

INFORMAL POLICE & CRIME PANEL – 9 DECEMBER 2021

DISPROPORTIONALITY IN STOP AND SEARCH

PURPOSE OF THE PAPER

To update Members on the Police and Crime Commissioner's work to address the position of Dorset Police as a national outlier for racial disproportionality in stop and search. 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 and search disproportionality against Black people for well over a decade. The most recently published national dataset, for the 12 months ending 31 March 2021, show that Dorset Police are 19.5 times more likely to stop and search Black people than White people, compared to a national average of seven times more likely (see Appendix A). The disproportionality rate for Asian people and people from other Ethnic Minorities is far lower and in line with national averages.
- 1.2 A variety of stop and search statistics are published annually for all Forces¹, as part of the 'police powers and procedures' statistical collection. These data are also provided by ethnicity. Further analysis relating to stop and search are provided on the 'ethnicity facts and figures' website².
- 1.3 For the year ending 31 March 2021, in Dorset, there were 2,678 stop and searches. 2,032 of these searches were on White people, 178 on Black people, 62 on Asian people, 126 on people from other Ethnic Minorities, with the remaining 280 being unknown.
- 1.4 Based on Census 2011 population data, this gives three stop and searches for every 1000 White people, compared to 55 stop and searches for every 1000 Black people, giving a disproportionality ratio of 19.5 to 1.

2. BACKGROUND

- 2.1 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 and search, based on facts, information or intelligence. Stop and search is widely regarded, by policing, as a valuable tool to prevent crime particularly that of an organised or violent nature.
- 2.2 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

¹ <https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>

² <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest>

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.

- 2.3 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 website³, along with the corporate policy governing the use of these powers, and the stop and search performance reports for the past few years.
- 2.4 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.
- 2.5 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 contemporary 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.
- 2.6 Disproportionality is not the same as discrimination. The issue therefore is to understand the reasons for the disproportionality and ensure that actions are taken to address any discrimination and prejudice.

3. PCC ACTIVITY

- 3.1 The PCC is acutely aware of the history and previous scrutiny on this issue, and since he was elected in May 2021 and has been working with the Force to understand the reasons for this enduring disproportionality.

PCC Challenge

- 3.2 Upon his election, in May 2021, the PCC reviewed the outstanding PCC challenge around stop and search disproportionality and confirmed that he wished this to remain open. The PCC was advised that the Force commissioned two pieces of external work, and the results of these were communicated to the PCC by the Chief Constable in early September. During this intervening period, the PCC remained proactive in pressing the Force for the output of this work including formally by tabling actions at both the Joint Leadership Board and the Disproportionality Board.
- 3.3 The PCC and the Chief Executive both provided detailed feedback on the information received, and whilst the PCC was grateful for the material, and noted that this was not an issue that could be solved overnight, was compelled to question whether the Force's approach. In particular, whether it was nuanced and sensitive enough to consider the complex interconnected activity that spans both

³ <https://www.dorset.police.uk/news-information/about-dorset-police/equality-diversity/stop-search/>

external factors such as the Dorset population and the offenders within intent on causing harm in our communities, and internal factors such as Force standards, practices, policies and people.

- 3.4 In early October, the PCC formally responded to the Chief Constable, reiterating that the Force must bring to a conclusion the understanding of our disproportionality, have measures in place to address potential discrimination and take steps to communicate these effectively as required.
- 3.5 Whilst recognising the significant amount of work and actions taken to date, the PCC remained not being sufficiently assured that the Force's recommended steps were enough to deliver the change being sought. The PCC confirmed that in order to conclude the challenge it would be necessary for the Force to address the issues he had previously outlined – which included: a comparative analysis of areas with similar county lines challenges; an assurance that the Force legitimacy governance was fit for purpose; that Force internal processes were sufficient to address the issues found, and that meaningful engagement and connectivity with our diverse communities took place.
- 3.6 In late October, the Force published the two commissioned pieces of stop and search research online along with a summary of the report provided to the PCC and referred to in paragraph 3.2. At the time of writing, the PCC challenge remains open until the outstanding issues highlighted in paragraph 3.5 are addressed.

Use of Police Powers and Standards Scrutiny Panel

- 3.7 The PCC inherited 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 committed to review these panels, and upon doing so decided to coalesce some of the existing ones (such as Stop and Search and Use of Force) into a new overarching panel which will scrutinise the Use of Police Powers and Standards (UPPS).
- 3.8 The intention for the UPPS panel is that complex issues such as disproportionality can be considered in one place, rather than in separate forums in which wider trends might not be picked up. It is also intended that the new panel should have a more diverse membership, and to facilitate this, the OPCC undertook a range of additional steps to maximise the visibility of the recruitment advert, including targeted marketing through social media and community radio.
- 3.9 The panel will be established before the end of the year, and will continue to:
- Consider 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.
 - Review Dorset Police stop and search performance – including recent statistics on population and disproportionality profiles, object of search (crime enabling article, drugs, weapons, etc) and find rates (the proportion of times the object being searched for was found).
 - Undertake dip sampling of body worn video from stop and search cases picked at random by the Force tactical leads according to criteria set by the scrutiny panel, such as a focus on young people, or drugs stops where the subject was arrested, for example.
- 3.10 The UPPS panel will have better representation from senior management of Dorset Police and the OPCC, will continue to be attended by the Dorset Police tactical leads for stop and search, and Panel members will continue to raise any concerns, challenges and successes to the PCC, to support him in his scrutiny of the Chief Constable. Panel members will also continue to benefit from other opportunities to support their scrutiny, such as observing the training provided to officers on stop and search, unconscious bias, or restraint techniques, or attending 'ride alongs' to directly observe the challenges officers encounter in the delivery of their duties.

4. CURRENT POSITION

- 4.1 Dorset Police and the OPCC both continue to treat stop and search disproportionality as a priority improvement area, and the PCC continues to advocate strongly and offer challenge to Dorset Police Chief Officers.
- 4.2 The most recent national dataset, referred to in paragraph 1.1, was published on 18 November 2021, and for the first time the Home Office has collected record-level data on stop and search. Previously the data were provided in separate tables and it was not possible to, for example, analyse the links between the 'reason for search' data and the 'outcome of search' data.
- 4.3 Record-level data provides the opportunity for this type of analysis to be conducted, and further analysis is currently underway.

5. RECOMMENDATION

- 5.1 Members are asked to note the report.

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Appendix A – Stop and Search Black: White Disproportionality Ratio (2020/21)

