Freedom of Information Act Document
Title: **Report Nottinghamshire Police's use of Stop and Search 2012/15**

Background

There has been a significant amount of work undertaken covering service delivery around the use of stop and search within Nottinghamshire since August 2012.

There have been a number of points of focus for this work. In particular we have sought to ensure that:

- Every use of a stop and search power is necessary, proportionate and carried out with dignity and respect

- That stops are intelligence driven and targeted against those who our intelligence systems tell us are committing crime

- That our positive outcome rate increases; this is the number of times where criminality is detected and dealt with appropriately

Whilst the direction of travel has been noted by the HMIC and our stop and search scrutiny board as being positive; we are keen to continually improve our activity, both as an organisation and as individual officers.

This briefing note outlines the journey the force has undertaken to improve its service provision.

Data quality and auditing

In 2012 we launched a mobile data 'app' for officers to use on the street to record stop and searches. In support of this initiative we focused our officer training both on how to use this 'app' and the effective recording of the grounds for a stop and search.

By adopting this mobile data solution to record stop and search encounters, performance data becomes immediately available internally for scrutiny to ensure activity is necessary and proportionate. The app has also meant that Nottinghamshire Police has become a national leader for monitoring the use of stop and search powers, not least through the mapping of these public encounters.

To ensure officer accountability, comprehensive monthly stop and search data is now published internally and discussed at operational performance meetings. Equally as importantly, monthly audits of the use of these powers are conducted to ensure the requirements of the Police and Criminal Evidence Act (PACE) are complied with. The first of these audits was conducted in April 2014 when 70% of the grounds recorded passed audit. The last months' audit saw 91% pass, which whilst being a significant improvement still indicates the distance to travel in getting 100% compliance.

Training

In addition to the phase one training on how to use the stop and search app and reminding officers of the law governing their conduct and recording of stop and search powers, we have run two further training 'phases' and are about to deliver a fourth.

The second phase of training created an understanding of the experiences of young people from our black and minority ethnic communities (BME) and how they perceive stop and searches; this work was commissioned through Catch 22. The third phase covered 'Behavioural Detection', an internationally recognised concept that focuses officers' attention and activity around 'suspicious' and 'out of the ordinary' activity. This training was delivered to help reduce the number of searches where no arrest is made or positive outcome delivered. The performance data below would indicate the success of this training.

We are about to start rolling out our fourth phase of training, commissioned by the PCC, to create an awareness of 'unconscious bias'; this training is being run by an external training company. The aim of this training phase is to ensure that officers are focussing their activity objectively rather than subjectively.

The volumes of searches and the impact on proportionality

- In 2011/12, 3215 stop and searches were recorded or 2.95 per 1,000 population

- In 2012/13, 3395 stop and searches were recorded or 3.11 per 1,000 population

- In 2013/14, 5166 stop and searches were recorded or 4.73 per 1,000 population

- In 2014/15, 3864 stop and searches were recorded or 3.54 per 1,000 population

- In 2015/16 year to date (27/09/15) 1146 stop and searches have been recorded (annualised this would be 2323) or 2.13 per 1,000 population

There is a disparity in the use of stop and searches when focussing on gender, age and race. The reasons for this disparity are complex and include the use of the power to tackle specific crimes.

All measures of disproportionality are slanted to the population base used; and no population base will ever accurately capture a street population in a given area, at a given time. It is for this reason that the force has volunteered to become the national pilot force for mapping stop and search encounters to a 'ward' level. By doing this it will enable communities to view and gauge police activity in areas they know and understand.

The number of stop and searches undertaken illustrates the force's journey from a low base of use nationally (compared to other forces), rising to a peak as officers were trained again in the use of these powers; to a then steady decline in use. There is no comparative data for use per 1,000 population at this time. The more recent reduction is attributed to the focus being placed on knowledge and tasking and the effect of audits to ensure that searches are properly conducted.

The table below details the proportionality trend for the searching of 'Black, Asian and minority ethnic' (BME) individuals in **Nottinghamshire** over the last four years. Figures are specifically produced for Nottingham City due to the BME population being so much higher.

Use of s.1 PACE & s.23 MDA stop and search in Nottinghamshire (numbers in brackets = number of searches)						
Ethnicity	White	Black	Mixed	Asian or other		BME
2011/12	1.0 (2500)	4.2 (296)	2.0 (157)	1.6 (262)		2.3 (715)
2012/13	1.0 (2667)	4.3 (323)	1.6 (139)	1.5 (266)		2.2 (728)
2013/14	1.0 (4188)	4.1 (486)	1.4 (181)	1.1 (311)		1.9 (978)
2014/15	1.0 (3159)	3.9 (347)	1.2 (122)	1.1 (236)		1.8 (705)

The table below details the reduction in proportionality for the use of stop and search in **Nottingham City** over the last four years.

Use of s.1 PACE & s.23 MDA stop and search in Nottingham City						
Ethnicity	White	Black	Mixed	Asian or other		BME
2011/12	1.0 (1308)	1.9 (248)	1.1 (128)	0.8 (204)		1.1 (580)
2012/13	1.0 (1132)	2.4 (274)	0.9 (98)	1.0 (227)		1.3 (599)
2013/14	1.0 (1713)	2.3 (398)	0.9 (139)	0.7 (247)		1.2 (784)
2014/15	1.0 (1469)	1.9 (282)	0.7 (93)	0.6 (182)		1.0 (557)

The headline proportionality rate identified under the column 'BME' continued to reduce at the force level and was proportionate within the city; the rate for 'Black' continued to reduce slowly at the force level with a quicker change within the city.

Year to date the proportionality figures have shown a reverse, the present force-wide proportionality for the searching of those from the black community has risen to 4.4 based upon 105 searches (annualised this would be 212) with a 14.3% arrest rate and 35.2% positive outcome rate compared to 13.7% and 29.0% for 'white'.

The outcome of stop and searches – arrest and positive outcome rates

- The arrest rate for 2011/12 was 12.2%

- The arrest rate for 2012/13 was 9.3%

The force started to record 'other' outcomes, for example cannabis warnings or the issuing of a fixed penalty notice on 27 March 2013.

- The arrest and positive outcome rates for the 2013/14 financial year were 9.9% and 21.2% respectively.

- The arrest and positive outcome rates for the 2014/15 financial year were 12.4% and 25.3% respectively.

- Year to date in 2015/16, the arrest rate is 14.7% and the positive outcome rate is 30.1%

The increase in arrest and positive outcome rate is an extremely positive direction of travel, taking Nottinghamshire Police into a position of being within the top performing forces for arrest and positive outcome rate. It could be concluded that in 2011/12 officers were using arrest rather than other means of 'disposal' to achieve this higher arrest rate.

Scrutiny

The level of scrutiny of the use of stop and searches has increased year on year. This scrutiny is seen to be important as it helps the force gauge the impact stop and search has on both communities and individuals.

The Police and Crime Commissioner (PCC), Paddy Tipping, established a BME experience monitoring group, which scrutinises the force's stop and search performance and practice. Similarly the Independent Advisory Group (IAG) undertakes scrutiny of use. Representatives of both the BME experience group and the IAG sit on the force's stop and search scrutiny board. This board assists the force in developing practice in line with community needs; most recently the board has assisted the force to develop its practice and procedure over the use of body-worn video. The minutes and data presentations to this Board can be found on the force website.

The force is particularly keen to ensure the voices of those who are most likely to be stopped and searched (the young), and/or those most likely to have a view over the use of stop and search within their community, are heard. As a direct consequence of this work, the PCC has commissioned Chat'bout to set up young people's groups, to discuss and feedback to the police their views on what could be done better.

Conscious of the need to make ourselves open to broader scrutiny in detail, the mobile data 'app' was developed to enable the mapping of the location of the stop and search encounters. Doing this enables local communities to better understand any disparity in searching patterns that may exist. The availability of this data has enabled the force to become one of a handful of pilot forces for mapping stop and search data on to police.uk; it has also meant we have become <u>the</u> pilot force for mapping this data across local communities, as a ward level, so that the proportionality of searching can be put into better context.

The force's Professional Standards Department (PSD) continues to work to increase awareness and community confidence in those communities most likely to be stopped and searched to report their concerns and complaints, if someone believes a stop and search encounter has not been carried out as it should be. Our current complaint levels are low and we feel this may reflect a lack of confidence that complaints will be dealt with and be taken seriously. While we would clearly prefer that people don't feel the need to complain, we recognise that complaints demonstrate confidence in the belief that the matter will be taken seriously and a resolution or redress will be sought. As required under the Best Use of Stop and Search Scheme, the force has developed a 'Community Trigger' which is available to view on the force website. In short because of the low numbers of complaints, all stop and search complaints are reviewed for organisational learning.

The force has an extensive range of national and local reports, position statements and local context on its website. All of these documents seek to demonstrate the openness and transparency that Nottinghamshire Police seeks to be associated with. A number of web chats have been held where senior officers have been on-line to address pre-submitted or live questions from the public, these web chats are all available on the force website. We have engaged the public through social media, namely facebook and twitter, explaining people's rights and how to feedback negative experiences.

There have also been a number of public meetings held, from those within local communities, to force level meetings organised by the police or by the community with invited police attendance where the activity undertaken is explained. Further work to promote the use of body worn video to support stop and search is also to be carried out.

Representatives from Nottinghamshire attend the national Police and Public Encounters Board (PPEB), which influences and monitors national stop and search procedure and practice. This group includes the Equality and Human Rights Commission.

Like the majority of forces, we do not record stop and accounts; a stance supported by the Home Secretary. Chief Constable Chris Eyre believes that to record all such encounters, which are not a legal requirement, would increase unnecessary bureaucracy, with officers keeping members of the public longer than would otherwise be necessary. Instead we focus our efforts to improve the tasking of our activity and communication about how stop and search powers are and will be used.

Fair and Effective use - the national picture

One of the recommendations of the HMIC reports into stop and search is that there needs to be a national definition for what a 'fair' and 'effective' stop and search is. A suggested definition has now been tabled by the College of Policing, however this remains under discussion. Nottinghamshire Police through its membership of the executive group of the PPEB have been central to this discussion

Whilst Nottinghamshire is continuously looking to reduce victim-based crime, there is no individual numeric stop and search targets set for officers. The only requirements are that every stop and search encounter will be recorded and then reviewed by a supervisor. The force aims for 25% of all stop and searches to result in an arrest or positive outcome; year to date we are at 30.1% with 6.8% of these being for cannabis warnings. The force doesn't seek to actively target street level possession of cannabis but it will deal appropriately with drugs that are found during the course of normal policing activity. By targeting our stop and searches through intelligence based tasking, the number of arrests has increased.

Having listened to community representatives and advisory groups, the position has been taken that stop and search powers should be used when tackling key crimes such as burglary, robbery, violent crime and carrying weapons. We expect 20% of all stops and searches should target the carrying of weapons and 40% should target issues that communities see as a priority. This approach also provides flexibility to address specific local concerns.

By way of illustration during 2014/15, 506 arrests were made as a result of the use of stop and search powers; this included 68 arrests for possessing weapons. This represents 13% of all stop and search arrests made by the force and displays what a vital crime fighting tool stop and search powers are and how they, when used properly, protect the public by taking weapons off the streets. We do not underestimate the impact stop and searches have on communities and individuals and we know that to maintain public confidence in its use, the power must be used in a fair and effective manner. We will continue to work with our communities and stakeholders to deliver fair and effective encounters and ensure that the use of stop and search continues to protect the public.

Strip Search

The force captures data on the number of strip searches that are undertaken; however it was identified during this monitoring that greater clarity is required over the nature of searches being undertaken. This is because 'more thorough' searches where, for example, a shoe is removed are being recorded as strip searches; this is not because the force has or is doing anything wrong but because data recording requirements have developed.

The 2015 the HMIC published a report entitled *"Stop and search powers 2: are the police using them effectively and fairly?"*, outlined that there are, in effect, three levels of search characterised by their increasing level of intrusiveness; the last two of these are referred to as 'strip search' within the recommendations.

1. A 'standard' stop and search where no more than outer coat, jacket and/or gloves are removed

2. A 'more thorough search' where other items of clothing are removed but intimate body parts are NOT exposed e.g. shoes or a T-shirt for a male.

3. A search where intimate body parts ARE exposed usually referred to as a 'strip search'.

The issue we have in force, at this time, is that our stop and search app only enables the officer to identify a search as 'standard' or 'strip search'. Consequently we are recording searches which do not involve the exposure of intimate body parts (more thorough searches) as strip searches. This has the effect of skewing the data and potentially creating concerns about the level of particularly intrusive searching when this is not in fact the case. We are presently working to develop the app so the difference in search types can be more accurately recorded.

- In 2013/14, 235 'strip searches' were undertaken, with 86% of these being to find drugs – there was a 40.9% positive outcome rate

- In 2014/15 there were 105 'strip searches' conducted, with 68% of these being for drugs – there was a 48.8% positive outcome rate.

  These numbers include both 'more thorough' as well as those searches where intimate body parts are exposed.

The force is working on a new data capture process that will enable the identification of the difference between these two types of search. From the audits however it is apparent that the majority are 'more thorough' searches, though it is no possible to quantify this yet.

It is also apparent from the scrutiny process that the searching is not proportionate, with proportionately more from the Black, Asian and minority ethnic communities being searched. Whilst the search volumes are very low, this is clearly a matter of concern that is being reviewed. The understanding of 'more thorough' vs 'intimate body part exposure' is one key part of this.

Strip searches are regularly audited to ensure compliance with the data recording requirements; within this audit process individual officers' use of these powers are also reviewed to ensure that they are not being inappropriately used or targeted.

The future

Nottinghamshire Police has made significant steps in addressing community issues over its use of stop and search powers. The processes that are run are being welcomed by the HMIC and community scrutinisers. The use of these powers is falling and the arrest and positive outcome rate is rising; which are seen to be positive indicators. There are, however, two issues that need to be better understood:

1. **There is disparity in the use of stop and searches based upon gender, age and race.**

The reasons for this disparity are complex and include the use of the power to tackle gangs and specific crimes. Any measure of proportionality is subjective and dependent upon which population base is employed to measure encounters and outcomes against. No population base will ever accurately capture a street population in a given area, at a given time.

The force has rejected the idea of having a target for proportional searching because every search, in isolation, needs to be lawful, necessary and proportionate. It is for this reason that the processes developed focus on this.

2. Reductions in the use of stop and search powers around the country are being linked to an increase in violent crime where weapons are used.

When it is reported that the use of stop and search powers has reduced, the response is frequently that this is a "positive". This response needs to be considered. The targeting of the use of stop and search powers against those who intelligence systems indicate habitually carry knives is critical to ensuring community safety. The force seeks to deliver this intelligence-based tasking to an even higher standard.

One concern is that officers around the country are reporting that they are reticent about using these powers because of the criticism that they believe will be levelled at them if and when they don't record data properly – some officers may take the view that it is easier not to use these powers. This is not a positive development. Community safety is best achieved when officers know their powers and are prepared to use them with discretion; when it is necessary and proportionate to do so whilst being aware of their unconscious bias.

The numbers of stop and searches in Nottinghamshire are now so low that the proportionality of searching is changing significantly based upon a handful of searches. We have also started to evidence a slight increase in knife crime where the victim is aged under 25. The Commissioner of the Metropolitan Police Service is linking a similar increase to a reduction in the use of these stop and search powers. There is no advocating for a return to the previous working practices where stop and search powers were used inappropriately. There is, however, a need to consider that reducing the levels of searching yet further may have unintended consequences in the nature and gravity of criminality taking place in Nottinghamshire. It is consequently recommended that consideration therefore needs to be given to amending the message when talking about stop and search to necessity and proportionality not volume.