

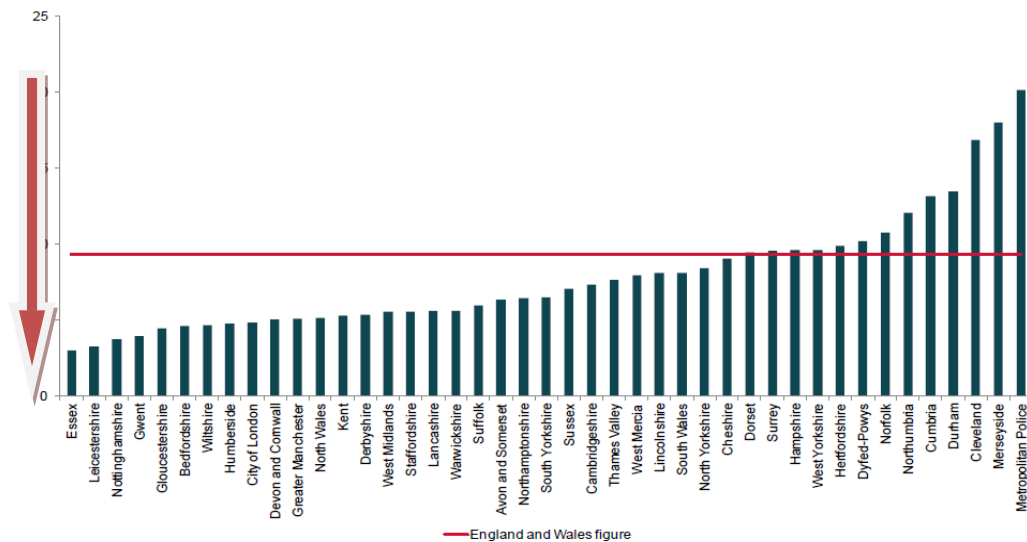
Appendix A

Stop and Search

Report Date: 28th September 2016

Throughout 2015/16 Nottinghamshire Police maintained its focus on the fair and effective use of stop and search powers. The force has seen a steady reduction in the volume of stop and searches carried out, while increasing the arrest and positive outcome rates arising from the use of these powers. The force has the third lowest use of stop and search powers in the country, with the following table taken from the HMIC PEEL: Police Legitimacy Report 2015 which is sourced on the website stop and search page:

Figure 8: Number of stops and searches per 1,000 population for the forces in England and Wales, for the 12 months to March 2015



Source: Home Office Stop and Search data, Police Powers and Procedures 2014/15 and Office for National Statistics mid-2014 population estimates

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

In 2015/16, 379 arrests were made as a result of the use of stop and search powers; this includes 50 arrests for possessing weapons. This represents 13.2% of all stop and search arrests made by the force and displays what a vital crime fighting tool it is and how it protects the public by removing weapons from the streets. We do not underestimate the impact that stop and search encounters have on communities and individuals and we know that to maintain public confidence in its use, the power must be used in a fair and effective manner.

Fair and Effective Stop and Search

A new national definition of a 'fair and effective' stop and search encounter has recently been agreed by the College of Policing and the National Police Chiefs' Council (NPCC):

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

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

Effective use

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

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

The combined arrest and positive outcome rate for stop and search use in 2013/14 was 20.4%. It rose to 25.5% in 2014/15 (12.5% arrest rate) and rose again to 30.1% in 2015/16 (14% arrest rate). The positive outcome rate is the number of stop and search encounters that lead to an arrest or another outcome, for example a cannabis warning or a report for summons.

In May 2016, 36.7% of all searches resulted in a positive outcome. While the force has corporate targets for crime reduction, there is no individual numeric stop and search targets set for officers. Nottinghamshire Police aims for 25% of all stop and searches to result in an arrest or positive outcome, excluding cannabis warnings (this was 31.2% in May 2016). The arrest rate has been steadily rising, from 11.3% in April 2013 to 18.1% in May 2016.

We will continue to work with our communities and stakeholders to deliver fair and effective encounters and ensure that the use of stop and search powers continues to protect the public.

Fair use

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

The number of stop and search encounters has decreased by 37.8% from 4157 recorded in 2014/15 to 2712 in 2015/16. Of the people who were stopped and searched in 2015/16, 71.0% were white, 9.3% black and 7.4% Asian. There were a total of ten public complaints relating to stop and search encounters in the 2015/16 financial year. Two of which were resolved 'there and then'.

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

A Stop and Search Scrutiny Board is now up and running and data is being presented to these members of the community who sit on the Board and scrutinise activity. The minutes and data presentations to this Board can be found on the force website.

There is disparity in the use of stop and searches in relation to gender, age and race. The reasons for disparity are complex and include the use of the power to tackle gangs and specific crimes. All measures of proportionality are subjective depending on which population base is employed. No population base will ever accurately capture a street population in a given area, at a given time.

Proportionality

The proportionality or disproportionality of the use of stop and search powers is an issue within the communities policed in Nottinghamshire, and also within the media when stop and search use is reported upon. The manner in which stop and search proportionality is calculated has a significant impact and creates statistical variances where a small number of searches can have a significant impact upon proportionality rates. These anomalies are largely not understood and require explanation to put some context around these important figures. This position statement outlines how proportionality is calculated.

Data explanation

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

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

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

By way of example:

In 2015/16 – 1,871 searches of white people were conducted in the force area. The white population in Nottinghamshire County and City is 969,501; this total population number is divided by 1,000. The number of searches (1,871) is then divided by the number of 1,000 population (969.501). This equals 1.93. Therefore the rate of searches per '000 of the white population is 1.93 searches per 1,000 white people.

The same calculation is made for, for example, black people. In 2015/16, 244 searches were made of black people; with a total force wide black population of 27,287. The number of searches (244) is divided by the number of 1,000 population (27.287). This calculation gives the result of 8.9 searches per '000 of the black population.

To calculate the proportionality rate the rate per '000 'black' is then divided by the rate per '000 'white'; or in this case, 8.9 is divided by 1.9. The disproportionality rate is 4.6 times more likely to be searched if you are black.

The data ‘variance’

As identified within the two tables below the proportionality rates over the last three years have decreased then, during 2015/16, increased. Table 1 presents the number of searches in the force area; Table 2 identifies those conducted in Nottingham City. The Nottingham City numbers are included within the force level number.

Table 1 Nottinghamshire’s proportionality 2013/14 to 2015/16

Use of s.1 PACE & s.23 Misuse of Drugs Act stop and search in Nottinghamshire (numbers in brackets = number of searches)						
Ethnicity	White	Black	Multiple Heritage	Asian or other	BME	
2013/14	1.0 (4188)	4.1 (486)	1.4 (181)	1.1 (311)	1.9 (978)	
2014/15	1.0 (3159)	3.9 (347)	1.2 (122)	1.1 (236)	1.8 (705)	
2015/16	1.0 (1871)	4.6 (244)	2.1 (123)	1.9 (231)	2.5 (598)	

Table 2 Nottingham City’s proportionality 2011/12 to 2015/16

Use of s.1 PACE & s.23 Misuse of Drugs Act stop and search in Nottingham City						
Ethnicity	White	Black	Multiple Heritage	Asian or other	BME	
2013/14	1.0 (1713)	2.3 (398)	0.9 (139)	0.7 (247)	1.2 (784)	
2014/15	1.0 (1469)	1.9 (282)	0.7 (93)	0.6 (182)	1.0 (557)	
2015/16	1.0 (1200)	1.8 (222)	0.9 (100)	0.8 (205)	1.1 (527)	

How a small number of searches can increase the disproportionality rate.

To illustrate this point, the data for the searches of black people in 2015/16 is presented. There were 244 such searches in 2015/16 in the force area, of which 222 of these were conducted in Nottingham City. The numbers are highlighted in red in Tables 1 and 2 above.

During 2015/16, 22 searches of black people were conducted in the ‘County’; this number of searches caused the disproportionality rate to rise from 1.8 in the City, where the majority of these searches were conducted, to 4.6 in the force area. Numbers highlighted in orange above.

This effect is further illustrated in Table 3 below where the changes in proportionality are highlighted. The data presented is the number of searches conducted by the Home Office prescribed ethnicity ‘group’ in the force area and Nottingham City, the proportionality rates and the difference in these rates, based upon this number of searches.

Table 3 The change to proportionality rates caused by low numbers of searches

	Black			Multiple Heritage			Asian or other			BAME		
	Force	City	Diff	Force	City	Diff	Force	City	Diff	Force	City	Diff
2013/14												
Number	486	398	88	181	139	42	311	247	64	978	784	194
Rate	4.1	2.3	1.8	1.4	0.9	0.5	1.1	0.7	0.4	1.9	1.2	0.7
2014/15												
Number	347	282	65	122	93	39	236	182	54	705	557	148
Rate	3.9	1.9	2.0	1.2	0.7	0.5	1.1	0.6	0.5	1.8	1.0	0.8
2015/16												
Number	244	222	22	123	100	23	231	205	26	598	527	71
Rate	4.6	1.8	2.8	2.1	0.9	1.2	1.9	0.8	1.1	2.5	1.1	1.4

Disproportionality rates therefore can be seen to change more, as the number of stop and search encounters reduce. With the total number of stop and search encounters in the force area reducing and with the majority of these searches being undertaken within Nottingham City where the majority of the BAME population live; the proportionality rate changes significantly when the 'County' data is included.

The statistical reason for this is that the rate of stopping and searching white people per '000 population falls significantly. When this rate is compared to the rate per '000 population for any of the BAME communities there is an uplift of the disproportionality rate.

Example

The white population in the County is 750,803. There were 671 searches of white people conducted during 2015/16 - Appendix A subtraction of the numbers in orange. This gives a search rate per '000 population of 0.89. This number then becomes the baseline.

The calculation in the County for the searching of black people is 22 searches amongst a resident population of 5,102. This gives a search rate of 4.3 per '000 population.

The disproportionality rate therefore rises to 4.8 ($4.3/0.89$) based upon these 22 searches.

Other initiatives

We have delivered a further phase of training to frontline officers, called 'Unconscious Bias'- which was the fourth phase of stop and search training. This training course was funded by the Police and Crime Commissioner and delivered by an external training provider. The training sought to engage and make officers aware of their unconscious bias's to ensure all stop and search encounters are legally based and focus on necessity, proportionality and are conducted without bias.

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

The 2015 HMIC PEEL Legitimacy Inspection, that covered the grounds recorded for stop and search encounters, identified that Nottinghamshire Police had the highest pass rate nationally at 97%.

Like the majority of forces, the force does not record stop and accounts; a stance supported by the Home Secretary. Chief Constable Sue Fish believes that to record all such encounters, which are not a legal requirement, would increase unnecessary bureaucracy, with officers keeping members of the public longer than would otherwise be necessary. Instead we focus our efforts to improve the tasking of our activity and communication about how stop and search powers are and will be used.

The Police and Crime Commissioner (PCC), Paddy Tipping, has continued with a Monitoring Group, which scrutinises the force's stop and search performance and practice. The force presented an annual report into stop and search encounters, at the "Exploring and Improving BME Policing Experiences", second annual conference on Saturday 19 March 2016. This report on activity was well received.

The hope continues that there will be an advisory group of young people; with the PCC funding a local charity Chat'bout to help develop this group. Young people are particularly impacted on by the use of stop and search powers, so it is critical that this group be established to enable them to scrutinise how stop and search powers are used.

Throughout 2015/16 the force has been working with the Home Office to pilot the mapping of stop and search encounters down to the local community level, however this work is yet to be published.

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

This operation is promoted on the force's stop and search webpage for members of the public to apply to attend as a 'Lay Observer'.

Data Quality

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 2015/16 we have published our stop and search data on the force website so that it is available for public viewing and scrutiny. To ensure officer accountability, comprehensive monthly stop and search data is now published internally and discussed at operational performance meetings.

The force's Professional Standards Department (PSD) continues to work to increase awareness and community confidence in those communities most likely to be stopped and searched to report their concerns and complaints, if someone believes a stop and search encounter has not been carried out as it should be. Our current complaint levels are low and we feel this may reflect a lack of confidence that complaints will be dealt with and be taken seriously. While we would clearly prefer that people don't feel the need to complain, we recognise that complaints demonstrate confidence in the belief that the matter will be taken seriously and a resolution or redress will be sought. As required under the Best Use of Stop and Search Scheme, the force has developed a 'Community Trigger' which is available to view on the force website.

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

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