COMMUNITY OUTCOMES MEETING

MAKING SURE CRIMINAL JUSTICE WORKS FOR COMMUNITIES

26 September 2018

SUBJECT: STOP AND SEARCH – UPDATE
Report of the Chief Constable

PURPOSE OF THE REPORT
1. This report outlines the Force's current position in relation to the use of stop and search powers. It provides an update regarding ongoing work, the recent HMIC inspection, the Home Office Best Use of Stop and Search Scheme, and future developments. It also provides performance data in relation to how stop and search powers have been used over a rolling 12 month period.
RECOMMENDATION
2. That the Police and Crime Commissioner uses this report to scrutinise Force activity in respect of the use of 'Stop & Search' powers.
POLICE AND CRIME PLAN
3. The impact of Stop and Search on communities can be significant. The Police and Crime Commissioner holds the Chief Constable to account to ensure Stop and Search activity is used appropriately, proportionately, in the pursuit of a legitimate aim and in a way that can be explained by the searching officer to the person stopped.
KEY INFORMATION
4. The attached report is part of the PCCs scrutiny.   5. The PCC has previously met with HMIC to discuss his oversight and scrutiny of Stop and Search and he continues to work with HMIC on this matter.   6. The PCC has a responsibility to raise awareness of individual's rights if they are stopped and searched by police.   7. The PCC has an ongoing feedback page on website in relation to 'Stop & Search', details of Stop and Search in West Yorkshire can be found on www.Police.UK

WEST YORKSHIRE POLICE

Title: **Stop and Search**

CoT Sponsor: **ACC Hankinson**

SUMMARY

The report contained in this paper outlines the current position in relation to the use of Stop and Search powers. It provides performance data in relation to how Stop and Search powers have been used in the previous 12 months period to June 2018. It also provides an update regarding ongoing work, the Home Office Best Use of Stop and Search Scheme and future developments.

REPORT DETAILS
Annual Stop & Search Statistics

1. West Yorkshire Police produces a statistical report for the Police and Crime Commissioner outlining the use of stop and search powers on an annual basis (**Appendix A**). The report explores the use of the various stop and search powers in relation to gender, age and ethnicity, and the number and type of positive outcomes for the searches carried out. The data contained in the report is collated over a rolling 12 month period.

2. Just over 8,300 stop searches have been undertaken in the last 12 months, a reduction of 3,000 compared to the previous reporting period, reflecting a continuing downward trend in the use of stop and search powers by West Yorkshire Police.

3. Examination of stop and search activity over the previous 12 months where ethnicity is known shows that 30.1% of all Stop and Search activity is focussed on people of BME background. This is 12.1% higher than the 18% of the local population from this group and a 4.4% increase on the previous reporting period.

4. In order to provide an understanding of the reasons for this disparity Local Policing are developing a new method of identifying disproportionality through the use both the population data, stop and search volumes and offender information. This method will require districts to provide rationale accounting for any disproportionate searches within their communities and take action where necessary to reduce this. This new method is currently being tested as part of our analysis work for HMICFRS report detailed later within this paper.

5. In the previous reporting period, the proportion of stop and searches for white ethnicity stood at 74.3% and this has reduced to 69.9%. When compared to the census profile for the White population of 82% this shows a slight move away from what would be expected in terms of proportionality, this is a reflection of the 2011 census data. Similarly, the proportion of stop searches for Asian ethnicity in the previous reporting period of 17.7% has increased to 21.8%, however, both White and Asian ethnicities have seen overall reductions in the total volume of stop searches, most notably White ethnicities.

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

6. The current age profile of persons being stopped and searched identifies that those aged between 16 and 29 are most likely to be stopped, accounting for two thirds of all stop searches or 61.3%, a decrease of 0.3% on the previous reporting period. When considering authority use, the same age range accounts for two thirds of all Section 23 drugs searches or 69%, a decrease of 2.7% on the previous reporting period.

7. Most notably, the number of searches of persons aged between 30 – 44 years under the Psychoactive Substances Act has seen a 31.8% increase when compared to previous report period, from 18.2% to 50%.

8. The majority of searches undertaken were under Section 23 of the Misuse of Drugs Act 1971, closely followed by Section 1 of PACE, with only a 0.1% difference between the two authorities.

9. The proportion of Stop Searches resulting in a positive outcome in the past 12 months was 22.8%, of which arrests accounted for 14.4%. This is an increase of 3.3% over the last year and suggests officers are continuing to take a more targeted approach with their stop and search powers.

10. There have been 10 'More than Outer Clothing' removed searches over the last 12 months, with 20% being conducted on persons self-defined as BME, a 50% reduction on the previous year.

11. There have been a total of 41 strip searches with 70% being carried out on persons who self-define as having a BME ethnicity, a 39% increase on the previous period.

Home Office Best Use of Stop and Search Scheme

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

    ❖ SECTION 60

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

❖ COMPLAINTS TRIGGER

West Yorkshire Police has set the Community Trigger threshold at one complaint within the relevant District, ensuring every complaint activates the trigger and is dealt with accordingly. There have been four complaints and therefore four trigger activations since the last report, of which two complaints were in Bradford District and two in Leeds District.

❖ RIDE ALONG SCHEME

The ride along scheme gives members of the public the opportunity to accompany officers on patrol and observe stop and search in action.

District	Total
Bradford	26
Calderdale	19
Kirklees	19
Leeds	90
Wakefield	34
Total	**188**

The scheme was recently reviewed by Local Policing to ensure it is being promoted and used effectively across the force. This piece of work has been completed and the number of participants on the scheme has increased from 44 in the previous reporting period to 188.   This is seen as excellent practice and Leeds District in particular should be applauded.

ONGOING WORK AND DEVELOPMENTS

- **Scrutiny Panels**

  To enable scrutiny panels to make more effective and informed recommendations, a training package is being developed to aide understanding of Stop and Search. Local Policing is working with the Digital Mobile Policing Team to trial a process by which panel members could view Body Worn Video footage of Stop and Search encounters, thereby providing increased transparency and accountability. Initial trials have concluded that panels welcome the opportunity to view body worn video which provides a greater degree of transparency within stop and search interactions.

- **Mobile Device Application**

  An application for the handheld devices has been developed which enables officers to create stop search records themselves. This negates the requirement for records to be created by district control rooms and prevents there being a delay in completing records.

  When the application was launched, Performance Review and Local Policing identified issues with the use of non-standardised addresses being linked to records. The use of non-standard addresses made it difficult to accurately determine the location where searches had taken place.

Local Policing also identified an increase in the use of the self- defined ethnicity (SDE) category, 'not-stated'. The combination of these two issues negatively

influenced the disproportionality data and each district has been tasked to challenge instances where not-stated has been used, but to also ensure that recognised locations are used supported by solutions within the handheld device software.

Improvements in this area have been actioned via the Local Policing Governance Board (LPGB) for each district, with Operational Support departments also receiving feedback and support.

- **HMICFRS**

  Recently, HMICFRS published recommendations that all forces should be regularly and frequently monitoring a comprehensive set of data and information on the use of stop and search powers to understand:

➢ The reasons for any disproportionate representation of different ethnic groups in the use of stop and search;

➢ The extent to which find rates differ between people from different ethnicities, and across different types of searches (including separate identification of find rates for drug possession and supply-type offences); and

➢ The prevalence of possession-only drug searches, and the extent to which these align with local or force level priorities.

  Where forces identify disparities through monitoring, they should demonstrate to the public that they have:

  - Carried out research and analysis in an attempt to understand the reasons for the disparity, and,

  - Taken action to reduce the disparity, where necessary.

  HMICFRS expect forces to publish this analysis and any actions taken at least on an annual basis, from July 2018, and following that date, forces should ensure that all officers who use stop and search powers have been provided with, and understand, training on unconscious bias and College of Policing Approved Professional Practise on stop and search.

  In order to complete this work, Local Policing and Performance Review have identified the wards with the highest disproportionality rate and have tasked the respective districts via the LPGB with providing a narrative to formulate a response to HMICFRS that accounts for the disproportionality within those areas.

EQUALITY, DIVERSITY AND HUMAN RIGHTS CONSIDERATIONS

13. WYP accepts that in the execution of Stop and Search Powers it may interfere in individual's rights under Article 8. However, policies and procedures are in place to ensure that the interference is lawful under a Legitimate Aim.

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

STRATEGIC RISK IMPLICATIONS

15. The inappropriate and disproportionate use of 'Stop and Search' is a significant risk to Force and to the trust of the community in West Yorkshire Police this has been acknowledged within the work undertaken by Local Policing, Corporate Services.

SUPPORTING DOCUMENTATION

- Stop Search statistics. **(Appendix A)**

1) All Stop and Search Activity in comparison to West Yorkshire Demographics – July 2017 to June 2018

The age tables below show that around 61% of all Stop & Search activity is focussed on people aged between 16 and 29. This contrasts with the local population where 20% of the local population is derived from these age groups.

Census 2011 - Age Group

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

Stop & Searches by Age Group

Age Group	0-15	16-19	20-29	30-44	45-59	60+	Total *
Searches	704	1,837	2,992	1,848	463	24	7,868
% of Searches	8.9%	23.3%	38.0%	23.5%	5.9%	0.3%	100%

* Excludes Unknown

The ethnicity tables below show that around 30.1% of all Stop & Search activity is focussed on people of BME background (when the ethnicity of the person stopped is known), which is higher than the 18% of the local population from this group.

Census 2011 - Self-Defined Ethnicity

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

Stop & Searches by Self-Defined Ethnicity

Ethnicity	White	Asian	Black	Mixed / Other	Total *
Searches	4,408	1,377	280	240	6,305
% of Searches	69.9%	21.8%	4.4%	3.8%	100%

* Excludes Unknown and Not Stated

The gender tables below show that around 93% of all Stop & Search activity is focussed on Males (where the gender is stated) whilst this group actually makes up 49% of the local population but 75.7%* of all crime offenders.

*Where Gender is known

Census 2011 - Gender

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

Stop & Searches by Gender

Gender	Female	Male	Total *
Searches	535	7,436	7,971
% of Searches	7%	93%	100%

* Excludes Unknown

The district table below show that nearly four fifths (74.4%) of all Stop & Search activity is focussed in the Bradford and Leeds districts. These Districts account for 57.2% of the total population in West Yorkshire but also account for 62.4% of all crime.

Census - District

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

Stop & Searches by District

District	Bradford	Calderdale	Kirklees	Leeds	Wakefield	Total *
Searches	2,299	481	1,008	3,822	618	8,228
% of Searches	27.9%	5.8%	12.3%	46.5%	7.5%	100.0%

* Excludes Out of Force and Unknown

2a) All Stop and Search Activity by Authority
– July 2017 to June 2018

Just over 8,300 stop and searches have been undertaken in West Yorkshire in the latest 12 months to the end of June 2018. The vast majority of these were undertaken using the Authorities of 'Section 1 PACE' (47.7%) and 'Section 23 Drugs' (47.8%).

Authority	Stop Searches	%
Section 1 PACE	3,971	47.7%
Section 23 Drugs	3,979	47.8%
Section 36 Psychoactive Substances Act	4	0.0%
Section 38a PCSO Police Reform Act 2002	0	0.0%
Section 60	0	0.0%
Section 43 Terrorism Act	5	0.1%
Section 47 Firearms Act 1968	141	1.7%
Section 47a Terrorism (ACCs Auth Req.)	1	0.0%
Other	28	0.3%
Unknown	192	2.3%
Total	8,321	100.0%

2b) All Stop and Search Activity by Self Defined Ethnicity
– July 2017 to June 2018

The breakdown of stop and search activity by ethnicity reveals that nearly 1 in 4 persons stopped (i.e. 22.8%) will be from an ethnic background (including 'Not Stated'), however when broken down by authority this becomes nearly 1 in 7 for searches under 'Section 1 PACE' and just over 1 in 3 for 'Section 23 Drugs'.

Self-Defined Ethnicity	White	Asian	Black	Mixed	Not Stated	Other	BME
Section 1 PACE	59.9%	9.6%	3.0%	2.5%	24.7%	0.4%	15.4%
Section 23 Drugs	48.3%	23.8%	3.5%	2.3%	21.6%	0.5%	30.1%
Section 36 Psychoactive Substances Act	75.0%	25.0%	0.0%	0.0%	0.0%	0.0%	25.0%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	60.0%	20.0%	0.0%	0.0%	20.0%	0.0%	20.0%
Section 47 Firearms Act 1968	43.3%	27.0%	10.6%	2.1%	15.6%	1.4%	41.1%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Other	46.4%	17.9%	3.6%	0.0%	28.6%	3.6%	25.0%
Unknown	14.6%	3.1%	2.6%	2.6%	76.0%	1.0%	9.4%
Total	53.0%	16.5%	3.4%	2.4%	24.2%	0.5%	22.8%

When analysed against the denominator of ethnic group populations, Asian people are nearly twice as likely (1.9) to be stop and searched as a White person. The likelihood of a black person being stopped is slightly higher (at 2.5). When broken down by authority Asian people are just as likely to be stopped as White people under 'Section 1 PACE' but are more three times more likely under 'Section 23 Drugs'. Whereas Black people are twice as likely to be stopped as White people under 'Section 1 PACE' and nearly three times more likely under 'Section 23 Drugs'.

Disproportionality	Ratio Asian to White (per 1000 pop)	Ratio Black to White (per 1000 pop)
Section 1 PACE	1.0	1.9
Section 23 Drugs	3.1	2.9
Section 36 Psychoactive Substances Act	2.1	0.0
Section 38a PCSO Police Reform Act 2002	N/A	N/A
Section 60	N/A	N/A
Section 43 Terrorism Act	2.1	0.0
Section 47 Firearms Act 1968	3.9	9.6
Section 47a Terrorism (ACCs Auth Req.)	N/A	N/A
Other	2.4	3.0
Unknown	1.3	7.0
Total	1.9	2.5

2c) All Stop and Search Activity by Age Group
– July 2017 to June 2018

The current age profile of persons being stop and searched identifies that those aged between 16 and 29 are most likely to be stopped, accounting for three fifths of all stop searches (58%). When broken down by authority this same age range accounts for nearly three quarters of all 'Section 23 Drugs' stop searches (69%).

Age Group	05-15	16-19	20-29	30-44	45-59	60+	Unknown
Section 1 PACE	14.3%	22.1%	26.2%	25.2%	7.4%	0.4%	4.4%
Section 23 Drugs	3.1%	22.6%	46.4%	19.9%	3.8%	0.1%	4.1%
Section 36 Psychoactive Substances Act	0.0%	25.0%	25.0%	50.0%	0.0%	0.0%	0.0%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	20.0%	0.0%	60.0%	20.0%	0.0%	0.0%
Section 47 Firearms Act 1968	3.5%	19.9%	44.0%	18.4%	9.9%	0.7%	3.5%

Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
Other	28.6%	17.9%	25.0%	7.1%	7.1%	0.0%	14.3%
Unknown	1.6%	12.5%	18.2%	10.4%	0.5%	0.5%	56.3%
Total	8.5%	22.1%	36.0%	22.2%	5.6%	0.3%	5.4%

Please find below Offender age range table for comparison against stop search table-

July 2017 to June 2018

Age Group	0-15	16-19	20-29	30-44	60+	Total
Offenders	18,251	18,349	43,699	51,919	4,448	136,666
% of Offenders	13.4%	13.4%	32.0%	38.0%	3.3%	100%

*Does not include offenders where age recorded is an error or not recorded

*Includes offenders who are NFA and Eliminated.

2d) All Stop and Search Activity by Gender – July 2017 to June 2018

In the last 12 months, just over 89% of all stop and searches (including 'Not Stated') were conducted on men, revealing that they are 14 times more likely to be stop and searched than females.

Gender	Female	Male	Unknown
Section 1 PACE	6.8%	90.3%	2.9%
Section 23 Drugs	6.3%	90.7%	3.1%
Section 36 Psychoactive Substances Act	0.0%	100.0%	0.0%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	100.0%	0.0%
Section 47 Firearms Act 1968	6.4%	91.5%	2.1%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	100.0%	0.0%
Other	3.6%	85.7%	10.7%
Unknown	2.6%	41.1%	56.3%
Total	6.4%	89.4%	4.2%

3) All Stop and Search Activity by Reason
– July 2017 to June 2018

Analysis of the reason for stop and searches indicates that for 'Section 1 PACE' authority just over two fifths of stop searches are conducted based on the suspicion that the person is 'Going Equipped' with around one quarter of searches (24.3%) conducted on the basis of discovering stolen property.

Reason for Stop	1. Stolen Property	2. Drugs	3. Firearms	4. Offensive Weapon	5. Going Equipped	6. Criminal Damage	7. Other	Unknown
Section 1 PACE	24.3%	1.8%	1.7%	24.3%	42.7%	1.6%	3.6%	0.0%
Section 23 Drugs	0.0%	99.0%	0.0%	0.2%	0.1%	0.0%	0.6%	0.1%
Section 36 Psychoactive Substances Act	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Section 47 Firearms Act 1968	0.0%	0.0%	93.6%	6.4%	0.0%	0.0%	0.0%	0.0%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%
Other	10.7%	3.6%	0.0%	14.3%	7.1%	0.0%	64.3%	0.0%
Unknown	0.0%	0.5%	0.0%	0.0%	0.0%	0.0%	0.5%	99.0%
Total	11.6%	48.2%	2.4%	11.8%	20.4%	0.8%	2.4%	2.3%

4) All Stop and Search Activity by Outcomes
– July 2017 to June 2018

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

The proportion of Stop Searches resulting in a positive outcome in the past 12 months was 22.8%, of which arrests accounted for 14.4%.

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

Self-Defined Ethnicity	Arrest	Caution	Community Resolution	Direction to Leave	PND	Summons	Warning	Positive Outcome Rate
Section 1 PACE	16.6%	0.1%	1.4%	0.0%	0.0%	1.1%	0.1%	19.3%
Section 23 Drugs	12.9%	1.6%	10.8%	0.0%	0.0%	1.7%	0.6%	27.7%
Section 36 Psychoactive Substances Act	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 38a PCSO Police Reform Act 2002	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 60	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 43 Terrorism Act	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Section 47 Firearms Act 1968	12.8%	0.0%	0.0%	0.0%	0.0%	0.7%	0.0%	13.5%
Section 47a Terrorism (ACCs Auth Req.)	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	32.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	32.1%
Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	14.4%	0.8%	5.8%	0.0%	0.0%	1.4%	0.3%	22.8%

5a) Stop & Searches (MOC (More than Outer Clothing)) by Self Defined Ethnicity
– July 2017 to June 2018

The analysis of stop and search activity where more than outer clothing what requested to be removed reveals that this request was made just ten times in the past 12 month period, 20% of which were BME.

Self-Defined Ethnicity	White	Asian	Black	Mixed	Not Stated	Other	BME
Bradford	1	1	0	0	0	0	0
Calderdale	0	0	0	0	0	0	1
Kirklees	1	0	0	0	4	0	0
Leeds	6	1	2	1	5	0	0
Wakefield	3	0	0	0	0	0	4
Total	11	2	2	1	9	0	5

5b) Stop & Searches (Strip Searches) by Self Defined Ethnicity
– July 2017 to June 2018

The analysis of stop and search activity where a strip search was required reveals that this occurred 41 times in the past 12 month period, with around 70% being carried out on persons from a BME ethnic background.

Self-Defined Ethnicity	White	Asian	Black	Mixed	Not Stated	Other	BME
Bradford	3	22	0	0	4	0	0
Calderdale	0	2	0	0	0	0	22
Kirklees	0	0	0	0	0	0	2
Leeds	2	4	2	0	4	0	0
Wakefield	0	1	0	0	0	0	6
Total	5	29	2	0	8	0	30