



DEMONSTRATE A
SYSTEMATIC
KNOWLEDGE AND
UNDERSTANDING ON
WHY IT IS ESSENTIAL
THAT THE POLICE USE
THEIR STOP SEARCH
POWERS FAIRLY AND THE
IMPACT UPON MODERN
SOCIETY AND POLICING
WHEN THIS IS NOT DONE
EFFECTIVELY

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WHAT WILL BE COVERED?

- What is stop and search?
- Powers and conduct
- Why searches need to be fair, effective and justified
- Policing by consent
- Police discretion and stereotyping
- Stephen Lawrence
- Macpherson Report and its recommendations
- How the police have implemented the recommendations



WHAT IS STOP SEARCH?

WHAT IS STOP AND SEARCH?

- **Section 1 (1) Police and Criminal Evidence Act 1984**

- A constable may use the power of stop search in any place, where at that time, the public, or a section of the public, have access to, whether it be through payment or implied permission
- Officers can search any person or vehicle or anything in or on a vehicle
- Reasonable grounds to suspect

- **Code A, Codes of Practice, Police and Criminal Evidence Act 1984**

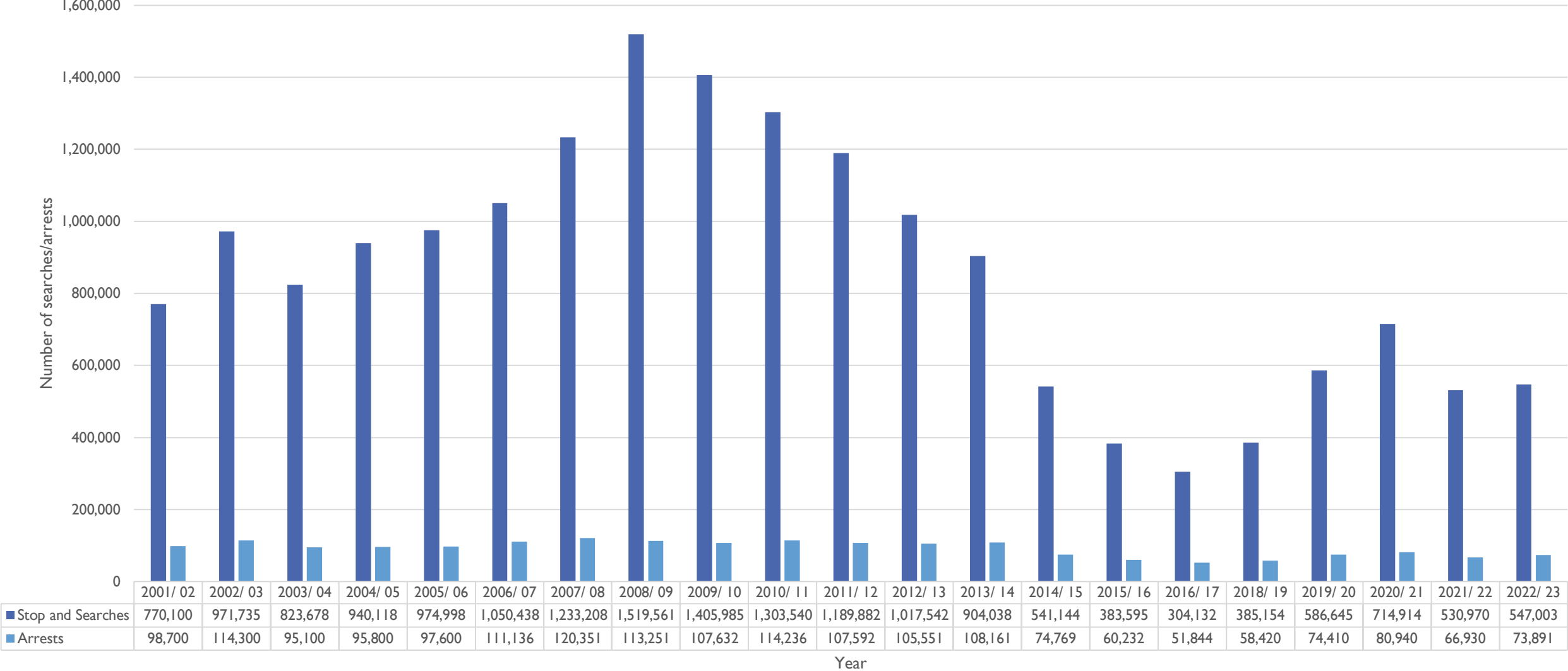
- Governs the use of stop and search powers
- Code A, paragraph 1.4
- Enable officers to allay or confirm suspicions about individuals without exercising their power of arrest.

OTHER ACTS RELATING TO STOP AND SEARCH

- **Section 23 Misuse of Drugs Act 1971**
 - Allows officer to search people for controlled drugs
 - Detain for the purpose of a search if they have reasonable cause to suspect unlawful possession
 - Not restricted to public place
- **Section 60 Police and Criminal Evidence Act 1984**
 - Allows officers to search people without reasonable grounds
 - Only in a defined area at a specific time when a senior officer believes there is a possibility of serious violence or if weapons are involved.
 - Could cause issues with discrimination as search is down to officers' discretion



Number of stop and search arrests against the number of stop and searches in England and Wales between 2001 and 2023



STOP AND SEARCH POWERS – SECTION 1 PACE 1984

- Reasonable grounds for suspecting a person is in possession of stolen or prohibited articles, knives or fireworks.
- Anything found can be seized as evidence.
- Officers can detain a person for the duration of the search
- Where necessary, reasonable force may be used
- Searches must be in compliance with Section 149 Equality Act 2010 – eliminates any unlawful discrimination, harassment and victimisation during a search.

Reasonable grounds for suspicion

Officer must genuinely suspect they will find the item they are searching for

It must be objectively reasonable for them to suspect, based on the information and intelligence they possess

Prohibited articles

Any offensive weapon – Butterfly knife

Any article made or adapted for use in crimes – Broken bottle used in an assault

Any article intended for use in crimes - Knuckledusters

STOP AND SEARCH CONDUCT

- Before a search, officers should attempt to seek co-operation from the person, offering them to hand over any articles voluntarily
- The duration must be reasonable and kept to a minimum
- Officers can only check an individual's jacket, outer coats and gloves
- Paragraph 3.8, Code A, PACE 1984
 - Inform them they are being detained for the purpose of a stop and search
 - Give officers name and station attached to
 - Legal power being used to conduct the search
 - Purpose of the search – what they are looking for
 - Grounds for reasonable suspicion
 - Entitlement to a copy of the search record
- If any are missed, the search has not been carried out legally

FAIR AND EFFECTIVE

- Paragraph 1.1, Code A - Stop and search should be used fairly, responsibly, with respect and without unlawful discrimination
- College of Policing definition
- A stop and search is most likely to be fair and effective when:
 - The search is justified, lawful and stands up to public scrutiny
 - The officer has genuine and objectively reasonable suspicion that they will find the article
 - The person understands why they have been searched and feels that they have been treated with respect
 - The search was necessary and was the most proportionate method the officer could have taken to establish whether the person had the article
- Four core elements that underpin the definition
 - Must be a fair decision
 - Must be legal in suspicion and application
 - All public interactions must be professional
 - Use of stop and search powers must be transparent and accountable

WHY STOP SEARCHES MUST BE JUSTIFIED

- All police officers must be able to justify their decision to stop a specific person
- The mere appearance of a person is not a justified reason to stop someone
- Guidelines for a non-justified search
 - Being a known criminal or drug dealer
 - Smell of drugs – must be evidence of possession
 - Being in a high crime area
- All searches must be justified and lawful to avoid breaching Article 5 European Convention of Human Rights
- If officers are unable to justify their decision to stop search an individual, it opens them up to scrutiny, not only from the police service, but from the public which can lead to a loss of confidence in the police
- Loss in public confidence affects the way the police work, known as policing by consent

POLICING BY CONSENT

- Dates back to Robert Peel's 9 Principles
- General instructions of how-to police the public
- A principle that relies on the trust and confidence that the public has in the police service and wider law enforcement community
- Essential to the way the police can work
- Does not mean the consent of every person, but the general consent from the public
- Without the public's cooperation, police cannot carry out their work
- Consequences of having lower public trust and confidence in the police
 - Police lose their authority – no one will listen to them
 - Police officers will see more resistance from the public when they try to carry out their duties



College of Policing, n.d
UK Parliament, 2023
Abolitionist Futures, 2021



POLICE DISCRETION AND STEREOTYPING

DISCRETION DURING STOP SEARCHES

What is Discretion?

- Oxford Dictionary of Law Enforcement
- The power, held by police officers as holders of the Office of Constable, to decide whether and how, within legal bounds, they enforce the law
- How police officers decide to use their powers
- Every police officer will use their discretion differently, resulting in different outcomes for each case

How it's used during stop searches

- Discretion is vital for stop searches
- Many different factors can affect an officer's discretion
 - Different perceptions and judgements of a situation
 - Disagreement with the law leading to a 'lax' approach
 - Different belief systems
- Certain belief systems hold prejudices against certain groups
- Can lead to discrimination through stereotyping

STEREOTYPING DURING STOP SEARCHES

What is stereotyping?

- Britannica Dictionary
- An often unfair and untrue belief that all people or things that share a certain characteristic are the same.
- Usually deeply embedded in society and wider culture
- Characteristics usually stereotyped
 - Gender
 - Sexuality
 - Ethnicity and nationality

How it's used during stop searches

- Officers use generalised stereotypes to make assumptions of individuals then use their discretion to execute their powers, knowing the stop search is not fair or legally justified
- Most often seen in the BAME community
- Equality Act 2010 to prevent discrimination against protected characteristics
- Consistent stop searches based on stereotypes affect the general public's confidence and trust in the police
- Landmark case brought police stereotyping of the BAME community to light

STEPHEN LAWRENCE

- 22nd April 1993
- 18-year-old was stabbed to death at a bus stop in Eltham, London by a group of white youths
- Duwayne Brooks saw a group of 5 or 6 white youths approach Lawrence before they attacked him, where they fatally stabbed him twice
- Brooks was not treated as a vulnerable victim who just witnessed the death of his friend, he was treated with disregard and was left on his own at the scene after being told he could not leave.
- Senior officer, Inspector Stephen Groves, failed to ask Brooks what had occurred, instead assuming it was a fight.
- It was concluded that Duwayne Brooks was stereotyped by police as a young black man exhibiting unpleasant hostility and agitation.
- Police failed to use Brooks to assist in searches of the area, even though Brooks had seen the attackers and the area where they may have gone. (5.11)



Macpherson, 1999

UK Parliament, 2023

MACPHERSON REPORT

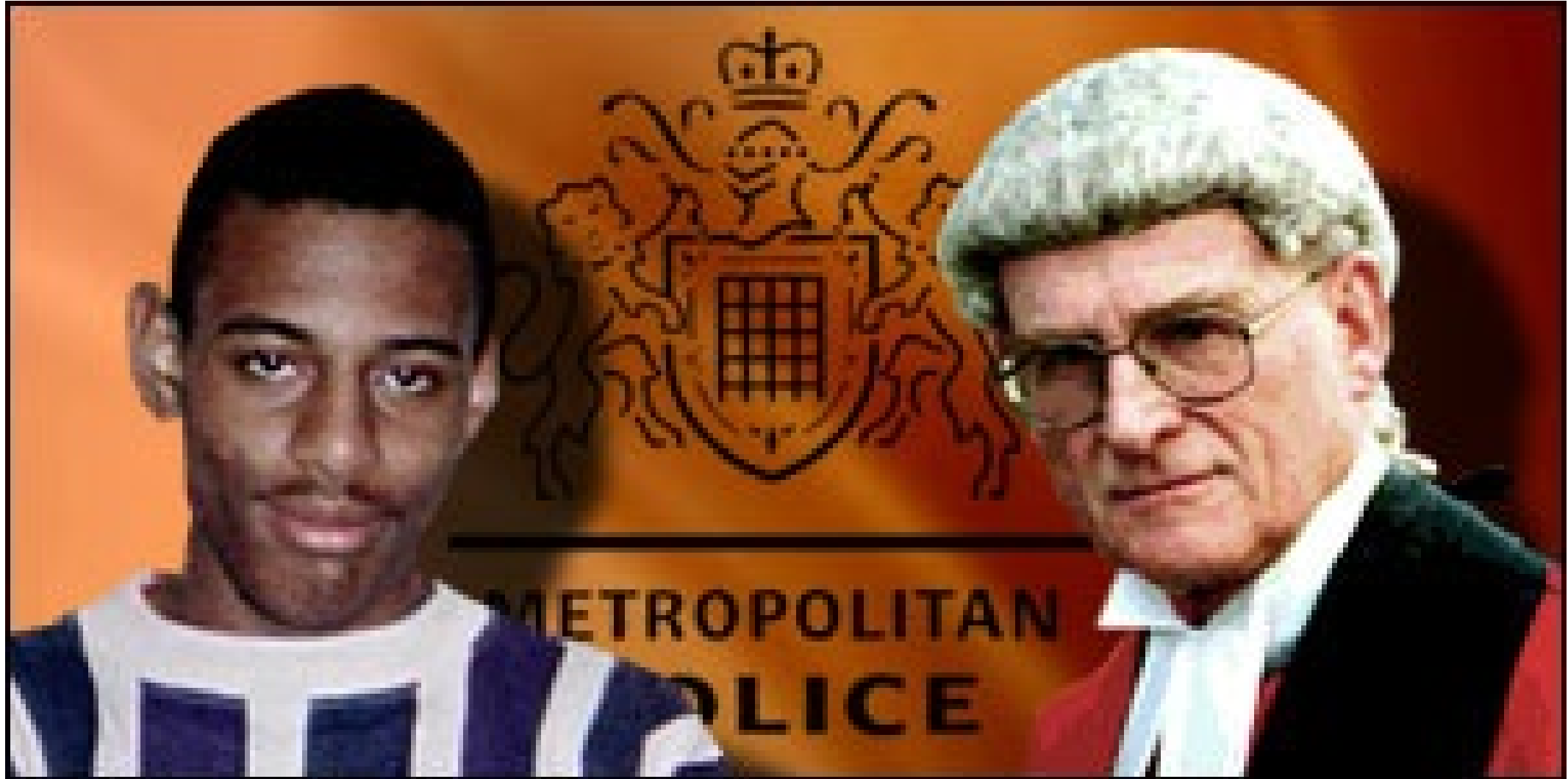
- Inquiry by Sir William Macpherson of Cluny in 1999
- An issue which was prominent throughout the Inquiry was of institutional racism within the police force
- The inquiry highlighted that institutional racism was apparent in stop and search figures countrywide (6.45 Macpherson Report)
- Officers who testified for the report acknowledged that any disparity in the stop and search statistics was a result of discrimination (45.10)
- The Inquiry highlighted how the police need to re-establish trust between BAME communities and the police as there was such high levels of distrust and loss of confidence, with the main cause being stop and search (46.31)

PUBLIC REACTION AFTER THE MACPHERSON REPORT

- There is very little resources regarding public reaction after the Stephen Lawrence attack
- Black communities repeatedly complained they weren't treated fairly by police or the criminal justice system
- Public reaction was very limited immediate after the Stephen Lawrence attack due to very little media coverage.
- It wasn't until after the Macpherson Report was released that media coverage picked up, therefore informing the public of the attack but also sharing how the report called the police 'institutionally racist'
- Brought police discrimination to a forefront due to media coverage

MACPHERSON REPORT - RECOMMENDATIONS

- 70 recommendations – 4 directly regarding stop and search
- Just using fairness in stop and searches is not enough to rebuild public confidence, but openness and accountability is also needed (46.32) – the fundamentals of a stop and search
- All stop and searches should be recorded, including the reason for stop, the outcome, the self-defined ethnicity of the person stopped, and a copy of the record given to the individual searched
- All records should be monitored by Police Services and authorities, and by HMIC on occasions with the results being published
- Ensure that individuals are aware of what a stop and search entails and the right to a copy of the search record
 - Individual knows what to expect during a search and can ensure they are provided the correct information
 - If individual is arrested, a copy of the Codes of Practice is available

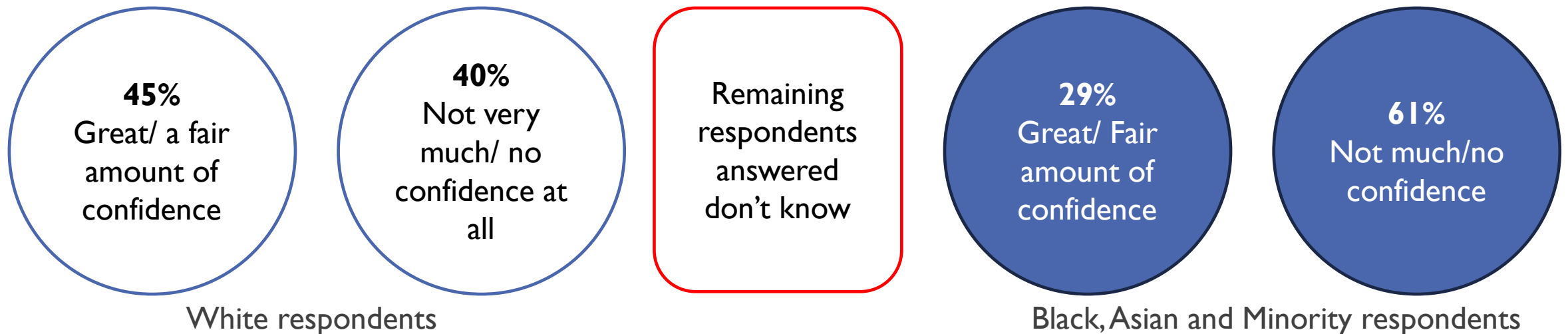


HOW THE POLICE HAVE IMPLEMENTED THE MACPHERSON RECCOMENDATIONS



BUILDING CONFIDENCE IN THE POLICE AMONG BAME COMMUNITIES

- Parliament 2021 – Although it was made a Ministerial Priority, there is still “significant problems with confidence” within BAME communities, in particular, young people
- A Parliament Inquiry found a lack of proper plans, whether local or national, to tackle the lack of confidence in the police
- A survey by YouGov in 2022 looked at the public confidence that the police use their stop and search powers fairly in BAME communities



POLICE TRAINING – POLICE RACE ACTION PLAN

- One of 70 recommendations was to improve police training
- College of Policing and the National Police Chiefs' Council developed a Police Race Action Plan
- Aim to address the low levels of public trust and confidence in the police, in particular in BAME communities
- Introduced mandatory training about racism, anti-racism and its connection to policing
- Introduce a national standard across all recruitment and promotion processes
- Develop a new approach to tackle race disparities in situations such as traffic stops and stop and search
- Reviewing misconduct and disciplinary processes to reduce racial disparities

Police Race Action Plan

Improving policing for Black people

ENSURING STOP SEARCHES ARE TRANSPARENT AND ACCOUNTABLE

- HMICFRS, 2021
 - An inspection found UK police forces have “good external scrutiny arrangements” with a diverse panel of people who have appropriate training on stop and search
- Body Worn Cameras
 - Camera act as an independent witness to a situation
 - Officers only turn on the camera during an incident and must turn them off when it is no longer proportionate or necessary to continue use, for example, you are now in view of CCTV
 - BWC ensure transparency by ensuring the stop and search records match what actually happens
 - Footage can be reviewed to ensure the search was carried out legally and with no discrimination
- South Wales Police
 - Police and Crime Commissioners review stop and search documents along with accompanying body worn footage to ensure all searches were carried out legally and to ensure searches were fair and justified and in line with the Codes of Practise



CONCLUSION

WHY DOES STOP AND SEARCH NEED TO BE USED FAIRLY

- Opens the police up to scrutiny, not just from the police service, but the public too
- Constant unfair stop and searches can make communities feel targeted
- Fair stop and searches reduces the amount of unnecessary stop searches due to police stereotyping

HOW DOES IT IMPACT MODERN SOCIETY?

- With stop and searches being unfair, unnecessary and discriminatory, the public can feel targeted, particularly the BAME communities
- Causes the public to lose their confidence and trust in the police
- Loss of confidence means police lose their authority and cannot carry out their jobs



THANK YOU FOR LISTENING

ANY QUESTIONS?



REFERENCES

- Abolitionist Futures (2021) *Policing by Consent*. Available at: <https://abolitionistfutures.com/latest-news/policing-by-consent> (Accessed: 29/10/2023)
- College of Policing (2016) *Fair*. Available at: <https://www.college.police.uk/app/stop-and-search/fair> (Accessed: 29/10/2023)
- College of Policing (2022) *Police Race Action Plan Published*. Available at: <https://www.college.police.uk/article/police-race-action-plan-published> (Accessed: 29/10/2023)
- College of Policing (no date) *Professional standards*. Available at: <https://www.college.police.uk/app/professional-standards> (Accessed: 29/10/2023)
- Cottle, S. (2005) *Mediatized public crisis and civil society renewal: The racist murder of Stephen Lawrence*. Available at: <https://journals.sagepub.com/doi/epdf/10.1177/1741659005050243> (Accessed: 29/10/2023)
- Gendered Innovations (no date) *Stereotypes*. Available at: <https://genderedinnovations.stanford.edu/terms/stereotypes.html#:~:text=Groups%20are%20often%20stereotyped%20on,social%20institutions%20and%20wider%20culture> (Accessed: 29/10/2023)
- Harfield, C. (2013) *Police Operational Handbook: Practice & Procedure*. 2nd edn. Oxford: Oxford University Press
- HMICFRS, (2021) *Disproportionate use of police powers. A spotlight on stop and search and the use of force*. Available at: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/disproportionate-use-of-police-powers-spotlight-on-stop-search-and-use-of-force.pdf> (Accessed: 27/10/23)

REFERENCES

- Home Office (2018) *Stop and Search: Extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances*. Available at: <https://www.gov.uk/government/consultations/police-stop-and-search-powers> (Accessed: 28/10/2023)
- Lancashire Constabulary (no date) *Section 60 – ‘without suspicion searches’*. Available at: <https://www.lancashire.police.uk/help-advice/stop-and-search/section-60-without-suspicion-searches/> (Accessed: 29/10/2023)
- Macpherson, W (1999) *The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William Macpherson of Cluny. Advised by Tom Cook, The Right Reverend Dr John Sentamu and Dr Richard Stone* (Cm 4262-1). London: HMSO
- Metropolitan Police (2017) *Stop and Search Questions and Answers*. Available at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwidpZWlk6iCAxX0T0EAHcx9CP4QFnoECBkQAQ&url=https%3A%2F%2Fwww.met.police.uk%2FSysSiteAssets%2Ffoi-media%2Fmetropolitan-police%2Fpolicies%2Fstrategy-and-governance---stop-and-search-questions-and-answers&usg=AOvVaw01mPVfD2P_ae72zl0so5t_&opi=89978449 (Accessed: 29/10/2023)
- Metropolitan Police (no date) *How and when BWV cameras are used*. Available at: <https://www.met.police.uk/advice/advice-and-information/bwv/body-worn-video-bwv/how-and-when-bwv-cameras-are-used/> (Accessed: 29/10/2023)

REFERENCES

- Oxford Reference (2015) *Discretion*. Available at: <https://www.oxfordreference.com/view/10.1093/acref/9780191758256.001.0001/acref-9780191758256-e-1007> (Accessed: 29/10/2023)
- *Police and Criminal Evidence Act 1984 (PACE) – Code A*. Available at: <https://www.gov.uk/government/publications/pace-code-a-2023> (Accessed: 29/10/2023)
- *Police and Criminal Evidence Act 1984, c60, S1(1)*. Available at: <https://www.legislation.gov.uk/ukpga/1984/60/section/1> (Accessed: 29/10/2023)
- Statista (2023) *Number of arrests following a stop and search performed by the police in England and Wales from 2001/02 to 2022/23*. Available at: <https://www.statista.com/statistics/284643/arrests-from-stop-and-search-england-and-wales/> (Accessed: 29/10/2023)
- Statista (2023) *Number of stop and searches performed by the police in England and Wales from 2001/02 to 2022/23*. Available at: <https://www.statista.com/statistics/284599/police-pace-stop-and-searches-in-england-and-wales/> (Accessed: 02/11/2023)
- Thames Valley Police (no date) *Why we use stop and search*. Available at: <https://www.thamesvalley.police.uk/advice/advice-and-information/st-s/stop-and-search/why-we-use-stop-and-search/> (Accessed: 27/10/2023)

REFERENCES

- The Britannica Dictionary (no date) *Stereotype*. Available at: <https://www.britannica.com/dictionary/stereotype> (Accessed: 29/10/2023)
- The Guardian, M, H. (2012) *The Stephen Lawrence case: how it changed Britain*. Available at: <https://www.theguardian.com/uk/2012/jan/03/how-stephen-lawrence-changed-Britain> (Accessed: 29/10/2023)
- UK Parliament (2021) *The Macpherson Report: Twenty-two years on*. Available at: <https://publications.parliament.uk/pa/cm5802/cmselect/cmhaff/139/13903.htm> (Accessed: 29/10/2023)
- UK Parliament (2023) *Police standards and culture: Restoring public trust*. Available at: <https://lordslibrary.parliament.uk/police-standards-and-culture-restoring-public-trust/#heading-1> (Accessed: 29/10/2023)
- UK Parliament (2023) *Metropolitan Police investigation into the murder of Stephen Lawrence*. Available at: <https://commonslibrary.parliament.uk/research-briefings/cdp-2023-0160/> (Accessed: 29/10/2023)
- Wood, D. (2021) *Blackstone's Handbook for Policing Students*. 16th edn. London: Oxford University Press.
- YouGov (2022) *YouGov Stop and Search Ethnic Minority Results*. Available at: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjftuaKnqiCAxXtRkEAHZozBjoQFnoECBgQAQ&url=https%3A%2F%2Fdocs.cdn.yougov.com%2Fzkt9c19mab%2FYouGov%2520Stop%2520and%2520Search%2520Ethnic%2520Minority%2520Results.pdf&usg=AOvVaw3fxl4KdPl6apalOpK7UDHX&opi=89978449> (Accessed: 31/10/2023)
- YouGov (2022) *YouGov Stop and Search White Results*. Available at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj8qK_TnaiCAxUzVkEAHb69CiAQFnoECBMQAQ&url=https%3A%2F%2Fdocs.cdn.yougov.com%2Fb9bzvs668h%2FYouGov%2520Stop%2520and%2520Search%2520White%2520Results.pdf&usg=AOvVaw0MTmJPJhiyiqPtOGPetpE8&opi=89978449 (Accessed: 31/10/2023)

REFERENCES - IMAGES

- Slide 1 - Skafar, S. (2013). *HD: Emergency Police Lights*. Available at: <https://www.istockphoto.com/video/emergency-police-lights-gm460144615-31976394>
- Slide 3 - BBC (no date) *Stop and Search: the controversial police power*. Available at: <https://www.bbc.co.uk/news/av/stories-50686275>
- Slide 11 – Metropolitan Police Authority (unknown) *A Metropolitan Police officer in the original Peels uniform looks sternly at a man and two boys, who don't seem a bit intimidated*. Available at: <https://www.agefotostock.com/age/en/details-photo/a-metropolitan-police-officer-in-the-original-peelers-uniform-looks-sternly-at-a-man-and-two-boys-who-don-t-seem-a-bit-intimidated/MEV-10499598>
- Slide 12 – Kranzler, J. and Levy, M. (2018) *Statistics for the Terrified Criminologist*. United Kingdom: Rowman & Littlefield Publishers
- Slide 15 – Image belongs to the Lawrence family
- Slide 19 – BBC (2001) *Unknown*. Available at: http://news.bbc.co.uk/news/vote2001/hi/english/main_issues/sections/facts/newsid_1190000/1190971.stm
- Slide 21 – College of Policing (2023) *Police Race Action Plan*. Available at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjZie3zpqiCAxWoT0EAHZ6iBVYQFnoECBYQAQ&url=https%3A%2F%2Fassets.college.police.uk%2Fs3fs-public%2FPolice-Race-Action-Plan.pdf&usg=AOvVaw0K7pk4UYn_9RoD32AL9EXl&opi=89978449
- Slide 23 – Bull, C. (20..) *Police carry out drugs searches around the streets of Manchester. Police search a suspected drug dealer in the northern quarter*. Available at: <https://www.alamy.com/stock-photo-police-carry-out-drugs-searches-around-the-streets-of-manchester-police-73934851.html>