Stop and Search Scrutiny Report
1st July – 30th September 2015

Date: 16/10/2015
Unit: Local Policing Support Unit
Author: PS 3211 Jamie Mills
Introduction

This document reports on the second quarter of the financial year 2015/16, covering the period between the 1st July and 30th September 2015 and looks at three fundamental areas of scrutiny and public satisfaction relating to stop and search in Essex.

Complaints

During the period of the 1st July to 30th September 1 official complaint was made to Essex Police Professional Standards Department pertaining to stop and search encounters (6th July 2015).

This complaint is currently unresolved.

Anonymous Public Survey

It is noted that participation in the anonymous public survey is low, with few, if any, additional responses being received during the reporting period.

The below tables focus on the survey responses relating to the legal requirements of stop and search and officer civility:

<table>
<thead>
<tr>
<th>PAGE: STOP AND SEARCH SURVEY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. When you were stopped and searched did the officer:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Explain why you were being searched?</td>
</tr>
<tr>
<td>Tell you what item you were being searched for?</td>
</tr>
<tr>
<td>Give you their name?</td>
</tr>
<tr>
<td>Explain which law you were being searched under?</td>
</tr>
<tr>
<td>Offer you a copy of the stop and search form or receipt?</td>
</tr>
<tr>
<td>answered question</td>
</tr>
<tr>
<td>skipped question</td>
</tr>
</tbody>
</table>
Public Scrutiny Group

The public scrutiny group met in Chelmsford on Thursday 23rd July and Thursday 24th September with 5 persons in attendance.

On Thursday 23rd July the group were provided with details of stop searches which took place during June 2015 in the districts of:

- Basildon
- Epping and Brentwood
- Stansted

On Thursday 24th September the group were provided with details of stop searches which took place during August 2015 in the districts of:

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### 3. Did the officer treat you with respect?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>38.0%</td>
<td>27</td>
</tr>
<tr>
<td>To some extent</td>
<td>23.9%</td>
<td>17</td>
</tr>
<tr>
<td>No</td>
<td>36.6%</td>
<td>26</td>
</tr>
<tr>
<td>Don't know/can't remember</td>
<td>1.4%</td>
<td>1</td>
</tr>
</tbody>
</table>

- answered question: 71
- skipped question: 0

### 4. Was it the right decision to stop and search you?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, in the circumstances</td>
<td>26.8%</td>
<td>19</td>
</tr>
<tr>
<td>Possibly</td>
<td>16.9%</td>
<td>12</td>
</tr>
<tr>
<td>No it was wrong</td>
<td>52.1%</td>
<td>37</td>
</tr>
<tr>
<td>Don't know/can't remember</td>
<td>4.2%</td>
<td>3</td>
</tr>
</tbody>
</table>

- answered question: 71
- skipped question: 0
• Castle Point and Rochford
• Brentwood and Epping
• Southend
• Basildon
• Thurrock

The search reference number, searching officer collar number and reason for search (reasonable grounds for suspicion) were provided to members of the group.

On 23rd July 42 records were examined and 0 records were deemed not to contain a suitable reason for conducting the search.

On 24th September 58 records were examined and 11 records were deemed not to contain a suitable reason for conducting the search and are as follows:

• SS/E/4641/2015 – The grounds reported were not specific enough to indicate why the person's behaviour was suspicious and what they were suspected of doing.
• SS/E/4656/2015 – Record states male was ‘acting suspiciously’, however there is no further evidence of what made it suspicious.
• SS/E/4718/2015 – Officer should have stated why it was believed that the bag contained cannabis.
• SS/E/4788/2015 – The males slurred speech could have been due to consumption of alcohol. Officer should have stated why they suspected he was under the influence of drugs rather than alcohol.
• SS/E/4885/2015 – What was it about the male carrying the bag that caused the officer to have reasonable grounds of suspicion?
• SS/E/4901/2015 – Further information required to justify reasonable grounds of suspicion.
• SS/E/4904/2015 – What was suspicious about the way the male was acting?
• SS/E/4989/2015 – Did males match the descriptions provided of the burglary suspects?
• SS/E/5012/2015 – Further information required.
• SS/E/5050/2015 – Why was it clear that the male was under the influence of drugs?
• SS/E/5109/2015 – Not enough information to justify why male was searched.

Each officer and supervising officer for the above records have been provided with feedback to assist in improving future records.

**Body Worn Video**

Body worn video records were also looked at during the meeting of the 24th September with group members reviewing stop and search footage.

The group made the following observations from the footage:

• The search was conducted well in a professional manner and sufficient information was provided to the person being searched. No issues were highlighted with the footage.
Stop & Search – Reasonable Grounds Audit September 2015

Force Compliance Rating – 86%

Auditor: Robert Duncombe 42008022

Following an external audit of records, the Audit & Inspection team were tasked with an audit of Essex Police Stop & Search records to assess compliance against policy in regard to the grounds given by officers for the stopping and searching of subjects. In assessing the records consideration was made to Essex Police Stop and Search Policy A 0800/0801/0802 and the Home Office Best use of Stop & Search scheme and changes to PACE Code of Practice A.

A total of 50 records from were inspected from data provided from the Stop & Search recording application directly input by Essex Police officers during August 2015. In order to provide coverage across the force, 5 records were randomly selected for audit from each of 10 Essex Police districts. A total of 7 records were assessed as not complying with policy and 43 records were assessed as compliant, giving an overall compliance rating of 86%.

Some records were not passed by the auditor because “suspicious behaviour” was given as the grounds for the stop and search as either witnessed by a third party or directly by the police without any further explanation. This is not “reasonable grounds” without further justification why the behaviour warranted police intervention as explained in the schedule accompanying this report. The powers for stop and search should not be used because the officer has a hunch or a gut feeling. Three records did not pass the test owing to insufficient information where the descriptive in the database reads “smell of cannabis” or similar. Clearly this would have been an indication of someone nearby in possession of cannabis or smoking cannabis but why are specific groups or individuals searched? Were the circumstances that they were the only members of the public in the vicinity and the smell could not possibly be coming from elsewhere? Was the smell getting stronger as officer’s approached the group or individual, or was someone trying to conceal a cigarette, for example?

In view of the relatively high level of compliance it was decided that it was not necessary to audit a further sample of records at this time, however consideration should be given to including Stop and Search inspections being incorporated in the audit team’s programme of work either on a six monthly or annual basis.

Below follows a schedule giving details of the 7 records which were assessed as not being compliant with policy. Full details have been circulated to Ps 3211 Jamie Mills Essex Police Stop and Search coordinator for any necessary officer training issues to be considered.
### Conclusion

Whilst the internal audit has produced a good compliance rate of 86%, it is evident that further training and information is required for officers to ensure that reasonable grounds for suspicion are sufficiently articulated and communicated to the person being searched. All officers identified as not complying with force policy will be provided with individual feedback and an officer briefing will be prepared for circulation to all front line officers to provide further guidance on forming and articulating reasonable grounds of suspicion.