

Stop and search overall engagement report

Our key findings and recommendations

1. Our key findings

The majority of participants had agreed general concerns and 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. We share key concerns identified by StopWatch (see table 1).

2. 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- Some argued that Stop and Search powers should be repealed; but others said, if powers are to be retained, then reform is urgently needed.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.”*

3. 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 an 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, and is having, have damaging effects on communities and community relations.
- Stop and Search powers require a secure base of community support.

4. 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’ and participants said that too often police officers seemed to justify their actions.
- Participants raised concerns about police behaviour and attitudes when those stopped did know or seek 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).

5. 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.

6. 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 submission¹; but we have drawn together those recommendations that best address the majority views expressed by participants (see table 3).

¹ 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 StopWatch²

<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>

² 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 and monitored under the same recording framework as PACE stop and 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.

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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.
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

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	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 and search and receive training in ensuring their officers are using their powers with respect and dignity.
31.	An independent stop and 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
Recording and accountability: The Recommendations	
33.	All stops (including stop and accounts and stops conducted under the Section 163 Road Traffic

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	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 ³ .
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 and 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 and search to allow comparison with crime and 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 communities. Separate youth monitoring groups should be established to facilitate engagement with young people locally. Accountability structures should ensure that the

³ 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 and the grounds for the arrest/sanction; Any injury or damage caused as a result of the search.

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	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 and 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.

Stop and search overall engagement report: Our key findings and recommendations: BTEG, CRJ (UK), Equanomics UK, the Runnymede Trust supported by StopWatch and members of CORE