Detailed Force Feedback
Stop and Search
HMIC Inspection of Nottinghamshire Police

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Introduction

The public expect the police to protect them from harm by using the powers granted to them by Parliament in an effective and fair manner. Arguably, some of the most intrusive and contentious powers are those of stop and search. For decades the real and perceived inappropriate use of these powers has tarnished the relationship between the police and the communities they serve, and in doing so has questioned the very legitimacy of the service. Thirty years after the riots in Brixton, concerns over how the police use stop and search were again raised following the riots in 2011.

Over a million stop and search encounters are recorded every year\(^1\) but only 9% lead to an arrest. Statistics also show that black and other minority ethnic groups are still more likely to be stopped and searched than white people. Whilst there is strong public debate about undue disproportionate use of the powers on certain groups, there is surprisingly little attention from the police service or the public about how effective stop and search powers are used in reducing or detecting crime.

In a society where policing is based upon the principle of consent, to be effective the police service needs the support of the public. By using their powers fairly and in a way that is effective at keeping the public safe, the police can build community confidence and encourage people to be more socially responsible in helping to reduce crime and disorder.

There are over 30 statutory powers of search in law. The vast majority of police searches are conducted using 3 Acts of Parliament; the Police and Criminal Evidence Act 1984, which empowers searches for stolen or prohibited articles; the Misuse of Drugs Act 1971, for controlled drugs; and section 60 of the Criminal Justice and Public Order Act 1994, which allows searches for weapons in areas where serious violence is anticipated.

Other commonly used police powers, such as where people are stopped by police and spoken to, or where they are stopped about motoring matters and cars inspected for roadworthiness, do not amount to stop and search.

What we did

HMIC visited all 43 police forces across England and Wales between October 2012 and May 2013. The inspection aimed to:

- determine how effectively and fairly the police service is using stop and search to fight crime;
- establish if operational police officers understand how to use stop and search to fight crime; and
- identify how the powers can be used in a way that builds trust in the police.

In seeking to understand what the public know and think about stop and search, we commissioned YouGov, a polling company, to conduct an on-line survey. This survey generated responses from 19,078 members of the public in England and Wales, with representative proportions of responses from each police force area. Those surveyed were drawn from 300,000 people regularly

\(^{1}\) 1.18m in 2011/2012 Police Powers and Procedures England and Wales 2011/12, Home Office
canvassed by YouGov. Replies were received from a mix of ages, gender, location, social background and ethnicity.

Our public survey established that the vast majority of people (92%) were aware that police use powers of stop and search. 55% agreed that the use of stop and search in their areas made them feel safer, with only 13% disagreeing; just under half said its use increased their confidence in the police. This demonstrates that the public generally support the use of the powers by the police to keep them safe. There was also a strong perception that stop and search helps the police to catch criminals and prevent crime (80% and 77% respectively). These findings should be seen in the context that the vast majority of the public have not themselves experienced a stop and search encounter, and do not know how frequently the powers are used, or how frequently they result in an arrest.

A quarter of people who responded to our public survey believed stop and search is used too often on certain groups. For non-British white respondents, this rises to 31%; and to 42% among black and minority ethnic respondents. When pressed on which groups were being stopped and searched too often, the largest number mentioned youths and ethnic minorities. Of those who thought stop and search is used on some groups more than others, 58% believed one of the reasons was that members of those groups are more likely to be committing crime. This appears to indicate that sections of the public had a view that members of certain groups were more likely to commit crime and believed that the police use their powers to stop and search based on those prejudices. It should be understood that previous criminal convictions alone cannot be used as reasonable grounds for suspicion. A third of those who thought that stop and search is used too often on members of certain groups thought that one of the reasons for this was undue discrimination; for black and minority ethnic respondents, over half thought this involved undue discrimination.

Only 6% of respondents believed that stop and search was overused in their areas, although this rose to 13% in London, where stop and search powers are used most often. 58% of respondents considered the use of stop and search to be acceptable provided that it was justified and the reason was fully explained but for respondents from London this fell to 46%. This indicates that the public support the use of these powers, but that support diminishes when they perceive the powers are overused. A further 22% thought that stop and search was underused, and a similar number thought it was used ‘about the right amount’. However, 52% did not know, further suggesting there was a lack of information about stop and search provided to the public. The survey results are based on the perceptions of people who, in the vast majority, have not had experience of being stopped and searched and who may, therefore, not have an informed view.

The local results from this survey can be seen at the end of this report.

We also invited people who had been stopped and searched by police to answer questions about their experiences. We received 391 responses nationally, which provided a sample of views from those who have experienced being stopped and searched. However due to the small sample size we were unable to analyse these findings at a force level.

In each force we reviewed documentation, including policies, procedures and guidance provided to police officers. We also analysed at least 200 completed stop and search records to establish if sufficient grounds for suspicion had been recorded.

Where forces use body-worn videos to record stop and search encounters, we reviewed footage of a small number of examples to see how officers conducted the searches and their compliance with the law.

We also looked at the number of stop and searches recorded within forces and the proportion of these that led to arrest. This allowed us to understand how different forces use the powers to prevent and detect crime.
We visited Nottinghamshire Police on 13, 14 and 15 March 2013 and interviewed 13 senior members of staff with responsibility for stop and search. We spoke to a small group of sergeants and inspectors, and separately a small group of police constables. We also visited St Ann’s police station in the Nottingham City Division and Worksop and Newark police stations in Nottinghamshire County Division where we spoke to the frontline staff available at the time, including officers who respond to emergencies, neighbourhood officers, and investigators, to check their understanding of stop and search procedures.

This report identifies what we found in Nottinghamshire Police.

The national report can be accessed via the HMIC website www.hmic.gov.uk

1. Does the force use stop and search effectively and fairly in the fight against crime?

   1.1 Is there Chief Officer leadership for stop and search, with robust strategic governance in place?

Chief officer leadership for stop and search is clear and supported by strong strategic governance.

An assistant chief constable (ACC) is the lead for stop and search in Nottinghamshire. The ACC’s strategic approach is managed by a chief superintendent supported by a superintendent who is responsible for ensuring the operational use of stop and search by officers is appropriately applied. Chief officer leadership is demonstrated on the force intranet, including messages to staff which re-enforce how stop and search should be used and in particular how the use of the power can impact on communities. The ACC has also demonstrated leadership by attending and opening recent stop and search training.

Chief officers previously provided information on stop and search to the police authority. This was primarily limited to the number of stop and searches conducted and details regarding proportionality (the number of people from different communities who have been stopped and searched). However, the data did not include information to describe the effective use of stop and search in meeting the force priorities which would enable effective governance and accountability.

Data provided to the police authority in June 2012 resulted in a request from the authority for the force to review its approach to the use of stop and search and to determine and introduce actions which would address concerns around proportionality. Consequently the force invited the National Police Improvement Agency (NPIA) to review their approach to stop and search. This review, known as the ‘next steps’ review, was completed in August 2012 and resulted in the force developing a stop and search action plan. An update regarding the force response to this review was provided to the police authority in October 2012. It was subsequently shared with the Police and Crime Commissioner (PCC) when he came into office in November 2012. To enable the PCC to continue to hold the force to account in its use of stop and search his data requirements are being developed. It is intended that this data will include the number of stop and searches, proportionality, how these compare over time and with others and the context of the use of stop and search (the relationship between crime levels and the use of stop and search).

The ACC is chair of both the Citizen Focus Board and the Local Policing Board. Stop and search forms part of the agenda for both of these boards, with different elements of the force action plan for stop and search being managed and monitored through these boards. The ACC then reports progress to the Equality, Diversity and Human Rights Board (EDHRB) which is chaired by the Chief Constable. This level of oversight ensures progress is made against the action plan and that
new actions are raised as issues occur; these are then progressed to ensure changes are embedded in the way the force uses stop and search.

The stop and search policy has recently been re-drafted, at the time of HMIC’s visit it was subject to a public consultation process. Whilst the policy does not explicitly describe how stop and search can be used in an effective way it does link it to detecting and deterring crime. It is however explicit in describing the need to use stop and search powers fairly, responsibly, with respect for people being searched and without unlawful discrimination. Effectiveness in the use of stop and search is described in training plans as being ‘when the power is targeted in a way that maximises interventions with active offenders and minimises those with law-abiding members of the public’. These descriptions are useful to help officers understand how to use stop and search appropriately as a crime fighting tool and to provide confidence to communities that the power will be used fairly.

An external communications strategy has been developed to ensure that the public are fully informed about the use of stop and search and to enable the force to better understand the public perception and experience of stop and search by their officers. This has included the development of a dedicated page on the force website describing the force approach to stop and search and providing a section of frequently asked questions. The website also provides an explanation of the power, why it is used, an explanation of what a person stopped can expect and how to raise concerns if they are not happy.

The ACC has also held a live ‘web chat’ (an online discussion) which provided an opportunity for the public to engage in an open conversation with the force regarding stop and search; this included the opportunity to challenge the force as well as be provided with answers to queries or concerns. The PCC has also commissioned a piece of research to look at Black, Minority and Ethnic (BME) Communities experiences of policing; this includes views on the police use of stop and search. The aim is to seek the views of 1000 respondents, with particular emphasis on the African, Caribbean, Asian and Chinese communities. This project is due to be completed in June 2013.

1.2 Does the force review stop and search as part of its performance management regime?

The force has recently started to review stop and search as part of its performance monitoring.

Performance oversight has been limited to the presentation of data showing the number of searches that have been recorded as having been undertaken in particular localities and the proportionality of these searches when compared to the local population. This data has been introduced into local operational performance review meetings. The force has however introduced a system of recording stop and searches on mobile data devices (Blackberry). The latest version of the software application that supports this process is being developed and is intended to improve the consistency in the way stop and search records are completed. This will support performance management information at a strategic, operational and individual officer level.

Following the NPIA ‘next steps’ review the force has developed an action plan to manage its progress in improving the approach it takes to the use of stop and search. This plan contains clear objectives, timescales for delivery, achievement milestones and regular updates from key members of staff who are required to progress the various actions. The action plan is broken down into a number of strands:

- Training and Communication
- Recording of searches
- Community engagement
- Monitoring of the use of stop and search
- Reporting of management information
• Learning the lessons
• Leadership

Progress against each of the action plan objectives is tracked by the use of a red, amber or green indicator, with those responsible for progressing actions being held to account by the ACC at either the Citizen Focus Board or Local Policing Board.

Consultation events were undertaken with young people following disorder in Nottingham City during August 2011, these events helped the force to gain a better understanding of how stop and search can affect public trust. The live ‘web chat’ undertaken by the ACC and work commissioned through the PCC in respect of black and minority ethnic communities experience of policing are also being used to inform the force’s understanding of the community impact of stop and search. A local community based organisation known as Embrace is also supporting the force by sharing experiences, on an anonymised basis, that have been disclosed to them by young people. Embrace are also working with the force to develop sessions for young people and parents to discuss stop and search. It is intended that this will also include the opportunity to discuss stop and search with police officers to help members of the community to better understand why stop and search is used.

Data published by the Home Office for 2010/11 shows that Nottinghamshire recorded five stop and search encounters per 1,000 population, this is substantially fewer than the national average of 23 stop and search encounters per 1,000 population. The NPIA ‘next steps’ report also raised concerns that not all stop and search encounters undertaken in Nottinghamshire are recorded. Staff spoken to by HMIC during reality testing provided confidence that stop and search forms are now completed on most occasions that a stop and search takes place. There was however some discussion to suggest that lapses occur, such as during special operations or when officers are busy. This means that not all of those who have been stopped and searched would be able to apply for a copy of the record of the search (this is a legal entitlement) and that the validity of any analysis about the use of stop and search as an effective crime fighting tool is undermined.

When a suspect is arrested as a result of a stop and search there is a mandatory question included on the custody record to show that this is the case. The information obtained can then be used to provide management information regarding arrests resulting from stop and search. Officers spoken to by HMIC fully understood that they were also required to complete a record of the stop and search even when the stop and search resulted in an arrest.

Stop and search powers available under Section 60 of the Criminal Justice and Public Order Act 1994 have been used occasionally by the force. The use of these powers has been limited, with examples given of use during high risk football matches and as part of a disruption strategy to prevent localised disorder following the 2011 London riots. A record of these authorisations is maintained within the force intelligence system Memex, however these are not subject to a monitoring or review process. However, in recognition of the potential impact of the use of these powers on community confidence the force has introduced a requirement for the completion of a community impact assessment when the use of section 60 is authorised. This is intended to ensure consideration is given to mitigating any potential negative community impact.

1.3 Does the force intelligence system provide information/intelligence to officers in a way that allows them to effectively and fairly use stop and search to fight crime?

Force systems are being introduced which will provide more information and intelligence to officers. This information and intelligence will enable officers to be more effective in their use of stop and search.

Analytical work to inform strategic assessments and control strategies in respect of stop and search is not carried out at a force or divisional level. However, the introduction of mobile data
devices used by officers to record stop and searches has provided the opportunity for the force to provide officers with a mapping system. This system allows officers to overlay crime and incident data with stop and search activity at a local level. Whilst this is a recent development HMIC found that some officers were already using the system as an investigative tool (such as checking any stop and search records against crimes that had occurred in the same area). The force intend to further develop this mapping system so as to make it available to the public, this will help the public see how stop and search is used in their communities and provide an opportunity for the force to better understand the impact of stop and search on these communities.

Stop and search is occasionally identified as a tactical option to use against specific problems and may appear on the officers briefing system. However there is no structured approach to evaluating its effectiveness and fairness. Officers spoken to during the inspection felt that where they had been briefed to consider stop and search as a tactical option the information provided was helpful to them in forming their grounds for carrying out a stop and search.

Tasking and Coordinating Group meetings are held fortnightly in both the City and County divisions, a review of the documents for these meetings show that the tasking of officers to use stop and search in respect of crime or incident problems is not considered or recorded in this forum. Once a month these meetings incorporate the divisional Operational Performance Review (a review of crime and incident performance). For the purpose of this meeting the force has introduced a summary of stop and search activity. This summary includes the number of stops and searches compared on a month by month basis. It does not include any evaluation of the effective and fair use of stop and search as a crime fighting tool or analysis of links to current crime problems. The data provided to HMIC also showed that in both the City and County divisions there was a problem with the accuracy of completed stop and search forms. With a high proportion of the stop and searches being described as incomplete or having no location details, this will affect the validity of any analysis that is undertaken in respect of the use of stop and search.

2. Is the stop and search power carried out by officers who know how to use it as part of evidence-based practice to fight crime?

2.1 Is training on stop and search regularly provided to relevant staff?

Training has been introduced which will be delivered in two phases to all relevant staff.

Between October and December 2012 the force provided training on stop and search to police officers and police community support officers (PCSOs) who work in frontline uniformed policing teams, such as response policing and neighbourhood teams. There is an intention to provide training in respect of stop and search to investigators during 2013.

This training included advice on how to use the mobile data devices as well as providing the opportunity to remind officers of the stop and search legislation. It also included training on the importance of officer behaviour and attitude toward the member of the public during the stop and search encounter and how to appreciate the impact of stop and search on communities. However it did not include guidance for officers on how they should effectively and fairly use stop and search to fight crime, including how to use it to prevent or detect crime.

As this training was provided as part of team training days not all officers were able to attend. Whilst the force has systems to check the attendance of officers at this training an audit has not been undertaken. HMIC established that just under a quarter of officers who should have received the training had not.

A second phase of training was due to commence in May 2013. This second phase of training has been developed in consultation with community groups. It will focus upon community impact, proportionality and the impact of behaviours on people stopped.
2.2 Is the use of stop and search supervised and monitored?

There is a limited amount of supervision of officers use of stop and search.

During reality testing it was evident that some sergeants work with their staff to observe how they use stop and search and how they treat the person stopped, however this level of oversight was not consistent across all teams.

Supervisory oversight of stop and search records submitted by officers who utilise the mobile data devices is expected, however the force acknowledge that the way in which data is currently collected from the mobile devices is insufficient to allow this to be done effectively. Updates are being introduced to the mobile data application which will allow for supervisory oversight to be undertaken more effectively. Where officers are not in possession of a mobile data device and use paper stop and search records these are submitted via their supervisors who scrutinise them for legal compliance.

The force does not currently conduct force level audits to ensure legitimate, effective and fair use of stop and search.

The level of oversight currently undertaken has limited the force ability to identify the inappropriate use of stop and search. Supervisors were however keen to explain that where issues or concerns were identified they would either deal with these on a team basis or where appropriate with individual officers.

There is no force level analysis undertaken to identify trends in the use of stop and search powers by individual officers. However, at the time of the HMIC inspection the force was developing its approach to monitoring the use of stop and search by officers and were due to introduce a monitoring system known as ‘Searchlight’ which was recommended by the NPIA in their ‘Next Steps’ report.

The force has received only a small number of complaints in respect of the use of stop and search, any lessons that can be learnt from these complaints are disseminated to staff. This is done through e-mails that are known as ‘keeping you informed’ updates. The force also incorporates such issues into officer safety training exercises so as to re-enforce any relevant lessons.

Research by the Independent Police Complaints Commission and the results of our survey of people stopped and searched reveal that, of those who are dissatisfied as a result of being stopped and searched, very few make a formal complaint. In our survey, only 16% of those dissatisfied with their experience complained. When asked why not, many expressed a lack of faith in the complaints system.

The vast majority of complaints from stop and search encounters relate to incivility by officers and do not meet the threshold for referral to the Independent Police Complaints Commission. They are therefore dealt with locally by the force, and not independently. We are concerned that forces were not making more of an effort to hear the views of those who were dissatisfied with the way they were stopped and searched – many of whom believed that their complaint would not be taken seriously by the police. Capturing information about levels of dissatisfaction, not solely those resulting in a formal complaint, is important and would help all forces to more accurately assess the impact that the use of stop and search is having on individuals and communities.

The force recognises from public feedback that some people who are stopped and searched are unhappy with the encounter but choose not to make a complaint to the force. To help the force better understand the issues which cause concern to these members of the community they are working with external independent groups to share and understand these community concerns.
3 Is the stop and search power used in a way that does not erode public trust in the police?

3.1 When exercising stop and search powers, do officers comply with the requirements of the legislation?

Officers are not compliant with stop and search legislation on every occasion that they use stop and search powers.

When discussing with officers whether their assessment of the grounds required for using stop and search was equivalent to those required to make an arrest they were inconsistent in their judgement. Some officer’s spoke of the grounds being very close to those required to arrest; others described a much lower threshold when considering stop and search. Some officers also acknowledged to HMIC that not all stop and searches were recorded (such as during special operations or when officers are busy).

However, when searches are conducted and recorded, officers describe a consistent approach to the type of information given to the member of the public, ensuring that they informed the person searched of their name, station, the objective and grounds of the search and how they can get a copy of the record of the search.

3.2 When exercising stop and search powers do officers treat people with respect, dignity and courtesy?

Treating people stopped and searched with respect, dignity and courtesy was found to be important to officers.

Officers were consistent in describing how they always consider the privacy of the person being stopped and searched and therefore carry out searches privately. This included affording as much dignity as possible in the circumstances; examples included taking the person away from public sight in a car park to the rear of a police van. Officers spoken to had a clear awareness of cultural sensitivities.

The force values include the expectation that officers will always treat people with respect; this was reflected in their determination to always treat individuals with dignity, respect and courtesy.

Our survey of people in England and Wales who had been stopped and searched received 391 responses. Of those:

44% said the police did not act reasonably;
37% said they were not told the reason for being stopped and searched;
42% said they did not understand the reason why they were stopped and searched; and
47% felt they were not treated with respect.

Whilst the number of responses from people living in the area policed by Nottinghamshire Police was too small to draw any conclusions, the England and Wales results suggest that providing proper information and treating people with respect is an important issue for all forces.

3.3 Does the force publish its stop and search policy and regularly publish stop and search data?

The force is working to support its published stop and search policy with data describing how stop and search has been used to fight crime. However, the force is ensuring that they can be confident in the accuracy of the data before putting it into the public domain.
The force publishes its approach to stop and search on their website. The recently updated policy has also been published more widely through partner agencies as part of a public consultation exercise. The policy includes details of how stop and search will be used and as mentioned above is explicit in describing the need to use stop and search powers fairly, responsibly, with respect for people being searched and without unlawful discrimination.

The force does not currently publish stop and search data to the public. However, as the force becomes more confident in the data that it collects it is intended to provide it for the public supported by mapping software which will allow the public to see how the use of stop and search links with recorded crime and incident data.

Independent scrutiny of the use of stop and search, such as through a review of stop and search forms, interviews with officers or by observing stop and searches being carried out is not currently undertaken. The force independent advisory group (IAG) has recently been restructured and it is intended that this group will support independent oversight in the future.
Public Survey results for Nottinghamshire Police

**For what reasons, if any, do you think certain groups of people are likely to be stopped and searched more often than others?**

- There are more of these types of groups of people on the streets
- More crime is committed by these groups of people
- Police are discriminating against these groups of people
- Other

Excludes: ‘Don’t know’

**“The police’s use of stop and search in my county/city increases my confidence in the police”**

- Disagree
- Neither agree nor disagree
- Agree

Excludes: ‘Don’t know’

**“The police’s use of stop and search in my county/city makes me feel safer”**

- Disagree
- Neither agree nor disagree
- Agree

Excludes: ‘Don’t know’
And, to what extent do you agree or disagree that stop and search is helpful to...

Graph excludes 'don't know'. Displays 'agree' as a combination of 'Strongly agree' and 'Agree somewhat'. And displays disagree as a combination of 'Strongly disagree' and 'Disagree somewhat'.

Are you aware of information from your local police force about...

N.B. Respondents were able to select more than one option so the total will not add up to 100%
89% of respondents state "none of the above"

Note: The survey of people who had been stopped and searched returned too few respondents to enable results to be shown at a force level