



**Chief Officer Team
Briefing for COM**

Title: Stop and Search
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Summary

This report outlines the current position of West Yorkshire Police in relation to the use of stop and search powers. It provides statistical data in relation to how stop and search powers have been used in the previous 12-month period ending December 2021.

It also provides an update on the recent inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS); proportionality in the use of stop and search; compliance with remaining elements of the Home Office Best Use of Stop and Search Scheme; the specific impact of Operation Jemlock on stop and search; an overview of scrutiny arrangements; and an update regarding ongoing and future work to further progress stop and search activity.

1. HMICFRS

In a recent inspection of West Yorkshire Police under their Police Effectiveness, Efficiency and Legitimacy (PEEL) framework, HMICFRS graded West Yorkshire Police as 'Outstanding' for 'engaging with and treating the public with fairness and respect'. They found that:

- The overwhelming majority of stop searches have been carried out with reasonable grounds. The recorded grounds for stop and search in the sampled cases were reasonable in 96.2% of cases
- All 54 records reviewed for stop and searches on Black, Asian, or Ethnic Minority individuals had reasonable grounds
- They concluded that stop and search activity is being carried out fairly and
- Identified the work we have done to better understand inequalities in elements of policing as innovative practice

Further, it found that the Force:

- Has a comprehensive and sophisticated understanding of its stop and search data

- Has undertaken detailed analysis of its stop and search data and has published this on its website. This data is regularly reviewed at force, local, team and individual level and is further scrutinised by a trained community panel
- It can demonstrate improvements to its ways of working because of the scrutiny posed by these groups. (e.g. improved recording of a subject's self-defined ethnicity)
- The governance and scrutiny in relation to stop and search is evidence of good practice and provides much reassurance to communities that its use of this power is fair and effective

2. Annual Stop & Search Statistics

West Yorkshire Police stop and search data is available to view by the public at www.police.uk. In addition, West Yorkshire Police monitors a comprehensive set of data to analyse and better understand our operational activity around stop and search.

In the twelve months to December 2021 16,845 stop searches were undertaken, a decrease of 3,705 (-18.0%) compared to the previous reporting period. Prior to this, there was an upward trend in the use of stop and search powers by West Yorkshire Police: during the Covid lockdown period, it was recognised that suspected criminality was more identifiable due to the very nature of the 'stay at home' restrictions.

The reasons for stop and search in West Yorkshire continue to reflect identified strategic threats to the force with 59.8% undertaken for drugs, 15.1% for offensive weapons, 12.2% going equipped (for offences of burglary, theft or fraud) and 5.7% for stolen property. Criminal damage represents 1.3% of searches and firearms 1.1%.

Operation Jemlock, our high profile, proactive response to tackle the threat of knife crime and violent crime in West Yorkshire, accounts for 13.5% of annual stop and search activity, almost the same as the previous 12-month reporting period (13.4%).

The Police and Criminal Evidence Act, 1984 Code A, defines the extent to which searches may be conducted: confined to outer clothing only, more thorough than outer clothing, or exposing intimate parts. 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). Year to December 2021 shows that in West Yorkshire outer clothing searches made up 94.2% of searches, more than outer clothing 0.4% and exposing intimate parts 1.6%. In 3.8% data was omitted in error.

Search outcomes are split into two:

- 'direct outcomes' relate to searches where the item being searched for is found. The direct outcome rate has remained static at 24.2%
- 'positive outcomes' relate to cases where, for example, something else illegal, other than what was sought is found, or where a person is arrested for an offence or being wanted on a court warrant. The positive outcome rate has risen marginally from 30.5% to 30.9%.

In more detailed analysis conducted year to December 2021, find rates have increased slightly across all areas referred to except that of offensive weapon searches where there was a marginal decrease. Find rates against Force strategic priorities were highest for drugs at 27.8%, whilst those targeting the priority of burglary (going equipped and stolen property) had lower outcomes at 7% and 16.6% respectively. Offensive weapon searches addressing the violent crime threat had a find rate of 11.3% (11.5% in the previous year). Although find rates for alcohol were at 40%, these represent only a small number of searches over the specified period.

At the time of the last report in 2021 West Yorkshire Police reported that we had no means of responding to a HMICFRS recommendation to be able to differentiate between the find rates for drug possession and supply-type offences. Whilst ultimately it is the intent, or *Mens Rea*, of the offender in possession of the drugs that is crucial (irrespective of the quantity of drugs found), we now record data based on officer perception as to whether the search is for a supply offence or a possession offence. In the period April to December 2021 32.8% of searches were conducted by officers suspecting supply offences compared to 67.2% of searches where officers suspected possession offences.

Data quality plays a large part in understanding stop and search. The absence of any element of data from a stop search record has increased from 4.2% to 8.0% in the twelve months to December 2021. However, it should be noted that this is not a like for like comparison with the previous reporting period: to improve our data quality, we have introduced additional data recording requirements. This has resulted in an initial increase in non-compliance data, which we expect will level out.

From April 2021, where officers state that a subject has “not stated” their self-defined ethnicity, there is a requirement to identify whether this is due to: failing to ask, the subject refusing, the subject was unable to understand, the officer was called away to an emergency, or the subject became aggressive. These reasons reflect the rationale outlined in the Police and Criminal Evidence Act.

We always expect the self-defined ethnicity question to be asked and if it has not been, there should be good reason as to why. If ‘Not stated – fail to ask’ is selected, this is now included in the non-compliance data rate. This data is shared with Continuous Improvement Teams across the Force to highlight and facilitate appropriate follow-up and learning.

We have seen consistent improvement in this area since the additional data recording requirement was introduced. Self-defined ethnicity is a significant data quality aspect that influences our understanding of issues of disproportionality: ethnic disproportionality exists when an ethnic group is more or less likely to be impacted by a particular action or inaction in either a negative or positive way compared to other ethnic groups. We recognise that disproportionality can directly impact an individual’s perception of, and interaction with, West Yorkshire Police.

The ‘not stated’ category has reduced in last 12 months to December 2021 by 3.5% when compared to the previous year. Where self-defined ethnicity is recorded as ‘not stated’, this is classed as a category of self-defined ethnicity and therefore does not fall within the rate of ‘not recording’.

The rate of not recording self-defined ethnicity is almost unchanged at 0.12%, compared to 0.11% in 2021.

3. Overall findings in current stop & search statistics

West Yorkshire Police undertake a detailed assessment of the apparent threat and resultant harm to communities caused by crime. This is assessed through MoRiLE (Management of Risk in Law Enforcement) scoring. This approach assists in setting the Force strategic priorities, in line with the strategic intention to keep communities safe and feeling safe.

Operationally, officers deploy reactively e.g. responding to calls for service, as well as proactively e.g. tasked policing deployments to tackle specific identified threats. Tasked deployments are decided upon by analysing crime information and intelligence against the scored strategic threats to communities. This approach drives police proactivity in West Yorkshire and helps to keep communities safe.

When we compare the use of stop and search against the Crime Severity Score (an Office for National Statistics measure of the harm caused by recorded crime as opposed to a simple measure of crime volumes) at a ward level, we see a very strong correlation. In simple terms, where there is greater harm to communities from crime, West Yorkshire Police utilise the operational tactic of stop and search more. We believe that this demonstrates significant legitimacy in our overall use of stop and search that should be reassuring to our communities.

However, we also recognise that disproportionality exists within the overall use of stop and search. As such, we continue to analyse our data with the aim of better understanding issues of disproportionality by considering data such as offending behaviours, intelligence availability, specific proactivity, and the quality of the data itself.

4. Understanding proportionality in the use of stop and search

Issues of proportionality (also described as issues of equality) are determined by comparison to 2011 census data. The latest census data has yet to be released.

West Yorkshire Police continue to progress our understanding of the reasons for any disproportionality or inequality in the use of operational policing tactics such as stop and search. This is supported by an Inequalities Board and Inequalities Threat Delivery Group.

The Force previously undertook a review of academic research that seeks to explain why disproportionality exists in operational policing and we continue to focus on the factors identified as being key themes in the explanation of ethnic disproportionality in policing:

- Accuracy of the Data
- Approaches to Deployment
- Crime Rates
- Discrimination/Racial Bias
- Street Availability and Population Availability

In West Yorkshire the greatest area of disproportionality exists in the searching of young males compared to the rest of the West Yorkshire population. Data of recorded age and sex shows that 91.1% of searches are conducted on males, compared to 8.9% female. And in respect of males, 22.2% are aged 16-19, 37.9% aged 20-29 and 18.1% aged 30-39.

In terms of gender profile of persons subject to stop and search, the proportion is significantly different when compared to the census profile, which shows 49.1% of the population are male. However, the crime profile for the same period shows that 72.4% of all offenders are male.

Considering ethnic proportionality, those from ethnic minority backgrounds are 3.1 times more likely to be subject to stop and search than white, which is a slight increase on 2.9 in the previous 12 months. The most recent Home Office police powers and procedures statistics (to year ending 31 March 2021) identify that in England and Wales the national average is disproportionality towards ethnic minority individuals, who are 3.5 times more likely to be subject to stop and search than white individuals.

Individuals from a Black background are 3.4 times more likely to be subject to stop and search than those from a white background. Again, this is lower than the national average of 7.1. Those identifying as Asian are searched at a rate of 3.2 times that of those from a white ethnic group, compared to the national rate of 2.4. People from a mixed ethnic group are 3.1 times more likely to be searched than those from a white background (2.4 nationally) and those from

other ethnic groups are searched at a rate of 1.9 times more than those from a white ethnic group (2.7 nationally).

Analysis shows that 'direct outcome' find rates are 20.3% for searches of white individuals and 23.0% for those defining as an ethnic minority.

At a West Yorkshire force level, Operation Jemlock activity appears to be more disproportionate than overall stop and search data, with a disproportionality ratio of 5.2 toward ethnic minority individuals, this is an increase from 4.6 in the previous 12-month period.

Analysis of the top 15 wards subject to Operation Jemlock search activity shows that 9 of those wards (60%) had disproportionality lower than the Force average. In 2 of the 15 wards (13%) individuals from an ethnic minority background were either equally likely or less likely to be searched than those that identified as white.

In considering issues of proportionality, West Yorkshire Police continue to analyse stop and search rates compared to crime offending data. This is specifically measured against 'searchable crime', that is crime where a power of search exists at the time of or prior to the offending. 'Searchable crime' is a more ethical approach than analysing against all crime types when considering stop and search. 'Searchable crime' offender data shows disproportionality toward ethnic minority offenders by a ratio of 1.3. This is constant from 2021 yet is still lower than the stop and search ratio of 3.1. Therefore, 'searchable crime' offence data does not, on its own, explain stop and search disproportionality.

5. Home Office Best Use of Stop and Search Scheme (BUSSS)

As of 9th August 2019, The Home Secretary relaxed all previous BUSSS conditions which required authorisation levels for use of the Section 60 Stop Search Power greater than described in legislation (Criminal Justice and Public Order Act 1994). As such, s.60 authorisations can now, again, be authorised by an Inspector for up to 24 hours and further extended to 48 hours by a Superintendent in accordance with legislation. West Yorkshire Police have followed this government direction with the direction that Duty Gold (an officer of the rank of Assistant Chief Constable) is briefed at an appropriate time regarding the authorisation, ensuring strategic oversight. Force policy amendments have reflected this.

In the 12 months to December 2021, 16 s.60 search authorisations have been granted within West Yorkshire resulting in 346 individual stop and search encounters. Whilst this is an increase on the 1 authority for the previous reporting period, it remains low by national comparison. Referring to the most recently published national data for the 12-month period ending March 2021, there were 9,230 stop and searches conducted under the s.60 power. The Metropolitan Police Service accounted for more than half (58%) of these searches, followed by Thames Valley Police and Merseyside Police (11% and 10% respectively of the England and Wales total). If we compare West Yorkshire Police, 12 months to the end of December 2021 with the national picture (period ending March 2021), the number of s.60 searches within West Yorkshire would account for 3.7% of the overall number.

- Elements of BUSSS which remain are:
- Lay Observation Policy – **West Yorkshire Police Ride Along Scheme** (currently suspended due to Covid and will be reinstated as soon as it is safe and possible to do so).
- **Race and Diversity Monitoring** – this has been described earlier in terms of proportionality.

- **Community Complaints Trigger:** West Yorkshire Police retains the Community Trigger threshold at one complaint and the outcome of every stop and search complaint is passed in a redacted format to local scrutiny panels for their review.

There have been complaints recorded in the year to December 2021 relating to 12 separate people for 12 separate incidents. Recorded ethnicity of complainants showed: 4 White, 3 Asian, 2 Black, 0 Mixed and 3 Not recorded. All cases related to males. Ages of complainants were: 14, 14, 21, 21, 24, 26, 31, 32, 40, 52, 54 and 1 was unknown.

Outcomes recorded by Professional Standards Department (PSD) regarding those 12 separate cases were: 4 cases still live or not yet investigated due to sub judice issues. 3 cases were finalised showing that the service provided was acceptable. 4 cases were resolved with the complainant, and 1 case is with the IOPC for a review.

6. Scrutiny Panels

All five policing districts have active Independent Scrutiny Panels that convene on a regular basis. As a minimum this is quarterly, although most panels meet more frequently. The Terms of Reference allow for local flexibility in that scrutiny members can agree increased frequency meetings and/or agree to hold interim or extraordinary panels should the need arise.

Panels routinely scrutinise Hate crime, police use of stop and search powers and use of force. Alongside these consistent areas for scrutiny, it important that the process affords flexibility to accommodate new and emerging issues of concern. The Assistant Chief Constable strategic scrutiny lead may formally approve scrutiny of any other area of operational practice.

There are 100 independent panel members at present across the five policing districts within West Yorkshire.

Local arrangements are in place to assure the scrutiny panel that individual case selection is transparent. Relevant scrutiny information and documentation is provided to the panel members for scrutiny, this includes Body Worn Video (BWV) footage.

The ability to view BWV footage has had a significant impact at scrutiny panels. Viewing footage, alongside the review of paper documents, enhances context and clarity of police actions. Not only does BWV allow greater transparency, feedback from panel members highlights that this development gives an understanding of events which cannot be replicated by paper reports alone, it has resulted in richer discussion and provides an opportunity for more holistic feedback.

Feedback, both positive and developmental is recorded and fed back to the officers concerned and their supervisors, alongside the local Senior Leadership Team member responsible for scrutiny. Best practice and learning identified from the scrutiny panel process is highlighted and shared, as appropriate, at both a local and organisational level.

West Yorkshire Police have recently launched a force-wide scrutiny panel feedback portal. This system is designed to streamline the recording of panel discussion and feedback, allowing our five policing districts to consistently capture, analyse and track feedback more efficiently and effectively via one central IT platform. It will also enhance our ability to identify trends and share best practice and learning on a wider, organisational level.

7. Other stop and search related activity

We strive for continuous improvement around the use, and our understanding, of stop and search. Work includes:

- Amendments to the stop and search App on officer handheld devices in respect of both the 'grounds for search' section and the recording of self-defined ethnicity. These changes were designed to support officers in accurately recording reasonable, objective grounds and improve our data quality.
- In August 2021 a new supervisor body worn video (BWV) review portal was launched. It was designed to streamline the supervisory review of BWV and , crucially, provide consistency in the way reviews are completed. These BWV reviews are captured on the central system, which benefits from an extensive inbuilt feedback process, to both aid in officer development and provide positive feedback. There is a focus upon procedural justice, professionalism, and legal requirements. The portal enhances our ability to identify trends and share best practice and learning both locally and across the wider organisation.
- Quarterly stop and search performance review meetings have been introduced. Senior Leadership Team Stop and Search leads, alongside Continuous Improvement Teams from across the force now come together to review stop and search management information to support organisational learning and improvement. The data set reviewed includes data quality, find rates, disproportionality matters, and ward level analytical data.
- In January 2022, as referenced in the Scrutiny Panel section of this report, West Yorkshire Police launched a force-wide scrutiny panel feedback portal. This system is designed to streamline the recording of panel discussion and feedback, allowing our five policing districts to consistently capture, analyse and track feedback more efficiently and effectively via one central IT platform. It will also enhance our ability to identify trends and share best practice and learning on a wider, organisational level.
- Our stop and search data will be further enhanced with the introduction of a Power Bi application specific to Stop and Search. The application, which is planned for launch in June 2022 will allow for greater, more bespoke stop and search analysis. The data within the application will be refreshed on an hourly basis, as opposed to the quarterly static reporting we currently have.