

COMMUNITY OUTCOMES MEETING

MAKING SURE CRIMINAL JUSTICE WORKS FOR COMMUNITIES

27 June 2017

SUBJECT: STOP AND SEARCH – UPDATE

Report of the Chief Constable

<p>PURPOSE OF THE REPORT</p> <p>1. This report outlines the Force's current position in relation to the use of stop and search powers. It provides an update regarding ongoing work, the recent HMIC inspection, the Home Office Best Use of Stop and Search Scheme, and future developments. It also provides performance data in relation to how stop and search powers have been used over a rolling 12 month period to March 2017.</p>
<p>RECOMMENDATION</p> <p>2. That the Police and Crime Commissioner uses this report to scrutinise Force activity in respect of the use of 'Stop & Search' powers.</p>
<p>POLICE AND CRIME PLAN</p> <p>3. The impact of Stop and Search on communities can be significant. The Police and Crime Commissioner holds the Chief Constable to account to ensure Stop and Search activity is used appropriately, proportionately, in the pursuit of a legitimate aim and in a way that can be explained by the searching officer to the person stopped.</p>
<p>KEY INFORMATION</p> <p>4. The attached report is part of regular PCC scrutiny the last report was reviewed in January 2017, since then the OPCC are continuing to visit Force Scrutiny groups who review Stop and Search encounters in more detail.</p> <p>5. The PCC has previously met with HMIC to discuss his oversight and scrutiny of Stop and Search and he continues to work with HMIC on this matter.</p> <p>6. The Ride Along Scheme which is part of the Best Use of Stop and Search Scheme has recently being Audited.</p> <p>7. The PCC has a responsibility to raise awareness of individual's rights if they are stopped and searched by police.</p>

8. The PCC has an ongoing feedback page on website in relation to 'Stop & Search', details of Stop and Search in West Yorkshire can be found on www.Police.UK

PARTNER CONTRIBUTION

9. The PCC works with partners to consult and engage on the impact of Stop and Search.



Stop and Search

Paper requested by: OPCC for Community Outcomes Meeting

Report on behalf of: ACC Angela Williams

Report Author : PS Chris Raby

Date of Report : 19/05/2017

Summary

The report contained in this paper outlines the current position in relation to the use of Stop and Search powers. It provides performance data in relation to how Stop and Search powers have been used in the previous 12 months period to March 2017. It also provides an update regarding ongoing work, the Home Office Best Use of Stop and Search Scheme and future developments.

Bi-Annual Stop & Search Statistics

1. West Yorkshire Police produces a statistical report for the Police and Crime Commissioner outlining the use of stop and search powers on a bi-annual basis (Appendix A). The report explores the use of the various stop and search powers in relation to gender, age and ethnicity, and the number and type of positive outcomes for the searches carried out. The data contained in the report is collated over a rolling 12 month period.
2. Just over 11,000 stop searches have been undertaken in the last 12 months, a reduction of 3,000 compared to the previous reporting period, reflecting a continuing downward trend in the use of stop and search powers by West Yorkshire Police. There has been a reduction in the reported difference in stop and search by ethnicity ratios since 2010/11. These ratios are calculated based upon demographics obtained from the most recent census data at the time (2011) and the self-defined ethnicity of the person being stopped and searched.
3. Examination of stop and search activity over the previous 12 months where ethnicity is known shows that 25.7% of all Stop and Search activity is focussed on people of BME background. This is 7.5% higher than the 18% of the local population from this group and a 1.2% increase on the previous reporting period.
4. In the previous reporting period, the proportion of stop and searches for white ethnicity stood at 75.7% and this has reduced to 74.3%. When compared to the census profile for the White population of 82% this shows a slight move away from what would be expected in terms of proportionality, this is a reflection of the 2011 census data and is out of date. Similarly, the proportion of stop searches for Asian ethnicity in the previous reporting period of 16.8% has increased to 17.7%, however, both White and Asian ethnicities have seen overall reductions in the total volume of stop searches.

It should also be noted that the Census profile is from 2011 and is therefore out of date (it is believed that a Census profile from 2016 for West Yorkshire would show a higher BME profile, based on this growing population group residing in the county).

5. The current age profile of persons being stopped and searched identifies that those aged between 16 and 29 are most likely to be stopped, accounting for two thirds of all stop searches or 61.6%, a decrease of 2.4% on the previous reporting period. When considering authority use, the same age range accounts for three quarters of all Section 23 drugs searches or 71.7%, a decrease of 1.3% on the previous reporting period.
6. The majority of searches undertaken were under Section 23 of the Misuse of Drugs Act 1971, but with a slight reduction in comparison to the last report by 2.5%. The second most commonly used power is Section 1 of the Police and Criminal Evidence Act 1984, and numbers have slightly increased over the last quarter by 2.1%.

7. The proportion of Stop Searches resulting in a positive outcome in the past 12 months was 19.5%, of which arrests accounted for 12.5%. This is an increase on total positive outcomes over the last three quarters, and suggests officers are taking a more targeted approach with their use of stop and search.
8. There have been 10 MOC (More than Outer Clothing removed) searches and there have been a total of 41 strip searches with around two thirds being carried out on persons from a BME ethnic background.
9. Section 36 Psychoactive Substances Act searches is now included in the data (appendix A). This legislation came into force on 26th May 2016, with the sole purpose of addressing the concerns of Novel Psychoactive Substances in our communities and were once referred to as 'Legal Highs.' Before the legislation was introduced, Police and criminal justice agencies had little legal backing to control the supply of these substances, however, the act now makes producing, supplying, offering to supply, possessing with intent, importing, exporting and possessing within a custodial institution an offence. The act also provides Police Officers with powers to stop and search persons if there are reasonable grounds to suspect an offence under the act is or has been committed. Within the last 12 months there have been 11 stop searches under this act, which equates to 0.1% of the total number of stop searches within West Yorkshire.

HOME OFFICE BEST USE OF STOP AND SEARCH SCHEME

10. This voluntary scheme is part of a range of measures that will contribute to a reduction in the overall use of stop and search, lead to better and more intelligence-led stop and searches and more effective positive outcomes. Key aspects of the scheme are use of Section 60 powers, the 'Stop and Search Community Trigger' for complaints and 'Ride Along Scheme':

❖ SECTION 60

There have been no Section 60 authorities since the last report.

❖ COMPLAINTS TRIGGER

West Yorkshire Police has set the Community Trigger threshold at one complaint within the relevant District, ensuring every complaint activates the trigger and is dealt with accordingly. There have been three complaints and therefore three trigger activations since the last report:

Two complaints in Leeds District:

- November - Complainant alleges that a PCSO searched their 12 year old son for a lighter and that the search was done in an inappropriate manner. (Finalised by PSD)
- November – Complainant was searched by officers in the city centre and doesn't know why, also stated that officers took pictures of him. (Withdrawn)

One complaint in Calderdale District:

- November – Complainant was stopped, searched and arrested in October 2015 for possession of Police uniform. (Case subject to Sub Judge)

❖ RIDE ALONG SCHEME

The Ride Along Scheme gives members of the public the opportunity to accompany officers on patrol and observe stop and search in action. Since the previous report there have been 44 ride along participants:

DISTRICT	TOTAL
BRADFORD	0
CALDERDALE	0
KIRKLEES	16
LEEDS	16
WAKEFIELD	12
TOTAL	44

The Ride Along Scheme was recently audited by the Police and Crime Commissioners Office with several recommendations provided on how to improve the effectiveness of the scheme in areas such as publicity, target groups and central oversight.

The scheme is currently under review by the Performance Improvement Team within Corporate Services to ensure it is being promoted and used effectively across the force. This piece of work is in progress, however, members of the community can still apply and participate in a ride along.

ONGOING WORK AND DEVELOPMENTS

- **Community Engagement**
Participants are now able to provide hot feedback on their Ride Along with officers. This has been positive but limited in nature so the current review is examining this aspect.
- **Stop and Search Training**
The national training package provided by College of Policing as mentioned in the previous report continues to be delivered within across the five districts. The Force Performance Improvement Team is conducting some

early analysis as to whether the new training appears to make officers more or less likely to undertake stop and searches.

- **Scrutiny Panels**

To enable scrutiny panels to make more effective and informed recommendations, a training package is being developed to aid understanding of Stop and Search. The Force Performance Improvement Team is working with the Digital Mobile Policing Team to trial a process by which panel members could view Body Worn Video footage of Stop and Search encounters, thereby providing increased transparency and accountability. This is in its infancy and a further update will be provided in the future.

- **Mobile Device Application**

An application for the handheld devices is currently being developed that will enable officers to record stop search records themselves. This would negate the requirement for records to be created by district control rooms and will hopefully improve the recording and accuracy of Stop and Search.

HMIC

- The NPCC Lead for Stop and Search has recently issued a revised edition of the National Recommendations Template to all Forces for completion. It includes:
 - HMIC recommendations 2013
 - Best Use of Stop and Search Scheme 2014
 - HMIC recommendations 2015
 - All Party Parliamentary Group for Children
 - PEEL Review 2015.

It is a useful tool for assessing where WYP stands against all the national recommendations and expectations. There are 34 recommendations in total, and WYP is green for every element except the implementation of the College of Policing Training, which remains amber as the training package is currently being delivered.

This template is now published on the public facing Stop and Search webpage.

- A dip sample of 200 stop and search records was recently conducted by HMIC which identified examples of good and bad practice within West Yorkshire Police. This was a nationwide piece of work conducted by HMIC involving all forces. A number of Forces, including ours, have challenged current Home Office guidance as to the invalid nature of searches where the smell of cannabis is used as the sole grounds. HMIC are conducting further enquiries on this point and will issue further guidance in due course. Early feedback from the HMIC in our recent Legitimacy Inspection regarding our use of stop and search remains positive.

EQUALITY, DIVERSITY AND HUMAN RIGHTS CONSIDERATIONS

11. This report highlights differences in the likelihood of being stopped and searched according to ethnicity, age and gender.

STRATEGIC RISK IMPLICATIONS

12. The inappropriate and disproportionate use of 'Stop and Search' is a significant risk to Force and this has been acknowledged within the work undertaken by the Force Performance and Improvement Unit (FPIU).

SUPPORTING DOCUMENTATION

- Stop Search statistics.

1) All Stop and Search Activity in comparison to West Yorkshire Demographics – April 2016 to March 2017

The age tables below show that around 63% of all Stop & Search activity is focussed on people aged between 16 and 29. This contrasts with the local population where 20% of the local population is derived from these age groups.

Census 2011 - Age Group

Age Group	0-15	16-19	20-29	30-44	45-59	60+	Total
Population	446,194	119,661	326,373	458,343	417,385	458,102	2,226,058
% of Population	20%	5%	15%	21%	19%	21%	100%

Stop & Searches by Age Group

Age Group	0-15	16-19	20-29	30-44	45-59	60+	Total *
Searches	993	2,724	4,267	2,524	546	41	11,095
% of Searches	8.9%	24.6%	38.5%	22.7%	4.9%	0.4%	100%

* Excludes Unknown

The ethnicity tables below show that around 25.7% of all Stop & Search activity is focussed on people of BME background (when the ethnicity of the person stopped is known), which is marginally higher than the 18% of the local population from this group.

Census 2011 - Self-Defined Ethnicity

Ethnicity	White	Asian	Black	Other	Total
Population	1,819,818	291,547	46,476	68,217	2,226,058
% of Population	82%	13%	2%	3%	100%

Stop & Searches by Self-Defined Ethnicity

Ethnicity	White	Asian	Black	Mixed / Other	Total *
Searches	7,366	1,755	376	414	9,911
% of Searches	74.3%	17.7%	3.8%	4.2%	100%

* Excludes Unknown and Not Stated

The gender tables below show that around 93% of all Stop & Search activity is focussed on Males (where the gender is stated) whilst this group actually makes up 49% of the local population but 80.9%* of all crime offenders.

*Where Gender is known

Census 2011 - Gender

Gender	Female	Male	Total
Population	1,132,794	1,093,264	2,226,058
% of Population	51%	49%	100%

Stop & Searches by Gender

Gender	Female	Male	Total *
Searches	772	10,477	11,249
% of Searches	7%	93%	100%

* Excludes Unknown

The district table below show that nearly four fifths (77.5%) of all Stop & Search activity is focussed in the Bradford and Leeds districts. These Districts account for 57.2% of the total population in West Yorkshire but also account for 61.3% of all crime.

Census - District

District	Bradford	Calderdale	Kirklees	Leeds	Wakefield	Total
Searches	522,452	203,826	422,458	751,485	325,837	2,226,058
% of Searches	23.5%	9.2%	19.0%	33.8%	14.6%	100.0%

Stop & Searches by District

District	Bradford	Calderdale	Kirklees	Leeds	Wakefield	Total *
Searches	3,330	514	1,071	5,409	949	11,273
% of Searches	29.5%	4.6%	9.5%	48.0%	8.4%	100.0%

* Excludes Out of Force and Unknown

2a) All Stop and Search Activity by Authority **– April 2016 to March 2017**

Just over 11,000 stop and searches have been undertaken in West Yorkshire in the latest 12 months to the end of March 2017. The vast majority of these were undertaken using the Authorities of 'Section 1 PACE' (46.3%) and 'Section 23 Drugs' (51.8%).

Authority	Stop Searches	%
Section 1 PACE	5,247	46.3%
Section 23 Drugs	5,875	51.8%
Section 36 Psychoactive Substances Act	11	0.1%
Section 38a PCSO Police Reform Act 2002	11	0.1%
Section 60	0	0.0%
Section 43 Terrorism Act	9	0.1%
Section 47 Firearms Act 1968	126	1.1%
Section 47a Terrorism (ACCs Auth Req.)	0	0.0%
Other	27	0.2%
Unknown	36	0.3%
Total	11,342	100.0%

2b) All Stop and Search Activity by Self Defined Ethnicity **– April 2016 to March 2017**

The breakdown of stop and search activity by ethnicity reveals that just over 1 in 4 persons stopped (i.e. 22.4%) will be from an ethnic background (including 'Not Stated'), however when broken down by authority this becomes around 1 in 7 for searches under 'Section 1 PACE' and just over 1 in 3 for 'Section 23 Drugs'.

Self-Defined Ethnicity	White	Asian	Black	Mixed	Not Stated	Other	BME
Section 1 PACE	72.4%	8.8%	2.7%	3.0%	12.7%	0.4%	14.9%
Section 23 Drugs	59.1%	21.2%	3.9%	3.5%	11.9%	0.4%	29.0%
Section 36 Psychoactive Substances Act	81.8%	9.1%	0.0%	0.0%	9.1%	0.0%	9.1%
Section 38a PCSO Police Reform Act 2002	81.8%	0.0%	0.0%	0.0%	18.2%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	44.4%	55.6%	0.0%	0.0%	0.0%	0.0%	55.6%
Section 47 Firearms Act 1968	42.9%	31.0%	2.4%	6.3%	17.5%	0.0%	39.7%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	66.7%	14.8%	3.7%	0.0%	14.8%	0.0%	18.5%
Unknown	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Total	64.9%	15.5%	3.3%	3.3%	12.6%	0.4%	22.4%

When analysed against the denominator of ethnic group populations, Asian people are nearly as likely (1.5) to be stop and searched as a White person. The likelihood of a black person being stopped is slightly higher (at 2.0). When broken down by authority Asian people are less likely to be stopped than White people under 'Section 1 PACE' but are more likely under 'Section 23 Drugs'. Whereas Black people are more likely to be stopped than White people under both 'Section 1 PACE' and 'Section 23 Drugs'.

Disproportionality	Ratio Asian to White (per 1000 pop)	Ratio Black to White (per 1000 pop)
Section 1 PACE	0.8	1.5
Section 23 Drugs	2.2	2.6
Section 36 Psychoactive Substances Act	0.7	0.0
Section 38a PCSO Police Reform Act 2002	0.0	0.0
Section 60	N/A	N/A
Section 43 Terrorism Act	7.8	0.0
Section 47 Firearms Act 1968	4.5	2.2
Section 47a Terrorism (ACCs Auth Req.)	N/A	N/A
Other	1.4	2.2
Unknown	N/A	N/A
Total	1.5	2.0

2c) All Stop and Search Activity by Age Group
– April 2016 to March 2017

The current age profile of persons being stop and searched identifies that those aged between 16 and 29 are most likely to be stopped, accounting for two thirds of all stop searches (61.6%). When broken down by authority this same age range accounts for three quarters of all ‘Section 23 Drugs’ stop searches (71.7%).

Age Group	05-15	16-19	20-29	30-44	45-59	60+	Unknown
Section 1 PACE	13.7%	23.2%	27.8%	26.4%	6.5%	0.5%	1.9%
Section 23 Drugs	4.2%	25.1%	46.5%	18.8%	3.2%	0.2%	1.9%
Section 36 Psychoactive Substances Act	9.1%	9.1%	36.4%	18.2%	18.2%	0.0%	9.1%
Section 38a PCSO Police Reform Act 2002	90.9%	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	11.1%	55.6%	22.2%	11.1%	0.0%	0.0%
Section 47 Firearms Act 1968	12.7%	17.5%	43.7%	19.0%	4.8%	0.0%	2.4%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	3.7%	3.7%	33.3%	18.5%	22.2%	7.4%	11.1%
Unknown	0.0%	5.6%	5.6%	8.3%	0.0%	0.0%	80.6%
Total	8.8%	24.0%	37.6%	22.3%	4.8%	0.4%	2.2%

2d) All Stop and Search Activity by Gender
– April 2016 to March 2017

In the last 12 months, just over 92% of all stop and searches (including ‘Not Stated’) were conducted on men, revealing that they are 13 times more likely to be stop and searched than females.

Gender	Female	Male	Unknown
Section 1 PACE	7.0%	92.5%	0.5%
Section 23 Drugs	6.5%	92.9%	0.6%
Section 36 Psychoactive Substances Act	0.0%	100.0%	0.0%
Section 38a PCSO Police Reform Act 2002	36.4%	63.6%	0.0%
Section 60	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	100.0%	0.0%
Section 47 Firearms Act 1968	6.3%	91.3%	2.4%

Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%
Other	29.6%	63.0%	7.4%
Unknown	2.8%	16.7%	80.6%
Total	6.8%	92.4%	0.8%

3) All Stop and Search Activity by Reason **– April 2016 to March 2017**

Analysis of the reason for stop and searches indicates that for 'Section 1 PACE' authority just over a half of stop searches are conducted based on the suspicion that the person is 'Going Equipped' with around one fifth of searches (23.3%) conducted on the basis of discovering stolen property.

Reason for Stop	1. Stolen Property	2. Drugs	3. Firearms	4. Offensive Weapon	5. Going Equipped	6. Criminal Damage	7. Other	Unknown
Section 1 PACE	23.3%	0.6%	0.6%	17.0%	52.5%	3.0%	3.0%	0.0%
Section 23 Drugs	0.1%	99.6%	0.0%	0.0%	0.1%	0.0%	0.1%	0.0%
Section 36 Psychoactive Substances Act	0.0%	18.2%	0.0%	0.0%	0.0%	0.0%	81.8%	0.0%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Section 47 Firearms Act 1968	0.0%	0.0%	93.7%	5.6%	0.0%	0.0%	0.8%	0.0%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	14.8%	22.2%	18.5%	7.4%	0.0%	0.0%	37.0%	0.0%
Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Total	10.9%	51.9%	1.4%	7.9%	24.3%	1.4%	1.8%	0.3%

4) All Stop and Search Activity by Outcomes **– April 2016 to March 2017**

Stop and Searches can result in a number of outcomes ranging from the subject being given advice, a warning, being issued with a PND or community resolution, arrested or can result in no further action being taken. The range of positive outcomes is shown below.

The proportion of Stop Searches resulting in a positive outcome in the past 12 months was 19.5%, of which arrests accounted for 12.5%.

Stop searches conducted under 'Section 1 PACE' in the past 12 months have an arrest rate almost a third higher than searches conducted under 'Section 23 Drugs' although searches conducted under 'Section 23 Drugs' are 5 times more likely to result in a community resolution.

Self-Defined Ethnicity	Arrest	Caution	Community Resolution	Direction to Leave	PND	Summons	Warning	Positive Outcome Rate
Section 1 PACE	15.5%	0.2%	1.6%	0.0%	0.0%	0.8%	0.1%	18.3%
Section 23 Drugs	9.8%	0.6%	8.5%	0.0%	0.1%	1.2%	0.8%	20.9%
Section 36 Psychoactive Substances Act	9.1%	0.0%	9.1%	0.0%	0.0%	0.0%	0.0%	18.2%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	9.1%	9.1%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	33.3%
Section 47 Firearms Act 1968	15.9%	0.0%	0.8%	0.0%	0.0%	0.0%	0.0%	16.7%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	7.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	7.4%
Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	12.5%	0.4%	5.1%	0.0%	0.0%	1.0%	0.5%	19.5%

5a) Stop & Searches (MOC (More than Outer Clothing)) by Self Defined Ethnicity – April 2016 to March 2017

The analysis of stop and search activity where more than outer clothing what requested to be removed reveals that this request was made just ten times in the past 12 month period, 70% of which were BME.

Self-Defined Ethnicity	White	Asian	Black	Mixed	Not Stated	Other	BME
Bradford	0	0	0	0	0	0	0
Calderdale	0	0	0	0	0	0	0
Kirklees	0	0	0	0	0	0	0
Leeds	1	0	0	0	0	0	0
Wakefield	2	6	1	0	0	0	0
Total	3	6	1	0	0	0	0

5b) Stop & Searches (Strip Searches) by Self Defined Ethnicity – April 2016 to March 2017

The analysis of stop and search activity where a strip search was required reveals that this occurred 41 times in the past 12 month period, with around two thirds being carried out on persons from a BME ethnic background.

Self-Defined Ethnicity	White	Asian	Black	Mixed	Not Stated	Other	BME
Bradford	5	9	1	0	1	2	2
Calderdale	0	0	0	0	0	0	10
Kirklees	0	1	0	0	0	0	0
Leeds	2	0	1	2	0	0	1
Wakefield	1	0	0	0	0	0	3
Total	8	10	2	2	1	2	16