

Research Briefing

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Police powers: stop and search



Summary

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Summary

Police powers to stop and search

The police have a variety of legislative powers to stop and search those they suspect have certain items. Their stop and search powers allow them to [“allay or confirm”](#) their suspicions without making an arrest.

There are currently three main types of stop and search powers:

- [powers](#) which require officers to have **“reasonable grounds”** to conduct the search;
- a [power](#) which allows officers to search **without reasonable grounds** when authorised by a senior officer based on certain pre-conditions; and
- a power officers can use to search those they ‘reasonably suspect’ are terrorists. This **terrorism power** is **not** discussed in this briefing.

In 2022, an [additional search power](#) was introduced that allows officers to stop and search individuals who the courts have issued a **Serious Violence Reduction Order (SVRO)** to. An officer can conduct the search without needing to have reasonable grounds or prior authorisation from a senior officer. The introduction of this power was highly controversial. Prior to SVROs it was unlawful to search someone just because they had a relevant offending history and to search someone without having either reasonable grounds or pre-authorisation. SVROs will be piloted in at least one police force before national rollout.

Use of stop and search

Trends

At the beginning of the 2010s there were [concerns](#) that the police were overusing their stop and search powers and conducting poorly targeted, ineffective and unlawful searches. [Police guidance was reformed](#) to reduce the use of stop and search and encourage searches based on robust intelligence and information. As a result, use of stop and search did [decline](#) from over one million in 2010/11 to around 279,000 at its lowest in 2017/18.

The current Government and policing leaders have argued that stop and search [should form part of the response to violent crime](#). In line with this, the Home Office has [encouraged forces](#) to use their search powers more

frequently and removed voluntary guidance that had previously been issued to restrict suspicion-less searches. This has led to the use of stop and search rising again. Since 2017/18 the number of searches has increased year on year. Around 700,000 searches were conducted in 2020/21 which is more than double the number in 2017/18.

Most searches are conducted using reasonable grounds powers ([99% in 2020/21](#)). However, the number of suspicion-less searches (also referred to as section 60 searches) have still increased markedly, rising from 622 in 2016/17 to 18,043 in 2019/20. Roughly 9,000 suspicion-less searches were carried out in 2020/21.

Most forces conduct between three and six searches for every 1,000 people who live in their police force area. However, the Metropolitan Police Service (MPS) and Merseyside Police are two notable outliers, having conducted 31 and 24 searches respectively for every 1,000 people.

Tactical or unfair use? Compliance with law and guidance

The Home Office maintains statutory guidance on the most frequently used stop and search powers in [PACE Code A](#). Officers must follow this guidance to use their search powers lawfully. The College of Policing (the body responsible for professional standards in policing) maintains further [professional practice](#) on stop and search which officers must have regard to when exercising their powers. All English and Welsh police forces have subscribed to follow, at least in part, additional voluntary guidance issued by the Home Office on the [best use of stop and search](#) (commonly referred to as 'BUSS' guidance).

Police watchdogs have raised concerns that some searches are not conducted lawfully and effectively. They have repeatedly called on forces to do more to monitor and scrutinise the use of their search powers. In [a review of 9,378 search records](#), Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) found 14% of the searches reviewed had recorded grounds that were not reasonable and a further 22% had weak recorded grounds.

Most searches are conducted to find drugs ([69% of all 'reasonable grounds' searches in 2020/21](#)) rather than weapons. However, HMICFRS found in its review that drug searches contribute to "ethnic disproportionality" in stop and search rates, noting that drug searches on Black people- particularly possession-only searches - had a higher rate of weak recorded grounds than equivalent searches on White people. This is "despite evidence that there is no correlation between ethnicity and rates of drug use". HMICFRS has stated that this high prevalence of drug possession searches indicates that enforcement "efforts are not being effectively focused on force priorities".

Impact of stop and search

Evidence regarding the impact of stop and search on crime is mixed. There is [little evidence](#) to suggest that stop and search provides an effective deterrent to offending. Stop and search is more effective at detection but still most searches result in officers finding nothing. In 2020/21 only around [20% of searches](#) resulted in a criminal justice outcome (an arrest or out-of-court disposal) linked to the purpose of the search. However, [those in policing often argue](#) that when stop and search is targeted and conducted in line with the law and guidance, they can confiscate dangerous and prohibited items and do so without undermining public trust in the police.

Those opposed to stop and search argue that a history of poor use and long-standing ethnic disparities demonstrate that it is a fundamentally flawed police power. Overall, in 2020/21, people from Black, Asian and Minority Ethnic backgrounds were [3.5 times more likely](#) to be searched than White people. Disproportionality in the use of stop and search is starkest for Black people who [experience the highest search rate](#) at 53 per 1,000 compared to a rate of 7.5 per 1,000 for White people. [HMICFRS has said](#) that no force “fully understands the impact” of its use of stop and search and “no force can satisfactorily explain why” ethnic disproportionality in searches continues to persist.

Criticism has been raised about the negative effects of this disproportionality on Black and Minority Ethnic people. It is widely acknowledged that poorly targeted and conducted stop and search damages police community relations. In 2022 a [learning report](#) by the Independent Office for Police Conduct (IOPC) also highlighted the “damaging impact” and humiliation that stop and search can cause individuals “when not carried out fairly and professionally”. The IOPC also acknowledged the “historical” trauma for communities who have disproportionately experienced stop and search over a prolonged period of time and the “cumulative” impact poor stop and search can continue to have on groups.

1 Police powers to stop and search

Police officers¹ have a variety of legislative powers to stop and search those they suspect have certain items. Their stop and search powers allow them to “allay or confirm” their suspicions without making an arrest.²

There are currently three main types of stop and search powers:

- powers which require officers to have “**reasonable grounds**” to conduct the search, sometimes known as ‘section 1’ searches;
- a power which allows officers to search **without reasonable grounds**, often known as ‘no suspicion’, ‘suspicion-less’ or ‘section 60’ searches. This power can only be used when authorised by a senior officer based on certain pre-conditions and is therefore sometimes referred to as ‘pre-condition searches’ by those in policing; and
- a power that officers can use to search those they “reasonably suspect” are terrorists.³ This **terrorism power** is **not** discussed in this briefing.

In 2022, an additional new power was introduced to allow officers to stop and search individuals who the courts have issued a **Serious Violence Reduction Order (SVRO)** to. Under this power the officer can conduct the search without needing to have reasonable grounds or pre-authorisation from a senior officer. The legislation requires SVROs to be piloted in at least one police force before national rollout.⁴

Officers must use a specific legislative power every time they carry out a stop and search. They must be able to demonstrate they used the correct power for the circumstances of each search. They cannot rely on someone’s consent alone to search them.⁵

The Home Office maintains statutory guidance on the most frequently used stop and search powers in [PACE Code A](#).⁶ Officers must follow this guidance to use their search powers lawfully. The College of Policing (the body responsible for professional standards in policing) maintains an Authorised

¹ Stop and search is one of several police powers reserved for police officers. However, PCSOs may have powers similar to stop and search. For example, they may have been designated powers which allow them seize items being used to conduct anti-social behaviour. See: House of Commons Library, [Police powers: an introduction](#), October 2021, section 1.

² Home Office, [PACE Code A](#), para 1.4

³ [Part V](#), Terrorism Act 2000 [as amended]

⁴ [s165-166](#), Police, Crime, Sentencing and Courts Act 2022

⁵ Home Office, [PACE Code A](#), para 1.5

⁶ [s66](#), Police and Criminal Evidence Act 1984

Professional Practice (APP)⁷ on [stop and search](#) which officers must have regard to when exercising their powers.

1 Best use of stop and search (BUSS)

In 2014, the Home Office and College of Policing introduced the [Best use of stop and search scheme](#), known as BUSS. BUSS was designed to support a more intelligence-led and targeted approach to stop and search and:

create greater transparency, accountability and community involvement in the use of stop and search powers.⁸

BUSS provides best practice guidance on five key areas:

- data recording and publishing;
- lay observation policies ie policies for allowing members of the community [lay people] to accompany officers on patrol;
- responding to complaints from communities;
- race and diversity monitoring; and
- the use of stop and search powers under [section 60 Criminal Justice and Public Order Act 1994](#).

All English and Welsh police forces voluntarily signed up, at least in part, to comply with BUSS. However, it is not a legal requirement for them follow the guidance in order for police to have exercised their search powers lawfully.

Note: BUSS guidance on the use of section 60 search powers is no longer in place. This is discussed in more detail in section 1.2 of this briefing. The rest of BUSS remains in place.⁹

⁷ APP is official police guidance. Police officers are expected to have regard to APP when on duty. However, there may be circumstances in which it would be legitimate for them to deviate from it. See: House of Commons Library, [Police powers: an introduction](#), October 2021, section 1.3

⁸ Home Office, [Best use of stop and search scheme](#), 26 August 2014

⁹ As of August 2022

1.1

Reasonable grounds powers

The vast majority of stop and searches are conducted using reasonable grounds powers.¹⁰ There are numerous statutory provisions which give police officers the power to do so.¹¹ [Section 1](#) of the Police and Criminal Evidence Act 1984 (PACE)¹² and [section 23](#) of the Misuse of Drugs Act 1971 are the most commonly used reasonable grounds stop and search powers.

Section 1 of PACE (as amended) allows officers to stop and search those they have reasonable grounds to suspect have “stolen or prohibited articles”.¹³ For the purposes of section 1 “prohibited articles” means [offensive weapons](#), fireworks and any item that has been made or adapted to be used in a burglary, theft or fraud or to cause criminal damage.¹⁴

A similar power in the Firearms Act 1968 (as amended) allows officers to stop and search those they have “reasonable cause” to suspect have a firearm or ammunition in a public place.¹⁵

Section 23 of the Misuse of Drugs 1971 Act (as amended) allows officers to search those they have reasonable grounds to suspect have “[controlled drugs](#)”. Controlled drugs are those that are illegal to produce, supply or possess under the 1971 Act.¹⁶

What are reasonable grounds?

Officers have reasonable grounds when they have a “genuine suspicion” that they will find the object they are searching for. This suspicion must be based on “objective factors”.¹⁷

There is no definitive list of “objective factors” on which to base a search. Ultimately, it is for the officer conducting the search to be satisfied it has an objective basis. However, objective factors generally fall into one of two categories:

- **Intelligence or information.**¹⁸ For example, if a person matches the description of a suspect in a nearby burglary or if there is intelligence

¹⁰ See section 2 of this briefing for statistics

¹¹ See: College of Policing, APP stop and search: [legal basis](#), section 2 [last accessed 27 May 2022]

¹² Reasonable grounds searches are sometimes known as ‘section 1 searches’ after section 1 of PACE

¹³ [s1\(2-3\)](#), Police and Criminal Evidence Act 1984

¹⁴ [s1\(8-9\)](#), Police and Criminal Evidence Act 1984

¹⁵ [s47](#), Firearms Act 1968

¹⁶ [s23\(2\)](#), Misuse of Drugs Act 1971

¹⁷ Home Office, [PACE Code A](#), para 2.2

¹⁸ As above, para 2.4-2.6A

that a gang known to be involved in violent crime is meeting at a specified place for criminal purposes.

- **Suspicious behaviour.**¹⁹ For example, attempting to hide or discard something, behaving nervously, or being seen with something that looks like a controlled drug.

Single factors

PACE Code A states a search is more likely to be effective, legitimate, and secure public confidence if reasonable grounds for suspicion are based on a range of objective factors.²⁰ The College of Policing's APP on stop and search further states that it is not good practice for officers to base grounds for a search on a single factor.²¹

The smell of cannabis as a single objective factor for a search has drawn particular concern. Using the smell of cannabis as the sole basis for a search has not been tested in the courts and therefore smelling cannabis can constitute a legal basis for a search on its own.²² However, there are concerns that it is ineffective, particularly as attribution is difficult, and that it may be contributing to disproportionate rates of stop and search by ethnicity.²³

In April 2022, the Independent Office for Police Conduct (IOPC) – the body responsible for overseeing the police complaints system in England and Wales - published a learning report on stop and search which highlighted concerns about the “legitimacy” of some searches. It noted that the “reliance upon the smell of cannabis as sole grounds for a stop and search” was one of the greatest concerns it hears about from stakeholders regarding searches and “how it is used to justify the apparent over-policing of Black communities”.²⁴ The IOPC raised concern that in cases where no cannabis is then found on the individual – and where there were otherwise weak or vague grounds for the search - it reinforces the perception that the smell of cannabis is being used as an excuse to conduct a stop and search on certain individuals.

Officers are currently **advised** to only search people they can smell cannabis on when they have additional objective factors on which to base their suspicion.²⁵ However, the IOPC recommended that the Home Office review whether the smell of cannabis alone should provide reasonable grounds for a search or whether changes are required to the statutory guidance in PACE Code A.²⁶

¹⁹ As above, para 2.6B; College of Policing, APP stop and search: [legal basis](#) [last accessed 27 May 2022]

²⁰ Home Office, [PACE Code A](#), para 2.8A

²¹ College of Policing, APP stop and search: [legal basis](#)

²² As above

²³ IOPC, [National Stop and Search learning report](#), 20 April 2022, p.13

²⁴ As above

²⁵ College of Policing, APP stop and search: [legal basis](#), section 2.2.1

²⁶ As above, p.15

Why are reasonable grounds important?

According to the College of Policing, the “reasonable grounds” test is “[key to fair decision making in stop and search](#)”. Members of the public are less likely to feel unfairly treated by the police when they are given a clear objective reason for being searched. With the exception of the new stop and search power relating to SVROs,²⁷ it is unlawful for officers to search people without reasonable grounds or prior authorisation for a senior officer.²⁸

What are not reasonable grounds?

There are certain things never considered to be an objective factor on which to base a reasonable grounds search.

“**Personal factors**” can never constitute an objective basis on which to base a search.²⁹ Officers cannot base a search on them, nor can they use them to support another factor. Personal factors include:

- someone’s physical appearance (except where it matches the description of a relevant suspect);
- an individual’s known past convictions (except in the case of Serious Violence Reduction Orders);
- any protected characteristic (including age, disability, gender reassignment, pregnancy, race, religion, sex and sexual orientation); and
- generalisations or stereotypes about groups of people.

Officers can question individuals as part of a stop and search encounter, but they have no powers to require people to answer them. **Information volunteered to officers during a stop and search encounter** can confirm or dispel an officer’s suspicions. However, officers cannot search someone based solely on their answers (or their refusal to answer) because they must have reasonable grounds to initiate a stop and search encounter.³⁰

Suspicion must relate to the likelihood that the object in question will be found and if nothing is found, encounters should be ended. Officers should not continue searching an individual or look for different items unless there are grounds for continued suspicion that are genuine and reasonable.³¹

²⁷ See section 1.2 of this briefing for more information on Serious Violence Reduction Orders (SVROs)

²⁸ Searches that can be conducted without reasonable grounds if preauthorised are discussed below in section 1.2.

²⁹ College of Policing, APP stop and search: [legal basis](#)

³⁰ As above

³¹ Home Office, [PACE Code A](#), para 2.2

1.2

Section 60 searches: searching without reasonable grounds

There is a power which allows officers to search people without reasonable grounds. This power is sometimes known as a ‘no suspicion search’ or ‘suspicion-less search’. It is also commonly referred to as a ‘section 60 search’ after the legislation which gives officers this power: [section 60](#) of the Criminal Justice and Public Order Act 1994 (as amended). Those in policing often call these searches ‘pre-condition searches’ because section 60 of the 1994 Act requires specific pre-conditions to be met before senior officers can authorise its use.

The power to search without reasonable suspicion is a highly controversial stop and search power. Those against its use argue it is ineffective, open to abuse and particularly harmful to police community relations.³² Those in favour of its use argue it allows the police to better respond to violent crime. The current Conservative Government has encouraged the use of section 60 searches as part of its policy on tackling violent crime.³³

Section 60 of the 1994 Act was challenged at the Supreme Court on human rights grounds in 2015. The Supreme Court unanimously found that there were safeguards present in both legislation and guidance to ensure the use of this search power can be compatible with the right to privacy.³⁴ However, the challenge did highlight the risks of human rights violations when officers deviate from legislation and guidance.³⁵

When can section 60 searches be used?

Section 60 of the 1994 Act gives the police an additional search power they can use in response to serious violence. This search power is designed to help the police confiscate weapons before a violent incident takes place or recover weapons used in a recent violent incident. The police should only use section 60 to search people when their reasonable grounds search powers would not recover weapons associated with violence.³⁶

An officer at the rank of inspector or above can authorise uniformed officers to conduct section 60 searches within a specified area.³⁷ Authorisations can initially last for up to 24 hours. Superintendents have the power to authorise

³² See: The Guardian, [Police accused of abusing easier stop and search](#), 14 April 2019

³³ See: section 2.3 of this briefing

³⁴ *R (on the application of Roberts) (Appellant) v Commissioner of the Police of the Metropolis and another (Respondents)* [2015] UKSC 79. Note: The Court did not consider whether section 60 searches violated the right to liberty and security.

³⁵ Neil Parpworth, [Section 60 and the Supreme Court](#), Police Journal [volume 89, issue 3, pages 174-184], 2016 (Intranet link only. Available through the Library’s subscription to Westlaw.)

³⁶ Home Office, [PACE Code A](#): notes for guidance, note 10 (p21)

³⁷ [s60\(5\)](#), Criminal Justice and Public Order Act 1994; Home Office, [PACE Code A](#), para 2.12

extensions of up to 48 hours³⁸ but must only authorise its use for the shortest period necessary to achieve the required results.³⁹

Section 60 searches can be authorised when senior officers “reasonably believe” that one of the following conditions have been met:

- incidents involving serious violence “may” take place in a locality and it is “expedient” to give authorisation to prevent this;⁴⁰
- an incident involving serious violence has taken place, the weapon used is in a locality and it is “expedient” to give authorisation to find it;⁴¹ or
- people are carrying dangerous instruments or offensive weapons in a locality.⁴²

A senior officer’s reasonable belief that one of the above conditions has been met must be based on objective factors.⁴³ Senior officers should therefore rely on information and intelligence when deciding to authorise section 60 searches. For example, senior officers may authorise section 60 searches if they have intelligence that rival gangs are planning to meet in a specified place. Senior officers should clearly communicate to uniformed officers patrolling why they have authorised section 60 searches to be used.⁴⁴

What areas can be designated for section 60 searches?

Senior officers can authorise the use of section 60 searches in a “locality” within their police force area in which the above conditions have been met.⁴⁵ Authorising officers should designate the smallest area necessary to achieve the required results.⁴⁶ They should clearly identify the area designated through identifiable boundaries.⁴⁷

Some have argued that the authorisation of section 60 searches across whole London boroughs is ineffective and risks interfering with the human rights of residents.⁴⁸

In 2020, in response to questions to the London Mayor and FOI requests, the Metropolitan Police Service (MPS) released information on the geographic extent of their section 60 search authorisations. The data showed that between October 2019 and July 2020, 27% of all MPS search authorisations

³⁸ [s60](#), Criminal Justice and Public Order Act 1994

³⁹ Home Office, [PACE Code A](#), para 2.13

⁴⁰ [s60\(1\)\(a\)](#), Criminal Justice and Public Order Act 1994

⁴¹ [s60\(1\)\(aa\)](#), Criminal Justice and Public Order Act 1994

⁴² [s60\(1\)\(b\)](#), Criminal Justice and Public Order Act 1994

⁴³ Home Office, [PACE Code A](#): notes for guidance, note 11 (p21)

⁴⁴ College of Policing, APP stop and search: [legal basis](#)

⁴⁵ [s60\(1\)](#), Criminal Justice and Public Order Act 1994

⁴⁶ Home Office, [PACE Code A](#): notes for guidance, note 13 (p21-22)

⁴⁷ College of Policing, APP stop and search: [legal basis](#)

⁴⁸ Sian Berry (Green London Assembly Member), [Policing by consent? Sharp rise in London borough-wide stop and search orders](#), August 2018

under section 60 were applied across a whole borough (87 of 324 authorisations).⁴⁹

London Mayor, Sadiq Khan, in support of this said that section 60 searches can only be authorised where there is an immediate concern of serious violence or where there is the widespread carrying of weapons which “might be borough-wide”.⁵⁰

Who can be searched using section 60 search powers?

Anyone in a public space in the designated area during an authorisation may be searched using section 60 powers. However, officers cannot search people using this power for reasons unconnected to its authorisation.⁵¹ Officers should only search those that are likely to be involved in the violence that generated the authorisation.⁵² They must not discriminate on the basis of a protected characteristic whilst using their section 60 search powers.⁵³

Restrictions on section 60 searches and best practice

Home Office [BUSS](#) guidance on the authorisation and use of section 60 searches that was introduced in 2014 was designed with the expressed purpose of reducing the use of this power.⁵⁴ The aim was to provide more stringent safeguards in light of concerns that searching people without reasonable grounds could risk interfering with human rights legislation and could be counterproductive to tackling serious violence.⁵⁵

Under BUSS, forces were required to meet higher standards to authorise section 60 searches than the law required.⁵⁶ With BUSS, forces were also committed to inform local people when they authorised section 60 searches.⁵⁷ Since 2019 the Government have been rolling back on section 60 BUSS guidance and in 2022 it was lifted completely.

⁴⁹ Metropolitan Police Service, Freedom of Information request: 01.FOI.20.015020, September 2020 [available through the MPS webpage [accessing information](#)]

⁵⁰ Mayor of London, Mayor’s Question Time, [Use of borough-wide section 60 \[2018/1434\]](#), 21 June 2018

⁵¹ Home Office, [PACE Code A](#), para 2.13

⁵² As above, 3.1.3

⁵³ Home Office, [PACE Code A](#), para 2.14A

⁵⁴ Home Office, [Best use of stop and search scheme \(BUSS\)](#), 26 August 2014.

⁵⁵ House of Commons Library, [Stop-and-search powers: Extension of ‘no-suspicion’ searches](#), 13 August 2019.

⁵⁶ Home Office, [Best use of stop and search scheme \(BUSS\)](#), 26 August 2014.

⁵⁷ Home Office, [Best use of stop and search scheme \(BUSS\)](#), 26 August 2014.

Best use of stop and Search: authorisation of section 60 searches

	BUSS: former guidance	Legislation: current requirements
1 Authorising officer	Assistant Chief Constable/ Commander	Inspector
2 Likelihood of serious violence	Reasonably believed that serious violence will take place	Reasonably believed that serious violence may take place
3 Initial maximum duration	15 hours	24 hours
4 Maximum extension	First extension: 9 hours Second extension: 15 hours	24 hours

Timeline of Government policy: reversing best practice guidance

In March 2019, the Home Office announced it was removing the first two BUSS requirements on section 60 regarding the seniority of authorising officers and the need to believe that serious violence **will** take place as oppose to may take place (see the above table).⁵⁸ This was part of a pilot with eight police forces who covered areas that were deemed to be “particularly affected by violent crime”.⁵⁹

Later that year, in August 2019, the Home Office expanded the pilot by also lifting the BUSS restrictions on the duration of section 60 authorisations and extending the pilot to all police forces.⁶⁰ However, while it was no longer Government policy to actively encourage forces to follow BUSS guidance on section 60 searches, some forces still choose to do so.⁶¹

Then as part of the Governments new Beating Crime Plan, in July 2021, the Government attempted to permanently relax BUSS conditions on the use and authorisation of section 60 search powers, indicating that the pilot had finished.⁶² However, the Government faced legal challenge from campaign group, StopWatch, and human rights organisation, Liberty, on the lawfulness of this policy decision. The Government initially reversed its decision to

⁵⁸ Home Office, [Greater powers for police to use stop and search to tackle violent crime](#), 31 March 2019

⁵⁹ These forces were the MPS; City of London; Greater Manchester; West Midlands; Merseyside; South Yorkshire; West Yorkshire; and South Wales.

⁶⁰ Home Office, [Government lifts emergency stop and search restrictions](#), 11 August 2019.

⁶¹ See for example: West Midlands Police, [Stop and search](#) [last accessed 11 June 2020]

⁶² HM Government, [Beating crime plan](#), 27 July 2021, p.6

permanently remove the authorisation of section 60 from BUSS guidance on the basis that the equality impact assessment for the decision had not provided a full enough analysis of the available policy options.⁶³

The Government once again revisited its position on BUSS and in May 2022, Home Secretary Priti Patel confirmed that she was permanently removing BUSS restrictions on section 60 searches.⁶⁴ This means that all police forces can now authorise such searches in line with the original (less stringent) requirements laid out in legislation and there is no longer best practice guidance for forces to choose to follow. In practice this reduces the threshold for authorising section 60 searches; lowers the seniority of officer that can authorise section 60 searches; and extends the length of time searches can be authorised for. It also means that the police no longer have to publicly communicate to communities in advance when section 60 searches have been authorised.

The Home Office argued that the stricter BUSS guidance had limited when officers could use section 60 searches and decreased the police's confidence in deploying this power. Removing the guidance is intended to give officers more "operational flexibility" to use the tool and "rid the streets of dangerous weapons and save lives".⁶⁵

The decision is in line with the current Government's position to back the police to increase the use of stop and search. However, the decision was highly controversial. In response many criticised section 60 searches for being ineffective at finding weapons and raised concern that the lower threshold for authorising section 60 searches would disproportionately impact Black people who are more likely to be searched under this power.⁶⁶ The equality impact assessment for permanently removing BUSS guidance on section 60 searches acknowledged that doing so would:

lead to an increase in the number of stop and searches under s60, and as a consequence could also see an increase in existing [racial] disproportionality.⁶⁷

However, the Government concluded that the extent of indirect discrimination against individuals with the protected characteristic of race could be "objectively justified" as proportionate to "achieving the legitimate aims of tackling crime".⁶⁸

2 Super-complaint against section 60 searches

In May 2021, the Criminal Justice Alliance (CJA) submitted a super-complaint⁶⁹ against section 60 searches.⁷⁰ CJA argued in the complaint that the:

blanket nature of the [section 60 search] power is leading to thousands of innocent people being unnecessarily stopped and searched every year.⁷¹

The super-complaint raises concern over the disproportionate impact on Black people, noting that in the year ending 31 March 2020 Black people were 18 times more likely than White people to be stopped and searched under section 60 powers. CJA also spoke to national and grassroots organisations who told them “young Black, Asian and minority ethnic people feel racially profiled by the power.”⁷²

The super-complaint raises several additional issues with section 60 searches including a lack of effectiveness in reducing crime, low arrest rates, and a lack of transparency over the way the power is exercised.⁷³

The super-complaint called for the repeal of Section 60 or for there to be stronger safeguards and scrutiny measures in place around its use. At the time of writing, the super-complaint is being investigated by the College of Policing.

1.3

Serious Violence Reduction Orders

The Conservative party’s 2019 manifesto committed to tackle knife crime by targeting known knife carriers and making it easier for the police to stop and search those previously convicted of knife crime offences.⁷⁴

The Police, Crime, Sentencing and Courts Act 2022 (“PCSC Act”) introduced SVROs. These are a new court order that can be issued to people for using, or having on them, a knife or offensive weapon when they committed an offence.⁷⁵

The legislation requires that SVROs be piloted before national roll-out and the Secretary of State must lay a report before Parliament of the outcome of the pilot. In May 2022, the Government confirmed it would be piloting SVROs in

⁶³ Government Legal Department, [Letter to Liberty RE: R \(on the application of Stopwatch\) v Secretary of State for the Home Department](#) (PDF), 19 November 2021

⁶⁴ Home Office, [Home Secretary backs police to increase stop and search](#), 16 May 2022

⁶⁵ As above

⁶⁶ See for example: The Guardian, [Priti Patel lifts restrictions on police stop and search powers](#), 16 May 2022

⁶⁷ Home Office, [Stop and search section 60 relaxation: equality impact assessment](#), 31 May 2022, p.14

⁶⁸ As above

⁶⁹ A super-complaint is a complaint that can be made by designated bodies about a particular feature or issue in policing that is - or appears to be - significantly harming the interests of the public. The aim is to identify and address systemic issues rather than individual complaints about conduct.

⁷⁰ HMICFRS, [Police super-complaints: police use of stop and search powers](#), 24 May 2021.

⁷¹ Criminal Justice Alliance (CJA), [CJA calls for government to repeal section 60 stop and search power](#), 20 May 2021

⁷² As above

⁷³ Criminal Justice Alliance, [More harm than good](#), 20 May 2021

⁷⁴ Conservative Party, [Conservative Party Manifesto 2019](#)

⁷⁵ [s165](#), Police, Crime, Sentencing and Courts Act 2022

Merseyside, Thames Valley, Sussex and West Midlands police forces before a decision is made on roll-out across England and Wales.⁷⁶

Officers in police forces where SVROs are being piloted, have legislative powers to stop and search those who have been issued with an SVRO to look for knives or offensive weapons. They have the power to do so regardless of whether they have reasonable grounds to suspect the individual has one on them at the time and without having to get pre-authorisation from a senior officer to conduct a suspicion-less search.⁷⁷

The Government has published draft statutory guidance for SVROs⁷⁸ and ran a [consultation](#) from 17 May 2022 to 27 June 2022 on revising PACE Code A to bring statutory guidance on stop and search in line with the PCSC Act and introduction of SVROs.⁷⁹

How do Serious Violence Reduction Orders Work?

The prosecution must apply to the court for an SVRO to be applied to an individual upon their conviction. The court can issue an SVRO if it is satisfied that “on the balance of probabilities” either of the following two conditions has been met:

- the individual used a knife or offensive weapon during the commission of an offence, or had a knife or offensive weapon on them when they committed an offence (regardless of whether it was used); or
- the individual knew or “ought to have known” that another person who used a knife or offensive weapon in the commission of the offence was going to do so, or that another person who committed the offence had a knife or offensive weapon with them at the time.

To issue an SVRO to someone, the court must “think it is necessary” to protect the public, protect a specific individual or to prevent further offending involving an offensive weapon/bladed article.

SVROs can only be issued to individuals aged 18 or over. SVROs can be applied for a minimum of six months to a maximum of two years. The Crown Prosecution Service and the chief officer of the relevant police can apply to the courts for an SVRO to be varied, renewed, or discharged.

The police have the power to stop and search anyone with an SVRO “for the purpose of ascertaining whether the person has a bladed article or offensive weapon with them”.

⁷⁶ Home Office, [Serious Violence Reduction Orders: Police, Crime, Sentencing and Courts Act 2022 factsheet](#), 17 May 2022, section 2

⁷⁷ [s342E](#), Police, Crime, Sentencing and Courts Act 2022

⁷⁸ Home Office, [Serious Violence Reduction Orders: draft statutory guidance](#) (PDF), November 2021

⁷⁹ At the time of writing, the Home Office has not published its final statutory guidance and are still analysing the responses to its consultation on PACE Code A.

Breach of an SVRO, including intentionally obstructing the police in exercising their stop and search power, is a criminal offence punishable by a sentence of up to two years' imprisonment, an unlimited fine, or both.

The Secretary of State will be given legislative powers to specify additional requirements or prohibitions that can be imposed on an individual by a SVRO, but only once the Government has completed its pilot.⁸⁰

How do Serious Violence Reduction Orders compare to existing stop and search powers?

Once an individual has received an SVRO, officers will not have to meet any legal test to search them for an offensive weapon.

There is no other modern-day search power that allows the police to stop and search an individual without having either reasonable grounds or authorisation from a senior officer to do so. Whilst section 60 searches can be used by officers to search people without suspicion, it must be authorised by senior police officers, there are pre-conditions that must be met, and restrictions around its use as described above.

It is also the only search power that encourages officers to stop and search individuals on the basis of a previous conviction. Until SVROs it was unlawful – and still is for other search powers – to search someone solely because they have a relevant offending history. This is to prevent prejudice against people with previous convictions.⁸¹

1.4

New proposed stop and search powers: protests

The Public Order Bill was introduced to the House of Commons on 11 May 2022.⁸² The aim of the Bill is to provide the police with greater powers to respond to protesters that cause serious disruption by affixing themselves to objects, buildings or land (known as “locking-on”); obstructing major transport works; interfering with national infrastructure; or building / occupying tunnels.⁸³

The Bill includes proposals to extend stop and search powers to enable the police to search people in relation to protest in two ways:

⁸⁰ [s165](#), Police, Crime, Sentencing and Courts Act 2022

⁸¹ College of Policing, APP stop and search: [Legal basis](#), 29 September 2016.

⁸² The proposals in the Public Order Bill were first introduced to Parliament as amendments to the Police, Crime, Sentencing and Courts Bill at the Lords report stage but were rejected: HL Deb, [Police, Crime, Sentencing and Courts Bill](#), 17 January 2022, c1430-1476

⁸³ [ENs](#), para 1.

Searches on suspicion: Clause 9 of the Bill would amend section 1 of PACE to allow officers to stop and search a person or vehicle if they have “reasonable grounds” for suspecting that they will find an article that is intended to be used in, or has been made for, relevant “protest-related offences”.⁸⁴

Suspicion-less searches: Clause 10 would introduce a power that would operate in a similar way to section 60 search powers. Senior police officers (above the rank of inspector) would be able to authorise uniformed officers within a specified locality and time period to conduct stop and searches for objects that have been used in/connected with “protest-related offences” or may be intended for use in a protest-related offence. Following authorisation, police officers would be able to conduct searches on individuals whether or not they have any grounds for suspecting that person of having such an object on them.⁸⁵

The proposals were met with concern from commentators and have received a significant level of opposition.⁸⁶ The Government’s intention to introduce further powers for police to search people without reasonable grounds has been particularly controversial in light of existing concerns surrounding section 60 and potential infringements on people’s human rights.⁸⁷

Prior to the Public Order Bill’s introduction into Parliament, HMICFRS assessed the Government’s proposals for expanding the powers the police have to respond to protests. HMICFRS found broad support amongst the National Police Chiefs Council (NPCC) - the coordinating body for UK police forces - and many senior police officers for protest stop and search powers who viewed it as a positive preventative and deterrent measure. HMICFRS offered its own support for the search powers but recognised that the powers were “controversial” and caveated its support, stating that the measures “must be subject to strong and effective safeguards.”⁸⁸

Further information on the proposed new search powers is available in section 4 of the Library’s briefing on the [Public Order Bill](#).⁸⁹

⁸⁴ Clause 9, [Public Order Bill \(as amended in Public Bill Committee\)](#) (PDF), p10

⁸⁵ Clause 10, [Public Order Bill \(as amended in Public Bill Committee\)](#) (PDF), p11

⁸⁶ See for example: The Guardian, ‘[Criminalising our right to protest’: green groups’ anger over public order bill](#), 10 May 2022; and Lord Rosser at HL Deb, [Police, Crime, Sentencing and Courts Bill](#), 17 January 2022, c1434.

⁸⁷ Rt Hon Harriet Harman MP (Chair of the Joint Human Rights Committee), [Proposed Government amendments to the Police Crime, Sentencing and Courts Bill](#), 29 November 2021.

⁸⁸ HMICFRS, [Getting the balance right? An inspection of how effectively the police deal with protests](#), March 2021, p.124.

⁸⁹ Note: in the Bill as it was introduced, provision for stop and search were originally under clauses 6 and 7.

1.5

Making a lawful stop and search

Officers **must** meet certain legal standards whilst conducting any stop and search. Failure to meet these standards will result in the unlawful use of their stop and search powers. Other standards represent guidance that officers **should** follow as good practice but failure to meet these does not affect the lawfulness of a stop and search encounter.

General principles

Officers **must** complete their search as soon as possible, taking no longer than is reasonable and without being excessively thorough.⁹⁰ For example if an officer is searching for something large like a bat or crowbar, they cannot spend a long time searching a person's pockets.

Officers **must** treat people with dignity and respect during a stop and search encounter. They are required to consider a person's vulnerabilities before conducting a search and exercise their search powers accordingly.⁹¹ They **should** make every effort to be polite even when those they are searching appear confrontational.⁹²

Communication

Officers **must** give those they have stopped to search certain information. They **must** tell them their name (except where officers reasonably believe that giving their name might put them in danger), their police station, the object they are trying to find and the legal basis of the search (including the reason for a section 60 search being authorised). Officers **must** inform those they are searching of their rights to have a copy of the search record.⁹³ Plain clothes officers **must** take reasonable steps to show their warrant card to those they are searching.⁹⁴

The mnemonic GO WISELY is used to help officers remember what to say during a stop and search encounter.⁹⁵ Officers **should** follow GO WISELY.

⁹⁰ s2(8), Police and Criminal Evidence Act 1984; Home Office, [PACE Code A](#), para 3.3

⁹¹ As above, para 3.1; College of Policing, APP stop and search: [professional](#), section 2.3.1

⁹² College of Policing, APP stop and search: [professional](#), section 2.3

⁹³ More detail is provided on search records and monitoring requirements in section 2.1 of this briefing.

⁹⁴ s2, Police and Criminal Evidence Act 1984; Home Office, [PACE Code A](#), para 3.8

⁹⁵ College of Policing, APP stop and search: [professional](#), section 2.2

GO WISELY: what officers should say during a stop and search

G	A clear explanation of the officer's grounds for suspicion, eg, info/intel or specific behaviour of person.
O	A clear explanation of the object and purpose of the search in terms of the article being searched for.
W	Warrant card, if not in uniform or if requested.
I	Identity of the officer(s): name and number or, in cases involving terrorism or where there is a specific risk to the officer, just warrant or collar number.
S	Station to which the officer is attached.
E	Entitlement to a copy of the search record within 3 months
L	Legal power used.
Y	You are detained for the purposes of a search.

Removing clothing

Officers can require people to remove their outer coat or jacket, gloves, headwear or shoes in public.⁹⁶ Officers may require people to remove more clothing when they have reasonable grounds but this **must** be done out of public view. Searches **must** also be carried out near to where the person was stopped.⁹⁷ This means that officers **must not** take people to a place unreasonably far away to conduct more thorough searches.⁹⁸

Any search involving the removal of more clothing than an outer coat, jacket, gloves, headwear or shoes **must** be conducted by an officer of the same sex as those they are searching.⁹⁹ Searches which expose intimate parts of the body **must** be conducted at a nearby police station or other appropriate location out of view but this cannot be a police vehicle. Officers **should** consult their supervisor before taking a person they have stopped to a police station for an intimate search.¹⁰⁰

⁹⁶ s2(9), Police and Criminal Evidence Act 1984; Home Office, [PACE Code A](#), para 3.5

⁹⁷ Home Office, [PACE Code A](#), para 3.4

⁹⁸ As above, note 6, p20

⁹⁹ As above, para 3.6

¹⁰⁰ College of Policing, Stop and search: [Legal application](#), section 4.2 [last accessed 7 August 2019]

Further reading on police powers to conduct searches that involve the removal of clothing is available in the Library briefing, [Police powers: Strip searching](#).

Use of force

Officers **must** seek the cooperation of those they are searching but they may use reasonable force as a “last resort”.¹⁰¹ This means that they can handcuff people to conduct a search in some circumstances. However, they should not routinely handcuff those they search.¹⁰² Automatically handcuffing someone without seeking their compliance with a search would be a breach of PACE Code A.¹⁰³

In a spotlight report published by HMICFRS in 2021 on stop and search and the use of force, the Inspectorate found “anecdotal evidence that the use of handcuffs during stop and search encounters is becoming routine in some forces.”¹⁰⁴ Following the Inspectorate’s findings, in April 2022, the IOPC published its learning report on stop and search which also stated the routine use of handcuffs pre-arrest was a common theme amongst its investigations of stop and search and that in some cases it may have caused situations with those the police are searching to escalate.¹⁰⁵

Experimental statistics published for 2020/21, indicates that overall Black people were approximately 5.7 times more likely to have force used on them by the police than White people (across all tactics) and eight times more likely to be ‘compliant handcuffed’ than White people.¹⁰⁶

The Library’s briefing [Police powers: an introduction](#) discusses the police’s power to use force in more detail.

¹⁰¹ [s117](#), Police and Criminal Evidence Act 1984; Home Office, [PACE Code A](#), paragraph 3.2

¹⁰² College of Policing, [Stop and search: legal application](#), [last accessed 7 August 2019]

¹⁰³ IOPC, [The Learning Lesson: Stop and Search](#), Issue 33, November 2018, p22

¹⁰⁴ HMICFRS, [Disproportionate use of police powers – A spotlight on stop and search and the use of force](#), 26 February 2021, p5

¹⁰⁵ IOPC, [National Stop and Search learning report](#), 20 April 2022, p22

¹⁰⁶ As above, p23; Home Office, Table 4, [Police use of force statistics, England and Wales: April 2020 to March 2021](#), 16 December 2021. **Note:** these use of force figures are not specific to stop and search encounters only. They cover all recorded incidents of use of force by the police overall across all types of interactions.

2 Use of stop and search

To ensure lawful and effective use of search powers, officers are legally required to record stop and search encounters and forces must monitor those records. To further improve trust in policing, forces are also expected to engage their local communities in oversight and scrutiny of their search powers.

However, record keeping and data collection on stop and search has traditionally been inconsistent and attracted criticism in the past for its gaps. In response to this, the Home Office has taken recent steps to improve the availability of data on stop and search however police watchdogs have raised concern that forces are themselves not doing enough to analyse the use of their search powers.

2.1 Monitoring stop and search

There are certain requirements for recording and monitoring stop and search encounters that legally police **must** follow¹⁰⁷ and additional guidance on monitoring that **should** be followed as good practice.¹⁰⁸ See table overleaf.

Concerns with forces monitoring

HMICFRS has been repeatedly critical of how forces monitor their own records and argues that forces could do more to further improve and maintain standards. In 2020, HMICFRS published a spotlight report that provided an overview of the inspections carried out across 19 police forces and reported on the use of their powers. On stop and search, the inspectorate reported:¹⁰⁹

- five of the 19 forces were not monitoring a “wide enough range of data” to allow them to “fully understand” how their officers were using stop and search;
- six had “insufficient external scrutiny arrangements”; and
- “Only ten forces reviewed body-worn video footage of stop and search encounters as part of either their internal or external scrutiny”.

¹⁰⁷ [s3](#), Police and Criminal Records Act 1984; Home Office, [PACE Code A](#), paras 4.3-4.9 and 5.1-5.6

¹⁰⁸ College of Policing, APP stop and search: [transparent](#)

¹⁰⁹ HMICFRS, [PEEL spotlight report: Diverging under pressure](#), February 2020 p17

Stop and search recording and monitoring	
Must do...	Should do...
Uniformed officers	
<p>Make a written record of every search and inform those they are searching of their rights to a copy of the record.</p> <p>The record must include: the self-defined ethnicity of the person searched; the date, time and place of the search; the object searched for; the legal basis of the search; and whether the search resulted in an arrest.</p>	<p>Turn on their body worn video during a search (if they have it).</p>
Supervising officers	
<p>Monitor their team's written search records to ensure they are conducting lawful searches.</p>	<p>Monitor the records to identify evidence of searches are being conducted based on stereotypes or generalisations.</p>
<p>Take appropriate action if there are concerns about an officer's stop and search (including formal disciplinary proceedings if necessary).</p>	
Police leaders	
<p>Monitor the broader use of stop and search across their force.</p>	<p>Consider how effective their use of the power is, whether it is being targeted appropriately and what is causing any disparities in search rates by ethnicity.</p>
Police forces	
<p>Consult with their Police and Crime Commissioners on arrangements for their stop and search records to be scrutinised by community representatives.</p>	

Best practice

All police forces in England and Wales have subscribed to Home Office's BUSS guidance¹¹⁰ on monitoring stop and search. This guidance requires officers to include information on the outcome of searches that do not result in an arrest in their written records of searches (ie if they issued an out-of-court disposal

¹¹⁰ See Box 1 on page 8 of this briefing for more information on the Best Use of Stop and Search (BUSS) scheme.

or when no further action was taken). Under BUSS, officers should also inform people they have stopped and searched of their right to complain.¹¹¹

Community scrutiny

Police forces **must** make arrangements for their stop and search records to be scrutinised by community representatives¹¹² but exactly how they do this is up to them. Most police forces operate monitoring panels consisting of local leaders and community volunteers. These panels scrutinise the operational use of stop and search and communicate local experiences to officers.¹¹³

In March 2019 the Home Office announced they were asking the College of Policing to create new guidelines on stop and search community engagement.¹¹⁴ In August 2019 the College of Policing published draft revisions to its APP guidance on stop and search.¹¹⁵ New guidance was published in July 2020.¹¹⁶

The revised APP provides more advice on how forces **should** operate their local scrutiny panels and monitor body-worn video of stop and search encounters. Forces are expected to “have regard” to this new guidance but it does not form part of their legal requirements.

Through BUSS forces also operate “ride along” schemes which allow members of the public to join officers so they can see stop and searches in action and provide feedback based on their observations.¹¹⁷ Forces also pledge to explain how they are using stop and searches when the number of complaints from the community reaches a local threshold.¹¹⁸

¹¹¹ Home Office, [Best use of stop and search scheme](#), section 1

¹¹² Home Office, [Pace Code A](#), paragraph 5.4

¹¹³ See for example: Metropolitan Police, [Stop and search: Your feedback matters](#) [last accessed 7 August 2019], Greater Manchester Police, [Stop and search: Your feedback matters](#) [last accessed 7 August 2019] and West Midlands Police, [Stop and search](#) [last accessed 7 August 2019]

¹¹⁴ [HCWS1497: The Prime Minister’s Serious Youth Violence Summit](#), 1-4 April 2019, 8 April 2019

¹¹⁵ College of Policing, [Have your say on proposed changes to stop and search guidance for police](#), August 2019

¹¹⁶ College of Policing, [National police guidance on stop and search updated](#), 30 July 2020

¹¹⁷ Home Office, [Best use of stop and search](#), section 2

¹¹⁸ Home Office, [Best use of stop and search scheme](#), section 3

2.2

Data on stop and searches

Statistical note

Data in this briefing is sourced from the Home Office (via stop and search statistics data tables and best use of stop and search statistics in the [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021](#) release) unless stated otherwise.

Due to the introduction of a new IT system, Greater Manchester Police (GMP) were unable to provide data returns to the Home Office, including on stop and search, for the full year ending March 2020. Therefore, the following year to year comparisons provided for England and Wales here exclude GMP data.

Covid-19 restrictions: Comparisons with previous years and 2020/21 are also affected by the Covid-19 pandemic and the impact of rules and restrictions that were in place on people's movement. During the first national lockdown in the Covid-19 pandemic, between April-June 2020, the volume of stop and searches significantly increased in some forces. For example, across this period there were over 105,000 stops carried out by the MPS. This represented a 50% increase on the same period in the previous year.

Number of searches

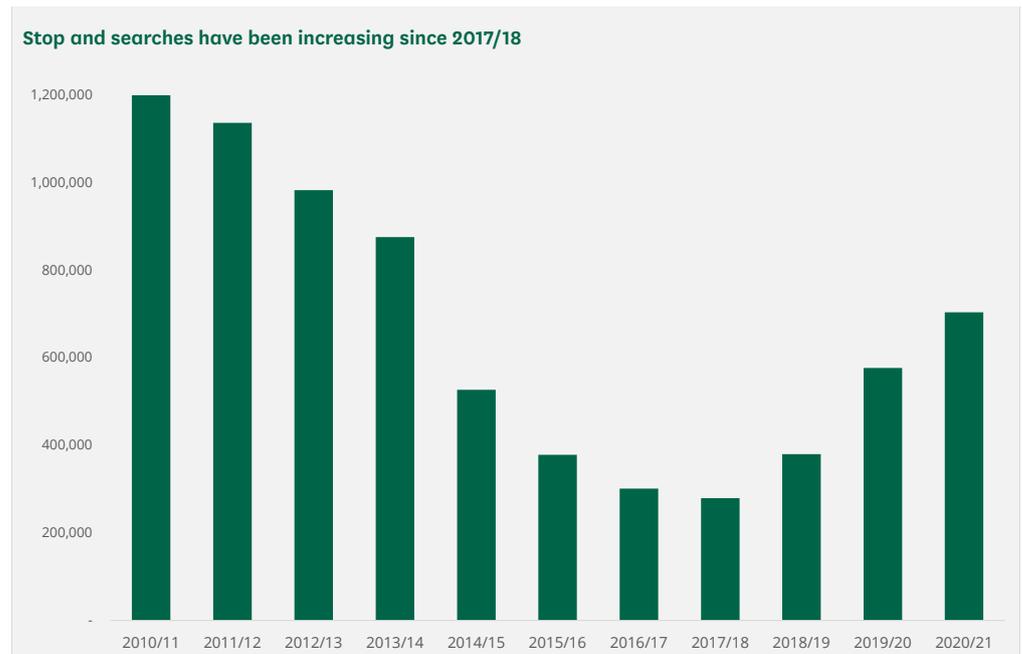
Police officers conducted around 700,000 stop and searches in 2020/21. The number of annual searches fell year on year between 2009/10 (the year the current data series began) and 2017/18. However, the use of stop and search has begun to rise again, with the number of searches more than doubling since 2017/18.¹¹⁹

Police leaders say they have increased their use of stop and search as part of their response to rising levels of violent crime, including violent crime connected to illegal drug dealing.¹²⁰ Both the previous and current Conservative governments have supported an increased use of stop and search as part of their policy on violent crime which involves increased police enforcement alongside investing in early intervention projects to support at-risk youth.¹²¹

¹¹⁹ **Note:** [Section 4.4](#) of this briefing discusses recent reforms why the use of stop and search has reduced since 2010.

¹²⁰ Home Affairs Committee, [Oral evidence: Serious Violence, HC 1016](#), 26 March 2019

¹²¹ See: House of Commons Library, [Serious violence and knife crime: Law enforcement and early intervention](#), January 2019



Note: Excludes Greater Manchester Police

Reason for searching

Whilst police leaders say stop and search is being targeted to those that they suspect are carrying knives and weapons¹²² this is not reflected in the data. Around 69% of all reasonable grounds searches in 2020/21 were conducted to find controlled drugs. HMICFRS says the high prevalence of drug possession searches indicates that enforcement “efforts are not being effectively focused on force priorities”.¹²³

The high proportion of searches conducted to find drugs is frequently criticised by those that campaign against the use of stop and search. StopWatch has argued that it demonstrates that stop and search is used to “over-police vulnerable communities for low level drug possession”.¹²⁴ HMICFRS says the high proportion of drug searches contributes to “ethnic disproportionality” in stop and search rates “despite evidence that there is no correlation between ethnicity and rates of drug use”.¹²⁵

Adrian Hanstock, Deputy Chief Constable of the British Transport Police and national lead for stop and search and NPCC, has conceded that whilst many support the use of stop and search in response to violent crime, the police are “faced with a dichotomy in needing to explain why the majority of grounds for

¹²² Home Affairs Committee, [Oral evidence: Serious Violence, HC 1016](#), Q312

¹²³ HMICFRS, [Disproportionate use of police powers A spotlight on stop and search and the use of force](#), February 2021, p2

¹²⁴ Stop Watch, Press release: [New report: Drug policing drives racial disparity in the criminal justice system](#), October 2018

¹²⁵ HMICFRS, [Disproportionate use of police powers A spotlight on stop and search and the use of force](#), February 2021, p2

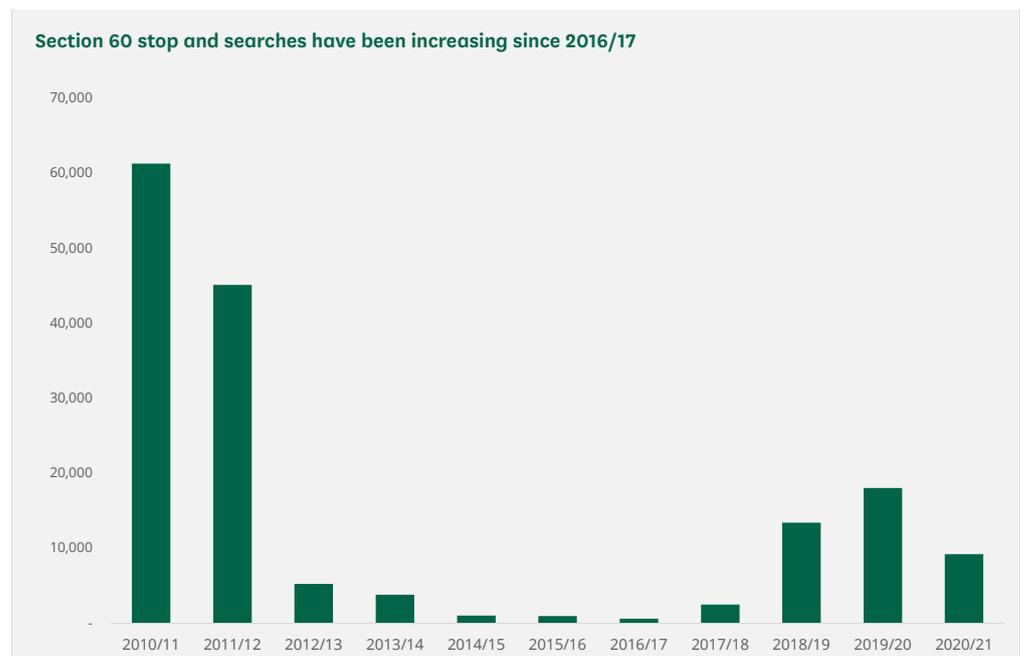
search are to find drugs”.¹²⁶ He has called on forces to make “determined efforts to explain the findings of crime analysis and intelligence that has prompted operational activity”.¹²⁷

Stop and search use by police force

There is little correlation between the type of area a force polices (urban/ rural) and the number of searches it conducts. Most forces conducted between three and six searches for every 1,000 people who live in their police force area. However, there are two notable outliers, the MPS and Merseyside Police, both of which police very urban areas.¹²⁸ The MPS and Merseyside conducted 31 and 24 searches for every 1,000 people who live in their police force areas respectively.

Use of section 60 searches

Just 1% of searches in 2020/21 were conducted using the section 60 search power which equates to roughly 9,000 searches. The number of section 60 searches also fell year on year between 2009/10 and 2016/17 before rising markedly between 2016/17 and 2019/20 from 622 searches to 18,043.



Note: Excludes Greater Manchester Police

Around three quarters of the increase in use of section 60 searches can be attributed to the MPS, the British Transport Police and Merseyside police

¹²⁶ Adrian Hanstock writing in IOPC, [The Learning Lessons: Stop and search: Issue 33](#), November 2018, p5

¹²⁷ As above

¹²⁸ House of Commons Library analysis using ONS urban classification data. ONS, [Rural Urban Classification \(2011\) of Output Areas in England and Wales](#), March 2019

force. These forces accounted for 75% of the section 60 searches in 2018/19 when the largest annual increase occurred.

The increase in the use of section 60 searches might be linked to the Government's decision in 2019 to no longer encourage compliance with BUSS guidance, which (as outlined in section 1.2 of this briefing) required forces to follow stricter criteria when authorising the use of this power.

The use of section 60 fell again to 9,230 in 2020/21 (the MPS, Thames Valley and Merseyside accounting for almost 80% of section 60 stop and searches conducted that year). This change may be linked to the impact of Covid-19 restrictions which meant that many large gatherings and events were prohibited during 2020/21 and movement was restricted.

Despite recent rises, the number of section 60 searches remains well below its 2010/11 level.

2.3 Compliance with law and guidance

Improvements between 2013 and 2017

Between 2013 and 2017 there was a drive to improve standards in stop and search practice. This was in response to growing concerns that stop and search was being overused and poorly targeted.

In 2013, HMICFRS (then HMIC) published an inspection of stop and search commissioned by then Home Secretary Theresa May. The inspectorate was highly critical of how forces were using stop and search. They were particularly concerned with evidence of non-compliance with the law and guidance in police stop and search records. HMICFRS examined records of 8,783 searches and found that 27% (of reasonable ground searches) did not include reasonable grounds to justify them.¹²⁹

The 2013 inspection led to reforms in police guidance and training on stop and search and a consequent reduction in its use by police forces (discussed in section 4.4 of this briefing). Following these reforms, evidence suggests that compliance with the law and guidance improved. In 2017, HMICFRS again conducted an examination of stop and search records and this time found only 6% of (8,574) search records showed searches with recorded grounds that were not reasonable. The inspectorate said this reduction in the proportion of searches without reasonable grounds was “encouraging” and that “the hard work carried out across the police service has resulted in sustained improvement”.¹³⁰

¹²⁹ HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 2013, p8

¹³⁰ HMIC, PEEL: [Police legitimacy 2017: a national overview](#), December 2017, p22

Recent concern

In October 2020 the IOPC raised concerns with the stop and search practice in the MPS.¹³¹ The IOPC found the “legitimacy of stop and searches was being undermined” by:

- officers demonstrating a lack of understanding about the impact of the disproportionate use of stop and search against Black people;
- officers communicating poorly with those they were searching;
- the “consistent use of force” during search encounters before seeking cooperation to conduct searches;
- the failure of officers to turn their body-worn video on at the start of a stop and search encounter; and
- officers continuing to seek further evidence to support searches after the initial grounds for the stop and search proved to be unfounded.

The IOPC made 11 recommendations to the MPS for improvements in their stop and search practice.¹³² The MPS accepted all the recommendations.¹³³

Following on from this, in February 2021 HMICFRS published a [spotlight report on stop and search and the use of force](#). The report includes updated analysis of police stop and search records. This latest review of 9,378 records found 14% had recorded grounds that were not reasonable: an increase on the level in 2017 but not a return to the level HMIC found in 2013. The 2021 inspection found those with weak recorded grounds had a “find rate” of 17% and those with recorded grounds that were not reasonable had an even lower find rate of 14%.¹³⁴

¹³¹ IOPC, [Review identifies eleven opportunities for the Met to improve on stop and search](#), 28 October 2020

¹³² As above

¹³³ In April 2022, the IOPC followed their review of stop and search in the Metropolitan Police Service with a [National Stop and Search learning report](#). This reiterated the same concerns over the use of stop and search and made several recommendations for the Home Office, National Police Chief’s Council, and College of Policing to improve guidelines on searches and ensure better safeguards against unlawful searches.

¹³⁴ HMICRS, [Disproportionate use of police powers A spotlight on stop and search and the use of force](#), February 2021, p36

3

The impact of stop and search

Stop and search is a contentious police power. It can be one of the most intrusive interactions that members of the public have with the police and there is ongoing debate over the way this power is exercised and the potentially harmful impact it can have.

Poorly targeted and conducted stop and search is widely accepted to damage police community relations and there is growing recognition of the potentially traumatic impact it can have on individuals. Those opposed to stop and search argue that its history of poor use and long-standing ethnic disparities in search rates demonstrate that it is a fundamentally flawed police power.

However, those in policing claim it is a legitimate policing tactic and an important tool in combating violence and drugs. They argue that when stop and search is targeted and conducted in line with the law and guidance, police can confiscate dangerous and prohibited items without undermining public trust in the police.

Evidence regarding the impact of stop and search on crime is mixed. There is little evidence to suggest that stop and search provides an effective deterrent to offending. The use of stop and search appears to cause only marginal positive effects on levels of some crime types. Stop and search may be more effective at detection than deterrence, but most searches result in officers finding nothing and have no linked criminal justice outcome.

3.1

The impact of stop and search on Black and minority ethnic communities

People from Black, Asian, and Minority Ethnic backgrounds are consistently more likely to be stopped and searched than White people. The disparity is most stark for Black people. Recent statistics¹³⁵ show that:

- Black people are searched at a rate of 53 per 1,000;
- Asian people at a rate of 18 per 1,000; and
- White people at a rate of 7.5 per 1,000.

¹³⁵ Gov.uk, [Stop and search: Ethnicity facts and figures](#), section 3, 27 May 2022

Overall, in 2020/21, Black, Asian and minority ethnic people were 3.5 times more likely to be stopped and searched than White people. Black people were seven times more likely to be stopped and searched than White people.¹³⁶

Policing leaders recognise they must monitor their use of stop and search in order to better understand the causes and consequences of ethnic disparities in search rates.¹³⁷ However, poor monitoring of ethnicity has been a consistent cause of concern raised by the Inspectorate.¹³⁸ In February 2021, HMICFRS concluded that disparity in search rates by ethnicity is likely being underreported after finding that, on average, 17% of police stop and search records were missing ethnicity information (the proportion of search records missing ethnicity information ranged between forces from 2% to 34%).¹³⁹

HMICFRS went on to say that no force “fully understands the impact of the use of [stop and search] powers”. The Inspectorate concluded that too many forces do not analyse and monitor stop and search sufficiently or take action on the disparities they identify. Therefore, they state, “no force can satisfactorily explain why” ethnic disproportionality persists in search records.¹⁴⁰

The IOPC echoed the Inspectorate’s findings and also pushed for forces to do more to understand the disproportionate impact of policing tactics on certain communities and groups. They noted this is particularly important for Black people who have faced the most stark disparities. The IOPC says:

forces should be conducting equality impact assessments and community impact assessments to understand and mitigate risks of discrimination and stereotyping associated with a policing response [such as stop and search].¹⁴¹

3 Policing protests: impact of expanding stop and search

The proposals in the Public Order Bill to implement stop and search powers in relation to protests have generated concern about the potential for a disproportionate effect based on a protester’s ethnicity.¹⁴² Following Black Lives Matter protests that took place across the UK in 2020 in the wake of George Floyd’s death, some commentators argued that Black-led protests disproportionately faced excessive interventions by police including use of force, arrests, and use of controversial police tactics such as ‘kettling’.¹⁴³

The Government’s equality impact assessment concluded that there was no evidence to suggest that the use of stop and search powers proposed in the Bill would have a disproportionate impact on people on the grounds of race “if the use of these powers is fair and based on evidence and intelligence”.¹⁴⁴

However, in a Lords debate on the proposals, Lord Rosser argued that further expanding search powers, even if in relation to protests, without properly

understanding and addressing current disproportionality would only risk reinforcing existing disparities.¹⁴⁵

What is causing race and ethnic disparities in search rates?

The Home Affairs Select Committee held an inquiry into the progress that has been made in addressing institutional racism in police and outcomes for Black and minority ethnic groups in the 22 years since the Macpherson Report¹⁴⁶. The Committee concluded:

No evidence to this inquiry has adequately explained or justified the nature and scale of the disproportionality in the use of stop and search powers.¹⁴⁷

There is no evidence to suggest that Black people or people from Minority Ethnic backgrounds are more likely to carry items that officers have powers to search for. Nor is there evidence that suggests they are more likely to be involved in criminality associated with stop and search enforcement.¹⁴⁸

Some have argued that disproportionality in the use of stop and search reflects concern in policing and the Government that Black and Minority Ethnic people are disproportionality likely to be victims as well as perpetrators of knife crime.¹⁴⁹ However, the Home Affairs Select Committee noted that:

¹³⁶ Self-defined ethnicity: Home Office, [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021 second edition](#), 18 November 2021.

¹³⁷ College of Policing, APP Stop and search: [transparent](#), section 2.2.1 [last accessed 7 August 2019]

¹³⁸ HMCFRS, [PEEL: Police legitimacy 2017- A national overview](#), December 2017

¹³⁹ HMCIRS, [Disproportionate use of police powers A spotlight on stop and search and the use of force](#), February 2021, p28

¹⁴⁰ As above, p5

¹⁴¹ IOPC, [National Stop and Search learning report](#), 20 April 2022, p.12.

¹⁴² See: House of Commons Library, [Public Order Bill, Bill 008 of 2022-23](#), 19 May 2022, section 4.3.

¹⁴³ Independent, [Black people have been worrying about over-policed protests for decades – nobody listened](#), 16 March 2021; See section 2.2. of Library briefing, [Police powers: protest](#), 19 May 2021, p.14 for more information of use of force and “kettling” in protests.

¹⁴⁴ Home Office, [Public Order Bill: Equality Impact Assessment](#), 11 May 2022.

¹⁴⁵ Lord Rosser at HL Deb, [Police, Crime, Sentencing and Courts Bill](#), 17 January 2022, c1438.

¹⁴⁶ The [Macpherson report](#) (PDF) was published in 1999 following Sir William Macpherson inquiry into the police over their handling of an investigation into the murder of Stephen Lawrence. Stephen Lawrence was a Black teenager who was murdered in 1993 in an unprovoked, racist knife attack. The report made 70 recommendations for reform in order to eliminate “racist prejudice and disadvantage ... in all aspects of policing” and “increase trust and confidence in policing amongst minority ethnic communities”.

¹⁴⁷ Home Affairs Select Committee, [The Macpherson Report: twenty-one years on](#) (PDF), 30 July 2021, p.111

¹⁴⁸ Home Office, [Serious Violence Strategy](#), April 2018, p35.

¹⁴⁹ See for example: Home Office, [SVRO consultation response](#) (PDF), 9 March 2021, p20

the importance of the police being able to take action against knife crime, and their concern that victims and perpetrators of knife crime are disproportionately Black ... this does not explain the fact that there are significant racial disparities in stop and searches in every force in the country, with some of the highest levels of disproportionality in areas with very low levels of knife crime.¹⁵⁰

Other reasons that have been suggested for disparities in ethnic search rates (like Black people spending more time in public spaces, or the under recording of searches conducted on White people) have also been shown to have no credible basis.¹⁵¹

Research suggests that societal and institutional racism and its effects (including stereotyping and unconscious bias in some officers) appears to explain most of the disparity in stop and search rates by ethnicity.¹⁵² The Inspectorate has been critical of police training in unconscious bias. In February 2020, they reported that only nine out of 19 forces they inspected had adequate training on unconscious bias.¹⁵³ The IOPC has also called for guidelines on how to mitigate the risks of indirect discrimination and safeguard Black, Asian and Minority Ethnic people from being stopped and searched because of decision-making based upon assumptions, stereotypes and racial bias.¹⁵⁴

Disparities in London

A tactical decision by the MPS to use stop and search more frequently than other forces may also explain some of the disparity. The disparities in ethnic stop and search rates for England and Wales are primarily influenced by stop and search activity in London because the MPS conducts more searches than any other force.¹⁵⁵

Around 40% of people living in the capital are from Black, Asian and Minority Ethnic backgrounds.¹⁵⁶ The search rates for Asian Londoners are similar to those for White Londoners. However, Black Londoners are subject to a disproportionate number of searches compared to White Londoners. Black people were around four times more likely to be searched than White people in the capital between April 2019 and March 2020.¹⁵⁷

¹⁵⁰ Home Affairs Select Committee, [The Macpherson Report: twenty-one years on](#) (PDF), 30 July 2021, p.111

¹⁵¹ EHRC, [Stop and think: A critical review of the use of stop and search powers in England and Wales](#), March 2010

¹⁵² See for example: EHRC, [Stop and think: A critical review of the use of stop and search powers in England and Wales](#), March 2010, p58; Home Office, [Equality Impact Assessment: Relaxation of section 60 conditions in the best use of stop and search scheme](#), August 2019, p7.

¹⁵³ HMICFRS, [PEEL spotlight report: Diverging under pressure](#), February 2020 p17

¹⁵⁴ IOPC, [National Stop and Search learning report](#), 20 April 2022, p.24.

¹⁵⁵ Ministry of Justice, [Statistics on Race and the Criminal Justice System 2018](#), November 2018 p17

¹⁵⁶ Gov.uk ethnicity facts and figures, [Regional ethnic diversity](#), July 2019

¹⁵⁷ MPS, [Stop and search dashboard](#) [last accessed October 2020]. **Note:** Population breakdowns are based on the 2011 census. Given the length of time since the last Census, figures in this table should be considered estimates only.

The Home Affairs Select Committee noted there was a drastic increase in use of stop and search in London during the first national Covid-19 lockdown “to the highest levels seen in many years at a time when far fewer people were on the streets”. There was also found to be a widening of racial disparity during that same time period. The Committee argued this showed that the tactic was not being used in a “focused and targeted way”. Their report concluded:

It should never have been possible for the equivalent of 1 in 4 Black males between the ages of 15 and 24 in London who were not committing a crime to be stopped and searched during a three-month period.¹⁵⁸

In response to [questions on stop and search at Mayor’s Question Time](#), Sadiq Khan said that justified the use of stop and search as “an important tool for the police, particularly in the fight against violence”. He said that over 4,000 weapons were seized in 2021 as a result of stop and search and that the MPS has his support in continuing to use these powers. However, he also said that he “recognises the disproportionate impact stop and search can have on some communities” and that “the MPS has committed to improving its practices”. This included putting in place a ‘Commander-led monthly Gold Group’ to provide strategic direction and governance on stop search and enhanced training that includes greater community involvement, lived experience sessions and unconscious bias training.¹⁵⁹

What effect does the disparity in ethnic search rates have on Black and minority ethnic people?

Relationships with the police

It is not disputed that unfair and poorly targeted stop and search creates and reinforces mistrust between those subjected to it and the police.¹⁶⁰ The persistent disparity in stop and search rates by ethnicity can therefore be linked to the lower confidence in the police felt by Black people and people from Minority Ethnic backgrounds.¹⁶¹ Black people in particular were found to have significantly lower than average rates of confidence in their police force, at 64% compared with an average of 74% of people overall.¹⁶² Among Black Caribbean people, the rate was just 54%.¹⁶³ A lack of confidence can make people less willing to report crime which undermines the police’s ability to respond to, and investigate, crime.

¹⁵⁸ Home Affairs Select Committee, [The Macpherson Report: twenty-one years on](#) (PDF), 30 July 2011, p8

¹⁵⁹ MQT 2022/1196, [on [Stop and Search](#)], 24 March 2022

¹⁶⁰ College of Policing, APP stop and search: [professional](#), section 1; Home Office, [PACE Code A](#), para 5.1; Home Office, [Equality Impact Assessment: Relaxation of section 60 conditions in the best use of stop and search scheme](#), August 2019

¹⁶¹ Gov.uk: Ethnicity facts and figures, [Confidence in the local police](#), March 2020; Ministry of Justice, [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), September 2017

¹⁶² Note: the data only apply to individuals aged 16 and over.

¹⁶³ Gov.uk, [Confidence in the local police](#), section 3, 12 May 2021

The IOPC's 2022 learning report highlights examples of cases where grounds for a stop and search were based on "weak" behavioural factors such as "looking nervous". The IOPC goes on to recognise however that it is "perhaps not a surprise" that some people feel nervous and anxious around police officers especially if they have low confidence in the police, feel they have been discriminated against, and/or that they have been unfairly targeted for a stop and search.¹⁶⁴ Thus, it can become a reinforcing problem when officers might interpret nervousness displayed by a Black person or a person from Minority Ethnic background as an indicator of them having something to hide.

Potential harm and trauma

Research indicates that stop and search encounters can cause fear and distress. There is growing awareness amongst policing stakeholders of the potential harm and trauma that stop and search can cause when not handled sensitively and the possible long-lasting effects, particularly for Black people. Concern has also been raised about the cumulative impact in cases where individuals experience repeated stops and searches throughout their lifetime.¹⁶⁵ Sal Naseem, IOPC lead on discrimination has said:

It cannot be underestimated how traumatic a stop and search encounter can be on an individual. If carried out insensitively, a person can be left feeling humiliated and victimised.¹⁶⁶

The College of Policing and NPCC also note that:

testimonies tell us that Black people find these encounters [with the police] – particularly stop and search – confrontational, stigmatising and humiliating.¹⁶⁷

The College of Policing APP guidance also acknowledges that children and young people especially "may be more likely to find the experience of stop and search traumatic" which "may have long-term effects on their perceptions of the police."¹⁶⁸

The IOPC has drawn attention to the need for a trauma-informed approach to stop and search, stating that the harm caused by traumatic searches needs to be considered in the design of policy, in policing practice and tactics, and the training officers receive. The IOPC also pressed for further research into the trauma caused to Black and Minority Ethnic communities by the use of stop and search to better understand and mitigate its impact.¹⁶⁹

Historical trauma & collective impact

As well as potential harm to the individual, the IOPC also recently recognised the "historical trauma" experienced by multiple generations of people from

¹⁶⁴ IOPC, [National Stop and Search learning report](#), 20 April 2022, p.11.

¹⁶⁵ IOPC, [National Stop and Search learning report](#), 20 April 2022

¹⁶⁶ IOPC, [IOPC calls for stop and search law change and identifies 18 opportunities for improvement](#), 20 April 2022

¹⁶⁷ College of Policing and NPCC, [Police Race Action Plan](#), 24 May 2022, p.6.

¹⁶⁸ College of Policing, APP on [Stop and search](#)

¹⁶⁹ IOPC, [National Stop and Search learning report](#), 20 April 2022

Black communities stemming from the way they have been policed. It highlighted the “collective” impact that cumulative negative experiences can have on communities and how this can continue to undermine trust and confidence in the police. The IOPC says that understanding the history related to stop and search is important for officers to handle encounters sensitively and understand the resistance they may face.¹⁷⁰ A very brief history of stop and search is provided in section 4 of this briefing.

4 Police Race Action Plan¹⁷¹

In May 2022, the College of Policing and NPCC published a joint Police Race Action Plan. The plan is designed to address disparities affecting Black people “that policing cannot currently fully explain” and the lower levels of trust in the police among Black people. The plan has the commitment of all 43 chief constables in England and Wales. The action plan notes the disproportionate application of particular policing powers on Black people like stop and search as a longstanding issue. It outlines several actions to address this, including:

- introducing mandatory training for all police officers and staff about racism, anti-racism, Black history and its connection to policing; and
- adopting an “explain or reform” approach to race disparities in policing which it says will be supported by strengthened governance, effective supervision, and community scrutiny of police data and body-worn video.

3.2

Impact on crime

There is limited statistical evidence on the impact of stop and search on levels of crime in England and Wales. The most robust studies look at MPS data.

A widely cited study published in the British Journal of Criminology analysed London data from 2004 to 2014. This study concluded that the effect of stop and search on crime is “likely to be marginal, at best”.¹⁷² The research found “some association between stop and search and crime (particularly drug crime)” but concluded that the use of the powers “has relatively little deterrent effect”.¹⁷³ Further analysis of the same data identified that “stop and search may be more strongly associated with crime at a more local level,

¹⁷⁰ IOPC, [National Stop and Search learning report](#), 20 April 2022

¹⁷¹ College of Policing and NPCC, [Police Race Action Plan](#), 24 May 2022

¹⁷² Matteo Tiratelli, Paul Quinton, Ben Bradford, [Does Stop and Search Deter Crime? Evidence From Ten Years of London-wide Data](#), *The British Journal of Criminology*, Volume 58, Issue 5, September 2018, Pages 1212–1231,

¹⁷³ As above

assuming it is targeted appropriately in crime hot spots.¹⁷⁴ However available statistical analysis does not show a consistent link between the increased use of stop and search and levels of violence.¹⁷⁵

An analysis of Operation BLUNT 2, an MPS initiative to tackle knife crime run between 2008 and 2011, commissioned by the Home Office found no “discernible crime-reducing effects from a large surge in stop and search activity at the borough level”.¹⁷⁶ However, positive impacts of stop and search at a lower level might have been “masked” by this borough level analysis.

Operation BLUNT 2 involved officers working across London, but its activity was concentrated in ten boroughs deemed to be most affected by knife violence. Increased use of stop and search, particularly section 60 searches, was “central” to the operation’s strategy to create a ‘hostile environment’ for those who routinely carry knives.¹⁷⁷ Analysis of ambulance call outs associated with weapons-related injuries during Operation BLUNT 2 showed larger reductions in call outs in boroughs with smaller increases in weapons searches.¹⁷⁸

The College of Policing concluded that stop and search should be used ‘carefully’ in response to knife crime.¹⁷⁹

3.3

Stop and search outcomes

It has been argued that stop and search can be effective at detecting crime even if it is not particularly effective at deterring it. The success of stop and search is therefore frequently measured by counting the number of times a search results in a ‘criminal justice outcome’ (an arrest or “out of court disposal”).¹⁸⁰ The Government has favoured measures that count when criminal justice outcomes are linked to the reason for the search because this excludes instances when officers detected criminality by chance.¹⁸¹ Measuring linked outcomes is said to encourage compliance with the law and guidance.

¹⁷⁴ College of Policing, [Does more stop and search mean less crime? Analysis of Metropolitan Police Service panel data, 2004–14](#), 2017

¹⁷⁵ Bradford, B. and Tiratelli, M, [Does stop and search reduce crime \(PDF\)](#), Centre for Crime and Justice Studies, February 2019

¹⁷⁶ Home Office, [Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2](#), March 2016, p2

¹⁷⁷ As above, p13

¹⁷⁸ Home Office, [Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2](#), March 2016, p3

¹⁷⁹ College of Policing, [Knife crime evidence briefing](#), February 2019, p5

¹⁸⁰ See: House of Commons Library, [Police powers: An introduction](#), March 2020 for an explanation of arrest and out of court disposals.

¹⁸¹ Home Office, [Best use of stop and search scheme](#), August 2014, para 1.4

Linked outcomes

Most searches result in officers finding nothing. Officers found nothing in 74% of searches in 2020/21, whilst 20% resulted in an outcome linked to the search, a similar proportion to the number 2019/20 (the only available comparable data).

Officers are more successful at finding certain things. Searches for drugs were more successful on average, with 24% resulting in a linked outcome. Searches for offensive weapons and items to be used in burglary, theft or fraud were least likely to be successful. 10% and 8% respectively resulted in a linked outcome.

HMICFRS analysis demonstrates officers are more likely to find what they are looking for when they have stronger grounds for their search. In February 2021 the inspectorate's analysis of 9,378 search records found:

- 21% had “strong recorded grounds”. These searches had a find rate of 40%;
- 42% had “moderate grounds”. These searches had a find rate of 22%;
- 33% had “weak grounds”. These searches had a find rate of 17%; and
- 14% had “reasonable grounds that were not reasonable”. These searches had a find rate of 14%.¹⁸²

HMICFRS also found in its analysis that:

drug searches on Black people, and particularly possession-only drug searches, had a higher rate of weak recorded grounds than equivalent searches on White people, and fewer drug searches of Black people resulted in drugs being found.¹⁸³

Arrests

The proportion of searches resulting in an arrest has more traditionally been used to measure the success of stop and search. However, the ‘arrest rate’ excludes searches which resulted in an out-of-court disposal and does not account for officers finding grounds for an arrest by chance.

There has also been some debate about whether arrests should necessarily be a sign of success for a stop and search encounter or always be classed as a positive outcome when the arrests are for low level offences. For example, in its 2021 report, HMCIFRS stated:

almost one in ten arrests arising from stop and search were for public order offences after nothing was found ... Yet many forces continue to regard these

¹⁸² HMCIFRS, [Disproportionate use of police powers A spotlight on stop and search and the use of force](#), February 2021, p36

¹⁸³ As above, p6

as ‘positive outcomes’, despite the potential negative impact on police community relations.¹⁸⁴

The arrest rate has increased since 2010 but has never been above 20% across the current data series. 11% of all reasonable grounds searches resulted in an arrest in 2020/21. Just 10% of stop and searches where the reason for the search was drugs resulted in an arrest - 59% of all arrests following a stop and search.¹⁸⁵ It is estimated that 8% of all 2018/19 arrests were as a result of a stop and search encounter.¹⁸⁶



Section 60 searches

Section 60 searches are less successful than reasonable grounds searches. In 2020/21, less than 1% of section 60 searches lead to officers finding a knife or offensive weapon (the only reason officers can use their section 60 search power). The ‘find rate’ for section 60 searches since 2009/10 has typically been between 1% and 3%. The proportion of section 60 searches resulting in an arrest for an offensive weapons offence also did not rise above 3% across this period.

¹⁸⁴ As above

¹⁸⁵ Home Office, [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021](#), data tables, 18 November 2021

¹⁸⁶ Ministry of Justice, [Statistics on race and the criminal justice system 2018, November 2019](#), p20 [note: this figure is only for arrests where ethnicity is known for the stop and search]

4 The history of stop and search

Powers like stop and search have been part of British policing since the Victorian era. Modern-day stop and search powers have been in place since the late 1980s. Their use has continuously evolved through caselaw, legislative amendments and changes to police guidance.

The following provides a very brief history of the development of stop and search powers in England and Wales.

4.1 Pre-1980s

The precursor to modern day stop and search powers were former ‘sus laws’ (notably section 8 of the [Vagrancy Act 1824](#)). These powers were known as ‘sus laws’ because they allowed officers to search anyone they suspected of being “disorderly” or a “rouge and vagabond”. It is now widely accepted that these powers were open to abuse and their use contributed to poor police community relations.¹⁸⁷

4.2 The Brixton riots and the Scarman Report (1981- 1999)

Three days of severe disturbances in Brixton in August of 1981 caused national concern. The unrest in Brixton (and similar disturbances elsewhere in the country) predominately involved young Black Britons clashing with the police.¹⁸⁸ The Government commissioned Lord Scarman to undertake an inquiry into the disturbances. The Scarman Report concluded that the disturbances were an outburst of anger and resentment felt by Black youths about how they were treated by police. The Scarman Report recommended replacing the sus laws with new stop and search legislation.¹⁸⁹

¹⁸⁷ Jones, C. (2007). ‘[Sus Law](#)’. In *The Oxford Companion to Black British History*: Oxford University Press (Intranet link only. Available through the Library’s subscription to Oxford Reference); Police Foundation, [Stop and search](#), March 2012

¹⁸⁸ *BBC News*, [The legacy of the Brixton riots](#), April 2006

¹⁸⁹ Gramaglia, L. (2007), [Scarman Report](#) in *The Oxford Companion to Black British History*, Oxford University Press (Intranet link only. Available through the Library’s subscription to Oxford Reference).

The Government implemented Scarman’s recommendation on the sus laws through the PACE. PACE (amongst other things) repealed the former sus laws, introduced a power to stop and search people with “reasonable grounds” and required officers to follow PACE Code guidance on its use.¹⁹⁰

4.3 The Macpherson Report (1999- 2012)

Sir William Macpherson’s inquiry into the Stephen Lawrence murder investigation found that the MPS was institutionally racist.¹⁹¹

Macpherson acknowledged that stop and search powers are required to help the police prevent and detect crime, but he called for greater scrutiny in how they were being used. He came to a “clear core conclusion” that disparities in stop and search rates by ethnicity demonstrated “racist stereotyping” by the police.¹⁹²

Macpherson recommended that all stop and search encounters should be recorded and these records should be monitored by those in policing.¹⁹³ PACE Code A was amended and additional guidance was provided to the police on what constitutes “reasonable grounds” for a search.¹⁹⁴

4.4 Theresa May reforms (2013-2019)

During the 2000s the number of stop and searches increased, reaching a peak of around 1.5 million in 2008/09.¹⁹⁵ The rise in the use of stop and search powers lead to growing concern that the police were not using stop and search lawfully and effectively. There were again concerns that the persistent ethnic disparities in search rates demonstrated that officers were racially stereotyping people and searching people based on the colour of their skin.

The then Home Secretary Theresa May asked Her Majesty’s Inspectorate of Constabulary (HMIC- now HMICFRS) to look at how forces were using their search powers. The resulting report, [Stop and Search Powers: Are the police using them effectively and fairly?](#), found worrying levels on non-compliance with the requirement to have “reasonable grounds” to conduct searches.¹⁹⁶

¹⁹⁰ See section 1 of this briefing for more information on PACE legislation and PACE codes on stop and search.

¹⁹¹ Cm 4262-1, [The Stephen Lawrence Inquiry: A report of an inquiry by Sir William Macpherson](#), February 1999, chapter six: racism, para 6.25

¹⁹² As above, chapter six: racism, para 6.45

¹⁹³ As above, chapter forty-seven: recommendations, para 60- 63

¹⁹⁴ Darren Ellis, [Stop and search: disproportionality, discretion and generalisations](#), *Police Journal*, Volume 83, 2010, issue 3, p199-216

¹⁹⁵ **Note:** This figure does not include data from the British Transport Police.

¹⁹⁶ HMIC, [Stop and Search Powers: Are the police using them effectively and fairly?](#), 2013

In response the Home Secretary brought forward a package of reforms designed to 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.¹⁹⁷

The reforms package included:

- Launch of the [best use of stop and search scheme](#) (BUSS) to reduce the use of section 60 searches and better monitor the use of stop and search on Black, Asian and Minority Ethnic people;
- revision of PACE Code A.¹⁹⁸ The new PACE Code A reiterates that personal factors, including ethnicity, are not reasonable grounds to conduct a search. It also sets new requirements on forces to allow for public scrutiny of their search records;
- commissioning the College of Policing to develop “robust professional standards” (what would become the current APP on [stop and search](#));
- introduction of a mandatory assessment for officers on their “fitness to use stop and search powers”; and
- incorporating an assessment of stop and search powers into the annual inspections of police forces.¹⁹⁹

A substantial reduction in the use of stop and search powers did follow these reforms and they appeared to contribute to improved practice amongst police officers.²⁰⁰ However, the disparity in stop and search rates by ethnicity did not improve as searches of White people fell faster than searches of Black, Asian and Minority Ethnic people.²⁰¹

4.5 Renewed Government backing for stop and search (2019 onwards)

In recent years there has been a renewed drive behind stop and search. The current Conservative Government published its [Beating Crime Plan](#) which supported an increased use of stop and search as part of their policy on responding to violent crime despite historic concerns over the use of these powers and continued ethnic disparities.²⁰²

¹⁹⁷ HC Deb, [Stop and search](#), 30 April 2014, c833

¹⁹⁸ Home Office, [Consultation outcome: Revised PACE Code A](#), December 2014

¹⁹⁹ HC Deb, [Stop and search](#), 30 April 2014, c831-833

²⁰⁰ See section 2 of this briefing.

²⁰¹ Race Disparity Unit, [Stop and search data and the effect of geographical differences](#), 31 March 2021

²⁰² UK Government, [Beating crime plan](#), 27 July 2021, p26

In line with its stance, the Home Office has encouraged forces to use their search powers more frequently. In August 2019 [the Home Office announced](#) that it was no longer Government policy to encourage forces to comply with the stricter BUSS guidance on section 60 searches. Then in May 2022, [the guidance was lifted completely](#).²⁰³

The Government has also taken recent steps to expand stop and search powers. In 2022, [the PCSC Act introduced SVROs](#) (a court order).²⁰⁴ This gives officers the power to stop and search people issued with SVROs (in pilot areas) without needing to have reasonable grounds or pre-authorisation from a senior officer. This marks a significant shift in direction for stop and search powers, where previous reforms over the last thirty years have focused on improving the proportion of searches that are carried out with strong reasonable grounds. It is also the only power that will actively encourage officers to search individuals on the basis of their previous convictions, something which has been previously unlawful to do for other stop and search powers.

Following in this trajectory to make increased use of stop and search, in May 2022, a [Public Order Bill](#) was introduced into Parliament with proposals to create powers for stopping and searching people for objects connected to “protest-related offences”. Under this Bill, police would be given powers to stop and search people both if they had reasonable grounds for suspecting someone of having a relevant item and without needing suspicion if they are pre-authorised to do so by a senior officer.²⁰⁵

²⁰³ See section 2.4 of this briefing for more information.

²⁰⁴ See section 1.3 of this briefing for more information

²⁰⁵ See section 1.4 of this briefing for more information.

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