

I.A.G.



NNREC



**Stop & Search Practices
Thematic Review**

July 2007

CHANGE HISTORY

Version	Date	Author	Reason for change
1.0	14 May 2007	Sgt. A. Mackie	Initial draft
1.1	6 June 2007	Sgt. A. Mackie	Partner consultation adjusted draft.
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1.3	11 July 2007	Sgt. A. Mackie	Second partner consultation adjusted draft

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The Norfolk Independent Advisory Group (NIAG).

The Norwich and Norfolk Racial Equality Council (NNREC).

The Norfolk Police Authority (NPA).

The Staff and Officers of the Norfolk Constabulary who assisted with their experiences and views.

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1 Introduction

- 1.1 The review has sought to examine the experiences and opinions of both the subjects of Stop Searches or Stop and Accounts and the officers carrying them out. To establish if the indicated disproportionality in Stop Searches carried out by officers in Norfolk is due to any perceptions, behaviour or attitude. This disproportionality is indicated by the Norfolk Police Authority, Ethnic Monitoring data report, 21st March 2007. This shows that as a proportion of total stops, there are 18.6 times more Stop Searches of black persons per thousand of the population (first quarter of 2006/7), falling to 8.4 times more per thousand of the population in the third quarter of 2006/7.
- 1.2 The review has been carried out as a multi-agency project involving; The Norfolk Independent Advisory Group (NIAG), Norwich and Norfolk Racial Equality council (NNREC) and Norfolk Police Authority (NPA) and Norfolk Constabulary.
- 1.3 An interim stop search review delivered by the Inspection and Review Unit (IRU) (Feb. 2007, the findings of which are incorporated in this review), examined stop search processes, focusing on the quality of data received by Area Intelligence Units (AIU's). The review analysed this data in relation to self defined ethnicity, age and previous police history of stop subjects. The interim review found that recommendations of earlier reports had not been fully carried out and there was still a lack of standardisation between Areas in the management of Stop Search forms (C3 forms).

2 Terms of reference

2.1 To conduct a review of police Stop Search and Stop and Account procedures in Norfolk with a view to identifying their effectiveness in terms of preventing and detecting crime, gathering intelligence and the quality of service offered to those stopped. In particular this will focus on the following areas:

- Examining the perceptions of people from different communities who have been subject to Stop Search or Stop and Account as to the approach adopted by the police officer(s) involved.
- Examining the perceptions, behaviour and attitudes of officer(s) conducting stop searches and in particular how this affects disproportionality.
- Reviewing research, literature and good practice surrounding this process.
- Reviewing the current processes for the harvesting, monitoring and use of Stop Search data.
- Examining the factors which influence officer discretion, in particular how officers are briefed, tasked and de-briefed and how effectively an intelligence led approach to Stop Search and Stop and Account activity is applied.
- Quantifying the outcomes of the process, both positive and negative.

2.2 The review is to be conducted by a multi agency partnership comprising The Norfolk Independent Advisory Group (NIAG), Norwich and Norfolk Racial Equality Council (NNREC), Norfolk Police Authority (NPA) and Norfolk Constabulary Inspection and Review Unit (IRU), and will assist the Constabulary to meet their public duty under the RRAA 2000.

3 Executive Summary

The public's experience

- 3.1 The inspection put considerable effort into engaging with members of the public who have recently being subject to Stop Search/Account by way of focus group and postal survey. Despite this there was very limited engagement from the community. In total 34 members of the public contributed to the review.
- 3.2 Members of Black and Minority Ethnic (BME) communities are more likely to have a negative experience and consider the encounter to be unjustified, impolite and unprofessional. The same view was more common amongst people below 30 years of age across all ethnic categories.
- 3.3 Where the grounds for the stop were fully explained and understood by the subject, evidence suggests the encounter is more positive for the subject of the stop. Subjects are given a strong understanding of the object of the search but the reasons or grounds are more frequently unexplained or not clearly understood by the subject.
- 3.4 15 of the respondents stated that they did not receive a copy of the Stop Search form. It was not possible to identify the reasons for this. It is a cause for concern as the Police and Criminal Evidence Act 1984 (PACE) requires the form to be offered in most cases. This could contribute to the subjects misunderstanding of their rights in relation to Stop Search.

Officer experience

- 3.6 There was little evidence of active supervision of Stop Search/Account. 67% of the officers and staff stated that no feedback of any type was received from supervisors. A further 15% of officers had feedback on compliance but not the quality of the encounter.
- 3.7 Officers and PCSO's consider the C3 form too large and too long. PCSO's suggested there should be a separate dedicated form Stop and Account.
- 3.8 A number of officers stated that Stop and Account forms/monitoring itself could at times be a barrier to communication with the public.
- 3.9 Some officers reported that Stop Search/Account was still used as a personal performance indicator. This issue was highlighted as a concern in the Macpherson report.

National Literature Review

- 3.10 The Inspection's national literature reviewed highlighted:
 - The majority of people interviewed felt Stop Search was a necessary power.
 - Receipt of the stop form improved the quality of the encounter.
 - The quality of the encounter was not determined by the length of officer service.
 - The majority of those searched are young males.
 - Young black males still perceive they are treated in a discriminatory manner.

- Positive encounters occurred when the subject was treated professionally and with respect and clear explanations of the reason for the encounter given.
- Good communication skills are essential particularly when English is not the subject's first language, and more should be done to facilitate this communication.
- Research indicates that persons searched are not representative of the community as whole as they are drawn from the population that is present on the street in the places and at the times when police are most likely to undertake searches.
- The requesting of self ethnicity appears emotive; with many interviewed in the literature feeling it made ethnicity an issue where it was not previously.

Supervision and Organisational Quality Control

- 3.11 Quality assurance processes vary considerably across BCU's. Central Area has the most accurate checking and recording of stop forms but this has a detrimental effect on intelligence due to delay in putting information on the system. Western Area has the fastest input of forms. Western Area has resolved error issues by successful training of supervisors. Western Area also uses a system of skeleton inputting for forms with errors, to have intelligence on the system rapidly. There are however no existing processes to check the quality of the Stop Search encounter on any Area. All checks relate to form compliance.
- 3.12 Interviews with 30 supervisors revealed that 13 did not have any formal methods in place to note trends or patterns in their officers Stop and Account and Stop Searches, and 22 stated the only time they would de-brief an officer was due to an error on the form. Anecdotal evidence also suggested that the majority of supervisors on Central and Eastern Area had never received any training input on the importance supervisors' play in the Stop Search and Stop and Account process. The value of this kind of training has been highlighted by the successful training of supervisors on Western Area.

Statistical monitoring

- 3.13 The analysis of Stop Search rates against residential population is detrimentally affected by the use of out of date 2001 Census data. This has increased Stop Search disproportionality by failing to reflect the proportional increase in Norfolk's the ethnic minority population in the last few years.
- 3.14 Recent work in conjunction with partners has created an updated demographic profile of the ethnic makeup of Norfolk which more accurately reflects changes to the population. This has been recommended for use in local analysis giving a more accurate picture of representation of ethnic groups as subjects of Stop Search and Stop and Account. However the Home Office does not recognise its use for data and documents destined for the Home Office and national publication.
- 3.15 The review highlighted that a small number of people were being stopped on a number of occasions. This was due to intelligence about the individuals and individuals were known to be prolific offenders. Of 192 (96 white and 96 BME) Drugs Act Searches (Sec. 23, Misuse of Drugs Act 1971) examined, covering a given three month period 45% of those stopped were persons known to the force on intelligence systems.
- 3.16 The review could not identify any direct discriminatory reasons for disproportionality in the distribution of Stop Search and Stop and Account between different ethnic backgrounds

4 Summary of recommendations

As part of this review four critical success factors have been identified for which recommendations have been made. These recommendations are also noted in the findings section alongside the work suggesting them.

These critical success factors are:

- 4.1 Recommendations for police training.
- 4.2 Recommendations for procedural changes or reinforcement.
- 4.3 Recommendations for improvements in monitoring of stops.
- 4.4 Recommendation for representation to the Home Office.

The recommendations are shown in the following tables, together with space to enable recording of actions taken to address the recommendation (Initials indicate partners with responsibility for actioning if agreed. N.C. (Norfolk Constabulary), NNREC (Norwich and Norfolk Race Equality Council), N.P.A. (Norfolk Police Authority), N.I.A.G. (Norfolk Independent Advisory Group)).

4.1 Recommendations for training.

Recommendation 1. It is recommended that Supervisors should be trained regarding their responsibilities toward Stop Search and Stop and Account in Central and Eastern Areas, as has been the case in Western Area. Also that partner representatives should take part in the training. (N.C. / N.N.R.E.C / N.I.A.G.)

Recommendation 2. It is recommended that guidelines should be supplied to Supervisors, regarding the monitoring of the quality for Stop Search / Stop and Account encounters, to support adherence to Section 5.1 of Code A of PACE. (N.C.)

Recommendation 3. It is recommended that when supervisors have received training regarding Stop Search and Stop and Account, they should reiterate to their staff, the importance of ensuring that the object, grounds and reason for the search are fully clear to the subject in every case and that the encounter is conducted in a professional manner. (N.C.)

Recommendation 4. It is recommended that there is additional training for officers and PCSO's regarding the importance of the quality of the encounter. Consideration of the subjects' age, ethnicity, culture, gender, disabilities and other identity variables should be emphasised for all staff. This will ensure that officers and PCSO's treat people according to these factors, as it is no longer appropriate to treat every person stopped in the same manner, but to treat each person appropriately to give the best quality of encounter. (N.C.)

4.2 Recommendations for procedural changes or reinforcement.

Recommendation 5. It is recommended that the Constabulary should review the use of Stop Search and Stop and Account as a personal performances indicator, formally or informally in respect of encouraging officers to increase the number of Stop and Account and Stop Searches. Areas should put out information to this effect. (N.C.)

Recommendation 6. It is recommended that officers and PCSO's should be reminded of the importance of completing a Stop Search / Stop and Account form at the time of the

stop, to ensure the subject has the opportunity to receive a copy, including the 'Know Your Rights' section. (N.C.)

Recommendation 7. It is recommended that the 'Know Your Rights' cards, in various languages, should be further promoted and distributed on behalf of the Police Authority and should be given to Safer Neighbourhoods Teams (SNT's) for distributing to identified groups and locations.
(N.C. / N.N.R.E.C. / N.P.A.)

4.3 Recommendations for improvements in monitoring of stops.

Recommendation 8. Repeated from the Stop and Account review 2005; It is recommended that 'All Areas adopt a corporate approach to quality checking Stop and Account forms' and additionally Stop Search forms. This to be achieved by Areas agreeing on a standardised (Best Practice) method of dealing with C3 forms from encounter to recording. (N.C.)

Recommendation 9. It is recommended that skeleton C3 data should be input at the earliest possible stage to provide up to date intelligence (as is the case on Western Area). Faults to be followed up subsequently and full details completed when clarified. (N.C.)

Recommendation 10. It is recommended that Traffic Stops be monitored and analysed to a similar level as Stop Search. (N.C. / N.P.A.)

Recommendation 11. It is recommended that the updated demographic profile created with partners is used instead of the 2001 Census data in local analysis.

4.4 Recommendation for representation to the Home Office.

Recommendation 12. It is recommended that representation should be made to the Home Office and ACPO for the suspension of Stop and Account monitoring. This reflects the views of officers, subjects and partners as well as the lack of achievement of its stated aims to provide transparency of officer interactions. (N.C. / N.P.A.)

5 Findings

Findings are set out in order of the tasks proposed in the terms of reference.

5.1 *To examine the perceptions of people from different communities who have been subject to Stop Search and Stop and Account, as to the approach adopted by the police officer(s) involved.*

Methodology

5.1.1 Postal surveys were sent to 800 people (400 from BME and 400 from white communities) as identified from the police Stop Search database. Additionally a focus group was held in Norwich which was attended by 7 people. No members of the public attended a focus group held in Kings Lynn. There was no focus group held in Yarmouth due to lack of response.

Results

5.1.2 From the 800 surveys sent out, only 27 (3.4%) responses were received. The focus group in Norwich was attended by 7 people giving a total number of 34 responses. The total number of responses cannot be treated as statistically representative of the communities surveyed but the information gained is still indicative of current perceptions. The ethnic breakdown of the respondents following the 5+1 self classified codes was:

- 19 respondents in the White category,
- 3 respondents in Mixed category
- 3 respondents in the Asian Category
- 8 respondents in the Black category
- 1 respondent did not give an ethnic category

Findings

5.1.3 The questionnaire asked how far the subject agreed that;

- They understood why they were stopped
- They had the reasons explained to them
- The officer conducted the Stop Search in a polite manner
- The officer conducted the Stop Search in a professional manner
- The officers attitude was appropriate to the search
- The officer was justified in conducting a Stop Search

- 5.1.4 There was a common distribution of just over 50% of respondents who agreed with these statements. Of these respondents the majority self classified in the white category. Counter to this just less than 50% of respondents either disagreed with these statements or neither agreed or disagreed with these statements. Of these respondents the majority were of a non-white category. Generally there are few subjects from the older age groups (above 30) that disagree with these statements.
- 5.1.5 Evidence indicates that members of BME communities who are stopped searched are more likely to have a negative experience and consider the encounter to be unjustified, impolite and unprofessional, particularly if they do not understand why they have been stopped. Similarly this same perception appears to be more common among the younger (below 30) age groups across all ethnic categories.
- 5.1.6 Where grounds were fully explained and understood by the subject, evidence indicates that the encounter is viewed by that subject more positively.
- 5.1.7 Additionally, evidence within the questionnaires and focus groups suggests that whilst there is a strong understanding of the object of the search, the reasons/grounds of the search are largely unexplained and/or not understood. This fuels feelings that the Stop Search encounter is not based on any evidence and is merely victimisation.

Negative encounter: [A person was jogging down the road to their friend's house and stopped by police. The encounter was polite, and the subject understood the object of the search but the **grounds** were not fully explained /understood consequently the encounter was viewed negatively]

'If there had been a burglary or robbery in the area and I matched the description then it would have been O.K.'

Positive encounter: Reasons for Stop Search were given and **fully** explained in polite and professional manner.

'...seeing two men in a van at that hour of morning looked suspicious as there had been several break-in's.'

The survey also asked respondents how far they agreed that:

- The officer's attitude was aggressive
- The officer's attitude was patronising

Approximately 50% of respondents disagreed that officer's attitude was aggressive or patronising and of these respondents the majority were from the white ethnic categories.

'I gave a lift to my work colleague and pulled up at a free parking area on the [...] to drop him off. Before he went off we were having a conversation in the car and I noticed a car pull up behind me, only to realise the driver is a policeman. He identified himself and explained he was checking to see if we were alright. His actions were reasonable and professional. He could have saved me if I had been in problem.'

- 5.1.8 Those respondents who agreed with the statements or didn't choose were in the majority from the BME categories. There was a fair distribution of age groups who agreed and disagreed with this statement. This indicates that age does not seem to affect the perception of the attitude of the officer.

Recommendation 3. It is recommended that when supervisors have received training regarding Stop Search and Stop and Account, they should reiterate to their staff, the importance of ensuring that the object, grounds and reason for the search are fully clear to the subject in every case and that the encounter is conducted in a professional manner.

Recommendation 7. It is recommended that the 'Know Your Rights' cards, in various languages, should be further promoted and distributed on behalf of the Police Authority and should be given to SNT's for distributing to identified groups and locations.

' I was walking along the street and the police car came in the opposite direction, the car stopped abruptly and two officers came out of the car and told me to come to them. They immediately removed my hat from my head and asked where I had been, and why I was here. They searched me for no apparent reason and when they found nothing illegal on me they then rudely told me to behave myself and then left.'

- 5.1.9 Again there is a pattern of perceiving officers attitudes in negative ways among BME respondents. This does not generally apply to those from different age groups, but there is some evidence to suggest that interactions between younger subjects and younger officers were more positive than interactions between younger subjects and older officers regardless of ethnicity.
- 5.1.10 When it comes to seeing Stop Search as a necessary police power 16 of 34 respondents agreed that it was necessary whereas 18 respondents did not agree or didn't know. More interestingly, although a majority of those agreeing were from the White category there was a far more even distribution, with only 6 of 11 respondents who definitely disagreed, coming from BME backgrounds.
- 5.1.11 This shows that although there is a perception among BME subjects of negative attitudes among officers, a lack of explanation/justification does not directly transfer to disagreement that Stop Search is a necessary power.
- 5.1.12 The perceptions of police by the subjects of 14 out of 34 respondents had changed due to their experience of the Stop Search encounter. The rest felt there had been no change. The ethnic composition of either response was mixed indicating no particular trend for the effect on different ethnic groups. Similarly those changing their perception and those not, are spread across all age ranges.
- 5.1.13 Out of 34 respondents 15 stated that they did not receive a copy of the Stop Search form (the reasons for this have not been explored further). Again there was no particular pattern to this according to the ethnicity or age range of the subject. This is a cause for concern because, notwithstanding any obligations under PACE, the receipt of a form impacts positively on the subject's perception of the encounter, and it facilitates accountability and professionalises the interaction.

Recommendation 6. It is recommended that officers and PCSO's should be reminded of the importance of completing a Stop Search / Stop and Account form at the time of the stop, to ensure the subject has the opportunity to receive a copy, including the 'know you rights' section.

- 5.1.14 Of the 13 subjects who perceived the encounter as impolite only 2 had received a copy of the Stop Search form. Of 16 subjects of a Stop Search who considered the encounter to have been conducted in a polite manner, 11 had received a copy of the Stop Search form. There is an indication that within this sample there is a link between positive and negative perceptions of the encounter and the receipt or not of a stop search form. It must be recognised that the small sample size does not allow us to conclude this is the case for all stop searches.
- 5.1.15 Of 26 persons who did not perceive the encounter as aggressive or were unsure 21 believed that Stop Search was a necessary power. Conversely of 16 persons who perceived the Stop Search encounter as aggressive or were unsure, only 3 believed that Stop Search was a necessary power.
- 5.1.16 Anecdotal evidence also suggests that some members of BME groups feel that traffic stops are carried out on them disproportionately. At present Norfolk does not monitor traffic stops and benchmarking carried out for section 5.3 (reviewing practices in other forces) showed that the other forces questioned did not analyse data collected either. Introduction of monitoring and analysis of the traffic stop documents that are issued at present, such as Home Office Road Traffic 1 form (HORT 1, production of driving documents) and Vehicle Defect Rectification Scheme Form (VDRS) may help to clarify this issue.

Recommendation 10. It is recommended that Traffic Stops be monitored and analysed to a similar level as Stop Search.

5.2 *To examine the perceptions, behaviour and attitudes of Officers conducting Stop Searches and in particular how this affects disproportionality.*

Methodology

5.2.1 94 Police officers and PCSO's were interviewed using a questionnaire format. The results were then analysed.

Results

5.2.2 Of the 94 staff members interviewed;

- 14 were PCSO's (15%)
- 1 was an Inspector (1%)
- 15 were Sergeants (16%)
- 64 were constables (68%)

(Fig. 1, 2 & 3 refer to officer function, Area distribution and rank)

Fig. 1

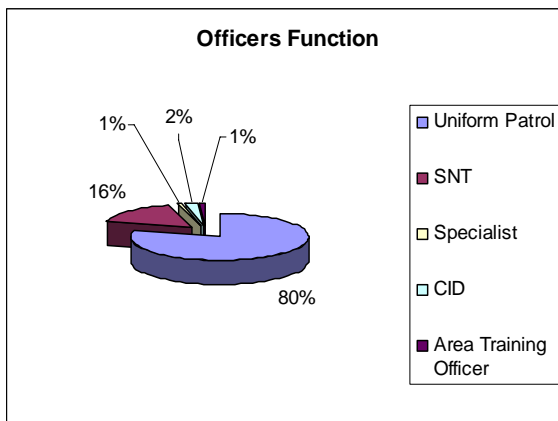
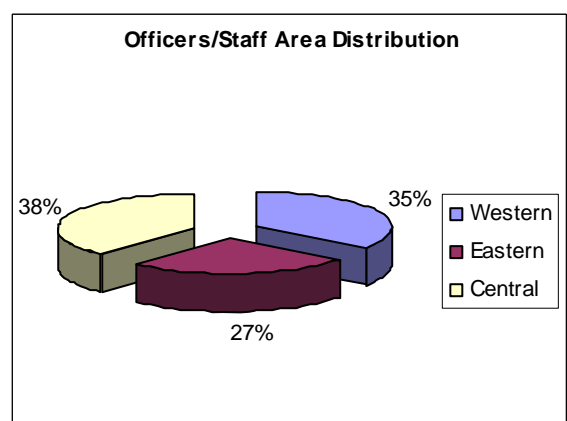


Fig. 2



5.2.3 The length of service of those interviewed ranged between, under 2 years and over 21 years service (Fig. 4). The highest proportion of those officers interviewed, 54 officers (57%) had between 0 and 5 years service.

Fig. 3

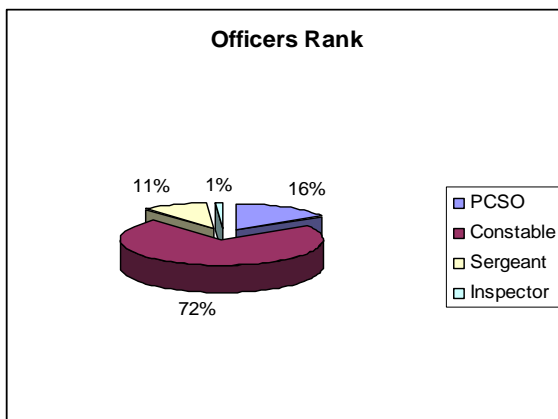
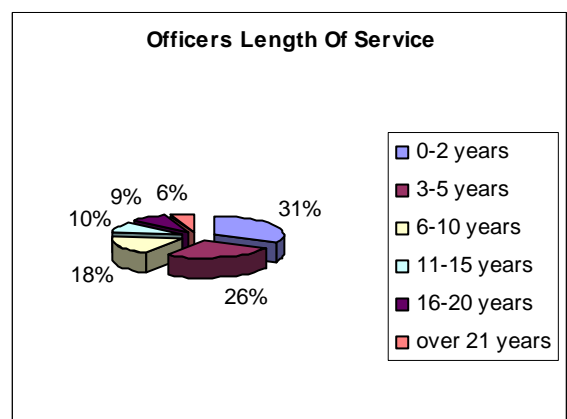


Fig. 4



5.2.4 Those interviewed were asked to tell the interview team about their most recent Stop Search or Stop and Account and were then asked a series of questions in relation to the encounter. Some officers had never carried out a search or as a PCSO were unable to comment on Stop Search encounters, due to their restricted powers. Where officers had not carried out a search some gave responses that described how they aspired to deal with an encounter or a specific Stop and Account encounter they had conducted.

5.2.5 When those interviewed were asked how often on average they carried out a Stop Search 33 of those asked stated that they carried out between 1 and 5 per week. 16 of those asked stated that they carried out between 1 and 5 per month. One officer stated he had completed only 6 searches within a 5 year period.

5.2.6 The charts below show the ethnicity of the individual stopped and the basis for the search in the officer's opinion. This is based upon a question to officers about the last Stop Search they completed; the figures are based on 93 subjects of stops (Fig. 5 & 6).

Fig. 5

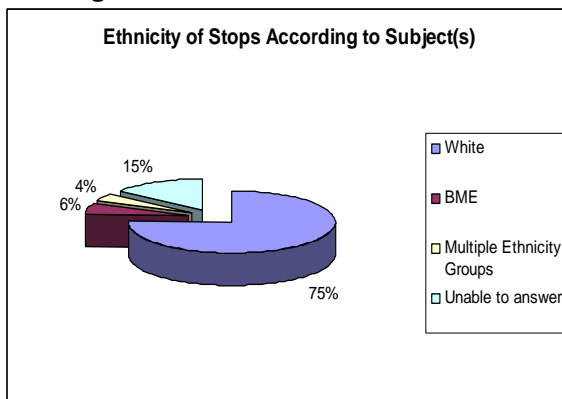
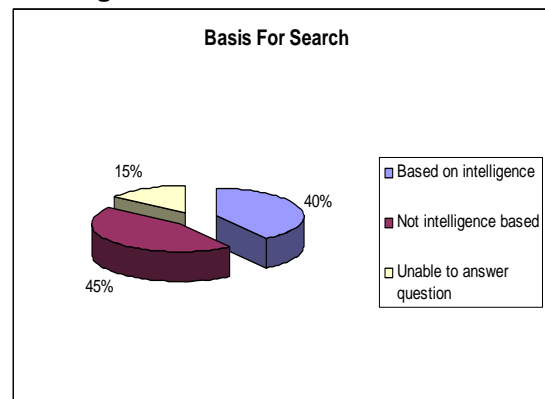


Fig. 6



5.2.7 The charts below show the outcome of the Stop Search (Fig. 7) and whether the result, if an arrest was this related to the search (Fig. 8). Both charts are based on the 93 subjects of stops recounted by the officers surveyed.

Fig. 7

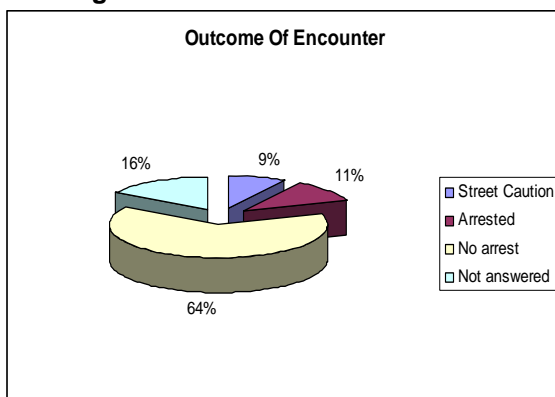
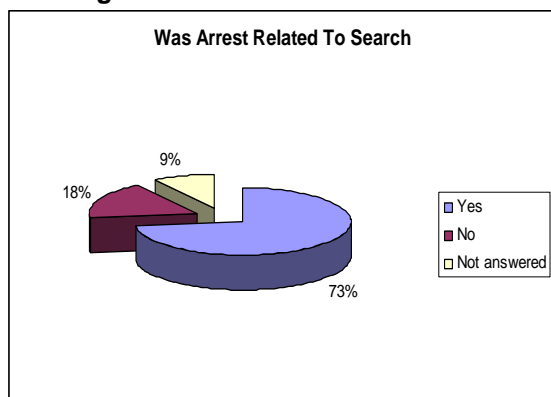


Fig. 8



Completion of C3 Form.

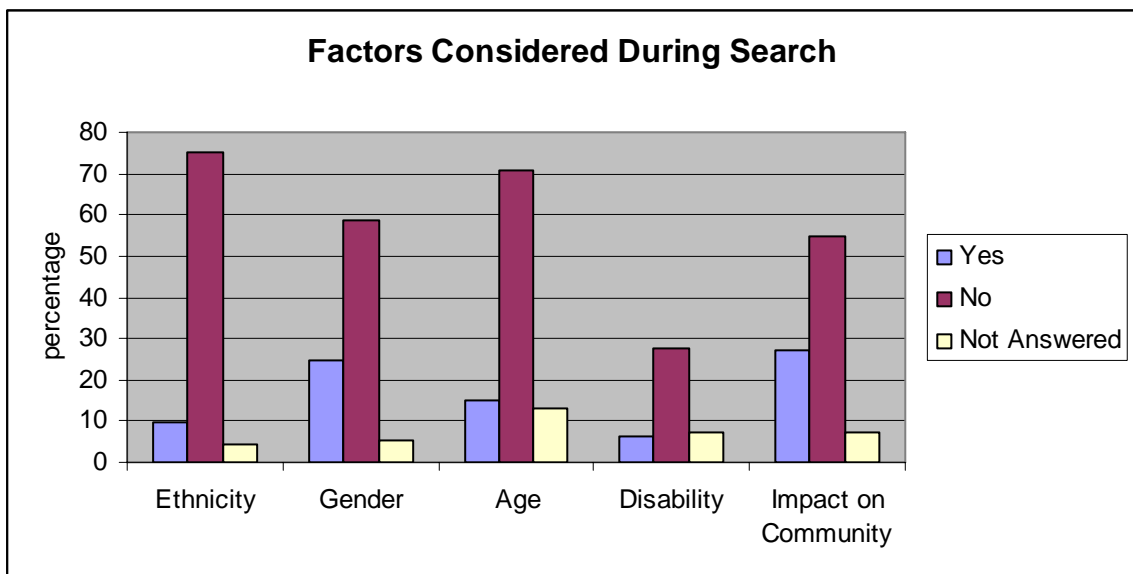
5.2.8 80% of officers interviewed said that they had completed a search form in relation to the Stop and Search they were describing, although many officers stated they completed the form after the encounter was over (e.g. back at the station) and others stated that the person searched had declined a copy of the form. No examples could be found of where those interviewed stated that they had not completed a search form however the large number of survey forms on which no response to the question was noted would seem to account for the remaining 20% (i.e. officers who had never completed a Stop and Search).

Feedback from Supervisor.

5.2.9 When asked if supervisors offered feedback to their staff on any aspect of a stop 67% stated that no feedback of any type was received, 15% stated that feedback had been received but that it was in relation to compliance with the form and not to the quality of the encounter itself. It is worth noting that Self Inspection mirrors this in that it examines the quality of the C3 form and compliance with it and not the encounter itself. The remaining 18% were unable to answer the question due to the fact they had not conducted either a Stop Search or Stop/Account.

5.2.10 The graph below shows factors considered during search by the officer conducting it, as answered during the survey (Fig. 9).

Fig. 9



5.2.11 This graph reflects the different considerations of identity variables considered by officers during Stop Search encounters. Whereas disability and gender are seen as more relevant considerations for a successful Stop Search encounter, ethnicity and age are considered to a lesser degree. The question of to what extent these identity variables should affect the manner in which a Stop Search encounter is conducted is important. Consideration of these issues should be included in training to fully prepare officers to perform quality Stop Search encounters.

Recommendation 4. It is recommended that consideration is given for additional training for officers and PCSO's regarding the importance of the quality of the encounter. Consideration of the subjects' age, ethnicity, culture, gender, disabilities and other identity variables should be emphasised for all staff. This will ensure that officers and PCSO's treat people according to these factors, as it is no longer appropriate to treat every person stopped in the same manner, but to treat each person appropriately to give the best quality of encounter.

5.2.12 PACE 1984, Code A, 1.4, gives the primary purpose of Stop Search powers as 'to enable officers to allay or confirm suspicions about individuals without exercising their powers of arrest'.

5.2.13 In relation to Stop and Account across the Constabulary, officers surveyed gave the purpose of the encounter as follows (details by Area in [Appendix 5.2.A](#));

- To allow someone to account 15%
- To gain intelligence 16%
- To prevent crime 18%
- To disrupt Anti-social behaviour 16%
- By officer to hold someone to account 7%
- To safeguard officers 8%
- To detect crime 16%
- As a performance indicator 4%

5.2.14 In relation to Stop Search across the Constabulary, officers surveyed gave the purpose of the encounter as follows (details by Area in [Appendix 5.2.B](#));

- To prevent crime 30%
- To disrupt Anti-social behaviour 13%
- As a performance indicator 7%
- To detect crime 28%
- To discover specific articles 22%

Suggestions from the survey for Improvements.

5.2.15 Officers were asked what improvements could be made to the way in which Stop Search and Stop and Account is managed. Three main themes were established; firstly changes to the layout and size of the form, secondly questioning of the value of Stop Account and thirdly an end to the use of Stop Search numbers as what officers believe is a personal performance indicator.

- 5.2.16 Many of those interviewed made reference to the size and nature of the C3 form stating that it was poorly designed and should not be dual purpose (Stop Account and Stop Search). Many officers stated that they felt the length of the form was a barrier to communication as it took so long to complete, and officers felt that the number of questions on the form should be reduced in order to speed up the encounter. Some PCSO's requested a separate Stop Account form for their use. Other officers felt that the process would be simplified if data could be inputted into a Mobile Data Recording Unit.
- 5.2.17 Of those interviewed 19% stated that they felt that Stop Account could be a barrier to communication with the public and feel that having to complete a form merely exacerbates the problem. It was felt that Stop and Account for these reasons should be discontinued. These findings may be indicative of a general lack of understanding about what exactly constitutes a Stop Account encounter.

'I find it annoys people by delaying them, over simple conversation in the street i.e. "Why are you taking my details when you are only talking to me?"'

'Stop and Account is pointless paperwork and subjects can't be bothered'.

'Stop and Account has stopped officers talking to people'.

Recommendation 12. It is recommended that representation should be made to the Home Office and ACPO for the suspension of Stop and Account monitoring. This reflects the views of officers, subjects and partners as well as the lack of achievement of its stated aims to provide transparency of officer interactions.

- 5.2.18 A small number of those interviewed had the perception that Stop Search and Stop and Account were used as Performance Indicators. These officers believed that the pressure to meet targets resulted in officers carrying out Stops solely to boost numbers. Comments to interviewers identified that more than these few officers perceived Stop Search to be a performance indicator by a variety of management and assessment structures. However these officers did not tick the box because although this was perceived, they did not believe Stop Search should be used in this manner.

'Use as a performance measure is pointless and doesn't detect crime or reassure ... 80% of officers seek to pump up numbers of Stop Search and Stop Account'.

'The culture of Stop Accounts and Stop Search as personal performance statistics and targets needs to be removed'.

Recommendation 5. It is recommended that the Constabulary should review the use of Stop Search or Stop and Account as a personal performance indicator, formally or informally, in respect of encouraging officers to increase the number of Stop and Account and Stop Searches. Areas should put out information to this effect.

5.3 *To review research, literature and good practice surrounding this process.*

Methodology

- 5.3.1
1. A Benchmarking request was sent to a total of forty Forces requesting current information in relation to the collection and distribution of Stop Search data.
 2. The IQUANTA website (a tool for policing performance information and analysis) was visited. Data is published on IQUANTA relating to White and Minority Ethnic Stop Searches that have resulted in arrest. The data held is from April 2003 to March 2006. There is no current data.
 3. The GENESIS website (a data base of police articles, research and information) was searched for current research into Stop Search and any recently published reports, as was the internet in general.
 4. A national Stop Search conference was attended in London.
 5. The Community Safety Department was liaised with in order that any current pieces of research could be identified.

Results

- 5.3.2 From the 40 Benchmarking requests sent out 12 replies were received, this equates to a 27.9% response rate.
- 5.3.2 All Forces collect data from Stop Search, however there seems to be a general lack of understanding as to why the data is collected and what it should be used for, other than for Home Office returns.
- Some Forces have a forum in place to discuss disproportionality (e.g. South Wales) but these are in the minority.
 - Forces all appear to have robust measures to check the quality of the form and form compliance with PACE but not to intrusively check the quality of the search encounter itself.
 - Data from the majority of Forces is presented on a quarterly basis to the Force Performance meeting and is disseminated within the Forces using the data breakdowns.
 - Reports detailing individual officer performance are also available.
 - Data from Traffic stops for the majority of forces is not recorded.
- 5.3.5 Data is distributed to the constabularies Race and Equality steering group to monitor the ethnicity of searches, other data is submitted to the Home Office and is available at the request of officers.
Most Forces that responded either already share their data with partnerships agencies or would be happy to do so if requested.

5.3.6 Based on the literature read and the findings of research for this thematic review (Background reading referred to is in [Appendix 5.3.B](#));

- The majority of persons interviewed felt that Stop Search was a necessary power. This is true even where the person questioned had a negative experience.
- The receipt of a Stop Search form improves the quality of the encounter and makes it more professional. The receipt of the form reassures the recipient of the legitimacy of the encounter.
- The majority of those searched are young males.
- The quality of the encounter wasn't determined by the age or length of service attained by the searching officer.
- Good quality, positive encounters are those where the individual searched is treated in a respectful professional manner and where the reasons for the Stop are explained in clear easy to understand language.

5.3.7 Good communication skills are essential in the carrying out of a successful encounter. PACE 1984, Code A, 3.11, states;

'If the person to be searched, or in charge of a vehicle to be searched, does not appear to understand what is being said, or there is any doubt about the person's ability to understand English, the officer must take reasonable steps to bring information regarding the person's rights and any relevant provisions of this code to his or her attention.'

Evidence indicates that officers are failing in this obligation. The use of the Stop Search Know Your Rights cards (published by the Association of Police Authorities) which are available in a variety of languages is limited. Officers within Norfolk are over reliant on the use of the N codes (codes to indicate why areas of the form were not completed) when the person does not understand the encounter. Where an individual is left confused and unsure as why they have been searched because of a lack of understanding this can only lead to mistrust of the police and a negative experience of the Stop Search process.

5.3.8 Young black males still perceive that they are discriminated against and that they are stopped solely because of the colour of their skin. Members of the BME community feel they are more likely to be searched when they are part of a large group, than persons who appear white. Some research suggested that officers should not treat all people the same during stops, instead they should aware of the differences in culture from group to group and act appropriately (see recommendation 4).

5.3.9 Officers feel pressure on them to carry out searches. Fitzgerald cites the example that within the Metropolitan Police Service (MPS) the number of searches carried out following the Macpherson report dropped for a couple of months only to increase again when senior managers began instructing officers to carry out more Stop Searches. There is insufficient evidence available from the Benchmarking exercise to establish if Stop Search data is used as a performance indicator however some officers spoken to within Norfolk and those interviewed as part of work by Dr Fitzgerald express an opinion that this is the case.

- 5.3.10 Fitzgerald states that the people getting searched are not a representative cross section but are instead drawn from the population which is present on the street in the places and at the times when police are most likely to undertake searches.
- 5.3.11 Research in conjunction with Thames Valley Police conducted in Reading and Slough examined the effect of 'available' street populations on disproportional figures of Stop Search. The data identified that the available population was significantly different to the residential population in the most recent Census in terms of age, gender, and ethnicity. The research claimed to undermine assumptions of racial profiling among officers as there wasn't an overrepresentation of ethnic minorities when Stop Search figures were compared with the 'available' populations (*In proportion: Race, and Police Stop Search*, Waddington, Stenson and Don, British Journal of Criminology 44(6), pp889-914, Nov 2004)
- 5.3.12 Unfortunately the research does not compare the Stop Search data with the ethnic makeup of the age group most at risk of Stop Search (18-25) which is nationally more ethnically diverse, within the street population and residence. Nor does it take into account the relevant population changes as it is conducted 3 years after the 2001 census. As a result the research fails to eliminate general population change, or the other factors dominant in Stop Search 'availability' (age, gender), which can offer alternative analysis. Subsequently the application of the Reading and Slough research to Stop Search behaviour in Norfolk would be evidentially inappropriate. Without a more comprehensive locally based analysis of street populations this is a moot point. The use of local updated demographic data, both residential and within appropriate age groups, can equally resolve some of the concerns with census residential population and is dealt with later in this review.
- 5.3.13 The issue of requesting Self-classified ethnicity data is an emotive one. Many feel it brings the issue of ethnicity into the situation where it was not an issue. Some of those stopped felt they were being asked an obvious question; some are cynical and feel that the police are just playing lip service to Recommendation 61 of the Macpherson report and trying to prove that they're not racist.
- 5.3.14 Research suggests resentment can occur when the person being stopped defines themselves as part of an ethnic group not included on the form (i.e. Jewish). Some officers feel that some of those stopped will give the officer an ethnic group far removed from their actual appearance just to be disruptive. Many of those stopped felt insulted that officers need to question their ethnicity where they felt it was obvious just by looking at them. Officers feel it can create a barrier to communication and some feel embarrassed and awkward when required to ask a person to define their own ethnicity.

5.4 *To review the current processes for the harvesting, monitoring and use of Stop Search data.*

Methodology

- 5.4.1
1. Self Inspection data was examined in each policing area to establish if action plans existed and had been used to improve performance.
 2. The procedures within each Area for the submission of Stop Search returns were reviewed.
 3. The Norfolk Constabulary Stop Search database was used to examine reported Stop Searches between 01/04/06 and 30/06/06.
(Details of searches by age, ethnicity and if stopped on more than one occasion for PACE and Drugs are in [Appendix 5.4.A](#) and [Appendix 5.4.B](#))
 4. Interviews were held with Area Performance Managers in order to determine the use of Stop Search data within the three BCU's.

Results

Self Inspection Data

- 5.4.2 Self Inspection data does not examine issues of disproportionality or the quality of the encounter but instead focuses on compliance with PACE, and procedure. It does provide a robust monitoring system to ensure that officers are correctly completing and complying with the requirements of the paper record.
- 5.4.3 Area Performance Officers dip sample data on a monthly basis and apply a series of check questions to each form. Faults are highlighted and where necessary entries are made on a rolling action plan.

Procedures

- 5.4.4 Following the thematic review of Stop and Account in 2005 a number of recommendations were made in relation to the adoption of a corporate approach for the management of Stop and Account data.
To date these recommendations have not been adopted and all three Basic Command Units (BCU's) continue to follow different methods of collecting and disseminating C3 data.

Central Area

- 5.4.5 Central Area has by far the most rigorous procedure for the submission of Stop Search forms and their subsequent entry onto the data base. However due to the process in place; which involves inputting the data on to the system and then rechecking the electronic data against the form for accuracy, there can be a delay in getting the information recorded on the data base. Whilst the low error rate is desirable and can be held up as best practice, the frequent delays in putting data onto the Stop Search system can have a negative effect on accuracy of intelligence held.

- 5.4.6 Forms are completed by officers on Area and then placed in the Sergeant's tray for examination and onward transmission. Sergeants should then check the forms for legal and procedural compliance. Once satisfied these criteria have been met the forms should be signed and forwarded to the Local Intelligence officer (LIO) office. The period of time that it takes for the completed C3 Form to arrive with the LIO is often dependant on the availability of a Sergeant. The situation is compounded in rural areas where one Sergeant may cover a number of stations.
- 5.4.7 When the form arrives with the LIO it is quality checked prior to it being placed on to the Stop Search data base, and any faults recorded on a spreadsheet. Any forms on which faults are found are then returned to the issuing officer's Sergeant for correction. The Sergeant is then responsible for advising the officer who completed the form and ensuring that corrections are made. The LIO submits details of any forms incorrectly completed to the Area Community Safety Unit where the Community Safety Inspector analyses them in order to identify any officers who consistently make mistakes. A similar role is performed within Western and Eastern BCU's by personnel within the Performance Management Units.
- 5.4.8 When the form has been correctly completed it is entered on the database. Each entry is then quality checked to ensure there are no discrepancies between the information keyed and that on the form. Although this system can be time consuming the error rates recorded by Central Area are markedly lower than those for other Areas where quality assurance processes are not as thorough. Whilst the low error rate is commendable, the delay in inputting information onto the database can impact on the timeliness of the intelligence.
- 5.4.9 The LIO has tackled the issue of incorrectly completed forms by issuing advice to officers and their supervisors and attempting to put more emphasis on the importance of good quality data.

Western Area

- 5.4.10 Western Area aims to get the forms inputted on to the data base in the quickest time possible. Mistakes by officers are scrutinized by managers or Inspectors if required and addressed with the officer who completed the form. Small errors often do not prevent the form from being submitted and amendments can be added at a later date.
- 5.4.11 The Performance Management Office at Kings Lynn holds an extensive data base through which staff monitor those officers carrying out a large number of stops, or those officers consistently using 'N'¹ codes without good reason. Information is used in order to challenge officer behaviour and ensure a high standard of searches is maintained. Any issues for the search relating to disproportionality, legal and procedural compliance and grounds for the stop are passed to sector inspectors to address.

Western Area has re-trained all Sergeants to ensure that the quality of forms submitted by officers and subsequently checked by supervisors is of a high standard. Since the completion of the training package, Self Inspection data in relation to Stop Search has shown a significant drop in error rates.

¹ N codes are entries on a C3 form to explain why a form has not been completed e.g. where a subject does not understand the process through language barriers.

Eastern Area

- 5.4.12 Within Eastern Area the processes by which forms are received within the LIO office remain similar to those within the other BCU's.
- 5.4.13 Forms are completed by officers and then left with the supervising sergeant to be quality checked. Once the form has been signed it is sent to the LIO Office. Forms are received within the office where they are quality checked and inputted onto the Stop Search data base, having been intelligence screened. Once the form is with the LIO, the data is normally inputted on to the database within forty eight hours. Forms can sometimes be delayed in reaching the LIO in those sectors where Sergeants are responsible for supervising staff at several different stations.
- 5.4.14 When forms have been correctly completed they are entered on to the Stop Search Data Base. Intelligence checks are carried out and where required the force crime and intelligence systems are updated. Should faults exist the form is returned to the officer and entered onto a separate data base and then subsequently resubmitted when any changes have been made or queries answered. The data is then input on to the Stop Search system and the paper copies filed.
- 5.4.15 There are no existing formal processes to regularly check on the quality of the Stop Search encounter. Processes centre on compliance with the requirements of the form.
- 5.4.16 It is evident from these findings that robust processes exist within each BCU to record and monitor Stop Search data in relation to compliance with the requirements of the form. Processes do not exist to review the quality of the Stop Search encounter. However, differences exist in the way that each goes about this process. The use of skeleton entries on the data base prior to incorrect forms being returned to the officer for amendment appears to shorten the time between its submission and subsequent entry on to the system and also ensures that intelligence is timely and accurate.

Recommendation 8. Repeated from the Stop and Account review 2005;

It is recommended that 'All Areas adopt a corporate approach to quality checking Stop and Account forms' and additionally Stop Search forms. This to be achieved by Areas agreeing on a standardised (Best Practice) method of dealing with C3 forms from encounter to recording.

Recommendation 9. It is recommended that skeleton C3 data should be input at the earliest possible stage to provide up to date intelligence (as is the case on Western Area). Faults to be followed up subsequently and full details completed when clarified.

Examination of Stop Search Data

- 5.4.17 The Stop Search data base files data in two ways; by date of search and by date recorded on the database. For reasons of accuracy and consistency Stop Searches that were recorded within the period 01/04/06 and 30/06/06 were examined.
- 5.4.18 During the prescribed period a total of 1154 PACE searches and 1124 Drug searches were recorded. A breakdown of the ethnic make up of the searched persons is shown at Appendix 5.4.A.

- 5.4.19 Of the 1154 Stop Search records 202 were of self defined ethnic minority groups. This sample (of 202) together with an equal number drawn from the three self defined ethnicity groups of White British, White Irish and Any Other White background were selected for further analysis (making a total of 404 records).
- 5.4.20 Two hundred and twelve of the search records related to PACE searches recorded between 01/04/06 and 30/06/06, the remaining 192 related to searches carried out under Sec 23 of the Misuse of Drugs Act 1971.

PACE Searches

- 5.4.21 106 recorded Stop Searches were carried out on people from BME groups during the study period. These were analysed against a comparative sample of people who gave their self defined ethnicity as White Irish, White British and Any Other Background. The 212 searches were then analysed in relation to age, ethnicity, and whether the person searched was stopped as a result of Intelligence. A break-down of searches by age and ethnicity is shown at Appendix 5.4.B.
- Of the 212 Stop Searches recorded within the stated period 9 persons accounted for a total of 30 stops (14%). Forty five percent of the Stop Searches were on persons who had come to the attention of police and were recorded on the Force intelligence system (albeit some of whom may never have been convicted of a criminal offence) or had been Area targets within the stated period.

Drugs Searches

- 5.4.22 96 of the 192 people who had been subject to a drugs search were from BME groups. These were analysed against a comparative sample of people who gave their self defined ethnicity as White Irish / White British and Any Other Background. The 192 searches were then analysed in relation to age and ethnicity and whether the person searched was stopped as a result of Intelligence.
- Of the 192 Stop Searches recorded within the stated period 12 persons accounted for a total of 29 stops (15%). 45% of the Stop Searches were on persons known on the Force intelligence system or were Area targets within the stated period.
- 5.4.23 Because of the prolific nature of some criminals many have been selected as Area or Sector targets on more than one occasion within the period examined. This may account for the frequency with which some persons have been searched.

Population change affect on searches

- 5.4.24 It is recognised that the population of Norfolk changes considerably over time, particularly the proportion of ethnic minorities within the Norfolk population. This is a national trend and is based on the differing age structures and migration rates of different ethnic groups.
- 5.4.25 Stop Search analysis is based on a comparison of Stop Search rates for different ethnic groups, on the proportion among the population and on the latest Census results (2001). Due to the changing population the proportion of different ethnic groups alters significantly after the latest census and subsequently affects the figures comparing proportion of Stop Searches and Stop and Accounts between different ethnic groups.
- 5.4.26 It is recognised that more up to date population figures are required to accurately reflect the actual population. This is also necessary to have an accurate picture of over or under representation of different ethnic groups among subjects of Stop Search.

5.4.27 Work with Partner agencies including Norfolk County Council and the NNREC developed a mechanism to create a sustainable demographic profile that updates the data from the 2001 census and captures the different growth rates of all ethnic groups accurately reflecting the changing population. This profile is based on estimates developed by the Office for National Statistics after calculating the differing growth rates of separate ethnic categories. It then compares these figures to the 2001 population figures and subsequently estimates the up to date ethnic makeup of Norfolk. These figures are available up to 2004 and will be on going at 2 years behind the present year.

5.4.28 The profile is available at www.norfolk.gov.uk/bmeprofile and is updated regularly. Below is the change in a sample Stop Search analysis between the 2001 Census and the more up-to-date estimated demographic profile, using PACE Stop Search data from 1st April 2004 – 30th June 2004.

5.4.29 **Comparative Stop Searches per 1000 persons on PACE Stop Search data from 1st April 2004 – 30th June 2004, calculated using 2001 Census data and then the Office For National Statistics Experimental Estimates of Ethnicity for 2004.**

Ethnic categories	White	Mixed	Asian	Black	Other
	1283	21	8	32	8
Stop Per 1000 Calculated using 2001 Census Data	1.6	4.3	2.4	18.8	2.8
Stop per 1000 Calculated using 2004 Demographic Profile Data	1.6	3.2	1.2	8.0	1.7

5.4.30 Norfolk Constabulary has reached agreement with the Home Office and The Association of Chief Police Officers (ACPO) to use the local up-to date demographic profile in local analysis but that all submissions to the Home Office still have to use the 2001 Census data and subsequent projections. This means that there can be more accurate local analysis and reporting but the national publications will alter and more than likely over-represent the proportion of ethnic minorities subject to Stop Search and Stop and Account.

Recommendation 11. It is recommended that the updated demographic profile created with partners is used instead of 2001 Census data in local analysis.

5.4 31 An additional fictional account to demonstrate the process involved in submission of a C3 Stop Search form can [Appendix 5.4.C, 'A Day in the Life of a C3 Form'](#).

5.5 *To examine the factors which influence the officer's discretion in particular how officers are briefed, tasked and de-briefed and how effectively an intelligence led approach to Stop Search activity is applied.*

For the purpose of addressing the above terms of reference this report firstly looks at the supervision element of Stop Search and account encounters and then examines the intelligence aspect.

Supervision of C3's

- 5.5.1 All officers play an important role in Stop Search and Stop and Account, but the patrol supervisors' role is critical. Their role is not simply to check the C3 forms that officers submit but includes proactive and intrusive supervision to ensure that good quality encounters are taking place.

PACE 1984, Code A, 5.1, states:

*Supervising officers **must** monitor the use of Stop Search powers and should consider in particular whether there is any evidence that they are being exercised on the basis of stereotyped images or inappropriate generalisations. Supervising officers should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with this Code. Supervisors **must** also examine whether the records reveal any trends or patterns which give cause for concern, and if so take appropriate action to address this.*

- 5.5.2 The review team spoke to 30 supervisors² across the Force to find out whether PACE is being adhered to and found the following;

- 43% (13/30) of supervisors interviewed stated they do not have any formal method of noting trends or patterns of their officer's application of Stop Search/accounts. In addition only half (15) of the supervisors receive performance information of this kind from Area Intelligence Officers / Performance Officers.
- 73% (24/30) stated the only time they would de-brief an officer is if there was an error on the C3.
- A third of supervisors patrol with their officers at least weekly the remainder state they are hindered from doing so for reasons such as; abstractions to other roles (especially to Custody), administration functions and geographic issues³.

This suggests that the mindset amongst a number of supervisors is that their primary role is to ensure compliance with the form rather than intrusively supervising, which contravenes Section 5.1 Code A of PACE.

Recommendation 2. It is recommended that guidelines should be supplied to Supervisors, regarding the monitoring of the quality for Stop Search and Stop and Account encounters, to support adherence to Section 5.1 of Code A of PACE.

² 10 from each Area

³ Difficulties encountered at Rural Areas where there is not 24 hour Sgt cover so there is no continuity of supervision.

- 5.5.3 Anecdotal evidence suggests that the majority, if not all, supervisors at Eastern and Central Area have never received any training input with regards to the importance they play in the Stop Search and Stop and Account process. This was addressed at Western Area in September 2006 when a training package was delivered to all supervisors to endorse the importance of proactive and intrusive supervision. It also highlighted to the requirements of N.I.M. tasking's and the relationship to Stop Search and Stop and Account.
- 5.5.4 The significance of this training was seen during the Diversity Units, Stop Search quality assurance visit to Western Area in October 2006. Out of the 28 C3's examined there were 6 instances of effective supervision where the Sergeants had made 'quality' comments on their part of the form. Generally these related to further explanation being obtained from the officer as to the grounds for the stop and these being added by the Sergeant in their allocated space, thereby maintaining the integrity of the original document. This intervention was clearly linked to the recent training input as similar evidence of quality assurance was not found in the other two Areas

Recommendation 1. It is recommended that Supervisors should be trained regarding their responsibilities toward Stop Search and Stop and Account in Central and Eastern Areas, as has been the case in Western Area. Also that partner should representatives to take part in the training.

- 5.5.5 In furtherance to this Central and Eastern Area continue to have a significantly high error rates than Western Area, when records from the self inspection process are examined. This is seen particularly in relation to the question "Has the form been completed properly and been quality checked by a supervisor"⁴.

Intelligence

Purpose of Intelligence Case Studies

- 5.5.6 To identify low and high discretion stops and ascertain whether the grounds applied justified the stop; in particular taking into account the relevance and age of the information/intelligence.

Methodology

- 5.5.7 Face to face interviews were conducted with 94 frontline police officers. Independent members of the Stop Search review team (NNREC/NIAG) were present at 50% of these encounters.

⁴ In December 2006 Eastern Area reported 8 errors from 20 records for stop search and 5 errors out of 20 for stop account. Central Area reported 5 errors out of 20 for stop search and 1 error out of 20 for stop account. Whereas Western Area only reported a total of 2 errors out of 20 for stop and account.

Results

- 5.5.8 From the 94 surveys carried out 61 were deemed fit for the purpose of this exercise.⁵ 29 out of the 61 surveys had been noted at the time of interview as being intelligence related stops in the opinion of the officer. However when the definition of what constitutes intelligence is viewed within the Forces Intelligence Recording and Management Standing Operating Procedure⁶ then 14 out of 61 surveys are intelligence led searches (low discretion).
- 5.5.9 The review indicated that there was an inconsistent understanding among officers and supervisors of the different value of intelligence and information in the decision to conduct a Stop Search. Intelligence is defined as subject matter that has been through a defined evaluation and risk assessment process and is held by police. Information is of a more immediate nature, such as a report from a member of the public about something suspicious. This gap in what constitutes information or intelligence can lead to misunderstanding by the officer and the subject as to the reasons for the stop.
- 5.5.10 From the total of 14 intelligence led searches the review team randomly selected three low discretion stops (based on intelligence) and five high discretion stops (based on information)⁷. Of the five high discretion case studies, one proved to be a Stop and Account and the second had elements of low discretion.
- 5.5.11 In the high discretion case studies a comparison was made between the information given on the grounds section of the C3, evidence from the interview and follow up communication with the officers. The objective of this was to ascertain whether the grounds entered on the C3 were sufficient.

Findings

- 5.5.12 The Stop Searches examined demonstrate that a full account of each Stop confirms sufficient grounds. Two examples giving grounds of stop and a more detailed explanation from the officer are given below, with further examples available in [Appendix 5.5.A](#).
- Officers approached a stationary car. The male driver (W1) was spoken to and smelt strongly of cannabis. A quantity of cannabis was found and a street caution given. The initial approach to the vehicle was a result of current and on-going complaints from the public of anti social behaviour. Therefore regular checks were made throughout the night of all cars parked up and the occupants spoken to. Further questioning of the officer also confirmed that the above details had also appeared as a tasking in an e-briefing (self briefing on the Constabularies Office Infrastructure System which is updated every 24 hours). Therefore this stop was not purely a result of high discretion as noted on the survey.

Grounds given on C3

⁵ 6 officers were new to the Force and had not had the opportunity to carry out a stop search or account, 8 of the surveys did not have the officers details noted on them and 19 related to an account.

⁶ **Information** refers to all forms of information obtained, recorded or processed by the police, including personal data and intelligence. **Intelligence** is defined as information that has been subject to a defined evaluation and risk assessment process in order to assist with police decision making.

⁷ Norfolk Constabulary Standing Operating Procedures for Intelligence Recording and Management, Page 39 [Definitions info intel.htm](#).

Cars in car park, following reports of anti-social behaviour driver spoken to and smelled very strongly of cannabis. Additional information - a Quantity of herbal cannabis was found and street caution given.

- Officers saw a male (W1) who was out of breath and matched the description⁸ given by the Control Room of a male involved in an assault nearby. Consequently he was stopped and asked to account for his whereabouts. The male was later identified as one of the group with the injured person, not the offender.

Grounds given on C3

Suspect matched description of a male involved in an assault nearby. Additional information – Negative PNB entry. Male stopped confirmed as one of the group with IP not offender.

They show that there is often more to a situation that can be covered in the grounds area on a C3 form.

Conclusion

- 5.5.13 The C3's appear to be signed off but evidence from this exercise and the self inspection process, suggests that supervisors are looking at compliance but not at intrusively examining the quality of the encounter.
- 5.5.14 The three low discretion case studies that were analysed could all be traced back to current and relevant intelligence.
- 5.5.15 On the subject of intelligence on which the stops were based, the low discretion C3's examined were based on intelligence from the previous 48 hours. The high discretion C3's were from officer observations immediately before the stop or information provided immediately before from the control room.
- 5.5.16 There may be a misunderstanding amongst officers of what is meant by high and low discretion. However it should be noted that there is no agreed definition of the understanding of low discretion and high discretion stops.

⁸ Description from Control Room – slim build, grey T-Shirt, blue jeans and white trainers.

6 Conclusion

- 6.1 This review identifies that members of BME communities and younger age groups perceive more negative experiences from Stop Search encounters. This was linked to the subjects' understanding of the reasons and grounds. Evidence suggested that the object of the search was understood, but that just knowing the object of the search did not explain 'why they' in particular, had been stopped and searched
- 6.2 Generally Stop Search was seen either as a necessary police power by respondents or they were undecided. It was apparent that being the subject of a Stop Search or Stop and Account could alter the subjects' perception of the police according to how it was conducted.
- 6.3 There was a pattern among respondents stating they had not received a Stop Search form or had been told how to obtain one after the encounter.
- 6.4 A pattern of perceiving negative officer attitude was relevant among BME respondents and also among those who did not receive a copy of the Stop Search form. Similarly a perception of negative attitudes was related to a belief that Stop Search was an unnecessary power.
- 6.5 There was qualitative evidence that encounters were more positive between younger aged officers and younger subjects, than between older aged officers and younger subjects.
- 6.6 The idea of treating all people the same to ensure equality should now be superseded by treating people appropriately according to their individual identity variables to ensure equality.
- 6.7 The review identified a number of inconsistencies;
 - The regularity with which individual officers conducted Stop Search.
 - Inconsistency in understanding the justification for the search.
 - The purpose of use of Stop Search was inconsistently understood among officers.
 - There was inconsistent understanding that factors of a persons' identity should be considered in the application of the Stop Search.
 - It could not be confirmed that a Stop Search form had been completed in all cases described.
- 6.8 It was commonly experienced by officers that supervisors were concerned with the accuracy of the form and not the quality of the encounter. This is agreed with by supervisors, but highlighted a lack of training in the assessment of the quality of the encounter. Improvements in this were noted following training in Western Area.
- 6.9 The evidence collected suggests that officers believe that formal and informal emphasis is put on Stop Searches as a performance indicator.
- 6.10 When asked what improvements could be made to the way in which Stop Search and Stop and Account is managed, Officers identified three main themes. These were; the layout and size of the form, the use of Stop Search returns as what officers believe is a performance indicator and the lack of value of Stop and Account form completion.

- 6.11 The review highlighted differences in the approach Areas took to checking and inputting Stop Search and Stop and Account forms. For instance Central area had the lowest error rate but the slowest time for being recorded onto the Stop Search database, whereas Western Area had a higher error rate but the fastest inputting time, indicating that to obtain best practise a corporate approach is needed.
- 6.12 The review indicated that there was an inconsistent understanding among officers and supervisors of the different value of intelligence and information in the decision to conduct a Stop Search. This influences the officers' appreciation of what level of discretion they are employing in deciding to conduct a Stop Search.
- 6.13 Recent work in conjunction with partners (Norfolk Constabulary Diversity Team and Norwich and Norfolk Racial Equality Council) has created an updated demographic profile of the ethnic makeup of Norfolk which more accurately reflects changes to the population. This has been recommended for use in local analysis giving a more accurate picture of representation of ethnic groups as subjects of Stop Search & Stop and Account. However the Home Office does not recognise its use for data and documents destined for the Home Office and national publication.

Appendices

[Appendix 5.2.A](#) In relation to Stop and Account the 3 charts below show what the officers surveyed gave as the purpose of the encounter, broken down by area (Fig. 10, 11 & 12).

Fig. 10 (based on 94 Officers and PCSO's)

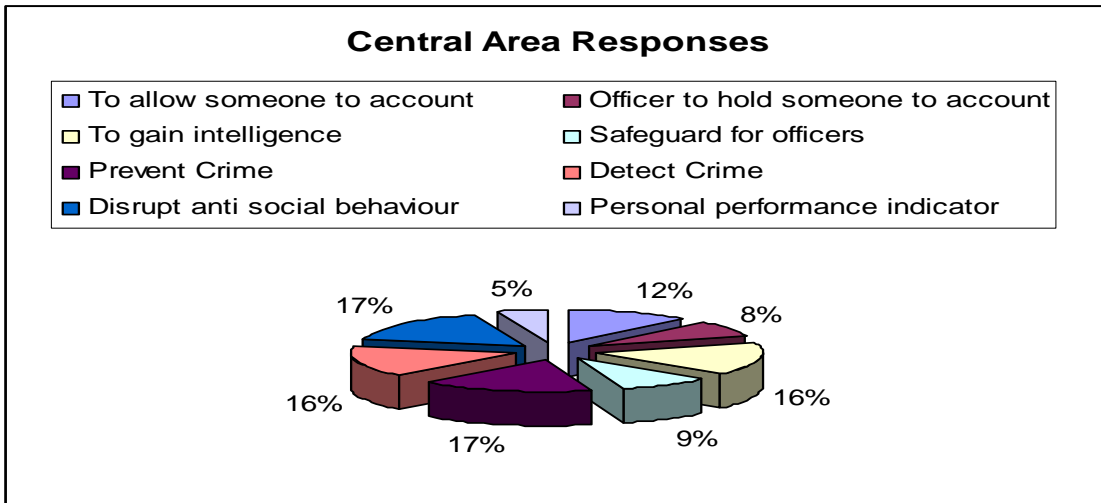


Fig. 11 (based on 94 Officers and PCSO's)

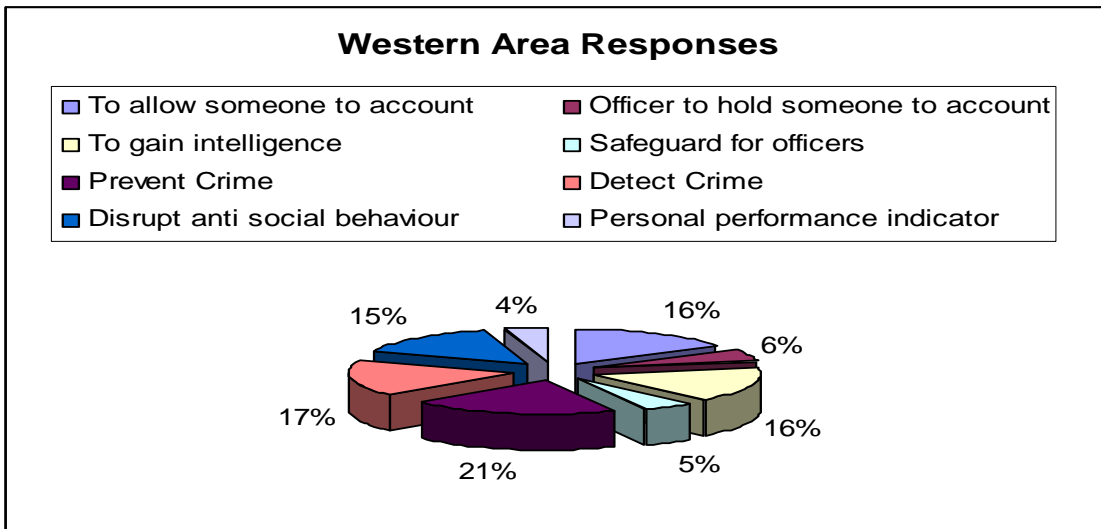
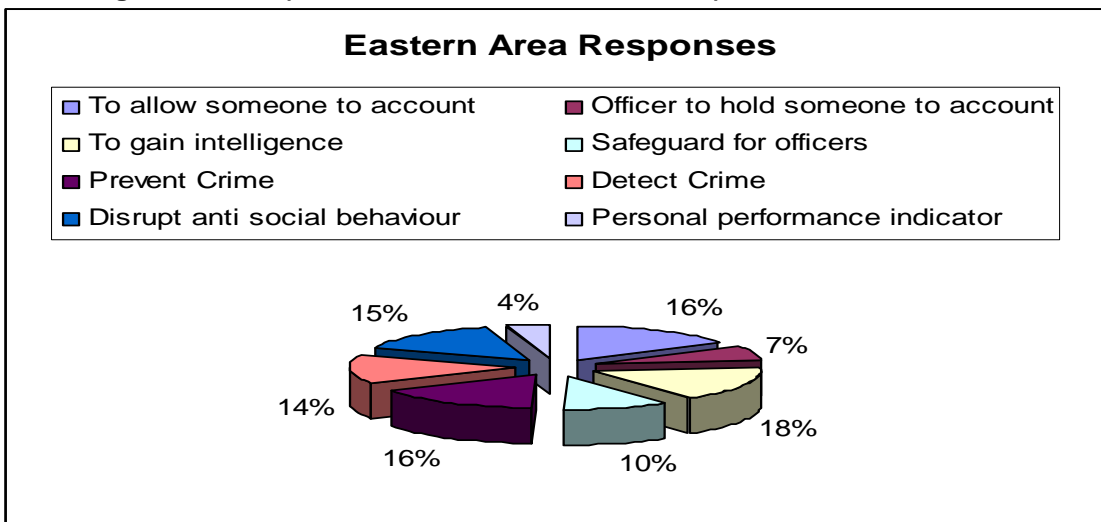


Fig. 12 (based on 94 Officers and PCSO's)



[Appendix 5.2.B](#) In relation to Stop Search, the 3 charts below show what the officers surveyed gave as the purpose of the encounter, broken down by area (Fig. 13, 14 & 15).

Fig. 13 (based on 80 Officers)

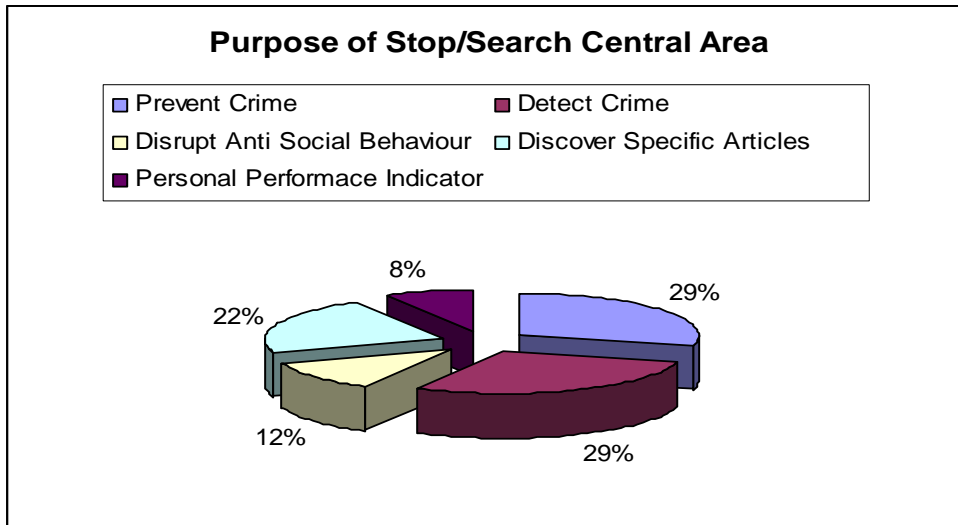


Fig. 14 (based on 80 Officers)

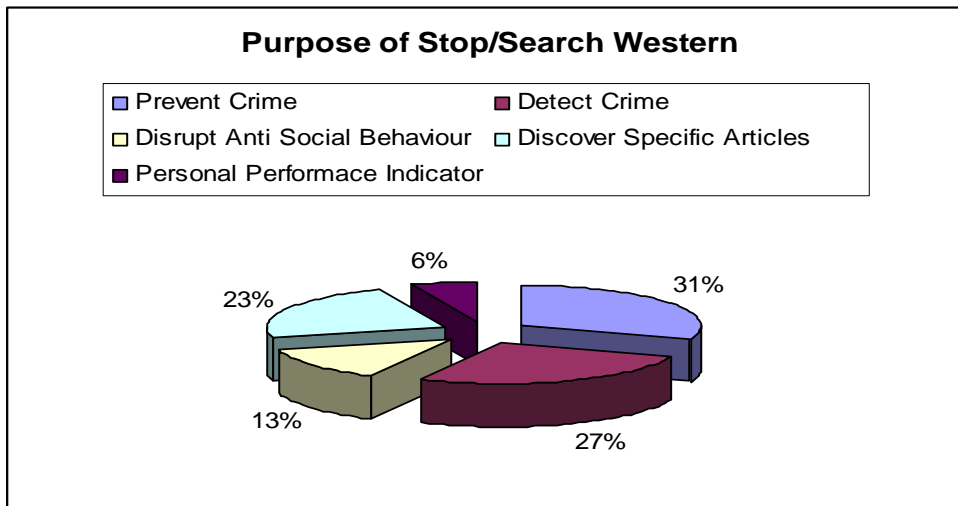
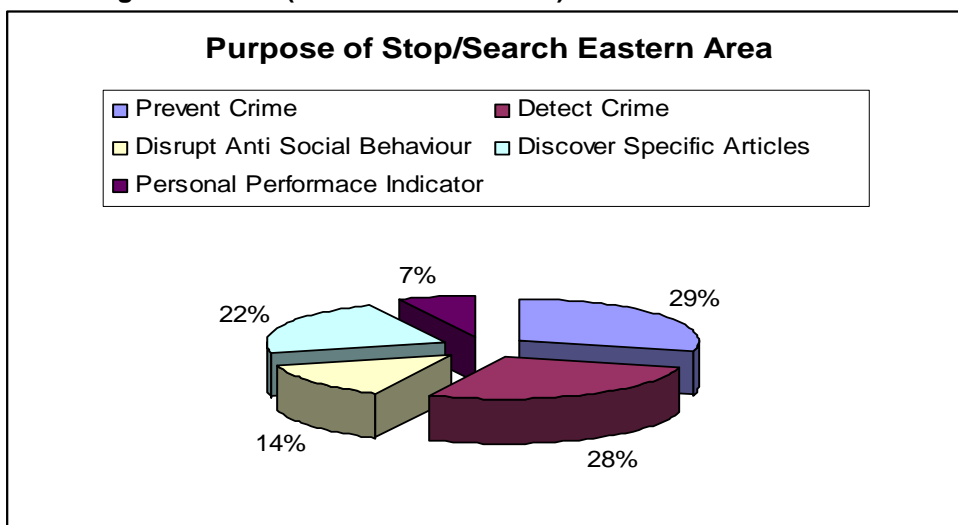


Fig. 15 (based on 80 Officers)



[Appendix 5.3.B, Background reading](#)

Stop Search

A Community Evaluation Of Recommendation 61 In The London Borough Of Hackney.

(Published October 2004)

Multi agency document commissioned by the Metropolitan Police Authority and led by the 1990 Trust (Black-led human rights and race equality organisation).

400 hundred street surveys were commissioned, **50** interviews, and **5** focus groups containing a total of **50** participants (organized by ethnicity). In addition **9** interviews were carried out with representatives from all levels of the Hackney Police.

Surveys and interviews were conducted to explore the level of recording stops, public awareness in relation to the implementation of Recommendation 61, public confidence and police practice.

The above research into Stop Search used as the primary method of study was a survey of 400 individuals (street interviews), supplemented with 50 interviews (semi structured) and focus groups containing 50 participants. In addition nine police officers were interviewed.

Stop Search Forms

Police reported 100% of those stopped being issued with a record of the stop; however only 57% of those surveyed stated that they had received a record of the encounter.

In total 71% of the encounters produced negative experiences (rudeness, wasting public time, perceived poor reasons for the stop, and perceived racial profiling).

Persons spoken to felt that Recommendation 61 would only improve confidence in the police if it was combined with a greater level of professionalism, a more ethnically diverse police force, better training and a commitment from the Police to uphold individuals rights during the encounter.

A total of 19 recommendations were made.

Survey respondents-Results

The surveys was conducted on 400 members of the public

65% of respondents stated they had been stopped or Stop Searched by Police

39% of respondents had been stopped more than once

36% of respondents have been stopped and searched more than once

17% of respondents have been stopped or stopped and searched at least 7 times in Hackney between April 2003 and the time of writing the report

Seven participants had been stopped and searched at least 20 times.

The highest percentage (39%) of survey participants were in the 18-25 age group.

Nearly three quarters of the respondents were male (72%)

Summary of results

The highest number of persons searched came from the 18-25 age group. This is echoed in both the work carried out by ourselves and the study by Marian Fitzgerald.

It was suggested that officers were retrained in order to assist in the delivery of the Stop Search encounter and provide a better level of service to the community and a greater understanding of the powers behind Stop Search for officers. It was also suggested that members of the community become involved in the training and that officers became involved in the mentoring of young black males.

The report also makes recommendation that disproportionality is monitored more robustly and that officers carrying out a disproportionate number of searches on BME groups be spoken with and their actions monitored intrusively.

Data received from Stop Search should be inputted in a timely manner, this echoes findings from the Norfolk Interim Stop Search report and the findings of a community safety report published within the Scrutiny document.

Analysis of information received from Community Safety. Black and minority ethnic consultation report (Published 25th November 2002)

This report was written prior to the 2001 census figures being published.

The consultation process was via the second Norfolk Constabulary BME community consultation day held on November 25th 2002.

The following information comes from notes taken during discussion groups.

The general agreement was that officers needed to exercise good communication skills in carrying out their duty and requirement.

One member of the consultation stated that there were many times in institutions that a person was asked their ethnicity and it was important that when it is done that it does not appear insincere

A recommendation was made that officers should be made to give grounds to the CCR prior to the stop. Grounds would be recorded on tape for future reference and there would always be supervisors present to monitor Stop Search procedures.

Report On Community Consultation Strategy
(Community Consultation Meeting held on 22nd July 2002)

27 persons from across Norfolk participated in the consultation process. These people were drawn from a number of ethnic groups.

Stop Search

When asked who had been Stop Searched by the police in the twelve months prior to the meeting only 5% stated that they had been stopped. 4% were satisfied with the explanation given to them at the time of the stop.

Discrimination

The majority of respondents, around 60% believed that a minority of officers discriminate in the use of their Stop Search powers. Only 20% felt that Stop Search powers were applied fairly and an equal 20% of respondents felt that all officers in Norfolk discriminated in their use of Stop Search.

The report goes on to state that similarities exist within the recorded returns for Stop Search and the number of stops made under the 1988 Road Traffic Act

Final Report into Stop Search
Dr Marian Fitzgerald
(Published in 1999)

The local area commander sent a letter to half of those who had been Stop Searched at the address they had given when they were searched. The letter explained the purpose for which the power was used, expressed the hope that they were satisfied with how their own search had been conducted and invited them to contact a named officer with any queries or concerns. A systematic attempt was made to evaluate the initiative by sending a questionnaire to 185 people who had been given the letter and 187 who had not in order to compare their respective levels of satisfaction. Although a reminder was sent after two weeks, only 28 questionnaires were returned in all – a response rate of only 8 per cent. Of these, 15 came from people who had been sent the letter and 13 came from people who had not.

5090 C3 forms were randomly selected and scrutinized

Subsequently, a much more extensive exercise was mounted to obtain interviews with people who had been searched. Given that concerns have centred in particular on searches of members of the public who are guilty of no offence, it was decided to draw up a sample of individuals who had been searched but not arrested and to focus within this on people with no previous cautions or convictions. From an initial trawl of 800 searches across six of the pilot sites in the month of July 1999, only twenty seven individuals could be traced who were eligible to be included in the sample. Of these, only two completed an initial telephone interview but both declined to be further interviewed.

All interviews etc were carried out by a professional consultant who in some instances was accompanied by the reports author Marian Fitzgerald and an ex police officer. Due to the small take up rate from the initial surveys the decision was made to go into schools and conduct interviews with groups of school boys some who had been searched and some who had not. The groups were multi ethnicity.

- Most of those searched were young males.
- The proportion of people searched but not arrested that had criminal records was similar for both white and BME groups.
- The quality of the encounter wasn't determined by the age or length of service attained by the searching officer.

Comparison between Norfolk findings and Fitzgerald

Norfolk

26 surveys have been received at the time of writing, this amounts to a response rate of **3.25%**.

Fitzgerald

A questionnaire was sent to a total of 372.

Although a reminder was sent after two weeks, only **28** questionnaires were returned in all – a response rate of only **8 per cent. (7.52%)**

Age of persons searched

Fitzgerald

Peak time for searches 1400-1800hrs and 2200-0200hrs, most of those searched were young men with a median age of 21 or 22yrs.

Norfolk

38% of those searched were under 20 years of age, 19% were under 18.

Power to search

Norfolk

58% of those asked felt that the power to Stop Search was a necessary one. Of those who felt that the encounter had been a negative experience 15% still felt that the power was necessary.

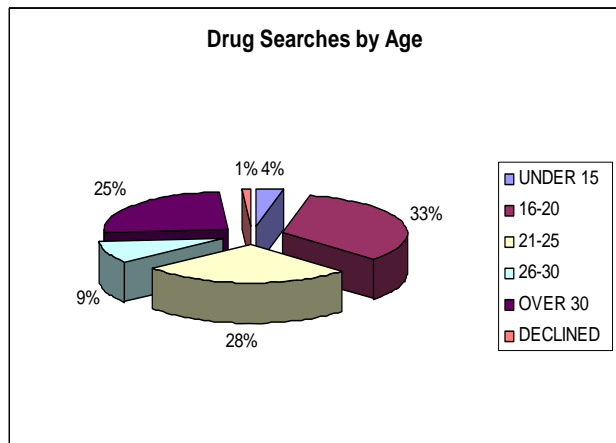
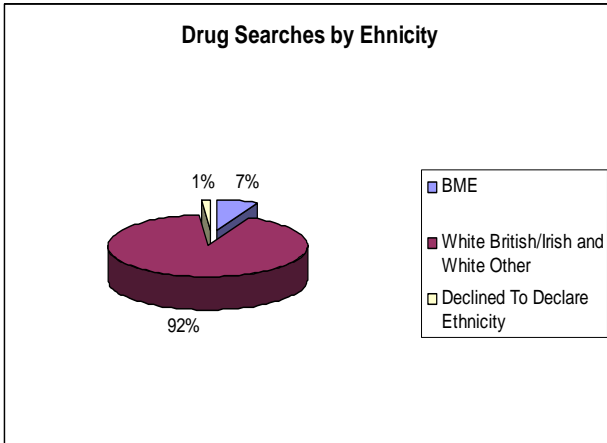
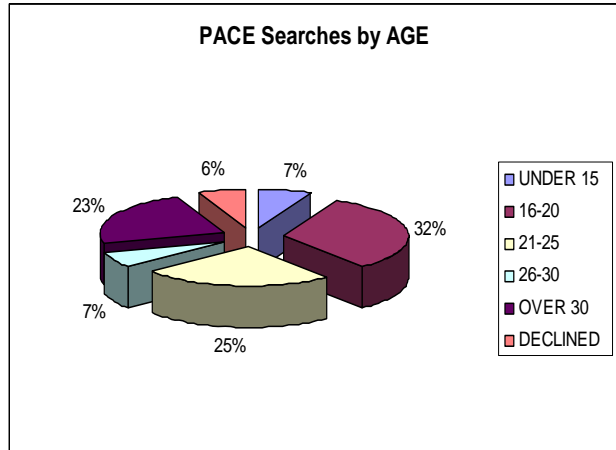
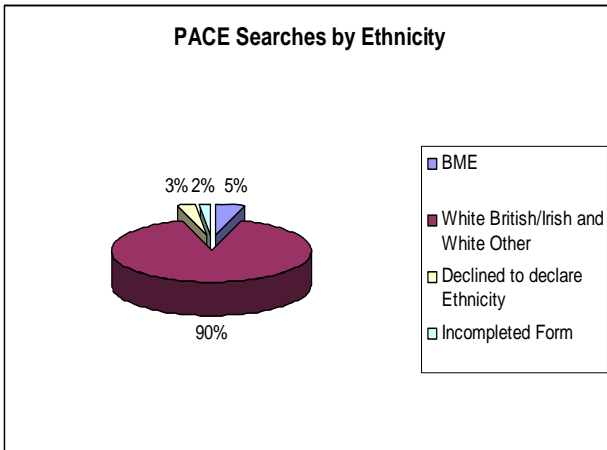
Centrex Guidance

This document offers practical guidance on the processes, powers and application of Stop Search. The document looks at PACE searches, searches under Sec 60 and the powers available under Sec 43/44 of the Terrorism Act. Essentially the document is a knowledge refresher.

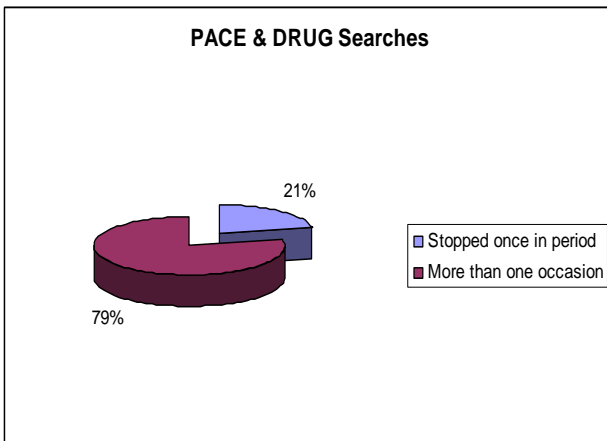
Appendix 5.4.A, Table of Breakdown of PACE and Drug searches by ethnicity between
1/4/06-30/06/06

Self Defined Ethnicity	Number of PACE Searches	Percentage of PACE Searches	Number of Drug Searches	Percentage
M1 White and Black Caribbean	6	0.52%	8	0.71%
M2 White and Black African	4	0.35%	1	0.09%
M3 White and Asian	3	0.26%	1	0.09%
M9 Any Other Mixed	5	0.43%	11	0.98%
A1 Indian	2	0.17%	2	0.18%
A2 Pakistani	0	0%	3	0.27%
A3 Bangladeshi	1	0.09%	3	0.27%
A9 Other Asian	2	0.17%	2	0.18%
B1 Caribbean	8	0.69%	16	1.42%
B2 African	8	0.69%	5	0.44%
B9 Other Black	9	0.78%	24	2.14%
O1 Chinese	4	0.35%	0	0%
O9 Other	1	0.09%	0	0%
W3 Traveller Of Irish Heritage	0	0%	1	0.09%
W4 Gypsy/Roma	0	0%	0	0%
W5 Other Travellers	0	0%	0	0%
W1 British	997	86.40%	1007	89.59%
W2 Irish	11	0.95%	2	0.18%
W9 Any Other White Background	38	3.29%	19	1.69%
N4 Situation Involving Public Order	4	0.35%	0	0%
N3 Officer's Presence Is Urgently Required	5	0.43%	1	0.09%
N2 Person Does Not Understand What Is Required	9	0.78%	2	0.18%
N1 Person Declines To Define Ethnicity	37	3.21%	16	1.42%

Appendix 5.4.B, Pace and Drug searches by age, ethnicity and if stopped on more than one occasion, between 01/04/06-30/06/06



4 forms were incomplete (0.36%)



[Appendix 5.4.C, 'A Day in the Life of a C3 Form'](#)

Hi there. Allow me to introduce myself. I'm a C3 (for those of you who don't know, a C3 is for recording where a Police Officer conducts a Stop Search of an individual). I'm out on patrol today with an officer called Reg and he has been asked to follow up on some suspicious goings-on in the north of Norfolk.

The day starts quite normally. Reg is with his mate, Ron, in a patrol car. I'm sitting in Reg's top pocket, along with other C3s and...well; I'd better not say what else was in Reg's pocket. About ½ hour after R&R (as I call this pair) arrive at their destination, Reg gets out of the car and walks towards three guys hanging around on a street corner next to a van. He explains that as part of a surveillance exercise, he intends to search these guys. Reg, very properly, explains why he intends to carry out the search, identifies himself, why he is authorised to carry out the search and gives the grounds why he suspects these people. While he is doing this, I am taken out of Reg's top pocket, so that Reg can record all the details of what he is doing. He uses me to record the first person's name and most of the other details he needs to fill out.

So he carries out his search and all three people are clean. However, when he checks the van, there they are – 20 state-of-the-art DVD recorders! Reg suspects that the recorders might be stolen, but does not remember seeing anything relevant on any crime report. However, he remembers that sometimes details of stolen property take a while to come through and thinks he has enough grounds for arresting these people and when backup is provided, the three guys are taken off to custody.

Reg is feeling very pleased with himself and looks forward to words of praise from his Sergeant.

The rest of the day is spent quietly and Reg returns to his local station. And indeed, his Sergeant congratulates him on the arrest, but then asks where I am. Reg says that I will be completed tomorrow, as he is off home soon. However, the sergeant insists that I am filled out straightaway. So Reg finds a desk and finishes me off. Unfortunately, by the time I am finished, Reg's Sergeant has been called away, so I am left in the Sergeant's in-tray overnight. I can remember being somewhat surprised that, as three people were searched, I'm on my own.

At 7.30 the next morning, the light comes on in the Sergeant's office, but as the shift has changed, it is a different Sergeant from yesterday. As the day goes by, more papers are piled on top of me. However, at 3.30 in the afternoon, I see the light of day. The new Sergeant looks over me and starts to make reproving noises. Reg has forgotten to say whether there was a vehicle involved in the search and has left out the ethnicity codes (I'm not sure if he asked the question at the time). The Sergeant makes some comments on my back and puts me in an envelope. At the same time, he makes some notes to tell Reg where he has gone wrong.

The next thing I remember is being emptied out of the envelope by someone called Shirley, who works in a department called an Area Intelligence Unit. It's about a week after I was sent off. Shirley puts me on a pile but then gets a phone call from her boss and I am left on the pile. It's not my day today.

Two weeks go by. Shirley's boss has told her that the C3s need sorting out by the end of the week – something to do with an audit. So Shirley picks me up and notices that the reason for search code does not match the description and that my outcome code has not been recorded correctly. She also notices that there were two other people searched and I have no "mates", as she refers to us as. She writes all of this on a post-it note and sticks this to me and types in my errors on to a computer terminal. I'm then stuck back into an envelope for return to Reg's station.

Reg's Sergeant (the original one) takes me out and calls in Reg. I won't go into full details on what was said, but the outcome was that the Sergeant added some further notes to my back and sent me back to the Area Intelligence Unit.

Once again I am picked up by Shirley, who checks over me once again and marries me up with two other C3s. Shirley sends us all across to Peter, an intelligence analyst. He reads us all and occasionally I hear him mutter to himself, something like “if only we’d known this at the time...” When Peter has finished with me, I am passed to Sue. It’s Sue’s job to put our details in the computer. Sue has some trouble reading Reg’s handwriting, but manages to enter all of my details and then writes a number of the top of my front page. A few hours later, Sue’s boss takes me back to Sue, who has made some mistakes typing me in. As Sue is fairly new to the job, her boss takes time to explain what she has done wrong and what she should do in future.

And that’s my story. I’m not really sure why I’ve been batted around from pillar to post – it must have used up a lot of people’s time and effort, and I’ll never know what happened to my errors or why Peter was so cross. However, I’m now sitting in a metal filing cabinet, waiting for the performance review people to come along and take a look at me. I do hope that they are not too hard on Reg...

[Appendix 5.5.A, Examples of findings from officers Stop Searches, for Low Discretion and High Discretion stops.](#)

Names, Dates, times and locations have been removed to give anonymity to the persons stopped.

Low Discretion.

- An officer Stop Searched a male (W1). This male has been of continued interest to the Police and was named within the TCG document for the 17th January 2007 meeting.
- Officers Stop Searched a female (W1) on suspicion of driving whilst impaired through drugs. This was based upon information announced at the Daily intelligence meeting on 6th December 2006.
- Officers Stop Searched a male (W1) who was a sector target in a Problem Profile Area at the time. The Local Intelligence Officer has confirmed this.

High Discretion

- Officers approached a stationery car. The male driver (W1) was spoken to and smelt strongly of cannabis. A quantity of cannabis was found and a street caution given. The initial approach to the vehicle was a result of current and on-going complaints from the public of anti social behaviour. Therefore regular checks were made throughout the night of all cars parked up and the occupants spoken to. Further probing with the officer also confirmed that the above details had also appeared as a tasking in an e-briefing (self briefing on the Constabularies Office Infrastructure System which is updated every 24 hours). Therefore this stop was not purely a result of high discretion as noted on the survey.

Grounds given on C3

Cars in car park, following reports of anti-social behaviour driver spoken to and smelled very strongly of cannabis. Additional information - Quantity of herbal cannabis found and street caution given.

- Officers saw a male (W1) who was out of breath and matched the description⁹ given by the Control Room of a male involved in an assault nearby. Consequently he was stopped and asked to account for his whereabouts. The male was later identified as one of the group with the injured person, not the offender.

Grounds given on C3

Suspect matched description of a male involved in an assault nearby. Additional information – Negative PNB entry. Male stopped confirmed as one of the group with IP not offender.

⁹ Description from Control Room – slim build, grey T-Shirt, blue jeans and white trainers.

- Officers were on mobile patrol when they noticed a vehicle in front of them which had a defective nearside break light and was travelling slightly above the speed limit. The vehicle was pulled over and the driver spoken to. It was at this time that officers noticed the smell of cannabis and subsequently a street caution was issued to one of the three males in the car.

Grounds given on each of the C3's

(Male 1) Vehicle had a dent on rear and was stopped following PNC to verify driver identify cannabis smelt and as a result xxx (one of the three) was searched – no drugs found on his person

Add. Info – yyy received a cannabis street caution from PC ... – no action taken against others.

(Male 2) Vehicle stopped – strong smell of cannabis emitting from car – occupants said they used cannabis. Crime no Cannabis found on male – street caution given, paperwork completed.

(Male 3) Vehicle stopped – strong smell of cannabis emitting from car – occupant said he used cannabis.

- Officers were patrolling and visiting car parks for checks. They visited a particular car park which was set back from the main roads in an extremely rural location and was adjacent to a grassed area surrounded by trees. A lone male (W1) was sat on a bench and because of the time of night and his unusual presence in the area officers stopped and spoke to him. He was drinking a flask of straight whiskey and smelt strongly of cannabis. When asked what he was doing he said he was just chilling out drinking whiskey. He admitted to smoking cannabis and that he had some on him. The male emptied his pockets, a search was conducted, cannabis was seized and a street caution issued.

Grounds given on C3

Initial stop/account for presence in area as extremely rural car park strong cannabis aroma around def asked if he had drugs on him produced a sealed bag containing herbal – search conducted, nothing further found.

Add. Info – Street caution given at scene. PC xxx identified substance as herbal cannabis.

- A call came into the CDC reporting “someone skulking around in a commercial Yard and going over the wall to gain entry”. The description given was a “black male, medium build, wearing a sort of striped scarf and possibly a woolly hat”. Officers attended and located a male matching the description, performed a Stop Search and found him to be in possession of drugs. The area where the male was found had been an area of recent crime and drug activity.

Grounds given on C3

Stopped in vicinity of a job relating to a black male acting suspiciously, also an area of recent crime and drug activity. Additional information – initially gave false details arrested a short time later.