



Promoting improvements  
in policing to make  
everyone safer

# Best Use of Stop and Search (BUSS) scheme

The findings of an HMIC revisit of the 13 forces that were not complying with three or more features of the scheme in 2015

September 2016

© HMIC 2016

ISBN: 978-1-78655-214-3

[www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

# Contents

<b>Summary</b> .....	<b>3</b>
Findings .....	3
Recommendations .....	5
<b>Introduction</b> .....	<b>6</b>
About stop and search .....	6
The Best Use of Stop and Search scheme .....	8
Methodology .....	10
<b>Our findings</b> .....	<b>11</b>
Overview .....	11
Recording and publishing outcomes .....	12
Lay observation .....	13
Community complaints trigger .....	14
Reducing the use of powers under section 60 of the Criminal Justice and Public Order Act 1994 .....	15
Monitoring the impact of stop and search .....	18
<b>Conclusions and next steps</b> .....	<b>20</b>
<b>Annex A: Compliance with the Best Use of Stop and Search scheme – PEEL 2015 findings</b> .....	<b>21</b>

## Summary

In 2014, the Home Office and College of Policing launched the Best Use of Stop and Search (BUSS) scheme, with the aims of achieving greater transparency, community involvement in the use of stop and search powers and to support a more intelligence-led approach, leading to better outcomes. The features of the scheme relate to data recording and publishing, the introduction of lay observation policies and community complaints trigger, reducing the use of stop and search powers under section 60 of the Criminal Justice and Public Order Act 1994 and monitoring the impact of stop and search on young people and black, Asian and minority ethnic communities.

In 2015, HMIC assessed the 43 forces' compliance with each feature of the scheme, as part of our 2015 PEEL legitimacy inspection. That inspection identified that only 11 forces were complying with all five features of the scheme, 19 forces were not complying with one or two features of the scheme and 13 forces were not complying with three or more features.

In our 2015 report HMIC committed to revisiting, within six months, the 13 forces not complying with three or more of the features. In February 2016, the Home Secretary suspended these 13 forces from the scheme. The findings of this revisit report will inform directly the Home Secretary's decision on whether to lift or retain each force's suspension from the scheme.

## Findings

Between 24 June 2016 and 5 August 2016, HMIC reviewed force websites, the police.uk website and documents submitted to us by forces, to reassess each force's compliance with each of the five features of the scheme.

We found that six of the 13 forces are now compliant with all features of the Best Use of Stop and Search scheme: Cambridgeshire Constabulary, Cheshire Constabulary, Lancashire Constabulary, Northumbria Police, Warwickshire Police and West Mercia Police. However, we were disappointed to find that six forces were not compliant with one feature of the scheme and one force – Gloucestershire Constabulary – was not compliant with two features of the scheme.

However, as our findings from this revisit will be used to inform directly the Home Secretary's decision as to continued suspension, it is important that we also provide the most current information possible.

We are now satisfied that the forces that were not compliant at the time of our revisit have, since our revisit, achieved compliance with all features of the scheme.

In 2015, a further 19 forces were assessed as not complying with one or two features of the scheme.<sup>1</sup> We will be revisiting these forces to assess their compliance with the scheme. We will write to the relevant chief constables to notify them formally of our revisit.

HMIC believes that the scheme would benefit from clarification or amendment in some areas and we have, therefore, made recommendations to the Home Office and College of Policing for them to consider as part of their current review of the scheme.

---

<sup>1</sup> The 19 forces are: City of London Police, Cleveland Police, Derbyshire Constabulary, Devon and Cornwall Police, Dorset Police, Durham Constabulary, Essex Police, Greater Manchester Police, Hertfordshire Constabulary, Humberside Police, Kent Police, Merseyside Police, Metropolitan Police Service, Northamptonshire Police, North Wales Police, North Yorkshire Police, South Yorkshire Police, Surrey Police and West Midlands Police.

## Recommendations

### Recommendation 1

By 31 December 2016, the Home Office and the College of Policing should consider, as part of their current review of the scheme, revising the feature relating to section 60 authorisations, to allow officers of inspector to chief superintendent rank to make such authorisations in exceptional circumstances.

Those circumstances should include only where:

- there is an unforeseeable and urgent need for an authorisation to protect the public and/or officers; and
- an officer of above chief superintendent rank cannot be contacted at the time; and
- an officer of above chief superintendent rank must consider the authorisation as soon as practicable and endorse or rescind it; and
- any authorisation made under these circumstances, including the reason for it, must be made public.

### Recommendation 2

By 31 December 2016, the Home Office and the College of Policing should consider, as part of their current review of the scheme, revising the feature relating to forces' monitoring the use of stop and search powers, to include minimum monitoring requirements.

# Introduction

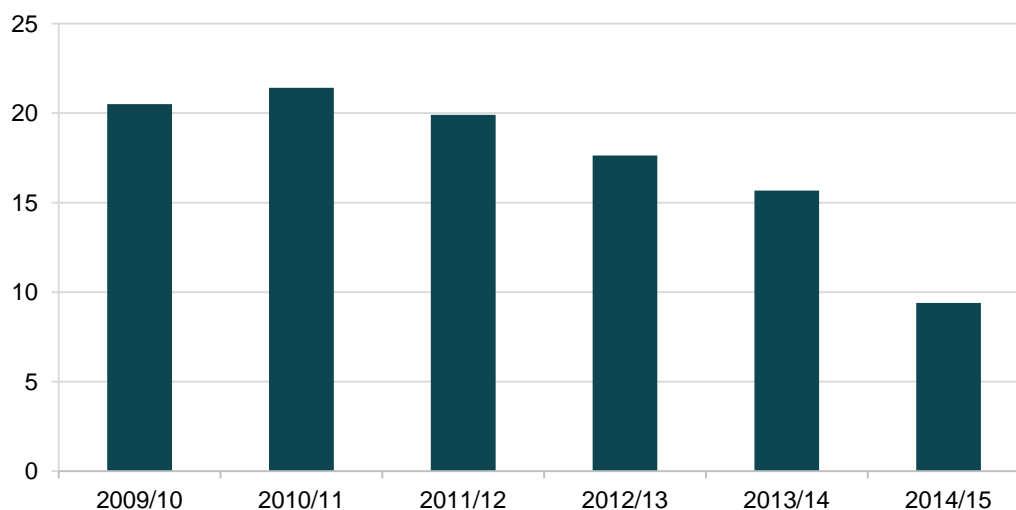
## About stop and search

The purpose of stop and search powers is to enable officers to eliminate or confirm suspicions about individuals carrying unlawful items without exercising their power of arrest. An officer must have reasonable grounds for carrying out a search.<sup>2</sup>

The powers to stop and search people are some of the most intrusive of those available to the police. While it can be a valuable tool in the fight against crime when based on genuinely objective reasonable grounds, its disproportionate use among black, Asian and minority ethnic communities threatens to undermine the legitimacy of the police. As such, it is crucial that all forces use these powers fairly, and demonstrate to the public that they are doing so.

Over the last few years, the use of stop and search powers has been declining. The number of searches per 1,000 people under section 1 of the Police and Criminal Evidence (PACE) Act 1984<sup>3</sup> (and associated legislation) for the 12 months to 31 March 2015, was about half that in the 12 months to 31 March 2010.

**Figure 1: Stops and searches under section 1 of the Police and Criminal Evidence Act 1984 (and associated legislation) per 1,000 population for England and Wales, for the financial years 2009/10 to 2014/15**



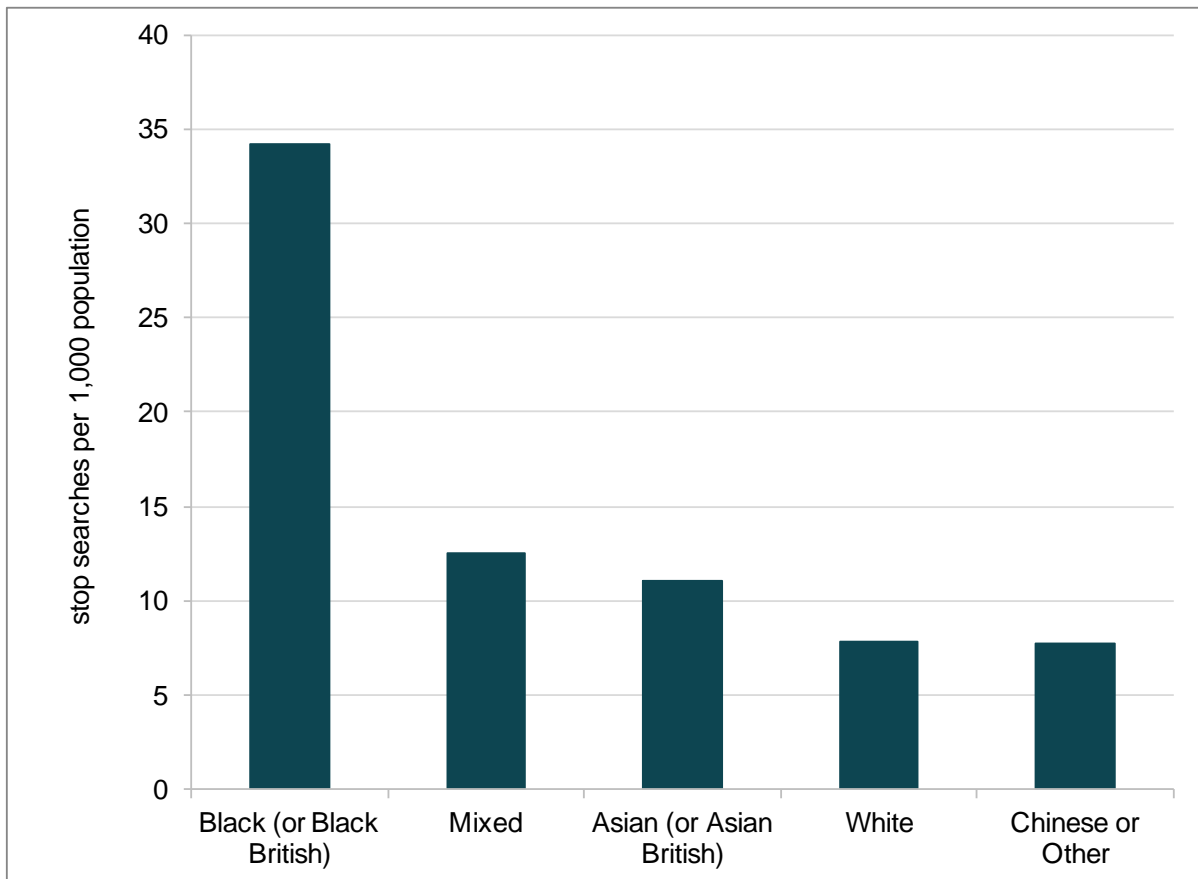
**Source: Home Office Stop and Search Data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates**

<sup>2</sup> See also the College of Policing's definition of effective and fair use of stop and search powers, available at: [www.app.college.police.uk/app-content/stop-and-search/?s](http://www.app.college.police.uk/app-content/stop-and-search/?s)

<sup>3</sup> Under section 1 of PACE, a police officer may search a person or vehicle in public for stolen or prohibited articles. Prohibited articles may include offensive weapons, or articles that may be used in order to commit a crime. PACE Code A was revised in March 2015.

While use of stop and search powers is declining, the frequency by which members of different ethnic groups are subject to stop and search powers is still disproportionate to their representation in the general population in the area,<sup>4</sup> particularly among black people (see figure 2 below). Notwithstanding the reduction in the use of the powers in recent years, figure 2 also shows that black people are still over four times more likely to be stopped and searched than white people.

**Figure 2: Stop and search per 1,000 population, by ethnicity in England and Wales, 12 months to March 2015**



Source: Home Office Stop and Search Data, Police Powers and Procedures 2014/15 and Census 2011

**NB:**

1. Includes searches under section 1 of PACE and section 60 of the Criminal Justice and Public Order Act 1994
2. Population breakdowns are based on the 2011 census. It is likely that ethnicity breakdowns have changed since 2011, so figures presented above should be considered estimates only
3. Excludes vehicle-only searches

<sup>4</sup> Based on data from the 2011 Census.

In our 2013 inspection into police forces' use of stop and search powers,<sup>5</sup> HMIC found that forces were largely unable to evaluate the effect of their use of stop and search. As part of forces' efforts to reduce bureaucracy, many had reduced the amount of data they collected about stop and search.<sup>6</sup> This reduction has degraded forces' ability to understand how their officers use the powers, and the impact of stop and search on crime rates and public confidence in the police.

## **The Best Use of Stop and Search scheme**

In August 2014, the Home Office and College of Policing launched the Best Use of Stop and Search (BUSS) scheme, with the aims of achieving greater transparency and community involvement in the use of stop and search powers and to support a more intelligence-led approach leading to better outcomes.<sup>7</sup> Through these arrangements, the scheme aims to increase public confidence that stop and search powers are being used fairly, lawfully and effectively. All 43 police forces in England and Wales voluntarily signed up to the scheme. The features of the scheme are:

- Data recording and publishing – forces will record and publish the full range of stop and search outcomes (including, for example, cautions and penalty notices for disorder) rather than simply recording arrest figures. Forces will also publish data detailing the number of times stop and search powers were used in which the outcome of the search directly resulted from finding the object that was searched for.
- Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol and observe them when they might use stop and search powers.
- Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.
- Reducing the use of stop and search powers under section 60 of the Criminal Justice and Public Order Act 1994<sup>8</sup> by: raising the level of authorisation to

---

<sup>5</sup> *Stop and Search Powers – are the police using them effectively and fairly?* HMIC, July 2013. Available at: [www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

<sup>6</sup> Changes under section 1 of the Crime and Security Act 2010 were made to reduce the reporting requirements on the police when they stop and search individuals.

<sup>7</sup> *Best Use of Stop and Search Scheme*, Home Office and College of Policing, 2014. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346922/Best\\_Use\\_of\\_Stop\\_and\\_Search\\_Scheme\\_v3.0\\_v2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)

<sup>8</sup> Section 60 of the Criminal Justice and Public Order Act 1994 allows a police officer to stop and search a person without having reasonable grounds to suspect the person has on them a stolen or prohibited item, provided an officer of inspector rank or above reasonably believes—(a) that incidents



senior officer (above the rank of chief superintendent); ensuring that section 60 stop and search is only used where it is deemed necessary – and making this clear to the public; in anticipation of serious violence, the authorising officer must reasonably believe that an incident involving serious violence will take place rather than may take place; limiting the duration of initial authorisations to no more than 15 hours (down from 24); and communicating to local communities in advance (where practicable) when the use of section 60 powers is authorised and afterwards, so that the public is kept informed of the purpose and success of the operation.

- Race and diversity monitoring – forces are expected to ensure that the impact of the scheme, particularly as it relates to individuals from black, Asian and minority ethnic groups or young people, is monitored.

As part of HMIC’s 2015 PEEL legitimacy inspection,<sup>9</sup> we assessed each of the 43 forces on their compliance with each feature of the scheme.

In our 2015 inspection, we reported that only 11 forces were complying with all five features of the scheme, 19 forces were not complying with one or two features of the scheme and 13 forces were not complying with three or more features. Our 2015 assessment of compliance for all forces is at Annex A.

Considering the impact that the use of stop and search powers has on police legitimacy, HMIC made the following recommendation in our 2015 legitimacy inspection report:

“The 13 forces that are not complying with three or more of the requirements of the Best Use of Stop and Search scheme – Cambridgeshire, Cheshire, Cumbria, Gloucestershire, Lancashire, Leicestershire, Lincolnshire, Northumbria, South Wales, Staffordshire, Warwickshire, West Mercia and Wiltshire – should put in place an action plan setting out how they will comply

---

involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence, or (b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason, he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.

<sup>9</sup> The annual police effectiveness, efficiency and legitimacy (PEEL) programme provides an individual assessment for each of the 43 police forces as well as an overview of policing in England and Wales. It uses the three themes of effectiveness, efficiency and legitimacy to give the public information on how well their force is performing in respect of a small number of categories of police activity. The 2015 PEEL assessment, published in February 2016, is available at:

[www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

with all the features of the scheme. HMIC will revisit these forces within six months to determine what improvements have been made.”<sup>10</sup>

In February 2016, the Home Secretary suspended these 13 forces from the scheme and confirmed that she would decide whether to lift their suspension or remove them from the scheme altogether based on the findings of HMIC’s revisits. The Home Secretary also wrote to the 19 forces that, in 2015, were not complying with one or two of the features, putting them on notice that their compliance would be monitored.

The Home Office and College of Policing are currently reviewing the scheme.

## **Methodology**

Between 24 June and 5 August 2016, HMIC reviewed the 13 forces’ websites, documents submitted to us by those forces and the stop and search performance information published on the police.uk website. We also gathered further evidence from forces, including interviewing relevant senior managers as required.

Our assessments are made based on what we found to be the case at the time of the revisit, almost two years from the introduction of the scheme.

---

<sup>10</sup> *PEEL: Police legitimacy 2015 – A national overview*, HMIC, February 2016. Available at: [www.justiceinspectors.gov.uk/hmic/publications/stop-and-search-powers-20130709/](http://www.justiceinspectors.gov.uk/hmic/publications/stop-and-search-powers-20130709/)

## Our findings

### Overview

At the time of this revisit, HMIC found that six of the forces – Cambridgeshire Constabulary, Cheshire Constabulary, Lancashire Constabulary, Northumbria Police, Warwickshire Police and West Mercia Police – were compliant with all features of the Best Use of Stop and Search scheme.

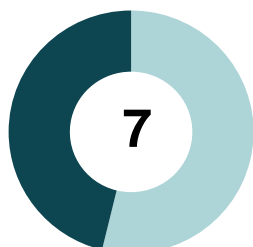
We were disappointed to find, however, that at the time of our revisit just over half – seven – of the 13 forces were still not complying with all five features of the scheme. Of these, one force (Gloucestershire Constabulary) was not compliant with more than one feature of the scheme.

**Figure 3: 13 forces' compliance with the Best Use of Stop and Search Scheme at the time of our revisit (24 June 2016 - 5 August 2016).**

	Recording and publishing outcomes	Providing opportunity for the public to observe officers using the powers	Explaining to the public how the powers are being used following a community complaint	Reducing the number of searches under section 60 Criminal Justice and Public Order Act 1994	Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups
Cambridgeshire	Yes	Yes	Yes	Yes	Yes
Cheshire	Yes	Yes	Yes	Yes	Yes
Cumbria	Yes	Yes	No	Yes	Yes
Gloucestershire	No	Yes	Yes	Yes	No
Lancashire	Yes	Yes	Yes	Yes	Yes
Leicestershire	No	Yes	Yes	Yes	Yes
Lincolnshire	No	Yes	Yes	Yes	Yes
Northumbria	Yes	Yes	Yes	Yes	Yes
Staffordshire	No	Yes	Yes	Yes	Yes
South Wales	No	Yes	Yes	Yes	Yes
Warwickshire	Yes	Yes	Yes	Yes	Yes
West Mercia	Yes	Yes	Yes	Yes	Yes
Wiltshire	No	Yes	Yes	Yes	Yes

Detailed assessments for each of the 13 forces can be found on HMIC's website at [www.justiceinspectorates.gov.uk/hmic/publications-best-use-of-stop-and-search-scheme](http://www.justiceinspectorates.gov.uk/hmic/publications-best-use-of-stop-and-search-scheme)

## Recording and publishing outcomes



Only 7 of the 13 forces recorded and published stop and search outcomes. Six forces – Gloucestershire Constabulary, Leicestershire Police, Lincolnshire Police, Staffordshire Police, South Wales Police and Wiltshire Police – were still not complying with the requirement to record and publish the full list of outcomes.

Forces participating in the scheme are expected to record and publish where a stop and search has resulted in one of the following outcomes:

- an arrest;
- a summons/charged by post;
- caution (simple or conditional);
- khat<sup>11</sup> or cannabis warning;
- penalty notice for disorder;
- community resolution; or
- where no further action is taken.

The reason for publishing this data in an accessible way is so forces can be held to account for how they are using these powers, and the extent to which they result in police action.

There may be occasions, however, where the action that a stop and search encounter leads to is not connected to the grounds on which it was conducted. Such actions (or outcomes) are likely to represent either the chance finding of an item but not the item searched for, or are unrelated to finding an item at all. For example, an officer finds nothing but the person stopped and searched is wanted for a separate offence or where nothing is found but the person's behaviour during the encounter leads to police action (e.g. disorderly behaviour). As such, the measure of the success of a stop and search is not necessarily that it leads to police action (or 'outcome').

---

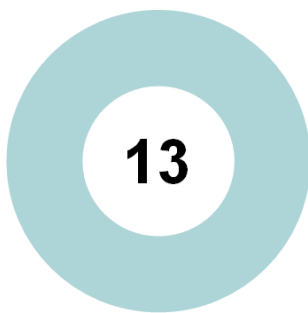
<sup>11</sup> Khat is classified as a class C controlled drug by the Misuse of Drugs Act 1971.

Consequently, forces participating in the scheme must also make data available which show the connection, or lack of one, between the outcome of the stop and search and the object of the search to show whether or not the outcome directly results from finding the item searched for. This is the most accurate test of the reasonableness of the grounds for using stop and search powers.

HMIC found that six forces – Gloucestershire Constabulary, Leicestershire Police, Lincolnshire Police, Staffordshire Police, South Wales Police and Wiltshire Police – were still not complying with the requirement to record and publish the outcomes in an accessible way, including the number of stop and search encounters in which the outcome was connected to finding the item that was searched for.

We are satisfied that, since our revisit, all of these forces have since taken action to publish the required data and are now compliant with this feature of the scheme.

## Lay observation



All 13 forces provide the opportunity for the public to observe officers using stop and search powers.

The scheme requires participating forces to provide opportunities for members of the public to accompany police officers on patrol when they might use stop and search powers. The scheme recognises that stop and search rates vary between forces and it is difficult to predict when stop and search powers might be used.

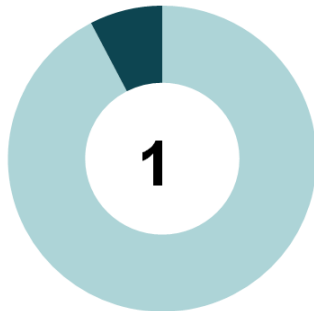
We found that all 13 forces had procedures in place to allow this to occur and many publicised the opportunity on their websites.

West Mercia Police and Warwickshire Police actively promote their ride-along scheme using a variety of methods including Facebook, Twitter, local press and posters in police stations and community centres. Members of independent advisory groups, citizens' academies and race and equality partnerships have also been encouraged to participate. The way the forces promote the scheme is considered by HMIC to be good practice.

Staffordshire Police encourages members of the public to join safer neighbourhood panels, developed by the Office of the Police and Crime Commissioner, on a short or long-term basis. Members of the panels are invited to attend and observe specific police operations. Feedback from such observations – which have included observation of stop and search encounters – has resulted in improvements to the

way officers use body worn video to record the use of stop and search powers. As predicting when stop and search powers might be used is difficult, we consider it good practice to allocate the lay observations to police operations that are more likely than routine patrol to involve the use of stop and search powers.

## Community complaints trigger



One force, Cumbria Constabulary, was still not complying with the requirement to introduce a community complaints trigger that, each time it is activated, prompts explanation to the community.

Under the Best Use of Stop and Search Scheme, “forces participating in the Scheme will develop a complaint policy which ensures individuals stopped and searched are made aware of where to complain; introduce a threshold above which the police are compelled to explain their use of stop and search; and that explanation will be given, primarily, to local community groups responsible for scrutinising the use of stop and search.”<sup>12</sup>

A good example of improved transparency involves West Mercia Police and Warwickshire Police, which publish on their force websites details of complaints made about their use of stop and search powers. Similarly, Lancashire Constabulary, as part of its response to complaints about stop and search, considers inviting complainants to participate in their ride-along scheme so they can get an insight into police work.

Our revisit identified that one force – Cumbria Constabulary – was still not complying with the community trigger requirement. The force had developed a community trigger which members of the public could activate by applying via the force’s website. The force informed us that all stop and search complaints also activated the trigger. However, while the policy and procedures state that all such complaints would be investigated by the professional standards department, we found that only those complaints the force determined to warrant it resulted in an explanation to local community groups. Consequently, we found that not all stop and search complaints activating the trigger would lead to an explanation to community groups. We are

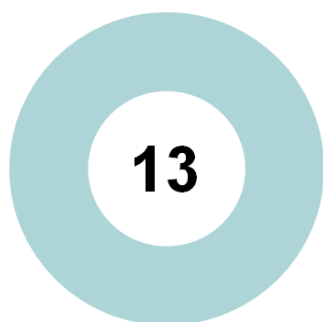
---

<sup>12</sup> *Best Use of Stop and Search Scheme*, Home Office and College of Policing, 2014, page 5. Available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346922/Best\\_Use\\_of\\_Stop\\_and\\_Search\\_Scheme\\_v3.0\\_v2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)

satisfied that since our revisit Cumbria Constabulary has amended its policy and procedures to achieve compliance with this feature of the scheme.

## Reducing the use of powers under section 60 of the Criminal Justice and Public Order Act 1994



All 13 forces are reducing the number of searches under section 60 Criminal Justice and Public Order Act 1994.

Section 60 stop and search powers are among the most controversial of these powers as police officers are not required to have any reasonable grounds for suspicion once a section 60 authorisation is in place. The BUSS scheme introduces a set of requirements that should reduce and improve forces' use of these types of stop and search encounters. Participating forces are required to 'revise their use of section 60 stop and search powers so that all stops and searches conducted under this section adhere to certain conditions'.<sup>13</sup> These conditions include:

"The 1994 Act currently provides for an officer of at least the rank of inspector to give a section 60 authorisation in a particular area for a specified period time. Forces in the Scheme will raise the level of authorisation to a senior officer."<sup>14</sup>

In this context, senior officer means an officer above the rank of chief superintendent.<sup>15</sup>

The requirement for forces participating in the Best Use of Stop and Search scheme to authorise the use of section 60 powers at senior officer level is an important feature of the scheme, which is likely to help further reduce the volume of such searches. Figure 4, below, which illustrates the national reduction in the use of section 60 powers since 2009/10, shows that the use of such powers was reducing prior to the scheme's implementation.

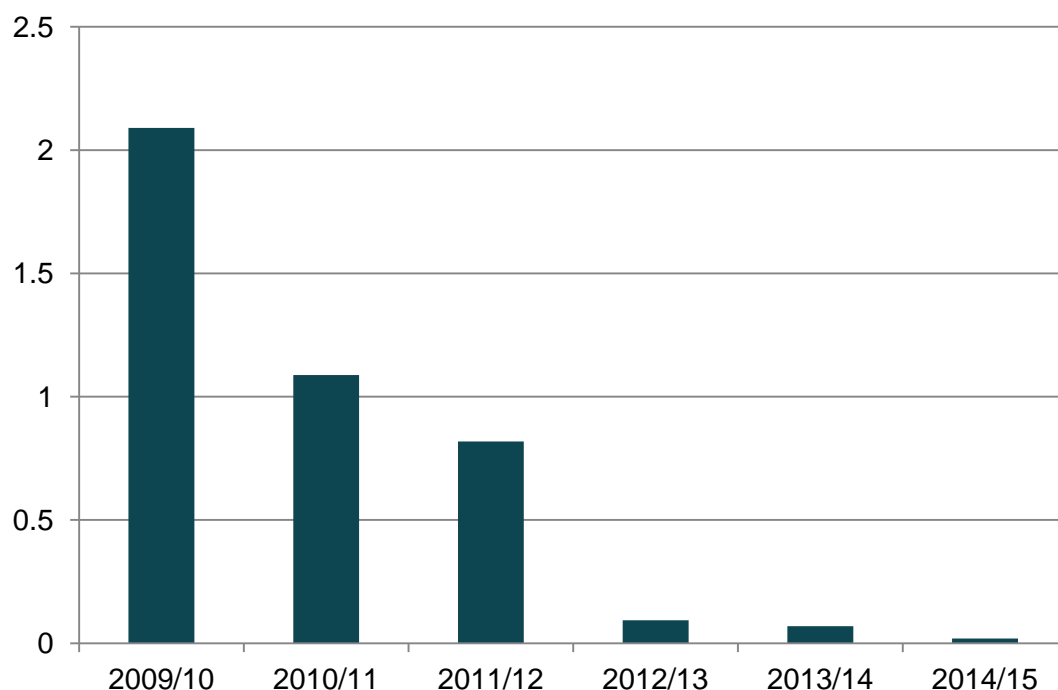
---

<sup>13</sup> *Best Use of Stop and Search Scheme*, Home Office and College of Policing, 2014, page 6.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

**Figure 4: Stops and searches under section 60 of the Criminal Justice and Public Order Act 1994 per 1,000 population for England and Wales, for the financial years 2009/10 to 2014/15**



**Source: Home Office Stop and Search Data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates**

HMIC found that all 13 forces had raised the authorisation level to above chief superintendent in accordance with the scheme. Five of these forces had introduced a contingency measure to allow lower-ranking officers to authorise the use of the powers in certain circumstances.

Warwickshire Police's and West Mercia Police's policy on section 60 authorisation contains the following safeguards permitting lower-ranking officers to authorise the use of the power only if:

- there is an unforeseeable and urgent need for the authorisation to protect the public or officers; and
- an officer of above chief superintendent rank is not available; and
- an officer of above chief superintendent rank considers the circumstances as soon as is practicable and either endorses or rescinds the authorisation.

Under the provisions of the Criminal Justice and Public Order Act 1994, officers of inspector rank or above are permitted to authorise the use of section 60 stop and search powers. However, while legal, where such authorisations are made by officers of a rank below senior officer, forces would not be compliant with the scheme. In this case forces are required by the scheme to publish their reasons for deviating from the scheme.



None of the five forces that have introduced this contingency measure have had to use it since our last inspection in autumn 2015. Consequently, we found these forces to be compliant. However, the potential for future non-compliance remains while the contingency measure is in place, and none of the force policies are explicit about the requirement to publish the reasons for deviation from the requirements of the scheme.

HMIC believes that allowing inspectors and above to authorise the use of stop and search powers under section 60 in exceptional circumstances is an appropriate approach, provided that safeguards – as already set out by Warwickshire Police and West Mercia Police – are explicitly stated in force policies, that such authorisations are made only where these safeguards exist, and that the reasons for deviating from the requirements of the scheme are made public.

Other conditions of this feature of the scheme include ensuring that the authorising officer has considered the authorisation necessary to prevent serious violence or to apprehend persons carrying weapons. Senior officers in participating forces must have a higher degree of certainty by reasonably believing that incidents involving serious violence will, rather than may, take place. HMIC's revisit found that while all forces were compliant in these aspects, Staffordshire Police's stop and search policy included particularly comprehensive information and guidance to those considering authorising searches under section 60. The examples of reasonable belief that violence will take place are particularly helpful, and should be considered as good practice.

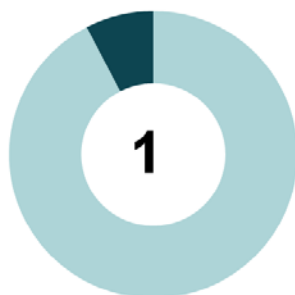
### **Recommendation 1**

By 31 December 2016, the Home Office and the College of Policing should consider, as part of their current review of the scheme, revising the feature relating to section 60 authorisations, to allow officers of inspector to chief superintendent rank to make such authorisations in exceptional circumstances.

Those circumstances should include only where:

- there is an unforeseeable and urgent need for an authorisation to protect the public and/or officers; and
- an officer of above chief superintendent rank cannot be contacted at the time; and
- an officer of above chief superintendent rank must consider the authorisation as soon as practicable and endorse or rescind it; and
- any authorisation made under these circumstances, including the reason for it, must be made public.

## Monitoring the impact of stop and search



One force, Gloucestershire Constabulary, was still not complying with the requirement to monitor the impact of the use of stop and search powers, particularly in respect of black, Asian and minority ethnic people and young people.

The Best Use of Stop and Search scheme requires that “forces participating in the scheme will ensure that the impact of the Best Use of Stop and Search scheme is monitored, particularly as it relates to individuals from Black and Minority Ethnic groups and young people”.<sup>16</sup>

Our revisit identified that one force – Gloucestershire Constabulary – was not complying with the requirement to monitor the impact of the use of stop and search powers, particularly in respect of black, Asian and minority ethnic people and young people.<sup>17</sup> We are satisfied that, since our revisit, the force has introduced a monitoring process and is now compliant with this feature of the scheme.

We also found that in the majority of forces revisited, monitoring remains limited. Some forces monitor little more than the total number of stops and searches by ethnic group, the ages of those stopped and searched and the overall arrest rate. This hinders forces’ ability to develop a good understanding of how the powers are being used, and the extent to which they are being used fairly and effectively. In our 2013 stop and search inspection<sup>18</sup> and again in our 2015 PEEL legitimacy report,<sup>19</sup> we explained why the arrest rate is not a good measure of how effectively or fairly forces’ use the powers.

Our revisit identified a good example in Staffordshire Police which uses effective monitoring of data to improve public safety, including protecting vulnerable people. The force carries out a monthly review of all stop and search encounters involving a person under 18 years old, and all those involving black, Asian, or minority ethnic people. The review includes consideration of the details of each stop and search to

---

<sup>16</sup> *Best Use of Stop and Search Scheme*, Home Office and College of Policing, 2015, page 5.

<sup>17</sup> Since the re-inspection, we are aware that Gloucestershire Constabulary plans to monitor data on ethnicity and age by September 2016.

<sup>18</sup> *Stop and Search Powers – are the police using them effectively and fairly?* HMIC, July 2013. Available at: [www.justiceinspectorates.gov.uk/hmic/publications/stop-and-search-powers-20130709/](http://www.justiceinspectorates.gov.uk/hmic/publications/stop-and-search-powers-20130709/)

<sup>19</sup> *PEEL: Police legitimacy 2015 – A national overview*, HMIC, February 2016. Available at: [www.justiceinspectorates.gov.uk/hmic/publications/police-legitimacy-2015/](http://www.justiceinspectorates.gov.uk/hmic/publications/police-legitimacy-2015/)

identify potential vulnerability. Information about vulnerability is routinely shared with partner agencies to reduce any risks to children and young people that have been identified. In July 2016 a young girl, previously unknown to the police, was stopped and searched with three people who were known to be involved in a street gang. Enquiries revealed that the girl was on the periphery of the gang and at risk of being sexually exploited. A police community support officer was allocated to work with the girl and her parents to reduce the risks posed by her association with the gang.

### **Recommendation 2**

By 31 December 2016, the Home Office and the College of Policing should consider, as part of their current review of the scheme, revising the feature relating to forces' monitoring the use of stop and search powers, to include minimum monitoring requirements.

## Conclusions and next steps

HMIC found that all 13 forces had made progress on compliance with the Best Use of Stop and Search scheme. Notwithstanding this progress, we were disappointed to find that, at the time of our revisit, seven of the 13 forces suspended from the BUSS scheme in February 2016 were, more than three months after suspension (and some 18 months since they originally signed up to the scheme), still not compliant with all of its features.

HMIC inspection reports, by their nature, are assessments of law enforcement agencies' systems, processes and performance at a given moment in time. As such, we do not comment routinely upon initiatives, innovations and changes in policy and practice conducted after the inspection period, or take these into account in any assessment we make. However, as our findings will be used to inform the Home Secretary's decision on forces' continued suspension from the scheme, where we are aware that forces have subsequently carried out additional work to achieve compliance, we have mentioned this in the report. We found that the seven forces not complying at the time of the revisit have since achieved compliance.

While HMIC is encouraged by these forces' subsequent compliance, we are nevertheless disappointed that achieving compliance has taken over 18 months from the date the forces volunteered to participate in the scheme.

As a result of our findings, we have recommended to the Home Office and the College of Policing that certain features of the scheme are considered for amendment as part of their current review, specifically introducing minimum monitoring standards and a contingency to allow lower-ranking officers to make section 60 authorisations in exceptional circumstances to protect the public.

HMIC would be happy to work with the Home Office and the College of Policing to consider amendments to the scheme.

In 2015 we assessed a further 19 forces as not complying with one or two features of the scheme. We will be revisiting these forces to assess their compliance with those features they were not complying with last year. We will write to the relevant chief constables to notify them formally of our revisit.

We intend to revisit the use of stop and search powers more widely as part of our 2017/18 PEEL legitimacy inspections.

## Annex A: Compliance with the Best Use of Stop and Search scheme – PEEL 2015 findings

	Recording and publishing outcomes	Providing opportunity for the public to observe officers using the powers	Explaining to the public how the powers are being used following activation of the community complaint trigger	Reducing the number of searches under Section 60 Criminal Justice and Public Order Act 1994	Monitoring the impact of stop and search – particularly on young people and black, Asian and minority ethnic groups	Number of stops and searches per 1,000 population
Avon and Somerset	Y	Y	Y	Y	Y	6.3
Bedfordshire	Y	Y	Y	Y	Y	4.6
Cambridgeshire	N	Y	N	Y	N	7.3
Cheshire	N	N	N	Y	N	9.0
City of London	N	Y	Y	Y	N	4.8
Cleveland	N	Y	Y	Y	Y	16.8
Cumbria	N	N	N	Y	Y	13.2
Derbyshire	N	Y	Y	Y	Y	5.3
Devon and Cornwall	N	Y	Y	Y	N	5.0
Dorset	N	Y	Y	Y	Y	9.5
Durham	N	Y	N	Y	Y	13.4
Dyfed-Powys	Y	Y	Y	Y	Y	10.2
Essex	Y	N	Y	Y	Y	3.0
Gloucestershire	Y	N	N	N	N	4.4
Greater Manchester	Y	Y	Y	N	Y	5.1
Gwent	Y	Y	Y	Y	Y	3.9
Hampshire	Y	Y	Y	Y	Y	9.6
Hertfordshire	N	Y	Y	Y	Y	9.9
Humberside	N	Y	Y	Y	Y	4.8
Kent	N	N	Y	Y	Y	5.3
Lancashire	N	N	N	Y	Y	5.6
Leicestershire	N	N	Y	Y	N	3.3
Lincolnshire	N	N	Y	Y	N	8.1
Merseyside	N	Y	Y	Y	Y	18.0
Metropolitan Police	N	Y	Y	Y	Y	20.1
Norfolk	Y	Y	Y	Y	Y	10.8
Northamptonshire	N	N	Y	Y	Y	6.4
Northumbria	N	Y	N	Y	N	12.1
Nottinghamshire	Y	Y	Y	Y	Y	3.7
North Wales	Y	N	Y	Y	Y	5.1
North Yorkshire	N	Y	Y	Y	Y	8.4
South Wales	N	Y	N	Y	N	8.1
South Yorkshire	N	Y	Y	Y	Y	6.5
Staffordshire	N	N	Y	Y	N	5.6
Suffolk	Y	Y	Y	Y	Y	6.0
Surrey	N	Y	Y	Y	Y	9.5
Sussex	Y	Y	Y	Y	Y	7.1
Thames Valley	Y	Y	Y	Y	Y	7.6
Warwickshire	N	N	N	Y	Y	5.6
West Midlands	N	Y	Y	Y	Y	5.6
West Mercia	N	N	N	Y	Y	7.9
West Yorkshire	Y	Y	Y	Y	Y	9.6
Wiltshire	N	N	N	Y	N	4.6
Totals complying / England and Wales total	15	29	32	41	32	9.3