


# Stop and Search:

## The views and experiences of Black communities on complaining to the police



**A study conducted for the Metropolitan Police Authority  
June 2004**

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*“It was a waste of time, I waited for hours  
and nothing came about from it.”*

*“Would you complain?  
‘Cos I sure don’t see the benefits. Can you see it making a change?  
Please let me know when it brings a result, then I might consider.”*

*“They made me feel that my evidence was too weak and told me that it will not make  
a difference or an effect to the system.”*

*“I felt very angry but what would be the point.”*

# Contents

<b>Contents .....</b>	<b>2</b>
<b>Table of figures and tables .....</b>	<b>4</b>
<b>Chapter 1: Executive Summary .....</b>	<b>5</b>
<b>The 1990 Trust.....</b>	<b>5</b>
<b>Background .....</b>	<b>5</b>
<b>Research Methodology .....</b>	<b>5</b>
<b>Main Findings .....</b>	<b>5</b>
Reasons for not complaining .....	6
Experience of complaining .....	7
<b>Summary of Recommendations .....</b>	<b>8</b>
A. Context .....	8
B. Process and Procedure.....	8
C. Promotion and information for public awareness.....	10
D. Disempowerment and discrimination .....	11
E. Sanctions and test cases .....	11
<b>Chapter 2: The 1990 Trust .....</b>	<b>13</b>
<b>Chapter 3: Background.....</b>	<b>15</b>
<b>Stop and Search and Black Communities.....</b>	<b>15</b>
<b>Complaints and Black communities .....</b>	<b>19</b>
<b>Chapter 4: Research Methodology.....</b>	<b>21</b>
<b>Survey and interview questions .....</b>	<b>22</b>
<b>Questions asked .....</b>	<b>22</b>
<b>Analysis of data .....</b>	<b>24</b>
<b>Chapter 5: Findings.....</b>	<b>26</b>
<b>Introduction .....</b>	<b>26</b>
<b>Section 1: Sample Characteristics: ethnicity, age and gender of respondents.....</b>	<b>27</b>
Ethnic background .....	27
Age .....	30
Gender .....	31
<b>Section 2: Context: Levels of incidence and reasons for being stopped or searched ...</b>	<b>32</b>
Number of stops .....	32
Reasons for stops and searches .....	35

<b>Section 3: Reasons for not complaining about Stop and Search.....</b>	<b>37</b>
Overview of reasons for not complaining .....	37
Analysis of themes emerging from participants' responses .....	38
Key cases: respondents who were stopped and did not complain: .....	45
<b>Section 4: Experience of Complaining about Stop and Search.....</b>	<b>47</b>
(i) Context: Reasons for complaining .....	47
(ii) Process and procedure .....	48
(iii) Disempowerment and Discrimination .....	49
(iv) Complainants' recommendations for improvements to the complaints process .....	50
Key Cases: Respondents who complained.....	52
<b>Section 5: Views of people who have not been stopped.....</b>	<b>53</b>
Views on practice of Stop and Search .....	54
Views on why people do not complain .....	55
<b>Chapter 6: Conclusions and Recommendations .....</b>	<b>57</b>
<b>A. Context .....</b>	<b>58</b>
<b>B. Process and Procedure .....</b>	<b>59</b>
<b>C. Promotion and information for public awareness .....</b>	<b>62</b>
<b>D. Disempowerment and discrimination .....</b>	<b>64</b>
<b>E. Sanctions and test cases .....</b>	<b>66</b>
<b>Further Research .....</b>	<b>67</b>
<b>Appendix 1: Survey and interview questions.....</b>	<b>68</b>

## Table of figures and tables

Figure 1: Ethnic background of respondents.....	28
Figure 2: Age of respondents .....	30
Figure 3: Gender of respondents.....	31
Figure 4: Level of incidence of Stop and Search in study respondents .....	33
Figure 5: Respondents recording 1-100 stops, by borough .....	34
Figure 6: Respondents recording no stops, or who did not answer how many times – all boroughs .....	34
Figure 7: Reasons for not complaining.....	37
Figure 8: Reasons for not complaining – other reasons specified .....	38
Figure 9: Reasons for complaining.....	48
Figure 10: Ethnic background of respondents who were not stopped .....	53
Table 1: Stops and searches in London 2001-2.....	18
Table 2: Number of complaints about Stop and Search:.....	19
Table 3: Ethnicity of complainants (All complaints vs. Stop and Search complaints) 2000 – 2001 (Source – PCA Annual Report 2000 - 2001) .....	19
Table 4: Research Target Boroughs .....	21
Table 5: Ethnic background of respondents, by borough.....	29
Table 6: Age of respondents, by borough .....	30

## Chapter 1: Executive Summary

This study investigates the views and experiences of Black communities on complaining to the police about Stop and Search.

### The 1990 Trust

- 1.1. The 1990 Trust is a leading UK wide Black<sup>1</sup>-led human rights and race equality voluntary organisation and as such plays an important role in influencing, developing and analysing race related policy and legislation, informed by the needs and concerns of Black groups in Britain.

### Background

- 1.2. Given the level of dissatisfaction expressed about Stop and Search and the view that public trust and confidence in the police amongst Black communities has been undermined by persistently disproportionate rates of Stop and Search<sup>2</sup> the number of complaints could reasonably be expected to be high. However information from the Metropolitan Police Service (MPS) suggests this is not the case.

This study therefore aimed to explore any barriers to making complaints, particularly from the Black communities themselves. The recent Police Complaints Authority (PCA) study 'Stop and Search Complaints (2000 – 2001)' indicated that although Black people were more likely to complain about Stop and Search than White people, the ratio of complaints to actual stops was still low at one complaint to every 421 stops.

### Research Methodology

- 1.3. This qualitative study was conducted with 304 individuals in a combination of face-to-face interviews and self-completion questionnaires. The interviews and questionnaires were conducted in six London boroughs: Brent, Hackney, Tower Hamlets, Westminster, Lambeth and Southwark.

### Main Findings

- 1.4. Of the 71% of the 304 respondents who had been stopped, or stopped and searched, only 8% (18 respondents) had complained and none were satisfied with the outcome. The main reasons given for not complaining were:

- Problems with process and procedure
- Lack of information
- Disempowerment and discrimination

These reasons are examined further overleaf. Chapter 5 (Findings) and Chapter 6 (Conclusions and Recommendations) also give specific attention to these three areas.

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<sup>1</sup> The 1990 Trust usually as a matter of principle uses Black with an inclusive, political meaning to encompass Asian, African and Caribbean communities. However in the body of the report we mainly use census categories for ease of consistency.

<sup>2</sup> A Black person is eight times more likely to be stopped and searched than a White person - Race and the Criminal Justice System - a publication under section 95 of the Criminal Justice Act 1991, Home Office, November 2002

- 1.5. Almost half the respondents who had been stopped by the police **had been stopped more than five times** and **88% had been stopped more than once**. For many young Black and Asian men, being stopped and searched by the police is a normal part of their everyday lives.
- 1.6. Most participants were given **inadequate reasons for being stopped**. One in five of those stopped said that the reason they were given was false or an excuse for stopping them, and many others were told the stop was 'routine'. A quarter of respondents who had been stopped were given no reason for the stop, and those stopped under the Terrorism Act were informed that no further reason had to be given.

#### *Reasons for not complaining*

- 1.7. 11% of respondents who had been stopped and not made a complaint said this was because there was nothing wrong with the stop or search.
- 1.8. Problems with process and procedure
  - *Lack of an independent complaints process*: respondents felt 'intimidated' by the idea of complaining to the police about the police, and did not trust the police to investigate themselves.
  - *Waste of time*: 63% of respondents who had been stopped but not complained said that complaining to the police would be a waste of time because nothing would come of it. The experiences of respondents who did complain confirm this is often the case.
- 1.9. Lack of information
  - *Terrorism Act*: respondents stopped under the Terrorism Act thought they had no right to complain about the stop, and one respondent had been told this by a police officer.
  - *Lack of a rights-based culture*: 27% of respondents who did not complain were unaware of their right to complain.
  - *Lack of knowledge of process*: a quarter of respondents who did not complain did not know how to complain.
- 1.10. Disempowerment and Discrimination
  - *Sense of powerlessness*: many respondents expressed a feeling of powerlessness against the system, stating that 'the law is the law'.
  - *Police racism and Islamophobia*: many respondents felt that the police were institutionally racist and 'do not care' about Black, Asian and particularly Muslim people.
  - *Fear of harassment*: 36% of respondents were afraid that complaining would lead to further harassment.

- *Stops under Terrorism Act:* respondents stopped under the Terrorism Act were particularly likely to see complaining as pointless, because of the weight of Islamophobia.
- *Normalisation of Stop and Search:* respondents who had been stopped described the feeling of the normalisation of being continually stopped by the police.

#### *Experience of complaining*

- 1.11. The most important message that needs to be sent to Black communities is that complaints will be taken seriously and action will be taken against officers who abuse their power using Stop and Search. This needs to be done through sanctions and disciplinary action, including prosecution where appropriate against officers who misuse Stop and Search. Test cases where action is taken and compensation given to victims should be publicised to show communities evidence that complaints will be taken seriously.
- None of the eighteen respondents who had complained to the police were satisfied with the outcome.
  - One dropped the complaint because of repeated stopping and searching after lodging the complaint.
  - Two thirds of complainants found the process unclear.
  - All the respondents said that their case had been handled badly, two explicitly mentioning racism as the reason the case was handled badly.
  - 85% had a negative experience of how they were treated during the course of the complaint, including being treated like a criminal, feeling the police didn't care and being told the complaint would not make a difference.

## Summary of Recommendations

### A. Context

#### Recommendation 1

The first stage in addressing the conclusions of this study is that recommendations 61-63<sup>3</sup> of the Lawrence Inquiry Report are implemented in full. The MPS's commitment to their implementation in Autumn 2004 is welcomed. The implementation of the recommendations must be carried out according to the spirit and intent of the Stephen Lawrence Inquiry.

The recommendations should be implemented in consultation with community groups, and training provided to police officers on explaining rights to people stopped, including the right to complain.

### B. Process and Procedure

#### Recommendation 2

The IPCC should engage in regular and random in-depth sampling in addition to a systematic monitoring about Stop and Search, and over and above the strategic cases that it investigates.

#### Recommendation 3

It is recommended that there should be alternative non-intimidating means of making a complaint that are well-publicised and resourced:

- Adequate resources should be provided to 'gateway organisations', such as Black-led casework providers and Citizen's Advice Bureaux for their role in increasing access to the police complaints system.
- Police officers should be trained in visiting youth clubs to take complaints and feedback.
- Complaints could be initiated by Email and SMS text.

See also Recommendation 5

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<sup>3</sup> 61. 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.

62. That these records should be monitored and analysed by Police Services and Police Authorities, and reviewed by HMIC on inspections. The information and analysis should be published.

63. That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of "stop and search" provisions and the right to receive a record in all circumstances.



#### **Recommendation 4**

**The IPCC should produce a standard complaint form which:**

- **Is developed in close consultation with community groups.**
- **Includes information on rights and processes of complaint and appeal.**
- **Is available at every police station and gateway organisation and on IPCC, police and NGO websites.**
- **Is written in Plain English and translated into relevant community languages.**
- **Is available in a variety of accessible formats.**

**However the right to complain verbally, and in writing without using the form, should be emphasised.**

#### **Recommendation 5**

**It is recommended that restorative justice and mediation methods of dealing with complaints are developed and rolled out beyond the existing pilot projects. Mediation should take place in a safe space and be facilitated by an independent mediator, not a fellow police officer. The IPCC should provide guidance and training to police forces on restorative justice methods.**

#### **Recommendation 6**

**A local citizens' review board on police practices should be initiated to assure the public that complaints against police officers are investigated thoroughly, completely and fairly; and to recommend and advocate for policies which promote fair and humane policing. Located in each borough and linked to the IPCC, the independent citizens group could review and evaluate serious complaints brought by the public against officers and evaluate the administration of discipline arising from sustained complaints. They should have powers to make policy and procedure recommendations.**

*C. Promotion and information for public awareness*

**Recommendation 7**

**It is recommended that the newly established Independent Police Complaints Commission develop specific information that clarifies:**

- **How to make a complaint regarding Stop and Search.**
- **What the procedure will be, and**
- **Possible outcomes.**

**This must be further supported by greater transparency in the investigation of complaints. Complainants should be kept regularly informed of the progress of investigations and the outcome of all criminal, disciplinary and administrative investigations into alleged violations.**

**Recommendation 8**

**It is recommended that there is a highly visible public information campaign to publicise the complaints procedure and rights on Stop and Search. This should include posters, leaflets and web based information, and the use of radio, television and print based media. If this is done in partnership with NGOs the contacts in databases of these NGOs could receive direct communication. The 'GOWISE'<sup>4</sup> formula should be the main message for this campaign.**

**Recommendation 9**

**As part of the information campaign detailed at Recommendation 8, training or information sessions should be offered in community groups and schools on people's rights, specifically on Stop and Search but also on the relevant Articles of the Human Rights Act (particularly Articles 5, 9, 10 and 11).**

**Recommendation 10**

**As part of the information campaign detailed at Recommendation 8, we recommend the development of text messaging based information, particularly on the 'GOWISE' formula. a) via Teletext and b) via SMS text messaging to mobile phones.**

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<sup>4</sup> **G** Grounds - grounds for the search.  
**O** Object of the search – What is s/he looking for.  
**W** Warrant Card, if s/he's not in uniform.  
**I** Identify himself: i.e.. His/her name and force number.  
**S** Station - Which one s/he's from.  
**E** Entitlement - Your entitlement to a copy of the search record.

*D. Disempowerment and discrimination*

**Recommendation 11**

**There needs to be immediate clarification on the use of stops under anti-terrorism legislation, and if it is to be used, people's right to complain must be allowed.**

**Recommendation 12**

**Police training courses should be updated where appropriate to ensure a detailed and intelligent analysis of :**

- **The causes and manifestations of Islamophobia and ways in which the police can work to counter discrimination on this basis.**
- **The provisions of the Human Rights Act, especially Articles 5, 9, 10 and 11.**

*E. Sanctions and test cases*

**Recommendation 13**

**Performance indicators for Stop and Search should feature as quality not quantity indicators for any individual police officer or police authority.**

- **For officers, continuing evidence of disproportionate stops without good reason should be considered sufficient to instigate disciplinary procedures. ACPO and the Police Advisory Board should amend the police disciplinary code to include disproportionality in Stop and Search figures as grounds for disciplinary offences. The code should advocate disciplinary action for officers who harass complainants.**
- **For area wide command units or the Force as a whole, continuing inexplicable or justifiable disproportionate figures should be a trigger for further investigation by the CRE which can then result in actions under the revised provisions of the amended Race Relations Act, especially those concerning adverse impact of policies.**
- **Local police departments should establish early warning systems to identify and deal with officers involved in any patterns of abuse, including racial bias or other discriminatory treatment. They should establish clear reporting systems and keep detailed records in order to identify and take remedial action.**

**Recommendation 14**

Further research is needed to:

- Identify stops and searches carried out under the auspices of varying legislation, particularly that concerning preventing terrorism.
- Identify and monitor repeat stops and searches - figures collected by the police on numbers of Stop and Search should give an indication of the numbers of people who are repeatedly stopped and searched. Also people who are stopped many times have valuable experience of the practice and should be targeted for in-depth interviews.
- Compare the experience of complaining between Black and Minority Ethnic individuals to that of their White counterparts.

## Chapter 2: The 1990 Trust

2.1. The 1990 Trust is a leading Black-led human rights and race equality NGO and as such plays an important role in influencing, developing and analysing race related policy and legislation informed by the needs and concerns of Black groups in Britain. A key objective for the 1990 Trust is to advance the understanding of racism and to identify social policy priorities.

2.2. The Trust has made important contributions to public policy in the fields of education, human rights, employment, policing and criminal justice. The Trust gave evidence to the Lawrence Inquiry and wrote a report of the Inquiry from Black community perspectives. In 2000 the Trust published 'A Culture of Denial', a comprehensive study into the issues raised by the death of Stephen Lawrence and the subsequent police investigation, trial and inquiry. Other work by the 1990 Trust on issues of criminal justice includes:

- A policy paper 'Fuel on the Fire: Human Rights, Racism and the White Paper on Crime'. Written as a response to the Government's White paper on crime, 'Justice for All', the paper identified the potential adverse impact on Black and Minority Ethnic communities. The Trust also submitted a response to the Home Office's Race Impact Assessment of the Criminal Justice bill.
- Supporting Lambeth Independent Advisory Group, particularly on work to fight Gun Crime and Drugs misuse.
- Partnership with the Black Londoners Forum in conducting research for the Greater London Authority (GLA) across London on Black, Minority Ethnic and Refugee young peoples' views on community safety and crime. This resulted in the report 'Young People Big Issues'.
- Testimony to Home Affairs Committees such as the Home Affairs Committee inquiry into 'Police Disciplinary and Complaints Procedures' and the Home Affairs Committee inquiry on training and recruitment which resulted in acknowledgement in the final report – 'The Home Affairs Committee (HAC) Fourth Report, *Police, Training and Recruitment. Volume 1*' (ISBN 0 10 556234 3), published on the 28 June 1999.
- Several campaigns for miscarriages of justice.
- Organising a consortium of NGOs (including those representing women and children, Gypsies and Roma) to produce a submission in August 2003 for the UN Committee for the Elimination of Racial Discrimination (UNCERD) which oversees the human rights based 'International Convention on the Elimination of all Forms of Racial Discrimination'. This was first ratified by the UK in the 1960's although its provisions are not fully incorporated.



Periodically the committee for this convention reviews state progress. The UK government were due to report in August 2003, which they did. The 1990 Trust-led NGO document stood as a shadow report to the UK governments report. It included passages on criminal justice including Stop and Search. The committee responded as follows:

Concluding observations of the Committee on the Elimination of Racial Discrimination

Sixty-third session

4-22 August 2003

19. The Committee is concerned that a disproportionately high number of “Stops and Searches” are carried out by the police against members of ethnic or racial minorities.

The Committee encourages the State Party to implement effectively its decision to ensure that all “Stops and Searches” are recorded and to give a copy of the record form to the person concerned. The Committee invites the State Party to address this issue in more detail in its next periodic report.”

## Chapter 3: Background

### Stop and Search and Black Communities

3.1. In England and Wales in 2001/2, there were 713,680 police stops and searches recorded<sup>5</sup>. Although Stop and Search policies are drafted to be race neutral, figures reveal they disproportionately affect Black people in their application:

- Black people were eight times more likely to be stopped and searched than a White person. Public trust and confidence in the police amongst Black communities has been undermined by the persistent disproportionality in rates of stops and search together with the poor management of encounters by police officers and inadequate explanations as to why Black individuals have been stopped and searched.
- Black people were five times more likely to be arrested for a notifiable offence than a White person or someone from another Minority Ethnic group.
- Black and Minority Ethnic members of the public were much more likely to be searched than White respondents.<sup>6</sup> Less than one stop in ten on White people led to a search; but a search took place in just over one in four stops of Black people (with a figure of one in six for Asians).
- The PCA study 'Stop and Search Complaints (2000 – 2001)' found that despite being significantly less likely than their White equivalents to be arrested on the basis of the stop alone, Black complainants were much more likely to have their stop escalated to a search than White complainants. The study suggested this may be because the evidential threshold for stopping White complainants was significantly higher than for stopping Black complainants.

3.2. Overall, very few stops and searches actually result in arrests. According to the Home Office, 87% of the people stopped were found not in violation of any law.<sup>7 8</sup>

Thirteen per cent of the 895,300 stops and searches carried out by police forces in England and Wales in 2002/03 led to an arrest - the highest rate since 1992.<sup>9</sup> However, these arrest rates published by the Home Office refer only to stops and searches carried out under the Police and Criminal Evidence Act 1984 (PACE).

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<sup>5</sup> Home Office Statistics on Race and the Criminal Justice System 2002.

<sup>6</sup> FitzGerald, Marion, 'Final Report into Stop and Search', Metropolitan Police, 1999.

<sup>7</sup> Lusane, Clarence, 'Fuel on the Fire: Human Rights, Racism and the White Paper on Crime', The 1990 Trust, 2003.

<sup>8</sup> See Statistics for 2001/2 on Arrests for Notifiable Offences and the Operation of Certain powers under the Police and Criminal Evidence Act 1984 (PACE), Home Office.

<sup>9</sup> Ayres, M., Murray, L. and Fiti R. (2003) Arrests for Notifiable Offences and the Operation of Certain Police Powers under PACE: England and Wales 2003 (17/03), Home Office, December 2003.

- 3.3. Increasingly, police forces are using other powers to conduct stops - either Section 60 of the Criminal Justice and Public Order Act 1994 or, more recently, Sections 44(1) and 44(2) of the Terrorism Act 2000. The stops conducted under these powers are recorded as separate figures and do not show up in the summary sections of Home Office reports.
- In 2002/03, 82,920 people were stopped and searched under the Criminal Justice and Public Order Act and the Terrorism Act, a tenfold increase over the last three years. Of these stops, 3,646 resulted in an arrest - a rate of only 4% - suggesting that these powers are being used in an arbitrary way. Of the 32,100 people searched under the Terrorism Act in 2002/3, only 1.18% were arrested (380 people), and most of these were arrested for non-terrorism related offences.<sup>10</sup>
- 3.4. The impact on Black communities generally is the reinforcement of the view that they are stereotyped and regarded as criminals, while at the same time their needs for protection from crime are not given the same amount of attention.
- 3.5. In conversations with community based organisations and individuals who have been stopped and searched themselves, it is repeatedly evident that the experience of being stopped and searched can be both degrading and humiliating.
- 3.6. Working against the attempts to improve the view of Stop and Search is the reality that racial inequality still prevails. Therefore any attempt at redressing Stop and Search cannot be done without a wider and critical look at the relationship between Black people, the police and the state generally.
- 3.7. Whilst there is some support for Stop and Search, the public perceive that the costs to local communities caused by their current use (e.g. in terms of aggravation, distrust and resentment) outweigh their potential value (e.g. finding drugs, weapons or stolen items).
- A recent study of the views of the public on Stop and Search found that the way in which Stop and Search interactions are currently being conducted causes "...distrust, antagonism, and resentment...", although respondents from all ethnic groups were supportive of Stop and Search in principle.<sup>11</sup>
- Another recent Home Office study concluded that Stop and Search has a negative impact on confidence in the police and relations between Black communities and the police.<sup>12</sup>

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<sup>10</sup> Statewatch bulletin, vol 13 no 6, November-December 2003.

<sup>11</sup> Stone, V. and Pettigrew, N (2002) The Views of the Public on Stops and Searches, Home Office.

<sup>12</sup> Miller et al (2000) The Impact of Stops and Searches on Crime and the Community, Home Office.



3.8. The British Crime Survey (2000) asks a number of questions about stops in vehicles including whether, overall, people had been satisfied with the way the stop was handled. In all groups, the majority of respondents had been very or fairly satisfied; but of the men who had been stopped, Black respondents were significantly more likely than White respondents to have been dissatisfied. The main causes of dissatisfaction were the same for men in all ethnic groups. Whether or not they had been stopped previously had little influence on overall levels of satisfaction compared with:

- Whether the stop was followed by a search.
- Whether the police were perceived to have been polite; and
- Whether they gave a reason for the stop - and one which was acceptable.

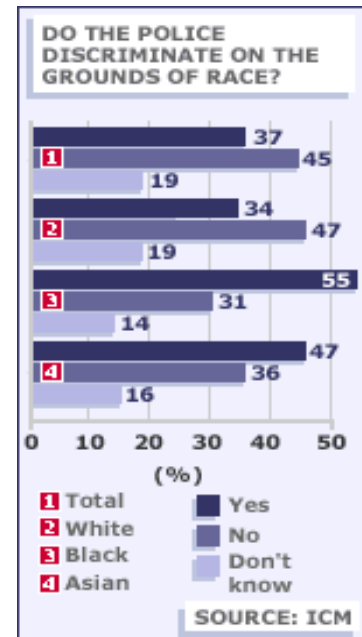
Black respondents had more negative experiences on each of these three factors; and it was this that largely explained their higher levels of dissatisfaction.

3.9. A 2002 BBC News Online survey on race looked at the experience of the police among different groups. Approximately a third of Black and Asian respondents each said they had been "made to feel like a criminal" because of their colour.

Asked if and how many times they had been stopped and searched, White respondents reported fewer and more infrequent instances than Black and Asian respondents.

Asked whether the police discriminate on race, 55% of Black respondents and 47% of Asian respondents said they do. Almost half of White respondents said the police do not discriminate, compared to 31% of Black respondents and 36% of Asian respondents. Of those who answered that the police do discriminate, exactly half said they had experienced racism.

Almost 40% of Black respondents and a third of Asian respondents said the fallout from the Lawrence inquiry had failed to alter attitudes within the police.



3.10. Although the Government states in its Periodic Report that work is necessary on Stop and Search policies, it only agrees "in principle" that all stops and searches should be recorded and a copy provided to the person stopped.<sup>13</sup>

<sup>13</sup> UK Government's 16th Periodic Report to the Committee for the Elimination of Racial Discrimination (CERD) 2003, p13.

*London*

3.11. London accounts for over a quarter of all stops in the country. The Metropolitan Police Service recorded 197,333 stops and searches in 2001/2.

Almost half of these stops were of Black and Minority Ethnic people, although they make up less than a third of the London population (see Table 1 below).

**Table 1: Stops and searches in London 2001-2**

	White	Black	Asian	Other	Not known	All BME	Total
Stops and searches (1)	100316 (50.1%)	66103 (33.5%)	23196 (11.8%)	3707 (1.9%)	4011 (2.0%)	93,006 (47.1%)	197,333 (100.0%)
Proportion of London population (2)	71.1%	10.1%	12.1%	5.8%	-	28.0%	

(1) Home Office, Statistics on Race and the Criminal Justice System 2002 (published 2003)

(2) Census 2001, Office of National Statistics

3.12. Whilst the policy's use in London dropped by 8% for White people from 2000/1 to 2001/2, it rose for Black people by 30% and for Asian people by 40%.<sup>14</sup> Bowling and Phillips<sup>15</sup> describe the disproportionate application of Stop and Search powers against young Black, and increasingly Asian males as "the most glaring example of an abuse of police powers" (2002:138).

3.13. Thirty-five per cent of the stops reviewed in the recent PCA study were carried out within the Metropolitan Police Service area, 67.6% of which were made on Black people.

3.14. The PCA report found that that Stop and Search complaints from the MPS area were more likely to involve stops on groups of young people in public places, leading to allegations of oppressive conduct, incivility and racial discrimination (over half of all complaints against the Metropolitan Police officers related to allegations of incivility (51.4%), twice that found in all other forces). It also revealed that complaints from the MPS were dispensed with at twice the rate of elsewhere in the country, and had a significantly lower substantiation rate than in other forces (10.8% compared to 2.9%).

<sup>14</sup> 'Higher proportion of Black people face stop-and-search' John Steel, Telegraph, 09 Apr 2002'

<sup>15</sup> Bowling, B., & Phillips, C. (2002) 'Racism, Crime and Justice'. Longman – Harlow

## Complaints and Black communities

3.15. Given the disproportionality of Stop and Search it is not surprising to find that Black people are more likely to complain to the police than White people, particularly about Stop and Search:

- (i) A 2001/2 Performance Report for the Metropolitan Police Service<sup>16</sup> recorded 221 complaints about Stop and Search from Black and Minority Ethnic people, compared to 93 complaints by White people (see Table 2 below). **i.e. there was one complaint for every 421 stops or searches of Black people, compared to one complaint for every 1078 stops of White people.**

**Table 2: Number of complaints about Stop and Search:**

	No. of complaints about Stop and Search (1)	No. of stops and searches in MPS area (2)	Number of stops and searches for every complaint made
White people	93	100,316	1078
Black and minority ethnic people	221	93,006	421

(1) Metropolitan Police Service Performance Report 2001-2, MPA meeting June 2002.

(2) Home Office (2003), Statistics on Race and the Criminal Justice System 2002, p 7.

- (ii) The PCA study into complaints and Stop and Search revealed marked differences in ethnic breakdown between the entire complaint cohort and the Stop and Search cohort, **with a markedly greater proportion of Stop and Search complaints coming from Black complainants.** (40% of the Stop and Search complaints in the PCA study were made by Black complainants, compared to 10% of all complaints. Please see Table 3 for more details).

**Table 3: Ethnicity of complainants (All complaints vs. Stop and Search complaints) 2000 – 2001 (Source – PCA Annual Report 2000 - 2001)**

	All Complaints	Stop and search complaints in study
White	69%	49%
Black	10%	40%
Asian	6%	8%
Other	3%	1%
Unknown	12%	2%

*NB: Stop and search complaint figures in this table are from the study sample of 100 cases.*

<sup>16</sup> Report 9 of the 27 June 2002 MPA meeting.

The study concluded there is “disproportionality in complaints about Stop and Search from Black complainants, markedly in excess of what would be anticipated as a result of the Home Office data on overall rates of stops by ethnicity”.

- (iii) Whilst the above figures show that Black people are more likely to complain about Stop and Search than their White counterparts, **they do not reflect the vast numbers of Black people who are subjected to a Stop and Search and who do not complain.**

One reason for fewer complaints than may be expected could be that the present process lacks credibility amongst Black communities. The view that complaints will not be taken seriously maybe due to the lack of serious consequences for police officers who violate the public's trust:

- Figures show that of 743 complaints received in 2001/02 that related to racial discrimination, only 9 cases (1.2%) were "substantiated".<sup>17</sup>.
  - The PCA report found that White complainants were significantly more likely to have their complaint referred to the Crown Prosecution Service than Black complainants. In the only case where criminal charges were pursued against officers, the complainant was White.
- (iv) The PCA study concludes that further investigation is needed into its finding that “Black people experience a different kind of dissatisfaction about stop and searches than do White people, and the incidents they complain about are intrinsically different”.
- (v) This study aims to explore Black people’s experience of making complaints about Stop and Search, focussing on the reasons why many Black people do not complain to the police despite their negative experiences of the disproportionate practice of Stop and Search.

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<sup>17</sup> Home Office Statistics on Race and the Criminal Justice System 2002.

## Chapter 4: Research Methodology

4.1. The aim of this research was to explore Black people's views and experiences of complaining about Stop and Search, both from the perspective of those who have complained and those who have not. This qualitative study was conducted with 304 individuals in a combination of face-to-face interviews and self-completion questionnaires.

This chapter outlines the interview and survey methods used in this study; recruitment of participants; content and aims of the questionnaire and the analysis of the data.

4.2. Respondents were targeted in the six London boroughs of Brent, Hackney, Lambeth, Tower Hamlets, Southwark and Westminster.

4.3. The boroughs were chosen after discussion with the MPA to reflect relatively high rates of Stop and Search and to ensure a good representation of Black and Minority Ethnic communities. Table 4 (below) shows the level of stops and searches in the boroughs selected.

4.4. Potential participants were approached in the street or in housing estates or youth clubs. Interviews and surveys were conducted by researchers with knowledge of the local communities in each borough.

4.5. This was a small-scale qualitative study and the sample was not intended to be representative of people who are stopped and searched in London. However, the recruitment of participants was random within the target group. Our researchers were briefed to target Black and Minority Ethnic people, who were likely to have been stopped and searched, but also to ensure some interviews with White respondents as a potential indicator for more comparative research that might need to be done.

**Table 4: Research Target Boroughs**

Borough	Inner/Outer	Resident Population (1)	Stops/Searches Apr-Sep02 (2)	Stops per 1000
Brent	Outer	263,464	2,630	10.0
Hackney	Inner	202,824	4,725	23.3
Lambeth	Inner	266,169	7,681	28.9
Southwark	Inner	244,866	5,644	23.0
Tower Hamlets	Inner	196,106	6,851	34.9
Westminster	Inner	181,286	14,180	78.2
London total (3)		7,169,350	118,737	
London average (3)		224,042	3,711	16.6

(1) Census 2001

(2) MPS Stop and Search Ethnicity Data, Report 15 for the Jan 2003 meeting of the Equal Opportunities and Diversity Board of the MPA

(3) Excluding City of London

- 4.6. Participants either completed questionnaires themselves, under the supervision of the researchers, or they were interviewed by the researchers using the same questions. The self-completed questionnaires usually took place in youth clubs, community groups or estates, and the interviews took place on the street. After the interview or completion of questionnaire, participants were offered information on their rights regarding Stop and Search.

### Survey and interview questions

- 4.7. The survey addressed the following research questions:
- What is the experience of people who have been stopped or searched by the police, in relation to whether they complain?
  - When people do not complain about Stop and Search, what are the reasons for this?
  - What is the experience of people who do complain to the police about Stop and Search?
  - What are the views of people who have not been stopped or searched?

An analysis of the responses given to these questions can be found in Chapter 5: Findings (Sections 2 – 5).

- 4.8. The questions were piloted in two of the boroughs and changes were made to the layout of the survey to make it easier for researchers to use. An additional question regarding the number of times the participant had been stopped was added: respondents were asked to specify how many times they had been stopped and searched (searches), and how many times they had been stopped and not searched (stops).
- 4.9. Two versions of the survey were produced, one for researchers to use during interviews, and one for participants to complete themselves; both contained the same questions. The self-completion survey was split into two separate surveys, one for people who had been stopped and one for people who had never been stopped. This shortened the survey and saved paper, and minimised the question routing in the survey (e.g. “If you answered ‘yes’, go to question 9”). The questions were the same in the versions for interviews and self-completion. A copy of the final interview survey can be found at Appendix 1.

### Questions asked

- 4.10. Section 1: Sample characteristics  
(all participants answered these questions)
- Ethnic background - self-definition and/or selection from census categories
  - Age group
  - Gender
  - It was also recorded whether the survey was self-completion or interview.

4.11. Section 2: Context

(all participants who had been stopped or searched answered these questions)

- How many times have they been stopped or searched?
- Were the reasons for the stops explained? What were the reasons, and did the participants feel that they were justified?
- Did the participant receive a receipt or record of the stop/search?

4.12. Section 3: Reasons for not complaining about Stop and Search

(participants who had been stopped and did not complain answered these questions)

This section of the survey addresses issues including: problems with process and procedure, problems with information about complaining and disempowerment and discrimination.

- Why did the participant not complain about the stop/search?
  - First, an open-ended question was asked, to elicit narrative data on why the participant felt they were stopped.
  - Secondly, six 'tick box' options were given for possible reasons why the participant did not complain about the stop.
- Participants who answered that they did not know that they could complain were then asked if in future they would make a complaint. A combination of the open-ended question and the 'tick box' option question was used to allow participants to explain in their own words why they did not complain to the police about being stopped and searched.

4.13. Section 4: Experience of those who did complain

(participants who had made a complaint about being stopped or searched answered these questions)

- Why did they make a complaint?
- How did they make the complaint?
- Was the complaints process clear to them?
- How well did they feel the case was handled, and how were they treated during the course of the complaint?
- Were they satisfied with the outcome of the complaint, and why?
- Suggestions for improvements to the complaints process.

4.14. Section 5: Views of people who had not been stopped or searched

- What are their views on Stop and Search?
- Suggestions for improvements to Stop and Search.
- Why they think people don't generally complain to the police about Stop and Search?
- How would they make a complaint if they wanted to?
- Whether they think there is a need for more information about the right to complain to the police, and what form they think this should take.

**Analysis of data**

4.15. Narrative data was entered in full and sorted according to groupings of boroughs and whether or not the participants had been stopped by the police, and if they had, whether or not they had complained. Narrative data from the following questions was coded further:

Reasons for being stopped

- Responses to the question “were you told or did you find out the reasons for the stop/search?” were categorised into:
  - (i) No
  - (ii) Yes
  - (iii) Yes, wrong reason: when the participant said or implied that the reason they were given was false or just an excuse for stopping them (for example: “Made up reason which was not true” or “I was wearing the same clothes as the person they are looking for. The usual crap”).

This provided an indication of the participants' satisfaction with being stopped and searched.

Reasons for not complaining

- Participants in the self-completion survey were given an open-ended question “please explain why you didn't complain” as well as six tick-box options, in order to elicit the maximum narrative responses.
- In interviews the open-ended question was used first, followed by the six options as prompts if necessary. In most cases, participants answered both the open-ended question and ticked or chose one or more of the six options. For those participants who did not choose the 'tick box' options, answers to the open-ended questions were then coded into the same six categories as the options given to the participants, along with 'other'.

The six categories were:

- (i) I didn't think there was anything wrong with the Stop / Stop and Search.
- (ii) I did not know I could complain.



- (iii) I did not know how to complain (the process).
- (iv) I thought it would be a waste of time.
- (v) I thought it might lead to more trouble for me or harassment.
- (vi) Other.

Views of people who were not stopped

- Answers to the questions “what are your views about Stop and Search?” and “is there anything you can suggest for how Stop and Search itself can be improved?” were coded together into the following broad categories:

Main replies	Respondents narrative
Racism	Any reference to racism, ethnicity, religion or Islamophobia Subcategory of this is “Racism/fine if fair”, when participants also say that Stop and Search is a useful tool if done fairly
Fine	Says Stop and Search is fine or good, or doesn't refer to any problems with it
Fine if fair	Stop and Search is useful/necessary if done fairly, or with other specified improvements (may mention unfairness, but no specific mention of racism)
Bad	General negative view of Stop and Search, but no mention of racism
Don't know	Participant said they do not know or do not have views on Stop and Search.

- The open-ended question “given the fact that people don't generally complain, why do you think this is?” was coded according to the five options given to people who had been stopped, plus ‘other’. Each participant's narrative may be given more than one code.

Options	Respondents narrative
(a)	Nothing to complain about (not bothered)
(b)	Don't know they can complain, don't know their rights
(c)	Don't know how to complain, don't know their rights
(d)	Waste of time, long process, no point, can't be bothered (responses given this code were further broken down in the detailed analysis)
(e)	Any mention of fear, or harassment or the consequences of complaining
(f)	Other, including don't know, need for an independent complaints process.

## Chapter 5: Findings

### Introduction

- 5.1. The findings of this study reveal the reasons why many Black people do not complain to the police about Stop and Search, despite their anger and dissatisfaction about the practice. It also looks at the experience of those who have complained or attempted to complain. The context for complaints about Stop and Search is explored in this study by looking at the experience of being stopped and searched, including the number of times each person was stopped and the reasons they were given for the stop, and for those who had made complaints, looking at the grounds for complaint.
- 5.2. The respondents in this study explained their reasons for not complaining to the police despite their sense of unfairness and injustice about being repeatedly stopped and searched. Their reasons included problems with process and procedure, a lack of information about rights and complaining and a sense of disempowerment and discrimination. Their views were backed up by those who had complained to the police, who had an overwhelmingly negative experience of the complaints system.
- 5.3. This chapter presents the findings of this study grouped into the following five sections, as cross-borough findings of this study.
  - **Section 1: Sample Characteristics:** ethnicity, age and gender of respondents
  - **Section 2: Context:** Levels of incidence and reasons for being stopped or searched
  - **Section 3: Reasons for not complaining about Stop and Search**
    - (i) Problems with process and procedures
    - (ii) Lack of information
    - (iii) Disempowerment and discrimination
  - **Section 4: Experience of those who did complain**
  - **Section 5: Views of people who had not been stopped**
- 5.4. A breakdown of results from each of the six boroughs (Brent, Hackney, Lambeth, Southwark, Tower Hamlets and Westminster) is available on request.
- 5.5. The themes of context, problems with process and procedure, lack of information, disempowerment and discrimination, and sanctions and test cases are developed in Chapter 6, and recommendations given for how they should be addressed.

## Section 1: Sample Characteristics: ethnicity, age and gender of respondents

5.6. This study surveyed 304 people (50 in Brent, Hackney, Southwark, Tower Hamlets and Westminster, and 54 in Lambeth). Seventy-one per cent of respondents (217 respondents) had been stopped by the police; 26% (86 respondents) had not been stopped, and one respondent described being stopped by customs officials (he had not complained). Of those who had been stopped by the police, 8% (18 respondents) had complained and 92% (199 respondents) had not complained.

### *Ethnic background*

5.7. Respondents were asked to self-define their ethnic background and/or to select one of the census categories (see Appendix 1 for categories).

5.8. Almost half (47%) of the respondents were Black African or Black Caribbean; 30% were Asian (Bangladeshi, Pakistani or Indian); 12% were Mixed race and 5% were White. In terms of specific ethnic groups, the largest percentages of respondents were Black Caribbean (29%), Bangladeshi (21%) and Black African (13%).

5.9. Four respondents described themselves as Muslim when asked the question about ethnic background, and two commented that there should be a question about religion:

*“Refuse to answer as my ethnic origin had nothing to do with it. It was my religion.”*

*“Muslim before Bangladeshi, you should put this category in your form.”*

Several other respondents described being stopped and searched or otherwise discriminated against by the police because they were Muslim. Future research on Stop and Search should address the issue of religious discrimination and Islamophobia by collecting data on religion where appropriate.

5.10. In Lambeth, 58% of respondents were Black. Lambeth had by far the largest percentage of respondents of Mixed race (34%). There were no Asian respondents in this borough.

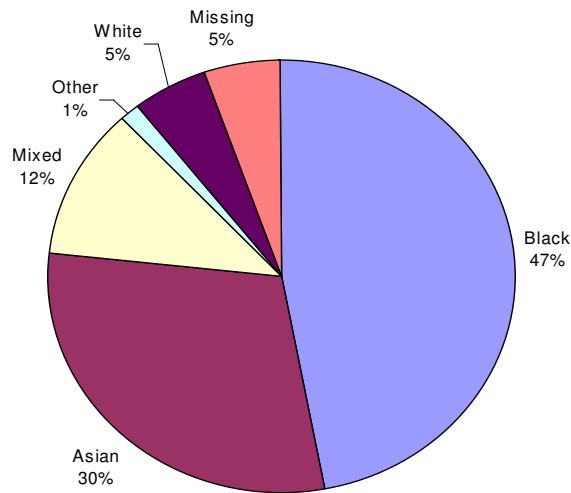
5.11. In Tower Hamlets, 98% of respondents were Asian (94% were Bangladeshi, 2% were Pakistani, 2% were Mixed Bangladeshi and Indian). The remaining 2% were Mixed White and Asian. There were no Black or White respondents in this borough.

5.12. Hackney respondents were primarily Black (60%). However, this borough had the largest percentage of White respondents (16%), the second largest percentage of Mixed race respondents (18%) and was the only borough with any Chinese respondents (4%).

5.13. Westminster respondents were mainly Asian (66%). It was the borough which recorded the highest number of different ethnicities for respondents (14 ethnicities recorded).

- 5.14. Seventy-four per cent of respondents in Brent were Black (52% of all respondents in this borough were Black Caribbean). Fourteen per cent of respondents in this borough were Asian and 8% Mixed race.
- 5.15. All the Southwark respondents who specified their ethnicity were Black (76%). Black Caribbean respondents accounted for 54% of the total in this borough. Southwark had the highest number of respondents who didn't specify their ethnicity (24%).

**Figure 1: Ethnic background of respondents**



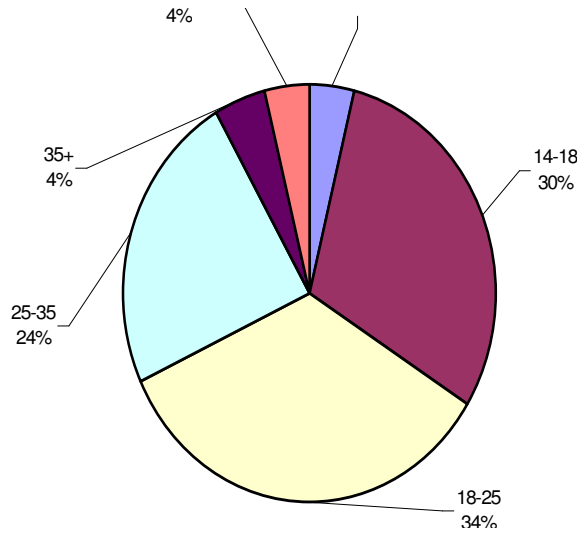
**Table 5: Ethnic background of respondents, by borough**

Ethnicity (%)	Lambeth	Tower Hamlets	Hackney	Westminster	Brent	Southwark	Total
Asian: Bangladeshi	0%	94%	0%	32%	2%	0%	21%
Asian: Indian	0%	0%	2%	16%	4%	0%	4%
Asian: Pakistani	0%	2%	0%	14%	8%	0%	4%
Asian: Other	0%	0%	0%	4%	0%	0%	1%
Asian: Indian & Bangladeshi	0%	2%	0%	0%	0%	0%	0%
Black: African	13%	0%	22%	10%	18%	14%	13%
Black: British	0%	0%	4%	0%	0%	8%	2%
Black: Caribbean	39%	0%	28%	0%	52%	54%	29%
Black: Caribbean & African	0%	0%	0%	4%	2%	0%	1%
Black: Other	6%	0%	6%	0%	2%	0%	2%
Mixed: White & Black Caribbean	17%	0%	10%	0%	6%	0%	6%
Mixed: White & Black African	13%	0%	6%	0%	0%	0%	3%
Mixed: White & Asian	4%	2%	0%	2%	2%	0%	2%
Mixed: Other	0%	0%	2%	4%	0%	0%	1%
White: British	6%	0%	6%	6%	0%	0%	3%
White: 'English'	0%	0%	0%	4%	0%	0%	1%
White: Other	0%	0%	10%	0%	0%	0%	2%
Other: Chinese	0%	0%	4%	0%	0%	0%	1%
Other: Arab	0%	0%	0%	2%	0%	0%	0%
Other: Muslim	0%	0%	0%	2%	0%	0%	0%
Not specified	4%	0%	0%	0%	4%	24%	5%
Total	100%	100%	100%	100%	100%	100%	100%

Age

- 5.16. The highest percentage (34%) of participants were in the 18-25 age group. 30% of participants were between 14 and 18 years of age, and 24% were in the 25-35 age group. Only 4% of participants were under 14, a further 4% were over 35 years of age and 4% did not specify their age.
- 5.17. Hackney and Lambeth both had 50% of participants from the 18-25 age group. Participants in Tower Hamlets tended to be younger, with 48% from the 14-18 age group and the highest number of participants under 14 years old (10%). Brent recorded most participants in the 25-35 age group, whilst Westminster had a fairly even age distribution amongst participants. Southwark had the highest number of participants who did not record their age (16%).

**Figure 2: Age of respondents**



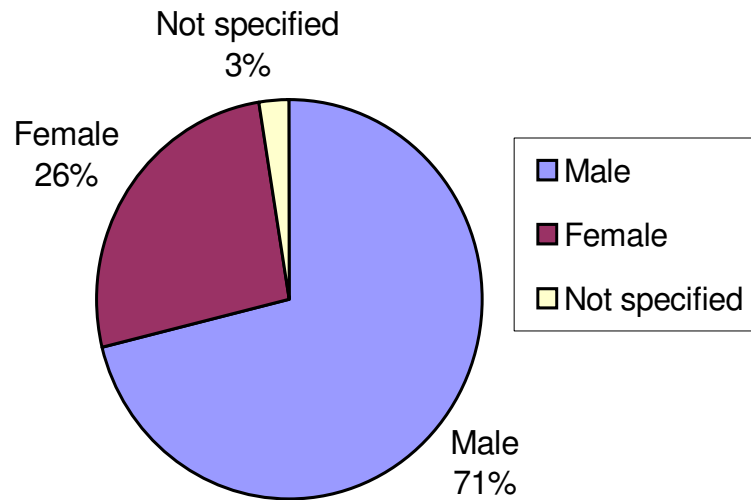
**Table 6: Age of respondents, by borough**

Age (%)	Lambeth	Tower Hamlets	Hackney	Westminster	Brent	Southwark	Total
10-14	0%	10%	0%	4%	6%	0%	3%
14-18	33%	48%	36%	26%	6%	34%	25%
18-25	50%	18%	50%	34%	34%	34%	28%
25-35	13%	22%	8%	36%	40%	12%	19%
35+	2%	2%	2%	0%	14%	4%	4%
Not Specified	2%	0%	4%	0%	0%	16%	3%
Total	100%	100%	100%	100%	100%	100%	100%

*Gender*

5.18. Seventy-one per cent of participants were male, and 26% female (3% of participants did not record their gender). Researchers targeted people likely to have been stopped by the police to ensure sufficient data on experience of complaining or reasons for not complaining. Researchers aimed, however to survey 25% female participants to provide some indication of any gender differences in experience of Stop and Search or complaining.

**Figure 3: Gender of respondents**



## Section 2: Context: Levels of incidence and reasons for being stopped or searched

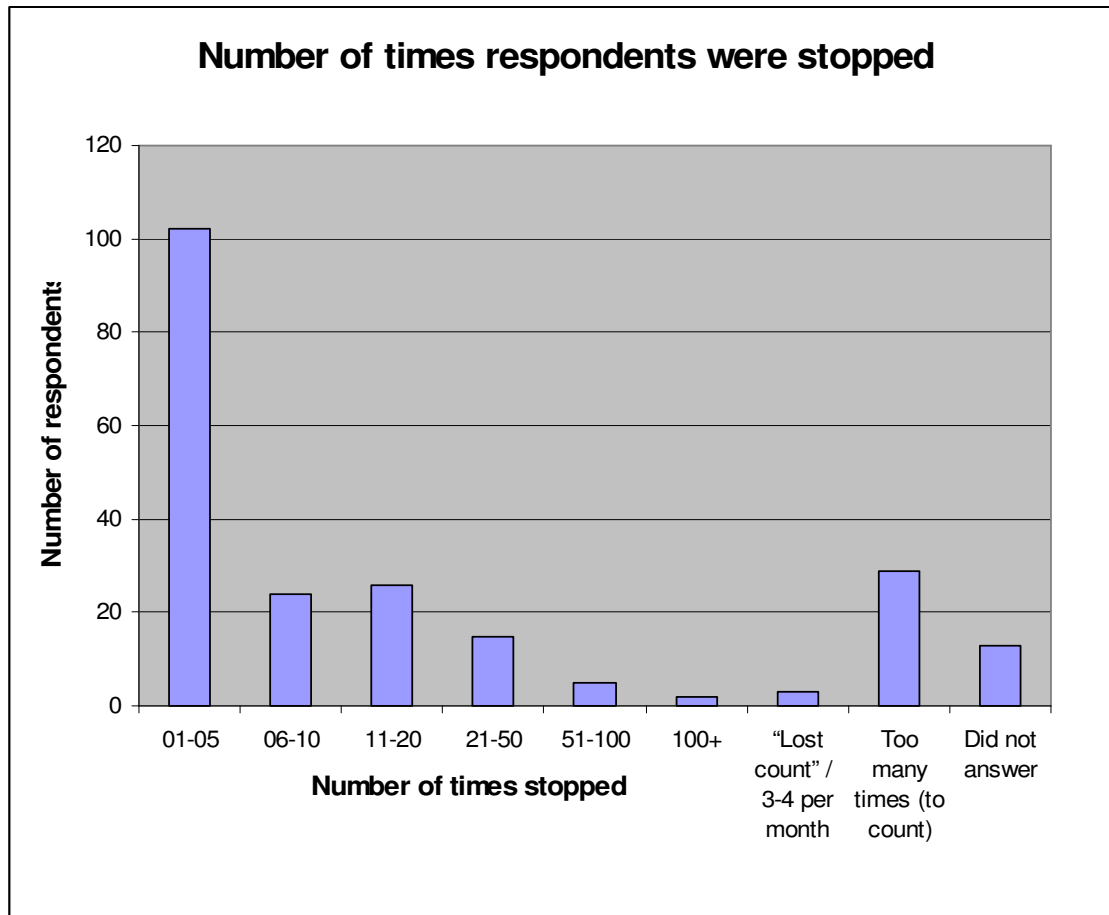
- 5.19. This section presents respondents' experiences of being stopped and searched, in order to provide a context for their responses about complaining to the police. These findings reveal many people who are repeatedly stopped and searched, and often offered inadequate reasons for being stopped,
- 5.20. Participants were asked how many times they had been stopped or searched and whether they were given or found out a reason for the stop. Although this section of the survey or interview did not explicitly ask participants whether they were satisfied with the stop or felt it was justified, many used this opportunity to express their anger, sense of injustice or experience of discrimination.

### *Number of stops*

- 5.21. Although the researchers specifically targeted people who were likely to have been stopped by the police in order to obtain sufficient data on experience of Stop and Search and complaints, **the level of respondents who had been stopped and the number of times they had been stopped were nevertheless astounding:**
- Seventy-one per cent of respondents had been stopped by the police and one other respondent described being stopped by customs officials.
  - Almost half the respondents who had been stopped had been stopped more than five times.
  - Eighty-eight per cent of respondents who had been stopped had been stopped more than once. Fourteen per cent said that they had been stopped "too many times to count", and two people reported being stopped 3-4 times every month.
  - Some respondents reported having been stopped "100" or "300" times. At first the researchers thought this might be an estimate that was exaggerated because of the respondents' anger and irritation at being unjustly stopped. However, if some respondents were stopped 3-4 times per month, over a period of two to three years this would total between 100-200 stops.
- 5.22. This study surveyed a small sample of respondents (304 people in six London boroughs) so does not provide a precise indication of the levels of Stop and Search and repeat stopping. However, the high levels of repeat stops found in this study suggest that for many of the respondents in the study, and many other young Black and Minority Ethnic men and boys, being stopped and searched by the police is a normal part of everyday life in London. This sense of the normalisation of Stop and Search will be discussed later in the chapter.
- 5.23. Figure 4 (below) shows the number of times each respondent had been stopped or searched. Some respondents did not specify an exact number of times, but said, for example, "lost count" or "too many times to count".



Figure 4: Level of incidence of Stop and Search in study respondents



5.24. Figure 5 (below) gives a breakdown by borough of the respondents who reported being stopped between one and 100 times. Figures for Southwark are excluded because Southwark respondents did not specify exact figures but described how many times (for example “nuff”, “many”, “too many times”). It also excludes include the three Tower Hamlets respondents people who said they had “lost count” of how many stops they had been subjected to, or the 13 people who didn’t answer the question regarding the number of stops. Figure 6 shows the borough breakdown of respondents who had not been stopped, and those that did not answer how many times they were stopped.

Figure 5: Respondents recording 1-100 stops, by borough

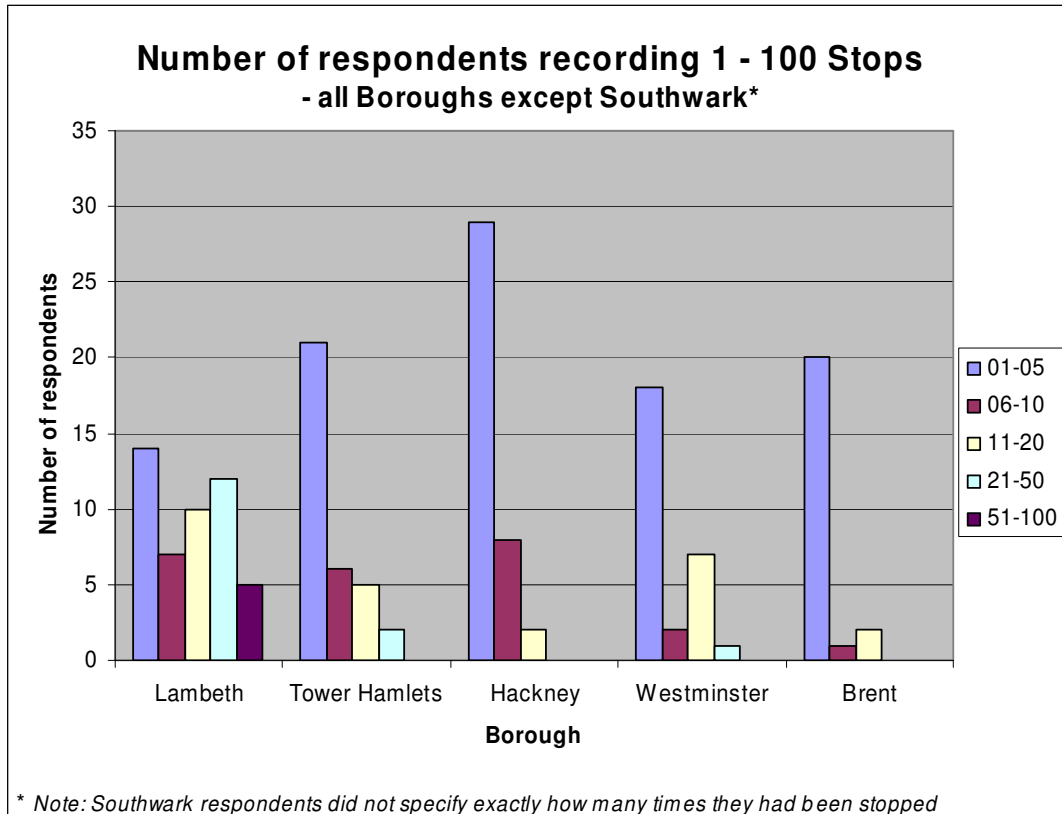
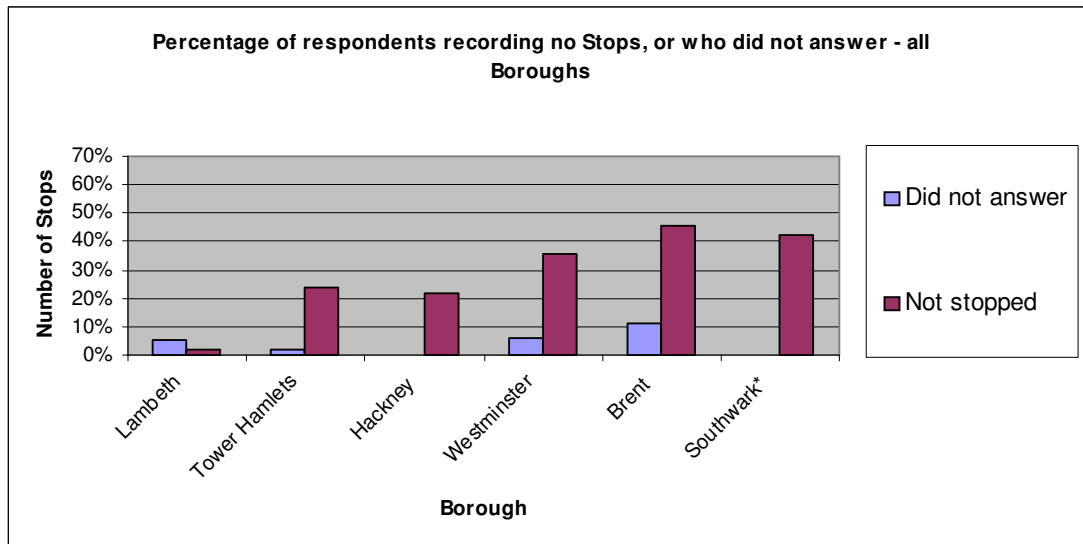


Figure 6: Respondents recording no stops, or who did not answer how many times – all boroughs



*Reasons for stops and searches*

- 5.25. When asked whether they had been given a reason for being stopped or searched, one fifth of respondents who had been stopped said or implied that the reason they were given was false or just an excuse for stopping them.
- 5.26. As found in Home Office research on the views of the public on Stop and Search (Stone and Pettigrew<sup>18</sup>, 2000), not being given a credible reason for being stopped tends to cause people to feel more uncomfortable, intimidated and frightened. Stops described as 'routine' led to people feeling they were stopped for who they are rather than what they have done. Respondents in this study commented on the reasons they were given for being stopped:

*“Are we ever told the real reason? The police just stop everyone. They stopped me in a block of flats. They were checking people who might have burgled an old lady.”*

*“I was told once that being Black gave me the reason for the police officer to arrest me. Not in so many words. He basically said my kind always commit crime.”*

*“The police officer once accused me of being caught on camera thieving an Avirex jacket. Everyone who is my age wears Avirex jackets. They were so wrong.”*

*“Once they stopped my when I was driving 30 miles an hour at 4am down Cambridge Heath Road, East London. They told me no-one drives at 30MPH at 4 in the morning. That was their reason.”*

5.27. Terrorism Act

- Seven respondents reported being stopped under the Terrorism Act, or for “preventing terrorism”. Three of these were told that no reason need be given for a stop under the Terrorism Act. All of those stopped about terrorism described their ethnic or religious background as Bangladeshi, Pakistani, Arab or Muslim. None complained to the police:

*“On the first occasion I was driving home late at night and stopped by a van filled with police. A gun was pointed at me. On the second occasion I was at an airport. No reasons were given; they said they didn't have to give one. It was under the Terrorism Act.”*

*“No reason given - I was told a reason wasn't necessary under the Terrorism Act.”*

*“My appearance. I was the only one stopped from my friends. I have a long beard and was dressed in traditional eastern clothing. I was stopped under Terrorism Act.”*

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<sup>18</sup> Stone, V. & Pettigrew, N. (2000) 'The Views of the Public on Stops and Searches'. Home Office – London

*“Terrorism Act. I was disgusted that the one day out of the many weeks I had driven to work I was pulled over when I was not wearing a shirt and tie.”*

5.28. No reason

- Almost a quarter of respondents reported having been given no reason for being stopped or searched:

*“No - and I find it quite offensive. As I think it a bit prejudiced and undemocratic.”*

*“They're just on you, they're so much all over you when they stop you they haven't got time for that.”*

*“I was informed that they didn't need a reason.”*

*“The police did not give me no good reason. On each occasion they failed to give me an explanation. The police said it was routine.”*

*“No reasons, one time the police officer told me I had the right to shut up.”*

- 5.29. All the quotes above are from respondents who had not complained to the police about Stop and Search, although they clearly indicate dissatisfaction with the stop.
- 5.30. Little evidence was found in this study of people who did not complain because they were satisfied with being stopped or searched by the police, so other reasons why people may not have complained are discussed in Section 3 (overleaf).

### Section 3: Reasons for not complaining about Stop and Search

5.31. This section gives an overview of the reasons respondents gave for not complaining about Stop and Search. This is followed by an in-depth analysis of the themes that emerge from these responses:

- (i) Problems with process and procedures
- (ii) Lack of information
- (iii) Disempowerment and discrimination

5.32. Finally there is a selection of key cases of people who had been stopped by the police but not made a complaint.

#### *Overview of reasons for not complaining*

5.33. The main reason given by participants in this study for not complaining to the police was that they felt nothing would come of it. Sixty-three per cent of respondents who had been stopped but not complained said that complaining to the police would be a waste of time. When we analysed the results at borough level, we found that this figure rose to 79% in Tower Hamlets and 85% in Southwark.

5.34. A further 36% of respondents said they thought complaining might lead to more trouble for them or harassment. 58% of respondents in Hackney gave this reason for not complaining, as did 48% in Southwark and 41% in Brent.

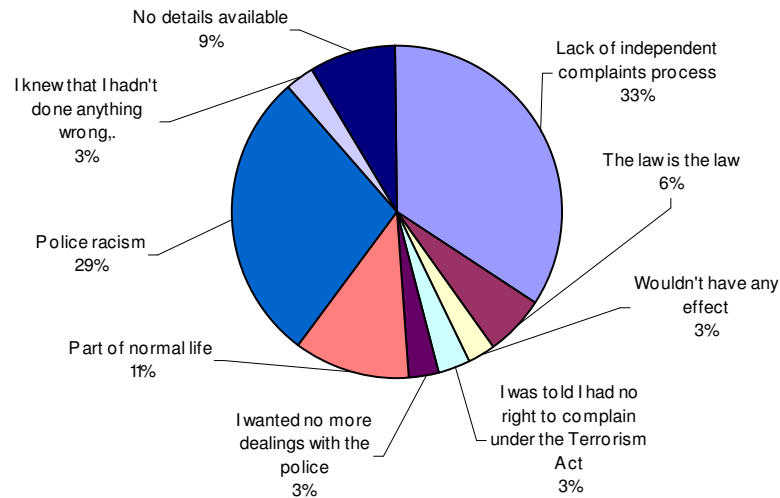
5.35. Of those who specified 'Other reasons' for not complaining, 33% blamed the lack of an independent complaints process, a further 29% blamed police racism.

**Figure 7: Reasons for not complaining**



\* Note: respondents could choose more than one reason

**Figure 8: Reasons for not complaining – other reasons specified**



5.36. It has been argued that the reason for so few complaints to the police about Stop and Search is because people do not mind being stopped and searched. The findings of this study do not support this argument.

- Just 22 out of the 199 people we surveyed (11%) who had been stopped and not made a complaint said that this was because there was nothing wrong with the Stop and Search. They felt that the police were “just doing their jobs”.
- Of those who had not been stopped or searched by the police, just 16% (14 respondents) felt that there were no problems with Stop and Search when asked (one third of these were White).

*Analysis of themes emerging from participants' responses*

5.37. Three themes emerged from participants responses about why they did not complain to the police. They are summarised here and discussed in detail below:

- Problems with process and procedure:
- Lack of information (i.e. not knowing they had the right to complain) and
- Feeling disempowered and discriminated against.

(i) Problems with process and procedure

- 5.38. When asked why they did not complain about Stop and Search, the problems with process and procedure that respondents highlighted were the lack of an independent process for complaints and the sense that complaining was a waste of time because no action was taken against officers.

*Lack of an independent complaints process*

- 5.39. Twelve respondents explicitly mentioned the lack on an independent channel of complaint about the police, or the futility of complaining when the police would be investigating themselves. There was a sense that there is no authority above the police to which they can be held to account:

*“I felt quite intimidated by the whole process, and I didn't really trust a complaints system where the police investigate themselves. I feel there should be an independent complaints procedure, not the police investigating themselves.”*

*“I cannot complain to the police about the police. I don't trust the police, so how am I going to trust them to deal with the situation. It's like complaining to your mum after she boxes you in the face to make sure when she does it again don't do it as hard.”*

- 5.40. The sense of there being no independent complaints process or options was also reflected in the responses from people who had complained, and from those who had never been stopped by the police. It is interesting that all the respondents who had complained did so directly to the police. No-one used any other method, such as using the Police Complaints Authority or their MP (see Findings: Section 4).

*Waste of time*

- 5.41. There was a strong general sense from respondents that the complaints process was not worth entering into. This was backed up by the experience of people who had actually complained and described the process as “a joke” (see Findings: Section 4):

*“Because I believe the police force is corrupt and my complaint wouldn't have gone anywhere.”*

*“The complaint does not work. It is time-wasting and nothing is achieved from it. It also might lead to more trouble for you.”*

*“Because I did not think that it would be dealt with properly.”*

*“Wouldn't have any effect. It's all just lip service.”*

(ii) Lack of information

- 5.42. There was a lack of a rights-based culture amongst many of the respondents of this study, and poor awareness of the options available for complaining, particularly with respect to stops under the Terrorism Act.

*Terrorism Act*

- 5.43. There was a perception that Stop and Search under the Terrorism Act or for prevention of terrorism were out of the scope of normal rights, and that people did not have the right to complain if stopped for these reasons. One respondent had been told by the police that he had no right to complain:

*“Told that my search was under “Anti-Terrorist Law” + so nothing can be done about it.”*

- 5.44. Others stopped under the Terrorism Act were unaware of their right to complain:

*“As the reason I was stopped and searched was my religion - and as this was explained to me I didn't know I could complain. It seemed official and completely legal. It is completely discriminatory but not surprising. Also apart from writing a letter of complaint I wouldn't know what else to do, and even if I was to write a letter it would not be to an independent authority.”*

*Lack of rights-based culture*

- 5.45. There was a general lack of awareness of the right to complain about the police and a sense that they were above the law, with 27% of those who had been stopped and not complained unaware of their rights:

*“I personally didn't think that you could complain. No one has ever told me that you could complain about Stop and Search. I thought you could only complain about harassment.”*

*“I was unaware of any procedures of complaint which existed against the police authority.”*

*Lack of knowledge of process*

- 5.46. A quarter of respondents who had been stopped and didn't complain said they did not know how to complain:

*“No point - didn't know who to complain to.”*



(iii) Disempowerment and Discrimination

5.47. Many participants' responses revealed a sense of powerlessness in complaining against the police, the experience of racism, the particular experience of respondents stopped under the Terrorism Act and the normalisation of Stop and Search.

*Sense of powerlessness*

5.48. There was a strong feeling expressed by many respondents of powerlessness against the system. It related to the lack of an independent body to hold the police to account:

*"Am I supposed to complain about the police to the police? I was made to feel humiliated and powerless."*

*"No it won't help my situation. My voice is like a fish in an ocean. What will they do to help my situation. Jail me."*

*"The law is the law."*

*"The police are the law, there is nobody above them."*

*"So I can see the same police behind the counter. You can't fight the system."*

*"Would you complain? 'Cos I sure don't see the benefits. Can you see it making a change? Please let me know when it brings a result, then I might consider."*

*"The police will not process my complaint. Plus have you heard of any cases where police have been brought to justice over Stop and Search?"*

5.49. To enable these people to complain about Stop and Search they would need to have confidence that their complaints were welcomed and that there was an authority above the police to which they could be held to account.

5.50. The perception that complaining to the police would not achieve anything was overwhelmingly supported by the findings of this study about the experience of people who have complained, or attempted to complain, none of whom were satisfied with the outcome. They described appalling treatment, in contravention of all good practice on the handling of complaints:

- One complainant dropped the complaint after being repeatedly stopped and searched after making the complaint.
- Complainants also felt that they were treated unfairly during the complaints process because of being Black or Muslim.
- One respondent had been told not to speak to any other officers about the complaint as one particular officer wanted to deal with it.
- Complainants were told that they had no grounds for complaint or that the evidence was too weak. They were told complaining would make no difference.

- People who attempted to complain about stops under the Terrorism Act were told that they did not have the right to complain about stops carried out to 'prevent terrorism'. During the process complainants felt that they were treated as if they were the criminal rather than somebody complaining about police misconduct:

*"They did not take my situation serious enough. If I was White, they would have taken me more serious."*

*"I dropped the case because I was repeatedly stopped and searched after I lodged the complaint."*

*"Not good. They just sent me a letter saying they have acknowledged my complaint."*

*"The police handle the complaint as if it was a joke. There was time I was told I would never win a case."*

Please refer to Findings: Section 4 of this report for further findings on the experience of complainants.

#### *Police racism and Islamophobia*

- 5.51. Institutional racism and Islamophobia were mentioned by many respondents as reasons why they didn't complain to the police. There was a strong perception that the police do not care about Black and Muslim people:

*"I will never complain because the police is institutionally racist. I will never win a case. This needs to be made a public issue. No one knows the procedure."*

*"The police would not do anything about the situation. They do not care about Black people. We need to look into the process of complaints. We need to make the police responsible for unlawful stops."*

*"The police are a racist force. They would not deal with any complaint honestly. The police do not like Black and Asian people. If I complain would anything get done?"*

- 5.52. Several respondents who had not complained spoke about the culture among the police of being unwelcoming to Black people and the culture among Black people of not complaining to the police, because of the history of police racism:

*"I am Black it's not in my nature. The system was not designed for us. They want us to feel unwelcome."*

*"What do you mean complain? Ha ha. The police won't do anything to their officers. Us people have just got used to it. We are lucky that they don't waste any more of their time."*

*"I have not got time for that rubbish. Complain to who? They will laugh me out of the station. How many Black people complain?"*

### *Fear of harassment*

- 5.53. More than a third of respondents who were stopped did not complain because of fear of further harassment or trouble from the police:

*“Once you complain I believe the police keep an extra eye on you. They don't like it when the young people know their rights, especially if you are Black or foreign.”*

*“I fear further police harassment especially because I'm Muslim and can be identified as such.”*

*“There was no reason and I didn't know you could complain. If I did I thought they would arrest me.”*

*“I couldn't be bothered because they might harass us more.”*

*“What for? Just to get more harassment from boy dem. Anyway what are they gonna do with the complaint but file it.”*

### *Stops under the Terrorism Act*

- 5.54. Respondents who had been stopped under the Terrorism Act were particularly likely to see complaining as pointless:

*“I know a number of brothers that have been stopped by police, who have tried to complain but got nowhere. I don't know how to do it, or what the point is. It seems unlikely that anyone will be disciplined. It will be added burden to me and I fear further police harassment especially because I'm Muslim and can be identified as such.”*

*“As the reason I was stopped and searched was my religion - and as this was explained to me I didn't know I could complain. It seemed official and completely legal. It is completely discriminatory but not surprising. Also apart from writing a letter of complaint I wouldn't know what else to do, and even if I was to write a letter it would not be to an independent authority.”*

*“I felt very angry but what would be the point.”*

- 5.55. This was reinforced by the experience of those who had been told by police that they had no right to complain about Stop and Search carried out for 'anti-terrorism'.

### *Normalisation of Stop and Search*

- 5.56. Another reason why people do not complain about Stop and Search is because the experience of being stopped by the police has become normalised, and they are disempowered to do anything about it. One respondent who had not herself been stopped explained:

*“I think that most people "accept" the fact that this is what happens in life and it is just another slice of discrimination that one has to deal with.”*

- 5.57. Respondents who had been stopped described the feeling of the normalisation of being continually stopped by the police. For some it was not even something they would consider complaining about:

*"I didn't see the need to complain. I am a Black boy who experiences this harassment every day. Complaining will not help. We have become used to the police picking on us."*

*"I didn't know you could complain I assumed it was the norm to be stopped and searched."*

*"It's only a Stop and Search. It ain't nothing to be complained about. At least 8 people I know get Stop and Searched every three weeks. It's a minor thing."*

*"I didn't know that you could complain about Stop and Search. I think that Stop and Search is a part of general life. It's unfortunate that you look like a suspect but then that's how life goes."*

- 5.58. The main reasons respondents in this study did not complain to the police about Stop and Search were due to a lack of confidence in the complaints process and procedure, lack of information on their right to complain and how to make complaints, and being disempowered and discriminated against. There was a strong sense from respondents that there was no point complaining because no sanctions were taken against officers responsible. These themes will be developed further in Chapter 6 and recommendations made on how they should be addressed.

*Key cases: respondents who were stopped and did not complain:*

A 14-18 year-old Bangladeshi boy from Tower Hamlets, who had already been stopped by police four times, describes his experience of being stopped:

*"I was at some shops with friends. When we came out the officer grabbed my friend for no reason. When I intervened he pushed me. I said don't touch me. He continued to do so and so I was very upset but I thought that there is no point in complaining as it won't achieve anything."*

A Muslim man in Westminster, aged 25-35, described being stopped at gunpoint by the police:

*"On the first occasion I was driving home late at night and stopped by a van filled with police. A gun was pointed at me. On the second occasion I was at an airport. No reasons were given, they said they didn't have to give one. It was under the Terrorism Act."*

He explained why he could not complain about his experience:

*"Am I supposed to complain about the police to the police? I was made to feel humiliated and powerless."*

An 18-25 year-old Caribbean man from Lambeth had experienced police racism and stereotyping on several separate occasions. He had been stopped approximately 60 times, including being searched 15 times. He described one stop when he was mistaken for a man the police were chasing:

*"The police accused me of being the guy he was chasing. He and fellow officers ran up my block of flats. I was coming down the stairs. I wasn't wearing the same clothes. He said I changed and wanted to come in my flat. When he saw my mum, he gave up."*

He explained why he does not trust the police.

*"I don't trust the police. I once went to an ID parade. I wanted to get extra money. I was there voluntary. A husband and wife pointed me in the line up. They accused me of taking a mini-disc from their store. The police asked me questions of me whereabouts. They got shamed when they found out I was in college. So why would I complain against racist pigs."*

A Pakistani 25-35 year-old disabled man was removed from the crowd at a Wimbledon Tennis match and searched under the Terrorism Act:

*“I was sitting in Centre Court Wimbledon watching Tim Henman match and asked to come out and was then searched down to t-shirt and boxer shorts, including my rucksack. I was told the reason was that someone near me complained that I was not watching tennis and acting suspiciously. This is absurd, because they wouldn't tell me who from, when or how they got the complaint, and moreover, I am a total tennis fanatic who goes to Wimbledon several times a year! The police's crazy paranoia, blatant racial prejudice, lack of respect for my chronic disability and slowness in finishing the matter having checked that I had no bombs or weapons on me, all completely spoiled my special day of having a Centre Court ticket, which is so prestigious that it costs several hundred pounds to get hold of.”*

He was told he had no right to complain because he was searched under anti-terrorism legislation.

#### Section 4: Experience of Complaining about Stop and Search

5.59. This section presents the responses from participants who had complained or attempted to complain to the police. Complainants' responses are presented in the following themes:

- (i) Context: reasons for complaining.
  - (ii) Process and procedure: the method of complaint, the clarity of the complaints process, the police's handling of the case.
  - (iii) Disempowerment and discrimination: how the respondent was treated during the complaint and satisfaction with the outcome.
  - (iv) Complainants' recommendations for improvements to the complaints process.
- Finally there is a selection of key cases.

5.60. Eighteen participants reported that they had made complaints to the police, including one participant who had attempted to complain but gave up when he was told he had no evidence and his complaint would make no difference.

- Sixteen complainants were male and two were female.
- Four complainants were Bangladeshi, three African, five Caribbean, four Mixed ethnic background (two White and Black Caribbean, one White and Black African, and one 'other'), one White and one did not state ethnic origin.
- Four were aged 14-18, five were 18-25, six were 25-35 and three were over 35.
- Four of the respondents who had made complaints were from Lambeth, four were from Tower Hamlets, three from Brent, three from Hackney, two from Southwark and two from Westminster.

##### *(i) Context: Reasons for complaining*

5.61. Respondents who had complained had done so on a number of grounds:

- Five participants complained because of 'harassment', 'victimisation' or repeated stopping/searching.
- Six respondents complained because of being stopped unfairly or for no valid reason.
- Five participants complained about inappropriate conduct or attitudes of police officers, or unfair or unjustified treatment by the police, including two complaints of assault by police officers.
- One participant complained about racism.
- One complainant did not state the reason for the complaint.

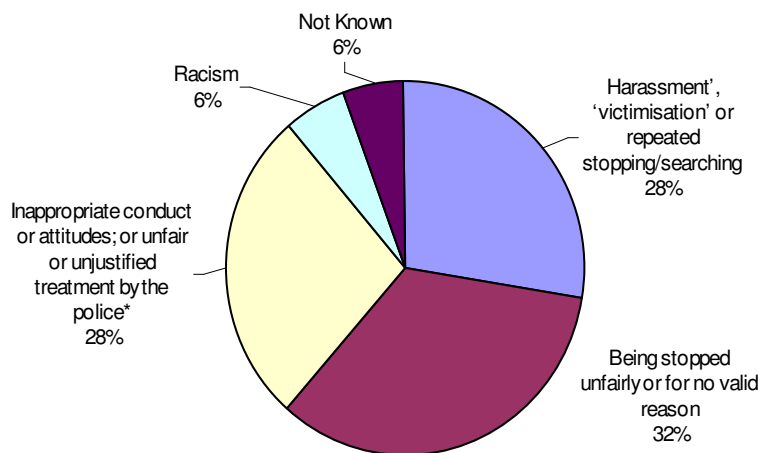
5.62. Comments included:

*“At first I was scared then my mother encouraged me to go ahead with it, especially since I was experiencing pains because of the assault that the police had inflicted on me.”*

*“Because I've never done anything wrong in my life - just because I look like someone else.”*

*“Because I was stopped in my car 18 times in one week.”*

**Figure 9: Reasons for complaining**



\* included two complaints of assault by Police

(ii) Process and procedure

Method of complaint

5.63. Eleven out of the eighteen respondents went to a police station to make the complaint, one phoned the police station, two contacted a solicitor and one made the complaint to the officer who stopped him (three did not state how they made the complaint).

Clarity of the complaints process

5.64. Two thirds of respondents (12 respondents) found the complaints process unclear, and six found it clear. Comments included:

*“No. They just told me I did not have a good reason.”*

*“No. Still don't understand the complaint procedure. One rule for one, there is a rule for another.”*

*“Yes. I thought it was at first.”*

Handling of the case

5.65. All eighteen respondents said that their case had been handled badly.



- 5.66. Two respondents explicitly mentioned racism as the reason the complaint was handled badly.
- 5.67. One dropped the complaint because of repeated Stop and Search after complaining.
- 5.68. Two were told that they had no grounds for complaint.
- 5.69. One participant was 'suspicious' of the way the case was being handled because it was being dealt with by one officer and he had been told not to speak to anyone else about it.
- 5.70. Two respondents said that complaining had been a waste of time or was very time-consuming.
- 5.71. Comments included:

*"Very badly and disappointing as I did not hear back from them."*

*"Not good. They just sent me a letter saying they have acknowledged my complaint."*

*"I can't tell you, all they said was that my case was getting looked at. Happened twice, same old bullshit."*

*"They did not take my situation serious enough. If I was White, they would have taken me more serious."*

*"Not well at all, in fact I just decided to forget about it."*

*"The police handle the complaint as if it was a joke. There was time I was told I would never win a case."*

*(iii) Disempowerment and Discrimination*

Treatment during complaint

- 5.72. Four out of eighteen respondents felt that they were treated "OK" or "satisfactory", or that there were no problems with their treatment during the course of the complaint.
- 5.73. Eleven participants (85%) had a negative experience of their treatment during the complaints process. Three mentioned delays. Two said that they felt or were treated like a criminal. Two talked of feeling that the police did not care, or that they were told the complaint would not make a difference. One said that making the complaint reduced the amount of times they were stopped and searched for a bit, but after a while the police officers continued to stop him:

*"I was treated like I committed the crime."*

*"Kept waiting for approx 2 hrs. Eventually left after informing duty officer that I will be taking it further."*

*"Not well - they told me to shut up."*

*“Satisfactory.”*

*“They made me felt that my evidence was too weak and told me that it will not make a difference or an effect to the system.”*

#### Satisfaction with outcome

5.74. All eighteen respondents who complained to the police reported that they were not satisfied with the outcome of the complaint. Two felt that their complaint was not taken seriously. Two were told they had no grounds or evidence but felt that they did. Two felt they had obtained no justice. Seven were unsatisfied because of the complaints process, delays or getting no outcome. Three of the respondents said that they were taking the complaint further:

*“No, it was bullshit. It was a waste of time, I waited for hours and nothing came about it.”*

*“No I wasn't because I wasn't successful even though I had strong evidence.”*

*“No as I was not clarified of the outcome.”*

*“I told you that they have taken my complaints it was a joke. No I am not happy with the police.”*

#### *(iv) Complainants' recommendations for improvements to the complaints process*

- 5.75. A quarter of complainants (5 respondents) said that a completely new complaints procedure was needed, including three who specified that it should be independent of the police service.
- 5.76. Two complainants said the process needed to be made simpler, in particular so that young people can understand it.
- 5.77. Two comments concerned the conduct of officers during complaints, including not obstructing complaint, and being more polite.
- 5.78. Other specific suggestions for improvements included written acknowledgement of complaints, suspension of officers during the course of the complaint, and formal apologies.
- 5.79. One respondent said there needed to be an independent witness at the scene of the stop or search, and suggested a camera filming stops.
- 5.80. Four respondents answered “don't know” or did not answer the question.

5.81. Suggestions for improvement included:

*“They need officers that will allow us to make a complaint.”*

*“The police should:*

- i. take complaints seriously.*
- ii. I should have received a written confirmation of the complaint with some type of feedback. I was very disappointed.”*

*“More information. Process should be made more simple and quick. Support by the government or organisation. Stop and Search should be recorded on tape.”*

*“Complaints should be totally independent of the police, because it could be intimidating.”*

*“They need to be a proper procedure in place. We need to make them accountable for there actions. We need to radically redefine the complaint procedure.”*

*“Start from A again.”*

*Key Cases: Respondents who complained*

An 18-25 year-old Bangladeshi man complained to the police because he “was arrested playing football”. He dropped the case “because [he] was repeatedly Stop and Searched after [he] lodged the complaint” and described being “made to feel like a criminal”. He said that he did not find the process clear and was not satisfied with the outcome “because the procedure was long and complicated” and recommended that the complaints process should be made simpler especially so that young people could understand it.

A 14-18 year old Caribbean boy was “assaulted by the police and then taken to the police station and charged.” He described his experience of complaining to the police:

*“At first I was scared then my mother encouraged me to go ahead with it, especially since I was experiencing pains because of the assault that the police had inflicted on me. After the police had dropped the charges against me I complained through my solicitor.”*

He said he was treated “dodgy” during the course of the complaint, and was not satisfied with the outcome of the complaint so is taking it further. He recommended that:

*“Complaints should be totally independent of the police, because it could be intimidating.”*

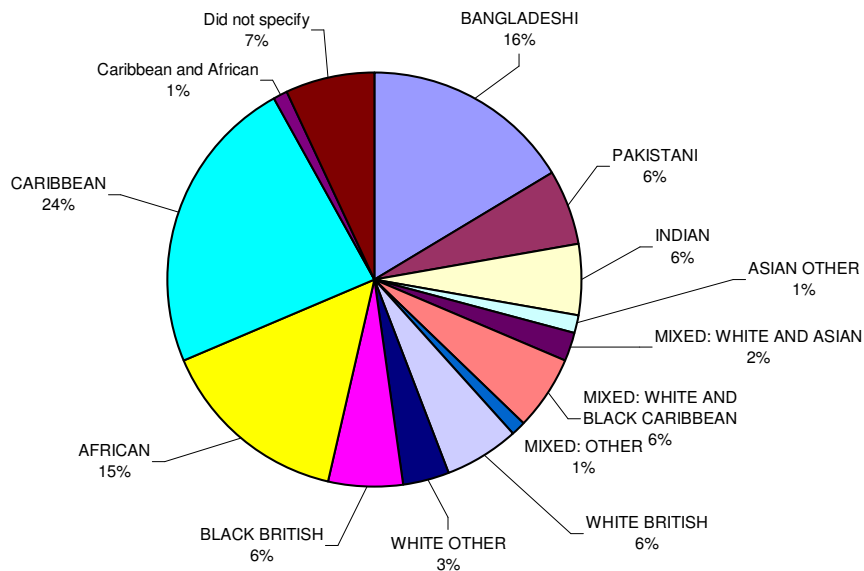
An 18-25 year-old White man complained to the police because he was stopped in his car 18 times in one week. He was told by an inspector at the police station where he made the complaint that he “had no grounds to make a complaint”. He said he was treated “Normal, no problems” during the course of the complaint but was not satisfied with the outcome because he knew he had grounds for complaint. He recommended that complaints should be:

*“Carried out by independent people who have nothing to do with the police.”*

### Section 5: Views of people who have not been stopped

- 5.82. This section outlines the views of respondents who had not been stopped by the police. They were asked what they thought about Stop and Search and why they thought many people did not complain about the practice.
- 5.83. Eight-six respondents in the study had not been stopped by police, along with one other who talked about his experience of being stopped by customs. Sixty per cent were female and 37% were male (two did not specify their gender). Nine per cent of respondents who were not stopped were White, 24% were Caribbean, 16% were Bangladeshi, 15% were African and 9% were Mixed race. This sample is not representative of all the people in London who have not been subject to Stop and Search, but the gender and ethnicity of participants is given here as background to their responses in this study.

**Figure 10: Ethnic background of respondents who were not stopped**



*Views on practice of Stop and Search*

- 5.84. When asked about their views on Stop and Search, 31% of respondents (who had not themselves been stopped) explicitly mentioned racism or Islamophobia:

*“An abuse of power where policemen have nothing but their suspicions to act upon and no justification is needed. This inevitably means, in a climate whipped up by alarming headlines about terrorism threats, a certain type of profile will fall victim, in this case people that look overtly Muslim. Police should have to be able to justify why they stopped a particular person. Also a record kept of the reasons (verifiable by the person stopped) as well as number of Stop and Searches by individual officers - so that they can be monitored by independent organisation.”*

*“Police powers regarding Stop and Search are too broad. The ethnic monitoring form should also record religion.”*

*“I feel that too many people from particular communities, i.e. African & Caribbean & Asian, the rules of the Stop and Search are abused by the police in this way. It is not necessarily that people from these communities commit more crime, but they get convicted of more crime. Having more clear cut rules and regulations as to exactly why the police are stopping and searching and not just because 'the face doesn't fit'.”*

*“Police officers should treat people with more respect when doing this. The officers should have race training.”*

- 5.85. Fifteen per cent of respondents expressed the view that Stop and Search, if it was used at all, should be intelligence-led rather than random, because random stopping leads to unfair treatment:

*“It's a racist thing. Make sure you have enough evidence before you stop people.”*

*“It seems unfair that they Stop and Search more Black and Asian people than White people. I think that people should be stopped for a good reason and not because of their ethnic origin.”*

- 5.86. A significant minority of respondents who had not been stopped saw no problems with Stop and Search (16%), and some thought it might help prevent crime or protect the community. Amongst the respondents who were not stopped, White respondents were three times more likely than other ethnic groups to feel there were no problems with Stop and Search or to support the practice.

*“It's good, especially if you committed a crime. I do not see a problem with it, because if you fit the bill and you haven't committed the crime then there is nothing to worry about.”*

*“I think it's good. It keeps our area and community safe.”*

*“I don't have a problem with it. I think it's fine as it is.”*

*Views on why people do not complain*

Fear

- 5.87. It is interesting that a large proportion (25%) of the respondents who had not been stopped explicitly referred to 'fear' when asked about why people do not complain about Stop and Search. Many simply answered "because they are frightened/scared".
- 5.88. Although 'fear of harassment' was also identified by those who were stopped as a reason for not complaining, people who were not stopped used more explicit and direct language and referred to fear more often. It may be that respondents were reluctant to admit to feeling afraid when they were speaking about their own experience, but those who were speaking about the experience of others were freer to use the language of fear:

*"People are scared of the police."*

*"Get arrested. People don't know how to complain. They're scared."*

*"They are scared."*

*"Fear of superior authority."*

*"Because they feel threatened and scared to complain. Most Africans and Asians suffer in silence. PUT A STOP TO THIS."*

What's the point?

- 5.89. From the respondents who had been stopped by the police, there was a strong perception that complaining to the police would achieve nothing:

*"Because they don't believe they will get anywhere. Complain to the institution who allow these officers to do what they do yet refuse to accept responsibilities."*

*"No-one listens to us so what is the point. There should be a forum perhaps once a month, where people can make complaints. A community forum."*

*"Well my friend was stopped last week and was beaten up by the police with no explanation. Who do you complain to about that?"*

*"This is because police are usually White and biased to their own kind. No-one trusts them and they do not respect others religions."*

*"Some feel that the system in place will always favour the government forces and therefore they will not get very far."*

*"The burden of proof - the police officers word against the person stopped. Or the police officer and his friends against you. No tangible outcome, to be bogged down with procedures to see nothing come out of it. Fear of further harassment."*



- 5.90. Respondents were asked how they would like to receive information on their rights to complain about the police. Suggestions included:
- Workshops in youth clubs and schools
  - Adverts on television and radio
  - Text messaging
  - Internet
  - Leaflets delivered to your door



## Chapter 6: Conclusions and Recommendations

6.1. The data overwhelmingly confirmed that in addition to those who complain to the police, many Black people are dissatisfied with Stop and Search but do not complain because of:

- Problems with process and procedure
- Lack of information
- Disempowerment and discrimination

These are bolstered by the perception of normalisation and acceptance of Stop and Search (linked to discrimination), and the view that a complaint would not have a meaningful outcome - resulting in a waste of time and energy. There were also risks in bringing more attention to oneself and possible further 'harassment'. This could then be shaming in the family and community.

6.2. PCA and MPS reports show that Black people are more likely than White people to complain to the police, particularly about Stop and Search (see Chapter 1).

**Nevertheless this study indicates that there are countless others who have grounds for complaint but do not complain because they feel it will achieve nothing.**

6.3. It was of great concern to the researchers that some respondents were told by the police that they did not have a right to complain. This particularly applied to stops that had been made using anti-terrorism legislation, and elicited several disgruntled people who had perceived themselves as having been stopped on the arbitrary and stereotypical basis of looking like a terrorist.

6.4. An almost total lack of confidence in the system was reinforced by all 18 people who had complained, none of whom were satisfied with the outcome.

6.5. Key points and recommendations are given below, grouped as follows:

**A. Context**

**B. Process and procedures**

**C. Promotion and information for public awareness**

**D. Disempowerment and discrimination**

**E. Sanctions and test cases**

## A. Context

- 6.6. Almost half the respondents in this study who had been stopped by the police had been stopped more than five times, 88% had been stopped more than once. So for many respondents in this study, being stopped and searched by the police is a normal part of their everyday lives.
- 6.7. Most participants were given inadequate reasons for being stopped. One in five of those stopped said that the reason they were given was false or an excuse for stopping them, and many others were told the stop was 'routine'. A quarter of respondents who had been stopped were given no reason for the stop, and those stopped under the Terrorism Act were informed that no further reason had to be given.
- 6.8. Those respondents who had made complaints about Stop and Search had complained because of harassment, victimisation, repeated Stop and Search, being stopped for invalid reasons, inappropriate conduct of officers and racism.

### Recommendation 1

**The first stage in addressing the conclusions of this study is that recommendations 61-63<sup>19</sup> of the Lawrence Inquiry Report are implemented in full. The MPS's commitment to their implementation in Autumn 2004 is welcomed. The implementation of the recommendations must be carried out according to the spirit and intent of the Stephen Lawrence Inquiry.**

**The recommendations should be implemented in consultation with community groups, and training provided to police officers on explaining rights to people stopped, including the right to complain.**

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<sup>19</sup> 61. 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.

62. That these records should be monitored and analysed by Police Services and Police Authorities, and reviewed by HMIC on inspections. The information and analysis should be published.

63. That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of "stop and search" provisions and the right to receive a record in all circumstances.

## B. Process and Procedure

- 6.9. Three main themes emerged from participants responses on complaints process and procedure.
- 1. The perceived lack of an independent complaints process:** respondents felt 'intimidated' by the idea of complaining to the police about the police, and did not trust the police to investigate themselves.
  - 2. Perceived waste of time:** 63% of respondents who had been stopped but not complained said that complaining to the police would be a waste of time and nothing would come of it.
  - 3. Unsatisfactory process and outcomes.**
- 6.10. None of the respondents in this study who had complained to the police were satisfied with the outcome. One dropped the complaint because of repeated stopping and searching after lodging the complaint. Two thirds of complainants found the process unclear. All the respondents said that their case had been handled badly, two explicitly mentioning racism as the reason the case was handled badly. When asked about how they were treated by police officers during the complaint, 85% had a negative experience, including being treated like a criminal, feeling the police didn't care and being told the complaint would not make a difference.
- 6.11. The launch of the Independent Police Complaints Commission (IPCC), superseding the Police Complaints Authority, is a welcome development. Particularly important functions for improving complaints about Stop and Search are its 'guardianship' role in monitoring local handling of complaints in police stations, and its support of 'gateway organisations' that provide information and support to complainants.
- 6.12. However, existing plans for the IPCC involve the investigation of just 100 strategic cases in the first year. These will be cases involving 'serious' incidents or allegations, including allegations of racism. However, the vast majority of complaints about Stop and Search will be handled locally by police stations. For the handling of complaints about Stop and Search to improve, it is essential that the IPCC closely monitors the local resolution of these complaints.
- 6.13. Alternative, non-intimidating and clear means of accessing the complaints process need to be developed and promoted by the IPCC, MPA, MPS and local police stations.

### Recommendation 2

**The IPCC should engage in regular and random in-depth sampling in addition to a systematic monitoring about Stop and Search, and over and above the strategic cases that it investigates.**

### Recommendation 3

It is recommended that there should be alternative non-intimidating means of making a complaint that are well-publicised and resourced:

- Adequate resources should be provided to ‘gateway organisations’, such as Black-led casework providers and Citizen’s Advice Bureaux for their role in increasing access to the police complaints system.
- Police officers should be trained in visiting youth clubs to take complaints and feedback.
- Complaints could be initiated by Email and SMS text.

See also Recommendation 5

### Recommendation 4

The IPCC should produce a standard complaint form which:

- Is developed in close consultation with community groups.
- Includes information on rights and processes of complaint and appeal.
- Is available at every police station and gateway organisation and on IPCC, police and NGO websites.
- Is written in Plain English and translated into relevant community languages.
- Is available in a variety of accessible formats.

However the right to complain verbally, and in writing without using the form, should be emphasised.

6.14. Most of the people who are stopped would rather find a quicker and less bureaucratic way of dealing with their complaints and receiving justice than a long and involved paper based procedure. The stopped person and the officer doing the stop should be brought together to resolve the complaint. This has benefits for the officer in that the process is ‘humanised’ with more understanding of the person and not just the procedure, and for the stopped person there could be more understanding more about the officer’s perspective.

6.15. Evidence from other restorative justice procedures is that a greater understanding and humanity is brought to bear on what can be an overly systemised and distant procedure, where the ‘victim’ does not feel they have been able to have full expression of their grievance and anger.

6.16. It will be time intensive, but any properly conducted complaints procedure will be and this method has benefits as above. There is also the advantage that if officers know they may have to discuss the stop directly with the person stopped in front of a mediator, they will have more consideration about the legitimacy and efficacy of making the stop in the first place.

**Recommendation 5**

**It is recommended that restorative justice and mediation methods of dealing with complaints are developed and rolled out beyond the existing pilot projects. Mediation should take place in a safe space and be facilitated by an independent mediator, not a fellow police officer. The IPCC should provide guidance and training to police forces on restorative justice methods.**

**Recommendation 6**

**A local citizens' review board on police practices should be initiated to assure the public that complaints against police officers are investigated thoroughly, completely and fairly; and to recommend and advocate for policies which promote fair and humane policing. Located in each borough and linked to the IPCC, the independent citizens group could review and evaluate serious complaints brought by the public against officers and evaluate the administration of discipline arising from sustained complaints. They should have powers to make policy and procedure recommendations.**

### C. Promotion and information for public awareness

6.17. Two main issues arose from respondents with regard to information and awareness about complaints and Stop and Search:

**Lack of a rights-based culture:** This study found that 27% of respondents who did not complain were unaware of their right to complain. Respondents stopped under the Terrorism Act were particularly likely to think they had no right to complain about the stop, and one respondent had been told this by a police officer.

**Lack of knowledge of process:** A quarter of respondents who did not complain were unaware of the process or procedure of how to complain.

#### Recommendation 7

It is recommended that the newly established Independent Police Complaints Commission develop specific information that clarifies:

- How to make a complaint regarding Stop and Search.
- What the procedure will be, and
- Possible outcomes.

This must be further supported by greater transparency in the investigation of complaints. Complainants should be kept regularly informed of the progress of investigations and the outcome of all criminal, disciplinary and administrative investigations into alleged violations.

#### Recommendation 8

It is recommended that there is a highly visible public information campaign to publicise the complaints procedure and rights on Stop and Search. This should include posters, leaflets and web based information, and the use of radio, television and print based media. If this is done in partnership with NGOs the contacts in databases of these NGOs could receive direct communication. The 'GOWISE<sup>20</sup>' formula should be the main message for this campaign.

#### Recommendation 9

As part of the information campaign detailed at Recommendation 8, training or information sessions should be offered in community groups and schools on people's rights, specifically on Stop and Search but also on the relevant Articles of the Human Rights Act (particularly Articles 5, 9, 10 and 11).

<sup>20</sup> **G** Grounds - grounds for the search.  
**O** Object of the search – What is s/he looking for.  
**W** Warrant Card, if s/he's not in uniform.  
**I** Identify himself: i.e.. His/her name and force number.  
**S** Station - Which one s/he's from.  
**E** Entitlement - Your entitlement to a copy of the search record.

- 6.18. Information should also be made available at any community centre or public library with a public computer station and complainants should not be made to wait.

**Recommendation 10**

**As part of the information campaign detailed at Recommendation 8, we recommend the development of text messaging based information, particularly on the 'GOWISE' formula. a) via Teletext and b) via SMS text messaging to mobile phones.**

- 6.19. It should be possible for anyone who is stopped or wants to know about their rights to key in a number on their phones or use Teletext at home and receive guidance on what to do when stopped and what their rights are. This can be achieved for example by the starting point being a standard message of the 'GOWISE' formula, which would make people more aware of their rights and less intimidated about complaining.
- 6.20. It is recommended that as part of this promotion exercise the public also need to have information on the new IPCC, illustrating examples of complaints related to officer conduct that were 'substantiated' and where disciplinary measures were instituted. A first stage would be a public admission of the need to improve Stop and Search. See also **Recommendation 6**.

## D. Disempowerment and discrimination

6.21. Respondents' experience of being stopped and searched was characterised by a sense of disempowerment and discrimination at the hands of the law. Six main issues emerged regarding how participants' disempowerment and discrimination dissuaded them from complaining about Stop and Search:

**1. Sense of powerlessness:** many respondents expressed a feeling of being powerless against the system, and that 'the law is the law'. Most respondents felt that complaining to the police would achieve nothing, a feeling which was overwhelmingly supported by the experience of respondents who had actually complained.

**2. Police racism and Islamophobia:** many respondents felt that the police were institutionally racist and 'do not care' about Black people's feelings or stigma that is attached via visible stops and searches. Many reported having been stopped just because they were visibly Muslim and *ergo*, possible terrorists. Hence feelings were running high about the contribution of the police to Islamophobia and the general criminalisation of Black people.

**3. Fear of harassment:** 36% of respondents were afraid that complaining would lead to further harassment.

**4. What's the point?:** most respondents felt that complaining to the police would achieve nothing, a feeling which was overwhelmingly supported by the experience of respondents who had actually complained.

**5. Stops under Terrorism Act:** respondents stopped under the Terrorism Act were particularly likely to see complaining as pointless. This was exacerbated by police officers telling respondents that they did not have the right to complain if they were stopped under the Terrorism Act.

**6. Normalisation of Stop and Search:** many respondents felt that Stop and Search was routinised to the extent that people just accepted it would happen and did not question it.

6.22. A sense of disempowerment and discrimination was also evident from the experience of respondents who had complained to the police. None of the complainants had gained the outcome they wanted from complaining. Respondents reported being told by the police that there was no point complaining, or feeling that the police didn't care. They spoke of not being taken seriously and of being treated like criminals. Given the complainants' experience it is not surprising that a sense of powerlessness in the face of a discriminatory system prevents many people complaining about Stop and Search.

### Recommendation 11

**There needs to be immediate clarification on the use of stops under anti-terrorism legislation, and if it is to be used people's right to complain must be allowed.**



**Recommendation 12**

**Police training courses should be updated where appropriate to ensure a detailed and intelligent analysis of:**

- **The causes and manifestations of Islamophobia and ways in which the police can work to counter discrimination on this basis.**
- **The provisions of the Human Rights Act, especially Articles 5, 9,10 and 11.**

Also **Recommendations 1 and 6** are relevant here

## E. Sanctions and test cases

- 6.23. The most important message that needs to be sent to Black communities is that complaints will be taken seriously and action will be taken against officers who abuse their power using Stop and Search. This needs to be done through sanctions and disciplinary action, including prosecution where appropriate, against officers who misuse Stop and Search. Test cases where action is taken and compensation given to victims should be publicised to show communities evidence that complaints will be taken seriously.

### **Recommendation 13**

**Performance indicators for Stop and Search should feature as quality not quantity indicators for any individual police officer or police authority.**

- **For officers, continuing evidence of disproportionate stops without good reason should be considered sufficient to instigate disciplinary procedures. ACPO and the Police Advisory Board should amend the police disciplinary code to include disproportionality in Stop and Search figures as grounds for disciplinary offences. This to include disciplinary action for officers who harass complainants.**
- **For area wide command units or the Force as a whole, continuing inexplicable or justifiable disproportionate figures could be a trigger for further investigation by the CRE which can then result in actions under the revised provisions of the amended Race Relations Act, especially those concerning adverse impact of policies.**
- **Local police departments should establish early warning systems to identify and deal with officers involved in any patterns of abuse, including racial bias or other discriminatory treatment. They should establish clear reporting systems and keep detailed records in order to identify and take remedial action.**

Also **Recommendation 2** is relevant here.

### Further Research

- 6.24. This was a relatively small-scale study and it was not possible to fully explore the different experiences of complaints and Stop and Search. Further research is needed into Black communities' experiences of complaining, particularly about Stop and Search.

#### **Recommendation 14**

##### **Further research is needed to:**

- **Identify stops and searches carried out under the auspices of varying legislation, particularly that concerning preventing terrorism.**
- **Identify and monitor repeat stops and searches - figures collected by the police on numbers of Stop and Search should give an indication of the numbers of people who are repeatedly stopped and searched. Also people who are stopped many times have valuable experience of the practice and should be targeted for in-depth interviews.**
- **Compare the experience of complaining between Black and Minority Ethnic individuals to that of their White counterparts.**



## Appendix 1: Survey and interview questions

### Face to Face Interview

#### Questionnaire for use only with a Facilitator or Interviewer

**Borough :**

**Street name:**

**Time and Date:**

**Interviewer:**

**Greeting:**

***Good morning/ afternoon/ evening. Hi/ hello/ excuse me.***

Have you got a few minutes to talk to me about Stop and Search? Everything you tell us will be entirely confidential we don't need name or address. But age and ethnicity would be useful.

***My name is.....***

**And I work for the 1990 Trust**, which is a charity and voluntary organisation, concerned with everyone's Human rights. Show ID card.



We are conducting a survey into why it is that despite the fact we hear a great deal about how people don't like Stop and Search there are very few complaints from those who have been stopped/ searched or both. The results will be given to Metropolitan Police Authority (MPA) with recommendations; this is part of the attempt to improve the whole system of Stop and Search.

**After the interview:**

Remember to thank them and if they want more information to contact us at the Trust (Rhon or Karen on 020 7582 1990, or email [stopandsearch@blink.org.uk](mailto:stopandsearch@blink.org.uk))

Give them a BRAIN Stop and Search leaflet and an A5 flyer about the project and the Trust.



### Interview Questions

1. Could you start by telling us if you have ever been stopped or stopped and searched by the police?

(Can include just stops, Stops and Searches, in cars or on the street)

Yes  **Go to Question 9**

No  **Go to Question 2**

### Questions for people who answer No they have not been stopped

2. Although you have never been stopped what are your views about Stop and Search?

3. Is there anything you can suggest for how Stop and Search itself can be improved?

4. Given the fact that people don't generally complain why do you think this is?

5. If you wanted to make a complaint, what would you do?

6. Do you think there needs to be more information on the right to complain and how to complain?

Yes                       No

7. How would you like to receive this information?

8. Finally could you tell us your age and ethnic origin? See separate sheet.



**Yes to Question 1 – they have been stopped:**

9. How many times have you...

(a) been stopped and searched? \_\_\_\_\_

(b) been stopped and not searched? \_\_\_\_\_

(This could apply to in cars or on the street)

10. Were you told or did you find out the reasons for the stop/search?

11. Were you given any kind of receipt or record of the stop at the time?

Yes

No

Any details:



12. Have you ever complained to the police about the incident(s)?

Yes  **Go to Question 13**

No  **Go to Question 20**

YES to Question 12 – Did complain

13. Why did you complain?

14. What did you do to make the complaint?

15. Was the process for complaints clear to you?

Yes  No

Any details:

16. How well do you think your case was handled? Why?

17. How were you treated during the course of the complaint?

18. Were you satisfied with the outcome? Why? Why not?



19. What improvements could be made to the complaints process?

**NO to Question 12 – Didn't complain**

20. Why didn't you complain?



E.g.: (Prompts if no answer)

- a) You didn't think there was anything wrong with the stop / Stop and Search?
- b) You did not know you could complain
- c) You did not know how to complain (the process)
- d) You thought it would be a waste of time
- e) You thought it might lead to more trouble for you or harassment
- f) Other (please explain)

**If the respondent answers b) that they didn't know, ask:**

Would you have complained if you knew?      Yes         No  

Would you complain if it ever happened again?      Yes         No

21. Finally could you tell us your age and ethnic origin? See separate sheet.

**Age, Gender and Ethnicity card**

<p><b><u>Gender:</u></b></p> <p>Male <input type="checkbox"/></p> <p>Female <input type="checkbox"/></p>	<p><b><u>Ethnicity</u></b></p> <p>Researchers: <b>please ask the interviewees to self define, that is ask: could you tell me how you would describe your ethnic origin?</b></p> <p><b>If it goes quiet, give some examples based on who it is in front of you. The following are Census categories but may not reflect what everyone is or perceives themselves to be.</b></p> <p style="text-align: center;"><b>A Black or Black British</b></p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other Black background</p>
<p><b><u>Age:</u> Between</b></p> <p>10-14 <input type="checkbox"/></p> <p>14-18 <input type="checkbox"/></p> <p>18-25 <input type="checkbox"/></p> <p>25-35 <input type="checkbox"/></p> <p>35+ <input type="checkbox"/></p>	<p style="text-align: center;"><b>B Mixed</b></p> <p><input type="checkbox"/> White and Black Caribbean</p> <p><input type="checkbox"/> White and Black African</p> <p><input type="checkbox"/> White and Asian</p> <p><input type="checkbox"/> Any other mixed background</p> <hr/> <p style="text-align: center;"><b>C Asian, or Asian British</b></p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Any other Asian background</p>
	<p style="text-align: center;"><b>D Chinese, or other ethnic group</b></p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Any other background</p>
	<p style="text-align: center;"><b>E White</b></p> <p><input type="checkbox"/> British</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Any other White background</p>