

# Stop and Search

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# Stop & Search

## Introduction

- A policing tool since the Vagrancy Act of 1824
- Modern stop and search powers designed to detect offences and deter crime
- Concerns remain about its fairness and effectiveness

### Presentation aims:

- Historic Overview
- Police Powers
- Disproportionality
- A Local Picture

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# A Brief History

- The 'Sus' Laws
- The Brixton Riots
- The Introduction of the Police and Criminal Evidence Act 1984
- Stephen Lawrence
- Macpherson
- The Terrorism Act 2000
- West Midlands PCC

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# Current Stop and Search Powers

- There are 20 different Sections from 16 different Acts
- PACE provides statutory guidance
- Most cases an officer must have reasonable grounds for suspicion
- There must be some objective basis for suspicion based on facts
- Officers cannot use ethnicity or description alone to help form their grounds for suspicion

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# Reasonable Grounds for Suspicion

The following Acts provide the powers that Police Officers most frequently exercise that require reasonable grounds for suspicion:

| Power  | Extent of Search                        | Where Exercisable        | Object of Search  |
|--|---|--------------------------|---|
| <b>S1, Police and Criminal Evidence Act 1984</b> | <b>Searches of persons and vehicles</b> | <b>In a public place</b> | <b>Stolen goods, offensive weapons, articles for use in damaging property</b> |
| <b>S23, Misuse of Drugs Act 1971</b>             | <b>Searches of persons and vehicles</b> | <b>Anywhere</b>          | <b>Controlled drugs</b>   |
| <b>S47, Firearms Act 1968</b>                    | <b>Searches of persons and vehicles</b> | <b>In a public place</b> | <b>Firearms</b>   |

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# Without Grounds for Suspicion

The following Acts provide the powers that Police Officers utilise where reasonable grounds for suspicion are not required:

| Power  | Extent of Search                        | Where Exercisable  | Object of Search   |
|--|---|--|--|
| <b>S60, Criminal Justice and Public Order Act 1994</b> | <b>Persons and vehicles</b>             | <b>Anywhere authorised by an inspector or above for a period of 24 hours</b>   | <b>Offensive weapons or dangerous instruments</b>  |
| <b>S47a (replacing S44) Terrorism Act 2000</b>         | <b>Persons and Vehicles</b>             | <b>Anywhere authorised by an officer of ACPO rank who reasonably suspects that an act of terrorism will take place</b> | <b>Evidence of terrorism</b>   |
| <b>Schedule 7 to the Terrorism Act 2000</b>            | <b>Persons, vehicles, vessels, etc.</b> | <b>Ports and airports</b>  | <b>Anything relevant to determining if a person falls within the definition of a terrorist</b> |

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# The Search Itself

Code A of PACE dictates that's Police Officers conducting searches must provide the following:

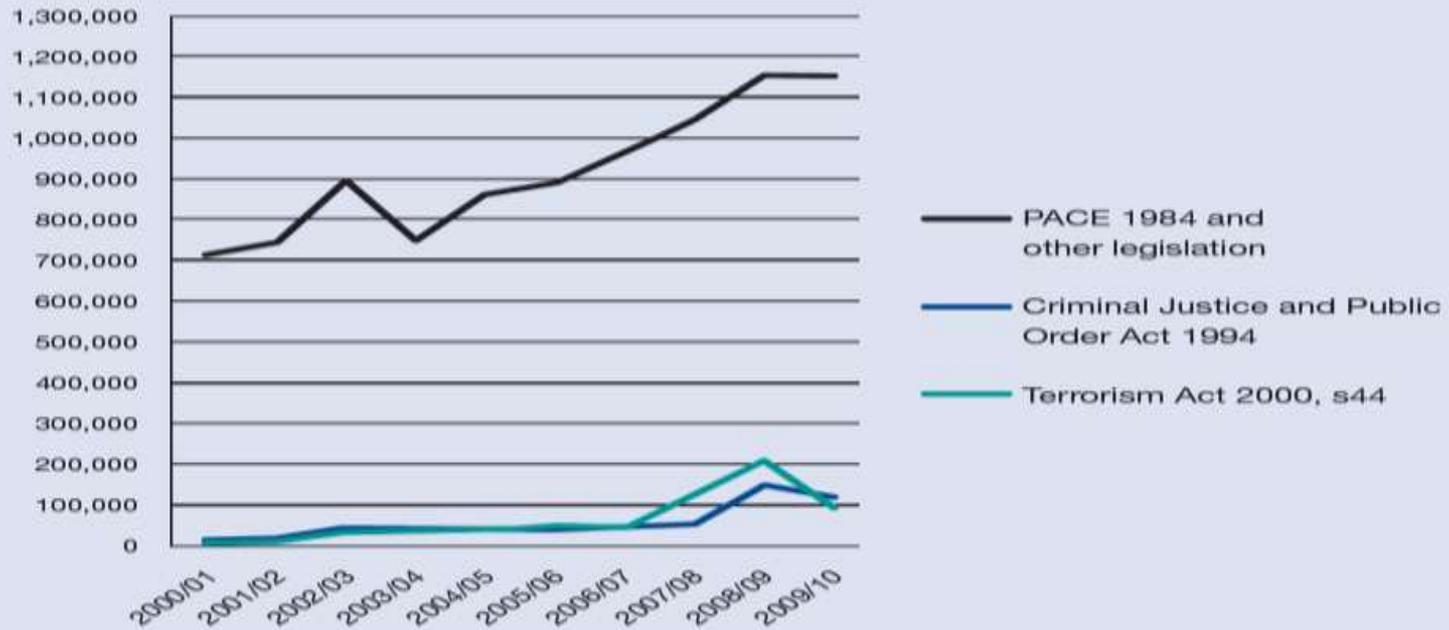
|                      |  |
|----------------------|--|
| <b>Grounds</b>       | An explanation of the grounds for the search         |
| <b>Object</b>        | An explanation of what the Officer is looking for    |
| <b>Warrant Card</b>  | Plain clothed officers, must show their warrant card |
| <b>Identity</b>      | The Officers name and collar number                  |
| <b>Station</b>       | The station to which they are attached               |
| <b>Entitlement</b>   | Entitlement to a copy of the search record           |
| <b>Legal Power</b>   | An explanation of the legal power being exercised    |
| <b>Your Detained</b> | An instruction that they are detained for the search |

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# Use of Stop & Search

Today, stop and search continues to be widely used in England and Wales.



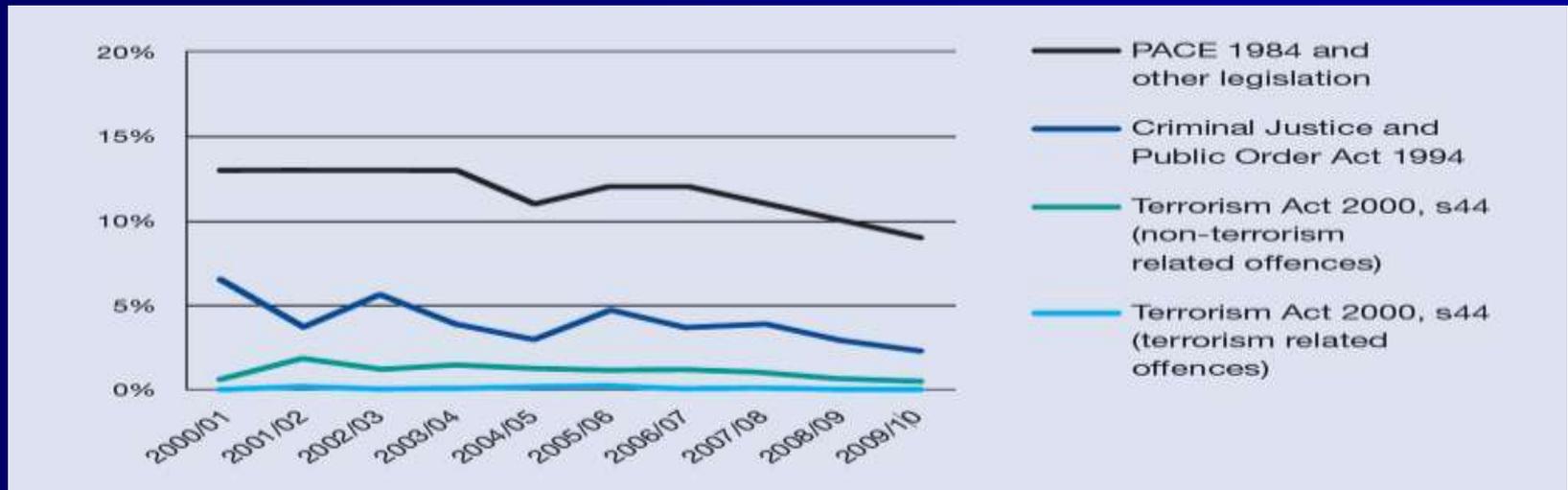
There were over one million searches conducted in 2009/10.

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# Searches Resulting in Arrest

The following table shows the percentage of searches resulting in arrest by statutory power exercised in England and Wales:



Proponents of the power, especially under terrorism legislation, argue that its use disrupts and deters criminal activity

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# Disproportionality

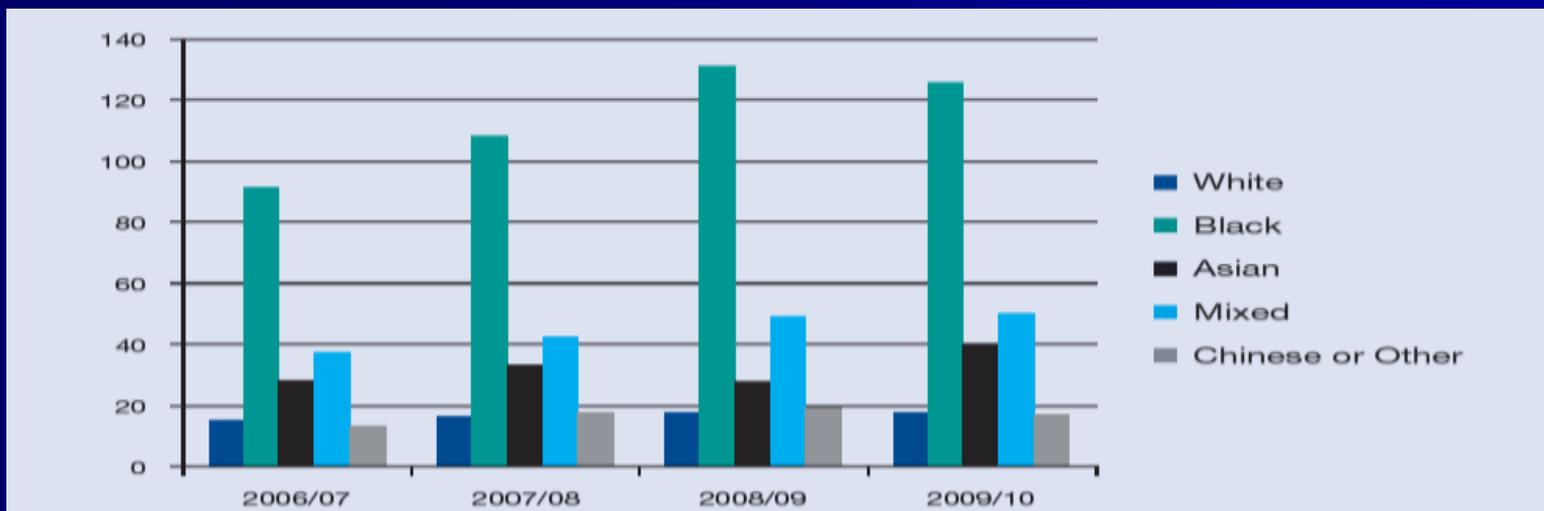
- Community Support is Crucial
- Positive Interactions are Key
- August 2011 Riots  
The UK riots panel noted that *“...concern was widely felt by young Black and Asian men who felt stop and search was not always carried out with appropriate respect.”*
- Concern over the Disproportionate targeting of ethnic minorities
- Disproportionality Persists Nationally
- College of Policing research shows that the more proportionate better conversion rate

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# Disproportionality Rates

The following graph shows searches under PACE and other legislation per 1,000 population, by self-defined ethnicity in England and Wales.



In 2009/10, under PACE 1984 and other legislation, black people were seven times more likely to be stopped and searched than white people, and Asian people 2.2 (twice as likely) to be searched than white people.

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# Possible Explanations

- An ethnic bias on the part of officers;
- The available population for searching contains a greater proportion of ethnic minorities, who spend more time in public spaces
- Searches occur in geographic areas with a greater concentration of ethnic minorities.

Factors such as age, employment and exclusion from school also affect the likelihood of being stopped and searched. Nevertheless, it is indisputable that the disproportionate use of stop and search on black and ethnic minority communities is perceived as racially motivated and therefore needs to be taken seriously.

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# The Local Perspective

April 2013 to September 2013

| OCU NAME | OBJECT OF SEARCH                  | Asian or Asian British | Black or Black British | Mixed | Other ethnic group | White | Invalid | Not Stated | Grand Total |
|----------|-----------------------------------|------------------------|------------------------|-------|--------------------|-------|---------|------------|-------------|
| BE LPU   | Drugs/Illegal substances          | 1,164                  | 157                    | 82    | 12                 | 613   | 28      | 84         | 2,140       |
|          | Articles for burglary/theft etc   | 356                    | 76                     | 52    | 14                 | 496   | 11      | 44         | 1,049       |
|          | Stolen Items                      | 191                    | 65                     | 28    | 13                 | 352   | 4       | 58         | 711         |
|          | Offensive Weapon                  | 203                    | 38                     | 17    | 6                  | 147   | 3       | 15         | 429         |
|          | Firearm                           | 5                      | 4                      | 1     | 0                  | 6     | 0       | 0          | 16          |
|          | Invalid Codes                     | 83                     | 13                     | 15    | 14                 | 87    | 1       | 3          | 216         |
|          | Blank - Search objective is blank | 202                    | 34                     | 30    | 3                  | 201   | 14      | 35         | 519         |
|          | Total Home Office (without blank) | 2,204                  | 387                    | 225   | 62                 | 1,902 | 61      | 239        | 4,561       |
|          | Grand Total                       | 2,204                  | 387                    | 225   | 62                 | 1,902 | 61      | 239        | 5,080       |

This resulted in 258 arrests or 5.07%

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# The Local Perspective

April 2013 to September 2013

| OCU NAME   | OBJECT OF SEARCH                  | Asian or Asian British | Black or Black British | Mixed | Other ethnic group | White | Invalid | Not Stated | Grand Total |
|------------|-----------------------------------|------------------------|------------------------|-------|--------------------|-------|---------|------------|-------------|
| WMP Totals | Drugs/Illegal substances          | 1,964                  | 603                    | 244   | 59                 | 1,997 | 64      | 303        | 5234        |
|            | Articles for burglary/theft etc   | 541                    | 282                    | 126   | 47                 | 1,538 | 18      | 146        | 2698        |
|            | Stolen Items                      | 345                    | 295                    | 76    | 65                 | 1,184 | 15      | 147        | 2127        |
|            | Offensive Weapon                  | 377                    | 214                    | 62    | 25                 | 563   | 11      | 74         | 1326        |
|            | Firearm                           | 22                     | 23                     | 7     | 1                  | 43    | 3       | 14         | 113         |
|            | Invalid Codes                     | 229                    | 89                     | 37    | 30                 | 451   | 9       | 65         | 910         |
|            | Blank - Search objective is blank | 547                    | 273                    | 109   | 32                 | 1,172 | 63      | 177        | 2373        |
|            | Total Home Office (without blank) | 4025                   | 1506                   | 552   | 227                | 5776  | 120     | 749        | 0           |
|            | Grand Total                       | 4025                   | 1779                   | 661   | 259                | 6948  | 183     | 926        | 14,320      |

This resulted in 1232 arrests or 8.6%

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# What We're Doing Locally

- **Ensuring that Police Officers are given adequate training regarding their powers and have a thorough understanding of 'reasonable grounds'**
- **Ensuring Police Officers have a thorough understanding that Stop & Search practices are very intrusive and need to understand public concerns**
- **We have removed all targets for Stop & Search**
- **Consulted our partners – PSD, CPS, College of Policing, community groups, young person scrutiny group, etc.**
- **An Inspector auditing all stop and searches.**
- **And of course we're looking to you to let us know what you think about this issue.**

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# Questions?

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