

**UNDER EMBARGO until 00.01 on
Tuesday 9 July 2013**



Inspecting policing
in the public interest

HMIC Inspection Findings

Bedfordshire Police

**Stop and Search
2012**

Detailed Force Feedback

Stop and Search

HMIC Inspection of Bedfordshire Police

Lead Staff Officer: Bernadette Marchant-Cheyne

Introduction

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 real and perceived inappropriate use of these powers has tarnished the relationship between the police and the communities they serve, and in doing so has questioned the very legitimacy of the service. Thirty years after the riots in Brixton, concerns over how the police use stop and search were again raised following the riots in 2011.

Over a million stop and search encounters are recorded every year¹ but only 9% lead to an arrest. Statistics also show that black and other minority ethnic groups are still more likely to be stopped and searched than white people. Whilst there is strong public debate about undue disproportionate use of the powers on certain groups, there is surprisingly little attention from the police service or the public about how effective stop and search powers are used in reducing or detecting crime.

In a society where policing is based upon the principle of consent, to be effective the police service needs the support of the public. By using their powers fairly and in a way that is effective at 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.

There are over 30 statutory powers of search in law. The vast majority of police searches are conducted using 3 Acts of Parliament; the Police and Criminal Evidence Act 1984, which empowers searches for stolen or prohibited articles; the Misuse of Drugs Act 1971, for controlled drugs; and section 60 of the Criminal Justice and Public Order Act 1994, which allows searches for weapons in areas where serious violence is anticipated.

Other commonly used police powers, such as where people are stopped by police and spoken to, or where they are stopped about motoring matters and cars inspected for roadworthiness, do not amount to stop and search.

What we did

HMIC visited all 43 police forces across England and Wales between October 2012 and May 2013. The inspection aimed to:

- determine how effectively and fairly the police service is using stop and search to fight crime;
- establish if operational police officers understand how to use stop and search to fight crime; and
- identify how the powers can be used in a way that builds trust in the police.

In seeking to understand what the public know and think about stop and search, we commissioned YouGov, a polling company, to conduct an on-line survey. This survey generated responses from 19,078 members of the public in England and Wales, with representative proportions of responses from each police force area. Those surveyed were drawn from 300,000 people regularly canvassed by YouGov. Replies were received from a mix of ages, gender, location, social

¹ 1.18m in 2011/2012 Police Powers and Procedures England and Wales 2011/12, Home Office

background and ethnicity. Our public survey established that the vast majority of people (92%) were aware that police use powers of stop and search. 55% agreed that the use of stop and search in their areas made them feel safer, with only 13% disagreeing; just under half said its use increased their confidence in the police. This demonstrates that the public generally support the use of the powers by the police to keep them safe. There was also a strong perception that stop and search helps the police to catch criminals and prevent crime (80% and 77% respectively). These findings should be seen in the context that the vast majority of the public have not themselves experienced a stop and search encounter, and do not know how frequently the powers are used, or how frequently they result in an arrest.

A quarter of people who responded to our public survey believed stop and search is used too often on certain groups. For non-British white respondents, this rises to 31%; and to 42% among black and minority ethnic respondents. When pressed on which groups were being stopped and searched too often, the largest number mentioned youths and ethnic minorities. Of those who thought stop and search is used on some groups more than others, 58% believed one of the reasons was that members of those groups are more likely to be committing crime. This appears to indicate that sections of the public had a view that members of certain groups were more likely to commit crime and believed that the police use their powers to stop and search based on those prejudices. It should be understood that previous criminal convictions alone cannot be used as reasonable grounds for suspicion. A third of those who thought that stop and search is used too often on members of certain groups thought that one of the reasons for this was undue discrimination; for black and minority ethnic respondents, over half thought this involved undue discrimination.

Only 6% of respondents believed that stop and search was overused in their areas, although this rose to 13% in London, where stop and search powers are used most often. 58% of respondents considered the use of stop and search to be acceptable provided that it was justified and the reason was fully explained but for respondents from London this fell to 46%. This indicates that the public support the use of these powers, but that support diminishes when they perceive the powers are overused. A further 22% thought that stop and search was underused, and a similar number thought it was used 'about the right amount'. However, 52% did not know, further suggesting there was a lack of information about stop and search provided to the public. The survey results are based on the perceptions of people who, in the vast majority, have not had experience of being stopped and searched and who may, therefore, not have an informed view.

The local results from this survey can be seen at the end of this report.

We also invited people who had been stopped and searched by police to answer questions about their experiences. We received 391 responses nationally, which provided a sample of views from those who have experienced being stopped and searched. However due to the small sample size we were unable to analyse these findings at a force level.

In each force we reviewed documentation, including policies, procedures and guidance provided to police officers. We also analysed at least 200 completed stop and search records to establish if sufficient grounds for suspicion had been recorded.

Where forces use body-worn videos to record stop and search encounters, we reviewed footage of a small number of examples to see how officers conducted the searches and their compliance with the law.

We also looked at the number of stop and searches recorded within forces and the proportion of these that led to arrest. This allowed us to understand how different forces use the powers to prevent and detect crime.

Bedfordshire Police was visited on 11 and 12 December 2012 and we interviewed a number of senior members of staff with responsibility for stop and search. We spoke to a small group of sergeants and inspectors, and separately to a small group of police constables.

We visited police stations in at least two policing areas and spoke to staff in intelligence units, custody suites, and frontline staff, including officers who respond to emergencies, neighbourhood officers, and investigators to check their understanding of stop and search procedures.

This report identifies what we found in Bedfordshire Police.

The national report can be accessed via the HMIC website www.hmic.gov.uk

Does the force use stop and search effectively and fairly in the fight against crime?

1.1 Is there chief officer leadership for stop and search, with robust strategic governance in place?

Chief officer leadership is strong and drives officer behaviour. The force communicates to and from the public about how it is using stop and search in the fight against crime.

There is strong leadership from chief officers in respect of the use of stop and search at a strategic level. The ACC is the designated lead as part of his local policing and crime portfolio. This leadership is demonstrated on the force intranet which includes messages (video and written) to staff about the importance of stop and search as a positive policing tool along with other tactical options (powers of arrest, curfew checks, ANPR). Regular 'force updates' on what the force priorities are and other operational issues, are distributed to officers and staff by email and the intranet. These updates include reminders to officers of the need to stop and search offenders at every lawful opportunity. Stop and search is also included as a tactical option in the forces 'performance priority' sheets and daily reports that direct staff to focus on specific operational issues. Staff spoken to clearly understand that stop and search powers are a crime fighting tool.

Chief officers provided dedicated reports on stop and search to the Performance and Scrutiny Committee of Bedfordshire Police Authority (BPA). This enabled some governance, however the stop and search data monitored by the committee was restricted to a narrative on the use of the various powers i.e. Section 1 PACE 1984, Section 23 Misuse of Drugs Act 1971. There was no data provided in relation to prosecutions or convictions or any data that linked stop and search activity to crime reduction and detection.

The stop and search data provided to the BPA and the force Equality Standards Board (ESB) is also shared with the Bedfordshire Strategic Independent Advisory Group (SIAG) and the three Independent Advisory Groups (IAGs). These groups consist of volunteers from diverse backgrounds with a variety of areas of expertise that provide the force with guidance and advice in relation to policing matters. Other than monitoring stop and search data provided to them by the force there is no evidence of any other scrutiny or review by these groups. However, this is because neither the BPA nor the IAG felt that they have needed to scrutinise further as they have been satisfied with the force performance in relation to the use of stop and search as a crime fighting tool.

The ACC drives the stop and search agenda. Force level stop and search data is included in the force corporate performance pack which is produced every four weeks for the force performance delivery board (PDB). The data is not comprehensive but it highlights issues of concern which gives an opportunity for further discussion. The ACC also chairs the force tasking and coordinating group where stop and search is discussed, managed and used as a tactical option. The documents produced for these meetings do not detail its effective and fair use.

The use of stop and search features in a variety of operational plans (Op Peak and Op Oklahoma) as a discrete operational response to deal with specific crimes. Other tactics are also used. The

direction to staff is to engage with specific individuals (called the force de-assurance agenda) or carry out targeted patrolling rather than implied pressure to complete a stop and search. The force has recently introduced refresher training in areas of general policing for front line officers under the name 'streetwise' (know your powers). The delivery of this training is via the force's intranet and is taking place over a 3 week period (starting from Friday 7 December 2012). Stop and search is scheduled for the second week of training. Whilst this training includes the powers of stop and search it does not cover effectiveness and fairness. Officers have intranet access to the force stop and search policy which outlines the procedures when using stop and search powers. It too does not detail its effective and fair use. There is no monitoring process to understand the levels of officer knowledge and confidence in stop and search powers.

The force communicates with the public about the use of stop and search through its website and the media. This includes how stop and search has been used to tackle specific crime problems and during police operations. The force and BPA websites include a dedicated section about stop and search. This includes information on stop and search, stop and account, 'Know Your Rights' and stop and search performance data (in the form of the data the force provides to the Home Office). The BPA has also produced a 'Know Your Rights' stop and search leaflet which they previously distributed at various public engagement events. Between September and November 2010 the BPA also held four focus groups, with young people aged between 11 and 21 years, across the force area. These groups raised significant grievances about stop and account but not about stop and search. The force's Children, Young People and Schools Officer leads ongoing youth engagement work. This includes the delivery of a presentation on stop and search to various youth groups and schools. Other engagement on stop and search has predominantly been through the IAG.

1.2 Does the force review stop and search as part of its performance management regime?

Stop and search activity is reviewed as part of the force's performance management regime. However, only limited work is carried out to understand how stop and search affects public trust.

The force does monitor and manage some aspects of stop and search but this is predominately focused on the numbers of searches conducted. The only effectiveness measure considered by the force is the percentages of arrests arising from stop and search with no consideration given to the legality of searches. The force does not scrutinise these arrests to establish the reasons for the arrest. There is also no evidence of stop and search location information being considered against crime reduction, location or detection data. If this was available it would give the force an understanding of the effectiveness of the tactic. A local policing performance 'dashboard' is produced for the local policing operations command team. This visually compares the performance of the five local policing operations sections on a range of areas, including stop and search. Stop and search data is managed on the INSPIRE performance management system. This allows people to review stop and search data at force, business area, function, team and individual level.

The force has no specific stop and search action plan in relation to its use as a crime fighting tool; however in October 2012 the force did conduct its own *'pre HMIC audit into the policy and procedures of stop and search within Bedfordshire'*. Whilst this gave reassurance to the force that officers are conducting stop searches appropriately it did identify a number of concerns. To address these concerns the director of intelligence (stop and search business lead) has developed a stop and search improvement plan from the audit recommendations which includes short term improvements and a medium term process review. The ACC ensures progress is made against the improvement plan via the PDB.

There has been some work carried out to understand how stop and search affects trust but this is limited to specific areas. The force's children, young people and schools officer leads ongoing youth engagement work with other agencies such as local authorities and social services, on the

use of stop and search and how it affects young people. This is conducted within schools, colleges, youth clubs and community youth groups. In addition the BPA has previously (Autumn 2010) held four focus groups relating to the police use of stop and account and stop and search powers. Staff spoken to during reality testing provided confidence that the stop and search forms are completed on the majority of occasions that a stop and search takes place. There was however discussions that occasional lapses may occur particularly as the stop and search forms are perceived as unnecessarily bureaucratic. Where the exercising of stop and search powers leads to an arrest officers do not have to complete a form as the force custody system includes a field to record this for them. There is currently no facility to cross-reference this information with the stop and search form. However, staff spoken to said that they would more often than not still submit a stop and search form post arrest due to the fact that it would be near completion by the time a decision to arrest was made. This will result in some double counting in the stop and search figures.

Section 60 of the Criminal Justice and Public Order Act 1994 gives the police the power in certain circumstances to authorise the stopping and searching of people and vehicles if they anticipate serious violence. Prior to the pre HMIC audit the force were not monitoring section 60 authorities centrally. However, as a result of the audit these authorities are now held and monitored centrally. This process is owned by the director of intelligence.

1.3 Does the force intelligence system provide information/intelligence to officers in a way that allows them to effectively and fairly use stop and search to fight crime?

Officers are given some information and intelligence to help them effectively and fairly use stop and search powers but there are some gaps in the information provided.

As a result of the current financial situation research time available to carry out analysis of stop and search and its impact on communities or to inform strategic arrangements, control strategies or for other operational purposes has been reduced.

At a local level there are effective tasking and coordinating processes in place and the tasking of stop and search as a tactic is considered and recorded. Although the tasking process monitors the effectiveness of the tactic in terms of number of arrests, fairness is not explicitly discussed. Intelligence led stop and search was mentioned as a tactic in the majority of the Tactical and Tasking Coordinating Group documents reviewed as part of this inspection.

At the tasking and coordinating group the tasking of stop and search as a tactic is considered and recorded for specific operations for example Operation Peak in Luton to address burglary. However, the use of the power is not consistently reviewed. Officers use knowledge of key individuals who are suspected of committing crime, priority crime hotspots and targeted patrol to help them focus their use of stop and search. However, the pre HMIC audit identified that the force data systems such as BORIS and INSPIRE are not kept up-to-date and so do not provide real time data. This was confirmed by staff spoken to by HMIC.

There is no analytical work carried out to identify the effects of the use of stop and search as a tactical option on recorded and detected crime. The mapping of searches against crimes is not undertaken. However, analysts do use 'i-Base' technology to map associations between the subjects of stop searches to understand if they are connected in any way.

Is the stop and search power carried out by officers who know how to use it as part of evidence-based practice to fight crime?

2.1 Is training on stop and search regularly provided to relevant staff?

Officers will be receiving training on stop and search. However, this training does not cover how the use of stop and search can impact on the trust and confidence of the community.

The force has developed a bespoke refresher training package called 'streetwise'. The aim is for officers to 'know your powers'. This package is for front line and CID officers and is being delivered on a modular basis over three weeks. The first module (7 December 2012) was focused on powers of arrest. The second module (due for delivery the week of the inspection) focuses on the powers relating to stop and search. This module details the legislation relating to the use of stop and search powers together with a focus on what are reasonable grounds to suspect. This is illustrated through the use of a 'susometer' an in house (and trademarked) gauge/meter that depicts the level of reasonable suspicion and belief required to use various powers. A series of scenario based interactions is also included to test officer application of reasonable grounds and the various powers available. Stop and search is part of the training package given to new recruits albeit there is no recruitment at this time. This package is currently being delivered to all newly recruited specials via both a pre lesson NCALT computer based package and training manuals. This is followed by a lesson which refreshes and re-emphasise the main parts of the legislation, the correct method of conducting a search and completion of associated paperwork. In spring 2012 all local policing and response officers were given a scenario training package under the name of 'risky business'. Stop and search was part of this. There is no mechanism to check that staff have read and understand the streetwise, risky business and NCALT training inputs.

The streetwise and other stop and search training packages do not include guidance on how officers should effectively and fairly use stop and search to fight crime or build public trust. The force and particularly the ACC lead for stop and search are aware of this gap.

Officers are not provided with information that helps them to understand how the use of stop and search is effective and fair and how it might impact on communities. There are significant amounts of statistical information available via the INSPIRE system but there is no evidence of its use for operational purposes and staff are not provided with any interpretation or understanding of what it actually means.

2.2 Is the use of stop and search supervised and monitored?

Supervisors monitor the use of stop and search and some records are scrutinised for compliance. Complaints in relation to stop and search are monitored and action taken when necessary.

Supervisors monitor the use of stop and search by their teams through the checking of stop and search records. However, a change in the stop and search form (March 2011) saw the removal of a box for supervisors to sign to say they had checked the form. Unless supervisors sign the new form it is difficult to quantify the actual level of monitoring. There was little evidence of supervisors overseeing the quality of the encounter by their teams during the stop and search process.

Both discussion with staff and the pre HMIC audit showed a lack of checking mechanisms by supervisors to ensure that searches are carried out lawfully with sufficient grounds recorded.

The recent pre HMIC audit focused on what procedures were in place to ensure the legitimate, effective and fair use of stop and search powers. At the time of the inspection scrutiny and audit were not being conducted; however this has been recognised and is in the process of being addressed with an audit process being established.

There is an expectation from chief officers that supervisors will challenge inappropriate use of stop and search. Supervisors explained to HMIC how they would address this but there were a lack of examples (from supervisors and officers) as to when it had been challenged on an individual basis.

Staff are not provided with information about trends in relation to stop and search. The force has identified this within their own pre HMIC audit and state that *'at a local level information is informally shared but data systems such as BORIS and INSPIRE are not kept up to date and therefore do not provide usable real time data'*. Officers use their own knowledge of key nominals, priority crime hotspots and targeted patrol to help them target their use of stop and search.

Complaints are monitored and remedial action is taken where necessary and lessons learned are disseminated to staff through the force intranet and force newsletter (Forcewide News). The force has researched the communities' use of the complaints system in respect of all complaints. Work has been conducted to promote the use of the complaints process. PSD identifies issues where complaints have been made about officers in relation to stop and search. Complaints are also monitored at a local level; however, complaint numbers are extremely low making pattern analysis difficult.

Research by the Independent Police Complaints Commission and the results of our survey of people stopped and searched reveal that, of those who are dissatisfied as a result of being stopped and searched, very few make a formal complaint. In our survey, only 16% of those dissatisfied with their experience complained. When asked why not, many expressed a lack of faith in the complaints system.

The vast majority of complaints from stop and search encounters relate to incivility by officers and do not meet the threshold for referral to the Independent Police Complaints Commission. They are therefore dealt with locally by the force, and not independently. We are concerned that forces were not making more of an effort to hear the views of those who were dissatisfied with the way they were stopped and searched – many of whom believed that their complaint would not be taken seriously by the police. Capturing information about levels of dissatisfaction, not solely those resulting in a formal complaint, is important and would help all forces to more accurately assess the impact that the use of stop and search is having on individuals and communities.

The force does not proactively seek the views of people subjected to stop and search who do not make a complaint.

Is the stop and search power used in a way that does not erode public trust in the police?

3.1 When exercising stop and search powers, do officers comply with the requirements of the legislation?

Officers comply with legislation on the majority of occasions when they use stop and search powers.

Staff spoken to during the inspection were conscious of the importance of fully justifying their grounds when using the tactic. Staff had knowledge of the reasonable grounds to arrest 'susometer'. This scale is used for both powers of arrest and powers of stop and search. As part of our inspection we reviewed a small number of stop and search records. In 156 of the 200 records (78%) reviewed, the reasonable grounds for suspicion were recorded.

Staff spoke about the 'susometer', which they routinely use to determine the appropriate threshold for reasonable grounds to suspect for stop and search. There was consistency in officers' description of what the threshold would be.

Officers had knowledge of correct procedures including the requirement to offer the individuals subject to stop and search a copy of the form. However, they stated that those individuals regularly subject of interaction with the police don't require a copy. The force uses various training aids (GOWISELY and SHACKS) to assist staff and they have been included within the streetwise training.

3.2 When exercising stop and search powers do officers treat people with respect, dignity and courtesy?

Treating people with respect, dignity and courtesy was found to be important to officers.

HMIC found that officers generally consider privacy and carry out searches affording as much dignity as possible in the circumstances. However there was some discussion that personal safety sometimes prevents this. Also to avoid the opportunity for complaints against police searches are purposely carried out in the view of CCTV.

There is a culture among officers and staff of being polite and fair with people in all interactions including stop and search. This is driven by the forces 'firm, friendly and fair' ethical principles and the ethos it creates runs throughout the organisation. As a result, officers generally treat subjects with dignity, respect and courtesy.

However, our survey of people in England and Wales who had been stopped and searched received 391 responses. Of those:

44% said the police did not act reasonably;
37% said they were not told the reason for being stopped and searched;
42% said they did not understand the reason why they were stopped and searched; and
47% felt they were not treated with respect.

Whilst the number of responses from people living in the area policed by Bedfordshire Police was too small to draw any conclusions, the England and Wales results suggest that providing proper information and treating people with respect is an important issue for all forces.

3.3 Does the force publish its stop and search policy and regularly publish stop and search data?

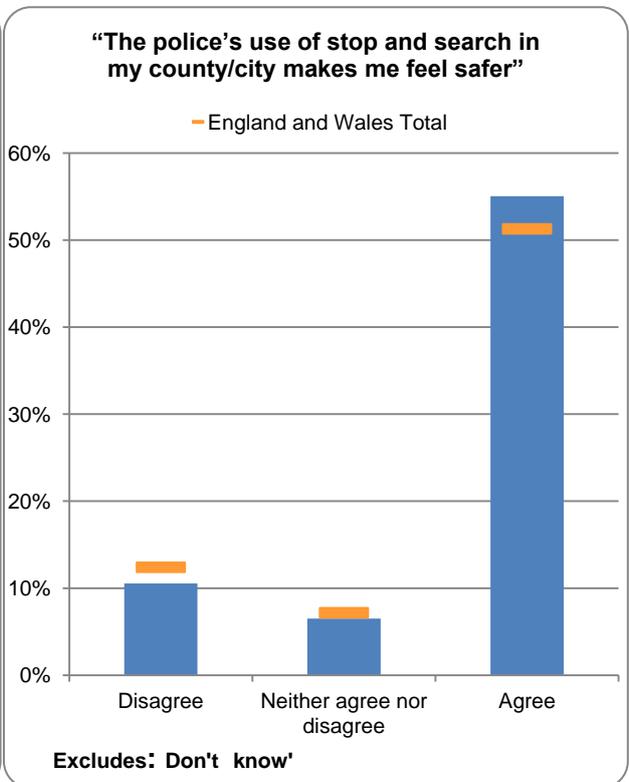
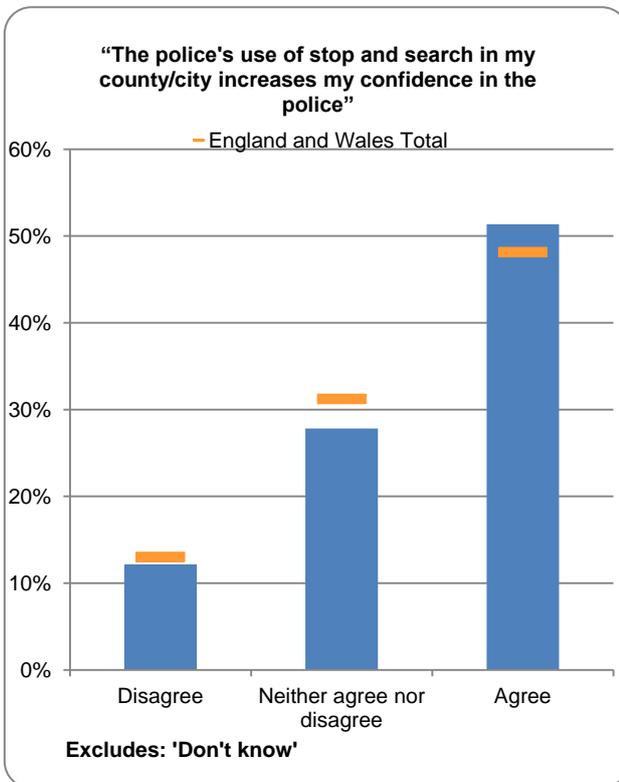
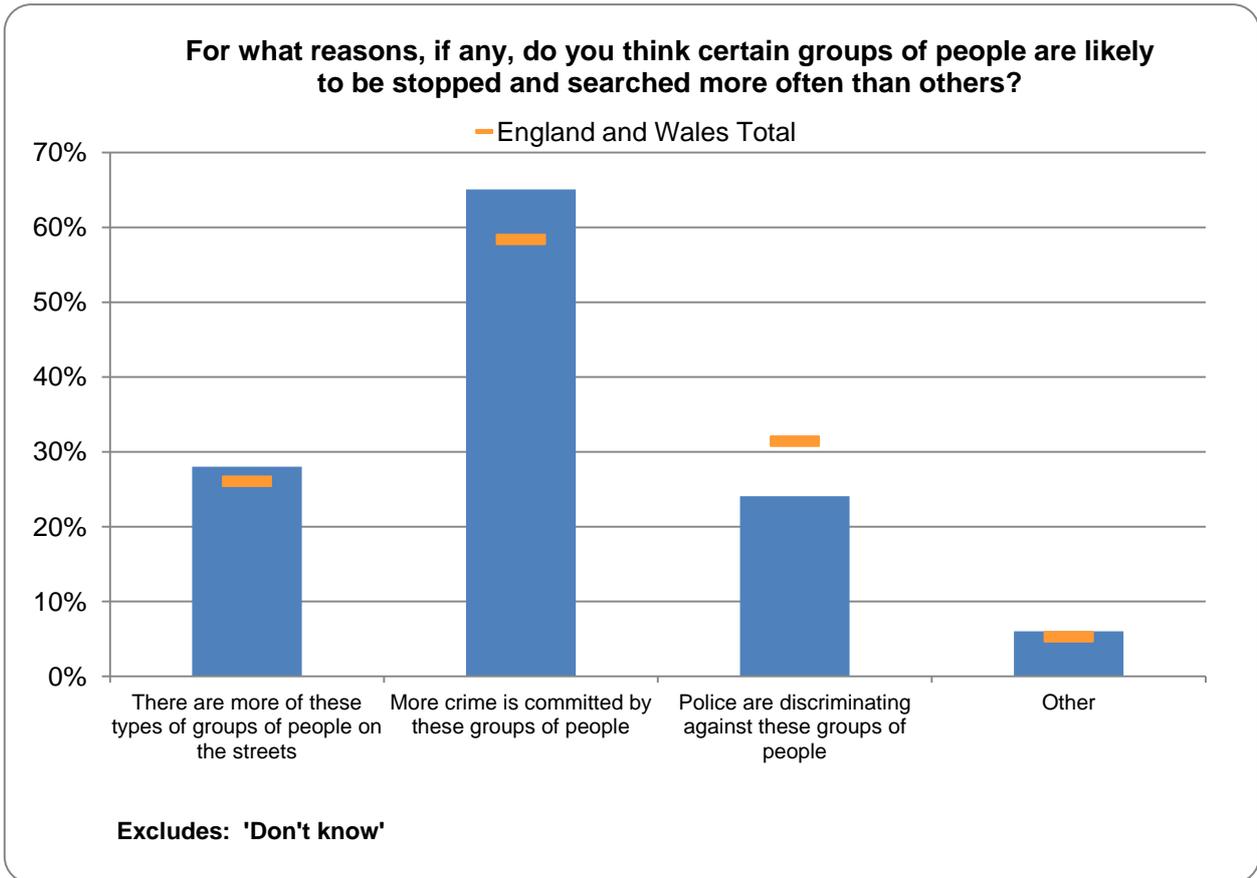
The force publishes its stop and search policy and other information on its website. Some stop and search data is also published. The inspection found there was scrutiny of the data but not by the public.

The stop and search policy is shared with the public via the force website but it is unclear how successful this is as a method of communication. A 'know your rights' leaflet (produced by the BPA) and a section on both the force and BPA websites explains what the public should expect and what records are maintained. This is published to promote public understanding of the power.

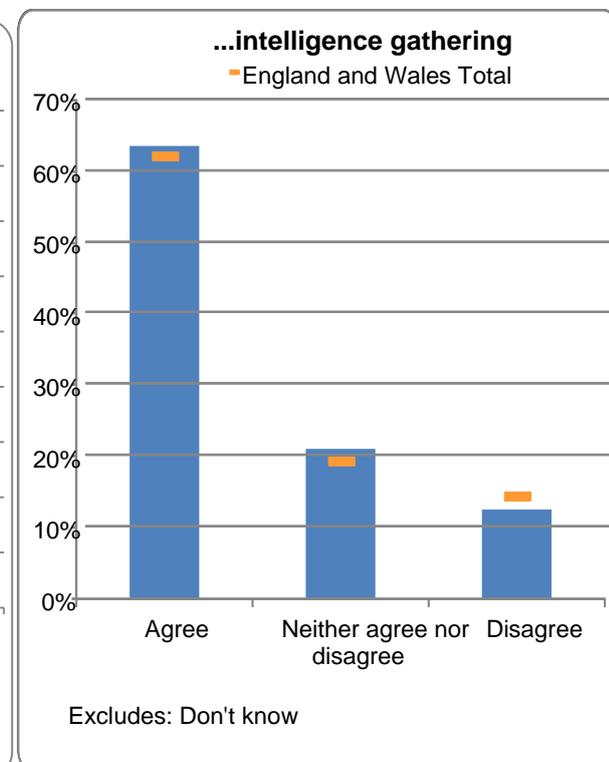
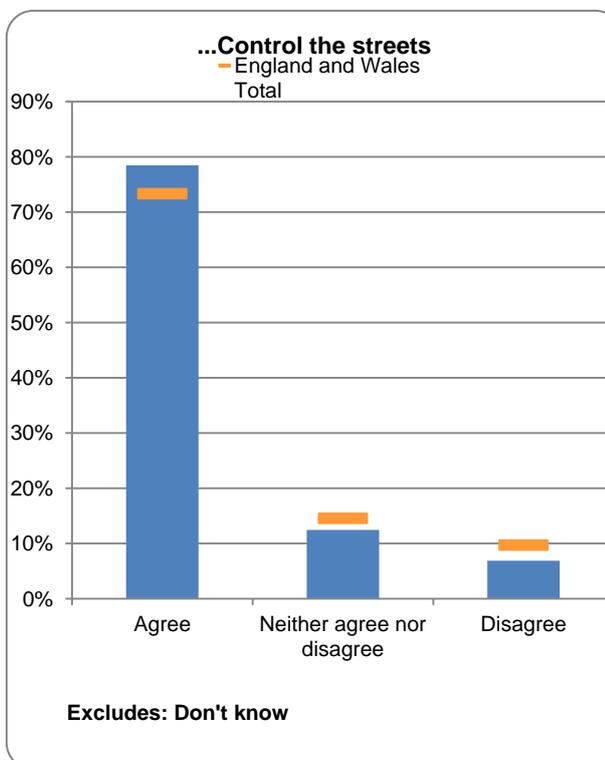
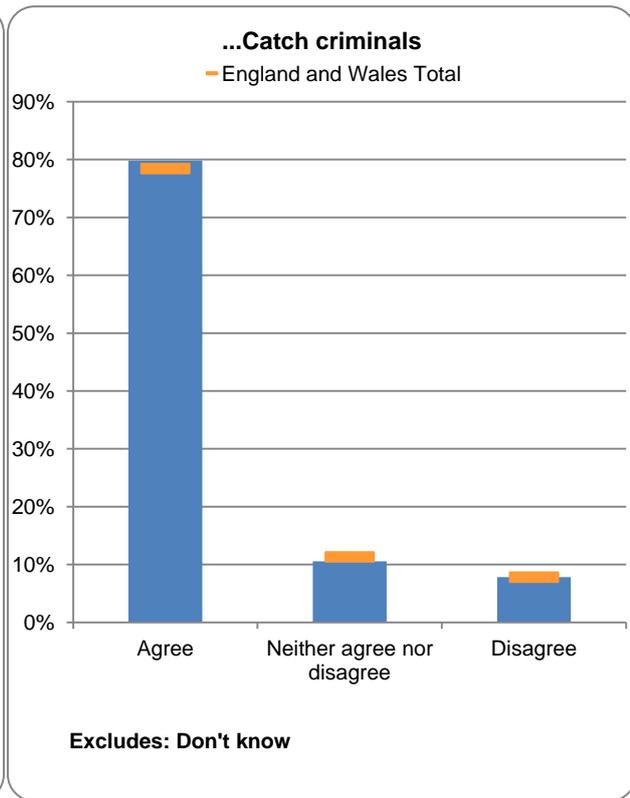
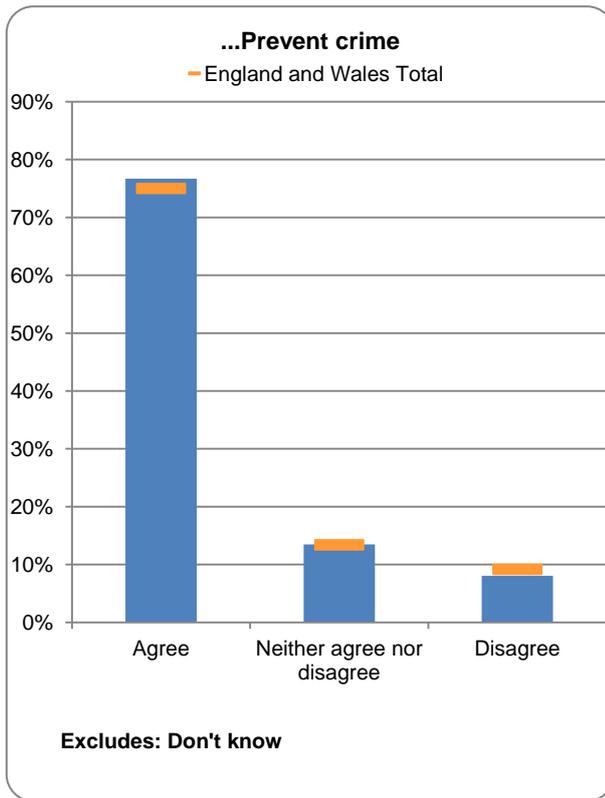
The force and BPA use their websites to publish stop and search data to the public. The data provides year on year comparisons regarding the number of searches and arrests. A comparison is also provided based on ethnicity. However, there is no information published about the reason for arrests following a stop and search, the number of non-arrest outcomes or the links between searches and recorded crime. When targeted operations are conducted there is evidence of direct feedback being provided to the public via the website or local media explaining how effective the operation had been. This includes sharing the number of stop and searches and other associated tactics and outcomes resulting from the operation.

There is evidence of some oversight and scrutiny of stop and search data by the BPA, SIAGs and IAGs – normally restricted to volumes of searches and arrest rates with no other issues being raised by the groups. However there is no public scrutiny of the stop and search records or other elements of the process.

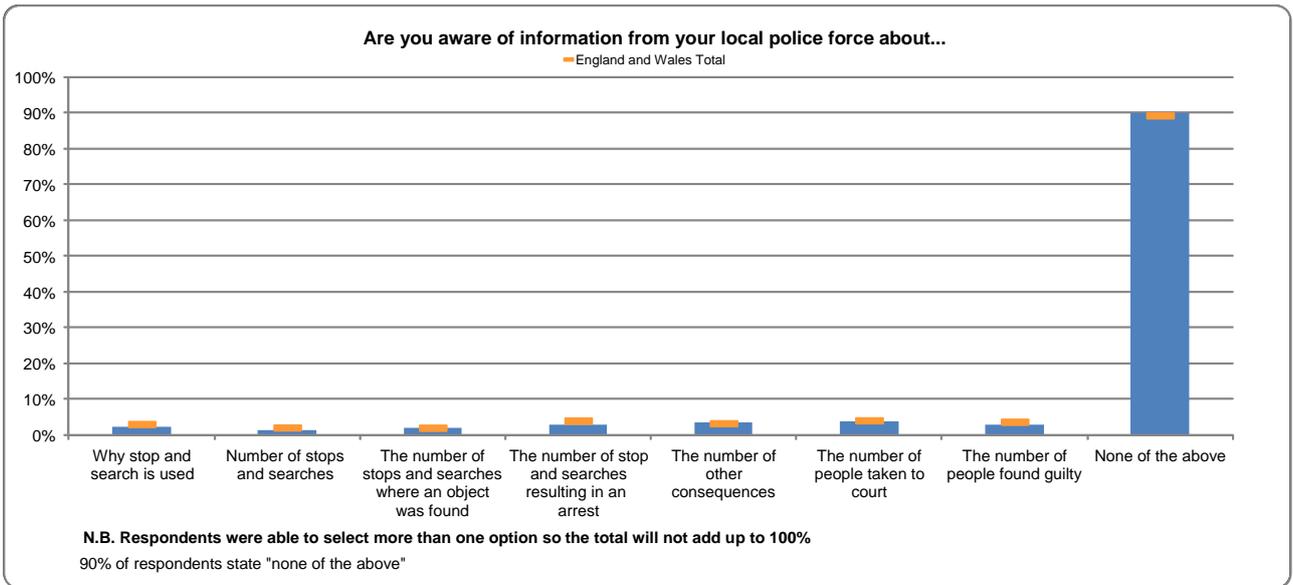
Public Survey results for Bedfordshire Police



And, to what extent do you agree or disagree that stop and search is helpful to...



Graph excludes 'don't know'. Displays 'agree' as a combination of 'Strongly agree' and 'Agree somewhat'. And displays disagree as a combination of 'Strongly disagree' and 'Disagree somewhat'.



Note: the survey of people who had been stopped and searched returned too few respondents to enable results to be shown at a force level