
Report to: Performance Review Committee
Agenda item: 6
Date: 19 May 2016
Subject: Stop and Search
Sponsor: Deputy Chief Constable Hanstock
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For: Information

1. Purpose of paper

- 1.1 This paper provides an update to the Performance Review Committee on BTP's stop and search activity and development over the last 6 months, as well as upcoming developments.

2. Performance Overview

2.1 Best Use of Stop and Search Scheme (BUSSS)

BTP is committed to adhering to the requirements of this scheme which aims to achieve greater transparency, ensure community involvement in the use of stop and search powers and support a more intelligence-led approach that leads to better outcomes. The 6 main features of the scheme are:

1. Data recording
2. Lay observation policies
3. Community complaints trigger
4. Section 60 of the criminal justice and public order act
5. Adherence to the scheme
6. Race and diversity monitoring

- 2.2 BTP produces a quarterly performance data pack which summarises key aspects of stop and search performance at both Force and Sub-Divisional levels. This data is discussed at the quarterly stop and search steering group at the quarterly community consultation group. In addition to this, the FHQ stop and search team extract and send weekly performance data to sub - divisions.

- 2.3 Due to problems with data retrieval from the new NICHE system, data is only available up until December 2015. A fix is being urgently worked on to rectify this problem.
- 2.4 BTP has nonetheless discharged its responsibilities under the Scheme by outlining our technological challenges within the Force and providing reassurance that we have a plan to rectify this situation as a matter of urgency. This has been articulated to the community consultation group, Home Office, BTPA, Divisional Commanders and the public via the public website.
- 2.5 The action plan to deal with the lack of data is outlined below:
- Centrally review stop search records and ensure officers amend any inaccurate records or omissions
 - Emphasise the importance to supervisors of correctly reviewing the officer's stop search submissions
 - Respond to officer queries for help and support around the process of completing a NICHE submission,
 - Liaise with the ISP team to ensure issues are addressed urgently and clarification is given to all sub-divisions,
 - The data mapping officer will review migrated FIS data with the ISP team to ensure corrupted data is resolved and does not cause a similar issue in NICHE
 - The ISP team in conjunction with the FCR will ensure all FCR staff have clear guidelines as to their role and responsibilities in creating an initial NICHE stop search occurrence
 - ISP will liaise with the FHQ stop search team to produce a briefing document for PCs, Sgts and Inspectors.

With these critical interventions now in place, it is anticipated that we will be providing accurate and up to date information by the end of May 2016.

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- 2.6 BTP recorded a 60% reduction in the number of stop searches and stop and accounts in 2015 when compared with the same period the year before. There has been a similar percentage fall in the number of ineffective drugs searches. This is due to a combination of officers being more thorough in their assessment of “reasonable grounds” and the impact of the new training and oversight regimes.
- 2.7 BTP’s stop search arrest rate has been maintained at between 17-19% and our positive find rate continues to improve at around 33%. This compares favourably with other forces including the MPS.
- 2.8 With the advent of the newly designed stop and search form, there has been an improved recording of “reasonable grounds” and better compliance with the completion of mandatory data recording such as object of search and ethnicity.
- 2.9 Another positive development has been the proactive engagement of Sub-Divisional stop search leads by the force stop and search advisers. Sub-Divisions have ensured officers have been available for face to face briefings across B and C Divisions.
- 2.1 D Division has been proactive in ensuring BTP Scotland is at the forefront of any changes to legislation and they are well-positioned to adopt the changes to Scottish law when the upcoming plan to create a code of practice similar to PACE Code A in England and Wales is finalised.
- 2.11 BTP officers are engaging in healthy open debate about the issues and remain professional and open to further briefings, guidance and training. The FHQ stop search team has been careful to ensure officers are clear on their powers, and that a range of help and advice is available to support them. These include:
- An updated manual of Guidance
 - Briefing for operational officers and supervisors about using stop search
 - Updated guidance on deployment of drugs dogs and using knife screening arches
 - Tactical toolkit similar to the football briefing pack – outlining powers and other tactical options if stop search is not appropriate
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- Updated PowerPoint presentation for use of supervisors which includes recent BTP stop search records to debate as to reasonableness
 - Updates to Section 60 paperwork, check lists and media products for community information
- 2.12 Stop and Search advisers recently spent 2 days at Spring House observing the stop and search legislative input and role-play scenarios given to probationers and concluded the training is of a high standard, with the correct emphasis on legality, professionalism and recording.
- 2.13 The FHQ stop and search team maintain a close liaison with the Lessons Exploitation Centre and FHQ media team utilising a variety of methods to keep officers up to date. The media team has produced a nationally-acclaimed stop search animation, which has been shared with other UK forces and has been used to brief officers and the public. This short animation aimed at explaining the rights you have if stop searched by the police and it is available to view via our dedicated stop search webpage.
- 2.14 FHQ has instigated a system where written feedback is provided to officers when stop search forms reach FHQ as part of the 3 tier monitoring process. This is a useful supportive intervention but also helps first line supervision identify common errors. Good work is also highlighted to the officer concerned, their supervisor and their Divisional Superintendent.
- 2.15 All stop and accounts and stop and searches where Body Worn Video (BWV) is available must be recorded to further ensure community trust and confidence whilst also providing officers with essential evidence should allegations be made about unfair or unethical practice.
- 2.16 The FHQ stop search team work very closely with the Professional Standards Department and have developed a community complaints trigger process which was ratified at the most recent community consultation group. This has been instigated during the reporting period and Annex A contains the trigger process, terms of reference
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and summarises the two allegations that BTP have reported to the community group. On each occasion the community consultation group have been informed of the complaints and been kept abreast of any developments.

2.17 The community consultation group and its sub-group “the community scrutiny panel” have also ratified terms of reference produced by the FHQ stop search team. This has allowed the group to be more focused on the building of community networks to more accurately reflect the diverse society we police.

2.18 Specialist operations behavioural detection teams generally had a higher arrest rate in relation to stop and search based on their precision approach. The FHQ stop search team subsequently discussed the role of BDO training to non-BDO trained officers as a key target audience. The BDO trainers will now embed the FHQ stop search briefing and reasonable ground scenarios into all their courses going forward.

2.20 Challenges to performance

In parts of BTP figures show we are 6 times more likely to stop and search a member of the black community. This “macro” analysis does not currently provide an accurate portrayal of actual force wide BTP activity, and work has been commissioned to look at the more accurate “micro” level. It is important to recognise that BTP’s community is a transient one and the census data against which we are measured is a static one.

2.21 This will provide both a more accurate reflection of BTP stop search activity, as well as reassurance to the force and community that we do not have any individual officers who disproportionately stop individuals based on their protected characteristics. We also need an analysis method by which we can be reassured our tasking process is not disproportionately affecting who we search. As a force we accept that in certain highly diverse areas, associated crime patterns and priorities requiring a greater police presence may show a subsequent and necessary increase in the number of stop searches.

2.22 When this happens, BTP must be able to show that all stop searches are legitimate uses of Police power, correctly recorded and conducted professionally and ethically at all times, regardless of the socio-demographic status of the area.

2.23 New data requirement from the Home Office

On 26 March 2016 the Home Office announced that all police forces will be required to record all vehicle stops (not searches – as they would be recorded under current processes), conducted under S163 of the Road Traffic Act and officers must record the reason for the stop along with the age and ethnicity of the occupants.

2.24 We recognise that stop and search is part of a much wider continuum of force. BTP currently have the ability record some vehicle related data. This work is being coordinated with Chief Constable Suzette Davenport, NPCC roads policing lead, to ensure this requirement is fully aligned with the national improvements in stop and search.

3. Risks and issues

3.1 We currently report on the volume of stop searches (and stop and accounts in B Division), the number of arrests that result from those searches, the objects that were found and the breakdown of ethnicity, sex and age of those searched i.e. the volumes, outcomes and proportionality.

3.2 We are not reporting on, nor do we have the sophistication within our systems to disaggregate how those searches compare to the crime types, how that maps to our 20:20:10 force priorities, or how our tasking process affects or influences our stop search dis-proportionality. Work has been commissioned to assess and report back on this.

3.3 Although we have a supportive Community Consultation Group (CCG), and despite a lot of hard work to encourage people to join, this group is nowhere near reflective of our community and we are determined to have a much wider ethnic and youth engagement representation going forward. We continue to carry out development activity to address this.

3.4 We continue to support front line officers by ensuring they have the knowledge, understanding and skills to legally and professionally apply their stop and search powers as part of a legitimate use of force. The imminent release of a stop and search Authorised Professional Practice (APP) across all forces will assist in supporting and enhancing officers' professional development.

3.5 Continuous professional development activity

Wider community and youth engagement is our biggest challenge if we are to truly understand the impact of stop and search on those communities affected most. FHQ stop search advisers have organised a workshop of officers and staff to look at how we use our collective networks and experience to produce initiatives which reach out to these communities. This workshop is on 23 May and will be repeated in C and possibly D Division if successful. We recently held an extremely productive and challenging youth panel group meeting at Southwark at the invitation of "Urban lawyers" (a group set up to make law more accessible to marginalized groups in society), who have since written an article praising the event and BTP.

3.6 Lay observation policies – In the 10 months our stop search lay observation scheme was live we only had a handful of applicants, none of whom wanted to see a stop and search, with most wanting to go on patrol as they had an interest in joining the police. This coupled with the fact the chances of seeing a stop search when on patrol, would be rare and certainly not initiated to demonstrate how we did them. The FHQ stop search team approached the complementary policing team and they have agreed that the lay observation scheme is much wider in scope than just stop and search and sits more correctly within their area of business.

3.7 In March 2016, The College of Policing (CofP) Professional Committee, ratified the final amendment to the definition of what constitutes a 'Fair and Effective' Stop and Search. It now states that a Stop and Search is most likely to be fair and effective when:

- The search is justified, lawful and stands up to public scrutiny,
- The officer has genuine and objectively reasonable suspicion they will find a prohibited article or item for use in crime,

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- The person understands why they have been searched and feels they have been treated with respect,
 - The search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item.

3.8 These changes better reflect the wording of the provisions of Code A of the Police & Criminal Evidence Act 1984 and complement the training given to officers around Stop and Search. In summary officers must have formed a genuine suspicion in their own mind that they will find the object and that this is reasonable based on facts, information and/or intelligence which is relevant to the likelihood that the object in question will be found. The phrase '...more often than not' has been removed from the definition. This updated definition has been subject to broad consultation with police officers, staff, members of the public, stakeholders, campaign and monitoring groups and BTP played a pivotal role in both this amendment and the soon to be released Authorised Professional Practice (APP) and new National training for stop and search.

3.9 An inspector from BTP will shortly be joining the College of Policing to take up the post of stop and search policy advisor which means that BTP will be well positioned nationally and able to positively influence and steer best practice and developments.

3.10 London Guardian forces have updated and refreshed our BTP “Z-cards” and produced a Tri-badged Stop and Search folding ‘Rights cards’ (still at print), for use in London. The updated and refreshed BTP-only badged cards will be used in C division and non-London B Division areas.

3.11 A new stop search “SURE stamp” has been developed which will act as an easy reminder for all officers considering a search and builds on the existing BTP stop search branding.

S – Search is justified

U – Under what power?

R – Record your reasonable grounds

E – (Be) ethical and professional

3.13 Stop and Search Action Plan

This Action Plan is updated monthly and is made up from the 32 recommendations coming out of the various HMIC reports, BUSS Scheme and All-Party Parliamentary Group for Children. At a recent national stop search summit, attended by a large number of Home Office forces, the DCC outlined his plan to centrally review the Action Plan and ensure that recommendations tasked to the College of Policing, Chief Constables and the Home Office are populated with an up to date assessment of progress. Following this standardization, the Action Plan will be re-circulated for forces to complete with their force status against the actions. This action plan is scrutinised at the quarterly stop and search improvement group chaired by the DCC (formerly called the Police and Public Encounters Board). The aim of this group is to drive standards and improve public confidence in the use of Stop and Search.

3.14 In the autumn of 2016, the DCC will hold a National Stop Search forum, which will be open to the press and public. At this event he will launch a national strategy for stop and search to draw together all the work that has been done around stop and search improvements and as a result of the recommendations made by the HMIC and others.

4. Conclusion

4.1 Our performance shows a continuing improvement in both our volumes of positive searches and our arrest rates. Our volume of searches has reduced and our reasonable grounds are more effectively recorded.

4.2 Our operational commanders and officers are positively embracing the change and a suite of continuous professional development briefing tools and training aids are being made available to support this progress.

4.3 Our stop and search related complaints continue to be amongst the lowest in the country and our community engagement mechanisms although established are a little “tame” and not as reflective of the community (especially the young community), as we would like.

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- 4.4 In the next reporting period we will seek to be more surgical in our examination of the data at a micro level in order to fully understand our proportionality activity, what effects our searches have on crime and how in turn this links with our force priorities.
- 4.5 Work is underway to modernise how we present our data in order to produce more user friendly and intuitive data packs for internal and external audiences.
- 4.6 We will monitor the effect of the new NICHE system on the accuracy of our data recording as well as ensuring any future mobile solution is fit for purpose and adds to the effectiveness and efficiency of our stop and search activity.

BTP Community Complaints Trigger

As part of BTP's commitment to ensure all stop and search related matters are carried out in a legal and professional manner and in a way which is open and transparent, we are proposing the following process when a public complaint ¹is received in relation to a stop search encounter:

If a complaint allegation is made regarding the conduct of a Police officer or PCSO in circumstances which began as a stop and account or a stop and search then the following process will be triggered:

1. The Professional Standards Department (PSD) will always be made aware of any public complaint against police and will inform the stop search lead for the force once a complain Allegation(s)² are recorded.
2. On the receipt of complaint allegation(s) PSD will carry out an assessment on the information and decide whether or not to record the allegation(s), and what is the appropriate disposal method, whether that will be by means of a service recovery, local resolution or local investigation.
3. The Force stop search lead (Police Inspector) will inform the Community Consultation Group (CCG) members via e mail informing them that a complaint has been made and it is in the process of being investigated.
4. This e mail will be sent out within 24 hours of the complaint being recorded or as soon as possible if the matter is urgent and there are significant issues which could result in community tension.
5. The CCG members will be provided with a high level overview explaining the incident/allegation but obviously sanitised in such a way as to protect the identity of both the officer and complainant and allow due process to be followed.
6. Any potential community tension issues or aggravating factors will be highlighted to CCG members.
7. CCG members should raise any specific concerns if they see any potential community issues. This should not be seen as a question and answer session which could ultimately delay the PSD investigation but is designed to allow community based CCG members a chance to raise important or urgent matters that BTP need to consider. It is foreseen the vast majority of complaints will be dealt under PSD supervision without any intervention required by CCG members and this will hopefully be a process which keeps CCG members sighted on complaints linked to

¹ A police complaint is an expression of dissatisfaction by a member of the public with the service they have received from a police force. It may be about the conduct of one or more persons serving with the police and/or about the direction and control of a police force.

² A complaint case will be recorded for each incident or series of linked incidents where an allegation about conduct and/or direction and control is made by one or more complainants.

stop and search and to reassure CCG members and members of the public that BTP deal with stop search complaints with integrity and in a thorough professional manner.

8. Any information passed to CCG members is on the understanding it should not be passed to non-CCG members as a matter of course, but should there be a need to consult with someone within their community this should be discussed with the stop search inspector.
9. If there is an urgent need to convene a CCG meeting to discuss the matter, this can be facilitated.



BTP Stop and Search Community Consultation Group (SSCCG) Terms of Reference

Background

As part of British Transport Police's determination to ensure all stop and search powers are exercised legally, professionally and, more often than not, an item is found; the Community Consultation Group was formed in August 2014.

The meeting sits quarterly unless exceptional circumstances require it to be convened between scheduled dates and is chaired by DCC Hanstock.

The SSCCG can inform the BTP Stop and Search Gold Group thinking around community issues, when required.

Purpose

To oversee and review BTP Stop and Search policy and operational use; in order to promote public confidence in the use of Stop and Search powers by BTP

To act as link between the community and the BTP, ensuring as wide a cross section of the community is represented, as is possible. (The Force Headquarters Stop and Search team and community group members should proactively identify and facilitate the engagement with and inclusion of all communities, particularly young people, as part of their role within this group)

To make observations in accordance with the intention of the Equality Act 2010 (general duty), to promote good relations between different groups, promote equality of opportunity and eliminate unlawful discrimination.

To act as a "critical friend", identifying good practice and highlighting areas for improvement.

Aims

To review and advise on the use of BTP Stop and Search powers at a local as well as strategic level

To provide community advice on action plans to capture key issues identified by the group

To monitor progress the Force has made in addressing any identified developments and improvements in the quality and accessibility of BTP Stop and Search information made available to the public

To identify and commission new areas of work in relation to Stop and Search best practice

Roles and responsibilities of the group

All members agree to attend as many meetings as possible in order to ensure continuity and development of the agreed aims of the CCG.

All members agree to respond to any agreed actions in a timely manner, in order to help achieve the aims of the CCG.

All members give a commitment to share key messages, support consultation requests and provide feedback from relevant communities so that there is wide inclusion of the views of interested groups