



Promoting improvements  
in policing to make  
everyone safer

# Best Use of Stop and Search (BUSS) scheme

A summary of the findings of an HMIC revisit of the 19 forces that were not complying with the scheme in 2015

February 2017

© HMIC 2017

ISBN: 978-1-78655-380-5

[www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

# Contents

<b>Introduction .....</b>	<b>3</b>
<b>Summary of findings.....</b>	<b>5</b>
Derbyshire Constabulary .....	5
Greater Manchester Police .....	5
Northamptonshire Police .....	6
South Yorkshire Police .....	6
Conclusion.....	7
<b>Annex A – Summary of forces’ reassessed compliance with scheme.....</b>	<b>8</b>

## Introduction

The powers to stop and search people are some of the most intrusive of those available to the police. While their use can be a valuable tool in the fight against crime, when based on genuinely objective reasonable grounds, their disproportionate use among black, Asian and minority ethnic communities threatens to undermine the legitimacy of the police. As such, it is crucial that all forces use these powers fairly and effectively – and demonstrate to the public that they are doing so – or police legitimacy is likely to be eroded.

In August 2014, the Home Office and the College of Policing launched the Best Use of Stop and Search (BUSS) scheme, with the aims of achieving greater transparency and community involvement in the use of stop and search powers and to support a more intelligence-led approach leading to better outcomes.<sup>1</sup> Through these arrangements, the scheme aims to increase public confidence that stop and search powers are being used fairly, lawfully and effectively. All 43 police forces in England and Wales, and British Transport Police, voluntarily signed up to the scheme.

As part of HMIC's 2015 PEEL legitimacy inspection,<sup>2</sup> we assessed whether or not each of the 43 forces complied with each feature of the scheme, including checking policies, procedures and published data, as per the requirements of the scheme. We found that only 11 forces were complying with all five features of the scheme, 19 forces were not complying with one or two features of the scheme and 13 forces were not complying with three or more features. In September 2016, we published the findings of our revisit of the 13 forces not complying with three or more of the features. Our revisit reports, which set out our findings and recommendations and provide more detail about each feature of the scheme, can be found at [www.justiceinspectorates.gov.uk/hmic/publications/best-use-of-stop-and-search-revisits/](http://www.justiceinspectorates.gov.uk/hmic/publications/best-use-of-stop-and-search-revisits/)

Following these findings, the home secretary commissioned us to revisit the additional 19 forces that were not complying with one or two features of the scheme. Non-compliance predominantly involved the inability to publish data showing the connection between the outcome and object searched for. This is an important

---

<sup>1</sup> *Best Use of Stop and Search Scheme*, Home Office and College of Policing, 2014. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346922/Best\\_Use\\_of\\_Stop\\_and\\_Search\\_Scheme\\_v3.0\\_v2.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)

<sup>2</sup> The annual police effectiveness, efficiency and legitimacy (PEEL) programme provides an individual assessment for each of the 43 police forces as well as an overview of policing in England and Wales. It uses the three themes of effectiveness, efficiency and legitimacy to give the public information on how well their force is performing in respect of a small number of categories of police activity. The 2015 PEEL assessment, published in February 2016, is available from: [www.justiceinspectorates.gov.uk/hmic/peel-assessments/peel-2015/](http://www.justiceinspectorates.gov.uk/hmic/peel-assessments/peel-2015/)

feature of the scheme as the rate at which items searched for are actually found helps to show the strength of the grounds on which stop and search encounters are based. This is not only valuable information for the public but also for forces. Those forces that cannot publish data about this also cannot monitor the number of outcomes that directly result from the item searched for being found. The revisit took place in November 2016.

## Summary of findings

At the time of our revisit, we found that 15 of the 19 forces were complying with those features of the scheme that they were not complying with in 2015.<sup>3</sup> Annex A summarises our assessments for each of the 19 forces. More detailed individual assessments can be found at [www.justiceinspectorates.gov.uk/hmic/publications/best-use-of-stop-and-search-second-revisits/](http://www.justiceinspectorates.gov.uk/hmic/publications/best-use-of-stop-and-search-second-revisits/) and detailed findings for those four forces found not to be complying with the scheme at the time of our revisit are included below.

### Derbyshire Constabulary

In 2015, Derbyshire Constabulary was not complying with one feature of the BUSS scheme: recording and publishing outcomes, including showing the connection between outcomes and objects searched for.

In 2016, we found that, while the force routinely records the connection between the object searched for and the outcome of the search, it is not yet able to publish data showing the connection between the two and therefore remains non-compliant with the feature of the BUSS scheme that requires forces to publish data on the use of stop and search powers. While we acknowledge that the force has been working on overcoming IT limitations, given that the scheme launched in 2014, this progress is far too slow and the force remains non-compliant.

### Greater Manchester Police

In 2015, Greater Manchester Police was not complying with one feature of the BUSS scheme: reducing the number of stop and searches carried out under section 60 of the Criminal Justice and Public Order Act 1994 by raising the authorisation level to above chief superintendent.

At the time of our revisit in 2016, we found that the force was still not complying with this feature. The force's stop and search policy clearly shows that the authorisation level for searches carried out under section 60 of the Criminal Justice and Public Order Act 1994 has been increased to assistant chief constable or above. However, the policy also states that:

---

<sup>3</sup> These forces are: City of London Police, Cleveland Police, Devon and Cornwall Police, Dorset Police, Durham Constabulary, Essex Police, Hertfordshire Constabulary, Humberside Police, Kent Police, Merseyside Police, the Metropolitan Police Service, North Wales Police, North Yorkshire Police, Surrey Police and West Midlands Police.

“It should be noted that these requirements do not apply to spontaneous authorisations as this would frustrate the ability of frontline Inspectors to utilise this power in the face of imminent violence.”

This statement is contrary to the BUSS scheme which stipulates that all authorisations should be made by officers above chief superintendent level.

Details of the three most recent authorisations were provided to us by the force and we found that two of them had been authorised contrary to the requirements of the scheme and on documents that had not been updated to comply with the scheme. There was no publication on the force’s website to explain to the public the reasons for these deviations from the scheme.

Since the revisit, the force has amended its policy by withdrawing the ability of officers below assistant chief constable rank to authorise the use of the section 60 power in spontaneous incidents. It has also amended its authorisation form to comply with the scheme and informed all relevant officers of the amendments. While the force was not compliant with this feature at the time of the revisit, we are satisfied that it is now compliant.

## **Northamptonshire Police**

In 2015, Northamptonshire Police was not complying with two features of the BUSS scheme: recording and publishing outcomes, including showing the connection between outcomes and objects searched for, and providing opportunities for members of the public to accompany officers on patrol when they might use stop and search powers.

In 2016, we found that the force is now complying with the requirements to provide opportunities for members of the public to accompany officers on patrol when they might use stop and search powers. However, the force is still not complying with the requirement to publish data on the connection between the object searched for and the outcome of the search either on its website or on the police.uk website. Therefore, the force remains non-compliant with the feature of the BUSS scheme that requires forces to publish data on the use of stop and search powers. While we acknowledge that the force has been working on overcoming IT limitations, given that the scheme launched in 2014, this progress is far too slow and the force remains non-compliant.

## **South Yorkshire Police**

In 2015, South Yorkshire Police was not complying with one feature of the BUSS scheme: recording and publishing outcomes, including showing the connection between outcomes and objects searched for.

At the time of our revisit in 2016, we found that the force was still not complying with this feature of the scheme. While all other outcomes are published on the force's website and on the police.uk website, the force is not able to record – and therefore cannot publish – all occasions when stop and search encounters result in a caution, or publish the connection between outcomes and objects searched for.

Since our revisit the force has carried out further work and published on its website the relevant quarterly outcome data and data about the connection between outcomes and objects searched for. While the force was not compliant at the time of the revisit, we are satisfied that it is now compliant. We acknowledge that the force has been working on overcoming IT limitations but, given that the scheme launched in 2014, this progress is far too slow.

## **Conclusion**

Given that the BUSS scheme was launched in 2014 and all 43 forces in England and Wales and the British Transport Police voluntarily signed up to it, we are extremely disappointed to find that Derbyshire Constabulary, Greater Manchester Police, Northamptonshire Police and South Yorkshire Police were, at the time of our revisit, still not complying with certain features of the scheme. This is particularly frustrating as we had already published the findings of our initial revisit of 13 forces, which once again set out the Home Office requirements, and our concerns.

The public has the right to expect that forces signed up to such a scheme should be complying with it. Our findings represent unacceptably slow progress on improving an important aspect of policing that we know has the potential to erode police legitimacy in the eyes of the public.

Further, while two of these forces – Greater Manchester Police and South Yorkshire Police – have carried out urgent work since our revisit to achieve compliance, Derbyshire Constabulary and Northamptonshire Police were not able to do so but are working to achieve it in the future.

Our previous revisit report made recommendations about how the scheme could be enhanced. We continue to work alongside partner organisations as part of the Home Office's review of the scheme with a view to improving and extending it. As such, HMIC does not intend to revisit forces' compliance with the scheme in 2017. We will, however, be returning to all 43 forces in England and Wales to assess the reasonableness of recorded grounds for the use of stop and search powers as part of our 2017 PEEL legitimacy inspection. We believe such an assessment is an important part of judging the extent to which forces are treating the people they serve with fairness and respect, over and above compliance with the BUSS scheme.

## Annex A – Summary of forces’ reassessed compliance with scheme

Force	Feature(s) reassessed	Is force compliant?
City of London	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
	Monitoring impact particularly on young people and black, Asian and minority ethnic people	Yes
Cleveland	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
Derbyshire	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	No
Devon and Cornwall	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
	Monitoring impact particularly on young people and black, Asian and minority ethnic people	Yes
Dorset	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
Durham	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
	Implementing a community complaints trigger	Yes
Essex	Providing opportunities for members of the public to accompany officers on patrol when they might use stop and search powers	Yes
Greater Manchester*	Raising the authority level of stop and search powers under section 60 of the Criminal Justice and Public Order Act 1994	No*
Hertfordshire	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
Humberside	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
Kent	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
	Providing opportunities for members of the public to accompany officers on patrol when they might use stop and search powers	Yes



<b>Force</b>	<b>Feature(s) reassessed</b>	<b>Is force compliant?</b>
Merseyside	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
Metropolitan	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
Northampton-shire	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	No
	Providing opportunities for members of the public to accompany officers on patrol when they might use stop and search powers	Yes
North Wales	Providing opportunities for members of the public to accompany officers on patrol when they might use stop and search powers	Yes
North Yorkshire	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
South Yorkshire*	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	No*
Surrey	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes
West Midlands	Recording and publishing outcomes including showing the connection between outcomes and objects searched for	Yes

**\*Since our revisit, Greater Manchester Police and South Yorkshire Police have carried out further work and we are satisfied that they are now compliant.**