GOOD PRACTICES: LEARNING LESSONS FROM THE UK EXPERIENCE

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A CYCLE OF CRISIS AND REFORM

Brixton 'riots' and the Scarman Report (1981)

➢ "…essentially an outburst of anger and resentment by young black people against the police"

➢ Policing by consent

➢ Police and Criminal Evidence Act 1984, Code A

The Stephen Lawrence Inquiry (1999)
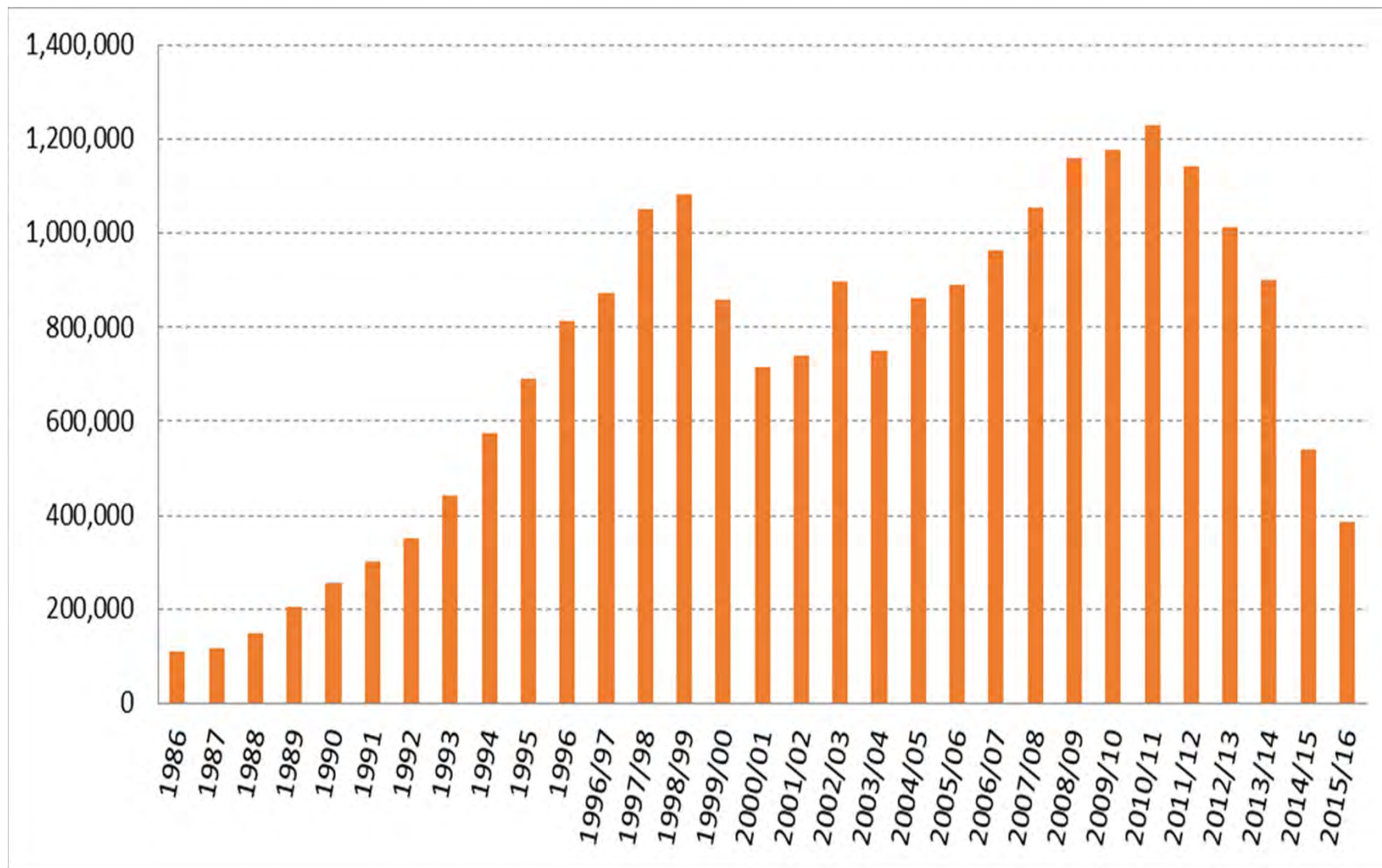
➢ Institutional racism

➢ Recommendation 61

The English riots (2011)

➢ "Revenge against the police"

➢ HMIC Review

➢ Best Use of Stop and Search Scheme

STOP AND SEARCH
POLICE POWERS AND PROCEDURES

KEY FEATURES FOR REFORM

- ➢ **Clear legal standards**
- ➢ **Recording and monitoring**
- ➢ **Political and police leadership**
- ➢ **Internal management**
- ➢ **Community engagement**

POLICE AND CRIMINAL EVIDENCE ACT (PACE) 1984 – REASONABLE SUSPICION

"What constitutes 'reasonable grounds' will depend on the circumstances, but must be an objective basis for suspicion based on 'facts, information, and/or intelligence."

"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,… 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. <u>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.</u>"

PACE Code A
(2013: 2.2)

REASONABLE SUSPICION SEARCHES V. NON-REASONABLE SUSPICION, 2010/11

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LESS THAN 10% OF STOP AND SEARCHES BASED ON REASONABLE SUSPICION ACTUALLY LEAD TO AN ARREST

FOR SECTION 60, A POWER THAT DOES NOT REQUIRE REASONABLE SUSPICION, **JUST 2%** OF STOP AND SEARCHES LEAD TO AN ARREST

RECORDING AND MONITORING

➢ Record: power used, reason for stop, outcome, self-defined ethnicity.

➢ Person stopped given a copy.

➢ Reminds officers to carefully consider their ground for stops.

➢ Provides a management tool for supervisors to identify where officers might be misusing powers.

➢ Provides statistics for external monitoring and community oversight.

PROCEDURAL JUSTICE

G: Grounds for the search

O: Object the officer is searching for

W: Warrant, particularly if the officer is in plain clothes

I: Identification, proof that the officer is indeed a police officer!

S: Station to which the officer is attached to

E: Entitlement to copies of all paperwork

L: Legislation, the legal power being used

Y: You are being detained for the search or for the purpose of…essentially informing the citizen in no uncertain terms the purpose and nature of the search

INTERNAL MANAGEMENT: WEST MIDLANDS
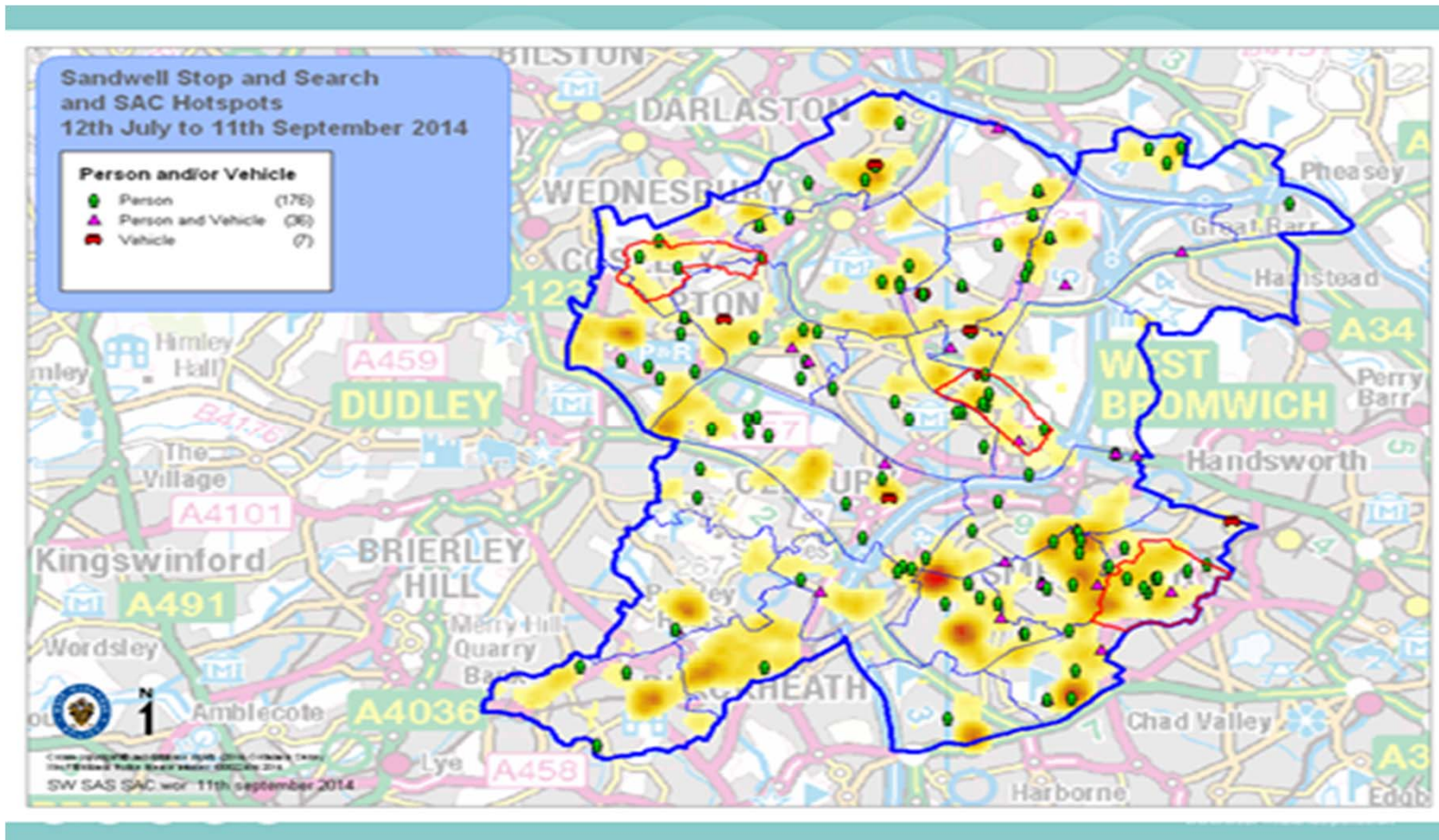
INTERNAL MANAGEMENT: NORTHAMPTONSHIRE POLICE

➢ **Police and community members meet monthly to review reasonable grounds**

➢ **Vote on whether legal standards have been met**

➢ **Development plan for officers and their sergeants**

➢ **Restorative interventions**

➢ **Results:**
- **98% lawful searches**
- **Improved effectiveness**
- **Improved community confidence**

Development

1 • E-mail advice and offer of voluntary coaching.

2 • Mandatory one to one coaching

3 • Required not to conduct/supervise searches until a formal, bespoke, "Development Plan" has been completed.

4 • Stop search strategic lead to meet with officer to consider the way forward. Options to include PSD.

TRANSPARENCY: COMMUNITY SCRUTINY

➢ **PACE requires the sharing and scrutiny of stop and search data**

➢ **Best models include diverse independent community groups scrutinising:**

  ➢ Sharing aggregate statistics to see local stop patterns

  ➢ Reviewing anonymised stop records (to review reasonable grounds and reasons)

  ➢ Dip sampling body worn camera footage to explore quality of the interaction

➢ **National data-sharing**

 www.police.co.uk

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/562977/police-powers-procedures-hosb1516.pdf
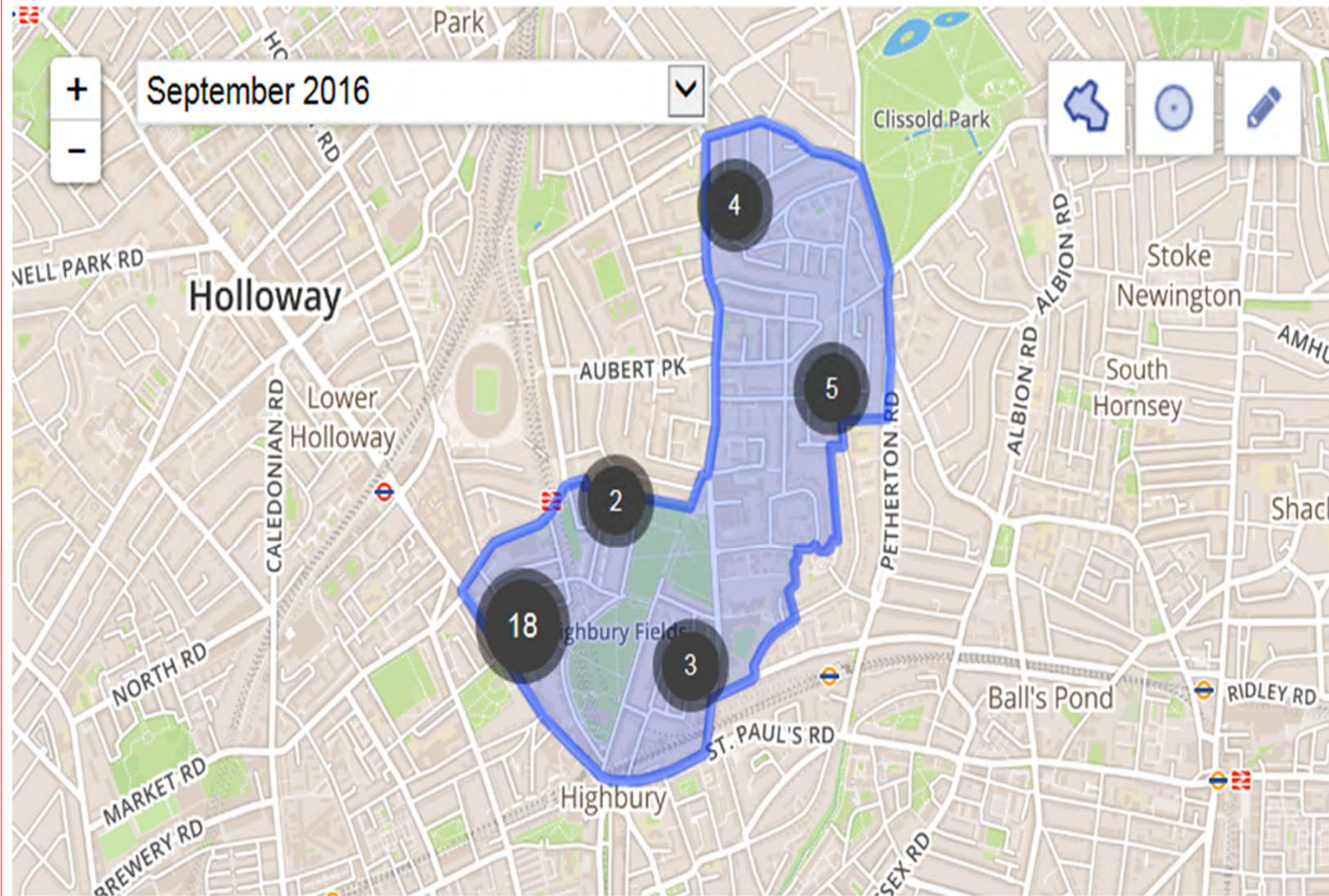
POLITICAL AND POLICE LEADERSHIP

"Nobody wins when stop and search is misapplied. It is a waste of police time.
It is unfair, especially to young, black men.
It is bad for public confidence in the police."

Theresa May, 2013

"We have a clear vision… the use of stop and search in London will become significantly more effective and targeted, leading to better outcomes. It will be conducted with dignity and respect, and be used primarily to protect our communities from violent and key crimes."

Bernard Hogan-Howe, 2012

THE ELEPHANT IN THE ROOM: RACISM

"'Race' is both an empty category and one of the most destructive and powerful forms of social categorization" (Rustin, 1991: 57)

➢ The emptiness of racial categories makes them particularly good vehicles for projections and phantasies

➢ Emotive beliefs about race are akin to psychotic states of mind

"Racism, as a system of distortion and lies, can be successfully fought only through a commitment to the truth, concerning both inner and outer realities. Only societies (and smaller institutions within them) in which habits of reason and individuation are cultivated will be able to resist the sway of states of mind such as racial and communal hatred, which are rooted in paranoia and collective phantasy" Michael Rustin (1991: 82)
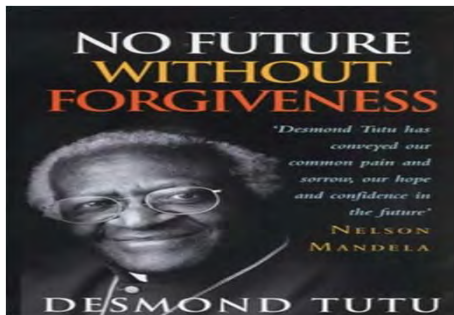
LESSONS

➢ **Essential to admit the possibility of a problem and generate data to support analysis.**

➢ **Value lies in using data to support change.**

➢ **Need to avoid the adversarial stalemate through leadership**

➢ **Conversations must acknowledge race and racism and help people contain anxieties.**

➢ **Use of implicit bias and racial reconciliation models**

➢ **The experiences of those targeted by ethnic profiling cannot go ignored or unrecognised.**