



DEBATE PACK

Number CDP-2018-0125, 22 May 2018

Effect of police stop and search powers on BAME communities

Westminster Hall, Wednesday 23 May
2018, 9.30am

A Westminster Hall debate on Effect of police stop and search powers on BAME communities is scheduled for Wednesday 23 May 2018 at 9.30am. The Member leading the debate is Naz Shah MP.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

Compiler: Sarah Pepin
Subject specialists: Sally Lipscombe (Crime), Yago Zayed and Grahame Allen (Statisticians)

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1. Background

The police have a range of statutory powers to stop and search people, as the College of Policing explains:

Each stop and search encounter must have a basis in law. The officer carrying out the stop and search must only do so using one of the powers provided for in legislation and it must be the right power in the particular circumstances.

The most widely used powers require the officer to have reasonable grounds for suspicion. Other powers do not, but only apply where a number of preconditions exist and should be used with particular care.¹

These statutory powers are subject to additional guidance set out in [PACE Code of Practice A](#) (issued under the Police and Criminal Evidence Act 1984) and the [Best Use of Stop and Search Scheme](#) (BUSSS) issued by the Home Office and the College of Policing. Code A is statutory guidance, but BUSSS is a voluntary scheme that police forces can choose to participate in.

BUSSS and the most recent version of Code A were introduced in 2014 following a [Home Office consultation on stop and search](#). At the time, the then Home Secretary Theresa May made the following comments on the use of stop and search and the need for change:

Although it is undoubtedly an important police power, when misused it can be counter-productive. First, it can be an enormous waste of police time. Secondly, when innocent people are stopped and searched for no good reason, it is hugely damaging to the relationship between the police and the public. In those circumstances it is an unacceptable affront to justice.

That is why I commissioned Her Majesty's inspectorate of constabulary to inspect every force in England and Wales to see how stop-and-search powers are used, and it is why last year I launched a consultation to ensure that members of the public, particularly young people and people from minority ethnic communities, could have their say.

Today I am publishing a summary of the responses to the consultation and placing a copy in the House Library. The consultation generated more than 5,000 responses, and it was striking that those on the receiving end of stop-and-search had very different attitudes from those who are not. While 76% of people aged between 55 and 74 thought that stop-and-search powers are effective, only 38% of people aged between 18 and 24 agreed. While 66% of white people thought that stop-and-search powers are effective, only 38% of black people agreed.

¹ College of Policing, [Authorised Professional Practice: Stop and search – legal basis](#), accessed 22 May 2018

The findings of the HMIC inspection were deeply concerning. The inspectorate reported that 27% of the stop-and-search records it examined did not contain reasonable grounds to search people, even though many of these records had been endorsed by supervising officers. If the HMIC sample is accurate, more than a quarter of the 1 million or so stops carried out under the Police and Criminal Evidence Act 1984 last year could have been illegal. This is not the only worrying statistic. Official figures show that if someone is black or from a minority ethnic background, they are up to six times more likely to be stopped and searched by the police than if they are white, and only about 10% of stops result in an arrest.²

She concluded with the following comments on the proposed changes to be set out in BUSSS and the revised Code A:

...they should contribute to a significant reduction in the overall use of stop-and-search, better and more intelligence-led stop-and-search, and improved stop-to-arrest ratios. But I want to make myself absolutely clear: if the numbers do not come down, if stop-and-search does not become more targeted, if those stop-to-arrest ratios do not improve considerably, the Government will return with primary legislation to make those things happen, because nobody wins when stop-and-search is misapplied. It is a waste of police time. It is unfair, especially to young, black men. It is bad for public confidence in the police.³

Please see the following for further background:

- Home Office, [A consultation on police powers of stop and search](#), 2013
- Home Office, [Police Powers of Stop and Search: Summary of Consultation Responses and Conclusions](#), April 2014
- Home Office press release, [Stop and search: Theresa May announces reform of police stop and search](#), 30 April 2014
- HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 2013
- HMIC, [Stop and search powers 2: are the police using them effectively and fairly?](#), 2014

HMIC (now HMICFRS) conducts an annual [PEEL Assessment](#) of each force in England and Wales, which assesses their effectiveness, efficiency and legitimacy. HMICFRS says a police force

...is legitimate if it has the consent of the public, and those working in the force consistently behave in a way that is fair, reasonable, effective and lawful, which generates the trust and co-operation of the public.⁴

As part of the [2017 PEEL Assessment of legitimacy](#), HMICFRS looked at the question of the extent to which each force treated "all the people it

² [HC Deb 30 April 2014 c831](#)

³ [Ibid, c833](#)

⁴ HMICFRS website, [2017 PEEL Assessment: Legitimacy](#) (accessed 22 May 2018)

serves with fairness and respect". This included looking at how fairly each force was using stop and search powers. HMICFRS reached the following general conclusions on the national picture:

We were pleased to find that police leaders continue to have a clear understanding of the value of treating the public with fairness and respect, and are succeeding in establishing this approach throughout their workforces. Forces are increasingly providing training in unconscious bias and communication skills, to improve their interactions with the public and enhance the public's perception that they are treated fairly and with respect. Workforce understanding of how to use coercive powers fairly and with respect is generally good, and we have seen a sustained improvement in the recording of reasonable grounds for stop and search. However, how effective forces are at recording, monitoring and using external scrutiny to understand their use of these powers is variable across the country and, in some cases, must improve. We are particularly concerned about the over-representation of black people in stop and search figures, and the extent to which forces are able to explain this disparity.⁵

Pages 19 to 31 of [PEEL: Police legitimacy 2017 - A national overview](#) look at stop and search in more detail. On p31, HMICFRS made the following recommendations for 2018:

Cause of concern

HMICFRS is concerned that forces are not able to demonstrate that the use of stop and search powers is consistently reasonable and fair. In particular, there is over-representation of BAME people, and black people in particular, in stop and search data which many forces are unable to explain.

Recommendations

To address this cause of concern HMICFRS recommends that:

- By July 2018, all police forces across England and Wales should be regularly and frequently monitoring a comprehensive set of data and information on use of stop and search powers to understand:
 - the reasons for any disproportionate representation of different ethnic groups in the use of stop and search;
 - the extent to which find rates differ between people from different ethnicities, and across different types of searches (including separate identification of find rates for drug possession and supply-type offences); and
 - the prevalence of possession-only drug searches, and the extent to which these align with local or force level priorities.

⁵ HMICFRS, [PEEL: Police legitimacy 2017 - A national overview](#), December 2017, p5

Where forces identify disparities through monitoring, they should demonstrate to the public that they have:

- carried out research and analysis in an attempt to understand the reasons for the disparity, and
- taken action to reduce the disparity, where necessary;

We expect forces to publish this analysis and any actions taken at least on an annual basis, from July 2018.

- By July 2018, and ongoing following that date, forces should ensure that all officers who use stop and search powers have been provided with, and understand, training on unconscious bias and College of Policing APP on stop and search.

Further details of the current legislation – and the additional guidance set out in Code A and BUSSS – are set out below.

1.1 “Reasonable suspicion” stop and search powers

The most commonly used powers requiring reasonable grounds for suspicion are those under [section 1 of the Police and Criminal Evidence Act 1984 \(PACE\)](#) and [section 23 of the Misuse of Drugs Act 1971 \(MDA\)](#).

Guidance on what constitutes reasonable grounds for suspicion is set out in [PACE Code of Practice A](#), which was updated in 2014 following the [Home Office consultation on police stop and search powers](#).

Section 1 of PACE

Section 1 of PACE gives police officers the power to stop and search persons and/or vehicles for a range of items including:

- stolen or prohibited articles;⁶
- bladed or sharply pointed articles; and
- prohibited fireworks.

Under subsection 1(3), the power to search only exists where the police officer has “reasonable grounds for suspecting that he will find” items covered by section 1.

Section 1 of PACE is the most commonly used stop and search power, with Home Office statistics showing that “in the year ending March 2017 it accounted for 99.8% of all stops and searches in England and Wales”.⁷

⁶ An article is “prohibited” if it is an offensive weapon or if it is an article with which a person is going equipped to steal or cause criminal damage (s1(7) and (8) of PACE).

⁷ Home Office, [Police powers and procedures, England and Wales, year ending 31 March 2017 \(Second edition\)](#), October 2017, para 4.2

Section 23 of the MDA

[Section 23\(2\) of the MDA](#) gives police officers the power to stop and search persons and/or vehicles or vessels for controlled drugs or for evidence of an offence under the MDA.

In order to stop and search a person under this provision, the officer must have “reasonable grounds to suspect that [he] is in possession of a controlled drug in contravention of the MDA”. Similarly, in order to stop and search a vehicle/vessel, the officer must suspect that the drug may be found in it.

As the College of Policing makes clear, this does not cover cases where the person is suspected “merely” to have used the drug or been present during its use by others.⁸

PACE Code of Practice A

Detailed guidance on assessing reasonable grounds for suspicion is set out in [PACE Code of Practice A](#).

Paragraph 2.2 states:

This test must be applied to the particular circumstances in each case and is in two parts:

(i) Firstly, the officer must have formed a genuine suspicion in their own mind that they will find the object for which the search power being exercised allows them to; and

(ii) Secondly, the suspicion that the object will be found must be reasonable. This means that there must be an objective basis for that suspicion based on facts, information and/or intelligence which are relevant to the likelihood that the object in question will be found, so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and/or intelligence.

Officers must therefore be able to explain the basis for their suspicion by reference to intelligence or information about, or some specific behaviour by, the person concerned.

Paragraph 2.2B makes clear that 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 a 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:

⁸ See section 2.2 of the College of Policing’s [Authorised Professional Practice: Stop and search – legal basis](#) (accessed 22 May 2018) for further guidance on justifying searches under this provision

(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, 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.

Paragraph 2.8A emphasises the need to encourage public confidence and maintain community relations:

All police officers must recognise that searches are more likely to be effective, legitimate and secure public confidence when their reasonable grounds for suspicion are based on a range of objective factors. The overall use of these powers is more likely to be effective when up-to-date and accurate intelligence or information is communicated to officers and they are well-informed about local crime patterns. Local senior officers have a duty to ensure that those under their command who exercise stop and search powers have access to such information, and the officers exercising the powers have a duty to acquaint themselves with that information.

1.2 “No suspicion” stop and search powers

The most common “no suspicion” powers are those under [section 60 of the Criminal Justice and Public Order Act 1994](#) and under [section 47A of the Terrorism Act 2000](#).

Section 60 of the Criminal Justice and Public Order Act 1994

[Section 60 of the Criminal Justice and Public Order Act 1994](#) provides for a police power to stop and search people in anticipation of, or after, serious violence. The College of Policing describes it as “currently the most far-reaching search power as it allows ‘no suspicion’ searches in a defined area”. It emphasises that this means “prior authorisation based on an objectively held reasonable belief is a prerequisite”.⁹

Section 60 enables a police officer of or above the rank of inspector to give an authorisation for uniformed police officers to stop and search pedestrians and vehicles for offensive weapons or dangerous instruments. These stop and search powers can be exercised whether or not the constable has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

The officer giving the authorisation must reasonably believe:

- that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give a s60 authorisation to prevent their occurrence;

⁹ College of Policing, [Authorised Professional Practice: Stop and search – legal basis \(Powers requiring the existence of pre-conditions\)](#) (accessed 22 May 2018)

- that:
 - an incident involving serious violence has taken place in England and Wales in his police area;
 - a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and
 - it is expedient to give an authorisation under this section to find the instrument or weapon; or
- that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason.

Stop and search powers under a s60 authorisation can be exercised at any place within the locality covered by the authorisation, for a specified period not exceeding 24 hours. An officer of or above the rank of superintendent may extend the authorisation for a further 24 hours.

Although section 60 sets out the minimum statutory requirements for an authorisation, since 2014 this has been supplemented by the requirements of the [Best Use of Stop and Search Scheme](#) (BUSSS), as described in section XXX of this Debate Pack. As the College of Policing explains, BUSSS

... raised the threshold for the application of section 60 in order to reduce its use. Although it is not binding in law, there is an expectation that participating forces will respect the scheme's provisions in the absence of exceptional circumstances. If a force uses the power outside the terms of the scheme, it must inform the Home Office and the public of the fact.¹⁰

The enhanced requirements under BUSSS are as follows:

Forces participating in the Scheme will revise their use of section 60 stop and search powers so that all stops and searches conducted under this section will adhere to the following conditions:

- The 1994 Act currently provides for an officer of at least the rank of inspector to give a section 60 authorisation in a particular area for a specified period time. Forces in the Scheme will **raise the level of authorisation to a senior officer**.
- Although the word "necessary" does not appear in section 60(1), the effect of Article 8 of ECHR is that necessity remains relevant to each decision as to whether an authorisation is justified. Any authorisation made under section 60 must be made only when the officer believes it is necessary. In practice, in addition to expediency, which is explicit in the 1994 Act, the authorising officer must also

¹⁰ College of Policing, [Authorised Professional Practice: Stop and search – legal basis \(Section 60 of the Criminal Justice and Public Order Act 1994\)](#) (accessed 22 May 2018)

have considered the authorisation necessary to prevent serious violence or to find dangerous instruments or weapons after an incident involving serious violence, or to apprehend persons carrying weapons. **This applies to all forces using this power regardless of whether they are participating in the Scheme or not.**

- Informed by intelligence, senior officers in participatory forces must have a higher degree of certainty by reasonably believing that incidents involving serious violence will take place rather than it being a possibility. Any judgment about the credibility of the intelligence will be a matter for the senior officer.
- The law provides for initial authorisations to be made for up to 24 hours (extendable for a further 24 hours). Forces participating in the Scheme will **limit the maximum duration of the initial authorisation to 15 hours**. For an extension up to 24 hours, an officer of senior rank will authorise any additional extensions.
- **Participating forces must communicate with the public in the areas where a section 60 authorisation is to be put in place in advance (where practicable) and afterwards.** The public need to be informed of the purpose and outcomes of each section 60 operation. However, it is a matter of local discretion to participating forces as to how they communicate this information.¹¹

[Paragraph 2.14A of PACE Code of Practice A](#) states:

The selection of persons and vehicles under section 60 to be stopped and, if appropriate, searched should reflect an objective assessment of the nature of the incident or weapon in question and the individuals and vehicles thought likely to be associated with that incident or those weapons.

The powers must not be used to stop and search persons and vehicles for reasons unconnected with the purpose of the authorisation. When selecting persons and vehicles to be stopped in response to a specific threat or incident, officers must take care not to discriminate unlawfully against anyone on the grounds of any of the protected characteristics set out in the Equality Act 2010.

Section 47A of the Terrorism Act 2000

[Section 47A of the 2000 Act](#)¹² allows the police to stop and search persons, without reasonable suspicion, in order to prevent acts of terrorism.

¹¹ Home Office/College of Policing, [Best Use of Stop and Search Scheme](#), 2014, para 4.2

¹² Section 47A of the 2000 Act was inserted by [s61 of the Protection of Freedoms Act](#). It partly replaced the previous stop and search powers set out in sections 44-46 of the 2000 Act (now repealed) and introduced a more restricted regime. This was

Under section 47A, a senior police officer¹³ may give an authorisation relating to a specified area or place, if he or she:

- reasonably suspects that an act of terrorism will take place; and
- reasonably considers that:
 - the authorisation is necessary to prevent such an act;
 - the specified area or place is no greater than is necessary to prevent such an act; and
 - the duration of the authorisation is no longer than is necessary to prevent such an act.

Under [Schedule 6B to the 2000 Act](#), the maximum duration of an authorisation is 14 days, and authorisations must be confirmed by the Secretary of State.

The effect of an authorisation is to empower any uniformed police officer to stop and search vehicles and pedestrians within the specified area or place. This power may only be exercised for the purpose of discovering whether there is anything which may constitute evidence that the vehicle is being used for the purposes of terrorism, or that the person concerned is or has been concerned in the commission, preparation or instigation of acts of terrorism. However, the power may be exercised **whether or not** the constable reasonably suspects that there is such evidence.

The first authorisation under section 47A was issued following the Parsons Green tube attack in September 2017. Four forces authorised the use of the power:

British Transport Police conducted 126 stops, resulting in 4 arrests

North Yorkshire Police conducted 1 stop, resulting in 0 arrests

West Yorkshire Police conducted 1 stop, resulting in 0 arrests

City of London Police conducted 0 stops, resulting in 0 arrests¹⁴

prompted by a decision of the European Court of Human Rights that the previous regime was incompatible with Article 8 of the European Convention on Human Rights (right to private life): see [Case of Gillan and Quinton v. The United Kingdom](#). ([Application no. 4158/05](#)), Strasbourg, 12 January 2010.

¹³ At least the rank of Assistant Chief Constable

¹⁴ Home Office, [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2017, Statistical Bulletin 05/18](#), 8 March 2018, p20

2. Statistics on stop and search and ethnicity

Statistics on stop and search are available from the Home Office collection [Police Powers and Procedures England and Wales Statistics](#).

Statistics on stop and search rates by ethnic minority are available in the [Ethnicity Facts and Figures](#) collection from Gov.UK.

Rates per 1,000 people are given for the population of the ethnic group in question as opposed to the whole population and are based on population figures from the 2011 census. Aggregated figures for the "All" grouping include those people whose ethnicity was unidentified.

The main points from the [Ethnicity Facts and Figures](#) are:

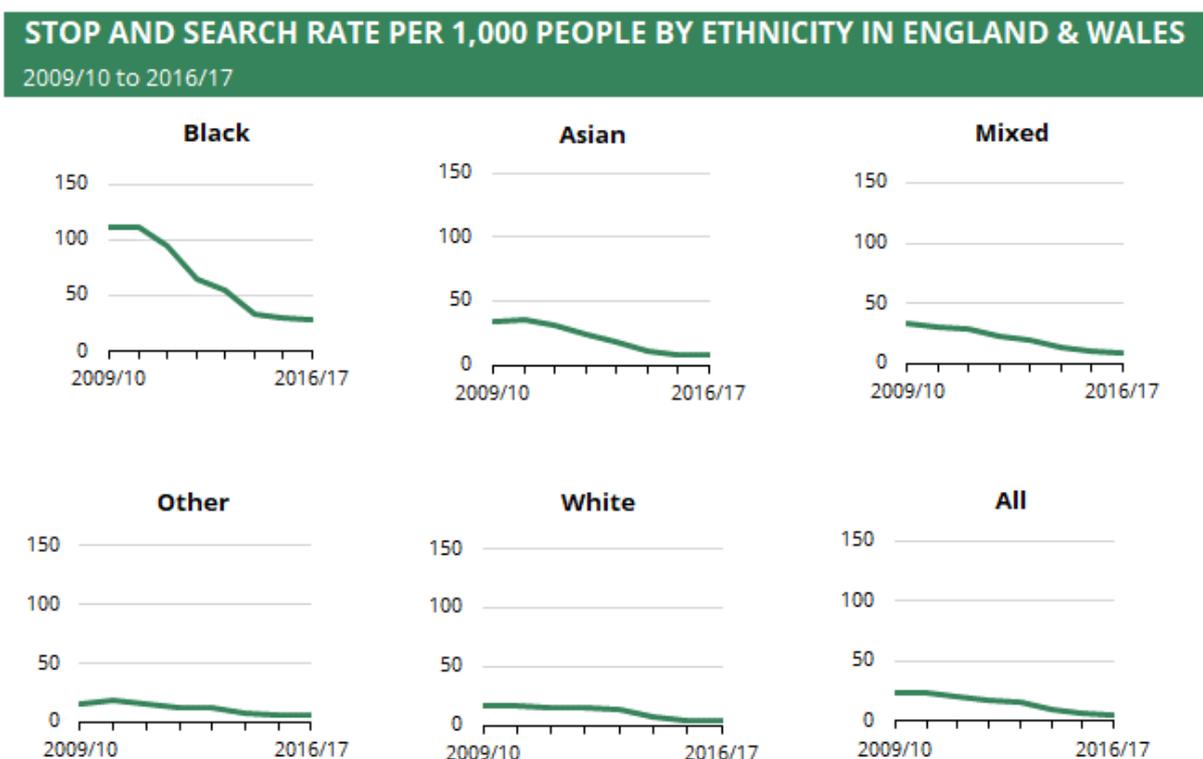
- There were **298,949 stop and search incidents in England and Wales in 2016/17** - a rate of 5 per 1,000 people; down from 23 incidents per 1,000 people in 2009/10.
- Rates of stop and search have declined for every ethnic group since 2009/10 –however, they have fallen at different rates for different groups
- **Between 2010/11 and 2014/15, the likelihood of Black people being stopped and searched fell from 6 times that of White people to 4 times that of White people; it then rose again to just over 8 times more likely in 2016/17**
- **In 2016/17, there were 4 stop and searches for every 1,000 White people, compared to 29 stop and searches for every 1,000 Black people**
- The Chinese and Mixed White/Asian groups have consistently had the lowest rates of stop and search since 2009/10
- White people made up 86% of the total population of England and Wales in 2011 and accounted for 63% of stop and searches in 2016/17
- **The highest rates of stop and search were found among the three Black ethnic groups - Other Black (at 70 stop and searches per 1,000 people), Black Caribbean (at 28 per 1,000 people) and Black African (at 19 per 1,000 people)**

2.1 Stop and Search Rate per 1,000 People by Ethnicity from 2009/10 to 2016/17

- Among the broad ethnic groups, the stop and search rate for White people was lower than the overall rate in every year of the period, while the rates for people from the Asian, Black, and Mixed ethnic groups were consistently higher than the overall rate
- The stop and search rate for White people fell from 17 incidents per 1,000 in 2009/10 to 4 per 1,000 in 2016/17 – a fall of 80%.

- The stop and search rate for Asian people fell from 34 incidents per 1,000 Asian people in 2009/10 to 8 per 1,000 people in 2016/17 – a fall of 78%
- The stop and search rate for people with Mixed ethnicity fell from 33 incidents per 1,000 in 2009/10 to 9 per 1,000 in 2016/17 – a fall of 74%.
- **The stop and search rate for Black people fell from 112 incidents per 1,000 Black people in 2009/10 to 29 per 1,000 people in 2016/17 – a fall of 74%.**

The charts below show the stop and search rates from 2009/10 to 2016/17 for the broad ethnic groupings:



Source: Home Office, *Ethnicity facts and figures: Stop and Search*, 11 May 2018

2.2 Stop and Search by Ethnicity and Police Force Area

- **Black people had the highest stop and search rates in every police force area for which there was data, with 2 exceptions (Gwent and Kent)**
- In 2016/17, the biggest difference in stop and search rates between Black and White people was in Dorset, where Black people were 20 times more likely to be stopped and searched than White people, followed by Suffolk, where Black people were 14 times more likely to be stopped and searched than White people
- The Metropolitan Police Service had the highest overall rate of stop and search, at 17 incidents for every 1,000 people.

- The police forces with the lowest overall rates of stop and search were Greater Manchester, Humberside and Leicestershire, all at 1 incident for every 1,000 people in their respective areas

Please note that people stopped in a police force area may not necessarily be residents of the area in question.

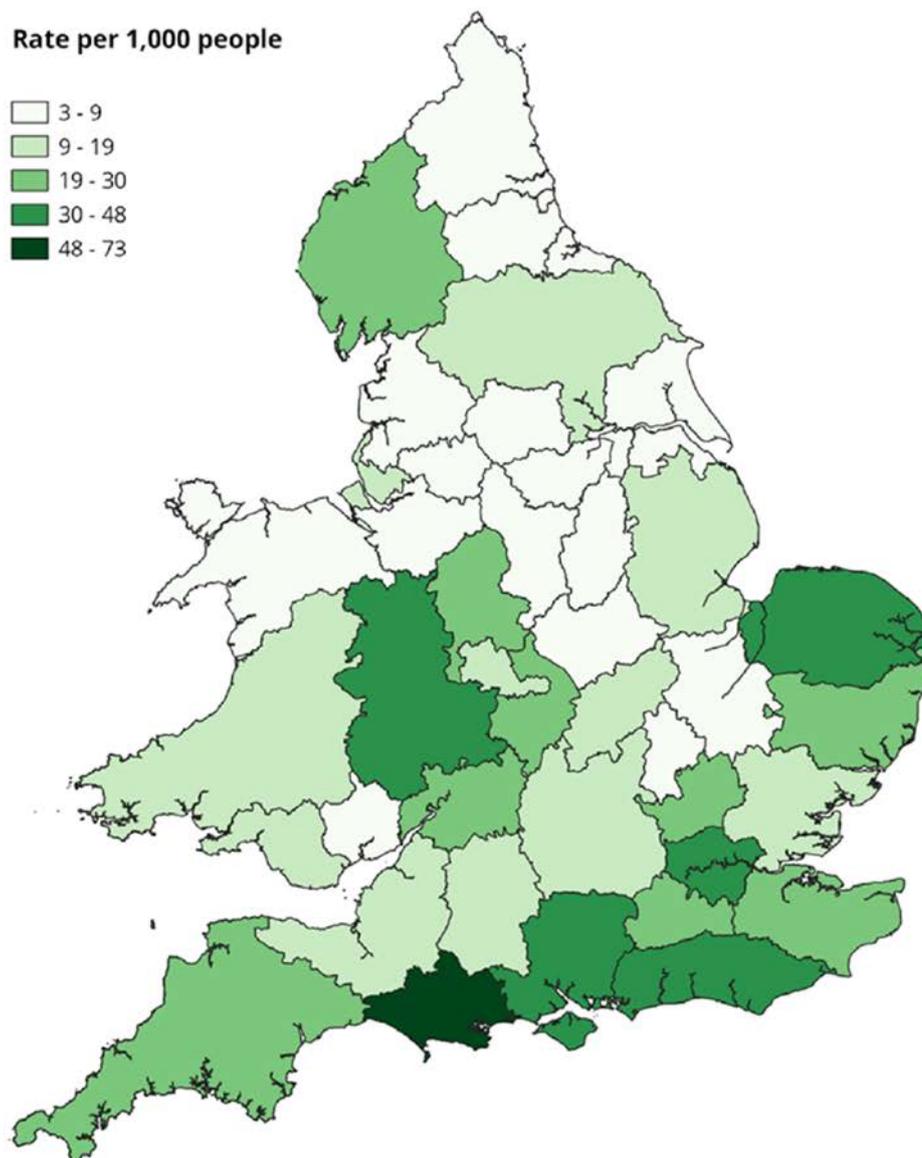
The map on the next page shows the stop and search rate per 1,000 people in each police force area for Black people who, as previously noted, have the highest rates of stop and search for most police force areas.

An interactive [map](#) similarly shows stop and search rates per 1,000 Black people by police force area and can be accessed [here](#).¹⁵ Clicking on each police force area will show rates for each major ethnic group in that area.

¹⁵ https://fusiontables.google.com/DataSource?docid=1xFNCRJIMLEDSg_8-rMN8X0KKc9qmvj4suGX-9qbt#map:id=3

STOP AND SEARCH RATES FOR BLACK PEOPLE BY POLICE FORCE AREA IN ENGLAND & WALES

2016/17



Source: Home Office, *Ethnicity facts and figures: Stop and Search*, 11 May 2018

3. News and blogs

Mayor of London

[Here's what the Mayor is doing to tackle violent crime](#)

6 May 2018

Liberty

[Know your rights: police stop and scan technology](#)

Donnchadh Greene 14 March 2018

Stop Watch

[Stop and search may be down, but ethnic disproportionality is increasing](#)

26 October 2017

Ministry of Justice

[Lammy publishes historic review](#)

8 September 2017

Home Office in the media

[Amber Rudd writes about stop and search in The Times](#)

9 August 2017

National Black Police Association

[NBPA position statement on stop and search](#)

10 November 2016

Youth Justice Legal Centre

[New Stop and Search guidance for police to avoid unconscious bias](#)

4 November 2016

College of Policing

[New stop and search training and guidance for police](#)

27 October 2016

Metropolitan Police

[Commissioner urges public to support battle against knife crime 'blight on London'](#)

22 June 2015

Liberty

[Section 60 stop and search is discriminatory, destructive and doesn't work](#)

22 April 2015

Press

BBC News

[London violence: Mayor urges 'targeted' stop and search](#)

7 April 2018

Independent

[Stop and search powers are not being used enough, one of Britain's most senior police chiefs warns](#)

7 April 2018

Economist

[Knife crime is surging in London](#)

5 April 2018

Guardian

[Stop and search will not make London safer, says Diane Abbott](#)

4 April 2018

New Statesman

[Is cutting the number of stop and searches behind the rise in crime?](#)

26 March 2018

Spectator

[The stop and search race myth](#)

24 March 2018

Guardian

[Stop and search harms fight against knife crime, Met officer says](#)

13 March 2018

Economist

[Can an increase in stop-and-search cut knife crime?](#)

18 January 2018

Guardian

[David Lammy criticises Sadiq Khan over vow to increase stop and search](#)

14 January 2018

Independent

[Sadiq Khan to 'significantly increase' stop and search in London](#)

10 January 2018

Guardian

[Police less likely to find drugs on black people during stop and search](#)

13 December 2017

BBC News

[Stop-and-search ethnic disparity 'troubling'](#)

12 December 2017

Independent

[Black people now eight times more likely be stopped and searched, figures show](#)

26 October 2017

Telegraph

[Police afraid of racism complaints if they use stop and search powers](#)

8 August 2017

Independent

[Black people still far more likely to be stopped and searched by police than other ethnic groups](#)

6 August 2015

4. Parliamentary Business

Ministerial Statements

[Stop-and-Search](#)

The Secretary of State for the Home Department (Theresa May):

With permission, Mr Speaker, I would like to make a statement on the use of stop-and-search powers by the police. As I have told the House before, I have long been concerned about the use of stop-and-search. Although it is undoubtedly an important police power, when misused it can be counter-productive. First, it can be an enormous waste of police time. Secondly, when innocent people are stopped and searched for no good reason, it is hugely damaging to the relationship between the police and the public. In those circumstances it is an unacceptable affront to justice.

That is why I commissioned Her Majesty's inspectorate of constabulary to inspect every force in England and Wales to see how stop-and-search powers are used, and it is why last year I launched a consultation to ensure that members of the public, particularly young people and people from minority ethnic communities, could have their say.

Today I am publishing a summary of the responses to the consultation and placing a copy in the House Library. The consultation generated more than 5,000 responses, and it was striking that those on the receiving end of stop-and-search had very different attitudes from those who are not. While 76% of people aged between 55 and 74 thought that stop-and-search powers are effective, only 38% of people aged between 18 and 24 agreed. While 66% of white people thought that stop-and-search powers are effective, only 38% of black people agreed.

The findings of the HMIC inspection were deeply concerning. The inspectorate reported that 27% of the stop-and-search records it examined did not contain reasonable grounds to search people, even though many of these records had been endorsed by supervising officers. If the HMIC sample is accurate, more than a quarter of the 1 million or so stops carried out under the Police and Criminal Evidence Act 1984 last year could have been illegal. This is not the only worrying statistic. Official figures show that if someone is black or from a minority ethnic background, they are up to six times more likely to be stopped and searched by the police than if they are white, and only about 10% of stops result in an arrest.

In London, thanks to the leadership of Sir Bernard Hogan-Howe, changes to stop-and-search show that it is possible to reduce the number of stops, improve the stop-to-arrest ratio, and still cut crime. Since February 2012, the Metropolitan police have reduced their overall use of stop-and-search by 20%, and they have reduced no-suspicion stop-and-search by 90%. In the same period, stabbings have fallen by a

third and shootings by 40%. Complaints against the police have gone down and the arrest ratio has improved.

I want to see further progress in London and across the whole of England and Wales. I can therefore tell the House that I intend to revise Police and Criminal Evidence Act code of practice A to make it clear what constitutes

“reasonable grounds for suspicion”—

the legal basis on which police officers carry out the vast majority of stops. The revised code will emphasise that where officers are not using their powers properly, they will be subject to formal performance or disciplinary proceedings.

HMIC’s study on the use of stop-and-search revealed that more than half the police forces in the country are ignoring the requirement set out in Police and Criminal Evidence Act code of practice A to make arrangements for public scrutiny of stop-and-search records. This is an important duty that should empower local communities to hold police forces to account, so I have written to all chief constables and police and crime commissioners to tell them to adhere to the code. I have told them that if they do not do so, the Government will bring forward legislation to make this a statutory requirement.

Earlier today, I commissioned Alex Marshall, chief executive of the College of Policing, to review the national training of stop-and-search with a view to developing robust professional standards for officers on probation, existing officers, supervisors, and police leaders. I have asked the college to include in this work unconscious bias awareness training to reduce the possibility of prejudice informing officers’ decisions. As part of that review, I have also asked the college to introduce an assessment of officers’ fitness to use stop-and-search powers. I want this to send the clearest possible message: if officers do not pass this assessment, if they do not understand the law, or if they do not show they know how to use stop-and-search powers appropriately, they will not be allowed to use them. In order to save as much time as possible, I have asked my officials in the Home Office to work with chief constables and police and crime commissioners to explore the possibility of recording information on the use of stop-and-search via the new emergency services network.

In addition to all these changes, I can tell the House that this summer the Home Office and the College of Policing will launch a new “best use of stop-and-search” scheme. This scheme already has the backing of the Metropolitan police—the biggest user of stop-and-search in the country—and today I have written to all other police forces in England and Wales inviting them to sign up. Forces participating in the scheme will record the outcome of stops in more detail to show the link, or the lack of a link, between the object of the search and its outcome. This will allow us to assess how well forces are interpreting the

“reasonable grounds for suspicion”

they are supposed to have in order to use their stop-and-search powers in accordance with law. The scheme will also require forces to record a broader range of outcomes, such as penalty notices for disorder and cautions. This will allow us better to understand how successful each stop and search really is.

In order to improve the public’s understanding of the police, forces participating in the scheme will introduce lay observation policies, which enable members of the local community to apply to accompany police officers on patrol. The scheme will also require forces to introduce a stop-and-search complaints “community trigger” whereby the police must explain to the public how stop-and-search powers are being used where there is a large volume of complaints.

Forces participating in the scheme will make it clear that they will respect the case law established in *Roberts* by using no-suspicion stop-and-search when it is “necessary to prevent incidents involving serious violence”, rather than just “expedient” to do so. They will raise the level of authorisation to a chief officer and that officer must reasonably believe that violence “will” take place, rather than “may”, as things stand now. This will bring no-suspicion stop-and-search more into line with the stop-and-search powers under section 47A of the Terrorism Act 2000, and I hope it will reduce the number of no-suspicion stops significantly. The scheme will also require forces to limit the application of no-suspicion stop-and-search to 15 hours. It will also require them to communicate with local communities in advance and afterwards, so residents can be kept informed of the purpose and success of the operation.

In addition to these changes, in order to improve transparency and accountability, we will add stop-and-search data to the Government’s hugely successful and popular crime maps at www.police.uk. I have also asked Her Majesty’s chief inspector of constabulary to include the use of stop-and-search in HMIC’s new annual general inspections, which begin towards the end of this year. I have commissioned HMIC to review all other police powers similar to stop-and-search, including section 163 of the Road Traffic Act 1988, with a view to eliminating any unfair or inappropriate use of those powers.

The proposals I have outlined today amount to a comprehensive package of reform. I believe they should contribute to a significant reduction in the overall use of stop-and-search, better and more intelligence-led stop-and-search, and improved stop-to-arrest ratios. But I want to make myself absolutely clear: if the numbers do not come down, if stop-and-search does not become more targeted, if those stop-to-arrest ratios do not improve considerably, the Government will return with primary legislation to make those things happen, because nobody wins when stop-and-search is misapplied. It is a waste of police time. It is unfair, especially to young, black men. It is bad for public

confidence in the police. That is why these are the right reforms and why I commend this statement to the House.

HC Deb 30 April 2014 c831-3

Debates

[Race Disparity Audit](#)

HL Deb 10 October 2017 c114-23

[Police and Criminal Evidence Act 1984 \(Codes of Practice\) \(Revision of Code A\) Order 2015](#)

HL Deb 22 January 2015 cGC416-9

Parliamentary Questions

[Stop and Search](#)

Asked by: David Evennett

To ask the Secretary of State for the Home Department, how many people were stopped and searched by the Police in each of the last five years; and how many of those people were subsequently arrested.

Answered by: Nick Hurd | Home Office

The Home Office collects and publishes statistics on the number of stop and searches and subsequent arrests, conducted by each police force in England and Wales. The Home Office collects these data at Police Force Area level only and does not hold this information at constituency level.

These data are published in the 'Police Powers and Procedures, England and Wales' statistical bulletins, and latest available data for the year ending March 2017 can be accessed here:

<https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017>

Data on stop and searches are broken down by the reason for the search or subsequent arrest and the ethnicity of the person being searched. Data from 2006/07 onwards can be found in the Open Data Table accompanying the Police Powers and Procedures bulletin:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/654473/stop-search-open-data-tables-pps.ods

9 May 2018 | Written question | 140610

[Stop and Search: Ports and Airports](#)

Asked by: Afzal Khan

To ask the Secretary of State for the Home Department, whether she will direct Her Majesty's Inspectorate of Constabulary to review (a) the use by the police of powers in Schedule 7 to the Terrorism Act 2007 to stop and search people at ports and airports and (b) whether those powers are used disproportionately on ethnic minority groups.

Answered by: Nick Hurd | Home Office

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) runs an annual public consultation on its inspection programme through which we ensure the inspectorate is sighted on Ministerial priorities.

The programme is approved by the Home Secretary before it is published.

The exercise of police powers such as Schedule 7 is already annually reviewed by the Independent Reviewer of Terrorism Legislation (IRTL), who reports on the operation of the Terrorism Act 2000 and powers including Schedule 7.

All police forces refer complaints alleging discriminatory use of Schedule 7 powers to the Independent Police Complaints Commission (IPCC) for investigation. IPCC investigations are part of the evidence considered by the IRTL.

In his annual review of 2013 IRTL David Anderson QC reported that he had "no reason to believe that Schedule 7 powers are exercised in a racially discriminatory way", a view he repeated in subsequent reports. The first report of the current IRTL Max Hill QC is yet to issue.

20 December 2017 | Written question | 119582

[Stop and Search](#)

Asked by: Philip Davies

To ask the Secretary of State for the Home Department, what proportion of stop and searches involved (a) foreign and (b) British nationals; and what proportion of each such category resulted in an arrest in the last year for which information is available.

Answered by: Nick Hurd | Home Office

The Home Office does not hold information on the nationality of individuals stopped and searched.

The Home Office collects and publishes statistics on the number of stop and searches, and the number of resultant arrests, conducted by each police force in England and Wales. Data are broken down by the reason for the search, and the ethnicity of the person being searched, but not on the nationality of the individual. These data are published in the

'Police Powers and Procedures, England and Wales' statistical bulletins, where data for the year ending March 2016 can be accessed here: <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2016>

The next release of 'Police Powers' statistics is due to be published in October, for the year ending March 2017.

14 September 2017 | Written question | 9138

[Stop and search](#)

Asked by: Lord Ouseley

To ask Her Majesty's Government what assessment they have made of the survey commissioned by the Criminal Justice Alliance, published on 29 June, which found that more than a third of BAME people aged 16 to 30 did not believe police used fair information to decide whom they stopped and searched; and what assessment they have made of the extent to which the use of stop and search powers unfairly targets BAME communities.

Answered by: Baroness Williams of Trafford | Home Office

The Government notes the concerning findings in the Criminal Justice Alliance's report.

Launched in 2014, the Government's reforms to the use of stop and search powers have helped forces improve their use significantly. Prior to this, the facts around use of stop and search powers were alarming: only 9% of over 1 million stop and searches resulted in an arrest; you were 7 times more likely to be stopped and searched if black; and HMIC found that almost a third of police stop and search records showed a potential unlawful search. This contrasts with the picture now, which shows a more targeted and intelligence led approach, with fewer searches and an arrest rate at its highest on record, standing at 16%. Additionally, HMIC has recently found that more stop and search records contain reasonable grounds for suspicion, indicating improvements in officer knowledge of the legal basis of most stop and search powers.

The latest statistics, which show that you are 3 times more likely to be stopped and searched if you are from a BAME background, and 6 times more likely if you are black, is, however, a clear indication that there is no room for complacency. The Government will continue to push through reforms to stop and search together with its partners - the College of Policing and National Police Chiefs Council (NPCC). However, it is vital that chief officers provide the local direction and focus needed to drive reform in their forces.

20 July 2017 | Written question | HL 577

5. Further reading

Official publications

Home Office, [Code A revised: Code of Practice for the exercise by: Police Officers of Statutory Powers of stop and search; Police Officers and Police Staff of requirements to record public encounters](#), 2014

Home Office, [Stop and search: ethnicity facts and figures](#)

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

College of Policing, [Stop and search](#)

Gov.uk, [Police powers to stop and search: your rights](#)

HMICFRS, [Stop and search inspections](#)

HMICFRS, [PEEL: police legitimacy 2017](#)

Reports

Full Fact, [Stop and search: higher arrest rate?](#), 20 April 2018

[Lammy Review: final report](#), 8 September 2017.

An independent review into the treatment of, and outcomes for, black, Asian and minority ethnic individuals in the criminal justice system. Chaired by Rt Hon David Lammy MP.

David Lammy, [Justice for all? Speech to the RSA](#), 3 July 2017

Peter Keeling, [No respect: young BAME men, the police and stop and search](#), Criminal Justice Alliance, 29 June 2017

Equality and Human Rights Commission, [Stop and think: a critical review of the use of stop and search powers in England and Wales](#), 1 April 2016

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