

| |
|---|
| Stop and search overall engagement report |
| Black Training & Enterprise Group (BTEG), Coalition for Racial Justice (CRJ) UK, Equanomics UK and the Runnymede Trust (members of Race Equality Coalition known as CORE) supported by StopWatch |
| Report authors: Leander Neckles (Equanomics UK), Neena Samota (CRJ UK) and Mark Blake (BTEG) |
| Report date: October 2013 |
| Engagement events funded by the Equality and Human Rights Commission and the Home Office |

**Black Training & Enterprise Group (BTEG),
 Coalition for Racial Justice (CRJ) UK,
 Equanomics UK
 and the Runnymede Trust
 (members of Race Equality Coalition known as CORE)
 and
 StopWatch**

This report is supported by other CORE members and our delivery partners.

| CORE members (delivery partners) | Other local delivery partners |
|--|--|
| CORE delivery partners | Local and regional VCS partners |
| Black South West Network | African Caribbean Citizens Forum |
| Croydon BME Forum | Community Foundation |
| Just West Yorkshire | Ethnic Minorities Training & Education Project (EMTEP) |
| Other CORE members (supporters) | Hackney Council for Voluntary Service |
| The Afiya Trust | Partners of Prisoners and Families Support Groups (POPS) |
| Black Minority Ethnic Community Organisation Network (BECON) | Race Equality First (REF) |
| BME National | Refugee and Migrant Forum of East London (RAMFEL) |
| Friends Families and Travellers | South Riverside Community Development Centre |
| OLMEC | |
| Operation Black Vote | |
| Race Equality Foundation | |
| Race on the Agenda (ROTA) | |
| Voice4Change UK | |

Foreword

About this joint report

The joint report has been produced by the Black Training & Enterprise Group (BTEG), the Coalition for Racial Justice (CRJ), Equanomics UK and the Runnymede Trust. We are members of Race Equality Coalition now named CORE and of StopWatch.

Background and the Home Office's consultation on Stop and Search

In [July](#) and August, we wrote to the Home Secretary and the Equality and Human Rights Commission (EHRC) about the [Home Office's consultation on Stop and Search](#) launched in July 2013. We were concerned about whether those most affected by Stop and Search would be reached by the Home Office's consultation and online questionnaire. We shared the concerns expressed, on 2nd July 2013, by MPs in their House of Commons' [debate](#) on this consultation; there was cross party support for meaningful engagement with those most affected by Stop and Search.

Our ten local consultation events

We were exceptionally pleased that both the Home Office and the Equality and Human Rights Commission responded positively to our approach and agreed to fund 10 consultation events¹ across England and Wales. The work was conducted between 9th and 30th September 2013; ten detailed local reports have been written. We acknowledge, with thanks, the short two week extension, agreed with the Home Office in relation to the submission of this report and the ten local reports.

About this report and our ten local reports

Our reports raise important concerns, questions, issues and recommendations about the development and reform of Stop and Search powers and the implementation of Stop and Search nationally, regionally and locally. Our joint view is that these reports must influence the Home Office's consultation on Stop and Search. We hope that these reports, will inform developing thinking of key parties about the efficacy, impact and equality implications of these intrusive legal powers.

We aim to explore our recommendations with the Home Secretary, Government, Parliament and the Equality and Human Rights Commission (EHRC) and other key stakeholders (e.g. the Independent Police Complaints Commission (IPCC), the Mayor's Office for Policing & Crime (MOPAC) and other Police and Crime Commissioners, police and community consultative bodies, local authorities, community organisations) and others engaged in holding our police forces to account.

¹ The EHRC funded six events and the Home Office funded four events.

| Contents | | | |
|-----------------------|---|--------------|-----------|
| | | Pages | |
| Foreword | | 3 | 3 |
| Parts | | | |
| 1 | Introduction | 5 | 5 |
| 1.1 | The purpose of the Home Office consultation on stop and search | 5 | 5 |
| 1.2 | CORE's interest | 5 | 5 |
| 1.3 | About this report | 5 | 5 |
| 2 | Previous and current recommendations on Stop and Search | 6 | 9 |
| 2.1 | Recommendations to Government about Stop and Search | 6 | 6 |
| 2.2 | The Stephen Lawrence Inquiry recommendations | 6 | 7 |
| 2.3 | The 2011 UN CERD recommendations | 7 | 8 |
| 2.4 | HMIC's report on the effectiveness of Stop and Search | 8 | 9 |
| 2.5 | Time for meaningful and sustained positive change on Stop and Search | 9 | 9 |
| 3 | Our local partners, methodology, participation and the questions | 9 | 12 |
| 3.1 | Our partners and the delivery timetable | 9 | 10 |
| 3.2 | The 16 Home Office questions | 11 | 11 |
| 3.3 | Our methodology | 11 | 11 |
| 3.4 | Target numbers and participation levels | 11 | 12 |
| 4 | Our findings and recommendations | 13 | 21 |
| 4.1 | Our key findings | 13 | 14 |
| 4.2 | Issues for further consideration and research | 14 | 14 |
| 4.3 | Our recommendations | 14 | 21 |
| The appendices | | | |
| 1 | The main conclusions from each local report. | 22 | 29 |
| 2 | The simpler questions developed by partners | 30 | 30 |
| 3 | Summary response to 8 ² of the 16 Home Office questions from our 10 local engagement activities. | 31 | 34 |

² Questions – 1, 3, 5, 6, 7, 8, 9, 11 where participants were asked to agree or disagree.

1. Introduction

1.1 The purpose of the Home Office consultation on stop and search

The Home Office consultation document states the commitment of the Government to ensuring that the police continue to have the powers they need to deliver for the public and that this includes powers of stop and search. The consultation document says that it aims “to understand how the use of these powers is viewed by the public and by those involved in policing”; the consultation focuses on four areas: a) effectiveness; b) fairness; c) balancing public protection with the preservation of individual freedoms; and d) bureaucracy in policing.

1.2 CORE’s interest

Members of a Race Equality Coalition, now known as CORE, were concerned that the Home Office consultation might not reach enough of those disproportionately affected by stop and search (e.g. young people Black men). We believe that local community organisations can be well placed to reach out to local people especially where the organisation is working on stop and search and/or with young people. We are mindful that concerns have been raised about Stop and Search over many years. In our joint view, it is essential to build on previous key recommendations and on the body of evidence about Stop and Search and avoid reinventing the wheel. We are concerned that the Home Office’s methodology/the 16 questions do not clearly recognise the existing significant body of research, recommendations and work undertaken over many years and might obscure key issues rather than illuminate.

1.3 About this report

Each of our 10 local reports provides responses to the 16 Home Office questions; and we encourage the detailed consideration of each of the 10 local reports. In this overall submission, we have focused, on those changes that should make a meaningful difference to the nature and application of Stop and Search Powers.

- In part 2, we briefly reflect on some previous recommendations on Stop and Search and the need for meaningful change.
- In part 3, we identify our local partners and comment on the Home Office consultation process, our methodology and participation rates.
- In part 4, we set out our key findings and recommendations.
- Appendix 1 provides the main conclusions from each local report.
- Appendix 2 provides the simpler consultation questions used by some partners.
- Appendix 3 provides the summary responses to 8 the 16 questions from our 10 local engagement activities.

2. Previous and current recommendations on Stop and Search

2.1 Recommendations to Government about Stop and Search

In view of our commitment to evidence based policy making and to avoid reinventing the proverbial wheel, we have noted some key reports to Government on Stop and Search. Key reports³ including detailed analysis and recommendations include:

- the Stephen Lawrence Inquiry Report (1999);
- the UN Committee on the Elimination of Racial Discrimination (CERD) (2011);
- EHRC’s Stop and Think⁴ and Stop and Think Again (2010 and 2013)⁵;
- the recent HMIC report on the effectiveness of Stop and Search (July 2013).

2.2 The Stephen Lawrence Inquiry recommendations⁶

During the consultation, a number of participants highlighted the recommendations on Stop and Search made in the Stephen Lawrence Inquiry report (see box 1). It is a matter of significant concern, in the twentieth year following Stephen’s death, that these key Inquiry recommendations have not been consistently and effectively implemented.

We are equally concerned that the ethnic diversity of police forces including the Metropolitan Police (recommendations 64 – 66 of the Inquiry Report), remains so poor (see box 1). We note that the issue of lack of ethnic diversity in the police force⁷ has again been raised by Baroness Lawrence of Clarendon (Stephen’s mother) and its importance has been acknowledged by the Metropolitan Police.⁸

We note that many participants also commented on the lack of progress in increasing the ethnic diversity in police forces; highlighting their belief that greater diversity could reduce tensions between the police and local communities and impact positively on how Stop and Search powers were implemented locally.

³ Note: The submission to the Home Office consultation on Stop and Search, by our partner StopWatch, includes a detailed review of key reports and literature on Stop and Search.
<http://www.stop-watch.org/news-comment/story/stopwatch-response-to-the-home-office-consultation>

⁴ http://www.equalityhumanrights.com/uploaded_files/raceinbritain/ehrc_stop_and_search_report.pdf

⁵ <http://www.equalityhumanrights.com/key-projects/race-in-britain/stop-and-think-again/>

⁶ The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny
<http://www.archive.official-documents.co.uk/document/cm42/4262/sli-47.htm>

⁷ <http://www.standard.co.uk/news/crime/the-met-does-not-represent-my-community-says-doreeen-lawrence-8678366.html>

⁸ <http://www.standard.co.uk/news/london/we-need-more-ethnic-minority-officers-says-met-8642137.html>

| Box 1: The Stephen Lawrence Inquiry: Report |
|---|
| – Recommendation 60. That the powers of the police under current legislation are required for the prevention and detection of crime and should remain unchanged. |
| – Recommendation 61. That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped. |
| – Recommendation 62. That these records should be monitored and analysed by Police Services and Police Authorities, and reviewed by HMIC on inspections. The information and analysis should be published. |
| – Recommendation 63. That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of "stop and search" provisions and the right to receive a record in all circumstances. |
| – Recommendation 64. That the Home Secretary and Police Authorities' policing plans should include targets for recruitment, progression and retention of minority ethnic staff. Police Authorities to report progress to the Home Secretary annually. Such reports to be published. |
| – Recommendation 65. That the Home Office and Police Services should facilitate the development of initiatives to increase the number of qualified minority ethnic recruits. |
| – Recommendation 66. That HMIC include in any regular inspection or in a thematic inspection a report on the progress made by Police Services in recruitment, progression and retention of minority ethnic staff. |

2.3 The 2011 UN CERD recommendations

The submission⁹ made by the UK NGOs Against Racism, including ourselves and CORE members, highlighted many concerns about Stop and Search. We note that the Government is due to report, but has not yet reported,¹⁰ on Stop and Search to UN Committee on the Elimination of Racial Discrimination. We believe that the issues raised by the UN Committee must be addressed (box 2).

⁹ http://www2.ohchr.org/english/bodies/cerd/docs/ngos/NGOsAgainstRacism_UK79.pdf

¹⁰ 'In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 9, 18, 21 and 28 above.' Recommendation 37, Concluding observations of the Committee on the Elimination of Racial Discrimination, September 2011

Box 2: CERD Recommendation 18, 2011

- The Committee regrets the increased use of “stops and searches” by the Police which disproportionately affect members of minority ethnic groups, particularly persons of Asian and African descent.
- The Committee further regrets reports that the State party has discontinued the issuance of reports for stops unless they lead to a search, and has adopted a policy to issue only receipts for stops and searches instead of a full record.
- The Committee is concerned that these measures may not only encourage racial and ethnic stereotyping by police officers but may also encourage impunity and fail to promote accountability in the police service for possible abuses (articles 2 and 5).
- In light of General Recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to review the impact of “stop and search” powers on ethnic minority groups under various pieces of legislation in the State party.
- It recommends that the State party ensure that all stops are properly recorded, whether or not leading to searches, and that a copy of the record is provided to the person concerned for all such incidents in order to safeguard the rights of the people subject to these laws and to check possible abuse.
- The Committee requests the State party to provide in its next periodic report detailed statistical data disaggregated by ethnicity and community origin on the use of stop and search powers and its effectiveness in crime prevention.

2.4 HMIC’s report on the effectiveness of Stop and Search¹¹

We note that Her Majesty’s Inspectorate of Constabulary (HMIC) published its report on the effectiveness of Stop and Search a week after the Home Office consultation was launched. We note key concerns from the HMIC’s conclusions (see box 3). It is not clear to us when the Home Office and the Home Secretary will consider the HMIC’s recommendations, nor is it clear if or when there will be any formal engagement with voluntary and community organisations in relation to:

- HMIC’s key findings and conclusions; and /or
- HMIC’s recommendations (see table 2).

Where time allowed, and the participants were receptive, we sought feedback on the HMIC’s recommendations from participants. It may be helpful to note that whilst there was general support for the HMIC recommendations, where participants commented, there was also significant frustration about lack of progress over the last 14 years and feelings of Déjà vu. One participant commented that, whilst welcome, some of the HMIC’s recommendations repeated recommendations (e.g. recommendation 61) from the 1999 Stephen Lawrence Inquiry report.

¹¹ Stop and Search Powers: Are the police using them effectively and fairly? July 2013

| Box 3: Key findings from HMIC's Report (pages, 47 – 49) |
|--|
| – We found little evidence that police leaders were focusing stop and search activity towards priority crimes in their areas. |
| – Too many forces could not explain what they achieved from their use of stop and search powers. |
| – There are too many occasions when people feel that the police had not treated them with respect (47% of respondents who had been stopped and searched) or had not acted reasonably (44%) 'with a few exceptions, forces were not able to demonstrate an approach to using stop and search powers that was based upon a foundation of evidence of what works best to fight crime. |
| – HMIC found that a quarter of people surveyed believed that they are used in a way that discriminates against certain groups. For black and minority ethnic people this rises to over half who believe this to be true. |
| – Perceptions of unfairness represent a risk to the service, as they undermine legitimacy and make it harder to reduce crime. |
| – The absence of public scrutiny becomes even more of a serious threat to the fragile construct of police legitimacy. |

2.5 Time for meaningful and sustained positive change on Stop and Search

We genuinely hope that this consultation actually results in meaningful and sustained change in relation to Stop and Search. The persistent fear of too many of our participants/respondents is that **nothing will change**. The challenge for the Home Office, the Home Secretary, Government and Parliament is to both address the fundamental concerns about Stop and Search powers and the implementation of these powers and make real changes that can be evidenced. **Now is the time for meaningful and sustained change on Stop and Search.**

3. Our local partners, methodology, participation and the questions

3.1 Our partners and the delivery timetable

Following receipt of the funding decisions¹² from the EHRC and the Home Office in the first and second weeks of September, we worked at speed with 10 local partners to organise 9 local events in different parts of England and 1 event with a partner in Wales (see box 4). Partners agreed to the timetable because of our shared commitment to finding ways to address collective concerns around stop and search. Our partner, Hackney Council for Voluntary Service deserves a special mention having reached 114 young people. This was due to the work of their youth work co-ordinator, their previous work around stop and search, the active cooperation of

¹² Respectively on 6/9/13 and 9/9/13

their local partners and their access to youth work and college settings¹³. We also note, with thanks, that other partners developed resources that we shared across the partners; this reduced some of the workload for other partners, for example:

- Just West Yorkshire designed a Google.docs online tool which was amended and assisted 4 other projects by enabling us to offer local online submission opportunities and analyse completed written forms;
- the African Caribbean Citizens Forum developed a range of resources that we were able to use or adapt for subsequent sessions.

Without this co-operation and mutual support, delivering the project successfully would have been immeasurably harder.

| Box 4: The partners and timetable | | | | |
|--|------------------------|--|---|------------|
| Area | Main partner(s) | Dates | Participants | |
| 1 | Birmingham | Community Foundation | 29/9/13 (11 - 3 pm) | 47 |
| 2 | Bradford | Just West Yorkshire | 9/9/13 – 13/9/13 | 43 |
| 3 | Bristol | Black South West Network | 30/9/13 (1-5pm) 26/9/13 (interviews) 27/9/13 (interviews) | 45 |
| 4 | Cardiff , Wales | Race Equality First South Riverside Community Development Centre (SRDC) | 26/9/13 (6-9pm) | 30 |
| 5 | Croydon | Croydon BME Forum | 19/9/13 (5.30 pm – 8) | 21 |
| 6 | Hackney | Hackney CVS | 12/9/13 (6-9 pm) 17/9/13 12 – 3 pm) 18/9/13 (12- 3 pm) | 114 |
| 7 | Leicester | African Caribbean Citizens Forum | | 29 |
| 8 | Outer East London | Refugee and Migrant Forum of East London (RAMFEL) | 21/9/13 10 am – 1 pm | 25 |
| 9 | Manchester | Coalition for Racial Justice UK (CRJ) Partners of Prisoners and Families Support Groups (POPS) | | 44 |
| 10 | Middlesbrough | Ethnic Minorities Training & Education Project | Event: 18/9/13 (1- 4 pm) | 50 |
| | | | | 448 |

¹³ Note: Other partners would have adopted this approach but without pre-existing access to youth settings requiring DBS checks, the timetable made this approach impossible for others.

3.2 The 16 Home Office questions

The Home Office questions posed challenges, participants reported that:

- some of the questions were confusing (e.g. questions 3 and 4);
- other questions were leading or misleading;
- some questions that participants or partners felt should be asked were not asked (see appendix 2, questions 1 and 3);
- some questions could not easily be answered as agree or disagree questions (e.g. question 13);
- generally the Home Office questions as drafted were not accessible to those most affected by Stop and Search (i.e. young people under 18).

3.3 Our methodology

Our engagement approaches were designed to address these problems and the apathy associated with the unresolved deep seated concerns about Stop and Search. We sought partners with a track record in working with young people and /or on policing and stop and search. We used a variety of engagement approaches:

- small focus groups;
- pop-up consultations and interviews;
- street interviews and interviews in youth work and associated settings;
- online customised surveys – based on the Google. Docs tool/survey developed by our partner Just West Yorkshire;
- World Café style small and larger group work.

3.4 Target numbers and participation levels

We aimed to reach 25 – 50 people in each area; so a minimum of 250 and a maximum of 500. However, given that all of the events had to be organised and delivered within 3 weeks (i.e. between 9/9/13 and 30/9/13) this impacted on participation levels. In the event, we reached **448 people**, near the upper limit of our target number. Box 5 provides key equality data. Most of the participants were male, most were from BME communities and most were under 24 (our primary target age group). We also reached a significant number of practitioners in the consultation and engagement activities.

| Box 5: Summary equality data and participation information ¹⁴ | | | | | | |
|--|---------------------------------|---|--|--------|-------|------------|
| Area | Age ¹⁵ | Ethnicity ¹⁶ | Gender | | Total | |
| | | | Male | Female | | |
| 1 | Birmingham | 100% under 24 96% under 20 | Mixed group 35% Pakistani 28% White | 44% | 56% | 47 |
| 2 | Bradford | 21% (16-24) 26% (25-34) | 28% Asian 28% White 23% Black | 51% | 42% | 43 |
| 3 | Bristol | 47% (16-24) 33% (over 25) 9% (10-16) | 42% White 33% Black 7% Asian | 49% | 40% | 45 |
| 4 | Cardiff , Wales | 50% (10-16) 30% (16-24) 20% (25+) | 67% African ¹⁷ 20% Mixed 7% Asian | 80% | 20% | 30 |
| 5 | Croydon | Mostly over 25 | 100% BME | 50% | 50% | 21 |
| 6 | Hackney | 83% (16- 20); 12% (21-24) | 85% Black 15% various ¹⁸ | 74% | 26% | 114 |
| 7 | Leicester | 24% (16-24) | 62% Black 24% Asian 14% White | 79% | 21% | 29 |
| 8 | Outer East London ¹⁹ | 17 – 40 age range | 95% BME | 50% | 50% | 25 |
| 9 | Manchester ²⁰ | 61% (16-24) 9% (25-34) 14% (35 – 44) 11% (45-54) | 56% Black Mixed 12% 16% White | 66% | 36% | 44 |
| 10 | Middlesbrough | 16% (10-16); 42% (16-24) 42% (25 plus) | 56% Asian 32% White 12% Mixed | 68% | 22% | 50 |
| | | | | | | 448 |

¹⁴ Note: Not all participants provided equality information although most participants did.

¹⁵ Note: In relation to age related data we have highlighted those under 24 and those in the next age group most likely to be stopped and searched

¹⁶ Largest ethnic groups cited.

¹⁷ Predominantly Somali.

¹⁸ Bangladeshi, Mixed Heritage, Turkish, Asian.

¹⁹ Barking and Dagenham, Havering, Newham and Redbridge.

²⁰ Note: Ethnicity data is for the 25 participants not the 19 strong focus group as the ethnicity was unknown .

4. Our key findings and recommendations

4.1 Our key findings

The majority of participants had general concerns and also had concerns about: a) the nature and quality of Stop and Search encounters; b) damage to community relations; and c) police non-compliance with the law, rules and guidelines.

General concerns

- Some argued that Stop and Search powers should be repealed; but others said, if powers are to be retained, then reform is urgently needed.
- Police action must both be fair and rational, and it must be perceived as so being by individuals and wider society.
- A comment summed up feelings expressed by other participants: *“if Stop and Search were floated as a business idea or in the Dragon’s Den, it would be laughed out of court given its lack of focus and poor outcomes in terms of arrest rates, crime reduction and adverse community relations.”*

Nature and quality of encounters and damaging community relations

- The operation of Stop and Search described by many participants is at variance with individuals’ legal rights including their human rights and rights under relevant equality provisions.
- Many participants referred to the police and their implementation of Stop and Search as abusive, aggressive, intimidatory, racist and unfair.
- The exercise of Stop and Search powers can be intrusive, embarrassing, humiliating, intimidating and frightening for the individual concerned and represent a significant invasion of liberty and privacy.
- Significant levels of frustration are being built up in those disproportionately impacted upon by Stop and Search.
- Stop and Search powers can, and have been, abused.
- Police officers do not have unfettered rights to stop and search (participants were well aware that the police have legal powers but this is not the same as an unconditional right to stop and search).
- Stop and Search can have, and is having, damaging effects on communities and community relations.
- Stop and Search powers require a secure base of community support.

Police non-compliance with the law, rules and guidelines

- Stop and Search is not working at present and has not been working fairly, effectively or properly for many years.

- Many participants highlighted that they did not feel that the police abided by provisions requiring them to have ‘reasonable grounds’; participants said that too often police officers just seemed to use any grounds to justify their actions.
- Participants raised concerns about police behaviour and attitudes, when those stopped did know or sought to raise their legal rights; too often participants reported that this simply led police officers to be more aggressive or hostile.
- It is essential that police forces are clear how they are planning to use Stop and Search to tackle crime.

Like StopWatch, we believe that the application of Stop and Search powers may actually be reducing police effectiveness in relation to crime detection because community members /communities who feel abused by Stop and Search are much less likely to be active partners in detecting, reporting and addressing crime (table 1 and the local reports).

4.2 Issues for further consideration and research

We note and support the recommendations for further research made in the submission by StopWatch. Feedback, from participants, suggests that there may be differences of views about Stop and Search within BAME communities. For example, some of our feedback, perhaps unsurprisingly, suggests that:

- those most subject to Stop and Search (i.e. younger BME men) object to the powers most strongly;
- there appear to be some gender differences, in views about the fairness of, and appropriateness of, Stop and Search; we note the significant gender imbalances, in the application of Stop and Search, however many sisters and mothers - who had not been stopped and searched - were incensed about the treatment of male family members and friends.

4.3 Our recommendations

We support the recommendations made by HMIC (see table 2) but we wish to explore how we, and others, can be actively involved in developing, implementing and monitoring associated action plans. **We broadly support the 100 plus recommendations made in the StopWatch submission²¹; but we have drawn together those recommendations that best address the majority views expressed by participants (see table 3).**

²¹ StopWatch Submission to the Consultation on Police Powers to Stop and Search
http://www.stop-watch.org/uploads/documents/StopWatch_consultation_final.pdf

Table 1: Key concerns about Stop and Search identified by StopWatch²²

| |
|---|
| <p>1. The Home Office consultation document defines the purpose of stop and search as being to ‘fight against crime’. According to Her Majesty’s Inspectorate of the Constabulary (‘HMIC’), however, most police forces have no clear approach to using stop and search powers, nor a strategy or objective for their exercise. Existing definitions of the purpose of stop and search lack the clarity and precision required to ensure appropriate regulation of police powers and evaluation of their effectiveness. The absence of circumscription heightens the risk of those powers being abused.</p> |
| <p>2. The exercise of police powers to stop an individual in a public place, to detain them for questioning, and to search their person or their belongings, constitutes an invasion of liberty and privacy. The powers are intrusive and coercive, and the circumstances in which they are exercised are frequently embarrassing, humiliating, intimidating and frightening for the individual concerned.</p> |
| <p>3. Stop and search has potentially damaging effects on individuals, communities and wider society. The powers can only be justified if there is evidence that they contribute significantly to the public good and if there is no less intrusive or coercive means to achieve the same end. The evidence of effectiveness, insofar as it exists, is unconvincing and there has been insufficient effort dedicated to the development of a less costly and less invasive alternative.</p> |
| <p>4. Stop and search powers can be abused and used arbitrarily, without proper grounds and for improper purposes. The exercise of these powers must therefore be properly supervised to ensure that they are lawful, necessary, proportionate, properly circumscribed, and subject to adequate legal safeguards against abuse.</p> |
| <p>5. Police officers do not have a right to stop and search. They have a duty to investigate crime and contribute to community safety; to promote equality, prevent illegal discrimination; and to protect our rights and freedoms. The police are granted powers to carry out these duties.</p> |
| <p>6. Stop and search powers require a secure base of community support. Police action must both be fair and rational, and be perceived as so being by individuals and wider society. Without community consent and legitimacy, the use of the power becomes corrosive and ineffective.</p> |
| <p>7. The exercise of stop and search powers requires constant scrutiny and reassessment, not solely in relation to arrest rates, but also to take into account the effect on the community as a whole, especially among those groups most widely affected by the power.</p> |

²² Source: StopWatch submission to the Consultation on Police Powers to Stop and Search, September 2013
http://www.stop-watch.org/uploads/documents/StopWatch_consultation_final.pdf

Table 2: The recommendations from Stop and Search Powers:

Are the police using them effectively and fairly? HMIC: 9th July 2013

| |
|--|
| 1. Chief Constables and the College of Policing should establish in the stop and search Authorised Professional Practice document a clear specification of what constitutes the effective and fair exercise of stop and search powers, and guidance in that respect. This should be compliant with the code of practice. |
| 2. Chief Constables should establish or improve monitoring of the way officers stop and search people, so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the code of practice), and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter. |
| 3. Chief Constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the code of practice and equality legislation. |
| 4. The College of Policing should work with Chief Constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches. |
| 5. Chief Constables should ensure that officers and supervisors who need this training are required to complete it, and that their understanding of what they learn is tested. |
| 6. Chief Constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime fighting effort. |
| 7. Chief Constables should, in consultation with elected local policing bodies, ensure that they comply with the code of practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people. |
| 8. Chief Constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include gathering information about dissatisfaction reported to other agencies. |
| 9. Chief Constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the code of practice. |
| 10. Chief Constables should work with their elected local policing bodies to find a way of better using technology to record relevant information about stop and search encounters, which complies with the law and reveals how effectively and fairly the power is being used. |

| Table 3: Recommendations made by StopWatch and supported by CORE members | |
|--|--|
| Key principles: The Recommendations: | |
| 1. | Stop and search should be defined clearly as a power to detect and prevent crime by enabling a police officer to allay or confirm, without resorting to arrest, a well-founded suspicion that an individual is in possession of a dangerous article, has committed an offence, or is about to commit an offence. There should be no other grounds for stop and search. |
| 2. | The government should make it clear that the onus lies with the police service to justify the use of stop and search powers, and that they should not be exercised in the absence of any such justification, in maintenance of the status quo or on the basis of assumptions. Evidence of the effectiveness of the powers – where it exists – should be placed in the public domain and the negative impact of stop and search on individuals and communities should also be analysed. |
| Stop and account: The Recommendations | |
| 3. | Code A of PACE should be amended to give clearer guidelines as to when it is appropriate to use stop and account. Officers should not be permitted to use this tool to either (i) circumvent the safeguards applicable to stop and searches; or (ii) initiate engagements with a view to provoking behaviours which may subsequently justify a stop and search being undertaken. |
| 4. | The person stopped should be informed as to whether they are being stopped with a view to search and thus are detained or whether it is a non-statutory stop meaning they are free to leave at any time, and of their right not to answer questions in both cases. |
| 5. | Officers should be required to inform all those subject to a non-statutory stop of the guidance using wording such as: <i>“I am a police officer/police community support officer and I would like to ask you some questions. You are not at present suspected of any wrongdoing. You are not obliged to answer my questions and, unless I advise you otherwise, you are free to go at any time.”</i> |
| 6. | Code A of PACE should clearly articulate that an attempt to terminate an encounter or failure to answer questions cannot be considered as grounds to invoke a search power. |
| 7. | All stops should be recorded & monitored under the same recording framework as PACE stop & search powers and that data should be shared with community and monitoring groups. |
| Police and Criminal Evidence Act 1984 and Misuse of Drugs Act 1971: The Recommendations | |
| 8. | Chief Constables should set the ‘tone and style’ of policing and guide their officers to use the power lawfully, fairly and effectively, and supervisors should monitor stop and search practice to ensure it is compliant with the law. |
| 9. | The numbers of stop and search encounters are excessive and cannot be linked to the rate of crime. Numbers of stop and searches should be reduced. |
| 10. | Stop and search should be focused on the most serious crimes and its use in targeting minor drug possession should be discouraged. |
| 11. | Ethnic disproportionality should be drastically reduced or eliminated entirely. |

| | |
|-----|---|
| 12. | Action should be taken to ensure that police officers, police forces and Police and Crime Commissioners are compliant with the Equality Act. |
| 13. | PACE Code A should contain specific guidance on how to treat children during stop and search encounters. |
| 14. | The numbers of stop and searches leading to charge <i>and</i> conviction should be routinely measured and form part of the PACE monitoring framework. Data should also be collected on whether any arrests, charges or convictions have been related to the initial purpose of the search or have arisen from other circumstances. For example, where a stop and search is carried out pursuant to Section 1 of PACE, the rate of recovery of stolen or prohibited items should be documented and analysed. Similarly, the rate of recovery of controlled drugs should be recorded in relation to drugs searches. |
| 15. | Efforts should be made to develop less intrusive alternatives to stop and search which achieve the stated objectives of reducing crime without the significant costs. |
| 16. | The PACE Codes of Practice should be amended to provide more guidance on reasonable suspicion, with reference to practical examples. As the threshold for legitimately conducting a stop and search is in law the same as for making an arrest (i.e. reasonable suspicion), officers should be reminded that they should only initiate a stop and search where they already have cause to make an arrest and that its use should primarily be limited to avoiding unnecessary arrests through conducting on-the-spot searches in order to confirm or allay the officers' initial suspicions. |
| 17. | Front-line officers should be trained on what constitutes 'reasonable grounds for suspicion', and emphasis should be placed on the importance of recording the grounds at the time of the search. Officers should also be reminded that targeting 'crime hotspots' or broadly defined persons does not in itself constitute grounds of reasonable suspicion, and that the power can only be used in relation to individuals who are actually, on the basis of objective indicators, suspected of involvement in relevant criminality at the time of the stop. |
| 18. | Where officers persistently either fail to record reasonable grounds for conducting a search or exercise these powers in a discriminatory or ethnically disproportionate manner, they should be subject to disciplinary action, with a possible sanction of removing their power to carry out stops and searches for a period until they have undergone thorough retraining. |
| 19. | There should be an accreditation system for officers deployed to use stop and search. Accreditation should be based on training and satisfactory performance and could then be revoked should there be a pattern of unlawful or discriminatory use of the powers. |
| 20. | Sergeants should be trained on what constitutes 'reasonable grounds for suspicion' and supervising their officers' use of stop and search in line with Code A of PACE. Sergeants should be reminded that failure to comply with these requirements is a breach of the public sector equality duty. |
| 21. | Where sergeants persistently fail to supervise their officers' use of stop and search, endorse records that do not record reasonable grounds for conducting a search, or fail to challenge the exercise these powers in a discriminatory or ethnically disproportionate manner, they should be subject to disciplinary action, with a possible sanction of removing their supervisory responsibilities for a period until they have undergone thorough retraining. |

| Table 3: Recommendations made by StopWatch and supported by CORE members | |
|--|--|
| 22. | PACE Code A should be amended to give clear guidance regarding the right of the person stopped and searched to refuse to give their name and address and when officers can use Section 50 of the Police Reform Act to require that such information be given. Officers using Section 50 should be required in all cases to provide an explanation as to the reasons why they consider the person stopped has engaged in 'anti-social behaviour' likely to cause 'harassment, alarm or distress to others'. Officers should ordinarily be required to inform people at the beginning of the encounter that they do not need to give their name and address. |
| 23. | Code A of PACE should be amended to give clear guidance around the right of those stopped and of observers to record stop and searches, including on mobile phones. |
| 24. | Code A of PACE should be amended to give clear guidelines around when police officers can request and search electronic data on mobile phones and laptops. This should be restricted to incidents when the suspicion is related to theft and clear guidance should be provided as to what the officers are permitted to search for. |
| Section 60 of the Criminal Justice and Public Order Act 1994: The Recommendations | |
| 25. | Section 60 should be repealed. |
| 26. | Stop and search should only ever be conducted without reasonable suspicion in the most narrowly defined and tightly circumscribed situations (such as boarding an aircraft). Nobody should ever be subject to a search in a public street when there is no suspicion of involvement in crime. Where a police officer has reasonable grounds to suspect that a person is in possession of a weapon or other dangerous article, they should use section 1 of PACE. |
| Quality of the encounter : The recommendations | |
| 27. | Code A of PACE should be amended to require officers to inform the person stopped and/or stopped and searched that they do not have to supply their name and address. |
| 28. | All stop and search forms should include questions about the quality of the encounter. Data from these questions should be monitored and where forms show negative experiences or a failure to answer the questions, the person should be contacted by an independent third party to ask whether they would like to make a complaint. |
| 29. | Officers should receive training on the impact of stop and search, how to use these powers with respect and dignity, and how to communicate with members of the public, especially young people. Local community groups and youth workers should be involved in all training to ensure it is relevant and meaningful. Community engagement should be undertaken by <i>all</i> officers carrying out stop and search. |
| 30. | Supervising officers should be required to observe their officers conducting stop & search and receive training in ensuring their officers are using their powers with respect & dignity. |
| 31. | An independent stop & search monitoring scheme should be developed based on the Home Office funded Independent Custody Visiting Scheme that supports volunteers to go on patrol with officers and monitor their use of stop and search to ensure it is lawful and respectful. |
| 32. | Research should be conducted into the impact of body-worn cameras on officers' conduct during stop and search and whether it provides a mechanism for improving the quality of the encounter |

Table 3: Recommendations made by StopWatch and supported by CORE members

| Recording and accountability: The Recommendations | |
|--|---|
| 33. | All stops (including stop and accounts and stops conducted under the Section 163 Road Traffic Act 1988) and stop and search should be recorded and monitored and a receipt of the encounter given to the person stopped. |
| 34. | There should be one national standardised stop form (paper or electronic) that records all of the following: Ethnicity; Which stop and search power was used; Grounds for and object of search (i.e. what type of stolen or prohibited item is suspected of being carried); Identity of the officer carrying out the stop and search; Date; Time; Place ; The name and address of the person stopped (if the person has given it); Outcomes of the stop ²³ . |
| 35. | In the case of drugs stop and searches the recording should distinguish between what class of drugs the stop and search was aimed at and whether the officer suspected possession or dealing. This will provide accurate data to enable the assessment of effectiveness. |
| 36. | Care should be taken to ensure that searches that result in arrest are fully recorded and the person detained given a full record of the stop and search. |
| 37. | All strip-searches including more thorough searches and searches involving exposure of intimate parts of the body should be recorded as such, and appropriate justifications and outcomes documented accordingly. |
| 38. | Failure to record a stop or stop and search should be a disciplinary offence. |
| 39. | Stop & search forms should include a section in which the person stopped is able to indicate whether or not s/he was satisfied with the stop and search, and make note of any concerns. |
| 40. | Forces should be required to publish stop and search data on their websites for each quarter (with no more than a one quarter lag in time for compiling and sharing it). This should include numbers disaggregated by ethnicity, age, area and power used. It should also display clearly the outcomes of stop and search. |
| 41. | The Home Office should publish all forces stop and search data every three months to allow for national comparison and scrutiny. |
| 42. | Investment should be made in electronic recording systems that support increased accountability while reducing bureaucracy. |
| 43. | Police.uk should include mapping stop & search to allow comparison with crime a anti-social behaviour to street level. Care should be taken to make this data accurate and meaningful. |
| 44. | Code A of PACE should be amended to place statutory responsibility on PCCs to promote confidence in the police use of stop and search and develop mechanisms for the scrutiny of stop and search policies, records and statistics. |
| 45. | Scrutiny mechanisms must take care to ensure that all parts of the community are involved, particularly young people and those that have experienced stop and search. Police forces and PCCs should develop a combination of mechanisms to obtain a broader picture of the issues and develop appropriate tools to encourage the engagement of different groups. Local community monitoring groups should be accessible and well publicised to impacted |

²³ Whether or not a search was conducted and, if so, what type of search (non-intimate search of person, more thorough search or intimate body search, search of vehicle); whether and what types of stolen or prohibited item was found; whether the person was arrested or subject to other forms of sanction & the grounds for the arrest/sanction; Any injury or damage caused as a result of the search.

Table 3: Recommendations made by StopWatch and supported by CORE members

| | |
|--|--|
| | communities. Separate youth monitoring groups should be established to facilitate engagement with young people locally. Accountability structures should ensure that the police take into account public concerns. |
| 46. | Scrutiny mechanisms, such as community reference groups, must be funded to ensure independence and meaningful scrutiny. |
| 47. | Police forces and PCCs should fund high quality independent 'Know Your Rights' information and training. This should be specifically adapted to meet the needs of different groups and age ranges and utilise a range of tools to ensure wide dissemination. |
| 48. | Training in stop & search should be developed to enable police officers to respond appropriately to young people who have been taught to 'know your rights' and to exercise them. |
| Complaints Procedure: The Recommendations | |
| 49. | Complaints relating to stop and search should not be automatically dealt with by local resolution. |
| 50. | Cases involving allegations of serious abuse of stop and search powers, such as cases involving discrimination, strip-search or the stop and search of children or vulnerable adults should automatically be referred to the IPCC. |
| 51. | The investigation of stop and search complaints should involve external expert and members of the local community. |
| 52. | Local resolution should offer complainants the opportunity to engage in mediation with the officers involved, facilitated by independent mediators. |
| 53. | A systematic process of recording allegations relating to the use of stop and search powers should be implemented across all professional Standards Departments. Police forces should record stop and search related complaints separately. The specifics and the nature of the complaint – for example, whether there have been allegations of discrimination or relating to the age or vulnerability of those involved – should also be recorded distinctly, to ensure cases of a more severe nature are dealt with separately and at the appropriate level. |
| 54. | Complaints raising allegations of discrimination or stop and search of minors and vulnerable adults should be separately recorded and monitored. Investigating officers should be adequately trained to recognise whether complaints raise discrimination related issues or allegations of stereotyping. |
| 55. | Senior officers should ensure full compliance with the requirements of Code A of PACE. They should also ensure that the appropriate measures are taken to address repetitive occurrences of abuse of stop and search powers within a police force. This will also ensure that complaints involving the same officers or police stations can be identified and appropriate action taken. If the same officer is the subject of repetitive. |
| 56. | Complaints relating to stop and search, appropriate action should be taken, to include training on the requirements of a lawful stop and search. |
| 57. | Records of stop and search related complaints should be reviewed/audited by the HMIC during their inspections visits to forces. |
| 58. | Third party/independent monitoring of the complaints procedure should also be put in place to ensure confidence, transparency and accountability within the process. |

Appendix 1: The 10 local reports, conclusions and overall recommendations

1: Birmingham

1. Generally, the young women were more vocal than the young men, within these discussions. This manifested in two ways: expressions of indignation on behalf of family/friends who had been subject to stop and search and the accounts they had then given of the experience, and overall a keener perception of the vulnerabilities for a person in that situation and the potential for abuse of power by the police.
2. Despite some polarisation concerning attitudes towards the need to balance protection of the public against the rights of individuals, and some clear views that stop and search powers were necessary and a positive thing, it is significant that there was a considerable degree of unanimity on issues concerning the way in which the power is actually exercised 'on the ground'. Lack of direct impact/firsthand experience (or accounts from family/friends) of stop and search did not mean that participants were accepting of police practice in this respect – they were aware that fairness matters and that safeguards were required.
3. Perceptions about stop and search powers and events were clearly driven by local accounts and experiences, with awareness of media coverage (stories of abuse of power by the police) underpinning and reinforcing local attitudes. This was demonstrated by the support for HMIC recommendations 2 (monitoring), 5 (training), 7 (local accountability) and 8 (registering dissatisfaction/complaints) and specific lack of support for recommendation 9 (national recording form).
4. Participants were particularly vocal when exploring the issues around effectiveness and balance – Q4, Q5 and Q6 discussions - and perceptions were clearly divided on this. The difficulty was due, in part, to a lack of some sense of benchmark (what the balance should be and how it is maintained) to guide perceptions and/or to provide re-assurance that living with stop and search is all worthwhile because it works, whether in the sense of reducing crime rates, leading to arrests and convictions or acting as a deterrent.

2: Bradford

1. Respondents identified significant concerns about the nature and use of stop and search. The majority of respondents had significant concerns about the approach taken by the police and the implementation of stop and search. The anger felt by a significant number of respondents reinforces the concerns raised by HMIC recent report on the effectiveness of stop and search²⁴ about the potential for stop and search to aggravate or cause community unrest²⁵.

²⁴ Stop and Search Powers: Are the police using them effectively and fairly? HMIC (July 2013)

²⁵ *It is very important that the right people are being stopped and searched. Each encounter should be carried out with respect and courtesy, and based on fully-explained reasonable grounds in order*

Appendix 1: The 10 local reports, conclusions and overall recommendations

2. Just West Yorkshire believes that the detailed recommendations contained in [our report] should be considered as part of the national review of stop and search. We also would wish to engage with the West Yorkshire Police Force, with others, on the development of a local action plan to address the concerns and recommendations in this report.
3. We note with concern the significant increase reported by StopWatch in the use of Stop and Search in our region and would wish to understand the reasons for this increase. We note the range of equality impact assessments, and associated data, published for each London borough by the Metropolitan Police but we were unable to find the equivalent documentation for our region on the Police.Uk website. We note that this information appears to have been published by the Metropolitan Police, pursuant to its duties to have a publication scheme, under the Freedom of Information Act 2000, and pursuant to its duties under the public sector equality duty. We believe strongly that the production of similar information for the West Yorkshire region would assist our understanding of performance in relation to stop and search across our region.
4. It is clear that current practices on stop and search in the West Yorkshire region is leading to the breakdown and confidence in policing and this can have a detrimental impact on community relations, reporting crime and crime detection in the long-term. The failure of West Yorkshire Police to develop a meaningful framework to engage BAME young people in developing policing practices that are youth-friendly is a cause for concern. The absence of a robust monitoring and scrutiny framework also adds to our concerns. West Yorkshire is one of the few regions that will be seeing a significant increase in the young BAME population over the next decade and current policing practices are likely to continue disadvantaging young people and potentially criminalise them in the long-term.

3: Bristol

1. It was clear that young people from the Bristol and Gloucester areas, who participated, were not confident that police used their Stop and Search powers fairly and effectively. Arrest rates alone were not sufficient proof of effectiveness. Disproportionality ratios for Avon and Somerset were discussed and were considered unacceptable and this caused much distrust with police activity.

to reduce to a minimum the number of negative or unlawful experiences. Apart from the fact that it is unlawful, conducting stop and search encounters without reasonable grounds will cause dissatisfaction and upset, and whilst some may think it will help to 'control the streets' in the short-term, it may lead to major disorder in the long-term. —Overpolicing or heavy-handed policing can prompt defiance... Source: Stop and Search Powers: Are the police using them effectively and fairly?, pages 8 and 9, HMIC, 2013

Appendix 1: The 10 local reports, conclusions and overall recommendations

2. A significant recommendation emerged from the discussion which was the need for the civil rights of citizens subjected to Stop and Search to be published in leaflet form. It was felt that a major problem in reforming Stop and Search practice by officers was the fear on the part of the public, particularly young people, that if they complained they would be targeted by the police. People need to be given the confidence of knowing what their rights were.
3. There was also a suggestion that there should be trained citizen advocates who could support people who lodged complaints to help them through the process of complaining. Police and community groups should work together to produce a complaints system which should be well publicized enabling aggrieved parties to challenge Stop and Search incidents.
4. It was also clear that the general public's knowledge of their rights in connection with Stop and Search should be improved. There was also common agreement about the role of the Police and Crime Commissioner in monitoring police professional standards and how they are applied to Stop and Search powers.
5. The police complaints procedure, it was concluded, was also inadequate and highly unsatisfactory. There was no clarity about the role of regulatory bodies or independent bodies to have an oversight over police complaints in relation to Stop and Search. Since the power was used unfairly it made sense to scrutinize decisions made in relation to local complaints made about the police. However this was based on an assumption that people from ethnic minorities used the complaints process in the first place.

4: Cardiff , Wales

1. The event generated interest among the young people to know more about their rights and get some basic understanding of the law.
2. The role of youth workers from the community was a vital link to young people at risk and those not in education training or employment. Given that 50% of arrests in South Wales were for drugs some youth workers were of the view that more prevention work needed to be done to engage young men from the community who may be involved in drug related crime. This consultation gave the opportunity to put some of that picture together so targeted work can be undertaken from the grassroots.
3. The role of independent advocacy groups to help scrutinize police stop and search powers on a regular basis was also highlighted as a necessary measure of accountability and fairness.
4. The importance of youth clubs/centres, safe spaces, was paramount to help young people keep a safe distance from the police. Frequency of contact with police would

Appendix 1: The 10 local reports, conclusions and overall recommendations

ultimately be damaging for the young people. It was important that the 15-16 year olds understand something about stop and search but it was equally important not to burden them with legal processes when they should be doing school work and being their age. It was felt that such early preparation of young people to be aware of ethnic disproportionality and other criminal justice outcomes for their peer group could also have a negative impact on them. It was suggested that young people know basic things about how to contact the police in case of an emergency and what to do if they or a friend were victimized inside or outside school.

5: Croydon

1. Respondents identified significant concerns about the nature and use of stop and search. The majority of respondents had significant concerns about the approach taken by the police and the implementation of stop and search. The anger felt by a significant number of respondents reinforces the concerns raised by HMIC recent report on the effectiveness of stop and search²⁶ about the potential for stop and search to aggravate or cause community unrest²⁷. Respondents also expressed significant uncertainty about whether anything will come of this consultation and engagement. We asked if participants would be interested in a follow up event, in say three months time, to update people and explore how we can move forward.
2. We were concerned about the lack of engagement with young people; although we noted that young people had been participants in the Question Time session. We felt that it was indicative of a high level of frustration and significant concerns by young people about stop and search, wider policing issues and a sense of hopelessness about whether anything will make a difference in relation to stop and search.
3. The Equality Impact Assessments produced by the Metropolitan Police on the Police.UK website seem to range in terms of content and quality from borough to borough. For example, the detail provided in the EIA on Hackney seemed much more detailed and to provide more useful comparative data than the equivalent EIA produced for Croydon. We will want to explore with local, regional and national how to improve the quality of stop and search data, EIAs and access to said data to improve local outcomes.

²⁶ Stop and Search Powers: Are the police using them effectively and fairly? HMIC (July 2013)

²⁷ *It is very important that the right people are being stopped and searched. Each encounter should be carried out with respect and courtesy, and based on fully-explained reasonable grounds in order to reduce to a minimum the number of negative or unlawful experiences. Apart from the fact that it is unlawful, conducting stop and search encounters without reasonable grounds will cause dissatisfaction and upset, and whilst some may think it will help to 'control the streets' in the short-term, it may lead to major disorder in the long-term. —Overpolicing or heavy-handed policing can prompt defiance...* Source: Stop and Search Powers: Are the police using them effectively and fairly?, pages 8 and 9, HMIC, 2013

Appendix 1: The 10 local reports, conclusions and overall recommendations

4. We note the depth of concerns about stop and search expressed during our local Question Time session and during these engagement activities. We believe that we ignore these frustrations and concerns of young people at our peril; this time, this engagement process really has to make a difference to stop and search and lead to a reduction in the negative and disproportionate impact of stop and search on young Black men. Croydon BME Forum wishes to explore locally how best to build on our existing relationships with the police and those involved in policing and community safety to address some of the fundamental concerns identified.

6: Hackney

1. We have highlighted the data in relation to the age profile for those stopped and searched and the continuing evidence of disproportionately in relation to race. We believe that this data demonstrates that much remains to be done to address concerns related to stop and search raised by young people, and in particular those from BAME communities. We believe that we have made progress in partnership with the Met. (see EIA) but we would urge the following:
 - a. That all newly trained officers meet key representatives from the local community before being deployed onto the streets of Hackney.
 - b. Continued commitment and support from Hackney police in attending monitoring groups stop and search meetings and all over events to do with stop and search all over the borough.
 - c. More transparency from the Hackney police in relation to officers who are found to be falling short in terms of targets and attitude when conducting stop and search.
2. Hackney CVS is committed to ensuring that the police get a good understanding of how the young people feel about stop and search, and to look for ways in which relationship between the two groups can be improved. It is clear from the interviews that were carried out that young people understood the reasons for stop and search and in many cases accepted that it was a necessary tool to get weapons of the street, however it was the conduct and the manner in which police officers conducted stop and searches is what has left a sour taste in a lot young people's mouths.
3. To address this issue, Hackney CVS will be recruiting young people from 5 key areas in Hackney to deliver new and innovative projects aimed at improving relationship between young people and the police. It is an initiative that aims to empower young people, whilst highlighting the specific needs of young people in specific areas of Hackney. We are not saying that this initiative is the answer but it is a small step in the right direction.

Appendix 1: The 10 local reports, conclusions and overall recommendations

7: Leicester

1. There was heightened awareness amongst participants of the role of the police due to the recent murders. One view that was expressed was that even with extensive use of stop and search these murders were probably unpreventable. Stop and Search success rates are also therefore down to some luck in what seems like a scattergun approach. However there was also an appreciation of the difficulties police face and recognition that they had done a good job in acting quickly on these murders, getting information out to the community - holding public information meetings and sending out regular email updates to key organizations. It would be good some felt if this was part of the practice of general policing and particularly in relation to stop and search.
2. Overall, participants wanted much more monitoring, transparency and accountability and felt there should be much more local scrutiny. They also felt that people weren't aware of their rights and the right to complain. And even if they did there was little confidence that things would change. People felt that maybe stop and search was needed but that it had to be based on evidence and intelligence and explained properly at the point of contact with courtesy. They also said that there should be much more of a conversation with people able to ask questions and get accurate answers.

8: Outer East London [Barking and Dagenham, Havering, Newham and Redbridge]

1. We share with respondents, an overwhelming concern for the way in which Stop and Search is both used and scrutinised locally within the boroughs in which we work. We are of the opinion that Stop and Search needs to be monitored locally, but also that further input needs to be directed towards both informing people of their rights, updating police forces use of technology and establishing a clearer definition of 'reasonable grounds'.
2. As an organisation RAMFEL is also concerned with the overlap of Stop and Search with Immigration Checks, and we would also urge the Home Office to consider the issue of Stop and Account as well. We would seek that the definition of 'reasonable ground' which underpins all actions is better defined and aligned.
3. Going forward we also believe that the consultation itself could have been made more accessible and user friendly, and that the Home Office should have also encouraged schools, colleges and police forces to better promote the consultation. A cursory review of existing EIAs on Stop and Search also further fuels the need for standardised monitoring of the practice as well as better reporting to communities and informed engagement.
4. The quality of the EIAs across the North East London cluster varies considerably, both in content and design. We would urge the Metropolitan Police, the Mayor of London

Appendix 1: The 10 local reports, conclusions and overall recommendations

and the Home Office to consider how to improve their approach to, use of and monitoring of EIAs. We would further recommend that particular support be provided to borough based officers on data collection, data referencing and stakeholder engagement. We would also suggest that all such EIAs are accompanied by a SMART action plan that allows for communities and local residents to measure progress.

9: Manchester

1. Overall, participants did not view stop and search powers, as currently used by police, to be effective in dealing with crime and anti-social behaviour. Stop and search had been used in a discriminatory manner not just in the last few years but over several decades. The inter-generational impact of stop and search was obvious from the discussions and the entrenched frustrations were recognised and acknowledged.
2. It was clear that young people, especially those from newly settled communities, had little or no understanding about stop and search powers or their rights. A sense of unanimity prevailed over the need to raise awareness. Participants concluded that the general public did not know very much about how police officers are expected to use their powers. This ignorance on the part of communities mixed with discriminatory police behaviour had generated much bitterness and suspicion about the use and effectiveness of stop and search.
3. Participants wished to see real change as a result of this consultation. To tackle the over-use of stop and search on ethnic minorities it was important to participants highlighted a number of recommendations.
 - a. Increase public scrutiny of the powers through community panels and youth engagement.
 - b. Provide better information to local communities about what powers are used, who by, to what purpose and outcome and with due consideration of impact.
 - c. Educate and inform young people about their legal rights and this should best be done by young people themselves.
 - d. On-going training for police officers in community settings; this would encourage learning about the lived realities of local communities and this knowledge would help in moderating individual officer's behaviour during stop and search encounters.
 - e. Better recording and monitoring of complaints; this is a key issue in repairing the harm done but was not addressed in this consultation.
 - f. Community involvement in the investigation of complaints would help improve accountability.

Appendix 1: The 10 local reports, conclusions and overall recommendations

10: Middlesbrough

1. The fact that Cleveland Constabulary had recently been subject to very heavy scrutiny, facing allegations of corruption at very senior ranks, created a low starting point for discussing issues of trust and confidence. The fact that an Imam of a local mosque travelling south on public transport ended up facing an armed response unit and humiliated in public because "*he looked like a terrorist*" had done little to restore trust and faith amongst local Muslim communities.
2. These are experiences that are difficult to forget and where mistakes have been made police should take immediate remedial action. The use of Schedule 7 and its impact on local Muslim communities in Cleveland was discussed as part of this challenge. Participants hoped that there would be greater transparency, better monitoring and increased local scrutiny as a result of this consultation; not just limited to the three powers in the consultation document but also other police powers such as Schedule 7, searches under the Road Traffic Act, strip searches and other sections being used under the anti-social behaviour legislation.

| Appendix 2: The simpler questions developed by partners |
|--|
| Hackney: The 10 questions that HCVS used |
| Question 1: In your view why do police conduct stops? |
| Question 2: Does explaining the reason for stop and search make the use of the power fairer? |
| Question 3: Do you agree that police use their stop and search powers fairly? |
| Question 4: Do you agree that police work with the legal framework of reasonable grounds? |
| Question 5: Is stop and search effective in preventing and detecting crime and anti-social behaviour? |
| Question 6: Is the arrest rate a useful measure of the power's effectiveness? |
| Question 7; What else should be taken into account in assessing how effective the power is? |
| Question 8: How important is it that stops are recorded? |
| Question 9: What would give you greater confidence in police use of stop and search? |
| Question 10: Describe any personal experiences of stop & search – good or bad encounters with police. |
| Manchester and Wales: 11 questions used with some young people |
| 1) Do you think the use of police powers of stop and search is working? |
| 2) What crimes or ASB can be helped by stop and search and why? |
| 3) Do you think looking at those that are arrested following a stop and search is a good way of seeing if it works? |
| 4) When the police use stop and search powers, they are said to have reasonable grounds to do this. Do you think this is ok? |
| 5) Do you think it is right the police have to record why they have stopped a person? |
| 6) Do you think the government should tell the police how to record stop and search or should local police forces decide how to do things? |
| 7) To what extent do you agree or disagree with ..."I am confident that the police use stop and search powers fairly to prevent and detect crime and anti-social behaviour"? |
| 8) Can you think of a better way of doing things? |
| 9) The police have to explain to a person why they have stopped them, is there anything else they should do to ensure they are being fair? |
| 10) How might people be more involved in making decisions about police stop and search? Should they be involved? |
| 11) Any other thoughts/comments? |

| Appendix 3: The questions and the 10 local reports ²⁸ | | | | | | | | | | |
|---|--------------------------|----------|---------|---------|--------------|---------|-----------|-------------------|--------------|---------------|
| Questions | Birmingham ²⁹ | Bradford | Bristol | Cardiff | Croydon | Hackney | Leicester | Outer East London | Manchester | Middlesbrough |
| Q 1. To what extent do you agree or disagree that the use of stop and search police powers is effective in preventing and detecting crime and anti-social behaviour? | SA | D | D | SD | SD OR D | SD OR U | D | SD | SD | D |
| Q 3. To what extent do you agree that the arrest rate following stop and search events is a useful measure of the power's effectiveness? | No agreement | D | D | SD | No agreement | SD | A | SD | SD | SD |
| Q5. To what extent do you agree or disagree that the 'with reasonable grounds' stop and search powers, described in the | No agreement | D | SD | SD | SD | D | D | D | No agreement | SD |

²⁸ We have given the majority response. SD = Strongly disagree. D = disagree. Uncertain = U. A = Agree. SA = Strongly agree. Where there was no clear agreement = no agreement

²⁹ Note: The Birmingham Group was a very ethnically diverse group and few participants had direct experience of being stopped and searched.

| Appendix 3: The questions and the 10 local reports²⁸ | | | | | | | | | | |
|--|-------------------------------|----------|---------|---------|-------------------|---------|-----------|----------------------|-----------------|--------------------|
| Questions | Birming- ham ²⁹ | Bradford | Bristol | Cardiff | Croydon | Hackney | Leicester | Outer East London | Manch- ester | Middles- brough |
| paragraphs above, are used by police in a way which effectively balances public protection with individual freedoms? | | | | | | | | | | |
| Q6. To what extent do you agree or disagree that the ‘without reasonable grounds’ stop and search powers described in the paragraphs above are used by police in a way which effectively balances public protection with individual freedoms? | No agree- ment | D | SD | SD | No agree- ment | D | D | SD | SD | SD |
| Q7. To what extent do you agree that it is right that the police are under a national requirement | SA | A | SA | A | SA | SA | SA | SA | SA | SA |

| Appendix 3: The questions and the 10 local reports²⁸ | | | | | | | | | | |
|---|-------------------------------|----------|---------|---------|---------|---------|-----------|----------------------|-----------------|--------------------|
| Questions | Birming- ham ²⁹ | Bradford | Bristol | Cardiff | Croydon | Hackney | Leicester | Outer East London | Manch- ester | Middles- brough |
| to record the information set out above in respect of each stop and search? | | | | | | | | | | |
| Q 8. In your view, should Government require police forces to record stop and search events in a certain way (for example, using particular technology) or are individual forces better placed to make this decision? Please give reasons. | SA | A | SA | A | SA | A | SA | SA | A | SA |
| Q 9. To what extent do you agree or disagree with the following statement: "I am confident that the police use stop and search powers fairly to prevent | No agree- ment | SD | SD | SD | SD | SD | SD | SD | SD | SD |

| Appendix 3: The questions and the 10 local reports²⁸ | | | | | | | | | | |
|---|-------------------------------|----------|---------|---------|---------|---------|-----------|----------------------|-----------------|--------------------|
| Questions | Birming- ham ²⁹ | Bradford | Bristol | Cardiff | Croydon | Hackney | Leicester | Outer East London | Manch- ester | Middles- brough |
| and detect crime and anti-social behaviour?" | | | | | | | | | | |
| Q 11. To what extent do you agree or disagree that the current requirement to explain the reasons for the stop and search make the use of the power more fair and transparent? | SA | D | SD | SD | SD | SD | A | SA | SD | SD |
| | | | | | | | | | | |