



Launch of StopWatch, 18th October 2010, 3-5pm The Great Hall, The Stand, Kings College London.

Introductory comments

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The police power to stop and search people in public places is one of **the** most contentious public issues. Every year, police officers in England and Wales record about 2 million stops and about 1 million searches. Surveys suggest that the police carry out many more than this – perhaps 8 million car stops and 3 million foot stops. These range from brief questioning or patting down of clothing – what they call ‘stop and frisk’ in the USA – to a thorough search through a person’s bag, clothing or vehicle.

It is a matter of concern for scholars in the fields of law, social sciences, humanities and public policy. It is a concern to ordinary people in local communities, especially those people who experience stop and search on a daily basis.

The power to search people in public is important because it engages with fundamental questions of freedom, justice, liberty, equality and fraternity – in short, it speaks to the fundamental definition and experience of democracy.

It has long been held in Britain that a person has the right to walk freely, associate with whomever he or she chooses, to assemble in public places and be free from interference. It is not merely that people don’t enjoy having someone – even a police officer – rifle through their pockets, or bags – that goes without saying. It is that the state and its agents should only ever restrict a person’s liberty or intrude into their privacy when there is well-grounded justification for doing so.

The principle is that state intrusion should always be necessary, proportionate, fair and equal before the law.

And here’s the problem. Research evidence shows that stop and search powers are frequently unnecessary, disproportionate, unfair and discriminatory.

An obvious example is the use of s44 of the Terrorism Act. Initially justified to investigate and prevent terrorism, it became abundantly clear that no terrorist had ever been caught or

deterred using the power. Moreover, it was often simply used against protestors, sometimes detained for long periods. Rather than being an exceptional power, it became a blanket power used routinely and without a clear rationale and justification. And it was often focused on ethnic minority communities. The European Court of Human Rights struck this power down as arbitrary and "neither sufficiently circumscribed, nor subject to adequate legal safeguards against abuse"

It follows from this that section 60 of the Criminal Justice and Public Order Act, which also has no requirement that an officer has any suspicion of wrongdoing – reasonable or otherwise – should also be examined by the courts. The fact that these powers, which have the widest discretion, are used 27 times more frequently against black people, suggests that the use of the power is not only arbitrary, but also discriminatory.

The idea of a coalition of scholars, researchers, non-governmental organisations and activists to highlight the abuse of stop and search crystallised at a conference held here at King's College earlier this year. The European Court had ruled on section 44. Numerous organisations - among them The Equality and Human Rights Commission, Open Society Justice Initiative, Runnymede Trust – had published reports on the subject.

All participants were agreed that there was a need for better research and public engagement on this issue. There were key things that all concerned were explicitly against. The coalition is against the abuse of stop and search powers. Against racial profiling. Against the disproportionate use of the power against minorities.

But we also think that there should be a positive agenda.

We are FOR police accountability – whether this takes the form of public engagement at the local level or a parliamentary champion for fairness and equality in policing.

We are FOR research and action promoting good policing – of which there are very many examples.

We are FOR research and action promoting the development of alternatives to stop and search powers.

We are FOR innovative and creative ways that communities themselves can work – with or without the police – to create safe and peaceful neighbourhoods.

The crucial point is that things can be done differently. In some places stop and search is used extensively and disproportionately. In other places it is used more sparingly and fairly. A good example is Cleveland constabulary. There, the Chief has introduced policies that have reduced the use of stop and search to one fifth of what it was a decade ago. Racial disproportionality had reduced. Public confidence has increased. Crime rates have fallen. It can be done.

So, today, with your support – especially committed and energetic students – we start an initiative to end the abuse of police power and to promote innovation in policing and community safety. You can visit the website (www.stop-watch.org) for more information.

