



BRIEFING PAPER

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Police stop and search powers

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2. 2014 reforms
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4. How effective is stop and search at reducing crime?



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Summary

The information in this briefing relates to England and Wales only

This paper forms part of a series of Library briefings about police powers. An introduction to police powers and a links to other relevant briefings can be found in [Introduction to police powers](#).

The police have a variety of legislative powers to stop and search individuals. Most stop and search powers require officers to have 'reasonable grounds' to suspect the individual has a prohibited item. However, in certain specific circumstances police officers may be able to search individuals without 'reasonable grounds' (these searches are sometimes known as 'no suspicion' searches).

A stop and search must be carried out on the basis of a specific power set out in legislation. Each time a police officer conducts a stop and search they should be able to demonstrate that they used the right power and complied with the relevant guidance.

Controversy

Stop and search is a highly controversial police power because:

- Academic evidence suggests that **the use of stop and search has only a marginal impact on crime reduction**.
- Black, Asian and Minority Ethnic (BME) individuals are subject to a disproportionate number of searches. **Black people were ten times more likely to be searched than white people in 2018/19**. Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) said in 2017 that many police forces are "unable to explain why" black people are searched more often than white people. The Equality and Human Rights Commission (EHRC) concluded in 2010 that the "evidence points to racial discrimination being a significant reason" for the disparity.¹
- There is evidence that **the disproportionate use of stop and search powers against BME individuals is damaging to police community relations**. Some argue that any potential benefits in crime reduction associated with stop and search are likely to be outweighed by negative impacts on police community relations.²
- Inspections of police forces and police complaints investigations have repeatedly identified some poor practice and noncompliance with guidance within police forces.³ Case law has established that **when stop and search is not conducted in line with legislation and guidance it can be rendered incompatible with human rights legislation**.⁴

Recent history of stop and search

The use of stop and search has reduced dramatically in recent years. This fall is largely the result of reforms introduced by former Home Secretary Theresa May. However, more recently the Government has been supportive of an increase in use of stop and search as an important part of the response to serious violent crime.

¹ HMICFRS, [PEEL: Police legitimacy 2017- A national overview](#), December 2017, p31 & EHRC, [Stop and think: A critical review of the use of stop and search powers in England and Wales](#), p58

² EHRC, [Stop and think: A critical review of the use of stop and search powers in England and Wales](#), p56

³ HMICFRS, [Stop and search inspections](#) [last accessed 7 August 2019] & IOPC, [The Learning Lessons: Stop and search: Issue 33](#), November 2018

⁴ See: [R, v Bristol](#). [2007] EWCA Crim 3214 (04 December 2007) and [2015] UKSC 79

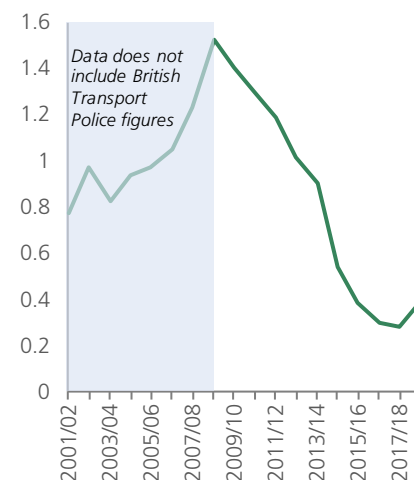
2014 reforms: A drive to improve standards

The number of stop and searches conducted annually reached a recent peak of around 1.5 million in 2009/10.⁵ In the late 2000s and early 2010s there was concern that stop and search was being over-used and that this was having a detrimental impact on effective community policing.

HMICFRS published a highly critical report: [Stop and Search Powers: Are the police using them effectively and fairly?](#) in 2013. HMICFRS examined over 8,700 searches and found that 27% were conducted without sufficient grounds to justify them. HMICFRS were critical of police leaders for having a poor understanding of the effective use of stop and search.

Following the publication of the report, Theresa May introduced a package of reforms designed to “contribute to a significant reduction in the overall use of stop-and-search.”⁶ These reforms required police forces to do more to monitor and scrutinise their use of the powers. The reforms also introduced new training standards and guidance (some of which was voluntary) designed to promote best practice.

Stop and searches in England and Wales
Millions



2019 changes: Encouraging forces to use stop and search more frequently

In February 2019, the Theresa May Government announced changes designed to make it easier for the police forces worst effected by violent crime to use their stop and search powers.⁷ These changes relaxed voluntary guidance introduced by Mrs May when she was Home Secretary to promote the ‘best use of stop and search’. In August 2019, following the appointment of Boris Johnson as Prime Minister, the new Government announced that these changes would be extended across all 43 police forces in England and Wales.⁸

National statistics show an increase in the use of stop and search across England & Wales of 36% between 2017/18 and 2018/19.⁹ However, the use of stop and search is uneven throughout the country. Almost three quarters of all stop and searches are conducted by the ten police forces who use the powers the most. These forces police urban areas and areas surrounding cities.

⁵ Home Office, [National Statistics: Police powers and procedures, England and Wales, year ending 31 March 2018](#), Stop and search statistics data tables, table SS.01, October 2018. **Note:** This figure does not include data from the British Transport Police.

⁶ HCDeb, [Stop-and search](#), 30 April 2014, c833

⁷ Home Office, [Greater powers for police to use stop and search to tackle violent crime](#), 31 March 2019

⁸ Home Office, [Government lifts emergency stop and search restrictions](#), 11 August 2019

⁹ Home Office, [Police powers and procedures, England and Wales, year ending 31 March 2019](#), October 2019, table SS.01

1. Powers

The police have a variety of powers to stop and search individuals. An officer carrying out a stop and search must do so on the basis of a specific power set out in legislation. They should be able to demonstrate that they used the right power for the particular circumstances of the search.

1.1 Types of stop and search

There are two types of stop and search powers:

- search powers which require officers to have **'reasonable grounds'**; and,
- search powers which do not; those sometimes known as **'no suspicion'** searches.

The Home Office has published statutory guidance to officers on the use of their stop and search powers in [PACE Code A](#). This code is published under the *Police and Criminal Evidence Act 1984* (PACE) and covers all stop and search powers.¹⁰ The College of Policing (the body responsible for professional standards in policing) has published further guidance to officers in their Authorised Professional Practice (APP)¹¹ on [Stop and search](#).

'Reasonable grounds' searches

The majority of 'stop and searches' are conducted using powers that require officers to have 'reasonable grounds' for suspecting that the person they are searching has a prohibited item. For example, [section 1](#) of the *Police and Criminal Evidence Act 1984* allows police officers to stop and search a person if they have "reasonable grounds for suspecting that they will find stolen or prohibited articles".¹² [Section 23](#) of the *Misuse of Drugs Act 1971* allows police officers to stop and search individuals they have "reasonable grounds" to suspect are in "possession of a controlled drug".¹³

The College of Policing APP on stop and search lists all the statutory powers available to police officers to conduct [reasonable grounds searches](#).

'No suspicion' searches

In some specific circumstances police officers are able to conduct a stop and search people without 'reasonable grounds'.

[Section 60](#) of the *Criminal Justice and Public Order Act 1994* allows police officers to stop and search anyone who is in a specific area designated by a senior officer, regardless of whether the officer

¹⁰ [s66](#), *Police and Criminal Evidence Act 1984*

¹¹ APP is official police guidance. Police officers are expected to have regard to APP when on duty. However, there may be circumstances in which it would be legitimate for them to deviate from it. Further information about APP can be found in section 1.2 of the Library's Research Briefing [Introduction to police powers](#).

¹² [s1\(3\)](#), *Police and Criminal Evidence Act 1984*

¹³ [s23\(2\)](#), *Misuse of Drugs Act 1971*

reasonably believes the individual has a prohibited item. Section 60 searches are sometimes known as 'no suspicion' searches.

Under section 60, officers of the rank of Inspector or above can designate an area for 'no suspicion searches' if:

- they reasonably believe that an incident involving serious violence may take place in their locality and that it is therefore necessary to give authorisation;
- an incident involving serious violence has taken place in the area, they reasonably believe that the instrument used in the incident is in the area and it is necessary to authorise section 60 to recover it; or
- they reasonably believe people are carrying dangerous instruments or offensive weapons in the area.¹⁴

The authorisation of section 60 can usually only last for 24 hours. However, an officer of the rank of Superintendent or above can authorise for this period to be extended for a further 24 hours if it appears to them to be necessary to do so.¹⁵

Legal challenge to 'no suspicion' searches

There was a legal challenge to section 60 of the *Criminal Justice and Public Order Act 1994* which argued that 'no suspicion' searches were incompatible with the European Convention on Human Rights.

This legal challenge followed a search of a woman, Mrs Robinson, in Harringay in 2010. Section 60 was authorised in the area as part of the police response to ongoing violence between rival gangs. Mrs Robinson's bag was searched whilst she was restrained and handcuffed.¹⁶ The legal challenge contested that this search was unlawful because it contravened the right to privacy and security under the [European Convention of Human Rights](#).

The Supreme Court found that the use of section 60 search was compatible with the European Convention of Human Rights in this case. The court found that the safeguards present, both in legislation and police guidance, to how the power was applied ensured that ECHR rights were proportionally considered during the search.¹⁷

1.2 How frequently is stop and search used

Stop and searches by power

In the financial year 2018/19 police officers in England and Wales conducted around 384,000 stop and searches. Around 3% (roughly 13,000) of these searches were conducted using section 60 'no suspicion' powers. The vast majority of searches are therefore conducted using powers which require officers to have 'reasonable grounds' for the search.

¹⁴ [s60\(1\)](#), *Criminal Justice and Public Order Act 1994*

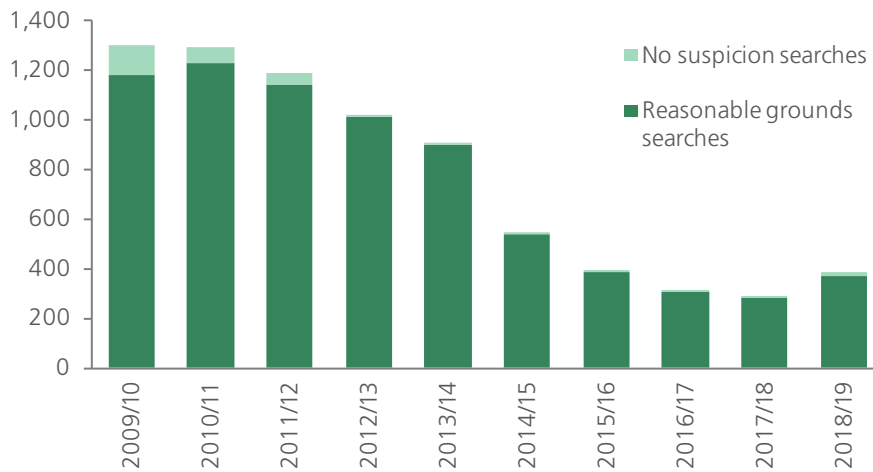
¹⁵ [s60\(1\)](#) and [s60\(3\)](#), *Criminal Justice and Public Order Act 1994*

¹⁶ [\[2015\] UKSC 79](#), paragraph 11

¹⁷ *Ibid*, paragraph 47

Number of stop and searches in England and Wales

Thousands



Source: Home Office, [Police powers and procedures year ending 31 March 2019](#), Stop and search statistics data tables, table SS.01.

Note: Data **includes** British Transport Police figures

The number of stop and searches fell following reforms to police guidance implemented in 2014 (see [section 2](#) for details). Between 2013/14 and 2017/18 the total number of searches conducted in England and Wales fell by almost 70%.

Between 2017/18 and 2018/19 the number of stop and searches increased. This is the first annual increase since 2008/09. Between 2017/18 and 2018/19 the number of 'reasonable grounds' searches increased by around 32% (from 280,000 to 370,000) and the number of 'no suspicion searches' increased by over 400% (from 3,000 to 13,000). The large increase in 'no suspicion' searches can be attributed to a change in government policy on the use of the power (see [section 3](#) for details).

Stop and searches by police force

The use of stop and search varies considerably across England and Wales. The ten forces which use stop and search most frequently comprise almost three quarters of all stop and searches. These forces tend to police urban areas and the areas surrounding major cities. By contrast, the forces which use stop and search less tend to police rural areas.

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Stop and searches by police force

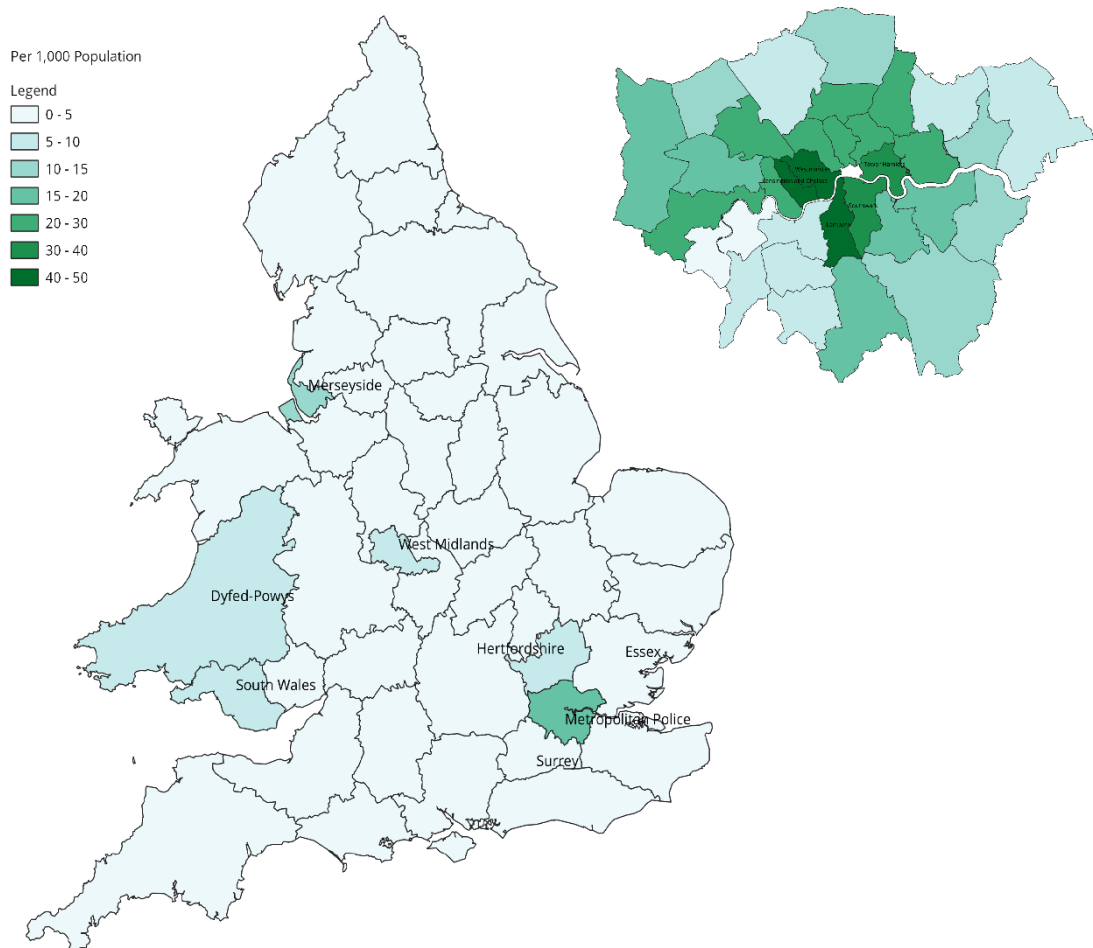
Highest and lowest forces by number of total searches

		Reasonable grounds	No suspicion	Total	Searches per 1,000 people
1	Metropolitan Police	172,237	9,599	181,836	20
2	Merseyside	20,679	143	20,822	15
3	West Midlands	16,379	2,041	18,420	6
4	South Wales	10,555	0	10,555	8
5	West Yorkshire	9,943	0	9,943	4
6	Essex	8,445	41	8,486	5
7	Thames Valley	8,422	1	8,423	3
8	Hampshire	8,121	0	8,121	4
9	Hertfordshire	7,098	33	7,131	6
10	British Transport Police	5,496	825	6,321	*
:	:				
35	North Wales	1,843	1	1,844	3
36	Durham	1,778	0	1,778	3
37	Cambridgeshire	1,757	0	1,757	2
38	Cumbria	1,733	1	1,734	3
39	Derbyshire	1,726	0	1,726	2
40	Humberside	1,584	0	1,584	2
41	City of London	1,523	15	1,538	*
42	Wiltshire	1,243	0	1,243	2
43	Cleveland	888	0	888	2
44	Gloucestershire	573	0	573	1

Source: Home Office, [Police powers and procedures year ending 31 March 2019](#), Stop and search statistics data tables, table SS.14

Note: British Transport Police and City of London Police have been excluded from the per 1,000 people data.

Stop and search rates by police force



1.3 How should officers conduct a stop and search?

On several occasions the basis and application of stop and search has been challenged in the courts. The courts have repeatedly found that when stop and search is not conducted in line with legislation it can be rendered incompatible with human rights law.¹⁸

[PACE Code A](#) provides statutory guidance to police officers. Police officers **must** comply with PACE Code A when conducting a stop and search. The [College of Policing APP](#) covers these legal requirements but also provides guidance on 'best practice'. Officers **should** comply with best practice guidance when conducting a stop and search.

PACE Code A and the College of Policing APP set out four core elements of a "fair and effective stop and search". These are:

- 1 **The decision to stop and search a person must be fair:** It *must* be based on objective factors. Police officers cannot stop and search someone based on their physical appearance, where they live or because they have a previous conviction. An officer's 'reasonable grounds' for suspicion *should* be based on information and intelligence.¹⁹
- 2 **The search must be legal in basis and in application:** The use of stop and search *must* be carried out using specific legal powers.²⁰ The power *must* be lawfully applied, which means the search should be necessary and proportionate and compatible with human rights and equalities legislation. Officers *must* demonstrate a adherence to [PACE Code A](#).²¹
- 3 **Interaction with the public during the encounter must be professional:** They *must* provide certain information to those they are searching (see the section Effective communication below for details). They *should* explain this information clearly. They *must* treat those they are searching with dignity and respect. They *should* comply with professional standards of conduct including the [Code of Ethics](#).²²
- 4 **Police use of stop and search powers must be transparent and accountable:** Officers *must* record their use of stop and search. Senior officers *should* monitor the use of stop and search in their teams and promote best practice.²³

Use of force

Sometimes officers may need to use force to conduct a search. [Section 117](#) of the *Police and Criminal Evidence Act 1984* (PACE) allows for the

¹⁸ See: [Bristol, R. v \[2007\] EWCA Crim 3214 \(04 December 2007\)](#) and [\[2015\] UKSC 79](#)

¹⁹ College of Policing, [Stop and search: Fair](#), [last accessed 7 August 2019]

²⁰ College of Policing, [Stop and search: legal basis](#) [last accessed 7 August 2019]

²¹ College of Policing, [Stop and search: legal application](#) [last accessed 7 August 2019]

²² College of Policing, [Stop and search: professional](#) [last accessed 7 August 2019]

²³ College of Policing, [Stop and search: transparent](#) [last accessed 7 August 2019]

‘reasonable use of force’ to carry out a stop and search. As set out in [PACE Code A](#):

Reasonable force is a last resort and should be used only if necessary to conduct the search or to detain for that purpose.²⁴

Handcuffing is a form of ‘use of force’. The use of handcuffing to conduct a stop and search is controversial.²⁵ The [College of Policing APP](#) states that:

Officers should not routinely handcuff people in order to carry out a stop and search. They must judge each case on its merits in line with conflict management principles and be able to justify any use of force, including the use of handcuffs. Any force used should be proportionate to the aim of preventing crime.²⁶

Effective communication

[Section 2](#) of PACE requires police officers to inform those they are searching of their name, police station, the object they are trying to find and the grounds for the search (where applicable). Failure to provide a member of the public with the correct information when conducting a search will result in the search being unlawful.²⁷

Officers should follow the acronym ‘GO WISELY’ to ensure they meet their statutory obligations and improve the search interaction:²⁸

- G** A clear explanation of the officer’s **grounds for suspicion**.
- O** A clear explanation of the **object** or article being searched for.
- W** **Warrant** card, if not in uniform or if requested.
- I** **Identity** of the officer(s): name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number.
- S** **Station** to which the officer is attached.
- E** **Entitlement** to a copy of the search record within 3 months.
- L** **Legal** power used.
- Y** **You** are detained for the purposes of a search.

Monitoring

The [College of Policing APP](#) states that supervising officers should monitor their staff’s stop and search records to ensure that they are using the power lawfully and professionally. At the force wide level police leaders are responsible for assessing the use of stop and search by their force and ensuring that it is being deployed strategically. The College provides examples of how senior police leaders could monitor their use of stop and search:

²⁴ Home Office, [PACE Code A](#), paragraph 3.2

²⁵ IOPC, [The Learning Lesson: Stop and Search](#), Issue 33, November 2018, p22

²⁶ College of Policing, [Stop and search: legal application](#), [last accessed 7 August 2019]

²⁷ [R, V Bristol \[2007\] EWCA Crim 3214 \(04 December 2007\)](#)

²⁸ College of Policing, [Stop and search: Professional](#) [last accessed 7 August 2019]

- identifying any disproportionality in stop and search and other encounters, and exploring its possible underlying causes (eg, repeat encounters involving the same person)
- analysing the overall effectiveness of stop and search such as:
 - the proportion of searches that lead to an arrest or other criminal justice outcome
 - the frequency with which the item searched for was found
 - the possible contribution of stop and search to crime reduction relative to other policing activity
 - mapping stop and search activity against crime
- exploring the extent to which different stop and search powers are being targeted appropriately, eg, towards active prolific offenders, in crime hot spots, against force priorities, and/or based on intelligence/information
- identifying possible community tensions resulting from stop and search practices
- inviting and responding to public feedback on stop and search practices.²⁹

Police forces must make arrangements for their stop and search records to be scrutinised by community representatives.³⁰ Exactly how this is done is up to the local force to decide. Most major metropolitan police forces have set up local monitoring panels. These panels scrutinise the operational use of stop and search and communicate local experiences to police officers.³¹

Criticism of monitoring practices

Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) has been repeatedly critical of the police for poorly monitoring its use of stop and search. In May 2019 HMICFRS reported that forces were "generally making improvements" but that:

- Some don't monitor the use of the powers comprehensively enough. In particular, forces were missing opportunities to review body worn camera footage.
- There was a lack of monitoring of the find rate (the number of searches where officers find what they were looking for) by ethnicity.
- Not all forces have set up external panels to scrutinise their use of stop and search.
- Of those panels that do exist some were not truly independently chaired. Others would benefit from the involvement of more

²⁹ College of Policing, [Stop and search: Transparent: Monitoring at senior officer and force data level](#) [last accessed 7 August 2019]

³⁰ Home Office, [Pace Code A](#), paragraph 5.4

³¹ See for example: Metropolitan Police, [Stop and search: Your feedback matters](#) [last accessed 7 August 2019], Greater Manchester Police, [Stop and search: Your feedback matters](#) [last accessed 7 August 2019] and West Midlands Police, [Stop and search](#) [last accessed 7 August 2019]

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diverse communities. Others would benefit from scrutinising a broader set of data.

HMICFRS have warned that...

Without effective monitoring of data on the use of force and stop and search powers, forces can't be sure they are using these powers fairly and effectively, or improve how they use them. Also, by not publishing this information, forces are missing opportunities to be open about their powers, their integrity in exercising those powers and their accountability in doing so. This openness is essential to maintaining public support and co-operation, which form the cornerstone of the British model of policing by consent.³²

³² HMICFRS, [PEEL spotlight report A system under pressure](#), May 2019, p17

2. 2014 reforms

In April 2014, then Home Secretary Theresa May announced a package of reforms designed to “contribute to a significant reduction in the overall use of stop-and-search.”³³

2.1 Why were the reforms introduced?

During the late 2000s the number of stop and search increased, reaching a peak of over 1.5 million in 2008/09 (roughly four times higher than the number in 2018/19).³⁴ There was growing concern that the police were not using stop and search effectively.

Theresa May asked Her Majesty’s Inspectorate of Constabulary (HMIC- now HMICFRS) to look at how forces were using the power. HMICFRS published their resultant thematic report: [Stop and Search Powers: Are the police using them effectively and fairly?](#) in 2013. The report was highly critical of police use of stop and search. It found that stop and search powers were poorly targeted and that in many cases the use of the powers was not compliant with legislation or [PACE Code A](#).³⁵

HMICFRS examined over 8,700 searches and found that 27% of them were conducted without sufficient grounds to justify them.³⁶ HMICFRS criticised police leaders for being ill informed about the most effective use of stop and search. They said that police leaders did not pay enough attention to monitoring the use of stop and search in their forces.³⁷ They were also concerned about a lack of public scrutiny of the use the power.

Both HMICFRS and the Government acknowledged that untargeted and poorly monitored stop and search can cause distrust between the police and local communities (especially Black, Asian & Minority Ethnic Communities).

Theresa May said in 2014 that

...when innocent people are stopped and searched for no good reason, it is hugely damaging to the relationship between the police and the public. In those circumstances it is an unacceptable affront to justice.³⁸

HMICFRS noted that for some stop and search can

...become a symbol of their perception that there is a culture of unlawful discrimination within the police. It is, to them and many

³³ HCDeb, [Stop-and search](#), 30 April 2014, c833

³⁴ Home Office, National Statistics: [Police powers and procedures, England and Wales, year ending 31 March 2018](#), Stop and search statistics data tables, table SS.01, October 2018. **Note:** This figure does not include data from the British Transport Police.

³⁵ HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 2013

³⁶ HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 2013, p8

³⁷ Ibid, p8

³⁸ HCDeb, [Stop-and search](#), 30 April 2014, c831

others, a significant issue which threatens the legitimacy of the police.³⁹

HMICFRS made ten specific recommendations for improvements in the way the police use stops and search. They recommended that police leaders provide frontline officers with better guidance and training. They also recommended that police forces improve their monitoring and disclosure of stop and search data in order to improve scrutiny of the power.⁴⁰ Most of these recommendations were addressed as part of Theresa May's package of reform.

2.2 What were the reforms?

Theresa May's reforms included:

- launching a [Best use of stop and search scheme](#) (BUSSS);
- revising [PACE Code A](#) to allow for more public scrutiny of stop-and-search records;
- commissioning the College of Policing to develop "robust professional standards" (what would become the current [stop and search APP](#)) including the introduction of a mandatory assessment for officers on their "fitness to use stop and search powers"; and
- incorporating an assessment of stop and search powers into the annual inspections of police forces undertaken by HMICFRS.⁴¹

At the time of the reforms Theresa May stated that:

I want to make myself absolutely clear: if the numbers do not come down, if stop-and-search does not become more targeted, if those stop-to-arrest ratios do not improve considerably, the Government will return with primary legislation to make those things happen, because nobody wins when stop-and-search is misapplied.⁴²

2.3 Best use of stop and search scheme (BUSSS)

The [Best use of stop and search scheme](#) was launched in 2014. Police forces voluntarily sign up to follow BUSSS guidance. The guidance encourages forces to use their stop and search powers more transparently.

The scheme requires participating forces to:

- publish a broader range of data on outcomes after a stop and search. Including, for example, the number of times officers find the prohibited item they were looking for by carrying out the search (what is known as the 'find rate').

³⁹ HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 2013, p11

⁴⁰ Ibid, see page 9 and 10

⁴¹ HCDeb, [Stop-and search](#), cc831-833

⁴² Ibid, c833

- Facilitate the observation of stop and search powers by members of the public.
- Set up a local complaint policy which requires the force to explain to local community scrutiny panels how stop and search powers are being used when there is a large volume of complaints.
- Reduce their use of section 60 'no suspicion' searches by adhering to stricter requirements on when they can be used.⁴³

BUSSS guidance on 'no suspicion' searches

A key aspect of the BUSSS guidance is a stricter criterion for the use of section 60 'no suspicion' searches. The BUSSS requires forces to meet a higher standard than they are legally required when authorising the use of the power.

The introduction of stricter criteria was designed to reduce the number of 'no suspicion' searches by ensuring that the power is only used when it is absolutely necessary to do so.⁴⁴

The table below summarises the differences between the BUSSS standard and the legal standard:

Comparison of BUSSS and statutory section 60 authorisation requirements

Requirement	BUSSS	Legislation
Minimum rank of authorising officer	Assistant Chief Constable/ Commander	Inspector
Degree of certainty that a serious violence incident will take place	Will take place	May take place
Initial maximum duration	15 hours	24 hours
Maximum duration of extension	First extension maximum 9 hours. Second extension maximum 15 hours	24 hours

Source: College of Policing, [Stop and search: Legal basis](#), [last accessed 06/06/2019].

See also: Home Office & College of Policing, [Best use of stop & search scheme](#), p6

⁴³ Home Office and College of Policing, [Best use of stop & search scheme](#), August 2014

⁴⁴ Home Office, [Oral statement to Parliament: Stop and search: Comprehensive package of reform for police stop and search powers](#), 30 April 2014

3. 2019 changes

There have been two changes to police stop and search guidance in 2019:

- Police forces have been advised not to follow [Best use of stop and search scheme](#) (BUSSS) guidance on 'no suspicion' searches.
- The College of Policing is re-drafting its APP guidance on community engagement for stop and search. The College consulted on [draft guidance](#) from 1 August to 29 September 2019.

The Government have argued that changes are necessary to support police forces tackle violent crime.⁴⁵

Since the changes, most police forces have increased their use of stop and search powers. Senior police officers have been supportive of an increased use of stop and search as part of their efforts to reduce violent crime.⁴⁶ But critics argue that if not targeted correctly searches, especially 'no suspicion' searches, are ineffective at tackling violent crime.

Her Majesty's Inspectorate Constabulary and Fire & Rescue Services have also been cautious about the changes. They have called for "proper scrutiny by both forces and the public" of the repeal of BUSS guidance on 'no suspicion' searches.⁴⁷

3.1 Repealing BUSSS guidance on 'no suspicion' searches

In March 2019, (then) Home Secretary Sajid Javid announced that seven forces in England Wales would no longer be following some BUSSS guidance for 'no suspicion' searches.⁴⁸ Sajid Javid announced that conditions concerning 'no suspicion' stop and searches in the BUSSS would be relaxed for police forces in London, West Midlands, Merseyside, South Yorkshire, West Yorkshire, South Wales and Greater Manchester.⁴⁹ These forces were issued amended guidance for two aspects of no suspicion search authorisation:

- They are no longer required to have officers of higher ranks authorise section 60 searches. Those of the rank of Inspector or above can now authorise the searches.

⁴⁵ Home Office, [Greater powers for police to use stop and search to tackle violent crime](#), 31 March 2019 and Home Office, [Government lifts emergency stop and search restrictions](#), 11 August 2019

⁴⁶ London Assembly, [YouTube: Assembly questions the Metropolitan Police](#), 6 March 2019 and *BBC News*, [Police hail knife crime fall in Manchester after stop-and-search rise](#), 25 September 2019

⁴⁷ HMICFRS, [State of Policing – The Annual Assessment of Policing in England and Wales 2018](#), July 2019, p68

⁴⁸ Home Office, [Greater powers for police to use stop and search to tackle violent crime](#), 31 March 2019

⁴⁹ Ibid

- They are no longer required to show a higher degree of certainty when issuing an authorisation. Inspectors in the relevant forces can now authorise section 60 searches if they reasonably believe a serious violence incident *may* take place (rather than *will* take place).⁵⁰

In effect, these changes brought the BUSSS back in line with the statutory minimum for these aspects of authorisation for the relevant forces. However, these forces were still following the BUSSS standard for the duration 'no suspicion' searches can be authorised for.

In July 2019, following the appointment of Prime Minister Boris Johnson, the Government announced that they would urgently review the pilot with a 'view to rolling it out across all forces'.⁵¹

On the 11 August 2019 the new Home Secretary Priti Patel announced that the changes to the BUSSS 'no suspicion' search guidance would be extended to all English and Welsh police forces. Ms Patel announced that the BUSSS guidance on the authorisation times for no suspicion searches would also be relaxed to the statutory minimum.⁵²

In effect, this means that there is no longer an expectation that any police force in England and Wales should comply with the BUSSS guidance on 'no suspicion' searches. However, some forces, notably West Midlands Police, have chosen to continue following the guidance.⁵³

Impact of the repeal

National statistics show that the number of 'no suspicion' searches increased by over 400% between 2017/18 and 2018/19.⁵⁴ Almost all this increase can be attributed to two forces: The Metropolitan Police and the West Midlands Police. These forces accounted for around nine in every ten 'no suspicion' searches in 2018/19.⁵⁵

The Labour Party has been critical of the repeal of BUSSS guidance on 'no suspicion' searches. They have argued that it will have a disproportionate impact on ethnic minority communities.⁵⁶

In August 2019 the Government published an [Equality Impact Assessment of the repeal](#). The Assessment found:

⁵⁰ Home Office, [Greater powers for police to use stop and search to tackle violent crime](#), 31 March 2019

⁵¹ Prime Minister's Office, [Prime Minister launches police recruitment drive](#), 26 July 2019

⁵² Home Office, [Government lifts emergency stop and search restrictions](#), 11 August 2019

⁵³ West Midlands Police, [Stop and search](#) [last accessed 16 December 2019]

⁵⁴ Home Office, [Police powers and procedures, England and Wales year ending 31 March 2019](#), October 2019, table SS08

⁵⁵ Home Office, [Police powers and procedures, England and Wales year ending 31 March 2019](#), October 2019, table SS18

⁵⁶ Labour Party, [Prime Minister admits stop and search will be discriminatory – Diane Abbott](#), 14 August 2019

- a disparity in the use of ‘no suspicion’ search powers against BME people, especially black men.⁵⁷
- a possibility that this disparity could “in part” be explained by discrimination on behalf of officers conducting searches.
- that wider societal discrimination was a likely contributing factor.⁵⁸
- That an increase in the use of stop and search is “unlikely to be conducive to improving community relations, including trust in the police”.⁵⁹

The Assessment concluded that “any increases” in the use of no suspicion powers poses a “risk of magnifying any residual levels of discrimination” in the use of power.⁶⁰

The Assessment noted that the “recent significant rises in knife crime and serious violence present a case for change” and that police forces have been supportive of the repeal. The Government said it expects senior officers to pay continued attention to the issue of community relations, public trust and racial disparities and to ensure that the increase use of ‘no suspicion’ powers remained targeted, justifiable and proportionate.⁶¹

How effective are ‘no suspicion’ searches?

It is difficult to measure the effectiveness of ‘no suspicion’ searches. As the Government has previously identified, counting the number of criminal justice outcomes (i.e. an arrest or an out of court disposal) associated with searches is not necessarily a “measure of the success” for stop and search. This is because a criminal justice outcome is sometimes unrelated to why the officer conducted the search. Therefore, the government has favoured measurements which count whether the outcome of the search is related to its purpose.⁶² One such measurement is the ‘find rate’.

The ‘find rate’ is the percentage of searches where officers find what they were looking for. In the case of ‘no suspicion’ searches, officers are exclusively searching for ‘offensive weapons’ (knives and other implements that could be used in violence). So, for these searches the find rate is the percentage of searches where officers find an offensive weapon.

In 2018/19 there was a total of 13,175 searches under ‘no suspicion’ powers. Officers found an offensive weapon in 218 of these searches; a ‘find rate’ of 2%.⁶³

⁵⁷ Home Office, [Equality Impact Assessment: Relaxation of section 60 conditions in the best use of stop and search scheme](#), August 2019, p4

⁵⁸ Home Office, [Equality Impact Assessment: Relaxation of section 60 conditions in the best use of stop and search scheme](#), August 2019, p7

⁵⁹ Ibid, p9

⁶⁰ Ibid, p10

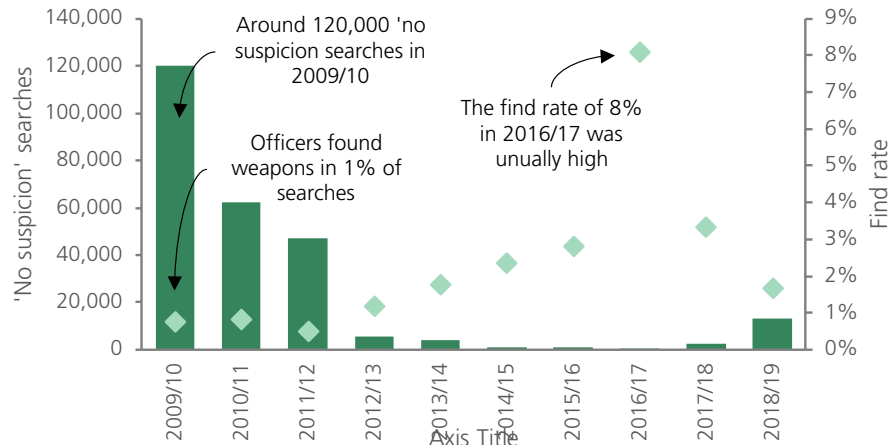
⁶¹ Ibid, p11-12

⁶² Home Office, [Best use of stop and search scheme](#), 2014, paragraph 1.4

⁶³ Home Office, [Police powers and procedures, England and Wales year ending 31 March 2019](#), October 2019, table SS08

Data since 2009/10 shows that the find rate has been fairly stable between 1% and 3% despite variations in the numbers of 'no suspicion' searches.

'No suspicion' searches and the offensive weapons find rate



Source: Home Office, [Police powers and procedures year ending 31 March 2019](#), Stop and search statistics data tables, table SS.08

Note: Data **includes** British Transport Police figures

3.2 Re-drafting guidance on community engagement

The College of Policing were asked in April by (then) Home Secretary Sajid Javid to provide impartial guidance to police forces on effective community engagement for stop and search.⁶⁴ This request came at the same time as the former Home Secretary announced the relaxation of BUSS 'no suspicion' guidance for selected forces.

The College of Policing published a draft version of APP guidance on stop and search community oversight in August 2018. This draft guidance expands on the existing guidance. The consultation page and the draft APP guidance was outlined on the College of Policing's website, but the relevant web page is currently offline.⁶⁵

The draft APP, as was published in September 2019, provides advice to forces on how they should engage with their community about stop and search, facilitate independent scrutiny of their stop and search records and lay observations of their stop and search activity and handle stop and search complaints. Much of the draft reflects existing guidance in [BUSSS](#), [PACE Code A](#) and the [current APP](#). However, the draft guidance includes some changes. These are:

- Providing additional content on community engagement about 'no suspicion' searches.

⁶⁴ [HCWS1497: The Prime Minister's Serious Youth Violence Summit, 1-4 April 2019: Written statement](#), 8 April 2014

⁶⁵ See: <https://www.app.college.police.uk/consultation/stop-and-search-consultation-parent-page/?s=>

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- Providing additional content on how forces should work with local monitoring panels to support independent scrutiny of their stop and search activity.
- New guidance on sharing body-worn video footage with local monitoring panels. It emphasises that forces should have legitimate basis for sharing footage with panels and that they must be compliant with data protection regulations.⁶⁶

The College of Policing ran an open consultation on the draft guidance between 1 August and 29 September 2019.⁶⁷ They have not yet announced when they expect to respond to this consultation.

⁶⁶ College of Policing, [Have your say on proposed changes to stop and search guidance for police](#), 22 August 2019

⁶⁷ College of Policing, [Proposed amends to APP on Stop and Search](#) [last accessed 26 September 2019- currently unavailable]

4. How effective is stop and search at reducing crime?

There is some evidence that the targeted use of stop and search is associated with marginal reductions in local crime.

In 2017 the College of Policing published an analysis of metropolitan police data between 2004-14 by borough. The College found that

overall... higher rates of stop and search (under any power) were associated with very slightly lower than expected rates of crime in the following week or month.

The College concluded that

It is possible that stop and search may be more strongly associated with crime at a more local level, assuming it is targeted appropriately in crime hot spots.⁶⁸

A later College of Policing report on methods to combat knife crime found “no statistically significant crime reductions effects” of using the tactic.⁶⁹

Criminologists Tiratelli and Bradford came to a similar conclusion in their study (which also looked at London data). They found that the effect of stop and search on crime

is likely to be marginal, at best. While there is some association between stop and search and crime (particularly drug crime), claims that this is an effective way to control and deter offending seem misplaced.⁷⁰

4.1 Tactical purpose

Police officers are supportive of stop and search as an effective tactic to find and confiscate weapons and illegal drugs.

The Metropolitan Police has increased its use of stop and search in 2019 as part of its response to an increase in knife violence. Cressida Dick (the Commissioner of the Metropolitan Police) described how her force are using the power:

We have been targeting the people we know to be the most violent, targeting habitual knife carriers, targeting the right places where we know violence is likely to take place, targeting street dealing and, where appropriate and where there is a power, using stop and search. What we have done at the same time is, as I have said, every percentage increase in enforcement effort—which is very largely supported by local people, by the way—will also have alongside it an extra percentage of effort in terms of engagement, information, communication and working with local people to explain why we are there, what we are doing and what

⁶⁸ College of Policing, [Does more stop and search mean less crime? Analysis of Metropolitan Police Service panel data, 2004–14](#), 2017

⁶⁹ College of Policing, [Knife Crime Evidence Briefing](#), 2019, p5

⁷⁰ Matteo Tiratelli, Paul Quinton, Ben Bradford, [Does Stop and Search Deter Crime? Evidence From Ten Years of London-wide Data](#), *The British Journal of Criminology*, Volume 58, Issue 5, September 2018, Pages 1212–1231

we are trying to achieve, and ensuring that young people understand their rights.

The current Metropolitan Police officer using stop and search is, I would say, far more professional and far better briefed, working with intelligence, and, of course, has their body-worn video. We have a number of ways in which we scrutinise, and we ensure that the community is involved in scrutinising the work. Done that way, very professionally with good accountability and scrutiny, lots of good training for the officers and putting them in the right places at the right times, I think that it is absolutely unarguable that it has been in the last few months a very important tactic for us, and it has to be used. We have been using it a great deal more than we were three years ago.⁷¹

Although senior police officers have spoken of the importance of stop and search in responding to knife crime, most searches (around 60% in 2018/19) are conducted to find drugs.⁷² Stop Watch (a charity which campaigns against the disproportionate use of stop and search) have argued that “stop and search is still being used to over-police vulnerable communities for low level drug possession”.⁷³

Deputy Chief Constable of the British Transport Police (and the national lead for stop and search at the National Police Chiefs Council) Adrian Hanstock said in late 2018:

There is little doubt that [to] police proactivity to reduce the increase in violent crime is entirely reasonable and supported by many sections of society. But we are faced with a dichotomy in needing to explain why the majority of grounds for search are to find drugs

...

Forces should make determined efforts to explain the findings of crime analysis and intelligence that has prompted our operational activity.⁷⁴

4.2 Impact on Black, Minority and Ethnic Communities

How often are BME people searched?

Black, Minority and Ethnic people were more likely to be stopped and searched than white people in 2018/19. Black people were **ten times more likely** to be ‘stopped and searched’ than white people, Asian people and those of mixed heritage were three times more likely to be searched and those of Chinese or other heritage were two times more likely to be searched.

The equivalent of four in every 1,000 white people were searched in 2018/19, this compared to 38 in every 1,000 black people, 11 in every

⁷¹ Home Affairs Committee, [Oral evidence: Serious Violence, HC 1016](#), Q312

⁷² Home Office, [Police powers and procedures, England and Wales, year ending 31 March 2018](#), Statistical Bulletin 24/18, p23 table 4.1, 25 October 2018

⁷³ Stop Watch, Press release: [New report: Drug policing drives racial disparity in the criminal justice system](#), October 2018

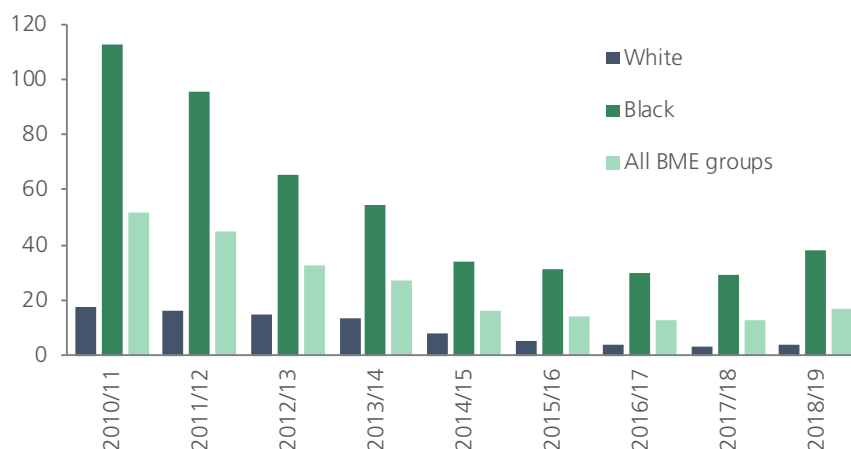
⁷⁴ Adrian Hanstock writing in IOPC, [The Learning Lessons: Stop and search: Issue 33](#), November 2018, p5

1,000 Asian people, 7 in every 1,000 people of Chinese or other heritage and 11 in every 1,000 people of mixed heritage. Overall the equivalent of 17 in every 1,000 BME people were searched in 2018/19.⁷⁵

Recently, the difference between the rate of stop and search for black and white people has been increasing.⁷⁶ This has been down to a faster decline in the number of white people searched per 1,000 of the population compared to black people. Between 2009/10 and 2017/18 the rate for white people fell by 84% whilst the rate for black people fell by 75%. Both the rate for white and black people increased by around 30% between 2017/18 and 2018/19.

Stop and searches by ethnicity

Rates per 1,000 population



Source: Home Office, [Police powers and procedures year ending 31 March 2019](#), Stop and search statistics data tables, table SS.13

Note: Data **includes** British Transport Police figures

Why are black people more likely to be searched?

Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) said in 2017 that many police forces are "unable to explain" why there is an over-representation of BME people in their stop and search data.⁷⁷

The Equality & Human Rights Commission (EHRC) considered several arguments for why BME people are more likely to be stopped in their 2010 review of the power. For example, some argue that BME people are more 'available' to be searched because they are more likely to be in public spaces, others argue that the police under-record when they search white people. The EHRC found that these arguments, and others, lacked credibility and could not explain why BME people were so much more likely to be searched. The EHRC concluded that the:

evidence points to racial discrimination being a significant reason why in many areas of the country people from ethnic minority

⁷⁵ Home Office, [Police powers and procedures, England and Wales year ending 31 March 2019](#), October 2019, table SS13

⁷⁶ Ibid

⁷⁷ HMICFRS, [PEEL: Police legitimacy 2017- A national overview](#), December 2017, p31

communities, black people in particular, are so much more likely to be stopped and search by the police than their white neighbours.⁷⁸

Another common argument for BME people being over-represented in stop and search data is that the police are targeting stop and search enforcement to those more likely to be offenders. However, as set out in the Government's 2018 Serious Violence Strategy, although victim and suspect rates for serious violent crimes do vary by ethnicity...

the evidence on links between serious violence and ethnicity is limited. Once other factors are controlled for, it is not clear from the evidence whether ethnicity is a predictor of offending or victimisation.⁷⁹

In any case, as discussed in [section 1](#) of this briefing, each individual search must be justifiable on specific objective factors. Under current legislation, a general belief (evidenced or otherwise) that one ethnic group is more likely to be involved in crime than another would not be an 'objective factor' on which to base a search.

What impact does the disproportionate use of stop and search against BME people have?

Many stakeholders have noted that the disproportionate use of stop and search against BME communities creates and reinforces mistrust between them and the police. It is argued that this mistrust can undermine any positive impact the use of the tactic might have on detecting and preventing crime. The Equality and Human Rights Commission (EHRC) have noted that:

The experience of being unfairly targeted for stop and search undermines the legitimacy of policing which, in turn, has material effects on the willingness of victims of crime and witnesses to pass information to the police and voluntary compliance with the law. No democratic policing practice can survive without legitimacy and consent.

In the most extreme cases, the inappropriate use of stop and search carries the risk of creating confrontations between police and public that can trigger disorder.⁸⁰

David Lammy MP reiterated this point in his review into the treatment of, and outcomes for, BME individuals in the Criminal Justice System. Mr Lammy noted that the 'disproportionate use of stop and search on BME communities continues to drain trust in the Criminal Justice System as a whole.'⁸¹

⁷⁸ EHRC, [Stop and think: A critical review of the use of stop and search powers in England and Wales](#), p58

⁷⁹ Home Office, [Serious Violence Strategy](#), April 2018, p35

⁸⁰ EHRC, [Stop and think: A critical review of the use of stop and search powers in England and Wales](#), p56

⁸¹ Lammy, D, [The Lammy Review An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), September 2017

What is being done to address disparities in the use of stop and search?

The College of Policing state that:

Disproportionality in stop and search, including racial and ethnic disproportionality, is driven by a range of factors, both internal and external to the police. Not all of these can be addressed through police action. Closely monitoring any disproportionality can help ensure that its nature, extent, possible causes (eg, deliberate targeting) and consequences are better understood. This may help forces to decide what, if any, police action is required to address it.⁸²

[Section 1.3](#) of this paper discusses how forces are supposed to monitor their use of stop and search. As discussed there, Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS) have been repeatedly critical of police forces for not doing enough to monitor their use of stop and search.

⁸² College of Policing, [Stop and search: Transparent: Understanding disproportionality](#) [last accessed 7 August 2019]

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