	AGENDA ITEM 9

west midlands police and crime commissioner

STRATEGIC POLICING AND CRIME BOARD
1st September 2015

Stop and Search Action Plan - Progress Update

PURPOSE OF REPORT

1. To update the Board on progress made against the Stop and Search Action Plan.

BACKGROUND

2. The Strategic Policing and Crime Board considered a report on performance against the 2014/15 milestones and deliverables in the Police and Crime Plan at its meeting on 5th May 2015. This included a proposed Stop and Search action plan that built on activity already underway.

3. This report therefore includes updates on the following:

   - Published, map-based Stop and Search data
   - Complaints received regarding the use of stop and search
   - Training of Officers
   - Future recording methodologies
   - S.163 Road Traffic Stops
   - Her Majesty's Inspectorate of Constabulary (HMIC) recommendations
   - Stop and Search disproportionality data

4. The updated West Midlands Police and West Midlands Office for Policing and Crime Stop and Search Action Plan can be found at Appendix A to this report.

PUBLISHED MAP-BASED STOP AND SEARCH DATA

5. West Midlands Police was one of only 14 Forces to go live with map-based Stop and Search data on the www.police.uk website on January 30th 2015.

6. The introduction of the eSearch electronic recording database in 2014 has vastly improved data quality and has enabled the Force to comply with the www.police.uk data requirements.

7. The facility on www.police.uk allows the public to key in their post-code and view mapped Stop and Search data in their neighbourhood. The data is published one month in arrears in order to protect any on-going operational policing activity.

8. An example of map-based Stop and Search data can be found in Appendix B to this report. West Midlands Police has also been selected by the Home Office to pilot 'heat-map' data, which will enable Stop and Search data to be overlaid with Crime data.

9. The Stop and Search and Crime Data overlay was initially planned to be in place by April / May 2015 but was put on hold by the Home Office due to the general election and purdah. The focus of the Home Office is currently on bringing online those forces who are still not publishing their Stop and Search data on www.police.uk. West Midlands Police are still the preferred force for the pilot due to the quality of the Stop and Search data sourced from eSearch.

COMPLAINTS RECEIVED REGARDING THE USE OF STOP AND SEARCH

10. The level of complaints received by West Midlands Police in relation to the use of Stop and Search remains very low. Between 1st April 2014 and 31st March 2015, a total of 9 complaints were received. Of the 9 complaints, 5 remain on-going. 8 relate to alleged unlawful use of Stop and Search Powers, whilst one relates to alleged incivility.

11. From 1st April 2015 to present day, four complaints have been received in relation to Stop and Search as follows;

    1. Alleged unlawful use of powers.

    2. Alleged inappropriate behaviour of officers

    3. Alleged incivility and unlawful use of Stop and Search powers by officers

    4. Alleged inappropriate behaviour and unlawful use of Stop and Search powers by officers

12. Relevant complaints data is shared with the 10 Stop and Search Scrutiny Panels operating across the West Midlands and also at the bi-annual West Midlands Police and Crime Commissioner's Stop and Search Commission.

13. Aside from the formal complaints process, eSearch receipts issued to members of the public who have been Stopped and Searched, contain the facility to provide feed-back around their experience, directly to the Office of the West Midlands Police and Crime Commissioner.

14. To date 26 feedback reports have been received via the 'QR' code on the receipts. Some reports have provided very useful feedback, with respondents indicating they are willing to join local Stop and Search Scrutiny Panels. Upon receipt, feedback reports are forwarded to relevant LPUs for further action where required.

TRAINING OF OFFICERS

15. Between November 2013 and April 2014, all front-line Officers and Supervisors received Stop and Search refresher training. Future training options are being considered by the Learning and Development department including targeting newly promoted Supervisors, Officers returning to front-line roles and a very small number of Officers who may have missed the previous training programme.

16. A bespoke Stop and Search training package has also been developed for new recruits. Aside from training the recruits around Stop and Search Powers, the programme also includes inputs around the eSearch recording process and the important role carried out by Stop and Search Scrutiny Panels.

17. While the 2013/14 WMP Stop and Search training did not include an unconscious bias input per se, the themes of unconscious bias were built into the training such as fairness, impartiality and utilising the National Decision Model to ensure any application of Stop and Search powers was justified.

18. Building on this, Insp David Whordley is attending an event at the College of Policing in September covering unconscious bias and the overlap with Stop and Search, indicating it is likely that there is a need to specifically include the subject in future training phases. There is a broader unconscious bias training package being developed by the WMP Learning and Development department, and this will be assessed to determine whether it has a specific application for Stop and Search and if it should be included in any future Stop and Search training.

19. The College of Policing is currently re-structuring the national requirements for Stop and Search training and a small number of police forces will be piloting the training over the coming months. WMP is not a pilot force and although invited to take part in the pilot, it was agreed when WMP hosted the national Police and Public Encounters Board (PPEB) meeting in February 2015 that the previous phase of training delivered to all WMP front-line Officers was sufficient.

20. Inspector David Whordley attended a consultation around the proposed new national requirements at the College of Policing in February, and has reported all of the proposed components discussed have already been included and delivered in the WMP training package.

FUTURE RECORDING METHODOLOGIES

21. The recently introduced eSearch electronic recording database provides for accurate, instantly retrievable, up to date data. The recording process has recently been reviewed by the WMP 2020 Programme and is considered 'fit for purpose'.

22. The database has also been developed to the point it is now mobile device compatible.

23. At this stage therefore, there are no plans to amend current recording methodologies, although slight changes to the eSearch database may be made in order to facilitate new recording requirements following recent HMIC recommendations referred to in further detail, below.

24. Throughout the eSearch pilot, progress was continually reviewed and additional functionality introduced where necessary. Additions include a 'tour' facility to familiarise users with the eSearch system and the ability to produce eSearch pie and bar chart data directly from the database, improving presentation capability.

25. There is significant interest in eSearch (and other aspects of how WMP oversees Stop and Search) from a number other Forces, including Police Scotland.

s.163 ROAD TRAFFIC ACT STOPS

26. HMIC recently published a series of recommendations in relation to Stop and Search and associated powers. One such recommendation relates to proposed recording of all road traffic stops under s.163 of the Road Traffic Act.

27. Specific details of minimum recording standards are yet to be confirmed by the College of Policing, although the eSearch database appears to be the most suitable platform to facilitate such recording at this stage.

28. As the proposed recording requirements are significant in terms of data, potential amendments to the eSearch database to facilitate the recording will be managed via the WMP 2020 Programme.

HMIC RECOMMENDATIONS

29. As indicated above, HMIC recently published a series of recommendations in relation to Stop and Search powers. This followed an earlier series of recommendations in 2013.

30. In addition to making considerable progress in relation to the HMIC recommendations, WMP has implemented recommendations made in the Best Use of Stop and Search Scheme and by the All Party Parliamentary Group for Children (APPGC). Progress in relation to each recommendation is published on the West Midlands Police website, for public scrutiny.

31. There is a robust governance structure in place within WMP, with ACC Gareth Cann as Strategic Lead, Chief Superintendent Chris Todd as delivery lead and Insp David Whordley as Subject Matter Expert. Oversight is provided by the quarterly Stop and Search Gold group and the local Stop and Search Scrutiny Panels.

FINANCIAL IMPLICATIONS

None Apparent

LEGAL IMPLICATIONS

None Apparent

CONCLUSION

32. West Midlands Police remains committed to improving the use of Stop and Search, by continuing to apply tight scrutiny around the often controversial, yet essential, policing power.

33. It is also worthy of note that whilst the number of Stop and Searches have reduced considerably over the past two years, the number of positive outcomes have actually improved significantly. Current year to date Force Stop and Search data outlining such outcomes is contained within Appendix C.

RECOMMENDATIONS

The Board is asked to note the content of this report.

Assistant Chief Constable Gareth Cann

APPENDIX A – STOP AND SEARCH ACTION PLAN

West Midlands Police & West Midlands Office for Policing and Crime Stop and Search Action Plan

Key
Black: Carried over from previous plan unchanged
*** = New addition

Action	Responsibility	Timescale	Additional information and progress updates
Intelligence Led: The Force needs to achieve a position whereby the use of Stop and Search is intelligence led and is integrated into patrol plans	WMP Silver	On-going	Development of a Force-wide intelligence tool. Currently working with the 2020 Project to ensure this work is progressed at the earliest opportunity.
Public Information: Stop and search data is to be made available via an online geographic interface facilitated through police.uk ***Online access to sanitised search records via eSearch URN	WMPCC & WMP Silver	Partially complete	***WMP data is now available on police.uk. Proposal to overlay crime "heat map" data at police.uk – WMP to pilot Interim capability for individuals stopped and searched to offer online feedback via the West Midlands OPCC website in place. Project to allow online access to sanitised search records via police.uk underway.
Public Knowledge – General: 'Know Your Rights' publicity campaign. The record of receipt to be issued following a stop and search under the new automated system will also include details of an individual's rights in respect of stop and search	WMPCC	On-going	***General publicity campaign to promote publication of location data and access to sanitised records. WMP / OPCC Stop and Search press release scheduled for Friday 11th September 2015. Possible linkage with Home Office promotion activity? (yet to go-ahead).

***Public knowledge – Young People Schools based presentations to provide information on stop and search, feedback mechanisms, and police oversight and accountability mechanisms	WMP Silver WMPCC	On-going (proposed roll-out September / October 2015)	***Based on pilot developed by Sulaimain Samuel, Iftekhar Ahmed and Michael Clarke.
Outside Agencies: Understand the impact of the use of Stop and Search in WMP's Force area by other Forces and policing agencies	WMP Silver	On-going	Negotiations continuing with British Transport Police regarding use by officers embedded in Safer Travel Team
Body worn cameras: West Midlands Police is piloting the use of body worn cameras. Their relevance to Stop & Search will be explored during this pilot	WMP Silver	On-going	Body worn cameras pilots in Birmingham South and Wolverhampton LPUs. Review and assessment of practice and quality remains on-going. Progression of the use of body worn cameras will managed within the 2020 Project
***Research Understanding how variances in Stop and Search operational practice impact on the prevention and detection of crime	WMP Silver	Proposed	***Research will be undertaken to evaluate the efficacy of the introduction of the stop and search intelligence tool.
***Scoping exercise Operational evaluation to determine the resource and operational consequences of broadening the capture of encounters data. To include: • Section 163 Traffic Stops • PCSO seizure powers • PNC body checks • Stop and account	WMP Silver WMPCC	On-going	***National debates suggest an appetite for capture and analysis of a wider encounters data set. A recent HMIC recommendation now reflects such requirements around S163 Road Traffic Stops and PCSO seizure powers. This exercise would not endorse any of the wider data sets, but would produce information on the likely operational and resource implications if a requirement to record were introduced. Evaluation work now commissioned via Force Strategic Tasking Group.

***Training Training availability for a) newly promoted supervisors, b) officers returning to front line roles and c) any officers than missed the 2014 training, d) new recruits	WMP Silver	On-going	The 2014 training covered all front line officers and supervisors. Over time, Officers will be promoted into supervisory roles and move into frontline functions. The 2014 training is currently being evaluated by Learning and Development, following which further phases of training will be considered. A bespoke Stop and Search training package has also been produced for and delivered to, new recruits.
***Monitoring Development of a statistical measure to assess the correlation between stop and search usage and patterns of criminality	WMP Silver	Proposed	Possible in house or external project. Algorithm that can take "dots on maps data" and correlate this with crime heat maps data to give a correlation value at Force, LA and LPU levels, with on-going measurement to allow longitudinal assessments.
***Best Use Scheme – Lay Observations. Lay monitoring on all LPUs	WMP Silver	On-going	Demonstrable compliance with Best Use scheme. Lay Observations are now being conducted and managed via LPU Stop and Search Scrutiny Panels. Panel members are actively encouraged to take part, with a formal invitation letter distributed to members in May 2015.

APPENDIX B – MAP BASED STOP AND SEARCH DATA EXAMPLE

APPENDIX C - YEAR TO DATE STOP AND SEARCH DATA

Status Overview Forcewide: Between 01/04/2015 - 19/08/2015

Incomplete Record: 23 (0.4%)

Retrospective Record: 1666 (26.5%)

Live Record: 4587 (73.1%)

Types Overview Forcewide: Between 01/04/2015 - 19/08/2015

Vehicle: 149 (2.4%)

Person and Vehicle: 1169 (18.6%)

Person: 4957 (79.0%)
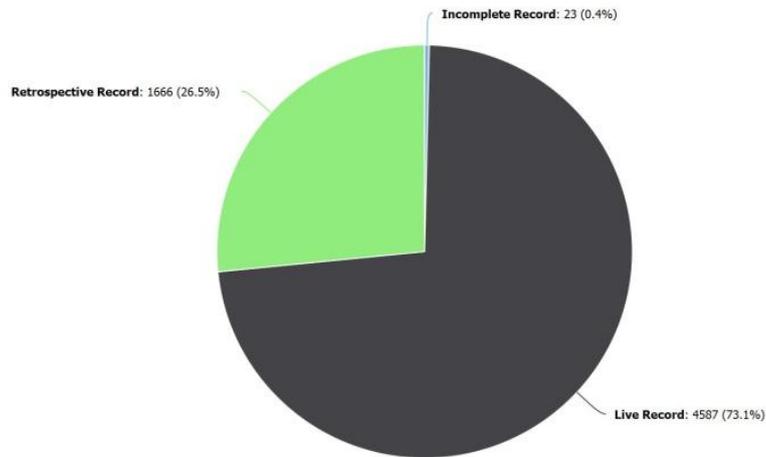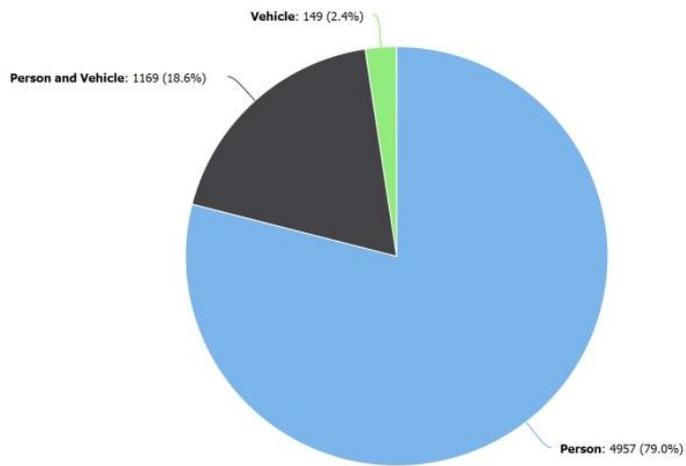
Outcomes Overview Forcewide: Between 01/04/2015 - 19/08/2015

Street Summon: 48 (0.8%)
Street Bail: 17 (0.3%)
Arrested - Consequence of Stop and Search: 832 (13.3%)
Arrested - Unrelated Offence including Warrant / PNC: 156 (2.5%)
Cannabis Warning: 321 (5.1%)
Community Resolution: 79 (1.3%)
Conditional Bail: 21 (0.3%)
Fixed Penalty: 131 (2.1%)
NFA: 4657 (74.4%)

Powers Overview Forcewide: Between 01/04/2015 - 19/08/2015
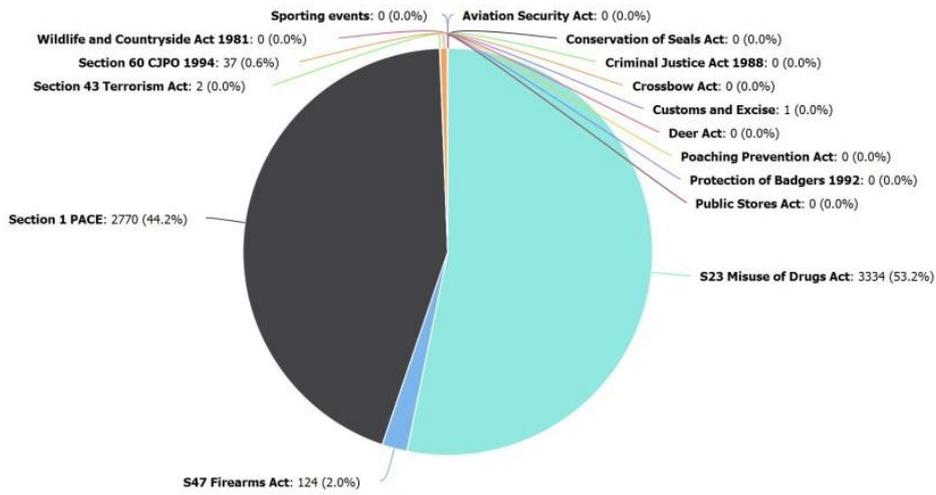
Sporting events: 0 (0.0%)
Aviation Security Act: 0 (0.0%)
Wildlife and Countryside Act 1981: 0 (0.0%)
Conservation of Seals Act: 0 (0.0%)
Section 60 CJPO 1994: 37 (0.6%)
Criminal Justice Act 1988: 0 (0.0%)
Section 43 Terrorism Act: 2 (0.0%)
Crossbow Act: 0 (0.0%)
Customs and Excise: 1 (0.0%)
Deer Act: 0 (0.0%)
Poaching Prevention Act: 0 (0.0%)
Protection of Badgers 1992: 0 (0.0%)
Public Stores Act: 0 (0.0%)
Section 1 PACE: 2770 (44.2%)
S23 Misuse of Drugs Act: 3334 (53.2%)
S47 Firearms Act: 124 (2.0%)

Standards Overview Forcewide: Between 01/04/2015 - 19/08/2015

Does not meet standard: 248 (4.0%)
Meets standard: 5910 (96.0%)

Searches, Year On Year

Positive Outcomes and Arrest, Year On Year as % of Searches
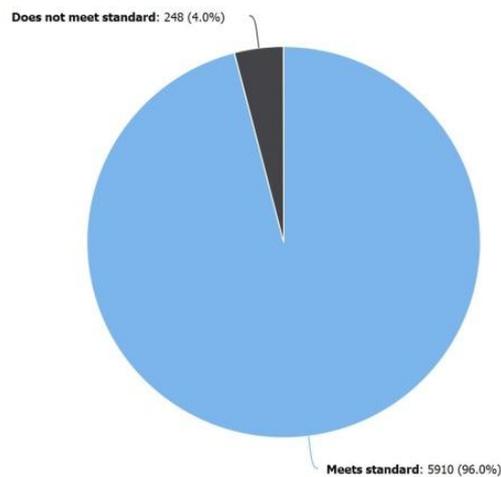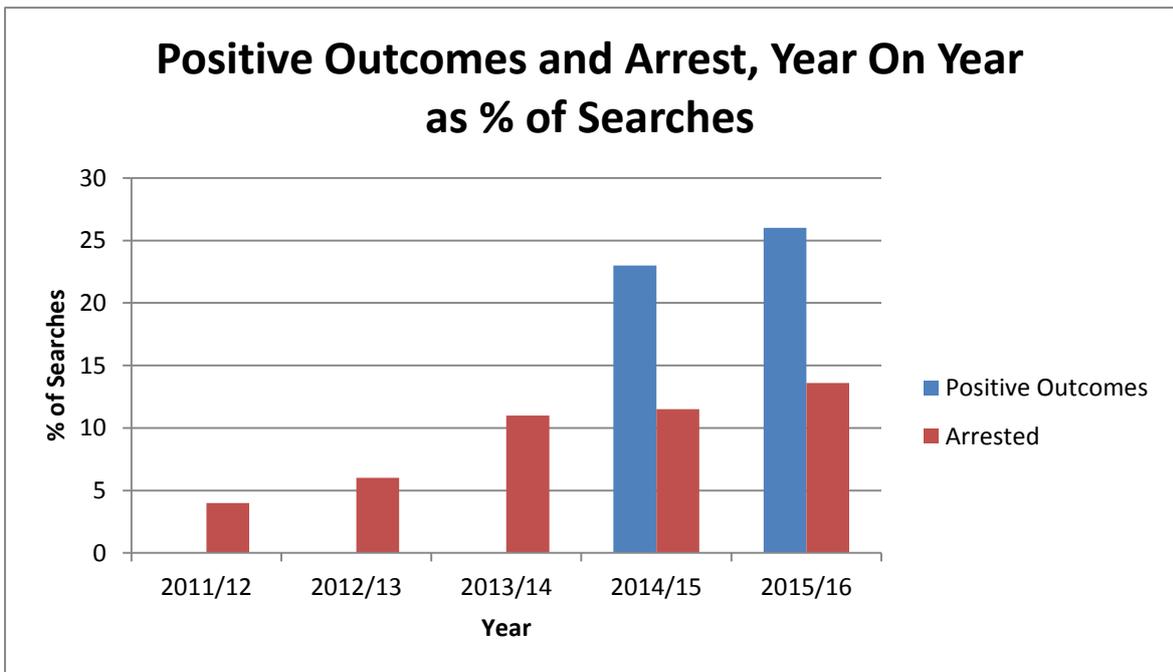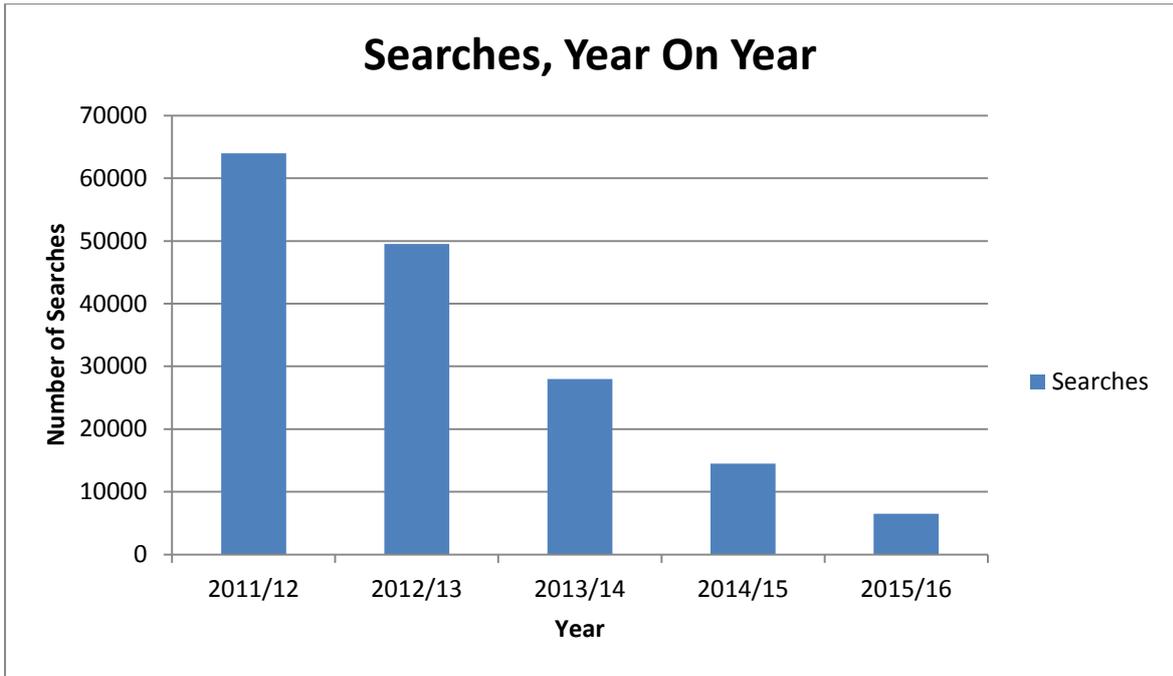
Total Records Per Month Forcewide : Performance Year 2015/2016
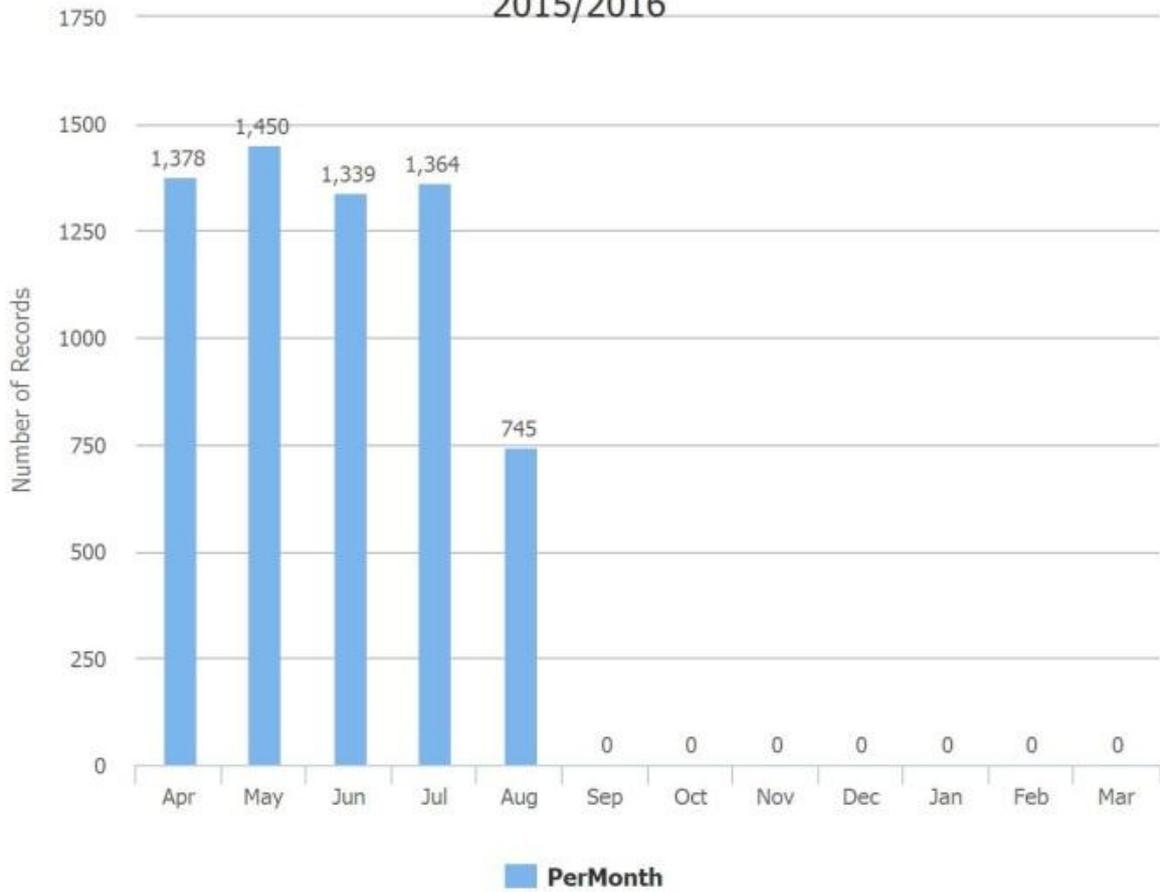
Appendix D – YEAR TO YEAR STOP AND SEARCH DISPROPORTIONALITY DATA

Stop and Search Proportionality 01-APR-2014 - 31-MAR-2015								
	White		Asian			Black		
	S & S	Pop	S & S	Pop	Disp Rate	S & S	Pop	Disp Rate	Total
BE	797	154,666	819	142,954	**1.1**	229	22,797	**1.9**	**1,972**
BN	466	155,673	155	16,498	**3.1**	113	11,852	**3.2**	**801**
BS	837	234,013	151	33,006	**1.3**	201	16,627	**3.4**	**1,330**
BW	758	77,279	765	93,180	**0.8**	638	45,083	**1.4**	**2,375**
CV	967	234,029	182	51,598	**0.9**	135	17,764	**1.8**	**1,383**
DY	940	281,610	147	18,941	**2.3**	78	4,671	**5.0**	**1,260**
SH	902	184,247	152	13,561	**2.3**	97	3,239	**6.1**	**1,214**
SW	777	215,469	387	59,260	**1.8**	191	18,357	**2.9**	**1,489**
WS	1,643	212,479	480	41,026	**1.5**	170	6,369	**3.5**	**2,459**
WV	629	169,672	182	44,956	**1.1**	191	17,309	**3.0**	**1,115**
Non LPU Departments	17	-	32	-	**-**	18	-	**-**	**70**
Total	**8,736**	**1,919,137**	**3,458**	**514,980**	**1.5**	**2,064**	**164,068**	**2.8**	**15,480**

How YTD 2013 compares

Stop and Search Proportionality 01-APR-2013 - 31-MAR-2014								
	White		Asian			Black		
	S & S	Pop	S & S	Pop	Disp Rate	S & S	Pop	Disp Rate	Total
BE	2,473	154,666	2,980	142,954	**1.3**	810	22,797	**2.2**	**6,339**
BN	673	155,673	196	16,498	**2.7**	202	11,852	**3.9**	**1,100**
BS	1,214	234,013	165	33,006	**1.0**	317	16,627	**3.7**	**1,717**
BW	1,598	77,279	1,489	93,180	**0.8**	1,182	45,083	**1.3**	**4,364**
CV	1,302	234,029	220	51,598	**0.8**	201	17,764	**2.0**	**1,838**
DY	1,835	281,610	275	18,941	**2.2**	212	4,671	**7.0**	**2,331**
SH	1,123	184,247	176	13,561	**2.1**	197	3,239	**10.0**	**1,586**
SW	705	215,469	256	59,260	**1.3**	163	18,357	**2.7**	**1,132**
WS	991	212,479	351	41,026	**1.8**	197	6,369	**6.6**	**1,571**
WV	760	169,672	148	44,956	**0.7**	278	17,309	**3.6**	**1,204**
Non LPU Departments	17	-	17	-	**-**	22	-	**-**	**59**
Unknown	321	-	236	-	**-**	154	-	**-**	**779**
Total	**12003**	**1,919,137**	**6204**	**514,980**	**1.9**	**3656**	**164,068**	**3.6**	**22,406**

NB: Disproportionality rate refers to disproportionality of stop and search incidents compared to white population.