



Home Office

Stop and Search Action Team

Strategy 2004/05



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Abbreviations

ACPO - Association of Chief Police Officers

BME - Black and Minority Ethnic

LSG - Lawrence Steering Group

NCJB - National Criminal Justice Board

PACE - Police and Criminal Evidence Act

PLPU - Police Leadership and Powers Unit

PPAF - Police Performance
Assessment Framework

RDS - Research, Development and
Statistics Directorate

SLIR - Stephen Lawrence Inquiry Report

SSAT - Stop and Search Action Team

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Formulation of Stop and Search Manual

I Introduction

This document sets out:

- > the current position on how the police use stop and search; and
- > a strategy to increase the confidence of the black and minority ethnic (BME) community in how the police use their powers.

Each year, the Home Office publishes stop-and-search statistics. This is under Section 95 of the Criminal Justice Act 1991, which covers a number of race-related areas. The stop and search figures published under Section 95 for 2002/2003 show a continuing increase in the level of 'disproportionality' in the use of stop and search. They show that black people in England and Wales are six times more likely to be stopped and searched than white people. This is compared with five times for 2001/2002.

Stop and search is a police power which, if used fairly and effectively, can play an important role in detecting and preventing crime and the fight against terrorism.

It is also a high-profile and controversial area of police activity and, for a significant time, has been a major source of disharmony between BME communities and the police service.

There is broad support from all sections of the community for the use of stop and search. However, a recent Home Office report into the implementation of the recording of Stops said:

“There was a strong perception that the way the police currently use stops did more harm than good, and that the police should change the way they decide who to stop and why, and improve the manner of interaction.”

(MORI 2004)

2 Definitions

The following definitions explain the context in which 'stop' and 'search' are used in this document.

- > **Stop** – this is when a police officer stops a member of the public but does not search them. Recommendation 61 of the Stephen Lawrence Inquiry Report (SLIR) said that police officers should record all stops. Stops that officers should record have been defined as those where an officer asks a member of the public to account for themselves.

- > **Searches** – this is when a police officer stops a member of the public and searches them (this is sometimes known as 'stop/search' or 'stop and search'). The police can only detain members of the public in order to carry out a search when certain conditions have been met. They cannot carry out a search if they have no power to do so (for example, 'consent' or 'voluntary' searches). Search powers fall under different legislation, some of which is listed in section 3.

3 Legislation

Most stops and searches are carried out using powers under the Police and Criminal Evidence Act 1984 (PACE). PACE Codes of Practice also give guidance on how the powers should be used. Under the PACE Act, the police must have reasonable reasons for suspicion **before** they can use the powers. There must be evidence based on facts, information or intelligence. In particular, the code says that the police cannot use a person's race, age or appearance, or the fact that the person is known to have a previous conviction, as a reason for a search.

Searches can also take place under the following.

- > Section 60 of the Criminal Justice and Public Order Act 1994. The search must be based on a reasonable belief that within a certain area (for example, a football ground), incidents involving serious violence may take place, or that people are carrying offensive weapons.
- > An authorisation under section 44 of the Terrorism Act 2000. The search must be based on intelligence that using stop and search would prevent an act of terrorism. After that, individual stops and searches may be carried out to look for items connected with terrorism, without a reason to suspect that someone is carrying this type of item.
- > There are also about 13 other pieces of legislation which grant the power to stop and search. These include the Misuse of Drugs Act 1971 which, for example, contributes significantly to the stop-and-search figures.

4 Police and Criminal Evidence (PACE) Act codes

The Police Leadership and Powers Unit (PLPU) in the Home Office is responsible for the PACE codes.

PACE Code A provides a framework of standards of police behaviour when carrying out stops and searches. In particular, an officer must be able to explain their actions to the person they are searching, and must carry out the search **“with courtesy, consideration and respect of the person concerned.”**

The codes are being revised this year to extend these requirements to all stops.

5 Lawrence Steering Group

In 1999, the Home Secretary set up the Lawrence Steering Group (LSG) to monitor progress on recommendations following on from the publication of the Stephen Lawrence Inquiry Report (SLIR).

The LSG has responsibility for:

- > putting into practice all the recommendations in the report; and
- > monitoring a major research programme into how effective each recommendation is.

Following the publication of the SLIR, the Home Office ran an extensive research programme into stop and search. The LSG considered the findings of the programme and then the LSG stop-and-search subgroup revised PACE Code A to take account of these findings. The revised version of PACE Code A, which came into force on 1 April 2003, includes important new arrangements for searches and ethnic monitoring.

The stop-and-search subgroup has supported and advised on the introduction of the new PACE Code A and recording stops.

The subgroup has developed the following aim to support recording stops.

“To promote trust and confidence in the police by providing transparency and accountability on the spot and at a strategic level, for police-initiated non-statutory encounters.”

The subgroup has members from:

- > all the major police staff associations;
- > the Association of Police Authorities;
- > Centrex;
- > the Metropolitan Police Service;
- > the Metropolitan Police Authority;
- > the Commission for Racial Equality;
- > National Association for the Care and Rehabilitation of Offenders; and
- > independent members.

The group is independently chaired.

6 Recommendation 61

The Stephen Lawrence Inquiry Report was highly critical of the level of disproportionality in search figures. It saw this as a symptom of institutional racism within the police service. The report made it clear that the level of disproportionality did not represent every experience of people from Black and Minority Ethnic communities. As a result, the report proposed that the police should record all stops. Recommendation 61 of the Stephen Lawrence Report said:

“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.”

Recording stops was the subject of pilots and evaluation in 2000 (Police Research Series paper 128, www.homeoffice.gov.uk/rds/policerspubs.1.html).

The Government accepted the recommendation, and in September 2002 the Home Secretary announced that recording stops would be phased in in certain sites across the country.

The phased implementation began in five sites in April and May 2003. Progress was also monitored in two other sites where stops had been recorded before. The main aim of phasing it in was to identify the most effective way of recording stops.

As a result, the following have been assessed in depth.

- > The main issues of recording stops
- > Effective approaches to recording
- > Public reaction to the new practice

The Home Secretary has set an end date of 1 April 2005, by which all forces should be recording stops.

Recording stops will also be supported by the following measures.

- > A revised PACE Code A to include stops
- > An independent contractor to identify good practice in recording stops
- > Recruiting officers as ‘guides’ to support good practice on recording stops
- > A series of conferences to tell forces about recording stops
- > Guidance on recording stops
- > Published guidelines on the role of supervisors in recording stops
- > Publishing the evaluation into the first phase of recording stops
- > Developing a supervisors’ toolkit so that they can monitor how officers use stop and search

The Home Office Research, Development and Statistics Directorate (RDS) carried out an evaluation of recording stops. Findings showed that:

- > encounters between officers and members of the public were generally handled well;
- > recording stops had encouraged officers to be more appreciative of issues surrounding ethnic origin;
- > recording levels had increased since the last pilot in 2000;
- > the quality of recording was generally good, with some evidence of under-recording;
- > the police had a mixed or negative response to the extra paperwork;
- > publicising changes to the police (through training) and the public was an important part of the success;
- > even when openly observed by Home Office researchers in pilot sites, some police officers failed to record stops.

As part of the evaluation of recording stops, MORI carried out research with people who had been stopped under the first phase. The research aimed to find out about people's views and experiences of being stopped, as well as assessing which approach to recording was the most effective at improving public satisfaction.

The research found that those people who were interviewed for the study supported recording stops when it was explained to them. However, recording stops was not the main issue. The most important factor in shaping people's views of the stops and toward the police in general was the attitude and behaviour of the police officer involved in the stop. If the police officer was seen as confrontational or hostile, this cancelled out the more positive aspects. As a result, people's priorities tended to centre on improving the attitudes and behaviour of the police.

During focus groups with young people (run by the Criminal Justice System Race Unit) on the effect of recording stops they said that they had not noticed any significant change in police behaviour. The focus groups also reflected that the young people had no confidence whatsoever in the current complaints system relating to stop and search.

7 National Criminal Justice Board

In 2003 the National Criminal Justice Board asked the Criminal Justice System Race Unit (a unit which reports to ministers in the Home Office, the Department for Constitutional Affairs and the Crown Prosecution Service) to look into:

- > 'disproportionality' in using stop and search (where certain people are unfairly stopped and searched due to, for example, their race or religion);
- > the effectiveness of stop and search as a way of reducing crime; and
- > whether recommendation 61 of the SLIR was effective in increasing the BME communities' confidence in the power. (You can find some information on this point in section 6.)

Disproportionality

The statistics on Race and the Criminal Justice System published under section 95 of the Criminal Justice Act 1991 have consistently shown disproportionality in using stop and search between white communities and BME communities. New population estimates for each ethnic group taken from the 2001 census show that the disproportionality found between black and white people in the number of stops and searches compared to the local population rose from five in 2001/2002 to six in 2002/2003. This reduces the level of disproportionality published before, reflecting the higher estimates for the population of BME groups found in the census.

There is a high level of difference between forces in using stop and search. Its disproportionate use cannot be explained simply by demographic factors, such as unemployment, poverty levels or crime rates alone.

One argument to explain disproportionality has

been that of 'street populations'. This argues that the resident population for an area is a poor guide for disproportionality and that disproportionality should be worked out based on the population available to be stopped and searched (that is, those people on the street). This led to research which looked at the race of people on the streets at particular locations where stops and searches were commonly carried out. The research does show that street populations contain more people from BME communities at the times when the police carry out stops and searches. Using available street populations rather than people living in the area could provide a more accurate picture of stop and search and go some way towards explaining disproportionality.

However, the research has some limitations, which were acknowledged by the authors of **'Profiling Populations Available for Stops and Searches' (Police Research Paper 131, MVA and J Miller, 2000, Home Office)**. The research does not dismiss the possibility of discrimination in police practice. It also suggests that disproportionality is, to some extent, based on broader factors beyond the control of the police, such as exclusion from education or unemployment. The argument certainly cannot explain the current level of disproportionality, nor the marked regional differences.

It has not yet been possible to identify a single reason for disproportionality. The issues around stop and search are complicated and the reasons for disproportionality and local differences of disproportionality are not clear from the basic information. For example, the rise in disproportionality may have been partly due to central initiatives and projects which are driven by central Government which can significantly increase the use of stop and search towards young black males. To explain this, the Metropolitan Police says in its report on stop and search under section 60 (Criminal Justice and Public Order Act 1994) in 2003 that the 'Trident' and 'Safer Streets' initiatives increased disproportionality "because of the nature of the suspect profiles for those offences".

Effectiveness

Research shows that searches are more likely to be effective when they are based on intelligence, and targeted against current, active offenders. It also shows that the public generally support the power, as long as it is used properly and focused on real crime and real offenders (**'The Impact of Stops and Searches on Crime and the Community', Police Research Series Paper 127, J Miller, N Bland and P Quinton, 2000, Home Office**).

There is some evidence that stop and search can play a role in detecting and disrupting certain crimes, but there is no evidence that simply increasing the use of stop and search reduces crime levels, increases crime reports that are successfully concluded, or prevents crime.

Section 95 statistics also show that in 2002/2003 there was a 13% arrest rate from stop and search. However:

- > this figure includes those people arrested as a result of an incident arising from the actual stop and search;
- > this figure includes finds for drugs and so on which were not the original reason for the search; and
- > under the PACE Act, the police must have reasonable reasons for suspicion to carry out a search.

The effectiveness of stop and search could be open to question, particularly due to the effects on police relationships with local communities.

8 Police Performance Assessment Framework (PPAF)

PPAF indicators are a set of agreed measures laid before Parliament. The indicators for 2004/2005 have already been agreed and put before Parliament.

The PPAF stop-and-search measures are part of:

- > a broader set of measures to assess the fairness and equality of policing services; and
- > the Citizen Focus area of the framework. (The Citizen Focus is based on six areas of activity. The Citizen Focus area is affected by all other aspects of performance measured through the PPAF. It reflects satisfaction with service delivery as well as trust, confidence, fairness and equality.)

From April 2004, PPAF will report the percentage of PACE stops and searches that lead to arrest by ethnic origin. This measure will be reported at force level every three months. The data will be gathered by police forces for each ethnic group, as identified in the 2001 census. The resulting indicator will compare arrest rates for the whole white group against black and Asian groups.

Forces will continue to report the number of stops and searches they carry out as part of the Section 95 reporting. The Home Office will examine this information to help understand any inconsistencies in the arrest rates.

The Home Office is also considering including a measure on ethnic disproportionality in stops and searches in PPAF from 2004/2005.

We are also developing a measure for charges to be linked to that of arrest. This will provide a fuller picture on overall performance. It will also take away any incentive for officers to arrest more people as a result of searches than would normally be the case, in order to make the stop-and-search figures look better.

9 Stop and Search Action Team (SSAT)

Following a report to the NCJB in March 2004, we (the SSAT) were set up to aim to make sure that the police force use the stop-and-search power fairly and as effectively as possible to prevent and detect crime. Specifically, we will aim to increase the confidence that the BME community has in the way the police use this power and, where appropriate, reduce disproportionality.

Our work will be monitored by Hazel Blears and Baroness Scotland, the two ministers with a specific interest in stop and search.

We have designed our work programme to:

- > set minimum standards;
- > bring together good practice; and
- > develop a way of helping forces to increase community confidence.

The main areas of our work will include the following.

- > [Developing a practice-orientated package by working with selected forces across the country](#)

An analysis of forces shows wide differences in using stop and search, and the level of disproportionality. These differences do not appear to match other factors (for example, urban or rural, high or low crime rate, or high or low unemployment level). As a result, we believe that other factors (for example, local priorities, Chief Constable's policy or local media) could be having a direct effect on disproportionality.

To understand these factors better, we have chosen five forces that have (among other things such as the quantity and quality of officer training) high or low levels of disproportionality. Over the next six months, we will work with each of these forces to:

- > identify the local causes for disproportionality;
- > increase the effective use of stop and search; and
- > reduce levels of disproportionality, where appropriate.

This work will support our Stop and Search Manual which we will be issuing to all forces across the country. It will involve in-depth work with the five forces to support them in improving practice relating to stop and search.

There will be six stages to this process.

- > Analysing information on stop and search, at either force or Basic Command Unit level, and putting it onto a database.
- > Carrying out detailed analyses of the data and breaking them down into different areas (for example, power for the search, ethnic background, and outcome).
- > Meetings with the chief officers of the forces to discuss the proposed seminars and resulting studies.
- > Holding policy seminars with the ACPO ranks, police authority members and members of the local community.
- > Holding practitioner seminars to identify how force policy is translated into action by operational officers.
- > Developing a practice-orientated action plan over the next six months.

The results from this work with the forces will be an important part of the Stop and Search Manual, which we will distribute nationally.

We will carry out this work within current legislation and by using existing force resources.

> Developing and delivering research and analysis into stop and search

There are still significant gaps in the evidence we need in order to achieve our goals. As a result, we have developed a research package to deal with the most important gaps. We will focus on:

- > looking at the use of intelligence in deciding who is searched;
- > fairness towards which areas are chosen for stop and search to be used in ;
- > deciding how police authorities can get involved with local communities; and
- > reaching a general agreement on using stop and search, particularly dealing with concerns about officers' behaviour.

We will carry out the research with:

- > the Association of Chief Police Officers;
- > the Association of Police Authorities;
- > the Police Federation;
- > the Superintendents' Association;
- > the Commission for Racial Equality; and
- > the Metropolitan Police Service.

A consultant will also identify and analyse good practice in recording stops. The findings will then form part of our Stop and Search Manual, which we will publish in December 2004.

We will also give regular updates to the Lawrence Steering Group and the National Criminal Justice Board.

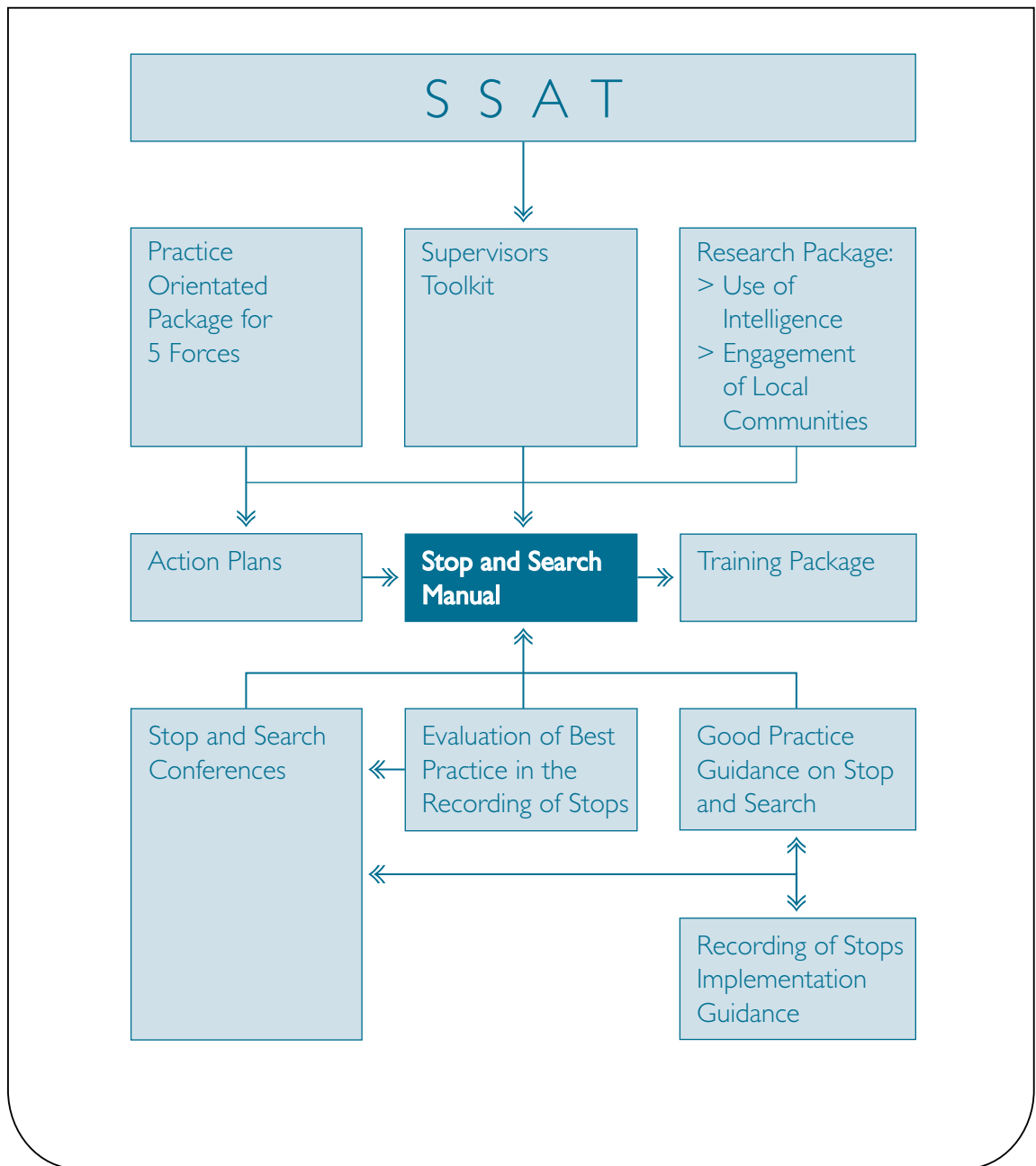
> Publishing the Stop and Search Manual in December 2004

In December 2004, we intend to publish a full Stop and Search Manual. This will include guidance on recording stops. The manual will include all available products (research, practice orientated package, and best practice evaluation) coming out of our work programme, and aims to help police forces in dealing with issues around disproportionality. To support this process, we will issue interim guidance. We will also encourage forces to comment on the guidance, so that the Stop and Search Manual will benefit from their operational experience.

We have arranged two conferences for July and November. These will give forces the opportunity to give us feedback on the draft guidance and share best practice.

10 Developing the Stop and Search Manual

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Notes

Notes



Home Office
BUILDING A SAFE, JUST
AND TOLERANT SOCIETY



dca Department for
Constitutional Affairs
Justice, rights and democracy

Criminal Justice System: working together for the public