166 beat areas.

This relates to 125 searches conducted in three adjoining beats in the Boscombe area. This is a specific local issue and it is believed that where searches take place in

these beat areas that there is a higher proportion of minority groups among the street population.

Officers operate according to intelligence and apply a test of reasonable suspicion.

A recent survey found that over 80% of Boscombe residents perceive that their area has a drugs problem – this compares with an average of 20% in other areas throughout the county.

Half of the searches in these three areas were drug-related and 42% of people searched gave an address outside of the Force area.

Fourteen per cent of searches in this area have resulted in an arrest – this is higher than the 10% that is nationally regarded as an acceptable outcome ratio.

It should also be noted that Dorset Police has only received two complaints regarding stop and search activity during 2009/10.

DCC Lee concluded: "This public concern, along with our intelligence and monitoring, shows that our use of stop and search powers reflect nothing other than the fact that we strive to address the priorities of our local communities.

"Dorset Police takes suggestions of discrimination extremely seriously and we again invite the Commission to visit the Force for a more informed discussion on these issues."

The Commission intimated that they would be writing to some forces; however, to date this Force has not received any further communication.

NPIA Stop Search 'Next Steps'

- 3.5 '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. Dorset Police have volunteered to be a pilot force for the project. The project is planned to operate in two beat areas of the Bournemouth and Poole Division for six to ten weeks. The object of the project is to understand and reduce disproportionality and to increase public confidence in the police service through increased communication regarding stop search activity. The pilots are consistent with the existing Working Group approach but present the opportunity to engage with NPIA resources and seek to benefit from related research in other forces. Preparatory work has been conducted by the Force and the NPIA and it is anticipated that the formal pilot will commence in mid May.
- 3.6 As a direct response to the EHRC Report, the Force has reviewed current Governance, Supervision and Improvement activity and the following responsibilities have been established:
- Assistant Chief Constable (Operations), Mr Mike Glanville, has responsibility for operational use of the power.
 - The Director of HR, Mr Graham Smith, as Chair of the Diversity Board, has the strategic lead on equality, community impact and improvement.

- Chief Superintendent Colin Searle, the Lead for the One Team Improvement Programme strand on Patrol and Response, will chair the Force Street Interventions Working group.
- Chief Inspector Brian Duffy has been seconded to develop the Improvement Plan that includes the 'Next Steps' programme with the NPIA.

3.7 The Force Executive Board will monitor and review progress.

4. RECOMMENDATION

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

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Appendix

Appendix A – Stop and Search Stop and Account Statistics

Integrity

Professionalism

Fairness

Respect



Stop/Search and Stop/Account Report for April-March 2010

Date: 26 April 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 4th quarter period 1st April 2009 to 31st March 2010.

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 and 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 1st set of statistics and this is due to an intrinsic radio programming issue. The initial solution to the technical issue was agreed shortly afterwards but required re programming of all radios and several months work. Subsequently, a revised solution has been developed. Whilst Stop Account activity is still reported by officers via radios, the data has been 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. The new recording method has been developed and implemented from the 4th May 2010. Publication of stop account data has been suspended until valid data can be provided following the implementation of the new recording procedures.

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 appears most disproportionate also has significantly higher populations of black and ethnic minority people. Further research on 2009/10 data has show that over half of searches of Black and Black British people were carried in these two beats and one other adjacent beat in Bournemouth. Of the 122 Black and Black British people searched in these 3 beats, 43% (53) gave an address outside the Force area and another 24% (30) stated they were of no fixed abode. School data for 14 to 16 years indicates that the white population of Bournemouth is 85.5% while the County division is 94% and highlights the diversity across the force area. All these findings reflect significant uncertainty about relying on conventional resident based population data.

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 - March 2009/10 (12 months)									
Table 1	No. of Searches		Change	2008/09		2009/10		Change +/-	
	2008/09	2009/10	+/-	Arrests	Arrest Rate	Arrests	Arrest Rate	Arrest Rate	
	White	6227	5777	-7.2%	683	11.0%	640	11.1%	0.1%
	White Non British	164	173	5.5%	24	14.6%	23	13.3%	-1.3%
	Mixed	140	108	-22.9%	17	12.1%	12	11.1%	-1.0%
	Black & Black British	311	331	6.4%	36	11.6%	44	13.3%	1.7%
	Asian & Asian British	92	131	42.4%	14	15.2%	11	8.4%	-6.8%
	Chinese & Other	65	41	-36.9%	9	13.8%	7	17.1%	3.2%
	Not Stated	48	10	-79.2%	10	20.8%	1	10.0%	-10.8%
	OVERALL	7047	6571	-6.8%	793	11.3%	738	11.2%	0.00%
BME	772	784	1.6%	100	13.0%	97	12.4%	-0.6%	

Table 1 above shows that overall a total of 6571 stop/searches were undertaken in this reporting period, a reduction of 6.8%. Overall, this reduction equates to a total of 476 fewer stop/search encounters.

For the Force as a whole, of the total stop and searches, 5777 (88% of total, 7.2% reduction in numbers overall), were on white people and 784 (12% of total, 1.6% increase 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 (-22.9% and -36.9% respectively) and an increase for the Asian and Asian British Group of 42.4%.

The overall arrest rate, following stop/search incidents, remains in line with national averages at 11.2% (738 arrests). The arrest rate varies slightly across the ethnicity groups with the lowest being the Asian and Asian British group at 8.4% and the highest being the Chinese & Other group at 17.1%. Arrest rates will be volatile for groups with low numbers of arrests.

DIVISIONAL STATS Total No. of Stop Searches For period April - March (12 months comparison 2008 v 2009)									
Table 2	Bmth			Poole			Dorset County		
	2008	2009	Change +/-	2008	2009	Change +/-	2008	2009	Change +/-
White	2712	2134	-21.3%	1420	1204	-15.2%	2095	2439	16.4%
White Non British	106	97	-8.5%	18	37	105.6%	40	39	-2.5%
Mixed	94	71	-24.5%	19	21	10.5%	27	16	-40.7%
Black & Black British	259	276	6.6%	25	27	8.0%	27	28	3.7%
Asian & Asian British	71	90	26.8%	7	21	200.0%	14	20	42.9%
Chinese & Other	36	13	-63.9%	8	10	25.0%	21	18	-14.3%
Not Stated	13	2	-84.6%	10	8	-20.0%	25	0	-100.0%
OVERALL	3291	2683	-18.5%	1507	1328	-11.9%	2249	2560	13.8%
BME	566	547	-3.4%	77	116	50.6%	129	121	-6.2%

Table 2 above shows the number of stop and searches across the Force broken down by divisions and sub-divisions. The total number of stop and searches in Bournemouth was 2683, Poole 1328 and Dorset County 2560.

Of note, the number of stops in the Bournemouth and Poole Division has reduced by 18.5% and 11.9% respectively but an increase in the County division of 13.8%. There are large variations in the ethnic groups, which are related to the low numbers particularly in respect of the Asian and Asian British group.

REDUCING MOST SERIOUS VIOLENT CRIME For Period April 2009 - March 2010 (12 months)					
Table 3	No. of Searches		Change +/-	2009/10	
	2008/09	2009/10		Arrests	Arrest Rate
Firearms	58	37	-36.2%	5	13.5%
Offensive Weapon	560	468	-16.4%	74	15.8%

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 37 in total and reflects the lower level of threat from firearms in the Dorset region. The overall arrest rate is 13.5%.

Stop Searches for offensive weapons have dropped 16.4%. Arrests rates remain above average at 15.8%.

REDUCING THE CRIMES MOST AFFECTING LOCAL COMMUNITIES						
For Period April 2009 - March 2010 (12 Months)						
Table 4		No. of Searches		Change +/-	2009/10	
		2008/09	2009/10		Arrests	Arrest Rate
	Stolen Property	1528	1466	-4.1%	224	15.3%
	Drugs	3940	3661	-7.1%	362	9.9%
	Going Equipped	672	771	14.7%	56	7.3%
Criminal Damage	289	209	-27.7%	21		

predominantly exercised on White individuals. 66.5% of searches of BME individuals and 54% of White individuals were conducted under the authority of the Misuse of Drugs Act.

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 8.6 white people per 1,000 population were stopped and searched compared to 25.5 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 8.9 per 1,000 populations for white people compared to 15.7 for BME groups. Rates for Black and Black British groups are significantly higher at 64.9 per 1000 population.

NUMBER OF STOP/SEARCHES PER 1000 POPULATION				
For period April - March 2009/10 (12 months)				
Based on 2001 and 2006 Census statistics				
	Census Data		Bmth & Poole	Dorset County
	2001	2006	2006	2006
Ethnicity				
White	8.6	8.9	12.2	6.4
White Non British	9.7	7.6	11.6	3.5
Mixed	22.2	15.7	24.9	5.0
Black & Black British	214.9	64.9	116.5	11.2
Asian & Asian British	45.9	16.8	26.4	5.6
Chinese & Other	11.0	5.6	6.1	5.1
BME (sub total)	25.5	15.7	18.3	3.8
OVERALL	9.4	9.4	13.4	6.4

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

AREA COMPARISON				
No.of Stop Searches per 1000 Population				
For period April 2009 - March 2010				
Based on 2006 population statistics				
	Bmth	Poole	Dorset County	Dorset Overall
White	14.8	9.4	6.4	8.9
White Non British	12.4	9.7	3.5	7.6
Mixed	28.4	17.5	5.0	15.7
Black & Black British	145.3	38.6	11.2	64.9
Asian & Asian British	36.0	12.4	5.6	16.8
Chinese & Other	5.0	8.3	5.1	5.6
OVERALL	16.6	9.7	6.4	9.4
BME (sub total)	31.6	13.5	5.1	15.7

Bournemouth and Poole Division:

Of the 303 searches of Black and Black British carried out in the Bournemouth and Poole division, 182 (60%) were carried out in the East Bournemouth Section alone. Only 27 (9%) searches took place in Poole.

Within the East Bournemouth area, 112 of the 182 searches of Black and Black British people were focussed on the West Boscombe beat. This represents 34% of all Black individuals who were Stopped and Searched in Dorset. Further analysis of these 112 searches reveals that they involved only 76 individuals because a number were searched more than once during the course of the year. Recent drug related crime operations have led to an increase in searches in the final quarter of the year with 52 Black and Black British people (up 37% on the previous quarter) and 287 white people (up 18% on the previous quarter) being stopped.

111 searches of Asian and Asian British people represents a rise on the 78 conducted in the previous year across the Division. This increase has occurred in the last two quarters and further research is being conducted.

Members of the Command Team have met with the NPIA Project Team. The NPIA team have also observed officers conducting stop and search activity in Boscombe and they attended the Dorset African Caribbean Association meeting in Boscombe. The NPIA were particularly impressed with the level of engagement at this meeting and see it as a key component of a future communications strategy regarding Stop and Search activity.

Dorset County Division:

As can be seen in Table 7, the number of Dorset County Division stop searches remains broadly proportionate to the ONS 2006 data. Within these figures, searches on Black and Black British people were slightly higher, however, this represents 28 people over 12 months across the whole Dorset County area. There is close scrutiny of all Stop Search activity by external organisations, as reported below.

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, the enhanced stop/search trained Ferndown Independent Advisory Group continues to act as a 'critical friend' for reviewing completed forms and this has produced some useful feedback. The March review identified outcome codes not being completed, lack of 'lay person' clarity for grounds and lack of consistency in completion. This feedback has been provided to Section Commanders and Officers completing the Stop Search form. The review also identified areas of very good practise and completion of forms. These have been identified to the Officers by means of positive appraisals. The forms will continue to be reviewed prior to each IAG monthly meeting.

A member of the Weymouth IAG has now volunteered to take on the role for the western part of the Division and will soon be receiving training.

Complaints regarding breach of Code A PACE on Stop and Search

There have been four complaints recorded for Breach of Code A PACE on Stop and Search in the year to date.

Finalised Complaints regarding breach of Code A PACE on Stop and Search

Three complaints have been finalised and one case is still live. Of the finalised complaints, one was withdrawn, one was not upheld and the other resulted in a recommendation that stop search forms are submitted in a timely manner.

Complaints against the organisation (direction and control complaints)

In 2009/10 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.

Finalised Complaints against the organisation.

In 2009/10 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. The second involved a person who was stopped four times.

Civil claims

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

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 December 2009 and indicates that 64.1% of respondents stated that they thought their local police were doing a good or excellent job.