

Briefing

# **Stop & Scrutinise: How to improve community scrutiny of stop and search**

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**‘Bringing decision-making out into the open and exposing it to scrutiny is the best way of delivering fair treatment.’**

*Lammy Review, 2017*

**‘It’s made me lose a lot of faith in the criminal justice system.’**

*No Respect: Young BAME men, the police and stop and search, CJA, 2017*

**‘There is a damaging lack of trust between the police and some communities. This has become a serious barrier to change, including via a “wall of silence” when crimes are committed and communities do not share information with the police. Any future violence reduction strategy will have to place a premium on establishing trust and mutual respect.’**

*Youth Violence Commission, 2018*

This briefing is the result of a survey and follow-up interviews in autumn 2018 with police force areas across England and Wales on the operation of stop and search Community Scrutiny Panels.

# Foreword

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It is irrefutable that citizens should enjoy freedom of movement and an expectation of an uninterrupted private life; these protections underpin our democracy and uphold our fundamental human rights. These expectations are acutely relevant to the use of stop and search and it is essential that all powers exercised by the police are used lawfully, only when necessary and are proportionate, but more importantly, that they are seen to be so.

The assessment and recommendations set out in this report provide a valuable commentary on the expectations communities have as to how the police should operate when tackling violent crime and upholding the law, as well as providing an important reminder that policing is underpinned by public consent.

As well as providing a constructive interpretation on the value of stop and search powers and the importance of active monitoring arrangements, the report provides helpful examples of where police forces and communities have successfully come together to stimulate improvements in police operational activity as well as promote confidence that officers are acting in the public interest and with proper regard to the Codes of Conduct that govern their powers and the use of force.

I would encourage Police and Crime Commissioners, Chief Officers and operational leaders to actively consider the conclusions of this report and consider whether community engagement and scrutiny arrangements in their areas could be strengthened by considering the advice it offers.

**Adrian Hanstock**  
**Deputy Chief Constable, British Transport Police**  
**National Strategic Lead for Stop and Search**

Stop and search can have a negative effect on young BAME people's trust in the police. But to tackle violent crime, communities need to have confidence to contact the police and share information.

Community scrutiny of police powers helps to build trust, hold the police to account and make our communities safer. On the 20th anniversary of the Macpherson Report, this briefing from the CJA provides a timely blueprint for ensuring effective scrutiny of stop and search across the country.

**Detective Sergeant Janet Hills,**  
**Chair of the Metropolitan Black Police Association**

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# Key findings

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- 1** The use of stop and search has declined significantly since 2011 but this trend appears to be slowing and, in some areas, reversing. Moreover, the power's disproportionate use against black, Asian and minority ethnic (BAME) people compared to white people has increased in recent years. BAME people are now over four times as likely to be searched as white people, and black people in particular are over nine times as likely to be searched. When stop and search is perceived to be used unfairly, it has a negative effect on BAME people's trust in the police, which hampers the police's ability to effectively investigate crime and protect the public.
- 2** A key lesson of the Lammy Review into the treatment of BAME people in the criminal justice system found 'bringing decision-making out into the open and exposing it to scrutiny is the best way of delivering fair treatment'. For stop and search in particular, scrutiny by communities most affected by its use can play a crucial role in building trust by providing transparency and accountability.
- 3** Community Scrutiny Panels (CSPs), composed of members of the public, should be the primary vehicles for this function. While there is a significant lack of consistency and effectiveness in how CSPs operate across police force areas in England and Wales, there are nonetheless some examples of good practice that should be applied more widely.
- 4** CSPs need to be able to operate independently and must be seen to be doing so. However, almost a third of respondent CSPs are not chaired by a member of the public, but instead by representatives from the police or the office of the Police and Crime Commissioner.
- 5** Effective scrutiny requires openness to constructive criticism and willingness to listen and learn. CSPs must be able to submit feedback to the police on practice and policy and receive appropriate responses on action taken. Some areas have implemented clear processes, but this should be the case for all CSPs.
- 6** CSP membership needs to represent communities most affected by stop and search. However, a third of respondent CSPs do not monitor the demographics of their members and most CSPs only recruit new members 'as and when needed' rather than ensuring membership is periodically renewed.
- 7** CSP members need access to sufficient initial and ongoing training to carry out their duties effectively. Almost a quarter of respondent CSPs offered no training. Where training was offered, there was a lack of consistency in its content across forces.

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The data and information available to CSPs, and the process by which it is selected, is variable and in some circumstances can limit CSPs' ability to scrutinise and challenge. There are particular concerns with access to and the process for viewing body worn video.

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CSPs need to be transparent and open about their remit, activities and membership. Only half of the survey responses said their CSP's terms of reference are publicly available and over three quarters said their panel meetings were not open to the public. More needs to be done to ensure all CSPs meaningfully engage young people, BAME communities and people with experience of being stopped and searched.

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CSPs are key stakeholders in the 'community complaints trigger'. However, two thirds of respondent CSPs were not consulted in the design of the trigger process and less than a third reviewed their trigger process regularly.

### Four Principles for Community Scrutiny Panels

We hope this report will encourage Police and Crime Commissioners, police forces and the Home Office to consider drawing on the positive steps being taken across different areas and provide a stronger and more consistent footing for CSPs based on the following four principles:

- **Independent and empowered:** Led by the community, acts as a 'critical friend', provides constructive challenge and influences change.
- **Representative:** Reflects the communities most affected by stop and search, stays dynamic by periodically reviewing and refreshing its membership and actively engages young people and BAME people in its work.
- **Informed:** Has effective and transparent access to a wide range of data and records on stop and search, including body worn video footage, and access to appropriate training and guidance.
- **Open and visible:** Promotes its work widely in the community, particularly with young people and 'harder to reach' groups, publishes summaries of meetings and outcomes, and is easily contactable by members of the public.

# 1. The need for community scrutiny

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In their role to maintain law and order and protect members of the public, police officers meet and speak with the public every day to gather information, investigate crimes and resolve disputes. Officers have access to a wide range of powers to assist them in this role, but few are as contentious as stop and search.

The recent trends in stop and search show overall numbers have fallen significantly since 2011 but this decrease is slowing. There were 282,248 searches conducted by the police in England and Wales in the year ending March 2018, a fall of seven per cent from the previous year. More recent data for London in 2018 shows an increase in the power's use.

But the recent overall decrease has disproportionately favoured stops of white people, which fell by 13 per cent compared to a one per cent decrease in stops of black, Asian and minority ethnic (BAME) people. This means BAME people are now four times as likely to be stopped and searched compared to white people. Black people in particular are over nine times as likely to be searched as white people.

Black people are over nine times as likely to be searched as white people

The reliance on stop and search as a tool to reduce crime, particularly knife crime, is not supported by the evidence. Research from the Home Office into the large increases in stop and search in 2008 showed 'no discernible crime-reducing effects' and more recent research published by the College of Policing concluded the 'inconsistent nature and weakness' of the relationship between stop and search and crime rates provides only 'limited evidence' of the deterrent effect of stop and search.

In London in particular, recent reports by Amnesty and Stopwatch highlighted the reliance placed by the Metropolitan Police on the Gangs Matrix to inform use of stop and search. In October 2017, there were almost 3,800 people on the Gangs Matrix, 87 per cent of whom were from a BAME background. Forty per cent of people on the Matrix had no record of involvement in a violent offence in the previous two years, which raises serious questions about the extent to which the Matrix is being used to ensure stop and search is 'intelligence-led'.

We are especially concerned about the reported fivefold increase in searches conducted under Section 60 of the Criminal Justice and Public Order Act 1994 that do not require reasonable grounds for suspicion. The bulk of this increase has occurred in London, where the overall number of s.60 searches increased from 1,375 in 2017 to 7,283 in 2018. Searches of black people in 2018 accounted for two thirds of the total number.

Meanwhile, the CJA's report *No Respect* highlighted the traumatic and alienating effect of stop and search on young BAME people and how the perception of unfairness can destroy trust in the police. Polling has shown

that three quarters of young BAME people think they are unfairly targeted by stop and search, and just a quarter think that police officers use fair and accurate information when exercising the power.

Three quarters of young BAME people think they are unfairly targeted by stop and search

Twenty years on from the Stephen Lawrence Inquiry, the negative impact of stop and search continues to undermine police/community relations. Where trust in the police breaks down, it can directly undermine the police's work to protect the public if people are less likely to contact the police with information or as victims of crime. It is therefore imperative that the police are held to account by making the power's use transparent and open to community scrutiny.

## Community Scrutiny Panels

The need to make stop and search subject to community scrutiny is recognised in the Best Use of Stop and Search scheme (BUSSS), the Code of Practice for stop and search, and the College of Policing's Authorised Professional Practice (APP) on stop and search.

BUSSS aims to improve transparency and community involvement

The aim of BUSSS, launched in 2014 by the Home Office and the College of Policing, is to achieve greater transparency and community involvement in the use of stop and search and increase public confidence that it is used fairly, lawfully and effectively. All 43 police forces in England and Wales, and the British Transport Police, are voluntarily signed up to the scheme. BUSSS assumes that 'local community scrutiny groups' will play a role in its operation, particularly in the complaints trigger process.

The Code of Practice also requires a degree of community scrutiny:

'In order to promote public confidence in the use of the powers, forces in consultation with police and crime commissioners must make arrangements for the records to be scrutinised by representatives of the community and to explain the use of the powers at local level.'

The subsequent notes to this section require that groups consulted should always include young people and children.

'All forces should have processes in place that allow members of the public to hold the chief constable to account for the use of stop search powers in their force area.'  
– APP

The APP on stop and search provides further description of community scrutiny of stop and search:

'All forces should have processes in place that allow members of the public to hold the chief constable to account for the use of stop search powers in their force area.'

However, the APP leaves it to individual areas to determine how this scrutiny should operate in practice.

A broad range of groups operate across England and Wales that would fall under the category of 'community scrutiny panels' (CSPs) from Community Monitoring Groups in London to Public Encounter Groups in Cheshire and the Reasonable Grounds Panel in Northamptonshire. The number of panel members,

the range of activities they carry out, the regularity of their meetings and the transparency of their work also differs significantly across police force areas.

For the purposes of this report, we identify a CSP as a group of members of the public, representative of their communities, that meets a prescribed number of times each year to scrutinise a range of police information on stop and search. A CSP will have processes to challenge and hold to account the police on the use of stop and search in their area.

### How effective is community scrutiny?

A 2017 report by HM Inspectorate of Constabulary expressed concern about external scrutiny of stop and search:

'The effectiveness of external scrutiny of stop and search varied across forces.'  
– HMIC, 2017

'The effectiveness of external scrutiny of stop and search varied across forces. We were pleased to find that some forces had bespoke external scrutiny groups, at a force and local level, focused solely on stop and search. Other forces consider stop and search data as part of the wider external scrutiny of several different policing issues. In general, these groups are moderately effective. Given the sensitivities of this area of policing, we were surprised and disappointed to find that a small number of forces have no external scrutiny arrangements at all. Only a minority of forces had very effective and independent groups.'

With effectiveness of community scrutiny in question, this briefing looks specifically at CSPs in England and Wales and highlights examples of innovation and good practice. A survey carried out in autumn 2018 provides an up-to-date account of how CSPs are currently operating. A range of perspectives drawn from follow-up interviews have provided crucial additional information.

This report shows CSPs can play an important role in bridging the gap between the police and the community by engaging with 'harder to reach' groups, making the use of stop and search more transparent, and providing robust and appropriate challenge to the police.

### How many times more likely than white people are BAME people to be stopped and searched?

The table on the right shows how many times more likely a BAME person in England and Wales is to be stopped and searched compared to a white person, by police force. The figures are for 2017/18, the latest full year available, and the figures in brackets are for the previous year.

The final column shows the proportion of searches of BAME people in 2017/18 that resulted in nothing being found. These are precisely the stops that most exacerbate distrust between the police and local communities.

\* Statistics for West Mercia and Warwickshire listed no searches of BAME people having resulted in nothing being found. However the percentages of searches of BAME people listed as 'Unknown whether article found' were 74 per cent (Warwickshire) and 67 per cent (West Mercia).

**Table: How many times more likely are BAME people than white people to be stopped and searched? How often is nothing found?**

Force	Black	Asian	Mixed	Chinese or other	Nothing Found %
Avon & Somerset	8.2 (5.4)	1.3 (0.9)	2.6 (2.0)	0.6 (0.5)	70
Bedfordshire	3.7 (2.5)	2.0 (1.6)	2.3 (2.1)	1.2 (0.7)	85
Cambridgeshire	6.6 (7.6)	1.1 (1.9)	1.8 (2.3)	1.2 (0.5)	59
Cheshire	7.2 (4.5)	0.5 (0.6)	1.9 (1.6)	0.7 (1.0)	41
City of London	10.5 (8.2)	3.8 (2.6)	2.4 (1.6)	0.8 (0.2)	64
Cleveland	3.9 (3.3)	2.0 (2.1)	1.0 (0.0)	1.8 (1.2)	69
Cumbria	7.7 (7.0)	2.7 (2.1)	0.6 (1.0)	0.0 (0.0)	81
Derbyshire	6.7 (5.3)	2.4 (2.3)	2.1 (2.8)	1.0 (0.9)	66
Devon & Cornwall	9.5 (9.0)	1.7 (1.6)	1.4 (0.8)	1.4 (0.9)	57
Dorset	16.5 (20.4)	1.3 (0.9)	1.6 (2.3)	0.8 (0.4)	65
Durham	1.6 (1.7)	1.2 (1.1)	0.8 (1.5)	0.6 (0.4)	62
Dyfed-Powys	1.8 (3.7)	1.0 (1.1)	1.1 (1.0)	0.1 (0.6)	63
Essex	8.8 (8.6)	2.1 (2.2)	2.5 (1.9)	0.4 (0.6)	89
Gloucestershire	13.6 (11.3)	1.5 (1.5)	3.1 (2.7)	1.4 (0.6)	74
Greater Manchester	4.7 (3.7)	2.1 (1.9)	2.5 (2.5)	0.9 (0.7)	68
Gwent	2.8 (3.1)	2.5 (2.5)	0.0 (3.2)	0.7 (0.9)	80
Hampshire	12.5 (9.3)	1.2 (1.0)	2.3 (1.9)	0.6 (0.6)	60
Hertfordshire	5.2 (4.8)	1.6 (1.4)	1.9 (1.9)	1.1 (1.1)	62
Humberside	4.5 (6.8)	2.0 (1.8)	4.0 (1.6)	0.5 (0.7)	79
Kent	12.4 (11.5)	1.6 (1.8)	2.9 (2.2)	3.2 (1.9)	89
Lancashire	4.5 (3.7)	1.7 (1.2)	1.6 (2.0)	0.4 (0.3)	65
Leicestershire	4.4 (3.9)	1.1 (0.7)	1.4 (1.8)	0.7 (0.3)	62
Lincolnshire	6.0 (4.8)	0.8 (0.8)	2.1 (1.1)	1.5 (1.5)	63
Merseyside	2.7 (2.8)	0.8 (0.9)	1.0 (0.9)	0.5 (0.3)	69
Metropolitan Police	4.3 (3.8)	1.3 (1.1)	1.6 (1.3)	1.4 (1.2)	70
Norfolk	13.2 (12.1)	1.5 (1.3)	3.3 (2.4)	0.4 (0.3)	88
North Wales	3.3 (3.1)	0.8 (0.7)	1.3 (1.1)	0.7 (0.9)	100
North Yorkshire	5.3 (2.7)	3.9 (2.8)	1.5 (2.2)	1.1 (1.1)	70
Northamptonshire	8.4 (8.7)	2.5 (1.9)	3.8 (2.7)	3.2 (1.2)	58
Northumbria	4.5 (3.6)	2.0 (1.3)	1.0 (1.0)	0.2 (0.2)	71
Nottinghamshire	8.7 (7.8)	2.5 (2.2)	3.9 (3.7)	2.0 (0.9)	67
South Wales	7.0 (4.3)	1.8 (1.3)	2.1 (1.6)	0.6 (0.3)	81
South Yorkshire	5.0 (6.4)	3.1 (3.6)	2.1 (3.0)	0.5 (0.1)	72
Staffordshire	11.7 (8.0)	4.0 (3.2)	3.6 (2.9)	1.4 (0.6)	72
Suffolk	12.8 (14.1)	2.1 (2.7)	4.3 (4.4)	0.2 (0.8)	82
Surrey	7.8 (9.4)	1.7 (2.2)	2.2 (2.6)	0.7 (0.8)	66
Sussex	14.6 (12.3)	2.7 (2.4)	1.8 (1.8)	1.3 (1.3)	61
Thames Valley	5.5 (4.2)	2.0 (1.8)	3.4 (3.1)	1.0 (0.5)	62
Warwickshire	11.8 (8.0)	1.4 (1.4)	3.1 (2.8)	0.5 (0.8)	0*
West Mercia	15.1 (12.4)	5.1 (4.1)	2.9 (2.7)	0.3 (0.9)	0*
West Midlands	4.4 (4.1)	2.1 (1.9)	2.9 (2.2)	0.2 (0.1)	74
West Yorkshire	2.5 (2.0)	1.9 (1.5)	1.7 (1.9)	0.5 (0.3)	70
Wiltshire	9.3 (9.7)	1.8 (2.1)	2.1 (1.9)	0.2 (0.4)	62

## 2. Independent and empowered

According to the APP on stop and search, a CSP 'should have clear terms of reference and be independent of the police'. The extent to which a CSP is independent of the police is crucial to its ability to demonstrate impact and influence.

30 per cent of survey respondents stated their CSPs were not chaired by a member of the public

However, over 30 per cent of survey respondents stated their CSPs were not chaired by a member of the public. Alternatively, they were chaired by police representatives, from Chief Inspectors to Sergeants and PCSOs within the policing cohesion team. This is particularly problematic where panel membership has not been refreshed for some time.

A clear feedback process is also key to ensuring the CSP acts independently and is empowered to have an impact on the police's use of stop and search where concerns are raised. There is currently a lack of consistency in how and to what extent CSPs can raise concerns about individual officers and police force policies on stop and search and receive feedback on actions taken. There is also very little uniformity across different areas as to the police representative responsible for managing the relationship with the CSP.

A CSP's involvement in police training can also support its function as a 'critical friend' to the police. Some scrutiny panels and community groups have proactively been involved in developing training for officers on topics such as unconscious bias, communication skills, trauma-informed policing, the use of body worn video and quality of stop and search slips.

### Bedfordshire

The CSP uses a traffic light system to 'rate' officers' use of stop and search. Where a search is graded green, the officer is provided with positive feedback. If amber, the officer is given advice on how to improve.

A red-graded search will be escalated to the Chief Inspector, the officer in question and the police force lead to provide direct accountability and management action. Feedback is provided at the next panel meeting.

### Northamptonshire

Each month, stop and search records are sifted by a Sergeant and grounds not clearly and immediately identifiable as reasonable are presented to the Reasonable Grounds Panel. If the Panel finds there were no reasonable grounds for the search, the officer in question is informed and a process of escalating consequences ensues.

In the first instance, the officer and their supervisor are offered training. In the second instance, this training becomes mandatory. In the third instance, the officer and the supervisor are suspended from using stop and search until a specific development plan has been completed.

## Suffolk

The Ipswich and Suffolk Council for Racial Equality analyses the legality of *all* stop and searches and takes concerns to the police. If the Council is unsatisfied with the results the issue is taken to the wider

Stop and Search Reference Group to seek clarification and a response from the police. This process has resulted in line management action being taken against officers and supervising officers.

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## Cheshire

Panel members can challenge where the quality of a stop and search is questionable and the police provide an update at the next meeting. Cheshire Police has also commissioned

academic research to gather views from people subjected to stop and search in Cheshire, prioritising 'call-backs' to BAME people who have been stopped and searched.

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## Northumbria

Each Area Command has an experienced lead for stop and search responsible for quality assurance of every stop and search conducted. Issues can be identified and addressed immediately with the officer and their supervisor. This process also identifies people who have been repeatedly stopped and searched and measures taken to prevent targeting.

The stop and search lead attends CSP meetings, giving opportunity to raise concerns about the actions of individual police officers and question the senior officer lead. A CSP member also sits on Northumbria Police's Equality Board. This approach has assisted Northumbria Police in developing training on unconscious bias.

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## Hertfordshire

The lead for Crime Reduction Community Safety is present at all CSP meetings and conveys feedback to the police for training purposes. They have made particular improvements in the training on BWV, ensuring it is turned on at the earliest opportunity and

that officers describe exactly what is happening. The PCC also highlighted the importance of community scrutiny in his Community Safety and Criminal Justice Plan 2017–2022, particularly in relation to complaints and influencing officer training.

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## London Borough of Croydon

Another Night of Sisterhood (ANOS) is a grassroots community organisation in Croydon. ANOS works with the police and local CSP to deliver unconscious bias training and organise community meetings with adults and young

people on the issue of stop and search. They encourage open and honest dialogue with the police about the historical and current relationship between the police and BAME communities and how to rebuild trust.

### 3. Representative

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The survey and interviews with academics and panel members identified the importance of diverse representation on CSPs. CSPs should proactively include people disproportionately affected by the use of stop and search, including young people, BAME people and those who have experience of being stopped and searched.

Over a third of panels who responded do not monitor the demographics of their members

Responses to the survey demonstrated that some CSPs have substantial representation of BAME people as panel members of 80 per cent or over, but in other areas it can be as low as 10 per cent. And when it comes to CSP leadership a third of panel chairs identified as BAME. We were concerned that over a third of panels who responded do not monitor the demographics of their members.

Given that stop and search is used disproportionately on young people, CSPs must also endeavour to include young people in their work as panel members. CSPs who have successfully achieved diverse representation highlight that partnership working with schools, colleges, universities, charities, social enterprises and BAME-led organisations has been key to increasing participation.

Engaging with a wide range of people that represent the community, including those disproportionately affected by stop and search, must extend to proactive recruitment policies. However, the survey found that 63 per cent of respondent CSPs recruit for members 'as and when needed'. Without clear, periodic refreshment of membership, panels run the risk of cutting off opportunities to engage more widely with a range of potential members.

Some panels, such as Essex Community Scrutiny Panel, recruit more regularly as a 'constant process' to encourage new membership and others held panels as public forums with different attendees at each event. However, it is clear that for many CSPs, membership can become static.

#### Hertfordshire

The scrutiny panel targets recruitment activity at its local university to increase representation of young people, including putting details on the university website. Panel meetings are also held at a variety of locations, including local areas where higher

levels of stop and search occur, and the introduction of evening meetings now gives greater flexibility for those in education and employment. There has been a significant increase in representation of young people on the panel.

## West Midlands

The office of the PCC established 'Youth Trainers' to deliver workshops on stop and search to young people aged 13–18 in schools and colleges. Starting as a pilot in 2016, by January 2018 nine Youth Trainers had been recruited and trained as the programme rolled out across schools and colleges in the West Midlands. The initiative is designed to improve understanding of the police, educate young people about their rights if they are stopped and searched and – crucially – to include young people's

experiences and ideas in the development of good practice and policy.

The West Midlands' Youth Trainers have also partnered with an African & Caribbean Mental Health Hub, Catalyst 4 Change, to promote their work, and the police force website contains videos of panel members from various ethnic and religious backgrounds to educate the public about scrutiny panels and encourage a variety of groups to join and be represented.

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## Leaders Unlocked Youth Commission on Police and Crime

Leaders Unlocked helps organisations engage young people and underrepresented groups. They have established Youth Commissions on Police and Crime in eight police force areas, which provide a platform for young people aged 14–25 to influence policing, tackling issues most relevant to them such as cyber-bullying and youth violence.

In January 2018, the Independent Office for Police Conduct commissioned Leaders Unlocked to create a youth panel to improve engagement with young people. Young people share their experiences of stop and search and offer advice on how police officers can improve practice.

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## London Borough of Hackney, Young People's Stop and Search Monitoring Group

The Young People's Group exists alongside the Hackney Community Monitoring Group. In 2012, Hackney Council for Voluntary Services worked with the police and the young people to create an app enabling young people to record a stop and search encounter. The group has delivered

'know your rights' workshops in schools and developed the 'Build Up' project, which builds positive relations between the police and community by inviting the police to local community events, such as sport days and drama performances.

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## Bedfordshire

The CSP in Bedfordshire undertakes a wide range of community engagement activities to ensure its panel is open and representative of both age and demographics of the county. This includes using radio stations, sports centres, community

centres, schools and colleges to raise awareness of the work of the panel. The Bedfordshire CSP also works alongside the police Community Cohesion Team with the aim of engaging people with experience of stop and search.

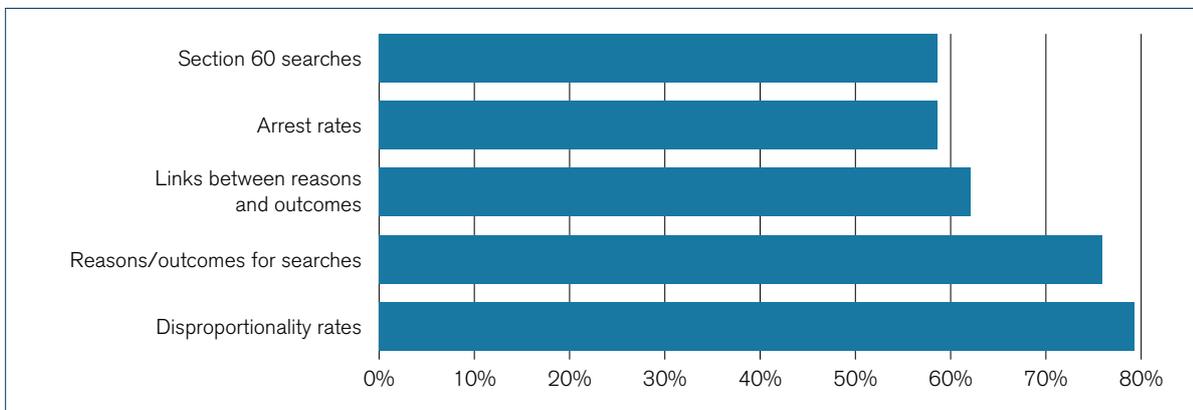
## 4. Informed

Accessing statistical data helps CSPs to identify positive or negative trends over time

According to BUSSS, data recording, availability and scrutiny should lead to better outcomes such as an increase in the stop and search to positive outcome ratio because it will encourage greater accountability of policing powers. Accessing statistical data helps CSPs to identify positive or negative trends over time.

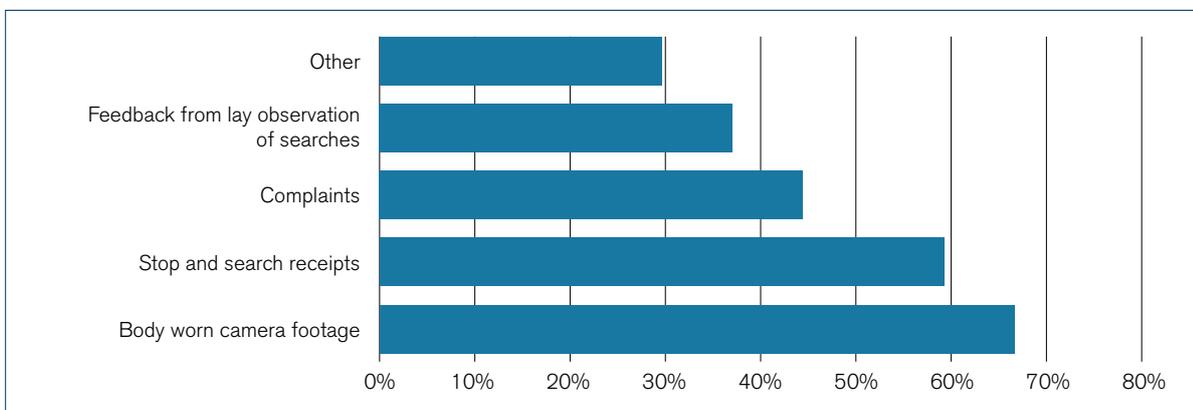
The survey revealed that most CSPs do have access to a wide range of information. However, there is still some variation in the information CSPs can scrutinise. While most CSPs have access to statistical data such as reasons and outcomes for searches and disproportionality rates, a minority of CSPs also scrutinise statistics on connected issues like strip searches and use of force. Some CSPs also select a particular theme for each meeting, such as looking at particular reasons for searches or focussing on disproportionality.

**Figure: What types of data does the panel scrutinise?**



Many CSPs also have access to a range of non-statistical information about stop and search such as body worn video (BWV) footage and stop and search receipts, although again the survey results indicate this lacks consistency between force areas.

**Figure: Apart from data, what other information does the panel assess?**



It is the *process* of accessing and reviewing the video footage that results in transparency

Some interviewees argued that their scrutiny powers for body worn video (BWV) footage were restricted over concerns about data protection and confidentiality, but there appeared to be no consistent guidance on this point. While CSPs sometimes have access to dip samples for stop and search records or footage, the selection process often lacks transparency.

Some commentators have argued that BWV ensures searches are carried out fairly and with respect, and interim APP on BWV states it 'supports transparency, trust and confidence in the police'. But the *use* of body worn video alone will not satisfy the needs of effective community scrutiny – it is the *process* of accessing and reviewing the video footage that results in transparency.

Footage is only retained for 31 days, unless being used as evidence in court, which can undermine the CSP's ability to review it, unless the panel meets monthly. Only three per cent of survey respondents' panels meet monthly. Two thirds of respondents described quarterly panel meetings.

Some CSPs also encounter problems accessing stop and search slips with corresponding BWV footage together. This prevents panel members from being able to look at the full context of the search, which can impede effective scrutiny.

As well as access to information on stop and search in their area, CSPs must have access to training and other development opportunities to ensure they have the necessary knowledge and skills to carry out their roles.

23 per cent of respondent CSPs offer no training to their members

The survey revealed that 23 per cent of respondent CSPs offer no training to their members. And of the 77 per cent of respondents who receive training from either the office of the PCC or the police force, it is clear that training differs in content and depth across the country.

Training is essential to understand the context and data under scrutiny. Training should support members to interpret data, recognise and understand patterns and trends, and provide the confidence to challenge effectively. The survey showed some forces also make particular effort to cover the historical background of the relationship between the police and BAME communities in relation to stop and search in their training.

### Bedfordshire

Bedfordshire Police commissioned a training package for panel members that includes the historical context of stop and search in the UK, case studies of people who have experienced stop and search and recent reforms such as BUSSS. A two-part training package for police officers in

Bedfordshire, developed by the panel Chair, also includes training on procedural justice and unconscious bias. The panel Chair has also supported Hertfordshire's CSP to develop its training and annual refresher training is now provided in both areas.

## 5. Open and visible

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BUSSS aims to make the use of stop and search powers more transparent and accountable. CSPs can support this aim by providing a platform for better public understanding of policing practices, encouraging forces to show whether powers are used in a fair and effective way and creating a space to listen and learn and demonstrate steps have been being taken to address concerns raised.

The public availability of information is key to the transparency and legitimacy of a CSP. Three quarters of survey respondents said their panel meetings were not open to the public. There are legitimate concerns about confidentiality, but preventing the wider public from being involved in *any* scrutiny meetings at all may limit the police's ability to demonstrate transparency and openness.

Steps should be taken to counter the impact of closed meetings by posting summaries, agendas and minutes of meetings on the PCC or police force website. Panels could also consider holding at least one meeting a year that is open to the public.

Only half of panels who responded to our survey have their terms of reference publicly available

Only half of panels who responded to our survey have their terms of reference publicly available. Others only make their terms of reference available as part of the recruitment process. The public availability of this information about scrutiny panels is key to transparency, and accountability, as well as encouraging members of the public to consider joining a CSP. We found contact details of Chairs difficult to obtain, which could be a barrier to recruiting potential CSP members.

CSPs may want to consider creating their own websites to further demonstrate independence and visibility, as well as providing a place for members of the public to contact them directly. Some panels have built relations with local charities and organisations to extend the line of communication to typically 'harder to reach' communities. This has allowed for an exchange of ideas on how the police can best understand their distinct needs and provides a vital route to gather feedback on stop and search.

## Bedfordshire

CSP meetings occur in a variety of locations accessible to the general public, including youth centres, local charity Youthscape and Bedfordshire Police HQ. Bedfordshire

Police works closely with the community through a dedicated community cohesion lead who liaises with the stop and search lead and the CSP.

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## Hertfordshire

The CSP holds an annual public meeting where the PCC and panel members provide an opportunity to inform and engage members of the public in their work. In an effort to

better engage young people and their parents, the CSP plans to connect with local schools through newsletters and promotions about the annual meeting.

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## Northamptonshire

The website contains clear instructions on how to join a Reasonable Grounds Panel, which holds meetings with different community groups. Meetings on what constitutes

reasonable grounds have been held in a variety of community spaces, including schools, village pubs and dedicated centres for different minority groups.

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## Cheshire

The work of the CSP and the public encounters group is easy to access on the Cheshire Constabulary website, including agendas, data scrutinised,

minutes and police actions. Future dates for meetings are clearly set out, as well as contact details for the police community engagement team.

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## Dyfed-Powys

The CSP maintains strong relationships with Pembrokeshire People First, a charity run by and for adults with learning disabilities and autism. The CSP worked with specialist facilitators to gain service-users' views of the police, including

a workshop on experiences with the police and a role play on what a good stop and search should look like. The CSP is looking to use this model of working with other community groups, including faith and youth groups.

## 6. Community Complaints Trigger

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Complaints are an important way for the police to identify key learning areas and address any misconduct. Members of the public have the right to complain about the conduct of a police officer during a stop and search where behaviour is perceived to fall below the expected standard. The stop and search 'community complaints trigger' created by BUSSS establishes an extra level of accountability by requiring the police to explain to the community, primarily through CSPs, how powers are being used when the number of complaints reaches a certain level.

BUSSS stipulates:

'The nature of the trigger will be quantitative and / or qualitative and, whilst there will be variation between forces, each force must ensure that the local community (often through Independent Advisory Groups or Scrutiny Boards) is provided with the opportunity to influence how it is set up and how many complaints, and of what nature, would set off the trigger.'

APP reinforces this assertion:

'Each force must involve their local community in the development of the trigger and what volume or nature of complaints would set it off. Where complaints are particularly low or a force wishes to achieve a maximum level of transparency, forces may consider treating every complaint as a trigger requiring explanation and scrutiny by community groups.'

Survey respondents were asked about the process when the complaints trigger was activated. Two thirds of respondents did not answer questions regarding complaints and the community trigger mechanisms. Of those who did respond, several stated they either did not know or that the complaints process was not part of the CSPs remit.

65 per cent of respondents were not consulted in the design of the community complaints trigger process

Our survey revealed that 65 per cent of respondents were not consulted in the design of the community complaints trigger process and less than a third review the process on a regular basis. This may make scrutiny panels unsure of the complaints process, including how and when triggers are activated.

Interviewees raised concerns that many people who are stopped and searched are unlikely to make a formal complaint because of lack of trust in the complaints process, particularly within BAME communities. For young people in particular, engaging with a complaints process is especially problematic.

Some areas have tried to address this issue by setting the trigger threshold at one complaint, but it would appear that the consistently low number of complaints made about stop and search continues to undermine this

function. Of the small number of respondents that answered the survey question about complaints trigger frequency, the trigger was activated – on average – just 0.35 times a year since 2014.

Writing in the Independent Office for Police Conduct's 'Learning the Lessons' magazine, former police officer Nick Glynn commented:

'Formal complaints processes just don't work for younger people. Any police force using the number of complaints about stop and search as a barometer of public sentiment around its use is kidding itself.'

'Formal complaints processes just don't work for younger people.'

This warning provides useful context to the low frequency of complaints trigger activations reported in the survey and points to the potential obsolescence of the trigger process. Some areas have developed processes to combat this low frequency by flagging repeat searches of the same individual and using the complaints process to enable CSPs to review them.

HM Inspectorate of Constabulary and Fire and Rescue Services should consider reviewing the effectiveness of the community complaints trigger and replacing it with a process whereby CSPs review *all* complaints made about stop and search. If this process is promoted publicly, people who feel they have a legitimate complaint about stop and search – but lack trust in the current process – may feel more comfortable coming forward in the knowledge that members of the public, through the CSP, will be involved in the review of their complaint.

## 7. Key recommendations

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- Community scrutiny of stop and search should be a central plank of the Best Use of Stop and Search Scheme and the purpose, remit and expected outcomes of Community Scrutiny Panels should be clearly outlined.
- HM Inspectorate of Constabulary and Fire and Rescue Services should periodically review community scrutiny of stop and search when it assesses police forces' performance against the Best Use of Stop and Search Scheme.
- The Home Office and the College of Policing should share good practice for community scrutiny of stop and search and provide support to police forces and CSPs where needed.
- Police and Crime Commissioners and/or the Home Office should make sufficient funding available to cover reasonable expenses incurred by CSPs for meetings, outreach and training.
- HM Inspectorate of Constabulary and Fire and Rescue Services should review the Community Complaints Trigger's effectiveness and explore the underlying reasons for its low frequency of activation.

### Independent and empowered

- All CSPs should be chaired by a member of the public who is independent from the police.
- CSPs and the police should work together to establish clear processes for providing constructive feedback (including positive feedback) to officers and their line managers and to remain updated on actions taken.

### Representative

- The demographics of CSPs should be monitored and membership of CSPs should be periodically reviewed by the Chair.
- CSPs should pro-actively engage with groups disproportionately impacted by stop and search, especially young people, BAME people and people with experience of stop and search, and encourage them to become panel members.
- CSPs and police forces should consider establishing a set maximum tenure for the CSP Chair, after which an incumbent Chair must step down and the CSP appoints a new Chair through an open and transparent process.

## Informed

- The police should establish consistent and transparent procedures for making data available to CSPs such as a pre-determined quota of dip-sampling. Procedures should enable access to corresponding body worn video footage and stop and search receipts where requested by the CSP.
- The police must ensure the CSP Chair has the relevant skills and experience to properly scrutinise, provide constructive challenge and co-ordinate the CSP's work. The police should support the Chair with training where necessary.
- All CSP members should have access to core induction training and periodic refresher training, along with other development opportunities such as networking with other panels.

## Open and visible

- Terms of reference and up-to-date summaries of activities for CSPs should be made publicly available. CSPs should consider creating a website, independent of the police force website, where this information can be published.
- A non-police single point of contact for the CSP, such as the Chair, should be easily contactable by members of the public.
- CSPs should proactively engage with 'harder to reach' groups and the wider public about its work and set annual publicity, outreach and communications objectives.

## Community Complaints Trigger

- Police forces must involve CSPs in the design and review of the local community complaints trigger.
- Police forces should notify CSPs about all stop and search complaints and resultant actions.

## About this briefing

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This briefing is the result of an online survey sent to all police force areas in England and Wales in autumn 2018 to establish how stop and search Community Scrutiny Panels are currently operating. The survey was designed by the CJA and distributed by the Association of Police and Crime Commissioners to all offices of PCCs. The survey received 42 responses in total, with 25 different police force areas sharing their views. The survey was used to help establish potential areas of good practice in community scrutiny and follow-up interviews were conducted with representatives from ten different police force areas. Additional interviews were conducted with academics, community groups and charities, and two Community Scrutiny Panel meetings were observed. Lastly, where publicly available, we have reviewed agendas and minutes of panel meetings across England and Wales.

## Useful reading

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Authorised Professional Practice on stop and search: Transparency (College of Policing, 2018)

Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2, R. McCandless, A. Feist, J. Allan & N. Morgan (Home Office, 2016)

Does more stop and search mean less crime? Analysis of Metropolitan Police Service panel data, 2004–14, P. Quinton, M. Tiratelli and B. Bradford (College of Policing, 2017)

Independent Advisory Groups: Considerations and advice for the police service on the recruitment, role and value of IAGs (College of Policing, 2015)

No respect: Young BAME men, the police and stop and search, P. Keeling (CJA, 2017)

PEEL: Police legitimacy 2017 (HMICFRS, 2017)

Police powers and procedures, England and Wales, year ending 31 March 2018 (Home Office, 2018)

Stop and Search: The Anatomy of a Police Power, edited by R. Delsol and M. Shiner (Pangrave Macmillan, 2015)

The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, D. Lammy (Lammy Review, 2017)

The Stephen Lawrence Inquiry, Lord Macpherson (The Stationery Office, 1999)

## The Criminal Justice Alliance

The **CJA** is a national alliance of over 150 organisations – including charities, research institutions, staff associations and think tanks – working towards a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted.

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**Stop & Scrutinise:  
How to improve  
community scrutiny  
of stop and search**

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