



National stop and search learning report

April 2022

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1. Introduction

Stop and search is a legitimate policing tactic, and we recognise the value of having a power that allows officers to detain a person, who is not under arrest, to search them or their vehicle for an unlawful item. The powers have been described as an important tool in dealing with knife crime and drugs, in particular. However, its disproportionate use against people from a Black, Asian, or other minority ethnic background,¹ particularly young Black men, has been a concern for many years and it remains one of the most contentious policing powers.

This report brings together evidence from our work, stakeholder engagement and published research to highlight concerns about transparency, legitimacy, scrutiny, and disproportionality that must be considered and addressed by the police service and others. Our aim is to support change and improvement in policing practice to help increase public confidence.

The experience of being stopped and searched can be highly intrusive. We repeatedly hear from complainants and others about negative experiences of being stopped and searched, the perceived lack of legitimacy, and the dissatisfaction and resentment that can be caused. Research shows that these can combine to create a loss of trust and legitimacy in policing, marginalisation, exclusion, and in some circumstances can hinder the flow of the crime-related intelligence from witnesses (Jackson, et al., 2012; Bradford, 2015; The Rt. Hon. David Lammy MP, 2017; Bradford, 2017).

In 2020, we launched our thematic work on race discrimination, which enables us to independently investigate cases which would not ordinarily meet our threshold for investigation. Taking a thematic approach helps us to build the necessary body of evidence to drive real improvements in police practice by identifying both good practice and systemic issues, and in 2020 we used this approach to shape 11 formal learning recommendations to the Metropolitan Police Service (MPS) following the investigation of 5 investigations featuring the use of stop and search.

This report is the next step on from that work, looking at learning that could be shared at a national level.

We welcome work being carried out by the College of Policing and NPCC to develop the Police Plan of Action on Inclusion and Race (College of Policing and NPCC). We anticipate that some of the issues we highlight in this report will also be considered within that Plan of Action and suggest that the evidence from this report is used to

¹ Throughout this report, we use the term 'other minority ethnic' to include all ethnic groups except White British and White minorities. The cases that have informed these recommendations all feature people from a Black, Asian, or other minority ethnic background (excluding White minorities). Although not covered in this report, we recognise that there are people from a White minority ethnic background who also have concerns about disproportionate use of stop and search.

support work to take the Plan of Action forwards. Discussions with the NPCC during the development of these recommendations have shown there is a lot of work happening within individual forces to consider and explore new and innovative practices. The NPCC is playing a key role in coordinating and sharing information.

1.1 Use of stop and search

Home Office data shows that the use of stop and search by police in England and Wales (including British Transport Police) under section 1 of the Police and Criminal Evidence Act (PACE) (and associated legislation) increased by 24% to 695,009 in the year ending March 2021 (Home Office, 2021).

The biggest volume increase was in the number of searches for drugs, which rose to 478,576, an increase of 36% compared with the previous year.

The Metropolitan Police Service (MPS) conducted the most stops and searches, recording 311,352 uses, followed by Merseyside (47,893), West Midlands (25,800), Essex (25,586) and West Yorkshire Police (21,028). Together they account for approximately 60% of the total number carried out that year.

The same Home Office data shows that of the 695,009 stops and searches carried during the year ending March 2021, 77% had a recorded outcome of 'No further action'.

2. Maximising learning and improvement

Our mission is to improve public confidence in policing by ensuring the police are accountable for their actions and lessons are learnt. The objectives of this learning report are to:

- review and collate existing evidence, and evidence from our cases and engagement work to identify common themes, patterns and issues;
- contribute to the growing evidence base around use of stop and search by police in England and Wales; and
- identify and promote opportunities for learning and improvement.

Complaints from the public are an expression of dissatisfaction with the way someone has been treated or with the service they have received. The serious incidents we investigate offer opportunities to understand how police services and practice can be improved to prevent issues occurring in the future. While most complaints, investigations and appeals or reviews focus on individual cases, they can also have a significant wider impact when we find that learning or improvement is needed at an organisational or national level.

We make learning recommendations for several reasons:

- To help prevent a recurrence of similar incidents, and to ensure that lessons are learned from incidents that we investigate.
- To improve policing practice and share examples of good practice.
- To protect the public and officers from harm.
- To help promote public confidence in policing, the complaints system, and our work.

Our recommendations can help bring about changes to policing and protect both members of the public and police. Changes made in response to learning ultimately improve policing for everyone, building confidence and protecting the public from harm.

2.1 The evidence-base for this report

This report brings together an evidence-base informed by:

- a review of 37 independent IOPC investigations, appeals and reviews between 2018 and 2021.
- views and concerns expressed by community groups and stakeholders to the IOPC both specifically in relation to these recommendations and more generally through our day-to-day engagement work; and
- a review of key data and evidence in relation to the use of stop and search including national data, research reports and information from inspections.

For each of our recommendations we have provided evidence from our cases to exemplify the issues we have seen. The more detailed examples are included to bring the issue to life, whereas the shorter examples illustrate the range of issues and their frequency. The number of examples for each recommendation does not necessarily reflect the seriousness of the area of learning and different aspects of the same case have occasionally been used to illustrate different concerns.

The investigations, appeals, and reviews that inform these learning recommendations are set out in the table at Annex 1; however, the issues identified are not limited solely to these cases. We publish anonymous summaries for independent investigations once all associated proceedings are complete. Those available, are accessible through hyperlinks within this table.

We recognise that our work does not give us a fully representative picture of policing and, as such, accept that the case examples referred to in this report are not reflective of all uses of stop and search.

Nevertheless, our recommendations, and the evidence presented within them, provide an opportunity to address some of the issues that can undermine trust and confidence in police use of stop and search when these powers are not seen to be used legitimately, fairly, and without discrimination.

2.2 Powers to issue learning recommendations

We have two legal powers to make recommendations under the Police Reform Act 2002. Under paragraph 28A, Schedule 3 of the Police Reform Act 2002, we can make a recommendation in relation to any matter dealt with in an investigation report, appeal, or review. These recommendations can be made to police forces (one or a number) or police and crime commissioners. We can also, in certain circumstances, make recommendations to other organisations that are relevant to the investigation, appeal or review. The force or organisation we make a recommendation to must provide us with their response within 56 days unless there are valid reasons not to. They can also request that we extend the time to respond. Both the recommendation and the response must be published.

Section 10 of the Police Reform Act allows us to make recommendations more broadly about police practice that, from the carrying out of our functions, appear to be necessary or desirable. This does not carry the same legal requirement for the recipient of the recommendation to respond, or for the recommendation or any response to be published.

3. Our approach to issuing these learning recommendations

Making system-wide improvements is only possible through working with all those that play a role in it. We have worked closely with others such as the National Police Chiefs' Council (NPCC), Home Office, College of Policing, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and Police and Crime Commissioners (PCCs) to develop shared priorities, share learning across our work and develop collaborative work programmes to promote improvements.

We are issuing these recommendations to a range of policing bodies. Where we have identified opportunities for improvement that need addressing at a national or strategic level across policing, we have made recommendations to the NPCC, College of Policing and the Home Office.

Some areas require consideration or action by individual forces; for example, to ensure officers' behaviour is in line with expectations, or to ensure that changes are implemented in a way that addresses local needs and context. In these instances, we have addressed questions to chief officers to encourage assessment of the

current position in their force and prompt reflection on any further actions to be taken. We understand that the action prompted by these questions is likely to look different in different forces. We would encourage chief officers to work with local communities and their police and crime commissioner to consider how best to respond to the issues we have highlighted and work with other forces to share ideas and good practice.

While we recognise that the NPCC cannot mandate specific actions within local forces, the NPCC does have a central role to play in providing strong and visible leadership. It can do this by overseeing and leading the development of best practice and change to deliver national coherency and provide the best service to the public, support officers and staff.

4. Legitimacy – reliability, quality, and specificity of intelligence

Many complainants describe a belief that assumptions based upon the colour of their skin result in them being treated differently; therefore, it is valid to investigate whether the suspicion would have been the same if the individuals were White.

The College of Policing's Authorised Professional Practice (APP)² on stop and search states that intelligence should be accurate and current and senior officers and supervisors have a duty to set the policing priorities, tone and style for their areas, whilst ensuring that officers have access to up-to-date and accurate intelligence and information about local crime patterns (College of Policing). However, we understand that this is not necessarily being supported effectively by the different force information and communications technology (ICT) systems, which are at different stages of implementation.

PACE Code A states that a person's physical appearance, the fact that they are known to have a previous conviction, and assumptions about the likelihood of people from certain ethnic backgrounds being involved in criminal activity cannot be used as the reason for stopping and searching them or any vehicle they are in, unless there is information or intelligence giving a specific description of a person suspected of carrying an item for which there is a power to search.

Nevertheless, in the year ending March 2021, people from a Black or Black British background were seven times more likely to be stopped and searched than those from a White ethnic background (Home Office, 2021). People from an Asian or Asian British background, or Mixed ethnic background, were approximately two and

² Authorised Professional Practice (APP) is developed and owned by the College of Policing. It is the official source of professional practice on policing and is publicly available. Police officers and staff are expected to 'have regard to APP in discharging their responsibilities', although officers may deviate from APP if there is a 'clear rationale for doing so.'

half times more likely to be stopped and searched than those from a White ethnic background.

Despite overwhelming evidence that stop and search continues to be used disproportionately against people from Black, Asian, and other minority ethnic backgrounds, HMICFRS says that no force can satisfactorily explain why such disproportionality exists (HMICFRS, 2017).

Case example

We carried out three separate investigations featuring the stop and search of Black men by the same police officer. In one case, the officer was patrolling the streets to disrupt organised crime gangs and deter crime. Despite having no names or intelligence, the officer stopped a 15-year-old Black child³ on suspicion of being involved in drug dealing because he smelled of cannabis and because he was in a high crime rate area. No drugs were found.

Video footage captured the officer punching the child such that he fell to the ground, and then kicking the child whilst he was on the ground. The officer was charged with assault and found guilty. In his judgement, the trial judge concluded “reference to a high crime area does not entitle police to target and stop all or any Black males. That reference just seems to be a misuse of racial profiling instead of an officer really deciding whether s/he has reasonable grounds in relation to the person in front of them, regardless of their ethnicity”. The judge found that the officer had misused his police powers of stop and search and concluded that the punch and kick were both unnecessary and an unlawful use of force. As such, he found the officer guilty of common assault by beating.

In other cases, we have considered whether officers’ decision-making and response was led or influenced by assumptions informed by the race of the Black, Asian, and other minority ethnic people being stopped and searched. This can result in innocent actions attracting or increasing suspicion, prompting a stop and search. For example:

- A Black man in possession of someone else’s credit card was suspected of having stolen it even after providing a plausible explanation.
- A Black man with his hand by his waistband was suspected of being in possession of a weapon.

³ Article 1, The United Nations Convention on the Rights of the Child (UNCRC), 1990, states: “For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.” Retrieved from [UN Convention on the Rights of the Child - UNICEF UK](#)

- A young Other minority ethnic man driving an expensive car was suspected of being involved in gang's activity.
- A Black man driving in an area of alleged drugs activity was stopped because the officer thought his car was 'typical' of the type of car driven by drug dealers.
- A Black man standing on the corner of a road was suspected of being in possession of drugs.
- A Black child riding a bicycle near to a pedestrian during Covid-19 lockdown restrictions was suspected of being involved in a drugs deal.
- A Black man sitting on a railway station platform and travelling via what the officer considered to be an indirect route was suspected of having a weapon upon reaching for his pocket.
- A Black man entering a telephone box and exiting again was suspected of being involved in drugs activity.
- An 18-year-old Black man dressed in casual clothing, who was with two other men, one of whom was allegedly seen to pat his pockets, was suspected of being involved in criminal activities when he seemed to pay particular attention to a police van and looked nervous.
- Whilst in the company of a White man who allegedly carried out a 'comfort pat',⁴ a Black man, who allegedly looked nervous when approached by police officers, was suspected of being in possession of stolen or prohibited articles.
- A Black man looking at a police carrier several times was suspected of being in possession of drugs.
- A Black man's wish to film an encounter was described by the officer as not a reasonable response to a traffic stop, and indicative of behaviours displayed by someone who has a criminal history and experience of dealing with the police.

In each of these cases, the suspicions were proven to be unfounded and no stolen or prohibited items were found.

It is perhaps not surprising that people who believe that they are being unfairly stopped and searched, feel anxious when approached by police officers (College of Policing). They may want to film the encounter to protect themselves. However, appearing anxious or wanting to film the encounter also seems to attract suspicion.

⁴ A 'comfort pat' is a gesture whereby a person pats a part of their clothing/body to check contents.

These cases provide examples of where the grounds for the stop and search were weak, often based on vague behavioural factors such as “looking nervous” and unspecific intelligence such as “a high crime area”. In these circumstances, where stop and searches are not properly explained and justified, it is not unreasonable for people to feel that they have been treated unfairly, or indeed, discriminated against, and the impact of this can be significant, particularly for individuals and communities who may already have low confidence in police.

Policing must ensure that every use of stop and search is fair, lawful, and professional. In circumstances where an officer’s decision-making might have been influenced by assumptions about a person based upon their ethnicity or age, rather than specific intelligence or calls from the public, it is understandable that the legitimacy of its use may be questioned.

Police forces may want to consider the ways in which officers are deployed, briefed, and supervised and give greater attention to interventions, such as decision-breaks and real-time supervision (Pearson & Rowe, 2020; Shiner, et al., 2018). Consideration should also be given to what data is recorded on intelligence databases for stops and searches where no items are found (Søgaard & Rowe, 2020).

Research points to the need for a proportionate assessment of how people from Black, Asian, and other minority ethnic communities can be protected from being unreasonably and repeatedly targeted by police because of intelligence based upon stereotypes and assumptions (Sekhon, 2011).

Training (equality and diversity or unconscious bias), on its own, will not achieve the lasting improvements needed (Pearson & Rowe, 2020). It should be combined with other initiatives delivered in partnership with the local communities affected and supported by an inclusive policing culture.

Forces should be conducting equality impact assessments and community impact assessments to understand and mitigate risks of discrimination and stereotyping associated with a policing response informed by:

- the way a person looks or dresses, including their personal characteristics, appearance, and type of clothing;
- family and friendship associations, which can lead to a guilt-by-association assumption;
- briefings that direct officers to police certain communities differently;
- location, geography, and the use of outside spaces, especially in areas of poverty;

- the biases or stereotyping of other members of the public; or
- unconfirmed or expired intelligence that has not been removed from police systems.

Many forces are already recognising the need to improve their officers' understanding of their local communities and are exploring additional practices.⁵

4.1 Recommendation 1: to the National Police Chiefs' Council and College of Policing

The IOPC recommends that the NPCC and College of Policing work together to develop guidelines on how to safeguard people from a Black, Asian, or other minority ethnic background from being stopped and searched because of decision-making impacted by intelligence based upon assumptions, stereotypes, and racial bias, and mitigate the risks of discrimination.

4.2 Questions for Chief Officers

- a) What steps are you taking to ensure that your force intelligence systems and processes are fit for purpose and provide relevant and recent information to assist officers in their decision making?**
- b) What steps are you currently taking to provide relevant and recent information to assist officers in making decisions about when and how to use stop and search powers?**
- c) What steps is your force taking to reduce the likelihood of people from a Black, Asian, or other minority ethnic background being stopped and searched because of intelligence that is based upon assumptions, stereotypes, and racial bias?**

5. Legitimacy - drugs searches

The reliance upon the smell of cannabis as sole grounds for a stop and search, and how it is used to justify the apparent over-policing of Black communities, is one of the greatest concerns we hear from stakeholders (Shiner, et al., 2018).

In some of our investigations, the smell of cannabis has either formed the sole grounds given for a stop and search, or it has been the main reason for suspicion alongside either weak, non-specific concerns about behaviour, or vague intelligence relating to geographical location. These examples reinforce an often-held perception

⁵ For example, Humberside Police provides additional training to neighbourhood police officers, to give them a better understanding of people who are travellers, Roma, refugees or homeless. West Midlands Police has recently introduced a 'Fairness in Policing' team, which holds sessions with frontline officers to discuss factors relating to disproportionality.

that the smell of cannabis is being used as an excuse to conduct a stop and search, especially when no cannabis is then found on the individual (Pearson & Rowe, 2020).

Case example

A Black man who was cycling near to a major railway station with two companions, was stopped and searched after officers allegedly smelled cannabis. He originally came to the attention of three police officers who were on foot patrol when he stopped his bicycle forwards of the white line to avoid being in the blind spot of a large lorry.

During the interaction the man made a 'cheeky' comment that the traffic stop was putting his life in danger. The officers attributed the smell of cannabis to the man on the bicycle despite him being dressed in Lycra cycling gear and them being at a busy junction. The officers searched the man and his saddle bag but found nothing.

In his complaint, the man said "The rationale (sic) for the stop and search, to me, didn't make any sense. I believe the interaction was discriminatory and the whole process was carried out in bad faith. I felt it was very strange that upon smelling cannabis (the officer) decided to stop me out of everyone that was there. I believe (the officer) was trying to seek retribution for the cheeky comment I had made to him. I do not believe the search was justified, and I found the whole experience humiliating".

In another case, a 15-year-old Black child was stopped on suspicion of being in possession of cannabis after receiving intelligence from other officers that a young Black man had jogged past them allegedly smelling of cannabis. No cannabis was found.

Where the grounds for a search are perceived to be weak, the legitimacy of the stop and search is undermined, which can leave people feeling unfairly targeted, reducing confidence in the police service.

PACE Code A states that reasonable grounds for suspicion must relate to the likelihood that the object in question will be found. It also states that the search is more likely to be effective, legitimate, and secure public confidence if reasonable grounds for suspicion are based on a range of objective factors (Home Office, 2015).

The College of Policing stop and search Authorised Professional Practice states that it is not good practice for an officer to base their grounds for search on a single factor, such as the smell of cannabis alone, particularly where attribution is difficult, such as in these cases.

We welcome the independent academic research being commissioned by the Mayor's Office for Policing and Crime to assess the effectiveness of cannabis enforcement in the context of violence.

5.1 Recommendation 2: to the Home Office

The IOPC recommends that the Home Office review what constitutes reasonable grounds for suspicion for cannabis possession. The review should consider whether smell of cannabis alone provides reasonable grounds for a stop and search and whether any changes are required to PACE Code A.

5.2 Recommendation 3: to the National Police Chiefs' Council

The IOPC recommends that the NPCC takes steps to support forces to reduce their officers' reliance on the smell of cannabis alone when deciding to stop and search someone and instead use grounds based upon multiple objective factors relating to that specific individual.

5.3 Questions for Chief Officers

- a) What action is your force taking to reduce officers' reliance on the smell of cannabis alone when deciding to stop and search someone and instead use grounds based upon multiple objective factors relating to that specific individual?**
- b) What evidence do you have that your action is having a measurable impact?**

6. Quality & safety of the encounter

6.1 Communication and de-escalation

We have frequently seen insufficient and poor-quality communication from officers from the outset of a stop and search. It is perhaps not surprising that people are anxious or resistant to having police officers lay their hands on them when they are not being given an explanation for the encounter.

GOWISELY is an acronym used by officers as an 'aide memoire' for the information they are supposed to give to an individual being stopped and searched, prior to commencing the search, to ensure compliance with Code A of PACE. (See figure 1)

Use of GOWISELY can improve understanding, compliance and avoid escalation, but it is not always being used consistently or in full. It is incumbent on officers to be

mindful of all aspects of their communication - words, tone and non-verbal - to obtain the cooperation of the person being stopped and minimise use of force.

Treating the person fairly and respectfully is likely to reduce the likelihood of conflict, escalation, and resentment. As stated in the College of Policing’s stop and search APP, if the person understands the reasons for an officer’s action, they are more likely to accept it and not see it as arbitrary or unfair (College of Policing).

Figure 1	
G	A clear explanation of the officer’s grounds for suspicion, e.g., information, intelligence, or specific behaviour of person
O	A clear explanation of the object and purpose of the search in terms of the 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

However, use of GOWISELY on its own will not guarantee a positive encounter. In the absence of fair and reasonable grounds, where disrespectful language has been used or there has been a failure to de-escalate, or when force has been used, a person will still potentially leave the encounter feeling aggrieved.

Case example

An 18-year-old Black man dressed in a tracksuit, jogging home from the gym, was stopped by police officers who were acting on intelligence that several young people, who were suspected of being in possession of illegal drugs, had run away from another police officer in the local area. The Black man was stopped and searched because he partially matched the description of a suspect, which was circulated over police radios, and because officers perceived that he was running away from them after making eye contact. Included in the radio transmission was reference to one of the young people being a tall White male, wearing a tracksuit. The complainant believes he was stopped because he is a Black man.

Officers allegedly failed to follow GOWISELY or provide the man with their grounds for suspicion. He alleges he was taken to the ground, causing his trousers to fall down, and that officers did not allow him to pull them up while they searched him for drugs.

Officers handcuffed him during the stop because they described him as being resistant and agitated.

No stolen or prohibited items were found.

Other examples have included:

- The stop and search of a Black man, which escalated to use of force, including handcuffs and incapacitant spray, within one minute of the encounter starting, meaning there was insufficient time for officers to cover all the elements of GOWISELY.
- A Black man, who was allegedly stopped and searched on suspicion of stealing a bicycle, was pushed onto the bonnet of a police car, punched, sprayed with incapacitant spray, and handcuffed. The use of force began within 12 seconds of the start of the encounter. The man alleged the officer did not provide grounds for the search.

In these cases, rather than gaining the person's cooperation by putting them at ease, officers appear to have missed opportunities to adequately articulate the grounds for the searches, leaving the men feeling frustrated and unsure about the motivating factor.

We have also seen cases where officers' poor choice of language, including the use of disrespectful, combative, or potentially offensive remarks, may have caused a situation to escalate. For example:

- A 14-year-old Black child, who was stopped by police officers on suspicion of being in possession of drugs, was handcuffed to prevent him from escaping, fighting, or swallowing drugs, as the officer believed that was how drug dealers usually react to being stopped and searched. No drugs were found. When the child's grandmother challenged the officer that this was happening because the child is Black, the officer accused her of being racist.
- The Black female partner of a Black man, who was stopped by police officers after driving past an address that was being guarded by officers in relation to an investigation into drugs offences, was upset and told the officers that they felt they had been racially profiled. One officer responded by saying "you've just jumped on the bandwagon given the current climate. It's not OK". The woman complained that the officer's reactions, including smiling when she challenged them about feeling racially profiled, were dismissive of her legitimate concerns.
- Officers allegedly shouted at a 15-year-old Black boy, "you're lucky I'm in uniform" and "none of us are fucking racists so shut up with that racist shit" when he asked officers whether his ethnicity had played a part in him being stopped and searched after allegedly smelling of cannabis.
- An officer said to a Black man "I don't know if you're a criminal or not, but when you start to set your phone up and call people over it sets a bit of a scene for me" and "this shows the type of person you are" when he attempted to film himself being stopped and searched.
- During the stop and search of an Other minority ethnic man who was attempting to record the encounter on his phone, an officer suggested that the only people who would film an interaction with police are people with criminal convictions, usually linked to gang violence.

6.2 De-escalation – challenging inappropriate behaviour

Even if a person appears confrontational or agitated, officers should make every effort to gain their cooperation and de-escalate the situation, by being professional and treating people with dignity and respect, before resorting to force.

Case example

Two Black men were stopped on a street by six police officers, after one of the officers believed that they had seen them take part in a drugs exchange. There was little communication before officers grabbed one of the men and attempted to apply handcuffs. The two men felt they were being unfairly targeted because they are Black, and tensions rose. The sergeant at the scene intervened and managed to calm the situation down, but it escalated again when the sergeant withdrew from the conversation.

After no drugs were found on the men, officers searched a vehicle belonging to one of them. No drugs were found.

One of the men was also arrested when a credit card was found in his possession which was issued to a different name. The man was later de-arrested when it was confirmed that the credit card belonged to his girlfriend.

If there's any indication that officers are using weak grounds, their decision-making is being influenced by biases, communication is inappropriate, or excessive force has been used, other officers and their supervisors should be challenging them. However, in some of our cases as we have seen such opportunities to intervene be missed.

The Code of Ethics describes an expectation that officers will report, challenge, or take action against the conduct of colleagues which has fallen below the standards of professional behaviour. Officers must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade, or role (College of Policing, 2014). And forces should be encouraging and supporting supervisors and peers to fulfil their obligation under this standard when they can see things are going wrong.

6.3 Ending the encounter

In several of our cases, the initial search or enquiry was negative. At this point officers should try to end the encounter in an appropriate manner, explaining the outcome of the stop and search and (where appropriate) offer reassurance or thank the person for their cooperation. However, we have seen officers find new grounds to continue the search/encounter.

Case example

A Black man was approached by officers while parked in his car in a residential area. The officers initially explained that they wanted to determine whether the car was registered to him and if he was insured.

An officer then informed the man that they were going to search him for weapons. The officer stated he suspected from the man's behaviour that he was trying to hide something, though it is not clear why he suspected that the man was in possession of a weapon.

The man was placed in handcuffs whilst both he and his car were searched and, at one point, he was moved to the police van so that a more thorough search of his shoes and trousers could be carried out. The officers did not find any weapons.

Our investigation considered whether assumptions about the man may have led to officers becoming suspicious about him and our conclusion was that his race could not be ruled out as a contributing factor.

Other examples have included:

- An initial suspicion that a teenage Black child was dealing drugs led to suspicion that he was in possession of a weapon. Nothing was found.
- An initial suspicion that two Black men were exchanging drugs led to a suspicion that one of them had a stolen bank card despite him providing a plausible explanation for it being in his possession.

Unless there are further genuine and reasonable grounds for continued suspicion, encounters should be ended once the original suspicion has been allayed in a manner that minimises impact and dissatisfaction. Otherwise, there can be a perception that officers are 'fishing' for evidence, which undermines the legitimacy of the ongoing stop and search.

6.4 Recommendation 4: to the National Police Chiefs' Council and College of Policing

The IOPC recommends that the NPCC and College of Policing review the effectiveness and application of GOWISELY and consider whether its use is resulting in professional stops and searches where the person understands the reasons for an officer's actions before starting the search.

6.5 Recommendation 5: to the National Police Chiefs' Council and College of Policing

The IOPC recommends that NPCC and College of Policing supports Chief Officers to implement the College of Policing's national training on communication skills and use of de-escalation during stops and searches.

6.6 Recommendation 6: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to consider the steps that can be taken in their force to ensure all officers understand that they have an obligation to challenge inappropriate behaviours that may occur during a stop and search encounter. This should include situations where officers have insufficient grounds, where decision-making may have been influenced by biases, where communication has been inappropriate or excessive force has been used.

6.7 Recommendation 7: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to take steps to ensure that officers in their force understand their obligation to end encounters once their suspicion has been allayed, in a manner that minimises impact and dissatisfaction, unless there are further genuine and reasonable grounds for continued suspicion.

6.8 Questions for Chief Officers

- a) What action is your force taking to ensure that officers are following the College of Policing's national training on communication skills and use of de-escalation during stops and searches?**
- b) What steps are your force taking to ensure all officers understand that they have an obligation to challenge inappropriate behaviours from colleagues and fellow officers that may occur during a stop and search encounter, including in situations where officers have insufficient grounds, where decision-making may have been influence by biases, where communication has been inappropriate, or excessive force has been used?**

- c) What action is your force taking to ensure that officers understand their obligation to end encounters once their suspicion has been allayed, in a manner that minimises impact and dissatisfaction, unless there are further genuine and reasonable grounds for continued suspicion?**

7. Use of force during stops and searches

A common theme amongst our stop and search investigations is the routine use of handcuffs pre-arrest.

Section 117 of PACE allows officers to use reasonable force to carry out a stop and search, if necessary. Reasonable force is described in section 3 (1) of the Criminal Law Act 1967 as “such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large”.

It follows that an officer’s starting point should always be to seek cooperation from the person being stopped and searched and only consider it necessary to escalate to a forcible search where the person resists or makes it clear they are unwilling to cooperate.

We recognise the challenging situations officers sometimes find themselves in, and are aware that in some circumstances it is necessary and appropriate for officers to use handcuffs for their own protection. However, we frequently see officers routinely using handcuffs, or quickly resorting to their use of handcuffs and other force to gain compliance. In some situations, they even seem to be used where the person appears to be complying with the search.

Use of handcuffs, indeed any kind of force, immediately changes the dynamic of the encounter such that it no longer feels consensual. Encouraging a person to do something voluntarily, by acknowledging their emotional state and acting professionally, is likely to be more effective and safer than ordering or physically compelling them to do so.

In some of our cases, we have seen how the use of force may have caused situations to escalate, which is damaging to the confidence of those directly involved, any onlookers, and members of the wider community.

Case example

A Black man, whose first language is not English, was stopped and searched for possession of drugs by police on a train station platform, after choosing to sit on a bench rather than immediately board a train.

The officers had allegedly walked past a White man before deciding to question the Black man. The basis for suspicion is not clear, though officers stated the lack of response to stop and account questions, together with the man travelling via a route the officers considered indirect, and allegedly reaching for his pockets heightened suspicion such that they believed he may be involved in county lines.

These were also the reasons given for handcuffing the man, as well as his build, which was described as large and muscular. According to the investigating officer's report, the officer who conducted the search told investigators: 'commonly officers are assaulted when they search people and to prevent this the searched person is handcuffed'.

In another case, a 12-year-old Black child, who had a plaster cast on one of his hands, was placed in handcuffs within 20 seconds of the officer exiting his police vehicle, despite being compliant from the outset, and before being afforded the opportunity to explain that he was running an errand for his mother.

Research has shown that stereotypical perceptions of Black people as dangerous, violent, volatile, and having "superhuman" strength may be contributing to the disproportionate use of force and restraint against such individuals (Open Society Foundations, 2019; Dame Elish Angiolini DBE QC, 2017).

Owing to the public nature of stop and search encounters, those subjected to them can be left feeling embarrassed and humiliated and this is exacerbated when force is used. Although PACE allows officers to use reasonable force to carry out a stop and search, if necessary, officers' starting point should always be to seek cooperation from the person. Officers should only consider it necessary to escalate to a forcible search where their safety is genuinely at risk, or the person resists or makes it clear they are unwilling to cooperate.

Experimental statistics published by the Home Office covering 2019/20 indicates that Black people were about 5.7 times more likely to have force used on them than White people across all tactics. Additionally, Black people were eight times more likely to be 'compliant handcuffed' (Home Office, 2021).

7.1 Recommendation 8: to the National Police Chiefs' Council and College of Policing

The IOPC recommends that the NPCC and College of Policing work together to develop guidelines on how to safeguard people from a Black, Asian, or other minority ethnic background from experiencing disproportionate use of force during stops and searches due to stereotypical assumptions and biases affecting the policing response.

7.2 Recommendation 9: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to take steps to ensure that within their force, officers exercising stop and search powers are not using force, in particular handcuffs, as a matter of routine, and are only escalating to a forcible search where the person resists or makes it clear they are unwilling to cooperate.

7.3 Questions for Chief Officers

- a) What action is your force taking to safeguard people from a Black, Asian, or other minority ethnic background from experiencing disproportionate use of force during stops and searches due to stereotypical assumptions and biases affecting the policing response?
- b) How are you ensuring officers exercising stop and search powers in your force are not using force, in particular handcuffs, as a matter of routine, and are only escalating to a forcible search where there is a genuine threat to safety, or the person resists or makes it clear they are unwilling to cooperate?

8. Data recording - who is having force used on them when stopped and searched?

We understand that there is not currently a consistent national approach for monitoring and scrutinising police force data to understand the protected characteristics of the individuals having force used on them during stops and searches.

Case example

A Black man was stopped and searched by police officers following intelligence that the man appeared to be dealing drugs. The officers attempted to restrain the man within seconds of speaking to him and without explaining what they were stopping him for. He resisted their restraint, and repeatedly asked what he had done wrong.

Without providing an explanation, the officers attempted to handcuff the man and one of the officers deployed their incapacitant spray. Once detained, the man was searched for drugs, and given the reason for the stop and search. Officers did not find any drugs. Both officers filled out stop and search and use of force forms, but both failed to record that force (handcuffs and incapacitant spray) had been used during the encounter.

In another case, police officers resorted to using force during the stop and search of a Black man allegedly suspected of stealing a bicycle within 12 seconds of the encounter starting. The officers used physical restraint, handcuffs, punches to the body and incapacitant spray.

When justifying this level of force, one of the officers described the man as aggressively resisting, but this was not supported by CCTV footage of the incident. The same officer also recorded that drugs were a factor impacting his decision to use force, although there was no intelligence linking the man to drugs and the officers did not suggest they suspected he was under the influence of drugs.

The Lammy review recommended a principle of 'explain or reform' whereby evidence-based explanations should be provided where disparities between people from different ethnic backgrounds are apparent, and where evidence-based explanations cannot be provided, reforms should be introduced to address those disparities (The Rt. Hon. David Lammy MP, 2017).

Having a consistent, robust set of data quality standards would support good practice and help forces to make effective use of any data collected, including the identification of any trends and issues, and any evidence of discriminatory bias in an officer's use of force during stops and searches. It would also enable comparison of this data with information about the representation of people with different protected characteristics amongst the force's workforce data to determine whether a lack of representation may be having an impact on disproportionality.

8.1 Recommendation 10: to the Home Office

The IOPC recommends that the Home Office agree an approach to recording data about the protected characteristics of individuals having other policing

powers (such as S.163 and use of force) used on them at the same time as being stopped and searched. The approach should form part of existing recording protocols and should include reports on the links between the ethnicity of the individual and their exposure to stop and search, use of force and vehicle stops.

8.2 Recommendation 11: to the National Police Chiefs' Council

The IOPC recommends that once a standardised process for recording data on the protected characteristics of individuals having policing other powers used on them (such as S.163 and use of force) at the same time as being stopped and searched has been agreed, the NPCC provides support to police forces to implement it in their local area.

9. Data recording – vehicle stops

The stopping and searching of Black and other minority ethnic men in vehicles features in several of the independent investigations, appeals and reviews we have handled since 2018.

The power to stop vehicles without having to give a reason continues to damage police-community relations (StopWatch and Liberty, 2017). Complainants and community stakeholders have told us that they feel disproportionately targeted.

We have seen Black and other minority ethnic men stopped in their vehicles due to:

- being present in an alleged drugs hotspot;
- driving a type of car associated with drugs dealers;
- being Black in an area where 7-month-old intelligence indicated that Black men were involved in drug dealing;
- twice driving past a location being guarded in connection with drugs offences, in a car registered in a different area;
- driving a car not registered in the area;
- looking at officers a certain way, and
- being out during a period of Covid-19 restrictions.

Section 163 of the Road Traffic Act (RTA) 1988 allows a police officer to require a driver of a vehicle to stop when directed and makes it an offence to fail to comply.

Further powers under the RTA (Section 164) give an officer the power, with reasonable cause, to require production of driving licence, obtain names and addresses and evidence of insurance. Section 165 further gives the police the power to remove a vehicle being driven with no insurance or licence.

An officer may only search a vehicle or persons in it if one of the stop and search powers applies in the circumstances; for example, if there is intelligence giving reasonable grounds to suspect that drugs or a weapon are being carried in the vehicle, or if Section 60 or Section 44 powers apply. If no power applies, no search should take place.

There is a perception amongst some stakeholders and community groups that Section 163 powers are being used unfairly and as a 'fishing' power by officers who are determined to find grounds to formally stop and search people from a Black, Asian, or other minority ethnic background. This is illustrated in a case where a North African man believed that officers had used their powers under Section 163 of the Road Traffic Act to provide an opportunity for an unfounded stop and search of him and his vehicle.

Recording the use of Section 163 of the RTA, or the people affected by it, is not currently mandated by any legislation, despite thousands of people being stopped in their cars every year (HMICFRS, 2015). Consequently, unless forces themselves have decided to record this information, or another power is subsequently used, there are no records of the ethnicity of individuals stopped using Section 163 powers. In this context, police forces cannot understand whether this power is being used fairly or effectively. This lack of transparency means that there is no opportunity for public scrutiny and accountability. It also inhibits effective scrutiny and accountability through the police complaints system.

As stated in PACE Code A, officers are subject to the public sector equality duty under section 149 of the Equality Act 2010 such that in the exercise of their functions, an officer must have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation. Officers are not permitted to stop a vehicle based on protected characteristics, including the race, age or religious dress of the driver or passengers.

Recording data on vehicle stops would allow examination and scrutiny of the use of this power, including any disproportionality and its effectiveness at detecting crime and any discrimination.

We understand that in 2017, the NPCC ran a pilot implementing section 163 reporting requirements in five police force areas: Northumbria, Cambridgeshire, West Yorkshire, Sussex, and Surrey (ACC Steve Barry, 2017). Pilot forces were required to report on the ethnicity of those stopped under Section 163, their age, the reason for the stop, the outcome of the stop and whether there is a link between

reasons and outcome. We understand that an evaluation of these pilots is being collated by the NPCC and will feature in their inclusion and race action plan.

We understand that a recording pilot conducted in Northamptonshire Police showed evidence of disproportionality in the use of Section 163 comparable to other recorded and stop and search powers. A public survey of more than 7,500 drivers conducted as part of HMIC's 2015 inspection showed that Black, Asian, and Other minority ethnic people were more likely to believe that traffic stops are used unfairly (HMICFRS, 2015).

We are aware that the Metropolitan Police Service, Bedfordshire Police and West Midlands Police are currently piloting the recording of Section 163 vehicle stops. The Metropolitan Police Service's pilot will record the location and time of the stop, the ethnicity, sex and age of the driver, and the make and model of the vehicle. The emerging outcomes of these pilots could be used to inform this work.

9.1 Recommendation 12: to the Home Office

The IOPC recommends that the Home Office agree an approach to recording data on the use of Section 163 powers. Data should include the grounds upon which a vehicle was stopped, the characteristics of the occupants, and any outcomes resulting from the stop.

10. Body-worn video

Body-worn video (BWV) can support transparency, trust, and confidence in the police. The College of Policing's stop and search APP states 'the standard approach is that body worn video should be activated to capture all relevant information in the time leading up to the person being detained for a search, the conduct of the search itself and the subsequent conclusion of the encounter' (College of Policing).

Any gap in video footage, prevents an independent assessment of the entire stop and search encounter, through either internal or external scrutiny. Stakeholders, including those involved in relevant research, have told us of situations where body worn video cameras were never activated, they were turned on and off during the encounter, footage was tagged incorrectly resulting in it not being retained, and footage was deleted.

The police effectiveness, efficiency and legitimacy programme (PEEL) of assessments conducted by Her Majesty's Inspectorate of Constabulary Fire and Rescue Services (HMICFRS) has identified the value of BWV in improving the behaviour of both the police officer and the person(s) being stopped and the Home Secretary has publicly committed to exploring further work on strengthening its use (HMICFRS, 2018).

BWV enables an understanding of the extent to which those people being stopped and searched are being treated fairly and with respect. BWV is a rich source of information, which enables post-incident reviews, complaints resolution (including those dealt with by the IOPC), effective scrutiny, as well as identifying valuable lessons to improve police-public interactions.

Case example

The body-worn video footage of two police officers failed to record the entire stop and search of a Black man who they suspected of dealing drugs. One officer's camera was only activated partway through the encounter; the other officer's camera did not record at all. The officer whose camera did not record stated they did not know whether they accidentally turned it off, they made an error in operating it, or if the battery was flat.

Other examples have included:

- The beginning of the stop and search of two teenage Black children missing from body-worn footage due to the camera not being switched on early enough.
- Incomplete body-worn video footage of a 14-year-old Black child being stopped by police officers on suspicion of being in possession of drugs due to a known fault with the officer's camera.
- Body-worn video not activated until the stop and search of a Black man by police officers had resulted in him being detained.
- A lack of body-worn footage of an 18-year-old Black man being stopped by police officers on suspicion of being in possession of drugs due to the officers allegedly not being trained in its use.
- The beginning of a stop and search encounter, including the initial contact, not captured on officers' body-worn video due to delays in the cameras being switched on. Pre-event buffering captured a short amount of additional pre-activation video, but this function did not capture audio.

10.1 Recommendation 13: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to take steps to ensure that officers are following the College of Policing's stop and search APP and using their body worn video to capture all relevant information in the time leading up to the person being detained for a search, the conduct of the search itself and the subsequent conclusion of the encounter.

10.2 Questions for Chief Officers

- a) What measures do you have in place to ensure that officers are following the College of Policing's stop and search APP and using body-worn video to capture the entirety of all stop and search interactions?
- b) Does your force routinely use body-worn video to capture traffic stops?

11. Internal monitoring & supervision

In some of our investigations, we have found patterns of behaviour that suggest prolonged disproportionate use of stop and search powers by certain officers. These seemingly had not been identified by supervising officers prior to referral to the IOPC.

Case example

During an investigation into the stopping and searching of a Black man by police officers, the stop and search records of one officer showed that 79% of their stops and searches under Section 23 of the Misuse of Drugs Act since 2015 involved individuals from a Black, Asian, or other minority ethnic background. In comparison, demographic information from the 2011 census showed that only 43% of the residents in the area covered by the station where the officer was based were from a Black, Asian, or other minority ethnic background.

In another case, a police officer's stop and search records showed that 74% of the subjects he stopped were Black, whereas the local borough council recorded a resident demographic of only 30%.

Supervisors must monitor stop and search to ensure its use is appropriate, lawful and complies fully with Code A of PACE, which includes a requirement to consider whether there is any evidence that powers are being exercised on the basis of stereotyped images or inappropriate generalisations.

Regular monitoring of an officer's stop and search records, including their find rates, together with the reviewing and debriefing of body worn footage, would proactively unearth issues and provide supervisors with the intelligence to address any discriminatory patterns of behaviour.

Potential activities could include:

- having an agreed point where low efficacy of stop and search, indicated by find rates and/or high disproportionality, should be investigated;
- investigating when an officer is repeatedly stopping the same individual, despite the item being searched for not being found;
- proactive dip-sampling of stop and search records and body-worn video, not only to assess the quality of the encounter, but also to monitor the use of body-worn video;
- providing channels for feedback from colleagues at all levels, e.g., 360° reviews;
- ensuring supervisors are given sufficient time to undertake effective monitoring and supervision and are holding officers to account when their behaviour falls below expected standards;
- ensuring training is given to supervisors so they are effective in their monitoring, supervision and accountability;
- consideration of targets for the proportion of monitoring and supervision activities expected of supervisors;
- explore the use of technology to identify problematic patterns of behaviour requiring review or action, such as low find rates or disproportionate use of stop and search powers on people from certain ethnic backgrounds;
- methods for sharing learning and good practice; and
- clarifying the role of senior leaders.

During consultation with policing stakeholders, we have heard that supervisors are not always provided with the necessary training to perform this role effectively at the outset. We also understand that supervisors are not necessarily given the time to undertake effective monitoring and supervision.

11.1 Recommendation 14: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to take steps to ensure that the structures they have in place facilitate appropriate monitoring and supervision of the use of stop and search powers, and that supervisors are allowed the time and are sufficiently trained to perform their supervisory duties.

11.2 Questions for Chief Officers

- a) How do your structures and processes facilitate appropriate monitoring and supervision of the use of stop and search powers?
- b) What proportion of time is set aside for supervisors to perform their monitoring and supervision duties?
- c) What training are supervisors given to enable them to perform their monitoring and supervision duties effectively?
- d) What are leaders doing to ensure that data is being proactively used to identify and address any disproportionality in force?

12. External scrutiny

Being open and transparent about how well stop and search is working, through effective partnerships between the police and affected communities, together with meaningful, independent, public scrutiny, is an important step towards improving public confidence in policing (Commission on race and ethnic disparities, 2021). For example, we independently investigated the stop and search of a Black man when the police force's independent stop and search scrutiny panel raised concerns about the encounter and recommended referral to the IOPC.

The College of Policing's APP on stop and search describes the value to forces of having community oversight and sets out two aspects (College of Policing):

- community engagement - informing communities about stop and search, listening to their views (however challenging they may be), and taking those views into account; and
- independent scrutiny - opening stop and search practices up to communities for close examination, with a view to them providing constructive oversight, dialogue, and challenge.

However, we understand from some of our stakeholders that the effectiveness and independence of scrutiny panels and advisory groups is being compromised when they are not representative, independent, purposeful, supported, and influential. For example, we understand, from speaking to members of scrutiny panels, that the information they require to effectively scrutinise a single stop and search encounter (records, statistics, training materials, body-worn video footage, plans/strategies, etc) is not routinely made available.

While we understand that appropriate safeguards must be in place before such information can be shared, the effectiveness of the scrutiny is impacted when it is withheld, and members are not able to consider the full picture.

The governance of scrutiny panels is crucial to their success, and we suggest consideration be given to:

- having a Chair that is independent of the force;
- having a dynamic membership, with both cognitive and physical diversity, that is representative of the local community, including people from underrepresented groups and those most affected by stop and search, such as young people and those from a Black, Asian, and other minority ethnic background;
- involving members in the development of the terms of reference, agenda, and approach for the group;
- publishing the terms of reference in the public domain;
- scheduling meetings to take place at neutral community venues or virtually;
- providing members with necessary resources to be effective, including access to the training required to develop the skills and knowledge and administrative support;
- providing members with access to records, data, body-worn video footage, etc. (whilst complying with the Information Commissioner's Office safeguards);
- having a mechanism whereby officers can be referred to the scrutiny panel for a review of their stop and search records, including the ethnicity of the people being stopped and searched and associated find rates, and body worn video;
- having a community complaints trigger, which may result in referral of an incident to the IOPC;
- involving members in agreeing policies and processes, (contained within the terms of reference), for raising matters of concern relating to potential

misconduct with professional standards departments for assessment by the Appropriate Authority;

- empowering members to build the connections and relationships with senior police officers so that they are positioned to influence change;
- allowing members to review Section 60 authorisations and subsequent use of this power in an area;
- providing members with an opportunity to inform and challenge force equality impact assessments and community impact assessments; and
- allowing members to co-produce action plans to address any developing patterns or issues and publishing these action plans as part of the force's community engagement strategy.

In 2019, the Criminal Justice Alliance published a briefing on how to improve community scrutiny of stop and search. The report contains examples of where some police forces and communities have successfully come together to facilitate meaningful scrutiny and improvements (Kalyan & Keeling, 2019).

We welcome a commitment from HMICFRS to examine the extent to which forces use body-worn video footage in their internal monitoring and external scrutiny processes in forthcoming PEEL inspections (HMICFRS, 2021).

12.1 Recommendation 15: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to work with local policing bodies to implement the principles of the College of Policing's APP on community oversight in relation to stop and search.

12.2 Recommendation 16: to the National Police Chiefs' Council and College of Policing

The IOPC recommends that the NPCC and College of Policing work with the Information Commissioner's Office to enhance APP on the sharing of stop and search information with external scrutiny and oversight groups, in particular body worn video footage, to bring about greater consistency and transparency.

12.3 Recommendation 17: to the National Police Chiefs' Council

The IOPC recommends that the NPCC supports Chief Officers to work with local policing bodies to implement the enhanced APP on the sharing of information with external scrutiny and oversight groups, to bring about consistency and transparency.

12.4 Questions for Chief Officers

- a) What steps are you taking to implement the principles of the College of Policing's guidance on community oversight in relation to stop and search?
- b) What information does your force share with members of your stop and search scrutiny or oversight groups?

13. Trauma

Stop and search is often the most confrontational encounter an individual will have with the police. When a search is not carried out professionally and with sensitivity, complainants have told us of the lasting effect it can have, making them feel victimised, humiliated, and violated. And when the individual being stopped is a young child who may subsequently experience repeated stops and searches throughout their lifetime, the cumulative impact can be significant.

Case example

We have received a complaint from the representatives of a 17-year-old Black child who alleges that between February 2018 to May 2020, while aged between 14 and 16 years-old, he was stopped and searched more than 60 times, sometimes on consecutive days or more than once a day. The complaint alleges that the child is being subjected to an overwhelming level of scrutiny through countless negative stop and search encounters and repeated arrests that result in no further action.

The complaint letter describes “the trauma of being intrusively and relentlessly over-policed” and “discriminated against” and the “drastic impact on his wellbeing, life and perception of policing and the justice system” such that he now fears the police and tries to avoid police officers whenever possible.

In other cases, we have seen:

- An 18-year-old Black man stopped whilst jogging home from the gym on suspicion of being in possession of cannabis. During the encounter, he alleged he was taken to the ground causing his trousers to come down, and that officers did not pull them up while they searched him in the street in handcuffs. No drugs were found.
- A 14-year-old Black child stopped and handcuffed whilst walking through a cemetery with his grandmother. Nothing was found.
- a 12-year-old Black child, who had a plaster cast on one of his hands, placed in handcuffs within 20 seconds of the officer exiting his police vehicle, despite being compliant and polite from the outset and before being afforded the opportunity to explain that he was running an errand for his mother.
- a 19-year-old Black man stopped and searched in connection with a burglary, despite not fully fitting the description of the offenders, described feeling vulnerable, humiliated, and disrespected when he was placed in handcuffs and officers allegedly attempted to force him into a police car. Believing that officers inflated his reaction to justify their use of force, the man's father said, "*No innocent person in such a situation would remain quiet and complacent*".

In each of these cases, the impact of the encounter on the individual should have been anticipated and our investigations and reviews concluded that more could have been done to avoid or limit this trauma, even if the stop and search itself was justifiable.

Witnesses at the Home Affairs Select Committee's inquiry into *The Macpherson report: Twenty Years On* spoke of their lived-experiences and the damaging impact stop and search is having on Black and other minority ethnic individuals and communities (Witness A, B, C, D, E, F, G, H, I, J, K, L, M and N, 2019).

Evidence gathered by the Criminal Justice Alliance for their briefing on the stop and search of young men from a Black, Asian, or other minority ethnic background paints a compelling picture of fear, distress, and lack of trust (Keeling, 2017). And their supercomplaint on the harms caused by 'suspicion-less' stop and searches refers to the impact of stop and search being long-lasting and traumatising, especially when used on children and young adults (Ali & Champion, 2021).

The damaging impact stop and search can have when not carried out fairly and professionally is echoed by the stakeholders we have spoken to, who have told us about:

- the cumulative, long-term impact of the individual and collective trauma, experienced by multiple generations of people from Black, Asian or other minority ethnic communities;
- the damage caused by traumatic stops and searches in childhood and the impact on a child's sense of safety, stability and bonding;
- the damage to trust and confidence when police forces fail to acknowledge racial disparity and institutional racism;
- how individuals and communities feel unprotected by the police and consequently look for ways to self-protect, such as by carrying knives, which can result in people from a Black and other minority ethnic background being disproportionately drawn into the criminal justice system; and
- irreversible harm to trust and confidence in the police and the consequential reluctance to positively engage with the police and the law.

Consideration of the harm caused by traumatic stops and searches should be influencing the design and delivery of legislation, policy, policing practice and tactics, training, and community engagement and avoid the continuation of such trauma in future.

13.1 Recommendation 18: to the National Police Chiefs' Council, College of Policing and Home Office

The IOPC recommends that the NPCC, College of Policing and Home Office explore the feasibility of commissioning research into the trauma caused predominantly to people from a Black, Asian, or other minority ethnic background, including children and young people, by the use of stop and search.

13.2 Questions for Chief Officers

- a) What action is your force taking to ensure that a trauma-informed approach to stop and search is taken by officers of all ranks in your force?**
- b) How do leaders in your force ensure that strategic decisions about policy and practice consider the potential for causing trauma?**

14. Historical context

We understand from some policing stakeholders that some police officers, including both recent recruits and more experienced officers, might not have sufficient understanding of the local and national context within which they are operating.

While the College of Policing's stop and search curriculum includes information about significant events in history related to stop and search,⁶ where there is a lack of knowledge about the historical trauma suffered by some local communities, this can lead to a lack of sensitivity and understanding by some police officers.

Understanding the historical issues that certain communities have experienced is essential if officers are to police those communities sensitively and fairly and maintain trust and confidence in policing. It may also improve officers' own experience if they are able to enter situations with a better understanding of the resistance they may face and reasons for this.

Case example

A teenage Black child was stopped by police officers in an inner-city area that historically has low confidence in the police. The purpose of the officers' tasking was to build confidence and gather intelligence in response to violent assaults that had taken place in the area.

Officers stated they suspected the child had taken part in a drugs deal. Based on this suspicion, one officer approached the child and told him to stop, but he did not explain why he wanted the child to stop. The child then ran away from the officer.

The officer used force, including incapacitant spray, to detain the child to search him for weapons despite the original suspicion being that the child had been involved in a drugs deal. There was limited communication before force was used. The encounter drew a crowd who were angry at the police officers' conduct.

In another case, during the stop and search of a Black man in an ethnically and culturally diverse town centre, officers heard onlookers shout comments likening the encounter to that of a Black man who had died in the same town whilst in police custody. As part of the outcome for this case, we recommended that the officers involved reflect on the impact of the incident on the man involved and the wider community.

⁶ Brixton Riots (1981), The repealing of Section 4 of the Vagrancy Act 1824 (known as the 'sus' law), Tottenham riots (1985), Report of the Stephen Lawrence Inquiry (1999), 9/11 Terrorist attack, 7/7 Terrorist attack, London riots (2011)

14.1 Questions for Chief Officers

- a) What training or information is provided to your officers on the seminal moments in the history of the policing of people from Black, Asian, and other minority ethnic backgrounds, including any local examples of significance, so that they understand the events that might have led to a lack of trust in the police?**

- b) What evidence do you have that officers, of every rank, are considering the impact of past events before deciding to use stop and search as a tactic?**

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16. Annex 1

Force	Independent investigations	Appeals	Reviews	Total
Avon and Somerset	2021/149396			1
Beds	2018/112181			1
Cambridgeshire	2020/137568		2020/138560	2
Greater Manchester	2020/140629			1
Merseyside			2020/144343	1
Metropolitan Police Service	2020/143279 2020/138132 2020/135679 2019/118695 2018/101076 2019/128328 2018/109983/2018/112898 2018/111561 2020/136229 2018/110243 2020/138211 2020/138142	2020/134614	2021/148343 2020/130673 2020/144039 2020/146973 2020/143742 2020/146973 2021/152336 2020/138237 2020/147114 2020/137442	24
Northumbria			2020/133890	1
South Wales	2018/108355			1
South Yorkshire		2019/124486		1
Suffolk	2020/138165			1
Surrey		2019/115643		1
West Midlands	2020/135146 2020/135394 2020/135677 ⁷			3
Total	21	3	13	37

⁷ 2020/135146, 2020/135394, and 2020/135677 feature the same officer.

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Montell Neufville, Chair of Bedfordshire Community Scrutiny Panel

IOPC Youth Panel

Members of IOPC community reference groups

Members of local independent and community scrutiny groups, panels, and independent advisory groups

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