



**HERTFORDSHIRE  
POLICE AUTHORITY**

Agenda  
item:

**11**

<b>MEETING</b>	Community Engagement Committee
<b>DATE</b>	16 October 2009
<b>TITLE</b>	'Stops' Activity Update
<b>SUBMITTED BY</b>	Supt Matthew Nicholls
<b>PURPOSE</b>	To provide committee members with brief update on 'Stop & Account' and 'Stop & Search' activity

## **1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this paper is to provide committee members with a brief overview of work currently being undertaken by the constabulary in relation to the policing activities of 'Stop and Account' and in particular 'Stop & Search.' The key points of the Constabulary's paper are:
  - 1.2 Recognition of BME<sup>1</sup> communities concerns over 'Stop & Search' and 'Stop & Account' activity;
  - 1.3 'Stop & Search' is a legitimate tactic to detect and prevent crime;
  - 1.4 Constabulary statistics reveal:
    - 11,000 'Stop & Searches' are conducted per year;
    - 1 in 4 people searched in Hertfordshire have records on the PNC<sup>2</sup>;
    - 8.4% of all people stopped & searched last year were subsequently arrested.
  - 1.5 Young people between 13 & 22 years of age are more likely to be searched than other age groups;

<sup>1</sup> BME – Black and Minority Ethnic

<sup>2</sup> PNC – Police National Computer

- 1.6 Work is underway with the County Council, schools and 3<sup>rd</sup> sector organisations to increase the involvement of young people in stop and search training and debate;
- 1.7 'Stop and Search' activity within CDRPs is generally in proportion to the level of recorded acquisitive crime;
- 1.8 The Constabulary continues to monitor both 'Stop & Account' and 'Stop & Search' activity for signs of unjustifiable disproportionality.
- 1.9 Quality of encounter remains the most important factor during any street interaction with a member of the public.

## **2. BACKGROUND**

- 2.1 Street encounters, where the police service exercises a legal power or asks people to account for themselves, are a legitimate subject of public concern. This is particularly so for Black and Minority Ethnic communities (BMEs) where concern exists that race is a factor which determines who the police stop.
- 2.2 'Stop and Account' is where an officer stops a person in a public place and asks them to account for themselves, i.e. their actions, behaviour, possession of anything or presence at a location.
- 2.3 'Stop & Search' in its simplest general terms, is where a police officer detains a person who has not been subjected to arrest in a public place, or their vehicle, for the purpose of searching them for suspected articles which may amount to evidence of an offence.
- 2.4 Police officers and police community support officers are legally required to make a record of every 'Stop & Account' or 'Stop & Search' they conduct. The aim of recording is to build trust and confidence in communities through greater accountability, transparency and scrutiny of this activity.
- 2.5 On average, the constabulary conducts 11,198 'Stop & Searches'<sup>3</sup> and 32,579 'Stop & Accounts'<sup>4</sup> per year.

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<sup>3</sup> Based on published S.95 Criminal Justice Act 1991 figures for the years 2003/4 to 2007/8 and unpublished constabulary figures for 2008/9 to the nearest hundred. See Appendix 1.

<sup>4</sup> Based on published S.95 Criminal Justice Act 1991 figures for the years 2006/7 to 2007/8 and unpublished constabulary figures for 2005/6 and 2008/9 To the nearest hundred. See Appendix 1.  
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2.6 A 'Strategic Statement' setting out the Constabulary's position on stop and search is included in Appendix A.

### 3. INTELLIGENCE

3.1 National guidance has consistently stated that 'Stop & Search' activity should be intelligence led. Specifically, intelligence should direct 'Stop & Search' activity and similarly 'Stop & Search' and 'Stop & Account' activity should inform the intelligence picture.

3.2 Since October 2008, the Constabulary's software 'iBase' has allowed for better use of 'Stop & Search' and 'Stop & Account' derived intelligence. For example, analysts within Intelligence Units, use the data in the following way.<sup>5</sup>

- To identify those potentially engaged in criminal activity;
- To identify vehicles used by those of interest to police;
- To identify current / recent addresses for individuals;
- To identify associates of those stopped;
- To build an intelligence picture for individuals of interest concerning movement and areas frequented.

3.3 Legislative changes to the recording requirement for 'Stop & Account' activity introduced in January 2009 reduced the information routinely collected.

3.4 Historically, 'Stop & Account' records contained personal details such as Name, Address, Telephone Number, Date of Birth, Gender, Height, Build, Description, Employer / School details, and Vehicle Details. This information is now no longer routinely required to be recorded<sup>6</sup>.

3.5 It is expected that similar legislative changes will be introduced for 'Stop & Search' activity towards the beginning of next year.

3.6 Whilst in future less information will be routinely recorded, the constabulary will strike an appropriate balance between reducing bureaucracy and enabling officers to submit intelligence concerning those individuals who are stopped and who are of particular interest.

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<sup>5</sup> Source: Principal Crime Analyst Stephen Dalzell.

<sup>6</sup> Since January 01<sup>st</sup> 2009 P.A.C.E. 1984 - Code A – Requires only Self Defined Ethnicity & Officer Identity to be recorded. The constabulary additionally continues to record Officer Defined Ethnicity, Date, Time, and Location and Initial Reason for the stop in coded form, e.g. Tasked, Self Initiated etc.

## **4. GEOGRAPHY**

- 4.1 A question frequently asked is whether or not 'Stop & Search' activity takes places in the same areas as crime.
- 4.2 Using recorded levels of acquisitive crime (Robbery, Burglary, Theft & Handling) within Hertfordshire for the year 2008 to 2009 it was possible to do a comparison with the use of search powers that are aimed to deal with such crimes, namely powers under section one of PACE to search for stolen property and 'Going Equipped' articles.
- 4.3 Overwhelmingly, within each CDRP the beats with the highest levels of recorded acquisitive crime had the highest levels of recorded search activity and those beats with the second highest acquisitive crime rates had the second highest search rates and so on. This pattern continued through to the beats with the lowest levels of recorded acquisitive crime having the lowest levels of recorded search activity. This would suggest that within each CDRP, that search powers to deal with acquisitive crime are generally being used in proportion to the levels of acquisitive crime.
- 4.4 The introduction of PDA technology for the recording of Street Encounters will in the future offer the ability to map 'Stop & Search' activity directly against different crime types and locations.

## **5. ARRESTS**

- 5.1 Stop & Search activity is an important tool with which to combat crime. Effective use of police powers to search can help deter, disrupt and detect criminal activity. Inappropriate use however, can create concerns within communities.
- 5.2 Within Hertfordshire, the arrest rate from 'Stop & Search' has fluctuated over a number of years, ranging on average from 7% to 12%. This has generally been either in line or just below figures nationally.
- 5.3 The year 2008/9 saw 8.4% of all the constabulary's 'Stop & Searches' resulting in an arrest.<sup>7</sup> The national figures are not currently available for this time period.

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<sup>7</sup> Data obtained from completed and submitted Stop & Search records by officers. It is possible that there is some under reporting and the Constabulary's arrest figures are higher than those indicated due to some officers not always recording a search where an arrest takes place.

5.4 Across the constabulary, the arrest rate was more variable. Arrest rates ranged from 5.5% of all searches conducted within Three Rivers to 10.6% of all searches conducted in East Herts.

## 6. DISPROPORTIONALITY

### 6.1 Ethnicity

6.2 The primary purpose for the legislative requirement to record both 'Stop & Account' and 'Stop & Search' activity is to enable proper monitoring of the activity by both the Constabulary and the public for signs of disproportionality.

6.3 'Disproportionality' in this context refers to differences in the extent to which the police use of 'Stop & Search' and 'Stop & Account' are exercised within different ethnic groups.

6.4 The government publication 'Statistics on Race and the Criminal Justice System 2007/8' shows disproportionality for 'Stop & Search' activity within Hertfordshire for Black people to be 7.4. That is to say, Black people were 7.4 times more likely to be stopped and searched than their White counterparts. The figures for the Asian community were 2.5 and for the 'Other' ethnicity grouping 0.7. This is in line with the national picture.

6.5 The Constabulary currently uses 'Instat' software to identify officers whose 'Stop & Search' activity is of disproportional statistical significance. Use of the software has previously been reported to the Authority.

6.6 The Citizen Focus team now shares details of officers who have been identified with statistically significant results with the Constabulary's professional standards department on a quarterly basis. The results, in conjunction with other information held by Professional Standards, helps provide a richer picture of officers whose behaviour may be a cause for concern.

6.7 *According to research, past experience, a history of racism, poor police-community relations and low levels of trust can generate a continuing expectation of racism and insensitive policing within BME communities. Whether these perceptions are founded or not in terms of an individual encounter can make little difference because the collective perception and experience is so powerful. For example whilst individual stops and searches on young black males may generally be appropriately and professionally conducted, the cumulative effect of such stops may be*

*disproportionate, and perceived to be racist.*<sup>8</sup> This is why we need to get it right.

- 6.8 Nationally, the focus is increasingly shifting toward 'Stop & Search' activity at local CDRP level instead of at force level. This approach brings greater accountability and transparency to local communities.
- 6.9 Age - Disproportionality results are further complicated when age is factored into the equation. The age profile of BME communities is younger than their white counterparts. When this is taken into account disproportionality drops.
- 6.10 This is significant because young people, particularly those in the ten year range between 13 and 22, are more likely to be subjected to 'Stop & Search' and 'Stop & Account' as explained in Section 9.3.

## **7. STREET SURVEY**

- 7.1 Historically, the ten yearly national Census has provided population statistics for the Constabulary. However there have been significant demographic changes since the most recent census of 2001, which means that data derived from it bears a poor relationship with the County's current population.
- 7.2 The Watford street survey was a pilot study that sought to establish a profile of those using the public space within the High Street area of the town.
- 7.3 The survey established over seven days that the White community accounted for 74% of the available observed street population and the Non White community 26.42%.
- 7.4 The street survey results have been incorporated into beat code data to assist with better monitoring and understanding of 'Stop & Search' and 'Stop & Account' activity and associated disproportionality.

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<sup>8</sup> Lloyd and Foster, (2009) Citizen Focus and Community Engagement.

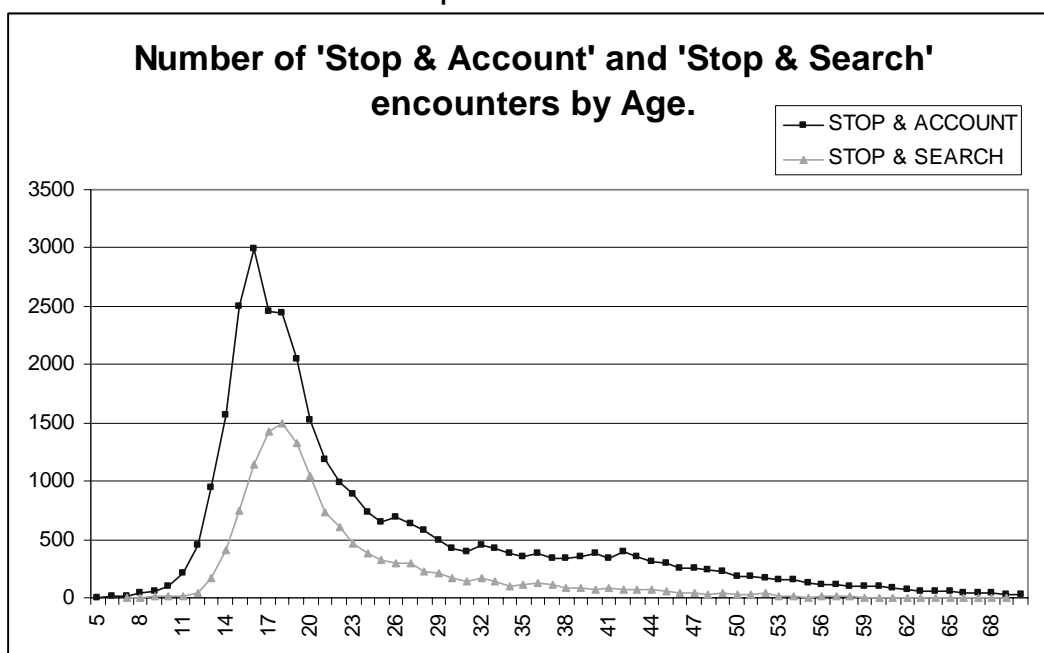
## **8. QUALITY OF SERVICE**

- 8.1 National guidance has consistently recognised that it is the quality of an encounter which is the most important factor in any police stop.
- 8.2 In April 2007 the Constabulary introduced Quality of Service questioning. At the conclusion of each 'Stop & Account' or 'Stop & Search,' officers were required to ask the person stopped to indicate either a positive or negative response to the following two statements.
- a) I understand the reason I was stopped.
  - b) During the stop I was treated professionally, respectfully and with dignity.
- 8.3 Quality of Service statistics have previous been reported to the Authority. Statistics for 2008/9 saw greater satisfaction with 'Stop & Account' activity than 'Stop& Search' with on average 72.41% of those 'Stopped & Searched' and 75.55% of those 'Stopped & Accounted' answering in the affirmative to the two statements.
- 8.4 Quality of Service questions were removed from simple 'Stop & Account' encounters this year in line with the government's reduction in the recording requirements. They have been retained for 'Stop & Search' activity.

## **9. YOUNG PEOPLE**

- 9.1 Constabulary statistics indicate that more young people in their teens and early twenties are subjected to 'Stop & Search' or 'Stop & Account' activity than any other age groups.
- 9.2 The reasons for this vary but will include:
- Differing use of public space
  - Difficulty accessing private transport
  - Alcohol Consumption
  - Limited availability of alternative locations to frequent, due to factors such as age or personal finances.

- 9.3 The graph below reveals that 'Stop & Account' and 'Stop & Search' activity increase notably at 13 years of age, peaking at 16 for 'Stop & Account' and 18 for 'Stop & Search'.



## 10. STREET INTERVENTION POLICY

- 10.1 The Constabulary's 2005 'Street Intervention Policy' which covers 'Stop & Search' and 'Stop & Account' activity is now due for review. The review is important for a variety of reasons, including:

- The significant changes to legislation covering 'Stop & Account' and 'Stop & Search' activity since the policy's introduction.
- The introduction of both scanning and more recently hand held computer technology since the policy's introduction has changed constabulary recording and monitoring processes.
- The forthcoming structural changes within the Constabulary as part of the 2010 project are likely to change further the way the activity is monitored and in some instances tasked.
- The need to ensure that the policy is still compliant with equalities legislation.

- 10.2 It is critical that in future, CDRPs should be able to demonstrate an ability to monitor and understand the activity and have local mechanisms in place to ensure that the *trust and confidence of local communities* in the police use of 'Stop & Search' and 'Stop & Account' is maintained. Doing so will ensure that the Constabulary is better able to meet National Indicator 21 (NI21)

*“Do you think that the Police and Local Council do a good job in tackling crime and anti-social behaviour in your area”.*

- 10.3** As shown, young people (particularly teenagers) are more likely to be affected by ‘Stop & Search’ and ‘Stop & Account’ activity than older age groups and also that the activity is of most concern to Black and Minority Ethnic Communities. It is therefore important that consultation with these particular segments of our communities takes place, not just concerning policy review or development but actively on a continuing basis.
- 10.4** The constabulary is in the early stages of a piece of work to increase community engagement around the issue of ‘Stop & Search’ and ‘Stop & Account.’ The purpose of the work is to understand community opinion and address their concerns, thereby securing greater trust and confidence in the police use of these tactics. Whilst the review of the ‘Street Intervention Policy’ is a separate area of work, it naturally makes sense that review of the policy and its future development be tied into this engagement work.

## **11. YOUTH & BME COMMUNITY ENGAGEMENT**

### **11.1 Youth Crime Reduction Officers**

- 11.1.1** To date there has been some youth engagement within Hertfordshire by the Constabulary in Relation to ‘Stop & Search’ although not specifically as a stand alone subject. Information has been presented by Youth Crime Reduction Officers within schools alongside discussions on Knives and Drugs due to the connection between the topics. These presentations are demand led and have taken place over the last two years at the requests of schools in line with the lessons they are delivering around P.H.S.E. (Personal, Health, Social and Economic).
- 11.1.2** Unfortunately, due to the manner in which the inputs are provided, it is not possible to state the exact number of ‘Stop & Search’ inputs carried out. However, from the available information it is estimated that inputs have been provided to over 2000 eleven year olds and above across the county over the last twelve months.
- 11.1.3** Work currently being progressed by Y.C.R.O.s will lead to young people being asked a short series of questions around Stops activity. The questions will be:

(a) Have you ever been stopped by the police and searched for

items? If so what were they looking for?

(b) When the reasons for searching you were explained did you understand why they were searching you?

(c) What did you think of the way that you were searched and the officer?

(d) Police Officers are required to make a record of every search they conduct. Did the officer make a record of your search and if so were you given, sent or told where to obtain a copy?

(e) Have you ever seen or been given any information on what your rights would be if you were searched by the police?

(f) Did the encounter leave you more or less confident in the police?

11.1.4 The results of the questions will enable the Constabulary to start to formulate a picture of how Stops activity, particularly 'Stop & Search' impacts upon young people.

## 11.2 Hemel Hempstead School Pilot

11.2.1 With the recognised ongoing need to engage with both the young and BME individuals concerning 'Stop & Search' and 'Stop & Account' activity, schools were a likely place to look for engagement opportunities. Two schools in Hemel Hempstead with significant BME populations have therefore been identified in conjunction with Dwight Smiley from Hertfordshire County Council's Minority Curriculum Support Service. Both schools have more than 15% BME student populations (18 - 20% and 30% respectively).

11.2.2 It is envisaged that we will be able to engage with a significant number of pupils at the two schools. Work will (amongst other things) look to:

- Identify current attitudes towards 'Stop & Search' and 'Stop & Account';
- Identify areas of police practice / behaviour which cause the most concern;
- Identify areas for improvement in processes and or procedures;
- Provide awareness of individual rights and responsibilities;
- Identify any change in attitude during and after engagement to identify those messages which work;

- Identify the best means to engage in further engagement with young people beyond the pilot site;
- Develop the 'Street Intervention Policy'

11.2.3 Dwight Smiley is currently making approaches to the two schools to forward this piece of work.

### 11.3 Channel Mogo

11.3.1 Channel Mogo is a Hertfordshire website aimed at young people and provides information and advice concerning issues such as Alcohol, Drugs, Bullying, Money, Travel, Sexual Relationships etc in a format that meets their needs.

11.3.2 The site is used by the county to canvass the views of young people. For example, the site is asking questions of young people such as 'have you been the victim of crime' and 'how could police done better.'

11.3.3 The constabulary is seeking to use Channel Mogo to capture the opinions of young people around 'Stop & Search' and 'Stop & Account.'

### 11.4 'Watch Over Me'

11.4.1 In addition to the above work, as part of the governments 'Prevent' strategy the Constabulary is looking to encourage ALL schools in Hertfordshire to adopt a national package called 'Watch Over Me'.

11.4.2 The Constabulary is currently trialling this package with 2 Personal, Health, Social & Economic (PHSE) teachers in the county to promote the use of this package at a 'Prevent' meeting in November.

### 11.5 'Be Safe'

11.5.1 The Constabulary has been approached by Preetam Rayat, a local youth member of the Sikh community, who wishes to engage in work concerning youth and the carrying of knives and associated crime.

11.5.2 Preetam has put forward the slogan 'Be Sharp – Sharp People Don't Carry Knives' and has indicated that he has friends willing to take part in any campaign.

11.5.3 Preet was involved in a campaign against knife crime with West Yorkshire Police. Whilst, discussions are at a very early stage, there is a clear opportunity to engage with young people.

## **12. TRAINING & COMMUNITY INVOLVEMENT**

12.1 All student officers receive training in the use of both 'Stop & Search' and 'Stop & Account.' Part of their training involves a practical assessment utilising role players from the local community.

12.2 Currently, there is no representation from BME communities amongst our volunteers due to the working week and daytime nature of our training sessions. The recruitment of young volunteers is particularly challenging.

12.3 Work has therefore been undertaken to increase the representation of young people and the BME community within the training environment.

12.4 Working with local schools arrangements have been made for twelve 14/15 year olds to take part in officer training during week eight of each intake. During term time, the young people will be accompanied by a teacher and during school holidays they will be "looked after" by a school's PCSO.

12.5 Scenarios will involve student officers stopping a group of at least 3 young people and deal with them accordingly- demonstrating a thorough understanding of legislation and good communication skills.

12.6 The involvement of young people raises awareness of this activity amongst this demographic, illustrates the seriousness which we attach to training and provides the opportunity for young people to provide feedback.

12.7 The Constabulary is also working closely with its internal staff support group, the 'Hertfordshire Black Police Association' to diversify the racial profile of our volunteers to make it much more reflective of today's society. Enquiries have been made with a local church group frequented by members of the Black community. It is hoped that young church members from the Black community will also take part in the training of officers and engage in feedback. Early information suggests that the church is interested in assisting the constabulary and further updates will be provided as this piece

of work develops.

## **13. FUTURE**

- 13.1** Nationally, there is a Street Intervention Board chaired by the ACPO lead for Stop & Search, Chief Constable Craig Mackey of Cumbria Constabulary. The board meets approximately every two months and plays a role in helping to shape street encounters between police and public. The constabulary is represented on this board and the advance insight it provides will help place the constabulary in a good position in terms of developing its own practices.
- 13.2** It should be noted that the board covers the wide range of street interventions, which is indicative that scrutiny of police activity is now extending beyond solely 'Stop & Search' and 'Stop & Account.'
- 13.3** Scrutiny of police 'Stop & Search' activity by communities continues. It is important that the organisation ensures it appropriately monitors this activity and explains any perceived or actual disproportionality to the satisfaction of communities at a local level.
- 13.4** Work is being undertaken to identify suitable beat code locations for a further 'Street Survey' to be undertaken where higher levels of apparent disproportionality have been detected.
- 13.5** 'High Discretion' and 'Low Discretion' stops will also be examined for differences in disproportionality. 'High Discretion' stops are those where an officer act upon what he or she sees and therefore has more discretion over whether to intervene or not. 'Low Discretion' stops are those where an officer intervenes in response to being tasked, third party intelligence etc.
- 13.6** Work will also be undertaken to analyse the effect of age upon disproportionality.

## 14. SUGGESTED RESOLUTION

- That the report is brought to the attention of the committee and members note the extensive work being undertaken around 'Street Interventions.' Any queries, questions or comments should be directed in the first instance to the Hertfordshire Constabulary Confidence, Equality & Satisfaction Unit.

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## **APPENDIX A**

### **1. 'STOP & SEARCH' STRATEGIC STATEMENT**

- 1.1** Hertfordshire is a safe county in which to live, work or visit. 'Stop & Search' is just one of many activities that Hertfordshire Constabulary uses to keep it that way. Effective use of stop and search helps deter, disrupt and detect criminal activity for the benefit of everyone.
- 1.2** Our stop and search activity is not aimed at any one particular group or section of society. It is directed on an intelligence led basis and is aimed at stopping the right people for the right reason at the right time, often in specific areas and in response to locally identified problems.
- 1.3** Used appropriately, stop and search enables officers to allay or confirm suspicions about individuals without exercising their power of arrest. Inappropriate use can however undermine public confidence in policing.
- 1.4** The Constabulary trains all officers in the lawful use of powers to stop & search. Misuse of the powers is a serious matter. The Constabulary will robustly investigate any allegation of such misuse. It would be morally wrong, offensive and counter productive to alienate the very communities upon whom we rely for support.
- 1.5** We will treat those we search with respect and dignity and in accordance with the law. We will monitor our activity alongside interested parties and explain to communities our use of powers to stop and search and in doing so, help secure safety, justice and reassurance for all.