

<b>For Information</b>	
<b>Non Public</b>	<b>Public</b>
<b>Report to:</b>	<b>Strategic Resources and Performance Meeting</b>
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<b>Report of:</b>	<b>Nottinghamshire Police</b>
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## The use of Strip Search in Nottinghamshire

### 1. Purpose of the Report

- 1.1 To present to the Police and Crime Commissioner detail of stop and searches that lead into 'strip search', as per Recommendation 10 of the HMIC report (2015) entitled "*Stop and search powers 2: are the police using them effectively and fairly?*"

### 2. Recommendations

- 2.1 That the report is noted and action directed as required

### 3. Reasons for Recommendations

- 3.1 Recommendation 10 of the HMIC report (2015) entitled "*Stop and search powers 2: are the police using them effectively and fairly?*" states:

*Within three months, chief constables should put in place a process to report, at least once a year, the information they get from recording searches that involve the removal of more than an outer coat, jacket or gloves to their respective police and crime commissioners and to any community representatives who are engaged in the scrutiny of the use of stop and search powers to help them assess whether these searches are lawful, necessary and appropriate.*

This report is written in direct response to recommendation 10.

### 4. Summary of Key Points

#### 4.0 Overview

- 4.1 On the 24<sup>th</sup> March 2015 the HMIC published a report entitled "*Stop and search powers 2: are the police using them effectively and fairly?*" Within this report five recommendations were set relating specifically to what is known as 'strip search', or searching beyond out coat, jacket or gloves. These recommendations are:

### Recommendation 7

Within three months, chief constables should require their officers to record all searches, which involve the removal of more than an outer coat, jacket or gloves. This record must specify: the clothing that was removed; the age of the person searched; whether the removal of clothing revealed intimate parts of the person's body; the location of the search including whether or not it was conducted in public view; and the sex of the officers present.

### Recommendation 8

Within twelve months, the Home Office should incorporate into Code A a requirement for the recording of all searches which involve the removal of more than an outer coat, jacket or gloves and a requirement for officers to seek the authority of a supervising officer before strip searching children.

### Recommendation 9

Within twelve months, the Home Office should work with forces to establish a requirement for sufficient data to be published in the Annual Data Requirement to allow the public to see whether or not the way that police conduct searches that involve the removal of more than an outer coat, jacket or gloves is lawful, necessary and appropriate.

### Recommendation 10

Within three months, chief constables should put in place a process to report, at least once a year, the information they get from recording searches that involve the removal of more than an outer coat, jacket or gloves to their respective police and crime commissioners and to any community representatives who are engaged in the scrutiny of the use of stop and search powers to help them assess whether these searches are lawful, necessary and appropriate.

### Recommendation 11

Within twelve months, the College of Policing should make sure that the relevant Authorised Professional Practice and the stop and search national training curriculum include instruction and guidance about how to make sure that searches that involve the removal of more than an outer coat, jacket or gloves are conducted in a way that are lawful, necessary and appropriate.

4.2 The report outlined that there are, in effect, three levels of searches 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 through 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'.

4.3 The issue we had in Force was that our original stop and search app only enabled the officer to identify either a search as 'standard' or 'strip search'. Consequently officers were recording searches which did not involve the exposure of intimate body parts (more thorough searches) as strip searches. This effectively skewed the data and created concerns about the level of these particularly intrusive searches when this was not in fact the case. The new OPTIK app detailing the requirements for recording 'more thorough' and 'strip searches' has now been rolled out. The data from 2016-17 has been recorded using this app.

#### **4.4 Present Position**

4.5 Prior to the publication of the 2015 HMIC report and the 5-recommendations covering the governance and recording of strip search Nottinghamshire Police were active in making sure service delivery was of a high standard quite simply because there is an moral imperative for this to be the case. Examples of how this was achieved are listed below;

- Ideas and good practice from the Metropolitan Police Service were adopted, in particular designated rooms were set up in all police stations to ensure there was privacy during any such searches.
- It was decided internally that conducting such searches at custody suites was inappropriate. The rationale for this being, that as the person being searched under such powers would not be under arrest searching at such a facility would / may cause confusion both in the individual's mind as to whether they were in fact 'under arrest' but could also leave the organisation open to criticism.
- The requirement was also set for a supervisor to be informed and be required to give their permission for a strip search of a child under 18.
- All these requirements were set and published in June 2014.
- There have been a number of communications to officers outlining the differences between the search types and what information needs to be recorded for each.
- The Force has also taken the decision that every strip search regardless of age must be authorised by an Inspector. This goes beyond the College of Policing recommendation that an Inspector should authorise a strip search for a person under the age of 18.
- Strip searches are audited monthly and feedback provided to both officers and the authorising Inspectors. This audit process has enabled the further development of the OPTIK App to ensure the data gathering process is as effective and as complete as possible. It has also led to a marked decrease in the number of searches being undertaken.

#### **4.6 Specific Response to the HMIC Recommendations, 2015**

#### 4.7 Recommendation 7

*Within three months, chief constables should require their officers to record all searches which involve the removal of more than an outer coat, jacket or gloves. This record must specify: the clothing that was removed; the age of the person searched; whether the removal of clothing revealed intimate parts of the person's body; the location of the search including whether or not it was conducted in public view; and the sex of the officers present.*

##### Response

In part this requirement existed within Force prior to the recommendation being published; the recommendation does however create some additional recording requirements. These new requirements were communicated to the organisation on the 28<sup>th</sup> March 2015.

As a direct result of this recommendation the OPTIK App was developed to ensure the data gathered complies with the requirements of the Best Use of Stop and Search Scheme and the HMIC Recommendations.

#### 4.8 Recommendation 8

*Within twelve months, the Home Office should incorporate into Code A a requirement for the recording of all searches which involve the removal of more than an outer coat, jacket or gloves and a requirement for officers to seek the authority of a supervising officer before strip searching children.*

##### Response

The PACE Codes of Practice have historically remained silent on recording the grounds for a strip search. This was noted in September 2014 and the requirement to record additional grounds over and beyond those of a 'simple' stop and search were set following discussion in February 2015. An extract from this internal Force communication is:

**“The key point is that you will need to establish two sets of grounds, the first to justify the standard stop and search the second to justify going beyond outer coat, jacket and gloves; they can both be recorded on the same record though.”**

The strip search audit specifically reviews the standard grounds to justify the stop and search but also, and more specifically, the grounds that would cause an impartial third party to believe the strip search was both necessary and proportionate.

The recommendation that the authority of a supervisor be sought to search children is already in place but we require this authority for all such searches and rather than it be a sergeant (supervisor) we have required that this be an Inspector.

#### **4.9 Recommendation 9**

*Within twelve months, the Home Office should work with forces to establish a requirement for sufficient data to be published in the Annual Data Requirement to allow the public to see whether or not the way that police conduct searches that involve the removal of more than an outer coat, jacket or gloves is lawful, necessary and appropriate.*

##### **Response**

The Force awaits the requirement from the Home Office, however the evidence presented within this report illustrates that Nottinghamshire Police is currently able to produce a data set on strip search.

#### **4.10 Recommendation 10**

*Within three months, chief constables should put in place a process to report, at least once a year, the information they get from recording searches that involve the removal of more than an outer coat, jacket or gloves to their respective police and crime commissioners and to any community representatives who are engaged in the scrutiny of the use of stop and search powers to help them assess whether these searches are lawful, necessary and appropriate.*

This report addresses this recommendation; the report will be written at least annually. As the use of this type of search is low, the report will only be run when sufficient data exists to make conclusions meaningful; it will however be produced at least annually.

#### **4.11 Recommendation 11**

*Within twelve months, the College of Policing should make sure that the relevant Authorised Professional Practice and the stop and search national training curriculum include instruction and guidance about how to make sure that searches that involve the removal of more than an outer coat, jacket or gloves are conducted in a way that are lawful, necessary and appropriate.*

##### **Response**

Nottinghamshire Police will adopt the required standard when it is presented though it should be noted that the Force had a significant input into writing the standard.

#### **4.12 Annual Data Return 2013/14**

#### 4.13 Search numbers

Total number of stop and searches	5384
Total no. of strip searches	235 (4.4%)
Number of officers using these powers	141
Searches per calendar month	19.6

#### 4.14 Arrest / Positive Outcome rate against volume and power used

Power	Outcome					Total
	Arrest	Cannabis Warning	RFS	Vol. Att.	N/A	Positive outcome
Misuse of Drugs Act 1971, s23	70 34.7%	14 6.9%	0	2 1.0%	116 57.4%	202 42.6%
Police and Criminal Evidence Act 1984.	10 30.3%	0	0	0	23 69.7%	33 30.3%
Total	80 34.0%	14 6.0%	0	2 0.9%	139 59.1%	235 40.9%

- 86% of searches are conducted for drugs
- 43% of drugs searches result in a positive outcome
- 30% of PACE searches result in a positive outcome

#### 4.15 The use of strip search by power and ethnicity

Power	Ethnicity						Total
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not Stated	
Misuse of Drugs Act 1971, s23	109	12	19	42	4	16	202
Police and Criminal Evidence Act 1984.	27	0	1	2	0	3	33
Total	136	12	20	44	4	19	235

#### 4.16 Outcomes of searches by ethnicity

Outcome Rates	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group
Arrest Rate	27.9%	33.3%	45.0%	34.1%	50.0%
Positive Outcome Rate	7.4%	8.3%	0.0%	6.8%	0.0%
Total Outcome Rate	35.3%	41.7%	45.0%	40.9%	50.0%

- The powers of arrest and positive outcomes are higher for all BAME communities than they are for those who are white.

#### 4.17 The Proportionality of Strip Searching

Power	Proportionality					
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	BAME
Misuse of Drugs Act 1971, s23	1.0	3.4	2.9	13.7	5.4	5.6
Police and Criminal Evidence Act 1984.	1.0	0.0	0.6	2.6	0.0	0.9
Total	1.0	2.7	2.4	11.5	4.4	4.7

- The proportionality for searches of black, Asian and minority ethnic people under the Misuse of Drugs Act at 5.6 is not proportionate – 77 searches is 38% of the total conducted using this power.
- The proportionality is particularly weak for the searching of black people most notably for drugs
- This data reinforces the headline stop and search data that those from BAME communities are particularly like to be stopped and searched under the MDA

#### 4.18 Annual Data Return 2014/15

#### 4.19 Search numbers

Total number of stop and searches	4047
Total no. of strip searches	105 (2.6%)
Number of officers using these powers	71
Searches per calendar month	8.8

#### 4.20 Arrest / Positive Outcome rate against volume and power used

Power	Outcome					Total
	Arrest	Cannabis Warning	FPN	Vol. Att.	N/A	Positive Outcome
Misuse of Drugs Act 1971, s23	11 39.3%	2 7.1%	1 3.6%	1 3.6%	13 46.4%	28 53.6%
Police and Criminal Evidence Act 1984.	5 38.5%	0	0	0	8 61.5%	13 38.5%
Total	16 39.0%	2 4.9%	1 2.4%	1 2.4%	21 51.2%	41 48.8%

- 68% of searches are conducted for drugs compared to 86% the year before
- 54% of drugs searches result in a positive outcome compared to 43%
- 38% of PACE searches result in a positive outcome compared to 30%
- The effectiveness of strip searching has increased

#### 4.21 The use of strip search by power and ethnicity

Power	Ethnicity						Total
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not Stated	
Misuse of Drugs Act 1971, s23	53	0	9	28	0	0	89
Police and Criminal Evidence Act 1984.	10	0	1	3	0	1	15
Fireworks	1	0	0	0	0	0	1
Total	64	0	10	31	0	1	105

#### 4.22 Outcomes of searches by ethnicity

Outcome Rates	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not stated	Total
<b>Arrests</b>	26 40.6%	0	7 77.8%	12 38.7%	0	0	45 42.9%
<b>Positive Outcome</b>	4 6.3%	0	0	6 19.4%	0	0	10 9.5%
<b>NFA</b>	34 53.1%	0	2 22.2%	13 41.9%	0	1 100%	50 47.6%
<b>Total positive outcome rate</b>	30 46.9%	0 0.0%	7 77.8%	18 58.1%	0 0.0%	0 0.0%	55 52.4%

- The rate of arrest and positive outcomes are higher for all BAME communities than they are for those who are white where searches are made.

#### 4.23 The proportionality of strip searching

Power	Proportionality					
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	BAME
Misuse of Drugs Act 1971, s23	1.0	0	2.6	18.7	0	4.7
Police and Criminal Evidence Act 1984.	1.0	0	1.7	10.7	0	3.2
<b>Total</b>	1.0	0	2.4	17.2	0	5.0

- The proportionality for searches of black people under the Misuse of Drugs Act has risen from 13.7 to 18.7 compared to the previous year; though the number of searches has dropped from 42 to 28 in the Force area during the year.
- The searching of people from the black, Asian and minority ethnic communities has risen from 4.7 to 5.0 though the total number of searches has reduced from 80 to 40.
- This searching of people from black, Asian and minority ethnic communities under the Misuse of Drugs Act has reduced from 5.6 to 4.7 and the total number of searches has reduced from 77 to 36.

- This searching of people from black, Asian and minority ethnic communities using the powers from the Police and Criminal Evidence Act has increased from 0.9 to 3.2 though based upon a rise from 3 to 4 searches.

#### 4.24 Annual Data Return 2015/16

#### 4.25 Search numbers

Total number of stop and searches	2682
Total no. of strip searches	79 (3%)
Number of officers using these powers	58
Searches per calendar month	6.6

#### 4.26 Arrest / Positive Outcome rate against volume and power used

Power	Outcome					Total
	Arrest	Cannabis Warning	Report for summons	Vol. Att.	N/A	Positive Outcome
Misuse of Drugs Act 1971, s23	32	1	6	2	26	67
	48%	1.5%	9%	3%	39%	61.2%
Police and Criminal Evidence Act 1984.	4	1	0	0	5	10
	40%	10%			50%	50%
Firearms Act 1968	0	0	0	0	2	2
					100%	0%
Total	36	2	6	2	33	79
	46%	2.5%	7.6%	2.5%	42%	58%

- 85% of searches are conducted for drugs compared to 68% the year before
- 61% of drugs searches result in a positive outcome compared to 54%
- 50% of PACE searches result in a positive outcome compared to 38%

#### 4.27 The use of strip search by power and self-defined ethnicity

Power	Ethnicity						Total
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not Stated	
Misuse of Drugs Act 1971, s23	37	0	7	18	0	5	67
Police and Criminal Evidence Act 1984.	8	1	0	1	0	0	10
Firearms Act 1968	0	0	0	2	0	0	2
<b>Total</b>	<b>45</b>	<b>1</b>	<b>7</b>	<b>20</b>	<b>0</b>	<b>5</b>	<b>79</b>

#### 4.28 Outcomes of searches by self-defined ethnicity

Outcome Rates	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not stated	Total
<b>Arrests</b>	20 44%	1 100%	4 57%	10 22%	0	1 2%	36 47%
<b>Positive Outcome</b>	5 11%	0	1 14%	4 %	0	0	10 13%
<b>NFA</b>	19 43%	0	2 29%	9 %	0	3 %	33 43%
<b>Total positive outcome rate</b>	25 57%	1 100%	5 71%	14 56%	0 0.0%	1 25%	46 61%

- The rate of arrest and positive outcomes are higher for all BAME communities than they are for those who are white where searches are made.

## 4.29 The proportionality of strip searching

Power	Proportionality					
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	BAME
Misuse of Drugs Act 1971, s23	1.0	0	3.2	17.3	0	5.7
Police and Criminal Evidence Act 1984.	1.0	3.9	0	4.4	0	2.1
Total	1.0	6.9	2.6	15	0	5.0

- The proportionality for searches of black people under the Misuse of Drugs Act has dropped from 18.7 to 17.3 compared to the previous year; though the number of searches has dropped from 28 to 18 in the Force area during the year.
- This searching of people from the black, Asian and minority ethnic communities has remained at 5.0 though again the total number of searches has reduced from 41 to 28.
- This searching of people from black, Asian and minority ethnic communities under the Misuse of Drugs Act has increased from 4.7 to 5.7 and the total number of searches has reduced from 37 to 25.
- This searching of people from black, Asian and minority ethnic communities using the powers from the Police and Criminal Evidence Act has reduced from 3.2 to 2.1 though based upon a fall from 4 to 1 search.

## 4.30 Annual Data Return 2016/17

### 4.31 Search numbers

Total number of stop and searches	1812
Total no. of strip searches	58 (3.2%)
Total no. of 'More Thorough' searches	9
Number of officers using these powers	32
Searches per calendar month	4.8

#### 4.32 Arrest / Positive Outcome rate against volume and power used

Power	Outcome					Total Positive Outcome
	Arrest	Cannabis Warning	FPN	Vol. Att RFS.	N/A	
Misuse of Drugs Act 1971, s23	6 10.7%	2 3.6%	0	25 45%	23 41%	33 59%
Police and Criminal Evidence Act 1984.	0	0	0	2 100%	0	2 100%
<b>Total</b>	6 10.3%	2 3.4%	0	27 47%	23 40%	35 60%

- 95% of searches are conducted for drugs the same as the year before
- 59% of drugs searches result in a positive outcome compared to 61%

#### 4.33 The use of strip search by power and self-defined ethnicity

Power	Ethnicity						Total
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not Stated	
Misuse of Drugs Act 1971, s23	18	7	4	18	2	7	56
Police and Criminal Evidence Act 1984.	2	0	0	0	0	0	2
<b>Total</b>	20	7	4	18	2	7	58

#### 4.34 Outcomes of searches by self-defined ethnicity

Outcome Rates	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	Not stated	Total
<b>Arrests</b>	3 15%	0	0	1 6%	0	2 29%	6
<b>Positive Outcome</b>	10 20%	6 86%	3 75%	4 22%	2 100%	4 57%	29
<b>NFA</b>	7 35%	1 14%	1 25%	13 72%	0	1 14%	23
<b>Total positive outcome rate</b>	13 65%	6 86%	3 75%	5 28%	2 100%	6 86%	35 60%

- With the exception of those who are ‘Black or Black British’ the rate of arrest and positive outcomes is higher amongst BAME communities than for those who are white.

#### 4.35 The proportionality of strip searching

Power	Proportionality					
	(1) White	(2) Mixed	(3) Asian or Asian British	(4) Black or Black British	(5) Chinese or Other Ethnic Group	BAME
Misuse of Drugs Act 1971, s23	1.0	12.2	3.8	35.5	16.5	13.7
Police and Criminal Evidence Act 1984. (PACE)	1.0	0	0	0	0	0
Total	1.0	11	3.4	32	14.8	12.3

- The proportionality for searches of black people under the Misuse of Drugs Act has risen from 17.3 to 35.5 compared to the previous year; the number of searches remained static at 18.
- This searching of people from the black, Asian and minority ethnic communities has risen from 5.0 to 12.3 the number of searches was 28 last year and is 26 this year.
- This searching of people from black, Asian and minority ethnic communities under the Misuse of Drugs Act has risen from 5.7 to 13.7 and the total number of searches in 2015/16 was 25 compared to 31 in 2016/17.
- This searching of people from BAME communities under PACE has decreased from 2.1 to 0 based upon a drop from 2 to 0 searches.

#### 4.36 Grounds audit for strip searches 2016/17

4.37 This report focuses on the most recent data set as the OPTIK App has enabled a much clearer picture to be drawn about officer activity and in particular ensuring ‘more thorough’ searches are not included within this data set;

- During 2016/17, a total of 1,812 stop and searches were conducted
- 58 of these searches were strip searches – 3.2% of all searches
- 57 of the 58 strip searches passed the basic grounds test for a stop and search, a 98% pass rate. The search that failed this audit was of a white person.

- Of the 58 strip searches, the grounds to move to a strip search were made out on 16 occasions, or 28% up from 15.2% in 2015/16. It is worth noting that at this time PACE remains silent on whether additional or more specific grounds need recording for a strip search, so the organisation is setting the standard higher here than is currently required.

#### 4.38 Summary of activity 2013/14 to 2016/17

Year	No. of Stop and Searches	No. of Strip Searches	Searches per month	Positive Outcome rate	BAME Positive Outcome rate	Black Prop	BAME Prop.
2013/14	5,384	235	19.6	40.9%	N.R.	11.5	4.7
2014/15	4,047	105	8.8	48.8%	52.4%	17.2	5.0
2015/16	2,682	79	6.6	58%	61%	15.0	5.0
2016/17	1,812	58	4.8	60%	60%	32	12.3

#### 4.39 Conclusions

1. The number of stop and searches in Nottinghamshire's Force area has reduced from 5,384 in 2013/14, to 1,812 in 2016/17, a 66% reduction.
2. The use of strip search has reduced significantly between 2013/14 and 2016/17; from 235 to 58, which is a 75% reduction.
3. The number of officers using strip search has reduced from 141 to 32, a 77% reduction.
4. The arrest rate and positive outcome rate for those who are 'white' during the last full performance year is 65% compared to 75% for 'Asian' and 28% for 'black'.
5. 98% of the grounds recorded for the strip searches passed the standard audit in 2016/17, following active communication of the recording requirement.
6. The 'Force requirement' to record strip search to a higher standard is slowly being met; despite this not yet being a 'legal requirement'. 28% complied with the requirement;
  - A significant amount of work has been undertaken to overcome this low compliance rate and educate officers on the data recording requirement.
  - An 'aide memoire' and poster have been written and widely circulated outlining what the data recording requirement is.

- A diary note has been written within the app which highlights, as soon as 'strip search' is ticked, the data required;
  - A monthly audit of strip search data is taking place to support this and to provide feedback to officers where they have not captured all the required data.
  - The stop and search performance dashboard will be amended following the launch of the OPTIK app to include more specific detail on strip searching.
  - The new iteration of the stop and search app is eliminating previous data recording issues by requiring all necessary data fields to be populated once a 'more thorough' or 'strip search', is identified as being undertaken.
7. Proportionality has risen to 12.3 for those from BAME communities which have risen from 5.0 in the last PCC Strip Search report. The number of searches of those from black, Asian and minority ethnic communities has dropped between 2015/16 to 2016/17, from 41 to 28 within a combined population of 121,981 from the Office of Population Census and Survey 2011.
  8. There is a much better understanding of the impact of stop and search and the need to understand both why these powers are being used and the legal requirements for data recording.
  9. Proportionality has reduced from 17.3 in 2015/16 to 35.5 in 2016.17 for searches of black people under the Misuse of Drugs Act; the number of such searches has remained the same at 18 in each year.
    - During 2016/17, nine 'more thorough' searches were undertaken; eight were conducted using the Misuse of Drugs Act legislation which reflects the nature of items sought i.e. small and easily concealed 'wraps' of drugs.
    - Of the nine searches conducted none were undertaken on those identified as being Asian, four on those identified as being black and five from those identified as being white.
    - Whilst these numbers are low, it is understood that the proportionality of these searches remains a community concern. Understanding this data and conducting regular audits enables the Force to better explain, and to be held to account for its activity. It is of note that the majority of the searches are targeted into high crime areas and many have recent intelligence recorded as an aspect of the grounds.
  10. There is an increased likelihood, per 1,000 population, that those from the black, Asian and minority ethnic communities will be strip searched for drugs. Proportionality remained the same, at 5.0, between 2014/15 and 2015/16 but has now risen to 12.3. This represents a significant community confidence issue; though the total number of searches is low.

11. There will be a number of reasons for this change in position between the last two performance years, most notably:
- The focus the Force is placing on the quality of grounds that need to be both formulated prior to a stop and search being undertaken and then recorded.
  - The requirement that every stop and search will be reviewed by a supervisor.
  - The monthly auditing of grounds and the reinforcement of requirement for those who fail audit.
  - The auditing of individual officer activity, including the generation of ‘trigger’ reports where officer search history indicates the proportionality of searches does not match the community proportionality.
  - The ability to challenge officers to ensure there is no stereotypical use of these powers.
  - The fact that the Force has pre-empted the HMIC Recommendations and required a standard of recording that exceeds even this new requirement – in that all strip searches require an Inspector’s approval, not just those of children under the age of 18.
12. Of critical note - it must be noted that as the audit and feedback has become more steadily robust during 2016/17 the number of strip searches conducted each month has fallen to a lower level.

April '16	10
May '16	6
June '16	7
July '16	3
August '16	9
September '16	9
October '16	4
November '16	2
December '16	2
January '16	1
February '16	2
March '16	4

## **5. Financial Implications and Budget Provision**

- 5.1 There are no direct financial costs from this work, the work being undertaken to meet the HMIC Recommendations take place within existing salary of officers and staff involved.

## **6. Human Resources Implications**

6.1 There are no direct HR implications.

## **7. Equality Implications**

7.1 There are direct Equality and Diversity implications as identified within the report as covered by the Equality Act 2010 in that those from black, Asian and minority ethnic communities are being searched more, per 1,000 populations than those from the white community.

7.2 An Equality Impact Assessment already exists for the work undertaken by the Force on stop and search and this is published on the Force website.

7.3 As identified within the report, stop and search and stop and account are an issue of importance to the black, Asian and minority ethnic communities.

## **8. Risk Management**

8.1 There are no new risks identified for the Force arising out of this work. However, identifying the proportionality higher rates may increase community confidence and concern as part of the existing risk to the organisation of the use of stop and search.

## **9. Policy Implications and links to the Police and Crime Plan Priorities**

9.1 There are no direct requirements to change policy or procedure as these changes have already been directed and the stop and search policy is subject to regular review.

## **10. Changes in Legislation or other Legal Considerations**

10.1 Within the HMIC recommendations there is an indication that PACE Code A, which governs the use of stop and search, will be re-written. The Force is confident that the work it is already undertaking will ensure compliance with any legislative changes.

## **11. Details of outcome of consultation**

11.1 There has been no consultation though the aim of this report is to present the detail to the PCC.

## **12. Appendices**

12.1 A - The legal requirements of strip search

12.2 B – Poster communicating recording requirements

12.3 C – Detail of the officer aide memoire on recording

### Understanding the use of Strip Search – legal requirements

PACE Code A (and Code C, Annex A, para 11) specifically allows for and provides guidance on the conduct of searches at nearby police stations that go beyond looking in a person's pockets. More specifically 3.6 and 3.7 of Code A state:

- 3.6 Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby (see Note 6 below.) Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it. (See Code C Annex L and Notes 4 and 7 below.)
- 3.7 Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle). These searches must be conducted in accordance with paragraph 11 of Annex A to Code C except that an intimate search mentioned in paragraph 11(f) of Annex A to Code C may not be authorised or carried out under any stop and search powers.

#### Notes:

- 4 Many people customarily cover their heads or faces for religious reasons – for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. A police officer cannot order the removal of a head or face covering except where there is reason to believe that the item is being worn by the individual wholly or mainly for the purpose of disguising identity, not simply because it disguises identity. Where there may be religious sensitivities about ordering the removal of such an item, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex (see Code C Annex L).
- 6 Such a place should be located within a reasonable travelling distance using whatever mode of travel (on foot or by car) is appropriate. This applies to all searches under stop and search powers, whether or not they involve the removal of clothing or exposure of intimate parts of the body (see paragraphs 3.6 and 3.7) or take place in or out of public view. It means, for example, that a search under the stop and search power in section 23 of the Misuse of Drugs Act 1971 which involves the compulsory removal of more than a person's outer coat, jacket or gloves cannot be carried out unless a place which is both nearby the place they were first detained and out of public view, is available. If a search involves exposure of intimate parts of the body and a police station is not nearby, particular care must be taken to ensure that the location is suitable in that it enables the search to be conducted in accordance with the requirements of paragraph 11 of Annex A to Code C.
- 7 A search in the street itself should be regarded as being in public for the purposes of paragraphs 3.6 and 3.7 above, even though it may be empty at the time a search begins. Although there is no power to require a person to do so, there is nothing to prevent an officer from asking a person voluntarily to remove more than an outer coat, jacket or gloves in public.

### **In summary**

- There must be reasonable grounds to consider it necessary to remove more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity
- The search can only be conducted by an officer of the same sex and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.
- This must be done out of public view, for example, in a police van or police station if there is one nearby.

### **Searches involving exposure of intimate parts of body**

- Must not be conducted as a routine extension of a less thorough stop and search

### **Searches involving removal of religious dress**

- Many people customarily cover their heads or faces for religious reasons – for example, Muslim women, Sikh men, Sikh or Hindu women, or Rastafarian men or women. A police officer cannot order the removal of a head or face covering except where there is reason to believe that the item is being worn by the individual wholly or mainly for the purpose of disguising identity, not simply because it disguises identity.
- Where there may be religious sensitivities about ordering the removal of such an item, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex

### **Location the search takes place**

- Should be located within a reasonable travelling distance using whatever mode of travel - it means, for example, that a search under the stop and search power in Section 23 of the Misuse of Drugs Act 1971 which involves the compulsory removal of more than a person's outer coat, jacket or gloves cannot be carried out unless it is a place which is both nearby the place they were first stopped and out of public view.
- Although there is no power to require a person to do so, there is nothing to prevent an officer from asking a person voluntarily to remove more than an outer coat, jacket or gloves in public.

A search conducted at a nearby police station is a legitimate tactic available for use by the police in situations where a more extensive search is required to find an article concealed on the body, for which police are empowered to search.

When conducting a stop and search an officer must have reasonable grounds to consider it necessary to conduct a more thorough search, this may take place at a nearby police station. However, searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search.

**SEARCHING BEYOND OUTER COAT, JACKET OR GLOVES**

**What, Where and Who**

	On the street	Out of public view, for example a police van	Out of public view, in a police station or other location, not a police vehicle
A search involving no removal of clothing other than, an outer coat, jacket or gloves	✓ Any sex of police officer can search	✓ Any sex of police officer can search	✓ Any sex of police officer can search
A search involving more than removal of an outer coat, jacket or gloves but not revealing intimate parts of the body	✗	✓ Police officer must be of the same sex as person being searched	✓ Police officer must be of same sex as person being searched
As search involving more than the removal of an outer coat, jacket or gloves which exposes intimate parts of the body	✗	✗	✓ Police Officer must be of same sex as person being searched

**Your record of search must specify:**

- The authorising supervisors collar number
- What clothing was removed
- The age of the person searched
- Whether the removal of clothing revealed intimate parts
- The search location including whether or not it was conducted in public view
- The sex of the officers present

### **'More Thorough' and 'Strip Search' aide memoire**

- *There is no power to require a person to remove any clothing **in public** other than a jacket, outer coat, or gloves, ('JOG') except when a Section 60AA is authorised by an ACC or above, which empowers a constable to require a person to remove any item worn to conceal identity.*
- *Where reasonable grounds exist and it is considered necessary to conduct a **more thorough search**, for example by requiring a person to take off a T-shirt this must also be done out of public view e.g. a police van or a police station if there is one nearby.*
- *Any search involving the removal of **more than** 'JOG', headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex, unless the person being searched specifically requests it.*
- *Searches involving the exposure of intimate parts of the body (**a Strip Search**) must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. You must be able to justify why you have done this within the grounds you record and prior authorisation must be sought from an **Inspector**.*
- *Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle).*

There are, in effect, three levels of searches characterised by their increasing level of intrusiveness:

4. **'Standard'** stop and search: where no more than outer coat, jacket and/or gloves are removed
5. **'More thorough search'**: where other items of clothing are removed but intimate body parts are NOT exposed e.g. the removal of shoes or a T-shirt for a male.
6. **'Strip search'**: where intimate body parts ARE exposed

### **Recording of 'more thorough' and 'strip searches'**

You are required to record **additional** information for **all** searches which involve the removal of more than an outer coat, jacket or gloves i.e. 2 and 3 above.

You can do this by 'ticking', more-through or strip-search in the app.

The additional grounds to justify these searches will need to be recorded within the free-text box, which you already use to record the grounds for a standard search.

Your record must specify:

- Your general grounds for the standard stop and search
- Your grounds for moving beyond a 'standard' search to a more thorough or strip search
- The items of clothing that were removed
- The age of the person searched
- Whether the removal of clothing revealed intimate parts of the person's body (breasts, genitals or buttocks)
- The location of the search including whether or not it was conducted in public view
- The sex of the officers present
- The collar number of the Inspector who authorised this search (strip searches only)

**Supervisors - you are authorising the grounds, necessity and proportionality of such searches**