

DORSET POLICE & CRIME PANEL – 24 SEPTEMBER 2020

STOP AND SEARCH

REPORT BY THE CHIEF EXECUTIVE

PURPOSE OF THE PAPER

This paper updates members on the Police and Crime Commissioner's work to address the position of Dorset Police as a national outlier for stop and search disproportionality. Stop and search is an operational policing matter and, therefore, the responsibility of the Chief Constable.

1. INTRODUCTION

- 1.1 Dorset Police has been the national outlier for stop search disproportionality against black people for well over a decade (see Appendix A). The most recently published national dataset, for the 12 months ending 31 March 2019, show that Dorset Police are 25 times more likely to stop search black people than white people, compared to a national average of eight times more likely. The disproportionality rate for Asian and other ethnic minorities is far lower and in line with national averages.
- 1.2 A stop and search is when a police officer stops an individual or group and searches them, their clothing and/or anything they may be carrying. Officers can only use this power when they have good reason to suspect that the individual may be carrying illicit items such as drugs, weapons or stolen property; items that may be used to commit a crime; or where a certain power has been put in place to cover a particular area at a particular time to prevent crime. Officers are required to have good reasons for the stop search, based on facts, information or intelligence.
- 1.3 A 'stop and search' is different from a 'stop and account'. A stop and account is where a police officer stops someone in a public place and asks them to account for themselves. The individual is not required to answer the police at this stage and can walk away if they choose. Individuals are required to comply with a police officer conducting a stop and search, else face possible arrest. Furthermore a police officer may stop any vehicle and ask the driver for driving documents. This is not a 'stop' for the purpose of stop and search, but will become one of the above processes if the driver or passenger is asked to account for themselves or if a search is carried out of the vehicle, driver or any passengers.
- 1.4 Further information on street encounters, which incorporate general conversations between the police and public, stop and account, and stop and search, are available on the Dorset Police website¹, along with the corporate policy governing the use of these powers.
- 1.5 A variety of stop and search statistics are published annually for all Forces. These data are also provided by ethnicity. For the year ending 31 March 2019, in Dorset, there were 2.5 stop searches for every 1000 White people, compared to 61.7 stop searches for every 1000 Black people, giving a disproportionality ratio of 25 to 1.

¹ <https://www.dorset.police.uk/news-information/about-dorset-police/equality-diversity/stop-search/>

2. SUMMARY

- 2.1 The PCC has been acutely aware of this position since he was elected to his role in November 2012, and has been working with the Force to understand the reasons for this disproportionality ever since. In recent years, the PCC has been increasingly unconvinced by the Force explanation, and has repeatedly requested further detail, which has not immediately been forthcoming.
- 2.2 As a result, and by mutual consent, the PCC issued a formal challenge to the Chief Constable in January 2018, to further set out his requirement for a satisfactory explanation. To support this challenge process and his scrutiny of the Force, he commissioned an independent review of the Dorset Police stop and search data, process and procedures. Those findings and recommendations were issued to the Force in November 2018.
- 2.3 The PCC hoped that this intervention would allow the Force the opportunity to build a robust improvement plan and initiate actions that would successfully address the situation, and indeed the review's recommendations were all agreed and formed the basis of their stop search improvement plan. The Chief Constable also provided challenge to Dorset Police, in support of the PCC's position.
- 2.4 However, despite these significant challenges and interventions, Dorset Police's performance worsened – from a disproportionality ratio of 17 to 1 in 2017/18, to 25 to 1 in 2018/19. Current data, which is provided for information only as it does not form part of the national statistics dataset as yet, shows that the ratio has improved slightly to 22.5 to 1 for 2019/20, but national comparisons will not be possible until these data are published in March 2021.
- 2.5 As a result of the enduring position, the PCC issued the Chief Constable with a further formal challenge around stop search, in April 2020.

3. BACKGROUND

- 3.1 Like all police forces, Dorset Police seeks to legitimately use its powers and legislation to achieve its policing mission. The Best Use of Stop and Search scheme (BUSS) is a national initiative designed to help adopting Forces use the power of stop and search strategically, thereby improving public confidence and trust. Launched by the Home Office and the College of Policing in 2014, the principal aims of the scheme are to achieve greater transparency, community involvement in the use of stop and search powers and to support a more intelligence-led approach, leading in turn to better outcomes such as an improved positive outcome ratio. Dorset Police has adopted the BUSS principles, and was a pilot Force for the development of the second iteration of the BUSS scheme.
- 3.2 A further complicating factor involves the trust, confidence and outcomes of BAME individuals at a national level when engaging with the wider criminal justice system. Specifically in relation to policing, these issues are well-established, from the 1981 Scarman Report into the Brixton disturbances, and the 1999 Macpherson report into the racist murder of Stephen Lawrence, through the Lammy Review and the Race Disparity Audit both published in 2017, to the current global racial injustices highlighted by the Black Lives Matter movement. Whilst local delivery remains local, it is critical that Dorset Police considers its powers of stop and search and the environmental context in which those powers are used, simultaneously.

4. PCC ACTIVITY

Stop and Search Independent Scrutiny Panel

- 4.1 The PCC manages a small number of independent scrutiny panels, which include representation from both members of the public, and in some instances from the Police and Crime Panel. The PCC's primary scrutiny activity therefore centres on the Stop and Search Independent Scrutiny Panel (the Panel). Meeting quarterly, the Panel carries out the following scrutiny and support activities:
- Considers the wider environmental context of stop and search delivery – for example changes to national guidance and policy, issues, concerns and high profile cases allowing for learning from other force areas.
 - Reviews the Dorset Police quarterly stop and search performance pack² – including recent statistics on population and disproportionality profiles, object of search (crime enabling article, drugs, weapons, etc), find rates (the proportion of times the object being searched for was found), a more detailed breakdown of drugs searches given this is the most common reason for an officer to complete a stop search, the age and ethnicity of the person searched, the location of the search by police section, and the legal power under which the stop search was being conducted. The meeting is attended by the Dorset Police tactical leads for stop search and a Force analyst to support this process.
 - Undertakes a dip sampling of stop search cases picked at random by the Force tactical leads according to criteria set by the scrutiny panel, such as young people, or drugs stops where the subject was arrested, for example. Over the last 12 months, Panel members have also been able to benefit from reviewing body worn video (BWV) footage from the incident, to supplement the redacted written report of the incident.
- 4.2 The Panel raises any concerns, challenges and successes to the PCC, to support him in his scrutiny of the Chief Constable, and to offer wider Force feedback. The Panel are able to benefit from other Dorset Police expertise to support their scrutiny as needed – for example to observe and review the training provided to officers on unconscious bias, or restraint techniques, and a number of Panel members have undertaken 'ride alongs' to directly observe the challenges officers encounter in the delivery of their duties.
- 4.3 The Panel also determines both the thematic review area for the next quarterly performance pack, should they wish further insight into a particular performance area, and the theme of the dip sample for the case studies/BWV review.
- 4.4 The Panel is attended and managed by the OPCC Scrutiny Manager who is also in a position to provide direct feedback to OPCC SMT. Until recently, the Panel has also benefited from an independent chair, who moved on following a change in employment. In order to maintain strategic grip on this particularly challenging area, the PCC decided that the Chief Executive should act as interim chair, until such time as it is felt suitable to undertake a recruitment process.
- 4.5 All public members of OPCC scrutiny panels undergo a security check due to the personal nature of the information considered by the panel. For the same reason, the full papers are not publicly available, however, OPCC publishes a summary report³ of every panel meeting.
- 4.6 Broadly speaking, the Panel are supportive of the actions undertaken by officers that are subject to their scrutiny, and no major concerns have been highlighted to date. Their views, and any potential areas for further consideration or improvement, are reported back to Legitimacy Board. Their primary concern remains the lack of a clear explanation as to Dorset Police' disproportionate use of stop search, without necessarily seeing a corresponding improvement in outcomes (specifically in positive find rates).

² <https://www.dorset.police.uk/news-information/about-dorset-police/equality-diversity/stop-search/>

³ <https://www.dorset.pcc.police.uk/information-hub/scrutiny-panels/>

Independent Review

- 4.7 In late 2017, due to the PCC's continuing concern about the use of stop search, the Chief Executive (CX) and the Dorset Police Assistant Chief Constable (ACC) began to explore the issue in more detail. The CX sought a robust explanation as to the relative levels of disproportionality, despite recent improvements to stop search recording (use and accurate recording of the grounds for the stop) through the use of stop search champions, internal workshops and updated policy and supervisory processes. Dorset Police statistics continued to show that despite drugs being found proportionally more in the possessions of white individuals, it was black people who continued to be disproportionately stop searched.
- 4.8 The CX also raised questions about the effectiveness of stop search as an operational tactic given that the high level of activity did not appear to be stemming the flow of travelling drug dealers into our area. It was also queried why Dorset did not appear to have the kinds of public health problems that were typically experienced in other areas with high levels of illicit drug use, the position theorised by Dorset Police intelligence.
- 4.9 The ACC agreed with the position that a better explanation of activity was needed, and that the high disproportionality could not be fully explained by the Force's current articulation around these matters – specifically – Dorset being impacted by drugs offenders from out of town, having a low resident BAME population, Census populations being out of data and not reflective of current BAME population and visitor levels, for example.
- 4.10 This agreement was recorded as a 'PCC Challenge', in January 2018, by mutual consent of the PCC and Chief Constable.
- 4.11 In February 2018, a report was tabled at the Equality and Confidence Board (now renamed to the Legitimacy Board) which raised several questions around stop search governance and process, and also highlighted the positive tactical activity given above, but recognising that it was quite challenging to track the impact of said activity.
- 4.12 Recognising that the Force was moving towards a more querying position which was more closely aligned with his own, in April 2018, the PCC took the decision to commission an independent review into Dorset Police use of stop search. This review was conducted by a former Dorset Police officer who worked as an inspector for HMICFRS for the preceding decade, supporting legitimacy, organisational improvement and procedural justice processes within policing. The review was supported by the Chief Constable, and Dorset Police provided full access and cooperation.
- 4.13 The review was conducted over the next few months, and the findings were shared with Dorset Police in November 2018, and with the Independent Scrutiny Panel in December 2018.
- 4.14 Dorset Police accepted all the recommendations and built them into its draft improvement plan. The Force's initial response to the review was discussed, in December 2018, at both the Legitimacy Board, and the Independent Scrutiny Panel. OPCC provide ongoing scrutiny and consideration of the improvement plan through Legitimacy Board, where stop search improvement continues to be a standing item.
- 4.15 The PCC shared the headline findings of the review with the Dorset Race Equality Council leadership in January 2019, and with their full membership in March 2019. The wider group gave warm support to the findings and approach taken.
- 4.16 Since this time, the CX has continued to impress the need to ensure the delivery and continual update of the improvement plan. To date this activity undertaken has yet to yield a manifest change in the disproportionality rates.

PCC Challenge

- 4.17 As noted above, the PCC issued the Chief Constable with a formal challenge on stop search performance in January 2018.
- 4.18 It is fair to characterise OPCC activity in this area as unusually intrusive. Recognising that the delivery of stop search is very much an operational activity and a matter for the Chief Constable, the PCC has taken the view of highlighting his concern through the prism of reputational concern for Dorset Police's position as the national outlier.
- 4.19 In April 2020, following the release of the latest national dataset, the PCC further articulated his concerns around the improvement activity to date, and he took the exceptional position of making specific recommendations, as follows:
- Acknowledgement of Dorset's position as a national outlier and consideration of internal systems, processes and procedures as an opportunity for improvement.
 - Recognition that having a high proportion of intelligence-led stop searches should result in better outcomes than are being achieved.
 - Consideration of whether stop search is an efficacious tactic in disrupting county lines activity.
 - Implementation of better processes to internally monitor stop searches at both an operational and strategic level.
- 4.20 The Chief Constable's response to this challenge has been considerable. Whilst the details of this response are out of scope for the Police and Crime Panel, from an assurance perspective it may be helpful to understand the changes that the PCC's challenge has brought. In summary they key improvements are as follows:
- The Dorset Police Executive Team to take on shared responsibility for stop search, including having this as a standing item on their regular Executive Meeting, and including stop search improvement as a PDR objective for every Chief Officer.
 - The establishment of a Stop and Search Board, chaired by the Deputy Chief Constable with senior representation from across the Force and OPCC. This internal board will consider wider possible organisation impacts on the delivery of stop search policies and procedures within the Force, and will address the specific issues raised by the PCC.

Public Engagement

- 4.21 The PCC consults with the public widely to set the priorities in his Police and Crime Plan, and in doing so also takes into account national priorities and local priorities set by the Chief Constable.
- 4.22 Stop and search has never been raised as a priority area by the thousands of individuals who have responded to the PCC's surveys. There has been very low levels of local media interest over the past decade. Both of these are despite significant levels of national public attention on stop and search, and police use of force, in recent months, and despite several proactive news releases and local media statements on stop and search.
- 4.23 Dorset has not experienced the same issues around stop and search as have been prevalent elsewhere – and whilst other areas are subjected to high numbers of public complaints and expressions of potential bias, the number of complaints related to stop and search remains very low (an average of five complaints per year, in each of the last five years).

5. CURRENT POSITION

- 5.1 Dorset Police and the OPCC both continue to treat stop search disproportionality as a priority improvement area, and the PCC continues to advocate strongly and offer challenge to Dorset Police Chief Officers. Most recently this challenge has been focused around the newly created Stop and Search Board, which has met twice at the time of writing.
- 5.2 As a result of this challenge, the terms of reference for this Force Board have been further developed and, at the 21 August Board, it was decided that its remit should be extended beyond stop and search to consider potential disproportionality across all aspects of policing within Dorset, and that the Board should be reformed as the Disproportionality Board.
- 5.3 A number of areas for actions have been identified and are currently being further developed, as follows:
- Data quality and audit: the Force will explore how it collects, stores, validates and analyses stop and search data. The Chief Constable has personally committed to scrutinising at least 100 stop search records to ensure they reach the standards he expects.
 - External best practice: Dorset Police will be revisiting the best performing forces and those making most progress to identify how they have achieved their results. In addition a senior officer from a neighbouring (regional) Force will provide some independent insight.
 - Academic rigour: a trusted academic partner with expertise in the area will be commissioned to undertake a review of practice and report back their findings with proposals for improvement.
 - Workforce development: internal groups to explore the issues will be strengthened to identify learning opportunities and help understand the issues and possible approaches.
 - Community engagement: the Force will employ continued and revitalised engagement with a variety of relevant community groups, especially youth community groups, to help listen and learn.

6. RECOMMENDATION

- 6.1 Members are asked to note the report.

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Appendix A – Black: White Disproportionality Ratios (2006/07 - 2018/19)⁴

	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08	2006/07
Avon & Somer.	7.2	8.2	5.4	5.1	4.2	3.8	3.6	3.6	3.7	3.8	6.2	4.0	4.2
Bedfordshire	3.6	3.7	2.5	2.8	2.3	2.1	2.4	2.2	2.9	2.8	3.6	2.4	2.8
Cambridgeshire	6.6	6.6	7.6	5.8	3.7	3.2	2.9	2.5	2.8	2.1	2.3	2.6	2.8
Cheshire	8.3	7.2	4.4	5.7	4.8	3.7	3.2	3.6	3.4	2.7	3.6	3.9	3.0
Cleveland	5.6	3.9	3.3	2.8	2.4	1.9	1.8	1.5	1.3	1.2	1.1	1.1	1.5
Cumbria	7.9	7.7	6.9	5.5	1.7	1.8	1.6	2.0	2.5	2.6	2.5	1.7	2.2
Derbyshire	8.7	6.7	5.3	3.5	2.7	2.6	2.6	3.0	2.7	3.2	3.3	2.9	2.9
Devon & Corn.	8.4	10.1	8.9	7.7	7.1	6.8	5.7	4.5	3.4	5.0	4.4	4.7	3.3
Dorset	24.9	16.5	20.5	19.5	12.8	14.9	10.8	11.7	10.5	12.4	10.6	13.0	9.6
Durham	2.8	1.6	1.7	0.8	0.9	1.0	1.4	1.0	1.8	1.1	1.5	0.6	0.9
Dyfed-Powys	7.9	1.8	3.7	3.5	5.6	4.1	2.6	3.2	2.4	3.8	2.5	1.2	1.8
Essex	6.0	8.8	8.6	6.7	4.9	3.1	3.1	3.7	3.0	2.5	2.7	2.9	2.6
Gloucestersh.	12.2	13.6	11.3	7.5	5.7	5.3	6.3	7.6	5.3	5.0	4.8	3.5	4.3
Gtr Manchester	6.8	4.8	3.7	2.7	2.4	2.2	1.9	1.9	2.7	3.8	3.1	2.5	3.2
Gwent	9.0	2.8	3.1	1.7	4.2	1.9	1.7	3.1	3.6	4.6	3.5	4.0	5.6
Hampshire	11.4	12.5	9.3	8.1	5.5	4.5	4.5	3.9	4.0	5.4	5.0	5.6	3.8
Hertfordshire	4.8	5.1	4.8	3.4	3.1	2.5	2.3	2.6	2.4	2.7	2.6	2.9	2.5
Humberside	7.8	4.4	6.8	1.6	2.2	2.0	1.6	2.1	2.1	2.4	2.5	1.8	2.0
Kent	11.5	12.4	10.3	8.3	5.7	5.2	4.0	4.2	3.1	3.6	3.2	3.5	2.7
Lancashire	4.6	4.5	3.7	3.5	1.9	2.0	2.2	3.1	3.0	3.7	3.3	3.1	2.5
Leicestershire	5.1	4.4	3.9	4.0	3.9	4.0	2.8	4.0	3.5	2.9	3.2	3.5	3.3
Lincolnshire	7.6	6.0	4.8	3.0	2.3	3.6	3.6	2.7	2.4	2.4	2.8	2.5	1.9
Merseyside	3.4	2.7	2.8	2.2	1.8	2.0	1.7	2.0	1.7	1.3	1.9	1.6	2.2
Met Police	4.5	4.3	3.8	3.3	2.8	2.6	2.6	3.1	3.3	2.9	2.6	2.6	3.1
Norfolk	10.4	13.2	12.1	8.0	6.9	4.3	4.2	5.3	4.4	5.7	5.2	4.9	5.4
North Wales	3.7	3.3	3.1	1.2	2.5	1.4	1.3	1.6	1.7	1.5	2.3	1.6	1.3
North Yorkshire	5.0	5.3	3.8	2.1	2.3	5.5	1.2	1.9	1.5	1.8	1.9	1.2	1.4
Northampton.	8.8	8.4	8.6	5.5	3.6	3.1	3.2	2.9	2.2	2.3	2.4	2.5	2.6
Northumbria	4.5	4.5	3.6	2.9	1.6	1.2	0.9	0.9	0.7	0.8	0.9	0.9	0.7
Nottinghamsh.	7.2	8.7	7.8	4.7	3.9	4.1	4.3	4.6	5.1	4.3	4.2	3.9	4.8
South Wales	6.2	7.0	4.3	2.3	2.2	2.8	2.7	3.2	2.8	2.6	3.1	3.4	2.6
South Yorksh.	3.6	5.0	6.4	3.3	2.4	1.9	2.1	2.3	2.4	3.3	2.8	2.7	2.6
Staffordshire	8.7	11.7	8.3	5.4	2.9	3.0	2.5	2.5	3.1	2.9	4.1	2.6	2.2
Suffolk	8.7	12.8	14.1	8.1	8.2	1.8	4.2	4.7	4.2	4.7	4.3	5.9	4.2
Surrey	8.3	7.8	9.4	8.4	5.9	5.3	4.3	4.6	4.4	3.9	3.8	3.4	3.0
Sussex	14.1	14.6	12.3	10.2	8.0	7.6	5.8	5.3	5.2	4.2	4.6	4.5	4.8
Thames Valley	5.0	5.5	4.2	3.6	2.8	2.6	2.4	2.6	2.9	2.7	2.7	2.6	2.4
Warwickshire	9.5	11.8	8.0	7.3	6.8	6.0	4.9	4.6	4.3	4.0	4.6	5.1	3.2
West Mercia	14.0	15.1	12.4	9.1	7.3	7.1	6.7	5.5	6.0	5.8	5.3	6.1	5.5
West Mids.	5.0	4.4	4.1	3.2	2.6	2.6	2.8	3.5	3.1	3.4	3.5	3.6	4.3
West Yorksh.	2.9	2.5	2.0	1.6	1.3	1.4	1.6	1.8	1.8	2.1	1.9	1.7	2.0
Wiltshire	7.8	9.3	9.7	7.5	6.7	6.0	7.3	6.4	6.4	5.2	5.5	4.2	6.0

⁴ <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest>