



Public consultation on police powers of stop and search: StopWatch Youth Group Response to Home Office survey

1) *To what extent do you agree or disagree that the use of police powers of stop and search is effective in preventing and detecting crime and anti-social behaviour? (please select one)*

Strongly disagree

At a 9% arrest rate, stop and search is clearly ineffective, and shows there is a huge amount of people stopped unnecessarily. The negative impact that this has on young people and on communities is much more significant than the impact it has on crime prevention or detection.

The types of criminal behaviour detected by stop and search are, largely, not ones that we consider serious or having grave repercussions for society, and using so many resources to police these offences is wasteful. Over 50% of stop and searches are for drugs, many of which are low level drug possession offences (mostly cannabis). These are crimes that the wider public do not really consider a high priority for policing and bring little benefit to the community. Stop and search rarely targets the crime and antisocial behaviour that actually harms communities.

Therefore we believe that the powers are used ineffectively. In our own view and those of the young people we regularly speak to, it is not necessarily the powers themselves that are the problem but the way they are used by police officers. It comes across as a tool more for the police to harass and bully people, to exert power over us and show us they are in charge.

2) *What are, in your view, the types of crime and anti-social behaviour that can be tackled effectively through the application of stop and search powers? Please give reasons.*

Carrying dangerous items such as knives, guns and other weapons could be tackled through stop and search, as is stolen property and instruments to help people to commit crimes ("going equipped"). It is clear that these feature extremely low in stop and search detections; in June 2013 alone, out of the 26,277 searches taking place in London, only 257 were for firearms, 2999 for offensive weapons, compared with 14,241 for drugs. This clearly indicates that searches for drugs is the key driver behind stop and search usage and there is no impact on the drugs trade at all because it is targeted at possession rather than intent to supply.

We are concerned that rather than tackling anti-social behaviour, stop and search aggravates it, as highlighted by the Riots Panel which reported into the 2011 disorders. Well-informed and intelligent stop and search could help to tackle the above, but with the blanket approach that is so often used to stop anyone that is young, black, or wearing street clothing, we doubt it is applied effectively.

3) To what extent do you agree that the arrest rate following stop and search events is a useful measure of the power's effectiveness? (please select one)

Tend to disagree

We know there is a very low arrest rate of 9% and that higher targets have been set but we also think that the number of arrests is not necessarily a good measure of effectiveness for stop and search. For example, we know that this figure includes the number of people arrested because of their reaction to the police officer's treatment towards them during a stop and search. The lack of respect and unwillingness to share essential information, like why we are being stopped (a legal requirement) causes the situation to escalate. Young people become easily frustrated because we have no real avenue to voice our concerns and have them heard. We are not justifying aggression or violence, but the fact remains that the detection rates are abysmal and arrests for 'obstruction' would not occur if not for the unjustified stop and search in the first place.

A recent study by the Equality and Human Rights Commission has shown that in the police force areas they worked with, the numbers of stop and search were reduced alongside a continued reduction in crime. Therefore, stop and search is not as essential in preventing and detecting crime as was often emphasised by police officers and it has little measurable impact upon reducing crime.

We are also concerned that setting targets for higher arrest rates is going to lead to arrests that may not have been otherwise made, for example, the offence would be dealt with through a warning or caution. When research shows us that black and minority groups are disproportionately policed throughout the criminal justice system, chasing these targets will lead them to be further discriminated against. In fact, the EHRC's 'Stop and Think Again' report highlighted the perverse role that stop and search targets plays in unnecessary street confrontations.

4) In your view, what other things, beyond the number of resulting arrests, should be considered when assessing how effective the powers of stop and search are? Please give reasons.

It is important to measure the damaging effects that cumulative stop and search experiences have on police-community relations. How trust and cooperation with the police deteriorates within those communities most targeted by stop and search should be assessed.

The personal experience of the person being stopped and searched should also be considered; how satisfied they were with the interaction, if they felt respected, if a good explanation was given, if they felt the stop was justified etc.

For stop and search to be effective, it must be employed as part of a wider crime fighting strategy rather than arbitrarily. We share the views expressed by the HMIC, in their recent national inspection of stop and search, who called for better recording of these encounters in order to judge effectiveness. This includes recording whether the object of the search was found or not.

The HMIC have stated that present tendencies not to record the reason for the stop - what it was that amounted to “reasonable suspicion”. Omitting this sort of information prevents the police from collecting data to properly investigate crime and enable each individual stop to map crime within an area. We think that measuring of how effective stop and search is needs to include the type of crime prevented or offence conducted, if the search resulted in a small amount of cannabis, that is much less successful than a gun, for example. Directly connecting the stop to a crime clarifies how the power was used, and encourages the police to consider how they are using the power in practice.

5) To what extent do you agree or disagree that the “reasonable grounds” stop and search powers, described in the paragraphs above, are used by police in a way which effectively balances public protection with individual freedoms? Why?

Strongly disagree

“Reasonable grounds” for the police has proven to be very subjective. The HMIC’s inspection also highlights gaps in training police, so it is clear the powers are being used in ways that the officers themselves cannot explain. Without training or a skill-set to intelligently apply stop and search powers, that is, having defined “reasonable suspicion”, they are left to go off hunch and the prejudice they hold. This, as all data shows us, has a serious and damaging impact upon young people and people from BME communities who bear the brunt of these prejudices and are therefore criminalised.

6) To what extent do you agree or disagree that the ‘without reasonable grounds’ stop and search powers described in the paragraphs above are used by police in a way which effectively balances public protection with individual freedoms?

Strongly disagree

Again, under section 60, police disproportionately target BME communities. It is poignant that black people can be up to 26 times more likely to be stopped under this law as it indicates that without the safeguard of reasonable suspicion, the prejudice they face is amplified. Furthermore, we have spoken with young people who have been falsely told they are being stopped under section 60 when in fact none had been authorised. To us, this seems to suggest that section 60 is being used as a tool with which to unfairly target young people for no reason.

7) To what extent do you agree that it is right that the police are under a national requirement to record the information set out above in respect of each stop and search?

Strongly agree

A full comprehensive recording of each stop needs to take place and more must be done to ensure this takes place properly. Recording data is the only means of accountability that exists for the police and is essential for public confidence towards them. Recording is also an important reference point if the public wish to make a complaint about a stop and search, and is how we are able to measure whether stop and search is being conducted fairly and effectively.

If anything, we need more recording including; the grounds, what was found and if this is what the police were looking for, the age of the person stopped. Not only does greater recording ensure accountability, and make sure certain groups are not targeted, it also lets us know if stop and search is helping to reduce crime and how, such as allowing forces to pre-empt crime and anti-social behaviour.

8) In your view, should Government require police forces to record stop and search events in a certain way (for example, using particular technology) or are individual forces better placed to make this decision? Please give reasons.

Government

Having forces record stop and search in the same way allows the public to understand the situation nationally. It helps us to compare data and identify which forces are using the powers in an effective way and which are not. This helps improve policing by highlighting where improvements are necessary and highlighting good practice – which can then be shared across forces.

9) To what extent do you agree or disagree with the following statement: “I am confident that the police use stop and search powers fairly to prevent and detect crime and anti-social behaviour?”

Strongly disagree

All research and studies have proven that the powers are not used fairly, and impact disproportionately on BME groups. We also think young people are disproportionately stopped because we are easy targets; we do not know our rights and feel bullied and harassed by the police.

We feel targeted for the way we dress and because we are spending time on the street with our friends. The way we are treated also gives us no confidence in the police; we are treated with no respect and even where we ask the police about the reason for the stop they threaten to arrest us for not cooperating.

Since stop and accounts ceased to be recorded as a national requirement in 2010, there is a risk that the unfair encounters through stop and search with police will be displaced into stop and accounts. Most people do not distinguish between a stop and account and a stop and search so their confidence in the police will always be low as long as these are not recorded properly; officers can use these powers without consequences of appropriate disciplinary action.

10) What would give you greater confidence in the police’s use of stop and search powers? Please give reasons.

The effectiveness of stop and search needs to be demonstrated with evidence given regarding what was found and if that is what they were looking for. Essentially, greater and better recording of data would give us more confidence. Stop and search should be recognised by officers as an intrusive power, and their ability to use other methods to prevent and detect crime first, with stop and search only exercised as a last resort, would increase our confidence.

Currently the powers are used confrontationally and against the wishes of local communities. The police must engage us in genuine forms of consultation before taking the decision to commence stop and search operations.

The HMIC Inspection highlights that officers have a limited understanding of what constitutes “reasonable suspicion” and there are “worrying gaps” at frontline supervision. Therefore, more training on using powers intelligently, better supervision and taking disciplinary action where the powers have been used unfairly would give us more confidence.

11) To what extent do you agree or disagree that the current requirement to explain the reasons for the stop and search make the use of the power more fair and transparent?

Tend to disagree

Providing a reason is a step towards transparency, however the reasons given are often false and vague. Young people are repeatedly told they “fit a description” of a suspect and we feel we are given excuses by the police to justify their search. When the police are not being honest with us it is difficult to expect us to have confidence in them.

The power imbalance that exists within each stop and search encounter means it is impossible to challenge the reason given.

12) Before today, had you heard of the police.uk website?

Yes and we have visited the site.

13) To what extent do you agree or disagree that police.uk should contain information on stop and search in your local area?

Strongly agree

Collecting, and making available, all data relating to police activity allows for greater accountability and could help to increase confidence in the police. This helps communities to engage with, challenge, and cooperate with their local forces through monitoring groups, community boards etc.

It also helps us to understand the national situation and facilitate comparisons between forces across the country. Forces using these powers effectively and unfairly can therefore be identified as good practice, which can be shared with forces using these powers ineffectively. We recommend that the website makes information available on a number of aspects including; ethnicity, age, detection rate.

14) To what extent do you agree or disagree that local communities should have direct involvement in deciding how the police use their stop and search powers?

Strongly agree

As communities should be policed by consent, using these powers must involve rigorous consultation between communities and the police and the decision to start stop and search operations should be collaborative.

It should be ensured that all established community groups are given the resources, information and training to participate effectively throughout decision-making processes and make informed decisions. This includes recruiting, or training up, members who can properly scrutinise data, speak with direct insight on behalf of impacted communities including young people and their involvement should be supported throughout.

15) In your view, how might local communities be directly involved in decisions concerning the use of stop and search powers? Please give reasons.

Firstly, the police need to provide as much intelligence as possible to let communities make informed decisions.

Communities can be involved in decision making through setting up local monitoring groups that involve diverse members of the community, specifically those disproportionately affected. Special youth groups should also be set up via the monitoring group, who can help to bridge young people to the police. These groups should be given direct access to Police and Crime Commissioners, Chief Constables and the Stop and Search Lead for the police force, and members from the community bringing action against the police should be supported through legal aid, which ensures independence.

The Stop and Search Reference Group in Suffolk is made up of people from local communities mainly from BME groups. The group scrutinises draft forms and offers invaluable insight and advice enabling the police to continue to improve the trust and confidence of BME communities regarding Stop and Search.

16) Are there any other views or comments that you would like to add in relation to stop and search powers that were not covered by the other questions in this consultation?

We welcome the extension of this consultation to September as a way to allow us to respond, as well as other partners and individuals.

The questions are very biased especially the section “police bureaucracy” which will make many people hesitate to ask for more recording because it is framed in a certain way.

There are other powers which the Home Office should scrutinise too such as those under the Road Traffic Act, Schedule 7, etc. These are the least transparent powers in society and we need to see the appropriate safeguards in place to reduce the number of unnecessary stops and ensure that those who are detained have the protection they deserve.

We agree with the Home Secretary that targets should be scrapped because it leads to unnecessary stops and searches which cannot be justified by officers.

These are all issues that have been debated and challenged since before our members were even born! The Home Office should make it very clear how this consultation, as welcomed as it

is, is different from the flurry of activities in the past. We lack faith in any official process because legal safeguards have been reduced over the years alongside a beefing up of police powers. The Home Office needs to earn our respect and trust by ensuring that *all* stop and searches from now on- not just the narrow few being consulted on- are used in a much more intelligent led, limited and fairer way which we hope will be the end result of this consultation.

StopWatch is a coalition of legal experts, academics, citizens and civil liberties campaigners. We aim to address excess and disproportionate stop and search, promote best practice and ensure fair, effective policing for all.

The StopWatch Youth Group is made up of young people who advocate for policy change and work with grassroots organisations to inform young people about their rights and raise awareness around stop and search issues. Our members are aged 17-25 years from diverse backgrounds. Our response is based on our own experiences and views, and those of the young people and children we have engaged with through our different activities including; outreach visits to youth clubs and schools, surveys and questionnaires, consultation events, workshops, video interviews and debates across London.

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