



PFCC Cumbria & Cumbria Constabulary

Assurance Review of Stop and Search

January 2025

Final



# Executive Summary

## OVERALL ASSESSMENT



## ASSURANCE OVER KEY STRATEGIC RISK / OBJECTIVE

Reduction in the likelihood of non-complaint stop and searches.

## SCOPE

The review assessed the Force's compliance with the Stop and Search Authorised Professional Practice (APP) and the evidence to support the process operating in a fair, legal, professional and transparent way.

## KEY STRATEGIC FINDINGS



The HMICFRS PEEL report identified an issue with disproportionality in the Constabulary's stop-and-search practices for ethnic minorities. Data analysis from the last six months supports this finding based on population demographics. However, audit testing indicated that the majority of searches sampled had reasonable grounds, and those that did not were flagged by internal audit teams for further review.



Officers are not permitted to police the public until they have completed and passed their Personal Safety Training which contains a substantial section on use of stop and search in both a presentation and practical assessments.



The Constabulary has assigned staff to address HMICFRS recommendations made and have evidenced progress and assigned responsibilities for each recommendation.

## GOOD PRACTICE IDENTIFIED



In efforts to prevent racial profiling, senior figures within the constabulary do 100% samples of stop and search cases on ethnic minority groups.



The internal audit team are flagging non-compliance stops and this data is being reported to relevant managers and the senior leadership teams.

## ACTION POINTS

Urgent	Important	Routine	Operational
0	2	1	0

## Assurance - Key Findings and Management Action Plan (MAP)

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
1	Directed	There are two approaches to provide feedback around the stop and search procedure: the Stop and Search Trigger Application and also an information page called Your Feedback Matters which gives guidance to the public on how they can feedback their experience when being stopped by the police. Discussions with the Chief Superintendent confirmed that they have had no responses on the Trigger Application form to date. The form is easily accessible, so this is a not a barrier to the process. The Chief Superintendent did state that they wanted to implement more technology into the process and gave the example of putting a QR code on the receipts given to people stopped which would take them to a feedback form to complete, however this is not a short-term fix and will take time to implement.	The plan to overhaul the receipt process and include a QR code to encourage feedback and trigger form completion be pursued.	2	<p><i>S – The Constabulary are currently re-writing the receipt booklet for those subject to stop and search.</i></p> <p><i>M - Measurable on completion of rollout and on compliance checks using BWV.</i></p> <p><i>Achievable via tactical lead making amends to current document.</i></p> <p><i>Realistic given the PACE requirement.</i></p> <p><i>Timescale is predicated on feedback survey implementation via media into Single Online Home. This is the main barrier to immediate progression.</i></p>	01/04/25	Chief Superintendent Matt Kennerley – Portfolio Lead

### PRIORITY GRADINGS

**1** **URGENT** Fundamental control issue on which action should be taken immediately.

**2** **IMPORTANT** Control issue on which action should be taken at the earliest opportunity.

**3** **ROUTINE** Control issue on which action should be taken.

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
2	Directed	<p>A sample of 40 stop and search cases was selected for review to assess whether each case had sufficient justification in accordance with the Police's guidance and policy. The sample predominantly focused on the stopping of minority ethnic groups but encompassed all groups highlighted in the last six months. The review found that 28 cases had appropriate grounds for the search, based on current intelligence, evidence, or the behaviour of those stopped. However, 10 cases lacked some contextual details explaining why the officer was suspicious of criminal activity or how the intelligence was relevant to the stop. Additionally, in two cases relating to drug searches, the recorded details did not justify the search as compliant as there was no intelligence or behaviour that indicated the individuals had taken or were in possession of drugs. It was confirmed during testing that the internal team had also flagged this as non-compliant.</p> <p>It can be challenging to compare search reports when multiple officers are involved, as these may appear as separate incident reports, making it difficult to identify them in the system. As a result, scrutinising the accounts becomes more complex.</p>	Review the feasibility of linking case numbers that relate to the same individuals searched and ensure there is a clear record to support justification of stop and search.	2	<p><i>Specific - Review feasibility only.</i></p> <p><i>Measurable - Task can be conducted only after go-live of Mk43 Community Safety Platform but will be measurable on feasibility product being produced.</i></p> <p><i>Achievable – Feasibility review only upon implementation of new system.</i></p> <p><i>Realistic – Once Mk43 in place.</i></p> <p><i>Timescale. Interdependency with Mk43 go live (still TBC).</i></p>	01/04/25	Chief Superintendent Matt Kennerley – Portfolio Lead

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Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
3	Directed	<p>The Constabulary is not utilising all methods of stop and searches confirmation as required by the Stop and Search Process, which mandates that individuals should receive either a written record, a receipt at the time of the event, an emailed copy, or be informed where to collect the record later. Currently, the force is advising individuals to attend a local station and issuing them a preprinted leaflet regarding the stop, where they must provide their name and date of birth to obtain a copy of the report. While this is technically compliant, it was confirmed that the first three options are not in use due there being no printing options in vehicles. This practice may discourage individuals from obtaining the report, reducing transparency and oversight of the stop and search process. It is recommended that the Constabulary address these technological issues to ensure officers can issue written reports or email copies directly, thereby improving compliance and fostering greater accountability.</p> <p>If this is deemed not feasible, the policy should be updated to remove the written record of the search at the time.</p>	The Constabulary to address the technical issues to enable officers to issue written reports or send email copies directly to individuals at the time of the stop and search.	3	<p><i>Specific – Feasibility for issue at time considered but not practical due to the volume of information required for compliance grounds. Therefore, policy to be updated to reflect this.</i></p> <p><i>Measurable – Via change to policy documents.</i></p> <p><i>Achievable - Via change to policy.</i></p> <p><i>Realistic – No issues.</i></p> <p><i>Timescale is reliant on other policy changes that also need amended and are planned in for refresh at the same time.</i></p>	01/04/25	Chief Superintendent Matt Kennerley – Portfolio Lead

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## Operational - Effectiveness Matter (OEM) Action Plan

Ref	Risk Area	Finding	Suggested Action	Management Comments
No Operational Effectiveness Matters were identified.				

ADVISORY NOTE

Operational Effectiveness Matters need to be considered as part of management review of procedures.

## Assignment Engagement Details

TIAA Auditors	Title	Contact Email	Telephone
James Back	Senior Auditor	James.Back@tiaa.co.uk	07814581890
Martin Ritchie	Director of Audit	Martin.Ritchie@tiaa.co.uk	07717746714

Constabulary Staff	Title
Matthew Kennerley	Chief Superintendent
Mark Bray	Police Constable
Robert Thomson	Constable PPST/Taser/First Aid Instructor and Stop and Search Lead Instructor

Exit Meeting Date	12/11/2024
Attendees	Matthew Kennerley – Chief Superintendent

Director/Commander Comment	<p>The scope of the review was wide and considered a range of areas across the portfolio. The subject is constantly evolving, and policy changes are required to meet the changes. The findings demonstrate the positive progression against the HMICFRS PEEL findings, the strong training input to officers and the internal and external scrutiny this business area undergoes. The report also evidences how we consistently consider disproportionality within this key portfolio.</p> <p>Ch Superintendent Matt Kennerley 04/12/2024</p>
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<b>Deputy Chief Constable's Comment</b>	<p>I welcome the audit report and findings that the Constabulary is compliant with the College of Policing Authorised Professional Practice (APP) and accept the 3 x Action Points, which will be addressed by the Constabulary within relevant governance framework i.e. Use of Force / Stop-Search and the Digital Board. Progress will be overseen by ACC Blackwell and reported to the Chief Officer team.</p> <p>DCC Darren Martland 03/01/2025</p>
<b>Considered for Risk Escalation</b>	



# Findings





## Directed Risk:


Failure to properly direct the service to ensure compliance with the requirements of the organisation.

Ref	Expected Key Risk Mitigation	Effectiveness of arrangements	Cross Reference to MAP	Cross Reference to OEM
GF	<b>Governance Framework</b> There is a documented process instruction which accords with the relevant regulatory guidance, Financial Instructions and Scheme of Delegation.	Partially in place	1	-
RM	<b>Risk Mitigation</b> The documented process aligns with the mitigating arrangements set out in the corporate risk register.	In place	-	-
C	<b>Compliance</b> Compliance with statutory, regulatory and policy requirements is demonstrated, with action taken in cases of identified non-compliance.	Partially in place	2, & 3	-

## Other Findings

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The Constabulary own two policies that relate to the use of Stop and Search; these are the Use of Force and Stop and Search Policy and Procedure and the Stop Search Audit Methodology as referenced within the HMICFRS Peel Report. The policies are in line with the Police and Criminal Evidence Act (PACE) Code A, however an increased level of scrutiny was recommended. The Force and Stop and Search Policy and Procedure covers sections such as disproportionality and provides examples of justifiable action, Consensual Searches, Use of Force and other guidance information. Both policies are in date and include version control and tracked changes.
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The Constabulary's website hosts a section on Stop and Search and is broken down into multiple areas such as "why we use stop and search", "how we use stop and search", "the stop and search process", "your rights and responsibilities" and "serious violence reduction orders". Each of these sections provide the public with details on what they expect from officers and what is expected of the public during a stop and search situation.
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The HMICFRS Peel report cited that community engagement is somewhat limited. While the Ethics and Integrity Panel includes community representatives, the small number of cases reviewed does not offer the public adequate insight into the constabulary's use of these powers. The Constabulary has attempted to establish what is a sufficient number of cases to be reviewed. Taking examples from other forces who have marginally more cases (4-5 cases) the Constabulary has doubled their samples from 3 to 6.

## Other Findings



Included on the Stop and Search section of the force website there is a tab called Stats and Data which houses Cumbria Constabulary's stop and search outcomes. The data presented currently is from March 2024 to August 2024 and provides details of Police action taken, no further action and outcome not collected. Current statistics show that between March and August 2024, Cumbria Constabulary conducted 5,169 stop and searches, with 21.42% resulting in police action, 68.7% leading to no further action, and 9.89% having unrecorded outcomes. Unrecorded outcomes were followed up with the Chief Superintendent who confirmed that these figures are categories such as cautions, community resolution orders, verbal warnings and vehicle only searches. These categories are not reported on at a national level as the Home Office does not request these. It was evidenced by the Force that this information is being retained internally. Of these, 39.02% were linked to the purpose of the search. Controlled drugs (75.16%) and offensive weapons (8.9%) were the most common reasons for searches. Analysis of stop and searches by ethnicity showed higher search rates per 1,000 residents for Black and Asian individuals compared to other groups, while White individuals accounted for the majority of searches. The detail provided allows for suitable challenge from the public as this data is easily accessible.



The training and awareness arrangements for officers, particularly regarding stop and search procedures, are uniquely structured and developed by a dedicated force trainer, incorporating a mix of national content and additional tailored material. The program includes a full day of theoretical training covering safety, legislation, and procedural knowledge, followed by practical training on day two, where officers participate in six progressively complex scenarios. Officers must complete marked training stop and search forms for one of these scenarios, receiving feedback on both their theoretical understanding and physical execution. During the initial Physical Skills Training (PST), officers face advanced scenarios involving genuine risks, requiring the use of Personal Protective Equipment (PPE) in exercises that closely mimic real-life situations, with PST instructors acting as role players. Throughout their 22 weeks of training, officers consistently complete Use of Force (UOF) and stop search forms, which are marked with feedback provided. The stop and search training has received positive feedback from students, being rated as the top lesson at the Learning and Development Centre (LDC). Currently, this comprehensive training program is solely managed by the force trainer, who has been in this role for the past 12 months.



The HMICFRS identified that safeguards, such as audits of body-worn videos and performance monitoring, are in place, which audit testing also confirmed. However, it was stated that more robust systems are needed to ensure that disproportionality in stop and search is addressed. The higher likelihood of ethnic minority individuals being searched suggests that existing safeguards may not be sufficiently reducing bias. The Chief Superintendent confirmed and evidenced that on a monthly basis they review all data that relates to stop and search on ethnic minorities to establish rationale, cause, individuals and context involved and this is presented in the monthly board meetings, which was evidenced in the July and September reports; August was cancelled due to annual leave of attending members.



The HMICFRS identified that while most records appear to follow PACE Code A requirements, with reasonable grounds for suspicion recorded, there is still a need for closer supervision. The constabulary does not always review records at the point of submission, leading to missed opportunities for immediate feedback and improvement. Discussions with the Chief Superintendent and a view of the police improvement plan have confirmed that a new procedure is being implemented in which an officer must issue their stop and search report to their supervisor who will review this for quality and compliance before submitting the report. This is in an effort to reduce lack of detail, identify training needs and correct errors prior to submission.



There currently is no formal risk assessment in place for stop and search which has been flagged by a recent Peel Report. The Constabulary is in the process of creating such a risk assessment.



Since risks within the organisation are managed on a departmental basis, Stop and Search risk management does not exist in a standalone risk register. Instead, risks associated with Stop and Search are reviewed through a monthly Governance Board chaired by the [Chief Superintendent]. This Board oversees risk-related matters and ensures that timely interventions are applied as needed to mitigate identified risks.



A review of the recommendations made by the HMICFRS Peel report was reviewed as part of this audit to reduce duplication across both audits. The recommendations made by HMICFRS were provided during the audit and the police improvement plan was evidenced which confirmed all actions had been input and allocated to staff to address.

## Other Findings



Stop and Search training on the Police Constable role and professional standards covers essential knowledge and skills for conducting lawful searches. Key learning objectives include understanding the grounds and authority for lawful searches, with distinctions between terms like 'stop and search' and 'stop and account.' The training highlights the importance of establishing legal grounds and authority before a search, adhering to principles of reasonable suspicion, and understanding the procedural justice implications of searches. Officers learn to recognise and address the vulnerabilities of young people or those with potential vulnerabilities. Ethical considerations and the impact of searches on individuals and communities are emphasised, including the need to be aware of conscious and unconscious biases. Practical aspects cover conducting safe and lawful searches of persons, vehicles, premises, and areas, as well as alternative interventions if search powers are unavailable. The curriculum also addresses health and safety risks, and stresses the importance of recording, monitoring, and facilitating public scrutiny of stop and searches.



### Delivery Risk:

Failure to deliver the service in an effective manner which meets the requirements of the organisation.

Ref	Expected Key Risk Mitigation	Effectiveness of arrangements	Cross Reference to MAP	Cross Reference to OEM
PM	<b>Performance Monitoring</b> There are agreed KPIs for the process which align with the business plan requirements and are independently monitored, with corrective action taken in a timely manner.	In place	-	-
S	<b>Sustainability</b> The impact on the organisation's sustainability agenda has been considered.	Out of scope	-	-
R	<b>Resilience</b> Good practice to respond to business interruption events and to enhance the economic, effective and efficient delivery is adopted.	Out of scope	-	-

### Other Findings



Discussions with the Chief Superintendent confirmed that they chair a monthly board meeting for Stop and Search and Use of Force. Evidence of these monthly reports were provided by the Chief Superintendent. Additional evidence of the annual Stop and Search report was provided during the audit for financial year 2023/24.



The constabulary uploads the grounds for stop searches and their compliance onto a central spreadsheet. This data is then displayed in Power BI, a reporting program that shows performance percentages and graphs. Additionally, a performance PowerPoint is produced and distributed monthly. Each team Sergeant has access to this information and can view which stop searches have been audited and their compliance levels. It is the Sergeant's responsibility to take any necessary action, with the constabulary providing the data for their use.

**Scope and Limitations of the Review**

1. The definition of the type of review, the limitations and the responsibilities of management in regard to this review are set out in the Annual Plan. As set out in the Audit Charter, substantive testing is only carried out where this has been agreed with management and unless explicitly shown in the scope no such work has been performed.

**Disclaimer**

2. The matters raised in this report are only those that came to the attention of the auditor during the course of the review and are not necessarily a comprehensive statement of all the weaknesses that exist or all the improvements that might be made. This report has been prepared solely for management's use and must not be recited or referred to in whole or in part to third parties without our prior written consent. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any other purpose. TIAA neither owes nor accepts any duty of care to any other party who may receive this report and specifically disclaims any liability for loss, damage or expense of whatsoever nature, which is caused by their reliance on our report.

**Effectiveness of Arrangements**

3. The definitions of the effectiveness of arrangements are set out below. These are based solely upon the audit work performed, assume business as usual, and do not necessarily cover management override or exceptional circumstances.

<b>In place</b>	The control arrangements in place mitigate the risk from arising.
<b>Partially in place</b>	The control arrangements in place only partially mitigate the risk from arising.
<b>Not in place</b>	The control arrangements in place do not effectively mitigate the risk from arising.

**Assurance Assessment**

4. The definitions of the assurance assessments are:

<b>Substantial Assurance</b>	There is a robust system of internal controls operating effectively to ensure that risks are managed and process objectives achieved.
<b>Reasonable Assurance</b>	The system of internal controls is generally adequate and operating effectively but some improvements are required to ensure that risks are managed and process objectives achieved.
<b>Limited Assurance</b>	The system of internal controls is generally inadequate or not operating effectively and significant improvements are required to ensure that risks are managed and process objectives achieved.
<b>No Assurance</b>	There is a fundamental breakdown or absence of core internal controls requiring immediate action.

**Acknowledgement**

5. We would like to thank staff for their co-operation and assistance during the course of our work.

**Release of Report**

6. The table below sets out the history of this report:

Stage	Issued	Response Received
<b>Audit Planning Memorandum:</b>	14 <sup>th</sup> October 2024	14 <sup>th</sup> October 2024
<b>Draft Report:</b>	29 <sup>th</sup> November 2024	
<b>Revised Draft Report:</b>	20 <sup>th</sup> December 2024	3 <sup>rd</sup> January 2025
<b>Final Report:</b>	3 <sup>rd</sup> January 2025	