

Stop and Search Working Group – 4 September 2013

Transcript of Item 4: Stop and Search

Jenny Jones (Chair): Welcome, it is very good of you to come and spend an hour with us this afternoon. This, I think, is quite an important piece of work. My aim is to discover whether or not the Metropolitan Police Service is doing stop and search properly and I am very interested in what you have to say.

I would like to start by asking you how important you think stop and search is as a crime-fighting tactic for the police. Neena, do you want to start?

Neena Samota (StopWatch): I am here to represent the views of StopWatch. Also I chair the Coalition for Racial Justice which is formally the National Body for Black Prisoner Support Groups and we are part of a black and minority ethnic (BME) led Race Equality Coalition nationally, which also has a lot of interest in the issues of stop and search not just in London but also outside of London, so that is where I am coming to this question from.

I think in relation to your question around the value of stop and search as a tactic, I think it is extremely questionable. The Home Office study itself has actually raised issues around the fact that it does not reduce crime to that extent and, in the absence of any empirical evidence or any independent robust study, it is actually unclear as to the value of stop and search as a tactic being used to fight crime.

Jenny Jones (Chair): Thank you.

Cecilia Goodwin (Stop and Search Legal Project): I am coming obviously from the Stop and Search Legal Project which Molly (Stop and Search Legal Project) and a few of us set up in response to stop and search and to educate young people in terms of their rights. I am also a criminal defence lawyer, so I am actually within the criminal justice system, as it were, at the forefront working with these issues.

We are of the view that stop and search, if used properly and adequately, is actually a very good tool for fighting crime. We have had mixed sort of views between young people who we have spoken to, some of whom have been very supportive of stop and search. I had an example of when a young person had suffered bereavement. His cousin had been stabbed on the streets. He was stopped and searched and what had happened is that in order to protect himself, but also to try and avenge his cousin's killers, he armed himself with a knife. He was stopped and searched, found to be in possession of that knife and was brought before the justice system. That actually was a turning point for him in terms of his life and he actually turned his back on what was happening on the streets in that respect and actually credits stop and search for that because what he said was, "Had I not been stopped and searched, I might be the one who might have been dead as well".

We think if stop and search is used properly by the police and implemented as it ought to be under the provisions of the Police and Criminal Evidence Act (PACE), then it is a very good fighting tool for crime.

Jenny Jones (Chair): Thank you.

Molly Mulready-Jones (Stop and Search Legal Project): Yes, I would like to add to that. I have met with the Borough Commander of Haringey Police and I said to him, "What would you do if you did not have stop and search?" He said, "Then we would have to go straight to arrest", and that is a much more serious thing and it has much longer term implications for young people. It has the immediate implications for their day. They go to the police station, etc. But also it has longer term implications for Criminal Records Bureau (CRB) checks and things like that. He felt, and I could understand where he was coming from, that they needed stop and search as a kind of low-key measure.

However, I have to agree with what Cecilia said. At the moment, it is not used lawfully a lot of the time and so we cannot actually assess it. We do not really have a basis on which we can assess how valuable it would be if used as it should be because at the moment it is used unlawfully a lot of the time. Our anecdotal evidence is that most of the time, if you break down a stop and search, something unlawful has happened in it and usually what has happened is they have not had reasonable suspicion to carry out the stop and search in the first place. We are seeing a lot of racial profiling and a lot of people being stopped and searched in and around social housing. Young black men where I live in Hackney just think it is a normal part of their day. They cannot all be under reasonable suspicion by the police. That is quite ridiculous.

Therefore, in terms of it being a crime-fighting tool, on paper as drafted in PACE -- and if you read PACE, it is like you are reading a really fantastically robust protection of people's rights. Code A in PACE is really worth a read because it is so different to what is happening on the streets. If it was used in line with that, I think it would be probably, though I do not have evidence to base that on, a valuable crime-fighting tactic. But at the moment, it is not. In fact it is counterproductive and I think we might come on to the risks of that later.

Jenny Jones (Chair): Thank you.

Estelle du Boulay (Director, Newham Monitoring Project): I think all I would add to that, really, is that our position from the Newham Monitoring Project -- and also we are part of something called the Network for Police Monitoring that looks at policing in a protest context, but our work at Newham Monitoring Project is in a community context.

In the ten years that I have been there, I think the feedback that we receive from people is around the disruption to their lives and how they have been treated. We know from looking at the stop and search figures and the high levels that it is used, how much it is impacting on communities. That is really where we would look at it and say it needs to be justified to us that it is a correct crime-fighting tactic. It does not seem to be borne out by the statistics that exist around the prosecution rates, arrest and prosecution from stop and search. It is also not always clear if those arrests and prosecutions are for what the police actually stop the person for.

Additionally to that, the Home Office research is actually quite interesting, looking at whether it is a deterrent, because I think that is the other argument that the police use and that is not borne out by the statistics either.

I think the issue that we want to see when it is being asked if this is a crime-fighting tactic is to ask why are the police using this tactic and actually what are the other reasons that it is being used? I think intelligence-gathering is one of those.

Jenny Jones (Chair): I am slightly dubious about the police officer at Hackney who said, “We would have to arrest”.

Molly Mulready-Jones (Stop and Search Legal Project): Haringey.

Jenny Jones (Chair): Haringey. Do you think there are other tactics that could be used instead?

Molly Mulready-Jones (Stop and Search Legal Project): I think intelligence-led policing with a community that trusts you is really the basis for successful policing. I think stop and search -- because it undermines people’s trust in the police, they do not like the police.

There are young kids. I have met a six-year-old who says, “We hate the police and the police hate us”, which is so shocking but I do not think unrepresentative. If that is what kids are thinking, then that is not their police force. That is not a police force they can turn to if they are the victim of a crime. They are absolutely definitely not going to be a witness or come forward or respond to a plea for information because they see the police as their enemy because they harass them so much. They all know someone who has been stopped and searched, who has had a bit of aggro from a police officer. Also, the police are quite hostile quite often to these kids. Some police are lovely. Some of them are respectful and they are not hostile, but a lot of them are hostile and that is what you hear about.

I think building up good community relations means that you have people who are willing to give you intelligence and that is the best way to fight crime. It is the people who are in among it telling you what is going on. But at the moment, that is very difficult, I think.

Jenny Jones (Chair): Neena, you said no stop and search. What is the other option?

Neena Samota (StopWatch): We do take the view that stop and search is an extremely -- they are very intrusive powers, that is our starting point. They are used as an essential investigative tool. However, when you look at, again, going back to the value, the stop and search numbers may have come down but at the same time the continuous fall in crime also cannot be attributed to the use of stop and search. That is another way of questioning whether it is a valuable tool or not.

Yes, there are other ways and, like my colleagues said, it should be intelligence-led. The problem everywhere including in London has been that policies and practice actually vary a lot. Where there is evidence that officers have taken the time to actually build confidence with communities, it comes back to the issue of trust and confidence. When you actually make and invest time, effort and resources in developing the preconditions to developing that trust and confidence with communities, all we have seen in the past few decades is a constant disruption to that, so we take a step forward and then we take two steps backwards. I think that has not been a very valuable way of actually doing intelligence-led policing. This really should be start of constant, continual improvements in progress towards not only

addressing the ethnic disproportionality but also using intelligence-led policing in a manner that actually involves the community and consults with the young people in those particular areas where they live.

Roger Evans (AM): I am interested, Estelle, in the fact you have told us you have been involved with this for ten years. This means that you have experienced the changes in Metropolitan Police Service under four different Commissioners and quite possibly in Newham under even more Borough Commanders, actually, at the rate they are moved around.

What changes have you noticed over those ten years? Have there been improvements or problems? It has certainly been debated often enough over that period.

Estelle du Boulay (Director, Newham Monitoring Project): Yes. I think very little, in a way. I just want to explain the kind of contact that we have with people so you understand where we are actually coming from.

We run a casework service at Newham Monitoring Project, so we have casework clients. We run a community outreach and development project, so we work with young people all the time doing stop and search and know your rights workshops. Also, they talk to us during that process. We have contact with community organisations. We do surveys and community consultations. We also go out on the street and do human rights monitoring including interventions, we have quite a good insight and quite well-rounded not only in people coming to us but where we are going out and finding them. I have to say very little has changed in the message coming from the community in the years that we have been doing this.

Something specific about Newham is I feel it has been used as a trial area for various policing tactics over the years. If you look at the section 60 statistics for Newham, there was a year a while ago where we had - and I cannot remember whether it was 2010 or 2009 - 150 section 60 authorisations were given that year in Newham. That is higher than any other borough in London and some other boroughs had none, so I think we see the sharp end of things, probably some of the worst police practices as well. Therefore, for us, it is actually trying to understand what kind of abuses of power are actually occurring during these stop and searches and whether any of the suggestions and the changes that have come through can impact on any of those.

I think, to be honest, what we see through the observations of the community is that the recommendations are not actually going to really get to the root problem. I am happy to go into that more in some of the further questions as well, if that is helpful. Is that clear?

Roger Evans (AM): You seem to be saying nothing has changed despite the fact that different tactics have been tried. If Newham has been a test bed for different things, and I am willing to accept that it has, then presumably you have some idea about what works and what does not work, even just possibly about what has been particularly bad and you do not want to see happen again.

Estelle du Boulay (Director, Newham Monitoring Project): What I am saying is that the levels of the powers that have been used and the levels of stop and search, whilst they may have come down and that seems to indicate that something positive is happening, we see a kind of transferral of one set of powers being used and then another set of powers. For example, section 44 was used quite extensively

in Newham. Obviously that has been reduced. Section 60 was used and we see the various operations around the police stations around the Tube stations as well.

Sorry, it is kind of hard to describe, but essentially the reports coming back from the community are the same. Even though the levels and statistics may look different on the surface, the quality of the encounters has not really changed and this is looking at where the reports were ten years ago, looking at the kind of observations we have done last year when we were out, particularly during the Olympics. We could observe the quality of those encounters. It is the same set of problems that are occurring during stop and search. I think the mechanism for monitoring this needs to be different to actually understand whether we can make some positive impacts.

Roger Evans (AM): That is very interesting. I do not want to put words into your mouth here but what you seem to be saying to us is, even though the law may change and the Metropolitan Police Service's policies at the top may change, actually the people in the front line just find different ways of doing the same thing that they have always done before.

Estelle du Boulay (Director, Newham Monitoring Project): Yes, absolutely, because I think alongside stop and search, you cannot look at stop and search just on its own. I know we will be today, but alongside things like dispersal orders or penalty notices, things like that. These are the encounters that people have with the police on the street, so there is a whole raft of negative encounters that are occurring. It is not always just solely within stop and search.

Roger Evans (AM): OK. That is useful. Thank you.

Jenny Jones (Chair): Just very briefly, would you say that the disbenefits of stop and search outweigh the benefits as it is being used at the moment?

All: Definitely, yes.

Jenny Jones (Chair): Everyone is saying yes.

Neena Samota (StopWatch): May I add to that, Chair? Actually, when you look at the overall nature of the powers being used, I think there are some other powers also that need to be further investigated. StopWatch is of the view that certain powers, for instance the traffic stops, which we have no data for, actually prevent us and limit us yet again and are not presenting or constructing a useful, complete picture to understand what the impact of those powers are on certain groups of people and how that is put in place.

Under PACE, we would also see going further that officers declare when they stop somebody to say, "You are not actually required to give your name and address". That is not clear to the people being stopped and you may have heard this before. However, we also know, like my colleagues stated earlier, that it is really important to understand that the police actually will use some other means, for instance section 50 under the antisocial behaviour legislation. Those powers can be used to identify them anyway. That really blunts, then, this sharpening of the trust and confidence.

For ten years we have been going on about this, so what change have we seen? Nothing. It is about what actually happens in those encounters and how things are managed to change. So you may stop for one reason but there are so many different layers underneath that that also contribute to the quality of that encounter being so negative for many of these people who are being stopped, so that is certainly something that we have heard as well.

Cecilia Goodwin (Stop and Search Legal Project): Can I just add on that? The purpose of stop and search should be obviously as a crime-fighting tool. If you have officers that end up having such mistrust with the community that no one is willing to speak to them, if they find anything that could bring a case, for example, how then are they able to take that case to court if they have no witnesses or anyone supporting any sort of prosecution? It then makes it seem as though stop and search then has no value because, if you cannot use it in the way it is ought to be used, i.e. to protect the public, to ascertain whether any offences have taken place and obviously to bring those who have committed offences to justice, where is the support for the stop and search if that is not actually what is happening? I think stop and search and the way it is used now is obviously having a big disadvantage because it is not actually being used in the way that it ought to be and therefore not yielding the fruit that it could and should.

Jenny Jones (Chair): Molly raised the issue of reasonable suspicion. Do you think that that needs a better definition?

Molly Mulready-Jones (Stop and Search Legal Project): No. I think it has a perfectly reasonable, understandable definition. I think that it goes back to the attitude of the police to the people that they are policing. When we prepared for this meeting, we got on to the subject of who the police are and where they come from. The police in London and people who are policing inner city, multicultural areas in London are often not from those areas themselves and I think that that is a weakness.

If we had police who were born and bred in the communities, not exactly, no one wants to police on their doorstep, but you could have a police officer from Lewisham policing in Hackney and it would lead to people dealing with people that they understand. I think at the moment, when a lot of London police seem to come from Essex and places outside London that are quite different, they, I think, sometimes feel quite frightened of the people that they are policing and they also do not seem to really understand where the people are coming from. I think that is really something that could see a tangible improvement.

The police have been trained until they are blue in the face and nobody can move for another police training initiative to make them stop doing racist stop and searches. However I think basic respect and not being hostile and understanding the people you are policing is the root of it, really.

Jenny Jones (Chair): Thank you.

Joanne McCartney (AM): I want to ask and just probe a little bit more about the legality of the use of existing stop and search powers. Her Majesty's Inspectorate of Constabulary (HMIC) recently reported on a survey that they did. They looked at paper-based research. They discovered that in 27% of cases that they looked at, there were not sufficient grounds to justify the lawful use of the power. Does that tally with the stories that you get or do you think it is wider than that?

Can I ask you also about the safeguards around it? We know that monitoring is meant to take place and in London the Metropolitan Police Service have kept the need to record all stop and searches and stops. I am just wondering what more should be done and are you concerned that perhaps it is not being monitored effectively? It is about the legality and the monitoring.

Cecilia Goodwin (Stop and Search Legal Project): If I start in respect of the legality, obviously PACE states that you have to have reasonable suspicion, but the point is: what is reasonable suspicion? Do the officers even know what reasonable suspicion is? Does reasonable suspicion equate to those officers to be black under 25 or Asian under 25 and male? That then brings us into the question of: if we think that the officers do not understand what reasonable suspicion is, then how can they justify whether a search is legal or not?

When a search then tends to take place, I have heard from people in the force and noticed within my experience in the criminal justice system that sometimes officers will stop people to find something. That is not reasonable suspicion where officers are stopping the same sorts of people because they believe that these sorts of people are likely to have something that would put them in hot water and obviously justify the search itself. So, in terms of legality, I think there needs to be more training in terms of PACE, in terms of what reasonable suspicion is, what it means and, touching on what Molly said, in terms of having officers that understand the people that they are policing. Perhaps, if they had an understanding of the people that they are policing, perhaps there is no reasonable suspicion to stop that specific person on that day because perhaps they understand, "Yes, they are going to be acting the way they act because that is just how young people act in this area", for example, as opposed to how young people may act in Essex and so forth. That is what I would say in terms of the legality issue.

I think a lot of stop and searches are not lawful but what happens is a stop and search may begin as an unlawful stop and search but then turns into something that becomes legal in that the way and the manner in which the stop and search is conducted then obviously antagonises the situation, antagonises the person who is being stopped and searched and then they end up being arrested for a public order offence, which is not the reason that they were stopped and searched initially. Either there was no reasonable suspicion or perhaps they thought that person may have drugs or may have a weapon, but the way in which it is conducted then ends up with somebody perhaps swearing or using racially or any aggravated sort of behaviour that then lends to arrest for a public order offence.

There have been some reports in the media in respect of the amount. Do not quote me because I cannot remember the figures specifically at this stage, but I think out of 100 stop and searches, for example, only 2% of those stop and searches end up in an arrest, so we have to look at the arrests and what the arrests are for. Just because somebody is stopped and searched and arrested, it does not mean that that stop and search was successful and that is what I would say in terms of legality.

Joanne McCartney (AM): Is the concern around the reasonable suspicion and the broad generalisations and stereotypes that officers use when they are making that decision?

Cecilia Goodwin (Stop and Search Legal Project): Indeed.

Joanne McCartney (AM): All of you are nodding at that.

Roger Evans (AM): Can I just say, Chair, while we are on the subject of stereotyping and as someone who represents Essex that I do not feel that we are any less likely to understand how the city works than someone from, say, Hampstead and perhaps we could address the Working Group in that way in future?

Molly Mulready-Jones (Stop and Search Legal Project): I apologise for being Essexist.

Joanne McCartney (AM): If that is the case, is it just a matter of training or do you have the sense that no matter what the training is, a way would be found to actually do the stop anyway? Is it just training and poorly informed officers or is it actually stop and searches being used in a deliberate way for a purpose other than what was intended?

Molly Mulready-Jones (Stop and Search Legal Project): I think we need to look at the way that people measure success and the way that police officers feel like they are being a success or otherwise. At the moment, a stop and search is judged to be a success if it results in an arrest. However, as Cecilia has just said, it can result in an arrest because they have provoked a crime by being so hostile during a stop and search that the young person kicks and then, boom, you have a great public order offence and it was all worthwhile. I think that that is something that is quite difficult.

Cecilia Goodwin (Stop and Search Legal Project): The real issue here, and we hear this sort of phrase thrown around a lot but I really do stand by it, I think there has to be a cultural change. You can train officers to say, "This is what the law says and this is what you are supposed to do". But until your superiors and the people that are held accountable are able to say, "No, culturally, we need to change as a force", I do not think we are going to go any further than where we are now. So it comes back to accountability.

When officers behave badly in terms of a stop and search, how many people in the public know that they can complain? That is something that we have to look at. Why is that? There has to be education around that. But also, when people do complain, what happens to those complaints? Do you get an inspector contacting you and saying, "I understand you made a complaint against an officer. Do you want to come in and have a chat about it?" That is what happens because I know that from being in the system. A lot of the time clients will say no because they do not want to have to go through the process of going to the police station and facing an officer who they say has behaved badly in front of their superior, especially if that superior has an attitude of, "Stop and search. Reasonable suspicion. My officer just did what he is supposed to do".

Joanne McCartney (AM): Neena, you have been nodding at this.

Neena Samota (StopWatch): Yes. I just wanted to add to the thing around reasonable suspicion and actually what are some of the safeguards that can be built into it. Certainly it starts with, I think, a three-strand approach. There is training, there is supervision and the supervision also should include an element of disciplining, something that the public should be made aware of, and also monitoring. Going back to reasonable suspicion, it is really important that for officers at all levels, this fresh approach should start where they are untrained in whatever they were initially trained in and then they are brought into this new form of training that actually does involve members of the community.

At the end of May this year at StopWatch, we held an event and invited members of the community and people from the different agencies. It was extremely interesting because, again, it amazes me the extent to which members of the public are not actually aware of some of the things that are in place to safeguard them and to actually help them understand and be more aware of their rights. With all the changes that the Metropolitan Police Service has brought in in relation to knowing their rights and the StopIt programme, which is yielding some good results, I just think it was interesting to see that only 3 of the 120 people present that day actually knew about the monitoring groups in their local boroughs. They did not know anything about it.

I think there is something to be said about independent monitoring which actually should include and be led in those local areas by some of those young people who have actually had experiences of stop and search and that is exactly the sort of message we get through some of the young people. Of course, StopWatch would be happy for some of our young people from our youth group, the Street Law Project, to come and actually talk to you as well.

What really is important technically from a legal point of view in relation to reasonable grounds for suspicion is that not enough emphasis is actually placed currently on how it is recorded on the forms, so more importance needs to be placed on recording the grounds of the search at the time of the search itself. I think there are a number of very practical ways in which we can propel this transparency through the process and actually that will start, hopefully, to build confidence as well.

Joanne McCartney (AM): The Commissioner has embarked on his new programme of stop and search which has a new element of better training. Have you noticed a difference at all in the last few months with regard to interactions? Are you seeing a difference in the behaviour of officers on the streets?

Jenny Jones (Chair): Neena, you said good results, did you not?

Neena Samota (StopWatch): Good results in the sense that the use of stop and search and how it is being applied is definitely being considered. What StopWatch would actually like to see is to make that go further. One of our partners, Release, just published their report on drugs and really, on the basis of that, we have made certain very specific recommendations. In general, the research comes up with a series of recommendations and we really hope that the Working Group here and also the Metropolitan Police Service also do consider some of those recommendations.

If you look at some of the drug searches and how they are targeted, again, reasonable suspicion and how that is framed, how that is applied, almost 50% of the stops are actually in relation to drugs and within that a high proportion are actually pertaining to possession of cannabis. If you look at the damage that that then does to young people, particularly knowing also that black people actually use less drugs compared to white people but do get arrested at a rate much higher than their white counterparts, there are anomalies there which we need to further understand and really help to address. Is it actually trying to get cannabis off as one of the sanctioned detections in their policies? It is to consider how that can actually change and whether the Metropolitan Police Service can consider changing some of its policies on what counts as sanctioned detections. That would then really drive down further the ethnic disproportionality that we talk about.

Joanne McCartney (AM): Can I just follow up, the comment earlier about the public do not know what their rights are and that under some stops they do not have to give their details, for example, or in fact the fact that they can complain if they have been unhappy about the encounter? I think one of you said that you would like it when an officer stops to actually say, "You do not have to give your name and address". Is that something that does not take place at the moment? Is there anything you think could be added into the encounter so officers perhaps do say, "If you are not happy, you can complain", or not?

Neena Samota (StopWatch): Absolutely. That is something that we have advocated and really need to see pushing through that message as part of the training, as part of understanding the human impact of stop and search. It is extremely important and that element should be built into any form of training that police officers receive. This training then can be further divided into different categories. So, for the officers who go on the streets, there is a way of making sure that that is implemented and, for the sergeants, for the senior officers, to be able to supervise based on that and how do you build that into it, and understanding at all times that this actually has an impact on the people that are stopped. That is one out of ten that leads to an arrest, so one out of ten stops nationally leads to an arrest and I think that is a dismal figure. We really need to do much more to make sure that actually the police get it right more times than less times.

Also, in terms of the data, monitoring and everything, we actually need more data, not less, as the Home Secretary calls for and it is not actually cumbersome to collect the data and it can be collected.

Joanne McCartney (AM): Perhaps I can ask Estelle because you do lots of casework as well. If you do complain about an officer's behaviour, do you find that it is easy to get what is called a local resolution and do you find that stations actually do have a supervising officer that does engage and that it is a positive encounter at all or not?

Estelle du Boulay (Director, Newham Monitoring Project): First of all, I think, yes, making a complaint against the police is very difficult. For the age group that we are talking about in terms of young people, in the ten years that I have been at Newham Monitoring Project (NMP) and I think for the thousands of young people that I have met, I still could probably count the number of young people that have actually made a complaint on one or two hands. I think there is not a willingness to go forward through the complaints procedure or any trust or faith in the complaints procedure. I do not know if it is for lack of knowledge about it or whether it is just a sense of, "We have been treated badly on the street. Really, is this complaints procedure going to put this right now or will it just be a continuation of the same system and will we face some kind of reprisals as a result of going through it?"

In terms of local resolution, the number of people that we have supported when they have gone through the complaints process - and quite often the first stage is that the Directorate of Professional Standards (DPS) will come out and meet them, and we have made sure that quite often they have come to meet them at our offices - we have found that people were pushed towards local resolution. I know it has slightly changed now in the last year around local resolution, but we saw people being pushed towards not taking a full investigation. I think they were always being offered the lowest level of resolution for the issue anyway.

It is funny, being in this room, I remember the Metropolitan Police Authority's (MPA) investigation into stop and search in 2010 and one of the police officers standing up and saying the statistics for complaint rates for stop and search in London, he quoted it, and it broke down to less than a quarter of a percent. Now really, considering the amount of tension around stop and search, the complaint rate sitting at less than that, there is a problem, is there not, in that people do not want to complain. I do think there is a problem with the complaints process, it has never been simplified, for example, for young people around stop and search to have a different system. At the moment, if people make a complaint, they can end up going through a very, very long-winded procedure of making a complaint, appealing it if it is unsuccessful, it coming back and it being reinvestigated. None of this has considered the access issue for young people at all.

Also, just coming back around the complaints issue, that is one way of having a mechanism to deal with stop and search, but one of the other things that has been picked up is the local scrutiny groups as well; I think that is another potential mechanism. If people are not going to come forward and complain themselves, there have to be other safeguards in place, and I think there are problems with those, the way that those are running. In the ones that we have had contact with, and also where we have contact with other people across London in the different boroughs, these stop and search scrutiny groups are not being provided with sufficient information to be able to do their jobs or following the terms of reference as well.

Joanne McCartney (AM): So, if complainants are pushed towards local resolution, it gives the impression that it is not being taken seriously I take it. We looked at this on the MPA just after the riots a couple of years ago and - I represent Haringey - lots of the reports, particularly with the London School of Economics (LSE) work, showed that stop and search was a factor that was cited by many people as local discontent. However, looking at the Haringey figures for complaints, they were the lowest, and either the police were doing a remarkably good job or people had no faith in the system. So I hear what you say about the levels of complaints not matching. What would you like to see improved about the complaints procedure? Is it about going into the station or should it be removed from the station? Should it be dealt with independently of the local force? What would you suggest?

Estelle du Boulay (Director, Newham Monitoring Project): We would never advise anyone to go and make a complaint in the station, having had cases where people have gone in to complain and something else has happened where they have actually in some cases been assaulted. We have had some terrible cases come forward. We would always try and support people, that young people have support to make a complaint from an organisation, an independent organisation, and it is done on paper so we can record what is happening. However it needs to be simplified and I think young people are probably the best people to consult on this, "How would a complaint process work for you around stop and search that is short and quick so you would be encouraged to use it?" I think we need to go back to the drawing board. A recommendation was made to the Independent Police Complaints Commission (IPCC) to look into this ten years ago; nothing has really changed. The process is still the same whether you are making a major complaint or a minor complaint.

Cecilia Goodwin (Stop and Search Legal Project): I think one of the things that would help in terms of just scraping back and going right to the basics is a police officer should be able to say, "If you have any issues about the conduct of the stop and search today, you do have a right to complain, here is the slip", and take it from there. Because at least then the individual knows that there is such a thing as a

complaints procedure and it is up to them whether they want to take it and go further or not. Then perhaps, coming back to the point that was made of having organisations that will assist young people in doing that, if they have a piece of paper that has the officer's number or shoulder number to identify them, the date upon which the stop and search happened, and the location, they can take that into a place where they can get support, and say, "This is what happened; this is the person that stopped and searched me, I was unhappy because --" and start from there.

Neena Samota (StopWatch): Basically just to reiterate third-party reporting and how essential that is and the role of independent local community organisations in assisting and aiding that, supporting that, because all around us at the moment we see the decline and demise of most of these organisations in the advocacy work and their support roles that they previously used to dispense. There has been a big drop in that. It is about making sure that, if we are going to be talking about monitoring and how we fit complaints into that, to improve, not only the level, but also how complaints are then resolved, and how that information is then shared with members of the public, is equally important. All of these things are important. Careful consideration also needs to be given to encourage third-party reporting and access to that and providing information around that - also offering different types of resolution. Automatically, any stop and search complaint should not be left to local resolution because there could be some tension, some pre-existing problems that involve either discrimination or a strip search or a stop and search involving young children and vulnerable adults, for instance. All of these require, if there is an element of any of these vulnerabilities in that, they should automatically go to the IPCC. That does not happen at the moment, so I think that is something that we need to really carefully consider. If you are going to have a threshold, at which point should complaints go to an independent monitor, and does that actually improve confidence in the complaints procedure? It is also about having access in the first instance at a very local level, somewhere that young people especially can actually go to, like a safe place, definitely not a police station.

Molly Mulready-Jones (Stop and Search Legal Project): Also, if I could just come in, the other end of the complaints process is whether they are upheld and they are so rarely upheld, everyone knows somebody who has had a dodgy stop and search and who has had a bit of harassment from the police. Nobody knows anybody who has had a successful complaint against the police. There are issues with the complaints process absolutely, but the young people that we deal with, they really do not have any faith that if they do complain they will be taken seriously and anything will happen to the officer that has done whatever to them. We face barriers because we encourage young people to complain; it is part of our workshop on Know Your Rights is you have a right to complain and we encourage you to complain and if you do not complain then the police can say, "Look, we are doing a really great job", so we really encourage young people to complain. However they resist because they say there is no point and they talk about the famous cases, they talk about Stephen Lawrence and they talk about the reasons that there is no point for them in doing it, and that is before you even get to, "You have to go here and you have to do that and it is a big old process". I think the outcomes of complaints also need to be looked at.

About third-party reporting, I think just getting it out into the public, getting the public to be aware of their rights when they see someone being stopped and searched. For instance, the fact that you are allowed to film the police, as long as you do not obstruct what they are doing, it is perfectly lawful to film them. That is not widely known. Often people are told by the police, "You are not allowed to do

that", there is some sort of vague reference to anti-terror legislation, and I think in fact you have been stopped filming by the police.

Cecilia Goodwin (Stop and Search Legal Project): I was told to stop, yes.

Molly Mulready-Jones (Stop and Search Legal Project): So I think that is quite helpful if the general public know you are allowed to film the police and you can do it in a very nonintrusive way and then we have some independent footage, and that really does help with the complaint.

Joanne McCartney (AM): That actually will be my next question, about the public, but I have been on stops where police have worn body cameras. Is that something, particularly among young people, would they welcome that or would there be concerns about that as well that they are being filmed by the police, although it would be done obviously openly?

Neena Samota (StopWatch): I think that itself could be an area where certain things need to be considered more carefully, what do the public actually understand about when the body camera can be used, when the officer has the discretion to actually switch it on and off, when things are going in their favour or not. These are some of the other considerations that actually go on in the mind of the individual and would think, "Well do we actually support this or not?" and it sounds fine in principle. However, in some ways there are issues of legality in there, when they can be switched on and off, and how that links into the confidence, the trust and the ability for young people, or anybody else, to actually then go forward and say, "Yes, actually, this is a great idea". So it remains to be seen, the impact of that. Basically it is about caution that officers need to understand how, why and what impact again the body camera, when it is on and it is used, how that can have an impact on the community where it is being used as well.

Estelle du Boulay (Director, Newham Monitoring Project): I think there is also the issue of the data retention and access to that data, which is very, very important. It is the same with the cameras that are in the back of police vans as well, it is not clear who is in control of the data, where it is being stored, for how long, whether it is going to be kept on individuals, all those questions need to be addressed, I know there are some pilots of it at the moment, but before it rolls out any further.

Joanne McCartney (AM): OK, thank you.

Jenny Jones (Chair): I actually go up, if I see a stop and search and I have the time, I go up and watch, but I have never actually made a third-party complaint although I have seen simply rubbish stop and searches. Roger, you wanted to come in on this?

Roger Evans (AM): Not really, because you have covered most of the questions under this section, but when Councillor Duwayne Brooks appeared in front of us to talk about this, he is the Mayor's Office for Policing and Crime's (MOPAC) advisor on stop and search, he stated he was concerned that stops were not always recorded. How much of a problem is that?

Cecilia Goodwin (Stop and Search Legal Project): I think it is a big problem. Officers tend to stop and search-- we obviously teach young people that you have a right to have a slip to say you have been stopped and searched and so forth, but officers will tend to say, "I do not have time to do a slip right

now, you can go to the police station and get one". Now, in very exceptional circumstances, officers are allowed to do that, obviously if there is some sort of wider public order things happening they can say that. A lot of the time they are fully able to do a stop and search slip for someone but they just do not bother, and it is a problem because then how do you prove that somebody is getting stopped three/four times a day? You cannot, because there is nothing to show that is happening. I think officers ought to be told that they should make sure that slips are given to people that are stopped and searched.

Roger Evans (AM): It should definitely be the exception when they are not recorded.

Cecilia Goodwin (Stop and Search Legal Project): Indeed.

Roger Evans (AM): That is not the case at the moment and yet there is no effective management of this or supervision of it. That is one area, is it not, where a helmet-worn camera would actually provide us with the information that we need and be less time-consuming than the officer having to dig out a form and explain to people?

Cecilia Goodwin (Stop and Search Legal Project):: Definitely.

Molly Mulready-Jones (Stop and Search Legal Project): Only if he has the camera on all day, all the time, which has some serious implications for everybody's privacy.

Roger Evans (AM): Obviously there cannot be a rule to say he has to have it on all the time, otherwise you would not be able to have anyone policing without a camera.

Molly Mulready-Jones (Stop and Search Legal Project): Yes, but then officers can select when they turn it on, in the same way they can decide when to record the stop and search or not; that is just a different way of recording it, is it not?

Roger Evans (AM): Yes, and you might well, on reviewing the film, draw conclusions from the fact that it is switched off at certain points.

Molly Mulready-Jones (Stop and Search Legal Project): Yes, or not switched on at all during a particular stop and search; that is not fool-proof, I do not think. Also, we have met quite a few young people who do not want their yellow slip after they have been stopped and searched because they are told by the police, "What is your name?" that is the first thing, they want their name out of them. We tell them, "You do not have to give your name", and then this kind of stand-off develops where, "Well, if you want your yellow slip you have to tell me your name". "Well I do not have to tell you my name." Then you are heading towards a sort of aggro situation between the police and the young person and nobody wants that. Also there is the aspect of it that the young person does not really have control over very much of the stop and search. It is not voluntary and they have to stop and they have to submit to the search, but they can control whether or not they get their yellow slip and so I think sometimes - I do not know if you have found the same - that is their one thing that they can object to; that is their one thing that they can control, and so they exercise that and they do not get their yellow slip. I think it is not always that the police are not offering, I think sometimes there is the young person saying, "I do not want that, I am not participating in that part of it". So that is difficult as well.

Roger Evans (AM): How much of the problem, we tend to think of stop and search about people being stopped in the street, but how much of a problem is the stopping of vehicles?

Neena Samota (StopWatch): It is a big problem. Currently, as I said earlier, the Home Secretary says that this is burdensome and what I said earlier that we actually need more data, not less, so traffic stops is a perfect example of that. We do not know to what extent the power is used, how many people are stopped and searched, and therefore you cannot actually construct a useful picture on how that affects people from ethnic minority groups compared to the white population. None of this data is currently available so I think there is a fundamental problem there. In order to be able to get there, to answer your question, we need the data first, so that is something that we would push and urge the agencies to start recording.

Cecilia Goodwin (Stop and Search Legal Project): I would say from a personal point of view, it is a problem. I have had lots of people that I know who have been stopped and searched, or their vehicles stopped and then a search pending, or whatever, to the extent that some of the people I know now say, "Yes, I was stopped because I was driving while being black". They say it in jest, but it is actually obviously painting the picture of what is going on. I had an incident where a friend was stopped, there was no reasonable suspicion whatsoever to stop the vehicle. He obviously was complying with the stop and search because he is so used to being stopped and searched that he just did whatever he was told. But his partner obviously rang me and then I ended up speaking to the officer on the phone at which point the officer said, "OK, you are free to go". Because firstly they did not believe that it was a lawyer on the phone, but they did once obviously I had spoken to them, and I think it is exactly the same thing, you know, a lot of people are being stopped in their vehicles for no good reason whatsoever.

Jenny Jones (Chair): Thank you very much. Could I just finally, I interrupted Jo when she said, "Do you think that the Commissioner's StopIt programme has actually made a difference, and I wondered if you think it has made a difference and if you think he set the right targets.

Molly Mulready-Jones (Stop and Search Legal Project): We looked at the statistics on this when we were preparing and I think the results of the StopIt programme have reduced the disproportionality between black and white people being stopped and searched by 1.7%; I think that speaks for itself.

Jenny Jones (Chair): Well it is progress.

Molly Mulready-Jones (Stop and Search Legal Project): It is progress, but it is so small it could just as easily have been in the other direction. I just think it comes back to really the basics, the attitudes of the police. Training, I would not object to more training, but I really think it is about attitude, it is about cultural change, it is about knowing the people you are policing, and that is a much bigger job than perhaps has been undertaken so far.

Jenny Jones (Chair): The targets themselves, do you think they are reasonable? It is 20% reduction on this, I do not have them to hand.

Molly Mulready-Jones (Stop and Search Legal Project): I do not have them to hand either.

Neena Samota (StopWatch): It is 20%, yes, but, like I said earlier, part of that is again how you understand what those powers are being used for and where it is being applied. For instance, a recent report from Release says that large numbers of young people were subject to a police stop and search for drugs and, like I said earlier, at least 50% of the stops and searches are drugs related. So, would the Commissioner and the Metropolitan Police Service actually consider when they use sanctioned detections as outcomes, if they actually get rid of that, then you would see a huge change. For instance in 2009/10 half of the 280,000 drug stop searches carried out by the Metropolitan Police Service were on young people aged 21 years or below; just over 7,600 were of children aged 15 or below. And this leaves us with a huge impact because knowing there are disparities in sentencing, charging and the end result, this actually has a huge knock-on effect on having young people first come into the system, so that is where the problems start, even with complaints, but we have seen that actually goes much further and into the criminal justice system, right to prison. We know, and I have talked to families, but also young people in prisons, who would be very, very wary of complaining ever, because they do not have faith in the system, but also some of them, the families who actually do say that on the outside police actually do target them and their siblings.

Now that is an extension of the problem that we are talking about and discussing here. So on the one hand the Government might talk about transforming rehabilitation. I think policing and how that is done at the front-end of the system has a huge knock-on effect and the impact that has on young people, criminalising them, the job prospects and kind of employment, just actually receiving tickets, for instance, prevents young people from accessing even internships at organisations. That is really improper and needs to change.

Jenny Jones (Chair): Thank you. Estelle, did you want to say anything?

Estelle du Boulay (Director, Newham Monitoring Project): Yes, it is on your last question about StopIt. I think the statistics that are now coming out from StopIt are actually raising more questions than they are answering, particularly around the drug stops where they have been reduced, it says, "Negative drug searches have been reduced by 28% in the year." That is a huge, huge amount, which raises questions about how it was being used before and the amounts. That has happened quite easily to be reduced, it must have been used very excessively before and probably without reasonable suspicion. In terms of whether these are a good target, I do not know. We have some recommendations, it is just a couple, and I think it follows on from some of the things people said here.

Somebody was suggesting about the issue around name and address, which I think is really pertinent and that officers should have to tell people. I do not think there is going to be an appropriate safeguard in place to be able to monitor whether officers do that or not, but what would be very useful is if on the receipt form it was in very large letters that people do not have to give it, so they can see for themselves. They might not always get an opportunity to see it but I think that would be a bit of a safeguard.

I do also think something else that would actually be very useful in stop and search - and I know this only refers to the real thin end of the wedge where people are assaulted - is actually getting some kind of tracking, when people are arrested following a stop and search, and particularly because we know those encounters can escalate into something else, actually tracking the number of injuries they are reporting in custody. This has never been done, it is not done by independent custody visits either, it is not under that remit, we are not tracking people through that system to find out. Even if it is 1% or 2%

of people's stop and search ends up with them turning up in custody with - as in one of my cases - over 40 injuries, we need to capture some of that abuse. There needs to be a monitoring mechanism for that abuse of power so we can actually get to that, because I think that would probably start to provide some community reassurance to know that their injuries are being looked at.

Jenny Jones (Chair): Thank you. I think that we can probably take that as a recommendation. Cecilia, is there anything you would like to say in closing?

Cecilia Goodwin (Stop and Search Legal Project): Just in terms of the point that was just raised about injuries, it falls a lot of the time to a defence lawyer having to go to the police station with a camera to note down the injuries. I have had countless cases; I even had one case in which a sergeant wanted to refuse me to take pictures of my client's injuries, and obviously that did not happen because I did take pictures of my client's injuries and in the end obviously it was a successful civil action against the police. However, I think there has to be a lot more training, cultural change, in terms of what police do, how they interact with people, and what the public can expect from an officer.

Jenny Jones (Chair): Thank you so much for coming today, it has been very valuable. We will be sending you the report when we have written it, so thank you very much. We are going to stop for a couple of minutes now and then change guests. Thank you very much.

Session Two

Jenny Jones (Chair): Good afternoon, thank you very much for coming, it is very good to have you here to talk about disproportionality and stop and search. We are particularly interested in whether or not things are changing and improving and so on and Roger is going to open.

Roger Evans (AM): Thank you, Chair. We are trying to get to the bottom of the possible reasons that may be behind the disproportionality we see in stop and search. Professor Bowling, you have done some work on this; what is it that your work is telling us?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): The consensus is that disproportionality in the police use of stop and search powers is an indication of unlawful discrimination in policing in essence - on the evidence, when you look at the statistical evidence on disproportionality and you combine that with the research evidence on the police use of stereotyping and the stereotypes that are widely held across the police service in London, as in other parts of the country, the breadth of discretion afforded to a police officer on the front line, the vagueness of the definition of what counts as reasonable suspicion, and the opportunities that provides for the police officers stereotyping, the generalisations that they have about who is involved in crime, to guide their decisions about who it is they stop and search - I think that the overall pattern is an indication; the overall pattern of disproportionality in stop and search is an indication of discrimination in police practice.

Roger Evans (AM): Is there not something to be said for the argument that it is about the nature of the population in the area that the police are policing? If we were to use Essex, for example, as we already have earlier today, you would find a different breakdown of proportionality than you would in other parts of the capital.

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): Yes, indeed. What you find when you look across the UK, if I may look across London and the boroughs immediately outside London, is that in general you find racial disproportionality in almost every instance. The bottom line, if you like, is that the resident population gives you an idea about who it is who lives in the area. The number of people stopped gives you your stop population, so essentially what disproportionality is telling you is the increased likelihood that a person will be stopped and searched given their proportions within the general population. So, different areas have different demographic compositions and the statistics that are collected by the Home Office under the 1991 Criminal Justice Act essentially tell you a per capita rate of the use of stop and search powers.

Roger Evans (AM): So you have a set of figures looking at the overall situation, do you actually have them for particular neighbourhoods in London?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I do not have them to hand, but if you look, the Metropolitan Police Service do indeed have the patterns of disproportionality across the capital, and it is very interesting to note that there are some places where the black/white and the Asian/white disproportionality is very high; there are places where it is not so high. A lot of times this relates to the way in which police officers are trained, the messages that are sent from the borough commanders about the extent to which the practice is to be used, how it is to be

used, how it is to be targeted, how reasonable grounds are to be defined. However essentially what you are seeing really is a pattern, which is not consistent across London, but the overall picture of the power being used disproportionately against ethnic minority communities is there across the capital.

Roger Evans (AM): That is telling us that some areas are more aware of this as a potential problem than others. What is the best practice that comes out of these figures?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I think the crucial thing is to go back to the Police and Criminal Evidence Act codes of practice, and the codes of practice say that a police officer may only stop somebody and search them where they have reasonable grounds to suspect they are in possession of prohibited items and that reasonable ground cannot be a personal factor unless there is, for example, a witness description, an accurate description of a person, but otherwise a stereotypical view, a generalisation, is not a sufficient basis for reasonable suspicion. My view is that once police officers are required to have genuine reasonable suspicions that a person is in possession of an unlawful item that narrows the numbers of people who are going to be stopped, it narrows it down to the people who are acting in genuinely suspicious ways, and it removes the speculative, the hunch, those stops that are not based in law.

Roger Evans (AM): Anne, do you have anything to add to this debate from the Equality and Human Rights Commission (EHRC) point of view?

Anna Henry (Equality and Human Rights Commission): Sure. I completely agree with Ben's first point about the stark rates of disproportionality are clearly of grave concern to all of us. I think that the explanations for that are very complicated and very hard to divine. I do think that the solution can be found in precisely what has just been described; that the police do understand what constitutes reasonable suspicion, they do have very clear processes that they follow, that they do follow them and that there is a system for ensuring that is followed and that evidence is analysed. I think what we have seen is that is not happening sufficiently for us to really be able to have confidence that the power is being used correctly. We do have to speculate on what might be driving some of these very, very big differences for certain ethnic groups.

The kind of causal factors, the issue around geography or street availability or crime rates is not something that we have focused on in great depth, although we did do a literature review of some of the kind of research in this area a few years ago. I think it is very complex and we do not see sufficient evidence for example around street availability that would support the rates of disproportionality that you then see in areas. Certainly in our work with the Metropolitan Police Service over the past few years we have not seen the patterns of usage in London reflect necessarily arguments around availability or gang activity, it is too haphazard, if you like, in a pattern. I think what we have to focus on is improving the practice of those forces and those officers on the ground because that is where we will see a much better use of the power based on intelligence, based on reasonable suspicion, and hopefully that will start to drive down these rates of disproportionality.

Roger Evans (AM): OK. We hear a lot of talk about racial profiling being the root of disproportionality. When we talk about racial profiling, are we talking about a policy or a management-led approach or philosophy that needs to change, or are we just talking about decisions made by

individuals, assumptions made by individuals in the front line, which are maybe commonly held, but are not correct?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I think that both are probably right. By racial profiling, one can think about it either in an informal sense, which relates to the point I made earlier that police officers hold generalisations about who is involved in crime, stereotype people, and on hunches will carry out stop and search on the basis of their own sense of who is to be stopped, because there is very wide discretion about what counts as being reasonable suspicion. In a sense that could be defined as racial profiling and there is quite a lot of material from the policing literature that points to this. For instance, a police officer may say something to a researcher like, "We stop black people because nine times out of ten they will have drugs". It is an over-generalisation, it is a falsehood, it guides decision-making. Or when a robbery comes over the radio you are thinking 99% it is a black person because that is what your experience is. Again, it is false and it guides decision-making. But there is some evidence that the way in which intelligence is generated and the way in which intelligence is used points in the direction of a policy of racial profiling.

There was a case on which I wrote an expert witness report about six or seven years ago, it was the case of Smith, it was settled out of court. One of the police officers, a sergeant, said that officers in Camden tend to suspect black people of involvement in drugs offences. He said, "Intelligence suggested that the main suspects for dealing illegal drugs are black males in the area on foot". He then went on to say,

"Anyone acting suspiciously and/or whose appearance resembles, however loosely, that of the suspects flagged by the borough intelligence unit, are more likely to be stopped and spoken to by the police."

Therefore, the intelligence product - as police officers have said here I think - can be of poor quality, it can be self-reinforcing, so the targets of the searches are a particular group, the information comes back that is the group; that then becomes the basis for further targeting in the future. I do think that there is at least some evidence that the idea of race forms part of the way that police officers and their supervising officers are targeting stop and search practices. So, in that sense, yes, racial profiling is, at least some evidence says, a matter of policy.

Roger Evans (AM): That is an interesting statement from Camden, is it not, because I would have thought that saying people need to bear a superficial resemblance to the suspect and are behaving suspiciously actually leaves you a fair bit of latitude to stop whoever you want, does it not?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): It does. I think the idea, to boil it down, that anybody who resembles, however loosely, a young black male can be seen as a target for stop and search, means that the trainee doctor, the young lawyer, the teacher, can find themselves, simply because of their skin colour, to be the target of stop and search. This is precisely against what the Police and Criminal Evidence Act code of practice, it is what it warns against, the use of generalisations, the use of stereotyping, is not sufficient ground to stop somebody and to search them.

I think there is another element to this, which is that I spent a lot of time in my career training police officers. I think police officers often do not understand the impact that stopping somebody and

searching them in a public place has upon them. They think often, "It is a routine practice, if you have nothing to hide, you have nothing to fear, it is very routine, it might take 5 minutes, it might take 10 or 15 minutes, but it is not going to take very long, it is a minimal intrusion". Well to the person who is standing on Camden high street waiting for a bus to get home to their mum, who finds himself being asked questions and ultimately having their pockets or their bag or their vehicle searched, the evidence suggests that people find it intimidating, humiliating, it undermines their confidence and trust in policing. My view is that stop and search is a coercive and intrusive power, which should only ever be used when there are genuine reasonable grounds based on a person's behaviour or a witness statement or some other kind of accurate information. It should not be used as a sort of all-purpose control of the streets tool, which it appears to be in so many instances.

Roger Evans (AM): OK, thank you; that is useful.

Jenny Jones (Chair): I am nervous about wading into racial waters, as it is, but do you think that black and white officers exercise the same sort of racial profiling?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I do not think that we have any evidence on this issue. It has been interesting that a lot of the work, a lot of the research work, there was a kind of a peak in research work looking at these areas, particularly around police culture, up until the 1990s and there really has not been a lot of research work, which has looked at police attitudes, observational work on police officers' conduct and practice. I do not know the answer to that question. I think in the USA the evidence tends to be that black police officers become acculturated into the police mindset and ultimately it is cop first and a black person second. My hunch would be, my hypothesis would be, that the work of organisations like the National Black Police Association, the Black Police Association of London, desensitisation would lead me to think that probably black and ethnic minority police officers are more sensitive to the issues in London, but we do not have any evidence. I think it would be a good piece of research that could and should be carried out.

Jenny Jones (Chair): If you have any students who could do that very quickly let us know; that would be great. We talk all the time about how important it is to be more racially diverse within the Metropolitan Police Service and have more women as well and so on, thinking that this will actually make everybody much more culturally aware, sensitive, and that this sort of racial stereotyping would not happen as often. But if people do get culturalised then it needs actually much more management input.

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): Yes. I think the issue about recruitment, retention, career development, of a diverse police service is good in its own right and it speaks to equality in employment and equality in public service in general, so I would always support the diversification of the police at all levels as good in its own right. The hope that might then produce a more culturally-aware gender-sensitive less-macho less-racist police service is something that we can hope for. There are some indications that, as the police service has become more diverse, the culture has become more conducive to change. However, it seems to me that the first issue is getting the police force to be diverse and then working out how to use that diversity to improve practice.

Jenny Jones (Chair): Thank you.

Joanne McCartney (AM): I just want to pick up something you said to Roger about the intelligence can often be very stereotypical and made on very broad assumptions, so when the Commissioner talks about stop and search moving to more intelligence-led policing, does that give you cause for concern or is it something we should welcome?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): It gives me a certain amount of concern. Intelligence-led policing is a little bit like motherhood and apple pie. I mean what is the alternative? Stupidity-led policing? It can also be a fig leaf to say, "Oh, we have intelligence that this is the case". As I said a moment ago; that intelligence can be weak, it can be flawed, it can serve to reinforce existing stereotypes.

I think that perhaps something more like working on the basis of evidence or intelligence that can be seen as challenged, tested, robust, perhaps has an element of community input. We have had some pretty horrendous intelligence failures in the past decade or so, which in the most extreme cases lead to bloodshed, etc. The use of intelligence in policing is subject to the same kinds of problems that intelligence faces in a military context. I think I am content with the idea that policing should be based on good information, and that could include patterns of offending, but it is more in my mind about a stop and search where somebody makes an allegation that a person is in possession, a member of the public for example makes an allegation that a particular person or a person fitting a particular description has been seen with a weapon, for example. It seems to me perfectly sensible that a police officer should stop that person, talk to them, possibly search them, to confirm or allay their suspicions so that they do not have to go straight to arrest. In that kind of circumstance, I have really no problem with the idea, and that was the original idea behind stop and search, it was an intermediate power. Because, if you remember the Sus laws that people were able to be arrested on suspicion, so the Police and Criminal Evidence Act means that somebody need only be searched on suspicion to confirm or allay their suspicions. The problem is - and you can see this from the relatively low hit rate - that they have become used as a fishing tool, as a speculative, and without robust and sufficient grounds, and that I think is the fundamental problem. I am sure we will go on to talk about the change in the police statistics. The fact that the police in London can reduce the numbers of stops sharply and increase the numbers of people who are being arrested as a result of a stop shows just how much, if you like, slack there is in the system when it comes to defining who actually is behaving in a suspicious manner.

Joanne McCartney (AM): That is a good point. Can I move to Anne now, because I know that you have done regular assessments on the Metropolitan Police Service's performance and in May you published your *Stop and Think Again* assessment and you concluded that it is too early to judge the impact of the Metropolitan Police Service's changes under its new StopIt regime. I was just wondering what were the major factors that you found? Do you have any early indications that things may be changing in the Metropolitan Police Service, or not?

Anna Henry (Equality and Human Rights Commission): We were happy with the direction of travel with the Metropolitan Police Service and I think we want very much to continue that relationship and to continue our sort of oversight of progress. They are obviously the biggest users of stop and search powers and we are concerned around both PACE stops but also section 60, which we published a report on last year.

I think that we were pleased to see a lot of the successful elements of the Next Step programme incorporated into StopIt, so that is a promising sign. I think it is too early to say how much impact that will have and obviously the Metropolitan Police Service has a significant challenge in ensuring that the training is in place, it is effective and it is starting to take effect with officers' practice; that the documentation is there and more importantly the analysis is done. It is very difficult, I totally accept that, looking at the borough-by-borough pattern, but it is very important that happens because only then will they start to see where things are not necessarily going very well.

Some of the other forces we worked with for the same report we saw some good practice but it does show how far things have to go and perhaps how bad things may have been in the past. For example, some of the forces that we have worked with instigated some very good training looking at reasonable suspicion, but when running kind of practices with those officers in the training about decisions they made, giving them scenarios, would they stop this person, would they not stop this person, about half of them were stopping the wrong people. It does show the extent to which training in reasonable suspicion is needed; but what a challenge that might actually be. Other forces, it is easier if you have not such a dense population, but they did track down as an individual officer the rates of stops and they were able to see who was stopping a very large number of people of particular ethnicities, were able to work with those officers and start to see those patterns come down. I would regard that as good practice, but I can see the challenge of conducting that within the Metropolitan Police Service. I do hope that what we can do is start to look at the impact of StopIt and to see whether it is actually making significant change.

Joanne McCartney (AM): That is very useful, you saying about looking at officers' individual records, because I know the Metropolitan Police Service look at when complaints come on officers and once complaints hit a threshold then that is looked at. I do not know whether they do look at the rate of stop and search. Perhaps if I could just ask about the concerns about the current programme that the Metropolitan Police Service has and is training one that you did look at?

Anna Henry (Equality and Human Rights Commission): Yes, I think for us, in terms of StopIt, we would want to see a greater focus on disproportionality and understanding that in relation to the practice of stop and search; I think that is something where the programme could be improved. I think it has to be addressed explicitly within training, for example, around reasonable suspicion, and in terms of the recording of reasonable grounds and the analysis of that. I think it does need to be an explicit objective, otherwise it is not going to get the attention that it needs in order to see change come about.

Joanne McCartney (AM): Professor Bowling, from your knowledge, does good training have a dramatic impact on disproportionality?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I think that depends a lot on the content of the training and also, if you like, what is being conveyed in relation to policy. I think up until very recently senior police officers have been quite content with a 10% or less hit rate in relation to stop and search, section 1 searches, and been content with even lower rates in relation to section 60 and the now defunct section 44. That there was a kind of view - not one that I think is based on evidence - that the more stops you carry out, the more people that you stop, the safer your city; an entirely unsubstantiated claim. So the default then has been to stop and search rather than to say, "Stop and search is a coercive and intrusive power, which has the effect of annoying people; nine

out of ten people you stop are innocent of any crime and therefore you have created a lot of annoyance without achieving anything, and therefore it should be used sparingly”.

So, up until recently, and I do not know where the Metropolitan Police Service got to on this, but stop and search was seen as a sort of performance target, the more stops you do, the better a police officer you are, the better position you are in for promotion, you are seen to be active. I think that clearly then the content of the training needs to be guided around sparing use of stop and search, the impact that it has on the people who are stopped, the law concerning what constitutes reasonable grounds and the consequences of that for police officers. I think that getting the content right is important. I also think that stop and search training that does actually involve young people can be incredibly valuable when young people themselves explain to police officers what it feels like to them to be stopped when they are innocent. One of the most powerful pieces of training I ever witnessed was a role-reversal, role-playing, where police officers are being approached by young people from the community and being asked to stop and to have their pockets turned out. The experience from the point of view of the police officers who were finding themselves the subject of stop and search was an extremely salutary one, and I think that actually creating patterns of communication between police and community is important. However ultimately I think the crucial point is about accountability. So whatever your training, if police officers feel that they can stop and search somebody with impunity, I think it will continue.

Joanne McCartney (AM): Can I ask, I do not know who is best to answer this, in terms of supervision, do you see that the Metropolitan Police Service have that right in terms of supervisors being able to challenge appropriately or are they part of the same culture so do not recognise issues when it is there around you, and particularly if you have any examples of good practice where there is some really good supervision out there?

Anna Henry (Equality and Human Rights Commission): Our work with the Metropolitan Police Service was not at that level of detail, although I think we perhaps should start to examine information at that level of detail. Certainly with some of the other forces, we worked with them far more closely and did see that supervision was a key role. I think leadership at senior level is key for many reasons. I think the role of briefing is essential so that the briefing is very clear in order to support the intelligence-led approach, as we have already heard some of the hazards if that is not done properly, and I think senior-level briefing is important in that. But, yes, absolutely, the supervision and the scrutiny, and I think that for us goes through to the documentation. I think it is absolutely critical that practice is improved in terms of the documentation of stops so that it is par for the course that the intelligence is captured, but also that officers are aware that they need to give grounds and they need to actually document that, so there is less opportunity for stops based on very poor or loose grounds slipping through the net. I think the supervision does have a very important role to play in that process.

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I agree. I think that there is potential for first-line supervisors to make a significant contribution, but I think there is a risk that established sergeants and inspectors can reproduce the old practices and be a barrier to change; that can be a problem. Her Majesty's Inspectorate of Constabulary has been thinking about and writing about the problems of first-line management for a long time. I notice in the most recent HMIC report, which found that nationally about one in four stop forms the grounds were not recorded. I do not know how that reflects for London. That is despite the fact that first-line supervisors

had approved those forms. So I think that there is potential there, but I think also that there is the risk that first-line supervisors can be a barrier to progress.

Roger Evans (AM): I think both of you were here during our first session with the witnesses. There were a couple of things that came out of that I thought were very concerning: one of them was the comment from Estelle du Boulay at Newham who said that in ten years of working on the stop and search she had known many changes in the law and many changes in Metropolitan Police Service policy but that they had not fed through to the front line where the same old practices were carrying on, albeit possibly justified in different ways or under different sections of the law. So the law changes but the practices adapt to find new ways to still go on.

The second thing that concerned me was the evidence that everyone gave about the large number of stops that are not recorded at all. Just in the light of those two pieces of information, how reliable do you think the evidence that any of us can use to form conclusions about this actually is? Because it seems to me that it is pretty contaminated, right from the point of where it has been collected, through to where you draw conclusions from it.

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): Yes. I think there is an old adage, I guess it is everywhere, but certainly in policing, "What gets measured gets done". If you are briefed to carry out as many stops and searches as possible then you can expect the numbers to rise; if stop and search is seen as something that is annoying people and you have civil actions against the police, you have people in the newspapers making complaints, you have the direction of travel, for example the Home Secretary is saying that it is unacceptable practice, then I think you can expect to see the numbers of stops going down.

How that is achieved though is the question that you are speaking to. I am a researcher, I am an academic, I would like to see good street-level evidence, which monitors practice from a research point of view. I think the possibility that the reductions in stop and search or the increases in hit rates are an artefact of the way that recording is being carried out is a risk and it is potentially highly problematic. There are ways, I mean British Crime Survey, the Metropolitan Police Service carries out its own surveys, which ask about contact with the police, which is unaffected, if you like, by police recording practices. The Metropolitan Police Service's strategic intelligence unit might be able to shed some light on whether Londoners are experiencing a less frequent use of the power or whether they are experiencing the grounds to be more legitimate and so on. I think the question needs to be held open, absolutely, more information needed there.

Roger Evans (AM): It is interesting; this slightly overflows into some good work that the Budget and Performance Committee did recently about the police's use of technology, but maybe in ten years' time we will look back in shock at the fact that we were still in the business of tearing off slips and giving them to people and writing up encounters in handwriting. Even parking wardens these days have an electronic system to record what is happening. Is that something that would be possibly an improvement here?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): There is a sort of fetish about technology and that the technological fix will resolve the problem. I am not entirely convinced.

Roger Evans (AM): I am not claiming it will resolve the problem, I am just claiming it would give us more accurate data to work on than the incredibly subjective situation we are working with at the moment.

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College):

Ultimately it is about a police officer making a decision to record, so whether that is recorded on a slip of paper or whether it is recorded on a palmtop computer (PDA) or by some other means, instinctively I do not think that is going to provide a solution to the problem of good information. I think you are more likely to get good information by ensuring that surveys of Londoners are carried out regularly and that there is good research on what happens on the front line and in relation to frontline supervision.

Anna Henry (Equality and Human Rights Commission): I would agree and I think that the practice of stops has to be what is focused on and what is improved. I think absolutely we need better documentation and we need reliable documentation, and the danger of focusing on driving down rates does give us concern about how that is being documented and we do not want the focus to be purely on driving down disproportionate rates, it should be on the quality of those stops; that they should be driven by a need to stop someone and not by any other reason. Officers need to understand what that constitutes because therein you get good policing and what should be an outcome of that is an adherence to the proper documentation. I would be concerned by too much of a focus on just one of those things, when really it is about really understanding what the power is there to use and what is proportionate and - to use the phrase - intelligent-led use of that power.

Roger Evans (AM): An electronic system would, for example, mean that all those forms, which were approved by first-line supervisors, without being completed properly, would be taken out of the system because you would not be able to complete them properly in the first place.

Anna Henry (Equality and Human Rights Commission): I do think that electronic systems can start to help. I think anything that is going to make it more straightforward should be used, absolutely, but it is important that the quality of the stop itself is also given attention.

Roger Evans (AM): Sure, that is the ultimate aim, yes.

Jenny Jones (Chair): I was out with a Safer Neighbourhood Team recently and they used a mix of forms and PDA and they did seem to like the PDAs because it actually means less work; that they do not have to go back to the station and then feed it all in and it is probably a little bit more accurate perhaps.

Roger Evans (AM): It also means you do not have the excuse of saying, "I am in a hurry so I do not want to write out a piece of paper."

Jenny Jones (Chair): True. Ben, you said something about how stop and search has been reduced and the arrest rate has gone up and it just demonstrates how much slack there was in the system - I think that is the word you used - and for me it is a complete waste of time if you have all these officers doing this tactic and then there is no real outcome from it. I just wonder how much you think the police use stop and search, because they do not have anything else they think is as good?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): If we were to restrict stop and search only to those instances where there is compelling grounds, then the speculative stop and searches --- those that are done to collect intelligence or to break up groups of young people or frankly harass young people, all because a police officer feels that there is something wrong and something needs to be done, and what is to be done? "Well I have the power to stop and search somebody." I think that is a plausible explanation for why the power is overused. I think it is also a plausible explanation for why it is used in relation to such frankly trivial kinds of offences. So drug stops where it is really the kind of picking of low-hanging fruit. Whatever one's view of young people for example smoking cannabis in public places, in relation to the priorities of London, in relation to keeping our city safe, the idea that a police officer should use a valuable resource, their time, to focus on that, when you look at the so-called drug seizures in terms of the national statistics, the overwhelming majority of drug seizures are cannabis under a gram, it is the smallest of small fry.

I think that it is worse than a waste of time because each time somebody is stopped and they are innocent of an offence, they are being stopped and it becomes an irritation or a humiliation. That is undermining confidence and trust upon which policing by consent is based; it undermines policing, it undermines community, and it ultimately in my view undermines safety, so it is worse than useless. It is actually counterproductive and has the risk of bringing into being, for example, disorder, antisocial behaviour, it has the risk of bringing those into being, which to me is perverse, it is having the effect of creating the things that it is supposed to be reducing.

Jenny Jones (Chair): Does your commission actually recommend or have in its armoury any other options for the Metropolitan Police Service other than stop and search? I mean we heard from our earlier guests that better community relations should be a tactic that should take a fair amount of their time?

Anna Henry (Equality and Human Rights Commission): Our work has really focused on the disproportionate use of this power, to be honest, rather than necessarily look at alternatives, and I think we would not necessarily question it as one power that the police should have as long as they use it proportionately and in a way that does not damage community relations.

We looked in a very limited way with the Metropolitan Police Service at the use of stop and account as an alternative to stop and search but not in any great depth and I think it is something that I think is worth the Metropolitan Police Service being equally aware of and to be aware of the rates of usage of that. It is not necessarily so intrusive, it could be possibly used in certain situations where they do need to be speaking to people on the street, but I will just say it is not something we have done in great depth.

Jenny Jones (Chair): Thank you, that is helpful.

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): If I could just pick up on that point about alternatives in terms of the management of the relationship, the communication between constable and citizen, I think this is absolutely crucial. The police service, some decade or so ago, had processes that they called things like "conversation management", there was the so-called PEACE programme, which was a way of thinking about how do you relate to people in interviewing more generally. So there was the mnemonic, it was Prepare, Engage and Explain, Account,

Closure and Evaluate. Think about why you might be stopping somebody to speak to them in the first place. Think about how you might collect some kind of information from them, which might allay your suspicions beforehand. I think treating people as citizens, irrespective of whatever their age is, rather than suspects, engaging people as potential witnesses to crime, people who might be victims of crime, who might have some information.

I have heard over and over again from young people, "A police officer approached me and rather than asking me, 'Have you seen anything; do you feel safe; do you have any information for us; is there anything that we can do to help?' I am being treated immediately as a suspect, and that has the effect of making me feel like a suspect rather than somebody who could be a legitimate member of the travelling public, a witness or a victim of crime in the future, why should I be treated as a suspect?" I think that is a really crucial question.

Jenny Jones (Chair): Injustice, it annoys us all.

Joanne McCartney (AM): I just wanted to pick up a little bit about other forms; we have stop and search and PACE, you then talked about stop and account, and the figures from the last two years from the Metropolitan Police Service are quite striking on section 60 searches whereas the year to April 2012 there were over 37,000 section 60s and then this last year to April 2013 it had gone down by over 90% to just 3,200. We have also heard earlier about concerns about the recording of stops from vehicles as well. Just asking, the changes that the Metropolitan Police Service are making in stop and search, they are obviously doing something with section 60s, but what should we as a Committee, and what should the Metropolitan Police Service be doing, to looking at stopping across the board at the various different powers?

Professor Ben Bowling (Professor of Criminology and Criminal Justice, King's College): I think that then there is obviously the issue about recording and I think the concerns that have been expressed about the validation of the data by earlier witnesses is really important and that needs to be explored and bottomed out. If we start from the assumption - the questionable assumption, but an assumption nonetheless - that the figures are a reflection to some extent of practice, then my own view is that they are to be welcomed. I think for me this is at least partly a spill-over from the controversy about section 44 of the Terrorism Act ruled by the European Court of Human Rights as unlawful because it had too few circumscriptions and was not properly regulated, there were no proper systems of accountability, it was too wide a power, and the authorisations were too great and too wide. Once that had been abolished and section 44 stopped being used effectively, section 47A, which was produced as an alternative, to my understanding there has been no authorisations, it has not been used yet, I think that senior police officers must have looked at that ruling and thought, "Well, actually, section 60 has the same kind of problem that it is also extremely wide and lacks accountability", so my hunch is that, anxious about the possibility of a legal challenge to the use of section 60 and also concerned about its impact on the community without producing any great effect, the risk then is that there is sort of mission creep and that section 1 is used instead of section 60.

However, the indications at least on the basis of the police recorded data are that there is a greater caution in the use of the power and I think that, if that is an indication of practice, then it is to be welcomed, it needs to be validated, and I think needs to be pressed further. My own view is that section 60, which allows a suspicionless search, should not be permitted. The original idea was for the

power to be used to prevent people taking knives into football grounds. Now I do not have a problem with everybody being searched going into a confined space, I mean I am not getting on a plane unless everyone has been through a metal detector; I do not have a problem with that and metal detector, a knife arch for everybody. However, the idea that a power can be used to stop people without suspicion at random, or on the basis of stereotypes, on the street, I think it is not consistent with the rule of law; it is not consistent with our understandings of liberty. If section 60 cannot be more narrowly used, it should be repealed, it should not be used at all, in my view, and section 1 of PACE, the police service from the top down needs to be instructed that the stops on the basis of stereotype will no longer be tolerated; that its use must be narrowed; and that all efforts should be directed to reducing its negative impact on I think minority communities and on marginal communities more generally.

Anna Henry (Equality and Human Rights Commission): I appreciate the rates of use of section 60 stops have come down with the Metropolitan Police Service but they are still one of the biggest users, if not the biggest user, of it. For us, the excess rate, as we describe it, so the numbers of people from I think minority communities who are being stopped in addition to what they would have experienced had it been completely equal in its use is really still very significant. Section 60, as has been described, is a much more open power and we do have the same concerns really about the fact that there is no need for reasonable suspicion once it has been authorised. For us it is very much a qualitative issue, we have seen the rates come down, but it is about the quality of those stops that are being conducted. I think there is a real role for scrutiny in the use of section 60 because in the research that we did last year, where we used Freedom of Information (FOI) in order to ascertain the ways in which section 60 was being used and documented, did show that there is not sufficient evidence that it is being documented why it is being used and that can then explain how it is then used in terms of the types of people that are being stopped and there does need to be that justification and a recognition that it has to be documented.

Joanne McCartney (AM): OK, that's very helpful, thank you.

Jenny Jones (Chair): It is very helpful. You have thrown up some areas of interest for us. When we next meet the Commissioner we can ask him some searching questions on these issues. Thank you so much for coming and giving your time; we are very grateful, and we will send you a copy of our final report.