

Stop and Search Recommendations – Lancashire constabulary

Recommendation		Force update / assessment of progress	Estimated completion date	Grading R/A/G
Force <i>Lancashire</i> Chief officer stop search lead for force <i>ACC Bates</i> Operational stop search lead for force <i>Ch Supt Noble / Ch Insp Kitchen</i> Date form completed <i>Last updated 10/03/2016</i>		Assessment rating: <u>PLEASE SHADE BOX APPROPRIATE COLOUR.</u> RED - Little work yet undertaken in this area. Unlikely to reach deadlines AMBER - Work undertaken in area but still requires development to complete GREEN - Already complete / believed to be complete within short time scale (and within deadline) **Light blue shaded areas do not need to be completed**		
No.	HMIC 2013			
1.	Chief constables and the College of Policing should establish in the Stop and Search Authorised Professional Practice document 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. Await COP publication of APP summer 2016.	July 2016	
2.	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.	Proportionality of stop and search is monitored 6 weekly and reported at the Diversity and equality Delivery Group. Strategic oversight through PEEL QPR process. Automated procedure for QA process by supervisory in place. This is retrospective monitoring that will provide a feedback loop from supervisor to officer who conducted search and will allow for any training needs to be addressed. Independent Scrutiny Panel in place Feb 2016.	Complete	

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3.	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. (Note: This recommendation concerns real-time supervision whereas Recommendation 2 is about retrospective monitoring)	This is practically difficult to achieve, however supervisors will be encouraged to become more intrusive in 'live time' monitoring of S&S.		
4.	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.	Training package due out March 2016. Training time allocated by L&D.		
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.	Linked to above recommendation and training will be carried out once national package published. Training time allocated by L&D. BCUs will assist with delivery.	On-going. Estimated by end 2016	

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6.	<p>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.</p>	<p>Stop and search is an agenda item on the daily risk and threat agenda within BCUs.</p> <p>Force mapping is carried out which overlays stop and search and crimes and highlights if searches are carried out in crime hot spots.</p> <p>A stop which yields intelligence should be subject to a separate intelligence report. The stop and search database is searchable to glean intelligence. This is linked to Sleuth Intel pages.</p> <p>Force is in process of producing a revised Strategic Assessment for S&S to replace the monthly product.</p>	July 2016	
7.	<p>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.</p>	<p>Independent Advisors have been involved with the implementation of BUSS within Lancashire from the onset.</p> <p>Scrutiny of PACE1 forms has been carried out as well as “ride along schemes by IAG”</p> <p>In independent scrutiny panel is now in place Feb 2016.</p> <p>All data and links to police.uk now published on our website.</p> <p>Pro-active publishing of data (including diversity data) is in place – use of social media.</p> <p>Community Trigger published on website.</p>	Complete	
8.	<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</p>	<p>Data from complaints resulting from stop and search is reported at the Diversity and Equality delivery group.</p> <p>There is a force email box for comments relating to stop and search which is monitored daily.</p>		

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	<p>gathering information about dissatisfaction reported to other agencies.</p> <p><i>The All-Party Parliamentary Group for Children (APPGC) states that forces should enable children and young people to provide feedback on their interaction or advise how to make a complaint if they feel they have been treated badly or unfairly. See Recommendation 14 in APPGC section below.</i></p>	<p>The searched persons copy of the PACE has details of the stop and search email address and also force website address where a complaint can be made on-line.</p> <p>Community Trigger now published on website.</p> <p>Link to 'make a complaint' is on the S&S pages.</p> <p>New receipt rolled out for use with PDA – know your rights etc.</p>	Complete	
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9.	<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>Note: HMIC accept that as long as forces' systems can provide information that meets the minimum recording requirements for stop and search, then this will satisfy this recommendation.</p> <p>The NPCC lead for stop and search has developed the minimum recording requirements for stop and search and forces are requested to provide an update/assessment of progress against these requirements.</p>	<p>Our PACE1 forms are compliant with minimum recording standards. More work needed to update to new recording requirements around clothing removed etc. This is in progress with ICT.</p> <p>Agree nationally that there will be no national form.</p>	July 2016	
10.	<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>Samsungs rolled out to all regular officers. Now over 80% submitted electronically.</p>	Complete	
Best Use of Stop and Search Scheme				
1.	<p>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> <p><i>The APPGC also requires specific recording of stop and search encounters with children and young persons and specific data capture. See Recommendation 9 in APPGC section below</i></p>	<p>Fully compliant.</p>	Complete	

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2.	Lay observation policies – providing the opportunity for members of the local community to accompany police officers on patrol using stop and search.	<p>Members of our IAGS have accompanied patrols on a “ride along scheme”. However chances of observing a stop and search are limited.</p> <p>We are currently scoping out utilising BWD footage to show our independent advisors. Await technology fixes re storage and viewing (CI Baines aware this is required as part of upgrade).</p> <p>New Ride Along scheme in place and published on S&S web pages. BCUs will drive this activity – policy and procedures now drawn up.</p>	Complete	
3.	<p>Stop and search complaints 'community trigger' – a local complaint policy requiring the police to explain to local community scrutiny groups how the powers are being used where there is a large volume of complaints.</p> <p><i>APPGC Recommendation 9 states children and young persons should also be included in this process.</i></p>	<p>Process drawn up and now published on force web site.</p> <p>OPCC is keen to take ownership and meeting is arranged for March 2016 to discuss handover of this process to inject independence.</p> <p>Process will be aimed at identifying complaints that are more than just around 1 encounter – i.e. general community dissatisfaction with way we are deploying S&S.</p>	Complete (but may be further OPCC development)	
4.	<p>Reducing section 60 'no-suspicion' stop and searches by –</p> <ul style="list-style-type: none"> (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); and (e) communicating to local communities when there is a section 60 authorisation in advance (where 	<p>Specific response required for each of the 5 points:</p> <p>Fully compliant with all points</p>	Complete	

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	practicable) and afterwards, so that the public is kept informed of the purpose and success of the operation.			
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HMIC 2015				
1.	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.	<p>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.</p> <p>Update – definition not universally accepted and new definition is as follows:</p> <p>A stop and search is most likely to be fair and effective when:</p> <ul style="list-style-type: none"> • The search is justified, lawful and stands up to public scrutiny • The officer has genuine and objectively reasonable suspicion that s/he will find a prohibited article or item for use in crime • The person understands why they have been searched and feels that they have been treated with respect • The search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item. 		
2.	Chief constables should, with immediate effect, develop plans that set out how each force will complete the action required to make good progress 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.	<p>Now replaced local action plan with this national template.</p> <p>Action plan will be published on website by end of March 2016.</p>	March 2016	

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3.	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. We expect all forces to have completed, or to be making good progress in relation to, the recommended actions by November 2015.	The force undertakes regular reviews of its stop and search plan to ensure all the requirements of new reports are incorporated within its action plan.		
4.	Within twelve 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.		

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5.	Within twelve months, the Home Office should establish a requirement for sufficient data to be recorded and published in the Annual Data Requirement to allow the public to assess how effective and fair the police are when they use these powers.	For the Home Office to respond.		
6.	Within twelve 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 are provided 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 twelve 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 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.	For the College of Policing to respond.		
8.	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.	Removal of clothing currently a Y or N field. Currently no provision to record which clothing removed, whether intimate parts revealed, whether conducted in public view or sex of officers present. This would also necessitate ICT changes. PS Gomery drawing up new form and liaising with ICT and Kelvin Connect to agree schedule of work.	May 2016	

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9.	Within twelve 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.	Within twelve months, the Home Office should work with forces to establish a requirement for sufficient data to be published in the Annual Data Requirement 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.	<p>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 and appropriate.</p> <p>*The term “police and crime commissioners” is used as shorthand so as to make reference to police and crime commissioners, the Mayor’s Office for Policing and Crime in the Metropolitan Police District and the Common Council of the City of London.</p>	<p>Can be incorporated into independent scrutiny panel – though we only record if clothing removed (not which clothing) – will be able to provide more detail once ICT fix in place.</p> <p>This will be fed into Scrutiny Panel and DEDG.</p>	May 2016	

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12.	<p>Within twelve 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.</p>	For the College of Policing to respond.		
APPGC recommendations				
9	<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> <ul style="list-style-type: none"> • 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; • enable young people to participate in public scrutiny and lay observations; • promote clear complaints mechanisms to under 18s; • set out procedures for police liaison with child protection teams where any risks or concerns are identified following searches. 	<p>The Force has the capability to provide this information now.</p> <p>On-going work and will form part of the independent scrutiny panel who will be asked to identify ways of involving young people in ride along and scrutiny.</p>		

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10	<p>Recommendation 10: The National Police Lead on 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.</p>	In place Feb 2016.	Complete	
12	<p>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.</p>	<p>The force supplies all required information to police.uk and will be able to supply data on the searching of children and young people when it is required.</p> <p>Monthly product also now published on force website.</p>	Complete	
13	<p>Recommendation 13: The Government should revise statutory guidance to the police on carrying out stop and search (PACE Code A) so that it:</p> <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 Government to respond.		

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14	<p>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:</p> <ul style="list-style-type: none"> • procedures police officers should follow to protect vulnerable children, such as children in care, children under the age of 10, and those at risk of abuse and exploitation; • 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; <p>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.</p>	For the College of Policing to respond.		
15	<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>Currently do not publish specific guidance to officers on children under 10 years. There have been 11 searches on under 10's in the past twelve months.</p> <p>Guidance will be drawn up to ensure officers are aware of their responsibilities around safeguarding both immediately and longer term.</p>	May 2016	