

Stop & Search

Driver – Social

Related Drivers – Counter Terrorism, Equality, Diversity & Human Rights, Neighbourhood Policing, Violent Crime – Gun and Gang Violence, Violent Crime – Knife Crime, Criminal Legislation, Police Powers, Information Sharing, Alcohol, Drugs – Cocaine, Drugs – Cannabis, Youth Crime, Migration, Public Confidence in Policing, Race & Hate Crime, Jean Charles de Menzes Shooting

Background

The Stephen Lawrence Inquiry Report highlighted the effect of stop and search on police community and race relations. The Report made a number of recommendations in this area, designed to ensure the powers were exercised in a way which would be as effective as possible in reducing crime, but which would also promote trust and confidence in minority ethnic communities. Recommendation 61 of the report stated:

*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.***Error!**
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Police officers have the power to stop and search individuals under a range of legislation including section 1 of the Police and Criminal Evidence Act 1984 (PACE) as well as section 60 of the Criminal Justice and Public Order Act 1994 and section 44 of the Terrorism Act 2000.

The Ministry of Justice published ‘*Statistics on Race and the Criminal Justice System 2006/07*’ showed that since 1 April 2005 when police started to record ethnicity of all those person asked to **stop and account**, nearly 2 million have been asked to account for their behaviours and actions.¹ This is an increase of 33.6%, with 37 forces police force areas recording an increase over the two year period. The greatest rise between the two periods was for White persons (37.4%) with the smallest increase being registered by Black people (13.8%). For England and Wales, black people were over two times more likely to be stopped than white persons. In contrast, the rate for Asians was very similar to that for Whites. This volume is considerably greater than that for police stop and searches.

The police recorded 955,000 **stop and searches** under section 1 of the Police and Criminal Evidence Act 1984 and other legislation in 2006/7. This is an increase of nearly 9% on 2005/6, and is the highest figure since 1998/9. Relative to the general population, black people were seven times more likely to be stopped and searched under these powers than white people, a similar rate to 2005/6. Asian people were twice as likely to be stopped and searched than White people, again, a similar rate to the previous year. The main reason for

conducting a stop and search under these powers across all ethnic groups was for drugs, as was the case in 2005/6.

In the report, *Access to Justice: A review of the existing evidence of the experiences of minority groups based on ethnicity, identity and sexuality*² researchers conducted a review of research evidence on the topic of experiences minority groups who come into contact with the criminal justice system. On the topic of police and policing practice, police stop and search patterns generated considerable discussion amongst researchers in the literature. They evidenced an over-representation of particular racial groups, leading to questions being raised about whether police used racial profiling when deciding whom to stop and search.²

Available research highlighted this as a complex area with little clarity. For instance, Waddington *et al.* (2004) undertook research into stop and search in two authority areas in England. They undertook observation, interviews with police officers (n=40) and analysis of stop and search databases (8,914 records). They found that when the ethnic composition of the **population available** in public places to be stopped and searched, rather than the **residential population** of a particular area, was taken into account there appeared to be no general pattern of bias in stop and search tactics. They argued ethnic patterns in stop and search should be compared with racial patterns. This was because ethnicity includes cultural differences. These cultural differences could manifest through behaviour and lifestyle, potentially leading to different levels of exposure to police stop and search.³

Sharp and Atherton (2007) explored attitudes towards, and perceptions of, the police among communities exposed to stop and search. The study focused on the attitudes of minority ethnic young people towards the police, through in-depth interviews with 47 male and females aged 15-18 years. They found young men, in particular, had a lack of confidence in the police. Negative behaviour and misconduct by the police had led to wide mistrust. This was coupled with an over-exposure amongst the sample to contact with the police through stop and search.⁴

Understanding of these perceptions is mirrored in a further qualitative study, *'The Drivers of Black and Asian People's Perceptions of Racial Discrimination by Public Services'*. The research sets out the factors that contribute to perceptions of discrimination or fairness in public services including the police. The police were the most widely discussed of all public services covered in the study and were generally expected to be fair when respondents positioned themselves as victims of crime. Conversely, the police were usually expected to be discriminatory when respondents positioned themselves as ordinary citizens who were approached by the police and treated as suspected criminals.

One aspect of community policing that was found to drive perceptions of discrimination in this study more than any other was the disproportionate use of stop and searches involving minority ethnic people. While many factors may account for the higher rates of stop and searches in the minority ethnic communities, the high levels of stop and search were interpreted as a symptom of racial stereotyping and of personal and/or institutional discrimination. There was near universal awareness that young Black and Asian men were disproportionately stopped and searched. This awareness was based on a combination of

personal and vicarious experiences, and of formal and informal knowledge gleaned from their community and from the media. While some people saw these procedures as a necessary part of community policing (as described above), many objected to them. Black men were the most likely to have personally experienced stop and search and to distrust the police as a result.

The report makes the following recommendations which deal directly with the police use of stop and account and stop and search:

- The effectiveness of stops and searches as crime prevention and detection mechanisms needs to be balanced against the negative consequences they have on minority ethnic perceptions of racial discrimination in the criminal justice system as a whole.
- Clarifying the rationale for stops and searches, as many respondents felt discriminated against when stop and searches were carried out based on loose “profiling”, but believed that they were a legitimate tool to fight crime when carried out based on evidence that the person targeted may have committed an offence.⁵

In addition to the above piece of work, The Home Affairs Select Committee has made a number of recommendations in regard to stop and search:

- Strategies for the use of stop and search should explicitly recognise the balance that needs to be struck between use of the power to prevent or detect crime and the negative impact its use has on public co-operation with, and support for, the police.
- Changes need to be made to the nature of the stop and search encounter in order to ensure it is respectful, courteous and well explained.
- Alternatives to stop and search that might help the police engage better with young people should be considered.
- Forces should provide, as standard, training relating to local ethnic minority communities, both for probationers and on an ongoing basis as the ethnic composition of an area changes. Fairness and objectivity should be key performance measures against which individual officers should be assessed when it comes to appraisal, and the police should prioritise these attributes when recruiting.⁶

Balance needs to be struck between prevention and detection and community engagement. Increased use of stop and search, which in turn causes increased perceptions of discrimination, can create a rift between communities and the police, causing unrest, decreased confidence and disengagement. This can directly impact the effectiveness of local policing especially in sensitive areas.

Potential Skills Needs

<i>Customer service skills</i> – deliver a consistent high quality service

Communication skills – to engage with the local community and communicate to all staff at all levels to create confidence in the community

Community policing skills – to discuss local priorities and encourage more people to become involved in crime reduction as well as operational policing task

Equality and diversity skills – to treat people appropriately and sensitively as well as better understand the cultural issues of the communities they serve.

Relationship building skills - to engage with the community maintain public confidence

‘Soft’ skills – personal qualities and interpersonal skills necessary to effectively deal with the public

Victim and witness care skills – to treat victims and witnesses appropriately and sensitively; keep victims informed throughout the criminal justice process

¹ [Jones, A., & Singer, L. \(2008\) *Statistics on Race and the Criminal Justice System – 2006/07*. London: Ministry of Justice.](#)

² [Mason, P., Hughes, N., Heck, R., Spalek, B. Ward, N., & Norman, A. \(2009\) *Access to Justice: a review of existing evidence of the experiences of minority groups based on ethnicity, identity and sexuality*. London: Ministry of Justice.](#)

³ Waddington, P., Stenson, K., & Don, D. (2004) *In Proportion: race, and police stop and search*. British Journal of Criminology 44(6): 889-914.

⁴ Sharp, D., & Atherton, S. (2007) *To serve and protect? The experiences of policing in the community of young people from Black and other ethnic minority groups*. British Journal of Criminology, 47 (5): 746-763.

⁵ [Gervais, M.C. \(2008\) *The Drivers of Black and Asian People’s Perceptions of Racial Discrimination by Public Services: A qualitative study*. London: Communities and Local Government.](#)

⁶ [House of Commons Home Affairs Select Committee \(2007\) *Young Black People and the Criminal Justice System*. vol 1, HC 181-I, London: The Stationery Office Limited.](#)