

Report on the use of section 60 of the Criminal Justice and Public Order Act 1994 by the police

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For Bhatt Murphy Solicitors

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This report has been prepared by Dr Michael Shiner at the request of Bhatt Murphy Solicitors, in connection with the Section 60 stop and search of Ms Anne Juliette Roberts. Dr Shiner is a senior lecturer in the Social Policy Department at the London School of Economics and Co-Director of the Mannheim Centre for Criminology. He has been working as a researcher and teacher in the fields of criminology and social policy for 20 years. Dr Shiner's areas of expertise include policing and 'race', with particular reference to the use of police powers.

1. Introduction

1. Section 60 of the Criminal Justice and Public Order Act 1994 provides the police with an exceptional stop and search power to tackle the threat of imminent violence. Having originally been introduced to help deal with football-related violence the use of this power has increased markedly as it has become a key component in the police's response to knife crime. Section 60 searches are controversial because they are not subject to the checks and balances that ordinarily apply to police stop and search powers, because they can be used to search anybody in a given area without 'reasonable suspicion' that they have done anything wrong, and because they focus disproportionately on people from black and minority ethnic groups. This lack of due process and apparent unfairness threatens to damage police – community relations at a time when they are already under strain.

2. The problematic nature of section 60 searches was acknowledged by the Commissioner of the Metropolitan Police Service, Bernard Hogan-Howe, earlier this year when he announced that the number of section 60 authorisations was to be cut by half (*London Evening Standard*, January 12 2012). According to press reports the use of section 60 was being overhauled amid fears that the force was alienating many Londoners and Commissioner Hogan-Howe was said to have expressed concern about the number of black people being stopped in London despite having done nothing wrong.
3. The following statement begins by considering the role of stop and search and its impact on police – community relations. The legal basis of section 60 is then outlined, leading into a detailed analysis of the use of the power which draws on official data published in the series *Statistics on Race and the Criminal Justice System*¹ and other government publications. This analysis assesses the growth of section 60 searches and the extent of ethnic disproportionality, paying particular attention to the extent to which the use of section 60 searches can be understood as an objective response to violent crime. The effectiveness of section 60 searches is also considered alongside alternatives approaches to dealing with violent crime.
4. The central argument is that section 60 has been both overused and misused. Neither the massive growth in section 60 searches nor the disproportionate focus on people from black and minority groups can be justified as an objective response to violent crime. Nor can the likely costs of damaged relationships and lowered confidence be justified in terms of operational benefits. Arrest rates are low and the evidence indicates that section 60 searches have no measurable impact on violent crime.

2. Stop and search

1. Stop and search is primarily an *investigative* power used for the purposes of crime detection or prevention in relation to a specific individual at a specific time (Lustgarten, 2002). According to the PACE Code of Practice: ‘The primary purpose of stop and search powers is to enable officers to allay or confirm suspicions about individuals without exercising their power of arrest’ (Home Office, 2010: para 1.4).

¹ These reports are available from the Ministry of Justice website <http://www.justice.gov.uk/statistics/criminal-justice/race> and the Government web archive <http://webarchive.nationalarchives.gov.uk/20100920143552/rds.homeoffice.gov.uk/rds/section951.html>

2. Police stop and search powers are regulated by the Police and Criminal Evidence Act 1984 (PACE) which is based on the principle of balanced powers and safeguards. As well as granting a new national stop and search power, PACE introduced a series of safeguards governing the use of such powers, which are specified in a code of practice (Home Office, 2010). Breaches of the code constitute a disciplinary offence and are admissible as evidence in criminal or civil proceedings (Reiner, 2010).
3. Code A of PACE outlines the principles governing the use of stop and search, emphasising that such powers must be used fairly, responsibly, with respect and without unlawful discrimination. It also reminds officers that the Equality Act 2010 makes it unlawful for them to discriminate on the grounds of the 'protected characteristics' including race and religion when using their powers. The code of practice is rooted in the notion of 'reasonable suspicion', which requires – in most cases – that police officers must have 'reasonable grounds' to suspect that a person is in possession of stolen or prohibited articles before proceeding with a stop and search. What constitutes 'reasonable grounds' is said to depend on the circumstances, but there must be an objective basis for suspicion based on 'facts, information, and/or intelligence' (Home Office 2010: 2.2):

Reasonable suspicion can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. For example, unless the police have a description of a suspect, a person's physical appearance (including any of the 'protected characteristics' set out in the Equality Act 2010 (see paragraph 1.1), or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other, or in combination with any other factor, as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity.

4. The number of suspicion based searches recorded by the police has increased markedly since the introduction of PACE (Sanders and Young, 2007). Between 1986 and 1998/99 the number of searches increased almost ten-fold to over one million. After a brief dip following the publication of the Stephen Lawrence Inquiry report in 1999, the number of searches has continued to increase to a figure of 1,141,839 in 2009/10 (Ministry of Justice, 2011).

5. Public confidence in the police has fallen sharply since it was first measured by the British Crime Survey in 1984 (Bradford, 2011) and the police are said to have lost the automatic trust they once enjoyed (Reiner, 2010). Trust in the police is an important influence on people's willingness to obey the law and their willingness to cooperate with the police (Jackson and Bradford, 2010). While the reasons for the loss of public trust and confidence are complex, stop and search has played an important role in this regard, having been identified by the Metropolitan Police Authority (2004: 4) as the 'litmus test' for determining the state of police - community relations.
6. There is a large body of research which demonstrates that the net impact of contact with the police on public confidence is negative (Bradford *et al.* 2009; FitzGerald *et al.* 2002; Walker *et al.* 2009). This is due in large part to an asymmetry in the effect of such contact: poor or unsatisfactory contacts have a large negative impact on trust in the police, while good or satisfactory contacts have a much smaller positive impact (Skogan 2006). Such asymmetry is much stronger in relation to police-initiated contacts than in contacts initiated by members of the public indicating that there is something specific about police-initiated contacts that make them particularly likely to damage the relationship between police and public (Bradford *et al.* 2009). Police-initiated contacts also have a major impact on elements of public opinion that are most strongly linked to the legitimacy of the police, namely perceptions of police fairness and assessments of the extent to which the police understand and act on community issues (Bradford *et al.* 2009).
7. According to research by the Home Office's Policing and Reducing Crime Unit the experience of being stopped and searched is associated with reduced confidence in the police (Miller, Bland and Quinton, 2000). Members of the public were found to be more satisfied with a police stop when they felt they had been treated fairly and politely, had been given a reasonable explanation and had not been searched. This study concluded that use of stop and search as part of intensive 'order maintenance' policing can have a short-term impact on crime, but also has the potential to damage police legitimacy and hamper the effectiveness of policing in the longer term. Illustrating the point, stop and search was widely implicated in the wave of the public disorder that broke out in August 2011, which was characterised by some as a 'sort of revenge' against the police (*The Guardian*, December 5 2011).

8. Stop and search has been particularly damaging to police relationships with black and minority ethnic communities. Following the Brixton 'riots' in 1981 the public inquiry headed by Lord Scarman (1981: 45) found the disturbances were 'essentially an outburst of anger and resentment by young black people against the police' – a reaction it attributed to policing priorities and practices that lacked local support and impacted disproportionately on minority ethnic communities. The inquiry was especially critical of the heavy-handed use of stop and search in the form of operation 'Swamp 81'.
9. The damaging effects of stop and search were further highlighted by the Stephen Lawrence Inquiry (Macpherson, 1999). Although stop and search was not the primary focus of the Inquiry it came to feature prominently in its deliberations and conclusions. The inquiry held a series of public meetings up and down the country and was struck by 'inescapable evidence' of a lack of trust between the police and minority ethnic communities, who 'clearly felt themselves to be discriminated against by the police and others' (Macpherson, 1999: 45.6). If there was one area of complaint that was universal, the Inquiry reported, it was the use of stop and search. The Inquiry concluded that institutional racism was apparent in the disproportionate use of stop and search against black people (Macpherson, 1999: 6:45).
10. In recent years black people have been subject to suspicion-based searches at around six times the rate of whites, and Asians have been subject to such searches at approximately twice the rate of whites (Miller, 2010). While disproportionality ratios have come down in most forces since the Stephen Lawrence Inquiry, this has not been the case in those forces covering the three largest urban conurbations: London, West Midlands and Greater Manchester. All these forces have shown upward trends, prompting suggestions that forces in large metropolitan areas may 'follow a different track in their search practices than most other force areas' (Miller, 2010: 964).
11. Disproportionality ratios are calculated on the basis of the residential population (see below for details). While such calculations provide a reasonable estimate of different groups' overall experience of stop and search, the residential population may not accurately reflect the population that is available on the street to be stop and searched because it does not take account of the transient population or the time that people spend in public places (Delsol and Shiner, 2006). Several studies have found that the ethnic composition of the available population differs markedly from that of the

residential population and that these differences go a long way in accounting for the apparent disproportionate use of stop and search against people from minority communities (MVA and Miller 2000; Waddington et al. 2004). Such findings suggest that the most powerful explanation for racial disparities is indirect discrimination and that direct discrimination is of limited importance (Sanders and Young, 2007).

12. 'Availability' might sometimes explain much or all of differential stop rates, but cannot explain why, once stopped, black people are more likely to be searched and arrested than white people (Sanders and Young, 2007). While these differences cannot be explained in terms of levels of suspicion or rates of criminality, there is some evidence that black and minority ethnic suspects tend to be arrested on the basis of weaker evidence than whites (Sanders and Young, 2007).
13. Black and Asian people tend to be less satisfied with stop encounters than white people (Sanders and Young, 2007) and the disproportionate use of searches against people from these groups contributes directly to reduced confidence in the police (Miller, Bland and Quinton, 2000).
14. Summarising the evidence on police stop and search, Bowling and Phillips (2007: 959-60) concluded:

There is no compelling 'business case' for the present level of stop and search ... it has a deeply damaging effect on society; it impacts negatively on the law abiding population and is cause of a loss of public support for and de-legitimation of the police. It increases the frequency of adversarial encounters – some of which have the potential to trigger public disorder – and contributes to accelerating the flow of young black people disproportionately into the criminal justice system.

3. The legal basis of section 60 powers

1. Section 60 search powers are exceptional in the sense that that they are not subject to the same safeguards that cover most search powers. Section 60 searches do not require individual suspicion, but can be applied to anybody within a specified area. According to the Criminal Justice and Public Order Act, a police officer of the rank of superintendent or above may authorise the use of the section 60 powers if s/he 'reasonably believes' that: (a) incidents involving serious violence may take place in any locality in his or her area; and (b) it is expedient to do so to prevent their occurrence. As they were originally framed, these powers could be exercised at any place covered by the authorisation for a specified period not exceeding 24 hours.

2. Under section 8 of the Knives Act 1997 and section 25 of the Crime and Disorder Act 1998, section 60 powers were extended to cover situations where senior officers believe that persons are carrying “dangerous instruments or offensive weapons” and to allow officers to remove or seize items hiding a persons’ identity, whether or not weapons are found. These amendments also permitted the initial 24 hour period to be extended for a further 24 hours, and reduced the rank of the authorising officer to Inspector or above.
3. Following the passage of the knives Act 1997 and the Crime and Disorder Act 1998, Home Office Circular 7/99 (Operational Policing Policy Unit, 1999: point 2) made it clear that while section 60 searches do not require individual suspicion:

Officers should therefore guard against any discrimination on improper grounds or stereotyping of particular groups when exercising them. The powers remain subject to the provisions of the PACE Codes of Practice and its non-discrimination requirements. The powers should not be used in place of normal powers of stop and search in dealing with routine crime problems. Any person searched is entitled to obtain a written record of the search and may apply for such a record for a period of up to twelve months from the day on which he was searched.

4. Section 2 (14A) of PACE Code A also requires that (Home Office, 2010):

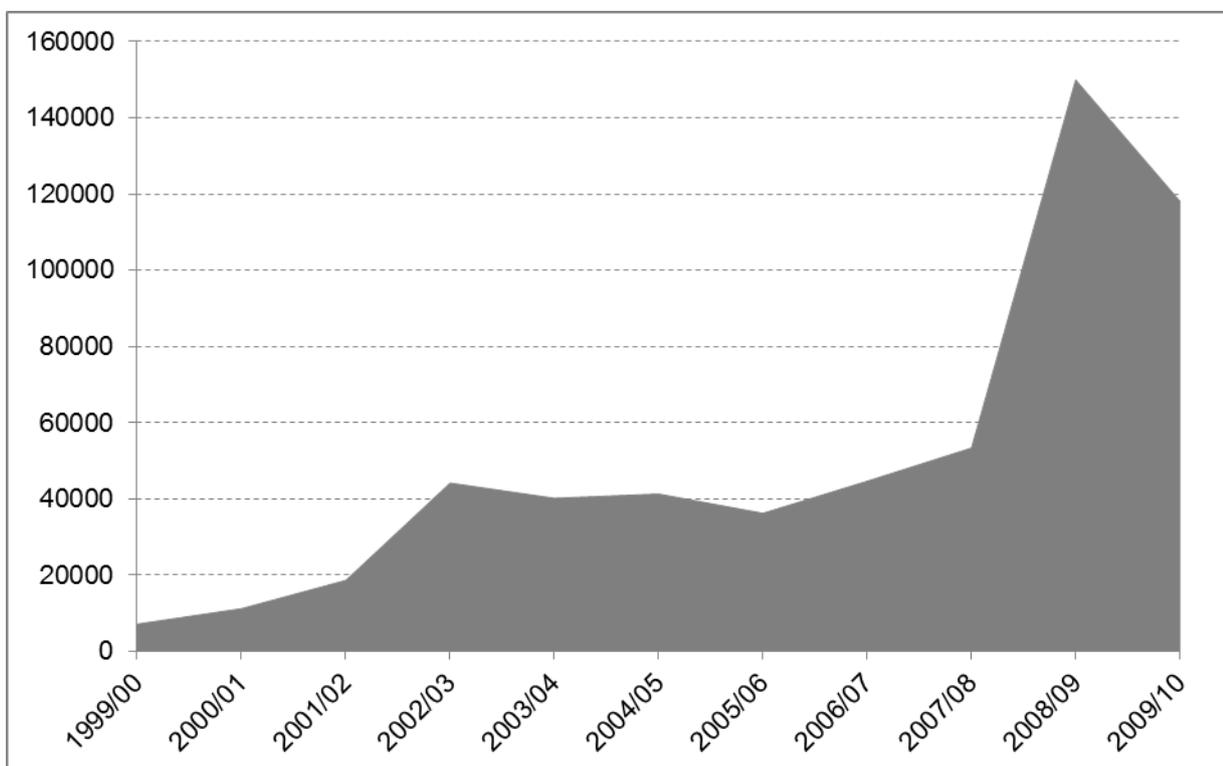
The selection of persons and vehicles under section 60 to be stopped and, if appropriate, searched should reflect an objective assessment of the nature of the incident or weapon in question and the individuals and vehicles thought likely to be associated with that incident or those weapons (see Notes 10 and 11). The powers must not be used to stop and search persons and vehicles for reasons unconnected with the purpose of the authorisation. When selecting persons and vehicles to be stopped in response to a specific threat or incident, officers must take care not to discriminate unlawfully against anyone on the grounds of any of the protected characteristics set out in the Equality Act 2010.

4. Trends in section 60 searches

1. The number of section 60 searches has grown hugely since the amendments introduced by the Knives Act 1997 and the Crime and Disorder Act 1998: between 1999/2000 and 2008/09 the number of such searches increased by 20 fold or 2000 per cent (see Figure 1). Even allowing for recent reductions, the use of section 60 powers remains much higher than at any other time prior to 2008/9. The upsurge in section 60 searches over the last decade has taken place in the context of increasing numbers of suspicion based searches (see above).

2. Almost all police forces in England and Wales make use of the stop and search powers available to them under section 60. Thirty nine of the 43 territorial police forces were recorded as having used these powers in 2009/10, compared with 41 forces in 2008/09 (Povey et al, 2011). As with reasonable suspicion searches, the use of Section 60 searches varies markedly between forces and is heavily concentrated in large urban conurbations. Since 2000/1 the same four forces have accounted for at least 80 per cent of section 60 searches, though there has been considerable movement between them during this period (see Figure 2). The Metropolitan Police service's (MPS) use of section 60 searches fluctuated for several years, but then increased sharply in 2009/9 to the point that it has come to account for approximately three-quarters of all such searches carried out in England and Wales. Sharp increases in section 60 searches were also seen in Merseyside during Bernard Hogan-Howe's time as Chief Inspector (2004 to 2009), forming part of his 'total war on crime' (*Daily Mail*, September 13, 2011). In Greater Manchester and the West Midlands, by contrast, the use of Section 60 searches has tailed off markedly. In the latter case, this decline followed a complaint about its use of Section 60 searches that was upheld by the Independent Police Complaints Commission (see below).

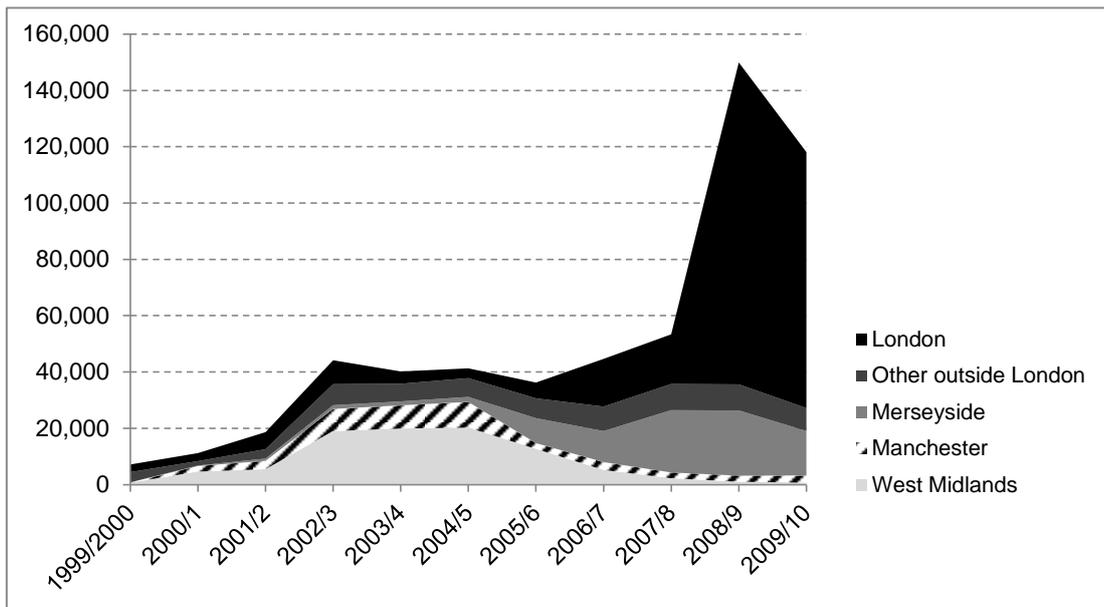
Figure 1 Number of section 60 searches in England and Wales by year



Source: Statistics on Race and the Criminal Justice System

3. The increased use of section 60 searches in Merseyside has more or less off-set the reduced levels of use in Manchester and West Midlands. Consequently, the overall number of Section 60 searches conducted outside London has remained fairly stable, whilst increasing massively within the capital. During 2008/9 and 2009/10 there were 17 and 14 section 60 searches per 1,000 population in London respectively compared with fewer than one per 1,000 outside London.

Figure 2 Number of section 60 searches in England Wales by selected forces



Source: Statistics on Race and the Criminal Justice System

4. The large increase in section 60 searches in 2008/09 coincided with Operation Blunt 2, which began in London on May 19 2008 and the Home Office Tackling Knives Action Plan (TKAP) initiative, which was launched in June 2008 (Povey, 2011). As a pan-London anti-violence initiative, Operation Blunt 2 specifically sought to prevent the killing of young people using weapons. As described by the Metropolitan Police Authority (2008: 14):

Operation Blunt 2 is based on the robust, intelligence-led use of stop and search powers in specific localities. The MPS will continue to work with communities to use stop and search effectively and appropriately as an important tool in discouraging young people from carrying knives and other weapons. It is clear that there is support for this tactic, provided that it is based on intelligence and is used with sensitivity and respect. Disproportionality in the use of stop and search is less in London than it is across the rest of the UK, but it is clear that the stabbings of young people in London are affecting minority communities and it is therefore likely that intelligence-led operations will take place in areas where minority communities live.

The MPS will work with the MPA and the Stop and Search Community Monitoring Network (CMN) to monitor the proportionate use of stop and search closely.

5. TKAP was launched in response to a number of high-profile knife homicides involving teenage victims (Ward et al, 2011). Phase I of the Plan ran from June 2008 until March 2009, with the aim of reducing the carrying of knives, related homicides and serious stabbings among teenagers in 10 police force areas (Ward and Diamond, 2009). Participating forces were partly selected because they had high levels of violent crime and included the main urban forces such as the Metropolitan Police, Greater Manchester, Merseyside and the West Midlands. Phase II of TKAP was launched as the Tackling Knives and Serious Youth Violence Action Programme and ran from April 2009 to March 2010 in 16 police force areas: these forces included the 10 originals plus six new forces (Ward, Nicholas and Willoughby, 2011). The aim was extended to reducing all serious violence involving 13 to 24 year olds. Both phases of the Action Plan were based on a range of local police enforcement, education and prevention interventions.
6. Despite the reassurances offered by Home Office Circular 7/99, section 60 powers have displaced normal stop and search powers in dealing with routine crime problems and are disproportionately used against black and minority ethnic groups. These powers have come to be used in response to a far wider range of incidents than was originally intended (Delsol, 2010), including low-level disorder (Sanders and Young, 2007). Concerns have also been raised about the way forces have found ways of working around the 24 hour time limit by rotating authorisations around the same area (Fitzgerald, 2010).
7. The misuse of section 60 powers has been highlighted by the Independent Police Complaints Commission (IPCC, 2007), which upheld a complaint against the West Midlands Police. This complaint referred to a police operation undertaken in 2006 where section 60 powers were deployed alongside Automatic Number Plate Recognition (ANPR) technology. According to the IPCC investigation:

The combining of a Section 60 order with the ANPR operation was not warranted. The investigation found that the decision to designate the specific area under the Section 60 order appeared to be primarily informed by the ANPR operations rather than by local intelligence concerning serious violence or the carrying of weapons in the neighbourhood.

8. Section 60 powers were also said to be being used inappropriately to deal with routine crime problems when normal police powers to search persons or their vehicles, based on a reasonable suspicion, were available. The Commissioner overseeing the investigation stated: 'Our investigation found no evidence to justify the authorisation of this order...We found no evidence - for example weapons actually seized or intelligence anticipating serious violence in this particular neighbourhood - justifying such an order.'

5. Section 60 and ethnic disproportionality

1. Disproportionality ratios compare the number of searches per 1,000 people from Black and minority ethnic groups with the number of searches per 1,000 white people. According to the traditional approach developed by the Home Office these calculations have been based on population estimates derived from the 2001 Census for people aged 10 years or above, adjusted to take account of the increase in the total population. Concerns have been raised about the accuracy of these estimates, however, and a revised approach has been put in place (Ministry of Justice, 2010; EHRC, 2010; Miller, 2010). Black and minority ethnic groups have a younger age structure than the white population, with the result that they tend to grow at a faster rate. Over time this means that the Census underestimates the relative size of black and minority ethnic groups, which has the effect of inflating the disproportionality ratios. In light of these concerns, the Ministry of Justice has moved over to using experimental population estimates provided by the Office of National Statistics, which draw on recent surveys to take account of the faster growth of black and minority ethnic communities. These estimates are known as 'Population Estimates by Ethnic Group' or PEEGs and cover the period from mid-2001.
2. For the purposes of this statement disproportionality ratios have been calculated using both the traditional census approach and the revised PEEGs approach. For each set of calculations the most recent available population estimates are for 2007 and these estimates have been used for subsequent years. Although these estimates are a little dated, any differences based on more recent population estimates are likely to be minor.

3. The increased use of section 60 searches has been particularly marked among black and minority ethnic groups (see table 1a and 1b). Disproportionality ratios are much higher for section 60 searches than for suspicion based searches and have increased sharply in recent years. Based on the figures shown in Table 1a and 1b, black people were subject to section 60 searches at 26 times (traditional Census approach) or 23 times (revised PEEGs approach) the rate of whites in 2008/9 and 29 times (traditional Census approach) or 25 times (revised PEEGs estimates) the rate of whites in 2009/10. Asians were subject to such searches at six times (traditional Census approach) or five times (revised PEEGs approach) the rate of whites in 2008/9 and seven times (traditional Census approach) or six times (revised PEEGs estimates) the rate of whites in 2009/10.

Table 1a Number of section 60 searches per 1000 population by ethnic appearance (traditional Census approach)

<i>Year</i>	<i>White</i>	<i>Black</i>	<i>Asian</i>	<i>Other</i>
2001/02	0.2	3.5	2.0	0.5
2002/03	0.6	8.7	3.2	2.1
2003/04	0.6	7.2	2.6	1.3
2004/05	0.5	7.5	3.1	1.5
2005/06	0.5	5.5	2.2	1.1
2006/07	0.6	10.0	2.0	1.1
2007/08	0.8	8.9	1.8	0.8
2008/09	1.6	41.6	10.0	3.7
2009/10	1.2	34.2	8.8	2.5

Table 1b Number of section 60 searches per 1000 population by ethnic appearance (revised PEEGs approach)

<i>Year</i>	<i>White</i>	<i>Black</i>	<i>Asian</i>	<i>Other</i>
2004/05	0.6	7.2	3.0	1.2
2005/06	0.5	5.1	2.0	0.8
2006/07	0.6	9.0	1.8	0.8
2007/08	0.8	7.8	1.6	0.5
2008/09	1.6	36.3	8.5	2.3
2009/10	1.2	30.0	7.4	1.6

Source: Statistics on Race and the Criminal Justice System

Note: Disproportionality ratios are calculated by dividing the number of searches per 1,000 population for blacks, Asians or others by the number for whites. This shows how much higher or lower the rate for these groups is compared with the white population.

4. Section 60 searches are disproportionately targeted at black people both within London and elsewhere. Based on the figures shown in Table 2a and 2b black people in London were searched at 8.1 times (traditional Census approach) or 8.6 times (revised PEEGs

approach) the rate of whites in 2008/9 and 9.1 or 9.7 times the rate of whites in 2009/10. Outside of London black people were searched at 6.5 or 4.4 times the rate of whites in 2008/9 and 7.8 or 5.3 times the rate of whites in 2009/10. Asian people in London were searched at 3.1 times (traditional Census approach) or 2.8 times (revised PEEGs approach) the rate of whites in 2008/9 and 3.7 or 3.4 times the rate of whites in 2009/10. Outside of London Asian people were searched at a similar rate to whites in 2008/9 and 2009/10 regardless of which approach was used.

5. These rates of disproportionality are higher than those that are evident in relation to suspicion based searches and which have been explained in terms of the available population.

Table 2a Number of section 60 searches per 1000 population by ethnic appearance (traditional Census approach)

	<i>White</i>	<i>Black</i>	<i>Asian</i>	<i>Other</i>
<u>2008/09</u>				
London	8.0	64.8	24.9	7.8
Outside London	0.8	5.2	1.0	0.7
<u>2009/10</u>				
London	5.8	53.0	21.6	5.5
Outside London	0.6	4.7	1.0	0.3

Table 2b Number of section 60 searches per 1000 population by ethnic appearance (revised PEEGs approach)

	<i>White</i>	<i>Black</i>	<i>Asian</i>	<i>Other</i>
<u>2008/09</u>				
London	8.1	69.9	23.0	6.2
Outside London	0.8	3.5	0.8	0.4
<u>2009/10</u>				
London	5.9	57.1	20.0	4.4
Outside London	0.6	3.2	0.8	0.2

Source: Statistics on Race and the Criminal Justice System

6. Violence and knife crime

1. Having identified the key trends in the use of section 60 powers, it is important to consider whether these powers are being used in ways that are fair and proportionate. This will be assessed by comparing section 60 searches with what we know about the

distribution of violence and knife crime. Such comparisons allow us to assess whether the deployment of section 60 searches can be explained objectively in terms of the threat of violence or whether other factors come into play. The analysis begins by considering how the overall increase in section 60 searches compares with trends in violent offending, paying particular attention to knife crime. Attention is then given to whether the particular concentration of such searches in London and the particular focus on black and minority ethnic groups is commensurate with incidence of violence.

2. Attempts to assess the prevalence of violence have typically drawn on multiple sources, including the British Crime Survey (BCS), police recorded crime (primarily in the form of the Homicide Index) and hospital admissions data (Home Affairs Committee, 2009; Berman, 2011; Smith et. al., 2012). According to the Home Affairs Committee (2009: 3): 'Analysing these data demands a cautious approach because of some inherent limitations, as well as difficulties in comparing one source against another owing to differences in what is measured'.
3. For the general adult household population the BCS has been deemed 'the best source for assessing long-term trends' for the offences it covers as 'it has used the same methodology since it began and is not influenced by reporting and recording changes that can impact on police figures' (Osborne, 2011). Another significant advantage of the BCS over police recorded crime is its greater coverage, with the latest estimate indicating that the police come to know about 38 per cent of incidents of all BCS crime (Chaplin et al, 2011). Whilst providing the best indication of general trends, the BCS is less suitable as a measure of serious incidents. Around half the violent incidents it records involve no injury to the victim and the number of victims included in the survey who have been stabbed or shot is insufficient to produce reliable estimates (Chaplin et al, 2011). Police statistics cover a similar proportion of cases where no injury is sustained and forces have only been required to publish statistics for recorded use of knives since July 2008 (Home Affairs Committee, 2009).
4. Given that only half the stab victims who present at hospital are estimated to report their assault to the police, it has been suggested that data from health agencies may 'allow for a more accurate assessment of stabbing trends' (Home Affairs Committee, 2009). Hospital Episode Statistics (HES) provide information about patients admitted to hospital, including their main diagnosis, which, for stab victims, is recorded as 'Assault by a sharp object'. While these statistics are of considerable value, they do not cover

the majority of fatal stabbings as, in most cases, the victim dies before they can be admitted to hospital.

5. The Homicide Index has been published annually since 1977 and contains details of all cases of murder, manslaughter and infanticide that were recorded in England and Wales during the previous year. 'Given the definitive nature of fatality and its likelihood of coming to the attention of the police, we can presume that it is probably the most complete source of data on those knife offences which it covers', though fatal stabbings comprise 'only a tiny minority of knife offences' (Home Affairs Committee, 2009: 3). Between April 2010 and March 2011, there were 11.5 recorded homicides per million people (Osborne, 2012). As in previous years, more than two-thirds of victims were male, stabbing by a sharp instrument was the most common method of killing and 20 to 24 year olds were particularly at risk. In many other respects, however, the Index challenges the image of the prototypical teenage stabbing. Children under one year old were most at risk of homicide and victims under 16 years of age were, in the main, killed by a parent or step parent. Among adult victims, heightened rates of risk extended to include those up to 49 years of age, females were most commonly killed by a former or current partner, whereas males were most likely to be killed by a friend or acquaintance.
6. As the best indicator of general trends, the BSC indicates that violent crime increased steadily throughout the 1980s and early 1990s, peaking between 1993 and 1995, before falling back to early-1980s levels by 2004/5, since when 'the trend has flattened', with 'minor year-on-year fluctuations... in the absence of a strong directional trend' (Chaplin et al, 2011: 17). As noted in the Home Office's latest review of crime in England and Wales, the BCS points to a 47 per cent reduction in violent crime since the mid-1990s (Chaplin et al, 2011). In general, the crime trends recorded by the BCS and the police have tended to track each other reasonably well, albeit with some differences over short periods for certain types of crime. While police recorded crime showed an increase in violent offences up to 2005/06, this was partly a function of new counting rules, and the number of violent offences against the person then fell by 22 per cent between 2005/06 and 2010/11 (Chaplin et al, 2011).
7. Because homicide remains relatively rare and is subject random fluctuation, year-on-year differences should be interpreted with caution (Osborne, 2011). Longer term trends have been identified, however, and are broadly consistent with those that are

apparent from the BCS in relation to violent crime more generally. The number of homicides increased steadily during the 1980s and 1990s, more than doubling between 1977 and 2002/3 to a peak of 953 in 2002/03 (Home Affairs Committee, 2009), though this was something of an artificial peak as it included the 172 homicides that were attributed to Dr Harold Shipman (Osborne, 2011)². Since this peak the general trend has been downward, with the result that levels of homicide are now significantly lower than they were in the early-to-mid 2000s and are broadly similar to those that were evident during much of the 1990s (Chaplin et al., 2011).

8. As noted by the Home Affairs Committee (2009: 6), the apparent decline in homicide did not sit easily with growing 'public concern about a seemingly new trend in violent of knife offending', which came to a head with a series of high-profile fatal stabbings in May 2008. The Committee (2009: 12) went on to note:

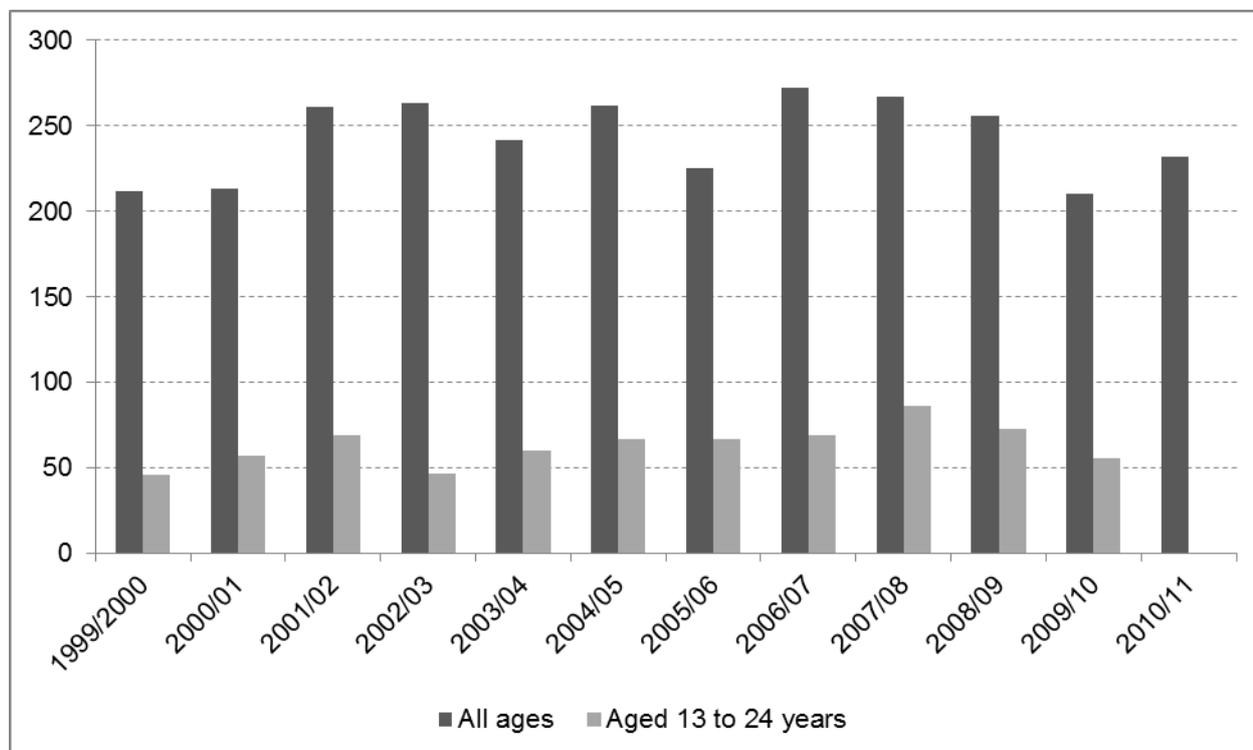
Between 1996 and 2005/06 fatal stabbings mirrored overall homicide rates: the number of fatal stabbings rose sharply before declining again from 2003... However, since 2006 the overall homicide rate has remained relatively stable but the number of knife homicides has increased – by a dramatic 26.9% in 2006/07 – to reach 270 in 2007/08, the highest total recorded since the Homicide Index was established in 1977.

9. A closer inspection of the data leads to a slightly different interpretation as the large proportionate increase in fatal stabbings in 2006/07 is partly a function of the relatively low number in 2005/06 (see Figure 3). A more accurate characterisation might be to say that the total number of sharp instrument homicides per year fluctuated during this period around a modest upward trend: if we compare the two years either side of 2005/06 then the total number of homicides increased by 35 or 7 per cent. A more marked increase was evident in relation to fatal stabbings of young people, which increased by 28 or 22 per cent. This upward trend appears to have been fairly short lived, however, as the number of sharp instrument homicides fell in 2008/9 and again in 2009/10 for all ages and for young people.
10. Hospital admissions point to a clearer and more marked increase in knife crime, though, once again, this trend appears to have reversed in recent years (see Figure 4). For much of the last decade or so, the number of admissions for assault by a sharp object increased year-on-year (except 2002/3) until it reached a peak in 2006/7. By this

² Homicides are classified according to the year in which they are recorded rather than the year they were committed (Osborne, 2011).

point the number of such admissions had increased by 39 per cent for all ages and 50 per cent for young people. More recently, however, the numbers of admissions for assault by a sharp object have fallen back to levels that are closer to those that were evident in the early part of the decade.

Figure 3 Sharp instrument homicides in England and Wales (number)



Source: Coleman et al., (2007); Osborne (2012); Ward et al., (2011);

Note:

1. Homicide offences are classified according to the year that police initially recorded the offence as homicide.
2. Date for victims aged 13 to 24 years refer to the position as at September 28 2010. Figures for 2010/11 are likely to have been revised upwards as cases progressed through the courts.
3. Data for all ages refer to the position as at October 18 2011; figures are subject to revision as cases are dealt with by the police and the courts or as further information becomes available.

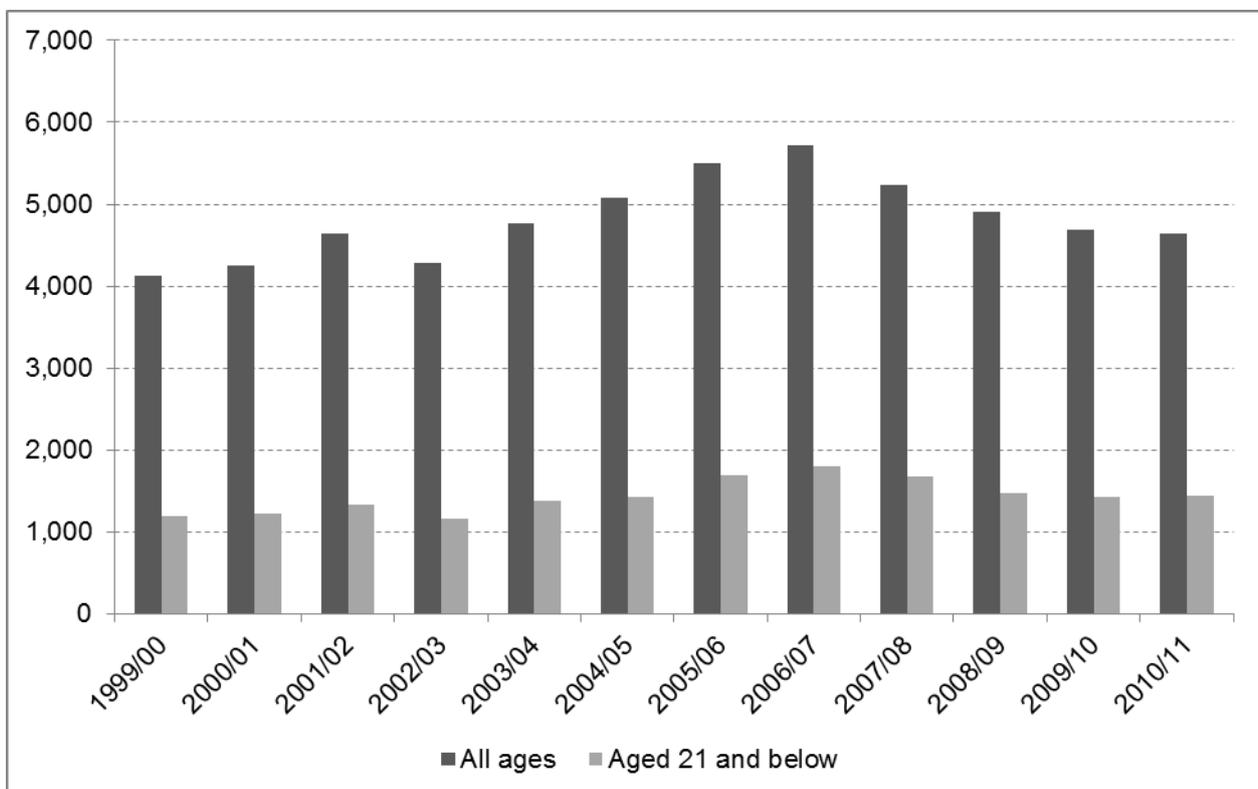
11. The deployment of section 60 searches cannot be explained as a straightforward response to increases in violence and knife crime. The upsurge in these searches since the introduction of the Knives Act 1997 and the Crime and Disorder Act 1998 is disproportionate given the *comparatively* modest increases in knife crime and the decline in violent offending more generally. If we take the knife crime indicators that show the greatest increase at their highest point then sharp instrument homicides of young people almost doubled between 1999/2000 and 2007/08, while admissions of young people for assault by a sharp object increased by half between 1999/2000 and 2006/7. These trends are dwarfed by the 2000 per cent increase in section 60 searches from 1999/2000 to 2008/09 (Home Office, 2000; Ministry of Justice, 2010). It

is also striking that section 60 searches have continued to be used in very large numbers, despite evidence that levels of knife crime have fallen. Whilst there is the possibility that knife crime has fallen because of the extensive use of section 60 searches, the available evidence does not support this contention (see below).

12. The increase in section 60 searches has not been felt evenly across England and Wales, but has been concentrated in London and has impacted disproportionately on black and minority ethnic communities. The concentration of section 60 searches in London has been used by the Minister for Policing and Criminal Justice, Nick Herbert, to cast doubt over the extent to which section 60 searches are disproportionate in their focus on black and minority ethnic groups (Hansard, 2010: 294WH-297WH):

The figures cited in the press about black people being 26 times more likely than white people to be stopped and searched under section 60 are potentially misleading if they are not examined a little more closely. In 2008-09, 76% of all section 60 stops and searches were conducted by the Metropolitan Police Service in London. Therefore, to assess the use of that power against the national population's ethnicity breakdown is deceptive. We need to compare that 76% with the ethnicity of the population of London and the remaining 24% with the rest of the country. When we do that, we find that the use is not so disproportionate.

Figure 4 Finished admission episodes for assault by sharp object, England (number)



Source: Hospital Episode Statistics (Berman, 2011)

Note: Figures for 2010/11 are provisional

13. The Minister's contention is flawed in two key respects. Firstly, high rates of ethnic disproportionality remain even when London and the rest of the country are considered separately (see Tables 2a and 2b above). Secondly, the Minister accepts, at face value, that three-quarters of section 60 searches should be in London. When this figure is scrutinised more closely it becomes clear that section 60 searches are doubly disproportionate: that is, they are disproportionate in their focus on London as well as in their focus on black and minority ethnic groups.

14. The proportion of section 60 searches conducted by the MPS is much higher than we would expect given the size of the resident population and the distribution of suspicion based stops: the MPS covers 14 per cent of the population of England and Wales and accounts for 43 per cent of PACE section 1 searches (Ministry of Justice, 2011). It is only recently, moreover, that the MPS has come to dominate the use of section 60 powers in the way that it has: for each year between 1999/2000 to 2007/8, the MPS was responsible for anywhere between eight per cent and 38 per cent of section 60 searches conducted across England and Wales. That this figures has risen so dramatically, to 76 per cent in 2008/9 and 77 per cent in 2009/10, is worthy of particular scrutiny because it is part of what is driving the extremely high rates of ethnic disproportionality and indicates that residents of London are subject to a particularly invasive and confrontational style of policing.

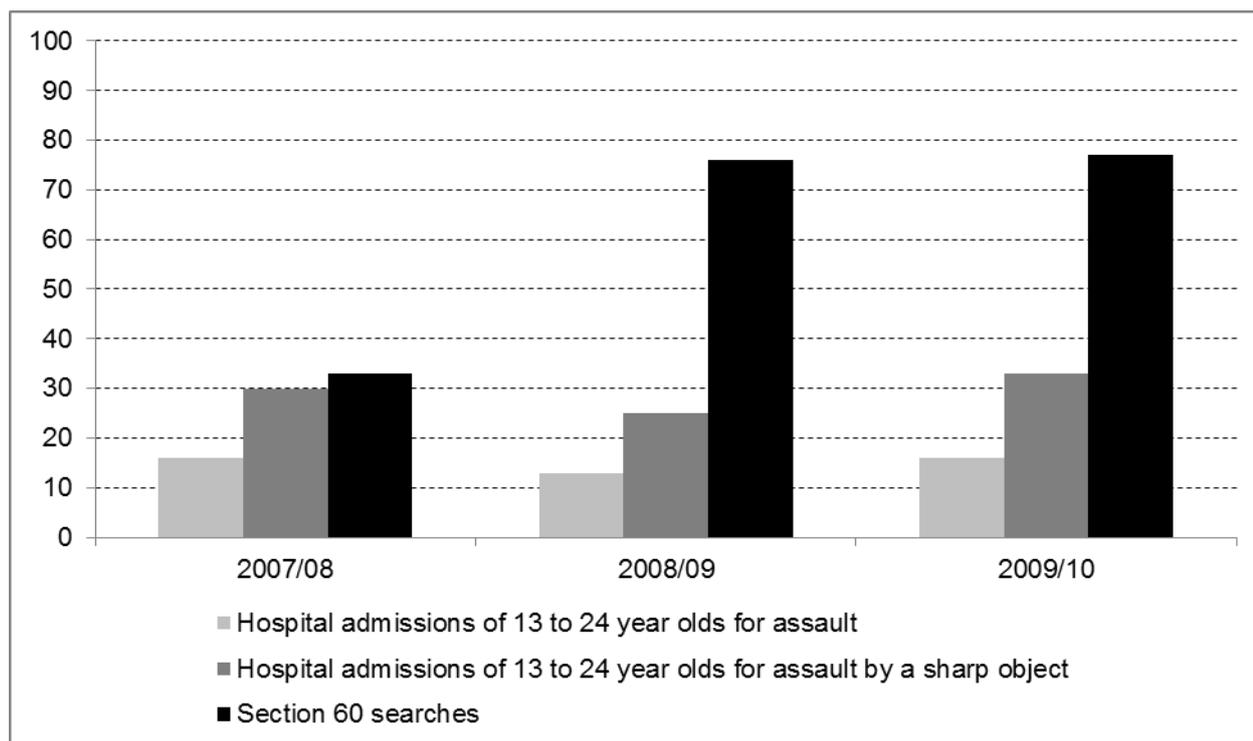
15. To what extent, then, can the growth of section 60 searches in London be explained by trends in violent offending and knife crime? Media reports of four separate murders in London on a single day in July 2008 prompted Spiegelhalter and Barnett (2009) to assess how predictable is the overall pattern of murder in the capital. Drawing on data for the period from April 2004 to March 2007, they found that the number of murders in 2008 was within the predicted range, concluding that: 'Our assumption that there has been no major change in London has not been disproved' (Spiegelhalter and Barnett, 2009: 8). 'In this way', Spiegelhalter and Barnett noted, 'statisticians may be able to play a valuable role in ensuring that tragedies such as London's violent deaths are not forgotten but nor are they the cause of a disproportionate response – whether that be undue panic or false reassurance' (2009: 8). Given the relatively stable number of murders in London, it is difficult to see the massive increase in the MPS' use of section 60 searches since 2007/8 as being anything other than disproportionate.

16. The disproportionate nature of this response is further evident from hospital admissions data: the number of 13 to 24 year olds admitted to hospital for assault within the area covered by the MPS fell from 2,725 in 2007/08 to 2,186 in 2008/9, before climbing back to 2,592 in 2009/10, while the number of admissions for assault by a sharp weapon fell from 650 to 493, before climbing back up to 634 (Ward et al., 2011).
17. The number of knife and sharp instrument offences recorded by the MPS did increase between 2007/09 and 2008/9, but did so much at a much more modest rate than the number of section 60 searches: 9,937 such incidents were recorded in 2007/08, increasing to 12,233 in 2008/9, 12,560 in 2009/10 and 13,284 in 2010/11 (Chaplin et. al., 2011; Flatley et. al, 2010; and Walker et. al., 2009). There are also good reasons for questioning whether this is a real increase. It is well established that police recorded crime is subject to changes in levels of reporting as well as variable recording practices, while local policing activity and priorities have been shown to affect levels of reported and recorded violent crime (Hoare and Povey, 2008). Where police are proactive in addressing low-level violence and anti-social behaviour this can lead to more of these crimes being brought to their attention. Given that the Home Office only started to collect statistics on knife and sharp instrument crime in 2007/8 (Hoare and Povey, 2008) and that the focus on such offences was boosted by the launch of TKAP in June 2008, it seems likely that the increase in incidents recorded by the MPS may be the result of this greater scrutiny. Hospital admissions provide a more reliable indicator because they are independent of police decision making and are unaffected by policing priorities.
18. Given what we know about violent offending we would expect section 60 searches to be used at a relatively high rate in urban areas, including London. Crime is more common in urban than rural areas and in more deprived than less deprived areas (Higgins et al, 2010). Police records single London out as the region with the highest rate of total crime and violence against the person, while the MPS, along with Greater Manchester and the West Midlands, accounts for a disproportionately large proportion of recorded offences involving knives (Higgins et al, 2010). Since knife crime data have been collated by the Home Office, the MPS has recorded between 34 per cent and 41 per cent of all such incidents in England and Wales (Walker et al, 2009; Flatley et. al.,

2010; and Chaplin et. al, 2011)³, which is close to half the proportion of section 60 searches that it was responsible for in 2008/09 and 2009/10.

19. For the reasons already noted, hospital admissions provide a more reliable source of data about knife crime than police records and make for an even starker point of contrast (see Figure 5). In 2007/08 the area covered by the MPS accounted for 30 per cent of hospital admissions of young people for assault by a sharp weapon in England, which corresponded closely to the 33 per cent of section 60 searches that were carried out in this force area. Thereafter, following the onset of Blunt 2, the use of section 60 searches by the MPS became highly disproportionate. In 2008/09 the proportion of section 60 searches conducted by this force was three times greater than we would expect based on hospital admissions of young people for assault by a sharp weapon, falling slightly to just below two-and-a-half times greater in 2009/10.

Figure 5 Hospital admissions and section 60 searches within the MPS area as a percentage of the total in England



Source: Ward et. al., (2011) and Ministry of Justice (2011)

Note: the figures given here are expressed as a percentage of the total in England. Published hospital admissions data does not include Wales.

³ The accuracy of the knife crime data collated by the Home Office has been compromised by inconsistent recording practices, with four police forces mistakenly including unbroken bottle and glass offences in their returns (Chaplin et al, 2011). Consequently, the figures quoted here should be considered as being indicative only.

20. Given that people from black and minority ethnic groups are disproportionately concentrated in urban areas and deprived neighbourhoods, we might expect them to be more involved in violent offending, including knife crime, both as victims and offenders. While a shortage of data limits what can be said on such matters (Eades, 2007), the BCS and Homicide Index do provide a basis for making some tentative judgments (Osborne, 2012). In general, people from black and minority ethnic groups appear no more likely to be victims of violence than whites, but they are at greater risk of homicide.
21. Research on the social patterning of homicide has found that victims are more likely to be drawn from certain social groups, such as black communities, people on low incomes, the poorly educated, the unemployed and manual workers (Leyland and Dundas, 2010). Important area-based correlates of homicide have also been identified, including the degree of urbanisation, per capita income, deprivation and poverty, prompting suggestions that 'contextual influences of the neighbourhood of residence might be more important than individual characteristics in determining the victims of assault' (Leyland and Dundas, 2010: 437). While a recent Scottish study found that the death rate due to assault among men aged 20 to 59 years in routine occupations was nearly 12 times that of those in higher managerial and professional occupations, even greater differences were evident according to area-based deprivation: men below the age of 65 years who were living in the most deprived areas had a death rate due to assault that was 32 times the rate of those living in the least deprived areas (Leyland and Dundas, 2010).
22. Homicide in England and Wales is concentrated in three police force areas - the MPS, West Midlands and Greater Manchester (Osborne, 2012). While this concentration is evident across all ethnic groups, it is particularly marked in relation to black people, reflecting their patterns of residence and the greater risk of homicide in urban areas. While three-quarters of police recorded homicides between 2008/9 and 2010/11 were of white people, the risk of homicide was greater among minority groups: there were 10 homicides per million white people during this period compared with 47 per million black people, 16 per million Asian people and 11 per million of those classified as 'other'. In most cases victims and perpetrators were from the same broad ethnic group: where a principal suspect had been identified, 85 per cent of white victims were killed

by white suspects, 72 per cent of black victims were killed by black suspects and 56 per cent of Asian victims were killed by Asian suspects.

23. Analysis of the Homicide Index has shown that method of killing varies according to the ethnicity of the victim (Osborne, 2012). While sharp instruments provided the most common method of killing across all ethnic groups, this was particularly the case for black victims, 52 per cent of whom were killed in this way compared with 35 per cent of whites, 42 per cent of Asians and 38 per cent of those from other ethnic groups. Shooting was also a much more common cause of death among black victims than among victims from any other group. Stabbing by a blunt instrument, hitting and kicking etc, and strangulation were, by contrast, much more common among white than black victims.

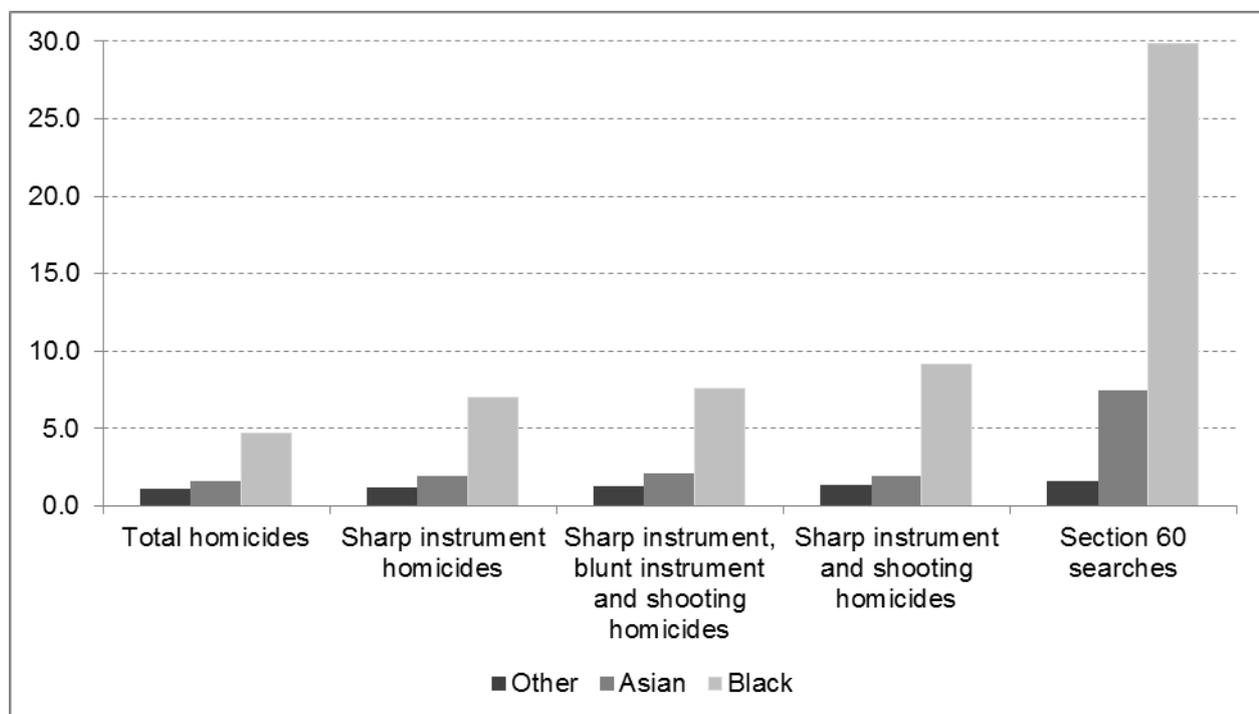
24. Figure 6 compares ethnic disproportionality ratios for homicide and section 60 searches. Given the degree of ethnic symmetry between victims and suspects, the ethnicity of victims provides a rough proxy for what we might expect in terms of the policing of likely suspects. Total homicide rates are higher among black and Asian people, as we might expect given patterns of residence and levels of deprivation, but not to the extent that they justify the much larger rates of disproportionality that are evident in relation to section 60 searches. Police searches may be more common in cases where weapons have been used because there is an object to be found. But even if we only consider fatal stabbings (with a sharp instrument) and shootings, where ethnic differences are most marked, homicide remains much less disproportionate than section 60 searches.

7. Effectiveness

1. Although stop and search is used routinely by the police, it makes a small contribution to tackling crime (Sanders and Young, 2007). The effectiveness of stop and search was most recently assessed by Miller, Bland and Quinton (2000). They concluded that stop and search appeared to have a 'minor role' in detecting offenders and 'only a limited' direct disruptive impact on crime by intercepting those going out to commit offences: it was estimated that stop and search reduced the number of 'disruptable' crimes by 0.2 per cent. While there was said to be little solid evidence that stop and search has a deterrent effect, it was noted that the intensive use of stop and search in a particular location *may* have a localised deterrence or displacement effect.

2. Fitzgerald (1999) argued that stop and search makes a considerable contribution to the detection and prevention of certain types of crime, noting that it accounts for a large proportion of arrests for carrying an offensive weapon. In response, Sanders and Young (2007) contend that, in the absence of stop-search powers, such crimes would not necessarily remain undetected as the police could arrest suspects where they have reasonable suspicion. A more selective approach, based on more evidence, they maintain, would involve a relatively small fall in the absolute number of detections. In developing their analysis Sanders and Young (2007) note that stop and search involves opportunity costs because it prevents officers from doing other things (which may be more effective).

Figure 6 Homicide rates and section 60 searches in England and Wales by ethnicity (disproportionality ratios, compared with whites)



Notes

1. Section 60 searches per 1,000 population in 2009/10 (2011).
2. Total homicides per million population (Osborne, 2012).
3. Total sharp instrument homicides per million population (estimated from Osborne, 2012).
4. Total sharp instrument and shooting homicides per million population (estimated from Osborne, 2012).
5. Homicide rates and section 60 search rates were calculated on the basis of PEEGs estimates.
6. The disproportionality ratios shown here in relation to murder are based on national statistics covering England and Wales and should not be used for comparisons with individual forces.

3. One of the main reasons stop and search makes such a limited contribution to tackling crime is that few searches result in arrest, with less than one-in-ten suspicion based searches doing so in 2009/10 (Povey et al, 2011). Where arrests are made, moreover, only about half result in a caution or conviction (Miller et al, 2000; Sanders and Young,

2007). As the number of suspicion based searches has increased over the last 25 years or so, the arrest rate has fallen, from 17.2 per cent in 1986 to 9.4 per cent in 2009/10 (Ministry of Justice, 2011). Although the long-term trend has been downwards, the arrest rate increased - from 10.5 per cent in 1996/97 to 13.4 per cent in 2000/01 - following the publication of the Lawrence Inquiry report as the number of stop searches declined (Sanders and Young, 2007). The primary trend of increased use and declining arrest rates suggests that stop and search is being used beyond its optimum level, particularly if the opportunity costs are taken into account.

4. The proportion of section 60 searches resulting in arrest has also declined as the number of searches has increased (see Table 3). From a high point of six per cent in 2000/01, the arrest rate for such searches has fallen to less than three per cent and most of these arrests are for things other than carrying offensive weapons or dangerous instruments. In recent years fewer than half of one per cent of section 60 searches have resulted in arrests for carrying offensive weapons or dangerous instruments despite the avowed purpose being the prevention of imminent violence and knife crime. For most of the last decade, moreover, fewer than half those found to be carrying offensive weapons or dangerous instruments have been arrested. As noted in a Home Office report on tackling homicide (Brookman and Maguire, 2003: 33-34):

Considering that the search powers in question should be used only where a specific threat of violence is present, these 'hit rates' are surprisingly low, and suggest that police actions alone are unlikely to have a huge impact on the carrying of knives'.

5. Paradoxically, the low rate at which weapons are found and arrests are made is sometimes cited as evidence that section 60 searches are an effective deterrent. According to this argument the low hit rate is said to show that suspects have stopped carrying weapons for fear of being caught. Such claims are implausible, however, and are inconsistent with the evidence. If the rate at which weapons were discovered and arrests were made fell sharply after a large number of arrests had been made then this might be indicative of an effective deterrent, but no such pattern is evident. Fewer than one-in-a-hundred section 60 searches have yielded an arrest for carrying a weapon since 2002/03 and, as such, there is little, if any, reason to suppose that they have prompted the kinds of behavioural adaptations that have been suggested.

Table 3 Section 60 searches and arrests in England and Wales, 2000/01 to 2009/10

	<i>Total searches (n)</i>	<i>Persons found carrying offensive weapons or dangerous instruments (%)</i>	<i>Arrests for offensive weapons (%)</i>	<i>Arrests for other reasons (%)</i>	<i>All arrests (%)</i>
2000/01	11,330	3.2	2.7	3.6	6.4
2001/02	18,900	7.2	1.1	2.6	3.6
2002/03	44,400	3.5	0.8	4.8	5.6
2003/04	40,400	1.4	0.7	3.1	3.8
2004/05	41,600	0.7	0.6	2.3	2.9
2005/06	36,300	1.5	0.5	4.2	4.7
2006/07	44,700	1.6	0.6	3.1	3.6
2007/08	53,319	1.4	0.6	3.3	3.9
2008/09	150,172	0.8	0.4	2.5	2.9
2009/10	118,446	0.7	0.3	2.1	2.4

Source: Povey et. al., (2011)

6. Unsurprisingly, perhaps, given the low arrest rates, the evidence indicates that section 60 searches have had little, if any, positive impact on the incidence of knife crime. Comparison between London boroughs has found there to be no direct relationship between use of section 60 searches and the extent of police recorded knife crime (Fitzgerald, 2010; Travis, 2010). Among the 10 boroughs with the highest knife crime figures, the biggest fall of 25 per cent between 2008/09 and 2009/10 was in Islington, which had the second fewest section 60 searches. Southwark, by contrast, experienced an 8.6 per cent rise in knife crime despite having the second highest use of section 60 searches.

7. The Tackling Knives and Serious Youth Violence Action Programme (TKAP), which includes those police forces that make most use of section 60 searches, has had no measurable impact on levels of knife crime. Following the first phase of the programme, the Home Office evaluation noted that increases in the number of 'TKAP stop searches' across all ten areas had been accompanied by reductions in various forms of violent offending among people aged 19 years and under, though there was some evidence of increased offending among people aged 20 years and above (Ward and Diamond, 2009:1). These findings were considered 'encouraging' and, while the need for caution was noted, it was concluded that 'TKAP may well have contributed to a decline in some measures and persisting reductions in others' (Ward and Diamond, 2009:1).

8. Among the acknowledged methodological limitations of the initial evaluation, the lack of statistically robust comparison groups was, perhaps, the most significant. The second phase of TKAP was evaluated using a 'quasi-experimental' methodology to 'compare what happened in the TKAP areas during TKAP Phase II with the previous year (2008/09) and before the start of the programme (2007/08)' (Ward et al., 2011: i). Wherever possible comparisons were made with a group of forces not involved in the programme. While homicide data pointed to reductions in the number of victims and principal suspects in the target age group across England and Wales, these reductions were not proportionately greater in TKAP areas than non-TKAP areas. Hospital admissions for assault involving the target age group also reduced between 2007/08 and 2009/10, but recent reductions were only evident in the non-TKAP areas (Ward et al., 2011: 24):

In conclusion these findings provide encouraging evidence that serious youth violence declined across the country in recent years. However, given that the reductions were not specific to or consistently greater in the TKAP areas, and taking into account the methodological limitations described above, it is impossible to directly attribute reductions in the TKAP areas to Phase II activities.

8. Alternatives to stop and search

1. Enforcement activities have been criticised for failing to address the underlying causes of violence. Knives are routinely available to those who are inclined to use them and, like guns, baseball bats, screwdrivers and poison, make violence potentially more damaging, 'but, ultimately, stabbings are not caused merely by the presence of a knife' (Eades et. al., 2007: 31). The Home Affairs Committee (2009) voiced similar concerns when noting that knife amnesties have a limited impact on crime levels and are unlikely to dissuade persistent offenders from carrying knives. On a more positive note, the Committee noted that it was impressed with innovative gang exit and violence reduction strategies, whilst also highlighting the potential benefits of treating violence as a public health rather than a criminal justice issue. To this end it called for effective data sharing about knife violence as well as early intervention with very young children born into 'dysfunctional' families, arguing that investment in such initiatives can save significant amounts in future criminal justice costs.
2. The Kiyon Prince Foundation also advocates approaching knife crime as a public health issue that requires a long-term strategic response (Walsh, 2011). Rather than

focusing on reactive enforcement measures, such an approach places a premium on developing police-community and police-youth partnerships that engage community partners in public safety programmes. Other elements include a greater role for restorative justice as an alternative to imprisonment; changing environmental conditions in ways that design out opportunities for crime; investing in diversionary activities; and developing healthy schools environments.

3. Whilst acknowledging the potential of early intervention and gang related initiatives, Leyland and Dundas (2011: 438) insist 'the extent of the inequalities seen for assault...emphasises the need to understand and address the multiplicity of problems associated with deprivation and poverty'. Similarly, Brookman and Maguire (2003:4) argue 'that preventive strategies focused upon particular offences should be complimented by, and complimentary to, broader long-term initiatives against poverty and social exclusion'. An example of what this might mean in practice is provided by the Home Affairs Committee's (2009) recommendation that Youth Inclusion Programmes should continue to be funded as a means of reducing youth crime.

9. Conclusion

1. By attempting to balance powers and safeguards, PACE embodies both crime control values and due process values (Sanders and Young, 2007). As an exceptional power, section 60 searches do not seek to strike such a balance and are tipped heavily towards crime control values. Such searches are not only free of the checks and balances that routinely govern other stop and search powers, including the requirement for reasonable suspicion, but can also be authorised by the police themselves without any external scrutiny. Given this lack of due process, section 60 searches are particularly susceptible to misuse and are likely to cause considerable damage to police - community relations.
2. The upsurge in section 60 searches during the last decade, particularly since 2007/08, points to a clear case of mission creep. Despite the reassurances offered by Home Office, section 60 powers have displaced normal stop and search powers in dealing with routine crime problems. Although formally an 'exceptional' power, section 60 searches have quite suddenly become a routine feature of policing in some urban settings, particularly London, where they have been presented as a way of combating

knife crime. Neither the increase in section 60 searches nor their concentration in London can be considered a proportionate response to trends in violence and knife crime. Rather, the use of section 60 searches appears to have been driven by particular personalities and policy initiatives: the increase in Merseyside was part of Chief Constable Hogan-Howe's vision of 'total war on crime', while that in London was bound up with the launch of Blunt 2.

3. The growth of section 60 searches is in and of itself likely to have damaged trust and confidence in the police. The net impact of police contact on public confidence is negative and this is particularly the case with police initiated contact (see Bradford *et al.* 2009; FitzGerald *et al.* 2002; Walker *et al.* 2009). While experience of being stopped and searched has specifically been linked to reduced confidence in the police, dissatisfaction is particularly marked when people feel they have been treated unfairly and a reasonable explanation has not been provided (Miller, Bland and Quinton, 2000). As section 60 searches do not require individual suspicion the reason for the search is likely to be less transparent, with greater potential for unfairness.
4. The likely costs associated with section 60 searches in terms of damaged community relations and reduced confidence cannot be justified on the grounds of operational benefits. Stop and search has generally been found to have a marginal effect on crime (Miller, Bland and Quinton, 2000) and its use can be challenged on the grounds of both efficiency and effectiveness. Section 60 searches are associated with a particularly low arrest rate and, according to the available evidence, have no measurable impact on violent crime.
5. Section 60 searches are heavily concentrated on black and minority ethnic groups, reinforcing long-standing tensions with the police. Rates of ethnic disproportionality are much higher for section 60 searches than for suspicion based searches and cannot be explained by incidence of violence (as measured by homicides). Although the concentration on black and minority ethnic communities is, in part a function of the focus on London, it cannot be fully explained in this way. Rather, section 60 searches have been shown to be doubly disproportionate in their focus on London and black and minority ethnic groups. The ineffectiveness of section 60 searches also bears down particularly heavily on minority communities as they suffer higher rates of homicide than whites. As such, section 60 searches replicate a well-established paradox, whereby black and minority ethnic groups are simultaneously over-policed yet under-protected (Kushnick, 1999).

6. Commissioner Hogan-Howe's recent announcement signals a readiness to address some of the worst excesses associated with section 60, but leaves the broader issues unresolved (*London Evening Standard*, January 12 2012). As the power is currently configured there is nothing to prevent a repeat of the recent upsurge in activity in years to come. Even if the use of section 60 searches is curtailed in the short term the potential for misuse remains.

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