

**ORIGINATOR: CHIEF CONSTABLE**

**PAPER NO: AP14/86**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –  
18 DECEMBER 2014**

**SUBJECT: USE OF STOP SEARCH IN SUFFOLK – OCTOBER 2013 TO  
SEPTEMBER 2014**

**SUMMARY:**

1. This report provides analysis of stop and search for the twelve month period October 2013 to September 2014.

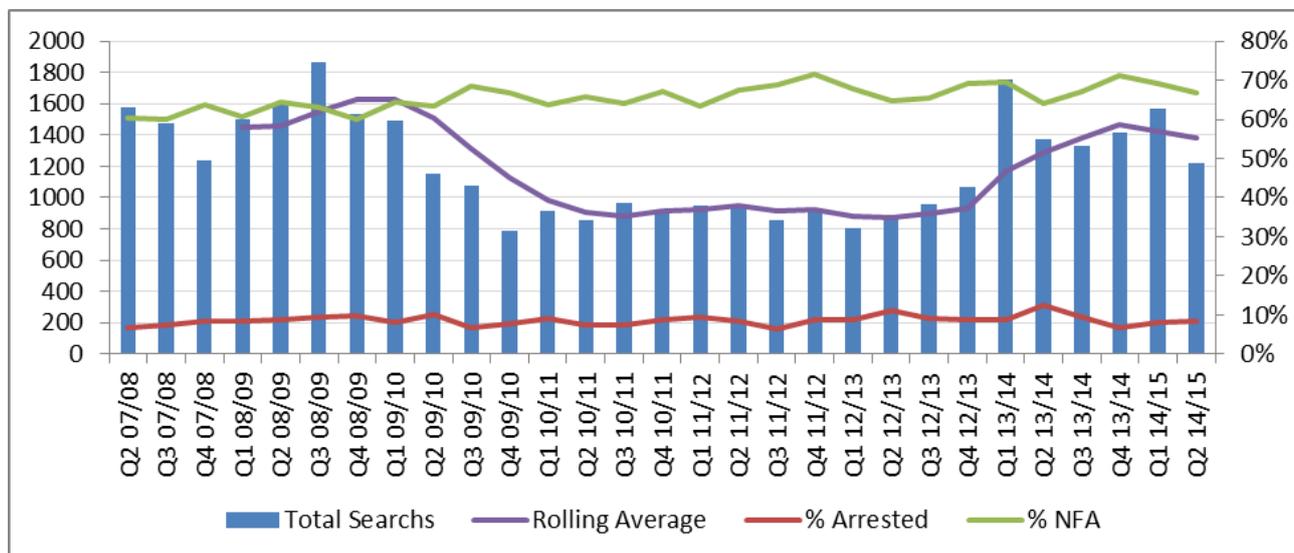
**RECOMMENDATION:**

1. The Accountability and Performance Panel is asked to take account of the steps that the Constabulary is taking to ensure stop search legislation is used fairly and effectively.

# 1. USE OF STOP/SEARCH IN SUFFOLK, OCTOBER 2013 TO SEPTEMBER 2014

1.1. This report provides analysis of stop and search for the twelve month period October 2013 to September 2014.

## Overall Trends<sup>1</sup>



1.2. The latest national data, published in April 2014, is for the financial year 2012/13<sup>2</sup>. This shows Suffolk with the 4th lowest volume of stop/search in the country and the 4th lowest rate with 5 searches per 1,000 population compared to a national average (excluding London) of 14.1. The next national data will be published in April 2015 for the financial year 2013/14.

1.3. Between 2009/10 and 2012/13 Suffolk has seen a monthly average of 330 stop and searches a month, down from the previous levels of around 510 per month. In 2013/14 usage of stop search approached historic levels of usage with 5879 searches carried out over the year, an average of 490 a month. This trend continued in quarter one of 2014/15 with 1568 searches, an average of 522 per month. However in quarter two this dropped to 1221 searches, which is the lowest level since Q3 2012/13. Arrest rates have remained stable at between 7% - 8% for the last three quarters.

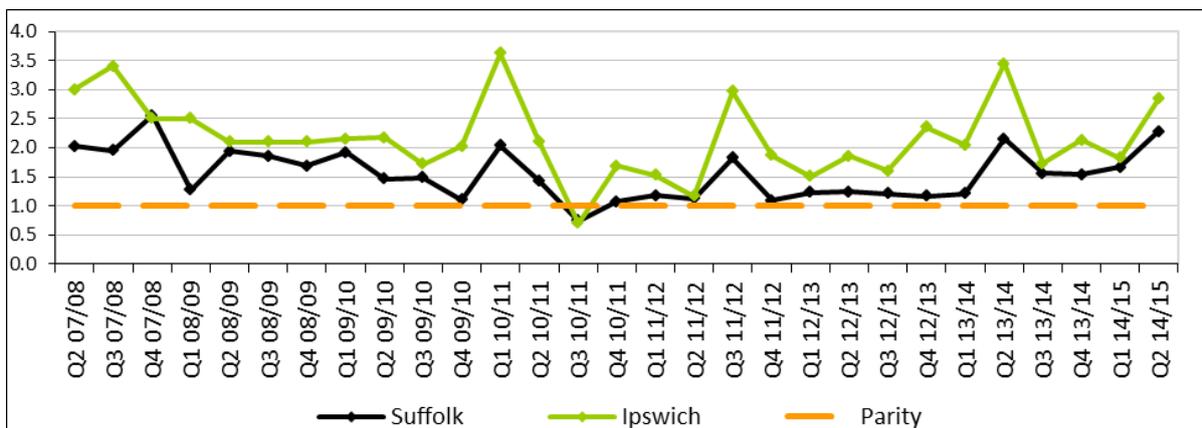
1.4. Data for this twelve month period still shows Suffolk at levels lower than the national average, at 7 per 1,000 population (compared to 14.1 per 1,000 population nationally). The breakdown of drugs searches also remains above the national average of 51%, at 69% for the past 12 months. In terms of the ethnic breakdown of all searches, Suffolk recorded 11.3% from a BME background, and a further 4% unstated. This compares to a national average, excluding London, of 13% and 4% respectively, and is the same breakdown as seen in 2011/12 and 2012/13

1.5. During October 2013 to September 2014 the BME population in Suffolk saw 17.9 stop searches per 1,000 resident population, up from 14.0 in the previous period. All districts (apart from Waveney) showed increases in the rate of BME searches compared to the previous period, with the largest increase seen in Babergh and Ipswich.

<sup>1</sup> Rolling average based on a 12 month period

<sup>2</sup> <https://www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201213/police-powers-and-procedures-in-england-and-wales-2012-13>

1.6. During Q2 of 2014/15 the ratio of BME to White stop searches is at 2.3:1, indicating that someone from a BME background is more than twice as likely to be stopped and searched than someone from a White background. Quarter 2 2014/15 shows the highest level of disproportionality, based on the BME to White search ratio, since 2007/08.



1.7. This overall figure is driven by searches of people from both a Black and Mixed ethnic background, with countywide ratios compared to each stop search from the “White” population of 6.9:1 for persons of a Black background and 2.7:1 for persons of a Mixed ethnic background. Suffolk Coastal, Waveney, St Edmundsbury and Ipswich are the areas with highest levels of disproportionality for both groups. The ratio of persons from an Asian background and Chinese or other background compared to each stop search from the “White” population are 1.1:1 and 0.2:1 respectively.

1.8. Arrest rates are currently at 8% for the twelve months period (compared to almost 10% over the previous 12 months) and NFA rates stand at 69%. Over the past four years the arrest rate has been maintained between 8% to 10%. However the NFA rate has seen a long term increase, up from 63% in 2009/10 to 68% in 2011/12, and to 70% in 2013/14.

1.9. There are currently a number of operations which include stop and search as a distinct tactic, and these are set with specific aims and objectives. The operations are built from a strong intelligence and evidence base to ensure that resources are deployed as effectively as possible. This is both to reduce the impact on the communities who may be involved and ensure the efficient uses of policing resources.

1.10. The Stop and Search paper submitted to the Accountability and Performance Panel in June 2014 included brief details of a number of operations where stop and search are specific tactics. Updates are given below on on-going operations, and details of additional activity. It should be noted that the Stop and Search Reference Group are regularly consulted about operations which have an impact on community relations.

1.11. 69% of stop searches carried out in Ipswich have been flagged as ‘Drugs’ searches and 10% of these drug searches led to an arrest being made. As mentioned in the stop and search report in June, the main driver for stop search targeting drug supply in Ipswich continues to be Operation Volcanic, targeting class A drug dealing in the town, and seeking to reduce associated violence and acquisitive crime. The operation also aims to help divert individuals ‘at risk’ of offending. The operation has, over time, involved a significant amount of police resources, enforcement activity and intelligence gathering. Tactics used by the drug businesses have involved using young or vulnerable people from London (as well as locally) to distribute drugs in Ipswich, and elsewhere in Suffolk. It is recognised from the start of this operation that a significant proportion of individuals from these London businesses are predominantly of non-

white ethnic backgrounds which have impacted on proportionality rates with stop search. Of the 84 stop searches flagged as being linked to Operation Volcanic, 46% were of persons of BME background. A number of tactics have been applied by the police to manage this situation including stop and search. The MO's of offenders are increasingly sophisticated. The tactics employed by dealers, such as use of 'look outs' and ways of concealing drugs about their person means that day to day disruption activity by uniformed staff can often result in negative search results. The Community scrutiny group are updated on Volcanic regularly.

- 1.12. Other operational activity in Ipswich includes Operation Sandstone which targeted burglary offences in east Ipswich and Operation Synthetic targeting town centre business burglaries. Both operations used stop and search as a tactic.
- 1.13. In West Suffolk, the last stop and search report detailed Operation Dupont which targeted drug dealing in the Bury St. Edmunds area, and further afield. This was a multi-pronged operation and included significant numbers of persons dealt with through the execution of warrants, with properties and persons searched under the power of such warrants. Stop searches were also carried out and linked to this operation. Operation Madeleine in Newmarket which focussed on drug gangs based in areas outside of Suffolk entering the county to supply Class A drugs, also used Stop Search as a tactic.
- 1.14. In East Suffolk, as detailed in the previous stop search report, Operation Utan in Lowestoft targeting Burglary dwelling continues, with intelligence used to identify patrol routes and target suspects. Operations Bursty and Hydroxide in Leiston targeted the supply of Class A in the town, again using intelligence to identify where dealers were operating from and who was involved in drug supply. In Woodbridge, Operations Burst & Handle targeted volume acquisitive crime. Police operations around the Latitude Festival at Henham Park also led to a number of stop/searches being undertaken.
- 1.15. "Quality of service" questions were introduced within the revised stop/search forms during 2009. The data below is based on those who provided a response to the questions as issues such as public order risks may stop the questions being asked.
  - Overall, 4990 people (90.1%) said that they understood the reason for the search. In respect of the BME community, 91% understood, with 10 respondents stating they did not understand.
  - A total of 4979 people said that they were treated with respect during the search (89.9%). Of the 74 persons who stated they felt they were not treated with respect, 42 were from a "White" background, 22 from a BME background and ten did not state a background.

## **2. CONSTABULARY ACTION PLAN**

- 2.1 The Constabulary are currently going through a transition in response to the 'Best Use of Stop and Search' scheme (outlined below). A comprehensive update will be provided in the next report. Suffolk Constabulary's Stop Search Improvement Partnership action plan continues to be progressed with areas such as unconscious bias, community engagement and officer training being three examples of work currently being undertaken.

## **3. HOME SECRETARY ANNOUNCEMENT ON THE USE OF STOP AND SEARCH**

- 3.1 Norfolk and Suffolk Constabularies have both signed up to the Home Office Scheme entitled Best Use of Stop and Search (BUSS) which went 'live' on 26 August 2014 with a commitment that all forces be fully compliant with the scheme by 30 November 2014.

Both Norfolk and Suffolk Constabularies are pleased to announce this has been achieved.

3.2 Full details can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/346922/Best\\_Use\\_of\\_Stop\\_and\\_Search\\_Scheme\\_v3.0\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346922/Best_Use_of_Stop_and_Search_Scheme_v3.0_v2.pdf)

3.3 Specifically in relation to Suffolk Constabulary, points 3.4 to 3.9 below summarise the Constabulary's position.

3.4 Forces participating in the Scheme will expand their data requirements and return information where stop and search has resulted in any of the following outcomes:

- Arrest (as is currently required);
- Summons/ charged by post;
- Caution (simple or conditional);
- Khat or Cannabis Warning;
- Penalty Notice for Disorder;
- Community resolution; or
- A no further action disposal.

Information will be returned through the Home Office Annual Data Requirement.

***Suffolk Constabulary have introduced a new stop search form which collects the new required data set.***

3.5 Forces participating in the Scheme will develop lay observation policies which adhere to the following principles:

- Members of the public can see stop and search in action;
- The police have the opportunity to demonstrate their use of stop and search;
- The public has the opportunity to provide feedback to the police on their observations; and
- The need to ensure the safety of lay observers is appropriately taken into account.

***Suffolk Constabulary have introduced a lay observation policy allowing members of the stop search reference group, IAG or individual members of the public to observe officers conducting stop and search.***

3.6 Forces participating in the Scheme will develop a compliant policy which:

- Ensures individuals stopped and searched are made aware where to complain;
- Introduce a threshold above which the police are compelled to explain their use of stop and search; and
- That explanation will be given, primarily, to local stop and search scrutiny boards.

***Suffolk and Norfolk Constabularies have a joint Professional Standards Department who will ensure that all complaints relating to stop and search are dealt with by the respective force stop search strategic lead, which is Suffolk Constabulary's case is Superintendent Andrew Mason.***

3.7 Forces participating in the Scheme will revise their use of section 60 stop and search powers so that all stops and searches conducted under this section will adhere to the following conditions:

- The 1994 Act currently provides for an officer of at least the rank of inspector to give a section 60 authorisation in a particular area for a specified period time. Forces in the Scheme will raise the level of authorisation to a senior officer.
- The case law in Roberts confirms that although the word “necessary” does not appear in section 60(1), the effect of Article 8 of ECHR is that necessity remains relevant to each decision as to whether an authorisation is justified. Any authorisation made under section 60 must be made only when the officer believes it is necessary. In practice, in addition to expediency, which is explicit in the 1994 Act, the authorising officer must also have considered the authorisation necessary to prevent serious violence or to find dangerous instruments or weapons after an incident involving serious violence, or to apprehend persons carrying weapons. This applies to all forces using this power regardless of whether they are participating in the Scheme or not.
- Informed by credible intelligence, senior officers in participatory forces must have a higher degree of certainty by reasonably believing that incidents involving serious violence will take place rather than it being a possibility. Any judgment about the credibility of the intelligence will be a matter for the senior officer.
- The law provides for initial authorisations to be made for up to 24 hours (extendable for a further 24 hours). Forces participating in the Scheme will limit the duration of the initial authorisation to 15 hours. For an extension beyond 15 hours, an officer of senior rank will authorise any additional extensions.
- Participating forces must communicate with the public in the areas where a section 60 is to be put in place in advance (where practicable) and afterwards. The public need to be informed of the purpose and outcomes of each section 60 operation. However, it is a matter of local discretion to participating forces as to how they communicate this information.

***Suffolk Constabulary have revised their policies in line with the above.***

3.8 Forces participating in the Scheme will make public all instances where they have departed from the requirements of the Scheme and explain the reason for why this occurred.

***Suffolk Constabulary’s stop search strategic lead will be made aware of occurrences when we have departed from the scheme and will ensure the public and the Office of the Police and Crime Commissioner are fully informed.***

3.9 Forces participating in the Scheme will ensure that the impact of the Best Use of Stop and Search Scheme is monitored, particularly as it relates to individuals from Black and Minority Ethnic groups and young people.

***This monitoring process will include regular updates to the Office of the Police and Crime Commissioner.***

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications associated with this report.

## 5. OTHER IMPLICATIONS AND RISKS

5.1 There are no other implications or risks associated with this report.

<b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>	<b>PLEASE STATE 'YES' OR 'NO'</b>
Has legal advice been sought on this submission?	No
Has the PCC's Chief Finance Officer been consulted?	N/A
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	N/A
Is the recommendation consistent with the objectives in the Police and Crime Plan?	N/A
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	No
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes