

# LONDON ASSEMBLY

## Stop and search

Police and Crime Committee

### Introduction

The Mayor has set the Metropolitan Police Service (MPS) a target to increase public confidence by 20 per cent by 2016. To achieve this, the MPS will need to focus on groups which currently have the lowest confidence in the police.<sup>1</sup>

Black, Asian and minority ethnic (BAME) communities traditionally report lower confidence in the police, with a satisfaction gap between BME people and white users.<sup>2</sup> People of Black Caribbean or African descent report the lowest confidence.<sup>3</sup> Some commentators put this down to long-standing difficulties in relations.<sup>4</sup>

Young people also appear less satisfied with the police. The police are less favourably rated by people aged 16-24.<sup>5</sup> Attitudes formed in childhood about the police matter because they will exert a lasting impact on adult judgments of the police.<sup>6</sup>

The police's use of stop and search is a key factor affecting the police's relationship with both BAME communities and young people.<sup>7</sup> While there is significant debate about the use of stop and search, public concerns – be they real or perceived – matter. The Police and Crime Committee has heard that the quality of encounters with the police is the most important driver of police legitimacy. This affects people's willingness to cooperate with the police and the police's ability to do their job.

The Committee will investigate recent commitments by MPS leadership to change its use of stop and search. It will assess extent to which the new approach is improving affected Londoners' experiences of and attitudes to stop and search, which may ultimately determine the MPS's ability to meet the Mayor's public confidence target.

### Purpose of the investigation

*The investigation's terms of reference are:*

- To assess the policing implications of the MPS's new approach to stop and search including examining performance figures.
- To examine whether the new policy is leading to any changes in the quality of stop and search encounters.
- To find out if the new approach is changing perceptions of stop and search.
- To investigate how the police are made accountable for their use of stop and search.

The aim of this investigation is to examine in detail the impact the MPS's revised corporate focus is having. The Committee intends to provide an independent assessment of how well the MPS's new approach is working and highlight any areas where further improvements need to be made.

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### Background – stop and search powers

#### *The history of stop and search powers*

The MPS was given general powers to stop and search in the Metropolitan Police Act 1839. The Vagrancy Act 1824 also contained an offence of loitering which applied to any “suspected person or reputed thief”.<sup>8</sup> Other national powers have been introduced over time and the Vagrancy Act provisions were repealed following criticism that they played a part in the Brixton riots of 1981.<sup>9</sup>

#### *Current stop and search powers*

The main powers to stop and search available to the police are:

- Firearms Act 1968, section 47: searches for firearms.
- Misuse of Drugs Act 1971, section 23: searches for controlled drugs.
- Police and Criminal Evidence Act 1984 (PACE), section 1: searches for stolen goods, offensive weapons or articles intended for destroying or damaging property.
- Terrorism Act 2000, section 43: searches for anything which may constitute evidence that the person is a terrorist.

The above powers require ‘reasonable suspicion’. In some circumstances, senior officers can authorise searches that do

not require reasonable suspicion. It is searches under these powers that have been particularly controversial:

- Criminal Justice and Public Order Act 1994, section 60: searches for weapons within a locality authorised for a period of 24 hours.
- Terrorism Act 2000, section 47a : Searches for evidence of terrorism within a locality because there is a reasonable suspicion that an act of terrorism will take place (approved by the Home Secretary).

The police also have a power to require people to ‘stop and account’. This allows officers to stop an individual and request that they ‘account’ for themselves, including questions of where they have been or what they are doing.

#### *The value of stop and search*

The police believe that stop and search powers are necessary “to tackle the problems facing our communities”.<sup>10</sup> In general, the public are shown to agree with this and understand the need for the tactic.<sup>11</sup> The MPS believes it is “an important policing tactic and a deterrent to crime”. Arrest figures show it is an important tool in London: 18 per cent of all arrests by the MPS are made as a result of a stop and search.<sup>12</sup>

However, critics debate its effectiveness as a police tactic, pointing to low detection rates as evidence that it is not an effective use of resources. Home Office figures show that in

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2010/11 in England and Wales nine per cent of stop and searches led to an arrest. There are wide variations between types of searches: only 0.7 per cent of section 47 searches (which do not require reasonable suspicion) led to an arrest in 2010/11 while 12 per cent under suspicion of possessing stolen property (under PACE section 1) led to an arrest.<sup>13</sup>

The police argue that the use of stop and search 'disrupts and deters criminal activity, rather than simply detecting it'.<sup>14</sup> However, a Home Office study estimated that searches reduce the number of disruptable crimes by just 0.2 per cent.<sup>15</sup> Other research shows there is no strong and consistent correlation between searches and crime levels a month later.<sup>16</sup>

There is also an ongoing debate about the fairness of stop and search. In 2010, the European Court of Human Rights decided that stop and search powers in the Terrorism Act 2000 (then section 44) violated the European Convention on Human Rights. As a result, the amended powers (now section 47a) have tighter safeguards, such as a shorter authorisation period and tighter geographical restrictions.

Perhaps the most significant debate regarding stop and search relates to the disproportionate use of these powers on BAME people. Numerous studies have examined this issue but among the most comprehensive was analysis by the Equality and Human Rights Commission (EHRC) published in 2010, which concluded that "the evidence indicates that PACE may be

being used in a discriminatory and unlawful manner". It found that black people were at least six times as likely to be stopped and searched in England and Wales as a white person and Asian people around twice as likely.<sup>17</sup>

More recent research by Oxford University found that BAME people in Britain were subjected to nearly one-and-a-half million more stop and searches between 1999 and 2010 than if the police had treated them the same as white people.<sup>18</sup>

The EHRC research also scrutinised many of the arguments put forward as explanations of the racial differences in the use of stop and search. It concluded that "even taken together, they provide no justification for the extent and persistence of the problem".<sup>19</sup>

Stop and search is overwhelmingly an issue affecting young people. Of the 28,300 searches conducted in February 2013 (excluding S60 searches) more than 60 per cent were conducted on people under the age of 25, with nearly 40 per cent on people aged 18 to 24. A handful of searches are conducted on children under the age of 10.<sup>20</sup>

The Committee has been warned that there is a significant legacy regarding stop and search to be overcome. Deep-seated concerns about fairness and disproportionality mean that minor improvements in performance are unlikely to lead to a significant change in public attitudes to the powers.<sup>21</sup>

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#### *Public experiences of stop and search*

The quality of a stop and search encounter and perceptions of fairness are important. The Committee has previously heard that the quality of contact between the police and the public is the most important factor in determining police legitimacy.<sup>22</sup> Experts have also said that poor quality contact badly depresses public confidence.

Yet anecdotes reported to the Committee suggest there continues to be poor practice by police officers during stop and search.<sup>23</sup> Even assuming these incidents are isolated and rare, one person's experience can be widely reported and affect a community's views.

Recent work with young people by the Young Foundation developed a set of principles to inform stop and search that attempt to tackle young people's concerns.<sup>24</sup> It focuses on respect, consideration and transparency and demonstrates that in many current experiences these features are lacking.

Research also shows that poor quality encounters are less likely to lead to compliance. A US study found that fair treatment leads to greater compliance with police requests, while coercive tactics (such as threats, force, commands) were related to defiance.<sup>25</sup>

#### **Background - stop and search in London**

The use of stop and search has a particularly contentious history in London. Lord Scarman's investigation of the 1981 Brixton Riots found that the law regarding stop and search powers was "a mess"<sup>26</sup> and among his recommendations was the need to improve community consultation through statutory liaison committees.<sup>27</sup> In 1999, the Macpherson inquiry – which was established following the murder of Stephen Lawrence and concluded that the MPS was 'institutionally racist' – revealed the disproportionate use of stop and search on black and Asian people. Some 30 years after the Brixton riots, an investigation of the August riots in 2011 found that a key factor was discontent with the police's use of stop and search.<sup>28</sup>

#### *MPS use of stop and search*

The MPS uses stop and search powers more than any other force. In 2011/12, 43 per cent of all stop and searches carried out in England and Wales were conducted by the MPS.<sup>29</sup> The large number of searches carried out in London is not simply accounted for by the capital's large population: each year there are 22 stop and searches per 1,000 people in England and Wales, but 60 per 1,000 in London.<sup>30</sup>

The likelihood of being searched increases further still for BAME people. Although disproportionality in stop and search rates is lower in London than the national average, black and Asian people are significantly more likely to be searched in

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London than white people.<sup>31</sup> Stop and search rates in the last year were 121 per 1,000 for black people, 62 per 1,000 for Asian people and 32 per 1,000 for white people.<sup>32</sup>

#### *A new approach in the MPS*

On his appointment, Commissioner Sir Bernard Hogan-Howe introduced a new approach by the MPS leadership to stop and search. The MPS states that:

*“MPS Commissioner Bernard Hogan-Howe has set a clear vision for stop and search: to achieve the highest level of trust and confidence in the police’s use of stop and search as a tactic for keeping our streets safe.”<sup>33</sup>*

The Commissioner has said he wants to focus on tackling serious violence and that the power is “used in a more intelligence-led and targeted way”.<sup>34</sup> The MPS has developed new targets to measure progress against some of the most common criticisms of the use of stop and search:<sup>35</sup>

- A 50 per cent reduction in 'section 60' authorisations and an increase in the intelligence threshold required to approve this power.
- A 20 per cent ‘positive outcome’ rate, meaning more arrests arising from searches.<sup>36</sup>
- More weapons sought to help prevent violent crime, with 20 per cent of all searches to be for weapons.<sup>37</sup>

- A 50 per cent reduction in the number of “failed searches” for drugs.

MPS internal reporting suggests that the new approach is leading to changes in the use of stop and search and some progress in meeting these targets:<sup>38</sup>

- There has been a 30 per cent reduction in the overall volume of searches in the last year compared to the previous 12 months (from 503,000 to 355,600).
- The volume of section 60 searches has reduced by over 90 per cent from 37,100 in the year to April 2012 to 3,235 in the year to April 2013. The number of section 60 authorisations easily exceeded the 50 per cent reduction target: only three approvals were made in April 2013, compared to 95 in January 2012.
- The outcome rate is improving, at 21 per cent for the year to April 2013 (in comparison to 15 per cent in the previous year).
- The proportion of negative drugs searches has fallen by 28 per cent in the 12 months to April 2013, from 212,700 to 153,900.

While these headlines indicate encouraging progress against corporate targets, it is less clear what impact this new approach is having on policing outcomes. The Committee will seek to understand how the changes are affecting the police’s ability

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to prevent, disrupt and solve crimes and respond to anti-social behaviour, given the changes to an important policing tactic.

There are also variations in the extent to which the targets are being met by different teams and boroughs within London. In April 2013, 16 of 33 borough command units met or exceeded the 20 per cent positive outcome target. However, in Sutton, the positive outcome was well below target at only eight per cent and only a small number appear to be consistently reaching this target.<sup>39</sup> While overall the number of S60 authorisations has fallen significantly, it remains an issue in particular boroughs; in the year to April 2013, there were 12 authorisations in Hackney, out of a total across London of only 58 (20 per cent). This could suggest that your experience of stop and search will vary according to where you live, work or study in London. The Committee will seek to understand how approaches vary within London and whether this is borne out in local experiences.

The investigation will also consider whether the changes are having any impact on community perceptions. The quality of stop and search has been frequently cited as a determinant of police legitimacy. This was a fundamental driver behind the MPS deciding to tackle community concerns; if these changes are not leading to improvements their value could be contested.

### How the Committee will conduct the investigation

#### *Key questions the Committee will seek to answer*

- Do the MPS's headline targets address the issues that matter?
- How are the new strategic approach and targets affecting police tactics? What impact is this having on crime fighting?
- Why does performance vary across London boroughs? What does good practice look like?
- What training do officers receive regarding stop and search and to what extent does it focus on public perceptions and experiences?
- How well does the complaints process work for the public and the police?
- Is the new approach having any impact on the quality of encounters? How are officers being held to account for their use of the powers?
- Is the renewed policy having any impact on the views of the community?

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- What impact will changes to community engagement and monitoring structures have on public attitudes to stop and search?<sup>40</sup>

#### *Public meetings*

The Committee will invite a range of witnesses to explore different views of stop and search as a tactic and progress being made by the MPS to address public concerns about its use. Witnesses are likely to include:

- Senior MPS representatives
- The Deputy Mayor for Policing and Crime and Cllr Duwayne Brooks, his 'critical friend' on stop and search
- BAME and other organisations expert in the community impact of stop and search
- Representatives of previous or existing stop and search monitoring arrangements

#### *Focus groups*

The Committee will consider commissioning focus groups to understand experiences of and attitudes to stop and search. Through this work the Committee would look to engage with people from areas where stop and search is used most often.

#### *Statistical analysis*

The Committee will make use of publically available MPS data to analyse how the use of stop and search is changing. The Committee will also look to identify whether there is additional data that should be collected or published. The MPS currently publishes data showing:

- Volume data over a range of search types, including section 60 authorisations
- Outcome rate, including those arrested
- Reason for search, including percentage of weapon searches
- Ethnicity and age of those searched and those subsequently arrested
- Data quality (i.e. where recording does not meet standards)

#### *Site visits*

The Committee will seek opportunities for site visits to understand when and why the MPS uses stop and search and observe its impact.

#### *Literature review*

The Committee will make use of existing research in to stop and search. This will include consideration of previous

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statistical analysis for comparison and to understand the history of stop and search. The Committee will seek to avoid duplication by reviewing, and where possible making use of, findings from previous work with young people about stop and search. The Committee will also seek to engage borough stop and search monitoring groups and make use of their work.

### How to contribute

The Committee welcomes written views and information to inform its review by 14 September 2013. Submissions should aim to address some or all of the questions listed above. Please send submissions to Claire Hamilton at [claire.hamilton@london.gov.uk](mailto:claire.hamilton@london.gov.uk).

### About the Committee

The Police and Crime Committee examines the work of the Mayor's Office for Policing and Crime (MOPAC) and reviews the Police and Crime Plan for London. The Committee can also investigate anything which it considers to be of importance to policing and crime reduction in Greater London and make recommendations for improvements.

For further information about the Committee and its work go to <http://www.london.gov.uk/who-runs-london/assembly>

### End notes

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<sup>1</sup> Police and Crime Committee response to the draft Police and Crime Plan for 2013-2017, London Assembly, March 2013

<sup>2</sup> *Commissioner's Annual Report 2011/12*, MPS, 2012 reports a satisfaction gap between BME people (73.5 per cent) and white users (77.5 per cent).

<sup>3</sup> In Crime Survey for England and Wales 2011/12, Office for National Statistics, people of Black Caribbean or African descent reported satisfaction of 65 per cent.

<sup>4</sup> In *The Stephen Lawrence Inquiry 10 years on*, The Runnymede Trust found that stop and search and the legacy of the Stephen Lawrence investigation were continuing to hold back public confidence in the police amongst the black community

<sup>5</sup> 59 per cent of people aged 16- 24 said the police do a good or excellent job. Similarly, only 55 per cent of children aged 10-15 felt that police treat young people the same as adults. *Focus on: Public perceptions of policing, findings from the 2011/12 Crime Survey for England and Wales*, ONS, 2012

<sup>6</sup> Building police-youth relationships: the importance of procedural justice, Lyn Hinds in *Youth Justice*, Vol. 7(3) p195-209, 2007

<sup>7</sup> The Home Affairs Select Committee, for example, stated in its 2007 report *Young Black People and the Criminal Justice System* that stop and search has been a "central historical flashpoint in relations between black people and the police".

<sup>8</sup> *Police Stop and Search Powers Standard Note SN/HA/3878*, House of Commons Library, May 2012

<sup>9</sup> The summary of the main stop and search powers is adapted from information provided in *The Briefing: stop and search*, The Police Foundation, March 2012

<sup>10</sup> *ACPO response to Home Secretary request to identify stop and search best practice*, ACPO press centre, 15 December 2011

<sup>11</sup> *The Views of the Public on Stops and Searches*, Home Office, 2000

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<sup>12</sup> By comparison, nationally stop and searches account for nine per cent of arrests. *Police Stop and Search Powers Standard Note SN/HA/3878*, House of Commons Library, May 2012

<sup>13</sup> *The Briefing: stop and search*, The Police Foundation, March 2012

<sup>14</sup> *The Briefing: stop and search*, The Police Foundation, March 2012

<sup>15</sup> Cited in *Police Stop and Search Powers Standard Note SN/HA/3878*, House of Commons Library, May 2012

<sup>16</sup> Penzer, cited in *Police Stop and Search Powers Standard Note SN/HA/3878*, House of Commons Library, May 2012

<sup>17</sup> *Stop and think: a critical review of the use of stop and search powers in England and Wales*, Equality and Human Rights Commission, 2010

<sup>18</sup> Minorities stopped disproportionately in decade after Macpherson report, *The Guardian*, 22 April 2013

<sup>19</sup> *Stop and think: a critical review of the use of stop and search powers in England and Wales*, Equality and Human Rights Commission, 2010

<sup>20</sup> Taken from Stop and Search monitoring mechanism (page 12), MPS and MOPAC, February 2013. Up-to-date data can be accessed at: [www.met.police.uk/foi/units/stop\\_and\\_search.htm](http://www.met.police.uk/foi/units/stop_and_search.htm)

<sup>22</sup> See comments by Mike Hough at the Police and Crime Committee on 17 January 2013.

<sup>23</sup> For example, experiences described by young people at a GLA peer outreach team meeting that formed part of the Committee's investigation into the Mayor's draft Police and Crime Plan.

<sup>24</sup> Let's talk about Stop and Search, the Young Foundation, March 2013

<sup>25</sup> *Policing by consent: topline results from Round 5 of the European Social Survey*, Jackson et al, October 2012

<sup>26</sup> Cited in *Police Stop and Search Powers Standard Note SN/HA/3878*, House of Commons Library, May 2012

<sup>27</sup> *The Briefing: stop and search*, The Police Foundation, March 2012

<sup>28</sup> [Reading the Riots: 'Humiliating' stop and search a key factor in anger towards police](#), *The Guardian*, 6 December 2011

<sup>29</sup> Of 1,184,500 searches in England and Wales in 2011/12, 510,700 were conducted by the MPS. Figures from Stops and searches tables: police powers and procedures 2010/11, Home Office, April 2012

<sup>30</sup> *Stop and think: a critical review of the use of stop and search powers in England and Wales*, Equality and Human Rights Commission, 2010

<sup>31</sup> Disproportionality is the term used to explain the difference in the number of searches made on different groups.

Disproportionality is calculated from stop and search data and population estimates. For example, the black-white disproportionality ratio is defined as: the black stop and search rate per 1,000 divided by the white stop and search rate per 1,000. The disproportionality ratio depends on the relative number of black and white stops and searches as well as on the relative sizes of the white and black populations.

London's 'disproportionality ratio is relatively low at 4.1 for black people and 1.5 for Asian people, in comparison to a national average of 7.6 and 2.3 respectively.

<sup>32</sup> Taken from Stop and Search monitoring mechanism (page 14), MPS and MOPAC, March 2013. Up-to-date data can be accessed at: [www.met.police.uk/foi/units/stop\\_and\\_search.htm](http://www.met.police.uk/foi/units/stop_and_search.htm)

These rates compare the number of searches per 1,000 head of population (using 2001 Census data) between April 2012 and March 2013. This data excludes searches carried out under S60. The figures quoted in the text have been rounded and report ethnic appearance as recorded by the officer: the rates for self-defined ethnicity are 125 per 1,000 for black people, 64 per 1,000 for Asian people and 32 per 1,000 for white people.

<sup>33</sup> Taken from the MPS website, [Stop and Search](#), accessed 23 April 2013

<sup>34</sup> Commissioner Sir Bernard Hogan-Howe, speaking at the Metropolitan Police Authority, 12 January 2012

<sup>35</sup> The specific targets are taken from the MPS's monthly STOP IT KPI summary. These can be accessed at: [www.met.police.uk/foi/units/stop\\_and\\_search.htm](http://www.met.police.uk/foi/units/stop_and_search.htm)

<sup>36</sup> A positive outcome is either an arrest or cannabis warning/ penalty notice for disorder.

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<sup>37</sup> Weapons searches are those conducted under Section 47 of the Firearms Act, Section 1 of Police and Criminal Evidence Act, Section 139 of the Criminal Justice Act, together with those conducted under Section 60.

<sup>38</sup> Taken from monthly STOP IT KPI summary, February 2013. Figures have been rounded.

<sup>39</sup> Taken from monthly STOP IT KPI summary, April 2013.

Barking and Dagenham, Brent, Hackney, Heathrow, Hillingdon and Merton have consistently met the 20 per cent target in 2013.

<sup>40</sup> MOPAC is in the process of reviewing its community engagement structures. Some boroughs currently have stop and search monitoring groups. Their responsibilities are expected to be subsumed into new Safer Neighbourhood Boards, although the proposals are still under development.

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