

Stop and think again

Towards race equality in police PACE
stop and search



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Executive summary

In March 2010 the Equality and Human Rights Commission published Stop and think which showed that the police in England and Wales conducted about a million stops and searches of members of the public every year, the great majority under the Police and Criminal Evidence Act 1984 (PACE) and similar laws requiring officers to have ‘reasonable grounds for suspicion’. The power has always been controversial, and when Stop and think was published, Asian people were stopped and searched about twice as often as white people, and black people about six times as often. Stop and think also identified geographical differences; for example, little race disproportionality in much of the north of England, and relatively high levels in some southern forces. There were also wide ranges year on year between some neighbouring similar forces, and also between comparable London boroughs. The report concluded that unless forces could convincingly evidence that their race inequalities were justified their practice would be unlawful and discriminatory.

Following the report the Commission applied criteria, including extent of disproportionality and trends, to identify five forces for further inquiries. It found that their explanations were not firmly substantiated by evidence, nor could they define how much of their force’s disproportionality might stem from these factors.

The Commission therefore initiated legal compliance action against two forces, Leicestershire and Thames Valley, which in each case was subsequently succeeded by a formal agreement detailing a programme of action over 18 months (spring 2011–autumn 2012).

Dorset Police and the Metropolitan Police (initially in one borough) had arranged to implement the service’s own ‘Next Steps’ programme for securing best practice in stop and search, so the Commission decided to take no action so as to identify what impact on race disproportionality Next Steps might have without influencing the outcome. West Midlands Police drew together its own programme of measures and again the Commission agreed to scrutinise its progress rather than intervene.

Action by the forces

Leicestershire and Thames Valley’s agreed programmes included a revised policy, training for all officers, detailed statistical ethnic monitoring down to local level, scrutiny by senior management group meetings and a community reference group, and leadership by an ACPO rank officer. Each force appointed a middle-ranking officer to engage with local commanders regarding the race patterns in their areas, and extended monitoring down to the level of individual officers.

The Commission engaged closely with the process and was impressed in both cases with the quality of delivery.

The Commission engaged with Dorset and the Metropolitan Police after their short intensive programme with the national Next Steps team, to assess changes in practice and outcomes. The Next Steps programme focused on securing full recording (inter alia to eliminate distortions in race patterns), practice based on reliable intelligence not 'hunch', eliminating formal or tacit numerical performance targets encouraging mass usage, and fostering a clear understanding of what does and does not constitute 'reasonable grounds'.

West Midlands Police's programme included a revision of stop and search policy, training for all officers, the creation of local scrutiny panels and clear action to eliminate performance targets encouraging prolific rather than carefully judged usage. They also pursued analyses to demonstrate the element of disproportionality that could be accounted for by skews towards areas recording high crime levels and towards young people.

Outcomes

The race disproportionality ratios were necessarily calculated on a different basis from the figures in Stop and think because (i) 2001 census figures were used as a base since they were broken down to local level, which more recent population estimates were not, and (ii) they were based on self-classification instead of officer perception, which became national practice for data after those used in Stop and think.

Thames Valley

- From March 2011 to August 2012 Thames Valley Police's black: white disproportionality fell from 3.5 to 3.2, and its Asian: white figure from 2.5 to 1.9.
- The overall number of stops and searches recorded in the same period fell from 5916 in the first quarter to 4758 in the sixth quarter.
- Meanwhile the downward direction in recorded crime in the force's area continued uninterrupted.

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Leicestershire

- From April 2011 to October 2012 Leicestershire Constabulary's black: white disproportionality began and ended at 4.2, and its Asian: white figure rose from 1.5 to 1.9.
- However, falls in disproportionality amongst the most prolific users at the end of the period suggested imminent falls in the overall figures, and this was subsequently confirmed (April– November 2012, 3.9 and 1.7).
- The overall number of stops and searches recorded in the same period also fell steeply from 4183 in the first quarter to 1660 in the sixth quarter, while the downward direction in recorded crime in the force's area continued uninterrupted.

In both force areas negative drug searches formed a large proportion of the total and appeared to be a major driver of race disproportionality.

Dorset

- In summer 2011 Dorset Police's disproportionality ratios remained unchanged at approximately 6.0 for the black: white figure and close to parity for the Asian: white one. The national Next Steps team assessed that this was justified – and exaggerated – by incoming non-resident drug dealers in Boscombe.
- In late 2012, however, the Commission calculated from Dorset's raw data that black: white disproportionality had fallen from 5.5 in 2008-09 to 4.4 in 2009-10 and 3.9 in 2010-11, despite no reduction in Boscombe drug dealers.
- Overall usage also fell from 7048 to 6847 in this period.
- Both usage and disproportionality subsequently rose but not back to previous levels. The Commission assessed that Next Steps had been thoroughly implemented and underpinned with training and intensive scrutiny of local unequal race patterns.

The Metropolitan Police

- By autumn 2012 race disproportionality in the London borough of Lewisham, which had implemented Next Steps, had increased. The explanation given was a new focus, following public consultation, on gang activity.

- The Commission, however, identified elements present in Dorset ‘Next Steps’ – training, and the challenging of localities/officers with more racially skewed patterns – that were not undertaken in Lewisham, and recommended that this be remedied in the next borough to implement Next Steps.
- Meanwhile, however, the Metropolitan Police introduced a force-wide programme called StopIt which did include elements of training and scrutiny. Annual black: white disproportionality fell from 4.0 to 3.7 from 2011/12 to 2012/13 and while the Asian: white figure rose it stood at parity when re-calculated on the new census population data.
- Usage also fell from around half a million in 2009/10 to around a quarter of a million in January–September 2012.

West Midlands

- West Midlands Police took concerted action to discourage use of stop and search as a quantitative performance indicator, and in 2010/11 its usage fell to only 15,000, half the already modest total in 2007/08.
- Its action on disproportionality was, however, limited, for example training was repeatedly delayed, albeit on plausible grounds, and effort focused on justifying not challenging patterns. Race disproportionality did not significantly change over the period.

Conclusions

Overall the Commission concluded that where firm action had been taken to reduce race disproportionality, and/or overall usage of the power, it had succeeded, without prejudice to falling crime levels. Key steps taken to reduce disproportionality appeared to be: targets for reduction, and for reducing negative drug searches; training in ‘reasonable grounds’ for, and proportionate use of, the power; steps to ensure intelligence-led practice rather than practice based on ‘hunches’ or generalisations about groups; micro-monitoring to identify local or individual racially skewed patterns and challenging them; and senior level commitment and leadership.

Chapter 1: Introduction

In March 2010 the Commission published Stop and think – A critical review of the use of stop and search powers in England and Wales. While stressing the vital role of the police in defending rights to liberty and security, the report said:

“The figures are stark: if you are a black person, you are at least six times as likely to be stopped and searched by the police in England and Wales as a white person. If you are Asian, you are around twice as likely to be stopped and searched as a white person.”¹

The report summarised the context, most notably that stops and searches under section 1 of the Police and Criminal Evidence Act 1984 (‘PACE’) and similar legislation, requiring ‘reasonable grounds for suspicion’ by the officer, amounted to about a million each year, and at the time, this greatly outnumbered those conducted under blanket authorisations such as section 44 of the Terrorism Act. The report also examined debates around ‘race disproportionality’ including various suggested explanations, for example that black people are generally more involved in crime.

Stop and think set out to examine the source data over the previous five years in the government’s annual report Statistics on Race and the Criminal Justice System. For each police force this gives the number of stops and searches for four groups based on ethnic appearance (including Asian, black and white). When combined with corresponding population estimates matched to these groups, calculations of race disproportionality can be made. For example, if a force annually conducts 72 stops and searches for every 1000 of the black people resident in its area, and 12 for every 1000 of the white people resident in its area, its black: white disproportionality can be expressed as 72/12 which is six times as many and hence the disproportionality ratio is 6.0. Stop and think ranked forces according to how high or low these ratios were, and looked at how consistent these patterns were over time, and how forces compared over time with ‘families’ of other similar forces.

- Overall the report indicated that: ‘Both black/white and Asian/white disproportionality ratios have remained approximately constant over the last five years if changing population composition is taken into account.’². Also this was not just a recent phenomenon. ‘Since 1995, per head of population in England and Wales, recorded stops and searches of Asian

1 Stop and think (EHRC 2010), p.5.

2 ibid p.46

people have remained between 1.5 and 2.5 times the rate for white people, and for black people always between 4 and 8 times the rate for white people.’³ The big race differences have therefore been present over a long period.

- There was in each year, however, a very wide variation in these figures, with a considerable number of forces with negative race disproportionality of less than 1.0 to those with ratios much higher than the England and Wales figures. Although some forces moved up or down the ‘table’ over time, there was a striking degree of continuity. Forces in the north of England – Northumbria, Durham, Cumbria, Cleveland, North Yorkshire and Lancashire – consistently had low black: white disproportionality ratios, as had Lincolnshire. But smaller forces in the south such as Dorset and Hampshire, and some midlands forces, often had the highest rates for this ratio.⁴ There was also some consistency over time in the Asian: white disproportionality ratio, with, for example, West Midlands, Thames Valley, West Mercia and South Yorkshire often ranking highly, and again some far northern forces featuring amongst those with the lowest figures.⁵
- Accordingly there were wide ranges between forces placed in the same ‘force families’ by the Commission, based on HM Inspectorate of Constabulary data on forces classed as similar enough to be comparators for inspection purposes.⁶
- In some instances neighbouring forces had wide differences which persisted year after year, for example – for the black: white ratio – Dorset and Devon and Cornwall, and Norfolk and Lincolnshire.⁷
- In London some inner London boroughs such as Wandsworth and Lambeth had relatively high black:white ratios, while others such as Newham and Southwark were low in this respect. There was a similar contrast amongst outer London boroughs.⁸
- At the time of writing Cleveland, Staffordshire and the Metropolitan Police had taken action to ensure best practice in stop and search and address any inappropriate element contributing towards race differences, and at that time their race disproportionality figures had significantly reduced.

3 ibid p.13

4 ibid Table A12, p.96

5 ibid Table A14, p.100

6 ibid Table A11, p.94

7 ibid Table A12, p.96

8 ibid Table A16, pp 104-105

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By far the greatest change was in the city of Stoke-on-Trent where they recorded black:white disproportionality falling from 4.5 to 1.5 between 2003/04 and 2006/07. This reduced Staffordshire Police's overall figure from 4.4 to 2.9 in that period.

- The report re-calculated disproportionality ratios on the basis of 2007 population estimates to compare with the 2001 census figures. It found that in some forces this notably reduced one or both disproportionality ratios but in others it increased them and, overall, disproportionality remained a major concern.
- The report concluded that various explanations for disproportionality based on generalisations about how ethnic minority people act or where they live 'provide no justification for the extent and persistence of the problem.'⁹ In particular 'Strong differences between similar and/or neighbouring police areas indicate that the way a particular police force uses its stop and search powers may be more significant than the nature of the communities it serves.'¹⁰ The report noted that the belief that black people are generally more likely to be involved in crime was also not supported by robust evidence.¹¹

The report said that 'Following publication we will be contacting several forces who have demonstrated the most significant and persistent disproportionalities and excesses, with a view to taking action under the Race Equality Duty, if necessary.'¹²

Action following Stop and think

Following the report the Commission identified five forces whose patterns suggested that they should be a priority for further inquiry. The criteria for selecting these forces was based on some or all of the following factors: the extent of race disproportionality, particularly where this was relatively high regarding either black or Asian people; and/or 'excess' stops and searches, ie the number of stops and searches of black or Asian people in excess of what it would be if there were no disproportionality. This was a measure which gave weight to the absolute numbers of ethnic minority people affected by disproportionality, rather than the degree of disproportionality as such (which can in some forces be high on the basis of very small numbers). Both 'disproportionality' and 'excess' figures were considered over time, so that the direction and extent of any trend was taken into account as well as the current values.

9 ibid p.6

10 ibid p.6

11 ibid p.6

12 ibid p.7

On this basis the Commission wrote to five forces with extensive and searching questions about their policy and practice. The forces were Dorset, Leicestershire, the Metropolitan Police, Thames Valley and West Midlands. All five replied in detail and with documentation by the end of 2010.

The Commission concluded that none of the forces had sufficiently evidenced their claims that disproportionality arose from demographic or behavioural factors, nor could they define how much of their force's disproportionality might stem from these factors. It noted however that Dorset Police, and the Metropolitan Police in (initially) one London borough, had responded to the National Police Improvement Agency's (NPIA's) general invitation to forces to implement its 'Next Steps' programme for achieving best practice in stop and search.

Next Steps

The Commission had been consulted in 2009 by the National Policing Improvement Agency (NPIA) when it was designing Next Steps, and all the Commission's suggested amendments to the draft plan had been accepted. Elements of that plan included steps to ensure:

- Complete and comprehensive recording of stops and searches by officers, to comply with legislation and provide better quality data (countering any under-recording of stops and searches of white people making race disproportionality appear greater than it actually was – which is an explanation for high rates of disproportionality sometimes advanced).
- Intelligence-based practice, limiting stops and searches to suspects with firmly grounded suspicion, rather than a 'scatter gun' approach based on an officer's feeling or hunch (to preclude, for example, racial stereotyping).
- The prohibition and elimination of formal, informal or assumed numerical targets for stops and searches as a performance measure (which NPIA had some evidence to suggest could be associated with race disproportionality, though causality was not clear).
- Clear understanding by all officers of what constitutes 'reasonable grounds for suspicion' (i.e. behaviour by, or intelligence about, the individual concerned, not for example generalisations about the likelihood of members of his or her racial group to offend in general, or to commit specific types of offence in particular).

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- Community support for use of the power (for example taking into account the public's view on priority offences, and gaining public confidence that the power was being used without race or other bias).

The Commission had welcomed the fact that the plan stressed that race disproportionality was a matter of serious concern, that it damaged relations with minority communities, and that forces needed to be able to account for its use.

Another strength was the very closely defined responsibilities of different officers, from constables up to the Chief Constable, and of specialist units. For example the plan specified the inputs required from training departments such as 'Training – Provide examples of reasonable suspicion', and 'Training lead – Has identified any skills gaps present around the use of stop and search and has developed packages to meet those needs'.

The Commission therefore decided to take no action with regard to Dorset Police and the Metropolitan Police so as to test the impact of Next Steps on disproportionality without influencing the results. It did ask however to be advised periodically of progress.

The remaining forces

West Midlands Police ultimately detailed an extensive programme to examine the drivers of disproportionality and to stop the quantity of an officer's stops and searches being used as a performance indicator (a step taken in Staffordshire, which may have helped to reduce disproportionality). The Commission therefore decided to take no further action at that point with regard to West Midlands Police, to allow its programme to run and be evaluated, again without influencing the results with Commission input. But again it made clear that it intended to monitor the force's progress in implementing its plan.

The Commission initiated formal compliance action with regard to Thames Valley Police and Leicestershire Constabulary, with a 'letter before action' in each case. These cited the Commission's belief that the forces' racially unequal patterns had not been justified and so constituted indirect racial discrimination which had to be addressed. Both forces proposed instead a formal agreement under Section 23 of the Equality Act. In such an agreement the Commission's belief did not have to be conceded by the force, but the force would undertake an agreed programme of action to make sure that its practice was free of discrimination. After negotiation such agreements were reached with both forces in spring 2011, and committed the forces to:

1. Publish a written policy on stop and search which accorded with the current statutory code governing use of the power, forbade quantitative targets for numbers of stops and searches, and included a formal aim of reducing race disproportionality (to replace policies which were outdated regarding statute, and/or had fallen into disuse).
2. Communicate this policy to all officers.
3. Set and work towards targets for lowered race disproportionality based on levels achieved by comparable forces.
4. Designate an ACPO rank officer with responsibility for pursuing this.
5. Publish a detailed quarterly statistical report on use of the power, with analysis to identify where and why race disproportionality was occurring.
6. Discuss with an independent advisory group (IAG) this quarterly report and consider their feedback at subsequent senior management meetings.
7. Conduct an equality impact assessment on the use of stop and search powers as analysed in the quarterly reports, each half year.
8. Deliver a training programme on use of the power within the current statutory code, and in accordance with equality best practice.

In return the Commission agreed not to initiate formal legal action during the term of the agreements, which was 18 months, so long as the terms were adhered to in that period. A Commission officer was appointed to scrutinise delivery and advise the forces, and also to liaise and check developments within a less formal framework with the other three. Progress in the five forces is covered in turn in the remaining chapters of this report.

Chapter 2: Thames Valley Police

Introduction

The Chief Constable of Thames Valley Police and the Commission signed the 'Section 23 agreement' between their two bodies on 15 March 2011 (see Appendix 1). The terms committed the force to a programme of action for 18 months, during which time the Commission would take no formal compliance action so long as it assessed that the force was delivering the agreed inputs.

The force had been concerned about agreeing to numerical targets for its black: white and Asian: white disproportionality ratios, based on the lowest rates obtaining within its 'family of forces' (see Chapter 1) due to the likely margin of error in the figures, and the fact that the 'family' group were not similar enough to benefit from comparison. The Commission's approach is to use targets as a benchmark, but if they are not met the effort to change practice to achieve them is equally important.

It was ultimately agreed that the force would work towards aims (the force's preferred term) to reduce disproportionality to 3.2 for the black: white ratio and 1.5 for the Asian: white figure, based on the norms in comparable forces, and based on self-defined ethnicity.

The race disproportionality ratios were necessarily calculated on a different basis from the figures in Stop and think (4.7 and 2.4) because (i) 2001 census figures were used as a base since they were broken down to local level, which more recent population estimates were not, and (ii) they were based on self-classification instead of officer perception, which became national practice for data after those used in Stop and think.

First steps

Once the agreement was in place the force set up the machinery for delivery, with a clear lead from the Chief Constable. Initially:

- A lead Assistant Chief Constable (ACC) was designated, with a full-time Superintendent to drive the project.
- The force had already produced and distributed a new written policy on stop and search which clearly ruled out race as a factor in grounds for suspicion other than in a suspect description, proscribed quantity of stops and searches as a performance measure, and included an aim of reducing race disproportionality.

- The first quarterly analytical report of stop and search, with breakdowns of race by numerous variables including local policing areas, for 'Q1' (January–March 2011) was published by the force on 26 May 2011. It provided a benchmark based on the period immediately before the agreement was signed.
- Terms of reference were drafted for an independent advisory group (IAG) to meet quarterly to hold the force to account. The group met for the first time on 2 June 2011.
- A 'Gold Group' chaired by the Chief Constable was set up to consider each quarterly analytical report, together with feedback and questions on it from the IAG. Its first meeting was also in June 2011.
- The force had designed a half day training module on stop and search before the agreement was signed, whose aim was to reinforce practice that was lawful under both PACE and the Equality Act. It was delivered between March and July 2011.

The Commission scrutinised the process via correspondence and visits and its role developed to be advisory as much as supervisory.

Delivery

The Commission rated the content, delivery and effectiveness of the training module very highly.

- An effective element to the training was an opening video, where the Chief Constable set the tone for the training, strongly rejecting any suggestion of discrimination by officers. This may have helped counter any tendency by trainees to resent, or not wish to commit to, the training.
- This was further facilitated by the use of a trainer who was both skilled in that role and with long experience as an operational officer. The course was highly participative, and one exercise involved trainees pressing yes or no on a keypad on whether a recorded scenario gave the officers 'reasonable grounds' to conduct a search. In most cases the trainees divided fairly evenly between 'yes' and 'no', showing that a proportion each time were prone to conduct searches on insubstantial grounds where 'hunch' or generalisations might creep in. This exercise engendered a positive approach to the rest of the course by trainees, and clearly achieved the hardest training objective, to influence attitudes.

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- The Gold Group and the quarterly senior management meeting considered the quarterly statistics, feedback from the IAG and reports from the ACC and Superintendent in depth and at length, and made decisions on direction accordingly. For example, the Superintendent was directed to determine the reasons for patterns in particular localities via enquiries or supplementary data. There was a demonstrable determination at the top to identify any element of disproportionality that did not ‘stand up’, and thereby to reduce disproportionality.
- The core of the force’s work was visits by the appointed Superintendent to local policing areas (LPAs) whose high rates of disproportionality was driving the force’s figure, to challenge the commanders to justify or change this pattern. Commanders were also encouraged to identify which neighbourhoods or even individuals within their LPA were particularly contributing to its disproportionality, and to explore at this micro level whether practice was out of line with comparators and if so to test its justifiability. While the personal commitment, seniority and ability of the Superintendent were valuable assets his input was reportedly welcomed rather than resisted by local commanders, possibly because of the Chief Constable’s clear leadership. There is some indication from the quarterly reports of high disproportionality in rural areas dropping quickly (based on small numbers of stop searches) and that a very high figure in an LPA might often be followed by a significant reduction in the following quarter. For example in the first three quarters the figure for black people in Bracknell Forest was 3.3, 1.9 and 1.9, and in South Oxfordshire 6.0, 2.4 and 1.7.
- When the Superintendent retired he was succeeded by a Chief Superintendent with overall responsibility together with a Sergeant to undertake the crucial visits and contact at ‘ground level’; and it was encouraging that this continued to work effectively.
- The force recruited constructive members to the IAG, for example the chair of Wycombe Race Equality Council who had a long record of engaging with the issue (and who was elected chair), a senior local authority councillor from an ethnic minority group, and prominent members of Jewish, Chinese, gay and other community groups. There were no young members, and given that most people who are stopped and searched are adolescents or young adults, efforts were made to address this, but without success. However, a parent whose teenage children were frequently stopped and searched did join the group and provided an element of direct experience to the discussions.

- It became apparent at an early stage that the majority of stops and searches were on suspicion of drug possession, that this category was more racially skewed and resulted in a lower rate of arrests and detections than stops and searches on any other grounds, and that this was more marked for black and particularly Asian people searched. Unproductive drug searches were therefore a significant driver of race disproportionality. While searches on these grounds were in no way prohibited, guidance to officers to concentrate activity on force priority offences (ie violent and property crime) was therefore re-emphasised.

Outcomes

The first quarterly analytical report provided by Thames Valley Police for 'Q1' (the period January–March 2011, ie immediately before the agreement) showed that the black: white, and Asian: white disproportionality ratios based on self-defined ethnicity at 3.5 and 2.5 respectively. The force was therefore already closer than the report had suggested to the aims of 3.2 and 1.5 agreed in its negotiations with the Commission, before starting to implement the agreement.

By the end of 2011 (Q4, October–December 2011) disproportionality for the force overall had fallen further to 3.2 for black: white (meeting the aim) and 2.2 for Asian: white, though falls in Slough and a number of rural areas were partly offset by a rise to 6.4 and 6.7 in Wycombe, one of the force's most racially diverse areas.

By Q6 (April–June 2012) disproportionality overall stood at 3.2 and 1.9, ie still meeting the aim for the black: white ratio and almost reaching the Asian: white aim. Wycombe's figures were down only a little – the commander cited the need to counter 'gang related violence' as one of the drivers for stop and search activity amongst the black and Asian communities in the area as the reason for this. The Commission recommended the force work to address the continuing impact in Wycombe of unproductive drug searches on the race disproportionality figures.

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The stop and search pattern recorded in the data provided by Thames Valley Police in the force's quarterly reports based on self-defined ethnicity, and using the 2001 Census figures was as follows:

Period	Number	Black: White	Asian: White
2011 Q1	5916	3.5	2.5
Q2	5239	3.3	2.2
Q3	5508	3.4	2.0
Q4	5152	3.2	2.2
2012 Q5	5332	3.1	1.9
Q6	4758	3.2	1.9

There was therefore a 20% drop in usage between Q1 and Q6. To allow for seasonal variations though the reduction between Q1 (January–March 2011) and Q5 (January–March 2012) was 10%, and between the quarters that followed in each case (Q2 and Q6) 9%. The force advised that this was achieved without disturbance to the continuing downward direction of crime rates in Thames Valley.

The conclusion from the outcome of this agreement was to show that overall usage of this power, and race disproportionality in its application, can be reduced by determined police action, without prejudice to the fight against crime and most likely to the benefit of relations between the police and their communities.

Moreover in spring 2013 the force advised that its continued work, and use of the 2011 census population figures, had effected a further reduction in disproportionality to 2.4 and 1.5 for the black and Asian figures respectively.

Chapter 3: Leicestershire Constabulary

Introduction

The Chief Constable of Leicestershire Constabulary and the Commission signed the ‘Section 23 agreement’ between their two organisations on 15 April 2011 (see Appendix 2). As with Thames Valley Police, the terms committed the force to a programme of action over 18 months including steps on a new written policy, senior management oversight, ethnic monitoring/quarterly analysis, accountability to an IAG and officer training. Again the Commission undertook not to initiate any formal compliance action so long as it assessed that the force was delivering the agreed inputs, and the same officer as for Thames Valley was tasked with monitoring this and advising the force.

Leicestershire Constabulary shared Thames Valley’s reservations about the fairness and appropriateness of numerical targets for its black: white and Asian: white disproportionality ratios, and the same arguments were exchanged in discussions between the force and the Commission. Again, after negotiation and clarification of the Commission’s approach to targets as something to aim for rather than rigid ‘pass marks’, figures of 3.1 and 1.0 were agreed for black and Asian people respectively. This was based on the norms in comparable forces, and on self-defined ethnicity.

The race disproportionality ratios were necessarily calculated on a different basis from the figures in Stop and think (4.7 and 1.5) because (i) 2001 census figures were used as a base since they broke down to local level which more recent population estimates did not, and (ii) they were based on self-classification instead of officer perception, which became national practice for data after those used in Stop and think.

First steps

Leicestershire moved quickly under a newly-appointed Chief Constable to set up the machinery for delivery. Initially:

- A lead Assistant Chief Constable (ACC) was designated, who also chaired the ‘Gold Group’ of senior colleagues set up to consider each quarterly analytical report, together with feedback on it and questions from the IAG, and to oversee the project.
- Day-to-day action was the full time responsibility of an Inspector on temporary promotion to Chief Inspector.

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- Revision of the force's stop and search policy began.
- The first quarterly analytical report of stop and search, with breakdowns of race by numerous variables including local policing areas, for 'Q1' (January–March 2011) was published by the force on 1 July 2011. As with Thames Valley it provided a benchmark based on the period immediately before the agreement was signed.
- Terms of reference were drafted for an IAG which first met in July 2011.
- A thorough training needs analysis was initiated to promote the fair, appropriate, lawful and non-discriminatory use of stop and search.

The Commission scrutinised the process in the same way as in Thames Valley, with correspondence and visits, and its role developed to be advisory as much as supervisory.

Delivery

- The training module was based on extensive needs analysis and the session observed by the Commission was delivered very effectively by the Acting Chief Inspector co-ordinating the whole project.
- The Acting Chief Inspector had a teaching qualification as well as much operational experience which was clearly valuable. Trainees were challenged to feel the experience of 'someone else's hands in your pockets' and so appreciate the dangers of using the power without reasonable grounds or inconsistently between racial groups. It was stressed that the quantity of stops and searches was not a performance measure. Another key learning point was a comparison of trainees' experience of themselves being 'pulled over' by police officers while driving, the maximum for the group being six times except for the trainer – who was of mixed race origin – who had experienced this 26 times, while holding the police advanced driver's qualification. Later one trainee referred back to the exchange and queried whether race might have been a factor, sparking a thoughtful discussion. As in Thames Valley, but by different means, the training visibly succeeded in the very difficult task of facilitating an examination of attitudes.
- The Gold Group chaired by the ACC was rigorous in assessing statistical analyses, reports and feedback and making decisions to direct the force's actions to deliver the agreement.

- Leicestershire came to the same conclusion as Thames Valley about the need to appoint a full time middle-ranking officer to drive the process day-to-day. The officer worked closely with local commanders to identify and examine the drivers of disproportionality in their areas. Subsequently he obtained the ACC's authorisation to examine the patterns of 'prolific users'. Fifty-six such officers were identified who together had conducted a big proportion of the force's stops and searches in the period October 2011 to April 2012. While no 'rogue officers' (in the words of a senior officer) were identified, officers stopping and searching significantly more ethnic minority people than comparable colleagues were asked to account for this. Explanations had centred on particular or unusual circumstances, but clearly officers would appreciate that this would not be convincing if repeated month after month.
- A re-examination of the same 56 officers' patterns in the next 3-month period (1 May–31 July 2012) revealed that overall usage was considerably reduced (16 did not use the power at all) and race disproportionality was significantly lower. While stops and searches conducted by this group of officers of white people had reduced by 46%, those of Asian people had reduced by 70% and those of black people by 86%. Clearly the force needed to be confident that these changes of practice were not to the detriment of victims of crime, and that they were not just a transient phenomenon. To that end the patterns of officers using the power most prolifically in the next period, May–July 2012, were being examined as the agreement came to an end in October 2012.
- In May 2012, the Acting Chief Inspector was transferred to operational command duties and succeeded by a colleague. It was concerning to change personnel three-quarters of the way through the 18 month agreement but, in the event, a long changeover period, some subsequent continued input from the original officer and a capable successor ensured that there were no detectable adverse effects on the process. In particular, it was positive that the examination of the patterns of 'prolific users' was sustained.
- The force recruited effective IAG members. It included the Chief Executive of the Leicester and Leicestershire Race Equality Centre, a senior local authority councillor from an ethnic minority background, a former senior office holder in the Metropolitan Black Police Association, a member of the StopWatch campaigning group who was resident in Leicester, and local community group representatives, one of whom took the chair. As with Thames Valley, there was a genuine difficulty in recruiting any younger members. In addition some members were unable to attend some/many meetings and it appeared that a commitment on this might usefully be a criterion for appointment.

Stop and think again

However there was a core membership whose cohesion and confidence in holding the force to account clearly increased markedly with experience.

- Leicestershire found that stops and searches on suspicion of possession of small amounts of drugs for own use was a majority of the total, that this category was more racially skewed than stops and searches overall, and that it was marked by a lower than average detection rate. Thus unproductive drug searches were a major driver of race disproportionality in this police area, as they were in Thames Valley, and the force's co-ordinating officer took this message to local commanders heading those areas with the highest race differences.

Outcomes

The first quarterly analytical report provided by Leicestershire Constabulary (January–March 2011, or Q1, ie just before the agreement) showed that the black: white and Asian: white disproportionality ratios were 4.2 and 1.5 respectively. The targets agreed in the force's negotiations with the Commission, before starting to implement the agreement, were 3.1 and 1.0.

The force-wide stop and search pattern in the data provided by Leicestershire Constabulary in the force's quarterly reports, based on self-defined ethnicity and using the 2001 Census figures, was as follows:

Period	Number	Black: White	Asian: White
2011 Q1	4183	4.2	1.5
Q2	3187	4.8	1.7
Q3	2495	6.2	2.0
Q4	2343	4.4	1.9
2012 Q5	1757	4.7	2.2
Q6	1660	4.2	1.9

Hence, broadly speaking, race disproportionality rose in 2011 but fell back close to the original levels in 2012. The rising level in 2011 led the Commission to suggest the engagement of academics to interrogate the data more deeply to get to the bottom of the causes of the force's disproportionality rates. The force agreed to this and engaged a senior team from De Montfort University, who have been working since late spring 2012 and will report in the first half of 2013.

However, since the end of the project the force has advised that race disproportionality has fallen further. For the period April to November 2012 they report a black:white disproportionality figure of 3.9 and an Asian: white figure of 1.7. Moreover when re-calculated on the basis of the newly available 2011 census population figures they stand lower still at 2.9 and 1.7 respectively.

The figures also show roughly a 50% drop in overall usage of the power, which the force reports is without interruption to the long downward movement in crime figures in Leicestershire, and with an increase in detection rates from stops searches. It is consistent with the training which emphasised that the numbers of stops and searches is not a performance indicator and that quality not quantity is important. This may have resulted from a drop in unnecessary or unproductive searches and use of better intelligence to target the power. It is an important change that stops and searches of black and Asian people have halved, notwithstanding that the position relative to stops and searches of white people has fallen only moderately.

Altogether, despite the lack of significant reduction in disproportionality over the engagement period, the force's delivery of all agreed inputs, its engagement of academics to diagnose the pattern further, its commitment to continue the process, and its dramatic reduction in usage without adverse effects, meant that the Commission was confident in concluding the period of engagement on the due date. The reduction in disproportionality since then, which can now be seen as moving downward throughout 2012, suggests that this confidence was not misplaced.

Chapter 4: Dorset Police

Introduction

According to Ministry of Justice (MoJ) figures, Dorset Police had the highest black: white disproportionality in stop and search in England and Wales in all but one year between 2003/04 and 2007/08, rising from 9.5 to 12.5 over that period. It was also in the top quartile of forces for the Asian: white disproportionality ratio.

When the Stop and think report re-calculated these figures on the basis of 2007 population estimates rather than 2001 census figures it halved the black: white figure but still left Dorset very close to the highest figures, and higher than any other similar – i.e. small, mostly rural forces. The Asian: white figure however fell close to parity (e.g. 1) for every year from 2003/04 to 2007/08.

The Commission included Dorset among the five forces it wrote to in May 2010 (following publication of Stop and think) with detailed enquiries on policy and practice. In November 2010 it advised the force it was not considering formal legal compliance action, despite continued concerns about disproportionality and its degree of justifiability, as the force had started to implement the Next Steps programme for securing best practice in stop and search. The Commission therefore decided to assess what impact that programme might have on race disproportionality without influencing the outcome. The Commission asked to be kept updated on progress, though clearly scrutiny under such arrangements would not be as close and detailed as for forces with which the Commission had a formal legal agreement.

Delivery

In summer 2011 the force provided a detailed response to the Commission's request for an update on action taken. It forwarded a summary of a progress report by the NPIA Next Steps team which confirmed in broad terms the force's inputs as per the programme's plan.

The summary also concluded that 'a focus on disproportionality was unlikely to be productive for Dorset'. It identified that 'disproportionality in the use of Stop and Search was driven primarily by the targeting of black drug dealers operating in Boscombe' and 'there was strong evidence to show that drug dealers not resident in Dorset were targeting Dorset'. This implied that it was these outsiders who were being stopped and searched and that their presence made the black population bigger than the official figure, artificially inflating the disproportionality figure. The Commission queried this, pointing to when its predecessor, the Commission

for Racial Equality (CRE), had checked this assertion by Dorset Police some years earlier. Then, the CRE had requested a breakdown of stops and searches of black people according to address, and found that a large majority were of people who had local home addresses. However, in the more recent case of 2011, the force replied after examining a large sample of black people who had been stopped and searched. It advised that about half the sample had given a non-local address and most of the other half had given a temporary address (e.g. a night shelter) or a local address that proved to be false.

The force advised that at that time (summer 2011) the black: white disproportionality remained at approximately 6.0. This and subsequent race disproportionality ratios advised by the force were necessarily calculated on a different basis from the figures in Stop and think (5.0 and 0.9) because (i) 2001 census figures were used as a base since they were broken down to local level which more recent population estimates did not, and (ii) they were based on self-classification instead of officer perception, which became national practice for data after those used in Stop and think.

The force also advised that the absolute numbers remained very small, that the number of individuals stopped and searched was smaller still (because of repeat searches of certain suspects) and that arrest rates were well above the national average. The outcome of an action named 'Operation Volante' had been to remove 'some of our most prolific and dangerous criminals' but:

"Predictably, the vacuum has now been filled by other criminal groups (particularly one of Somali origin). Consequently it would be no surprise were statistical disproportionality to rise once again, which reinforces our view that to overly focus on disproportionality data is too simplistic an approach."

The Commission visited the force towards the end of 2011.

Outcomes

Using information from correspondence and the visit the Commission concluded that:

- The force showed very effective implementation of all the inputs set out in Next Steps, for example:
 - repeated reinforcement of the message about the need to eliminate quantitative targets
 - use of the national 'S-bar' system whereby the photographs and details of suspects identified from reliable intelligence are conveyed to officers at 'parades' (i.e. briefings)

Stop and think again

when going on duty) to enable stop and search to be focused where it is justifiable

- refresher training on 'reasonable grounds' and the proper conduct and recording of searches

- underpinning of these steps with the development of a software package called Searchlight to identify localities, beats and individuals with racially skewed patterns, which had been used to challenge and hold to account those who appeared to be 'outliers'.

- The overall usage of the power had fallen by 20% since the beginning of the Next Steps programme.
- From data provided by the force, based on self-defined ethnicity, according to the Commission's calculation in the first half of 2011, the black: white disproportionality ratio was 3.6, ie a significant reduction. If those people that the force had identified as being 'non-resident in Dorset' were excluded the rate fell to 2.6. Since this factor appeared to account for only a third of race disproportionality, not most or all of it as the force had believed, the bigger part of the reduction in disproportionality seemed likely to have resulted from the implementation of Next Steps.
- It appeared unlikely that a major factor in this reduction was the comparative reduction in the number of black drug dealers from East Bournemouth/Boscombe since on the then Chief Constable's own account above, this had not been effective.

The variation over time annually in use of the power and of black: white disproportionality, from data provided by the force, based on self-defined ethnicity, and using the 2001 Census figures has been as follows:

Period	Total Stops and Searches	Black: White
2007/08	7814	5.0
2008/09	7048	5.5
2009/10	6612	4.4
2010/11	6847	3.9
2011/12	7017	4.3

Regarding overall usage, it can be seen that the first year of Next Steps (2011/12) saw a small rise compared with the year before, but the figure was still 10% down from 2007/08.

The black: white disproportionality figures for the two most recent years above were advised by the force in autumn 2012, when it was confirmed also that the figure for Asian: white disproportionality remained slightly below 1.

The upturn in the black: white figure in 2011/12 was attributed to the incursion of new gangs into Boscombe (to succeed the earlier ones removed by police operations) which might appear to suggest, however, that stop and search has provided a temporary rather than permanent solution. About half the force's total of stops and searches are on suspicion of drug possession and the Commission has suggested the force might try to distinguish between suspicion of 'possession for own use' and 'possession with intent to supply' – and whether the former category has, as elsewhere, a low detection rate and an effect of inflating the disproportionality.

It is noticeable that the upturn was in the period when Next Steps was no longer in its initial implementation phase, though the force insists that the resultant improved practice has not regressed. Nevertheless, the force's contention that the rise in disproportionality is totally due to a justified renewal of drug supply targeting needs to be tested, and the Commission has also suggested reconsideration of a stop search centred strategy which does not appear to reduce the offending. In that context it is notable that the force has succeeded in excluding some convicted offenders from the area via ASBO conditions.

Overall, however, it is the case that the force rigorously implemented Next Steps, including training and underpinned with Searchlight, and its black: white disproportionality is below the level that consistently applied beforehand. Also, usage of the power, although recently increased, is still below former levels. While cause and effect are not established, it remains crucial that the force should continue carefully to manage the use of the power and strive to eliminate any element of race disproportionality that it cannot evidentially justify.

Chapter 5: The Metropolitan Police Service

Introduction

Stop and think recorded that from 2003–08 the black: white figure for ‘London’ (the Metropolitan Police Service (MPS) plus the very much smaller City of London force) was between 4.4 and 4.8, with the Asian: white figure around 1.4. This was about the middle of the range of all forces, and of other large metropolitan forces, and lower than the overall England and Wales figure. However, the fact that the MPS has consistently conducted about half of the roughly one million PACE and similar stops and searches in England and Wales, and has the greatest concentration of ethnic minority people in its population, means that it carries out the majority of all stops and searches of black and Asian people. Disproportionality figures for England and Wales of around 6.0 and 2.0 reduce to circa 2.5 and 1.5 for black and Asian people respectively if London is excluded.

The MPS also stood out with regard to a measure used in Stop and think called ‘excess stop searches’. This measures the numerical impact of disproportionality by identifying the number of stops and searches of black and Asian people in excess of what the number would be if the pattern were proportionate. The figure for London each year is more than 100,000, out of the figure for England and Wales of around 150,000.

In spite of these factors the MPS was cited as a good practice example in Stop and think because of its ‘Operation Pennant’ system from 2006 of centrally challenging race disproportionality. This appeared particularly to reduce the very high disproportionalities (based on low numbers) in some outer boroughs, although it appeared not to impact on the high disproportionalities in some inner boroughs (e.g. Wandsworth and Kensington & Chelsea) compared with low levels in others (e.g. Newham and Southwark). From 2006 to 2008 the MPS-wide figures fell slightly but then flattened out, and the Commission felt it was important to identify how Operation Pennant was continuing to be applied.

The Commission wrote to the MPS in November 2010 to advise that it was not considering formal legal compliance action, despite concerns about disproportionality. As the force had started to implement the Next Steps programme for securing best practice in stop and search, in one borough, Lewisham, the Commission wanted to be able to assess what impact if any that programme might have on race disproportionality without obscuring this effect by inducing other changes. It asked to be kept updated on progress, which was then mainly done through approximately quarterly meetings.

Delivery and outcomes of Next Steps

Next Steps was implemented as a pilot throughout the Lewisham command unit in the second half of 2011. Reports shared with the Commission highlighted steps towards intelligence-led practice via the 'S-bar' system, constant reinforcement of the policy ruling out quantitative performance targets, and public consultation which had led to a re-focusing of stop and search away from drug possession towards 'gangs'.

Reports provided by MPS showed that there had been an increase in race disproportionality in the initial months (it was argued that this was because identified gang members were predominantly black) but there was a return to previous levels by the end of the year. The MPS also provided some statistical analysis suggesting that the focus on young people contributed to the disproportionality, but no quantification of this or consideration of its justifiability. The MPS also provided a list of 194 individuals identified as gang members, almost all of whom were black, but no indication of what proportion they formed of the circa 1100 stops and searches per month. There was also no clear account of what was achieved by stopping and searching (presumably repeatedly) these same individuals, nor consideration of whether being on a police list of gang members always amounts to 'reasonable grounds for suspicion' for lawfully stopping and searching that person.

The Commission visited Lewisham in January 2012 to clarify exactly what had been included in the implementation of Next Steps. In February a letter was sent to the MPS identifying the components that appeared not to have featured in Lewisham, compared with Dorset (where reductions in disproportionality did occur at the end of the initial implementation) viz the Commission understood there had been no:

- refresher training of officers on 'reasonable grounds' and the proper use and conduct of stops and searches, and training of sergeants and inspectors in quality control
- steps to ensure full and comprehensive recording
- safeguards to ensure that inclusion on the 'S-bar' database, ie as a suspect, must (as statutorily required) be based on intelligence about current offending, not past offending record.
- underpinning by a system such as Searchlight to identify the drivers of race disproportionality to ensure that practice was either justified or amended.

Stop and think again

The Commission recommended that these actions should be included in the implementation of Next Steps that was due to start in a second borough, Ealing, in March 2012.

All officers in Ealing subsequently underwent a training module on what constitutes ‘reasonable grounds’, and on the need to apply this fairly and consistently. Training broadly on these lines also took place in Lewisham in 2012.

The new Superintendent leading on stop and search gave the Commission an unequivocal assurance that suspects were never included on S-bar because of past record, but solely because of intelligence on current activity.

The MPS also published monthly borough statistics, which showed a slight drop in overall usage of the power and race disproportionality in Lewisham and Ealing in the first four months of 2012. It seemed however that if this was a result of Next Steps it was a rather delayed effect in Lewisham, and a very early outcome in Ealing where action started only in March. In fact the pattern was common to a majority of boroughs, and it appeared more likely that it was a consequence of another and force-wide programme, reported in the press in January 2012, named ‘StopIt’.

StopIt

In a press article in January 2012¹³ the force’s new Commissioner reportedly expressed concern at the fall in the arrest rate from stop and search (historically at around 12–13% in most forces) to only 5%. He was also said to have referred to perceptions that stop and search practices may have alienated some sections of the population, finding expression in the riots of August 2011. Accordingly a new approach to stop and search within the MPS was made public on 2 February, known unofficially as StopIt. StopIt largely concerned ‘Section 60’ stops and searches,¹⁴ but provisions affecting ‘reasonable grounds’ stop searches included:

- management action to secure full and accurate recording;
- a shift to intelligence-based use of the power, with comprehensive use of the S-bar system of identifying suspects to officers based on intelligence, to discourage arbitrary use of the power (see Chapter 4 above);

¹³ London Evening Standard, 12 January 2012.

¹⁴ Ie under the Public Order Act, requiring central authorisation for a specific geographical area and time, but not ‘reasonable grounds’ by officers for each individual case.

- training on ‘reasonable grounds’ and the proper use and conduct of stops and searches¹⁵;
- emphasis on searching where there are grounds to suspect possession of weapons, with an aim of increasing these to 20% of the total;
- a target of reducing negative drug searches by 50%.

These steps were within overall aims of increasing stop and search detection rates to 20% and increasing ethnic minority public satisfaction rates. As indicated above, the overall MPS pattern from 2003–2008 was a total of around half a million PACE and similar stops and searches, with a black: white disproportionality around 4.6 and an Asian: white figure around 1.4.

From 2009, the figures for PACE and other ‘reasonable grounds’ stops and searches that the MPS supplied to the Commission, based on self-defined ethnicity, were:

Period	Number	Black: White	Asian: White
2009/10	489,706	4.6	1.7
2010/11	527,245	4.3	1.7
2011/12	468,831	4.0	1.8
2012/13 (Apr–Dec)	264,586	3.7	1.9

The race disproportionality ratios were necessarily calculated on a different basis from the figures in Stop and think (4.4 and 1.4) because (i) 2001 census figures were used as a base since they were broken down to local level which more recent population estimates did not, and (ii) they were based on self-classification instead of officer perception, which became national practice for data after those used in Stop and think.

It is clear that the overall number of stops and searches for the whole of 2012/13 is likely to be significantly less than in the previous year (if extrapolated crudely from 9 to 12 months the figure would be 352,781, giving a clear downward trend over the past four years).

¹⁵ Between March and July 2012 10,000 officers from a total of 28,000 had completed the ‘NCALT’ (National Centre for Applied Learning Technologies) computer based training package, and all officers had received ‘Streetcraft’ briefings. From autumn 2012 this was to be supplemented by a classroom module focusing on ‘the behavioural dimension’, to be delivered to officers according to priority, but which could take up to two years to roll out completely

Stop and think again

A downward progression is also discernible in the black: white disproportionality figure; and while this does not appear to be true of the Asian: white ratio, when this is recalculated on the basis of 2011 census figures it is consistently around parity over the four years (the corresponding black: white figure falls from 2.7 to 2.5 over the four years).

It is too early to judge the impact of StopIt on race disproportionality and overall usage of the power, but the programme contains several elements that the Commission would commend, and during the period of its operation the downward direction in both has continued.

It has been suggested that if a reduction in the use of stop and search is happening this may only be a displacement into 'stop and accounts' i.e. where an officer asks someone to account for their presence or movements but has any suspicions allayed so does not proceed to a search. If this were the case, however, it would clearly still represent some movement forward towards less intrusive policing, so long as the total of stops (i.e. stops and searches plus stop and accounts) had not increased. It would suggest that some encounters which previously would have been immediate searches, or which would have proceeded to a search, are now being limited to verbal exchanges.

The MPS total of 'stop and accounts' was approximately 800,000 in 2009/10 and 2010/11, falling to roughly 500,000 in 2011/12 and slightly less pro rata in 2012/13 (i.e. about 250,000 in the seven months). Within these annual totals the MPS's published monthly totals show variations up and down but an overall reduction from 56,636 in October 2011 to 35,902 in October 2012. It appears therefore that in the MPS area, which has provided a very large component of the England and Wales total, stop and accounts have fallen faster than stops and searches. The degree of race disproportionality has also not significantly changed, altogether suggesting no element of 'displacement'.

The figures for stop and account raise another important issue, however. In the short period when national figures were published it was notable that race disproportionality was significantly lower for stop and account than for stop and search (e.g. about 2 for black: white compared with about 6). One difference is that stop and accounts are conducted by PCSOs (Police Community Support Officers) as well as sworn officers, whereas stops and searches are conducted by the latter group only. One reason for this difference therefore could be that the race disproportionality for officer-conducted stop and accounts is higher than for PCSO-conducted ones. At the Commission's request the MPS explored this, and confirmed that there was a small but significant difference (2.0 for the black white ratio for sworn officers compared with 1.7 for PCSOs).

The Commission would therefore recommend further study to determine why practice differs and what if any elements of PCSO practice leading to lower disproportionality would be appropriate for sworn officers to follow.

Finally, another difference that emerges from the MPS's transparency of data is a geographical one. Consistently over time the boroughs with notably high black: white disproportionality have included the inner south-west London boroughs of Kensington & Chelsea, Hammersmith & Fulham and Wandsworth, and the adjoining outer south-west boroughs of Kingston and Richmond. By contrast, consistently low ratios have applied to Newham and Southwark in the inner east/south-east, and to a lesser extent to Newham's westward neighbours Hackney, Islington and Haringey and the outer boroughs beyond them. (The new census data do not change this relative position: while reductions apply across London, the six boroughs with black: white disproportionality that remains above 4 include these five listed above).

Operation Pennant has continued to operate and within that mechanism it appears that Borough commanders often explain high disproportionality by local factors, e.g. a concentration of colleges in Kingston attended by many black students from outside that borough which – because of their age profile – therefore exaggerates the true disproportionality. The Commission has suggested both a quantitative testing of such claims, and a more holistic approach which asks why the south-west quadrant of London should display the pattern that it does.

Further detailed examination of the patterns could find out what drives these differences and the outcome can be built into StopIt to increase its effectiveness.

Chapter 6: West Midlands Police

Introduction

Stop and think recorded that West Midlands Police's (WMP's) race disproportionality figures for black and for Asian people, according to Ministry of Justice reports, rose over four years to stand at 6.0 and 2.8 respectively in 2007/08. Both figures were the highest amongst the five large metropolitan forces and when re-calculated on the basis of recent population estimates did not significantly reduce (as in some forces) but stood at 5.3 and 2.7 respectively, which placed the force at third and first place respectively in England and Wales. The force also had the highest number after London of 'excess' stops and searches for both groups.

The Commission included the force among the five that it wrote to in May 2010 with detailed enquiries. On receiving replies from WMP the Commission wrote requesting clarification on a number of points, and ultimately received clarifications which indicated that:

- The previous stop and search policy, which implied that race could be a factor in an officer's suspicions, was succeeded by one making no references to race.
- No examples of guidance to officers were provided by WMP and no equality impact assessment provided beyond an initial screening document.
- The justification of disproportionality that ethnic minority people committed more crime was conceded by WMP not to be true for Asian people (albeit that this did not apply to the force's data regarding black people).
- WMP justified disproportionate stops because ethnic minority people were also disproportionately victims of crime, defending this by arguing that it illustrated the pervasive nature of disproportionality. This did not explain why those more victimised should be stopped and searched more.

First steps

The force also at the same time, and on its own initiative, reported to the Commission the initial actions it had now undertaken within a programme to address the issue of race disproportionality in stop and search. It:

- Provided an age analysis showing that two-thirds of those stopped and searched were aged 15–29, and said that this group had a higher ethnic minority proportion than the whole population. Hence if age was factored in disproportionality would be lower.
- Provided a geographical analysis showing that two-thirds of all stops and searches were conducted in Birmingham whose ethnic minority population was 33%, compared with 23% for the WMP area as a whole. This focus was justified by the concentration of offending in Birmingham, and the practice – known as ‘hotspotting’ – contributed to apparent disproportionality. The force calculated the ‘Birmingham effect’ accounted for a third of race disproportionality (though the Commission’s calculations from the data made it 5% for black: white disproportionality and 30% for Asian: white).
- Undertook that training on the fair and proportionate use of stop and search would be combined with technical training on the use of the ‘Airwave’ electronic hand-held recording device when this was introduced, which was anticipated to be in a few months (when trials in another force were complete).
- Advised that in the first 10 months of 2010/11 race disproportionality, based on self-defined ethnicity, had fallen significantly to 3.3 for black people and 1.8 for Asian people, compared with white people. The race disproportionality ratios were necessarily calculated on a different basis from the figures in Stop and think (5.3 and 2.7) because (i) 2001 census figures were used as a base since they were broken down to local level which more recent population estimates did not, and (ii) they were based on self-classification instead of officer perception, which became national practice for data after those used in Stop and think. However these figures excluded ‘non-geographically attributed’ stops and searches (ie those conducted by force-wide specialist units) which they advised could only practicably be included once Airwave was in operation.

Stop and think again

- Advised that overall use of the power had fallen from (approximately in each case) 31,000 in 2007/08 to 29,000 in 2008/09 to 24,000 in the first 10 months of 2009/10. Hence fewer people of all racial groups were now subjected to the power. These totals were notably very low, being similar to those in many shire forces with much smaller populations. The levels may have been a result of a sustained message from the Chief Constable that stop and search was not to be used as a quantitative performance indicator.

In the light of these positive indications, and subsequent assurances on further analysis, training and policy development, the Commission confirmed that it would not proceed with compliance action but would scrutinise the force's progress. It also meant that the Commission would be able to compare the effectiveness of different types of relationship with forces for progressing the issues.

Delivery

Soon after this, in summer 2011, the force wrote to the Commission to advise that, based on self-defined ethnicity, race disproportionality for 2010/11 overall, had been 4.6 for black: white and 2.5 for the Asian: white figure, somewhat higher than the figures for the first 10 months of 2010/11 previously advised.

However, at the end of the year further progress was queried and in spring 2012 the force wrote to advise that:

- disproportionality for 2010/11, based on self-defined ethnicity, had in fact been 3.8 and 1.7
- overall usage in the same year had fallen still further to circa 15,000, though there was concern that this might be an excessive fall because of rising crime levels
- a new stop and search policy would shortly be ready for publication
- training would be 'early in the new performance year' which the Commission understood to mean imminently
- a community scrutiny panel had been trialled in Coventry and would be rolled out across the force area.

WMP then followed this up with quarterly ethnic monitoring figures for 2011/12 which they referred to as an improvement but which suggested that the annual total would be higher

than the previous year. The Commission visited in order to explore the various conflicting figures provided for 2010/11 to understand why different figures had been provided, and also to examine the 2011/12 figures in detail together with the actual timetable for training and publishing a new policy.

Outcomes

Ultimately, WMP has advised the Commission that its definitive figures for race disproportionality, based on 2009 population estimates and self-defined ethnicity, were:

Period	Black: White	Asian: White
2010/11	4.4	2.7
2011/12	4.9	2.7
2012/13	4.4	2.5

WMP also reported:

- The concentration of two-thirds of all stops and searches in Birmingham had been reduced to constitute about a half, which was more likely to be justifiable as being in line with the proportion of the WMP area's crime that takes place in the city. (It had not however resulted in reduced race disproportionality across the force area, as might have been expected from the 'hotspotting' explanation.)
- The Airwave recording system had an imminent start date for 'roll out' to successive officers and their training would be tied to this and the whole programme could take up to a year. No syllabus was, however, provided as requested.
- The new stop and search policy had been launched and was provided.
- The force's new policy on 'hotspotting' was to focus operational activity on geographical areas where indices of deprivation were highest instead of where recorded crime was highest, ie a straightforward focus on poorer people.
- Annual usage of the power had fallen further still to 20,000 in the past year and the force's previous concerns were allayed by a return to falling crime levels.
- When the race disproportionality ratios for 2012/13 (see table above) were re-calculated by the force on the basis of 2011 census population data they reduced from 4.4 and 2.5 to 3.0 and 1.9 respectively. As in other forces it is welcome that some of the disproportionality

Stop and think again

can now be attributed to population change, but it remains the case that levels of disproportionality did not significantly change over the period 2010/11 to 2012/13.

Conclusions

The Commission was concerned to see that the new stop and search policy reverted to the formula (reflecting statutory 'PACE Code' guidance before 2009 but then changed) that race and similar factors could not constitute 'reasonable grounds for suspicion' alone, implying that they could count if there were also other grounds. The force subsequently assured the Commission that this was changed to reflect the current PACE Code.

The Commission warned that the new criterion for hotspotting based on deprivation indices could be even more indirectly discriminatory than that of recorded crime levels and should be reviewed. The force replied that 'The fact we are working on agreed areas with partner agencies I would hope would counter the inequalities challenge'. While West Midlands Police was not responsible for the delay in the introduction of Airwave, and the impact this had on their training, their case suggests that where strong leadership was applied, on overall usage results ensued, but where a strong proactive strategy has not been applied to address race disproportionality significant change has not occurred.

Chapter 7: Conclusions

- One of the Commission’s conclusions from this exercise is that the overall usage of stop and search may be greatly reduced (for example halved) without slowing the general downward direction in recorded crime.¹⁶
- In all five police forces during the course of the Commission’s study, this reduction has followed firm action to prohibit the use of stop and search as a formal or informal quantitative performance indicator.
- In all five police forces the rate of detections and arrests resulting from stops and searches (the ‘hit rate’) has risen. This suggests that the marginal ones, based on the least substantial grounds, have been the ones no longer undertaken, and the ones with firmer grounds have been the ones to continue. In some police force areas, though not all, this process appears to have resulted also in a reduction in race disproportionality.
- The evidence from the Metropolitan Police Service has been that reductions in stops and searches have not been a ‘displacement’ into stops and accounts, since recorded numbers of these have declined at the same time.
- Race disproportionality is not a ‘constant’, or a ‘given’, or something made inevitable by the conduct or circumstances of ethnic minority people, but something that can be reduced by police action without prejudice to policing or crime reduction.
- Key steps taken by forces (Dorset, Leicestershire, Thames Valley and the Metropolitan Police) that reduced race disproportionality were variously:
 - targets for reduction
 - steps to ensure full and complete recording
 - training in ‘reasonable grounds’ and lawful and proportionate use
 - the elimination of quantitative performance measures in use of the power
 - promoting ‘intelligence led’ use, and prohibiting practice based on ‘hunches’ or generalisations about groups, in written and oral guidance (for example at ‘parades’ at the start of duty shifts)
 - reduction in the number of negative drug searches, via a target and/or guidance

16 <https://www.gov.uk/government/publications/criminal-justice-statistics--2>

Stop and think again

- micro-monitoring to identify those ‘outlier’ areas and individuals with skewed race distributions which are driving overall disproportionality, to challenge them to account for their patterns
 - an external reference group of constructively critical members
 - examination of patterns over time and hold the force to account
 - a written policy which reflects the above principles and practice
 - an ACPO rank officer with overall responsibility for the ongoing programme and a middle-ranking officer to secure day to day delivery
 - senior level commitment and leadership to underpin the programme.
- Next Steps served to deliver this agenda more effectively when it included or was underpinned by more of these elements, eg training and ‘outlier scrutiny’, than when it had fewer.
 - Albeit on a limited sample of five forces, the degree of change appeared to be associated with the degree of Commission oversight and involvement.

After some decades of debate about race differences in stop and search, and many attempts to establish the causes one way or another, the Commission’s project provides a pragmatic programme with positive measurable results which it commends to the police service. It will continue to track progress in the forces whose action is covered in this report and to engage with them and further forces if and as appropriate.

Appendix 1

Agreement between Thames Valley Police and the Equality and Human Rights Commission under Section 23, Equality Act 2010

Actions to be taken by Thames Valley Police	
1	<p>To specify in writing in a policy statement the criteria that are to be used in all cases by officers of the Thames Valley Police Force in exercising S and S powers that conforms precisely to an up-to-date Police and Criminal Evidence Act 1984 Code of Practice A.</p> <p>Timescale: from commencement date of agreement.</p>
2	<p>To include in such a policy the adoption of a specific formal aim of reducing race disproportionality in the use of stop and search.</p> <p>Timescale: from commencement date of agreement.</p>
3	<p>To set and aim to meet the following target:</p> <p>The number of searches per 1000 black people for every search per 1000 white people should not exceed 3.2</p> <p>The number of searches per 1000 Asian people for every search per 1000 white people should not exceed 1.5</p> <p>These are to be measured by self-defined ethnicity using stops and searches of persons under the S and S powers. The calculation will exclude those who self-define their ethnicity as:</p> <ul style="list-style-type: none"> White and Black Caribbean White and Black African White and Asian <p>The population data to be used is the 2011 Census results, or if those are not available the Population Estimates by Ethnic Group as published by the Office for National Statistics.</p> <p>Timescale: the targets will relate to the final 12 month period of this 18 month agreement.</p>

4	<p>To designate an APCO rank officer to be responsible for the force achieving the above objective.</p> <p>Timescale: from commencement date of agreement.</p> <p>To monitor every three months the use of S and S powers within the area of Thames Valley and to analyse the product of that monitoring by:</p> <ul style="list-style-type: none"> • Reasons given for each such use • Reference to the specific location • The time of day • The gender and ethnicity of the officer using the power • The gender and ethnicity of the person who is stopped or whose vehicle is stopped • What was found • Whether any arrest followed as a direct result of the use of S and S power, and (if so) the class of criminal activity to which the arrest related (e.g. class A drugs, burglary, offence against the person) • Comparison with the gender and ethnicity of the persons arrested (without use of such powers) in the same area over the same period, and • Identifying all and any disproportionality in the use of S and S powers over such a period, and the causes of such outcome. <p>Timescale: three months after the commencement of the agreement and then quarterly.</p>
6	<p>To record centrally all complaints (within the meaning of Section 12 of the Police Reform Act 2002) about the use of S and S powers, whether made orally or in writing or by electronic means and to follow up such complaints by identifying whether sufficient and reasonable grounds existed for the use of the power. Any complaint where racial discrimination is alleged, suggested, or apparent on a preliminary review conducted by an Inspector, will be formally investigated with a view to identifying whether racial discrimination was a factor. Monitoring will be undertaken to identify any significant patterns or trends.</p> <p>Timescale: all complaints made on or after the commencement of this agreement.</p>

7	<p>To address any case in which a person or vehicle has been stopped and searched where it is not entirely clear that the stop and search was in accordance with the S and S powers and the PACE Code A.</p> <p>Timescale: from commencement date of agreement and ongoing on a case by case basis as required; and quarterly as part of dip sampling for the purpose of central monitoring.</p>
8	<p>To discuss with a representative group of stakeholders a published report of the outcome of the monitoring and analysis referred to at Point 5 and to record their views on the impact of the use of S and S powers on the local community.</p> <p>Timescale: report to be published within one month of the end of each quarterly period and the discussion to take place within one month of publication.</p>
9	<p>To discuss the outcome of the monitoring analysis referred to at Point 5 and consultation, referred to in Point 8, within the ACPO command group in the force and with a nominated office of the Commission.</p> <p>Timescale: within one month of the conclusion of the consultation referred to at Point 8.</p>
10	<p>To undertake an equality impact assessment on the use of S and S powers within one month of the publication of each alternate quarterly report.</p> <p>Timescale: the first assessment to be carried out within one month of publication of the second quarterly report.</p>
11	<p>To forbid all officers from indicating either formally or informally any quantitative target for, or expectation as to, the number of uses of the S and S powers by any other officer or officers in any period of time; to include this in the Force Policy and to communicate the instruction force-wide.</p> <p>Timescale: from commencement date of agreement.</p>

12	<p>To undertake a training programme for relevant officers on the proper use of its S and S powers in accordance with PACE Code A and the impact on good race relations and equality of opportunity on the abuse of the power, in accordance with all relevant guidance from ACPO and the NPIA, and with reference to the Equality and Human Rights Commission’s Stop and think report.</p> <p>Timescale: the Chief Constable to use reasonable endeavours to complete the training within four months of commencement.</p>
<p>Actions not to be taken by Thames Valley Police</p>	
13	<p>Using previous proven criminal conduct as a factor in determining whether or not to use S and S powers.</p>
14	<p>Requiring formally or informally any officer to conform to an expectation or individual target as to the overall number of uses of S and S powers.</p>
15	<p>Permitting officers in any way to use S and S powers merely to seek to obtain intelligence.</p>
16	<p>Any use in any context by any officer of the number of occasions on which another officer has used S and S powers as an indicator of the performance of that officer for purposes such as recommendations for commendations, annual performances review or similar.</p>
17	<p>The fabrication of any ground for the use of S and S powers.</p>

Appendix 2

Agreement between Leicestershire Constabulary and the Equality and Human Rights Commission, April 2011, under Section 23, Equality Act 2010

Actions to be taken by Leicestershire Constabulary	
1	<p>To specify in writing in a policy statement the criteria that are to be used in all cases by all officers of Leicestershire Constabulary in exercising S and S powers that conform precisely to an up-to-date Police and Criminal Evidence Act 1984 Code of Practice A.</p>
2	<p>To include in such a policy the adoption of a specific formal aim of reducing race disproportionately in the use of stop and search.</p>
	<p>To set and work towards achieving the following targets:</p> <ul style="list-style-type: none"> • The number of searches per 1000 black people for every search per 1000 white people should not exceed 3.1 • The number of searches per 1000 Asian people for every search per 1000 white people should not exceed 1.0 <p>These are to be measured by self-defined ethnicity using stops and searches of persons under stop and search powers.</p> <p>The calculation will exclude those who self-define their ethnicity as:</p> <ul style="list-style-type: none"> • White and Black Caribbean • White and Black African • White and Asian <p>The population data to be used is the 2011 Census, or if these are not available the Population Estimates by Ethnic Group as published by the Office for National Statistics.</p>
3	

4	<p>To designate an ACPO rank officer to be responsible for the force seeking to achieve the target agreed or set in accordance with point 3 above.</p>
5	<p>To monitor every three months the use of S and S powers within the area of Leicestershire Constabulary, subject to any changes in legislation designed to reduce bureaucracy, and to analyse the product of that monitoring by:</p> <ul style="list-style-type: none"> • Reasons given for each such use • Reference to the specific location • The time of day • The gender and ethnicity of the officer using the power • The gender and ethnicity of the person who is stopped or whose vehicle is stopped • What was found • Whether any arrest followed as a direct result of the use of S and S power, and (if so) the class of criminal activity • to which the arrest related • Comparison with the gender and ethnicity of the persons arrested (without use of such powers) in the same area over the same period, and • Identifying all and any disproportionality in the use of the S and S powers over such period, and taking reasonable steps to identify the causes of such disproportionality.
6	<p>To record centrally all complaints (within the meaning of Section 12 of the Police Reform Act 2002) about the use of such S and S powers whether made orally or in writing or by electronic means and to follow up on such complaints by identifying whether sufficient and reasonable grounds existed for the use of the power. Any complaint where racial discrimination is alleged, suggested or apparent on a preliminary review conducted by an Inspector will be formally investigated with a view to identifying whether racial discrimination was a factor.</p>

7	To address any case in which a person or vehicle has been stopped and searched where it is not entirely clear that the stop and search was in accordance with the S and S powers and the PACE Code A.
8	To discuss with a representative group of stakeholders a published report of the outcome of the monitoring and analysis referred to at point 5 and to record their views on the impact of the use of S and S powers on the local community.
9	To discuss the outcome of the monitoring and analysis referred to at point 5 and the consultation referred to at point 8 within the ACPO command group in the force and with a nominated officer of the Commission.
10	To undertake an equality impact assessment on the use of the S and S powers within one month of the publication of each alternate quarterly report.
11	To forbid all officers from indicating either formally or informally any quantitative target for, or expectation as to, the number of uses of the S and S powers by any other officer or officers in any period of time; to include this in the force policy and to communicate the instruction force-wide.
12	To undertake a training programme for relevant officers on the proper use of its S and S powers in accordance with PACE Code A and the impact on good race relations and equality of opportunity on the abuse of the power, in accordance with best practice and guidance from ACPO, the NPLA and the Home Office. The Chief Constable and the Commission will use reasonable endeavours to agree the content of the training which shall be determined by the Chief Constable in the absence of such agreement. Timescale: training to be completed by the end of September 2011.

Actions not to be taken by Leicestershire Constabulary	
13	Using previous proven criminal conduct alone as a factor in determining whether or not to use S and S powers.
14	Requiring formally or informally any officer to conform to an expectation or individual target as to the overall number of uses of S and S powers.
15	Permitting officers in any way to use S and S powers merely to seek to obtain intelligence.
16	Any use in any context by any officer of the number of occasions on which another officer has used S and S powers as an indicator of the performance of that officer for purposes such as recommendations for commendations, annual performance review or similar.
17	The fabrication of any ground for the use of S and S powers.

Contacts

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