

LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED



Meeting **LEICESTERSHIRE POLICE AUTHORITY**
Date **TUESDAY 27 APRIL 2010 AT 2.00 p.m.**
Report of **CHIEF CONSTABLE**
Subject **STOP AND SEARCH POWERS**

Purpose of Report

1. On Monday 15th March 2009 the Equalities and Human Rights Commission (EHRC) published a research document called "Stop and Think" highlighting the issue of disproportionate use of search powers by the Police Nationally. In this document Leicestershire was highlighted for apparent disproportionate use of search powers because of the high likelihood of a black (as opposed to an Asian) person being stopped and searched.
2. This report provides information to members about the use of Stop Search powers by the Constabulary with particular reference to the proportionality issue. It follows on from detailed analysis and presentations made to the Police Authority Performance Panel in September 2009 following members' requests for scrutiny to be applied to the application these powers. (Performance Panel presentation at appendix 1)
3. Following publication of the EHRC report the Chief Constable asked for a thorough and detailed analysis of their findings.

Background

4. The methodology used by the EHRC is very simplistic.
 - a. EHRC take the total percentage representation of the different ethnicities nationally (based upon the 2001 census) and compare this with the percentage representation in terms of searches conducted. If the percentage of searches of an ethnic group exceeds their percentage representation in the total population this is termed as "**excess searches**" and should in the view of the EHRC be reduced.
 - b. The use of Stop and Search is also evaluated for the "**risk ratio**". This is calculated by comparing the number of searches per 1,000 population for each ethnic group (based upon 2001 census data). If for every 1,000 white residents an average of 1 searches are conducted and for every 1,000 black residents 2 searches have been completed the risk ratio is 2
5. According to the EHRC for the year 2007/8 the risk ratio for black residents showed that they were 6 times more likely to be searched than their white counterparts.

6. From the same EHRC report the risk ratio for asian residents showed that they were 1.5 times more likely to be searched than their white counterparts across the Force Area,

Research Findings

7. There are a number of issues with the methodology used by EHRC
 - a. **EHRC used 2001 census data to calculate the risk ratio.** Since then there have been significant demographic changes, particularly in Leicester City, which substantially affect their analysis. In 2001 the census shows a total black population for Leicester, Leicestershire and Rutland as 16,087. Since that time between 12 and 18,000 ethnic Somalis and several hundred black asylum seekers from countries such as Zimbabwe have moved to Leicester. Our black population is more than double that used by EHRC to calculate proportionality of the use of stop and search.
 - b. **The EHRC analysis assumes that victimisation and offending are equally distributed** across the whole of Leicester, Leicestershire and Rutland. In fact victimisation and offending are more heavily concentrated in deprived and urban areas of the Force. The Force is analysing the geographic correlation between crime rates and the use of stop and search powers. Officers are tasked, using Intelligence, to police those areas where crime is occurring most often. Not unsurprisingly these areas have been shown to have the highest levels of deprivation. Analysis shows that the powers are used in those areas where they are most likely to identify and deter offending.
 - c. **The EHRC analysis assumes that all ethnic groups are equally distributed** across Leicester, Leicestershire and Rutland. This is not the case; visible ethnic minority communities are disproportionately represented in deprived and urban areas of the Force where there is disproportionate victimisation and higher levels of the use of stop and search powers. (see appendix 1)
8. It is vitally important to public confidence that the use of stop and search powers complies with the Human Rights Act by being proportionate, reasonable and justifiable. Every search record of every person from a visible ethnic minority where the national data indicates apparent disproportionality have been analysed to make sure that they meets these requirements. The results of the analysis are as follows;
 - a. For subjects stopped on more than one occasion 97% of Black subjects were either known as an offender or subject of current intelligence
 - b. In the City 80% of all searches of Black people involved a person either known as an offender or subject of current intelligence
 - c. In the County 76% of all searches of Black people involved a person either known as an offender or subject of current intelligence
 - d. In the County 80% of all searches of Asian people involved a person either known as an offender or subject of current intelligence

It must be remembered that a subject's identified involvement in criminality would not alone make a search legal or justified. On every occasion an officer must have "reasonable grounds to suspect" that a person is carrying the article or object he is searching for. All stop searches are therefore reviewed and signed off as being lawful and appropriate by a supervisor.

Conclusions

9. Allowing for an increased Black population, the Force level risk ratio for the Black population remains slightly higher than that for the White population but nowhere near the levels reported by the EHRC. Indeed if one deals with the City and County as separate entities the risk ratio in the City is at near parity. (appendix 2) This ratio would be at a similar level to that in a Staffordshire BCU which was held up as good practice in the EHRC report.
10. There is a need to ensure that intelligence briefing continues to play a full part in officers' use of search powers.
11. Notwithstanding the issues raised above, the fact remains that officers deploy the tactic most often in high crime areas and repeated searches of individuals focuses on those actively involved in criminality.

Recommendations

12. In the light of the publicity surrounding the EHRC report, combined with the findings of the Constabulary's research the Chief Constable has asked that for 2010/11 stop and search data be included, discussed and scrutinised at Race Incident Review Panels.
13. That the Police Authority Performance Panel maintains an oversight of performance and analysis of this key aspect of police business.
14. The Constabulary continues to conduct detailed analysis of the use of stop and search powers with the intention of both encouraging their effective use in the prevention and detection of crime, and ensuring that the powers are used in proportionate and effective ways that will build public confidence.
15. The Force should actively seek to develop a technically simple method of recording stop/searches which will reduce the bureaucracy associated with the current paper based system and facilitate timely and accurate analysis of the use of the powers.

Officer to Contact

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