



StopWatch Statement on Police Stop and Account

Emeritus Professor Lee Bridges, School of Law, University of Warwick

Dr Michael Shiner, Mannheim Centre of Criminology, London School of Economics

Dr Rebekah Delsol, Ethnic Profiling Project, Open Society Justice Initiative

Kamaljeet Gill, Research and Policy, Runnymede Trust

In the matter of an application for Judicial Review:

**Hugh Diedrick verses Chief Constable of Hampshire Constabulary, Chief Constable of
the Thames Valley Police and the Chief Constable of Hertfordshire Constabulary.**

21st December 2011

Contents

1. Introduction

2. Changes to the PACE Code of practice on recording stop and account

3. History and context

4. Statutory basis of stop and account

5. Disproportionality and its impact on individuals and communities

5.1. Measuring disproportionality

5.2. The impact of disproportionality

5.3. Monitoring and eliminating disproportionality

6. Public opinion and consultation

7. Rationale for the removal of stop and account recording

7.1. Relationship with stop and search

7.2. Reducing bureaucracy

7.3. Operationalising stop and account

7.4. Rationale for ceasing recording in Hampshire, Hertfordshire and Thames Valley

8. Conclusions and recommendations

9. Appendix

Table 1: Stop and account disproportionality ratios (and ranks) by police force area

Table 2: Stop and account ratios (and ranks) compared to stop and search (2008/9)

Table 3: Stop and account recording by police force area

1. Introduction

1. StopWatch is a coalition formed of leading organisations from civil society, the legal profession and academia. StopWatch works to ensure the fair and effective use of stop and search powers to promote safety and positive police community relations. Participating organisations include Equinomics UK, Federation of Student Islamic Societies (FOSIS), Ipswich and Suffolk Council for Racial Equality (ISCRE), Manheim Centre for Criminology, London School of Economics, Muslim Safety Forum, NACRO, Not Another Drop, Open Society Justice Initiative, Release, Runnymede Trust, School of Law, Kings College London, Second Wave, and Turning Point. This statement was authored by Lee Bridges, Michael Shiner, Rebekah Delsol and Kamaljeet Gill on behalf of StopWatch.
2. Lee Bridges is an Emeritus Professor at the School of Law, University of Warwick.¹ He has a long record of conducting empirical research on aspects of the UK criminal justice system, including the pilot and subsequent evaluation studies of the provision of custodial legal advice under the Police and Criminal Evidence Act 1984 and national evaluations of contracting for criminal legal aid and of an experimental public defender scheme. He is a joint author of *Standing Accused: The Organisation and Work Practices of Criminal Defence Lawyers in Britain* (Oxford, Clarendon Press, 1994) and has written regularly on issues of race and criminal justice for the journal *Race & Class*.
3. Dr. Michael Shiner is a senior lecturer and Co-Director of the Mannheim Centre for Criminology, London School of Economics.² He specialises in the fields of criminology

¹ Relevant publications include: Bridges, L. and McConville, M., eds., (1994) *Criminal Justice in Crisis*, Cheltenham, Edward Elgar; Bridges, L., Sunkin, M and Meszaros, G., (2003) *Judicial Review in Perspective: An Investigation of Trends in the Use and Operation of the Judicial Review Procedure in England and Wales*, London, Public Law Project; Bridges, L. (2001) "Race, law and the state," 43(2) *Race & Class*, 61-76; Bridges, L. (1999) "The Lawrence Inquiry – Incompetence, Corruption and Institutional Racism," 26(3) *Journal of Law and Society*, 298-322; Bridges, L. (1999) "Evidence of the Institute of Race Relations to the Lawrence Inquiry," 40(4) *Race & Class*, 65-74; Bridges, L. (1991) *Deadly Silence: Black Deaths in Custody*, London, Institute of Race Relations; Bridges, L., Fekete, L. (1987), *Policing Against Black People*, London, Institute of Race Relations; Bridges, L. (1986) "Labour and Policing after the 1985 Rebellions", 27 *Race & Class*, 78-8; Bridges, L. and Bunyan, T., (1983) "Britain's New Urban Policing Strategy - The Police and Criminal Evidence Bill in Context", *Journal of Law and Society*, 10, 85-107; Bridges, L. (1983) "Policing the Urban Wastelands," *Race & Class*, 25, 31-47.

² Relevant publications include: Jackson, J., Tyler, T., R., Bradford, B., Taylor, D. and Shiner, M. (2010). 'Legitimacy and Procedural Justice in Prisons', *Prison Service Journal*, 191: 4-10; Shiner, M. (2010) 'Post-Lawrence Policing in England and Wales: Guilt, Innocence and the Defence of Organisational Ego', *British Journal of Criminology*, 50(5): 935-953; Delsol, R. and Shiner, M. (2006) 'Regulating Stop and Search: A Challenge for Police and Community Relations in England and Wales', *Critical Criminology*, 14:241-263;

and social policy. He has a long-standing interest in 'race', justice and equality, which has been developed across a broad range of areas, including access to higher education, entry to the legal profession, drugs and drug services, youth disaffection and policing. Shiner has a particular interest in the disproportionate use of stop and search powers and was principal researcher on the evaluation of the national implementation of Recommendation 61 from the Inquiry into Matters Arising from the Death of Stephen Lawrence (calling for the recording of stop and account).

4. Dr. Rebekah Delsol coordinates the Open Society Justice Initiative's project on "Ethnic Profiling in Europe."³ Since 2005, the project has sought to address ethnic profiling by increasing awareness and understanding of the issue, advocating for the adoption of clear European standards and national legislation and developing the capacity of civil society and police to work together to remedy discriminatory practices. Delsol has testified in front of the European Parliament on the issue of ethnic profiling. In 2006, she completed a doctorate examining the utility of the concept of institutional racism in explaining racial disparities in stop and search practices in the UK and US based on a qualitative study of two UK police forces and two US police departments.
5. Kamaljeet Gill is a Research and Policy Analyst for the Runnymede Trust. He has worked on issues relating to localism, community and race equality. He plays a leading role in the StopWatch coalition as well as being Runnymede's representative in the StopWatch youth group. Previously, he has worked in research consultancy as well as conducting research into sanitation and child labour in Jaipur, India. He holds a BA in Modern History from the University of Oxford and an MA in African and Asian History from the University of London (School of Oriental and African Studies).

Newburn, T. and Shiner, M. (2006) 'Young People, Mentoring and Social Inclusion', *Youth Justice*, 6(1): 23-41; Newburn, T. and Shiner, M. (2005) *Dealing with Disaffection: Young People, Mentoring and Social Inclusion*, Cullompton, Devon: Willan; Newburn, T., Shiner, M., and Hayman, S. (2004) 'Race, Crime and Injustice? Strip Search and the Treatment of Suspects in Custody', *British Journal of Criminology*, 44(5): 677-694.

³ Relevant publications include: Delsol, R. and Shiner, M. (2006) "Regulating Stop and Search: A Challenge for Police and Community Relations in England and Wales," *Critical Criminology*, 14(3): 241-263; Delsol, R. (2008) "Racial Profiling" in Wakefield, A and Fleming, J (eds.) *The SAGE Dictionary of Policing*, (London: SAGE): 263-266. Delsol, R. (2009) *Addressing Ethnic Profiling by the Police: A Report on the Strategies for Effective Police Stop and Search (STEPSS) Project* (New York: Open Society Institute); Open Society Justice Initiative (2009) *Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory* (New York: Open Society Institute), Delsol R. (2010) "Section 60 Stop and Search Powers," in Sveinsson, K. (ed) "Ethnic Profiling: The Use of Race in UK Law Enforcement," (London: Runnymede Trust).

6. This statement presents evidence on stop and account in connection to the application for Judicial Review: Hugh Diedrick verses the Chief Constable of Hampshire Constabulary, the Chief Constable of the Thames Valley Police and the Chief Constable of Hertfordshire Constabulary. In developing our arguments, this submission is divided into eight parts. In section 2, we outline the changes to the Police and Criminal Evidence Act and highlight our key concerns in relation to the removal of the national requirement to record stop and account. In section 3, we explore the background and context in which recording of stop and account was originally introduced. In section 4, we examine the legal basis of stop and account. In section 5, we examine disproportionality in relation to stop and account and the impact disproportionate stops can have on individuals, communities and wider society. In section 6, we explore public opinion on the recording of stops and stop and searches and review the lack of national or local consultation around the changes. In section 7, we consider the rationales put forward for the removal of stop and account including the operation of recording, the reduction of bureaucracy and that there are other measures of disproportionality that forces will use. We look in detail at the rationales put forward by the Chief Constables of the Hampshire Constabulary, the Thames Valley Police and the Hertfordshire Constabulary. In the final section, we provide conclusions, summarise the key arguments and make recommendations for the future.

2. Changes to the PACE Code of practice on recording stop and account

7. “Stops” or “stop and accounts” refers to those encounters where police officers stop (and, in many cases, effectively detain) members of the public to ask them to account for their actions, behaviour or presence in an area but do not go on to search them. In April 2005, the regulatory framework governing the recording and monitoring of stop and search was extended to cover stop and account. As a result, police officers were required to provide people who they stopped and asked to account for themselves with a record of the stop (including reason for the stop, outcomes of the stop and self-defined ethnicity) and aggregate data was collected for internal management and external monitoring. In January 2009, the regulatory framework was changed requiring that the minimum information forces had to collect was the self-defined ethnicity of the person stopped. They were required to continue giving the person stopped a record of the encounter and to provide

aggregate statistics for monitoring. Most forces continued to record full stop and account information using a single form for stop and account and stop and search.

8. In March 2011, the government introduced changes to the Police and Criminal Evidence Act (PACE) Code of Practice A, which governs the use and recording of stop and search. The revisions implement changes made under the Crime and Security Act 2010 to the recording of stop and search. At the same time, the national requirement to record stop and account introduced in 2005 was removed, and police forces were given the discretion to choose whether or not to record 'stop and account'. Police forces may maintain or subsequently reinstate the recording of stop and account when there are local concerns about disproportionality. A new note for guidance to the PACE Code of Practice A states (emphasis added):

Where there are concerns which make it *necessary* to monitor any local disproportionality, forces have discretion to direct officers to record the self-defined ethnicity of persons they request to account for themselves in a public place or who they detain with a view to searching but do no search. Guidance should be provided locally and efforts made to minimise the bureaucracy involved. Records should be closely monitored and supervised in line with paragraphs 5.1 to 5.4 and forces can suspend or re-instate recording of these encounters as appropriate. (para. 22A)

9. Stopwatch consider that democratic policing should seek to limit intrusion into peoples' lives to that which is absolutely necessary and should, as a matter of routine, justify and explain any such incursions. The exercise of police powers should also not be used disproportionately against certain groups within society, in particular those from black and minority ethnic (BME) backgrounds. The recording of stop and account is consistent with these principles and its removal undermines the central doctrine of policing by consent. These changes undermine established monitoring structures and erode long-fought for mechanisms of accountability around stop and search. Police forces may reinstate the recording of stop and account when there are local concerns about disproportionality, but in practice only ten of the 43 forces in England and Wales are continuing to do so, notwithstanding a nationwide aggregate disproportionality ratio of stop and account of 2.7 and the fact that the majority of those who have stopped monitoring have disproportionality ratios of over 2, with some as high as 6.9 (in the West Midlands). If stops are not recorded, communities will never have the means to prove that there is a problem or demonstrate concern around the disproportionate use of stop and account that

would require police forces to reinstate recording. There is the danger that this provision will result in a post-code lottery, with different levels of service to communities in different policing areas. It is also likely to cause confusion, as people receive different service when they cross police force boundaries: receiving a form when they are stopped in some areas and not in others. The overriding concern is that the removal of the monitoring requirement in relation to stop and account “may not only encourage racial and ethnic stereotyping by police officers but may also encourage impunity and fail to promote accountability in the police service for possible abuses”⁴ – the conclusion reached by the United Nations Committee on the Elimination of Racial Discrimination in its recent report on the United Kingdom’s compliance with the UN Treaty on the on the Elimination of Racial Discrimination (below, para 52).

10. The changes, however, restrict only the level of information recorded on the stop form and used for internal and external monitoring - not what police collect. Police officers will often continue to check the Police National Computer (PNC) to identify the person. These PNC checks are recorded and officers will often make a record in their notebooks and in “intelligence logs.” Hence, the police will frequently still record the personal data of the person concerned. The difference is that this record will not be available to that person nor for the purposes of supervision and external monitoring. In such cases there will be little, if any, reduction in the time spent by police officers in dealing with the individual they have stopped, which undermines the very basis for the change in the law.

11. The changes remove a vital form of redress for individuals who feel they are been unfairly or inappropriately stopped. The changes undermine the complaints systems. There will be no proof that the stop took place thus denying those affected the chance to seek remedy through the complaints system and ultimately the courts.

3. History and context

12. This section explores the background and context in which the recording of stop and account was introduced. In 2008 – 09, there were 2,211,598 recorded stop and accounts

⁴ Concluding Observations of the Committee on the Elimination of Racial Discrimination, United Kingdom of Great Britain and Northern Ireland, 14th September 2011, at para. 18.

and 1,142,763 recorded stop and searches across England and Wales.⁵ The large number of police stops makes them a highly influential as a point of contact between the police and the public. Stop and search and stop and account are on a continuum of police-initiated contact meaning they cannot be separated. While stop and search happens to be more intrusive, the sheer numbers of stop and account as well as the possibility of abuse means that it has considerable potential to alienate individuals and communities. The police have lost the automatic trust of the public they once enjoyed. Since the 1970s, we have seen ‘the catastrophic deterioration’ of relations between the police and the black community.⁶ More recently, levels of confidence have fallen most sharply among white people who, if anything, now have less confidence in the police than black or Asian people.⁷ For much of this period a lack of adequate accountability⁸ was a major factor undermining public confidence in the police.

13. Recording stops is important because it promotes fairness and confidence by reminding police officers of their legal duties (not to discriminate on the grounds of race, colour, ethnic origin, nationality when using their powers, for example) and by ensuring that their actions are subject to scrutiny, both by their supervising officers and members of the community. The recording of stop and search under PACE was introduced in 1984 on the back of long standing anxieties about the unfair use of these powers. The “sus” laws (the informal name for a stop and search law that permitted a police officer to act on suspicion, or 'sus', alone) contributed to the Brixton disorder in 1981 and provided a clear demonstration of how unfair policing can lead to the breakdown of community trust and confidence. PACE covered the country as a whole and was introduced in part to end the "postcode lottery" that saw wildly varied powers and recording standards used by different forces. The safeguard of reasonable suspicion was introduced along with minimum recording standards to provide a basic guarantee to all, regardless of where in the country they lived.

⁵ Ministry of Justice (2009) *Statistics on Race and the Criminal Justice System 2007/08*, London: Ministry of Justice. This is the most recent publicly available data on stop and account.

⁶ Reiner, R. (2010) *The Politics of the Police*, Oxford: Oxford University Press, at 94.

⁷ Bradford, B. (2011) ‘Convergence, Not Divergence?: Trends and Trajectories in Public Contact and Confidence in the Police’, *British Journal of Criminology*, 51(1): 179-200.

⁸ By accountability, we mean police officers being responsible for their actions; having to account/ answer to the public they serve for the activities that they undertake.

14. The process of recording stop and search was designed to make officers consider carefully their grounds for stopping people and to inhibit them from stopping people in an arbitrary fashion. Recording also allowed for the monitoring and publication of search statistics and provided a management tool for supervisors to identify where officers might be incorrectly using their powers. There are innovative forms of external monitoring across the country, which empower local communities to monitor the use of stop and search, promoting trust and confidence at a local level, through the scrutiny of stop forms alongside statistical information.⁹ Without this important safeguard, officers will be less accountable for their actions and the public less protected.

15. The extension of the recording and monitoring framework to stop and account, was recommended by the Inquiry into Matters Arising from the Death of Stephen Lawrence. According to the Inquiry, disparities in stop and search rates were indicative of institutional racism. 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.”¹⁰ If there was one area of complaint that was universal, the Inquiry reported, it was the use of stop and search. The Inquiry concluded:

Whilst we acknowledge and recognise the complexity of this issue and in particular the other factors which can be prayed in aid to explain the disparities, such as demographic mix, school exclusions, unemployment, and recording procedures, there remains, in our judgment, a clear core conclusion of racist stereotyping.¹¹

16. The Lawrence Inquiry made 70 detailed recommendations, including Recommendation 61, which proposed:

That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all ‘stops’ and ‘stops and searches’ made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so called ‘voluntary’ stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.¹²

⁹ Stop and Search Scrutiny Panels in West Yorkshire and Suffolk represent some of the best practice identified around the country.

¹⁰ Macpherson, W. (1999) *Inquiry into the Matters Arising from the Death of Stephen Lawrence: Final Report*. London: The Stationery Office, at 45.6.

¹¹ Macpherson (1999), at 6:45

¹² Macpherson (1999), at 47.6.

Macpherson recognised that the public did not distinguish between stop and search and stop and account and wanted all actions to be accountable. The practical significance of this recommendation was two-fold. First, the proposal to record all stops meant, in effect, extending existing regulations governing the use of stop and search to situations in which officers ask members of the public to account for themselves; second, the insistence on recording non-statutory stops represented a form of rule tightening as it sought to close a loophole that was widely used by officers to sidestep existing regulations.¹³

17. Research conducted prior to the introduction of the recording of stop and account showed that the safeguards of reasonable suspicion, recording and the legal protection granted to suspects could be circumvented through the use of voluntarily stops.¹⁴ Consent in practice ranges from approving agreement to grudging compliance. To be able to give consent, it is necessary to have knowledge, the information required to understand the request and power and the ability to make choices on the basis of that knowledge.¹⁵ The nature of the relationship between the police and citizens makes an equality of power unlikely. Few people have detailed knowledge of the PACE regulations and so assumed that the police had the right to stop them and would therefore agree voluntarily to answer questions and be searched.¹⁶ Research conducted with over 2,000 officers in the early 1990s showed that using “voluntary” stops was allowing them to circumvent the need for recording and as the social processes involved in a stop and search cannot be neatly divided into discrete actions, this was often being extended into searches that then went unrecorded.¹⁷ Subsequent research conducted by the Home Office suggested that the use of voluntary stop and searches remained a problem and was undermining accountability.¹⁸ Research in 2004-5, found that officers would often ask those stopped to “show them what was in their pockets.” In practice, this constitutes a search but since the police did not technically

¹³ Sanders, A., and Young, R. (2006) *Criminal Justice*, Oxford: Oxford University Press; Shiner, M. (2010) ‘Post-Lawrence Policing in England and Wales: Guilt, Innocence and the Defence of Organisational Ego,’ *British Journal of Criminology*, 50(5): 935-953.

¹⁴ Bottomley, K., C. Coleman, et al. (1991), *The Impact of PACE - Policing in a Northern Force*, Hull: Centre for Criminology and Criminal Justice; Dixon, D. (1997), *Law in Policing: Regulation and Police Practices*, Oxford: Clarendon; Dixon, D., C. Coleman, et al. (1990). "Consent and the Legal Regulation of Policing." *Journal of Law and Society* 17(3): 345 - 362

¹⁵ Dixon et al. (1990)

¹⁶ Young, J. (1994), *Policing the Streets: Stops and Searches in North London*, Middlesex: Centre for Criminology, Middlesex University; NACRO (1997), *Policing Local Communities - The Tottenham Experiment*, London

¹⁷ Dixon et al. (1990), at 347 – 349.

¹⁸ Quinton, P. and J. Olagundoye (2004), *An evaluation of the phased implementation of the recording of police stops: in response to recommendation 61 of the Stephen Lawrence Inquiry*, London: Home Office.

search the person, they did not record the encounter.¹⁹ The removal of the recording of stop and account reintroduces the danger that the PACE requirements for recording stop and search will be circumvented as officers' use stops to effectively search a person without recording it as a search.

18. Recommendation 61 was implemented in a series of stages. An initial pilot and evaluation was followed by 'phased implementation' in selected sites across the country, with all forces required to start recording stops by April 1st 2005. At the time of its implementation, the Home Office acknowledged the importance of the recording as a means of promoting:

trust and confidence in the police by providing transparency and accountability on the spot at a strategic level, for police initiated non-statutory encounters.²⁰

19. On 24th November 2011, the Riots, Communities and Victims Panel, a group of independent experts that has been examining the causes of the rioting that erupted across English cities in August 2011 released its interim report, *5 Days in August*.²¹ Drawing parallels with the Scarman Inquiry into the Brixton riots thirty years ago, the Panel's report identifies current police stop and search practices as one of the factors contributing to the riots. In many of the areas the inquiry visited, stop and search was identified as a major source of discontent with the police. In some instances, these tensions were cited as a motivating factor in the riots and reason for some of the attacks on the police. The report cites the London Metropolitan Police Services' commitment to keep recording stop and account as an example of good practice "to try and ensure that information and accountability as to why an individual is stopped is conveyed with a right to complaint."²²

20. The recording of stop and account was one of the key recommendations resulting from the Inquiry into Matters Arising from the Death of Stephen Lawrence. It was introduced due to extensive public concern about the use of stop and search in order to increase public confidence and trust in the police through increased accountability and

¹⁹ Delsol, R. (2006) *Institutional Racism, the Police and Stop and Search: A Comparative Study of Stop and Search at a Local Level in the UK and USA*, Thesis, Warwick: University of Warwick.

²⁰ Home Office (2004), *Recording of Stops Implementation Guide: In Response to Recommendation 61 of the Stephen Lawrence Inquiry Report*. London: Home Office, at 7.

²¹ Riots, Communities and Victims Panel (2011) *5 days in August: An Interim Report on the 2011 English Riots, November 2011*. Available at: <http://www.5daysinaugust.co.uk/>

²² Riots, Communities and Victims Panel (2011), at 71.

transparency. The Lawrence Inquiry determined that it is the actual and perceived discriminatory use of police stop powers – not only the searching - which is so damaging to community relations with police. The concerns about the use of stop and accounts and stop and search have not gone away and the need for transparent use of police powers and external forms of accountability are as great, if not greater, today. The changes to recording run counter to the recommendations of successive independent reports and research and contradict key aspects of the policing reforms that are currently being initiated by the Coalition Government, namely the introduction of directly-elected Police and Crime Commissioners. “Purporting to reinforce local accountability on the one hand, while taking away a vital tool of accountability on the other, is simply contradictory policy-making”²³ and reduces rather than increased trust and confidence in policing.

4. The Statutory Basis on Stop and Account

21. This section examines the statutory basis upon which a police officer can stop a person, detain him or her, and ask them to account for themselves, without conducting a search of the person. Section 1(2) of the Police and Criminal Evidence Act 1984 (PACE) empowers a police constable to search a person or vehicle and to detain that person or vehicle for the purpose of such a search. Under PACE (s 1(2)) and a number of other statutory provisions on stop and search, the exercise of these powers requires the police constable to have relevant grounds of reasonable suspicions. However, there are other statutory powers, most notably under section 60 of the Criminal Justice and Public Order Act 1994 and section 47a of the Terrorism Act 2000, where the power to stop and search can be exercised without grounds of reasonable suspicion.

22. PACE clearly articulates a situation in which the power to stop and detain a person can be exercised without a search being conducted. This is specifically provided for under section 2(1). This states that 'a constable who detains a person or vehicle in the exercise (a) of the power conferred by section 1, or (b) any other power (i) to search a person without first arresting him; or (ii) to search a vehicle without making an arrest, need not conduct a search if it appears to him subsequently (i) that no search is required, or (ii)

²³ Liberty (2010), *Liberty's submission on the Police and Criminal Evidence Act 1984 (Codes of Practice) (Revision of Codes A, B and D) Order 2010 to the Committee on the Merits of Statutory Instruments*, London: Liberty. Available at: <http://www.parliament.uk/pagefiles/50988/Submission%20from%20LIBERTY.pdf>

that a search is impracticable.' It is important to note here that this provision applies where the power to stop/detain has been exercised on grounds of reasonable suspicion or without such grounds.

23. The use of the power to detain in contemplation of a search is further explained in PACE Code of Practice A, para. 2.9 as follows:

An officer who has reasonable grounds for suspicion may detain the person concerned in order to carry out a search. Before carrying out a search the officer may ask questions about the person's behaviour or presence in circumstances which gave rise to the suspicion. As a result of questioning the detained person, the reasonable grounds for suspicion necessary to detain that person may be confirmed or, because of a satisfactory explanation, be eliminated.

A note to this provision of the Code of Practice further explains that

In some circumstances preparatory questioning may be unnecessary, but in general a brief conversation or exchange will be desirable not only as a means of avoiding unsuccessful searches, but to explain the grounds for the stop/search, to gain co-operation and reduce any tension there might be surrounding the stop/search. (Note 2)

The Code of Practice, para. 2.10 further provides that

If, as a result of questioning before a search, or other circumstances which come to the attention of the officer, there cease to be reasonable grounds for suspecting that an article is being carried of a kind for which there is a power to stop and search, no search may take place. In the absence of any other lawful power to detain, the person is free to leave at will and must be so informed.

Finally, Code of Practice para. 2.11 states that

There is no power to stop or detain a person in order to find grounds for a search. Police officers have many encounters with members of the public which do not involve detaining people against their will. If reasonable grounds for suspicion emerge during such an encounter, the officer may search the person, even though no grounds existed when the encounter began. If an officer is detaining someone for the purpose of a search, he or she should inform the person as soon as detention begins.

24. The last sentence here indicates that police officers are required to know when they are exercising a statutory power to stop and detain a person in contemplation of conducting a search (as distinct from 'encounters ... which do not involve detaining people against their will') and that they should inform the person concerned that he or she is being so

detained 'as soon as the detention begins.' Officers are also required to advise such persons that they are 'free to leave' once the reasons for the detention cease to exist (i.e. because a search is impractical or no longer required). It follows that if officers are to inform members of the public when they are being detained in contemplation of conducting a search, it should also be practicable that they should record such detentions if required to do so as a matter of a local police force policy.

25. The national requirement to record 'stops and account' was abolished under changes to the PACE Code of Practice introduced in March 2011. However, on closer examination it would appear that the previous Code of Practice offered confusing guidance as to what types of stops not leading to searches were to be recorded. On the one hand, para. 4.7 of the previous Code of Practice clearly stated that statutory stops not resulting in searches were covered by these provisions:

Where officers detain an individual with a view of performing a search, but a search is not carried out due to the grounds for suspicion being eliminated as a result of questioning the person detained, a record must be made in accordance with the procedure outlines in paragraph 4.12 [relating to recoding of 'stop and account']

26. On the other hand, the main 'stop and account' section of the previous Code of Practice was entitled 'Recording of encounters not governed by statutory powers'. It is unclear that there is any legal basis on which the police can stop and detain an individual to require them to account for themselves outside the various statutory powers governing stop and search, so presumably any such stops would be purely voluntary. However, in para. 4.12 the type of non-statutory encounter to be recorded was explained as follows:

When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in the area or possession of anything, a record of the encounter ... must be completed

27. It is interesting to observe that the circumstances set out here as potentially leading to an 'encounter not governed by statutory powers' are all ones that are described elsewhere in the Code of Practice (see para. 2.9 above, as well as para. 2.3) as potentially forming the basis of reasonable suspicion justifying the use of a statutory power to stop and search. The inclusion of such circumstance in a description of non-statutory encounters might be seen as sanctioning or encouraging their use as a means of police officers discovering

grounds of reasonable suspicion, something which appears to run counter to the prohibition in para. 2.11 of the Code of Practice on stopping members of the public "in order to find grounds for a search." At the same time, if a police officer does have grounds for reasonable suspicion prior to initiating the encounter, it is arguably more transparent that he or she should use the statutory power to stop and search, which is fully subject to the requirements of the Code of Practice, rather than to seek to confirm the suspicion by way of a non-statutory encounter. It is perhaps relevant here that the use of voluntary searches is specifically prohibited under para. 1.5 of the Code of Practice.

28. The need for clarity as to whether a person is being stopped and questioned in anticipation of a search under statutory powers or otherwise is not merely a matter of compliance with the relevant law and code of practice. It also has significant public policy implications; especially in situations where there is an element of distrust as between a section of the public and the police (which itself may be due to a perception of disproportionate and unfair use of stop and search powers in the past). Unless there is transparency as to when statutory powers to stop and search are being used, there is a risk that the member of the public who is being stopped may not appreciate that he or she is being detained. An attempt by that person to leave the scene could result in their being arrested and facing criminal charges, for example, for obstruction of a police officer in the execution of his or her duty or public order offenses.

29. To achieve such transparency, it might be suggested that when carrying out a stop under statutory powers, a police officer (having identified him or herself as such) should initiate the encounter with the following or similar words:

“I am detaining you under powers available to me as a police officer to stop and search members of the public. I want first to ask you some questions. You are not obliged to answer them, but if you do so, it may mean that it will not be necessary for me to search you.”

If no search proves to be required, the officer would then advise the person concerned that they are no longer being detained. On the other hand, if a search is to be conducted, the full requirements of PACE and the Code of Practice would then come into effect.

30. On the other hand, if the encounter is intended to be non-statutory, it might be initiated by the police officer with the following or similar words:

“I would like to ask you some questions. You are not obliged to answer them and, unless I advise you otherwise, you are entitled to leave at any time.”

If in these circumstances a search is subsequently required, the officer should (in accordance with para. 2.11 of the Code of Practice) immediately inform the person concerned that they are being detained.

31. Finally, it is worth noting here the provisions of the current version of PACE Code of Practice A as regards monitoring and supervising the use of stop and search powers. These are set out in full below:

5.1 Supervising officers must monitor the use of stop and search powers and should consider in particular whether there is any evidence that they are being exercised on the basis of stereotyped images or inappropriate generalisations. Supervising officers should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with this Code. Supervisors must also examine whether the records reveal any trends or patterns which give cause for concern, and if so take appropriate action to address this.

5.2 Senior officers with area or force-wide responsibilities must also monitor the broader use of stop and search powers and, where necessary, take action at the relevant level.

5.3 Supervision and monitoring must be supported by the compilation of comprehensive statistical records of stops and searches at force, area and local level. Any apparently disproportionate use of the powers by particular officers or groups of officers or in relation to specific sections of the community should be identified and investigated.

5.4 In order to promote public confidence in the use of the powers, forces in consultation with police authorities must make arrangements for the records to be scrutinised by representatives of the community, and to explain the use of the powers at a local level.

32. Given, as set out above, that stops/detentions that do not result in searches nevertheless can entail the exercise of statutory powers of stop and search, it is difficult to see how "comprehensive statistical records of stops and searches" as required by para. 5.3 above can be compiled without local arrangements to ensure that stops/detentions not resulting

in searches are recorded in some manner. Equally, given the emphasis in para. 5.4 above on providing "representatives of the community" the opportunity to scrutinise records as to the use of these statutory powers. It would seem incumbent that those same community representatives should be consulted as to whether and how records of statutory stops/detentions not resulting in searches should be collected and compiled and given the opportunity to monitor these on a regular basis to ensure fairness and efficiency.

33. In summary, therefore, it is clear that the police, in carrying out their statutory powers to stop and search under various legislation, do have the power to stop and detain members of the public and to question them and ask them to account for themselves, prior to making a decision whether to proceed to a search. If no search is carried out, it is nevertheless the case that the initial stop and detention was carried out under the relevant statutory power to stop and search, and the stop would not therefore be rendered unlawful due to the fact that no search in fact took place (see Note 3 of PACE Code of Practice A). There is a need for clarity and transparency around whether a person is being stopped and questioned under statutory stop powers or otherwise, both to ensure compliance with the law and so that those stopped fully appreciate when that they are legally detained for these purposes. The person stopped should be informed as to whether they are being stopped with a view to search and thus are detained or whether it is a non-statutory stop meaning they are free to leave at any time, and of their right not to answer questions in both cases.

34. PACE Code of Practice A places statutory responsibility on supervisory officers to monitor the use of stop and search powers and in particular pay attention to any evidence that the powers are being exercised in the basis of stereotypical images or inappropriate generalisations. As stops/detentions that do not result in searches nevertheless can entail the exercise of statutory powers of stop and search, it is difficult to see how "comprehensive statistical records of stops and searches" as required by para. 5.3 above can be compiled without the recording of statutory stops that do not result in searches. Equally, PACE Code of Practice para. 5.4 provides that "representatives of the community" be given the opportunity to scrutinise records as to the use of these statutory powers. It would seem incumbent that those same community representatives should be consulted as to whether and how recording of statutory stops/detentions not resulting in searches should be collected and compiled and the opportunity to monitor these on a

regular basis to ensure fairness and efficiency.

5. Disproportionality in stop and account and its impact on individuals and communities

35. This section examines disproportionality in the use of stop and account and its impact on individuals and communities. Ministry of Justice data has consistently shown disproportionate rates of stops in many forces, with people from black and minority ethnic groups being stopped more frequently than white people. There were 2.7 times more stop and accounts of black people than white people across England and Wales as a whole in 2008/9 per 1,000 of the population (see appendix table 1).²⁴ This represented an increase from 2.1 times more in the previous year. In other words, the rate at which black people were stopped by the police and asked to account for themselves was between two and three times that experienced by white people during this period. The corresponding figures for Asians were 1.4 and 1.0 respectively, indicating (near) parity with the white population.

36. The extent to which stop and search is disproportionately targeted at black and minority ethnic groups varies quite markedly across police forces²⁵ and much the same can be said of stop and account (see appendix table 1). There are some forces where black people are stopped by the police and asked to account for themselves at, or below, the rate of white people, while there are others where they are subject to much higher rates of stop and account: the difference between the West Midlands and Durham constitute the extremes in this regard. In the West Midlands, black people were stopped and asked to account for themselves at 6.9 times the rate of whites in 2008/09, while in Durham they were stopped and asked to account for themselves at a fifth of the rate of whites. The recording of stop and account is essential to allow police forces to identify racial disparities and to determine the impact of policies undertaken to address them. Differential recording practices across the country will undermine the holistic accountability we need across all

²⁴ Analysis based on data from: Ministry of Justice (2009) *Statistics on Race and the Criminal Justice System 2007/08*, London: Ministry of Justice and Ministry of Justice (2010) *Statistics on Race and the Criminal Justice System 2008/09*, London: Ministry of Justice.

²⁵ Ministry of Justice (2009) and (2010); Equalities and Human Rights Commission (2010), *Stop and Think: A critical review of the use of stop and search powers in England and Wales*, London: EHRC.

policing in the UK. The risk of discriminatory policing is not tied to a particular geographical location, which is why it remains just as important to monitor stops where the disproportionate and discriminatory use of powers is not a local concern as much as where it is and where concerns cross police area boundaries. It is essential to record stop and account to identify differences between areas and seek explanations and remedies.

37. For the three forces highlighted in Mr. Diedrick's claim, the extent to which black people were disproportionately subject to stop and account was close to, or above, the average for England and Wales as a whole. Thames Valley displayed the highest rate of disproportionality of the three and had the fifth and seventh highest rate of all forces in the country in 2007/8 and 2008/9 respectively. A black population of over 50,000 people experienced stop and account at a rate of 51.4 per 1,000 population in 2008/9 compared with 18.8 per 1,000 whites giving a disproportionality ratio of 2.7. This is well above the national average of 2.0 for all forces across England and Wales.

38. The disproportionality ratios for black people in Hertfordshire and Hampshire were close to above the average for the England and Wales as a whole. Both forces had black populations of over 20,000 that were subject to stop and account at between 2.1 and 2.5 times the rate of whites. In 2008/9, there were 74.1 and 43.4 stop and accounts per 1,000 black people in Herefordshire and Hampshire respectively compared with 29.2 and 21.0 per 1,000 white people.

39. Stop and account data compliments and adds value to stop and search data, providing for a fuller appreciation of police initiated stops than would otherwise be possible. Stop and account is disproportionately targeted at black people, albeit at a less striking rate than stop and search (with the exception of a small number of forces such as West Midlands where similar rates of disproportionality are evident). Across England and Wales as a whole the extent to which black people are disproportionately subject to stop and account is less than half the rate at which they are disproportionately subject to stop and search – 2.7 compared with 6.9 in 2008/9.

40. The extent to which stop and account is disproportionately targeted at black people varies markedly between forces. These variations are strongly correlated with those that are evident in relation to stop and search (Spearman's rho = 0.76 and 0.79 for 2007/8 and

2008/9 respectively). What this means is that those forces that are most disproportionate in the use of stop and account are generally the same forces that are most disproportionate in the use of stop and search. As such, stop and account data validates the pattern that is evident in relation to stop and search, suggesting that the same issues and drivers are present.

41. The 2008/9 data shows that Thames Valley and West Midlands police have relatively high rates of disproportionality compared to other forces for both stop and account and stop and search – pointing to a consistent pattern of targeting (see appendix table 2). Hertfordshire police combines a comparatively high rate of disproportionality for stop and account with an average rate of disproportionality for stop and search – suggesting a particular problem of over-stopping black people. Hampshire police, by contrast, display an average rate of disproportionality for stop and account, but a comparatively high rate of disproportionality for stop and search – suggesting a particular problem of over-searching black people.
42. Analysing stop and account data alongside stop and search data in this manner is useful because it helps to identify the nature of the problem, providing an additional tool for police and impacted communities to address the problem and monitor change. The differential between stop and account and stop and search tells us that, once police officers have made a decision to stop, they proceed to search black people at a greater rate than whites. This differential is particularly noteworthy because it highlights the importance of police decision-making as a driver of disproportionality. Crucially, the conditions in which stop and account and stop and search are undertaken are the same with regards to those factors that are sometimes used to explain disproportionality: namely, the available population, relative rates of offending within the various ethnic communities and, until recently, recording practices. Given that these factors are, in effect, held constant they cannot explain why disproportionality is so much higher for stop and search than for stop and account. Police decision-making is clearly implicated in the higher rate of disproportionality for stop and search. Despite this, forces have failed to use stop and account data to shed light on why disproportionality is taking place. Recording stop and account should not be considered in isolation. It adds value to the recording of stop and search, providing an important source of information through which the police and local communities can develop a better understanding of police stops.

5.1. Measuring Disproportionality

43. There is widespread confusion as to what constitutes disproportionality and how it is measured. Disproportionality compares the rate of stop and search or stop and account among black and minority ethnic groups with that among whites. Such comparisons are based on rates of stop and search per 1,000 head of population: that is to say the number of stop searches per 1,000 black people is compared with the number of stop searches per 1,000 white people. The number of stop searches provided by police forces is based on the forms completed by their officers. Population estimates have traditionally been based on figures taken from the census, but this approach has been revised recently because of concerns about the accuracy of these figures. Black and minority ethnic groups have a younger age structure than the white population and tend to grow faster as a result, which means that, over time, the census underestimates the relative size of black and minority ethnic groups. This is significant because underestimating the size of black and minority ethnic groups inflates the figure for disproportionality. As a result 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 to mid-2007.²⁶ Figures for 2007 have continued to be used for subsequent years, in part because year-on-year changes are generally modest.

44. Section 95 of the Criminal Justice Act 1991, requires the government to collect and publish annual statistics based on race and crime.²⁷ This data spans Criminal Justice agencies such as the Police, Probation and Prison services. Published reports cover Stop and Search (and previously stop and account). Section 95 data have repeatedly shown that black people are subject to a greater rate of stop and search than whites, with disproportionality ratios varying from five to eight times since 2001/02.²⁸ The disproportionality ratio for Asian people has stayed between 1.5 and 2.5 during this time.²⁹

²⁶ Ministry of Justice (2010).

²⁷ This data is collected locally and then compiled by the Ministry of Justice and published annually. Please see Ministry of Justice (2010) as most recent example.

²⁸ Miller, J. (2010) “Stop and Search in England: A Reformed Tactic or Business as Usual?” *British Journal of Criminology*, 50:5, p 954-974; Ministry of Justice (2010).

²⁹ Miller, J. (2010).

Despite the regulations governing the use of stop and search, disproportionality does not appear to be falling:

The blunt reality, more than a decade after Macpherson and several years after the reforms were implemented, is that aggregate-measured levels of disproportionality for grounds-based searches have not improved. Moreover compared to the later 1990s, the situation has become worse for black and Asian people. The relative chances of people in these groups being searched, compared to whites have apparently increased.³⁰

44. Evidence of disproportionality has proved controversial in some circles and there is a strong tendency within the police service to try to explain the figures in ways that do not implicate police decision-making.³¹ Disproportionality in stop and search is sometimes dismissed as an artefact of the recording procedures, whereby police officers argue that they are more likely to complete a form for black and minority ethnic suspects than whites for fear that they will make a complaint. Other commonly used “explanations” are that black people are more likely to be stopped by virtue of their being more ‘available’ on the streets where stop and search is taking place or due to their higher rates of offending. Such explanations are undermined by the difference in disproportionality between stop and account and stop and search. Availability and offending rates are the same but disproportionality is higher for stop and search, indicating officer decision-making must play a role in explaining the disparities.

45. Such attempts to ‘explain’ disproportionality have been rejected by bodies such as the Metropolitan Police Authority and the Black Police Association on the basis that they are little more than a ‘smokescreen.’³² According to the Stephen Lawrence Inquiry, moreover, the complex arguments that are used to justify disparities are not believed by people from minority ethnic communities and, in the absence of vigorous attempts to address discrimination, simply serve to exacerbate the climate of distrust.³³ Whilst noting the various criticisms that have been made of the data, the Ministry of Justice has continued to publish disproportionality ratios on the basis that:

³⁰ Miller, J. (2010), at 968.

³¹ Shiner, M. (2010) ‘Post-Lawrence Policing in England and Wales: Guilt, Innocence and the Defence of Organisational Ego’, *British Journal of Criminology*, 50(5): 935-953.

³² Metropolitan Police Authority (2004), *Report of the MPA Scrutiny on MPS Stop and Search Practice*, London, Metropolitan Police Authority.

³³ Macpherson, (1999).

Research has questioned the accuracy of police recording practices and the extent to which the resident population reflects the profile of those people who use public spaces where searches are carried out. However, earlier Home Office research concluded that comparisons based on the residential population remain important because they illustrate the experience of different ethnic groups irrespective of the reasons that may explain any disparities. Disproportionality is a critical issue for the police service because evidence shows that negative police practices can damage public confidence and because being stopped and searched has been linked with lower satisfaction levels with the police.³⁴

5.2 The impact of disproportionality

46. The disproportionate use of stop and search and stop and account has consequences for individuals, communities and wider society. The level of public debate over stop and search and stop and account over the last 30 years means that it is both widely known and experienced on a personal level by many British people, particularly those from ethnic minority backgrounds. For the individuals experiencing often repeat stops and/or stop and search encounters, it can be a frightening, embarrassing and humiliating experience. Stop and search and stop and account activity undermines their sense of belonging to the wider society that the police represent. The statistics demonstrate that disproportionate numbers of those from ethnic minority backgrounds are searched following a stop and account. Although the arrest rate resulting from stop and search activity is similar for all ethnic groups, given the disproportionate numbers of those from ethnic minority groups who are stopped and searched in the first place, in practice seven times as many innocent black people and twice as many innocent Asian people are searched in comparison to their white counterparts.³⁵ This results in significant proportions of ethnic minority communities coming into contact with the police as suspects.
47. Stop and search activity can also trigger more concrete processes of social exclusion, as those on the receiving end of stop and search run higher risks of being dragged into the criminal justice system, with negative implications in terms of deviancy amplification, deepening entry into the system, and consequent reduction in life chances.³⁶ The unfair

³⁴ Ministry of Justice, (2009), at 26-7.

³⁵ Bowling, B. (2007) "Fair and effective Policing Methods: Towards 'Good Enough' Policing," *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 8, 17 – 32, at 26.

³⁶ Bradford, B. (2011), *Assessing the impact of police-initiated stop powers on individuals and communities: the UK picture*, conference paper, Roundtable on Current Debates, Research Agendas and Strategies to Address

targeting of minority groups for stop and search means that they are more likely to come to the attention of the police. In comparison to their white counterparts, “black people are almost twice as likely to enter the criminal justice process as a result of being stopped and searched by the police” in the UK.³⁷ A recent study by May *et al.* found that “a considerably higher proportion of arrests of Asian, black and mixed race teenagers originate from proactive work than arrests for other groups.”³⁸ Once arrested, mixed race defendants were found to be more likely to be charged than their white counterparts, while black and mixed race defendants were more likely to be remanded in custody.

48. Research shows that unsatisfactory contacts between the police and the public can have a negative impact on public confidence in the police, not only for the individual directly involved, but also for his or her family, friends, and associates.³⁹ Many young men, particularly those from black and Asian communities, feel they are being stopped and/or searched simply because they fit a general stereotype, and this is fuelling anger and alienation amongst some communities and jeopardizing their support of the police and the use of their powers.⁴⁰ Ethnic disproportionality fundamentally undermining public assessments of the fairness and legitimacy of the police and the wider criminal justice system.⁴¹ When members of the public are treated rudely and unfairly, trust and confidence in the police suffers. When members of the public are treated fairly and with respect, they are more supportive of the police and more respectful of the law.⁴² Ultimately, police officers rely on legitimacy, cooperation and compliance with the law to be able to undertake policing functions and uphold the law.

Racial Disparities in Police-initiated Stops in the UK and USA , 10th – 11th August 2011, John Jay College of Criminal Justice, New York, NY.

³⁷ Bowling (2007), at 26.

³⁸ May, T., Gyateng, T. and Hough, M. (2010). *Differential Treatment in the Youth Justice System*. Equality and Human Rights Commission Research Report 50, at 34.

³⁹ Miller, J., Bland N., and Quinton P. (2000), *The Impact of Stops and Searches on Crime and the Community*, Police Research Series Paper 127, London: Home Office.

⁴⁰ Sharp, D., and Atherton, S. (2007) ‘To Serve and Protect? The Experiences of Policing in the Community of Young People from Black and Other Ethnic Minority Groups’, *British Journal of Criminology*, 47(5): 746-763.

⁴¹ Sunshine, J. and Tyler, T. R. (2003). ‘The Role of Procedural Justice and Legitimacy in Public Support for Policing’, *Law and Society Review*, 37(3): 513-548; Tyler, T. R. (2006) ‘Legitimacy and Legitimation’, *Annual Review of Psychology*, 57: 375–40.

⁴² Tyler, T. R. and Fagan, J. (2008). ‘Legitimacy and cooperation: why do people help the police fight crime in their communities?’ *Ohio State Journal of Criminal Law*, 6, 231-275; Hough, M., Jackson, J., Bradford, B., Myhill, A., and Quinton, P. (2010) ‘Procedural Justice, Trust and Institutional Legitimacy’, *Policing: A Journal of Policy and Practice*, 4: 203-2010.

49. More widely, ethnic profiling in stop and search both stems from and reinforces stereotypes that associate minorities, foreigners and Muslims with criminals, illegal immigrants, extremism, and terrorism. It feeds the logic underlying public racism. Worse, ethnic profiling stigmatises entire communities, with no evidence that it improves police effectiveness in general or in combating terrorism. In fact, it is counter-productive, wasting valuable police resources stopping thousands of people, with little result apart from alienating large sections of our society, whose assistance is needed for effective policing. Recording stops is important precisely because it promotes fairness and confidence by ensuring that police actions are subject to scrutiny and ensuring that police forces can fulfil their legal duties not to discriminate on the grounds of race, colour, ethnic origin, nationality when using their powers.

5.3. Monitoring and eliminating disproportionality

50. The removal of comprehensive monitoring will leave open the potential for more intrusive use of stop and account. Without comprehensive monitoring the public cannot determine if there is discriminatory deployment of police stop powers. Forces deciding not to record stop and account are arguably in breach of their public sector equality duty (PSED) in s.147 Equality Act 2010. The Act requires forces, in the exercise of their functions, to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not and to foster good relations between people who share a protected characteristic and those who do not.
51. Without the collection of data on stop and account, it is unclear how police forces will be able to identify discrimination, victimisation or harassment and undertake policies to eliminate it. Equally, they cannot ensure equality of opportunity within their service area without ethnic data to ensure that stops are being used fairly and appropriately. Rather than fostering good relations, the withdrawal of recording is likely to further exacerbate long standing concerns and existing tensions around policing.
52. These concerns were recently recognised by the United Nations Committee on the Elimination of Racial Discrimination (CERD). After its periodic review of the United

Kingdom, 23rd – 24th August 2011, the Committee concluded in its report dated 14 September that it (emphasis added):

regrets the increased use of “stops and searches” by the Police which disproportionately affect members of minority ethnic groups, particularly persons of Asian and African descent. The Committee further regrets reports that the State party *has discontinued the issuance of reports for stops unless they lead to a search*, and has adopted a policy to issue only receipts for stops and searches instead of a full record. The Committee is concerned that these measures may not only encourage racial and ethnic stereotyping by police officers but may also encourage impunity and fail to promote accountability in the police service for possible abuses (articles 2 and 5).⁴³

53. The Committee went on to recommend that:

In light of General Recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to review the impact of “stop and search” powers on ethnic minority groups under various pieces of legislation in the State party. It recommends that the State party ensure that *all stops are properly recorded*, whether or not leading to searches, and that a copy of the record is provided to the person concerned for all such incidents in order to safeguard the rights of the people subject to these laws and to check possible abuse. The Committee requests the State party to provide in its next periodic report detailed statistical data disaggregated by ethnicity and community origin on the use of stop and search powers and its effectiveness in crime prevention.⁴⁴

6. Public opinion and consultation

54. This section considers the rationale for recording stop and account and the consultation that was conducted, both nationally and at force level, as part of the decision to remove the requirement that such encounters be recorded. It looks at existing research, which demonstrates public support for the recording of stop and search and stop and account. It also considers in more detail the consultation undertaken by the three police forces named in Mr. Diedrick’s claim.

⁴³ Concluding Observations of the Committee on the Elimination of Racial Discrimination, United Kingdom of Great Britain and Northern Ireland, 14th September 2011, at para. 18.
Available at: http://www2.ohchr.org/english/bodies/cerd/docs/UK_COBs_CERD79.pdf

⁴⁴ Committee on the Elimination of Racial Discrimination, (2011).

55. We have been unable to find publicly available records of the consultation undertaken prior to the introduction of the Crime and Security Bill 2010. The changes to the PACE Code of Practice A were made with no public consultation. Draft amendments were shared via e-mail with the limited membership of a Home Office internal PACE review group and were not made publicly available on the Home Office website as is usually the case. The timeframe for responses was three weeks rather than the usual twelve-week consultation timeframe. The government admitted that the “length and accessibility of the consultation process, leading up to the changes to Code A may have been seen as insufficient, given the interest in this area.”⁴⁵ Given that the proposals represent a significant change to the operation of police stops and the associated regulatory framework, consultation should have been much more thorough.
56. The most recent information available shows that only ten of the 43 forces in England and Wales are continuing to record stop and account (see appendix table 3). Working with StopWatch, Christian Khan Solicitors made Freedom of Information Act requests to all 43 constabularies to establish which of them had decided to drop the recording requirement. Of those forces that responded, 33 have opted to discontinue the recording of stop and account. It was clear from the responses that many of those that have opted out had conducted no, or no meaningful, consultation with relevant stakeholders before reaching their decision. This, *inter alia*, constitutes a failure on the part of the Chief Constables to comply with their duties under s 149 Equality Act 2010 in that they have failed to have due regard to the equality objectives.
57. There are considerable variations in the level and quality of the consultation undertaken by forces regarding the decision to discontinue the recording of stop and account (see appendix table 3). Some forces undertook no consultation, while others consulted widely using a range of tools to elicit information from different communities and interest groups. Over a third of forces that decided to discontinue the recording of stop and account did no consultation at all, these include Derbyshire, Durham, Dyfed Powys, Northamptonshire, Greater Manchester, Gwent, Humberside, Leicestershire, Merseyside, Northumbria, Nottingham, South Wales, West Midlands and Wiltshire. The Hertfordshire Constabulary,

⁴⁵ Nick Herbert, Secretary of State for Policing, correspondence with the Ipswich and Suffolk Council for Racial Equality, 7th March 2011.

one of the forces named in the judicial review claim did no consultation before discontinuing the recording of stop and account.⁴⁶

58. Over a third of forces conducted rudimentary consultation before deciding to discontinue the recording stop and account, consulting internal groups, existing advisory groups (IAGs) or a small number of external organisations. The Hampshire Constabulary and Thames Valley Police, two of the forces named in the judicial review claim, fall into this category. The Hampshire Constabulary claims to have conducted an Impact Equality Assessment prior to deciding to discontinue recording stop and account but this was not submitted as part of the Freedom of Information request process and is not publicly available. A report presented to the Hampshire Constabulary “Community Engagement Committee” and available only on the force intranet makes mention of “informal consultation” conducted with internal groups and the local independent advisory group.⁴⁷ There is no further information available as to what this entailed. The Thames Valley Police met with their independent advisory group and conducted an Equalities Impact Assessment but, once again, this has not been made publicly available.⁴⁸

59. A small number of forces consulted widely with a range of internal and external organisations, often employing diverse methods to reach different community and interest groups or using external research organisations. The City of London Police and the Norfolk Constabulary, for example, hired external research organisations and academic institutions to undertake comprehensive representative research around stop and account, examining public views about recording. The Metropolitan Police Service and Metropolitan Police Authority conducted a twelve-week consultation programme starting on 2nd March 2011 with a press release to the general media. An on-line survey was administered to capture a quantitative measure of opinion and a series of public events provided an opportunity for community members, including young people who are most likely to be affected by stops, to share their views and take part in the discussion.⁴⁹ The

⁴⁶ Hertfordshire Constabulary Freedom of Information Response, 18th May 2011.

⁴⁷ Hampshire Constabulary Freedom of Information Response, 23rd May 2011.

⁴⁸ Thames Valley Police Freedom of Information Responses, 24th May 2011 and 7th July 2011.

⁴⁹ The Metropolitan consultation programme included internal consultation based on a survey on the force intranet completed by 601 police staff; meetings with Staff Associations and Unions; e-mail messages sent to Stop and Search B/OCU leads asking them disseminate the information about the consultation and the questionnaire locally; a survey of a volunteer Cadet Corps group in Hounslow and Southwark;; and a meeting with the top 50 police officers and police community support officers who carry out the most stops and have the

majority of forces that consulted widely decided to continue recording stop and account after finding widespread public concern about disproportionality and considerable support for continued recording.

60. The Metropolitan Police Service was once such force. Kit Malthouse, Chair of the MPA, confirmed that the MPS will continue to record stop and account following the consultation:

Earlier this year the MPA led extensive community consultation, together with the Met, on whether 'stop and account' should continue to be recorded by Met officers. Those we spoke to, many of whom were young people, robustly supported recording 'stop and account' to make sure the process was both transparent and accountable. It also serves as a good check and balance for officers who make stops on a daily basis as they go about their duties.

Good community engagement has always been a priority for the MPA and this is a great example of community consultation making a real difference to how London is policed, and the Met will continue to record 'stop and account.'⁵⁰

61. Research into public opinion about police stops has repeatedly shown that the public, particularly those from ethnic minority backgrounds support the recording of stop and account and stop and search. A study conducted by the Home Office in 2000 based on interviews with people who had been stopped and searched and group discussions with different ethnic groups found that respondents from all ethnic groups described the experience of being stopped and searched in similar terms.⁵¹ A stop and search, no matter how cursory, is felt to be intrusive, embarrassing and potentially frightening. Those who were regularly stopped felt victimised by the police. This was especially true of black and Asian respondents who felt they were stopped more than white people and that they were being targeted solely because of their ethnicity. The authors found general support for stop and search and support for detailed recording on the basis that having information in writing would increase accountability.

most effective results in terms of arrest. External consultation included an on-line survey hosted by the Metropolitan Police Authority; meetings with two MPS BPA - Voyage groups of young people, Ealing Stop and Search Youth Forum, Merton Youth Conference, Barnet Pupils Referral Unit, Southwark Stop and Search Youth event, Bromley Youth Conference, UK Youth Parliament and Southwark Somalian Community; two phone-ins on Sunrise and Re-present radio; and a public meeting at City Hall.

⁵⁰ Metropolitan Police Authority and Metropolitan Police Service press release, "MPA Consultation: Recording 'Stop and Account' to be kept in London," 26th September 2011.

⁵¹ Stone, V. and Pettigrew, N. (2000), *The Views of the Public on Stops and Searches*, Police Research Series. Paper 129, Home Office: London.

62. A 2004 Home Office study examined the views of the public regarding the implementation of the recording of stop and account in five sites across the UK. Researchers found there was widespread support for the recording of stops amongst respondents. The main advantage perceived was that the record provided a detailed reason for the stop and that it enabled people to prove they had been stopped (e.g. for complaints) and when given at the time, could increase the transparency of police decision-making. Most respondents supported the use of stop and search in principle, particularly when dealing with serious crime. However, most were likely to cite the problems associated with the use of the powers and argued that officers should change the way they decide who to stop and search and the manner in which they do so.⁵²

63. In 2004, the 1990 Trust conducted a community evaluation of Recommendation 61 in the London Borough of Hackney for the Metropolitan Police Service. Interviews and group-discussions with 400 local residents identified overwhelming support for the principle of recording all stops. Members of the public interviewed perceived the benefits of the recommendation to be that they would have information in writing on the reason for the stop, the name of the officer and their rights. Of those who had never received a record for a stop, 100 per cent stated they would have liked a record, once the purpose of recording was explained to them. Of those who had been stopped in Hackney, only 16 per cent stated they did not want a record of a stop. Among these respondents there was a general feeling that the stop was not valid and therefore the record was perceived adding insult to injury: they did not want a documentary reminder of their unwanted encounter with police.⁵³ This reveals the depth of the mistrust felt by some black and ethnic minority groups most vulnerable to discriminatory police practices and the need for robust measures to combat those practices. An essential tool in achieving that outcome is the monitoring of stop and account.

64. Research into public opinion around stop and search has repeatedly shown that the public, particularly, but not exclusively, those from ethnic minority backgrounds, support the

⁵² Home Office (2004), *The views of the public on the phased implementation of recording police stops*, Home Office Development and Practice Report, Home Office: London.

⁵³ 1990 Trust (2004), *Stop and search: Community Evaluation of Recommendation 61*, London: 1990s Trust, at 33.

recording of stop and account and stop and search. This is reinforced by the evidence from police forces that consulted widely around the recording of stop and account. There is no reason to think that public opinion in the forces that did not consult or only consulted in a rudimentary way would differ. Such overwhelming concern and support for recording and regulation of stop and account should not be disregarded. To do so threatens the legitimacy of the police by weakening trust and confidence in local forces and their mechanisms of accountability.

7. Rationale for the removal of stop and account recording

65. This section explores the rationale put forward for the removal of stop and account recording by the Government and police forces. In so doing, it challenges the notion that stop and account is fundamentally different from stop and search. The removal of the requirement to record stop and account was originally proposed as part of a government drive to cut bureaucracy and several police forces have cited this as a reason for their decision. Others have identified problems with operationalizing stop and account or have suggested that stopping recording will make encounters less time consuming and more pleasant for those stopped. The section also considers the explanations given by the three police forces named in Mr. Diedrick's claim for ceasing to record stop and account.

7.1 Relationship with stop and search

66. Recent changes to the recording requirement drive a wedge between stop and account and stop and search, treating them as fundamentally different interactions. According to Nick Herbert, Secretary of State for Policing, stated:

There is a difference between stop and account and stop and search, and we must be mindful of ensuring that the processes associated with them are not confused. Stop and account is where an individual is asked to account for their presence, actions and so on, but they are not searched. It can be one step on from the general conversations that officers have with members of the public every day. Stop and search clearly goes further than that. It is an intrusive procedure and therefore a cause of more concern among local communities.⁵⁴

⁵⁴ Nick Herbert, Secretary of State for Policing, West Minister Hall Debate on stop and search, 1st December 2010. Available at: <http://www.theyworkforyou.com/whall/?id=2010-12-01b.291.1>

67. The distinction that Herbert and others have drawn between stop and account and stop and search is untenable. Stop and search and stop and account are on the same spectrum of police-initiated contact and should not be treated fundamentally differently in terms of the need for the checks and balances that recording provides. While stop and search is more intrusive, any kind of stop has the potential to cause inconvenience, anger, distress and alienation. The potential for unprofessional, abusive treatment is present in stop account, just as it is in stop and search, hence the need for effective recording and regulation. The practical reality, as discussed in more detail above in the legal section of this statement, is that people who are stopped by the police and asked to account for themselves are, in many cases, effectively detained. Previous research has shown that stops can be used by officers to circumvent the regulation of stop and search. It was this reality and the well documented public concern that led Macpherson to recommend that stops be recorded in the same way as stop and search.

68. There are claims that ceasing to record stop and accounts will reduce the amount of time the encounter takes making it a more pleasant experience for those stopped. Herbert notes that some people object to giving their name or details so will be satisfied that these details are not recorded. This is a disingenuous argument that fails to reflect the realities of police stops. When people are stopped and asked to account for their actions police officers often check the Police National Computer (PNC) to identify the person. These PNC checks are recorded and officers will often make a record in their notebooks and in “intelligence logs.” Hence, the police will still record the personal data of the person concerned but this record will not be available to that person or for the purposes external monitoring. It adds little or no time to the encounter to ensure that this information is also kept for the purposes of monitoring in line with the PACE framework. Ceasing to record stop and account does nothing to change the non-consensual nature of the encounter or to reduce the time it will take – it simply reduces accountability.

7.2. Reducing bureaucracy

69. Removing the requirement to record stop and account was ostensibly presented as a way of reducing bureaucracy and saving police time. Nick Herbert, Secretary of State for Policing, stated that:

The changes are intended to reduce bureaucracy in order to improve the quality of public encounters and raise confidence in the way their powers are used.⁵⁵

We [the Government] are keen to ensure that officers strike the right balance between necessary bureaucracy for the sake of accountability-which is important-and irrelevant form filling that wastes the time of the police and the public, and impacts unduly on citizens going about their business by asking unnecessary questions.⁵⁶

70. This insistence that the recording of stop and account is an unnecessary form of bureaucracy, which prevents the police from getting on with the ‘real’ job of fighting crime simply does not stand up to scrutiny. Establishing positive community relations, building trust and confidence, promoting democratic accountability and establishing legitimacy is real police work. Stop and search and stop and account remain a major source of concern, particularly, but not exclusively, to ethnic minority communities across the UK. There is nothing “irrelevant” about recording stops to ensure they are used fairly and effectively. Police legitimacy is built on perceptions and demonstrations of fairness, accountability and effectiveness, which are not served by cutting recording and reducing accountability. A certain amount of bureaucracy is necessary to ensure that the police are accountable, effective and transparent. But in reality stop forms take only a few minutes to complete and arguments about bureaucracy have been fuelled by political point-scoring rather than a realistic desire to save police time.

71. The Home Office Impact Assessment accompanying the Crime and Security Bill 2010, concluded that while considerable savings in time and cost could be made by reducing recording requirements and introducing mobile technology, it was “essential that any new approach to either the level or method of recording maintains the collation and reporting of the ethnicity of persons stopped.”⁵⁷ It also noted that the “changes being proposed here do not negate the need to have a record.” The most recent report by Jan Berry, former head of the Police Federation and champion for reducing bureaucracy in policing, stated that while there is still a great deal of reform needed to minimise

⁵⁵ Nick Herbert, Secretary of State for Policing, correspondence with StopWatch, 20th February 2011.

⁵⁶ Nick Herbert, Secretary of State for Policing, West Minister Hall Debate on stop and search, 1st December 2010. Available at: <http://www.theyworkforyou.com/whall/?id=2010-12-01b.291.1>

⁵⁷ Home Office *Impact Assessment of reducing the Statutory Recording Requirements for Stop and Search* (30 September 2009), at page 4. Available at: <http://www.ialibrary.berr.gov.uk/uploaded/IA%20Stop%20&%20Search.pdf>

bureaucratic measures in the UK police forces, “The police service is accountable and records need to be kept.”⁵⁸

72. The importance of recording stops was recognised by Sir Ronnie Flanagan in his independent review of policing in 2008. His report restated the importance of recording stops to community trust and confidence and recommended the recording process be made less burdensome. Sir Ronnie Flanagan “remained convinced that there is a need for officers to demonstrate accountability to individual members of the public,” and agreed with community representatives that “building a national picture of our behaviour and actions as police officers is crucial”. Further, he considered that stop and search figures ought to “be given the weight they deserve at force level.”⁵⁹
73. Government estimates of the time saved by abolishing stop and account are grossly exaggerated. Nick Herbert claimed that 450,000 hours of police time would be saved by cutting stop and account recording.⁶⁰ Ministry of Justice data shows there were 2,211,598 stop and accounts in 2008 – 09. To save 450,000 police hours would require that the recording of each stop and account takes 12 minutes. In reality, such recording rarely takes more than 5 minutes. Published figures indicate that, on average, operational officers’ conduct fewer than two stop and accounts per month or approximately 15 per year. This translates into a time saving of ten minutes per officer per month or less than an hour and a half per year.⁶¹
74. The recording of stop and account can be made more efficient by embracing electronic recording, as many police forces have, using Airwaves, Smartphones or other handheld devices. Recorded this way, the paperwork associated with stop forms has been cut without undermining accountability. West Yorkshire Police, for example, has rolled out a system of recording stop and account and stop and search on blackberries, which cuts the

⁵⁸ Jan Berry (2010) *Reducing Bureaucracy in Policing, Final Report* (October). Available at: <http://www.homeoffice.gov.uk/publications/police/reducing-bureaucracy/reduce-bureaucracy-police?view=Binary>.

⁵⁹ Ronnie Flanagan, *The Review of Policing: Final Report* (February 2008), at paras. 5.56 - 5.63.

⁶⁰ Nick Herbert, Secretary of State for Policing, West Minister Hall Debate on stop and search, 1st December 2010. Available at: <http://www.theyworkforyou.com/whall/?id=2010-12-01b.291.1>

⁶¹ This figure has been estimated on the basis that there were 143,770 full-time equivalent police officers in the 43 police forces of England and Wales as at 31 March 2009. See Mulchandani, R., and Sigurdsson, J. (2009) *Police Service Strength, England and Wales, 31 March 2009*, Home Office Statistical Bulletin 13/09 (London: Home Office). If we include the 16,507 FTE police community support officers, who also conduct ‘stop and accounts’ any savings per officer become even more modest.

time to record a stop search encounter to two minutes. Real time savings can also be made by ensuring fewer, but more effective, stops. Reducing excess stops and stop and searches by searching black and Asian people at a proportionate rate would result in considerable savings of police time. But this is unlikely to happen without rigorous oversight and scrutiny, which is, in turn, unlikely to be achieved without recording.

75. Stop records can also be used to promote operational effectiveness. In West Yorkshire, stop and search activity is mapped and compared to local crime patterns. This helps to ensure that the police are most active when and where crime is most prevalent, allowing much greater targeting of stops and/or searches. As the government provides more information about crime patterns through on-line local crime maps, it is essential that communities have sufficient information to be able to judge police performance in response to that crime, but without stop data they cannot do so.

7.3. Operationalising stop and account

76. Some have argued that there is a problem with the definition of stop and account that hinders its application in an operational context.⁶² The previous PACE Code of Practice A provided a definition of what constituted a stop and account and when it should be recorded:

When an officer requests a person in a public place to account for themselves, i.e. their actions, behaviour, presence in an area or possession of anything, a record of the encounter as set out in paragraph 4.17 must be completed at the time and a receipt given to the person in accordance with paragraphs 4.12A and 4.17 below. The record must identify the name of the officer who has made the stop and conducted the encounter (PACE Code of Practice 2008, para. 4.1).

77. There is a clear operational connection between stop and search and stop and account. A police officer may stop a member of the public with a view to carrying out a search, but his or her suspicions may be allayed by the account the person provides, removing the need for a search. Alternatively a member of the public may refuse to account for him or herself, which officers may treat as suspicious and as providing reasonable grounds for a search. This makes it difficult for a member of the public to know when he or she is being approached and asked questions on what is, theoretically at least, a voluntary basis,

⁶² Thames Valley FOI response, 7th July 2011.

as distinct from being legally detained and asked questions in anticipation of a search. The need for transparency under these circumstances is clear.

The difficulties associated with operationalising stop and account have been overstated. The test for the police officer is simple - would he or she prevent the person concerned from leaving the scene if that person chose to do so? In our view, whenever an officer asks a person to account for their themselves, their actions, presence in an area or possession of anything or a member of the public feels obliged to give this information during a conversation with an officer, then it constitutes a stop and account and should be recorded. Police officers stopping to talk to members of the public about other matters, for example as a witness to an event, does not constitute a stop and account. The recording of stop and account was extensively piloted and evaluated prior to its national introduction and various guidance has been produced to support the operation of recording,⁶³ so there is no reason why this should be difficult for officers to operationalise.

78. A national evaluation of the implementation of recording of stop and account conducted by the Home Office in 2004, found that officers were able to articulate under what circumstances they were supposed to record an encounter.⁶⁴ It is the act of asking someone to account for themselves or their actions that triggers the need to complete a record. In many cases, members of the public will account for their actions even though the officer has not asked the question because the nature of the interaction with police officers makes them feel obliged to do so. The report recognises that holding people to account can involve direct questioning, the positioning of officers, when officers invite a response by describing a situation or asking open questions and through processes, such as conducting a PNC check or checking identity. The authors conclude that the requirement to record stops do not grant police extra powers or limit their ability to interact with the public; it is more a question of documenting existing police practices.

⁶³ Bland, N., J. Miller, et al. (2000), *Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry on stops and searches*, London: Home Office.; Quinton, P. and J. Olagundoye (2004), *An evaluation of the phased implementation of the recording of police stops: in response to recommendation 61 of the Stephen Lawrence Inquiry*, London: Home Office. Shiner, M. (2006), *National Implementation of the Recording of Police Stops*, London: Home Office.

⁶⁴ Quinton, P. and J. Olagundoye, (2004).

7.4. Rationale for ceasing recording in Hampshire, Hertfordshire and Thames Valley

Hampshire Constabulary

79. The Hampshire Constabulary ceased recording stop and account on 31st May 2011. The Chief Constable posits, “the Stop and Account data that polices (sic) were previously required to collect did not permit proper analysis due to the lack of identification data.”⁶⁵ Hampshire police acknowledge there were some concerns raised about the repeat stopping of individuals during the limited consultation they conducted, but assert that these concerns could not be addressed through recording stop and account as they were not recording names of those stopped.⁶⁶ It is also asserted that no complaints have been received about stop and account, but that complaints have been received about stop and search (no numbers are given). The Chief Constable concludes:

The impact of this decision could be that it may lead to discrimination against different ethnic groups if officers do no longer have to record the ethnicity of individuals that they stop. However, [as] it stands currently, this data although captured is not analysed or sufficient to be of any practical use in identifying discrimination or providing sufficient trend data to be reliable. Stop Search data on the other hand is far more detailed and open to scrutiny.⁶⁷

80. The Chief Constable believes that:

...in the first instance the force should perfect Stop and Search which is a legal power and has the potential for demeaning and belittling individuals. Once this has been achieved and reliable data obtained, the force would be able to identify the areas of any Stop and Search disproportionality. Mr Marshall would then like to ascertain the Stop and Account figures to see whether there is Stop and Account disproportionality in the same areas.⁶⁸

⁶⁵ Hampshire Constabulary, letter, 10th October 2011.

⁶⁶ Hampshire Constabulary, letter, 10th October 2011.

⁶⁷ Hampshire Constabulary, letter, 10th October 2011.

⁶⁸ Hampshire Constabulary BME managerial Support Group minutes, 17 December 2010.

The Chief Constable notes that the force might “dip-sample” stop and account encounters from time to time as long as it does not distract attention from the monitoring of section 1 powers.⁶⁹

81. Hampshire Constabulary's justification for ceasing to record stop and account is unclear. The ethnicity of the person stopped was still being recorded prior to May 2011 and this is all that is needed, alongside population data, to calculate disproportionality ratios such as those published in the Section 95 reports. The decision not to record further information was a choice taken by Hampshire Constabulary. If the force was committed to more in-depth scrutiny it could have continued to collect more detailed data as some forces, including the Metropolitan Police Service, have. To use the limitations of data-collection and analysis as a justification for no longer recording stop and account is, at best, tautological and self-serving. Stop and account recording was made a requirement from 1st April 2005, so it is possible to measure trends back to this date. The analysis presented in this report aptly demonstrates the type of analysis that is possible with stop and account data. Such analysis could be replicated at borough command level (BCU) to help identify and address disproportionality within the force area.
82. The focus on improving the use of stop and search in Hampshire is welcome but should not be treated separately from stop and account, which shares the potential “to be demeaning and belittling individuals.” The commitment to using the data to ascertain where disproportionality is a problem in relation to stop and search and then compare the same areas for stop and account is impossible since there will be no data to compare. It is unclear what is meant by the resolution to “dip sample” stop and account encounters from time to time as without recording stop and account there will be no stop records to “dip” into. With no measure of the total number of stop and accounts it will be impossible to record a representative sample to review, so the force and local community are left with no data to monitor this area of police activity.

⁶⁹ Hampshire Constabulary, letter, 10th October 2011.

Hertfordshire Constabulary

83. The Hertfordshire Constabulary ceased recording of stop and account on 7th March 2011. This decision was taken, among other things, on the basis of how to apportion limited resources. The Chief Constable maintains:

Given the reduction in the revenue and resources available it is prudent to channel or at the very least maintain resourcing in areas of work carried out by officers which are more invasive, are likely to generate greater community concern than stop and account. The obvious example being stop and search which in addition to factors set out above is also non-consensual so therefore more likely to attract greater penalties if it is not conducted in accordance with the law.⁷⁰

84. The Chief Constable goes on to note the necessity of taking into account the issue of the residential population versus the street population of an area. For example,

If an area is particularly populated by individuals of a specific ethnic group or there is an event which is likely to attract individuals of a specific ethnic group the recording figures will prime facie reflect a disproportionate number of stop and accounts for that group. However the figures will fail to show the circumstances resulting in what *appears* to be a disproportionate targeting of individuals from a specific racial or ethnic groups to the stop and account contact with police officers.⁷¹

85. The Chief Constable also suggests that recording should not be seen as a panacea for dealing with issues of discrimination, claiming that officers receive diversity training which is more significant because it enables officers “to engage with members of the wider community which they police.”⁷² Furthermore, respect for diversity forms one of the personal development objectives that make up appraisals in the Hertfordshire Constabulary.

86. The distinction the Chief Constable of Hertfordshire attempts to draw between stop and account and stop and search is untenable for the reasons outlined above. Many of the other arguments he uses to justify the decision to drop the recording stop and account could be applied equally to stop and search, yet Hertfordshire police continue to record stop and search but not stop and account. The claims that are made about diversity

⁷⁰ Hertfordshire Constabulary, letter, 11th October 2011.

⁷¹ Hertfordshire Constabulary, letter, 11th October 2011.

⁷² Hertfordshire Constabulary, letter, 11th October 2011.

training are unsupported by evidence and independent evaluation of such training indicates it has little impact on police culture and practice.⁷³ Data on officer behaviour, such as that provided by the recording of stop and account, is vital to ensuring appropriate levels of scrutiny and supervision. Without such objective data, it is unclear what information would form the evidence of “respect for diversity” in the personal development objectives.

Thames Valley Police

87. Thames Valley Police’s Equality Assessment dated 19th May 2011 sets out its decision to discontinue the recording of stop and account as well as the justification for this decision. The justification consists of five main points. Firstly, there are other mechanisms that are said to provide for the scrutiny of police actions (including the complaints process and local police advisory groups), so that removing the recording of stop and account does not remove “any means of public scrutiny or police accountability”. Secondly, it is argued “that there is no means of monitoring whether this power is used disproportionately against particular groups” due to the quality and quantity of data. Thirdly, while race is said to be a clear factor in the practice of stop and account, with a clear equality advantage to recording, this is deemed not to outweigh the benefits of removing the recording. Fourthly, there is said to be no evidentiary support for the assertion that discriminatory use of stop and account will go unrecorded: and finally, it is argued there is no evidence that ceasing recording will damage community police relations. In conclusion, Thames Valley police state:

[t]he recording of stop and account is likely to enhance compliance with the public sector equality duty. It is a step in the right direction. That is the equality advantage of recording and monitoring stop and account. But on the balance of probabilities the case for ceasing to record stop and account outweighed the equality advantage of recording and monitoring this activity, for eight reasons:

- a. If the Chief Constable determines to cease recording, the Force remains ‘open to scrutiny and accountability.’
- b. The impact of operational use of stop and account can be monitored by alternative methods to assess whether it is being used disproportionately: (i) Community and diversity officers will assess and monitor the concerns of communities and report these concerns to their local police area commanders;

⁷³ Rowe, M., (2007) *Policing Beyond Macpherson: Issues in Policing, Race and Society*, Collumpton: Willan.

(ii) local police area commanders will assess the concerns of local independent advisory groups; (iii) Headquarters Diversity Unit will monitor and study Home Office research on stop and account (and stop and search); and (iv) the Force will monitor complaints data.

- c. Although the figures show disproportionate use of the ‘power’ of stop and account, the disproportionality is calculated on unreliable figures.
- d. There is no evidence that the power is being used in a ‘discriminatory’ manner, although there is a correlation between its use and disproportionality.
- e. The causes of disproportionality are varied and complex as the research shows.
- f. The definition of stop and account reveals an inherent weakness when applied in the operational context.
- g. The public have mixed views with regard to stop and account; community relations, engagement, public trust and confidence;
- h. If the decision is made to cease recording and subsequently it is assessed that relations with communities are strained, the Chief Constable has the power to reintroduce recording.⁷⁴

88. Thames Valley Police's decision to cease recording stop and account should be viewed in light of particular concerns that have been identified about its use of stop and search. In March 2010, the Equalities and Human Rights Commission (EHRC) published a comprehensive review of the use of stop and search across England and Wales. “Stop and Think!” concluded that a number of forces are using the power in a manner that is “disproportionate and possibly discriminatory.”⁷⁵ The EHRC’s report uses data from the Ministry of Justice, individual police forces and the Office for National Statistics to analyse trends in stop and search around the country and provides case studies highlighting good practice. The review into 42 police areas over the previous five years found that few police forces have made improvements and most continue to use their stop and search powers disproportionately against black and Asian people.

89. Following the publication of the research, the EHRC identified five police forces with the highest rates of disproportionality in the country (Dorset, Leicestershire, West Midlands, Thames Valley and London) asking them to provide information to explain the

⁷⁴ Thames Valley Police, Freedom of Information Responses, 24th May 2011.

⁷⁵ Equalities and Human Rights Commission (2010) “Stop and Think: A Critical Review of the Use of Stop and Search Powers in England and Wales,” London: EHRC.

persistently high levels of disproportionality and demonstrate how they are meeting their obligations under the then Race Relations Act (RRA). The EHRC were dissatisfied with the response from two forces – the Leicestershire Constabulary and Thames Valley Police, entering into a binding enforcement agreement with both forces, as of May 2011, to change their stop and search practices. The Commission announced that it would monitor the changes over the following 18 months.⁷⁶

90. Given the enforcement agreement with the EHRC, it is surprising that Thames Valley Police has chosen to cease recording stop and account. Stop and account is, as we have noted above, on the same spectrum of police activity as stop and search. Police officers often blur the lines between the two activities and the public often do not distinguish between them. Any work undertaken by Thames Valley on improving the fairness and effectiveness of stop and search should encompass a focus on stop and accounts. Without measuring stop and account, Thames Valley Police will not be able to demonstrate any improvements in their overall practice or be able to determine if improving stop and search disproportionality has just displaced the problem to stop and account.

91. Thames Valley Police clearly recognises the importance of recording of stop and account to equality and, in particular their Equality Duty. The arguments presented in its Equality Assessment are often tautological, illogical and unsupported by the body of empirical evidence on stops and stop and search, much of which has been quoted in this report. To take the concerns in order, Firstly, the contention that removing the recording of stop and account does not remove “any means of public scrutiny or police accountability” and can be replaced by other information including the complaints process and local police advisory groups is patently false. Dropping the recording of stop and account removes the very information that is required for meaningful scrutiny, whether by supervising officers, advisory groups or external community groups. The alternative forms of scrutiny mentioned by Thames Valley police do not provide statistical information on the use of stop and account and are limited in various ways.

⁷⁶ Equality and Human Rights Commission, “Commission and police forces sign agreement on stop and search” 10th May 2011. Press release, available at: <http://www.equalityhumanrights.com/news/2011/may/commission-and-police-forces-sign-agreement-on-stop-and-search/>

92. The complaints process is of limited utility because stops occur away from the police station, often in the absence of independent witnesses, with the result that very few complaints are upheld.⁷⁷ As a result, perhaps, public confidence in the process is compromised.⁷⁸ Removing the recording of stop and account will make it even harder for individuals to gain redress through the complaints system. As there will be no record of a stop having taken place it makes it unlikely that any complaint can be effectively investigated and substantiated. Independent advisory groups provide advice based on their personal experience but are often not representative of the communities that are most affected by police stops. Without wider statistical information, any critical observations they make may be dismissed as being anecdotal.
93. The proposition “that there is no means of monitoring whether this power is used disproportionality against particular groups” due to the quality and quantity of data is false and disingenuous. If there is a problem with the quality of the data collected then the onus is on the police to improve their data collection mechanisms. There are examples from police forces across the country, such as Operation Pennant in the Metropolitan Police Services, where forces have worked to ensure that their recording of stop and accounts and stop and searches is as accurate and complete as possible.
94. Claims about the operational definition of stop and account have been addressed above. Given the research evidence, national guidance and experience from other forces there is no reason why Thames Valley should have such difficulty collecting reliable information. The process for recording stops is the same as for recording stop and search and Thames Valley has accepted the quality and quantity of the data they collect in relation to stop and search. Indeed, this data forms an important part of their enforcement agreement with the EHRC. Given this, it is unclear why Thames Valley is disputing the validity of stop and account data. There is, moreover, no legitimate reason why stop and account data and the standard measures of disproportionality used by the Home Office, Ministry of Justice, EHRC, numerous other public bodies and academics should suddenly be deemed “unreliable.”

⁷⁷ Emily Gleeson and Kerry Grace (2009) *Police Complaints: Statistics for England and Wales, 2008/09*, London: Independent Complaints Commission.

⁷⁸ Metropolitan Police Authority (2004) *Report of the MPA Scrutiny on MPS Stop and Search Practice*, London: Metropolitan Police Authority.

95. The causes of disproportionality are, as Thames Valley police note, likely to be varied and complex, but this in no way justifies their decision not to record stop and account nor to undertake actions to eliminate it in line with their equality duty. Whilst it is true that disproportionality does not *prove* discrimination it is *consistent* with it and the strong correlation between disproportionality in the use of stop and account and stop and search points to a general pattern of over-policing of black communities. It is incumbent on Thames Valley police to explain why it has higher than average levels of disproportionality for both stop and account and stop and search. Regardless of the precise causes of disproportionality, this pattern is likely to be a source of considerable dissatisfaction and alienation within the impacted community. As such there is no room for complacency. While the public may well “have mixed views with regard to stop and account; community relations, engagement, public trust and confidence,” the evidence discussed above demonstrates that there is considerable public concern about police stops.⁷⁹ There is also a vast amount of research linking trust and confidence in the police to perceptions of fairness and accountability,⁸⁰ with a growing body of work looking specifically at the impact of police-initiated contact.⁸¹ This work demonstrates the damaging impact that poor interactions with the police have on public trust and confidence, while highlighting the importance of procedural justice.

⁷⁹ Stone, V. and Pettigrew, N. (2000), *The Views of the Public on Stops and Searches*, Police Research Series. Paper 129, Home Office: London.; 1990 Trust (2004), *Stop and search: Community Evaluation of Recommendation 61*, London: 1990 Trust; Home Office (2004), *The Views of the Public on the Phased Implementation of Recording Police Stops*, Home Office Development and Practice Report, Home Office: London.

⁸⁰ Tyler, T.R. and Huo, Y.J. (2002) *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*, New York: Russell Sage Foundation; Tyler, T. R. (2006). Psychological perspectives on legitimacy and legitimation, *Annual Review of Psychology* 57: 375-400.; Tyler, T. R. (2006). *Why People Obey the Law*. New Haven: Yale University Press. Bradford, B., Jackson, J. and Stanko, E.A. (2009). Contact and confidence: Revisiting asymmetry in the impact of encounters with the police, *Policing and Society*. Bradford, B. and Jackson, J. (2010). Cooperating with the Police: Social Control and the Reproduction of Police Legitimacy, Available at SSRN: <http://ssrn.com/abstract=1640958>.

⁸¹ Bradford, B. (2011), *Assessing the impact of police-initiated stop powers on individuals and communities: the UK picture*, conference paper, Roundtable on Current Debates, Research Agendas and Strategies to Address Racial Disparities in Police-initiated Stops in the UK and USA , 10th – 11th August 2011, John Jay College of Criminal Justice, New York, NY.

8. Conclusions and recommendations

Removing this requirement will also remove statistical evidence of both good and bad policing. The statistics to date have shown us that discrimination in the exercise of these powers is a very real concern. Without these statistics the full picture of police use of stop powers will not be available. This means that evidence of discriminatory and disproportionate use (as well as any improvements) will be lost and accountability, along with community trust and confidence, badly undermined.

We make the following recommendations:

- 1) The national requirement to record stop and account be reinstated and the Police and Criminal Evidence Act amended accordingly.
- 2) The PACE Code of Practice A is amended to provide clarity and transparency around whether a person is being stopped and questioned in anticipation of a search under statutory powers or otherwise. Officers should be obliged to inform the person stopped of the nature of the encounter and whether they are free to leave before any conversation starts.
- 3) Investment is made in improving the electronic recording of stop and account and stop and search that can record stops without reducing monitoring and accountability.
- 4) Stop and account data collected from recording be robustly analysed both internally and externally in relation to disproportionality and effectiveness and in relation to stop and search practices at local and national level.

9. Appendix

Table 1: Stop and account disproportionality ratios (and ranks) by police force area

Police force	Black : White		Asian : White	
	2007/8	2008/9	2007/8	2008/9
Avon & Somerset	1.9 (15)	3.3 (4)	0.4 (37)	0.5 (37)
Bedfordshire	2.4 (8)	2.3 (11)	1.1 (9)	1.4 (10)
Cambridgeshire	1.4 (30)	1.4 (29)	0.8 (17)	1.1 (15)
Cheshire	1.9 (16)	2.1 (13)	1.4 (4)	1.6 (3)
Cleveland	0.8 (36)	0.8 (36)	0.6 (27)	0.6 (32)
Cumbria	0.3 (41)	0.5 (41)	0.5 (32)	1.0 (18)
Derbyshire	1.8 (18)	1.4 (30)	0.5 (33)	0.4 (39)
Devon & Cornwall	1.2 (34)	0.9 (35)	0.4 (39)	0.4 (40)
Dorset	1.8 (19)	3.1 (6)	0.4 (38)	0.8 (22)
Durham	0.2 (42)	0.2 (42)	0.2 (42)	0.3 (42)
Dyfed-Powys	1.8 (17)	2.1 (14)	1.4 (2)	1.4 (9)
Essex	1.6 (26)	1.7 (24)	0.8 (18)	1.0 (17)
Gloucestershire	2.0 (14)	2.0 (18)	0.8 (19)	1.2 (14)
Greater Manchester	2.3 (9)	2.3 (12)	0.7 (24)	0.7 (27)
Gwent	4.1 (2)	5.2 (2)	2.4 (1)	3.9 (1)
Hampshire	2.1 (13)	2.1 (17)	0.6 (26)	0.7 (26)
Hertfordshire	2.3 (10)	2.5 (9)	1.2 (6)	1.2 (11)
Humberside	0.5 (40)	0.7 (37)	0.3 (41)	0.5 (38)
Kent	1.6 (27)	1.5 (27)	0.6 (29)	0.6 (30)
Lancashire	1.5 (29)	1.3 (32)	0.7 (21)	0.8 (21)
Leicestershire	1.7 (24)	1.5 (28)	0.6 (28)	0.7 (29)
Lincolnshire	1.0 (35)	1.0 (34)	0.6 (31)	0.6 (31)
Merseyside	0.6 (38)	0.7 (38)	1.4 (3)	1.4 (5)
Metropolitan Police	1.6 (25)	1.7 (25)	1.1 (10)	1.2 (12)
Norfolk	1.6 (28)	1.4 (31)	0.5 (36)	0.6 (33)
North Wales	1.4 (31)	1.2 (33)	0.8 (15)	0.5 (35)
North Yorkshire	0.8 (37)	0.6 (39)	0.6 (30)	0.7 (28)

Northamptonshire	2.3 (11)	2.1 (15)	0.7 (22)	0.8 (25)
Northumbria	0.6 (39)	0.6 (40)	0.4 (40)	0.4 (41)
Nottinghamshire	1.7 (20)	1.8 (23)	0.5 (35)	0.5 (36)
South Wales	3.4 (4)	2.4 (10)	0.9 (14)	0.9 (19)
South Yorkshire	1.2 (33)	1.7 (26)	0.7 (23)	0.8 (23)
Staffordshire	1.7 (23)	1.9 (19)	0.8 (16)	1.4 (7)
Suffolk	2.1 (12)	1.8 (22)	0.5 (34)	0.5 (34)
Surrey	1.7 (21)	1.9 (21)	0.9 (13)	0.9 (20)
Sussex	2.5 (6)	2.7 (8)	1.1 (7)	1.4 (8)
Thames Valley	2.7 (5)	2.7 (7)	1.3 (5)	1.4 (6)
Warwickshire	3.4 (3)	3.2 (5)	0.7 (25)	0.8 (24)
West Mercia	2.4 (7)	3.4 (3)	0.9 (12)	2.5 (2)
West Midlands	4.4 (1)	6.9 (1)	1.1 (8)	1.4 (4)
West Yorkshire	1.7 (22)	1.9 (20)	0.8 (20)	1.0 (16)
Wiltshire	1.4 (32)	2.1 (16)	1.0 (11)	1.2 (13)
<i>Average</i>	<i>1.8 (-)</i>	<i>2.0 (-)</i>	<i>0.8 (-)</i>	<i>1.0 (-)</i>
<i>Aggregate</i>	<i>2.1 (-)</i>	<i>2.7 (-)</i>	<i>1.0 (-)</i>	<i>1.4 (-)</i>

Notes:

1. The average refers to the mean rate of disproportionality for individual forces in England and Wales. The aggregate refers to the total rate of disproportionality across all forces in England and Wales. Aggregate disproportionality is higher than the average because people from black and minority ethnic groups tend to be concentrated in areas where stop and search is used relatively frequently. This means that even if people from black and minority ethnic groups were stopped at the same rate as white people *within* all individual forces, the aggregate figure would still point to disproportionality i.e. across the country as a whole, people from black and minority ethnic groups would still be stopped more often than whites because they are concentrated in areas where there are a lot of stop and account. The aggregate figure shown in Table 1 above is the product of different overall rates of stop and account between forces and the disproportionate use of stop and account within forces.

2. The figures shown here are derived from those published by the Ministry of Justice (2009 and 2010), based on the self-defined ethnicity of the person stopped.

3. These figures compare the number of stop and accounts per 1,000 black or Asian people with the number of stop and accounts per 1,000 whites. A figure of more than one indicates that the rate of stop and account was higher for black or Asian people than for whites; a figure of less than one indicates that the rate of stop and account was less for black or Asian people than for whites; while a figure of one indicates parity.

4. The population breakdown was taken from ONS 'Population Estimates by Ethnic Group'. 5. Figures for the City of London have been amalgamated with those for the Metropolitan Police Force.

Table 2: Stop and account ratios (and ranks) compared to stop and search (2008/9)

Police force	Black : White		Asian : White	
	Stop & Account	Stop & Search	Stop & Account	Stop & Search
Avon & Somerset	3.3 (4)	8.0 (1)	0.5 (37)	1.1 (37)
Bedfordshire	2.3 (11)	4.8 (9)	1.4 (10)	2.0 (10)
Cambridgeshire	1.4 (29)	2.0 (33)	1.1 (15)	1.2 (15)
Cheshire	2.1 (13)	2.2 (31)	1.6 (3)	0.9 (3)
Cleveland	0.8 (36)	0.8 (39)	0.6 (32)	0.6 (32)
Cumbria	0.5 (41)	0.5 (42)	1.0 (18)	0.8 (18)
Derbyshire	1.4 (30)	3.3 (24)	0.4 (39)	1.8 (39)
Devon & Cornwall	0.9 (35)	1.9 (34)	0.4 (40)	0.5 (40)
Dorset	3.1 (6)	4.9 (6)	0.8 (22)	1.0 (22)
Durham	0.2 (42)	0.6 (41)	0.3 (42)	0.2 (42)
Dyfed-Powys	2.1 (14)	2.5 (29)	1.4 (9)	1.3 (9)
Essex	1.7 (24)	3.4 (23)	1.0 (17)	1.1 (17)
Gloucestershire	2.0 (18)	4.1 (14)	1.2 (14)	1.0 (14)
Greater Manchester	2.3 (12)	4.1 (13)	0.7 (27)	1.5 (27)
Gwent	5.2 (2)	5.1 (5)	3.9 (1)	2.3 (1)
Hampshire	2.1 (17)	4.8 (8)	0.7 (26)	1.3 (26)
Hertfordshire	2.5 (9)	3.6 (20)	1.2 (11)	1.8 (11)
Humberside	0.7 (37)	1.7 (36)	0.5 (38)	1.0 (38)
Kent	1.5 (27)	3.0 (26)	0.6 (30)	1.0 (30)
Lancashire	1.3 (32)	2.0 (32)	0.8 (21)	1.4 (21)
Leicestershire	1.5 (28)	4.0 (16)	0.7 (29)	1.5 (29)
Lincolnshire	1.0 (34)	1.3 (38)	0.6 (31)	0.6 (31)
Merseyside	0.7 (38)	1.8 (35)	1.4 (5)	0.5 (5)
Metropolitan Police	1.7 (25)	4.3 (12)	1.2 (12)	1.5 (12)
Norfolk	1.4 (31)	3.5 (21)	0.6 (33)	1.0 (33)
North Wales	1.2 (33)	2.4 (30)	0.5 (35)	1.2 (35)
North Yorkshire	0.6 (39)	1.5 (37)	0.7 (28)	1.1 (28)
Northamptonshire	2.1 (15)	3.7 (18)	0.8 (25)	1.1 (25)

Northumbria	0.6 (40)	0.8 (40)	0.4 (41)	0.6 (41)
Nottinghamshire	1.8 (23)	5.5 (4)	0.5 (36)	1.7 (36)
South Wales	2.4 (10)	4.4 (11)	0.9 (19)	1.0 (19)
South Yorkshire	1.7 (26)	3.6 (19)	0.8 (23)	1.9 (23)
Staffordshire	1.9 (19)	4.1 (15)	1.4 (7)	2.3 (7)
Suffolk	1.8 (22)	3.5 (22)	0.5 (34)	0.8 (34)
Surrey	1.9 (21)	2.6 (28)	0.9 (20)	1.3 (20)
Sussex	2.7 (8)	3.1 (25)	1.4 (8)	1.8 (8)
Thames Valley	2.7 (7)	4.4 (10)	1.4 (6)	2.2 (6)
Warwickshire	3.2 (5)	6.0 (2)	0.8 (24)	1.2 (24)
West Mercia	3.4 (3)	3.8 (17)	2.5 (2)	2.2 (2)
West Midlands	6.9 (1)	4.9 (7)	1.4 (4)	3.2 (4)
West Yorkshire	1.9 (20)	2.8 (27)	1.0 (16)	1.6 (16)
Wiltshire	2.1 (16)	5.9 (3)	1.2 (13)	0.8 (13)
<i>Average</i>	<i>2.0 (-)</i>	<i>3.4 (-)</i>	<i>1.0 (-)</i>	<i>1.4 (-)</i>
<i>Aggregate</i>	<i>2.7 (-)</i>	<i>6.9 (-)</i>	<i>1.4 (-)</i>	<i>2.2 (-)</i>

Notes:

1. The average refers to the mean rate of disproportionality for individual forces in England and Wales. The aggregate refers to the total rate of disproportionality across all forces in England and Wales. Aggregate disproportionality is higher than the average because people from black and minority ethnic groups tend to be concentrated in areas where stop and search is used relatively frequently. This means that even if people from black and minority ethnic groups were stopped at the same rate as white people *within* all individual forces, the aggregate figure would still point to disproportionality i.e. across the country as a whole, people from black and minority ethnic groups would still be stopped and searched more often than whites because they are concentrated in areas where there are a lot of stop and search. The aggregate figure shown in Table 2 above is the product of different overall rates of stop and search between forces and the disproportionate use of stop and search within forces.

2. The figures shown here are derived from those published by the Ministry of Justice (2009 and 2010), based on the self-defined ethnicity of the person stopped.

3. These figures compare the number of stop and searches per 1,000 black or Asian people with the number of stop and accounts per 1,000 whites. A figure of more than one indicates that the rate of stop and search was higher for black or Asian people than for whites; a figure of less than one indicates that the rate of stop and search was less for black or Asian people than for whites; while a figure of one indicates parity.

4. The population breakdown was taken from ONS 'Population Estimates by Ethnic Group'. 5. Figures for the City of London have been amalgamated with those for the Metropolitan Police Force.

Table 3: Stop and account recording by police force area

Force	Recording stop and account
Avon and Somerset	No
Bedfordshire	No
Cambridgeshire	No
Cheshire	No
Cleveland	Yes
City of London Police	Yes
Cumbria	No
Derbyshire	No
Devon and Cornwall	No
Dorset	No information provided
Durham	No
Dyfed-Powys	No
Essex	No
Gloucestershire	No
Greater Manchester	No
Gwent	No
Hampshire	No
Hertfordshire	No
Humberside	No
Kent	No
Lancashire	No
Leicestershire	No
Lincolnshire	Yes

Merseyside	No
Metropolitan Police (London)	Yes
Norfolk	Yes
North Wales	No
North Yorkshire	No information provided
Northamptonshire	No
Northumbria	Yes
Nottinghamshire	Yes
South Wales	Yes
South Yorkshire	No
Staffordshire	No information provided
Suffolk	Yes
Surrey	No
Sussex	No
Thames Valley	No
Warwickshire	No information provided
West Mercia	Yes
West Yorkshire	No information provided
West Midlands	No
Wiltshire	No