



# Stop and Search Powers: Are the police using them effectively and fairly?

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# Executive summary

## Introduction

The public expect the police to protect them from harm by using the powers granted to them by Parliament in an effective and fair manner. Arguably, some of the most intrusive and contentious powers are those of stop and search. For decades the inappropriate use of these powers, both real and perceived, has tarnished the relationship between constables and the communities they serve, and in doing so has brought into question the very legitimacy of the police service. Thirty years after the riots in Brixton, concerns about how the police use stop and search powers were again raised following the riots in England in August 2011.

Over a million stop and search encounters have been recorded every year since 2006;<sup>1</sup> but only 9% of these led to an arrest in 2011/12. Statistics also showed that members of black and minority ethnic groups were stopped and searched more than white people (compared to the resident population).<sup>2</sup> Whilst there is strong public debate about the disproportionate use of the powers on certain groups, there is surprisingly little attention paid by either the police service or the public to how effective stop and search powers are in reducing or detecting crime.

In a society where policing is based upon the principle of consent, the police service needs the support of the public in order to be effective. By using their powers fairly and in a way that is effective in keeping the public safe, the police can build community confidence and encourage people to be more socially responsible in helping to reduce crime and disorder.

Her Majesty's Inspectorate of Constabulary (HMIC) is an independent inspectorate. It has a legal responsibility under section 54 of the Police Act 1996 to inspect forces in England and Wales, and to report on their efficiency and effectiveness.

The objectives for this inspection were:

- to determine how effectively and fairly the police service is using the powers of stop and search in the fight against crime;
- to establish whether operational police officers know how to use stop and search powers tactically as part of evidence-based practice to fight crime; and
- to identify how the powers can be used in a way that builds the public's trust in the police, supporting the legitimacy of the service rather than eroding it.

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<sup>1</sup> There were 1.2m stop and search encounters recorded in 2011/2012. See *Police Powers and Procedures England and Wales 2011/2012*, Home Office, April 2013, paragraph 3.2.

<sup>2</sup> *Statistics on Race and the Criminal Justice System 2010*, Ministry of Justice, October 2011, section 3, page 38.

## Effective and fair stop and search

There is no clear definition or agreed understanding of what constitutes an effective stop and search encounter. The statutory powers<sup>3</sup> of stop and search are provided to assist police officers in the prevention and detection of crime, and to avoid unnecessary arrests in circumstances where a quick search on the street might confirm or eliminate an officer's suspicions. The use of measures such as arrest rates is widespread among forces, and useful in terms of understanding how different forces use the powers to reduce or detect crime, but they are too simplistic and cannot be seen as an absolute measure of success. For a stop and search encounter to be effective and lawful, a police officer must have reasonable grounds for suspicion (based on specific and objective information) that a person is in possession of a stolen or prohibited item.<sup>4</sup> Those grounds should be fully explained to the person being stopped and searched, and the person should be treated with fairness, courtesy and respect. In such circumstances, finding the item and arresting the offender or, alternatively, eliminating the suspicion and avoiding an unnecessary arrest are both valid and successful outcomes. The percentage of occasions on which the stolen or prohibited item searched for is found does, however, provide an indicative measure of the strength of the grounds for suspicion; but only seven of the 43 forces currently record how often these items are discovered.

## Methodology

HMIC inspected all 43 police forces in England and Wales between October 2012 and April 2013. We interviewed approximately 500 senior managers, including police officers of the rank of inspector and above, and conducted focus groups with over 550 operational constables and frontline supervisors. To test what we were told in these interviews, we made unannounced visits to at least two police stations in each force area, and analysed their stop and search data at a local and national level. We also reviewed the policies, procedures and guidance documents relating to stop and search that were available to operational police officers.

Each force has designed its own form on which to record details of stop and search encounters, so we compared these to determine what information was being collected, and for what purpose. We also checked at least 200 completed records from each police force,<sup>5</sup> to assess both their compliance with the 'Police and Criminal Evidence Act 1984 Code A: Code of Practice for the exercise by police officers of statutory powers of stop and search'<sup>6</sup> (referred to hereinafter

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<sup>3</sup> See Appendix A.

<sup>4</sup> See Police and Criminal Evidence Act 1984, section 1; 'Police and Criminal Evidence Act 1984 Code A: Code of Practice for the exercise by police officers of statutory powers of stop and search,' 2011, paragraphs 2.2–4. For stops and searches authorised under section 60 of the Criminal Justice and Public Order Act 1994, reasonable grounds for suspicion are not required. See pages 18, 40, and 54 for further details. Some stop and search powers allow officers to search for other than stolen or prohibited items, for example section 43 Terrorism Act 2000.

<sup>5</sup> A total of 8,783 records were reviewed.

<sup>6</sup> 'Police and Criminal Evidence Act 1984 Code A: Code of Practice for the exercise by police officers of statutory powers of stop and search,' 2011. Available from [www.gov.uk/government/publications](http://www.gov.uk/government/publications).

as ‘the code of practice’), and whether sufficient grounds for conducting searches were recorded.

Surveys of 19,078 members of the general public and 391 people who had been stopped and searched were completed, in order to gather their views on the use of stop and search powers.<sup>7</sup> Finally, video footage of stop and search encounters recorded via body-worn cameras was reviewed.

## The public view

Our survey established that most respondents were aware of police powers to stop and search people. Over three-quarters believed that use of the powers helps the police to catch criminals and prevent or detect crime, and more than half the respondents said that seeing the police using the powers in their areas made them feel safer.

Interestingly, a quarter of respondents believed that certain groups of people in society are likely to be stopped and searched more often than others, with a third attributing this to unlawful discrimination (this figure increased to around 55% among black and minority ethnic respondents).

## Leadership

The effective use of stop and search powers relies on police leaders setting the tone and style of policing, and directing or influencing how officers use the powers, with a willingness to intervene when things are not done correctly. Nationally, the Association of Chief Police Officers (ACPO), working with the College of Policing, has produced an Authorised Professional Practice document which provides national guidelines for the exercise of stop and search powers. Within forces, however, we found different levels of attention given to stop and search powers by chief officers. Most did not, by reason of overall high levels of public satisfaction with the police and low levels of stop and search-related complaints, consider that stop and search was a high priority. There has been a noticeable slippage in the level of attention given to the leadership and supervision of stop and search powers by senior officers since the publication of the Stephen Lawrence Inquiry Report in 1999.<sup>8</sup>

As a result of the budget reductions required by the Government’s 2010 spending review, forces are trying to do more with fewer resources. It was therefore extremely surprising that the use of stop and search powers was not better aimed at preventing or detecting those crimes the force considered to be the most important. Most forces focused on preventing and detecting burglary, robbery and other property crimes and, in large city areas, violent crime. Whilst these priorities suggest that stop and search powers would be targeted at property crime and weapons, almost half of searches nationally were for drugs,

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<sup>7</sup> The survey of the public was carried out between 5 March 2013 and 1 April 2013. The survey of people stopped and searched was carried out between 5 March 2013 and 15 April 2013. See further Appendix C.

<sup>8</sup> *Report of the Inquiry into the Matters Arising from the Death of Stephen Lawrence (chairman Sir William Macpherson of Cluny)*, Cmnd 4262-I, February 1999.

and of those searches, most were for low-level street possession. The Metropolitan Police Service has recognised this and is taking steps to use stop and search powers better in tackling those crimes they consider to be most important.

## **Supervision and Compliance with Legislation**

In 2008, HMIC highlighted that there were "widespread fundamental skills gaps at frontline sergeant level".<sup>9</sup> Five years on, this inspection identified that this had not changed in relation to the exercise of stop and search powers.

The code of practice places a specific obligation on supervisors to monitor the use of stop and search in order to prevent its misuse. However, there were disturbingly low levels of supervision of officers' conduct of stop and search encounters, and of how they recorded them. We found inconsistencies in the recording of searches, evidence that people searched were not always provided with the information required by the code of practice, and that they were not always fairly treated. An alarming 27% (2,338) of stop and search records examined by HMIC did not contain reasonable grounds to search people, even though many of these records had been endorsed by supervisors. They were not fulfilling their duties according to the code of practice. In addition, this suggests that police forces may not be fully complying with the requirements of the public sector equality duty,<sup>10</sup> which requires them to have due regard to the need to eliminate unlawful discrimination and promote equality of opportunity, foster good relations and to that end, ensure that they are adequately collecting, analysing and publishing data to demonstrate that they have sufficient information to understand the effect of their work. These responsibilities are important in protecting the public from the misuse of this intrusive power. This demonstrates a worrying deficiency in frontline supervision of stop and search powers.

## **Governance and scrutiny**

Fewer than half of forces complied with the requirement in the code of practice to make arrangements for the public to scrutinise the use of stop and search powers. Recognising the importance of keeping the public informed, it is surprising how little forces consulted or communicated with the public about their use of stop and search powers. Almost half of forces did nothing to understand the impact of stop and search encounters upon communities, with only a very small number proactively seeking the views of the people and communities most affected.

## **How do the police make sure stop and search powers are used effectively and fairly?**

For forces to understand the effectiveness of their use of stop and search powers, they need to collect relevant information. Each force was using a different form to collect what is, in the main, insufficient information about stop

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<sup>9</sup> *Leading From the Front-line: Thematic Inspection of frontline supervision and leadership, at the rank of sergeant in the Police Service of England and Wales*, HMIC, May 2008, page 7.

<sup>10</sup> Equality Act 2010, section 149.

and search encounters. The lack of relevant information makes it extremely difficult for forces to understand the impact stop and search encounters are having upon crime and community confidence. There was only a limited indication that forces brief officers and deploy them to use stop and search powers in crime hot spots, or against persistent criminals or crime groups. Where they did, forces did not analyse the activity to determine whether deployments had an impact on crime levels or public confidence.

Intelligence is a valuable by-product of stop and search encounters; yet many forces did not use the information gathered from these encounters as part of their intelligence pictures. Only five forces had an intelligence field as part of their search records, with all other forces relying on officers submitting a separate form (which in most forces was discretionary).

## **Training**

Most officers have not received any training in the use of stop and search powers since they joined the service. Only 21 forces provided any form of refresher training, and in many of those the training was delivered by e-learning packages. Those forces which had made significant investments in training in the use of stop and search powers had done so because of external pressure from oversight bodies, such as the Equalities and Human Rights Commission (EHRC), or to accompany changes in recording processes.

In the absence of regular training, we found that police officers are developing habits which are learned through watching and listening to others. This can be a positive approach if skilled mentors are engaged, but otherwise can lead to the spread of inappropriate or, in some cases, unlawful practices; for example, searches carried out without reasonable grounds for suspicion. There is a need to develop a structured national training programme to improve officers' understanding of their use of the powers, the establishment of reasonable grounds, the impact of the use of the powers upon communities, and how to use the powers effectively in tackling crime. Forces should ensure that training is provided and that they are able to support learning and development by identifying those who use the powers effectively, so that they can mentor and support their colleagues.

## **Use of technology**

There has been limited investment in developing the technology and the associated infrastructure to support officers patrolling the streets. We found some encouraging developments in information systems and in the mobile devices that can be used to access them while officers are on patrol; but these were not widespread across the service. Only 17 forces had the ability to record stop and search encounters on the street electronically, and in most cases these systems were unreliable or did not provide a comprehensive range of functions to assist officers fully. In developing electronic recording systems, there is a tension between the drive to reduce bureaucracy on the one hand, and the collection of sufficient information to understand the effectiveness of stop and search encounters on the other. Recording less information and replacing supervisory oversight with computerised checking systems may reduce bureaucracy and cost, but it does not necessarily provide the

information required to assess whether the use of stop and search powers is effective.

The emergence of other technology, including body-worn video cameras and detection devices (such as metal detectors), can assist the police in using stop and search powers more effectively. The use of video recording appears to improve the behaviour of the subject and the officer, whilst detection aids present an opportunity to screen people without resorting to the intrusiveness of a full search. These opportunities should be further explored and exploited.

## Conclusions

Very few forces could demonstrate that use of stop and search powers was based on an understanding of what works best to cut crime; and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to reduce bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence. Better use of technology could assist by providing frontline officers with real-time information and the ability easily to record information that could improve the use of the powers.

The majority of the police leaders we spoke to were not aware of the findings of the National Policing Improvement Agency's research<sup>11</sup> about the importance of police officers acting fairly in order to improve public compliance with the law and build cooperation with the police – important factors in the long-term reduction of crime. If stop and search powers are used properly, confidence in the police can also be improved. The challenge for forces is to find a way of learning from positive encounters so that others can be improved.

Of the 8,783 stop and search records we examined, 27% did not include sufficient grounds to justify the lawful use of the power. The reasons for this include low levels of understanding of what constitutes reasonable grounds, poor supervision, and an absence of oversight by senior officers. Training should be improved so that officers better understand: what constitutes reasonable grounds; the impact upon people stopped and searched; and how the tactic can be used to contribute to the prevention and detection of crime.

Given that the police use of stop and search powers has been cited as a key concern for police legitimacy and public trust in most of the major public inquiries into policing since the 1970s, it is surprising that it has not been afforded higher priority by chief officers.

Fewer than half of forces complied with requirements in the code of practice for stop and search activity to be scrutinised by the public. Considering the high proportion of stop and search records that did not have sufficient grounds recorded, the absence of public scrutiny makes this an even more serious threat to police legitimacy.

It is very important that the right people are being stopped and searched. Each encounter should be carried out with respect and courtesy, and based on fully-explained reasonable grounds in order to reduce to a minimum the number of

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<sup>11</sup> *It's a fair cop? Police legitimacy, public cooperation, and crime reduction: An interpretative evidence commentary*, Myhill, A. and Quinton, P., September 2011, page 13.



negative or unlawful experiences. Apart from the fact that it is unlawful, conducting stop and search encounters without reasonable grounds will cause dissatisfaction and upset, and whilst some may think it will help to 'control the streets' in the short-term, it may lead to major disorder in the long-term. "Overpolicing or heavy-handed policing can prompt defiance..."<sup>12</sup>

## Recommendations

1. Chief Constables and the College of Policing should establish in the stop and search Authorised Professional Practice document a clear specification of what constitutes the effective and fair exercise of stop and search powers, and guidance in that respect. This should be compliant with the code of practice.
2. Chief Constables should establish or improve monitoring of the way officers stop and search people, so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the code of practice), and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.
3. Chief Constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the code of practice and equality legislation.
4. The College of Policing should work with Chief Constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.
5. Chief Constables should ensure that officers and supervisors who need this training are required to complete it, and that their understanding of what they learn is tested.
6. Chief Constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force

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<sup>12</sup> 'Procedural justice and professional policing in times of austerity,' Hough, M. April 2013. *Criminology and Criminal Justice*, volume 13, edition 2.

intelligence systems, and analysed to assist the broader crime fighting effort.

7. Chief Constables should, in consultation with elected local policing bodies, ensure that they comply with the code of practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people.
8. Chief Constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include gathering information about dissatisfaction reported to other agencies.
9. Chief Constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the code of practice.
10. Chief Constables should work with their elected local policing bodies to find a way of better using technology to record relevant information about stop and search encounters, which complies with the law and reveals how effectively and fairly the power is being used.

HMIC intends to revisit the police use of stop and search powers within the next 18 months, to assess the progress made against these recommendations.

# 1. Introduction

The summer riots of 2011 once again focused attention on the way police use stop and search powers. In a report by the Riots, Victims and Witnesses Panel,<sup>13</sup> the use of stop and search powers was identified as one of the factors that had contributed to the cause of the riots:

*It is a regular complaint from many communities that while they support the principle of stop and search, too many are undertaken with insufficient respect towards the individual. In our Interim Report we highlighted the risk that inappropriate use of stop and search could have a corrosive effect on community relations.<sup>14</sup>*

As a result of this renewed concern about the police use of stop and search powers, in December 2011 the Home Secretary commissioned HMIC to carry out this inspection.

The powers to stop and search people are some of the most intrusive of those available to the police, and their use has been a contentious issue for decades. For some people, it is viewed as a valuable tool in the fight against crime; half of those surveyed as part of this inspection consider that the use of stop and search in their area makes them feel safer. For others, particularly black and minority ethnic people, it can become a symbol of their perception that there is a culture of unlawful discrimination within the police. It is, to them and many others, a significant issue which threatens the legitimacy of the police.

Much of the debate about stop and search has focused on the disproportionate impact it has on black and minority ethnic people. For example, black people were stopped and searched seven times more than white people in 2009/10.<sup>15</sup> Concerns about this led to the Equality and Human Rights Commission (EHRC) examining the use of powers of stop and search in five forces in March 2010,<sup>16</sup> and later initiating enforcement action, using their regulatory powers,<sup>17</sup> in two forces that had high levels of race disproportionality. This legal action was followed by agreements between the EHRC and a larger number of forces to carry out a programme of action to address the race disproportionality. This resulted in the recently published report *Stop and think again: Towards race equality in police PACE stop and search*.<sup>18</sup>

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<sup>13</sup> *After the Riots: The final report of the Riots Communities and Victims Panel*, Riots Communities and Victims Panel, March 2012.

<sup>14</sup> *Op cit*, page 10.

<sup>15</sup> *Statistics on Race and the Criminal Justice System 2010*, Ministry of Justice, October 2011, chapter 3, page 34.

<sup>16</sup> *Stop and think: A critical review of the use of stop and search powers in England and Wales*, EHRC, March 2010, section 2.2.

<sup>17</sup> Equality Act 2010, section 149.

<sup>18</sup> *Stop and think again: Towards race equality in police PACE stop and search*, EHRC, June 2013.

In preparing for this inspection, we spoke to people concerned about the way that the police use stop and search powers and found that, in addition to their anxieties in relation to the proportionality of the use of the powers, they questioned how effectively the police were using them to keep them safe.

Research<sup>19</sup> shows that for the police to be effective in reducing crime over the long-term, they not only need to get the right outcomes, they also need to demonstrate fairness in the decisions and actions they take. This is because police fairness encourages people to be more socially responsible by reporting crime, providing intelligence about criminal activity, and giving evidence in court. This relationship between police effectiveness and fairness, often called 'procedural justice',<sup>20</sup> has been used to help set the objectives of this inspection.

The objectives for this inspection were:

- to determine how effectively and fairly the police service is using the powers of stop and search in the fight against crime;
- to establish whether operational police officers know how to use stop and search powers tactically as part of evidence-based practice to fight crime; and
- to identify how the powers can be used in a way that builds the public's trust in the police, supporting the legitimacy of the service rather than eroding it.

## **Effective and fair use of stop and search powers**

In designing the criteria for this inspection, we had first to establish a sound understanding of what constitutes the ingredients of an effective and fair stop and search encounter.

The effective and fair application of stop and search powers in achieving the aims for which the legislation was framed (to prevent and detect crime whilst preventing unnecessary arrests) has received very little attention in academic research. In the absence of evidence of what success looks like, people often resort to the measure of the percentage of stops and searches which culminate in an arrest. In 2011/12, this was only 9%<sup>21</sup> of the approximately 1 million stops and searches conducted. However, this fails to take into account several important things. The first is that the power was introduced in order to reduce the number of unnecessary arrests, as well as to provide safeguards for those who are searched – so the prevention of an unnecessary arrest would be a successful outcome. The second is that recorded arrests also include those arising from a stop and search encounter where no stolen or prohibited article is found; for example, where a computer check reveals that the person is already wanted for an offence or where the encounter itself triggers an angry reaction by the person searched which results in them being arrested for a public order

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<sup>19</sup> 'Why do 'the law' comply? Procedural justice, group identification, and officer motivation in police organizations,' Bradford, B., Quinton, P., Myhill, A. and Porter, G. *European Journal of Criminology*, in press.

<sup>20</sup> 'Procedural justice and professional policing in times of austerity,' Hough, M. April 2013. *Criminology and Criminal Justice*, volume 13, edition 2.

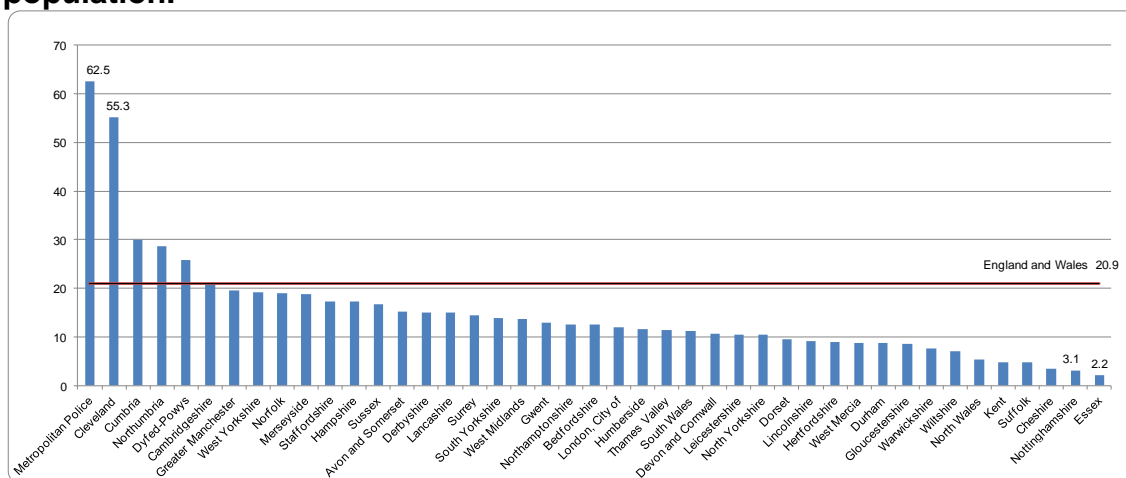
<sup>21</sup> *Police Powers and Procedures England and Wales 2011/2012*, Home Office, April 2013.

offence. And the third is that arrests take no account of stops and searches which result in some other form of resolution, such as a fixed penalty ticket or community resolution.

In summary, an unknown number of recorded arrests arising from stop and search encounters do not relate to the original grounds for the search and cannot be counted towards a measure of effectiveness. At the same time, using arrests as a measure ignores other forms of positive outcome.

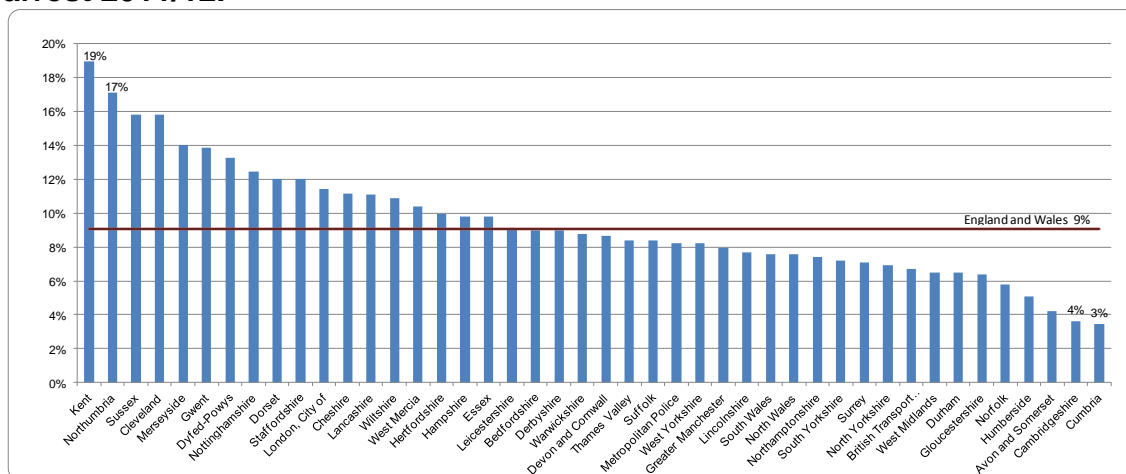
The distribution of stops and searches across forces is shown in Figure 1 below. It is notable that when the percentage of arrests resulting from these searches for each force is plotted on a graph, as shown in Figure 2 (on the next page), a very large range of results can be seen, from 19% down to 3%.

**Figure 1: Number of all recorded stops and searches in 2011-12 per 1,000 population.**



Source: *Police Powers and Procedures England and Wales 2011/12*, Home Office.  
 The England and Wales line in Figure 1 is the total number of stops and searches recorded by the 43 forces in England and Wales divided by the total population of England and Wales (multiplied by 1,000).

**Figure 2: Percentage of all recorded stops and searches resulting in an arrest 2011/12.**



Source: *Police Powers and Procedures England and Wales 2011/12*, Home Office. The England and Wales line in Figure 2 is the total number of stop and searches resulting in arrest recorded by the 43 forces in England and Wales divided by the total number of stops and searches.

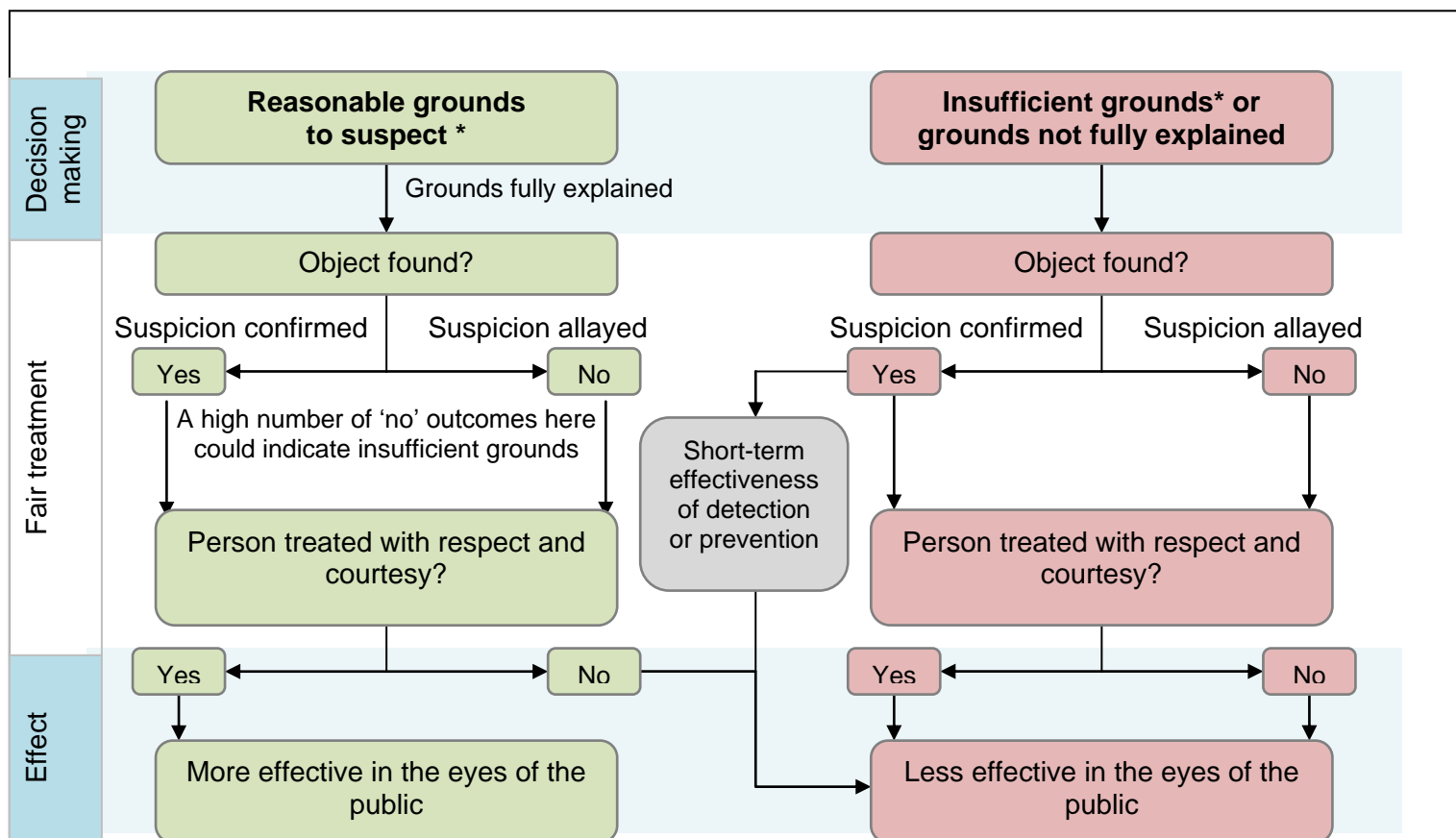
The significant variation in arrest rates raises questions about the consistency of approach across forces, but should only be used as an indicator for further investigation, rather than an absolute measure of effectiveness.

In exploring the matter of what makes an effective search, we went back to the relevant sections of the Police and Criminal Evidence Act 1984 and the code of practice, and present the principal elements in the model at Figure 3 (on the next page).

The left-hand side of the model in Figure 3 sets out the elements of an effective stop and search under the Police and Criminal Evidence Act 1984. In summary, these are that:

- the officer has reasonable grounds to suspect that the person to be searched is in possession of a stolen or prohibited item;
- the person searched is told what those grounds for the search are;
- the search is carried out with respect and courtesy;
- if the person is in possession of a stolen prohibited item, it is found and an arrest is made, or other appropriate action taken;
- if the person is not in possession of such an item, the fact that an unnecessary arrest is prevented would be seen as a positive outcome. However, if the proportion of searches resulting in no such item being found is high, this could indicate that searches are being made with insufficient grounds for suspicion.

**Figure 3: Effectiveness and fairness of stop and search.**



\*this includes 'reasonable belief' for section 60 searches

**This works for the public because:**

- it prevents or detects crime (whether an object is found or not);
- it avoids an unnecessary arrest (if an object is not found); and
- it maintains public trust and confidence (if the grounds for suspicion are explained and the person is treated with respect and courtesy).

**This does not work for the public because:**

- it is an unlawful search (there are insufficient grounds – whether or not an object is found);
- it can reduce public trust and confidence (grounds for suspicion are not explained or the person is not treated with respect and courtesy); or
- it can result in an unnecessary police-generated arrest (where no object is found, but the person is arrested – for example, for disorderly behaviour).

The elements of a less effective stop and search are represented on the right-hand side of the model. It is worth emphasising that where a stolen or prohibited item is found and an arrest made, but the grounds were not sufficiently explained and/or the person was not treated with respect and dignity, the long-term impact could be that the police are perceived to be acting unfairly. This can lead to a loss of trust, which could lead to a withdrawal of the public's co-operation and a reluctance to take up their responsibility to report crime, provide intelligence about criminal activity and give evidence in court, making it more difficult for the police to work with the public to reduce crime. Trust is hard to

gain but easy to lose.<sup>22</sup> We have already made the point that acting with fairness is necessary for the long-term effectiveness of the police. It is a fundamental duty of every public authority to act fairly; the police are no exception. It is therefore important that leaders set an example in the way they treat their officers as there is evidence from research that officers who are treated fairly by leaders are more likely to act fairly in their encounters with the public.<sup>23</sup>

Finally – and importantly in relation to effectiveness – research supports the view that searches where officers work in an intelligence-led way and have stronger grounds for suspicion, are more likely to result in arrest.<sup>24</sup>

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<sup>22</sup> Translation of a traditional Dutch proverb "Vertrouwen komt te voet en vertrekt te paard" (technically: 'Trust arrives on foot and leaves on horseback'). Quoted in *Bestuurlijke ethiek: een inleiding*. Uitgeverij Van Gorcum, Becker, M., 1998, page 136.

<sup>23</sup> 'Why do 'the law' comply? Procedural justice, group identification, and officer motivation in police organizations,' Bradford, B., Quinton, P., Myhill, A. and Porter, G. *European Journal of Criminology*, in press.

<sup>24</sup> 'The Impact of Stops and Searches on Crime and the Community', Police research series, paper 127, Miller, J., Bland, N. and Quinton, P. Home Office, 2000.



## 2. Methodology

HMIC conducted fieldwork in all 43 police forces in England and Wales between October 2012 and April 2013 for the purpose of this inspection.

In each force we reviewed relevant documentation, including the policies, procedures and guidance given to police officers. We examined at least 200 stop and search records from each force to establish how compliant they were with the requirements of the code of practice and, in particular, how well officers recorded their grounds for reasonable suspicion.

A significant part of the inspection was the completion of a large public survey about the police use of stop and search powers. We surveyed 19,078 people across England and Wales to obtain their opinions of the use of stop and search powers, and 391<sup>25</sup> people who had been subjected to a stop and search to get their views of their experiences.

HMIC also conducted:

- interviews with 500 senior staff who have responsibility for stop and search, to understand the vision and direction provided by the service leaders;
- focus groups with 200 operational supervisors, to establish the impact and effectiveness of current monitoring systems;
- focus groups with 350 operational constables, to get the views of those who actually carry out stops and searches. These focus groups were made up of officers selected by the forces; and
- analysis of stop and search statistics.

In order to verify and strengthen our findings, we also carried out unannounced visits to at least two police stations in each force, where we spoke with officers from intelligence units, investigators, response teams and neighbourhood teams. We also attended briefings and local management meetings to see the processes and the information that officers receive before going out on patrol. Some forces used body-worn videos to capture footage of stop and search encounters, and we reviewed 50 examples of such video material (from across six forces).

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<sup>25</sup> The 391 respondents were self-selecting, and therefore not representative of the views of all people stopped and searched.

### 3. The legislation

There are over 20 statutory powers of search in law. The vast majority of police stops and searches conducted rely on powers contained in three Acts of Parliament: the Police and Criminal Evidence Act 1984, which empowers stops and searches for stolen or prohibited articles; the Misuse of Drugs Act 1971, which empowers stops and searches for controlled drugs; and section 60 of the Criminal Justice and Public Order Act 1994, which allows searches for weapons in areas where serious violence is anticipated.

Some people believe that they have been stopped and searched when, in fact, they have been stopped and spoken to by an officer or have been stopped in their car under Road Traffic Act powers – without a search taking place. These encounters are not stops and searches in the eyes of the law and are therefore outside the scope of this inspection.

Below is a summary<sup>26</sup> of the three main powers used by the police:

#### **Section 1 of the Police and Criminal Evidence Act 1984**

A police officer may stop and search a person or vehicle for stolen or prohibited items, which includes articles for use in burglary theft or fraud, offensive weapons, fireworks, and items used in criminal damage. An officer must have reasonable grounds to suspect that the person has stolen or prohibited articles in his or her possession before conducting a stop and search. Authorisation of a senior officer is not required.

#### **Section 23 of the Misuse of Drugs Act 1971**

A police officer may stop and search a person, vehicle or vessel for controlled drugs. An officer must have reasonable grounds to suspect that the person or vehicle or vessel is carrying a controlled drug. Authorisation of a senior officer is not required.

#### **Section 60 of the Criminal Justice and Public Order Act 1994**

A senior officer may authorise the use of stop and search powers within a designated area for a limited time of up to a total of 48 hours where he or she reasonably believes that incidents involving serious violence may take place, or have taken place, or that dangerous implements or offensive weapons are being carried. Where an authorisation has been given, a police officer may stop and search any person or vehicle for offensive weapons or dangerous implements **whether or not he or she has any grounds to suspect** the person or vehicle is carrying articles of that kind.

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<sup>26</sup> To note, this summarises rather than reproduces the legislation. Précis of legislation provided by Westlaw UK. Full details in Appendix A.

The Police and Criminal Evidence Act 1984 makes provision for codes of practice, issued by the Secretary of State, which govern (among other things) the exercise by police officers of statutory powers to search a person or a vehicle without first making an arrest. Section 67 of the Police and Criminal Evidence Act 1984 provides that failure to apply a code of practice issued under the Act shall not, in itself, give rise to any criminal or civil liability, but that provisions of such a code are relevant to any question arising in any legal proceedings. The codes are not law. However, they are guidance which, if ignored, can raise serious questions about whether compliance with the law has been achieved.

The code of practice for the exercise by police officers of statutory powers of stop and search is known as 'Code A', and was revised in 2011. Although the code of practice does not define 'reasonable grounds for suspicion', it does make clear that the grounds can never be established solely on the basis of personal factors such as skin colour, mode of dress, or previous criminal convictions. The code says:

*Reasonable suspicion can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. For example, unless the police have a description of a suspect, a person's physical appearance (including any of the 'protected characteristics' set out in the Equality Act 2010 (see paragraph 1.1), or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other, or in combination with any other factor, as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity.<sup>27</sup>*

Officers can consider a number of objective factors in forming reasonable grounds to support the view that a stolen or prohibited item will be found, including intelligence and information about or some specific behaviour by the person concerned.

The code of practice also provides guidance about the information that must be provided and recorded, and how stops and searches should be conducted. A summary of this guidance is set out below.

**Prior to the search the officer must take reasonable steps to tell the person:**

- that they are being detained for the purposes of a search;
- the officer's name and the name of their police station;
- the legal search power which is being exercised;
- the object of the search in terms of the item or article for which there is a power to search;

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<sup>27</sup> Police and Criminal Evidence Act 1984, Code A, paragraph 2.2.

- the grounds for the suspicion (or, for section 60, the fact it has been authorised); and
- that they are entitled to a copy of the record of the search within three months or, if it is practicable to make the record at the time, they will be given either a copy of the record, or a receipt which explains how they can obtain a copy of the full record.

**The record of the search must contain** (Police and Criminal Evidence Act 1984, as amended by the Crime and Security Act 2010):

- a note of the self-defined ethnicity of the person and, if different, the ethnicity as perceived by the officer making the search;
- the date and time of the search;
- the location of the search;
- the object of the search in terms of the item or article for which there is a power to search;
- the grounds for suspicion (where applicable); and
- the identity of the officer who carried out the search.

Before April 2011, when the amendments made by the Crime and Security Act 2010 came into force, the recording requirements also included:

- the name and address of the person, or a description if declined (there was no obligation to provide name or address);
- whether a stolen or prohibited item was found and, if so, what it was; and
- whether any injury or damage was caused as a result of the search.

## 4. The public view

In order to establish what the public know and think about the use of stop and search powers, we commissioned YouGov to conduct a survey, which generated responses from 19,078 members of the public in England and Wales. Replies were received from people who represented a mix of ages, genders, locations, social grades and ethnicities. The survey questions are listed in Appendix B.

Of those members of the general public surveyed, 262 had been stopped and searched and were asked an additional set of questions about their experiences. The sampling method is contained in Appendix C. In order to obtain a larger sample of people who had been stopped and searched, we separately invited them to answer our survey questions via social media and in other ways, gaining a further 129 responses during a five-week survey period. These people were self-selecting and so may not be as representative as the main sample. The total number of respondents who had been stopped and searched was therefore 391. Whilst we, of course, accept that this cannot be relied upon as representing the opinion of all people who have been stopped and searched, it does provide a sample view of how stop and search encounters are experienced.

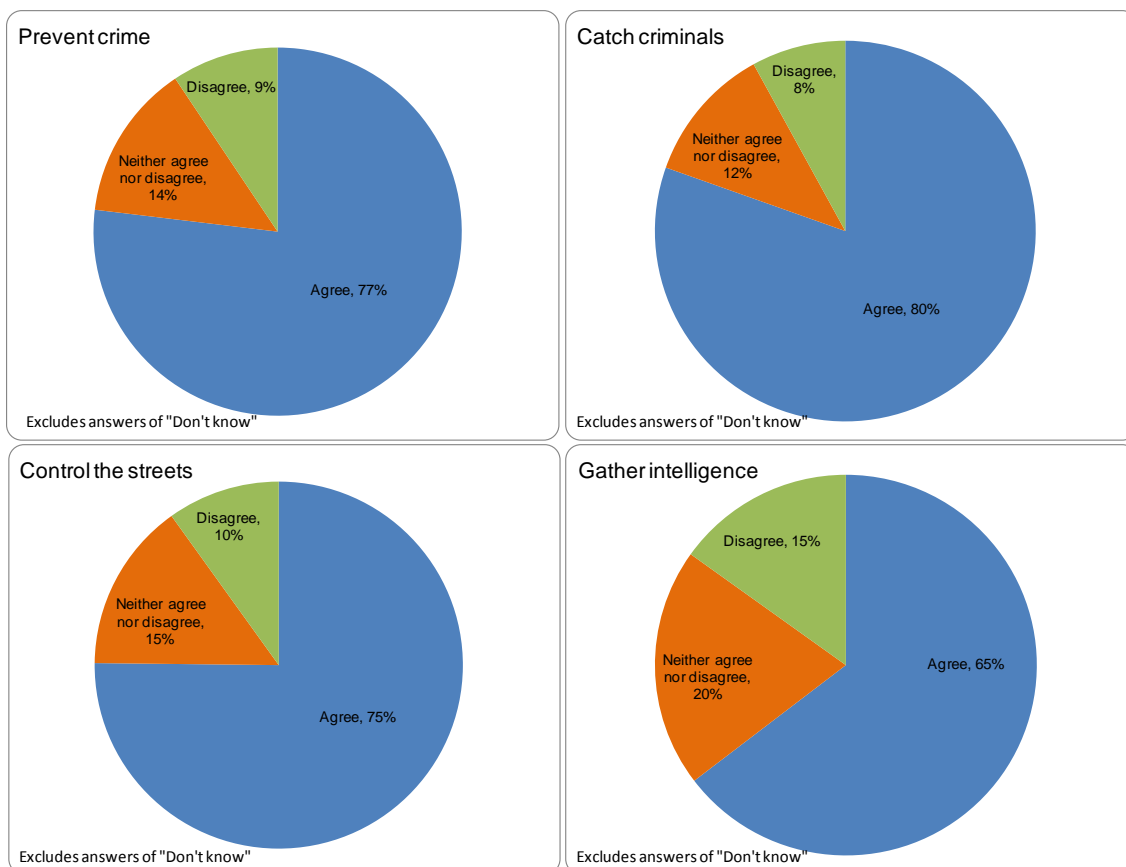
Our public survey established that the vast majority of people (92%) were aware that the police use powers of stop and search. A majority (55%) agreed that the use of stop and search powers in their areas made them feel safer, with only 13% disagreeing; just under half said their use increased their confidence in the police. This demonstrates that the public generally support the use of the powers by the police to keep them safe. There was also a strong perception that the use of stop and search powers helps the police to catch criminals and prevent crime (80% and 77% respectively – see Figure 4).

A quarter of people who responded to our public survey believed stop and search powers are used too often on certain groups. For non-British white respondents, this rises to 31% – and this figure increases to 42% among black and minority ethnic respondents. When pressed on which groups were being stopped and searched too often, the largest number mentioned youths and ethnic minorities. Of those who thought stop and search powers are used on some groups more than others, 58% believed one of the reasons was that members of those groups are more likely to be committing crime. This appears to indicate that sections of the public had a view that members of certain groups were more likely to commit crime and believed that the police use their powers to stop and search based on those prejudices. It should be understood that previous criminal convictions alone cannot be used as reasonable grounds for suspicion.<sup>28</sup>

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<sup>28</sup> Police and Criminal Evidence Act 1984, Code A.

**Figure 4: Opinions from the public survey: “Stop and search is useful to...”**



Source: YouGov Survey of 19,078 adults in England and Wales.

‘Agree’ is the sum of ‘Agree Somewhat’ and ‘Strongly Agree’ answers; ‘Disagree’ is the sum of ‘Disagree Somewhat’ and ‘Strongly Disagree’ answers.

A third of those who thought that stop and search powers are used too often on members of certain groups thought that one of the reasons for this was unlawful discrimination; for black and minority ethnic respondents, over half thought this involved unlawful discrimination.

Only 6% of respondents believed that stop and search powers were overused in their areas, although interestingly this rose to 13% in London. National statistics show that 14% of the population of England and Wales live in the area served by the Metropolitan Police Service, and yet 41% of section 1 Police and Criminal Evidence Act 1984 stops and searches are carried out by this force.<sup>29</sup> This indicates that the public support the use of these powers, but the support diminishes when they perceive the powers are overused.

A further 22% thought that stop and search powers were underused, and a similar number thought it was used ‘about the right amount’. However, 52% did not know, further suggesting there was a lack of information about the use of stop and search powers provided to the public.

<sup>29</sup> *Police Powers and Procedures England and Wales 2011/12*, Home Office, April 2013.

All the survey findings should be seen in the context that the vast majority of the respondents had not themselves experienced a stop and search encounter, and did not know how frequently the powers are used, or how frequently they result in an arrest.

## 5. Leadership

In December 2011, following the riots of that year, the Home Secretary asked the Association of Chief Police Officers to review the guidance<sup>30</sup> it had published in 2006 on the use of stop and search powers by forces across England and Wales. In response, the College of Policing was commissioned by the Association of Chief Police Officers to develop Authorised Professional Practice for stop and search powers, which is scheduled to be published later this year. The provision of an Authorised Professional Practice will provide direction and standards for police forces in their use of stop and search powers.

Leadership is critical in providing direction, establishing and embedding standards, and building the right organisational structures to support the use of stop and search powers. It sets the tone and influences the way individual officers use the powers. Leadership in this contentious area of policing should be underpinned by: analysis of the proper and effective use of the powers; knowledge of what works; and a willingness to intervene when things are done incorrectly.

We assessed how leaders had taken up their role in making sure stop and search powers were used effectively in the fight against crime. We also assessed how leaders were checking that stop and search powers were being used fairly; how communities were kept informed; whether leaders were aware of community concerns about stop and search; and what they were doing to deal with those concerns.

There has been a noticeable slippage in the level of attention given to the leadership and supervision of stop and search powers by senior officers since the publication of the Stephen Lawrence Inquiry Report in 1999.<sup>31</sup> We found different levels of attention given to stop and search by chief officers. Except for those in forces that were working with the EHRC<sup>32</sup> on the programme to reduce race disproportionality,<sup>33</sup> most chief officers told us that stop and search was not viewed as a priority. They saw stop and search powers as one of a number available to the police and relied on officers to use their discretion in using the powers in accordance with force values and decision-making processes. Their explanation for not seeing stop and search as a priority was that public satisfaction levels were generally high and complaints about stop and search low. This misses two crucial facts: very few people who are unhappy about their stop and search experiences complain – as low as 16% in our survey (a concern in itself); and those who respond to satisfaction surveys are highly unlikely to be those who are stopped and searched – only 1% of the respondents to the Crime Survey of England and Wales in 2011/12 had experienced being stopped and searched.

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<sup>30</sup> *Practice Advice on Stop and Search*, Centrex, 2006.

<sup>31</sup> *Report of the Inquiry into the Matters Arising from the Death of Stephen Lawrence (chairman Sir William Macpherson of Cluny)*, Cmnd 4262-I, February 1999.

<sup>32</sup> Leicestershire Police, Thames Valley Police, Dorset Police, West Midlands Police and the Metropolitan Police Service.

<sup>33</sup> *Stop and think: A critical review of the use of stop and search powers in England and Wales*, EHRC, March 2010; and *Stop and think again: Towards race equality in police PACE stop and search*, EHRC, June 2013.



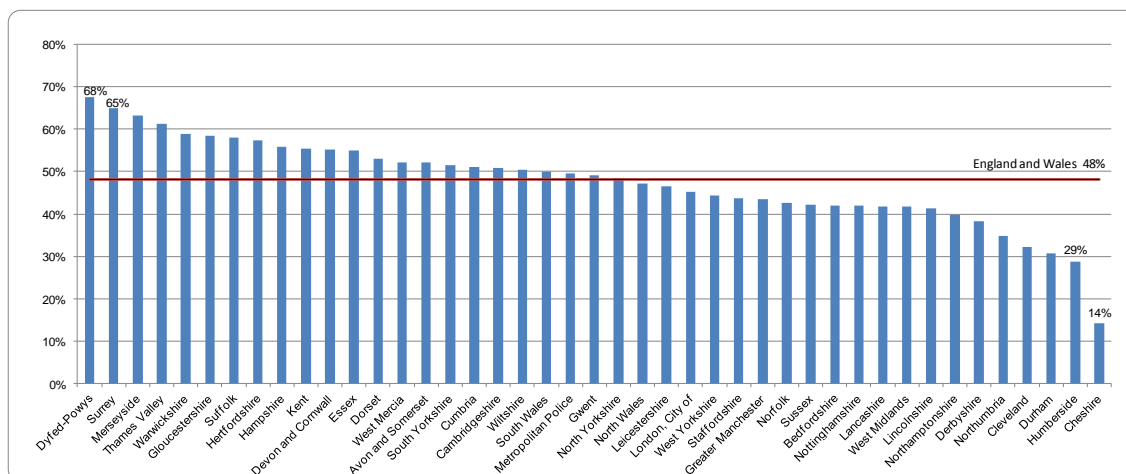
In 13 forces we found evidence that chief officers were developing an understanding of what effectiveness or successful outcomes of the use of stop and search powers might mean. However, in 30 forces we found no evidence that effectiveness had been considered, and the only outcome monitored was the percentage of stops and searches resulting in arrests. Police leaders gave a variety of views about how a successful outcome should be defined, including: arrest only; arrest and a combination of caution, warning or restorative justice; whether a stolen or prohibited item is found; and whether the person walked away with a good view of the police.

The inspection sought to establish what messages chief officers were issuing to officers about stop and search powers, and what efforts they made to focus officers' attention on legal use of the powers, their effectiveness and fairness in tackling crime, and their impact on communities. In fewer than half of forces (20), we found evidence that chief officers had issued clear messages to their staff about their approach to stop and search powers. Where chief officers had provided some direction, whether through bulletins or statements on force intranets, or in posters or announcements, 17 featured messages about the relevant legislation; 16 featured messages about fair use; and 15 featured messages about effective use in support of crime reduction. Chief officers' messages that featured fairness were focused on the proportionality of searches involving members of different ethnic groups.

We found 34 of the 43 police forces in England and Wales had specific policies on stop and search powers. However, during our conversations with operational officers we found that many were either unaware of the policies, or had not read them. We found little evidence of leaders directing the use of stop and search powers in a way that was targeted towards priority crime hotspots, organised crime groups or prolific offenders, as part of a problem-solving approach. Most forces had priorities that focused on reducing serious acquisitive and violent crime and it is logical that, with pressure on budgets, leaders should focus police resources on tackling these types of crime.

However, we found that just under half (48%) of stops and searches carried out in England and Wales in 2011/12 were conducted for the purpose of finding drugs (see Figure 5 on the next page). This ranged from 14% in one force to 68% in another. Our review of at least 200 records in each force found that the vast majority of searches for drugs were for low-level possession. We found that the Metropolitan Police Service had acknowledged this as a problem, and had committed to reducing stops and searches for drugs where no drugs were found by 50%, whilst increasing searches for weapons.

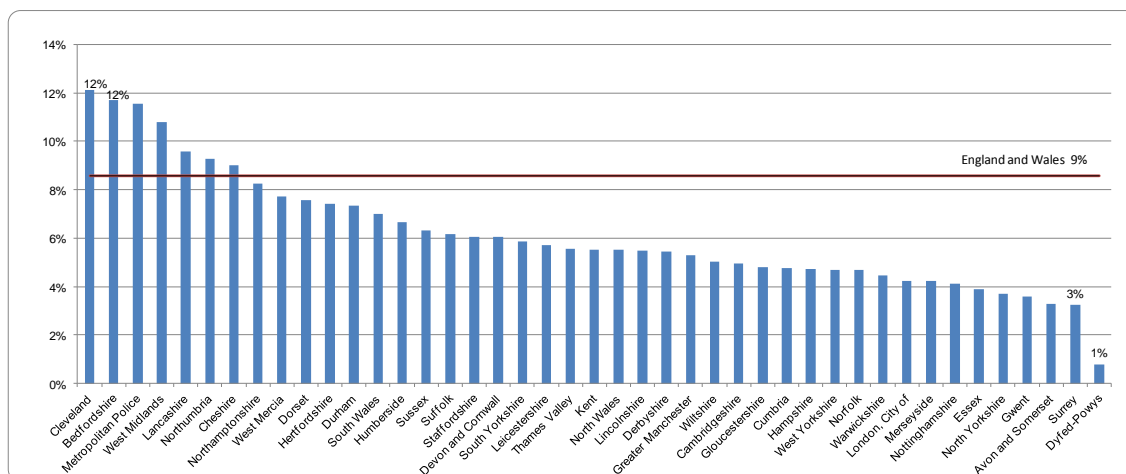
**Figure 5: Percentage of all recorded stops and searches for drugs 2011/12.**<sup>34</sup>



Source: *Police Powers and Procedures England and Wales 2011/12*, Home Office. The England and Wales line in Figure 5 is the total number of stop and searches for drugs recorded by the 43 forces in England and Wales divided by the total number of all stops and searches recorded in England and Wales.

Conversely, stops and searches for weapons represented only about 9% of the total recorded nationally (Figure 6), and just over 20% of stops and searches were for stolen property or going equipped to steal (Figure 7).

**Figure 6: Percentage of all recorded stops and searches for offensive weapons 2011/12.**<sup>35</sup>

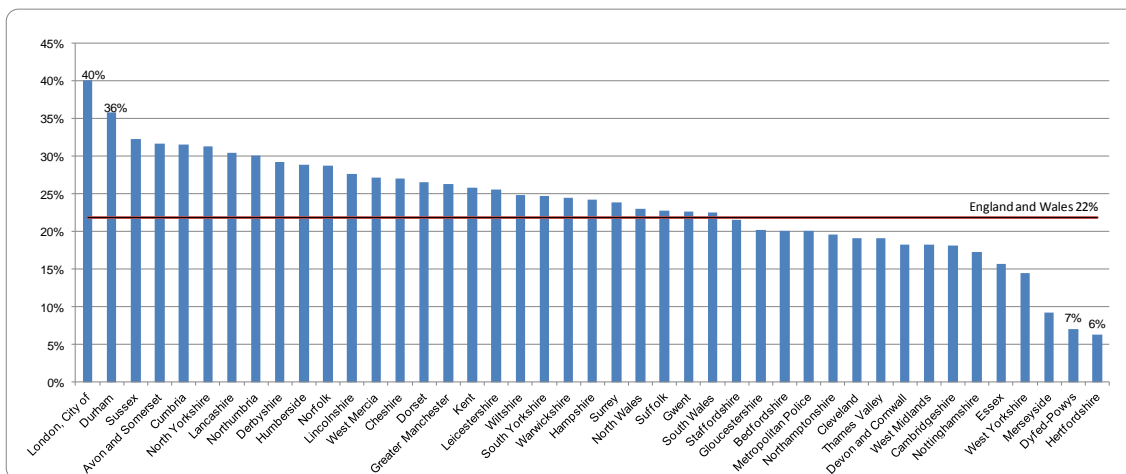


Source: *Police Powers and Procedures England and Wales 2011/12*, Home Office. The England and Wales line in Figure 6 is the total number of stop and searches for offensive weapons recorded by the 43 forces in England and Wales divided by the total number of all stops and searches recorded in England and Wales.

<sup>34</sup> Figures 5, 6, and 7 relate to the recorded item searched for, and not the legislative power used.

<sup>35</sup> See footnote 34.

**Figure 7: Percentage of all recorded stops and searches for stolen property or for going equipped to commit burglary, theft, or deception 2011/12.<sup>36</sup>**



Source: *Police Powers and Procedures England and Wales 2011/12*, Home Office  
 The England and Wales line in Figure 7 is the total number of stop and searches for stolen property or going equipped to commit burglary, theft, or deception recorded by the 43 forces in England and Wales divided by the total number of all stops and searches recorded in England and Wales.

<sup>36</sup> See footnote 34.

## 6. Supervision and compliance with legislation

### Supervision

Proper supervision of stop and search encounters and of the subsequent records is vital if forces are to ensure the use of the powers is effective and fair. Specific monitoring obligations were included in legislation to build public confidence in the procedural fairness of the powers.

The code of practice directs that:<sup>37</sup>

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

In 2008, HMIC found that there were “*widespread fundamental skills gaps at frontline sergeant level*”.<sup>38</sup> Five years on, our inspection of the way in which stop and search encounters are supervised shows that little has changed.

In the vast majority of forces, we found insufficient supervision of both the encounter on the street and the subsequent search record. Eleven forces used a recording process that did not include any requirement for supervisory endorsement or review. In those forces which used electronic recording, information was passed automatically to populate a spreadsheet, which was then used for management information purposes. These spreadsheets were not subjected to a supervisor’s review, albeit in some forces supervisors received an automated message to advise them that a search record had been entered onto the system. However, it was not mandatory for them to supervise the record and we found little evidence of any supervisory corrections or amendments.

Where we found some supervision of search records, either paper or electronic, this tended to be an administrative check on the completeness of the form (i.e. that all the boxes had been ticked) rather than a check of the legality or appropriateness of the stop and search, or of the quality of the information recorded. The high number of records we reviewed that lacked sufficiently recorded reasonable grounds (discussed on page 30) indicates that supervisors either did not check the records, or did not understand what was required of

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<sup>37</sup> Police and Criminal Evidence Act 1984, Code of practice A, paragraph 5.1.

<sup>38</sup> *Front-line officers supervision: Leading From the Frontline*, HMIC, May 2008, page 7.

them. (The recording of reasonable grounds is dealt with in more depth in the 'Compliance with legislation' section below.)

In 21 forces we found some (albeit quite limited) evidence that frontline supervisors challenged inappropriate behaviour. Thirteen forces had designated senior managers to oversee whether officers were using the powers properly. However, there was limited evidence that supervisors were observing the behaviour of officers during stop and search encounters to improve the effectiveness of the process (with the main reason cited for this as being insufficient time, which indicated either a lack of capacity or a lack of prioritisation). As a result, many supervisors did not have the experience of observing stop and search encounters being carried out, that they would need to supervise records properly (by monitoring for inappropriate use and challenging discrepancies). They were therefore not discharging their duties according to the code of practice. These responsibilities are important in protecting the public from the misuse of this intrusive power.

Some officers we spoke to suggested that the supervision of the use of stop and search powers, particularly where that supervision led to criticism (or what officers perceived to be criticism), made them reluctant to use the powers. There was also a suggestion from officers we spoke to that, in order to avoid scrutiny, officers might stop using the powers in circumstances where they should be used, or continue to use the powers but not complete or submit a record of the search. In no circumstances are these considerations valid reasons for reducing supervision. On the contrary, officers need to become more used to learning from the constructive criticism of supervisors who have the confidence to challenge poor performance in a way that leads to the improvement of professional standards.

Some forces discharged their legal monitoring responsibilities through a process of retrospectively checking the quality of stop and search encounters, and how they were recorded. Nineteen forces conducted scheduled audits, of which 12 considered the legality of the search and recording of sufficient grounds, and 11 considered proportionality. None of the forces considered the effectiveness of the use of stop and search powers within their audit regimes.

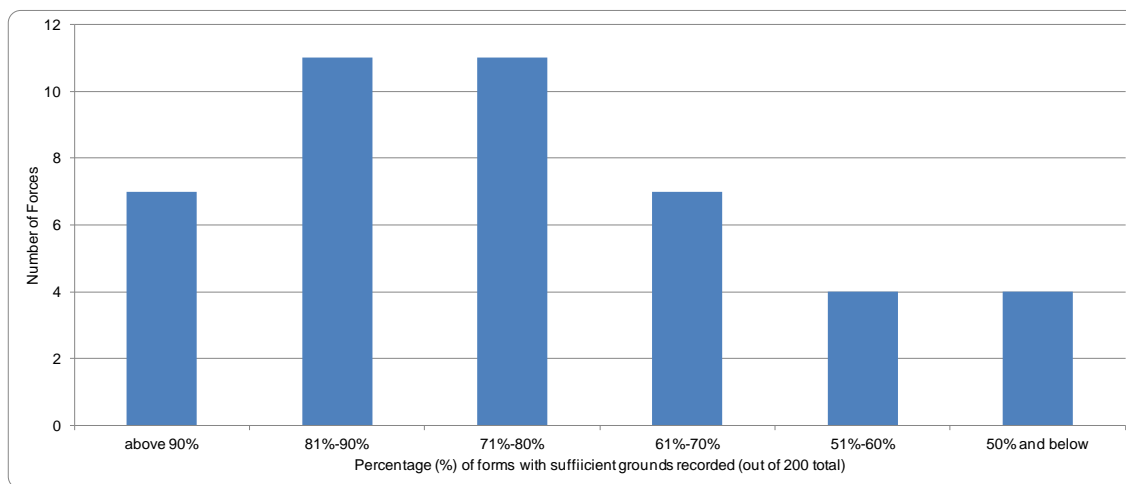
## **Compliance with legislation**

We found that the ways in which officers decided they had reasonable grounds for suspicion varied widely. Using a scale where zero was no suspicion whatsoever, and 10 was concrete knowledge, some officers said they considered that reasonable suspicion existed at two, whilst others answered as high as eight. Surprisingly, these differences were found even among officers who worked closely together in the same areas, and who had similar policing experience. Whilst this cannot be considered a scientific study, it raises concerns about the differing views among officers of what constitutes reasonable grounds for suspicion, raises questions about the levels of training provided to officers and supervisors, and about how they develop a practical understanding of reasonable grounds for suspicion.

The code of practice directs that reasonable grounds for suspicion must be recorded in a way that is brief and informative. In each force, we reviewed at least 200 stop and search records to establish if sufficient grounds were

recorded. Nationally, we found that 27% (2,338) of the 8,783 records reviewed did not have reasonable grounds for suspicion recorded. This does not necessarily mean that all those searches were unlawful and carried out without the required grounds. However, in some cases it was clear that there were no reasonable grounds; for example, in one case the officer recorded the grounds by using just one word: 'speeding'. Of the search records reviewed, the percentage with sufficient grounds recorded ranged from 6% in one force to 96% in others, with the majority (22) between 71% and 90% compliance (see Figure 8 below).

**Figure 8: Percentage of stop and search forms with sufficient grounds recorded**



Source: HMIC review of at least 200 stop and search forms from each of the 43 forces in England and Wales.

Only two forces achieved high compliance rates of over 95% in terms of recording sufficient grounds, and only seven in total had compliance rates over 90%, indicating substantial non-compliance with the code of practice.

**It is of significant concern to HMIC that police leaders are, too often, failing to use the stop and search records to monitor whether or not officers are carrying out stops and searches in accordance with the law.**

The code of practice directs that '*Every reasonable effort must be made to minimise the embarrassment that a person being searched may experience*'.<sup>39</sup>

Over half of the people we surveyed who had been stopped and searched said they were not given any privacy when their search was being carried out. These views contradicted those of many police officers, who said that they always consider privacy, but are not always able to provide it because of the circumstances.

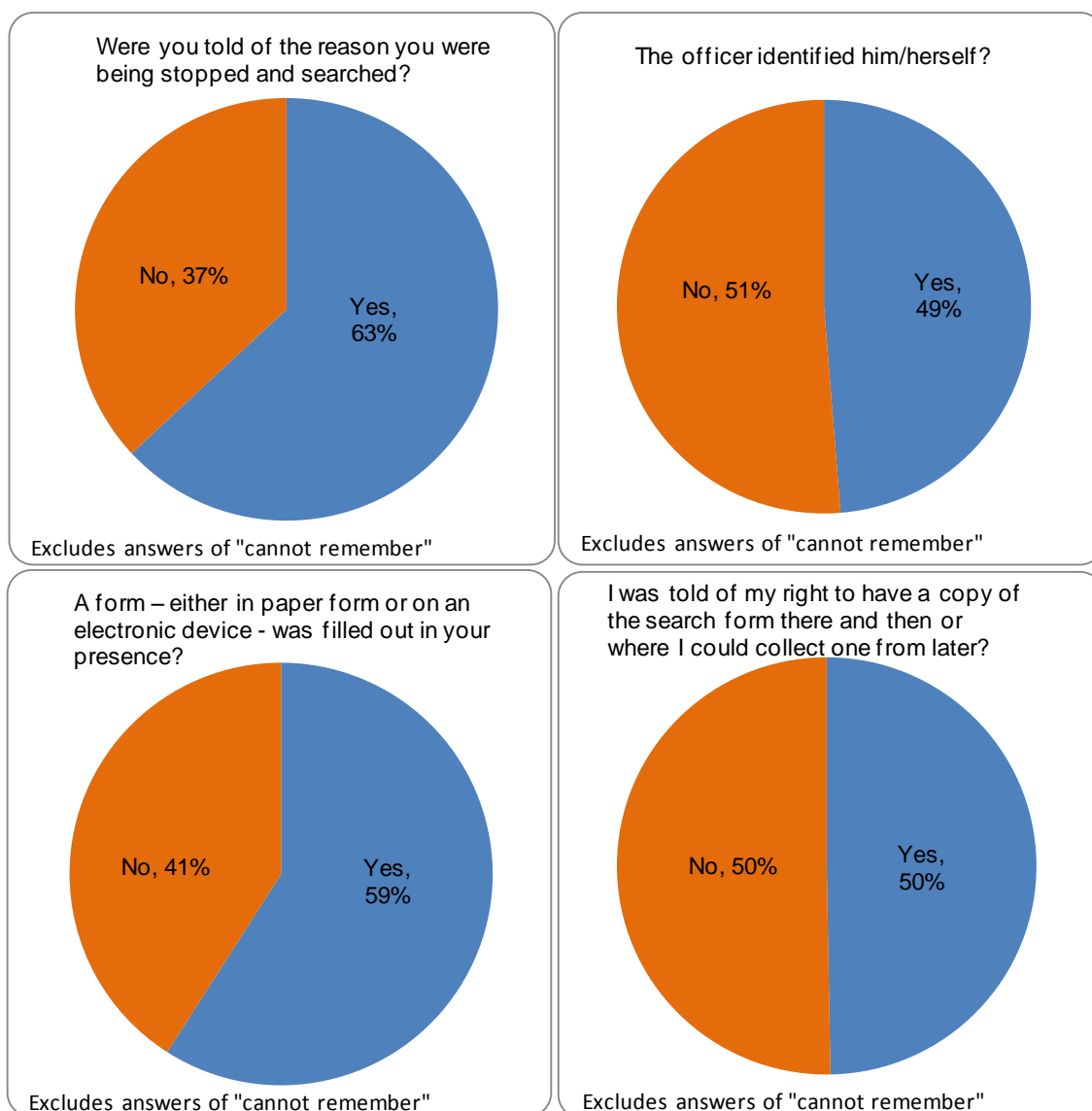
In a small number of forces, officers told us that they were encouraged to conduct searches in open view to reassure the public. Others told us that they prefer to search in open view (and preferably in sight of CCTV), in order to

<sup>39</sup> 'Police and Criminal Evidence Act 1984, Code A: Code of Practice for the exercise by police officers of statutory powers to stop and search,' 2011, paragraph 3.1.

maintain their personal safety, and record the encounter for evidential purposes. These approaches are contrary to the code of practice.

Our survey findings suggest that, from the perspective of the person stopped and searched, officers were not complying with the code of practice by clearly explaining the procedure, or the person's rights, in a way that could be easily understood. Figure 9 demonstrates the information provided to those who contributed to our survey of people who had been stopped and searched.

**Figure 9: Opinions from the survey of those stopped and searched: Information provided by the police.**



Source: YouGov Survey of 391 people who had been stopped and searched in the last two years (non-representative sample).

All stops and searches must be recorded, including those where the person has volunteered to be searched. Officers told us they recorded the overwhelming majority of stops and searches. However, they also provided some examples where searches had not been recorded, including when: several searches were carried out on a large group for the same object; people volunteered to be

searched; and there was insufficient time due to a high workload. A small number of officers told us that they had completed a record only after the person later requested a copy. We were not able to assess the true level of under-recording, as the carrying out of a stop and search is, in the vast majority of occasions, known only to the searcher and the searched. Independent research, based on direct observations, found that only about one-third of stop and search encounters were recorded.<sup>40</sup>

When an arrest is made as a result of a stop and search, and the person is taken to the police station, the code of practice directs that the officer carrying out the search is responsible for ensuring that a record of the search is made as part of the custody record. However, in some forces we found evidence of inadequate custody processes, which led to inconsistent recording of stop and search encounters. Seven forces had a mandatory system to ensure that the use of stop and search powers that led to arrests was properly recorded as part of the custody system. The remainder relied on a system that was capable of being bypassed or neglected, and we found evidence that this resulted in some searches not being recorded as part of the custody record.

There was some confusion among officers as to whether they should submit a separate stop and search record when the person was arrested and taken to a police station. Some wrongly assumed that the custody system automatically generated the necessary record and included it in the force data. There was a suggestion that, where officers had already completed the record, they submitted it anyway – notwithstanding that it might also be recorded on the custody system.

## **Respect and courtesy**

In most forces we found leaders had communicated messages to officers about the importance of treating all people with respect and courtesy, including those who are stopped and searched. All the frontline officers we spoke to said they treated people they stopped and searched with respect and courtesy.

However, the survey of 391 people who had been stopped and searched showed that:

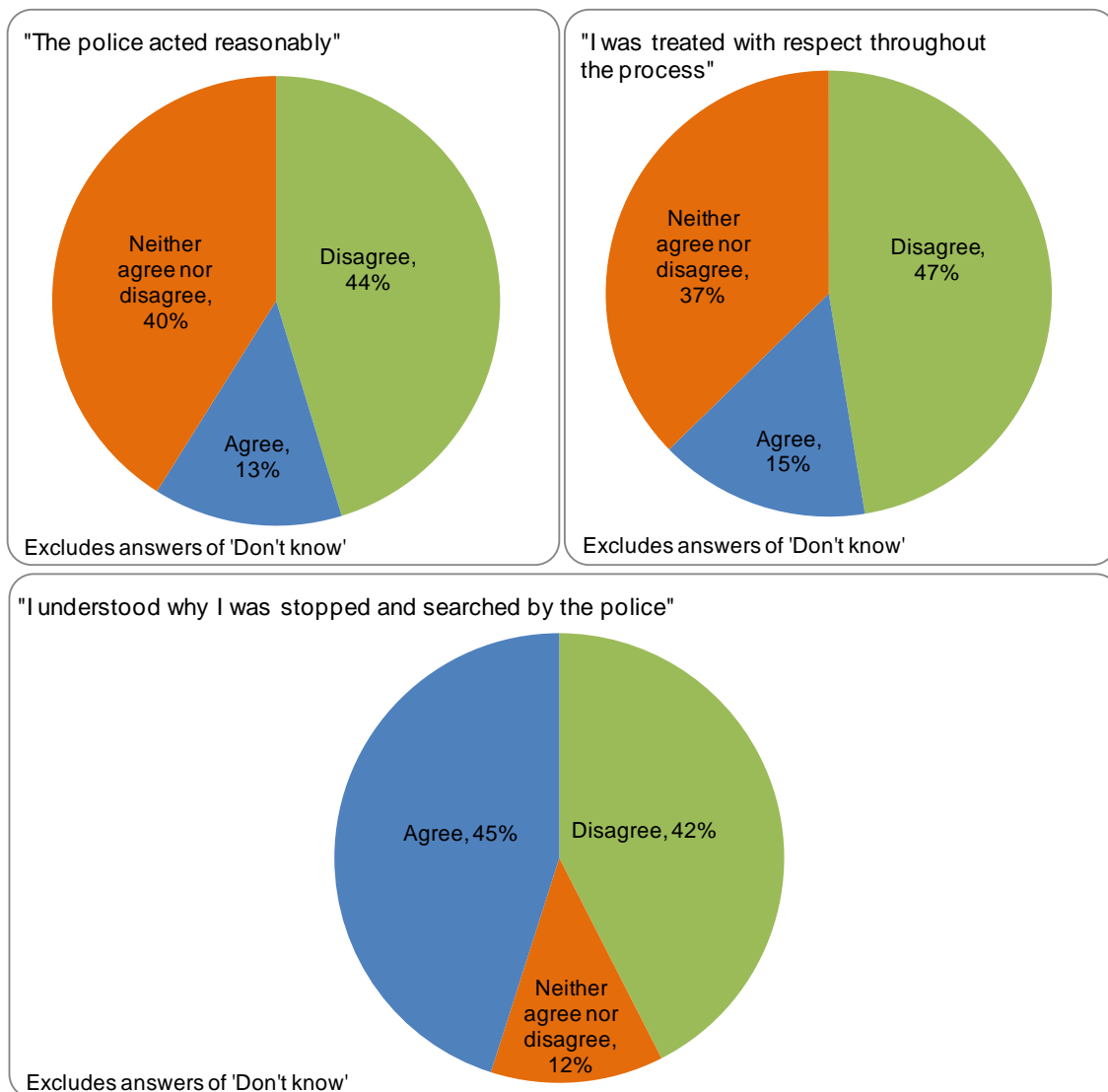
- 44% said the police didn't act reasonably;
- 42% said they did not understand why they were stopped and searched;
- 47% felt they were not treated with respect; and
- 37% said they were not told the reason why there were stopped and searched.

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<sup>40</sup> *Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence inquiry on stops and searches*, Police Research Series 128, Bland, N., Miller, J. and Quinton, P. Home Office, 2007.



**Figure 10: Opinions from the survey of those stopped and searched: “The last time I was stopped and searched by the police...”<sup>41</sup>**



Source: YouGov Survey of 391 people who had been stopped and searched in the last 2 years (non-representative sample).

'Agree' is the sum of 'Agree Somewhat' and 'Strongly Agree' answers; 'Disagree' is the sum of 'Disagree Somewhat' and 'Strongly Disagree' answers.

The small sample size means the results may not be representative and should, therefore, be treated with caution. Nevertheless, even if the results had been half as bad as they are in this survey, they would still represent a cause for concern.

When those who had been stopped and searched were asked about how their experiences of the way the powers were used had affected their opinion of the police, 39% said their opinion had diminished, and 32% said it had not changed. However, almost a quarter (24%) said their experience had improved their opinion of the police. This is an important result as it suggests that, whilst the police must redouble their efforts to reduce the overall negative impact of these

<sup>41</sup> The 391 respondents, who were stopped and searched, self-selected for the survey and therefore are not representative of the views of all people stopped and searched.

powers, it is possible to use the powers in such a way that improves people's opinion of the police. However, the results should be treated with caution, as some respondents may have started with a very low opinion of the police and with very low expectations – leading to the possibility that, even after improving their opinion, it remains low. This notwithstanding, the result should represent an incentive for forces to make sure officers conduct stops and searches in a professional and lawful way, which builds rather than erodes public trust.

## 7. Governance and scrutiny

The code of practice directs that, in order to promote public confidence in the use of stop and search powers, forces must, in consultation with police authorities, make arrangements for the records to be scrutinised by representatives of the community, and to explain the use of the powers at a local level. Police and Crime Commissioners were elected during our inspection. They were in the early stages of developing governance and oversight mechanisms, and will play an important role in overseeing the effective and fair use of stop and search powers in the future.

When we examined arrangements for public scrutiny in forces, we found evidence of it in only 19 forces. This tended to be carried out by Independent Advisory Groups<sup>42</sup> checking stop and search statistics and records.

We found that 34 forces had stop and search policies which, in all cases, were published on their websites. Twenty-two forces published data about their use of stop and search powers on their website. However, this was limited to statistical data rather than information about the purpose and impact of stop and search activity in local areas. Any explanatory commentary published tended to be about whether or not the powers were being used proportionately.

Even though many forces were publishing information on their websites, our survey indicated that messages about the use of stop and search powers were not being received by the public. The vast majority of respondents (89%) had no knowledge of stop and search information relating to their local area.<sup>43</sup> Only 2% were aware of the number of stops and searches carried out by their local force, and only 4% were aware of the number of arrests.

Some forces told the public of the impact that the use of stop and search powers had had in specific crime operations; but this tended to involve only the number of stops and searches carried out, and the arrests that followed. We found that only a few forces had informed the public of their intentions ahead of specific operations, or explained what they were doing and the reasons for it. This is a missed opportunity, as police legitimacy is improved when local communities understand why officers are doing what they are doing in their areas.<sup>44</sup>

We found that 21 forces did not carry out work to understand how the use of stop and search powers affected public trust in their area. This is also a missed opportunity, as our public survey showed that over half (55%) of respondents feel safer as a result of the use of stop and search powers, while 52% said their

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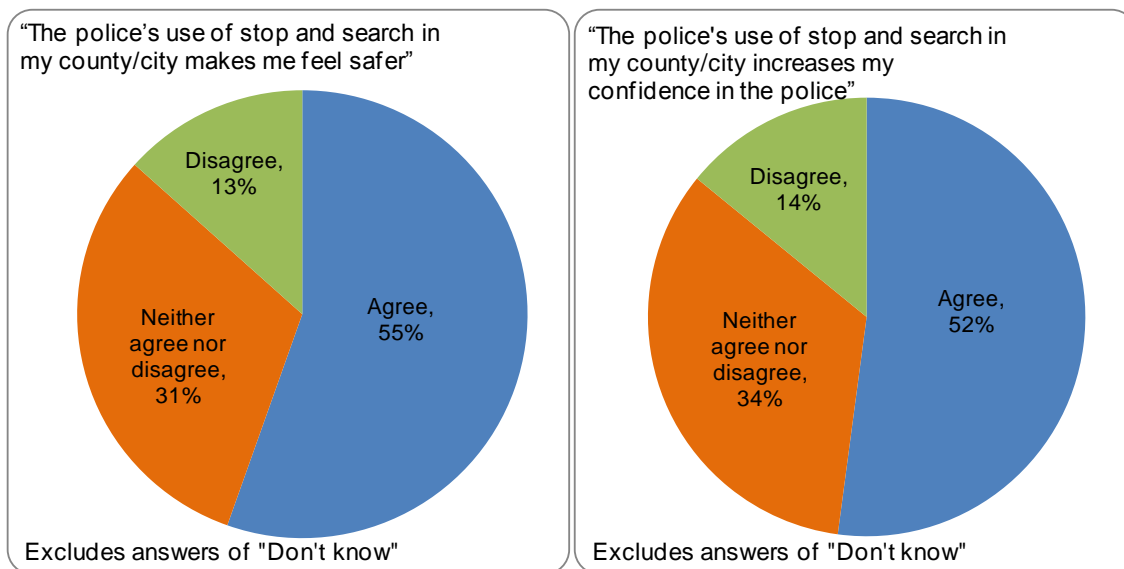
<sup>42</sup> Independent Advisory Groups are made up of members of the public representing diverse communities in the force areas, who offer advice to forces.

<sup>43</sup> Recommendation 63 of the Stephen Lawrence Inquiry report recommended 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.

<sup>44</sup> *It's a fair cop? Police legitimacy, public cooperation, and crime reduction: An interpretative evidence commentary*, Myhill, A. and Quinton, P., September 2011.

use increases their confidence in the police. These results are set out in Figure 11..

**Figure 11: Opinions from the public survey: The extent to which respondents agreed or disagreed that “The police’s use of stop and search in my county/city makes me feel safer” and “The police use of stop and search in my county/city increases my confidence in the police”.**



Source: YouGov Survey of 19,078 adults in England and Wales.

‘Agree’ is the sum of ‘Agree Somewhat’ and ‘Strongly Agree’ answers; ‘Disagree’ is the sum of ‘Disagree Somewhat’ and ‘Strongly Disagree’ answers.

Of the 22 forces that did carry out work to understand how the use of stop and search powers affected public trust, 11 used surveys of the public, and seven sought the views of youth groups. Only four attempted to get the views of people who had been stopped and searched. This is another missed opportunity. Forces should consider ways in which they can better understand the impact of stop and search encounters on their communities, and particularly on people subjected to the use of the powers.

### Case study

*Suffolk Police sought the views of people who had been stopped and searched about their treatment. This was done by including two boxes on the rear of the search record for completion by the person searched. Supervisors wrote to all those where: the person indicated that either the grounds were not explained or they were not treated with respect and courtesy; or the boxes on the record were not marked. HMIC considers this to be good practice.*

## Complaints

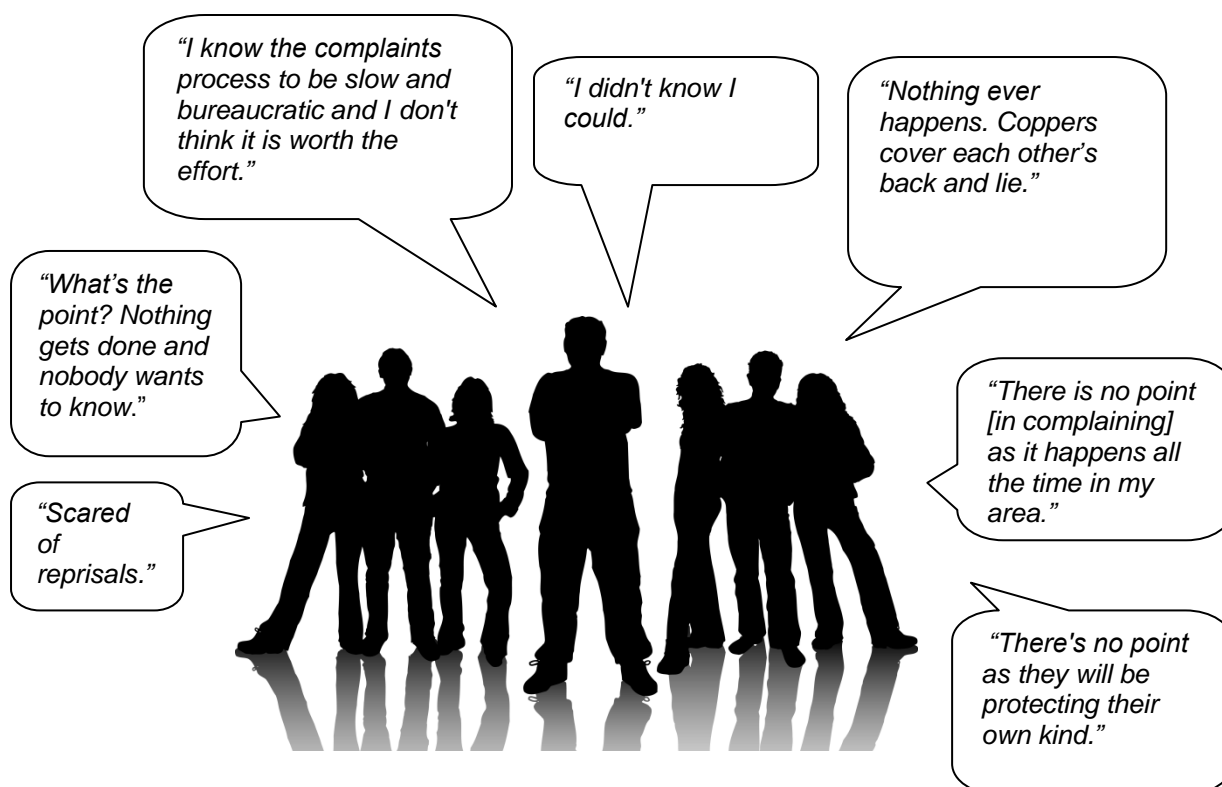
Research by the Independent Police Complaints Commission<sup>45</sup> and the results of this inspection both reveal that very few people who are unhappy about their

<sup>45</sup> IPCC position regarding police powers to stop and search, IPCC, June 2009. Available from [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

experience of being stopped and searched make a formal complaint. In our survey, only 16% of those unhappy about their stop and search experience complained. When asked why not, many expressed a lack of faith in the complaints system. Some of the reasons given for not complaining are represented in Figure 12 below.

The vast majority of complaints from stop and search encounters relate to incivility by officers, and therefore do not meet the threshold for referral to the Independent Police Complaints Commission. They are therefore dealt with locally by the force, and not independently. We are concerned that forces were not making more of an effort to hear the views of those who were unhappy with the way they were stopped and searched – many of whom believed either that their complaint was not serious enough or that they would not be taken seriously by the police. Capturing information about levels of dissatisfaction is important, and would help forces to assess more accurately the impact that the use of stop and search powers is having on individuals and communities.

**Figure 12: Opinions from the survey of those who have been stopped and searched: “Why did you not make a formal complaint?”**



Source: Comments taken from the survey of people who have been stopped and searched and who said they had not been treated with respect or offered privacy. YouGov, 2013.

## 8. How do the police make sure stop and search powers are used effectively and fairly?

### Assessing and improving the effectiveness and fairness of the use of stop and search powers

In this section, we examine how well the police make sure that officers are using the powers to stop and search people effectively and fairly. With over a million stops and searches being conducted every year, and the history of concerns about the use of the powers, HMIC would expect forces to want to know how effectively and fairly stop and search powers are used to prevent crime and catch criminals.

Central to making sure the powers of stop and search are being used effectively and fairly is the availability of accurate information about their use. As we have said above, the Police and Criminal Evidence Act 1984 sets out legal requirements for recording and monitoring the power, and we expected to find that forces were using the information they got from this activity to assess how effectively and fairly their officers were using stop and search powers.

In order to examine how forces were using stop and search information, we reviewed the form being used to record stop and search encounters. We found that each force had designed its own form, resulting in at least 43 different versions in use across England and Wales (some forces use more than one version of the form, and in one force we found five different versions in use). We examined what each force was recording in relation to stop and search encounters. In 16 forces, the stop and search record was a part of a larger multi-purpose document, including, for example, requests for driving document production, recording vehicle defects, or issuing cannabis warnings. Some frontline staff in those forces suggested that the longer forms were unwieldy and difficult to use, particularly in stressful situations, or in inclement weather. They told us that, on occasions, the unwieldy forms led either to searches going unrecorded, or not being carried out in the first place.

Thirty-four forces had search forms which, if completed correctly, would result in the recording of sufficient information to comply with all the legal requirements of the Police and Criminal Evidence Act 1984. In the other nine forces, the stop and search forms did not allow for the recording of 'the object of the search'.

The Police and Criminal Evidence Act 1984 does not require the police to record whether or not anything was actually found, and a description of it. Nor is it obligatory to record the details of the particular legislation used, whether an arrest was made and, if so, for what offence. However, HMIC believes that this information would be useful in assessing how effectively the power is used.

We found that 18 forces did not provide the opportunity on the search forms for officers to record whether or not a stolen or prohibited item had been found. Additionally, in 36 forces the forms did not allow for the recording of whether or not the item found was the item that had been searched for. The majority of forces (33) recorded whether an arrest resulted from a stop and search; but of those, only 11 recorded the reason for the arrest. This means that they were not

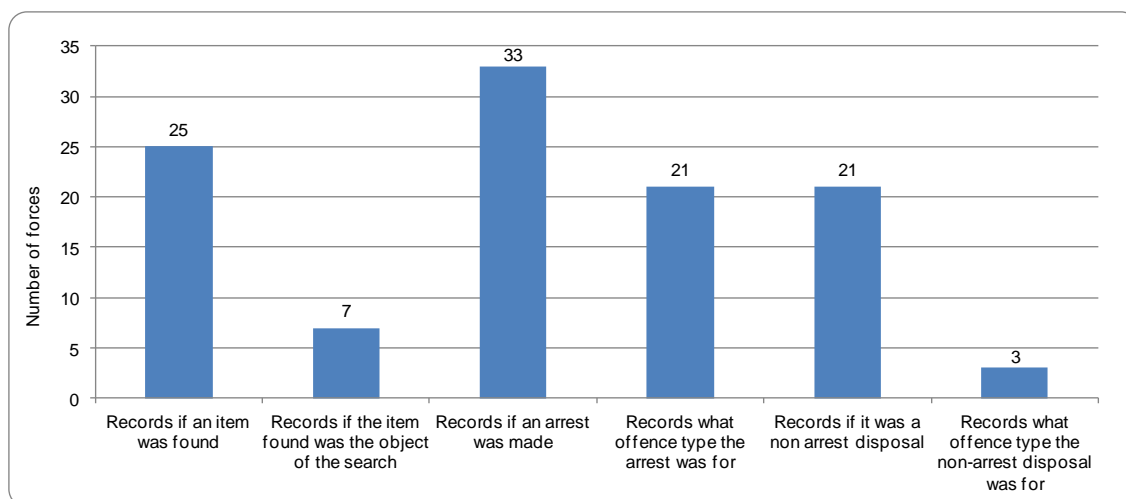
able to identify those arrests that did not directly relate to the stolen or prohibited items for which they had searched.

There are many ways in which a person can be dealt with for an offence which does not involve arresting them. For example, there could be community resolutions, fixed-penalty notices, formal warnings, and street cautions for cannabis. These ‘non-arrest disposals’ are being used increasingly by many forces as an alternative to arrest, including for offences arising from the use of stop and search powers. However, only about half (21) of forces recorded whether a stop and search encounter resulted in a ‘non-arrest disposal’. Of these, many did not record the type of non-arrest disposal used. This hindered their ability to establish the full range of outcomes achieved from stop and search encounters, and to test the effectiveness of their use of the powers.

### Case study

*Dorset Police’s senior officers are able to understand clearly the pattern of stop and search activity in their area, through an easy-to-use electronic system, called Searchlight, which is accessible to all officers. The system gathers comprehensive stop and search information, which allows senior officers to monitor closely the outcomes achieved by individual officers, including whether the item searched for was found. The system also shows how the pattern of use of the powers matches with crime patterns and hotspots, and identifies any changes in stop and search activity, so that explanations can be sought from local supervisors. Using this system, senior officers are more easily able to assess the effectiveness and fairness of the use of stop and search powers by their officers.*

**Figure 12: The number of forces recording outcomes from stop and search.**



Source: HMIC review of stop and search forms in 43 police forces in England and Wales.

We also looked at the way forces monitored how well individual officers used the powers. Thirty-one forces could identify how frequently individual officers use stop and search powers, yet only 11 used that information as part of their ongoing assessment of how well officers use the powers (for example, where an officer might be identified as having a high volume of arrests from using stop and search powers that do not relate to the finding of stolen or prohibited items).

Through this sort of assessment, HMIC would expect forces to make sure good practice is shared, and to identify individuals who might need further training.

#### *Case study*

*The Borough Operational Command Unit in Brent in the Metropolitan Police Service has identified the 12 best performing officers in relation to the use of stop and search powers, as defined by their positive outcome rate, and uses them to mentor new and less experienced officers. The mentors undertake coaching patrols with officers, to enable them to be more effective and fair in their use of stop and search powers. Considerable effort and thought has gone into ensuring that this is seen as constructive support and training, enabling officers to learn and develop their skills.*

Very few forces monitored data to identify people who had been stopped and searched on multiple occasions. In one force, we found an example of one person who had been stopped and searched 53 times in a year (2011/12). This type of monitoring can help forces to identify misuse of the power and the consequences this might have on wider public confidence in the police.

We found little evidence that forces were using information to understand what effect the use of stop and search powers was having in relation to the prevention and detection of crime. In particular, it is concerning that very little was being done to understand how well officers were establishing their grounds to search. The establishment of reasonable grounds for suspicion, based on specific and not general information, is the foundation of an effective and fair stop and search.

This is even more important in relation to section 60 of the Criminal Justice and Public Order Act 1994 because unlike, many other stop and search powers, an officer of the rank of inspector or above can authorise unlimited numbers of stops and searches in a specified area for up to 24 hours, based upon his or her individual belief that there will be (or has been) serious violence in that area, or that persons are carrying dangerous instruments or offensive weapons in the area without good reason. The searching officer does not need reasonable grounds to suspect that a person is in possession of a stolen or prohibited item. An officer of the rank of superintendent or above must be informed of the authorisation and he or she may continue the authorisation for a further 24 hours. Typically, authorisations are used at large public events such as football matches and protest marches. Some forces use the power sparingly or not at all, whilst others use it regularly.

The existence of an overarching authorisation reduces the safeguards for individuals, who may be subjected to being stopped and searched solely based on the fact that they are in a certain place, at a certain time. Establishing a belief that is 'reasonable' is therefore of utmost importance. It is essential that these authorisations are supported by accurate and specific information, and that they are reviewed and monitored in terms of both operational effectiveness, and also the impact on the community.

We found very limited evidence of any specific training provided to those who authorise the use of the power. Section 60 authorisations were routinely monitored and reviewed in only 19 forces and, of those, only one force reviewed those authorisations, initially made by an inspector, that were not subsequently



further authorised by a senior officer of superintendent rank or above. Those that did not monitor section 60 authorisations are therefore not able to establish whether the use of the power works, or what impact it has on communities.

*Case study.*

*The Metropolitan Police Service had a history of using section 60 stop and search powers extensively, to tackle gang-related violence, and for the policing of sporting events and large scale protests. The force recently worked with the EHRC to review its use of the power, and has introduced an additional checking process in which the authorising officers must consult and explain their decision to a chief officer, prior to granting the authorisation. The result has been that use of the power has been reduced by almost 90%, with no associated impact on violent crime rates.*

Our inspection found that too few forces were collecting and considering the information that would allow them to understand fully how effectively and fairly stop and search powers were being used. We believe that the College of Policing's soon-to-be-published Authorised Professional Practice is an opportunity to include guidance on what information should be gathered in relation to the exercise of stop and search powers in order to improve the effective and fair use of the powers.

## **Gathering and using intelligence and information to improve the effectiveness and fairness of the use of stop and search powers**

Very few forces (nine) carried out sufficient analysis to map the locations of stops and searches against recorded crime, or to link stop and search encounters to prosecutions and convictions. Also, very few forces monitored stop and search activity to understand how effective it was, or how it impacted on public trust.

Where forces targeted the use of stop and search powers to crime hotspots, we found that the resultant arrest rate across the force was lower than in those forces that did not target it in that way. A considerable number of records we reviewed simply had 'crime hotspot' recorded as the grounds. This suggests that where stop and search is targeted to hotspots, officers wrongly believe that this alone provides their reasonable grounds. This leads to the possibility of a high proportion of stops and searches being conducted in a 'crime hotspot' without reasonable grounds. With research clearly indicating that the use of stop and search powers is most effective when associated with good grounds for suspicion, this finding indicates that officers are being less effective than they should be in crime hotspots.

We found that many forces did not record information or intelligence gathered from their use of stop and search powers to contribute to the force's overall intelligence picture. Intelligence is a valuable by-product of stop and search encounters, but cannot be the purpose of the search (as this would be unlawful). In those that did gather intelligence, we found some evidence of confusion among officers we spoke to as to whether the stop and search record acted as an automatic intelligence submission, or whether a separate intelligence form should be submitted. Only five forces had an intelligence field

included on their record. In eight forces, it was noted on the record that a separate intelligence submission had been made. Of those that did gather intelligence, we found evidence of delays in placing the intelligence onto computer systems in some forces (as long as 21 days in one example). This reduced the quality of the intelligence available to officers.

Overall, we found that forces were not able to demonstrate an approach to using stop and search powers that was based upon knowledge of how to make best use of them to prevent crime and catch criminals. Too many forces could not explain what they achieved from their officers' use of stop and search powers. However, as the use of stop and search powers results in a significant proportion of all arrests made by the police, the power has the potential to play an important role in the way the police prevent crime and catch criminals, whilst at the same time preventing unnecessary arrests.

In order to illustrate this potential, we have identified (below) some examples of where the proactive use of stop and search powers led to serious crimes being prevented and detected:

- East. Arrest of a predatory paedophile after police officers on routine patrol found a car with blacked-out windows parked in suspicious circumstances on an industrial estate. The driver tried to distract them from looking in the vehicle, which aroused further suspicion and the officers decided to search it, finding a 12-year-old girl who had been groomed for sex through social media. The offender was convicted and received a 17-year prison sentence.
- North East. Whilst officers were dealing with a collision on a motorway, they smelled cannabis in one of the vehicles and conducted a search of the car and the occupants, finding a large quantity of cannabis in bags and suitcases. Further enquiries led to a further seizure of approximately £400,000 worth of cannabis, and more arrests were made. The people involved were part of an organised group suspected of committing crime nationally.
- North. Routine patrol officers checked a car that was shown on police computer systems as associated with drug misuse. The officers' suspicion was raised on speaking to the occupants and they conducted a search, which led to finding a large suitcase containing many unsealed bottles of liquid labelled as shampoo, which were subsequently found to contain over 30 kilos of high purity amphetamine, with an estimated street value in excess of £3 million.

## 9. Training

We found that the training of officers was insufficient either to improve their understanding of their legal powers; or to help them:

- decide when they had reasonable grounds for suspicion;
- assess the impact that stop and search encounters have on communities; or
- know how to effectively use stop and search powers to prevent and detect crime.

We found that 21 forces did not carry out stop and search training or provide opportunities for learning beyond that delivered on recruitment. Some additional training took place as part of regular officer safety training, but this predominantly focused on tactics to conduct a stop and search encounter safely, rather than effectively and fairly. Thirty-three forces did not provide training to investigators, and 34 did not provide it to specialists such as dog handlers. There was little evidence that forces were using members of the community to assist with officer training, or that training was being evaluated to check whether officers had understood it.

It is important to be able to identify officers who use stop and search powers effectively and fairly, so that good practice can be shared across forces. An officer's arrest rate is not, on its own, an indication of effectiveness. How often they find the item searched for could be an indication that officers are good at developing and acting on reasonable grounds for suspicion, and those officers could be used by forces as 'champions' to share their skills with others. Sixteen forces were not able to identify officers with a high rate of finding stolen or prohibited items during stop and search encounters, because they did not record whether an item was found. Only 13 forces analysed information to identify trends (for instance, a higher than usual number of stops and searches carried out by a particular officer or team, or on members of particular groups), and communicated the results to officers. This information should be used to help officers use stop and search powers more effectively and fairly, and understand the impact it has on individuals and communities.

Where e-learning<sup>46</sup> was used, it was mandatory in only a small number of forces. Officers told us that, where e-learning was not mandatory, it had frequently not been taken up. Where it was mandatory, some officers suggested that it was 'rushed through' without proper understanding. It is therefore essential that training is mandatory, and that checks then take place to ensure that officers have understood it.

'Behaviour detection training', to assist officers in developing reasonable grounds for suspicion based on a person's behaviour, is emerging as a means of supporting officers to help them conduct effective and fair stops and searches. Three forces were already actively using this type of training: the Metropolitan Police Service, British Transport Police, and City of London Police. Whilst it was too early to assess how effective this training was in identifying the

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<sup>46</sup> Learning conducted electronically.

right people to be searched, initial indications from police leaders have been positive.

The supervision of stop and search encounters is a requirement of the code of practice, but we found that supervisors were given little or no training on how to supervise, or to help them understand what is expected of them. We found many examples of supervisors reviewing and signing stop and search records that clearly did not include a description of reasonable grounds for suspicion. For example, on one record signed by a supervisor, the grounds had been recorded as 'parked in a remote car park after dark'.

Police officers learn their skills on the street, developing their craft by watching and listening to more experienced officers. In this way working practices, whether right or wrong, can become habitual and embedded across teams, areas and, sometimes, entire forces. There is a need to professionalise how the police conduct stops and searches. This would involve officers developing the right skills, and learning how best to use these skills to conduct effective and fair stops and searches. It would also require officers to have the discipline to apply this learning as part of their professional practice on the streets.

## 10. Use of technology

Fifteen forces provided personal data applications or mobile data terminals to record stop and search encounters. However, they were not widely used by officers, and some we spoke to considered them unreliable. Two forces used the Airwave radio system to record stop and search encounters.

### *Case study*

*West Midlands Police has further developed a paperless system, originally introduced by Greater Manchester Police, by which stop and search information is recorded by officers using their Airwave radios. The radio automatically records the time, date and location using GPS<sup>47</sup> technology. Officers' explanation of the grounds for suspicion is transmitted on the radio channel in the presence of the person being searched, and is recorded in the control room. This system demonstrates that technology can be used to bridge the gap between the desire to reduce unnecessary bureaucracy, and the need to capture sufficient information to understand the effectiveness and fairness of the use of the powers.*

Some forces have been exploring the use of video cameras, mounted on an officer's clothing, as a means of gathering evidence. As part of our inspection we visited six forces where body-worn video was used to capture police interaction with the public, and reviewed 50 video clips relating to stop and search. The use of video is a protection for both the officer and the person being searched. Research indicates that the use of body-worn video improves the behaviour of both police officers and the public.<sup>48</sup>

### *Case study*

*In the Metropolitan Police Service, the Lambeth gang unit are trialling the use of body-worn cameras to reduce serious youth violence. Officers described to us how the presence of the cameras, which are worn overtly, have changed the dynamics of stop and search encounters, from what was often confrontational, to more passive acceptance. The presence of the camera appears to change the behaviour of the person being searched and prompts the officer to follow procedure accurately. The introduction has led to a significant reduction in assaults on police officers.*

The vast majority of the footage we reviewed showed that officers used their stop and search powers in a fair, legitimate and effective manner. We found several good examples where officers conducted searches professionally (in particular, footage viewed from Humberside Police and the Metropolitan Police Service). No examples of poor practice were identified. This supports the view that recording encounters encourages professionalism in officers. However, many officers did not switch on their body-worn video at the start of the event, and so the footage reviewed did not always capture the entire encounter.

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<sup>47</sup> Global Positioning System.

<sup>48</sup> *Guidance for the Police use of body-worn video devices* Police and Crime Standards Directorate, Home Office, July 2007; *Picture This: body worn video devices ('headcams') as tools for ensuring fourth amendment compliance by police*, Harris, D., April 2010; and others.

The Metropolitan Police Service is the only force that actively audited their body-worn video footage for compliance with the code of practice. Most forces had different policies on the use of body-worn video, and all stated that its use was at the officers' discretion. In most forces the cameras were mainly used in domestic abuse and anti-social behaviour incidents. The Metropolitan Police Service made good use of body-worn video to help combat gangs, while Suffolk Police made good use of it to police night-time disturbances.

From our fieldwork, it is clear that some forces used supplementary methods to assist officers in developing reasonable grounds for suspicion, and as a preventive measure to protect the public. For example, we found evidence of the deployment of metal detectors (including 'knife arches') in many city centres to assist in identifying weapons, and the use of police dogs to detect the presence of firearms and drugs.

There are opportunities for using technology to reduce unnecessary bureaucracy for the officer, whilst still providing sufficient information to comply with the law and assess the effectiveness and fairness of the use of stop and search powers. Technology could also better support frontline officers by providing them with real-time information to help them establish the necessary reasonable grounds for suspicion. The use of video recording of stop and search encounters appears to improve suspects' and officers' behaviour. These opportunities should be further explored and exploited.

## 11. Conclusion

### **How effectively and fairly is the police service using the power to stop and search in the fight against crime?**

The power to stop and search, amongst the most intrusive of police powers, is used by the police in England and Wales on more than one million occasions a year, and there is a public expectation that it is used in such a way as to be effective. Using an estimated time taken for a stop and search encounter as 15 minutes, and the hourly rate of a four-year qualified police officer as £15, this would equate to a cost of £3.7 million per year. From our survey of 19,078 people, the majority (80%) believed that the use of stop and search powers helps the police to catch criminals, and over half said its use made them feel safer. With this in mind, one would expect forces to want to know how effectively stop and search powers are used to prevent crime and catch criminals.

However, we found that, with a few exceptions, forces were not able to demonstrate an approach to using stop and search powers that was based upon a foundation of evidence of what works best to fight crime. A good example of this was that we found little evidence that police leaders were focusing stop and search activity towards priority crimes in their areas. Most forces had priorities in acquisitive and violent crimes, and in some urban areas this included the use of weapons by gangs. However, about half of stops and searches in 2011/12 were focused on drugs, the vast majority of which were low-level possession offences. Too many forces could not explain what they achieved from their use of stop and search powers.

There was also little evidence that forces were using information to assess how effectively the power was used. The code of practice requires the police to monitor the use of stop and search powers in their areas, and to take action to rectify problems. We found that, in the main, forces monitored how proportionately the power was used in different communities; in particular, any evidence of its disproportionate use against young men and black and minority ethnic people. It was surprising how little effort was given to monitoring how well stop and search powers were used to prevent crime and catch criminals. Similarly, it was surprising to find too many forces who did not take the opportunity to gather intelligence from stop and search encounters.

HMIC found evidence that the efforts to reduce unnecessary bureaucracy had resulted in some unintended consequences. Rather than improved processes and better use of technology, forces had simply stopped recording some of the data which we believe is necessary to allow a good assessment of the effectiveness of the power. For instance, too many forces did not record whether a stolen or prohibited item was found – perhaps one of the fundamental factors in testing whether the grounds for suspicion were reasonable. It seems paradoxical that data needed for monitoring is reduced, when forces are increasing complexity by using more than 43 different forms across the 43 forces. HMIC believes that officers operating in the field need the right information and real-time intelligence to be effective, and that technology offers significant solutions to the bureaucracy problem.

In relation to the question of how fairly the police are using stop and search powers, HMIC found that a quarter of people surveyed believed that they are used in a way that discriminates against certain groups. For black and minority ethnic people this rises to over half who believe this to be true. We found little evidence that police leaders were using recent research<sup>49</sup> to make the link between police fairness and being successful in reducing crime. The research found that fair decision-making, and positive public interaction, are not only important in their own right, but are also crucial for crime reduction in the longer term.

Whilst individual officers believed acting fairly was important, our survey results suggested that many people subjected to the power didn't feel fairly treated, and too rarely did we find an organisational understanding of how fair decision-making should be practised through the behaviour of officers in their use of stop and search powers. Although nearly half of those surveyed who had been stopped and searched felt they were not treated with respect, and nearly 40% said their opinion of the police had worsened as a result of their latest stop and search encounter, it was striking that almost a quarter said their experience of being stopped and searched had improved their opinion of the police. This is important because HMIC's review of academic research for this inspection points to a consensus of opinion that the most likely outcome from a stop and search encounter would be that opinion of the police would diminish or stay the same. The challenge for forces is to find a way of learning from these positive encounters so that others can be improved. This will require assessment of stop and search practice.

## **Do operational police officers know how to use stop and search powers tactically as part of evidence-based practice to fight crime?**

If, as said above, police use of stop and search powers is rarely based upon evidence of what works best to cut crime, there is little opportunity to train officers in how to use it effectively. Training, where it was given, was focused almost exclusively on law, procedure and officer safety, and very little in the way of what works best to catch criminals, or how officer behaviour can affect the way the encounter is experienced by the person being stopped and searched. Perhaps most worrying is how little was being done by forces to help officers understand how they should judge when they have reasonable grounds to stop and search, how they communicate these grounds to the person being searched, and how they record them in accordance with the Police and Criminal Evidence Act 1984. An exception to this was the 'behaviour detection training' being given to officers in the Metropolitan Police service, City of London Police and British Transport Police. Although not yet evaluated, this looked to be a very promising development.

Twenty-one forces did not carry out stop and search training or provide opportunities for learning beyond that delivered on recruitment. Where further training was carried out later in the officer's service, it was mainly through e-learning. This can be effective if mandated as part of the individual's learning,

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<sup>49</sup> *It's a fair cop? Police legitimacy, public cooperation, and crime reduction: An interpretative evidence commentary*, Myhill, A. and Quinton, P., September 2011.



and if supervised and monitored properly; but HMIC found that, in the main, the training was neither made mandatory nor checked to ensure officers understood it. Supervisors are required by the code of practice to monitor the use of stop and search powers, but we found that they were given little or no training on how to supervise, or to help them understand what was expected of them. In 2008, HMIC highlighted that there were “*widespread fundamental skills gaps at frontline sergeant level*”.<sup>50</sup> Five years on, this inspection has identified that little has changed in relation to the supervision of stop and search encounters. There was only limited evidence that supervisors were routinely supervising the behaviour of officers during encounters, and too little evidence that they were supervising the records (and where they were, it was mainly a ‘tick-box’ exercise). We found little evidence that inappropriate use of stop and search powers, at individual or team level, was being identified and challenged by supervisors.

From the evidence before us, we conclude that the absence of training for officers about how to judge when they have reasonable grounds, and poor supervision and absence of oversight by senior officers, are the reasons why 27% of the 8,783 stop and search records we examined did not have sufficient grounds recorded on them to justify the lawful use of the power.

Finally, across forces and the service, the opportunity for sharing good practice to improve the skills of colleagues, by using the skills of those who do it well, is generally missed.

## **How can the powers be used in a way that builds the public’s trust in the police, supporting the legitimacy of the service rather than eroding it?**

Research on procedural justice<sup>51</sup> found that the most important factor in motivating people to cooperate and not break the law is the legitimacy of the police. It found that this legitimacy involves the public trusting the police because they think officers would treat them with respect, make fair decisions and take time to explain these decisions to them.

Our findings reveal that stop and search powers can be used in a way that improves people’s opinion of the police. However, there are too many occasions when people feel that the police had not treated them with respect (47% of respondents who had been stopped and searched) or had not acted reasonably (44%). Thirty-nine per cent said their experience of being stopped and searched lowered their opinion of the police. There is clearly much to be done to earn trust across all sections of public, so that legitimacy is maintained where it is strong, or built up where it is weak. Perceptions of unfairness represent a risk to the service, as they undermine legitimacy and make it harder to reduce crime.

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<sup>50</sup> *Leading from the Front-line: Thematic Inspection of frontline supervision and leadership, at the rank of sergeant in the Police Service of England and Wales*, HMIC, May 2008, page 7.

<sup>51</sup> *It’s a fair cop? Police legitimacy, public cooperation, and crime reduction: An interpretative evidence commentary*, Myhill, A. and Quinton, P., September 2011.

When chief officers were asked what importance they placed on the effective and fair use of stop and search powers, we found that in the main it was not viewed as a priority. Their explanation was that public satisfaction levels were generally high, and complaints about stop and search encounters low. This misses two crucial facts: very few people who are unhappy about their stop and search experience complain – as low as 16% in our survey, which is a concern in itself; and those who respond to satisfaction surveys are highly unlikely to be those who are stopped and searched – only 1% of the Crime Survey of England and Wales cohort in 2011/12 had experienced being stopped and searched.

Although these facts are understood by the Association of Chief Police Officers' lead for police use of stop and search powers, we were surprised at the extent to which chief officers had ignored them. After all, the police use of stop and search powers has been cited as a key concern in matters relating to police legitimacy and trust in most of the major public inquiries into policing since the 1970s.

We were also surprised to find that less than half of forces complied with requirements under the code of practice to make arrangements for stop and search records to be scrutinised by the public. When considered alongside the high proportion of stop and search records without sufficient grounds recorded to show they were lawful searches (27%), the absence of public scrutiny becomes even more of a serious threat to the fragile construct of police legitimacy.

## Recommendations

1. Chief Constables and the College of Policing should establish in the stop and search Authorised Professional Practice document a clear specification of what constitutes the effective and fair exercise of stop and search powers, and guidance in that respect. This should be compliant with the code of practice.
2. Chief Constables should establish or improve monitoring of the way officers stop and search people, so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the code of practice), and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.
3. Chief Constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the code of practice and equality legislation.

4. The College of Policing should work with Chief Constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.
5. Chief Constables should ensure that officers and supervisors who need this training are required to complete it, and that their understanding of what they learn is tested.
6. Chief Constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime fighting effort.
7. Chief Constables should, in consultation with elected local policing bodies, ensure that they comply with the code of practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people.
8. Chief Constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include gathering information about dissatisfaction reported to other agencies.
9. Chief Constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the code of practice.
10. Chief Constables should work with their elected local policing bodies to find a way of better using technology to record relevant information about stop and search encounters, which complies with the law and reveals how effectively and fairly the power is being used.

These issues have been the subject of debate for decades. However, we now have an evidence base against which to assess future progress. HMIC intends to revisit the police use of stop and search powers within the next 18 months to assess that progress.

# Appendix A: Police powers to search people before arrest

This appendix sets out extracts of the main statutory stop and search powers. The extracts have been sourced from Westlaw UK.

## Section 1 Police and Criminal Evidence Act 1984

### Power of constable to stop and search persons, vehicles etc.

- (1) A constable may exercise any power conferred by this section—
- (a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or
  - (b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling.
- (2) Subject to subsection (3) to (5) below, a constable—
- (a) may search—
    - (i) any person or vehicle;
    - (ii) anything which is in or on a vehicle,for stolen or prohibited articles, any article to which subsection (8A) below applies or any firework to which subsection (8B) below applies; and
  - (b) may detain a person or vehicle for the purpose of such a search.
- (3) This section does not give a constable power to search a person or vehicle or anything in or on a vehicle unless he has reasonable grounds for suspecting that he will find stolen or prohibited articles, or any article to which subsection (8A) below applies or any firework to which subsection (8B) below applies.
- (4) If a person is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search him in the exercise of the power conferred by this section unless the constable has reasonable grounds for believing—
- (a) that he does not reside in the dwelling; and
  - (b) that he is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (5) If a vehicle is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search the vehicle or anything in or on it in the exercise of the power conferred by this section unless he has reasonable grounds for believing—
- (a) that the person in charge of the vehicle does not reside in the dwelling; and
  - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (6) If in the course of such a search a constable discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article, an article to which subsection (8A) below applies or a firework to which subsection (8B) below applies, he may seize it.
- (7) An article is prohibited for the purposes of this Part of this Act if it is—

- (a) an offensive weapon; or
- (b) an article—
  - (i) made or adapted for use in the course of or in connection with an offence to which this sub-paragraph applies; or
  - (ii) intended by the person having it with him for such use by him or by some other person.

- (8) The offences to which subsection (7)(b)(i) above applies are—
- (a) burglary;
  - (b) theft;
  - (c) offences under section 12 of the Theft Act 1968 (taking motor vehicle or other conveyance without authority);
  - (d) fraud (contrary to section 1 of the Fraud Act 2006); and
  - (e) offences under section 1 of the Criminal Damage Act 1971 (destroying or damaging property).

(8A) This subsection applies to any article in relation to which a person has committed, or is committing or is going to commit an offence under section 139 or 139AA of the Criminal Justice Act 1988.

(8B) This subsection applies to any firework which a person possesses in contravention of a prohibition imposed by fireworks regulations.

(8C) In this section—

- (a) “firework” shall be construed in accordance with the definition of “fireworks” in section 1(1) of the Fireworks Act 2003; and
- (b) “fireworks regulations” has the same meaning as in that Act.

(9) In this Part of this Act “offensive weapon” means any article—

- (a) made or adapted for use for causing injury to persons; or
- (b) intended by the person having it with him for such use by him or by some other person.

## **Section 23 Misuse of Drugs Act 1971**

### **Powers to search and obtain evidence.**

(1) A constable or other person authorised in that behalf by a general or special order of the Secretary of State (or in Northern Ireland either of the Secretary of State or the Ministry of Home Affairs for Northern Ireland) shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.

(2) If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations or orders made thereunder, the constable may—

- (a) search that person, and detain him for the purpose of searching him;
- (b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;

(c) seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search which appears to the constable to be evidence of an offence under this Act.

In this subsection “vessel” includes a hovercraft within the meaning of the Hovercraft Act 1968; and nothing in this subsection shall prejudice any power of search or any power to seize or detain property which is exercisable by a constable apart from this subsection.

## **Section 60 Criminal Justice and Public Order Act 1994**

### **Powers to stop and search in anticipation of, or after, violence**

- (1) If a police officer of or above the rank of inspector reasonably believes—
- (a) that incidents involving serious violence may take place in any locality in his police area, and that it is expedient to give an authorisation under this section to prevent their occurrence;
  - (aa) that –
    - (i) an incident involving serious violence has taken place in England and Wales in his police area;
    - (ii) a dangerous instrument or offensive weapon used in the incident is being carried in any locality in his police area by a person; and
    - (iii) it is expedient to give an authorisation under this section to find the instrument or weapon; or
  - (b) that persons are carrying dangerous instruments or offensive weapons in any locality in his police area without good reason,

he may give an authorisation that the powers conferred by this section are to be exercisable at any place within that locality for a specified period not exceeding 24 hours.

(3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which have, or are reasonably suspected to have, been committed in connection with any activity falling within the authorisation, he may direct that the authorisation shall continue in being for a further 24 hours.

(3A) If an inspector gives an authorisation under subsection (1) he must, as soon as it is practicable to do so, cause an officer of or above the rank of superintendent to be informed.

- (4) This section confers on any constable in uniform power—
- (a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;
  - (b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

(5) A constable may, in the exercise of the powers conferred by subsection (4) above, stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

(6) If in the course of a search under this section a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(7) This section applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.

(8) A person who fails

(a) to stop, or to stop a vehicle;

(b) [...]

when required to do so by a constable in the exercise of his powers under this section shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(9) Subject to subsection (9ZA) any authorisation under this section shall be in writing signed by the officer giving it and shall specify the grounds on which it is given and the locality in which and the period during which the powers conferred by this section are exercisable and a direction under subsection (3) above shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(9ZA) An authorisation under subsection (1)(aa) need not be given in writing where it is not practicable to do so but any oral authorisation must state the matters which would otherwise have to be specified under subsection (9) and must be recorded in writing as soon as it is practicable to do so.

(9A) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to a place in England and Wales specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 and as if the reference in subsection (1)(aa)(i) above to his police area were a reference to any place falling within section 31(1)(a) to (f) of the Act of 2003.

(10) Where a vehicle is stopped by a constable under this section, the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped as respects a pedestrian who is stopped and searched under this section.

(10A) A person who is searched by a constable under this section shall be entitled to obtain a written statement that he was searched under the powers conferred by this section if he applies for such a statement not later than the end of the period of twelve months from the day on which he was searched.

(11) In this section—

“dangerous instruments” means instruments which have a blade or are sharply pointed;

“offensive weapon” has the meaning given by section 1(9) of the Police and Criminal Evidence Act 1984 or, in relation to Scotland, section 47(4) of the Criminal Law (Consolidation) (Scotland) Act 1995; but in subsections (1)(aa), (4), (5) and (6) above and subsection (11A) below includes, in the case of an incident of the kind mentioned in subsection (1)(aa)(i) above, any article used in the incident to cause or threaten injury to any person or otherwise to intimidate; and  
“vehicle” includes a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960.

(11A) For the purposes of this section, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.

(12) The powers conferred by this section are in addition to and not in derogation of, any power otherwise conferred.

## **Code A – Code of Practice Issued under Section 66 Police and Criminal Evidence Act 1984**

This code governs the exercise by police officers of statutory powers to search a person or vehicle without first making an arrest. It can be found at –

[https://www.gov.uk/government/publications/Police and Criminal Evidence Act-code-a-2011](https://www.gov.uk/government/publications/Police_and_Criminal_Evidence_Act-code-a-2011)



## Appendix B: Survey questions

### Stop and Search Public Survey – introduction and questions

*Base: All*

*Open*

1. **When thinking about the police force, what do you think the term ‘stop and search’ means?**

*Base: All*

*Single code*

2. **Are you aware that the police have the power to stop and search people in certain circumstances?**

Yes

No

Not sure

### **Introduction**

In this next part of the survey, we would like to assess what the public know and think about the police use of their powers to stop and search people in the street. Are the powers being used fairly and effectively to fight crime and in a way that gives people confidence in policing?

The results from this questionnaire will form part of a wider review conducted by HM Inspectorate of Constabulary that will be presented to government.

**Below is an explanation about police officers’ powers to stop and search people in the street. Please read this carefully and answer the questions that follow.**

***Police officers have a legal power to search people either on foot or in a vehicle if they have reasonable grounds to suspect the person is in illegal possession of an article.***

***The primary purpose is to allay or confirm suspicion about an individual without exercising their power to arrest. There is however a requirement for them to provide an explanation to the person subject to the search and record the details of the encounters.***

***The powers must be used responsibly, with respect for those being searched and without unlawful discrimination. The detention of the person should be brief and the search should take place at or near to the location of the stop.***

***An encounter involving a person stopped by the police (on foot or in a car) who is merely spoken to, which does not involve a physical search of the person or the car, is NOT a ‘stop and search’.***

**Where a person is stopped for motoring related matters – even if the car is inspected (for example, to view a working tail light) – this does NOT constitute a stop and search.**

*Base: All aware of stop and search powers*

*Single code*

**3. Having read the explanation of what constitutes a stop and search, to what extent is this similar or different to your understanding of a stop and search?**

It is very similar to my understanding of a stop and search

It is somewhat similar to my understanding of a stop and search

It is somewhat different to my understanding of a stop and search

It is very different to my understanding of a stop and search

Don't know

*Base: All*

*Single code*

**4. Thinking about the previous explanation, have you been stopped and searched by the police in the last 2 years?**

Yes

No

**Those who have been stopped and searched**

*Base: All stopped and searched*

*Single code*

**5. How many times have you been stopped and searched in the last 2 years?**

- Never
- Once
- Twice
- 3-5 times
- 6-10 times
- 11-20 times
- Over 20 times (please specify)
- Not sure
- Prefer not to say

*Base: Stopped and searched*

*Single code*

**6. Thinking about the last time you were stopped and searched, were you told of the reason?**

- Yes
- No
- Cannot remember

*Base: Stopped and searched*

*Single code*

**7. And, did the officer(s) identify themselves by giving their name and station (or showing their warrant card if not in uniform)?**

- Yes
- No
- Cannot remember

*Base: Stopped and searched*

*Grid row randomised*

**8. Thinking about the last time you were stopped and searched which of the following occurred:**

A form – either in paper form or on an electronic device - filled out in my presence

Told of my right to have a copy of the search form there and then or where I could collect one from later

Given a copy of the form at the time or a receipt if an electronic device was used

- Yes
- No
- Cannot remember

*Base: Stopped and searched*

*Single code*

**9. Thinking of the last time you were stopped and searched, how much would you agree or disagree with the following statement – ‘I was treated with respect throughout the process’;**

- Strongly disagree
- Disagree somewhat
- Neither agree nor disagree
- Agree somewhat
- Strongly agree
- Don't know

*Base: Stopped and searched*

*Single code*

**10. And, would you consider the area where you were stopped and searched to be private (i.e. a discrete place)?**

- Yes, there was a lot of privacy
- Yes, there was some privacy
- No, there was no privacy
- Cannot remember

*Base: Disagree treated with respect or said ‘no’ they had no privacy*

*Single code*

**11. You indicated that during the stop and search, you were not treated with respect during the process or you were not offered any privacy, did you make a formal complaint on account of this?**

- Yes
- No

*Base: Did not make a formal complaint*

*Open*

**12. You said you did not make a formal complaint, why not?**

Reason (*Free text*)

*Base: Stopped and searched*

*Single code*

**13. Thinking of the last time you were stopped and searched, were you arrested?**

- Yes
- No
- Prefer not to say

*Base: Arrested following a stop and search*

*Multi code*

**14. You said that you had been arrested following the stop and search, was this as a result of;**

- The item the police were searching for was found
- A different item was found by the police during the search
- Failure to comply with the officer(s)' request
- Other \_\_\_\_\_
- Prefer not to say

*Base: Stopped and searched*

*Grid*

**15. Thinking of your experiences of being stopped and searched over the last two years, please indicate the extent to which you agree or disagree with the following statements**

*If you have been stopped and searched more than once, please think of the most recent time.*

**“The last time I was stopped and searched, the police acted reasonably”**

**“I understood why I was stopped and searched by the police”**

- Strongly disagree
- Disagree somewhat
- Neither agree nor disagree
- Agree somewhat
- Strongly agree
- Don't know

*Base: Stopped and searched*

*Single code*

**16. Thinking about your experiences of being stopped and searched over the last two years, has this improved or diminished your opinion of the police force in England and Wales?**

- Greatly improved
- Slightly improved
- Stayed the same
- Slightly diminished
- Significantly diminished
- Don't know

*Base: All*

*Single code*

**17. How often do you think stop and search is used in your county or city?**

- A lot
- Occasionally
- Rarely
- Not at all
- Don't know

*Base: All*

*Grid randomise rows*

**18. Please indicate the extent to which you agree or disagree with the following statements: “The police’s use of stop and search in my county/city makes me feel safer”**

**“The police use of stop and search in my county/city increases my confidence in the police”**

- Strongly disagree
- Disagree somewhat
- Neither agree nor disagree
- Agree somewhat
- Strongly agree
- Don't know

*Base: All*

*Dynamic grid randomise rows*

**19. And, to what extent do you agree or disagree that stop and search is helpful to;**

**7A. Prevent crime**

**7B. Catch criminals**

**7C. Help the police control the streets**

**7D. Gather intelligence**

- Strongly disagree
- Disagree somewhat
- Neither agree nor disagree
- Agree somewhat
- Strongly agree
- Don't know

*Base: All*

*Open*

**7E. For which other reasons, if any, would you consider a stop and search helpful?**

*Base: All*

*Single code*

**20. Do you think the power to stop and search in your neighbourhood is**

- Largely under used
- Slightly under used
- Used about the right amount
- Slightly over used
- Largely over used
- Don't know

*Base: All*

*Multiple choice randomise order*

**21. How would you feel if you or a member of your family or a friend was stopped and searched in your neighbourhood? Please select all that apply.**

**I would feel....**

- Annoyed at being accused of a crime
- Annoyed at having time wasted
- Embarrassed because of what others might think
- Embarrassed it was happening in public
- Fine provided that it was justified and the reason was fully explained
- Fine because it's positive action by the police to tackle crime
- Other reason (free text)
- Don't know

*Base: All*

*Single code*

**22. Do you think stop and search powers are used on certain groups in society...?**

Too much

About right

Too little

Don't know

*Base: All*

*Single code*

**23. Please indicate the extent to which you agree or disagree with the following statement.**

**“Certain groups of people in society are likely to be stopped and searched more often than others in the UK”**

- Strongly disagree
- Disagree somewhat
- Neither agree nor disagree
- Agree somewhat

- Strongly agree
- Don't know

*Base: Agree with q23*

*Open*

**24. Which group(s) of people, if any, do you think are likely to be stopped and searched more often than others in the UK?**

Response - (free text)

*Base: Agree with q23*

*Single code*

**25. How concerned are you, if at all, that certain groups of people are likely to be stopped and searched more often than others?**

- Very concerned
- Somewhat concerned
- Neutral
- Not very concerned
- Not at all concerned
- Don't know

*Base: Agree with q23*

*Single code*

**26. For what reason, if any, do you think certain groups of people are likely to be stopped and searched more often than others?**

- There are more of these types of groups of people on the streets
- More crime is committed by these groups of people
- Police are discriminating against these groups of people
- Other (free text)
- Don't know

*Base: All*

*Multiple choice randomise*

**27. Are you aware of information from your local police force about:**

- The reasons why stop and search is used in your neighbourhood
- The number of stops and searches carried out in your neighbourhood
- The number of stops and searches carried out in your neighbourhood where an object was found
- The number of resultant arrests in your neighbourhood
- The number of other consequences (i.e. warning for possessing cannabis) in your neighbourhood
- The number of people taken to court in your neighbourhood
- The number of people found guilty in your neighbourhood
- None of the above

## Appendix C: Survey sampling method

- The research consisted of two elements: a survey among adults in England and Wales and a separate survey among those who have been stopped and searched.
- The first survey consisted of 19,078 respondents in England and Wales.
- The survey was conducted online via the YouGov panel of over 300,000 people – the survey was carried out between the 5 March 2013 and 1 April 2013.
- Survey quotas were set to reflect the population of the UK by age, gender, region, social grade and ethnicity, the sample was then selected from the panel. Weights were applied once the survey had completed to correct for any non-response bias.
- The second survey addressed only the core stop and search questions among those who have been stopped and searched in the past using HMIC's own data source.
- Within the main survey, respondents were also asked if they had been stopped and searched within the last two years. These results were then combined with the second survey using HMIC's own sample of respondents who have been stopped and searched in the last two years. HMIC's survey remained open from 5 March to the 15 April in which time we achieved 129 responses from those who have been stopped and searched in the last two years.
- When merged, the total number of respondents from both datasets who have been stopped and searched is 391. That is, 2% of our whole sample reported that they had been stopped and searched in the last two years.