

For Information	
Public/Non Public*	Public
Report to:	Strategic Resources and Performance Meeting
Date of Meeting:	9th November 2017
Report of:	Nottinghamshire Police
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Agenda Item:	4

*If Non Public, please state under which category number from the guidance in the space provided.

Force Report on Stop and Search

1. Purpose of the Report

- 1.1 To update the Strategic Resources and Performance meeting on the use of stop and search powers in Nottinghamshire Police.

2. Recommendations

- 2.1 It is recommended that members note the attached report.

3. Reasons for Recommendations

- 3.1 To ensure that members of the meeting are aware of our approach with regards to the use of stop and search and the latest data in connection with this.

4. Summary of Key Points

- 4.1 The attached report, at appendix A, provides an update on:
- effective use of stop and search
 - fair use
 - proportionality
 - Section 60
 - Other initiatives in relation to our approach for stop and search

5. Financial Implications and Budget Provision

- 5.1 There are no financial implications arising from this report.

6. Human Resources Implications

- 6.1 There are no HR implications arising from this report.

7. Equality Implications

- 7.1 Dis-proportionality of stop and search is a key issue in both communities and the media particularly at this time with the recent publication of the Government's survey data on issues of racial inequality.

8. Risk Management

- 8.1 The impact that the use of stop and search has on communities and individuals is measured through community engagement and accountability and the use of the published stop and search data via the police.uk website.

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

- 9.1 There are no specific policy implications; stop and search does however link to the following priorities; Protect, support and respond to victims, witnesses and vulnerable people, by ensuring transparency and proportionality. Additionally there is a requirement to ensure young people know more about what to expect if they are stopped and searched

10. Changes in Legislation or other Legal Considerations

- 10.1 There are no known legislative issues, however the Best Use of Stop and Search Scheme 2.0 has been circulated for community consultation and will be published soon. Nottinghamshire Police has already signalled its intention to comply and is well progressed in its work to do this prior to publication.

11. Details of outcome of consultation

- 11.1 There has been no other consultation in relation to this specific report.

12. Appendices

- 12.1 Stop and Search report – appendix A.

Stop and Search

Report Date: 27th September 2017

Throughout 2016/17 Nottinghamshire Police maintained its focus on the intelligence led, fair and effective use of stop and search powers. The force has seen a steady reduction in the volume of stop and searches carried out, while increasing the arrest and positive outcome rates arising from the use of these powers. During 2015/16 it was identified that the force had the third lowest use of stop and search powers in the country. There has not been an updated position on this since then.

Asking individuals to account for their presence or behaviour is an important part of everyday policing. Stop and search powers are used by the force as an additional and legitimate power to protect local residents, businesses and visitors to the area, tackle crime and keep our streets safe.

In 2016/17, 303 arrests were made as a result of the use of stop and search powers; this includes 52 arrests for possessing weapons. This represents 17.1% (up from 13.2% in 2015/16) of all stop and search arrests made by the force and illustrates what a vital crime fighting tool it is and how it protects the public by removing weapons from the streets.

We do not underestimate the impact that stop and search encounters 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.

Fair and Effective Stop and Search

The national definition of a 'fair and effective' stop and search encounter, agreed by the College of Policing and the National Police Chiefs' Council (NPCC), is:

A stop and search encounter is most likely to be fair and effective when:

- *the search is justified, lawful and stands up to public scrutiny;*
- *the officer has genuine and objectively reasonable suspicion they will find a prohibited article or item for use in crime;*
- *the person understands why they have been searched and feels that they have been treated with respect;*
- *the search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item.*

Effective use

The primary purpose of stop and search powers are to enable officers to either allay or confirm their suspicions about an individual without having to arrest the person. Effectiveness must therefore reflect where suspicion has been allayed and an unnecessary arrest, which is more intrusive, has been avoided; or where suspicion has been confirmed and the object is found or a crime is detected.

Having listened to community representatives and reference groups, the force expects the use of stop and search powers to focus on dealing with crimes that cause the public the most concern. We expect a minimum of 40% of all stop and searches should be undertaken to tackle key crimes like burglary and robbery; with a further 20% being undertaken to target the carrying of weapons and the remaining 40% targeting neighbourhood crimes. This approach provides the flexibility to address specific local concerns. During 2014/15, 9.2% of all stop and searches were for weapons, 26.6% for going equipped and handling stolen goods and 62.8% for drugs. During

2016/17 13.2% of all stop and searches were for weapons, 17.1% for going equipped and handling stolen goods and 69.9% for drugs.

The combined arrest and positive outcome rate for stop and search use in 2013/14 was 20.4%. It rose to 25.5% in 2014/15 (12.5% arrest rate) and rose again to 30.1% in 2015/16 (14% arrest rate). The positive outcome rate is the number of stop and search encounters that lead to an arrest or another outcome, for example a cannabis warning or a report for summons. During 2016/17 303 (16.7%) of all stop and searches led to an arrest and there were a further 335 'positive outcomes' (18.5%) or 35.2% of all searches resulted in an arrest or positive outcome.

While the force has corporate targets for crime reduction, there is no individual numeric stop and search targets set for officers. Nottinghamshire Police aims for 25% of all stop and searches to result in an arrest or positive outcome, excluding cannabis warnings (this was 24.3% in 2016/17).

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 powers continues to protect the public.

Fair use

Nottinghamshire Police believes a fair encounter is a justifiable one, which is applied without prejudice, carried out promptly and with respect. It is recorded, open to scrutiny and supports public confidence.

The number of stop and search encounters has decreased by 37.8% from 4,157 recorded in 2014/15 to 2,712 in 2015/16 and 1,811 in 2016/17. Of the people who were stopped and searched in 2015/16, 64.2% were white, 18.2% black and 9.3% Asian. There were a total of 4 public complaints relating to stop and search encounters in the 2016/17 financial year. Seven further complaints were resolved 'there and then'.

Of these complaints 2 were raised by Black people, 1 by an Asian and 1 by a white person, all were male and there was a spread of ages. Every complaint can have a number of 'sub-complaints' within it. The four recorded complaints related to: that the legal aspects of the search were not properly explained (4); that excessive force was used (3); and one of incivility. One complaint resulted in a disapplication (a disapplication may only take place if the complaint fits one or more of the grounds described in the IPCC Statutory Guidance paragraphs 4.7 to 4.19), one was locally resolved, another not upheld following an investigation and one was withdrawn. Regarding the 'There and Then' complaints (complaints that are dealt with immediately on them being reported, usually on the phone), 6 related to the legality of the search not being explained and one because a promised update hadn't been provided.

It is important to measure the impact that the use of stop and search powers has on communities and individuals. This is done through community engagement and community accountability assisted by the stop and search data that is published internally and via the police.uk website. Nottinghamshire Police also engages with a variety of stakeholders, most notably the Police and Public Encounters Board, which influences and monitors national procedure and practice.

The Stop and Search Scrutiny Board continues to run; data is being presented to the members of the community who sit on the Board and scrutinise activity. The minutes and data presentations to this Board can be found on the force website.

There is disparity in the use of stop and searches in relation to gender, age and race. The reasons for disparity are complex and include the use of the power to tackle gang crime and specific crimes. Measures of proportionality depend upon which population base is employed. No population base will ever accurately capture a street population in a given area, at a given time.

Proportionality

The proportionality or disproportionality of the use of stop and search powers is an issue within the communities policed in Nottinghamshire, and also within the media when stop and search use is reported upon. The manner in which stop and search proportionality is calculated, does however, have an impact on these concerns due to the statistical variances the calculation causes; in particular where a small number of searches can have a significant impact upon proportionality rates. These anomalies are largely not understood and require explanation to put some context around these important figures. An explanation of how proportionality is calculated has been written and is on the force's website on the Stop and Search Advice page.

Data explanation

Proportionality data presents the statistical chance of someone from a Black, Asian or Minority Ethnic (BAME) community being subject to a stop and search encounter compared to someone from the white community.

The numbers of searches conducted within a specific BAME community is compared to the resident population of that community; this creates a 'rate of search per '000 population'. The population is taken from the 2011 Census data. The rate per '000 population from this BAME community is then compared to the rate per '000 population for the white community; the white community is the baseline population. The 'BAME' number is divided into the 'white' number; the outcome is the proportionality or disproportionality rate.

28.5% of Nottingham City's population is from BAME communities and 4.5% of the County's population is from BAME communities; it is this resultant difference in the white population 71.5% compared to 95.5% that causes the significant changes in proportionality rates. It must also be noted that the population figures are 'resident population' and that clearly people will move across borders in the course of their work and leisure.

The use of s.1 & s.23 MDA stop and search during 2016/17

The tables below indicate how proportionality rates change based upon geographic location. Table 1 presents the number of searches in the force area; Table 2 identifies those conducted in Nottingham City. The Nottingham City numbers are included within the force level number.

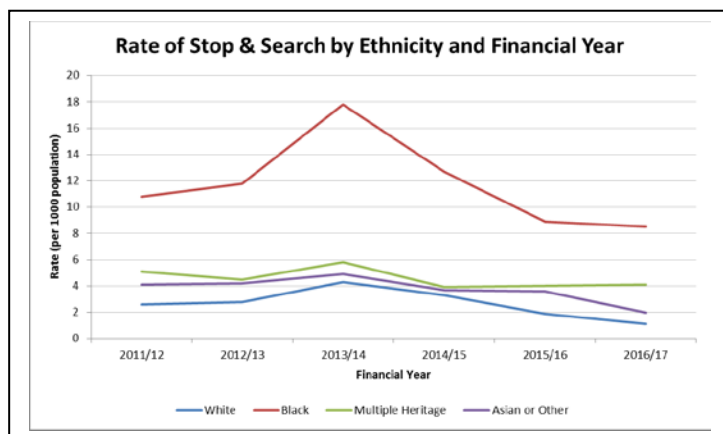
Use of s.1 PACE & s.23 MDA stop and search 2016/17							
Ethnicity	White	Black	Mixed	Asian or other	Not Stated	White	BME
No. of Searches	1074	233	127	129	249	1074	489
Rate	1.1	8.5	4.1	2.0	-	1.1	4.0
Ratio	-	7.7	3.7	1.8	-	-	3.6

When the proportionately higher residential population of black, Asian and minority ethnic people in Nottingham City is taken into account; the level of disproportionality changes when the numbers of stop and searches in the City is compared to this residential population.

Use of s.1 PACE & s.23 MDA stop and search 2016/17 in Nottingham City							
Ethnicity	White	Black	Mixed	Asian or other	Not Stated	White	BME
No. of Searches	618	207	100	106	171	618	413
Rate	2.8	9.3	4.9	2.4	-	2.8	4.7
Ratio	-	3.3	1.7	0.8	-	-	1.7

Disproportionality rates can be seen to change more, as the number of searches reduces, 26 searches of Black people in the County, which includes the conurbation around Nottingham City, increases the disproportionality rate from 3.3 in the City, to 7.7 in the Force. As a result of the reduction in the total number of searches the proportionality / disproportionality rates fluctuate more than they might otherwise do so.

The table below records the trend over the report time period how 'rates' of searches have changed. The 'rate' is the number of searches conducted per '000 population with that community.



Financial Year	Ethnicity			
	White	Black	Multiple Heritage	Asian or Other
2011/12	2.6	10.8	5.1	4.1
2012/13	2.8	11.8	4.5	4.2
2013/14	4.3	17.8	5.8	4.9
2014/15	3.3	12.7	3.9	3.7
2015/16	1.9	8.9	4	3.6
2016/17	1.1	8.5	4.1	2

Section 60

One section 60 was authorised during 2016/17.

On Tuesday 7 June 2016, the authorising officer, an Assistant Chief Constable (ACC); approved a section 60 for that evening / night. The authority was ratified as a preventative measure to help keep people safe and to prevent disorder, following a murder within the Forest Fields area of Nottingham. Intelligence had emerged that caused the ACC to believe that incidents of serious violence would take place and as such the authority was given for 15 hours from 4pm on the 7 June until 7am on the 8th June. The intelligence received indicated an increase in tension between communities living within the Forest Fields and the Forest Recreation areas; in particular between young Somalian males and young Asian males. This gave rise to the belief that there would be further serious violence in these areas if robust policing tactics were not employed.

The authority was widely publicised prior to policing activity taking place, via the radio and television; as well as through community groups and the Stop and Search Scrutiny Board, in compliance with the Best Use of Stop and Search Scheme.

In total 15 people were searched under this authority; 3 White, 3 Black, 1 of dual heritage and 3 Asians. Five further people did not self-define their ethnicity.

Other initiatives

The Best Use of Stop and Search Scheme 2.0 is presently disseminated for public consultation. It has been sent to the various scrutiny groups within the County for comment. This new Scheme requires more data to be published on the website re use of Stop and Search, greater levels of Lay Observing, the requirement to develop and agree a Community Feedback Agreement that will identify a 'contract' for how data will be scrutinised and some further amendments to the use of section 60 search powers so that the length of an authority is reduced from 15 to 12 hours. The Force is actively working on these requirements with a view to be complying with all the requirements when the Scheme is formally launched – with the exception of the Agreement which can only be formally consulted upon once the Scheme is launched.

The 2016 HMIC PEEL Legitimacy Inspection, that reviewed the grounds recorded on 200 stop and search records, identified that Nottinghamshire Police had a 98% pass rate. The national standing of this result remains unknown.

Monthly audits have continued which review the grounds that are being recorded for each stop and search encounter, to ensure they are compliant with the legal requirement.

The Police and Crime Commissioner (PCC), Paddy Tipping, has continued with a Monitoring Group, which scrutinises the force's stop and search performance and practice. He has also funded 'Leaders Unlocked', who have set up a Youth Commission in Nottinghamshire. One of the Commission's projects has been the making of a 'Know Your Rights' film that has now been released and is going to be presented into schools and colleges by the Commissioners. This received a lot of publicity and has been well received.

Work is on-going to develop an advisory group of young people. Young people are particularly impacted on by the use of stop and search powers, so it is critical that this group be established to enable them to scrutinise how stop and search powers are used.

As part of our continuing work to deliver the Best Use of Stop and Search Scheme (BUSSS), members of the public have been invited to come and watch stop and search in action. This opportunity is provided through Operations Promote and Yeoring, policing operations designed to reduce violence by breaking the well documented connection between drug use and violence. This operation involves the deployment of a passive drugs search dog with a team of officers to tackle such drug misuse – particularly Class A drugs. This operation has been run a number of times previously and there have been between 14 and 47 stop and searches conducted on each occasion, with a reduction in violent crime being evidenced as a result. While most, if not all, of these are for drugs offences, the principle and practice of stop and search use can be seen. This operation is promoted on the force's stop and search webpage for members of the public to apply to attend as a 'Lay Observer'.

Through the force's mobile data solution, stop and search encounters performance data is now immediately available internally to scrutinise and ensure activity is necessary and proportionate. During 2016/17 we have once again published our stop and search data on the force website so that it is available for public viewing and scrutiny.

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. As a requirement of BUSSS 2.0, an anonymous feedback form is to be launched on the web, to enable dissatisfied members of the public to provide feedback.

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.

The force will continue to build upon the improvements already made and welcomes Her Majesty's Inspectorate of Constabulary (HMIC) reports from both 2013 and 2015. Details of our activity to deliver against the recommendations are outlined in detail on the force website.

We will continue to work with our communities and stakeholders to increase effectiveness and public confidence, improve the quality of the encounter and ensure the use of stop and search continues to create a safer place for everyone.