

## Freedom of Information Act Document

**Title:**

**Position Statement:**

**Nottinghamshire Police's response to the Police and Crime Commissioners report into the 'BME experience in Nottinghamshire'**

A study was commissioned by Nottinghamshire's Police and Crime Commissioner (PCC) Paddy Tipping to analyse the relations between the Force and the county's Black, Asian and ethnic minority community. This report was published in 2013.

As part of Commissioner Tipping's pre-election pledge to give Black and minority ethnic communities a bigger voice within policing and to promote fairness, the research project led by Cecile Wright focused on the way various styles of policing are interpreted by members of the public,

More than 500 Black and minority ethnic residents were asked to give their feedback as part of the three-month study. There were eight recommendations which covered stop and search – [the full report can be viewed here](#)

**Below is the force's response to these recommendations:**

**1) To reintroduce the recording of stops in order to determine the extent of contact between the police and BME communities.**

This recommendation refers to Stop and Account – the law requires that all stop and searches are recorded, however Stop and Account interactions are not required in law to be recorded.

Neither the Home Secretary nor Chief Constable Chris Eyre believes there is advantage in recording the many thousands of conversations that would come under the category of Stop and Account. If they were recorded, a conversation lasting seconds would take many minutes of paperwork to capture the required data.

When a stop and search is conducted there is no legal requirement for a person to provide personal details. This would also be the case for a Stop and Account. Recording these encounters would increase bureaucracy and take officers away from other policing duties. Experience from around the country indicates that the data quality from such recording is poor.

The Chief Constable has taken the operational decision that this will not be rolled out. As such there is no intention to record Stop and Account in Nottinghamshire

**b) All officers and staff are to comply with PACE Act. Staff to be trained in legislation, procedure and policy. A copy of the search record shall be given in line with PACE.**

PACE is the Police and Criminal Evidence Act (1984). The Act and primarily Sec 1 which provides the power of stop and search can be found by [following this link](#).

A significant amount of work has been undertaken within the Force since 2012 to develop and enhance our service provision around stop and search, not least around understanding the impact of the use of these powers within our communities. Training has been and is being delivered to front line staff to remind them of the legal requirements when conducting a stop and search and to outline how these powers are perceived within our Black and minority ethnic communities.

A performance dashboard has been developed to enable the effective supervision of stop and search activity and to ensure compliance with the legal requirements of PACE. Active monitoring of compliance is undertaken.

Officers are issued with 'Z' Cards receipts which are small wallet sized cards that should be given to those who are stopped and searched. The officer will write their details and the unique reference number (URN) of the search encounter on this card to enable the person searched can get a copy of the record. We are currently exploring how copies of the search record can be obtained via the force website rather than the person searched needing to attend a police station to get a copy of the record.

The recording of stop and search on officers' BlackBerry hand-held devices is soon to enable direct e-mailing of stop and search records to people, if they provide their e-mail address.

**c) The practice of conducting "voluntary" searches must cease immediately. (This may be complemented by training and information sessions for community members so that they are aware of their rights during police interactions. This training can be in line with the Embrace programme or further developed in partnership with stakeholders, the police and local councils).**

1.5 of PACE Code A states: 'An officer must not search a person, even with his or her consent, where no power to search is applicable. Even where a person is prepared to submit to a search voluntarily, the person must not be searched unless the necessary legal power exists, and the search must be in accordance with the relevant power and the provisions of this Code. The only exception, where an officer does not require a specific power, applies to searches of persons entering sports grounds or other premises carried out with their consent given as a condition of entry; even this is not a open authority for officers to search; officers are advised that the powers and suspicion must exist for a search to be conducted.

The force is about to embark on a communication campaign to further advise the public of their rights when officers conduct stop and search. Work is also being undertaken to develop scrutiny of the force's use of stop and search by those young people who are particularly likely to be subject to be stopped and searched. The force is working with local partners to deliver this.

**d) Search records should be monitored and analysed by Police Services and PCCs. The information and analysis should be published. Where necessary, corrective action to be taken.**

Stop and search records are regularly monitored, activity is reviewed to ensure we are targeting the use of these powers into those areas where crimes have a particularly detrimental affect upon the community such as burglary, robbery and the carrying of weapons.

The Police and Crime Commissioner (PCC) has a community panel chaired by Cecile Wright, the author of the report. It is this panel that reviews stop and search activity on behalf of the Commissioner.

There is an increasing amount of information and data being put on to the Force website [link here](#) which is available for public scrutiny and comment.

Monthly audits of the 'grounds' recorded for stop and search are conducted internally to ensure officers are complying with the law and guidance. Supervisors are also being monitored to ensure compliance with the legislation over the need to review and supervise stop and search records.

A performance 'dashboard' has been established to help identify if individual officers are showing any individual bias in their conducting of stop and search – to date no such trends have been identified.

**e) The Force should consider the effectiveness of the stop and search strategy, as a crime detection/reduction measure, and as value for money.**

The Force has and still does regularly review the effectiveness of its stop and search activity. The use of these powers does provide value for money, as searches with a positive outcome other than an arrest or where there is no outcome, have enabled the officer to allay their suspicions and eliminate people from enquiries without resorting to an arrest.

The adoption of indicators to conduct 40% of searches to combat offences like burglary, robbery, shop theft and theft from person and 20% for possession of weapons (the remaining 40% are targeted as community priorities) indicates the desire to focus these powers into activity that increases community safety. To deliver this there has been an increased focus on the intelligence-based tasking of officers to conduct searches using these powers.

The threat criminals feel from officers having the ability to use these powers as a proactive tool does lead to crime reduction and provides value for money.

**f) Given the disquiet and antipathy, expressed by participants, regardless of age, gender, area and socio- economic background towards the application of this tactic, there needs to be an overhaul of stop and search. The cost and benefit of stop and search needs to strike a balance between deterrence and the poor relations it is perceived to create.**

Stop and search has been over-hauled in Nottinghamshire. The cost benefit will however always be a matter of opinion for the individual, but the data is now available to help inform this debate. The Force is hugely aware of the impact the use of these powers can have on certain communities in particular those from the Black and minority ethnic communities and it is for this reason that work in this area has been and continues to be done. It is also why communication tactics covering this activity are vital to increase communities' awareness so that they can form an educated opinion on the cost and benefit of using these powers.

**g) Procedures and guidelines for body search to be implemented to ensure sensitivity with respect the cultural matters (e.g. Headdress) and Transgendered citizens, and same- sex and searches be extended to account for issue of sexuality.**

The BlackBerry app is used by officers to record stop and searches that go beyond hats, jackets, coats and gloves and specific rooms have been identified within all police stations for such searches to be conducted in privacy. Guidance has been issued to officers on how and when these searches should be conducted. The stop and search policy explains how and when officers of the opposite sex to the person being searched can search as well as how and when a head dress or face covering worn for reasons of religious belief can be removed, and how and when searches should be conducted for people who are transgendered or going through the process of gender change. The policy can be found by [following the link](#). There are also position statements available on two of these issues, they can be found on the Force web of by following the link:

[Position statement for searching transgendered people](#)

[Position statement for searching people of a different gender to that of the searching officer](#)

**h) Consideration should be given to the introduction of a “mystery shopper” approach to identifying good and poor practice.**

The Home Secretary is addressing this issue, though not via a mystery shopper scheme. In her statement on 30 April 2014 she stated that she was establishing a Lay Visitors scheme:

*“In addition to all these changes, I can tell the House that, this summer, the Home Office and the College of Policing will launch a new ‘Best Use of Stop and Search’ scheme....”*

*In order to improve the public’s understanding of the police, forces participating in the scheme will introduce lay observation policies, which enable members of the local community to apply to accompany police officers on patrol.”*

The details of how this scheme will work have yet to be developed, however the Force is committed to signing up to the scheme once it is finalised.