

LEARNING THE LESSONS

➤ Stop and search

Issue 33

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[www.policeconduct.gov.uk/
learning-the-lessons](http://www.policeconduct.gov.uk/learning-the-lessons)

ASK YOURSELF:
Could it happen here?

Improving policing policy and practice

FEEDBACK ON ISSUE 32

In March 2018, we published issue 32 of Learning the Lessons, the first in a new style magazine format.

“ With call handling being more and more under scrutiny (as are many areas of policing) the magazine and shared learning points help us to improve with practical examples. It is invaluable.

Head of a force customer contact centre.

Our charity uses the information to help us target where we can improve our work with the community and the local police force.

Director of a community safety and crime reduction charity.



Thinking about follow-up work:

73.1%

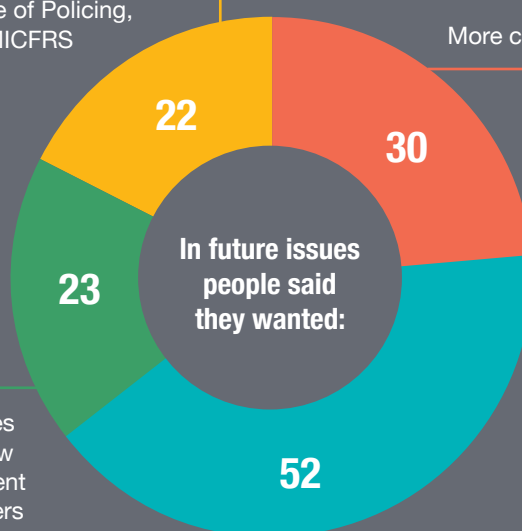
said it would be useful to collect and share information about how forces have responded to the key questions shown in the magazine.

More commentary from the College of Policing, NPCC, HMICFRS

More case studies

User stories which show how different stakeholders are using the magazine in their work

More examples of good practice relevant to the theme



In relation to the new design:



84.5%

said they prefer the new design



92.9%

said the mix of cases and articles feels about right



97.2%

said case summaries were clear and easy to understand

Should we retain outcome information in the magazine:

95.7%

said outcome information is a useful addition and helps them to understand the consequences of actions taken and decisions made

90%

said outcome information should be included in the magazine and not just in the learning reports

If you're interested in making contact with any of the forces involved in any of the cases featured in the magazine email learning@policeconduct.gov.uk and we can put you in contact with them.

FOREWORD



Michael Lockwood
Director General
of the IOPC

Welcome to the latest edition of the Learning the Lessons magazine. Firstly, I wanted to thank those of you who fed back on our last issue. This was the first in our new format and it was great to hear that 85 per cent of you preferred the new design!

The focus of this publication is on stop and search. This is an area that historically has attracted a lot of scrutiny and continues to do so. The IPCC (now the IOPC) did a lot of work to develop a stop and search position. This said that where stop and search powers were used, they needed to be fair, effective and applied in a way that gives the public confidence.

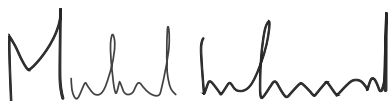
Our evidence shows that where stop and search powers are used, there continue to be some inconsistencies with the quality of the exchange between the officer and the person stopped. This publication includes a selection of cases highlighting organisational learning. In addition to the case studies, the articles include one written by members of the IOPC's youth panel who share their personal experiences of stop and search and thoughts on the issues officers should consider when stopping and searching young people.

We also have an interesting interview with the new Chief Executive of StopWatch, which is a coalition of academics, lawyers, community stakeholders and others who aim to promote fair, effective and accountable policing. Thanks to all those who have contributed to this edition.

To support the development of Learning the Lessons we're also launching a new virtual panel to bring together stakeholders from the world of policing, the community, voluntary sector and academia. You can find out more about the panel and how you can become involved on page 24.

I hope you enjoy this edition. As always, any feedback on content or format will be well received.

Michael



Michael Lockwood

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FAIR AND EFFECTIVE STOP AND SEARCH

The College of Policing has developed a definition of fair and effective stop and search in collaboration with police practitioners, force senior officers and the National Police Chiefs Council (NPCC) lead for stop and search.

A stop and search is most likely to be fair and effective when:

- > the search is justified, lawful and stands up to public scrutiny
- > the officer has genuine and objectively reasonable suspicion that s/he will find a prohibited article or item for use in crime
- > the person understands why they have been searched and feels that they have been treated with respect
- > the search was necessary and was the most proportionate method the police officer could use to establish whether the person has such an item

Four core elements underpin the definition:

- > the decision to stop and/or search a person must be fair
- > the search must be legal in basis and in application
- > interaction with the public during the encounter must be professional
- > police use of stop and search powers must be transparent and accountable

You can find out more about the elements that underpin the definition on the stop and search section of the College of Policing's Authorised Professional Practice website –

www.app.college.police.uk/app-content/stop-and-search.



COMPLAINTS, TREATMENT AND DISPROPORTIONALITY. MAINTAINING LEGITIMACY.

Where do stop and search interactions with the public usually go wrong? In my view, any breakdown in trust begins when officers cannot articulate a compelling and convincing reason for the search. It is entirely

reasonable to expect that we can explain in simple terms the reason for the search, and then accurately record this in the official stop and search record.

HMICFRS inspectors have looked at this a number of times. A few years ago, 1 in 4 stop forms didn't demonstrate the grounds for the stop to a satisfactory degree. The picture has improved slightly, but HMICFRS's most recent report still found that one in eight stop records do not explain officers' reasons adequately.

Supervisors should critically analyse stop forms and not simply 'tick a box' to say they have seen them. Where reasonable grounds are not well-defined or it appears that a search has not been carried out correctly, the supervisor should identify what went wrong and discuss this with the officer. If the person searched has given their contact information, would it be so extraordinary to contact them and attempt some form of service recovery rather than wait for a complaint of dissatisfaction?

This would of course be a bold step, but if we truly want to learn and build relationships and trust, this is what we must seek to do.

In the HMIC report 'Stop and search Powers: Are the police using them effectively and fairly?'

inspectors said that too often police use of stop and search is ineffective in tackling crime and is procedurally incorrect. If HMICFRS concluded that forces are not able to properly justify the use of their powers in a way that benefits the public, in all likelihood this will have an adverse impact on confidence, especially among BME communities concerned about the disproportionate volume of stop and search directed at young black men.

Interpreting the data can be complex. Whilst the statistics offer a one-dimensional picture of the number of searches carried out, this alone cannot provide background to the reasons why officers have used their powers.

For example in some inner-city areas (but not exclusively so), significant effort is being applied to tackling extreme levels of violence. Stop and search plays a part in that. We only have to consider the increase in knife crime and gang-related violence in recent months to understand why.

Correspondingly in some areas BME youngsters are disproportionately represented as both victims and offenders in violent crimes. It is unsurprising therefore that police operations, including those to find weapons, have the potential to impact on this section of the community disproportionately.

There is little doubt that police proactivity to reduce the increase in violent crime is entirely reasonable and supported by many sections of society. But we are faced with a dichotomy in needing to explain why the majority of grounds for search are to find drugs. Officers routinely describe how they are searching for drugs because they can often smell cannabis but this does not persuade sceptics when we announce publicly that we are

concerned in finding weapons and tackling violence. The College of Policing recently provided revised APP on this issue.

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

We should consider who else should be involved in preventing weapon-enabled violence. By the time police officers intervene and discover knives or firearms, it is too late – we are either involved in saving a victim of violence, or a young person faces the consequences of the criminal justice system for their offending.

The police service has made considerable improvements in the legitimate use of stop and search over the last five years. Ineffective searches where nothing is found have reduced by 70% and arrests (an indicator of the serious nature of items found) are at record levels. Both these factors are leading to green shoots of confidence in some communities and with politicians.

The police service undoubtedly has a responsibility to properly exploit the operational capability offered by stop and search powers. But we must also listen to public concerns and provide a compelling explanation of its impact if we are to maintain public confidence.



Adrian Hanstock, Deputy Chief Constable at British Transport Police and the national policing lead for stop and search.

1

**COMMUNICATION
DURING A STOP**

At around 11.45pm, a Police Community Support Officer (PCSO) in the CCTV control room told officers on patrol that a man was seen putting an object, believed to be a knife, down the front of his trousers. The PCSO gave a description of the man and the direction he was heading.

A police sergeant and a number of colleagues ran to the area where the man had been spotted.

Accounts of what happened next differ. The man said that four officers jumped him from behind and forced him to the floor, in what felt like a rugby tackle. He felt a knee on his back and on his neck. He said that the way officers handled him made people stop and stare and made him feel like a criminal.

Officers said that the sergeant was the first to approach the man. They approached him, two on either side and shouted, “police”. as they grabbed him.

The sergeant said he pushed the man towards a fence and took him to the ground in a controlled way with the help of colleagues. The man was handcuffed to the rear, to prevent him from harming officers or reaching for a weapon. He was then pulled to his feet.

The man was told the grounds for the search. The sergeant then explained the object of the search, warrant status, identity of officers, their station, the detainee’s entitlement to a search record, and the legal power in use.

» Authorised Professional Practice (APP) on stop and search

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. To maximise the person’s understanding before starting the search, officers exercising stop and search powers must adopt the following steps in accordance with GOWISELY:

- identify themselves to the person
- show their warrant card if not in uniform
- identify their police station
- tell the person that they are being detained for the purpose of a search
- explain the grounds for the search (or authorisation in the case of section 60 searches)
- explain the object and purpose of the search
- state the legal power they are using
- inform the person that they are entitled to a copy of the search record and explain how this may be obtained

Find out more online:

www.app.college.police.uk/app-content/stop-and-search/professional/

Officers described the man as hostile and abusive, especially towards the sergeant.

An officer carried out the search. The man confirmed his name and date of birth. He did not have identification, money or a phone.

During the search, it is reported that he repeatedly asked why he was stopped and why he was being searched. The search did not find anything. A van was called to take him to a police station for a thorough search because it was believed he may still have a knife.

While waiting for the van to arrive, an officer carried out a Police National Computer (PNC) check. During this, it is claimed that the man became abusive.

The PNC showed he was known for a number of reasons, and officers treated him as a high-risk suspect.

The man alleged that when the sergeant returned, there was an exchange where the sergeant called him a “nonce” and a “scumbag” and he called the officer, “Stupid, a shit officer and old”. The sergeant allegedly grabbed him, pushed his face against a wall, four or five steps away from where they were standing, away from other officers. The man alleged that the officer said in a lowered voiced that he hated his, “Type of people”. Another officer heard the sergeant say something along the lines of, “You’re not welcome here because you’re a criminal”.

The man complained that the reference to, “People like you,” was a reference to him being black, and was racist.

The sergeant said that he often used words to the effect of: “This place isn’t for people like you anymore. We’re trying to make this a place for nice people so you are going to have to find somewhere else to hang around”.

He said he made these comments after a PNC check,

and had said similar things during other stop and search encounters when PNC checks showed that someone had a criminal record.

He said this would give them the clear message that the area was no longer a place to carry out crime. Another officer corroborated that he had heard him say similar things to a number of people and did not believe this was intended to be racist.

While they were waiting for the police van to arrive, it is alleged that the man continued to shout and swear and asked passing members of the public to assist him because he said officers were roughing him up. Because of this, the sergeant said that he moved the man to face some hoardings, and asked another officer to stand with him.

At some point the man bumped his head on the hoardings. He alleged that the officer grabbed him and pushed his face against the wall. The officer said the man was too close to the hoardings and hit his head while turning suddenly. The man told the officer he was going to make a complaint about this.

The sergeant said another officer told him that the man was complaining his handcuffs were too tight. He checked them, confirmed that, in his view, they weren't too tight, and moved the man closer to the hoardings.

The man said that his arm was broken and that he wanted an ambulance, but the sergeant told him that he did not need one. When the van arrived, the man was taken to the local police station. On arrival, he was taken into a room for a strip search. Four officers were present. Officers found a cannabis grinder and a small amount of cannabis during the search, but decided not to arrest the man because they thought

it was not in the interests of the public or the police to prosecute.

The sergeant said that the man told him he was going to complain that he had banged his head on the wall, and had injuries. The sergeant said he told the man that he could complain and offered to arrange for photographs to be taken for evidence. However, the man refused.

Key questions for policy makers/managers:

- What has your force done to educate officers about the reasons why people react differently to being stopped and searched in light of historic and current issues that shape their experience of policing?
- Does your force give officers the opportunity to practice giving grounds and communicating with people in a mock stop and search encounter, before using powers for real?
- As part of training on stop and search does your force give officers the opportunity to hear from members of the public about what it feels like to be stopped and searched, and how officers can improve the quality of these encounters?
- As a supervisor, would you routinely give officers feedback on the language they use during stop and search encounters, to advise them on words or phrases that could be misconstrued, or contribute to the deterioration of communication during a stop and search?

- Does your force regularly monitor feedback on stop and search encounters, and body-worn video footage of stops, to identify opportunities to improve the way that officers can improve the quality of encounters?
- Does your force give officers clear guidance on how to respond to members of the public attempting to record or intervene in a stop and search?
- Does your force train officers on how to handle handcuffed suspects to protect them from injuring themselves or others?

Key questions for police officers/staff:

- What would you have done if faced with this situation?
- Would you recognise that certain phrases or terms could be misconstrued, or open to different interpretation when used in the context of a stop and search encounter?

Outcomes for the officers/staff involved:

- The officer who stopped the man was found to have no case to answer in relation to the use of racist language towards the complainant, and in relation to excessive use of force on the man. The force provided the officer with words of advice outside the formal disciplinary process.
- [**Read full learning report**](#)

2

**MULTIPLE
SEARCHES OF A
16-YEAR-OLD**

Two officers were on patrol in an unmarked police car as part of an operation targeting a drugs gang. Shortly after 2.30am, they called the control room for assistance from a marked vehicle, to stop a car.

It is unclear why they wanted to stop the car. Intelligence about the car and its registered owner was considered to have little merit. The car was not flagged up by the automatic number plate recognition system and there was no information from force daily briefings and debriefs.

Two young men and two women were in the car. One man was handcuffed by an officer who held on to the handcuffs. The man said that the officer falsely accused him of assaulting her with them.

There are conflicting accounts about whether the officer arrested and then de-arrested the man.

The two men were taken to the police station for searches under section 23 of the Misuse of Drugs Act 1971. During the strip searches, officers said that they asked both men to squat. APP explicitly advises against asking a detainee to squat during a strip search. No drugs were found.

After the search, one of the men was asked for his name, address and age. He was 16. No appropriate adult was called. No record was made that a 16-year-old was searched without an appropriate adult.

The female officer who had handcuffed the boy, completed search records while outside the room where searches were done.

There is no record of the forms being submitted to the police system for recording searches. This is despite the Police and Criminal Evidence Act (PACE) specifying that a record be made on the spot or as soon as practicable after a search.

Two days after this search took place, the female officer was on patrol in an unmarked police car with another officer. Shortly after midday, they saw in a car park the same car that had been stopped previously. Inside were the man, boy and one of the women who had been in the car previously.

An intelligence report about the car had been submitted at about 3am that day reporting a strong smell of cannabis from the car.

There was also intelligence about an address close to where the car was parked. It was believed drugs were being dealt from the address.

The male officer saw the man put his hands between his legs and thought he was concealing something, and handcuffed him.

The female police officer recognised the 16 year old, called him by name, and told him he was going to be strip searched again.

The man was taken out of the car. A bag with 0.9g of cannabis was found on his seat. He was arrested for possession of cannabis. The two other people in the car were taken to the police station for a drug search under section 23 of the Misuse of Drugs Act 1971. On arrival at the police station, officers discussed if an appropriate adult should be called for the 16 year old.

The male officer said he was concerned about gang members concealing drugs internally. After talking to the custody sergeant, he thought a strip search could be done without an appropriate adult, if there was a serious concern for

welfare. This is permitted by PACE only in cases of urgency, where there is a risk of serious harm to the detainee or others.

Arrest records of members of the gang that was being targeted were reviewed during the investigation, because the officer said that his previous experience was the basis of his rationale of serious concern for welfare.

These showed only three previous reports of drugs concealed internally by members of this gang. All were from several years earlier and did not mention people targeted by the operation.

The female officer again filled in the record of the search while she was outside the room.

Five days after the second search, shortly before midnight, the 16 year old was stopped again by the same two officers involved in the second stop. He said that he was given a pat-down search. He was not given a record of the search. He saw the female officer make a note in her pocket book.

The officer's three most recent pocket books, covering the period of the stops, were not submitted to the records centre. One was found at her home with pages missing. However, this pocket book did not cover the period of this incident. The relevant note books were never recovered.

Six days later, shortly before 4pm, the male officer who carried out the second search was on patrol with a new in-service officer who was on a two-week attachment to the team. They saw the 16 year old and stopped him. The experienced officer said that he could smell cannabis so he decided to search the 16 year old under section 23 of the Misuse of Drugs Act. Nothing was found in a search of his outer clothes and pockets. He called for assistance

from the officers who had carried out the first and third searches.

» Authorised Professional Practice (APP) on stop and search

“ The smell of cannabis as sole ground for a search

Section 23(2) of the MDA and PACE Code A make no reference to whether the smell of cannabis alone provides reasonable grounds, and there are no stated cases on this issue. As a consequence, it is difficult for the College to provide further clarity, except to say that it is the responsibility of individual officers to ensure that searches based only on the smell of cannabis can be justified and are carried out in accordance with PACE Code A.

PACE Code A states that reasonable grounds for suspicion must relate to the likelihood that the object in question will be found. It also says that, in the absence of specific intelligence or information, reasonable grounds may exist on the basis of someone's behaviour, and that searches are more likely to be effective and legitimate when their grounds are based on multiple objective factors. This would suggest it is not good practice for an officer to base his or her grounds for search on a single factor, such as the smell of cannabis alone or an indication from a drugs dog. College research, carried out in two forces, has also concluded that behavioural factors should play a more prominent role than the smell of cannabis in officers' decisions to search for cannabis.

Guidance for practitioners conducting and supervising searches

To help an officer decide if their grounds for a cannabis search are reasonable, they should ask themselves the following questions:

- > **Attribution** – can the smell of cannabis be attributed to a specific person?
- > If there is a group of people together – either in an area or vehicle – can I attribute the smell and/or suspicion to particular members of the group?
- > Could the smell have come from somewhere or someone else, ie, a previous occupant of the area/vehicle?
- > **Likelihood** – how likely is it that I will find the cannabis I can smell on this specific person?
- > **Genuine suspicion** – taking everything into account, do I have a genuine suspicion that I will find cannabis on this person and is there an objective basis for that suspicion based on facts, information and/or intelligence?
- > **Reasonable person** – how would my grounds sound to a reasonable person? Would they reach the same conclusion as me, as required by PACE Code A?
- > **What else** might indicate that the person is or is not currently in possession of cannabis – for example, their behaviour?

Find out more online:

www.app.college.police.uk/app-content/stop-and-search/legal/legal-basis/

Officers say that the young man was asked for details of an appropriate adult and declined to give these. Officers say he was given the option to be searched in the back of the police van, and opted for this, instead of going to the station. Officers said that they thought a search in the van was acceptable. This is explicitly prohibited in PACE.

The search was carried out by the two officers who had stopped the boy. During the search, a bag of cannabis valued at approximately £5 to £10 fell from the waistband of his boxer shorts.

When the van door was opened, the boy grabbed the bag of cannabis and put it in his mouth. The experienced officer who had carried out the search grabbed his jaw to try and stop him swallowing the cannabis, but he did not have the boy under control. The female officer reached over the boy's shoulder from outside the van. Two of the officers describe the boy trying to bite the officer. He denies this. The female officer punched the boy in the face.

After being punched, the boy opened his mouth to show that he had swallowed the cannabis. The experienced officer, who had stopped him, arrested him on suspicion of possession of cannabis and for assaulting a police officer. He was put in handcuffs in a rear stack position.

When he got out of the van, the boy kicked out at the female officer. The male officer who had come to the incident with her pushed him into the side of the van. The boy was taken to hospital and had a suspected fractured cheekbone and a swollen nose and jaw caused by the punch. The handcuffs were changed to a front stack position and left on while he was in hospital. They were removed when he arrived in custody at around 10pm.

The boy said that while in hospital he asked to speak to his mother. This is denied by officers and no attempt was made to contact her. The first time they tried to contact his mother was when the boy was at the police station. This was shortly before midnight, approximately eight hours after his arrest. The boy remained in custody

overnight and spoke with a solicitor at around 9am the next day.

The boy alleged that during two of the strip searches, he was left completely naked. Officers denied this. The boy, who was black, said that he thought the third stop and search was racially motivated. However, this was not supported by the available evidence.

When the searches took place, the force was changing from paper to electronic records. The new system required supervisors to review and validate records. The records of searches in this case, all of which were validated by the same supervisor, were incorrectly filled out with missing or inappropriate information.

Key questions for policy makers/managers:

- What do you do to make sure that officers involved in operations targeting drugs gangs, where searches are likely to be needed, have a full understanding of their powers and responsibilities for searches?
- What consideration is given when planning operations targeting drugs gangs to any particular action that might need to be taken if young people are involved?
- What mechanisms do you have in place to ensure that officers submit records appropriately, including search records, pocket books and intel reports?
- How do you ensure that supervisors are exercising appropriate oversight of their officers' work?
- How do you ensure that information shared through verbal briefings and debriefs is captured?
- What guidance do you give officers on what to do when a person has put an object in their mouth?

Key questions for police officers/staff:

- Would you have considered the possibility that the boy may have been a victim of exploitation by the gang? If so, what action would you have taken and when?
- What would you do to facilitate support for a young person from appropriate adults, family members or agencies either during the search or after it?
- What action would you take if you suspected a young person you had stopped had concealed drugs internally?
- If a colleague supports you in completing paperwork that you are responsible for, how do you ensure that the paperwork is completed accurately and submitted?
- Would you have taken any action to contact the boy's mother while he was in hospital?

Outcomes for the officers/staff involved:

- The officer who led the searches of the boy on the first and third occasion and who was present at the fourth incident attended a misconduct hearing. He was given a final written warning.
- The female officer who was present at all four stops, completed search records and punched the boy resigned from the police force while consideration of the outcome was ongoing. She did not attend a misconduct hearing.
- The officer who led the second and fourth searches attended a misconduct hearing and received a final written warning.
- The new in service officer who assisted with the search in the back of the police van received management action.
- The sergeant who incorrectly validated the search records received management action.
- [Read full learning report](#)

STOP AND SEARCH? THERE IS STILL WORK TO DO.

I imagine some police officers might be thinking ‘why are we still talking about stop and search? The truth is real progress has been made, but complacency, and irresponsible headlines about ‘significantly increasing the use of stop search’ run the risk of a slide back to where we were in 2011, when misuse of stop search powers was widespread.

High volume use of stop and search, especially Section 60, has gone. We should acknowledge the role played by civil society, campaigners and activists in this, as well as the odd police officer willing to speak out. Whilst a few politicians and police leaders were happy to claim the credit, organisations like StopWatch and other campaigners were the driving force behind the changes, which include the **Best Use of Stop and Search Scheme (BUSSS)**. BUSSS was adopted by all forces, although some were reluctant to do so. It ensured that forces complied with the law, that they made appropriate records when stop search was used, had proper oversight of ‘no suspicion’ powers and that the external scrutiny that was supposed to be in place really was.

Providing the police with your personal details during a stop and search helps track where people have been repeatedly stop searched. However, people are entitled to decline giving their details. This is someone’s right as a citizen in a policing by consent model. Some of the conflicts in stop and search encounters arise when there is a delay whilst details, provided voluntarily, are checked on PNC/intel systems. If officers have a good reason not to believe the details provided, and

they suspect an offence has been committed, it may be lawful to detain the person. Otherwise, any further detention may be unlawful.

Another frequent point of contention is the automatic use of handcuffs during a stop search. PACE and Section 3 of the Criminal Law Act 1967 allow for this use of force to protect everyone’s safety, preserve evidence and prevent escape. The automatic handcuffing of members of the public without an assessment is not permitted. The officer must assess whether it is lawful, necessary and proportionate to apply handcuffs, rather than just convenient, easier or ‘normal practice’.

Perhaps it’s surprising that more people don’t complain about unnecessary handcuffing, or about stop and searches in general. However, it’s a myth that stopping and searching people means officers will be subject to numerous complaints. There are many reasons why people don’t complain – fear of reprisals, the length of time the process takes, a feeling that nothing will be done, lack of trust in the police or the criminal justice system in general – all are disincentives. The consistent factor though is the demography of the vast majority of people subjected to stop and search. Young people between 15 and 25 do complain about things, but they do so on Snapchat, Twitter or in a WhatsApp group. Formal complaints processes just don’t work for younger people. Any police force using the number of complaints about stop and search as a barometer of public sentiment around its use is kidding itself. Forces that have genuinely shared data about stop and search, and information from scrutiny panels, body worn video and the realities and challenges of police patrol have a far better

idea of whether the use of stop search is problematic. Research into Northamptonshire Police’s Reasonable Grounds Panel (RGP) shows that genuine public scrutiny can increase the confidence of both police officers and the public in the use of stop and search. It would be good to see other, larger forces experimenting with the RGP process, and **Dr Mike Shiner’s** forthcoming research paper will assist them.

It is clear that officers need stop and search powers. It seems to me the only people who would benefit from there being no stop and search at all would be the criminals seeking to move weapons, drugs and stolen property around.

Many in this debate talk about ‘more intelligence-led stop and search’. Surely this implies that, in the past ‘non-intelligence-led’ stop and search was being encouraged. Who by? Chief constables and politicians have been championing intelligence-led stop and search for decades. When 50-70% of stop searches are for drugs, and only a tiny percentage for weapons, it is clear that translating those headlines into on-street reality that targets high-harm activity, may take a while longer.



Nick Glynn leads the policing and security governance portfolio at the Open Society

Initiative for Europe. Nick spent 30 years as an officer with Leicestershire Police, rising to the rank of Chief Inspector. He led a transformation of the force’s use of stop and search powers and subsequently worked as national lead for stop and search at the College of Policing.

3

FAILURE TO
RECOGNISE A
VICTIM

A young black man, aged 16, was in a city centre with two younger cousins when a fight broke out. One of his cousins stepped in to intervene and an unknown older man tried to attack him. He had stepped in to protect his cousin and was punched in the face, which injured his lip.

They took refuge in a shop. When they left, around ten minutes later, the police had arrived and were arguing with a group of adult men.

The young man made his way over to the group, and one of the officers came over to him. He thought the officer was going to help him because he was injured, but the officer tried to search him, grabbing his arms and patting him down. The young man resisted by pushing the officer's arms away and telling him to get off.

In interview, the officer said he wanted to get an account of the fight. He later claimed he took the young man away to search him because the man had a cut lip and he believed he had been behaving disruptively.

It was alleged that the officer did not give grounds for the search, his name, collar number, or details of the station he was attached to.

One of the other men in the group challenged the officer and told him to leave the young man alone. The officer told him that he was being searched under section 1 of the Police and Criminal Evidence Act (PACE).

Officers took hold of the man's arms while he was being

searched. The first man reportedly told the officer, "He hasn't done anything wrong. What is your purpose here? Have you just come here to cause trouble?"

The search of the second man found no weapons or illegal items.

The officer said he was about to fill out an electronic stop and search form when he looked up and saw an incident between his colleague and the young man. He did not complete the form. He did not try to do so later.

» PACE Code A 2015

“ A record must be made of the search, electronically or on paper, unless there are exceptional circumstances which makes this wholly impracticable. In which case, the officer must make the record as soon as practicable after the search is completed. ”

Find out more online:

www.gov.uk/government/publications/pace-code-a-2015

The young man told investigators that the second officer had tried to intimidate him by moving into his personal space while talking to him. When he was told to leave the area, he reportedly replied, "I haven't done anything wrong. I am the victim here." He later said he thought the officer's actions were oppressive.

The young man asked why he should leave, when he was the victim and had been beaten up. He asked why the officer was not trying to help and only seemed

interested in searching people. He felt intimidated and frustrated that the officers had not offered to help him. He accepts he told the officer close to him to, "F*** off".

Although he had a visible injury to his lip that he was dabbing with tissue to stop the bleeding, the officer did not try to investigate what had happened.

The second officer warned that if he swore again he would be arrested. The young man reportedly replied, "I don't give a s*** what you say, I am not going away."

The officer decided to arrest the young man for breach of the peace, taking hold of him by both arms. He struggled to break free and his arm connected with the officer's face. The officer pulled him towards the back of the police car, and pushed him against the boot. The officer said that the young man lashed out, connecting with the left side of his face.

The officer did not immediately tell him that he was under arrest. He claims he had been about to when he pulled away from him.

The officers took the young man to the floor and handcuffed him to the front. They said this was for their own protection, and to prevent him from escaping.

He was arrested for assaulting an officer and cautioned. On arrival at the police station, the young man reportedly asked why he had been searched and arrested, and repeated that he was the victim. They reportedly said it was because he had been bleeding.

The young man was not happy. The custody sergeant told him to be quiet. This made him unresponsive when asked questions. He eventually gave the custody sergeant the information asked for.

The custody sergeant did not ask about the lip injury, but did ask if the young man wanted to see a custody nurse. He also told the officers who had brought him to the station to obtain an appropriate adult.

The young man had lost his mobile phone during the incident and was unable to provide a phone number for anyone who could act as an appropriate adult.

Officers visited the home address he provided, but were unable to make contact with anyone. Neither officer contacted social services to ask if they could provide an appropriate adult.

While he was in custody, a cousin went to the police station to offer to act as his appropriate adult. His cousin said he spoke to two members of staff to offer to do this. He expressed concerns about the young man's vulnerability. He was reportedly told that his cousin was not in custody. He was also told that unless the young man asked him to act as an appropriate adult, he could not perform the role.

The custody log shows that the young man gave the name and address of a person who could act as an appropriate adult. There are no details of this person having been contacted. Sometime later, someone else was identified as an appropriate adult and sat in when he was interviewed by officers.

The young man was in custody for 19 hours and 20 minutes.

One of the officers seized the CCTV footage of the incident on the same night. The officers were not wearing body-worn video. There was no in-car CCTV.

A few weeks later, the force received a complaint/letter of claim from solicitors representing the young man. It stated that they were pursuing a claim for compensation for assault, wrongful arrest, unlawful detention and malicious prosecution.

The criminal case against the complainant was subsequently discontinued.

Key questions for policy makers/managers:

- Does your force's training on stop and search include guidance on the legal framework and good practice on stopping and searching young people?
- Where someone is arrested and taken into custody following a stop and search, what steps does your force take to ensure that stop and search records are completed?
- How does your force ensure that complaints are identified, and referrals made, to the IOPC without delay?
- Does your force routinely equip officers with body-worn video and require them to record all stop and search encounters?

Key questions for police officers/staff:

- What method do you use to identify victims and their vulnerability and how would you change your approach after reading about this case?
- Based on the information provided, would you have searched both men?
- What action would you have taken to try and de-escalate the situation?
- Would you have taken any action if you saw the man had an injury to his lip?



Outcomes for the officers/staff involved:

- The officer who stopped and restrained the young man was found to have a case to answer for misconduct in relation to: failing to deal with him as a potential victim; failing to provide grounds for the initial arrest; using excessive force during arrest; and the length of time the man spent in custody. None of the allegations were proven.
- The officer who searched the two men was found to have a case to answer for misconduct in relation to: searching the men without complying with the requirements of PACE, having insufficient grounds for the searches, failing to record the search of the second man; the length of time the man spent in custody; his failure to contact social services when asked by the custody sergeant. The allegation that the officer failed to record the search of the second man was proven. However, no further action was taken. None of the other allegations were proven.

➤ [Read full learning report](#)

4

RACIAL PROFILING



At around midnight, three officers on patrol saw a car being driven with the roof down. It was a cold night and the car was moving between lanes at traffic lights without indicating. Officers followed the car to speak to the driver. One was a probationary constable guided by officers who thought this situation would be a learning opportunity.

While following the car, a passenger started taking photos, using a small hand-held device.

In light of the terrorist threat level, officers were encouraged to consider hostile reconnaissance and to look out for people taking an unusual interest in features of a building. This included taking photographs, filming, making notes or sketches.

Officers checked the Police National Computer (PNC) and found that the car was registered to a car dealership. They continued to follow the car, looking for a safe place to stop it. They turned on their blue lights while they maintained a position behind the car, and then turned them off.

When both vehicles stopped in stationary traffic, the passenger in the car got out and spoke with the officers.

Both vehicles pulled to the side of the road. The driver and passenger in the car and two of the officers stood talking.

One officer remained in the police vehicle for a few minutes. He radioed the police control room and asked them to open a computer-generated record (CAD) for a vehicle stop.

Each officer activated their

body worn video (BWV) camera when they got out of the vehicle.

When the third officer left the vehicle he stood away from the group so it did not feel overbearing. The officers asked for the driver's ID and asked if he owned the vehicle. The driver was unable to provide ID. He confirmed that the car belonged to a car dealership. He was unable to provide supporting paperwork.

One officer said, "We just need you to help us to help you. I'm not saying you're doing anything illegitimate. But we just need to prove it, you understand?"

The officer explained the rationale for the stop. He referred to the terrorist threat, and the possibility that tourists taking pictures and hostile reconnaissance could appear similar. The passenger of the vehicle replied, "Fair enough". He described being stopped by police earlier that day in his own car. The officers continued to explain the reason for the stop, how the car's roof being down in the cold weather could be considered unusual, and that the car had moved between lanes erratically.

The passenger in the car said, "I understand. To be fair, that's why I'm not giving you grief. To be fair, we don't drive round here". The man said, "Usually, when I get stopped in my car, I get harassed. So there's no other reason for you. Unless they've got a warrant marker on my name? Or my car has got a marker on it? If I'm not doing anything, why are you harassing me?"

The officers nodded and one of the officers said, "I wouldn't take it as harassment".

One officer then stepped to the side and spoke with the driver and the officer who had stood back. This left the passenger with their

colleague.

The officer said to the man, "I know what you're saying. People like to say that it's because we're racist". The man replied, "I get that. Don't get me wrong. You got a reason, and I'd rather you were doing that". The officer continued, "Let me put it this way. Let me twist that round then. You are saying about a reason right. So, all round here, there is a big problem with robberies. And I'll tell you now, this isn't racist, this is a fact: predominantly, the criminal profile, the people that do it, are black people".

The officer went on to say that if he saw a "car full of black lads" and they were dressed in a particular way, they are likely to be stopped.

The officer added "Now it's not harassment, you might not see that as a reason".

While the officer spoke, the man occasionally tried to interject, before allowing the officer to continue.

» Authorised Professional Practice (APP) on stop and search

“Procedural justice, ie, fair decision making and respectful treatment, should help ensure that the police use of stop and search powers is seen by the public as legitimate. Doing so will involve officers adopting a professional and unbiased approach that complies with standards of conduct.

Respectful treatment is a key element of the procedural justice approach. It centres on how the person's experience of contact makes them feel and applies as much to what officers do as how they do it. The effect on the person of being searched depends, to a large extent, on how the officer interacts with them, how their individual needs are responded to, whether they have an opportunity to participate and whether they understand the reasons for the officer's actions. These elements significantly influence whether a person perceives the experience of being stopped and searched as negative or neutral."

Find out more online:

www.app.college.police.uk/app-content/stop-and-search/professional/

The officer's comments suggest he considered someone's ethnicity relevant to the decision to stop a vehicle. The officer confirmed in interview that he was aware that police cannot stop someone based on their ethnicity.

BWV footage confirms the man did not explicitly mention his ethnicity when describing the earlier stop. The officer said he assumed he was referring to racial discrimination, which is what prompted him to talk about the use of ethnicity in criminal profiling. The officer also made comments about clothing, despite this not being mentioned by the man. This could be considered evidence of negative stereotyping.

The officer said, "Some people are scared to say that, but it's a fact. We work on a criminal profile. Unfortunately, here the criminal profile of robberies,

robbery suspects, is IC3 males. A gentleman from Somalia and..."

The driver then asked the passenger a question about the car and the conversation stopped. Later, the officer said he thought his interaction with the man was an example of educating people about the rationale used to stop people, and to show him how police stops are not racist.

He went on to explain that there was a problem with robberies in the area where the man had been stopped and that the criminal profile of those involved was predominantly black men. He said, "By alluding to local issues in the area, where he had been stopped, I was trying to explain to him a scenario whereby someone matching the description of offenders for certain crimes in the areas, behaving in certain ways, could be stopped. This was in response to dealing with such offences, in order to try and give him a sense of perspective. Which he could maybe relate to the negative experience he mentioned having had previously.

"The reason I entered into this conversation is because it does not sit right with me to walk away from any person who makes me feel they are of the opinion that I myself or the force are racist, without attempting to explain to them how we are not racist and maintain public confidence".

The officer asked the man questions about documentation to prove that he could use the car. The man showed him emails on his phone, which verified his correspondence with the car dealership.

The two other officers turned off their body-worn cameras at about this time. The other officer's camera continued recording.

Footage shows the passenger started to walk towards the car. The officer asked him if they could continue their conversation. The passenger replied, "Carry on".

The officer went on to say, "Criminal profile of a robber, round here, is a black person". The man replied, "That's fair enough". The officer continued, "If you go to where I'm from...", and the man interrupted to add, "It's going to be white people. Yeah, to be fair".

He said, "We've got statistics. Every night there's robberies here and the suspects are predominantly, the criminal profile, is black people. So why am I going to stop a white person? I wouldn't be doing my job properly, would I?" The man replied, "That is proof, statistics, like, that's a fact there".

» PACE Code A 2015

“ Personal factors can never support reasonable grounds for suspicion

Reasonable suspicion can never be supported on the basis of personal factors. This means that unless the police have information or intelligence which provides a description of the person suspected of carrying an article for which there is a power to stop and search, the following cannot be used, alone or in combination with each other, or in combination with any other factor, as the reason for stopping and searching any individual, including any vehicle which they are driving or are being carried in:

- (a) A person's physical appearance with regard, for example, to any of**

the ‘relevant protected characteristics’ set out in the Equality Act 2010, section 149, which are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation (see paragraph 1.1 and Note 1A), or the fact that the person is known to have a previous conviction; and

(b) Generalisations or stereotypical images that certain groups or categories of people are more likely to be involved in criminal activity.”

Find out more online:

www.gov.uk/government/publications/pace-code-a-2015

Statistics used in daily briefings showed the area was a robbery hotspot. When questioned, the officer said his views about the criminal profile were informed by his experience, not statistics.

The man said, “Don’t get me wrong, us black people, we are hard to work with as well”. The officer interrupted him at this point, “Some white people are. Some Chinese people, you know”.

The man nodded in response, and went on to say, “I know that if you said that to another black person, they would take it the wrong way. “So, for example, even with that statistics and whatnot, it’s hard, because, in a way, black people, who actually have done the crime, that’s what they’ve done. But then there’s the other minority that haven’t done anything”.

The officer interrupted and said, “No, the majority. Most of them haven’t done anything”.

The man’s comments could be interpreted to suggest that he did not find the officer’s comments offensive. They could equally suggest that the comments were unwelcome and could be found offensive by others.

Later, the officer said, “Do you know where I’m coming from?” And the man replied, “I completely get you”. The officer said, “It’s just nice to explain sometimes, because it’s nice to have everyone on side”.

The man said, “The thing is, though, if you said that, how you said it to me, and I know for a fact, if I told another black person how you said it word-for-word, they would be like, yeah that’s racist. That’s exactly how they’d take it”.

The officer responded, “Yeah, well that’s fine. That’s fine, but that’s ignorance because if it was white people committing robberies here all the time, we wouldn’t be stopping black people, because that’s just stupid. If you go and see, like I say, where I live, the robbery suspects are white people. So white people get stopped. You know?”

At the end of their conversation the tone was friendly. The officer turned off his BWV camera and updated the CAD with “Satisfactory stop”.

Key questions for policy makers/managers

- Does your training for officers on stop and search make clear that racial profiling is unlawful?
- What preparation does your force give to officers to help them respond to questions or challenges about the use of stop and search powers?
- How does your force check officers’ understanding of stop and search powers?

Outcomes for the officers/ staff involved:

- The officer who made the comments about racial profiling was found to have a case to answer for misconduct. This was in relation to his comments about using racial profiling as part of the rationale for stopping vehicles.
- The force decided to deal with the officer outside the formal disciplinary process by way of unsatisfactory performance procedures.
- No meeting or hearing was convened because the officer received management action and additional training immediately after the incident.

➤ [Read full learning report](#)





In January 2018 the IOPC commissioned Leaders Unlocked to create a youth panel to help us engage with young people. In this section, three of the panel members share their experiences of being stopped and searched, and their ideas about how police officers should treat young people when using stop and search powers.



Nadine

I was walking home in the middle of the afternoon by myself when I was approached by two police officers, one male and one female. I was scared because I'd never really had any interaction with the police before. At first the police told me they were stopping me because they thought I had been smoking cannabis, but I didn't even smoke. It was a smell from the people walking in front of me before the police had come. They were very abrupt and made me feel intimidated, as soon as I had given my name they automatically associated me with my brother who had an extensive criminal history and their attitudes changed – when searching me they used a lot of force. This made me feel really victimised, like I was getting in trouble because of who my brother was.



It really got to me that I was being painted with the same brush as him. This encounter with the police really made me lose trust in them. Going forward I was reluctant to give my

name the next time I was stopped and searched so that I didn't have the same problem.

The police told me I was being rude and I had to give them my name. Because of this, I felt like I had to go away and research my rights and educate myself as I was never told how police should conduct themselves doing a stop and search. From that experience, I lost all confidence in the police.



Zion

I was 15 years old and I was with my friends who were a mix

of boys and girls.

One of our friends decided we should go to these woods, so we went. Behind us on our journey there were a group of boys two years older than us. So as I was saying, we were going to the woods and the boys behind us shouted “run” so I ran. Turns out that they smashed the CCTV of

this man’s house. We were in the woods but then we went to get some food. As we were leaving the woods going by his house all I hear from this man was, “Oi you n***er”. I ran and so did all of our friends. Then I’m at bus stop and then this police officer said, “I heard you was smashing CCTV.” I replied saying, “I didn’t and also the boys were white.”

He said “I know, but the guy wears glasses so he could’ve mistaken the skin colour.” He started asking me questions and I was answering all the questions super honestly.

But I didn’t want my Mum involved or to have to relive the experience. So when it was time to take my name, I gave them a fake name, address, phone number, email and I never heard of them again.

He was really disrespectful and didn’t want to believe me, but when he realised I was telling the truth he began to talk to me much more nicely. It made me begin to feel very uncomfortable in my skin as I was one of the only black people stopped when the boys who did it were white.



Gio

It was a cloudy afternoon around April, I was coming

back home after a pleasant meeting with a friend. I took the usual route through the park right outside my estate when someone lightly poked my shoulder. He had something resembling an opened wallet in his hands. Then, it hit me. I was going to be stopped. I thought back to the tips I heard and videos I have seen about stop and search, and decided I would not be another young black kid mistreated by police or violently responding to a police officer doing his job. I proceeded to calmly, concisely and constructively reply to all their questions and following precisely all of their instructions. I was strangely relaxed and collected, I even managed to crack a few jokes with them. After the routine questions, they asked me to give them my contact details, then we exchanged greetings and we went our separate ways.

“Why am I freaking out even though I had a normal encounter with a police officer?”

I casually walked home, opened the door and went straight to the kitchen to grab some water and sit down. Suddenly, I was scared and anxious, horrified by what happened. Although, I knew I was stop and searched by a couple of friendly chaps, I still was left speechless and bewildered. I tried to contextualise my feelings by asking myself a few questions:

“Are my inherent biases distorting my emotions?”; “Why was I so calm and collected back then, but now I am worrying about my safety and future?”.

I am still trying to understand which reaction was the real one. Even though I know I engaged with the police officer correctly, I still want to know why I reacted like this afterwards.

Tips

Be sensitive to where you’re stopping me – don’t humiliate me in front of friends, family or work colleagues.

Tell me why you’re stopping me.

Tell me if you’re recording the stop on body worn video.

Treat me with respect – don’t talk down to me or be aggressive.

Remember that I’m a young person and not an adult.

Tell me what my rights are – don’t assume I already know.

Don’t treat me differently because of who I’m related to or friends with.

Give me a record of the stop or tell me where I can get it.

If you can see I’m unhappy about the stop – tell me how I can provide feedback/complain.

If you can see I’m distressed or vulnerable – tell me where I can get help or support.

Apologise if you don’t find anything.

5

STOP AND SEARCH
INVOLVING AN
INJURY

Early in the morning, three brothers and their cousin were walking home when they were stopped by two firearms officers.

The officers were on patrol because they had intelligence on street robberies. One officer later said that the group was acting suspiciously and approaching people walking alone on the street.

The officers were carrying a range of weapons including a Glock pistol, taser and Pava spray. One officer wanted to search one of the men but the man questioned why the search was being conducted. While being searched, the man walked backwards and fell to the ground. He alleged that he was pushed.

One of the man's brothers approached the officer to remonstrate about his brother being pushed. The officer alleged he was surrounded and frightened that someone would try to take his pistol from its holster. He turned around and struck the man's brother in the mouth. This man fell to the ground and lost consciousness for a few seconds.

The other officer said he saw a man with a bloodied lip behind the two men he was speaking with, but that he did not see how the man had been injured.

The search of the man continued and nothing was found. The man declined to give his personal details and was not given a record of the search. The officers had a mobile device to record details of stop and search.

Information cannot be recorded on this system if the person stopped does not give their personal details.

» PACE Code A 2015

“ For the purposes of completing the search record, there is no requirement to record the name, address and date of birth of the person searched or the person in charge of a vehicle which is searched. The person is under no obligation to provide this information and they should not be asked to provide it for the purpose of completing the record. ”

Find out more online:

www.gov.uk/government/publications/pace-code-a-2015

The man said he asked his cousin to take photographs of the officers and that the officer told his cousin to put the phone down.

The man's brother went to hospital. He had a swollen lower lip and his front tooth had been knocked out.

The man who had been hit in the mouth made a complaint to the police three hours later. However, no attempt was made to seize CCTV until he made a written complaint – eight days later.

He alleged that he was assaulted, the officer threatened

to lie about the assault, the stop and search was unwarranted and the second officer failed to challenge the conduct of the first officer.

The complaint was investigated by the Professional Standards Department and was not upheld.

The alleged assaults on the men were not referred to the Crown Prosecution Service (CPS). The man who alleged he was pushed to the ground by the officer was found to have received no injuries, and there was no independent evidence. No medical information was received regarding the other man who had been struck in the mouth by the officer. This was because he did not attend for treatment. Medical staff also commented that there would be no lasting effects. These decisions were recorded and ratified by the appropriate authority.

The complainant appealed to the IPCC (now the IOPC). His appeal was partially upheld.

It was determined that the officer carrying out the search had a case to answer for gross misconduct in respect of the allegation that the force used was excessive. It was found that the second officer had a case to answer for misconduct in respect of his failure to report the incident and make contemporaneous notes of it.

The appeal also found that the matter was not referred to the IPCC, and that it should have been because it was a complaint of serious injury and alleged excessive force.

The importance of making all CCTV enquiries as soon as practicable was also highlighted, as was the need to make a contemporaneous note of all

conversations that contribute to the findings of the investigation.

It was also found that the officers' stop and search records and complaint histories were not reviewed as part of the force investigation. The appeal concluded that the local investigation report should also have been referred to the CPS.

A misconduct hearing was held and a panel, which included an independent, legally qualified chair, heard evidence from the officers and the men's family.

The panel considered the allegations of assault made against the officer by the men. It also considered whether the officer had failed to carry out proper enquiries, which would have enabled a thorough investigation to be conducted.

The panel found that the evidence provided by the men's family was not entirely consistent either with each other or with the statements they had given much closer to the time of the incident. The panel's judgement set out the specific aspects of the evidence that caused them concern.

The officer told the panel that he had felt force applied to his equipment in the area of his right hip, where his pistol was secure. He immediately formed the belief that an attempt was being made to acquire his firearm. He reacted instinctively to that and applied force in a manner consistent with the training he had received. The panel was provided with training records and lesson plans in relation to weapon retention. The panel found that the appropriate authority was right in its view to concede that the force applied by the officer was entirely consistent with the training he had received 11 days prior to the incident in question.

On the balance of probabilities, the panel found that the officer formed an honest and genuine belief that an attempt was being made to acquire his firearm. They also found that his use of force was necessary, proportionate and reasonable in the circumstances as he perceived them to be.

In relation to the second allegation, the panel found that there could be no proper investigation of the actions taken by the officer.

Key questions for policy makers/managers:

- If you use electronic forms or mobile devices to record stop and search encounters, do these allow officers to record details of a stop even where the person stopped does not provide any personal information (such as name)?
- Does your force encourage officers who are investigating complaints about stop and search to consider officers' stop and search records and complaint histories as part of the investigation?
- Does your force routinely equip officers with body-worn video and require them to record all stop and search encounters?
- Are you aware of the criteria for referring matters to the IOPC and the process that should be followed?

Key questions for police officers/staff:

- Are you aware of the circumstances in which members of the public are

permitted to record police activity using mobile phones or other devices, and the circumstances in which you are allowed to ask them to stop recording?

- Are you aware that CCTV footage should be secured without delay to preserve evidence?

Action taken by this police force:

- The force has introduced a new mobile device to record all stop and searches. This makes it much easier to record the stop and search electronically without the person's details. This device also enables supervisors to quality assure officers' stop and search records.
- An external scrutiny panel made up of members of the public is conducting a random sample of stop and search records.

Outcomes for the officers/staff involved:

- The officer who carried out the stop and search, and who used force on one of the men, had a misconduct hearing. No misconduct was found.
- The police sergeant who was with the officer who carried out the stop and search received management action for his minimal and ineffective supervision of the officer.

- [Read full learning report](#)



Working to promote fair, effective and accountable policing.

In this issue we speak to Katrina French the new Chief Executive of StopWatch

» You've recently been appointed Chief Executive of StopWatch. Tell us about what StopWatch does.

StopWatch is a coalition of academics, lawyers, civil society organisations, young people, and community stakeholders. We promote fair, effective and accountable policing. StopWatch has led a wide-ranging campaign against the disproportionate use of stop and search, the use of exceptional stop and search powers, and the weakening of associated accountability mechanisms. As an action and research organisation, StopWatch adopts an evidence-based approach. We have carried out research, legal and policy analysis, media commentary, political advocacy, litigation, submissions to national and international organisations, and community organising.

» The contentious nature of stop and search spans back over 30 years and the number of complaints isn't a great indicator of satisfaction. What do you think forces should be doing to ensure that stop and search encounters are carried out lawfully, courteously and professionally?

For many in the black community, stop and search is born from the ashes of the repealed **SUS law**. After decades of unnecessary and unfair over policing there is very little, if any, trust in the police as an institution. Put simply, many people do not feel that stop and search protects them or that the officers carrying

it out reflect or understand them. To change this dynamic, rather than being defensive when people raise concerns, forces must seek to listen and understand the adverse impact. They need to be aware of how misusing stop and search contributes to a loss of legitimacy and damages relationships. Scrutinising the stop and search records and watching body worn video, I have seen the insufficient grounds provided by officers and observed the lack of professionalism and civility that members of the public, many of whom are children, sometimes experience. There is a worrying absence of internal supervision by senior officers of written stop and search accounts. Accountability is integral to policing and without supervision bad behaviour goes unnoticed and unpunished. To assist officers with their personal development and boost their confidence to carry out lawful stop and search, it is essential that management regularly review written entries and body worn footage.

» StopWatch has contact with a large number of people who have experienced being stopped and searched. What particular concerns are people raising with you at the moment?

Currently, we are responding to distressing reports that officers are routinely using handcuffs during stop and search encounters, despite the person not exhibiting aggression or violence and the stop not being associated with

a weapon. In keeping with the guidance provided in PACE code A, officers need to be reminded that handcuffs should be used only as a last resort. Mobile phones are a contentious subject. People are being subjected to having them accessed by officers during a stop and search, despite them having no legal basis to do this. To highlight the privacy and data protection concerns, we are drafting a briefing for policy makers and stakeholders requesting guidance on the matter.

The other major concern is the relentless drug stops and searches being carried out based solely on the 'smell of cannabis'. We are calling for a revision to be made to PACE Code of Practice A. It must clarify that 'the smell of cannabis' on its own does not meet the threshold for reasonable suspicion and is not sufficient to justify the use of stop and search. Using 'the smell of cannabis' to target people who are thought to be involved in other forms of criminal activity must be clarified to be inconsistent with the requirements of PACE and therefore unlawful. The College of Policing should strengthen its Authorised Professional Practice guidance by reinstating the original statement that the smell of cannabis alone will not normally justify a stop and search.

» What can be done to improve the police complaints system?

The community trigger mechanism outlined in the Best Use of Stop and Search Scheme



“ I am looking forward to developing more creative and long-term youth engagement packages that empower and support the next generation. ”

© AdobeStock

(BUSSS) is ineffective because many people who are ‘stopped and scarred’ (which colloquially means having a negative experience during a stop and search) are unlikely to make a formal complaint. Thus, the number of complaints will rarely, if ever, raise to a trigger level. To improve accountability and transparency, community members involved in the scrutiny of stop and search should be able to raise third-party complaints if they encounter issues with either a written entry or body worn footage of a stop and search encounter. The IOPC must investigate complaints thoroughly and establish a timeframe for resolutions as delays in the process lead to the community becoming apathetic and mistrustful.

» You're currently chairing MOPAC's Pan London Stop and Search Community Monitoring Network, and up until recently were also chairing the Islington Stop and Search Monitoring Group. In your experience, what do you think forces should be doing to improve the way they work with community monitoring groups?

I believe there is value in every police force in England and Wales having some form of community engagement mechanism that monitors local police use of stop and search. However, for meaningful dialogue the mechanism needs to be independent from the forces, and officers must respect and embrace the critique it provides. Most members of the public and, I assume, a fair number of police officers, are unaware of the community's involvement in scrutiny of stop and search. For full proper accountability it essential that effective reporting mechanisms are established, and that there is an arena for the voices of those who have had unsatisfactory stop and search experiences to be heard.

» What's coming up next for StopWatch?

To be honest, the potential of our outreach and advocacy work is never ending! I am looking forward to developing more creative and long-term youth engagement packages that empower and support the next generation.

In response to community concerns about

the London Gangs Matrix, the Met Police gangs' intelligence database, in April 2017, StopWatch commissioned Dr Patrick Williams of Manchester Metropolitan University to conduct a small-scale qualitative research project. The findings were published recently in **'Being Matrixed: The (Over) Policing of Gang Suspects in London'**. The report brings to life traumatic stop and search experiences and demonstrates the harmful consequences of multi-agency information sharing arrangements, which are in place via gang management strategies. While awaiting the conclusion of the reviews being undertaken by the Information Commissioner's Office and The Mayor's Office for Policing and Crime, StopWatch is working with the Equality and Human Rights Commission to advocate for reform.

StopWatch, in partnership with **Release**, published **The Colour of Injustice: 'Race' drugs and law enforcement** this autumn. Based on statistical evidence, the report demonstrates the disproportionate impact that drug law enforcement continues to have on black and minority ethnic communities. It highlights how today's unequal enforcement of drug laws results in profound racial injustice. We are currently advocating for politicians to address this and will be hosting a range of awareness building events in 2019 on the issue.

To make the public aware of developments in stop and search practice and galvanise support for more accountability, we are exploring running a national campaign about body worn video, informing people of their rights and encouraging them to access the footage.



Katrina Ffrench is Chief Executive at StopWatch, Chair for MOPAC's Pan London Stop and Search Community Monitoring Network and former Chairwoman of Islington Stop and Search Community Monitoring Group.

Want to get **involved** in the **development** of Learning the Lessons?



We're creating a new virtual panel, bringing together a range of stakeholders from the world of policing, the community and voluntary sector and academia, to support the development of future issues of Learning the Lessons.

If you're interested in joining the panel, please complete our [online registration form](#) to register your interest.

Panel members will be invited to review and provide feedback on drafts around six to eight weeks before publication.

For more information email learning@policeconduct.gov.uk.