

<b>For Information</b>	
<b>Public</b>	
<b>Report to:</b>	<b>Strategic Resources and Performance Meeting</b>
<b>Date of Meeting:</b>	<b>18<sup>th</sup> September 2020</b>
<b>Report of:</b>	<b>The Chief Constable</b>
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\*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 update the Police and Crime Commissioner (PCC) in relation to Stop and Search. The report covers detail on stop and searches undertaken during 2019/20 including those that led to a 'strip search', as per Recommendation 10 of the Her Majesty's Inspectorate of Constabulary and Fire and Rescue (HMICFRSFRS) report (2015) entitled *"Stop and search powers 2: are the police using them effectively and fairly?"*.

### 2. Recommendations

- 2.1 It is recommended that the report is noted and action directed as required.

### 3. Reasons for Recommendations

- 3.1 This report is written to deliver the required information as directed by recommendation 10 of the HMIC report (2015) entitled *"Stop and search powers 2: are the police using them effectively and fairly?"* that 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.*

### 4. Summary of Key Points

- 4.1 The 'Nottinghamshire Police Annual Report into Stop and Search 2019/20' has been published on the Force's website and it is appended to this document. The Annual Report is written to achieve two objectives. The first is to report how 'stop and search' powers are used; the second is whether this use is necessary and proportionate.

## **2019/20 in numbers**

- 4.2 Stop and searches increased by 79% to 5,415 from 3,023 the previous year;
- 4.3 39% of searches located a prohibited item, the outcome was linked to the object of the search in 90.9% of the searches;
- 4.4 598 arrests were made, an 11% arrest rate; there were 1,448 positive outcomes (26.8%). A combined arrest and positive outcome rate of 37.8%. 80.2% of these outcomes were 'linked' to the object of the search, in other words if drugs were searched for drugs were found, if a knife were found then the outcome would not be linked;
- 4.5 Of the 598 arrests, 96 were for possession of offensive weapons, 3 for a dangerous instrument and 2 for firearms;
- 4.6 Of those who self-defined their ethnicity, 72% were White, 11.8% were Black, 8.6% were Asian and 6% were dual or multiple heritage;
- 4.7 The Force level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME disproportionality has dropped from 3.7 to 3.1, Black from 7.2 to 5.8, Dual or Multiple Heritages from 3.5 to 2.6 and Asian or Other from 2.2 to 2.1. Once again in 2019/20 a small number of searches in the County cause a significant increase in Force level disproportionality. 85 searches of Black people cause the rate to rise from 1.9 in the City to 5.8 in the Force; 37 searches of those who have Dual or Multiple heritages rise from 1.1 in the City to 2.6; and 43 searches of those who are Asian or 'Other' rise from 0.9 to 2.1. The Force level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 4 to 3.4, Black from 8.7 to 7.1, Dual or Multiple Heritages from 4 to 3.6 and Asian or Other from 2 to 1.8.
- 4.8 4,352 searches (80.4%) of the 5,415 searches were undertaken to look for drugs;
- 4.9 23% of searches required the use of handcuffs, down from 30% in 2018/19. The main reason for use was to prevent the escape, at 72.1%;
- 4.10 The handcuffing rate has dropped by 10% for those who are Asian, Black or of Dual and Multiple Heritages;
- 4.11 A Body Worn Video record was made of 87% of searches, up from 81% in 2018/19;

- 4.12 Audit data indicates 86% of drugs searches were for possession offences as opposed to supply;
- 4.13 698 drugs searches were undertaken in the course of Op. Guardian (violence reduction in the 'night time economy'); the Knife Crime Team undertook 927 drugs searches; and 720 drugs searches were conducted through Op Relentless (tackling drug taking in open spaces). A total from the three operations of 2,345 drugs searches. A further 870 searches were undertake using Op Scorpion surge monies designed to reduce knife crime The total number of searches from the four operations was 3,115 (57.5% of all searches); each was targeted on reducing violent crime or community concerns;
- 4.14 Removing the targeted drug searches from the force total reduces the volume of drugs searches from 80.4% to 65%. This still does not take into account the searches undertaken in other operations run locally to address specific short-term issues;
- 4.15 The find rate for drugs searches is 40.1%, the prohibited item found was linked to the object of the search in 94.8% of these searches;
- 4.16 No section 60s were authorised;
- 4.17 12 public complaints were made raising 20 separate allegations. Of these 2 was raised by an Asian person, 3 by a White person, 1 by a Black person, 1 by someone who self-declared as 'Other Mixed background', and 5 did not state their ethnicity. 8 'there and then' complaints were made only 1 elected to state their ethnicity (Asian).
- 4.18 The Annual Report provides evidence to both the community and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRSFRS) that the force is complying with the requirement of the 2019 PEEL assessment entitled '*Police Effectiveness, efficiency and legitimacy 2018/19*'.
- 4.19 The regime of monthly audits continues this includes:
- 100 grounds recorded for a 'standard' stop and search including the number of drugs possession vs supply searches and the cause of the search: intelligence led, vehicle stop or reactive vs officer generated patrol searches.
  - All grounds recorded for 'more thorough' and 'strip searches';

- Grounds recorded by officers who statistically have higher search rates of those from the BAME communities.

- 4.20 The Police and Crime Commissioner (PCC), Paddy Tipping, has continued his close work with a BME Monitoring Group, which scrutinises the force's stop and search performance and practice. During 2020/21, he is further enhancing this scrutiny process. Members of the public continue to watch stop and search in action as part of the work to deliver against the Best Use of Stop and Search Scheme (BUSSS). There had been an increasing number of 'lay-observers' going out on patrol with officers as part of the Ride Along Scheme however CV-19 has caused this scheme to be paused. The Scrutiny Board continued to meet.
- 4.21 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 info-graphic can be found at the Stop and Search title page: <http://www.nottinghamshire.police.uk/stopsearch>.

#### **Focus in 2020/21**

- 4.22 Two priorities were identified for 2020/21 following the data review from 2019/20.
1. Despite the reduction in the rate of handcuffing of those from BAME communities, the rate is still disproportionate to those who are White. Direct contact has been made with every supervisor identifying this issue and amendments to the Supervisors Review requirement have been made to ensure they are either reviewing the body worn own video of the stop or at least evidencing why they have been unable to do this. The aim is to drive supervisor accountability for their officer's activity. There is no national comparative data for this at this time.
  2. During 2019/20 there were 1,504 records with no self-defined ethnicity recorded (28% of the total). It is important to note that those searched do not have to give this information as they also don't have to give their name or other personal details. However, this rate at 28% is believed to be too high and makes data analysis based upon ethnicity inaccurate. It has been identified that some officers have routinely failed to capture this important data so are now directed to ask the self-defined ethnicity question. Officers who have high rates for not recording this information are now identified each month and sent a direction to make sure they are asking the question. In the first 4 months of 2020/21 (April – July) we have seen a 2.9% reduction in the number of searches where self defined ethnicity is not recorded. There is however no present bench-mark on what rate of not supplied is appropriate.

## **4.2 The use of 'More Thorough' and 'Strip Search' in 2019/20**

- 4.2.1 During 2019/20, a total of 5,415 stop and searches were conducted. 104 of these searches were strip searches: 1.9% of all searches. Of the 104 strip searches, the grounds to move to a strip search were made out on 79 occasions or 76% of occasions, which is up slightly from the 74% in the previous year. 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.

### **2019/20 in numbers**

- 4.2.2 The use of strip search reduced significantly between 2013/14 and 2017/18; from 235 to 33, an 85.9% reduction however during 2018/19 there was a significant uplift to 58, a 76% increase and in 2019/20 the number rose once again to 104, a 79% increase. However the ratio to all searches dropped slightly from 2.0% in 2018/19 to 1.9% in 2019/20.
- 4.2.3 Between 2013/14 and 2017/18 the number of officers using strip search reduced from 141 to 24 - a 82.9% reduction; during 2018/19 there was a significant uplift to 59 officers using these powers. However in 2019/20 the number fell again to 45.
- 4.2.4 The arrest rate and positive outcome rate for those who are 'white' during the last full performance year was 66% up from 63% (35 total searches) in 2018/19, compared to 42% for 'Asian' down from 78% (total 19 searches) and 57% for 'Black' (21 total searches) down slightly from 58%. The rate for those of dual or multiple heritages is 50% though with only 4 such searches.
- 4.2.5 The 'force requirement' to record strip search to a higher standard is steadily being met; despite this not yet being a 'legal requirement' – 76% complied with the requirement up from 74% the previous year:
- 4.2.6 A significant amount of work has been undertaken to ensure the required standard is complied with and educate officers on the data recording requirement.
- 4.2.7 A diary note has been written within the app which highlights, as soon as 'strip search' is ticked, the data required;
- 4.2.8 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.

- 4.2.9 The stop and search performance dashboard has been amended following the launch of the OPTIK 'app' to include more specific detail on strip searching.
- 4.2.10 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.
- 4.2.11 Proportionality has dropped very slightly from 11.0 to 10.9 for those from BAME communities. The number of searches of those from Black, Asian and minority ethnic communities has also risen from 30 to 48. Any disproportionality in stop and search numbers will represent a community confidence issue; it is for this reason that extensive oversight is provided on all manner of searches. It is important to note, however, that whilst the number of searches has increased the relatively low number of strip and more thorough searches generally, and more specifically of those from BAME communities, this means the disproportionality rate will change noticeably from just 1 or 2 searches.
- 4.2.12 All but four of the strip searches were conducted under the Misuse of Drugs Act.
- 4.2.13 During 2019/20, 22 'more thorough' searches were undertaken compared to 46 in 2018/19. Of these 1 was conducted to find a weapon, 15 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 and 6 were under the Police and Criminal Evidence Act for stolen goods.
- 4.2.14 Of the 22 searches conducted 2 were undertaken on those self-identified as being Asian, 5 on those self-identified as being Black, 1 self-identified as being dual or multiple heritage and 6 self-identified as being White. 8 did not self-define their ethnicity.
- 4.2.15 Whilst these numbers are low, it is understood that the proportionality of these searches remains a community concern. Understanding this data and conducting the regular audits enables the force to better explain and 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.
- 4.2.16 There will be a number of reasons for this change in position between the last three 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 any future HMI Recommendations and required a standard of recording that exceeds the existing requirement – in that all strip searches require an Inspector's approval, not just those of children under the age of 18.

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

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

## **5 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 Within the HMI recommendations there is 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 in relation to this report. The aim of this paper is to present the detail to the PCC.

## **12. Appendices**

- 12.1 Appendix A - The 2019/20 Annual Report on the use of Stop and Search.
- 12.2 Appendix B - The full report on 'Strip and More Thorough Searching in 2019/20'.



# **Nottinghamshire Police Annual Report Stop and Search 2019/20**

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# Nottinghamshire Police Annual Report

## Stop and Search 2019/20

### CONTENTS

Section 1	Executive Summary	3
Section 2	Rates of Searching and Outcomes	5
Section 3	Effective Stop and Search	6
Section 4	Fair Stop and Search	8
Section 5	The proportionality of searches	9
Section 6	The time of day are searches conducted	12
Section 7	The number of searches conducted by age	13
Section 8	The rate of handcuffing	14
Section 9	The use of body worn video	15
Section 10	Outcome rates by ethnicity and legislation	17
Section 11	How linked find to object rates, differ by ethnicity and legislation	19
Section 12	Introduction - The volume, nature and find rates of drugs searches	20
Section 13	The prevalence of possession vs supply searches	21
Section 14	The find rates for drug searches	22
Section 15	How drugs searches align with local priorities - City	22
Section 16	How drugs searches align with local priorities - County	24
Section 17	How drugs searches align with Force-level priorities	26
Section 18	How Operations impact on drugs search volumes 1 - Guardian	27
Section 19	How Operations impact on drugs search volumes 2 – Scorpion	28
Section 20	How Operations impact on drugs search volumes 3 – Knife Crime	29
Section 21	How Operations impact on drugs search volumes 4 – Relentless	32
Section 22	The effect of Operations on drug search volumes	34
Section 23	Section 60 Authorities in 2018/19	34
Section 24	Strip and More Thorough Searching	35
Section 25	Other initiatives and outcomes during 2018/19	39
Section 26	Looking forward – identified risks	40
Section 27	Appendices	43

## 1 EXECUTIVE SUMMARY

The *Nottinghamshire Police Annual Report into Stop and Search 2019/20* is written to achieve two objectives. The first is to report how stop and search powers are used; the second is whether this use is necessary and proportionate. The report also highlights 2 areas for improvement. The first is in the proportionality of handcuffing, the second is officer recording of self-defined ethnicity.

### 2019/20 in numbers

- Stop and searches increased by 79% to 5,415 from 3,023 the previous year;
- 39% of searches located a prohibited item, the outcome was linked to the object of the search in 90.9% of the searches;
- 598 arrests were made, an 11% arrest rate; there were 1,448 positive outcomes (26.8%). A combined arrest and positive outcome rate of 37.8%. 80.2% of these outcomes were 'linked' to the object of the search;
- Of the 598 arrests, 96 were for possession of offensive weapons, 3 for a dangerous instrument and 2 for firearms;
- Of those who self-defined their ethnicity, 72% were White, 11.8% were Black, 8.6% were Asian and 6% were dual or multiple heritage;
- The Force level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME disproportionality has dropped from 3.7 to 3.1, Black from 7.2 to 5.8, Dual or Multiple Heritages from 3.5 to 2.6 and Asian or Other from 2.2 to 2.1. Again as evidenced in 2019/20 a small number of searches in the County cause a significant increase in Force level disproportionality. 85 searches of Black people cause the rate to rise from 1.9 in the City to 5.8 in the Force; 37 searches of those who are Dual or Multiple heritage from 1.1 in the City to 2.6; and 43 searches of those who are Asian or Other from 0.9 to 2.1. For the first time when self-defined ethnicity has not been recorded officer defined ethnicity is now included to estimate proportionality; this changes disproportionality rates. The rates are higher but still dropping. The Force level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 4 to 3.4, Black from 8.7 to 7.1, Dual or Multiple Heritages from 4 to 3.6 and Asian or Other from 2 to 1.8.
- 4,352 searches (80.4%) of the 5,415 searches were undertaken to look for drugs;
- 23% of searches required the use of handcuffs, down from 30% in 2018/19. The main reason for use was to prevent the escape, at 72.1%;
- The handcuffing rate has dropped by 10% for those who are Asian, Black or of Dual and Multiple Heritages;
- A BWV record was made of 87% of searches, up from 81% in 2018/19;
- Audit data indicates 86% of drugs searches were for possession offences;
- 698 drugs searches were undertaken in the course of Op. Guardian (violence reduction in the 'night time economy'); the Knife Crime Team undertook 927 drugs searches; and 720 drugs searches were conducted through Op Relentless (tackling drug taking in open spaces). A total from the three operations of 2,345 drugs searches. A further 870 searches were undertake using Op Scorpion surge monies designed to reduce knife crime The total number of searches from the four operations

was 3,115 (57.5% of all searches); each was targeted on reducing violent crime or community concerns;

- Removing the targeted drug searches from the force total reduces the volume of drugs searches from 80.4% to 65%. This still does not take into account the searches undertaken in other operations run locally to address specific short-term issues;
- The find rate for drugs searches is 40.1%, the prohibited item found linked to the object of the search in 94.8% of these searches;
- No section 60s were authorised;
- 12 public complaints were made raising 20 separate allegations. Of these 2 was raised by an Asian person, 3 by a White person, 1 by a Black person, 1 by someone who self-declared as 'Other Mixed background', and 5 did not state their ethnicity. 8 'there and then' complaints were made only 1 elected to state their ethnicity (Asian).

This report also provides to evidence to both the community and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) that the force is complying with the requirement of the 2019 PEEL assessment entitled '*Police Effectiveness, efficiency and legitimacy 2018/19*'.

This Annual Report addresses these gaps in reporting, it has also caused new or more detailed audits to be undertaken. Some are included in this Annual Report; others still being developed, will be included in 2020/21.

The monthly audits undertaken are: 100 grounds recorded for a 'standard' stop and search; all grounds recorded for all 'more thorough' and 'strip searches'; grounds recorded by officers who statistically have higher search rates of those from the BAME communities. The new audits are reviewing the number of drugs possession vs supply searches and reactive vs officer generated searches.

The Police and Crime Commissioner (PCC), Paddy Tipping, has continued his close work with a BME Monitoring Group, which scrutinises the force's stop and search performance and practice. During 2020/21, he is further enhancing this scrutiny process. Members of the public continue to watch stop and search in action as part of the work to deliver against the Best Use of Stop and Search Scheme (BUSSS). More recently there has been an increasing number of 'lay-observers' going out on patrol with officers as part of the Ride Along Scheme. The Scrutiny Board continued to meet.

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 info-graphic 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.

### **Focus in 2020/21**

Two priorities follow the data review undertaken to write this Annual Report:

1. Despite the reduction in the rate of handcuffing of those from BAME communities, the rate is still disproportionate to those who are White. Work continues to create awareness of this and monitor supervisors to ensure they are reviewing this;
2. With 1,504 records with no self-defined ethnicity (28% of the total) it makes data analysis based upon ethnicity inaccurate. Officers routinely failing to capture this important data are now directed to do so.

## 2 RATES OF SEARCHING AND OUTCOMES

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 to protect local residents, businesses and visitors to the area; tackle crime and keep our streets safe.

Throughout 2019/20 Nottinghamshire Police maintained its focus on the intelligence-led, fair and effective use of stop and search powers. In doing this the force has once again seen an increase in the number of stops and searches undertaken:

Period	Number of searches
2014/15	4,157
2015/16	2,712
2016/17	1,957
2017/18	1,908
2018/19	3,023
2019/20	5,415

The cause of this increase is partially due to the changing national debate on stop and search. This debate is causing officers to believe they are less likely to be criticised for using these powers. In addition, the force has also undertaken a major recruitment process with a large number of newly trained officers deployed to larger front-line policing teams. This means there is a greater policing presence on the streets thereby increasing the chance of the officers identifying the grounds for a stop and search. There was a slight decrease in the quality of grounds recorded so there was a reinforcement of the audit regime to recover this lost ground. The arrest and positive outcome rate has remained around the same level as 2018/19 at 37.8%.

During 2015/16, the force had the third lowest use of stop and search powers in the country. There has been no formal updated position on this since then. The Home Office publication 'Police powers and procedures England and Wales year ending 31 March 2017' second edition, did not present this level of detail. However, Nottinghamshire was in the lowest band of use, at less than two searches per 1,000 populations. Within the 2019 HMICFRS PEEL assessment entitled '*Police Effectiveness, efficiency and legitimacy 2018/19*', it was identified that in the 12 months ending 31 March 2018 Nottinghamshire conducted 3.3 searches per 1,000 population compared to 9.6 nationally. There has been no subsequent report to update this data.

In 2019/20 598 arrests were made because of the use of stop and search powers (compared to 466 in 2018/19). Of these arrests, 96 were for possession of offensive weapons, 3 for a dangerous instrument and 2 for firearms compared to 83 in total during in 2018/19. This represents 16.9% of the total, down from 17.8% in 2018/19. These numbers illustrate that stop and search offer a vital crime fighting tool and how their use can protect the public by removing weapons from the streets.

The table below identifies how many of these 'outcomes' are linked to the object of the search. For example, a drug search that finds drugs is 'linked', a drugs search finding a knife is 'not-linked'. The data excludes vehicle only searches.

	Search total	Arrest / Outcome Total	%	Outcome Linked	%	Outcome NOT linked	%
<b>Total</b>	5,257	1,979	37.7%	1,587	80.2%	392	19.8

There is a 37.7% arrest and positive outcome rate for this year compared to 37.3% in 2018/19. Section 3 outlines what a Positive Outcomes is. Of the searches where a prohibited item was recovered, 80.2% were 'linked' to the object of the search. This

indicates that officer's base their grounds on reasonable suspicion and that they are using their powers appropriately.

Nottinghamshire Police does 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.

### 3 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.*

Additionally it is recorded in PACE Code A, Paragraph 1.4 that, "The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest". Effectiveness must therefore reflect where suspicion has been allayed and an unnecessary arrest, which is more intrusive, prevented. Or, where suspicion has been confirmed and the object is found and a crime is detected or prevented.

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. This approach provides the flexibility to address specific local concerns. The table below presents the data from the benchmark year of 2014/15, through to 2019/20 and illustrates the nature of search activity:

	2014/15	2017/18	2018/19	2019/20
<b>Number of searches</b>	<b>4,157</b>	<b>1,908</b>	<b>3,023</b>	<b>5415</b>
<b>Object of search</b>				
<b>Weapons</b>	<b>9.2 %</b>	<b>20.5%</b> 392 searches	<b>14.7%</b> 441 searches	<b>10.5%</b> 570 searches
<b>Going equipped to steal, commit criminal damage and handling stolen goods</b>	<b>26.6%</b>	<b>15.7%</b>	<b>13.9%</b>	<b>8.4%</b>
<b>Drugs</b>	<b>62.8%</b>	<b>62.7% *</b>	<b>71.2%**</b>	<b>80.4% ***</b>

\* This 62.7% reduced to 54.9% with the removal of searches during proactive operations.

\*\* This 71% reduced to 54% with the removal of searches during proactive operations.

\*\*\* This 80.4% reduced to 65% with the removal of searches during proactive operations - see Section 22.

The data highlights that whilst there is an actual increase in searches for weapons from 392 in 2017/19 to 441 in 2018/19 and 570 in 2019/20 the proportion of these searches has dropped. The decrease as a percentage in the number of searches for weapons is due to the increase in the number of drugs searches. Sections 12 to 21 cover this in detail in. Many of this increased number of drugs searches took place during operations designed to reduce violent crime and, more specifically, knife crime. This reflects both the crime trends experienced and the threat reported by the public.

## GPMS – Unclassified NOTTINGHAMSHIRE POLICE

The results of stop and search activity are presented through the 'positive outcome rate', or 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. The combined arrest and positive outcome rates for stop and search over the last 7-years, with a separate identification for arrests, were:

Period	Arrest and Positive Outcome rate	Arrest rate
2013/14	20.4%	Not available
2014/15	25.5%	12.5%
2015/16	30.1%	14%
2016/17	35.2%	16.7%
2017/18	37.8%	16.1%
2018/19	39.5%	15.4%
2019/20	37.8%	11%

During 2018/19 there were 466 arrests (15.4%) and 727 positive outcomes (24%); totalling 39.4%, an uplift on the previous year. In 2019/20 there were 598 arrests (11%) and 1,448 positive outcomes (26.8%). There is no national comparative data, though the belief is that this arrest and positive outcome rate will compare favourably to other forces.

There is no nationally accepted definition of what a positive outcome is. The table below illustrates the outcomes that Nottinghamshire Police identify as being 'positive':

Outcome	Number	%	Counted as a positive outcome	
Arrest	598	11.0%		
Article Found - Detailed Outcome Unavailable *	121	2.2%	Yes	121
Caution	34	0.6%	Yes	34
Community Resolution	45	0.8%	Yes	45
Drugs Possession Warning	402	7.4%	Yes	402
Fixed Penalty Notice	33	0.6%	Yes	33
Nothing Found – No Further Action	2771	51.2%	No	
NPS - Offence **	6	0.1%	Yes	6
NPS - Possession Only	12	0.2%	Yes	12
Other	442	8.2%	No	
Summons	506	9.3%	Yes	506
Verbal Warning	156	2.9%	No	
Voluntary Attendance	289	5.3%	Yes	289
<b>Total</b>	<b>5,415</b>	<b>100.0%</b>		<b>1,448</b>

\* Data analysis shows this occurs when a drug is recovered but it is unclear what type it is at seizure.

\*\*NPS is New Psychoactive Substances

As identified previously, one of the purposes of stop and search is to prevent unnecessary arrests. Consequently having a high combined arrest and positive outcome rate is more positive than focussing solely upon the arrest rate. Whilst the arrest and positive outcome rate rose up until 2018/19 then dropped back to the 2017/18 level, the arrest rate, in the last 3 years, has fallen.

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. The force achieved 34.3% in 2018/19; in 2019/20, this figure was 30.4%.

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.



## 4 FAIR STOP AND SEARCH

Nottinghamshire Police believes a 'fair' encounter is a justifiable one, undertaken without prejudice, carried out promptly and with respect; it is recorded, open to scrutiny and supports public confidence.

As previously identified, the number of stop and search encounters increased during 2019/20 to 5,415. This is the highest rate for 6 years and is a 79% increase over the 3,023 recorded in 2018/19. Of the people who were stopped and searched in 2019/20 who self-defined their ethnicity, 72% were White, 11.8% were Black, 8.6% were Asian and 6% were dual or multiple heritage. This compares to 51.4% White, 10.2% Black and 6.8% Asian and 5.6% who were Dual or had Multiple Heritages in 2018/19.

During 2019/20, there were 12 public complaints relating to stop and search raising 20 separate allegations, compared to four complaint in 2018/19. Eight further complaints were resolved 'there and then', compared to three in 2018/19.

Of these complaints, 2 were raised by an Asian person, 3 by a White person, 1 by a Black person, 1 by someone who self-declared as 'Other Mixed background', and 5 did not state their ethnicity. Every complaint can have a number of 'sub-complaints' within it. Four of the 12 complaints had more than one element. The themes of these complaints related to the use of excessive force, including handcuffing (6), that there was damage to property (2), that the officers were intimidating or uncivil (4). That the search was due to the incorrect placing of an intelligence marker on a vehicle (1) and finally that the search was conducted unprofessionally (7). 18 of the allegations have been resolved. 15 were resolved through a local investigation. 2 were resolved by the Professional Standards Directorate (PSD) and a further 1 was not upheld by the PSD. 2 further allegations are being considered for formal discipline procedure.

Regarding the 8 'there and then' complaints (complaints that are dealt with immediately on them being reported, usually on the phone); only 1 elected to state their ethnicity (Asian). 5 of these complaints relating to a belief there was not good reason for being stopped. 1 was a report of officers not recording the stop, 1 was not happy about being searched and 1 alleged racial profiling. These complaints are usually resolved through the provision of an explanation of the law. This causes them not to progress into a formal complaint.

The number of complaints remains low and work is ongoing through the Professional Standards Directorate to create an awareness of how to complain. It is also worthy of note that the widespread deployment of Body Worn Video, see later section; has been seen nationally to reduce the number of complaints. This may partly explain why the number of complaints remains low.

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 on the force website.

The Stop and Search Scrutiny Board continues to run, with activity data presented to the members of the community who sit on the Board to scrutinise. The Board's minutes and data reports are on the 'Advice' page of the Force's 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 used. No population base will ever accurately capture a street population in a given area, at a given time.



## 5 THE PROPORTIONALITY OF SEARCHES

The proportionality of the use of stop and search is an issue for many both within the communities of Nottinghamshire and the media when reporting on the use of stop and search. The way proportionality is calculated does affect these concerns due to the statistical variances the calculation causes. This is particularly the case when a small numbers of searches have a significant impact upon the proportionality rate. These anomalies are largely unknown and require explanation to provide context. An explanation of how proportionality is calculated is on the 'Advice' page of the force's website.

### 5.1 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 number of searches conducted within a specific BAME community is compared to the resident population of that community; this creates a 'rate of search per '1,000 population', using the 2011 Census data. A calculation of comparison between the rate per 1,000 population of the BAME and white communities then takes place. The white community is the baseline population. The 'BAME' number divides into the 'White' number; the outcome is the proportionality or disproportionality rate.

28.5% of Nottingham City's population is from a BAME community and 4.5% of the County's population. It is this difference in the White population (at 71.5% compared to 95.5%), that causes the significant changes in proportionality rates. The population figures are 'resident population'. It is important to consider that these residents will move across borders in the course of their work and leisure.

### 5.2 Disproportionality Rates – self-defined ethnicity

Note: Data provided for City and County will not match the force total for that year as we don't have a mapping reference for every stop.

Historically the Force reports disproportionality rates based upon a person's self-defined ethnicity. However, as the number of stop and searches has increased the impact of those searches where the person either hasn't declared or not been asked to state their self-defined ethnicity needs to be taken into account. The risk exist that proportionality rates will be higher or lower once these are factored in. The individual is not required to self-define their ethnicity as they have the right to anonymity. Officers have however been directed to ask the question.

#### 5.2.1 Force level data self-defined Ethnicity 2019/20

Ethnicity	White	Black	Mixed	Asian or Other	Not Stated		White	BME
Number	2822	463	236	390	1346		2822	1089
Rate	2.911	16.968	7.618	6.121			2.911	8.928
Proportionality	-	5.8	2.6	2.1				3.1

The Force level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 3.7 to 3.1, Black from 7.2 to 5.8, Dual or Multiple Heritages from 3.5 to 2.6 and Asian or Other from 2.2 to 2.1.

**5.2.2 City self-defined Ethnicity 2019/20**

Ethnicity	White	Black	Mixed	Asian or Other	Not Stated		White	BME
Number	1918	378	199	347	1000		1918	924
Rate	8.770	17.039	9.820	7.792			8.770	10.623
Proportionality	-	1.9	1.1	0.9			-	1.2

The City level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 1.4 to 1.2, Black from 2.4 to 1.9, Dual or Multiple Heritages from 1.4 to 1.1 and Asian or Other has remained level at 0.9.

**5.2.3 County self-defined Ethnicity 2019/20**

Ethnicity	White	Black	Mixed	Asian or Other	Not Stated		White	BME
Number	764	56	22	32	229		764	110
Rate	1.018	10.976	2.053	1.668			1.018	3.143
Proportionality	-	10.8	2.0	1.6				3.1

The County level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 3.8 to 3.1, Black from 11.4 to 10.8 (the number of searches rose from 30 to 56); Dual or Multiple Heritages from 4.2 to 2.0 (a drop from 23 to 22 searches) and Asian or Other has risen from 1.5 to 1.6 (15 searches rising to 32).

What can be evidenced is that a small number of searches in the County cause a significant increase in the Force level of disproportionality. 85 searches of Black people cause the rate to rise from 1.9 to 5.8; 37 searches of those who are Dual or Multiple heritage from 1.1 to 2.6 and 43 searches of those who are Asian or Other from 0.9 to 2.1.

**5.3 Disproportionality Rates – combined self and officer defined ethnicity**

Data provided for City and County will not match the force total for that year as we don't have a mapping reference for every stop.

**5.3.1 Force level data self and officer defined ethnicity 2019/20**

Ethnicity	White	Black	Mixed	Asian or Other		White	BME
Number	3526	707	406	416		3526	1529
Rate	3.637	25.91	13.105	6.529		3.637	12.535
Proportio	-	7.1	3.6	1.8		-	3.4

The Force level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 4 to 3.4, Black from 8.7 to 7.1, Dual or Multiple Heritages from 4 to 3.6 and Asian or Other from 2 to 1.8.

### 5.3.2 City self and officer defined ethnicity 2019/20

Ethnicity	White	Black	Mixed	Asian or Other		White	BME
Number	2397	575	337	368		2397	1280
Rate	10.96	25.918	16.63	8.264		10.96	14.716
Proportio	-	2.4	1.5	0.8		-	1.3

The City level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 1.5 to 1.3, Black from 3 to 2.4, Dual of Multiple Heritages from 1.6 to 1.5 and Asian or Other has remained level at 0.8.

### 5.3.3 County self and officer defined ethnicity 2019/20

Ethnicity	White	Black	Mixed	Asian or Other		White	BME
Number	923	80	45	35		923	160
Rate	1.229	15.68	4.199	1.825		-	4.572
Proportio	-	12.8	3.4	1.5		-	3.7

The County level data for self-defined ethnicity comparing 2018/19 to 2019/20 shows that BAME overall disproportionality has dropped from 4.1 to 3.7, Black increased from 11.2 to 12.8 (the number of searches rose from 37 to 80); Dual of Multiple Heritages dropped from 5 to 3.4 (an increase from 35 to 45 searches) and Asian or Other has dropped from 1.7 to 1.5 (21 searches rising to 35).

What can be evidenced, once again, is that a small number of searches in the County cause a significant increase in the Force level of disproportionality. 132 searches of Black people cause the rate to rise from 2.4 to 7.1; 69 searches of those who are Dual or Multiple heritage from 1.5 to 3.6 and 48 searches of those who are Asian or Other from 0.8 to 1.8.

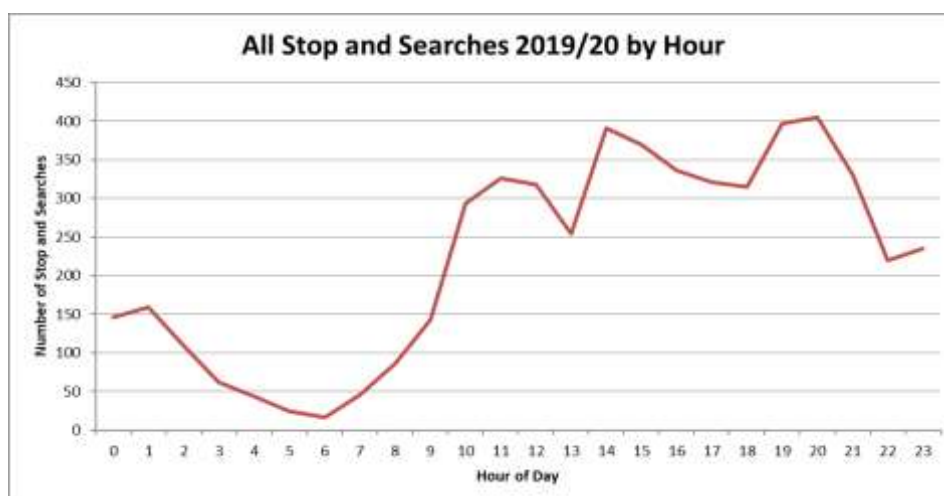
## 5.4 The changing nature of 'rates' of searches

The table below records 'rate' for the last 9 years. The 'rate' is the number of searches conducted per 1,000 of a community's population. The population data used is now getting quite old as it is taken from the 2011 Census. The rate of searching is rising significantly for all communities, as would be expected from the highest recorded level of searching.

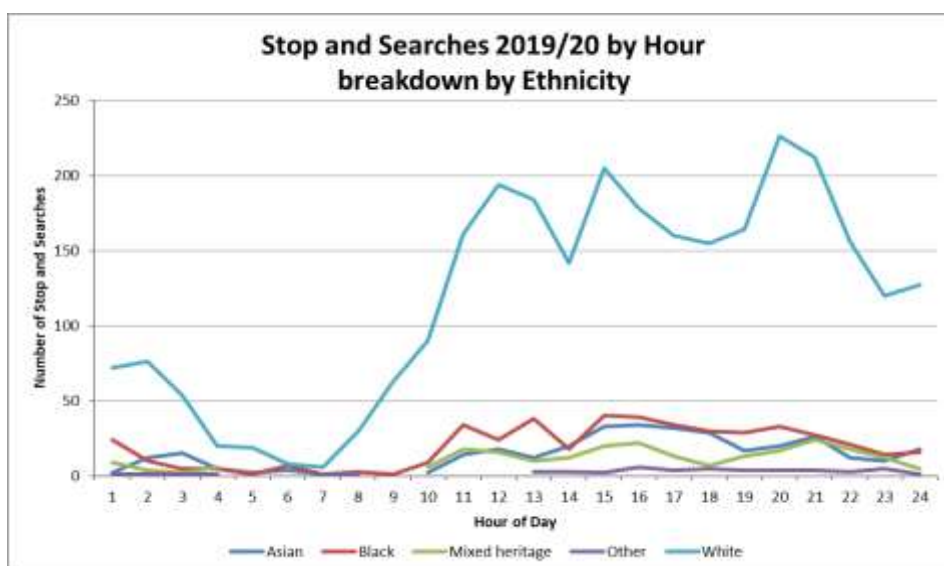
Financial Year	Ethnicity			
	White	Black	Multiple Heritage	Asian or Other
2011/12	2.6	10.8	5.1	4.1
2012/13	2.8	11.8	4.5	4.2
2013/14	4.3	17.8	5.8	4.9
2014/15	3.3	12.7	3.9	3.7
2015/16	1.9	8.9	4	3.6
2016/17	1.1	8.5	4.1	2.0
2017/18	1.0	8.7	3.9	2.4
2018/19	1.5	10.8	4.7	3.3
2019/20	2.9	17.0	7.6	6.1

## 6 THE TIME OF DAY SEARCHES ARE CONDUCTED

The following table identifies the time of day when stop and searches are undertaken:



The following table identifies the time of day by ethnicity:



### Searching by day of the week:

The following table identifies when searches are most likely in total, by ethnicity and on which day of the week.

	Total	Asian	Black	Dula / Multiple	Chinese or Other	White
<b>Number of searches</b>	<b>5415</b>	<b>338</b>	<b>463</b>	<b>236</b>	<b>52</b>	<b>2822</b>
<b>Monday</b>	<b>11.73%</b>	10.7%	12.3%	13.1%	9.6%	12.2%
<b>Tuesday</b>	<b>11.52%</b>	14.5%	11.2%	10.6%	9.6%	11.5%
<b>Wednesday</b>	<b>14.28%</b>	13.9%	16.6%	18.6%	17.3%	14.4%
<b>Thursday</b>	<b>17.34%</b>	24.3%	16.6%	16.1%	17.3%	17.1%
<b>Friday</b>	<b>17.36%</b>	15.1%	18.8%	16.1%	17.3%	18.1%
<b>Saturday</b>	<b>16.82%</b>	13.3%	14.5%	17.8%	21.2%	15.9%
<b>Sunday</b>	<b>10.95%</b>	8.3%	9.9%	7.6%	7.7%	10.8%

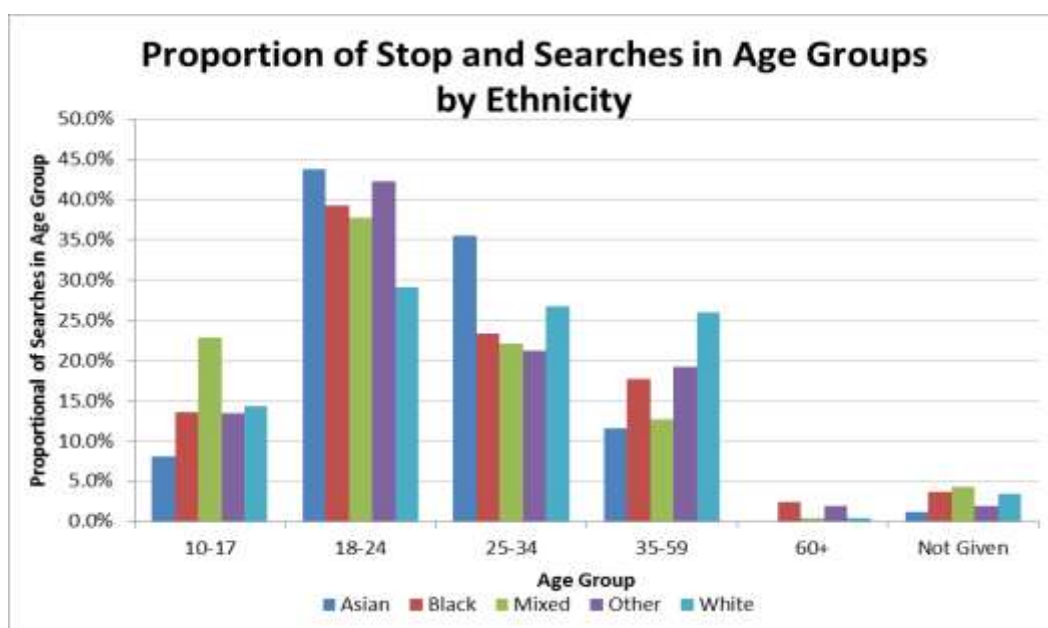
## Searching by hour of the day:

The following identifies, in total, by ethnicity and at what time of day searches take place.

Hour	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Total	2.8%	2.6%	2.0%	0.9%	0.6%	0.5%	0.3%	0.9%	1.6%	2.7%	5.9%	6.4%	6.3%	5.0%	7.7%	7.1%	6.2%	5.8%	5.8%	7.7%	7.5%	5.4%	4.1%	4.3%
Asian	0.1%	0.3%	0.4%	0.1%	0.1%	0.1%	0.0%	0.0%	0.0%	0.1%	0.4%	0.5%	0.3%	0.5%	0.8%	0.9%	0.8%	0.7%	0.4%	0.5%	0.7%	0.3%	0.3%	0.5%
Black	0.6%	0.3%	0.1%	0.1%	0.0%	0.2%	0.0%	0.1%	0.0%	0.2%	0.9%	0.6%	1.0%	0.5%	1.0%	1.0%	0.9%	0.8%	0.7%	0.8%	0.7%	0.5%	0.4%	0.4%
Dual/multiple	0.2%	0.1%	0.1%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.5%	0.4%	0.3%	0.3%	0.5%	0.6%	0.3%	0.2%	0.3%	0.4%	0.6%	0.5%	0.3%	0.1%
Other	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	0.1%	0.1%	0.1%	0.2%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%
White	1.8%	1.9%	1.4%	0.5%	0.5%	0.2%	0.2%	0.8%	1.6%	2.3%	4.1%	5.0%	4.7%	3.6%	5.2%	4.6%	4.1%	4.0%	4.2%	5.8%	5.4%	4.0%	3.1%	3.2%

## 7 THE NUMBER OF SEARCHES BY AGE

The following table identifies by ethnicity the age range of those stopped and searched:



The table below presents this graphed data as a '%':

Age Range	Total		Asian		Black		Mixed		Other		White	
10-17	555	14.2%	27	8.0%	63	13.6%	54	22.9%	7	13.5%	404	14.3%
18-24	1263	32.3%	148	43.8%	182	39.3%	89	37.7%	22	42.3%	822	29.1%
25-34	1046	26.7%	120	35.5%	108	23.3%	52	22.0%	11	21.2%	755	26.8%
35-59	894	22.9%	39	11.5%	82	17.7%	30	12.7%	10	19.2%	733	26.0%
60+	26	0.7%	0	0.0%	11	2.4%	1	0.4%	1	1.9%	13	0.5%
Not Given	127	3.2%	4	1.2%	17	3.7%	10	4.2%	1	1.9%	95	3.4%
Total	3911		338		463		236		52		2822	

Taking into account the low numbers in some age groups, it is noticeable that Asian people aged 25-34 are more likely to be searched than any other ethnicity; with those who are White in this age group least likely to be searched. This follows on from the 2018/19 Annual Report that identified that searches of Asian people aged 18-24 were more likely than any other ethnicity. Audit work has not identified an obvious reason for this other than the low numbers of searches, which is less than one per day pro rata.

## 8 THE RATE OF HANDCUFFING BY ETHNICITY

Because of work required by the Stop and Search Scrutiny Board, the force has continued to produce data on the use of handcuffs during searches. Within the data capture device used to record the stop and search, the searching officer is required to record the application of handcuffs and their rationale for doing so. There are three reasons:

1. *That the person being searched may cause danger to themselves or others;*
2. *That the person may cause injury to themselves or others (including the officer);*
3. *To prevent escape.*

How the person presents and any hostility towards the officer will have an impact upon the officer's decision on whether to handcuff or not. At times officers apply handcuffs in a non-compliant way; this is when the person requires detaining for the purpose of the search because they are refusing to comply with the officer's direction.

The table below reports the application of handcuffs in 23% of searches, down from 30% in 2018/19. The work undertaken during 2019/20 to focus officer's minds more on the necessity of handcuffing has paid dividends. Of these 9% were 'non-compliant', down from 11%. The main reason for the use is to prevent the escape of the person, at 72.1% up from 71.4% of compliant searches.

Total No. of Searches	Total
	5256
No. where Handcuffs Applied	1,212 (23%)
Non-compliant	110 (9%)
Compliant	1,102 (91%)
- Cause Danger to Themselves or Others	151(13.7%)
- Cause Injury to Themselves or Others	156(14.2%)
- To Prevent Escape	794(72.1%)

The table below presents ethnicity data of those searched and handcuffed. The rate of handcuffing of all BAME groups is concerning when compared to those who are White, both in terms of total volume and rates of compliant handcuffing. The reasons recorded for handcuff application are similar.

### Handcuffing rate in 2019/20

	Total No. of Searches	Handcuffing Total	Compliant (of Total Handcuffed)	Non-compliant		
				Cause Danger to Themselves or Others	Cause Injury to Themselves or Others	To Prevent Escape
(1) White	2821	540 (19%)	484 (90%)	67 (14%)	63 (13%)	354 (73%)
(2) Mixed Heritage	236	65 (28%)	61 (94%)	4 (7%)	7 (11%)	50 (82%)
(3) Asian or Asian British	338	124 (37%)	118 (95%)	6 (5%)	19 (16%)	93 (79%)
(4) Black or Black British	463	169 (37%)	157 (93%)	23 (15%)	32 (20%)	102 (65%)
(5) Chinese or Other Ethnic Group	52	15 (29%)	15 (100%)	2 (13%)	1 (7%)	11 (73%)
Not Stated	1346	299 (22%)	267 (89%)	49 (18%)	34 (13%)	184 (69%)

In 2018/19, the handcuffing rates for BAME communities were similarly disproportionately higher. Consequently, supervisors were required to examine this when reviewing their officer's stop and search records. This Scrutiny Board also discussed this. The hypothesis remains that it is the communities view on stop and search and the police that causes this disparity. These views impact on the interaction between the officer and the person searched. Development work on the data recording 'App' that officer's use to record their stop and searches has been undertaken. This requires supervisors to review the Body-

Worn Video recording of the search to ensure the necessity and proportionality of the handcuffing. Implementation of the new 'App' took place in early 2020/21.

When comparing the 2018/19 data below to the 2019/20 data above, it illustrates the rates of handcuffing. Positively the rates have dropped by 10% for those who are Asian, Black or of Dual and Multiple Heritages. There has been an increase in the rate of handcuffing to 'prevent injury to themselves or others'.

### Handcuffing rates in 2018/19

	Total No. of Searches	Handcuffing Total	Compliant (of Total Handcuffed)	Non-compliant		
				Cause Danger to Themselves or Others	Cause Injury to Themselves or Others	To Prevent Escape
(1) White	1525	364 (24%)	325 (89%)	53 (15%)	44 (12%)	228 (63%)
(2) Mixed Heritage	169	65 (38%)	62 (95%)	15 (23%)	3 (5%)	44 (68%)
(3) Asian or Asian British	188	89 (47%)	81 (91%)	12 (13%)	2 (2%)	67 (75%)
(4) Black or Black British	303	146 (47%)	134 (92%)	17 (12%)	17 (12%)	100 (68%)
(5) Chinese or Other Ethnic Group	36	12 (33%)	11 (92%)	1 (8%)	2 (17%)	8 (67%)
Not Stated	715	194 (27%)	160 (82%)	38 (20%)	17 (9%)	105 (54%)

As in 2018/19, the discussion within the Scrutiny Board focussed on whether it was the powers being used that impacted upon the rationale for handcuffing. A person would be more likely to be handcuffed if they were searched for an offensive weapon, they. If a particular community were searched using a specific power, then one would expect a higher rate of handcuffing. The following table identifies whether this hypothesis has merit.

	Ethnicity			
	White	Asian	Dual / multiple heritage	Black
CJ and PO Act (knives)	3%	0%	5%	5%
Firearms Act	0%	2%	0%	1%
PACE	22%	7%	25%	17%
Misuse of Drugs Act	75%	91%	70%	77%

'Handcuffed' searches of Asian people have a higher rate for drugs searches; the rate for the other ethnicities are broadly similar. Whilst this hypothesis may be part of the answer, it is not a complete answer.

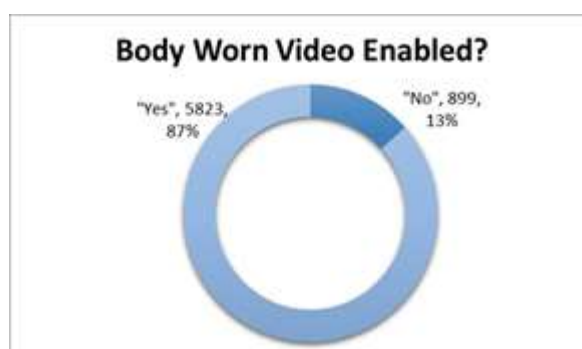
## 9 THE USE OF BODY WORN VIDEO

The Scrutiny Board has also questioned the rate of recording using Body Worn Video (BWV). These cameras are not yet personally issued to each officer. This means they are not always available to officers to use and when they are, they do present a number of technical issues. The data on levels of recording is prepared and presented to the Scrutiny Board at every meeting. During 2020/21, the personal issue of cameras will take place for the majority of front line roles.

The force has set the requirement that a BWV record will be made of every stop and search. The exception is if the searched person specifically requests that the camera is not be used. To confirm their requirement, the searching office will request the person to sign their notebook. Officers are keen to deploy BWV as they acknowledge its capacity to lower tensions during potential confrontational situations.



## 9.1 The number of occasions when BWV is used to record stop and search



During 2019/20, a BWV record was made of 87% of searches, up from 81% in 2018/19.

## 9.2 The reasons what BWV is not activated during a stop and search

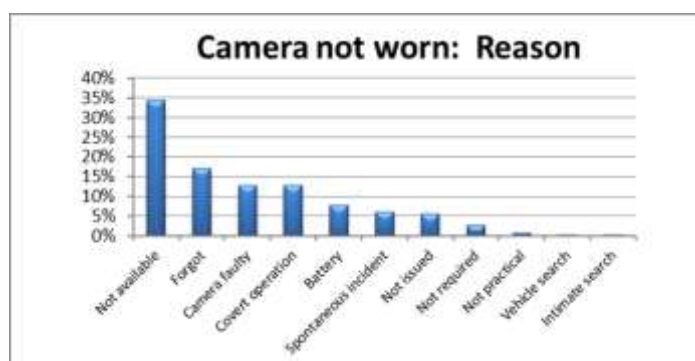
Originally, a free-text box allowed officers to record the reason why they did not use a BWV. Consequently the reasons were numerous and varied. Work to consolidate these records was undertaken and the data capture device programmed to better record this data. The following categories best fulfilled the requirement:

- 1 – Spontaneous Incident – Insufficient time to deploy BWV
- 2 - Operational reason – i.e. covert operation
- 3 – No BWV available
- 4 – Battery/Equipment failure
- 5 – Forgot to use BWV
- 6 – Didn't know BWV should be used
- 7 – Intimate Search
- 8 – Vehicle Search Only
- 9 – Other

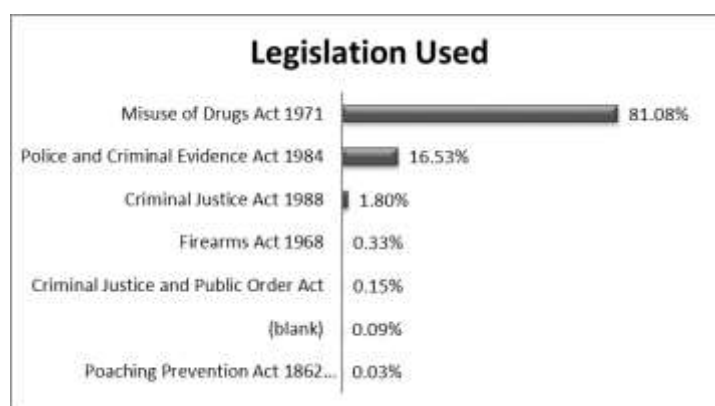
The 2019/20 Annual Report uses these headings for the first time.

There are a number of technical reasons for non-deployment. 'Not available' is the main reason. This is because the present stock of cameras is reaching 'end of life' and there is not always a working one available for officers. Officers on covert operations would clearly not have a camera deployed and similarly there is no expectation that a record of a strip search, as it would be indecent to do so. If the officer reports the record is, 'not-required' then this is addressed through a conversation as the forces' position is clear.

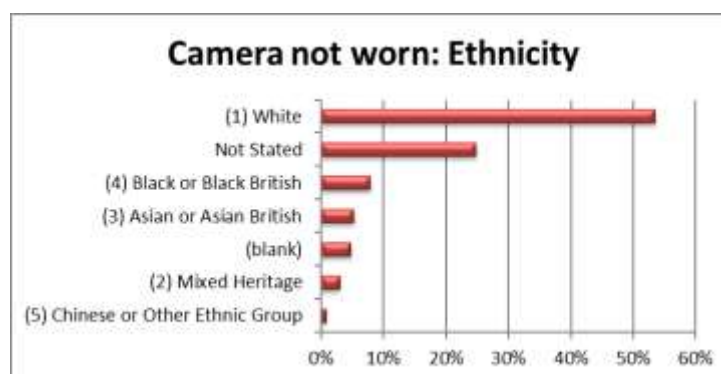
## 9.3 The legislation under which BWV is used







#### 9.4 The non-activation of BWV by ethnicity



This data uses 'self-defined ethnicity'.

## 10 OUTCOME RATES BY ETHNICITY AND LEGISLATION – Supply vs Possession

The HMICFRS recommended in 2017 that forces should be able to identify to what extent 'find' rates differed both between the different ethnicities and the different types of searches (including separate identification of find rates for drug possession and supply-type offences). The 2019 HMICFRS report entitled "*PEEL: Police Effectiveness, efficiency and legitimacy 2018/19*", repeated this requirement.

Presently the force is unable to report on the difference between simple drugs possession and supply searches as the data is not gathered. However, because of the requirement the force changed the audit regime to identify the indicative levels of possession vs supply searches, see Section 13 below. This audit indicates that 86% of drugs searches were for possession offences up from 84% in 2018/19.

The following table presents the summary of the required data. The focus is on the Misuse of Drugs Act and PACE searches as these are the primary search categories. Full detail of all legislation can be found in Appendix A; not all legislation has been used within each ethnicity table and similarly not all criminal justice outcomes are utilised.

The tables report 'self-defined ethnicity' as this is most accurate figure, however this means there are some hundreds of searches not included as the person has elected not to give this information. Percentages illustrate the proportion of searches and outcomes by ethnicity.

**10.1 Arrest and positive outcome rate by ethnicity for Drugs & PACE searches**

	Total Number of searches	% of all searches	Arrest %	Positive Outcome %	Combined arrest and positive outcome	% of drugs searches	% of PACE searches
Asian	334	8.7%	14.7%	28.1%	42.8%	87.4%	12.6%
Black	448	11.7%	13.6%	20.3%	33.9%	83.0%	17.0%
Mixed/ Dual Heritage	226	5.9%	12.4%	23.9%	36.3%	80.1%	19.9%
Chinese or Other	50	1.3%	18.0%	28.0%	46.0%	82.0%	18.0%
White	2763	72.3%	10.2%	31.7%	41.9%	84.1%	15.9%

The data indicates that there is no significant variance between the arrest and positive outcome indicator when the benchmark searches of White people are used; as these outcome rates are mid-table and not outliers. However, when comparing the arrest data from 2018/19 and 2019/20, there has been a drop in the number of arrests - Asian (by 5.4%), Black (4.8%) and White (4.3%). The arrest of White people is less likely, though the positive outcome rate is the highest for this group. Further monitoring of these important indicators will take place during 2020/21.

The narrative around arrest rates is complex: as the nature of offence, the circumstances of the search and the demeanour of the person searched will affect the decision to arrest. Again, the relatively low number of searches with an outcome of those from the BAME communities means that the data will flex with a small number of arrests.

It was identified in 2018/19 that drug focussed searches of those who are Black were relatively low. As the narrative presented suggests that police officers are prone to search Black people for drugs this was seemingly counter-intuitive. In 2019/20, however the search rate is now 'mid-table'.

The total number of searches of Asian people has risen from 205 to 334 (63% rise) and the number of arrests has dropped by 5.4%; the positive outcome rate has risen by 2.2%. This gives a combined arrest and positive outcome rate in 2019/20 of 42.8% down from 45.9% in 2018/19. The rate of searching for drugs has increased from 81% to 87.4% and the rate of searching under PACE has dropped marginally by 0.1%.

The total number of searches of Black people has risen from 309 to 448 (45% rise) and the number of arrests has dropped by 4.8%; the positive outcome rate has dropped by 1.9%. This gives a combined arrest and positive outcome rate in 2019/20 of 33.9% down from 40.8% in 2018/19. The rate of searching for drugs has increased from 71.2% to 83% and the rate of searching under PACE has dropped from 23.9% to 17%.

The total number of searches of those self-defining as dual or multiple heritage has risen from 170 to 226 (33% increase) and the number of arrests has risen by 1.2%. This gives a combined arrest and positive outcome rate in 2019/20 of 36.3% down from 35.9% in 2018/19. The rate of searching for drugs has increased from 66.5% to 80.1% and the rate of searching under PACE has dropped from 20% to 19.9%.

The total number of searches of those categorised as 'Chinese or Other' has risen from 20 to 50 (150% increase) and the number of arrests has risen by 8%. This gives a combined arrest and positive outcome rate in 2019/20 of 46% compared to 35% in 2018/19. The

rate of searching for drugs has risen from 80% to 82% and the rate of searching under PACE has risen from 5% to 18%.

The total number of searches of White people has risen from 1552 to 2763 (78% increase) and the number of arrests has dropped by 4.3%. This gives a combined arrest and positive outcome rate in 2019/20 of 41.9% down from 42% in 2018/19. The rate of searching for drugs has increased from 72.5% to 84.1% and the rate of searching under PACE has dropped from 23% to 15.9%.

## 11 HOW LINKED TO OBJECT RATES, DIFFER BY ETHNICITY AND LEGISLATION

Taking the data analysis in Section 10 a stage further, the following tables evidence how the find rate for prohibited articles relate, or not, to the object of the search. For example, if an officer is searching for drugs under the Misuse of Drugs Act, how often do they find them? This is a proxy indicator of the quality of the search.

### 11.1 The 'total' find rate for all ethnicities:

All ethnicities	Total	Item Found	Nothing Found	Outcome Linked	Outcome Not Linked
Criminal Justice Act 1988, s139B	65	14	21.5%	51	78.5%
Firearms Act 1968, s47	13	1	7.7%	12	92.3%
Misuse of Drugs Act 1971, s23	3210	1358	42.3%	1852	57.7%
Paragraph 10 of Schedule 5 to the Terrorism Prevention	2	0	0.0%	2	100.0%
Poaching Prevention Act 1862, s2	2	2	100.0%	0	0.0%
Police and Criminal Evidence Act 1984.	611	147	24.1%	464	75.9%
Police Reform Act 2002, Schedule 4, paragraph 7A	1	1	100.0%	0	0.0%
Section 60 Criminal Justice and Public Order Act 1994	6	1	16.7%	5	83.3%
Terrorism Act 2000, s43	1	0	0.0%	1	100.0%
<b>Total</b>	<b>3911</b>	<b>1524</b>	<b>39.0%</b>	<b>2387</b>	<b>61.0%</b>

39% of these searches located a prohibited item and the outcome was linked to the object in 90.9% of the searches.

### 11.2 The 'total' find rate for Asian people:

Asian	Total	Item Found	Nothing Found	Outcome Linked	Outcome Not Linked
Firearms Act 1968, s47	2	0	0.0%	2	100.0%
Misuse of Drugs Act 1971, s23	292	129	44.2%	163	55.8%
Police and Criminal Evidence Act 1984.	42	8	19.0%	34	81.0%
Section 60 Criminal Justice and Public Order Act 1994	1	0	0.0%	1	100.0%
Terrorism Act 2000, s43	1	0	0.0%	1	100.0%
<b>Total</b>	<b>338</b>	<b>137</b>	<b>40.5%</b>	<b>201</b>	<b>59.5%</b>

40.5% of these searches located a prohibited item compared to 39% of all searches. 92% of the outcomes were linked to the object of the search compared to 90.9% of all searches. This indicates a higher positive outcome rate and a comparative linked rate.

### 11.3 The 'total' find rate for Black:

Black	Total	Item Found	Nothing Found	Outcome Linked	Outcome Not Linked
Criminal Justice Act 1988, s139B	11	5	45.5%	6	54.5%
Firearms Act 1968, s47	3	1	33.3%	2	66.7%
Misuse of Drugs Act 1971, s23	372	137	36.8%	235	63.2%
Police and Criminal Evidence Act 1984.	76	15	19.7%	61	80.3%
Section 60 Criminal Justice and Public Order Act 1994	1	0	0.0%	1	100.0%
<b>Total</b>	<b>463</b>	<b>158</b>	<b>34.1%</b>	<b>305</b>	<b>65.9%</b>

34.1% of these searches located a prohibited item was found in compared to 39% of all searches. 89.9% of outcomes linked to the object of the search compared to 90.9% of all searches. This indicates a lower positive outcome rate, though not sufficiently lower to be an identified risk though it will be monitored going forward, and a comparative linked rate.

#### 11.4 The 'total' finds rate for dual or multiple heritages:

Dual or multiple heritage	Total	Item Found	Nothing Found	Outcome Linked	Outcome Not Linked
Criminal Justice Act 1988, s139B	9	2	22.2%	7	77.8%
Misuse of Drugs Act 1971, s23	181	71	39.2%	110	60.8%
Police and Criminal Evidence Act 1984.	45	7	15.6%	38	84.4%
Section 60 Criminal Justice and Public Order Act 1994	1	0	0.0%	1	100.0%
<b>Total</b>	<b>236</b>	<b>80</b>	<b>33.9%</b>	<b>156</b>	<b>66.1%</b>

33.9% of these searches located a prohibited item compared to 39% of all searches. 90% of outcomes linked to the object of the search compared to 90.9% of all searches. This indicates a lower positive outcome rate though not sufficiently lower to be an identified risk though it will be monitored going forward, and a comparative linked rate.

#### 11.5 The 'total' find rate for 'other':

Chinese or Other	Total	Item Found	Nothing Found	Outcome Linked	Outcome Not Linked
Criminal Justice Act 1988, s139B	1	0	0.00%	1	100.00%
Misuse of Drugs Act 1971, s23	41	22	53.66%	19	46.34%
Paragraph 10 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011	1	0	0.00%	1	100.00%
Police and Criminal Evidence Act 1984.	9	1	11.11%	8	88.89%
<b>Total</b>	<b>52</b>	<b>23</b>	<b>44.23%</b>	<b>29</b>	<b>55.77%</b>

44.2% of these searches located a prohibited item compared to 39% of all searches. 91.3% of outcomes linked to the object of the search compared to 90.9% of all searches. This indicates a higher positive outcome rate and a comparative linked rate though the number of searches is low at 52.

#### 11.6 The 'total' find rate for White:

White	Total	Item Found	Nothing Found	Outcome Linked	Outcome Not Linked
Criminal Justice Act 1988, s139B	44	7	15.9%	37	84.1%
Firearms Act 1968, s47	8	0	0.0%	8	100.0%
Misuse of Drugs Act 1971, s23	2324	999	43.0%	1325	57.0%
Paragraph 10 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011	1	0	0.0%	1	100.0%
Poaching Prevention Act 1862, s2	2	2	100.0%	0	0.0%
Police and Criminal Evidence Act 1984.	439	116	26.4%	323	73.6%
Police Reform Act 2002, Schedule 4, paragraph 7A	1	1	100.0%	0	0.0%
Section 60 Criminal Justice and Public Order Act 1994	3	1	33.3%	2	66.7%
<b>Total</b>	<b>2822</b>	<b>1126</b>	<b>39.9%</b>	<b>1696</b>	<b>60.1%</b>

39.9% of searches located a prohibited item was found in compared to 39% of all searches. The outcome linked to the object of the search in 91% of these searches compared to 90.9% of all searches. This indicates a slightly higher positive outcome rate and a comparative linked rate. Clearly, the searches of White people are the significant majority of the searches undertaken; consequently, these outcomes will reflect the median position.

## 12 INTRODUCTION THE VOLUME, NATURE & FIND RATE OF DRUG SEARCHES

In the 2018 HMICFRS report entitled, "PEEL: Police Effectiveness, efficiency and legitimacy 2018/19", the following was recorded:

*We found that the force has complied with most of this recommendation. But it doesn't identify the extent to which find rates differ between people from different ethnicities and across different types of searches, including separate identification of find rates for drug possession and supply-type offences. It also doesn't identify the prevalence of possession-only drug searches or the extent to which these align with local or force-level priorities.*

1. We reviewed Nottinghamshire Police's website and found that the force publishes comprehensive stop and search data, including analysis carried out to understand reasons for some, but not all, of the disparities.

The sections that follow develop the response given in 2018/19 Annual Report on Stop and Search; these responses seek to address more fully the questions and concerns identified relating to drugs offences.

Nottinghamshire Police, like many other forces, has a high volume of drugs searches compared to the total volume; in 2018/19, this was 71.2% up from 62.7% the previous year. In 2019/20, the rate was 80.4% at 4,352 searches. This volume has been the subject of comment previously by both the HMICFRS and the Stop and Search Scrutiny Board, who queried why, when drugs were not a priority, were there so many drugs searches?

The reason for this high volume of searches begins with the fact that cannabis is easy to smell and therefore formulating lawful grounds is much easier than for other offences like the carrying of knives. Equally, there are a number of searches conducted following reports of 'items being handed between people', by CCTV operators and the public; as well as reports made by door-staff working during the 'night time economy'. These are 'reactive' searches, rather than 'proactive' searches where officers are patrolling and 'react' to circumstances to undertake drugs searches.

There is also a more complex reason for the high volume of drugs searches based upon the intelligence-based tasking of operations designed to reduce other criminality most, notably violent crime and the carrying of knives. These are 'proactive' searches.

### **13 THE PREVALENCE OF POSSESSION VS SUPPLY SEARCHES**

It is not possible, due to the data capture process currently available, to routinely identify whether officers are identifying the grounds for a possession or supply offence. Indeed operationally this would present some difficulty because if an officer sees a drugs transaction take place, the grounds for a stop and search will be formed; however the officer will not know the volume or type of drug being exchanged and will only do so after the search is completed.

There was an indication that forces would be required to report on the difference between possession and supply searches. The expectation was that the second version of 'Best Use of Stop and Search Scheme' would mandate the requirement. However, this requirement was not published. Consequently, the same auditing work has been undertaken to identify the split between possession and supply searches.

Officers are not required to record whether they were searching for 'possession' or 'supply' offences. Their recorded grounds were thus reviewed 'after-the-fact' to make a determination as to whether the search was for a 'possession-only' or 'supply' offence. Each month the force audits 100 stop and search records to review the quality of the grounds recorded. These same grounds were reviewed to determine first, how many searches were for drugs; and second the split between 'possession' and 'supply'. The audit process does not require the proportion of grounds audited to reflect the proportion of searches under a certain power.

Whilst 71.2% of searches conducted used the Misuse of Drugs Act in 2018/19, only 62.4% of the grounds audited were for drugs. In 2019/20, 80.4% of all searches undertaken were for drugs and 78.1% of 1,200 records audited were for drugs. In 2018/19, 84% of drugs searches were for possession rather than supply offences. In 2019/20, 86.4% of these searches were for a 'possession' offence.

**14 THE FIND RATE FOR DRUGS SEARCHES**

Drug Search volume	Total drugs searches	Item found		Nothing Found		Outcome Linked		Outcome Not Linked	
<b>Total</b>	4,352	1,743	40.1%	2,609	59.9%	1,652	94.8%	91	5.2%

The find rate for drugs searches is 40.1% down from 44.2% in 2018/19, a prohibited item found linked to the object of the search in 94.8% of these searches.

These outcomes would still indicate the grounds are being well formed around both the suspicion that an article will be found and the use of the correct power. When a search locates a prohibited article that is not linked to the power used i.e. drugs, it could be knives or stolen goods that are recovered.

**15 HOW DRUGS SEARCHES ALIGN WITH LOCAL PRIORITIES - CITY**

Whilst searching for drugs possession offences is not a force priority, these searches do form a critical part of the force response to knife crime and violent crime. This section will deal first, with how the level of drug searches align with local and force priorities geographically. Following Sections will then cover how specific force operations tackle both knife crime and violent crime.

The City records a large number of stop and searches, with over 3 times more searches than the County; but more specifically high volumes of drugs searches with 3,205 searches, an 85% increase on the previous year when there were 1,732 searches. Section 18, 19 and 20 below record the cause of these high search volumes.

**15.1 The number of searches, by power, in the City**

	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
<b>City</b>									
Criminal Justice Act 1988, s139B	2.0%	18	22.5%	2	2.5%	25.0%	60	80	2.0%
Firearms Act 1968, s47	0.3%	2	20.0%	1	10.0%	30.0%	7	10	0.3%
Misuse of Drugs Act 1971, s23	81.6%	298	9.3%	1078	33.6%	42.9%	1829	3205	81.6%
Paragraph 10 of Schedule 5 to the TPIM Act 2011	0.0%	0	0.0%	1	100.0%	100.0%		1	0.0%
Police and Criminal Evidence Act 1984.	15.9%	97	15.6%	82	13.2%	28.7%	444	623	15.9%
Police Reform Act 2002, Schedule 4, paragraph 7A	0.0%	0	0.0%	0	0.0%	0.0%	1	1	0.0%
Section 60 Criminal Justice and Public Order Act 1994	0.1%	0	0.0%	0	0.0%	0.0%	5	5	0.1%
Terrorism Act 2000, s43	0.0%	0	0.0%	0	0.0%	0.0%	1	1	0.0%
<b>Total</b>		415	10.6%	1164	29.6%	40.2%	2347	3926	

**15.2 The number of searches, by power, in City North and South**

	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
<b>City North/South</b>									
Criminal Justice Act 1988, s139B	2.9%	4	20.0%	0	0.0%	20.0%	16	20	2.9%
Firearms Act 1968, s47	1.2%	1	12.5%	1	12.5%	25.0%	6	8	1.2%
Misuse of Drugs Act 1971, s23	75.1%	67	12.8%	121	23.2%	36.0%	334	522	75.1%
Police and Criminal Evidence Act 1984.	20.6%	20	14.0%	20	14.0%	28.0%	103	143	20.6%
Section 60 Criminal Justice and Public Order Act 1994	0.3%	0	0.0%	0	0.0%	0.0%	2	2	0.3%
<b>Total</b>		92	13.2%	142	20.4%	33.7%	461	695	

The volume of intelligence led proactive policing work undertaken on the City North and South areas lead to the high levels of drugs searches. The possession of drugs links to the possession of weapons. A link supported through various pieces of national and local research. The deployment of resources thus takes place to break this link. Community engagement and setting of priorities for the local teams has also highlighted drugs as an issue the community wishes a focus on and stop search will clearly be involved as a tactic.



The City North and South areas also have the greatest proportion of individuals managed within the 'Knife Crime Cohort'. Officers' use directed patrols to manage these individuals in the areas where they congregate and associate. This patrol activity has increased the use of stop and search looking for weapons and drugs. Due to the success of this local management of these offenders involved in organised crime, many are currently in prison. Whilst this is a success, others seek to fill the vacuum left behind. Again, intelligence led patrols using stop and search where appropriate are used to target these individuals.

As identified within this report the force continues to monitor the use of stop and search and gives clear guidance on the ethical, legal and proportionate use of such. Officers use other tactics beyond stop and search to manage the drug market, possession of weapons and to prevent organised crime groups emerging. An example of this is the use of 'Gang Injunctions' and local diversion tactics with City Council partners to keep young people away from criminality.

Stop and search powers are used in the event of a specific significant incident to prevent escalation. As was the case following a murder in the City when officers undertook numerous, community based targeted patrols to prevent any potential gang related fallout.

There have been local spikes in knife-enabled crime in the City South Area and this has resulted in the deployment of additional teams to combat this. One such team is the Knife Crime Team, which deployed into the St Anns, Sneinton and the Meadows localities where there is OCG activity and due to the proactive nature of their work have undertaken numerous stop searches.

Meanwhile the City North area has continued to have a dedicated Op Reacher team that has worked in the community to target organised crime and local risks identified in a large part by the community. This team targets this risk and the individuals who have intelligence reports that link them to either the carriage of weapons or drugs.

## 15.2 The number of searches, by power, in the City Centre

City Centre	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
Criminal Justice Act 1988, s139B	1.4%	6	20.0%	0	0	20.0%	24	30	1.4%
Misuse of Drugs Act 1971, s23	87.4%	118	6.3%	750	0.398089	46.1%	1016	1884	87.4%
Paragraph 10 of Schedule 5 to the TPIM Act 2011	0.0%	0	0.0%	1	1	100.0%		1	0.0%
Police and Criminal Evidence Act 1984.	11.0%	40	16.9%	34	0.14346	31.2%	163	237	11.0%
Police Reform Act 2002, Schedule 4, paragraph 7A	0.0%	0	0.0%	0	0	0.0%	1	1	0.0%
Section 60 Criminal Justice and Public Order Act 1994	0.1%	0	0.0%	0	0	0.0%	2	2	0.1%
<b>Total</b>		<b>164</b>	<b>7.6%</b>	<b>785</b>	<b>36.4%</b>	<b>44.0%</b>	<b>1206</b>	<b>2155</b>	

Due to the 'policing and community safety issues' identified within the City Centre multiple operations are run to reduce the resultant levels of crime. These operations drive up the number of drugs searches within the City Centre. However, the outcomes in terms of reducing violent crime and increasing the public's sense of safety and security; justify these search rates despite drugs searches themselves not being a priority. The public and businesses within the area receive such Operations positively and all are subject to lay visitor's scrutiny to ensure openness and transparency. The feedback from the lay-observers is positive with them getting a better understanding of the stop and search process.

There are two specific operations referenced. First, Operation Guardian (see Section 18), involves the use of a passive drugs dog to tackle this link between the taking of drugs and alcohol. Previous research in the City Centre has shown that there is a link between drug use in the Night Time Economy (NTE) and an individual's propensity to extreme violence.

Second, Operation Relentless (see Section 21), that is designed to address public concerns over the overt use of drugs in public places particularly Mamba during the

daytime. Mamba is relatively inexpensive to purchase and a drug of choice, particularly amongst the begging and homeless community where we have seen an increase in use over the last few years. Included within this operation is work to reduce begging. Begging is a continuing issue in the City Centre, particularly aggressive begging which causes harassment, alarm and distress to the public. Intelligence, and our policing experience, shows a link between begging and the use of Mamba (Novel Psychoactive Substance). Additionally the use/supply of Class A, Class B and Mamba is a trigger for violence, including knife crime.

The aim of both operations is not only to reduce violence in Nottingham City Centre by restricting the use/supply of Class A and B drugs as well as Mamba, but also to work with our partners to create opportunities to access treatment to ensure long-term solutions.

## 15.2 The number of searches, by power, in City West and Central

City West/Central	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
Criminal Justice Act 1988, s139B	2.8%	8	26.7%	2	6.7%	33.3%	20	30	2.8%
Firearms Act 1968, s47	0.2%	1	50.0%	0	0.0%	50.0%	1	2	0.2%
Misuse of Drugs Act 1971, s23	74.3%	113	14.1%	207	25.9%	40.1%	479	799	74.3%
Police and Criminal Evidence Act 1984.	22.6%	37	15.2%	28	11.5%	26.7%	178	243	22.6%
Section 60 Criminal Justice and Public Order Act 1994	0.1%	0	0.0%	0	0.0%	0.0%	1	1	0.1%
Terrorism Act 2000, s43	0.1%	0	0.0%	0	0.0%	0.0%	1	1	0.1%
<b>Total</b>		<b>159</b>	<b>14.8%</b>	<b>237</b>	<b>22.0%</b>	<b>36.8%</b>	<b>680</b>	<b>1076</b>	

The City West comprises five wards with a population of approx. 90,000 largely static residents. In this area, stop and search is infrequently used and the majority of the proactive drug work centres around warrant executions. Some pro-active activity did take place under Op Scorpion using intelligence led targeted patrols; however, the volume of knife crime on City West remains lower than the City Central area.

The City Central policing area has one of the most diverse and economically challenged communities in the force area; indeed one of the area's Wards is amongst the most deprived nationally. On average 3.2% of the population registers as unemployed compared to 2.3% of all City residents. The area faces a number of crime issues ranging from serious violent crime, acquisitive crime and drug dealing with the presence of organised crime groups (OCGs) fuelling this. Crime, ASB and Drugs offences are consistently high amongst other City Wards, resulting in community tensions.

Intelligence analysis has highlighted a direct correlation between 'serious organised crime' groups operating on the area that are involved in drug fuelled violence, intimidation and rivalry, resulting in several serious knife crime incidents. Also in support of these incidents, Operation Scorpion and Operation Lumination patrols took place to prevent open space crime. These operations used knife amnesty events, passive drugs dogs and intelligence driven high visibility patrols to tackle people who intelligence informed us are actively carrying knives and weapons to commit crime. There is regular community feedback that indicates support for these knife crime and violent crime reduction tactics.

Through the force tasking process, the 'Knife Crime Team' frequently deploys to the area due to incidents and evidence of high knife crime, through the fortnightly vulnerability assessments. Naturally, these operations combine to increase the number of Stop and searches carried out, but are vital in combatting increased levels of on-street drugs supply and demand.

## 16 HOW DRUGS SEARCHES ALIGN WITH LOCAL PRIORITIES - COUNTY

The table below outlines the number of searches, by power in the County. The narratives for each of the three Community Safety Partnership areas within this area follow. The use



of drugs searches in the County is slightly lower than for the City at 79% of all searches compared to 81.6%. However, the number of searches is significantly different at 909 vs 3,205. This reflects the greater number of operations run in the City that cause large number of drugs searches. Section 18, 19 and 20 below highlight these.

### 16.1 The number of searches, by power, in the County

County	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
Criminal Justice Act 1988, s139B	1.7%	3	15.8%	2	10.5%	26.3%	14	19	1.7%
Firearms Act 1968, s47	0.5%	0	0.0%	2	33.3%	33.3%	4	6	0.5%
Misuse of Drugs Act 1971, s23	79.0%	112	12.3%	201	22.1%	34.4%	596	909	79.0%
Paragraph 10 of Schedule 5 to the TPIM Act 2011	0.1%	0	0.0%	0	0.0%	0.0%	1	1	0.1%
Poaching Prevention Act 1862, s2	0.2%	0	0.0%	0	0.0%	0.0%	2	2	0.2%
Police and Criminal Evidence Act 1984.	18.3%	27	12.8%	14	6.6%	19.4%	170	211	18.3%
Section 60 Criminal Justice and Public Order Act 1994	0.3%	2	66.7%	0	0.0%	66.7%	1	3	0.3%
<b>Total</b>		<b>144</b>	<b>12.5%</b>	<b>219</b>	<b>19.0%</b>	<b>31.5%</b>	<b>788</b>	<b>1151</b>	

### 16.2 The number of searches, by power, in Bassetlaw, Newark and Sherwood

Bassetlaw, Newark & Sherwood	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
Criminal Justice Act 1988, s139B	2.7%	1	20.0%	0	0.0%	20.0%	4	5	2.7%
Firearms Act 1968, s47	1.1%	0	0.0%	1	50.0%	50.0%	1	2	1.1%
Misuse of Drugs Act 1971, s23	76.1%	22	15.4%	35	24.5%	39.9%	86	143	76.1%
Paragraph 10 of Schedule 5 to the TPIM Act 2011	0.5%	0	0.0%	0	0.0%	0.0%	1	1	0.5%
Poaching Prevention Act 1862, s2	1.1%	0	0.0%	0	0.0%	0.0%	2	2	1.1%
Police and Criminal Evidence Act 1984.	17.6%	2	6.1%	2	6.1%	12.1%	29	33	17.6%
Section 60 Criminal Justice and Public Order Act 1994	1.1%	1	50.0%	0	0.0%	50.0%	1	2	1.1%
<b>Total</b>		<b>26</b>	<b>13.8%</b>	<b>38</b>	<b>20.2%</b>	<b>34.0%</b>	<b>124</b>	<b>188</b>	

During 2019/20 the area of Bassetlaw, Newark and Sherwood (BNS) saw a 21% increase in the number of searches undertaken, up from 148 to 188. During the same period, 143 of these searches were undertaken using the Misuse of Drugs Act up from 87, a 64% increase in proactive stop searches. Positively under this same Act, there was a 39.9% positive outcome rate.

Operations continued across BNS. First, Operation Vow in Newark. The 'Newark and Sherwood Community Safety Partnership' supports this operation. This operation targets acquisitive crime and the associated drug offending, linked specifically to two county lines discovered by tackling the acquisitive crime.

Second, in Worksop town centre there has been a significant increase in the use of proactive patrols to tackle drug use. Operation Scorpion funds were made available to support this, referenced in section 19 below. This proactive activity has caused this increase in the number of stop searches.

### 16.2 The number of searches, by power, in Broxtowe, Rushcliffe and Gedling

Broxtowe, Rushcliffe & Gedling	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
Criminal Justice Act 1988, s139B	2.6%	0	0.0%	2	18.2%	18.2%	9	11	2.6%
Firearms Act 1968, s47	0.5%	0	0.0%	0	0.0%	0.0%	2	2	0.5%
Misuse of Drugs Act 1971, s23	75.4%	23	7.3%	81	25.7%	33.0%	211	315	75.4%
Police and Criminal Evidence Act 1984.	21.3%	8	9.0%	4	4.5%	13.5%	77	89	21.3%
Section 60 Criminal Justice and Public Order Act 1994	0.2%	1	100.0%	0	0.0%	100.0%	0	1	0.2%
<b>Total</b>		<b>32</b>	<b>7.7%</b>	<b>87</b>	<b>20.8%</b>	<b>28.5%</b>	<b>299</b>	<b>418</b>	

During 2019/20, 418 searches were conducted across 'Broxtowe, Gedling & Rushcliffe', known as South Notts. Drug searches represented 75.4% of the total; there was a 33% arrest and positive outcome rate with 23 of the 32 total arrests related to drugs.

The majority of the searches were undertaken in the course of normal policing duties as 'drugs' is not one of the agreed local policing priorities in Broxtowe or Rushcliffe

Boroughs. In Gedling, however 'drugs' are identified as one of the top 3 priorities. The Office of the Police and Crime Commissioner's survey conducted across the Gedling Borough identified that concerns around drug supply and use are increasing. Consequently, the tasking of high visibility and plain-clothes patrols took place in locations known for drug use and supply. As reported last year where there is capacity and the intelligence to support it, local officers from all areas will secure and execute drugs warrants. Drug searches also feature heavily in the tasks allocated to Gedling's 'Operation Reacher' team, which is a newly formed proactive neighbourhood enforcement team. They have been in operation since the end of January 2020.

### 16.3 The number of searches, by power, in Mansfield and Ashfield

	% of total	Arrest	Arrest Rate	Positive Outcome	Positive Outcome Rate	Arrest & Positive Outcome Rate	No Arrest or Positive Outcome	Total	% of total
<b>Mansfield &amp; Ashfield</b>									
Criminal Justice Act 1988, s139B	0.6%	2	66.7%	0	0.0%	66.7%	1	3	0.6%
Firearms Act 1968, s47	0.4%	0	0.0%	1	50.0%	50.0%	1	2	0.4%
Misuse of Drugs Act 1971, s23	82.8%	67	14.9%	85	18.8%	33.7%	299	451	82.8%
Police and Criminal Evidence Act 1984.	16.3%	17	19.1%	8	9.0%	28.1%	64	89	16.3%
<b>Total</b>		<b>86</b>	<b>15.8%</b>	<b>94</b>	<b>17.2%</b>	<b>33.0%</b>	<b>365</b>	<b>545</b>	

During 2019/20, the Community Safety Partnership's priority for Mansfield remained on tackling the use of Mamba and ASB in the town centre. These issues have been of such a magnitude and concern for local businesses, members of the public and partners, that a long-term partnership problem-solving plan was required. Whilst providing support for those sleeping rough and using drugs in the town centre, there was also a requirement for enforcement utilising stop search powers under Misuse of Drugs Act to tackle the ensuing anti-social and drug fuelled behaviours. Operation Guardian tactics, as described in Section 18, were also utilised on a number of occasions in Mansfield Town Centre along with a Knife-Arch to help reduce levels of violent crime.

Action was required following the identification of a specific issue of criminality involving the committing of a number of serious crimes in a specific geographic community in Mansfield. Again, this required the writing of a bespoke problem-solving plan with partners. An increase in serious crime was the stimulus for this plan. However, on gaining a better understanding of the intelligence picture it identified that the cause of the criminality was drug dealing. One of the tactical solutions identified within the plan therefore, was to increase the intelligence provision to help officers form the grounds for stop and search. Again, this response helped to increase the number of drugs searches.

In Ashfield, the prevalence of drugs and violent crime became a police priority following a review of crime and intelligence as well as a public consultation exercise. To tackle these issues one of the tactics available was the use of drugs based searches. This explains the high levels of such searches compared to those under other powers.

During 2019/20, the Knife Crime Team deployed to Mansfield and Ashfield as a response to the 'severity- data', showing a high volume of serious crime in this area. Again, this caused uplift in the number of drugs searches as evidenced within Section 20 on how this team operates.

## 17 HOW DRUGS SEARCHES ALIGN WITH FORCE-LEVEL PRIORITIES

To identify whether or not the level of drug searches is in or out of step with force priorities one clearly needs to review these priorities. The force reviewed and assessed the updated Strategic Intelligence Assessment for 2019/20 alongside its predecessor for 2018/19; having done this no need to change was identified. However looking forward into 2020/21 the Control Strategy priorities have been changed based upon the work

undertaken in the previous year. The following were assessed as posing the highest threat to Nottinghamshire Police:

- Organised Crime Groups, Firearms and Drug Supply;
- Domestic Abuse (including Honour Based Abuse & Forced Marriage, Stalking and Harassment)
- Sexual Offences
- Knife Crime and Serious Violence
- Acquisitive crime
- Counter Terrorism
- Cyber & Financial Crime

The priorities that focus on reducing violence and weapon enabled crime and reducing dwelling house burglary (Acquisitive Crime) are clearly identified within the area rationales (Sections 15 and 16) for running operations and the conducting of drug searches. With drugs seen as being a primary driver for criminality it would be a mistake to assume that drugs searches do not achieve an operational benefit beyond tackling low level drugs possession and indeed supply. Drugs drive criminality and in particular violence and weapon enabled criminality. The 26% reduction in violent crime evidenced during the running of Operation Guardian (see Section 18 below) is stark evidence of the value of focusing on drugs in the right way.

## **18 HOW OPERATIONS IMPACT ON DRUG SEARCH VOLUMES 1 - GUARDIAN**

Op. Guardian reduces the use and distribution of drugs in Nottingham City Centre, to do this. The use of illegal stimulant drugs has been found to be a factor in causing violent crime within the 'night time economy' (primarily Wednesday, Friday and Saturday evenings) particularly when these drugs are taken with alcohol.

The operations run with a passive drugs dog; this is a police dog trained to smell illegal drugs. The drugs dog is supported by a number of plain-clothed and uniformed officers who, when there is an indication by the dog that the individual is in possession of drugs, can use stop and search powers to identify the substance smelt.

Officers are required to establish grounds for the search that go beyond 'the smell of the drugs alone'. They ask questions relating to why the dog may have indicated the person searched was carrying drugs, their physical appearance or evasiveness to questions or the fact that the person sought to avoid the drugs dog. Officers record these factors within their grounds to justify the use of stop and search.

This operation has resulted in the seizure of a quantity of illicit substances and, depending on the substance recovered and the behaviour of the individual who was in possession, individuals arrested, warned or otherwise advised.

145 Operation Guardian drugs searches were undertaken during 2017/18; these searches delivered a 55.9% outcome rate of which 81.5% was linked to the object of the search. In 2018/19, 212 drugs searches were undertaken delivering a 41.5% outcome rate, though 100% of these linked to the object, all searches used the Misuse of Drugs Act and every outcome related to drugs. Included within these were 34 cannabis and 35 cocaine finds.

In 2019/20 698 drugs searches were undertaken (229% increase) within a 36.1% outcome rate. 98.7% of these outcomes linked to the object and 98% of the searches used the Misuse of Drugs Act. The majority of the remainder were undertaken under s.1

of PACE. The 698 searches represent 16% of the 4,352 drugs searches undertaken in the force area during 2019/20, up from 10% the previous year.

There has been no formal report on Operation Guardian written for 2019/20. It remains valuable however to report the positive outcomes from this operation that it is reasonable to presume are still being delivered. A review written in October 2018, recorded these as:

- There were just under 26% fewer violence and public order offences on Op Guardian dates in 2018 compared to the same nights in 2017 when it was not run;
- Op Guardian has the greatest effect on nights when violence is higher, meaning that the best time to deploy it is during periods of higher risk;
- On deployments of Op Guardian, the majority of offences occur much earlier on due to proactive activity and levels do not rise later in the night as a result; this allows for a greater degree of control over the Night Time Economy;
- The geographical spread of violence is tighter and less clustered during Op Guardian, suggesting a more controlled and predictable Night Time Economy with fewer violent offenders.

During 2018/19 the arrest or positive outcome rate in the force for all searches was 44.2%; a 41.5% outcome rate for this passive drugs dog operation targeted at reducing violent crime; is a positive outcome.

## **19 HOW OPERATIONS IMPACT ON DRUG SEARCH VOLUMES 2 - SCORPION**

Nottinghamshire received Home Office surge funding in 2019/20, these funds supported police operational activity in 18 areas of the country to tackle and reduce serious violence, particularly knife crime. This funded activity across the areas of prevention & enforcement, intelligence & targeting and the investigative response to serious violence offences.

Activity included deploying additional officers to work alongside the knife crime team to increase its operational capacity and high profile operations such as Operation Guardian (a search operation tackling drug use and weapon carrying in the city centre 'night time economy'). Where intelligence indicated an issue, there was a deployment of weapons sweeps and knife arches. High profile search operations at prisons; as well as local policing activity and patrols across every neighbourhood area of Nottinghamshire were also used. Year to date (at point of writing in June 2020) we have seen a reduction of knife crime offences in Nottinghamshire of over 13%. This contrasts with a continuing upward trend of these offences nationally.

Specific analytical products, to ensure efforts focused on the areas where there was a current issue of serious violence, supported all this activity. Surge funding will continue into 2020/21. The tables below indicate the number of searches undertaken. The first table is the total number of searches. The following two tables present the searches undertaken either through the knife crime team (KCT) or through Op. Guardian. It should be noted that the numbers in Table's 2 and 3 are included in Table 1 and that the searches undertaken by officers attached to but not part of the KCT are included in this total. This is why the numbers are higher than in section 20 below.

Table 1

Knife Crime Surge Activity	
City	County
477 Arrests	219 Arrests
1867 Stop Searches	576 Stop Searches
180 Weapons Seized	90 Weapons Seized
684 Drugs Seized	151 Drugs Seized

Table 2

KCT Team Surge Activity	
City	County
308 Arrests	31 Arrests
1141 Stop Searches	91 Stop Searches
81 Weapons Seized	12 Weapons Seized
370 Drugs Seized	28 Drugs Seized

Table 3

Op Guardian Tactic	
City	County
16 Arrests	7 Arrests
271 Stop Searches	70 Stop Searches
3 Weapons Seized	17 Weapons Seized
103 Drugs Seized	20 Drugs Seized

Due to the data capture processes used it has not been possible to identify how many of these 2,443 searches undertaken using this 'Scorpion' knife-crime surge money were conducted using the Misuse of Drugs Act. Nor is it possible to identify the arrest and positive outcome rate. It is however possible too to identify that this number of searches will have had a significant part to play in the uplift in both the total volume of force searches during 2019/20 as it represents 45% of the total 5,415 searches, and the number of drugs focussed searches, as highlighted in section 22 below.

## 20 HOW OPERATIONS IMPACT ON DRUG SEARCH VOLUMES 3 – KNIFE CRIME

Violent knife crime is increasing nationally, though Nottinghamshire has 'bucked' this trend with a 12.8% reduction in knife crime during 2019/20. As evidenced previously there has been an increased focus on using stop and search powers to help deter, disrupt and detect criminal activity by taking weapons off the street and thereby reduce violent crime. The use of intelligence supports the proactive nature of the teams' efforts and offers the ability to identify prolific and habitual knife carriers.

Nottinghamshire Police established the Knife Crime Team in January 2016. Since its inception, the team has seized 393 weapons up from 290 in 2018/19. Intelligence-led stop and search encounters cause these weapons recoveries. This is not as a result of the indiscriminate use of these powers, but from using information given by the public to target those who are believed to be carrying knives and other weapons. The use of intelligence supports the proactive nature of the team's effort and offers the ability to identify prolific and habitual knife carriers.

The team has continued to deliver some notable results. In 2017/18, the arrest and positive outcome rate from the searches conducted was 58.9% of 231 searches. In 2018/19, the arrest and positive outcome rate was 51.5% of 603 searches. During this same period 92 weapons searches were undertaken; of these 32 had an arrest or positive outcome, which is 34.8%. 927 searches were undertaken 2019/20 with a 44.9% arrest

and positive outcome rate. 138 weapons based searches were undertaken with 34 arrests with 21 recovered weapons. This is a remarkable outcome rate from a higher volume of searches. In 2017/18, 73% of prohibited items recovered linked to the grounds for the search. During 2018/19, this figure had risen to 79.4%, in 2019/20 the rate was 78.8%.

The Knife Crime Team has made a significant investment in ensuring their stop and search powers are properly used. The supervisor actively seeks feedback on the quality of the recorded grounds from the various force-level audits. The positive results delivered by this team and the quality of their work have caused the force to establish a programme of attachments to it to spread this learning more widely. First, there was a series of 2-month attachments opened for officers. Second, officers posted to the team for daylong attachments, funded by the Government under 'Operation Scorpion', which is designed to reduce knife crime. These combined mean a high volume of officers can be better informed and more confident on using these powers.

A review of the team's activity has evidenced that despite tasking through the intelligence received on those carrying knives; a significant number of the searches conducted are using grounds established under the Misuse of Drugs Act. Of the 927 searches undertaken by the Knife Crime Team 768 were drugs searches, this is 82.3% of the total up from 76.8% in 2018/19. The 768 drugs searches represent 17.6% of the 4,352 drugs searches undertaken during 2019/20, down from 22% the previous year. During 2019/20 the arrest or positive outcome rate in the force for all searches was 37.7%; a 43.5% outcome rate for this team targeting the carrying of knives linked to drug supply and possession is positive.

## 20.1 Outcomes of Knife Crime Team searches during 2019/20

Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	196	27	133	36
Article Found - Detailed Outcome	21		19	2
Caution	1		1	
Community Resolution	1		1	
Drugs Possession Warning	52	2	49	1
Fixed Penalty Notice	4		4	
Other	10	8	2	
Summons	83	4	74	5
Verbal Warning	15	2	4	9
Voluntary Attendance	58	9	47	2
Nothing Found – No Further Action	515	511	1	3
<b>Total number of searches</b>	956			
<b>Arrests/Positive Outcomes</b>	<b>416</b>	<b>42</b>	<b>328</b>	<b>46</b>
<b>Rate</b>	<b>43.5%</b>	<b>4.4%</b>	<b>78.8%</b>	<b>11.1%</b>

The full detail of the numbers contained within this chart is in Appendix B.

## 20.2 Knife Crime Team outcomes rates including find rate for all ethnicities

Outcome	Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	181	26	120	35
Article Found - Detailed Outcome Unavailable	17		16	1
Community Resolution	1		1	
Drugs Possession Warning	47	2	44	1
Fixed Penalty Notice	3		3	
Other	7	5	2	
Summons	78	4	70	4
Verbal Warning	11	2	3	6
Voluntary Attendance	51	8	42	1
<b>Total of outcomes</b>	<b>396</b>			
<b>Nothing found - No further action</b>	<b>425</b>		<b>1</b>	<b>3</b>
<b>Total searches</b>	<b>821</b>			
<b>Arrest/Positive Outcomes</b>	<b>378</b>	<b>40</b>	<b>296</b>	<b>42</b>
<b>Rate</b>	<b>46.0%</b>	<b>10.6%</b>	<b>78.3%</b>	<b>11.1%</b>



The positive outcome rate is 46% (compared to 43.5% for all searches). This is slightly higher because there are a number of searches where there is no record of the ethnicity. This is because the person searched chose not to 'self-define'. As a benchmark, 78.3% of prohibited items recovered linked to the object of the search. Again, positive outcomes do not include verbal warning or outcomes defined as 'other'.

### 20.3 Knife Crime Team outcomes rates including find rate for Asian people

Outcome	Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	31	3	23	5
Article Found - Detailed Outcome Unavailable	3		3	
Drugs Possession Warning	13		13	
Fixed Penalty Notice	1		1	
Other	2	1	1	
Summons	13		13	
Voluntary Attendance	6	1	5	
Total of outcomes	69			
Nothing found - No further action	79			1
Total searches	148			
Arrest/Positive Outcomes	67	4	58	5
Rate	45.3%	6.0%	86.6%	7.5%

The 45.3% positive outcome rate (compared to 43.5% for all ethnicity-defined searches) is comparable. The linked rate of 86.6% (benchmark of 78.3% for all ethnicity-defined searches) is high and positive.

### 20.4 Knife Crime Team outcomes rates including find rate for Black

Outcome	Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	37	3	26	8
Article Found - Detailed Outcome Unavailable	3		3	
Drugs Possession Warning	10		10	
Fixed Penalty Notice	1		1	
Other	4	3	1	
Summons	19	2	16	1
Verbal Warning	2		2	
Voluntary Attendance	7	2	5	
Total of outcomes	83			
Nothing found - No further action	85		1	1
Total searches	168			
Arrest/Positive Outcomes	77	7	61	9
Rate	45.8%	9.1%	79.2%	11.7%

The 45.8% positive outcome rate (compared to 43.5% for all ethnicity-defined searches) is comparable. The linked rate of 79.2% (benchmark of 78.3% for all ethnicity-defined searches) remains comparable.

### 20.5 Outcomes rates including find rate for dual / multiple heritage

Outcome	Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	15	2	9	4
Article Found - Detailed Outcome Unavailable	3		2	1
Drugs Possession Warning	1		1	
Summons	7	1	6	
Verbal Warning	3		1	2
Voluntary Attendance	5		5	
Total of outcomes	34			
Nothing found - No further action	36			
Total searches	70			
Arrest/Positive Outcomes	31	3	23	5
Rate	44.3%	9.7%	74.2%	16.1%

The positive outcome rate of 44.3% (compared to 43.5% for all ethnicity-defined searches) is comparable though with a relatively low number of searches at 31. The linked

rate of 74.2% (benchmark of 78.3% for all ethnicity-defined searches) is lower but not significantly so with the low number of searches. The search rates by the knife crime team of those who are dual or multiple heritages was a risk for monitoring during 2019/20. Mitigated of this risk has taken place, though the low number of searches always made this is highly variable issue.

## 20.6 Knife Crime Team outcomes rates including find rate for 'other'

Outcome	Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	3		2	1
Summons	1		1	
Voluntary Attendance	1		1	
Total of outcomes	5		4	1
Nothing found - No further action	0			
Total searches	5			
Arrest/Positive Outcomes	5		4	1
Rate	100.0%		80.0%	20.0%

The positive outcome rate of 100% (compared to 43.5% for all ethnicity-defined searches) is significantly higher but with very low search numbers. The linked rate of 80% (benchmark of 78.3% for all ethnicity defined searches) is comparable but with very low search numbers.

## 20.7 Knife Crime Team outcomes rates including find rate for White

Outcome	Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Arrest	95	18	60	17
Article Found - Detailed Outcome Unavailable	8		8	
Community Resolution	1		1	
Drugs Possession Warning	23	2	20	1
Fixed Penalty Notice	1		1	
Other	1	1		
Summons	38	1	34	3
Verbal Warning	6	2		4
Voluntary Attendance	32	5	26	1
Total of outcomes	205	29	150	26
Nothing found - No further action	225			1
Total searches	430			
Arrest/Positive Outcomes	198	26	150	22
Rate	46.0%	13.1%	75.8%	11.1%

The 46% positive outcome rate (compared to 43.5% for all ethnicity-defined searches) is higher but comparably so. The linked rate of 75.3% (benchmark of 78.8% for all ethnicity-defined searches) is low but not significantly so.

## 21 HOW OPERATIONS IMPACT ON DRUG SEARCH VOLUMES 4 - RELENTLESS

Op Relentless is a plain-clothes proactive operation running in Nottingham City Centre with four police officers and a sergeant. The operation developed due to a rise in drug taking in the city centre and the associated anti-social behaviour. The biggest issue was individuals using psychoactive substances in public areas and the strain this was causing on the police, Council, ambulance service and businesses in the areas as well as concerns from members of the public living, working and visiting the area.

The aim was therefore to tackle both drug use and dealing in the City Centre and to disrupt, deter and detect offences. The team is intelligence-led and works in conjunction with other public and third sector agencies as well as Nottingham City Council, the Council's Community Protection Team and the local Neighbourhood Policing Team. This ensures those who have substance abuse problems obtain the support that they need. It also ensures enforcement opportunities are considered and applied when necessary (such as assisting with obtaining closures for car parks which were drug use hotspots,



criminal behaviour orders, use of dispersal orders etc.). Liaison has also taken place with other forces to ensure information sharing and best practice.

Stop and search powers primarily for the use of drugs are a vital tool used by Op Relentless in the pursuit of the aim, there have been 720 stop searches conducted by the team between 2019/20.

#### **21.1 The powers used:**

	Number	Percentage
Criminal Justice Act 1988, s139B	9	1.3%
Misuse of Drugs Act 1971, s23	677	94.0%
Police and Criminal Evidence Act 1984.	33	4.6%
Police Reform Act 2002, Schedule 4, paragraph 7A	1	0.1%

#### **21.2 The object of the search:**

	Number	Percentage
Controlled Drugs	677	94.0%
Going Equipped	6	0.8%
Offensive Weapons	10	1.4%
PRA - Alcohol (Under 18)	1	0.1%
Stolen Goods	26	3.6%

#### **21.3 Arrest and Positive outcome rate:**

	Number	Percentage
Arrest and positive outcome rate	467	64.9%
No Further Action	253	35.1%

64.9% is a very high arrest and positive outcome rate compared to the force rate for all searches of 37.7%. This illustrates the scale and prevalence of the issues addressed. The arrest and positive outcome rate includes all the outcomes in the table below, 'No Further Action' and 'Verbal Warning' are not included.

#### **21.4 Search outcomes:**

	Number	Percentage
Arrest	68	9.44%
Article Found - Detailed Outcome Unavailable	6	0.83%
Caution	4	0.56%
Community Resolution	11	1.53%
Drugs Possession Warning	69	9.58%
Fixed Penalty Notice	3	0.42%
Nothing Found – No Further Action	209	29.03%
Other	10	1.39%
Summons	248	34.44%
Verbal Warning	34	4.72%
Voluntary Attendance	58	8.06%

#### **21.5 The ethnicity of those stopped and searched**

	Number	Percentage
White	522	72.5%
Mixed Heritage	20	2.8%
Asian	15	2.1%
Black	20	2.8%
Chinese or Other	6	0.8%
Not Stated	135	18.8%
(blank)	2	0.3%
BAME	61	8.5%

**21.6 The age range of those stopped and searched:**

Age Range	Number	Percentage
10-17	39	5.42%
18-24	131	18.19%
25-34	197	27.36%
35-59	277	38.47%
60+	9	1.25%
Not Given	67	9.31%

**22 THE EFFECT OF OPERATIONS ON DRUG SEARCH VOLUMES**

During 2018/19, of the 3,023 searches 69.7% (or 2,106 searches) were undertaken looking for drugs. In 2019/20, the rate was 4,352 searches (80.4%) out of 5,415 searches. Questions have are posed regarding why the number of drug searches are so high when drugs are not a force priority.

As reported in sections: 18, 19 and 20; a total of 698 drugs searches were undertaken in the course of Op. Guardian (violence reduction in the night-time economy); 927 drugs searches took place as a result of the activities of the Knife Crime Team and 720 drugs searches through Op Relentless (tackling drug taking in open spaces). A total from the three operations of 2,345 drugs searches.

A further 870 searches were undertake using Op Scorpion surge monies designed again to tackle knife crime A significant number of additional Scorpion searches were undertaken under the Knife Crime Team and Op Guardian returns. The total number of searches from the four operations was 3,115 (57.5% of all searches); each was targeted on reducing violent crime or community concerns.

On removing the targeted drug searches from the annual total, the volume of drugs searches undertaken in the force during 2019/20 drops from 80.4% to 65%. This is an increase from the 54% recorded in 2018/19 but a drop of 15% in the total number of drugs based searches. This number is calculated by the total number of searches (5,415) minus the number of operations based drugs searches (2,345) divided by the number of non-operations based drugs searches (2,007) or  $5,415 - 2,345 = 3,070$ . 2007 is calculated as a percentage of 3,070. This still does not take into account the searches undertaken in other operations run locally to address specific short-term issues.

Whilst this figure of 65% remains high a number of these searches are undertaken in reactive circumstances; for example, where a call for attendance is made from a member of the public, CCTV operators or door staff outside night-clubs. It is possible to quantify the volume of police officer self-generated vs reactive drugs searches through audit. However, this audit is highly subjective. For example is an intelligence based stop 'reactive' or 'proactive'. Similarly, when an officer walks past a person smoking cannabis, is this 'reactive' or 'proactive'?

In the audit undertaken during 2019/20 a very simplistic view was taken that for a search to be 'reactive' it was based upon the officer being called to the scene by CCTV operators or a member of the public reporting an incident. Indicatively, using this methodology, 12.3% of searches were reactive. In 2020/21, greater nuance will be required to give a clearer picture of what triggered these searches.

**23 SECTION 60 AUTHORITIES IN 2019/20**

No section 60s were authorised during 2019/20.

## 24 STRIP AND MORE THOROUGH SEARCHING

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, quite simply because there is a moral imperative for this to be the case:

- Ideas and good practice from the Metropolitan Police Service was adopted, in particular designated rooms were set up in all police stations to ensure there was privacy during any such searches;
- Conducting such searches at custody suites was determined to be inappropriate. The reason for this being that as the person being searched was not under arrest searching at such a facility would / may cause the individual confusion as to whether they were in fact ‘under arrest’, and may leave the organisation open to criticism;
- The requirement was 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. Subsequently there have been a number of 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, thereby 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 searches audits are undertaken and feedback provided to both officers and the authorising Inspectors.

### 24.1 ‘Strip’ and ‘More Thorough’ search numbers 2019/20

Total number of stop and searches	5,415
Total no. of strip searches	104 (1.9% of total)
Total no. of 'More Thorough' searches	23
Number of officers using these powers	71
Strip searches per calendar month	7.7

**24.2 Arrest / Positive Outcome rate against volume and power used**

Power	Outcome					Total Positive Outcome
	Arrest	Cannabis Warning	FPN	Vol. Att / RFS / Article found	N/A	
Misuse of Drugs Act 1971, s23	14	5	0	31	50	100 (50%)
Police and Criminal Evidence Act 1984.	0	0	0	3	0	3 (100%)
Criminal Justice & Public Order Act '88	0	0	0	1	0	1 (100%)
<b>Total</b>	<b>14</b>	<b>5</b>	<b>0</b>	<b>35</b>	<b>50</b>	<b>104 (54%)</b>

- 96% of searches are conducted for drugs compared to 98% the year before;
- 54% of drugs searches result in a positive outcome compared to 65%

**24.3 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	34	8	19	19	0	20	100
Police and Criminal Evidence Act 1984.	1	0	0	2	0	0	3
Criminal Justice & Public Order Act '88	0	0	0	0	0	1	1
<b>Total</b>	<b>35</b>	<b>8</b>	<b>19</b>	<b>21</b>	<b>0</b>	<b>21</b>	<b>104</b>

**24.4 Outcomes of searches by self-defined ethnicity**

Outcome Rates	White	Dual / Multiple Heritage	Asian or Asian British	Black or Black British	Chinese or Other Ethnic Group	Not stated	Total
<b>Arrests</b>	6	2	2	2	0	2	14
<b>Positive Outcome</b>	17	2	6	10	0	5	40
<b>NFA</b>	12	4	11	9	0	14	50
<b>Total</b>	<b>35</b>	<b>8</b>	<b>19</b>	<b>21</b>	<b>0</b>	<b>21</b>	<b>104</b>
<b>Arrest Rate</b>	17%	25%	10.5%	9.5%	N/A	9.5%	13.5%
<b>Total arrest/ positive outcome rate</b>	23 66%	4 50%	8 42%	12 57%	0	7 33%	54 52%

The relative low numbers make comparison difficult but there is a high arrest and positive outcome rate across all ethnicities. The BAME arrest and positive outcome rate is 20 out of 30 searches or 67% compared to 63% for white.

## 24.5 The proportionality of strip searching

Power	Proportionality				
	(1) White	(2) Mixed	(3) Asian or Asian British or other	(4) Black or Black British	BAME
Misuse of Drugs Act 1971, s23	-	7.4	8.5	19.9	10.8
Police and Criminal Evidence Act 1984.				Can't be calculated	
<b>Total</b>	-	7.2	8.3	21.3	10.9

- The proportionality for searches of Black people under the Misuse of Drugs Act has dropped to 19.9 compared to 25.4 the year before and 14.2 and 35.5 in the previous years; the number of searches rose to 19 from 15 and 8.
- This searching of people from the Black, Asian and minority ethnic communities has dropped slightly to 10.9 from 11; the number of searches rose to 48 up from 30.
- This searching of people from BAME communities under PACE cannot be meaningfully be calculated as there were only two searches.

## 24.6 Grounds audit for strip searches 2019/20

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 2019/20, a total of 5,415 stop and searches were conducted;
- 104 of these searches were strip searches – 1.9% of all searches;
- Of the 104 strip searches, the grounds to move to a strip search were made out on 79 occasions or 76%, which is up slightly from the 74% in the previous year. It was also 74% in 2017/18 and 28% in 2016/17. 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.

## 24.7 Summary of activity 2013/14 to 2019/20

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	5384	235	19.6	40.9%	N.R.	11.5	4.7
2014/15	4047	105	8.8	48.8%	52.4%	17.2	5.0
2015/16	2682	79	6.6	58%	61%	15.0	5.0
2016/17	1812	58	4.8	60%	60%	32	12.3
2017/18	1908	33	2.8	55%	64%	14.2	6.4
2018/19	3023	58	4.8	66%	67%	25.4	11.0
2019/20	5415	104	8.6	52%	50%	19.9	10.9

- The number of stop and searches in Nottinghamshire's force area had reduced by 64.5% from 5,384 in 2013/14, to 1,908 in 2017/18; however during 2018/19 there was

a significant uplift to 3,023 a 58% increase and in 2019/20 there was a further increase to 5,415 that represents an 79% increase on the previous year.

- The use of strip search reduced significantly between 2013/14 and 2017/18; from 235 to 33, an 85.9% reduction however during 2018/19 there was a significant uplift to 58 a 76% increase and in 2019/20 the number rose once again to 104 a 79% increase. However, the ratio to all searches dropped slightly from 2.0% in 2018/19 to 1.9% in 2019/20.
- Between 2013/14 and 2017/18 the number of officers using strip search reduced from 141 to 24 - a 82.9% reduction; during 2018/19 there was a significant uplift to 59 officers using these powers. In 2019/20, the number fell again to 45.
- The arrest rate and positive outcome rate for those who are White during the last full performance year was 66% up from 63% (35 total searches) in 2018/19, compared to 42% for Asian down from 78% (total 19 searches) and 57% for Black (21 total searches) down slightly from 58%. The rate for those of Dual or Multiple Heritages is 50% though with only four such searches.
- 100% of the grounds recorded for the strip searches passed the standard audit in 2019/20, following active communication of the recording requirement.
- The 'force requirement' to record strip search to a higher standard is steadily being met; despite this not yet being a 'legal requirement' – 76% complied with the requirement up from 74% the previous year:
  - Work covering the required standard for data recording was undertaken.
  - An 'aide memoire' and poster were written and circulated. These outlined 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 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.
- Proportionality has dropped very slightly from 11.0 to 10.9 for those from BAME communities. The number of searches of those from Black, Asian and Minority Ethnic communities has also risen from 30 to 48. This does represent a community confidence issue; though the total number of searches is low.
- All bar 4 of the strip searches were conducted under the Misuse of Drugs Act.
- During 2019/20, 22 'more thorough', searches were undertaken compared to 46 in 2018/19. Of these 22 searches, 1 was conducted to find a weapon, 15 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 and 6 were under the Police and Criminal Evidence Act for stolen goods.
- Of the 22 searches conducted, two were undertaken on those self-identifying as Asian, 5 as being Black, 1 as being dual or multiple heritage and 6 as White. 8 did not self-define their ethnicity.
- Whilst these numbers are low, the proportionality of these searches remains a community concern. Understanding this data and conducting the regular audits means the Force can both better explain and be held to account for its activity. The



majority of the searches target into high crime areas and many have recent intelligence recorded as an aspect of the grounds.

- There will be a number of reasons for this change in position between the last three 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 any future HMI Recommendations and required a standard of recording that exceeds the existing requirement – in that all strip searches require an Inspector's approval, not just those of children under the age of 18.

## **25 OTHER INITIATIVES AND OUTCOMES DURING 2019/20**

- The 2019 HMIC PEEL Legitimacy Inspection reviewed the grounds recorded on 97 stop and search records; this audit identified that Nottinghamshire Police had a 96% pass rate. The national standing of this result remains unknown. The force has provided the data set for a further review in 2020 however; Covid-19 has prevented this taking place.
- Monthly audits have continued which review the grounds recorded for each stop and search encounter, to ensure they are compliant with the legal requirement. These audits include:
  - 100 grounds recorded for a 'standard' stop and search;
  - Grounds recorded for all 'more through' and 'strip searches';
  - The grounds recorded by officers who statistically have higher search rates of those from the BAME communities.
  - The new audit reviewing the number of drugs possession vs supply searches and reactive vs officer generated searches have commenced and is reported on in this 2019/20 Annual Report.
- The Police and Crime Commissioner (PCC), Paddy Tipping, has continued his close work with a BME Monitoring Group, which scrutinises the force's stop and search performance and practice.
- Members of the public watch stop and search in action as part of the continuing work to deliver against the Best Use of Stop and Search Scheme (BUSSS). Operation Guardian provides the lay-observer opportunity. More recently there has been an increasing number of 'lay-observers' going out on patrol with officers as part of the Ride Along Scheme.
- 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 2019/20, we have once again published our stop



and search data on the force website so that it is available for public viewing and scrutiny.

- 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 info-graphic can be found at the Stop and Search title page: <http://www.nottinghamshire.police.uk/stopsearch>.
- The Professional Standards Directorate (PSD) works to increase the awareness of, and community confidence in the complaints procedure. The aim is for these communities to feel able to report their concerns and complaints.
- Current complaint levels are low. This may reflect a lack of confidence in complaint handling processes. While we would prefer that people do not have to complain, complaints demonstrate confidence that issues raised will be taken seriously and a resolution or redress will be provided. 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 Fire and Rescue Service (HMICFRS) reports from 2013, 2015, 2017 and 2019. Reports on activity to deliver against the recommendations are contained both on the force website and within this report.
- 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.

## **26 LOOKING BACKWARD / LOOKING FORWARD – IDENTIFIED RISKS**

The 2018/19 Annual Report identified five risks from the data analysis. The data from 2019/20; is reviewed for progress against these.

1. In Section 7 the number of searches of Asian people in the 18-24 age group were higher than other ethnicities. The dip testing of grounds by ethnicity has identified no issue. The 2019/20 data indicates that, taking into account the low numbers in some age groups, it is now noticeable that this disparity has moved to the 25-34 age group. No obvious reason for this has been identified through auditing, other than the low numbers of searches, which is less than 1 per day pro rata. As outlined within this report, supervisors are now required to review the BWV or account for not reviewing it in 2020/21.
2. In Section 8 of the 2018/19 report, the rate of handcuffing for BAME communities was disproportionately higher than for White community. The Stop and Search Scrutiny Board has continued to discuss this issue. The focus of this discussion remains on how stop and search and indeed the police, are viewed within certain communities. These views impact upon the interaction between the officer and the person searched.

The data from 2019/20 shows that handcuffs were applied in 23% of searches, down from 30% in 2018/19; 9% of these are applied in a 'non-compliant', way down from

11%. The over-whelming reason for the application of handcuffs is to prevent the escape of the person searched; at 72.1% up from 71.4% of compliant searches.

The work undertaken during 2019/20 to focus officer's minds more on the necessity of handcuffing has paid dividends by helping to reduce the rate of handcuffing. Work is still required though. The changes to the officer's mobile data 'App' that records stop and search encounters, require supervisors to review the recording and make comment about it. The 2020/21 Annual Report will review this data.

3. In Section 10, in 'Outcome rates by ethnicity and legislation', the arrest of White people is less likely than people who are Asian or Black. An attempt was made to review through an indicative dip-sample the arrest records of Asian, Black and White people, and where possible the review of the BWV recording. The aim being to ensure the Police and Criminal Evidence (PACE) Act Code G necessity for arrest test had been properly and proportionality met. However, the detail simply did not exist for this to be a valid audit protocol. The grounds for arrest have to be present for the custody team to authorise detention. With the Body Worn Video records the volume of work required, compared to the time available also precluded this. Consequently, further data review year on year is required.

The data in the 2019/20 Report indicates that there is no undue variance between the arrest and positive outcome indicators if the searches of White people are taken as the benchmark, as these outcome rates are mid-table and not outliers. However, when comparing the arrest data from 2018/19 and 2019/20 there has been a general drop in arrests, Asian (5.4%), Black (4.8%) and White (4.3%). The arrest of White people is less likely, though the positive outcome rate is the highest for this group. These are important indicators and need on-going monitoring.

The narrative around arrest rates is complex as the nature of offence, the circumstances of the search and the demeanour of the person being searched all impact on the decision to arrest. Again, the relatively low number of searches with an outcome of those from the BAME communities means that the data will flex with a small number of arrests.

It was identified in 2018/19 that drug focussed searches of those who are Black were relatively low. This was counter-intuitive to the narrative sometimes presented that police officers are prone to search Black people for drugs. In 2019/20, the search rate is now 'mid-table'.

4. It was identified in Section 11 covering 'the total find rate of those from dual or multiple heritages', that in 2018/19 a prohibited item was recovered in 32.9% of searches compared to 39.6% of all searches. The item seized rate was comparative at 87.5% against 89.3% of all searches. This indicated a significantly lower positive outcome rate and a lower comparative linked rate. In 2019/20, 33.9% of searches located a prohibited item, compared to 39% of all searches. 90% of the outcomes were linked to the object of the search compared to 90.9% of all searches. The gap has therefore closed. Nothing within the ethnicity-based audits was identified that would give a ready explanation for this so this figure will continue to be monitored.

5. In Section 19 related to the Knife Crime Team in 2018/19, considering the 'outcomes rates including find rate for dual / multiple heritage' people. The 46.8% positive outcome rate (compared to 55.4% for all ethnicity-defined searches) was significantly lower. However, there are a relatively low number of searches at 62. The linked rate of 65.5% (benchmark of 79% for all ethnicity-defined searches) is also significantly lower.

In 2019/20, this position has changed significantly. The positive outcome rate of 44.3% (compared to 43.5% for all ethnicity-defined searches) is comparable though with a relatively low number of searches at 31. The linked rate of 74.2% (benchmark of 78.3% for all ethnicity-defined searches) is lower but not significantly so with the low number of searches. The search rates, by the knife crime team, of those who identify as dual or multiple heritages; was a risk for monitoring during 2019/20. This monitoring has mitigated though based upon a small number of searches.

## 27 APPENDICES

### Appendix A

#### The 2018/19 and 2019/20 comparative data for the outcomes

A1	For those self-defining as Asian	44
A2	For those self-defining as Black	45
A3	For those self-defining as dual or multiple heritage	46
A4	For those self-defining as 'other'	47
A5	For those self-defining as White	48

### Appendix B

#### Detailed outcome by legislation for the knife crime team

B1	Controlled drugs	49
B2	Firearms	49
B3	Going equipped	49
B4	Offensive weapons	49
B5	Dangerous instruments	49
B6	Stolen goods	49

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A1 - The 2017/18 and 2018/19 comparative data for the outcomes for those self-defining as Asian

Asian	Arrest	Article Found - Detailed Outcome Unavailable	Caution	Community Resolution	Drugs Possession Warning	Fixed Penalty Notice	Nothing Found – No Further Action	NPS - Offence	NPS - Possession Only	Other	Summons	Verbal Warning	Voluntary Attendance	Grand total	% of Total Searches
Criminal Justice Act 1988, s139B	2											1		3	1.5%
Customs And Excise Management Act 1979, S163	1						1							2	1.0%
Firearms Act 1968, s47							2			1				3	1.5%
Misuse of Drugs Act 1971, s23	34	2	1		18	4	68	1		14	9	1	14	166	81.0%
Paragraph 10 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011							1							1	0.5%
Police and Criminal Evidence Act 1984.	4	1		1	1		13			5			1	26	12.7%
Section 60 Criminal Justice and Public Order Act 1994							4							4	2.0%
<b>Total</b>	<b>41</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>19</b>	<b>4</b>	<b>89</b>	<b>1</b>	<b>0</b>	<b>20</b>	<b>9</b>	<b>2</b>	<b>15</b>	<b>205</b>	
<b>Outcome Rate</b>	<b>20.0%</b>	<b>1.5%</b>	<b>0.5%</b>	<b>0.5%</b>	<b>9.3%</b>	<b>2.0%</b>	<b>43.4%</b>	<b>0.5%</b>	<b>0.0%</b>	<b>9.8%</b>	<b>4.4%</b>	<b>1.0%</b>	<b>7.3%</b>		

Asian	Arrest	Article Found - Detailed Outcome Unavailable	Community Resolution	Drugs Possession Warning	Fixed Penalty Notice	Nothing Found – No Further Action	NPS - Offence	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total
Firearms Act 1968, s47						2						2
Misuse of Drugs Act 1971, s23	40	6	2	40	6	139		20	22	3	14	292
Police and Criminal Evidence Act 1984.	9	1			2	26	1	3				42
Section 60 Criminal Justice and Public Order Act 1994						1						1
Terrorism Act 2000, s43						1						1
<b>Total</b>	<b>49</b>	<b>7</b>	<b>2</b>	<b>40</b>	<b>8</b>	<b>169</b>	<b>1</b>	<b>23</b>	<b>22</b>	<b>3</b>	<b>14</b>	<b>338</b>
<b>Outcome Rate</b>	<b>14.5%</b>	<b>2.1%</b>	<b>0.6%</b>	<b>11.8%</b>	<b>2.4%</b>	<b>50.0%</b>	<b>0.3%</b>	<b>6.8%</b>	<b>6.5%</b>	<b>0.9%</b>	<b>4.1%</b>	

The total number of searches of Asian people has risen from 205 to 338 (65%) and the number of arrests has risen by 19.5% (from 41 to 49). The positive outcome rate (taken from the numbers in the shaded boxes) has risen from 53 (25.8%) to 94 (27.8%). This gives a combined arrest and positive outcome rate of 42.3% in 2019/20 down from of 45.9% in 2018/9 and 33.7% in 2017/18.

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A2 - The 2017/18 and 2018/19 comparative data for the outcomes for those self-defining as Black

<b>Black</b>	<b>Arrest</b>	<b>Article Found - Detailed Outcome Unavailable</b>	<b>Caution</b>	<b>Community Resolution</b>	<b>Drugs Possession Warning</b>	<b>Fixed Penalty Notice</b>	<b>Nothing Found – No Further Action</b>	<b>NPS - Offence</b>	<b>NPS - Possession Only</b>	<b>Other</b>	<b>Summons</b>	<b>Verbal Warning</b>	<b>Voluntary Attendance</b>	<b>Grand Total</b>	<b>Grand Total</b>
Criminal Justice Act 1988, s139B	2	1					4							7	2.3%
Misuse of Drugs Act 1971, s23	41	9	2		18	4	91			20	19	4	12	220	71.2%
Paragraph 10 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011							2							2	0.6%
Paragraphs 6 & 8 of Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011										1				1	0.3%
Police and Criminal Evidence Act 1984.	13	1		1			41			14	1	2	1	74	23.9%
Section 60 Criminal Justice and Public Order Act 1994	1						4							5	1.6%
<b>Total</b>	<b>57</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>18</b>	<b>4</b>	<b>142</b>	<b>0</b>	<b>0</b>	<b>35</b>	<b>20</b>	<b>6</b>	<b>13</b>	<b>309</b>	
<b>Outcome Rate</b>	<b>18.4%</b>	<b>3.6%</b>	<b>0.6%</b>	<b>0.3%</b>	<b>5.8%</b>	<b>1.3%</b>	<b>46.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>11.3%</b>	<b>6.5%</b>	<b>1.9%</b>	<b>4.2%</b>		

<b>Black</b>	<b>Arrest</b>	<b>Article Found - Detailed Outcome Unavailable</b>	<b>Caution</b>	<b>Community Resolution</b>	<b>Drugs Possession n Warning</b>	<b>Fixed Penalty Notice</b>	<b>Nothing Found – No Further Action</b>	<b>NPS - Possession Only</b>	<b>Other</b>	<b>Summons</b>	<b>Verbal Warning</b>	<b>Voluntary Attendance</b>	<b>Grand Total</b>
Criminal Justice Act 1988, s139B	5						5		1				11
Firearms Act 1968, s47	1						1		1				3
Misuse of Drugs Act 1971, s23	49	6	1	1	33	3	193	1	39	29	7	10	372
Police and Criminal Evidence Act 1984.	12	2	1				41		11	2	5	2	76
Section 60 Criminal Justice and Public Order Act 1994									1				1
<b>Total</b>	<b>67</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>33</b>	<b>3</b>	<b>240</b>	<b>1</b>	<b>53</b>	<b>31</b>	<b>12</b>	<b>12</b>	<b>463</b>
<b>Outcome Rate</b>	<b>14.5%</b>	<b>1.7%</b>	<b>0.4%</b>	<b>0.2%</b>	<b>7.1%</b>	<b>0.6%</b>	<b>51.8%</b>	<b>0.2%</b>	<b>11.4%</b>	<b>6.7%</b>	<b>2.6%</b>	<b>2.6%</b>	

The total number of searches of black people has risen from 309 to 463 (49.8%) and the number of arrests has dropped by 17.5% (from 57 to 67). The positive outcome rate (taken from the numbers in the shaded boxes) has dropped from 69 (22.3%) to 97 (20.9%). This gives a combined arrest and positive outcome rate in 2019/20 of 35.4% down from 40.8% in 2018/19 and 35.6% in 2017/18.

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A.3 - The 2017/18 and 2018/19 comparative data for outcomes for those self-defining as dual or multiple heritages

Dual or multiple heritage	Arrest	Article Found - Detailed Outcome Unavailable	Caution	Community Resolution	Drugs Possession Warning	Fixed Penalty Notice	Nothing Found – No Further Action	NPS - Offence	NPS - Possession Only	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total	Grand Total
Criminal Justice Act 1988, s139B							10			3			2	15	8.8%
Firearms Act 1968, s47	1						4			2				7	4.1%
Misuse of Drugs Act 1971, s23	16	2	1		9		49			11	14	1	10	113	66.5%
Police and Criminal Evidence Act 1984.	2			1	1		16			12	2			34	20.0%
Psychoactive Substances Act, s36										1				1	0.6%
<b>Total</b>	<b>19</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>10</b>	<b>0</b>	<b>79</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>16</b>	<b>1</b>	<b>12</b>	<b>170</b>	
<b>Outcome Rate</b>	<b>11.2%</b>	<b>1.2%</b>	<b>0.6%</b>	<b>0.6%</b>	<b>5.9%</b>	<b>0.0%</b>	<b>46.5%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>17.1%</b>	<b>9.4%</b>	<b>0.6%</b>	<b>7.1%</b>		

Dual or Multiple Heritage	Arrest	Article Found - Detailed Outcome Unavailable	Caution	Community Resolution	Drugs Possession n Warning	Nothing Found – No Further Action	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total
Criminal Justice Act 1988, s139B	4					5					9
Misuse of Drugs Act 1971, s23	21	5		2	14	88	11	15	12	13	181
Police and Criminal Evidence Act 1984.	7		1	2	1	31	2			1	45
Section 60 Criminal Justice and Public Order Act 1994									1		1
<b>Total</b>	<b>32</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>15</b>	<b>124</b>	<b>13</b>	<b>15</b>	<b>13</b>	<b>14</b>	<b>236</b>
<b>Outcome Rate</b>	<b>13.6%</b>	<b>2.1%</b>	<b>0.4%</b>	<b>1.7%</b>	<b>6.4%</b>	<b>52.5%</b>	<b>5.5%</b>	<b>6.4%</b>	<b>5.5%</b>	<b>5.9%</b>	

The total number of searches of those self-defining as dual or multiple heritage has risen from 170 to 236 (38.8%) and the number of arrests has risen by 68.4% (from 19 to 32). The positive outcome rate (taken from the numbers in the shaded boxes) has dropped from 42 (24.7%) to 54 (22.9%). This gives a combined arrest and positive outcome rate in 2019/20 of 36.4%, up from 35.9% 2018/9 and 29% in 2017/18.



GPMS – Unclassified NOTTINGHAMSHIRE POLICE

A4 - The 2017/18 and 2018/19 comparative data for the outcomes for those self-defining as 'other'

Other	Arrest	Article Found - Detailed Outcome Unavailable	Caution	Community Resolution	Drugs Possession Warning	Fixed Penalty Notice	Nothing Found – No Further Action	NPS - Offence	NPS - Possession Only	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total	Grand Total
Criminal Justice Act 1988, s139B							1							1	5.0%
Firearms Act 1968, s47							1							1	5.0%
Misuse of Drugs Act 1971, s23	2	1	1		2		6			2	1	1		16	80.0%
Police and Criminal Evidence Act 1984. Section 60 Criminal Justice and Public Order Act 1994							1							1	5.0%
							1							1	5.0%
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>20</b>	
<b>Outcome Rate</b>	<b>10.0%</b>	<b>5.0%</b>	<b>5.0%</b>	<b>0.0%</b>	<b>10.0%</b>	<b>0.0%</b>	<b>50.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>10.0%</b>	<b>5.0%</b>	<b>5.0%</b>	<b>0.0%</b>		

Other	Arrest	Drugs Possession Warning	Nothing Found – No Further Action	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total
Criminal Justice Act 1988, s139B			1					1
Misuse of Drugs Act 1971, s23	8	7	11	5	4	3	3	41
Paragraph 10 of Schedule 5 to the TPIM Act 2011			1					1
Police and Criminal Evidence Act 1984.	1		7			1		9
<b>Total</b>	<b>9</b>	<b>7</b>	<b>20</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>52</b>
<b>Outcome Rate</b>	<b>17.3%</b>	<b>13.5%</b>	<b>38.5%</b>	<b>9.6%</b>	<b>7.7%</b>	<b>7.7%</b>	<b>5.8%</b>	

The total number of searches of those categorised as 'other' has risen from 20 to 52 (160%) and the number of arrests has risen from 2 to 9. The positive outcome rate (taken from the numbers in the shaded boxes) has risen from 5 (25%) to 14 (27%). This gives a combined arrest and positive outcome rate in 2019/20 of 44.2% up from 35% in 2018/9 and 40.7% in 2017/18.

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A5 - The 2017/18 and 2018/19 comparative data for the outcomes for those self-defining as White

White	Arrest	Article Found - Detailed Outcome Unavailable	Caution	Community Resolution	Drugs Possession Warning	Fixed Penalty Notice	Nothing Found – No Further Action	NPS - Offence	NPS - Possession Only	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total	Grand Total
Criminal Justice Act 1988, s139B	10	1				1	23			7			1	43	2.8%
Firearms Act 1968, s47	2	1					5			2		1	1	12	0.8%
Misuse of Drugs Act 1971, s23	132	38	18	6	77	4	442		4	142	147	24	92	1127	72.5%
Police and Criminal Evidence Act 1984.	81	7	1	6	4		171	1		52	7	17	10	357	23.0%
Police Reform Act 2002, Schedule 4, paragraph 2A										1				1	0.1%
Police Reform Act 2002, Schedule 4, paragraph 7A							1							1	0.1%
Police Reform Act 2002, Schedule 4, paragraph 7B										1				1	0.1%
Psychoactive Substances Act, s36							1							1	0.1%
Section 60 Criminal Justice and Public Order Act 1994							8			1	1			10	0.6%
Sporting Events (Control of Alcohol etc.) Act 1985, s7										1				1	0.1%
<b>Total</b>	<b>225</b>	<b>47</b>	<b>19</b>	<b>12</b>	<b>81</b>	<b>5</b>	<b>651</b>	<b>1</b>	<b>4</b>	<b>207</b>	<b>155</b>	<b>42</b>	<b>104</b>	<b>1554</b>	
<b>Outcome Rate</b>	<b>14.5%</b>	<b>3.0%</b>	<b>1.2%</b>	<b>0.8%</b>	<b>5.2%</b>	<b>0.3%</b>	<b>41.9%</b>	<b>0.1%</b>	<b>0.3%</b>	<b>13.3%</b>	<b>10.0%</b>	<b>2.7%</b>	<b>6.7%</b>		

White	Arrest	Article Found - Detailed Outcome Unavailable	Caution	Community Resolution	Drugs Possession Warning	Fixed Penalty Notice	Nothing Found – No Further Action	NPS - Offence	NPS - Possession Only	Other	Summons	Verbal Warning	Voluntary Attendance	Grand Total
Criminal Justice Act 1988, s139B	5	1			1		33			3	1			44
Firearms Act 1968, s47					1		7							8
Misuse of Drugs Act 1971, s23	221	46	23	25	206	10	1069	2	7	150	331	70	164	2324
Paragraph 10 of Schedule 5 to the TPIM Act 2011												1		1
Poaching Prevention Act 1862, s2										2				2
Police and Criminal Evidence Act 1984.	61	11		4	7		251	2	1	49	21	17	15	439
Police Reform Act 2002, Schedule 4, paragraph 7A												1		1
Section 60 Criminal Justice and Public Order Act 1994	2						1							3
<b>Total</b>	<b>289</b>	<b>58</b>	<b>23</b>	<b>29</b>	<b>215</b>	<b>10</b>	<b>1361</b>	<b>4</b>	<b>8</b>	<b>204</b>	<b>353</b>	<b>89</b>	<b>179</b>	<b>2822</b>
<b>Outcome Rate</b>	<b>10.2%</b>	<b>2.1%</b>	<b>0.8%</b>	<b>1.0%</b>	<b>7.6%</b>	<b>0.4%</b>	<b>48.2%</b>	<b>0.1%</b>	<b>0.3%</b>	<b>7.2%</b>	<b>12.5%</b>	<b>3.2%</b>	<b>6.3%</b>	

The total number of searches of white people has risen from 1554 to 2822 (82% increase) and the number of arrests has risen by 28% (from 225 to 289). The positive outcome rate (taken from the numbers in the shaded boxes) has risen from 428 (27.5%) to 879(31.1%). This gives a combined arrest and positive outcome rate in in 2019/20 of 41.4% down slightly from 42% in 2018/9 and 36.1% in 2017/18.

## GPMS – Unclassified NOTTINGHAMSHIRE POLICE

### Appendix B - Detailed outcome by legislation for the knife crime team

#### B1 Controlled drugs

Object of Search	Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Controlled Drugs	Arrest	154	21	108	25
	Article Found - Detailed Outcome Unavailable	19		17	2
	Caution	1		1	
	Community Resolution	1		1	
	Drugs Possession Warning	51	2	49	
	Fixed Penalty Notice	4		4	
	Other	7	5	2	
	Summons	79	4	74	1
	Verbal Warning	15	2	4	9
	Voluntary Attendance	50	6	44	
	Nothing Found – No Further Action	409		1	3
	<b>Arrests/Positive Outcomes</b>	<b>359</b>	<b>33</b>	<b>298</b>	<b>28</b>
	<b>Rate</b>	<b>45.2%</b>	<b>4.2%</b>	<b>83.0%</b>	<b>7.8%</b>

#### B2 Firearms

Object of Search	Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Firearms	Arrest	1			1
	Nothing Found – No Further Action	1	1		
	<b>Arrests/Positive Outcomes</b>	<b>1</b>			<b>1</b>
	<b>Rate</b>	<b>50%</b>			<b>100%</b>

#### B3 Going equipped

Object of Search	Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Going Equipped	Arrest	1			1
	Nothing Found – No Further Action	3	3		
	<b>Arrests/Positive Outcomes</b>	<b>1</b>			
	<b>Rate</b>	<b>25%</b>	<b>75%</b>		<b>100%</b>

#### B4 Offensive weapons

Object of Search	Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Offensive weapons	Arrest	33	6	21	6
	Article Found - Detailed Outcome Unavailable	1		1	
	Drugs Possession Warning	1			1
	Other	3	3		
	Summons	4			4
	Voluntary Attendance	5	3		2
	Nothing Found – No Further Action	93	93		
	<b>Arrests/Positive Outcomes</b>	<b>44</b>	<b>9</b>	<b>22</b>	<b>13</b>
	<b>Rate</b>	<b>31.4%</b>	<b>6.4%</b>	<b>50.0%</b>	<b>29.5%</b>

#### B5 Dangerous instruments

Object of Search	Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Criminal Damage	Arrest	1			1
	Nothing Found – No Further Action	2	2		
	<b>Arrests/Positive Outcomes</b>	<b>1</b>			
	<b>Rate</b>	<b>33.3%</b>			<b>100%</b>

#### B6 Stolen goods

Object of Search	Outcome	Outcome Number	Nothing Found	Object Found Linked to search	Object Found Not Linked to search
Stolen Goods	Arrest	6		4	2
	Article Found - Detailed Outcome Unavailable	1		1	
	Voluntary Attendance	3		3	
	Nothing Found – No Further Action	3	3		
	<b>Arrests/Positive Outcomes</b>	<b>10</b>		<b>8</b>	<b>2</b>
	<b>Rate</b>	<b>76.9%</b>		<b>80.0%</b>	<b>20.0%</b>

For Information Appendix B	
Public	
Report to:	Strategic Resources and Performance Meeting
Date of Meeting:	18 <sup>th</sup> September 2020
Report of:	Chief Constable
Report Author:	Superintendent Paul Burrows
E-mail:	Paul.burrows@nottinghamshire.pnn.police.uk
Other Contacts:	
Agenda Item:	

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

## The use of Strip Search in Nottinghamshire

### 1. Purpose of the Report

- 1.1 The purpose of this report is to update the Police and Crime Commissioner (PCC) in relation to stop and searches that lead into 'strip search', as per recommendation 10 of the Her Majesty's Inspectorate of Constabulary and Fire and Rescue (HMICFRSFRS) report (2015) entitled "*Stop and search powers 2: are the police using them effectively and fairly?*"

### 2. Recommendations

- 2.1 It is recommended that the report is noted.

### 3. Reasons for Recommendations

- 3.1 Recommendation 10 of the HMICFRSFRS 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

### 4.1 Overview

On the 24<sup>th</sup> March 2015 HMICFRS 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.

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’.

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 OPTIK ‘App’ used for recording stop and search interactions includes the requirement to record ‘more thorough’ and ‘strip searches’. The data from 2017-18 has been recorded using this App.

### 4.2 Present Position

Prior to the publication of the 2015 HMICFRS report Nottinghamshire Police were active in making sure service delivery was of a high standard quite simply because there is a moral imperative for this to be the case.

- Ideas and good practice from the Metropolitan Police Service was 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.

#### 4.3 Specific Response to the HMICFRS Recommendations, 2015

##### 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 HMICFRS Recommendations.

##### 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.

## **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.

## **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.

## **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 the Force had a significant input into writing the standard.



#### 4.4 Annual Data Return 2018/19

##### Search numbers

Total number of stop and searches	3,023
Total no. of strip searches	58 (2.0%)
Total no. of 'More Thorough' searches	46
Number of officers using these powers	59
Strip searches per calendar month	4.8

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

Power	Outcome					Total Positive Outcome
	Arrest	Cannabis Warning	FPN	Vol. Att / RFS / Article found	N/A	
Misuse of Drugs Act 1971, s23	15 (26%)	3	1	18	20	37 (65%)
Police and Criminal Evidence Act 1984.	0	0	0	1	0	1 (100%)
Total	15	3	1	19	20	38 (66%)

- 98% of searches are conducted for drugs compared to 94% the year before
- 65% of drugs searches result in a positive outcome compared to 58%

##### 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	19	2	8	19	0	9	57
Police and Criminal Evidence Act 1984.			1				1
Total	19	2	9	19	0	9	58

## Outcomes of searches by self-defined ethnicity

Outcome Rates	White	Dual / Multiple Heritage	Asian or Asian British	Black or Black British	Chinese or Other Ethnic Group	Not stated	Total
<b>Arrests</b>	4	1	3	6	0	1	15
<b>Positive Outcome</b>	8	1	4	5	0	5	23
<b>NFA</b>	7	0	2	8	0	3	20
<b>Total</b>	19	2	9	19	0	9	58
<b>Arrest Rate</b>	21%	50%	33%	32%	N/A	11%	
<b>Total arrest/ positive outcome rate</b>	12 63%	2 100%	7 78%	11 58%	0	6 67%	38 66%

- The relative low numbers make comparison difficult but there is a high arrest and positive outcome rate across all ethnicities. The BAME arrest and positive outcome rate is 20 out of 30 searches or 67% compared to 63% for white.

## The proportionality of strip searching

Power	Proportionality				
	(1) White	(2) Mixed	(3) Asian or Asian British or other	(4) Black or Black British	BAME
Misuse of Drugs Act 1971, s23	-	7.5	5.8	25.4	11.0
Police and Criminal Evidence Act 1984.			Can't be calculated		
Total	-	7.5	6.5	25.4	11.0

- The proportionality for searches of Black people under the Misuse of Drugs Act has risen to 25.4 compared to 14.2 the previous year and 35.5 the year before that; the number of searches also rose from 8 to 15.
- This searching of people from the Black, Asian and minority ethnic communities has risen to 11 from 6.4; the number of searches dropped from was 29 up from 26.
- This searching of people from BAME communities under PACE can't be meaningfully be calculated as there was one 1 search.

## 4.5 Annual Data Return 2019/20

### Search numbers

<b>Total number of stop and searches</b>	<b>5,415</b>
<b>Total no. of strip searches</b>	<b>104 (1.9%)</b>
<b>Total no. of 'More Thorough' searches</b>	<b>22</b>
<b>Number of officers using these powers</b>	<b>45</b>
<b>Strip searches per calendar month</b>	<b>8.6</b>

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

Power	Outcome					Total Positive Outcome
	Arrest	Cannabis Warning	FPN	Vol. Att / RFS / Article found	N/A	
Misuse of Drugs Act 1971, s23	14	5	0	31	50	100 (50%)
Police and Criminal Evidence Act 1984.	0	0	0	3	0	3 (100%)
Criminal Justice & Public Order Act '88	0	0	0	1	0	1 (100%)
<b>Total</b>	<b>14</b>	<b>5</b>	<b>0</b>	<b>35</b>	<b>50</b>	<b>104 (54%)</b>

- 96% of searches are conducted for drugs compared to 98% the year before
- 54% of drugs searches result in a positive outcome compared to 65%

### 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	34	8	19	19	0	20	100
Police and Criminal Evidence Act 1984.	1	0	0	2	0	0	3
Criminal Justice & Public Order Act '88	0	0	0	0	0	1	1
<b>Total</b>	<b>35</b>	<b>8</b>	<b>19</b>	<b>21</b>	<b>0</b>	<b>21</b>	<b>104</b>

## Outcomes of searches by self-defined ethnicity

Outcome Rates	White	Dual / Multiple Heritage	Asian or Asian British	Black or Black British	Chinese or Other Ethnic Group	Not stated	Total
<b>Arrests</b>	6	2	2	2	0	2	14
<b>Positive Outcome</b>	17	2	6	10	0	5	40
<b>NFA</b>	12	4	11	9	0	14	50
<b>Total</b>	35	8	19	21	0	21	104
<b>Arrest Rate</b>	17%	25%	10.5%	9.5%	N/A	9.5%	13.5%
<b>Total arrest/ positive outcome rate</b>	23 66%	4 50%	8 42%	12 57%	0	7 33%	54 52%

- The relative low numbers make comparison difficult but there is a high arrest and positive outcome rate across all ethnicities. The BAME arrest and positive outcome rate is 20 out of 30 searches or 67% compared to 63% for white.

## The proportionality of strip searching

Power	Proportionality				
	(1) White	(2) Mixed	(3) Asian or Asian British or other	(4) Black or Black British	BAME
Misuse of Drugs Act 1971, s23	-	7.4	8.5	19.9	10.8
Police and Criminal Evidence Act 1984.			Can't be calculated		
Total	-	7.2	8.3	21.3	10.9

- The proportionality for searches of Black people under the Misuse of Drugs Act has dropped to 19.9 compared to 25.4 the year before and 14.2 and 35.5 in the previous years; the number of searches rose to 19 from 15 and 8.
- This searching of people from the Black, Asian and minority ethnic communities has dropped slightly to 10.9 from 11; the number of searches rose to 48 up from 30.
- This searching of people from BAME communities under PACE can't be meaningfully be calculated as there were only 2 searches.

## 4.6 Grounds audit for strip searches 2019/20

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 2019/20, a total of 5,415 stop and searches were conducted
- 104 of these searches were strip searches – 1.9% of all searches
- Of the 104 strip searches, the grounds to move to a strip search were made out on 79 occasions or 76% of occasion which is up slightly from the 74% in the previous year. It was also 74% in 2017/18 and 28% in 2016/17. 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.

## 4.7 Summary of activity 2013/14 to 2019/20

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	5384	235	19.6	40.9%	N.R.	11.5	4.7
2014/15	4047	105	8.8	48.8%	52.4%	17.2	5.0
2015/16	2682	79	6.6	58%	61%	15.0	5.0
2016/17	1812	58	4.8	60%	60%	32	12.3
2017/18	1908	33	2.8	55%	64%	14.2	6.4
2018/19	3023	58	4.8	66%	67%	25.4	11.0
2019/20	5415	104	8.6	52%	50%	19.9	10.9

## 4.8 Conclusions

1. The number of stop and searches in Nottinghamshire's force area had reduced by 64.5% from 5,384 in 2013/14, to 1,908 in 2017/18; however during 2018/19 there was a significant uplift to 3,023 a 58% increase and in 2019/20 there was a further increase to 5,415 that represents an 79% increase on the previous year.
2. The use of strip search reduced significantly between 2013/14 and 2017/18; from 235 to 33, an 85.9% reduction however during 2018/19 there was a significant uplift to 58 a 76% increase and in 2019/20 the number rose once again to 104 a 79% increase. However the ratio to all searches dropped slightly from 2.0% in 2018/19 to 1.9% in 2019/20.

3. Between 2013/14 and 2017/18 the number of officers using strip search reduced from 141 to 24 - a 82.9% reduction; during 2018/19 there was a significant uplift to 59 officers using these powers. However in 2019/20 the number fell again to 45.
4. The arrest rate and positive outcome rate for those who are 'white' during the last full performance year was 66% up from 63% (35 total searches) in 2018/19, compared to 42% for 'Asian' down from 78% (total 19 searches) and 57% for 'Black' (21 total searches) down slightly from 58%. The rate for those of dual or multiple heritages is 50% though with only 4 such searches.
5. 100% of the grounds recorded for the strip searches passed the standard audit in 2019/20, following active communication of the recording requirement.
6. The 'force requirement' to record strip search to a higher standard is steadily being met; despite this not yet being a 'legal requirement' – 76% complied with the requirement up from 74% the previous year:
  - A significant amount of work has been undertaken to ensure the required standard is complied with 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 has been amended following the launch of the OPTIK 'app' to include more specific detail on strip searching.
  - 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 dropped very slightly from 11.0 to 10.9 for those from BAME communities. The number of searches of those from black, Asian and minority ethnic communities has also risen from 30 to 48. This does represent a community confidence issue; though the total number of searches is low.
8. All but four of the strip searches were conducted under the Misuse of Drugs Act.
9. During 2019/20, 22 'more thorough' searches were undertaken compared to 46 in 2018/19. Of these 1 was conducted to find a weapon, 15 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 and 6 were under the Police and Criminal Evidence Act for stolen goods.
10. Of the 22 searches conducted 2 were undertaken on those self-identified as being Asian, 5 on those self-identified as being Black, 1 self-identified as being dual or



multiple heritage and 6 self-identified as being White. 8 did not self-define their ethnicity.

11. Whilst these numbers are low, it is understood that the proportionality of these searches remains a community concern. Understanding this data and conducting the regular audits enables the force to better explain and 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.
12. There will be a number of reasons for this change in position between the last three 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 any future HMI Recommendations and required a standard of recording that exceeds the existing requirement – in that all strip searches require an Inspector's approval, not just those of children under the age of 18.

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

- 5.1 There are no direct financial costs from this work, the work being undertaken to meet the HMICFRS Recommendation take space 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.

## **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 HMI Recommendations there is 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**