Police and Crime Commissioner
for Hertfordshire

Stop and Search Briefing paper for Police and Crime Panel, 26th March 2015

1). National Context

In April 2014, the Home Secretary announced her intention to address concerns that fewer than half of all police forces in England and Wales complied with the Police and Criminal Evidence Act 1984 (PACE) Code of Practice A, which requires each police force to ensure that there are arrangements in place for their Stop and Search records to be scrutinised by the communities they serve[1].

The Home Secretary outlined a package of reforms which included amongst others:

- External Scrutiny of Stop and Search records by local communities
- No targets for officers for Stop and Search
- Recording the link between the object of search and its outcome (arrests, cautions, penalty notices for disorder and all other disposal types)
- Lay observation policies – offers members of the public the opportunity to accompany police officers on 'ride along' schemes so they are able to see for themselves the grounds for Stop Searches
- A Stop and Search complaints community trigger - a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints
- Changes to Section 60 Stop and Searches
- Review of National Training and introduction of an assessment of officers' fitness to use Stop Search powers
- Revision of PACE Code A to clarify what constitutes 'reasonable grounds'
- Stop Search data will be added to the www.police.uk website in April 2015
- Annual general HMIC inspections for forces to include Stop and Search.

It is hoped that by introducing such reforms, there will be:

- a *significant reduction* in use of Stop and Search;
- more intelligence-led stop search; and
- improved stop-to-arrest ratios

It was noted that if considerable improvements are not seen, the Government will return with primary legislation early 2015.
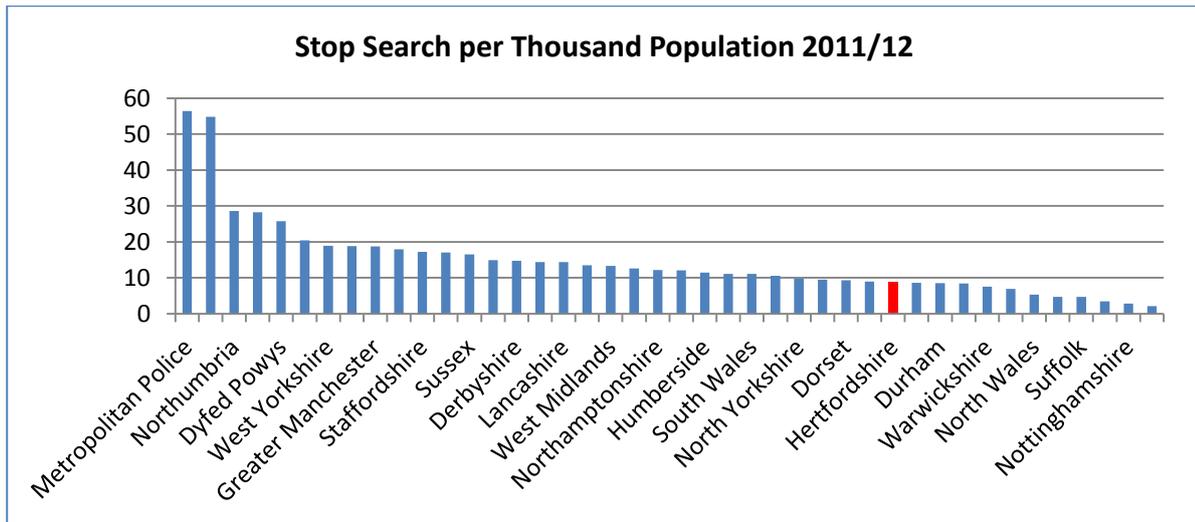
2). Hertfordshire Context

The function of scrutinising Stop and Search practices were previously managed by the Police Authority and since its abolition there has been little *external* scrutiny of Stop and Search practices. Whilst Hertfordshire Constabulary have managed the internal monitoring and oversight of it, external oversight was absent

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[1] Her Majesty's Inspectorate of Constabulary (HMIC) reported that 27 per cent of the Stop and Search records they examined did not contain reasonable grounds to search people, even though many of the records had been endorsed by supervising officers.

which has meant much focus has been on looking to see if there were issues relating to disproportionality in the *type of people* stopped and searched rather than on the volume of searches and how this links to the outcomes achieved.
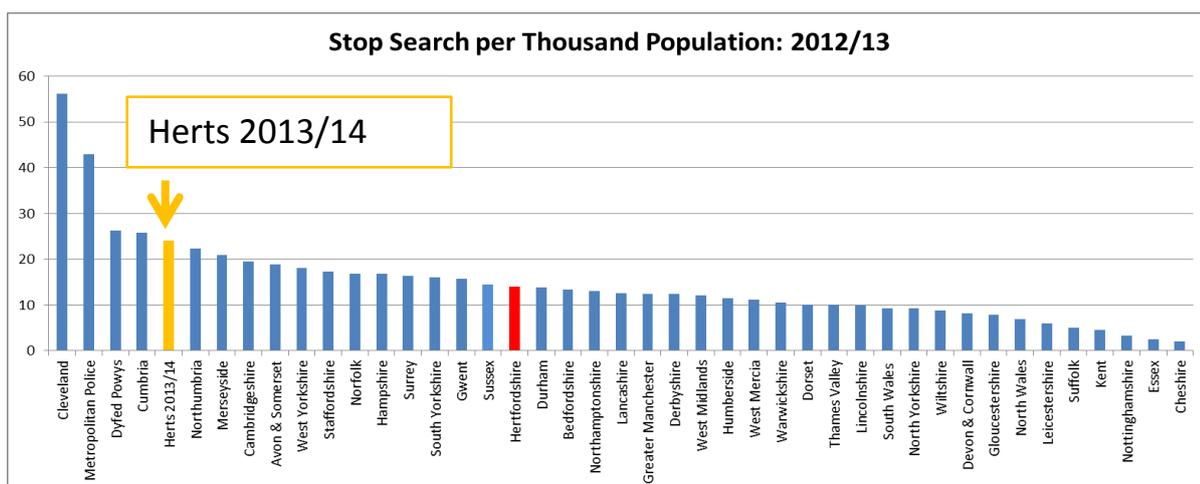
Since 2010/11 Hertfordshire Constabulary have seen year on year increases in the number of Stop Searches conducted Per Thousand Population, despite the national average for England and Wales showing a reduction. Figure 1 shows that the number of Stop Searches conducted by Hertfordshire Constabulary in 2011/12 stood at just under 10,000 stop searches per Thousand Population.

Figure 1: Stop Searches per Thousand Population 2011/12 for Hertfordshire compared to all forces[2]

Stop Search per Thousand Population 2011/12

Data shows that during 2012/13 to 2013/14 the number of stop searches in Hertfordshire continued to rise significantly and in 2013/14 stood in the top quartile for the number of Stop Searches per Thousand Population when compared to all forces and those within the Most Similar Group (MSG)[3] as shown in Figure 2.

Figure 2: Stop Searches per Thousand Population for Hertfordshire compared to all forces

Stop Search per Thousand Population: 2012/13

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[2] Source: Crime Reduction and Community Safety Unit, Hertfordshire Constabulary
[3] HMIC's 2013 MSG for Hertfordshire includes: Hampshire, Essex, Leicestershire, Sussex, Avon and Somerset, Staffordshire and Thames Valley.

Although few concerns have been raised by the public regarding Stop and Search practices, with only three complaints issued to the Constabulary during 2013, and none received at the Office of the Police and Crime Commissioner (OPCC) over the same period, the volume of stop searches has increased year on year with crime increasing by 11.6% during 2013/14. Coupled with this, the stop to arrest ratio in Hertfordshire was also far lower that the Home Secretary's expectation of 20%, averaging 10%[4] between 2011/12 and 2013/14 and arrest rate for drugs at 7%.

3) Best use of Stop and Search

In August 2014, Hertfordshire Constabulary asked to sign up to the Best Use of Stop Search Scheme to show their commitment to improve how Stop and Search was being applied in Hertfordshire and outlined though an Operational Action Plan how they, together with the OPCC and partners would seek to implement a range of measures outlined by the Home Secretary and HMIC. In doing so the Constabulary has sought to adopt a more focused and intelligent led approach to Stop Search, seeking to achieve an aspirational minimum of 20% of all Stop Searches resulting in an arrest and target those engaged in serious criminality leading to greater proportions of stop searches for acquisitive crime and for weapons, rather than low level drugs possession.

4). Stop and Search Community Scrutiny Panel

The Home Secretary advised that as part of the Best Use of Stop and Search, responsibility for the external scrutiny should be owned and facilitated by those democratically charged with holding the Police to account. In London, the Mayor's Office for Policing and Crime (MOPAC) have set up a series of Borough panels which bring together volunteer representatives from the local community to provide a mechanism of local scrutiny. Hertfordshire Constabulary also recognised that independent scrutiny and oversight was needed and approached the OPCC to ask if an external independent scrutiny panel could be set up as they genuinely believed that community scrutiny would be beneficial.

4.1). Membership and Terms of Reference

In November 2014 the OPCC undertook scoping work to see what models of external scrutiny were in place in other forces/PCC offices[5] and to build a panel for Hertfordshire. In line with national recommendations, it was agreed at the Community Safety Board in December 2014 that the panel should consist of 10-12 interested parties[6] with at least one nominated by each of the 10 Community Safety Partnerships (CSPs) who as far as possible reflect the demographics of Hertfordshire[7]. It was proposed that the countywide panel meet bi-monthly for two hours to undertake dip sampling on the Stop and Searches conducted across the county, to ensure they are PACE Code A compliant, and where necessary, are able to hold the respective Chief Inspectors to account on the evidence presented. It was agreed that where necessary, a deep dive of all Stop and Search forms would be undertaken if the dip sampling highlighted areas of concern in particular CSPs.

It was suggested by the Constabulary that if helpful, each member of the panel could receive training by the Crime Reduction and Community Safety Team on PACE Code A to help members better understand compliance and be able to challenge and scrutinise the Stop Search data, identifying any concerns, issues and areas of good practice and learning. It was further agreed that all minutes and supporting

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[4] Of the 27,192 Stop Searches made by Hertfordshire Constabulary in 2013/14, only 10% resulted in an arrest.
[5] See West Midlands and Bedfordshire Police and Crime Commissioners panels.
[6] Currently there is no set criterion for membership. Other forces /OPCCs have invited employees of Community and Voluntary organisations to sit on the panels.
[7] Community Safety Managers can use the OWL network to find members.

documentation (including Terms of Reference) for the Panel would be made available on the OPCCs website to ensure transparency and scrutiny to the public.

4.2). District / Borough Community Scrutiny Panels

The Community Safety Board suggested that each of the 10 CSPs also set up their own local dip sampling panel if community concerns indicate there is a need for scrutiny in that area. If set up, these CSP panels would review the overall number of Stop Searches in that district/Borough and ratio to arrest rates in order to assess compliance and monitor local issues that arise with any concerns found at those local boards feeding back to the countrywide panel.

4.3). Monitoring arrangements- RAGs and Community Safety Board

It is expected that a summary report of the findings from the dip sampling undertaken by the Countywide Scrutiny panel will be reviewed at the quarterly Community Safety Board, which is chaired by the Police and Crime Commissioner. This will include information on the number of Stop Searches per month in relation to: object of search; ethnicity/gender/age per thousand population; District and Borough comparison; and arrest rate. Oversight of the Stop Search figures will also be viewed by the community safety partners in each of the 10 Responsible Authority Group (RAG) meetings as part of the Chief Inspectors reporting of the crime dashboard.

5). HMIC Inspection, January 2015

Since Hertfordshire Constabulary introduced Best Use of Stop and Search a systematic programme of training has been underway to support front line officers to better understand why and how officers should be using Stop Search to ensure they better understand the legal framework for Stop Searches and have reasonable grounds to carry out the searches to demonstrate that it is proportionate[8].

In January 2015, HMIC returned to Hertfordshire Constabulary as part of their national inspection programme to examine the progress against HMICs report into Stop and Search in 2013 as well as the Home Secretary's new commission to examine police powers to stop motor vehicles and strip search people. HMIC's debrief of the Hertfordshire inspection praised Hertfordshire Constabulary for the increase in the level of monitoring and management which had improved from 40% to 90% since the Constabulary signed up to Best Use of Stop and Search and found that good governance structures are in place through the Strategic Stop and Search Board and dip sampling process undertaken by the Crime Reduction and Community Safety Team.

HMIC also found evidence in their inspection of behaviour change by front line officers as a result of internal communication and training about Stop and Search. Findings from their focus groups showed that some officers were worried about the implications of using the power if it did not actively achieve a positive outcome and expressed concerns that if the power was misused it would be taken away. HMIC suggested that the Constabulary put together a 'myth busting' document which outlines exactly how officers should be approaching stop search. Their inspection acknowledged the whilst the Chief Constable has given officers a clear message that there are no targets for Stop Search, and that officers should use it as a tactic where appropriate to do so, the message is still being misinterpreted by a some frontline officers.

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[8] The Constabulary wanted to examine whether police officers are using reasonable grounds for suspicion- e.g. whether what they said they *stopped* them for matched what they *searched* them for.

6). Current performance of Stop and Search

The latest performance data on Stop and Search figures shows that since Hertfordshire Constabulary adopted Best Use of Stop Search Scheme in August 2014, the force arrest rate has started to show a steady improvement with a decline in the volume of Stop Searches taking place, an increase in the stop to arrest ratio from 10% to 13%, and total positive disposal rate standing at 27.3%, as illustrated in Figures 3 and 4.

Figure 3: Monthly number of Stop Searches for drugs and % of arrests and other positive outcomes[9]
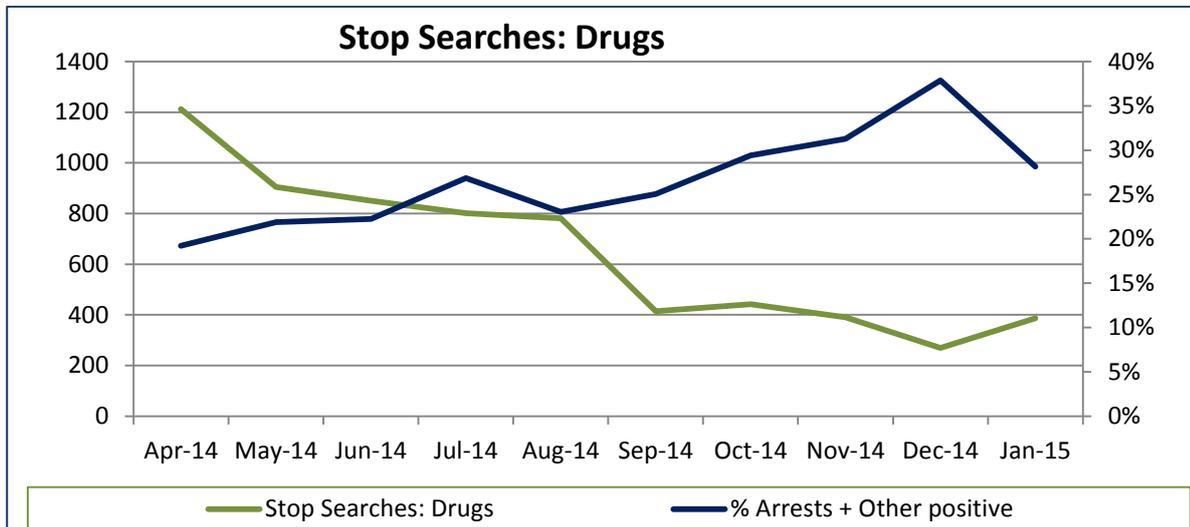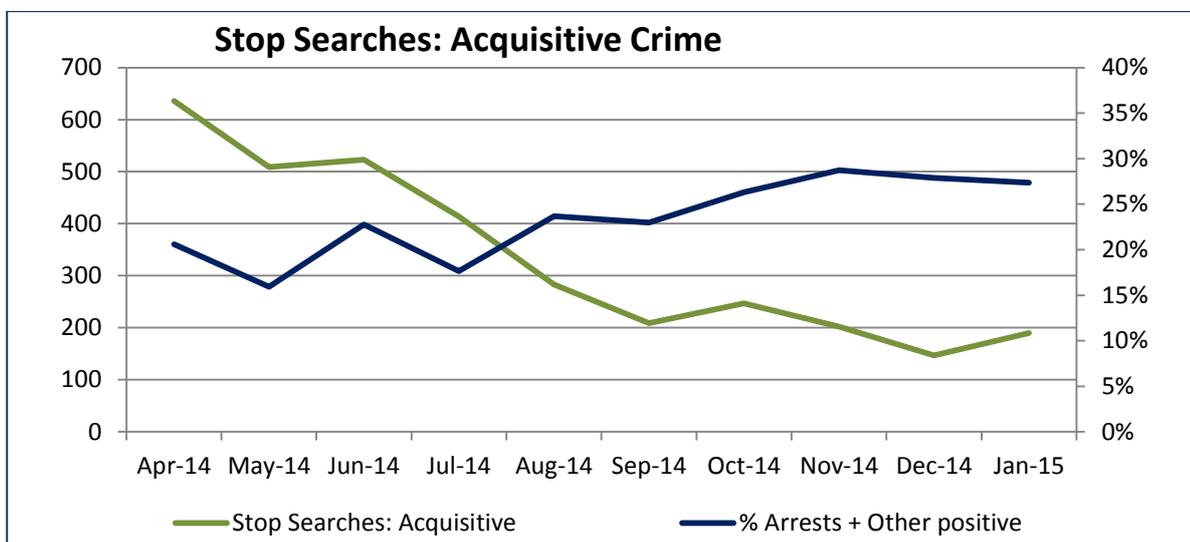

Figure 4: Monthly number of Stop Searches for acquisitive crime and % of arrests and other positive outcomes

The trends outlined in figure 4 reflect the guidance issued by the Home Secretary to target those engaged in serious criminality, rather than low level drug possession and ensure that officers are being more intelligence-led with their stop searches.

Figure 5 below breaks down the number of Stop Searches, arrests and positive disposals across the 10 Community Safety Partnerships (CSPs) since the start of the Best Use of Stop Search in August 2014 and covers the period to 3rd March 2015. Overall the data shows an improving picture for the combined positive

disposals and arrest rates for most CSPs, but some areas for improvement in achieving the minimum of 20% of all Stop Searches resulting in an arrest, evident in the arrest figures for Dacorum, Hertsmere and Three Rivers CSPs.

Figure 5: Number of Stop Searches, arrests and positive disposals between 26/08/2014 - 03/03/2015 for 10 CSPs and Joint Protective Services[10]

CSP	Stop Searches	Arrests	% Arrest rate	Other Positive disposals	Positive Disposal and Arrest rate
Broxbourne	321	37	11.5%	43	24.9%
Dacorum	538	51	9.5%	80	24.3%
East Herts	373	42	11.3%	48	24.1%
Hertsmere	275	22	8.0%	28	18.2%
JPS	547	92	16.8%	109	36.7%
North Herts	227	34	15.0%	31	28.6%
St Albans	284	54	19.0%	37	32.0%
Stevenage	257	38	14.8%	33	27.6%
Three Rivers	209	22	10.5%	24	22.0%
Watford	585	75	12.8%	78	26.2%
Welwyn Hatfield	216	33	15.3%	32	30.1%
Total	4011	520	13.0%	575	27.3%

7) Further information

For more information visit: www.police.uk and HMIC's research findings for the 2013 stop and search review produced by YouGov on behalf of HMIC: https://www.justiceinspectorates.gov.uk/hmic/data/stop-search-research-findings/

Spreadsheet: **Hertfordshire stop and search survey results (OpenData spreadsheet, 205KB, new window)**

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[10] Source: Hertfordshire Constabulary, Figures presented at the Community Safety Board, 5th March 2015.