

For Information	
Public	Public
Report to:	Strategic Resources and Performance Meeting
Date of Meeting:	14th September 2021
Report of:	Chief Constable
Report Author:	T/Chief Supt Mat Healey and Supt Paul Burrows /
E-mail:	Mathew.healey@notts.police.uk paul.burrows@notts.police.uk
Other Contacts:	Chief Inspector Fifi Gulam-Husen
Agenda Item:	10

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

The use of Stop and Search in Nottinghamshire

1. Purpose of the Report

- 1.1 The purpose of the report is to present to the Police and Crime Commissioner detail of stop and searches (including strip and more thorough searches) undertaken during 2020/21.

2. Recommendations

- 2.1 It is recommended that the report and its content are noted.

3. Reasons for Recommendations

- 3.1 To ensure the Office of the Police & Crime Commissioner is aware of the use of stop and search in Nottinghamshire

4. Summary of Key Points (this should include background information and options appraisal if applicable)

- 4.1 The Nottinghamshire Police Annual Report into Stop and Search 2020/21 is published on the Force's web site. The Annual Report is written to achieve two objectives. The first is to report how stop and search powers are used; the second is to show that the use of this power is both necessary and proportionate.

2020/21 in numbers

- Stop and search use decreased from 5,415 searches in 2019/20 to 5,085 in 2020/21, a 6.1% decrease. This is primarily attributed to the impact of Covid-19.
- There was a 35.4% arrest and positive outcome rate. In 88.6% of all searches the item recovered was linked to the original object of the search. 588 arrests

were made, an 11.6% arrest rate and there were additional 1,209 positive outcomes (23.8%).

- 10% (506) of all searches were undertaken to locate weapons, and 77.1% of searches (3,921) were undertaken looking for drugs, either for possession or supply. This drug focussed activity supported local communities and their setting of policing priorities. The find rate for drugs searches was 37%.
- The most accurate recording of disproportionality includes officer-defined ethnicity when self-defined ethnicity is not stated. However, it is usual for self-defined ethnicity rates alone to be published. In addition, the Office of National Statistics have produced population estimates from 2011 through to 2019 following the 2011 Census, that give an indication of how population changes lower disproportionality. The Force level data for self-defined ethnicity comparing 2019/20 to 2020/21 shows that Black, Asian and Minority Ethnic disproportionality has dropped from 3.1 to 2.7, Black from 5.8 to 4.7, Dual or Multiple Heritages from 2.6 to 2.2 and Asian or Other from 2.1 to 2.0. The ONS estimates reduce overall disproportionality from 2.7 to 2.3.
- During 2019/20 there were 1,504 search records with no self-defined ethnicity recorded (28% of the total). Following audit and feedback work in 2020/21, this rate has dropped to 21.6% of records (1,047). Officers who fail to ask the self-defined ethnicity question are reminded to do so and this work is on-going.
- As evidenced in 2019/20, a small number of searches in the County cause a significant increase in the Force level of disproportionality. 55 searches of Black people cause the rate to rise from 1.9 where most searches are conducted in the City (80.5% of searches) to 4.7. Forty-seven searches of those who have a dual or multiple heritage, cause the rate to rise from 1.0 (City) to 2.2; and 63 searches of those who are Asian or Other, cause the rate to rise from 0.9 (City) to 2.0.
- Officer-defined ethnicity is included to illustrate what disproportionality would look like if self-defined ethnicity data were fully recorded. The rates are higher but still dropping. The Force level data for self-defined ethnicity comparing 2019/20 to 2020/21 shows that Black, Asian and Minority Ethnic overall disproportionality has dropped from 2.9 to 2.4, Black from 7.1 to 5.9, dual or multiple heritage from 3.6 to 3.4, though Asian or Other has risen from 1.8 to 2.6, this indicates disproportionate non-recording of self-defined ethnicity for these communities. The ONS population estimates reduce all of these rates, the overall rate from 3.4 to 2.9.
- 21% of searches required the use of handcuffs, down from 23% the previous year. The main reason for use was to prevent the escape. The handcuffing rate

has dropped for all ethnicity's though most notably by 17% for those from the Asian or Other communities, and 7% for those from the Black community.

- A Body Worn Video record was made of 91% of searches, up from 87% in 2018/19.
- Audit data indicates 69.2% of drugs searches were for possession offences well down on the 86% audit rate in 2019/20.
- Local policing operations directly affect the rate of drugs searches and proportionality. 135 drugs searches were undertaken during Op. Guardian tackling violence in the night-time economy; 72 drugs searches through Op Compass tackling drug taking in open spaces and 324 drugs searches through Op Scorpion to tackle knife crime. This is a total of 531 searches, or 13.5% of the 3,921 drug searches undertaken in the force area during 2020/21. These numbers were affected by Covid-19 and the expectation is that in 2021/22 the number of searches will be much higher.
- In addition, the Knife Crime teams undertook a further 825 drugs searches and the Reacher proactive teams 409 which together accounted for 31.5% of the 1,921 drug searches undertaken in the force area during 2020/21. Collectively these proactive operations and teams undertook 1,765 drugs searches or 45% of the 3,921 drug searches undertaken in the force area during 2020/21. This is down from a comparative 57.5% in 2019/20.
- During the financial year 2020/21, no Section 60 search authorities were given.
- During 2020/21 there were 11 public complaints in total, with 28 separate allegations, relating to stop and search compared to 12 the previous year, with 20 separate allegations. Of these 11, 6 were formal complaints with a total of 19 allegations and 5 were outside of Schedule 3, with 9 allegations. Of the 11 complaints, none were raised by an Asian person, 4 by a White person, 2 by a Black person, none by someone who self-declared as other mixed background', and 5 did not state their ethnicity.

During 2020/21, Covid-19 caused a pause in the ability of members of the public to watch stop and search in action as part of the work to deliver against the Best Use of Stop and Search Scheme (BUSSS) through the Ride-along Scheme.

The External Scrutiny Board continued to meet virtually throughout the pandemic ahead of a planned transition to the PCC governed, Independent Community Scrutiny Panel (ICSP).

This transition to the ICSP is ongoing with the recruitment and vetting of the scrutiny panel. Police coordinated Scrutiny Panels are now continuing in the interim. The ICSP Terms of Reference are detailed in Appendix 1.

A monthly infographic published on the force website illustrates the activity relating to a number of different characteristics, including, age, gender, race and outcomes is available. This infographic can be found at the Stop and Search title page: <http://www.nottinghamshire.police.uk/stopsearch>.

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 powers continues to create a safer place for everyone.

The in-force governance of the Use of Police Powers has been amended slightly with the Head of Local Policing responsible for the strategic oversight of use of police powers including stop & search, use of force and s163 Road Traffic Act each of these sections having a responsible tactical lead.

The Strategic Lead reports into the Deputy Chief Constable chaired, Organisational Risk & Learning Board. Appendix 2 details this governance.

Focus in 2021/22

The recommendations arising from the national HMICFRS report, ***Disproportionate use of police powers - A spotlight on stop and search and the use of force*** have been received and are being addressed currently. Specifically, the recommendations are:

- By July 2022, forces should ensure that officers and staff have effective communication skills in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation.
- By July 2021, forces should ensure that communication skills are reinforced as part of the programme of CPD for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using BWV footage.
- By September 2021, forces should:
 - Ensure that officers record on BWV (when this available) the entirety of all stop and search encounters, including traffic stops and use of force incidents.
 - Have a structured process for reviewing and monitoring internally a sufficient sample of BWV footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards: and
 - Provide external scrutiny panel members with access to samples of BWV footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the CoP APP.

- By July 2021, forces should ensure they have effective internal monitoring processes on the use of force to help them identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.
- By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of the feedback and update the scrutiny panel and the community on the action taken.
- With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer defined ethnicity code should be recorded.

4.2 The use of More Thorough and Strip Search in 2020/21

In 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 strip search, or searching beyond outer coat, jacket or gloves. Specifically, recommendation 10 of this report 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.

The force’s issue at that time was that the original stop and search App used to record stop and search 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) but which required the removal of items of clothing beyond a jacket, outer coat or gloves, as strip searches. This skewed the data and created concerns about the level of these particularly intrusive searches when this was not the case. The App was therefore adapted to record more thorough and strip searches, the data from 2017-18 covers this differentiation.

Prior to the publication of the 2015 HMIC report, Nottinghamshire Police was active in making sure service delivery was of a high standard. One example of good practice we adopted from the Metropolitan Police was having designated rooms in all stations for strip searches which are separate from the Custody Suite. Searches of individuals whilst in the Custody Search when not under arrest was determined as inappropriate.

All these requirements were set and published in June 2014. Subsequently there have been several communications to officers outlining the differences between search types and what information needed recording.

The Force also took the decision that every strip search, regardless of age, must be authorised by an Inspector going beyond the College of Policing recommendation that an Inspector should authorise a strip search for a person under the age of 18.

Monthly strip search audits are undertaken, and feedback provided to both officers and the authorising Inspectors.

4.3 Strip and More Thorough search numbers 2020/21

	20/21	19/20
Total number of stop and searches	5,085	5,415
Total no. of strip searches	117 (2.3%)	104 (1.9%)
Total no. of 'More Thorough' searches	35	23
Number of officers using these powers	71	71
Strip searches per calendar month	9.8	8.6

During 2020/21 the number strip and more thorough searches rose slightly, though they remain under 10 a month. The number of officers using these powers remained static.

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 Recommendation takes 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 population 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; 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 particularly in light of the Black Lives Matter protests.

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 The ***Police, Crime, Sentencing and Courts Bill*** is currently passing through Parliament. If adopted in its submitted form, it will introduce Serious Violence Reduction Orders (SVROs). SVROs are awarded on prosecution application where the subject has been convicted of a relevant offence on or after a specified date. Where an SVRO is in force it empowers a constable to search the subject in a public place to ascertain if they have on them a bladed article or offensive weapon. A constable can use reasonable force to conduct the search if necessary. SVROs would last for not less than six months to a maximum of two years.

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 Independent Community Scrutiny Panel Terms of Reference

12.2 Use of Police Powers Governance Chart.

13. Background Papers (relevant for Police and Crime Panel Only)

- 13.1 HMIC report (2015) entitled *“Stop and search powers 2: are the police using them effectively and fairly?”*
- 13.2 HMICFRS report (2021), *“Disproportionate use of police powers - A spotlight on stop and search and the use of force”*.

INDEPENDENT COMMUNITY SCRUTINY PANEL (ICSP) – TERMS OF REFERENCE (TOR)

DRAFT 005 –1 December 2020

1. INTRODUCTION

- 1.1 References to 'Panel' in these terms of references mean 'The Independent Community Scrutiny Panel (ICSP)'.
- 1.2 The ICSP has been established to scrutinise police practices in order to identify and explain inequalities and disproportionalities at key points in the BAME policing experience and to make recommendations addressing such inequalities that cannot be objectively justified. The scrutineers and Chair will bring their knowledge, perspectives, insights and understanding gathered through both their lived experience and professional training and/or academic study.
- 1.3 A separate BAME Engagement and Scrutiny briefing report details the new BAME Consultation & Scrutiny Cycle (see **Appendix A**) and how the ICPS is integrated with other BAME consultative groups and the PCC assurance structures.
- 1.4 The ICSP will be supported by a Listening Group and the OPCC Equality Diversity and Project Support Officer to ensure that the work and meetings run smoothly.
- 1.5 The Police and Crime Commissioner may amend these ToR at any time but after consulting with the Community Listening Group or that group's representatives.

2. PANEL COMPOSITION

- 2.1 The Panel will be made up of 6 independent people who either work or live in Nottinghamshire Police Force area including a Chair and have the relevant lived experience and possess the necessary skills and abilities to perform the role as identified in the job description and person specification.

3. CHAIRING THE MEETING

- 3.1 The Chair of the Panel will be appointed annually in June or at the first meeting of the Panel following its establishment. The Chair will be drawn from amongst the members of the Panel.
- 3.2 In the event of the written resignation of the Chair a new appointment will be made from amongst the members of the Panel.
- 3.3 The Panel will elect a person to chair a meeting if the Chair is not present.

4. FREQUENCY OF MEETINGS

- 4.1 Meetings will normally take place 4 times a year. The Commissioner or Chair may call an additional meeting if they consider it appropriate. In between the meetings, the scrutineers may conduct investigations or data gathering exercises to fulfil a particular request or priority relevant to policing, discrimination or other BAME experience.

5. NOTICE OF MEETINGS

- 5.1 At least five clear working days' notice of all meetings will be given unless an item of business is considered sufficiently urgent to justify shorter notice.

6. ATTENDANCE

- 6.1 A meeting of the Panel cannot take place unless at least 2 members are present.
- 6.2 The Panel may invite any other person to participate in the meeting, for example the Police and Crime Commissioner his Deputy or Nottinghamshire's Chief Constable or Deputy or representatives of community groups and subject experts but only vetted attendees will be present when information marked sensitive is being shared.
- 6.3 Any member of the public and press may attend a meeting to observe the meeting but cannot take part in discussions or be exposed to any information marked sensitive.
- 6.4 Questions from the CLG should be sent to the Chair of the Panel via the PCC office at least 5 days prior to the meeting. The Chair will decide whether it is appropriate to investigate a matter and have regard to these general ToR before deciding.

7. WORK PROGRAMME

- 7.1 The Commissioner will be responsible for setting the Panel's work programme which should incorporate, but not necessarily be limited to, matters set out in the Panel's terms of reference. The Commissioner will have regard to the issues raised through the Community Listening Group when setting the Panel's work programme.
- 7.2 The work programme will only cover topics and issues relevant to the role of the Commissioner. Such topics should focus on matters impacting BAME community trust and confidence with the Police such as:
- Inequalities and disproportionalities at key points in the policing experience of BAME people that cannot be objectively justified
 - Police interaction with BAME public, particularly victims of crime
 - Stop and Search (including body worn video and section 60 powers)

- Use of Force (including handcuffs and use of Taser)
- Issues of Employment discrimination (legal requirements Equality Act 2010)
- Police Custody of BAME detainees
- Handling and types of Police Discrimination Complaints (including sanctions)
- Ethics and integrity issues impacting BAME communities
- Use of Police coercive powers e.g. fixed penalty notices, prosecutions and other outcomes

7.3 Any person with a right to speak at a meeting may suggest an item for inclusion in the work programme but these must be in keeping with the above parameters.

7.4 The Chief Constable will ensure that a member of the Force, if required, attends each Panel meeting to speak and be able to answer questions with authority on each item of the meeting agenda.

8. SCRUTINY AND ANALYSIS OF INFORMATION

8.1 The Force will provide all information relevant and available (re section 6.2 above) requested by the Chair of the Panel in sufficient detail and format to enable effective scrutiny to take place.

8.2 Panel members will objectively analyse and scrutinise the data to identify any areas of concern. This may include (not an exhaustive list):

- Dip sampling stop and search files
- Viewing footage from a selection of police body worn video cameras
- Dip sample of complaints files
- Dip sample of police custody files
- Review and analyse of information as directed by the Commissioner's Equality Group (CEG)

8.3 Panel members will question Police and other professional meeting attendees in order to obtain greater insight into any concerns identified. This level of scrutiny will be undertaken professionally without bias and will be independent of political influence in line with the job description and person specification.

9. AGENDA

9.1 The ICSP will determine whether a meeting is for data and information analysis or presenting or debating the outcome or reports from analysis. In the latter, the ICSP will hold such meeting in public in consultation with the OPCC.

9.2 Any member of the Panel will be entitled to give notice to the Commissioner's Chief Executive (CEO) that they wish an item relevant to the functions of the Panel to be

included on the agenda for the next available public meeting. The CEO will decide if the item fits with the key functions of the Panel.

- 9.3 The agenda for the public meeting will be published at least five clear working days before the meeting unless the provisions of the urgency procedure apply.

10. ORDER OF BUSINESS

- 10.1 The order of business can be varied at the discretion of the Chair of the meeting.

11. DECLARATIONS OF INTEREST

- 11.1 Where the Commissioner and/or the Deputy Commissioner attend a meeting where they have an interest in any matter to be discussed or decided, they must, in accordance with their code of conduct declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.

- 11.2 Any Panel Member, person or member of staff who is appointed to do anything in connection with the Panel which enables them to speak at meetings, will make the same disclosures of interests. They should withdraw from the room in which the meeting is being held if their interest would be defined as a Disclosable Pecuniary Interest under the Commissioner's code of conduct.

12. SPEAKING AT MEETINGS

- 12.1 The Chair may ask any person who has been invited to the meeting specifically to speak on the subject, to do so.

- 12.2 Any Panel member who wishes to speak will be given the opportunity to do so. If necessary the Chair will determine the order of speaking and how long each person may speak.

- 12.3 Any Panel member may at any time during a meeting request that the meeting is adjourned for up to one hour. The Chair of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.

- 12.4 The Chair will decide when the matter has been sufficiently discussed and will proceed to taking a vote on the agenda item if required.

13. VOTING

- 13.1 All Panel members may vote in proceedings of the Panel. Voting will be by show of hands and by simple majority unless otherwise required.

13.2 Where there is an equal number of votes for and against a motion the Chair can exercise a second or casting vote.

13.3 Any Panel member can require that the minutes of the meeting record how they voted on any decision taken.

14. GIVING ACCOUNT

14.1 In fulfilling its scrutiny role the Panel may request Nottinghamshire's Chief Constable or Deputy or any other member of the Chief Officer team to attend before the Panel to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

14.2 Where this is the case the Chair will inform them in writing. The notice will state the nature of the item and whether any items are required for production to the Panel. Where it is necessary for a report to be submitted, sufficient time will be given to allow preparation.

14.3 Where, in exceptional circumstances the person invited is unable to attend on the required date, then an alternative date may be arranged following consultation with the Chair of the Panel.

15. RECOMMENDATIONS

15.1 Where issues of concern have been identified, but answers to questions by Panel members have failed to provide sufficient assurance, the Chair of the Panel will make recommendations to the Police and Crime Commissioner in order to bring about improvements in support of section 6.2 above.

15.2 The Commissioner will consider the recommendations made and decide how best to deal with such issues. Issues requiring medium to longer term implementation may be included in the Commissioner's annual Police and Crime Delivery Plan.

16. RECORD-KEEPING

16.1 The minutes of all meetings and decisions taken will be published on the Police and Crime Commissioner's website prior to the next meeting, and the minutes will be presented for approval at the next meeting.

17. VETTING

17.1 All members of the Panel will be management level police vetted.

18. FINANCIAL MANAGEMENT

18.1 Payments of the Panel's expenses including financial remuneration will met and processed through the Office of Police and Crime Commissioner.

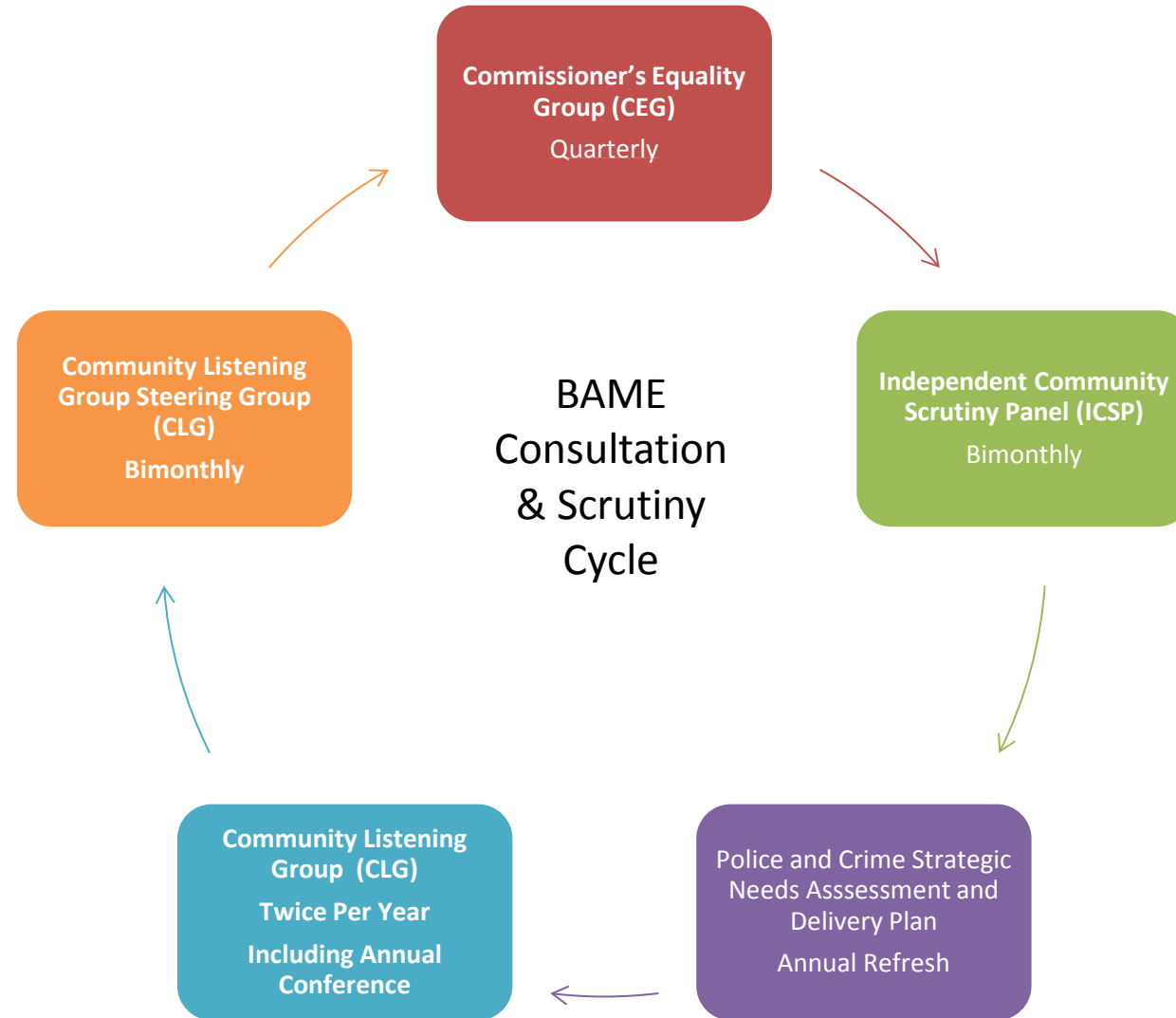
19. DISCIPLINARY

19.1 Any member of Panel who, after a complaint is found to be in breach of any part of these terms, will face disciplinary action which may result in disqualification from the Panel.

19.2 The Panel will determine its disciplinary and grievance procedures in consultation with the Community Listening Group and the PCC

February 2021

Appendix A – PCC’s BAME Engagement and Scrutiny Cycle



Governance – Use of Police Powers

