

Agenda Item No.11

Report by the Clerk & Chief Executive

'STOP & SEARCH' UPDATE

Members are already aware of new rules applying to situations where police stop people and either search or ask them to account. These came into force with effect from 1st April 2005 with a new, national requirement resulting from a particular recommendation (number 61) of the Stephen Lawrence Enquiry, to the effect that police officers should make a record of all such 'stops'.

On 7th June 2005, the Clerk & Chief Executive attended a Regional Workshop event in Preston, organised by the 'Stop & Search Action Team' at the Home Office alongside ACPO and APA, to support the rollout of Recommendation 61 and on-going work in police forces and authorities. Those present included Authority chairs, senior police officers and civil servants, and Mrs Doreen Lawrence, mother of Stephen Lawrence.

A key product of the Home Office Action Team is their Manual on 'Stop & Search', jointly made with ACPO and APA, which has now been published (16th May 2005). It is 88 pages long and a copy is held in the Authority's library. Public feedback on the document has already resulted in a stated intention to produce an edited version for wider consumption, but one of the key roles it identifies for police authorities is in publicising to the communities they serve the benefits of 'stop and search'. Likewise, if evidence is found of disproportionate use or of discriminatory behaviour, they should be exploring why and then what can be done to remedy such misuses of the power.

The recent round of presentations on the new "Stop & Search" rules made to all the Authority's 'section 96' public consultative meetings has already been reported to this committee, where members asked for sample extracted minutes from some meetings to be provided. A typical agenda item for the South Lakes meeting and sample minutes from the Eden meeting are shown at Appendix 1 to illustrate the style of presentations and how received.

The Authority office has since received and distributed by post 2,000 copies of the pocket, credit card-sized, fold-out leaflet "STOP & SEARCH – KNOW YOUR RIGHTS" (produced by the Association of Police Authorities) to more than 100 recipients in schools, hospitals, citizens advice bureaux, and public reference or information centres. A special set in Braille were sent to the Blind centre in Carlisle and other language versions were ordered from the APA, although still awaited.

At the time of writing we have just received a print run of the similar, A4-sized APA poster, again for wider distribution and display.

A news item about this development has been placed on the Cumbria Police Authority "Whats New" section of its website, with links to the APA 'Stop and Search' section of its website and to related sites like the Commission for Racial Equality.

Another recommendation in the manual is for the appointment of a lead authority member on 'Stop & Search'. It can be confirmed that on 1st June 2005, at the first meeting of the newly re-constituted full Authority, the chair of this committee, Ms Janet Lashmar, was appointed as lead member.

A revised draft version of the APA guidance to police authorities on "Asking the Right questions" (of police forces) was put before the APA's 'Stop & Search', national, sub-group meeting on 29th June 2005. When a finalized version is established, this will be circulated.

There is an existing requirement for police authorities to monitor and publish forces' performance against a statutory performance indicator ("*Percentage of PACE searches which lead to arrest by ethnicity of the person searched*"); whilst identified as a key diagnostic indicator for 2005/06 is a non-PACE search measure ("*Percentage of non-PACE searches which lead to arrest by ethnicity of the person searched*").

Both the Lawrence report and Home Office research lead on to strong recommendations that authorities should monitor this area more rigorously. The Police Authority will therefore need to discuss and agree with the Constabulary what regular monitoring and scrutiny of 'stops' will be undertaken, and what information they will be requiring to receive at full Authority level, as opposed to committee level.

RECOMMENDED: That members note the actions taken and steps are taken to agree with the Constabulary what forms of regular monitoring and scrutiny of 'stops' will be undertaken, and what levels of information the Authority will be requiring.

C R Alcock
Clerk and Chief Executive

29th June 2005

Background documents:

- Home Office "Stop & Search" Manual (May 2005)
- Report of the Stephen Lawrence Enquiry

Race and Diversity and Human Rights Act Implications:

Preventing or correcting evidence of disproportionate or discriminatory use of policing powers is part of the core legal obligation for the Authority to achieve equality and is central to the Authority's work in meeting General and Specific Duties within the Race Relations (Amendment) Act. This duty informs all aspects of the Authority's daily activities.

Cumbria Police Authority: Community & Race Relations Committee
7th July 2005 Agenda item 11: Appendix 1

[Sample Agenda item: SOUTH LAKELAND AREA COMMUNITY LIAISON FORUM: Ambleside - 13TH April 2005] *(No e-minute presently available)*

- “4. ‘Stop and Search’ : Inspector Tudor Griffiths and PC David Buxton will be in attendance, including role play and demonstration of how a Stop and Search is conducted”.**

[Extracted sample Minute: EDEN AREA COMMUNITY LIAISON FORUM Kirby Stephen - 13TH April 2005]

“4. Police Stop Powers

Supt Thwaites explained the recent changes to Police stop powers which were introduced on 1 April 2005, and the implications for the police and the public. In order to stop anyone the police must have the necessary legal power and must have a reasonable suspicion about the person they intend to stop. The police follow certain criteria when stopping someone – they must be fair and courteous, explain what they are doing, and why they are doing it, show respect and seek the person’s cooperation. The police are required by law to tell people why they are being stopped, the grounds for stopping them, and the reasons why, and they are obliged to give the person a written record of the proceedings, which can be given to the person at a later date in certain circumstances.

The police can stop a person and ask them to account for

- ◆ their presence in a particular place
- ◆ their behaviour
- ◆ why they are in possession of a certain item.

They are careful to not exercise their powers in any way which may be prejudicial to the person involved. The person stopped does not have to give any information about himself.

A question from the floor concerned the amount of time police officers spent filling in forms, and whether the paperwork deterred police officers from stopping people. Supt Thwaites confirmed that although there was considerable paperwork involved, it did not prevent police officers from exercising their stop powers. Ch Supt Davidson explained that efforts are always being made to reduce the amount of paperwork to the minimum but some recording was necessary in order to maintain transparency and accountability.

Police stop powers relating to young people were questioned, and Supt Thwaites confirmed that the police powers extend to any person of any age, although if it involves a young person under the age of 17 a responsible adult has to be present during the questioning.

In answer to a question about stopping people in a vehicle, Supt Thwaites confirmed that the police have a legal power to ask the driver to produce the necessary documentation. The police would use their discretion when stopping people in remote areas.

Ch Supt Davidson confirmed that the stop powers are the same as those required to make an arrest”.