

NOT PROTECTIVELY MARKED

Our ref:TP/VS

26 April 2021

Dear Home Secretary

**RE: HMICFRS Inspection: Disproportionate Use of Police Powers: A spotlight on Stop and Search (published February 2021).**

Thank you for the opportunity to comment on this inspection report. The report recognises that there are improvements which could be made to the way police forces use their power in relation to Stop and Search.

While the inspection was not specifically about Suffolk Constabulary, there are some positive messages the report provides about the approach in Suffolk. It is clear from the data that the force is striking a balance in terms of its use of intelligence led searches, and its focus on drug supply. That said, there are a number of recommendations and areas for improvement identified which fall to Chief Constables. Those are highlighted in the attached response from Suffolk Constabulary, along with the action being taken to address these issues.

I will review progress through my Accountability and Performance Panel meetings. Where I have regular reports on HMICFRS inspection findings, but also on Suffolk Constabulary's use of stop and search and its work with the community to scrutinise practice.

Yours sincerely



Tim Passmore  
Police and Crime Commissioner

The Rt Hon Priti Patel MP  
Home Secretary  
Home Office  
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Suffolk Constabulary Response to the HMICFRS Inspection:

## **Disproportionate use of police powers**

A spotlight on Stop & search and the use of force

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On Friday 26<sup>th</sup> February 2021, Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) released their long-awaited report in relation to the disproportionate use of police powers.

This is the first significant report on stop and search since 2015 and highlights the failings of some forces to meet the recommendations set within that report. It was also the first time that Use of force was also considered alongside stop and search for the purposes of disproportionality.

Following the death of George Floyd in the USA in 2020, protests took place across the world, highlighting the significant impact of police interaction. The report focussed on the legitimacy of the use of police powers when being disproportionately used on different ethnic groups. It also highlighted that disproportionality was high when officers exercised their powers to stop vehicles under the Road Traffic Act.

The paper focuses on three key areas:

- Interactions with the public
- Use of force
- Stop & search

Some positive work across the country has been highlighted but the report stresses that more must be done to understand and address the levels of disproportionality.

There were a number of positive points identified in relation to Suffolk Constabulary's data including being the only Force in England and Wales that has levels of Stop & Searches above 50% for "drugs supply" offences. Suffolk Constabulary also had the highest number of "intelligence led" searches and the second lowest number of "self-generated" searches. Evidence within the paper shows that "Intelligence led" searches generate the lowest number of disproportionate searches but higher levels of positive outcomes.

HMICFRS observations led them to conclude that more work must be done by police forces. To help achieve it, their report includes 8 recommendations and further consideration around the impact and recording of traffic stops under Section 163 of the Road Traffic Act.

The recommendations within the report will be considered by the Joint Norfolk and Suffolk Constabularies Coercive Powers Board.

## Recommendations

1. By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the National Policing Guidelines on Conflict Management. This should be in addition to existing training on conflict management and de-escalation.

### Response

by July 2022 Personal Safety Training will be increased to 2 training days per year and delivered against a national College of Policing package. This is already in development and will include the Conflict Management training guidelines and effective communication. It will also include a short message around an input to officers on the impact of use of force impact on community trust and confidence. This will pick up on particularly the need for legitimacy to underpin the British policing model and how different communities and ethnicities have different levels of trust and confidence in legitimacy of policing and therefore how an individual officer's decision making and behaviour surrounding use of force is at the heart of maintaining and building or damaging trust and confidence.

2. By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

### Response

Within the performance development reviews for 2021/22, supervisors will review pieces of BWV footage relating to their officers. This will be in addition to any reviews undertaken as part of other scrutiny processes (e.g. Stop & Search Reference Group scrutiny).

Learning and Development will produce a visible communication skills product by July 2021.

3. By September 2021, forces should:
  - ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;

### Response

The Body Worn Video Policy already incorporates Stop & Search, use of force and vehicle stops as mandatory requirements for Officer to activate BWV (where available).

- have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and

### **Response**

This will be undertaken as part of regular performance development review supervisory checks.

- provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.

### **Response**

Currently the panel members of the Stop & Search Reference Group, from ISCRE, are provided with BWV as part of the scrutiny process in advance of the public meetings.

In respect of Use of Force incidents this is currently being reviewed by learning and development to see how an external process can be developed.

4. The Home Office and the NPCC should take steps to ensure that the quality of the data collected on the number of incidents where force has been used to effect Stop & Search is sufficient for publication. The Home Office should publish this data as soon as possible.

### **Response**

This will be developed by the Home Office.

5. By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.

### **Response**

The Constabulary's data analysts are currently exploring a data set that can be reported to the Coercive Powers Board. This Board would then generate an action plan from the data similar to the current work undertaken by the members across a number of police powers. Use of force is currently discussed but not to the level expected through the recommendation so this just requires refinement of the current process.

6. By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken.

### **Response**

External panel members are currently invited to the Coercive Powers Board however work needs to be undertaken to establish an external scrutiny group for the purposes

of reviewing Use of force and it is being considered whether this could be incorporated within current external scrutiny processes.

7. With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

#### **Response**

Both the Stop & Search APP and OPTIK currently have both self-defined ethnicity and officer defined ethnicity as mandatory boxes. Suffolk Constabulary is currently reviewing the data to ensure it is compliant with this recommendation.

8. By December 2021, the Home Office should agree, nationally, a minimum standard for monitoring Stop & Search powers. HMICFRS commits to working on this with the Home Office and other interested parties, such as the College of Policing and the National Police Chiefs Council.

#### **Response**

This is a requirement for the Home Office and College of Policing to develop.

From the 2015 recommendations –

1. Within twelve months, chief constables and the College of Policing should agree and implement a set of minimum recording standards for the police use of the Road Traffic Act 1988 power to stop motor vehicles, for the purpose of assessing their effective and fair use;

#### **Response**

The recording of the information in Suffolk has yet to be agreed but it will likely be captured either through OPTIK directly, or through the Stop & Search APP which can capture traffic stop information.