

# Stop and Search Powers 2: Are the police using them effectively and fairly?

An inspection of Cambridgeshire Constabulary

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## Introduction

In 2013, HMIC published its report, *Stop and Search Powers: Are the police using them effectively and fairly?* This concluded that stop and search powers were rarely targeted at priority crimes in particular areas, and that there was very little understanding in forces about how the powers should be used most effectively and fairly to cut crime.

HMIC made ten recommendations in the 2013 report, and made a commitment to assess the progress made by forces and the College of Policing in carrying out the recommended action 18 months later.

Additionally, in 2014, the Home Secretary commissioned HMIC to:

- review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly;
- provide analysis of how forces in England and Wales compare with overseas jurisdictions, both in terms of the powers available and the way they are used; and
- examine the use of search powers involving the removal of more than a person's outer clothing, including strip searches, to identify whether these searches are lawful, necessary and appropriate.

In 2015, as part of the review of progress from 2013 and the reviews set by the Home Secretary, all forces were required to carry out a self-assessment and, to supplement that, HMIC carried out in-depth fieldwork in nine forces. Cambridgeshire Constabulary was one of those forces. The national report *Stop and Search Powers 2: Are the police using them effectively and fairly?*<sup>1</sup> was published on 24 March 2015.

Our findings in respect of Cambridgeshire Constabulary in relation to the recommendations made in 2013 are reported in part 1 of this report.

Our inspection of the use of powers to stop people (other than specific stop and search powers), and the use of stop and search powers that involve the removal of more than outer clothing, are reported in parts 2 and 3 of this report.

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<sup>1</sup> *Stop and Search Powers 2: Are the police using them effectively and fairly?* 2015, HMIC, London. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

## Methodology

As part of this inspection, all 43 Home Office forces in England and Wales and the British Transport Police were required to complete a self-assessment of their progress against the 2013 recommendations. They also submitted supporting documents, including relevant policies and reports.

In January 2015, we carried out fieldwork in Cambridgeshire Constabulary and eight other forces, in which we conducted:

- interviews with community representatives;
- interviews with senior managers;
- focus groups with a total of 50 operational sergeants and inspectors;
- focus groups with a total of 100 operational constables and PCSOs; and
- 237 knowledge checks.<sup>2</sup>

In order to verify and strengthen our findings, we carried out visits to police stations where we spoke with officers in intelligence units, investigation units, response teams, neighbourhood teams and custody suites. We attended briefings to see the information that officers received before going out on patrol and attended management meetings to observe how resources were deployed and managed.

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<sup>2</sup> A short test of five questions on the application of the PACE Codes of Practice, Code A.

## **Part 1- Findings in respect of recommendations made in HMIC's 2013 report, *Stop and search powers: Are the police using them effectively and fairly?*<sup>3</sup>**

This section sets out our findings from the self-assessment provided by Cambridgeshire Constabulary and the evidence collected from fieldwork in the force.

### **Recommendation 1 from 2013**

Chief constables and the College of Policing should establish in the stop and search Authorised Professional Practice a clear specification of what constitutes effective and fair exercise of stop and search powers, and guidance in this respect. This should be compliant with the Code of Practice.

#### **Grounds for recommendation 1**

In our inspection in 2013 we found that, with a few exceptions, forces were not able to demonstrate how effective and fair their use of stop and search powers had been. Forces were unclear about what effective and fair meant in the context of stop and search encounters, and there was little evidence that officers were provided with guidance or instruction to assist their understanding.

#### **Findings in respect of Cambridgeshire Constabulary regarding recommendation 1**

Notwithstanding the absence of progress on the development of authorised professional practice, many forces have made efforts to define effective and fair stop and search encounters and have provided guidance and instruction to their officers.

We found that Cambridgeshire Constabulary had a local policy relating to the use of stop and search powers. However, the force did not have a definition of what constituted an effective use of the powers.

There is not yet a national definition of what makes the use of stop and search powers effective and fair within the Authorised Professional Practice – the purpose of this recommendation. Despite this, and similar to most forces, Cambridgeshire Constabulary reported that it had conducted work within the past three years to determine the extent to which the use of stop and search powers was fair.

In the absence of a nationally agreed definition, forces' interpretations vary when defining what effective means in relation to stop and search encounters.

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<sup>3</sup> *Stop and Search Powers: Are police using them effectively and fairly?* HMIC, London, 2013, [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)

Cambridgeshire Constabulary recorded the following outcomes from the use of stop and search:

- advice;
- arrest;
- formal warning;
- fixed penalty notice for disorder;
- guardian awareness programme (a local initiative); and
- no further action.

Additionally, Cambridgeshire Constabulary recorded if the searched for item, or any other prohibited item, was found. It also recorded if an arrest was made as a result of the item searched for being found, or any other prohibited item being found. This means the force is able to differentiate between those arrests made because the original suspicion was accurate, those arrests made where a different item than that suspected was found, and those arrests made which were not connected at all to the original suspicion (for instance, an arrest for disorderly conduct or an arrest because the person was already wanted for another offence). This allows the force to analyse the information it receives from stop and search encounters to determine if they are effective and fair.

However, the force considers that a positive outcome includes issuing a person stopped and searched with a fixed penalty notice for disorder; this may mean that the force inflates its successful outcomes where such a notice is issued in circumstances where no prohibited item, suspected or not, has been found.

The force has adopted the Home Office's Best Use of Stop and Search Scheme and, while the scheme guidance is posted on the force intranet, officers we spoke to informed us that there has been little communication of that to frontline staff. The major change has been the removal of the individual stop and search targets. We were told consistently, by a number of officers, that there is now no pressure to carry out stop and search powers and that the previous performance regime has been replaced by a focus on safeguarding.

A Cambridge University study into potential disproportionality in the use of stop and search powers was commissioned by the force in 2012 and indicates that stop and search encounters are not carried out disproportionately in Cambridgeshire. However, Cambridgeshire Constabulary has not carried out any recent analytical work to determine if the powers are used fairly, and the research is now dated.

## **Recommendation 2 from 2013**

Chief constables should establish, or improve, monitoring of the way officers stop and search people so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the Code of Practice) and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.

### **Grounds for recommendation 2**

In 2013, HMIC found that very few forces could demonstrate that the use of stop and search powers was based on an understanding of what works best to cut crime, and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to tackle bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence. Of the 8,783 stop and search records HMIC examined in 2013, 27 percent did not include sufficient reasonable grounds to justify the lawful use of the power.

### **Findings in respect of Cambridgeshire Constabulary regarding recommendation 2**

Similar to the vast majority of forces, Cambridgeshire Constabulary reported that it systematically collects information about stop and search encounters. However, while the management oversight includes a review of the outcomes achieved from stop and search encounters which may help to determine if the powers are used effectively, it does not include a review of other factors such as ethnicity, age, gender or name (to review frequency). Therefore, the force did not assess if the powers were used fairly.

Cambridgeshire Constabulary is one of about three-quarters of forces that reported that auditing the use of the powers to check that they were lawfully carried out now forms part of their scheduled programme of audits. The most recent is reported to have taken place in November 2014. However, the audits are not undertaken by a central audit team but take the form of dip-sampling carried out by staff in each of the six local policing areas, the results of which are reviewed at a quarterly strategic meeting, the All Stops Steering and Scrutiny Group. The dip-sampling included a review of proportionality and, similar to just under half of all forces, it also included a review of the effectiveness and legality of the use of the powers. However, the dip-sampling, carried out internally within each local policing area, is not considered to be as effective as an audit carried out by an independent team.



The force places the onus for monitoring stop and search encounters on frontline supervisors. We were told by one senior officer involved in overseeing the use of the powers that supervisors should be left to supervise. This approach misses the point: while supervisors should oversee the use of the powers on individual occasions, senior leaders should not only be checking that they are doing so but also monitoring the wider use of the powers from a force-wide perspective. Identifying trends and assessing effectiveness and fairness can only be done when a fuller picture is available.

We also found that supervisors were, generally, restricting their oversight to supervising stop and search records as opposed to patrolling with their officers and observing stop and search encounters as they happen.

### **Recommendation 3 from 2013**

Chief constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the Code of Practice and equality legislation.

#### **Grounds for recommendation 3**

Code A places a specific obligation on supervisors to monitor the use of stop and search in order to prevent its misuse, and directs that:

- “supervisors must monitor the use of stop and search powers and should consider, in particular, whether there is any evidence that the powers are being exercised on the basis of stereotypes or inappropriate generalisations;
- supervisors should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with the Code; and
- supervisors must also examine whether the records reveal any trends or patterns which give cause for concern and, if so, take appropriate action to address them.”<sup>4</sup>

In 2013, we found little evidence that supervisors observed their constables using stop and search powers. There were inconsistencies in the recording of searches, and evidence that people searched were not always provided with the information required by Code A and that they were not always fairly treated.

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<sup>4</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 5.1, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf).

### **Findings in respect of Cambridgeshire Constabulary regarding recommendation 3**

Similar to the vast majority of forces, Cambridgeshire Constabulary requires supervisors to endorse a stop and search record. This means that details from the record cannot be input to the stop and search database unless the record is endorsed by a supervisor.

The force's stop and search policy does not include any reference to supervisors or supervision. However, the more comprehensive stop and search procedure features some guidance for supervisors, including the requirement to check for legal compliance, and helpful references to quality encounters rather than quantity. The guidance explains that supervisors should promote effective stop and search encounters; it does not explain what effective means and there is no reference to fair use of the powers.

As in 2013, HMIC focus groups with supervisors and constables both revealed that supervisors rarely observed their officers carrying out stop and search encounters. In most cases, supervisors are sitting at a computer rather than patrolling with officers and observing how they carry out their duties.

Supervisors we spoke to told us that they were able only infrequently to supervise their staff carrying out stop and search encounters. Constables we spoke to supported this. Supervisors also told us that the check of the stop and search record was generally a check that the record was completed fully rather than a check on the effectiveness or fairness of the encounter.

Senior officers we spoke to had no concerns about the effectiveness of the supervision of stop and search encounters. It is clear that those expected to supervise are not routinely doing it and those who should be subject of it do not think it is occurring and, therefore, receive no supervisory input from which to learn. This is not a situation with which senior managers should be comfortable.

### **Recommendation 4 from 2013**

The College of Policing should work with chief constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.

## **Grounds for recommendation 4**

In 2013, we found that training, where it was given, was focused almost exclusively on law, procedure and officer safety and very little on what works best to catch criminals, or how officer behaviour can affect the way the encounter is experienced by the person being stopped and searched. We were worried that little was being done by forces to help officers understand how they should judge when they have reasonable grounds to stop and search, how they communicate these grounds to the person being searched and how they record them in accordance with the Police and Criminal Evidence Act 1984.

Addressing recommendation 4 is dependent on the development of a national training package by the College of Policing.

## **Recommendation 5**

Chief constables should ensure that officers and supervisors who need this training are required to complete it and that their understanding of what they learn is tested.

## **Grounds for recommendation 5**

In 2013, we found that supervisors were given little or no training about how to supervise, or to help them understand what is expected of them. We found many examples of supervisors reviewing and signing stop and search records that clearly did not include a description of reasonable grounds for suspicion. For example, on one record signed by a supervisor, the grounds had been recorded as 'Parked in a remote car park after dark'.

## **Findings in respect of Cambridgeshire Constabulary regarding recommendation 5**

Addressing recommendation 5 is first dependent on the development of a national training package, which is not yet available (see recommendation 4 above).

Notwithstanding the absence of a national training package, some forces have sought to improve the training of their officers on the use of stop and search powers.

Despite the absence of a national training package, Cambridgeshire Constabulary has made changes to the stop and search training it provides to officers.

Similar to almost all forces, Cambridgeshire Constabulary reported that, since the 2013 inspection, it had provided refresher training on the use of stop and search powers to frontline officers. This was carried out as part of the annual officer safety training. The other method of training used by the force is e-learning.

In respect of the training provided since the last inspection, the force reports that it now includes training on 'understanding Code A', including what constitutes reasonable grounds, effective searching, and what to record and why. The force reported that it tests if officers have understood the input during annual officer safety training.

We found that e-learning was mandatory for all frontline officers in the force, including supervisors, and 89 percent of officers had completed it.

## **Recommendation 6 from 2013**

Chief constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime-fighting effort.

### **Grounds for recommendation 6**

Intelligence is a valuable by-product of stop and search encounters. However, in 2013 we were surprised at how little effort was given to monitoring how effectively stop and search powers were used to prevent crime and catch criminals. Only five forces had an intelligence field included on their stop and search record, and in a further eight it was noted on the record that a separate intelligence submission had been made. In those forces that did gather intelligence, there was confusion as to whether the stop and search record acted as an automatic intelligence submission or whether a separate intelligence form should be submitted, and we saw evidence of delays in placing the intelligence onto computer systems. This reduced the quality of the intelligence available to officers. Very few forces carried out sufficient analysis to map the locations of stops and searches against recorded crime, or to link stop and search encounters to prosecutions and convictions.

### **Findings in respect of Cambridgeshire Constabulary regarding recommendation 6**

Similar to the vast majority of forces, Cambridgeshire Constabulary reported that the details of stop and search encounters were not recorded automatically onto the intelligence database. The stop and search record used by the force included fields for officers to record a detailed description of the person being stopped and searched but did not include a specific field for officers to record any intelligence gleaned from the encounter. The force relied on officers submitting a separate report with details of intelligence gleaned. The gathering of intelligence and prompt submission of it is left entirely to the discretion of the officer who carried out the search.

The instructions to officers on how promptly they should submit stop and search records varies from force to force.

In Cambridgeshire, officers are instructed to submit stop and search records to supervisors before the end of the tour of duty in which the stop and search encounter occurred, and supervisors are instructed to review records daily.

The detail from records is required to be entered onto the stop and search database within 72 hours. The force reported that checks of timeliness of submissions onto the stop and search database are carried out.

The force stop and search procedure sets out that supervisors must promote to their officers the value of intelligence gleaned from stop and search encounters but, surprisingly, it does not either encourage officers themselves to consider gathering intelligence when conducting encounters, or provide any time limits by which intelligence should be submitted. Valuable intelligence may therefore be missed or submitted late which may reduce its value.

In relation to analysis, similar to about a half of forces, Cambridgeshire Constabulary reported that it did not map the locations of stop and search encounters to assist with analysis and, therefore, was not able to map locations against crime patterns to help it understand how best to reduce or prevent crime.

Supervisors are required to review submitted records daily and detail from the records is required to be submitted to the stop and search database within 72 hours of the encounter. The force is working on a technological solution in the form of a mobile data terminal which would allow immediate input of stop and search data to the stop and search database.

## **Recommendation 7 from 2013**

Chief constables should, in consultation with elected policing bodies, ensure that they comply with the Code of Practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives.

This should be done in a way that involves those people who are stopped and searched, for example, young people.

### **Grounds for recommendation 7**

In 2013, we found that fewer than half of forces complied with the requirement in Code A to make arrangements for the public to scrutinise the use of stop and search powers. Recognising the importance of keeping the public informed, it is surprising how little forces consulted or communicated with the public about their use of stop and search powers. Almost half of forces did nothing to understand the impact of stop and search encounters on their communities, with only a very small number proactively seeking the views of the people and communities most affected.

## **Findings in respect of Cambridgeshire Constabulary regarding recommendation 7**

Similar to over half of all forces, Cambridgeshire Constabulary now publishes information to the public which helps to explain the use of stop and search powers in their area. The information published includes:

- the stop and search policy (but not the force's far more comprehensive stop and search procedures document);
- statistics relating to stop and search encounters (however, the website page on which the data are published was not operating when tested in April 2015);
- frequently asked questions;
- an explanation of rights and responsibilities
- an explanation of fair and effective use (however, when checked in April 2015, this did not include Cambridgeshire Constabulary's definition of fair and effective use);
- an explanation of how stop and search encounters are monitored and scrutinised; and
- information on how members of the public can give feedback to Cambridgeshire Constabulary.

However, the force did not publish maps of the locations of stop and search encounters.

Like about half of all forces, Cambridgeshire Constabulary does not ensure that at least some stop and search records are scrutinised by the public. The All Stops Steering and Scrutiny Group, which has one independent member, considers the results of regular dip-sampling of records by staff from local policing areas, but does not physically scrutinise the records itself.

Similar to all forces, Cambridgeshire Constabulary reports that it carried out work to understand how the use of stop and search powers affects public trust. The force reported that it had sought the views of 725 young people and 1,240 adults about stop and search powers through a survey conducted in August and September 2014, but did not specifically seek the views of people who had been stopped and searched. When asked the question 'How confident are you that Cambridgeshire Constabulary use their stop and searches powers fairly?', 54 percent of the youth group and 52 percent of the general group indicated they were totally or mostly confident, suggesting that almost half of respondents were less than mostly confident that the powers were used fairly.

In line with the Home Office's Best Use of Stop and Search Scheme, Cambridgeshire Constabulary provided opportunities for members of the public to accompany and observe police officers on patrol when they might use stop and search powers. It is recognised that, during a patrol period, officers may not conduct a stop search encounter. Therefore, to increase community oversight, the force is considering forming a lay panel to scrutinise stop and search encounters by reviewing video footage from body worn video.

Cambridgeshire Constabulary was one of the five forces of the nine we visited to have introduced an independent scrutiny group. However, the group did not specifically review stop and search encounters; instead it considered the results of reviews of stop and search records carried out by staff from local policing areas, stop and search-related data, and wider community engagement. The independent member of the All Stops Steering and Scrutiny Group had been given the opportunity to patrol with officers and might observe stop and search encounters taking place but it is not clear if that has actually occurred.

## **Recommendation 8 from 2013**

Chief constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include information about dissatisfaction reported to other agencies.

### **Grounds for recommendation 8**

In 2013, we carried out a survey of people who had been stopped and searched<sup>5</sup>. Of the 391 respondents, there were too many occasions when people felt that the police had not treated them with respect (47 percent) or had not acted reasonably (44 percent). Thirty-nine percent said their experience of being stopped and searched lowered their opinion of the police. Of those people who said they were unhappy with the way they were treated by the police during the stop and search encounter, only 16 percent made a formal complaint. Many of those who did not complain, when asked why they had not done so, expressed a lack of faith in the complaints system.<sup>6</sup>

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<sup>5</sup> *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2013, [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> *IPCC position regarding police powers to stop and search*, IPCC, June 2009, [www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/stop\\_and\\_search\\_policy\\_position.pdf](http://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/stop_and_search_policy_position.pdf)

## **Findings in respect of Cambridgeshire Constabulary regarding recommendation 8**

Cambridgeshire Constabulary reported that it gathers information about dissatisfaction related to stop and search encounters. However, this is limited. Surveys of confidence and dissatisfaction are conducted but these are targeted at victims of certain crime types and not people who have been stopped and searched. The force website includes an opportunity for people to provide feedback electronically. The force does not actively seek feedback about their experience from people who have been stopped and searched; rather it relies on the motivation of people to take the initiative and volunteer that information. Our 2013 survey results suggest that very few are likely to do that and so forces must take the initiative and put in place proactive measures to seek the views of people stopped and searched.

The force reported that the All Stops Steering and Scrutiny Group monitors the detail of complaints made about stop and search encounters. However, it does not monitor dissatisfaction provided as feedback through the website, or ensure that any learning derived from the dissatisfaction is considered and communicated to officers to encourage improvement.

Cambridgeshire Constabulary had not carried out analysis of complaints made as a result of stop and search encounters, because of the low numbers of complaints it records as breaching Code A. However, not all complaints that arise from stop and search encounters are recorded under the breach of Code A category. We found that other categories of complaint such as incivility, oppressive conduct, harassment, and lack of fairness and impartiality are likely to be used to categorise complaints from stop and search encounters as these are often the behaviours that give rise to the complaint.

Cambridgeshire Constabulary had only recently, in December 2014, started scanning complaint data to establish how many arose from stop and search encounters. Before that time, the force was unable to establish if there were any trends and it reported that for the preceding year there had been only nine complaints recorded from all stop and search encounters. It is important that scanning includes the categories listed above to ensure that all complaints arising from stop and search encounters are identified.

There is still a reliance on low complaint numbers to justify why so little work has been done to establish why people feel dissatisfied about the manner in which they were stopped and searched, and to use that information to improve practices and strengthen public trust.



## **Recommendation 9 from 2013**

Chief constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the Code of Practice.

### **Grounds for recommendation 9**

In 2013, we found a variety of forms used to record stop and search encounters in use by forces. They differed substantially in terms of layout and the type of detail to be recorded. One force had five different stop and search forms in circulation at the time of our inspection.

The recommendation involves the agreement of all chief constables in England and Wales and as such, is not a recommendation applicable solely to Cambridgeshire Constabulary.

## **Recommendation 10 from 2013**

Chief constables should work with their elected policing bodies to find a way of better using technology to record relevant information about stop and search encounters which complies with the law and reveals how effectively and fairly the power is being used.

### **Grounds for recommendation 10**

Our 2013 inspection found that technology had the potential to improve the effective, lawful and fair use of stop and search powers. However, although there were a number of interesting developments, limited use was being made of technology to record stop and search encounters at that time.

### **Findings in respect of Cambridgeshire Constabulary regarding recommendation 10**

Cambridgeshire Constabulary records stop and search encounters on paper forms. However, as part of an ongoing project with two neighbouring forces, an electronic paperless solution is currently being developed with the intention of improving the speed, transparency, and efficiency of data capture about stop search encounters. This was expected to be rolled out in July 2015. It is likely to include the ability to map the locations of stop and search encounters with crime maps leading to a more intelligence-led approach to the use of stop and search powers.

The force reported that some stop and search encounters are recorded on body worn video. The force is exploring ways to ensure that footage is reviewed by supervisors and scrutinised by community groups for effectiveness, fairness and legal compliance. The use of body worn video in these circumstances is likely to

improve the effectiveness and fairness of encounters while, research suggests, also improving the behaviour of both the officers and the people stopped and searched<sup>7</sup>.

Similar to the majority of forces, Cambridgeshire Constabulary had a custody system that includes a field for completion by custody staff to show whether an arrest has resulted from a stop and search encounter and, thereby, to help to assess effectiveness of the use of the powers.

## Conclusions for Part 1

It is encouraging that the force records a variety of outcomes resulting from stop and search encounters which allows it to assess if the powers are being used effectively and fairly, but more needs to be done in terms of analysis to understand effectiveness and fairness in the use of the powers and the force is, perhaps, over-reliant on the results of a 2012 academic study which showed the powers had not been used disproportionately.

Encouragingly, individual stop and search targets had been removed and officers told us there is now no pressure to use stop and search powers.

The force continues to place the onus on frontline supervisors with little oversight by senior managers. Scrutiny of stop and search data needs to be more comprehensive.

The supervision of stop and search encounters and records is limited and needs to be improved further, and training is predominately limited to electronic learning which is more effective when coupled with other types of training. However, it is encouraging that a substantial 89 percent of officers had been trained.

Scrutiny by the public of the use of stop and search powers is insufficient and more needs to be done actively to seek information about dissatisfaction caused as a result of stop and search encounters.

It is encouraging that the force is actively exploring the use of technology to assist its officers to use stop and search powers effectively and fairly.

Overall the force has made progress on the recommendations made in 2013; however there is still more that needs to be done.

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<sup>7</sup> *Guidance for the Police use of body-worn video devices*, Police and Crime Standards Directorate, Home Office, July 2007; *Picture This: body worn video devices ('headcams') as tools for ensuring fourth amendment compliance by police*, Harris, D., April 2010; and others.

## Part 2 - How effectively and fairly does Cambridgeshire Constabulary use section 163 of the Road Traffic Act 1988?

In addition to requesting HMIC to inspect further on the progress that police forces had made since the 2013 inspection, the Home Secretary commissioned HMIC to:

“Review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly.”

### Powers to stop vehicles

In our 2013 report, we highlighted that some people believed that they had been stopped and searched when, in fact, they had been stopped and spoken to by an officer or stopped in their car under the Road Traffic Act – without a search taking place<sup>8</sup>.

In England and Wales, police officers’ powers to stop vehicles are enshrined in section 163 Road Traffic Act 1988, which states:

“A person driving a motor vehicle on a road must stop the vehicle on being required to do so by a constable in uniform”<sup>9</sup>

Unlike stop and search powers which are subject to the requirements of a statutory Code of Practice<sup>10</sup>, this power does not require an officer to have any particular reason to stop a motor vehicle and there is no requirement for the officer to explain why he or she has carried out the stop.

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<sup>8</sup> *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, July 2013, page 18, [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>9</sup> *Road Traffic Act 1988* s.163, [www.legislation.gov.uk/ukpga/1988/52/section/163](http://www.legislation.gov.uk/ukpga/1988/52/section/163)

<sup>10</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

## **Findings in respect of Cambridgeshire Constabulary regarding section 163 of the Road Traffic Act 1972**

Cambridgeshire Constabulary reported that, while work had been undertaken to understand how well its officers used powers of stop and search, much less had been done to understand how well they used the Road Traffic Act power to stop vehicles.

Similar to the vast majority of forces, Cambridgeshire Constabulary reported that it does not have a policy on the use of the Road Traffic Act power. Officers are not required to record their use of the section 163 power and no information about the use of the power is collated and reviewed so that senior leaders can understand how officers use it.

Due to the absence of recording requirements, supervision of the use of the power does not take place and the force is not able to carry out work to understand if the power is used effectively and fairly, or how the use of the power affects public trust.

The force reported that some training is provided to traffic patrol officers and some other uniformed officers but this did not include any training on how the power can be used effectively or fairly.

Like the vast majority of forces, Cambridgeshire Constabulary has not designated a senior manager to oversee its use.

In our fieldwork we found that none of the nine forces we visited, including Cambridgeshire Constabulary, required officers to record the fact that a person had been stopped using this power and, as a consequence of this, there was no central record and no scrutiny of the way the power was being used.

However, this is not to say that individual officers never record these encounters. From our interviews with officers, we found that the use of this power was sometimes recorded in a pocket note book, on a fixed penalty notice where one was issued or on the Police National Computer if the officer had conducted a check of the person or vehicle concerned.

However, we found that, on those occasions when a stop was recorded, it was done so in an ad hoc manner and not according to any particular system that might allow effective oversight of the use of the power.

## **How effectively and fairly do police community support officers use their powers to search for and seize alcohol and tobacco?**

The Police Reform Act 2002 enables forces to designate police community support officers (PCSOs) with the power to seize alcohol from any person they reasonably suspect to be in possession of alcohol, who is under the age of 18 and in a public place or place to which the person has gained unlawful access<sup>11</sup>. It also allows forces to designate PCSOs with the power to seize tobacco from any person under the age of 16 they find smoking in a public place<sup>12</sup>. In order to discharge these powers effectively, the Police Reform Act provides PCSOs with the power to search for the items if they reasonably believe the person is in possession of them<sup>13</sup>. Chief constables have a choice whether or not to designate these powers to their PCSOs.

HMIC asked all forces to provide a self-assessment of their use of the Police Reform Act 2002 powers to establish if they were making effective and fair use of these. We undertook further testing in this area while conducting fieldwork in the nine forces chosen for the inspection.

### **Findings in respect of Cambridgeshire Constabulary regarding powers under the Police Reform Act 2002**

Cambridgeshire Constabulary reported that very little work had been done to understand how effectively and fairly PCSOs used the Police Reform Act powers to search for and seize alcohol and tobacco.

Similar to about a quarter of all forces, Cambridgeshire Constabulary reported that it did not have a policy in place for the seizure of alcohol and tobacco under Police Reform Act powers. Neither had a senior manager been designated to oversee the use of the Police Reform Act powers. The force reported that PCSOs receive training on the use of the power which included an input on the fair use of the powers but not on the effective use of them. The force reported that it had not provided any guidance to PCSOs on the use of powers within the preceding 12 months.

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<sup>11</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 6, [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

<sup>12</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 7, [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

<sup>13</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 7A, [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

Like most forces, Cambridgeshire Constabulary reported that it did not record, collect or use information to assess how well its PCSOs used the Police Reform Act powers. Due to the absence of suitable records, no audits of the use of the powers had been undertaken to determine if they were used effectively and fairly.

As with the use of the Road Traffic Act power, this lack of oversight at the senior level of Cambridgeshire Constabulary was replicated on the frontline, with no requirement for supervisory oversight of the use of Police Reform Act powers.

We found during our fieldwork in Cambridgeshire Constabulary that a recording system, similar to that in place for the use of stop and search powers, existed. However, this is where the similarity ended. There was less supervision by sergeants of the way the powers were being used than is the case for stop and search. PCSOs told us they record their use of the Police Reform Act powers and that records are sometimes reviewed by supervisors. However, it was not clear if the supervisory review considered if the powers had been used effectively or fairly. Cambridgeshire Constabulary was unable to provide us with either the number of times the powers had been used or detail of the outcomes.

## Conclusions for Part 2

In part 2 of this inspection, due to the absence of records we were unable to assess how efficiently and fairly officers in Cambridgeshire Constabulary use the Road Traffic Act power to stop vehicles and the Police Reform Act powers to search for and seize alcohol and tobacco.

Also, unlike the situation with stop and search, Cambridgeshire Constabulary does not have in place policies that guide officers about how to use the Road Traffic Act power or the Police Reform Act powers effectively and fairly. For both Road Traffic Act and Police Reform Act powers, Cambridgeshire Constabulary shows little commitment to collecting information and using this to oversee their fair and effective use.

The absence of reliable data about the use of the Road Traffic Act and Police Reform Act powers has meant that Cambridgeshire Constabulary cannot demonstrate that it is using these powers effectively and fairly.

In our report *Stop and Search Powers 2: Are the police using them effectively and fairly?*<sup>14</sup>, we made recommendations to all forces in respect of the use of these powers.

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<sup>14</sup> *Stop and Search Powers 2: Are the police using them effectively and fairly?* HMIC, 2015, London. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

## Part 3 - Searches involving removal of more than an outer coat, jacket or gloves

As part of this inspection, HMIC was commissioned by the Home Secretary to examine the use of search powers involving the removal of more than a person's outer clothing, including strip searches, to identify whether these searches are lawful, necessary and appropriate.

Code A<sup>15</sup> informs police officers about how to conduct stop and search encounters, and makes certain distinctions about what clothing can be removed and where searches can take place. The following extracts from Code A describe what can and cannot be done in relation to the removal of clothing during a search.

- “There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves, except under section 60AA of the Criminal Justice and Public Order Act 1994 (which empowers a constable to require a person to remove any item worn to conceal identity).”<sup>16</sup>
- “Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby. Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.”<sup>17</sup>

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<sup>15</sup> Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>16</sup> Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.5, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>17</sup> Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.6, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

- “Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle).<sup>18</sup>

In effect, Code A specifies three levels of search that are characterised by their increasing level of intrusiveness:

- A search involving no removal of clothing other than an outer coat, jacket or gloves;
- A search involving more than removal of an outer coat, jacket or gloves but not revealing intimate parts of the body; and
- A search involving more than the removal of an outer coat, jacket or gloves which reveals intimate parts of the body, often referred to as a strip-search.

While the code stipulates that there is only a power to require the removal of more than an outer coat, jacket or gloves out of public view, the accompanying guidance notes provide the officer with the opportunity to ask the person voluntarily to remove more than that clothing within public view.<sup>19</sup> However it does not give any further guidance on how this should be conducted.

## **Findings in respect of Cambridgeshire Constabulary regarding stop and search encounters requiring the removal of more than outer coat, jacket or gloves**

While, in common with most other forces, Cambridgeshire Constabulary has specific policy or guidance regarding the use of stop and search powers, it does not provide guidance about stop and search encounters in which there is a need to remove more than a person’s outer coat, jacket or gloves (including strip searches).

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<sup>18</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.7, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>19</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, Notes for guidance 7: Recording, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)



We were encouraged to find that officers record whether each stop and search encounter involved the removal of more than outer coat, jacket or gloves and the force. When asked to provide information about such searches, the force was able to tell us that 44 such searches had been carried out between 1 November 2012 and 31 October 2013, and 23 such searches had been carried out between 1 November 2013 and 31 October 2014. The vast majority of forces do not record this and were unable to provide this level of detail.

However, the force does not use this information as part of a management information framework to determine how frequently the powers are used in circumstances where more than outer coat, jacket or gloves are removed, or if they are used effectively and fairly.

We were also encouraged to find that the force has carried out assessments of the impact on the community in respect of its officers' use of stop and search powers in general, but this does not specifically cover those searches involving the removal of more than outer coat, jacket or gloves.

Officers told us that force policy directed that stop and search encounters that involve strip searches must be carried out in police station custody suites under the scrutiny of the custody sergeant. However, we found no reference to this in either force policy or the more comprehensive force procedure document. Similarly, there was no reference in either document to those stop and search encounters involving the removal of more than outer coat, jacket or gloves. There has been no new guidance to officers in respect of this since 2011.

We found that, consequently, there is an inconsistent approach to the management of stop and search encounters that involve strip searches. Some strip searches at the police station are carried out in the custody suite under the supervision of the custody officer. Others are carried out in private rooms outside of the custody suite with no additional supervision. Of those carried out in the custody suite, the custody officers were unsure whether a record that the search has taken place should be made on the custody system if nothing was found; the person searched is not under arrest and, therefore, not technically in custody.

The stop and search records identify if more than outer coat, jacket or gloves were removed during the encounter and, therefore, supervisors examined this as part of their review of each record submitted to them.

While the force is able to establish how many stop and search encounters involved the removal of more than outer coat, jacket or gloves, this is not included in the management information provided to senior officers. Therefore, senior officers had no knowledge or oversight of the searches conducted by their officers involving the removal of more than outer clothing. It is worrying to us that the leaders of officers using stop and search powers do not know, as a matter of course, how frequently

their officers are conducting, or have conducted, more intrusive searches, including strip searches.

### **Conclusions for Part 3**

The power of a police officer to stop a member of the public in the street and search them is an intrusive one. The ability to remove clothing that reveals the intimate parts of the person's body is extremely intrusive.

HMIC is encouraged that Cambridgeshire Constabulary was able to identify those stop and search encounters that involve the removal of more than outer coat, jacket or gloves. However, it did little with that information.

HMIC would expect the level of scrutiny that takes place on stop and search encounters to increase in line with the level of intrusion. However, this is not the case. Cambridgeshire Police is carrying out no greater scrutiny of these very intrusive searches than it carries out for searches that do not involve the removal of such clothing.

The current lack of additional scrutiny of these types of stop and search encounters does not allow the force to ensure that the rights of individuals are not being severely breached. It also does not provide the force with any ability to identify officers who may require additional training, advice or discipline.

In our report *Stop and Search Powers 2: Are the police using them effectively and fairly?*, we made recommendations to all forces in respect of stop and search encounters involving the removal of more than outer coat, jacket or gloves<sup>20</sup>.

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<sup>20</sup> *Stop and Search Powers 2: Are the police using them effectively and fairly?* HMIC, 2015, London. Available from [www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)