

Stop Search Recommendations - Derbyshire Constabulary Action Plan

Recommendation	Force Update / Assessment of Progress	Estimated completion date	R/A/G	
<p>Force Derbyshire Constabulary Chief officer stop search lead for force ACC Paul Gibson</p> <p>Operational stop search lead for force Supt Michelle Shooter Email michelle.shooter.2252@derbyshire.pnn.police.uk</p>	<p>Assessment rating</p> <p>RED – Little work undertaken in this area</p> <p>AMBER – work undertaken but still ongoing work required</p> <p>GREEN – work undertaken and complete</p> <p>** Light blue shaded areas do not need to be completed. For Home Office/CoP**</p>			
No/Lead Agency	HMIC 2013			
1 NPCC / College of Policing	Chief constables and the College of Policing should establish a clear specification of what constitutes the effective and fair exercise of stop and search powers and guidance in this respect. This should be compliant with the Code of Practice.	Following consultation with the Police and Public Encounters Board a definition and short guidance has been drafted. This has been approved by the NPCC lead for stop and search and the Chief Executive of the College of Policing.		
2 Force	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 and the Code of Practice. They should also be satisfied that the power is used effectively to prevent crime, catch criminals and maintain public trust.	Monthly audits are carried out by superintendents, who dip test and review ten records to check the grounds for the stop search and quality of the forms. Supervisors are given direct feedback. This is also replicated by the OPCC and IAG Scrutiny and accountability panel - feedback is provided to individual officers but also three key messages are distributed each month to the organisation.	Complete – but will continue to develop ways of refreshing messages	

3 Force	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.	In addition to the actions taken above, inspectors are supplied with data regarding trends and patterns of searches being carried out. This includes the ethnicity and gender of the people stopped. BWV cameras have now been rolled out across the force and supervisors will be expected to dip test encounters. This is more real time supervision. A 5 point checklist for supervisors has been created and Supervisors are expected to complete this within the occurrence.	Complete – but will continue to review to develop ways of refreshing messages.	
4 College of Policing	The College of Policing is working with chief constables to design a national training programme 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.	In 2017, the College of Policing released a NCALT online training package and also a Classroom training		
5 Force	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.	All new officers are given training when they join the force while public order officers receive updates at their annual training event. We have considered rolling out force-wide training; however we are awaiting the new training programme from the College of Policing which is currently scheduled for national release in March 2016. In the interim, updates are given to officers through electronic means. The new training programme has been released in June 2016 however the E Mids regional Forces are now reviewing the product to enable delivery throughout the region with differing needs. September 2016- Forces are still awaiting the College of Policing training products and these are now scheduled for Autumn 2016.		

		<p>January 2017 - The Cop Training has been released as per previous entry above. All frontline operational Constables and Sergeants will received the full package of training which includes the NCALT package which includes the test. Meeting with EMCRS, March 17 re training plan.</p> <p>November 2017 - The full CoP package is now being trained throughout 2017/2018. ALso all front line divisional staff have received inputs from the force lead.</p>		
6 Force	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 crime fighting.	<p>Stop search records are already entered onto the force intelligence system.</p> <p>Analytical capacity is limited; however with the new mapping requirements on the police.uk website, we are now overlaying crime and search data to better understand our activity.</p> <p>An analytical report was produced in May 2016 and whilst it allowed some evidence of targeted tasking it was limited and further analysis is required to get a fuller picture. With the introduction of a new intelligence/crime system (NICHE) into the force during June 2016, it is accepted that no further analysis will take place until the system is embedded.</p> <p>September 2016- NICHE is fully implemented however an issue re addresses/locations regarding stop search data still needs to be resolved and work is ongoing.</p> <p>January 2017 - All forms are entered onto Niche however analytical capbaility is still limited. The full roll out of Mobile Office which is aimed for completion by April 2017 should assist in this.</p> <p>January 2018 - Niche and Mobile Solution now in place and piece of analytical work is required. To be discussed with D/Supt Kirby DOI.</p>		
7 Force	Chief constables should, in consultation with elected policing bodies, ensure that they comply with the Code of Practice by	The new Stop and Search Advisory Group (SSAG) was hoping to be taking this task on however due to administration		

	<p>explaining to the public the way stop and search powers are used in their area 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</p>	<p>difficulties this action has now been taken on by the OPCC from Jan 2016. The SSAG will still be involved and is predominantly made up of black and ethnic minority community representatives, linked into youth groups. They are currently working to review body worn video footage of search encounters.</p> <p>An annual event is also held with University of Derby students who are given the opportunity to review redacted records and make comment.</p> <p>January 2018 - OPCC Group reverted to monthly meetings and seeking to expand to include wider community groups.</p>		
8 Force	<p>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 gathering information about dissatisfaction reported to other agencies.</p>	<p>All stop search forms given to the recipient have a clear area highlighting how a person can make a complaint.</p> <p>The SSAG was formed in January 2015 and they and the OPCC have reviewed and actioned new communication and complaints literature.</p> <p>As part of the SSAGs work they will look to review the circumstances, and possible footage, of any stop and search resulting in a complaint.</p> <p>March 2017 - The Stop Search Scrutiny Panel with members of the IAG will oversee and inspect all complaints which are now investigated by PSD.</p>		
		<p>We have explored the best practice options as published by the HMIC report. Options implemented by other forces have been dismissed due to negative feedback from those forces, the cost implication and lack of suitable IT platforms within force.</p> <p>We continue to explore other options.</p> <p>September 2016- The force continues to plan to introduce</p>		

<p>9 Force</p>	<p>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.</p>	<p>mobile office by the end of 2016. The two options being explored include stop search Apps that are utilised by other regional Forces. These are linked into NICHE and will allow a paper free system that allows timely intelligence submission.</p> <p>January 2017 - Mobile office roll out is scheduled for completion April 2017 and reporting from this device is currently being developed. All the scrutiny panels now complete a single consistent table which themes can be drawn from in respect of appropriateness of reasonable grounds, Object v outcome of search etc.</p> <p>April 2017 - Full roll out of mobile devices is in progress and the data is being tested in respect of full data retrieval in line with BUSS 1.0.</p> <p>November 2017 - Data is now compliant with BUSS 1.0 and is getting better.</p>		
<p>10 Force</p>	<p>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.</p>	<p>We have explored the best practice options as published by the HMIC report. Options implemented by other forces have been dismissed due to negative feedback from those forces, the cost implication and lack of suitable IT platforms within force.</p> <p>We continue to explore other options.</p> <p>September 2016- The force continues to plan to introduce mobile office by the end of 2016. The two options being explored include stop search Apps that are utilised by other regional Forces. These are linked into NICHE and will allow a paper free system that allows timely intelligence submission.</p> <p>January 2017 - Mobile office roll out is scheduled for completion April 2017 and reporting from this device is currently being developed. All the scrutiny panels now complete a single consistent table which themes can be drawn from in respect of appropriateness of reasonable grounds, Object v outcome of search etc.</p>		

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Best Use of Stop and Search Scheme (BUSSSs)				
1 Force	Data recording - Forces will record the broader range of stop and search outcomes e.g. arrests, cautions, penalty notices for disorder and all other disposal types. Forces will also show the link, or lack of one, between the object of the search and its outcome.	<p>The force introduced a new stop and search form as of 1st November 2015. This will now capture the broader range of stop and search outcomes as well as the link between the object of the search and the outcome. There remains an issue with how this will be recorded – however in Summer 2016 the forces crime recording system is being replaced with one that is also being used by 22 other forces nationally. We are working with them to ensure this new system is fully compliant with all recording requirements.</p> <p>Jan 2017 - The only element we are missing is the ability to publish the object v the outcome. Mobile devices will achieve this and full roll out is due March 2017. Recently suspended from the Voluntary BUSSS scheme and media release completed but little interest.</p> <p>November 2017 - Data can now be published in line with BUSSS 1.0. Chief Constable has written to Home Secretary advising of this in order to obtain legitimacy on the scheme.</p>		
2 Force	Lay observation policies – Forces should provide the opportunity for members of the local community to accompany police officers on patrol using stop and search.	<p>The force's Community Involvement Scheme (available on the force internet) allows the public to observe officers on patrol.</p> <p>The scheme has been offered to SSAG members and we await observations from those who decide to participate. Group members felt that this was unachievable and preferred viewing body worn video footage.</p> <p>Pre-planned operations such as high profile football matches where section 60 powers are authorised will be proactively offered to SSAG</p>		

		members.		
3 Force	Stop and search complaints 'community trigger' – A local complaint policy should be implemented, requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.	All complaints regarding Code A of the Police and Criminal Evidence Act 1984 will automatically meet the threshold and are classed as a community trigger. The head of the force's Professional Standards Department will work with the SSAG to scrutinise complaints and the data. This ensures all complaints relating to stop and search are automatically referred to PSD for them to investigate.		
4 Force	Reducing section 60 'no-suspicion' stop and searches by (a) raising the level of authorisation to senior officer (above the rank of chief superintendent) (b) ensuring that section 60 stop and search is only used where it is deemed necessary and making this clear to the public (c) in anticipation of serious violence, the authorising officer must reasonably believe that an incident involving serious violence will take place rather than may (d) limiting the duration of initial authorisations to no more than 15 hours (down from 24) (e) communicating to local communities when there is a section 60 authorisation in advance (where practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.	(a) Gold duty officers will treat any spontaneous authority as a critical incident and this will require approval from a National Police Chiefs' Council member (b) Where possible, community contacts will be informed prior to authorisation. (c) Already contained within the form that the authorising officers has to consider. (d) 15 hours is stipulated on the authorising form. (e) The section 60 form already features Community Impact Assessments and considerations to inform communities where possible.		
HMIC 2015 Recommendations				
1 College of Policing	With immediate effect, while changes to the Authorised Professional Practice are being considered, the College of Policing should publish a working definition of what constitutes an effective and fair stop and search encounter.	A working definition has been created and short guidance produced. This remains under review by the College of Policing and will be subject to review and consultation prior to formal publication.		
	Chief constables should, with immediate effect, develop plans that set out how each force will complete the action required to make good progress	This plan has been published to answer this recommendation. Various actions continue to be progressed and regular updates will appear on this plan.		

2 Force	in relation to the recommendations in HMIC's 2013 report, and publish these plans so that the public can easily see them on their websites. These plans should include the action forces are taking to comply fully with the Best Use of Stop and Search Scheme, initiated in April 2014 by the Home Secretary.			
3 Force	HMIC expects chief constables to use the self-assessments they completed as part of this inspection to formulate their plans, alongside any other relevant information. All forces should have completed, or be making good progress in relation to, the recommended actions by November 2015	The self-assessment that was submitted to Her Majesty's Inspectorate of Constabulary has been fully considered in the writing of this action plan.		
4 NPCC/ CoP	Within 12 months, chief constables and the College of Policing should agree and implement a set of minimum recording standards for the police use of the Road Traffic Act 1988 power to stop motor vehicles and the Police Reform Act 2002 powers to search for and seize alcohol and tobacco from young people for the purpose of assessing their effective and fair use.	The NPCC stop and search lead will work with the College of Policing on this recommendation. The NPCC lead will seek the views of forces.		
5 Home Office	Within 12 months, the Home Office should establish a requirement for sufficient data to be recorded and published in the Annual Data Requirement so the public can assess how effective and fair the police are when they use these powers.	For the Home Office to respond		
6 Home Office	Within 12 months, the Home Office should incorporate the Road Traffic Act power to stop motor vehicles and the Police Reform Act Powers to search for and seize alcohol and tobacco into Code A, so that officers have guidance about how they should use these powers in the same way that Code A provides guidance about stop and search powers.	For the Home office to respond		
7	Within 12 months, the College of Policing should make sure that the relevant Authorised Professional Practice and the stop and search national training curriculum include instruction and guidance about	For the College of policing respond		

College of Policing	how officers should use the Road Traffic Act 1988 power to stop motor vehicles and the Police Reform Act 2002 powers to search for and seize alcohol and tobacco from young people in a way that is effective and fair.			
8 Force	Within three months, chief constables should require their officers to record all searches which involve the removal of more than an outer coat, jacket or gloves. This record must specify the clothing that was removed; the age of the person searched; whether the removal of clothing revealed intimate parts of the person's body; the location of the search including whether or not it was conducted in public view; and the sex of the officers present.	The force introduced a new stop and search form as of 1st November 2015. This new form will capture all of the details as suggested in this recommendation		
9 Home Office	Within 12 months, the Home Office should incorporate into Code A a requirement for the recording of all searches which involve the removal of more than an outer coat, jacket or gloves and a requirement for officers to seek the authority of a supervising officer before strip searching children.	For the Home Office to respond		
10 Home Office	Within 12 months, the Home Office should work with forces to establish a requirement for sufficient data to be published to allow the public to see whether or not the way that police conduct searches that involve the removal of more than an outer coat, jacket or gloves is lawful, necessary and appropriate.	For the Home Office to respond		
11 Force	Within three months, chief constables should put in place a process to report, at least once a year, the information they get from recording searches that involve the removal of more than an outer coat, jacket or gloves to their respective police and crime commissioners and to any community representatives who are engaged in the scrutiny of the use of stop and search powers to help them assess whether these searches are lawful, necessary	As per recommendation 8 a new form has been introduced and Derbyshire Constabulary is now in a position to record and report on this data. This data will be included in reports to the OPCC and independent scrutiny panel for their reference.		

	and appropriate.			
12 CoP	Within 12 months, the College of Policing should make sure that the relevant Authorised Professional Practice and the stop and search national training curriculum include instruction and guidance about how to make sure that searches that involve the removal of more than an outer coat, jacket or gloves are conducted in a way that are lawful, necessary and appropriate.	For College of Policing		

APPGC Recommendations

9 Force	<p>Recommendation 9: The Home Office and College of Policing should use the “Best Use of Stop and Search” scheme to promote good practice in relation to the stop and search of children and young people by encouraging police forces to:</p> <p>a) improve the recording of data so that accurate statistics can be presented on the number of children and young people who have been stopped and searched, including whether this resulted in an arrest, summons, requirement to attend a voluntary interview, or confiscation of drugs or a weapon</p> <p>b) enable young people to participate in public scrutiny and lay observations</p> <p>c) promote clear complaints mechanisms to under 18s</p> <p>d) set out procedures for police liaison with child protection teams where any risks or concerns are identified following searches.</p>	<p>Derbyshire is committed to the terms of the Best Use of Stop and Search scheme, although some areas require changes to recording practices and procedures.</p> <p>a) as in recommendation 8 of the HMIC 2015 report (above), a new form was introduced in Nov 2015 and this will considerably increase the available data, which includes the data suggested here.</p> <p>b) Young people are encouraged to participate in scrutiny of this process through the independent scrutiny panel. This includes University students during their annual input.</p> <p>c) through this we will ensure that the process for making a complaint is clearly understood</p> <p>d) Derbyshire police has a clear structure for officers to follow to complete appropriate referrals when dealing with children, in whatever circumstance</p> <p>The introduction of the OPCC led scrutiny panel as part of the SSAG will allow this action to be complete. Scheduled for July 2016 for young persons to be involved in the scrutiny of records. February 2018 - OPCC Scrutiny Group will expand to include wider groups including young people.</p>		
	Recommendation 10: The national police lead on	An independent scrutiny panel has been set up within Derbyshire. In		

10 Force	stop and search should ensure that all police forces have in place independent stop and search scrutiny panels to examine the use of stop and search. These panels should be representative of the local population and address the disproportionate use of stop and search on specific groups, including children and young people, and the use of stop and search on particularly vulnerable groups such as under-10s.	due course further information on this will be published here. There has been a delay in the panel meeting but rescheduled to start in July 2016 with the OPCC leading on this matter. September 2016 - young person involvement is scheduled as part of the OPCC scrutiny group. February 2018 - The Scrutiny panel will encourage young persons to attend and get involved in scrutiny panels.		
12 Force	Recommendation 12: Following the Government's review of stop and search, the Home Secretary announced that stop and search data will be made available to the public in local crime maps. This should include data on the stop and search of children.	Derbyshire Constabulary's use of stop and search is available on the police.uk website, which include details on ages of those searched.		
13 HM Govt	Recommendation 13: The Government should revise statutory guidance to the police on carrying out stop and search so that it: <ul style="list-style-type: none"> • makes clear to police officers that the safety and welfare of the child must be of paramount consideration when undertaking a stop and search on a person below the age of 18, highlighting their duty under section 11 of the Children Act 2004; • requires police forces to record the date of birth of children and young people on stop and search forms and central recording systems. To deal with cases where a child does not disclose his or her age, the code should include the expectation that officers make a visual estimate of the child's age. 	For HM Govt. to respond		
	Recommendation 14: The College of Policing should publish guidance within Authorised Professional Practice (APP), following public consultation, on the use of stop and search on children and young people. This should include: <ul style="list-style-type: none"> • procedures police officers should follow to protect vulnerable children, such as children in care, children 	For College of Policing		

14 CoP	<p>under the age of 10, and those at risk of abuse and exploitation;</p> <ul style="list-style-type: none"> • supplementary guidance to support police officers on best practice in carrying out stop and searches on children and young people, and in particular those under the age of 10; • advice on how police forces should enable children and young people to provide feedback in relation to their interaction, or advice on how to make a complaint if they feel they have been treated badly or unfairly. 			
15 Force	<p>Recommendation 15: There should be a presumption against under-10s being stopped and searched except in exceptional circumstances. Where stop and search does take place on children under 10, a parent or guardian should be informed at the earliest opportunity. A copy of the stop and search form should be forwarded to the police force's child protection team for onward referral to children's services where appropriate.</p>	<p>A child under 10 will only be searched where the necessary grounds exist. The introduction of the new form in Nov 2015 now allows for a supervisor to identify any such searches and to refer such cases via child referral processes.</p>		
HMIC Legitimacy Inspection 2017				
23 Force	<p>By July 2018, all police forces across England and Wales should be regularly and frequently monitoring a comprehensive set of data and information on use of stop and search powers to understand:-</p> <ul style="list-style-type: none"> - reasons for any disproportionate representation of different ethnic groups in the use of stop and search; - the extent to which find rates differ between people from different ethnicities, and across different types of searches (including separate identification of find rates for drug possession and supply type offences; 			

	- the prevalence of possession-only drug searches, and the extent to which these align with local or force priorities.			
24 Force	<p>Where forces identify disparities through monitoring, they should demonstrate to the public that they have:</p> <ul style="list-style-type: none"> - carried out research and analysis in an attempt to understand the reasons for the disparity, and - taken action to reduce the disparity, where necessary. <p>Forces are expected to publish this analysis and any actions taken at least on an annual basis, from July 2018.</p>			
25 Force	By July 2018, and ongoing following that date, forces should ensure that all officers who use stop and search powers have been provided with, and understand, training on unconscious bias and College of Policing APP on Stop and Search	The Force has committed to the full College of Policing Stop and Search package which is currently being trained.		