

Descriptive Summary of presentation given by Inspector Nick Glynn,
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Background to stop search in the UK

The police's use of stop search powers has a history in the UK that goes back 30 years and beyond. The current stop and search laws were introduced as part of the Police and Criminal Evidence Act (1984) (PACE) provisions that became effective in 1986. They arose out of the criticism of the police's previous use of the 'sus laws' which were a key feature and motivating factor behind the Brixton Uprisings and other large-scale urban disorders that occurred elsewhere in England including in Tottenham (London), Handsworth (Birmingham) and Toxteth (Liverpool) in 1985. They also came under sharp focus following the investigation and subsequent reports into the murder of Stephen Lawrence. PACE and the associated Code of Practice (Code A) contains specific provisions as to how the power should (and shouldn't) be used. Stop search was designed to allow police officers to search those suspected of possessing stolen property, weapons or drugs without arresting them.

Whilst stop and search can be a preventative tool as well as enabling the detection of some offences its use has always been controversial. This is true generally but particularly amongst Black and Asian communities where the seemingly disproportionate use of the power, which yields a very low 'hit rate' has created decades of resentment and ill-feeling towards the police. There has been a big increase in the use of stop search powers since the beginning of 2000. This was augmented by increasing use of Section 60 Criminal Justice & Public Order Act 1994 and Section 44 Terrorism Act (since repealed) after the terrorist attacks in the US (9/11/2001), Madrid and London (7/7/2005). Both of these powers were used extensively and whilst Sec 44 has been replaced by a more stringently controlled power (Sec 47A, which has yet to be used in England and Wales) Section 60 is still a controversial power and subject to legal challenge (the Roberts case) which may result in a ruling at the European Court of Human Rights in Strasbourg.

In 2010 the Equality and Human Rights Commission published its report "Stop and Think"³ into the use of stop search and highlighted concerns about excessive use and its disproportionate use against ethnic minorities. It focussed particularly on the activity of 10 police forces and engaged in a more formal sense with 5 of them. 2 forces, Leicestershire and Thames Valley entered into formal agreements with the EHRC as the EHRC stopped short of taking formal legal action.

Having written articles⁴ about stop and search and worked in partnership with the Open Society Justice Initiative on the STEPSS⁵ project since 2005 I was asked to lead the changes necessary in Leicestershire Police, my home force.

¹ A national role, covering all 43 police forces in England and Wales. It involves identifying the sustainable changes that need to be made to the use of police stop powers, sharing effective and promising practice across the UK, supporting individual forces and highlighting deficiencies. The role complements the purpose of the College (see below)

² The College of Policing's purpose is to: •set standards of professional practice; •identify, develop and promote good practice based on evidence; •support the professional development of those working in policing; •support police forces and other organisations to work together to protect the public and prevent crime; •identify, develop and promote ethics, values and standards of integrity.

³ <http://www.equalityhumanrights.com/about-us/our-work/key-projects/race-britain/stop-and-think>

⁴ <http://www.runnymedetrust.org/uploads/publications/pdfs/RiotRoundtables-2012.pdf>

⁵ http://www.opensocietyfoundations.org/sites/default/files/profiling_20090511.pdf

Leicestershire Police⁶

The Issues

I took a detailed look at practices in Leicestershire and a number of themes emerged:-

Poor processes. The recording of stop searches was poor. The form used was outdated and difficult to complete for the officer, containing unnecessary detail. The administration of the way forms were supervised and managed was patchy and inconsistent. In one main police station 400 stop search forms were discovered hidden behind a cupboard! The data produced as a result was unreliable and incomplete. There was no mechanism for making use of any intelligence contained in the forms and there was no ability to make use of the data that was (eventually) painstakingly entered onto the standalone database. Stop search data was not integrated into the suite of internal police IT systems.

Weak supervision. Stop search forms were not seen as a priority and the level of scrutiny from supervisors and managers was minimal at best. Most forms were simply signed by supervisors with little or no genuine scrutiny.

Numerical Targets. There was clear evidence of numerical targets for individual officers, with spreadsheets and tables demonstrating this. There was a strong culture of 'more stop searches is better' and this was reinforced by supervisors and senior managers. Officers were encouraged to simply 'do more' regardless of the quality or outcomes. Little attention was paid to which offences the stop searches were focused on, whether they were legitimate or lawful or the adverse impact that they might have on individuals subject to the searches. Officers reported one city centre policing operation where the phrase "No P1s, No Overtime"⁷ was used to encourage officers to carry out more stop searches. There was evidence that officers were 'inventing' non-existent stop searches in order to fulfil quotas. Officers who carried out few stop searches were subject to criticism and some were given action plans to ensure that they carried out more.

No external challenge. PACE requires police forces to have scrutiny of their use of stop search but this public scrutiny was absent, as was any meaningful sharing of stop search data and information about its use and effectiveness. The existing Independent Advisory Group had not challenged the big increases in use over time or the very low 'hit rate' which was one of the lowest in the UK at the time (4%).

Poor leadership. The collective messages from chief officers at the time were reinforcing the culture that more stop searches was the answer and there had been little evidence of any genuine concerns expressed by the Executive about the increases in use and low hit rate (see above). Leadership teams had been largely silent on the issue of stop and search for a number of years and there was little evidence that it was a priority issue organisationally.

Human Impact. There was an absence of understanding of the impact of stop and search on those subject to it and of the ripple effect that this has amongst friends, family, associates, and colleagues. There was a failure to recognise the long lasting, adverse impact that overuse and misuse of stop search powers has on those subject to it. The lack of official complaints about stop search was being misinterpreted as evidence that the public were happy with the manner and frequency of its use.

⁶ www.leics.police.uk

⁷ P1 is the reference number of the stop search form that officers use in Leicestershire

The Response

In the previous 2 decades or so there had been a number of attempts to make changes to the use of stop and search but these seem to have been unsuccessful for two reasons. Firstly the primary focus had been on race and the disproportionate use of stop search on Black and Asian people. Secondly, there had been endless arguments about data, and in particular the population data on which race disproportionality rates were based. These factors seemed to have resulted in a failure to recognise broader concerns around the use of stop search powers.

I took a two stage approach to the findings in Leicestershire, ensuring that in the first phase there was little focus on race disproportionality whilst accepting that this was 'the elephant in the room' to be addressed later.

Phase 1 -

There were a number of important steps, with the first being an acceptance that there was 'a problem'. Other important steps included:

- Leading the work from a perspective of 'getting the issues' already outlined, especially the wider 'human impact' of misusing stop search.
- Clear leadership from the Executive was important, with Chief Officers sending clear messages to officers and to the public that the force was serious about reforming the use of stop search and was committed to improvements.
- Local media⁸ published details of the changes taking place.
- Significant changes to internal processes, including a revamp of the stop search form; centralised data input; removal of unnecessary steps in data processing; digitisation; creation of a data interface that is open to all officers and staff.
- Development and delivery of effective training to all frontline officers and staff, supervisors and management, including a focus on the human impact of the use of stop search powers and adherence to equality, human rights and procedural law.
- Increased focus on supervisor responsibilities under the law (PACE).
- Creation of an external, community-led scrutiny group (the Stop Search Scrutiny Group). This group is still operating today, chaired by a member of the local community.

The Phase One measures resulted in steady, continual reductions in the use of stop search powers, which have continued to date. Arrest rates increased by over 150% and race disproportionality rates reduced (although not significantly).

Phase Two – the Elephant in the Room

Race Disproportionality

Arguments about data had often masked people's genuine experiences of being stopped by the police. The 'Stay Standing if Stopped' © exercise consistently shows that people from ethnic minorities have been stopped more than their white counterparts and that police officers have low levels of personal experience of being subject to police stops themselves. The exercise shows at least that "something is going on".

The reductions in overall use (see below) allowed a focus on the activity of individual officers which was revealing. My report on the '56 officers' showed that a relatively small number of officers were carrying out a significant number of stop searches on Black and Asian subjects

⁸ <http://www.nagdi.co.uk/leicestershire-police-officers-use-stop-search/#.VNK5Gelf3IV>

and that these were hugely ineffective. One officer had carried out 61 searches in under 6 months, all on Asian subjects where only one person was arrested. The officer's manager was 'not surprised' when confronted with these figures, stating that they had 'other concerns' about the officer's performance. Whilst this report wasn't universally welcomed by senior staff, it did start to challenge disproportionate use of stop search by the officers highlighted, sending a strong message to other officers using stop search that affective scrutiny and oversight was now in place.

I secured a significant amount of funding which was used to commission research⁹ by De Montfort University (Leicester) to explore whether the use of stop search in Leicestershire was intelligence led and why race disproportionality persists. The report is due to be published in early 2015.

Local¹⁰ and national media¹¹ were engaged to highlight the issue of race disproportionality and the improvements being made, with a recognition of the importance of keeping the issue of stop search in the public eye.

There were a number of other significant outcomes. Over a four year period (Nov 2010 to Nov 2014) overall **crime fell by 14.7%**, with reductions in all key crime types – violence, acquisitive crime, drugs and anti-social behaviour. Over the same period the number of **stop searches fell by 83%**, confounding many concerns that significant reductions in the use of stop searches would result in increases in crime and disorder. During the same period **race disproportionality reduced** – from over 7x to under 4x more likely to be stop searched (for Black people) and from 2x to just above parity (i.e. 1 to 1) for Asian people. Whilst these figures are still unacceptable the ability to have more incisive scrutiny of all searches (down from 72 a day to 12 day) is significantly improved.

These improvements were welcomed by the EHRC in 2012 in "Stop and Think Again¹²" but still expressed similar concerns in other force areas.

The summer riots of 2011 had once again focused attention on the way police use stop and search powers and in 2012 Her Majesty's Inspectorate of Constabulary (HMIC) inspected all forces on stop and search. HMIC made 10 recommendations, published in July 2013 in the report "Stop and Search Powers: Are the Police Using Them Effectively?"¹³

In summer 2013 the Home Office commissioned a public consultation which received a significant number of responses. The Home Secretary, Theresa May MP, presented her findings to Parliament in April 2014, making 13 recommendations. Some of these recommendations reflected the experience and findings from work in Leicestershire as well as reflecting concerns expressed for some years by campaign groups such as StopWatch¹⁴. In addition there was pressure emanating from the Roberts case, which was challenging the legitimacy of the no-suspicion Section 60 power.

As a result of all of these factors the government, in conjunction with The College of Policing, launched a voluntary scheme - the Best Use of Stop Search Scheme. This was adopted by all 43 geographical police forces, where all agreed to improve data collection, raise the bar

⁹ <http://www.college.police.uk/en/21934.htm>

¹⁰ <http://beta.bbc.co.uk/news/uk-england-leicestershire-20007458>

¹¹ <https://www.youtube.com/watch?v=F8LrEXaX0yk>

¹²

http://www.equalityhumanrights.com/sites/default/files/documents/raceinbritain/stop_and_think_again.pdf

¹³ <http://www.justiceinspectors.gov.uk/hmic/publication/stop-and-search-powers-20130709/>

¹⁴ <http://www.stop-watch.org/about-us/>

for Section 60 authorisations, introduce lay observation facilities and set up a community complaints trigger for stop search complaints.

The words of the Home Secretary in Parliament in April 2013¹⁵ have had real impact and it is clear from the experience in Leicester that there are a number of important factors involved in achieving sustainable, long-term changes to the use of police stop search powers, even though their implementation and the challenging of police culture may result in personal and professional cost to those who make the challenges from inside the Police Service.

It is clear that the following, non-exhaustive list of elements are key:-

- Reliable, accurate data
- Leadership, courage, resilience
- Confronting the ugly truth that some officers misuse/abuse their powers
- Process improvement
- Scrutiny, governance, transparency
- Holding your nerve (especially as numbers of stop searches reduce)
- A realisation that improving stop search can really make a difference

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¹⁵ "The proposals I have outlined today amount to a comprehensive package of reform. I believe they should contribute to a significant reduction in the overall use of stop and search, better and more intelligence-led stop-and-search, and improved stop-to-arrest ratios. But 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. It is a waste of police time. It is unfair, especially to young, black men. It is bad for public confidence in the police."



College of
Policing

Changing Stop & Search for Good

DO:s Conference on Ethnic Profiling

Stockholm, 21st November 2014

Nick Glynn

Stop Search lead

College of Policing, UK

Introduction

- Background to stop search in the UK
- The Leicester experience
- Recent developments - BUSSS
- Recommendations

Stop Search in Leicester

- Targets
- Poor processes
- Lack of accountability
- No external challenge
- Poor leadership

Stop Search in Leicester

Phase 1

- Accept there's a problem
- Leadership – someone who “gets it”
- Publicity/Media
- Process improvement
- Simplify data collection
- Training
- Effective supervision
- Scrutiny group
- Legality/Proportionality/Necessity – ECHR approach

Stop Search in Leicester



Race Disproportionality
The Elephant in the room

Stop Search in Leicester

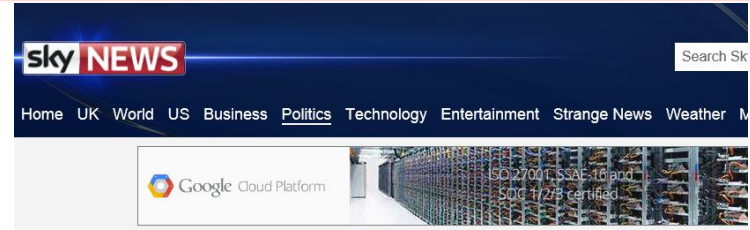
Phase 2

- Academic research
- 56 officers
- Effective scrutiny group
- Media

Stop Search in Leicester

Phase 2

- Academic research
- 56 officers
- Scrutiny group
- Media



Stop And Search Code Of Conduct Launched

Police forces agree to new rules on stop and search as figures show that young black men are six times more likely to be stopped.



2 July 2013 Last updated at 18:34

Stop and search: Time to get it right, says Theresa May

COMMENTS (720)



Jonathan Hinds: "We don't need more police - we need smart police"

It is "time to get stop and search right", the home secretary has said, as she launched a public consultation on the police powers in England and Wales.

About a million stops take place each year - but only 9% lead to an arrest.

When the tactic was misused it wasted police time and undermined public confidence, Theresa May said, adding that no-one should be stopped "just on the basis of their skin colour".

Police gave backing to improvements that would not undermine public

Related Stories

Police using stop and search less
Race 'issue' in stop and searches
Search powers 'disproportionate'

'Vital power'

Announcing the six-week public consultation, Mrs May told MPs there were disparities in search-to-arrest ratios across England and Wales, with some being "far too low for comfort".

She said she wanted the powers to be used fairly to build confidence in the police.

"I want to make sure that stop and search is used fairly and in everybody's interest. I want to see stop and search used only when it's needed," she told the Commons.

"I want to see higher search-to-arrest ratios. I want to see better community engagement and I want to see more efficient recording practices across the country."

It takes on average 16 minutes to conduct a stop and search and process the details. That amounted to 312,000 hours each year and the equivalent of 145 full-time police officers, she said.

Mrs May said she wanted to make the process more efficient and cut bureaucracy to stop "pointless" stops and searches.

"At its best, stop and search is a vital power in the fight against crime. At its worst, it's a waste of police time and serves to undermine public confidence in the police," she said.

"It's time to get stop and search right."

'Embarrassing and upsetting'



Police officer Nick Glynn, 46, estimate stopped and searched about 30 times

It has happened mostly when he was also in the street, he said. In the most incident, he was accused of using a fit card.

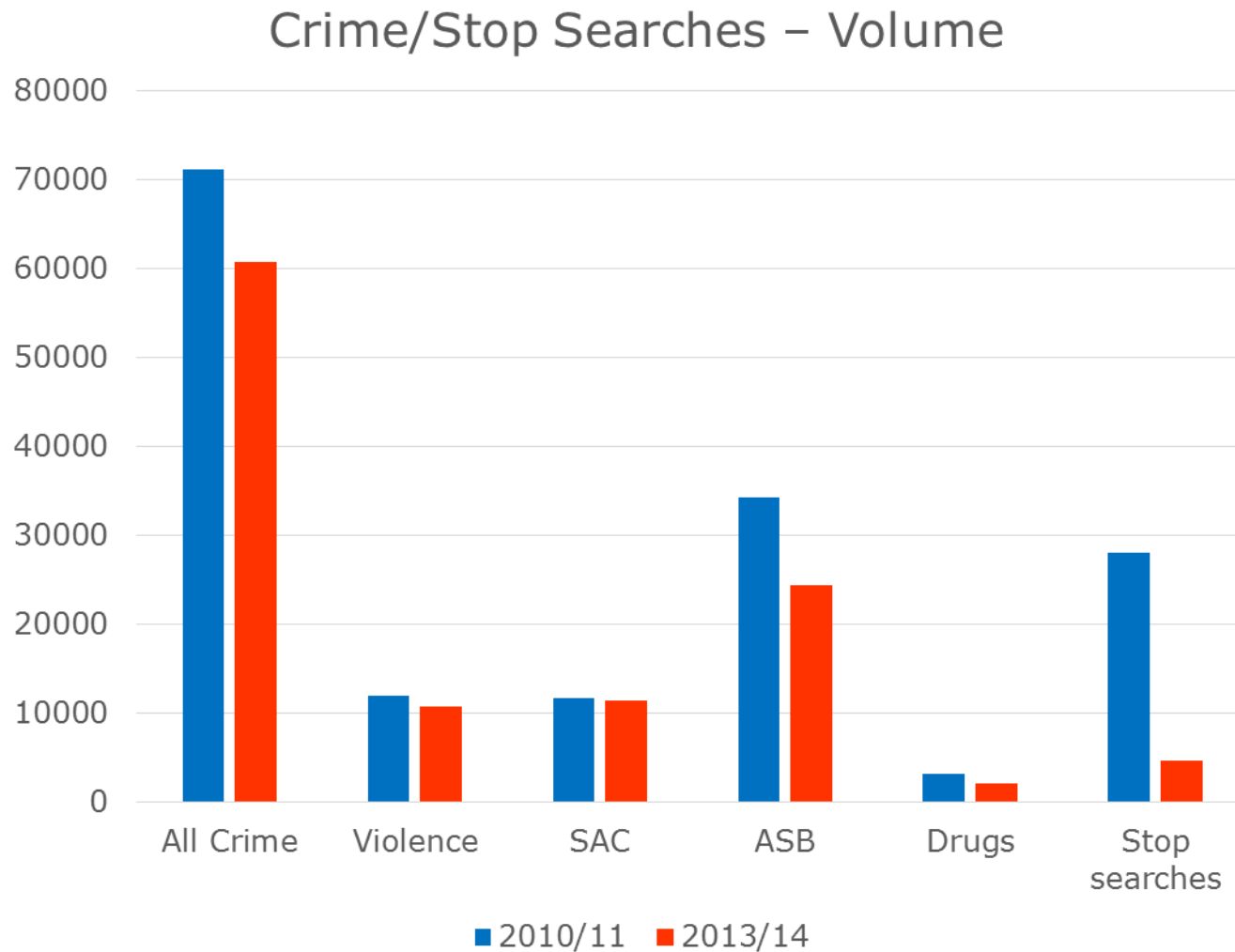
"I had to go through that in front of a li and I wasn't given the rights that I kno entitled to," he said.

"I was given no explanation for it and bad experience."

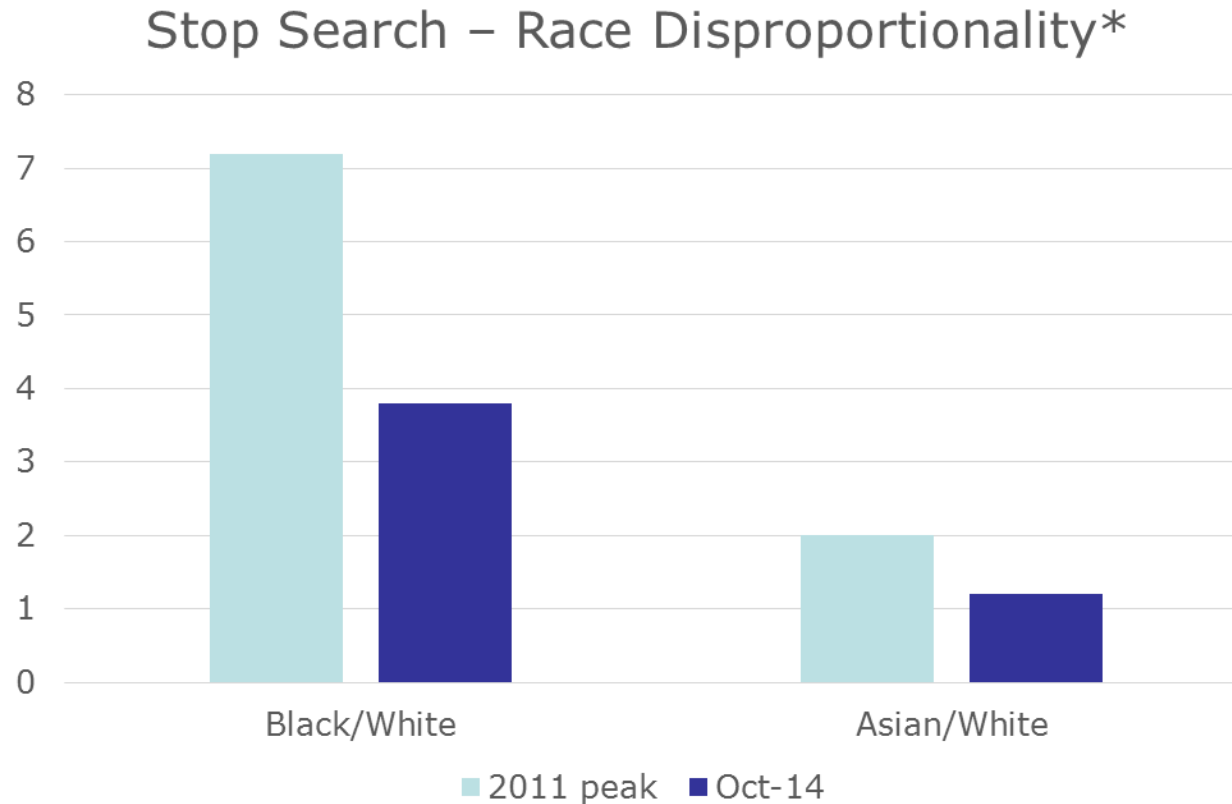
He said there was a "cost" to the indiv time it happened.

"It can be embarrassing, it can be ups has a ripple effect through that persor family and friends," he said.

Stop Search in Leicester



Stop Search in Leicester



*times more likely to be stop searched

Recommendations

You need....

- Data
- Leadership, courage, resilience
- To confront the ugly truth that some officers misuse/abuse their powers
- To improve processes
- Scrutiny, governance, transparency
- To hold your nerve
- To realise improving stop search can really make a difference!

Thank you

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Telegraph article: <http://www.telegraph.co.uk/news/uknews/law-and-order/11068114/Why-stop-and-search-has-to-be-improved.html>