



## RESPONSE BY THE PCC TO HMIC INSPECTIONS OF CLEVELAND POLICE

### INSPECTION DETAILS

Title of Inspection

**Cleveland Police response to the HMIC Thematic Study and Inspection Report relating to: 'Stop and Search Powers: Are the police using them effectively and fairly?'**

Date Inspection Published

**July 2013**

Type of Inspection:

- |   |  |
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| <input type="checkbox"/> Cleveland Specific | <input checked="" type="checkbox"/> National |
| <input type="checkbox"/> Follow Up          | <input checked="" type="checkbox"/> Thematic |
| <input type="checkbox"/> Partner Inspection |  |

Is Cleveland Police quoted in the Report?

- Yes  No

### EXECUTIVE SUMMARY

The public expect the police to protect them from harm by using the powers granted to them by Parliament in an effective and fair manner. Arguably, some of the most intrusive and contentious powers are those of stop and search. For decades the inappropriate use of these powers, both real and perceived, has tarnished the relationship between constables and the communities they serve, and in doing so has brought into question the very legitimacy of the police service. Thirty years after the riots in Brixton, concerns about how the police use stop and search powers were again raised following the riots in England in August 2011.

Over a million stop and search encounters have been recorded every year since 2006; but only 9% of these led to an arrest in 2011/12. Statistics also showed that members of black and minority ethnic groups were stopped and searched more than white people (compared to the resident population). Whilst there is strong public debate about the disproportionate use of the powers on certain groups, there is surprisingly little attention paid by either the police service or the public to how effective stop and search powers are in reducing or detecting crime.

In a society where policing is based upon the principle of consent, the police service needs the support of the public in order to be effective. By using their powers fairly and in a way that is effective in keeping the public safe, the police can build community confidence and encourage people to be more socially responsible in helping to reduce crime and disorder.

The objectives for this HMIC inspection were:

- to determine how effectively and fairly the police service is using the powers of stop and search in the fight against crime;

- to establish whether operational police officers know how to use stop and search powers tactically as part of evidence-based practice to fight crime; and
- to identify how the powers can be used in a way that builds the public's trust in the police, supporting the legitimacy of the service rather than eroding it.

Areas of specific interest for HMIC in compiling and completing their work included;

- The efficacy of the legislation (i.e. PACE & CT search powers);
- Impact upon communities and The 'Public View';
- The role of leaders within the process;
- The supervision of officers and compliance with legislation;
- 'Respect and courtesy' and the 'experience' of being subjected to stop & search;
- Higher level governance and scrutiny;
- Complaints & redress;
- Assurance that stop and search powers are used effectively and fairly;
- Gathering and using intelligence and information to improve the effectiveness and fairness of the use of stop and search powers (at the time and in the future); and
- Training for officers.

### **Report Conclusions**

Very few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime; and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence. Better use of technology could assist by providing frontline officers with real-time information and the ability easily to record information that could improve the use of the powers.

The majority of the police leaders we spoke to were not aware of the findings of the National Policing Improvement Agency's research about the importance of police officers acting fairly in order to improve public compliance with the law and build cooperation with the police – important factors in the long-term reduction of crime. If stop and search powers are used properly, confidence in the police can also be improved. The challenge for forces is to find a way of learning from positive encounters so that others can be improved. Of the 8,783 stop and search records we examined, 27% did not include sufficient grounds to justify the lawful use of the power. The reasons for this include low levels of understanding of what constitutes reasonable grounds, poor supervision, and an absence of oversight by senior officers. Training should be improved so that officers better understand: what constitutes reasonable grounds; the impact upon people stopped and searched; and how the tactic can be used to contribute to the prevention and detection of crime.

Given that the police use of stop and search powers has been cited as a key concern for police legitimacy and public trust in most of the major public inquiries into policing since the 1970s, it is surprising that it has not been afforded higher priority by chief officers. Fewer than half of forces complied with requirements in the code of practice for stop and search activity to be scrutinised by the public. Considering the high proportion of stop and search records that did not have sufficient grounds recorded, the absence of public scrutiny makes this an even more serious threat to police legitimacy.

It is very important that the right people are being stopped and searched. Each encounter should be carried out with respect and courtesy, and based on fully-explained reasonable grounds in order to reduce to a minimum the number of negative or unlawful experiences.

Apart from the fact that it is unlawful, HMIC (2013) *Stop and Search Powers: Are the police using them effectively and fairly?* Conducting stop and search encounters without reasonable grounds will cause dissatisfaction and upset, and whilst some may think it will help to control the streets' in the short-term, it may lead to major disorder in the long-term.

## FORCE RESPONSE TO SUGGESTIONS FOR FURTHER ACTION

	Report Recommendation	Force Response
1	Chief Constables and the College of Policing should establish in the stop and search Authorised Professional Practice document a clear specification of what constitutes the effective and fair exercise of stop and search powers, and guidance in that respect. This should be compliant with the code of practice.	The HMIC Liaison officer is currently working to reduce the number of Force policies and align them wherever possible with APP. Cleveland Police would welcome a specific APP guidance document regarding the effective and fair exercise of stop and search powers compliant with the code of practice.
2	Chief Constables should establish or improve monitoring of the way officers stop and search people, so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the code of practice), and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.	Cleveland Police have developed a public facing interactive tool which allows members of the public to access and monitor data on a monthly basis in relation to stop and search. This is an open and transparent system aimed at instilling public confidence and trust. In relation to officers recording the reasonable grounds for searches, the Force has identified a gap in this area that the grounds are not always recorded on the electronic Cleveland Universal Police Information Device (CUPID). It would appear that the grounds field is not a mandatory section. The CUPID device is being upgraded and due to be launched in early 2014 when the grounds field will be mandatory. Officers have been reminded that they must have the reasonable grounds required by law to justify each stop and search and to ensure that this is documented on the current CUPID device. A recent stop and search review within Force highlighted that stop and search forms submitted on the electronic CUPID device are no longer scrutinised by supervision. This is included in the gap analysis to look at methods of ensuring supervisors are still able to access entries submitted by their officers. Supervisors have been reminded of their responsibilities in relation to ensuring their officers are acting in accordance with the law.

	<b>Report Recommendation</b>	<b>Force Response</b>
3	Chief Constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the code of practice and equality legislation.	Historically all handwritten stop and search forms were checked and signed by a supervisor prior to submission. Since the introduction of the CUPID electronic recording of stop and search this function has ceased due to the automated process. This was highlighted in a recent Force internal review of stop and search and added to the gap analysis as an action to ensure that supervisors are given access to be able to monitor stop and search entries submitted by their staff on the force's Integrated Records Information System (IRIS). Supervisors have been reminded of their responsibilities in relation to ensuring their officers are acting in accordance with the law.
4	The College of Policing should work with Chief Constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.	Cleveland Police would welcome a national training package to improve officers understanding and knowledge of stop and search powers. Due to the Force freeze on recruiting there has been no specific stop and search training for regular officers since 2010. Special Constables however have had recent refresher training through Initial Learning for Special Constabulary (IL4SC).  Stop and Search 'hands on' tactics do form part of the Personal Safety Training. There have also been recent communication messages by the Force reminding officers and supervisors of their responsibilities in relation to stop and search.
5	Chief Constables should ensure that officers and supervisors who need this training are required to complete it, and that their understanding of what they learn is tested.	The training would be imbedded in the Force training programme via 'development days' to ensure that all staff who require it will receive it. The Force would look at ensuring supervisors monitor their staff to assess their knowledge, understanding and competency for all training received and to link this into the Monthly Performance Review process.
6	Chief Constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime fighting effort.	All stop and search entries submitted electronically through CUPID devices are retained on a live intelligence system (IRIS). The intelligence is analysed to look at 'hot times' and 'hot places' so that resources can be directed ethically through the daily Force 'Pacesetter' meetings.

	<b>Report Recommendation</b>	<b>Force Response</b>
7	Chief Constables should, in consultation with elected local policing bodies, ensure that they comply with the code of practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people.	The PCC's Office are organising a community awareness event on October 17th jointly with CPS with a specific input in relation to stop and search. PCC/Police are working closely with Ethnic Minorities Training and Education Project (EMTEP) in relation to the Home Office Stop and Search consultation. Police/PCC were due to do an input at a community event aimed at young people; EMTEP felt that this may stifle free speech so Force attendance has been stood down, but they have agreed to provide the Police/PCC the results. The Force is in the discussion with the PCC as to the reporting of stop and search activity to the PCC and Police & Crime Panel. Under the previous governance regime of police authorities, stop and search activity was reported and scrutinised by members.
8	Chief Constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include gathering information about dissatisfaction reported to other agencies.	The community awareness event on 17 <sup>th</sup> October has a specific input into complaints against the Police. Call backs are conducted in relation to hate crime incidents giving the community the opportunity to discuss how they have been treated by the Police and to actively seek their views.
9	Chief Constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the code of practice.	Cleveland Police would welcome a nationally agreed form for recording stop and search. However, this would potentially have cost implications for the Force in relation to amending the electronic CUPID system.
10	Chief Constables should work with their elected local policing bodies to find a way of better using technology to record relevant information about stop and search encounters, which complies with the law and reveals how effectively and fairly the power is being used.	Stop and Search is recorded by the Force on an electronic CUPID device which is due to be upgraded in the first quarter 2014. The new device uses mandatory fields which will ensure that officers record relevant information which complies with the law.

*Force Response Provided By: ACC Sean White & Inspector Helen Eustace*

## **PCC RESPONSE TO INSPECTION**

Comment by the PCC:

Stop & Search although not the most popular police tactic has shown to be vital in safeguarding communities from potential and unwarranted violence and harm. It is a key tactic used by officers in the policing of serious and organised crime, drug offences and knife crime in our localities.

The report highlights 10 recommendations for the Force to follow in order to become more effective but importantly compliant in the deployment of this important proactive policing power.

The actions which have and are being put in place show Cleveland Police to be adopting new ways of working by documenting, monitoring and reporting the use of Stop & Search in everyday police activity and are well on their way to achieving a goal of providing best practice.

I have every faith that the Chief Constable will continue to empower her officers to be fair when stopping and searching potential suspects in and around the streets of Cleveland, ensuring our citizens remain safe at all times in their communities.

The PCC will monitor the implementation of recommendations via quarterly updates of the Risk, Audit & Inspection Monitoring Board.