Stop and think Northamptonshire

A critical review of the use of stop and search powers in Northamptonshire

From Minky Productions - Just for Kids Law

Executive Summary

1. Introduction.

The police use of stop and search powers has been controversial since they were introduced by PACE (the Police and Criminal Evidence Act 1984). Nationally Asian people have always been stopped and searched about twice as often, and Black people around six times as often, as White people, but with similar low detection rates - seriously questioning the focus on the minority groups. Race disproportionality has been much higher for the power when used under public order and terrorism laws not requiring 'reasonable grounds for suspicion' by officers. Northamptonshire Rights and Equality Council (NREC) has repeatedly pressed this issue, most recently in the Police and Crime Commissioner (PCC) elections, and the new PCC asked us to gather information from the community and produce a report. We undertook this from March to June 2014, assisted by Phil Pavey who co-authored the Equality and Human Rights Commission reports 'Stop and Think' and 'Stop and Think Again' (2010 and 2013).

2. Methodology

(a) Field research on police practice and how it is experienced, via five focus groups and 120 survey questionnaires;

(b) Desktop analysis of the force's relevant publications, other information obtained from them, national data and key national and local studies.

(c) A meeting with the force lead on the issue.

The focus groups of mainly young people overwhelmingly expressed negative views of their own and others' experience of being stopped and searched, and a belief in widespread racial stereotyping and poor practice by the force in using the powers. The survey showed that of the 120 respondents, again mostly young, 67 (56%) had been stopped and searched, of whom 49 (41%) more than once and 12 (10%) over ten times. Substantial majorities reported procedural irregularities, including 80% who said they did not receive a record form or advice on obtaining one, and not believing the officer had reasonable grounds or had treated them with respect. Of the whole group of 120 respondents majorities ranging from 55% to 80% felt the force's use of the power was counterproductive, destructive of public confidence and rarely or never based on 'reasonable grounds'.

3. Stop and Search Policy

In January 2014 the policy on the force's website appeared at least two years out of date. A copy of the current policy was requested five times

between February and June but not received. In June no policy could be found on the website and stop and search content was "being updated". We would welcome a revision which has objectives of reducing use of the power and race disproportionality, and has safeguards against procedural irregularity and (where appropriate) use without full and proper 'reasonable grounds'.

4. Stop and Search Effectiveness

Orally the force has referred to a 'success rate' of 15%. This appears to be the detection rate, ie stops and searches resulting in an arrest or warning. The published arrest rate fell slightly in 2013 to 7%. Most stops and searches are ones requiring 'reasonable grounds for suspicion' so it is striking that in 85% of cases this suspicion turns out to be misplaced. In other forces similar figures have led to radical remedial programmes. Stopping and searching without reasonable grounds, eg to control or prevent, is not (in most cases) lawful.

5. Stop and Search Disproportionality

Nationally explanations have included:

- Street availability. A stereotype that Black people are relatively outdoors rather than indoors more often. It is fundamentally challenged by 'Stop and Think' (EHRC 2010) which found disproportionality always around nil in some forces but repeatedly 10 or 12:1 in forces covering similar areas. Black people's idiosyncrasies are hardly likely to vary according to police boundaries in such a consistently extreme way, whereas force practice is.

- Involvement in criminality. The theory that ethnic minority people commit more crime and so are more likely to merit suspicion. The same EHRC report says this is not supported by evidence - even the overrepresentation in later criminal justice stages is not at this level. The common detection rate of about 1 in 6 suggests that at least amongst the population that tends to be stopped and searched (young urban low income men) underlying offending rates do not differ significantly by race.

- Race differentials in recording by police officers. The theory that officers fully record stops and searches of ethnic minority people, expecting complaints, but not of White people, resulting in apparent disproportionality. This is comprehensively challenged in a 2008 study of Northamptonshire Police by the University of Northamptonshire, who reported that after measures to secure full recording race disproportionality did not go down, as many officers predicted, but went up.

- Police practice. After 'Stop and Think' the EHRC secured action programmes by five forces to pursue racially fair and equal practice in stop

and search. This variously involved changes to policy, training, reduction targets and micro monitoring to identify and challenge local patterns. Overall use of the power reduced significantly in all five (ie fewer people of all racial groups were stopped and searched), being halved in two forces. Four forces secured substantially lower rates of race disproportionality. The downward trend in offending was nowhere interrupted. The Commission's report 'Stop and Think Again' (2013) concluded that police forces were able to change practice to reduce race differences without adverse effect.

6. Local Statistics

Our requests for statistics and any internal analysis from January 2014 went unanswered until we met the force lead in May 2014. We then received figures of stops and searches by race but no comparison with population statistics - it appears the force relies on the Ministry of Justice working this out for its periodic national statistical report, which is however published only 1½ years after the year concerned. It appears therefore that the force never has current data on disproportionality. We have done this calculation and conclude that over the period 2009/10 to 2013/14 (a) Asian: White disproportionality varied between 1.0 and 1.5:1 ; (b) Mixed: White disproportionality fell year on year from 2.3: 1 to 1.7: 1; but (c) Black: White disproportionality rose year on year from 2.9 to 3.4: 1.

So while other figures suggest that efforts to reduce overall usage have been effective, this has had least effect regarding Black people such that their disproportionality has increased. We believe that unless this can be justified - eg are detections in this group very much higher? - It could constitute unlawful indirect discrimination.

7. HM Inspectorate of Constabulary's Confidential Report to Northamptonshire Police.

The Inspectorate's national inspection of stop and search effectiveness and fairness involved confidential reports to individual forces, and Northamptonshire Police shared their report with us. The inspection excluded race equality from its remit on 'fairness' and accordingly the report has no direct bearing on this. There are recommendations to secure better adherence to procedures which are clearly desirable (since irregular use of powers is more likely to leave scope for unjustifiable race differences) but we do not believe that this is sufficient to meet the statutory race equality duty.

8. Stop and Search Training

The force supplied PowerPoint presentations used for training by local line managers. These followed the emphases in HMIC's report on following correct procedures and adhering to PACE Code A, and explained 'reasonable grounds'. They did not however (a) stress what can be no part of reasonable grounds according to section 2.2 of the Code, ie race, colour and other personal characteristics (unless part of a suspect description) or any belief about groups' propensity to offend; or (b) that every individual stop and search carried out can be lawful under PACE but that if criteria for people to stop are applied more leniently to some racial groups it would be unlawful under the Equality Act. We believe the quality of training should improve with face to face delivery of training on the issue by specialist trainers. Trainees should be tested on their recognition of where they have and do not have reasonable grounds, as evaluation of the training.

9. Stop and Search Working Group

The force supplied minutes of this group's meetings from early 2013. It was evident that non-police members were in a minority and attended rather irregularly and meetings have become less frequent in 2014. Nevertheless some key questions have been raised by members, including police officers, and data on race differences at local level have occasionally been presented. However, it was recorded that because numbers were small no reliable conclusions could be drawn from them.

We would welcome the reconstitution of the group on the lines of those in two neighbouring forces, i.e. as a non-police group with a mixture of ages/expertise, but attended by the force stop and search lead and other officers as invited. A commitment to full attendance should be required. Micro monitoring data should be provided on a cumulative basis so that numbers grow to become significant and other documentation such as minutes of a stop and search Gold group chaired by an ACPO-rank officer (which we also recommend) should be submitted.

10. Recommendations

We make 13 recommendations. These relate to senior responsibility, revisions to policy, officer training, ethnic monitoring, body-worn camera filming, community accountability, on-going research, and how long personal details of innocent people can be kept. They also address achieving a force that reflects the community that it serves, which sets the cultural context within which stop and search is conducted.

1. Introduction

The police use of stop and search powers has been a controversial issue ever since their introduction in 1984 in the Police and Criminal Evidence Act (PACE). A key concern has been race disproportionality in their use - consistently over many years, in England and Wales, Asian people have been twice as likely, and Black people six times as likely, to be stopped and searched than White people. But the detection rate has been extremely low and not significantly different for different racial groups, raising the question of why the minority groups are focused on so much. Stops and searches under subsequent legislation (Public Order and Terrorism Acts) have operated via blanket authorisations at senior level, without the need for 'reasonable grounds for suspicion' by the individual officer, and here levels of race disproportionality have been much higher still.

Stop and search is an issue that Northamptonshire Rights and Equality Council (NREC) has repeatedly raised since its inception. In the Police and Crime Commissioner (PCC) election campaign we asked all candidates about stop and search: we referred in particular to the wealth of national literature suggesting the procedure has little impact on arrests and convictions, but significant negative impact on the perception of the local force by some groups, in particular young people and people from Black and ethnic minority communities. Following the election of Adam Simmonds as PCC in November 2012 NREC directors sought a meeting to discuss policing issues, including stop and search.

"It's the embarrassment of being stopped; I was absolutely humiliated".

In January 2014 the PCC asked NREC to produce an independent report about stop and search by engaging with local communities and gathering information about Northamptonshire Police policy and practice on the issue. This work was undertaken between March and June 2014. NREC commissioned Philip Pavey to assist with the development of the report. Phil had previously worked for the Equality and Human Rights Commission (EHRC) and was a co-author of their report on stop and search, 'Stop and Think' (March 2010) and principal author of their follow-up report 'Stop and Think Again' (June 2013).

2. Methodology

This study had three components:

a) Field research using focus group and survey techniques to gather information about:

- the practice of Northamptonshire Police in conducting stops and searches;

- the opinions of people in Northamptonshire about stop and search.

This involved conducting five focus groups in different parts of the county (one in Northampton, one in Kettering and three in Wellingborough) and also securing the completion of 120 survey questionnaires. The latter were based on questions from both the Home Office consultation on stop and search in 2013, and Her Majesty's Inspectorate of Constabulary's (HMIC's) report of the same year 'Stop and search powers: Are the police using them effectively and fairly ?'

b) Desktop data analysis and requests for other information.

The force's own relevant publications, covering policy, information and data, were identified and examined. A 2008 report by the University of Northampton on the force's stop and search practice, including race disproportionality, did not feature in the force's literature review but was located and studied. We considered key national studies from the starting point of the force's stop and search literature review. Northamptonshire Police's headline data on race disproportionality compared with other forces, for the past four years, were scrutinised in the government's periodic publication 'Statistics on Race and Criminal Justice'. A number of requests were made directly to the police for further data and other information, some via Freedom of Information requests. The force agreed to share the confidential assessment of them by HMIC following its inspection in 2013 (as distinct from the public report, referred to above, which did not identify individual forces).

c) Dialogue with the force lead on Stop and Search.

There was a meeting with Superintendent Andy Cox on 13th May 2014 to gain greater clarity of the force's approach to stop and search and how it is seeking to progress towards best practice. Its aims and strategy regarding race disproportionality were a particular focus. The meeting was also used to request information.

2.1 Focus Groups

The five focus groups involved twenty four individuals. The focus groups in Northampton and Kettering comprised trainees who were being supported by the training and support agency 'Starting Off'. Two of the groups in Wellingborough were marketed towards young people of African and Caribbean origin, including one held in 'Azuka, Places for People' which offers supported accommodation for Black people with mental health difficulties. Participants were given an incentive of a three pound supermarket voucher for participating in the study.

2.2 Survey

"The police did not give me an explanation why they were stopping and searching me, and they did not provide me with any documentation".

The survey was undertaken, offering the incentive of a supermarket gift voucher to participate, by approaching:

- customers at two African Caribbean barbers' shops ;
- young people in the Abington Street area of Northampton;
- people attending community events such as the Northampton Carnival.

In general young people were targeted, but if any other person indicated a wish to complete the survey they were invited to do so.

Results

The 120 respondents came from a diversity of racial backgrounds with substantial representation from both White and the main ethnic minority communities (see **Appendix II** for the full race breakdown). Of the 120 people 67 (56%) had been stopped and searched, and of this group:

18 (27%) had been stopped and searched once;

31 (46%) had been stopped and searched between two and five times;

6 (9%) had been stopped and searched between six and ten times;

12 (18%) had been stopped and searched more than 10 times.

In addition:

51% stated that the officer who stopped and searched them did not Identify themselves.

80% said they were not given a written record or advised when and where they could obtain one. We understand such stops and searches

would be unlawful other than in very exceptional circumstances (see **Appendix III**, PACE Code A sections 4.1, 4.2, 4.2A and 4.2B).

94% of did not feel that the police had reasonable grounds to stop and search them.

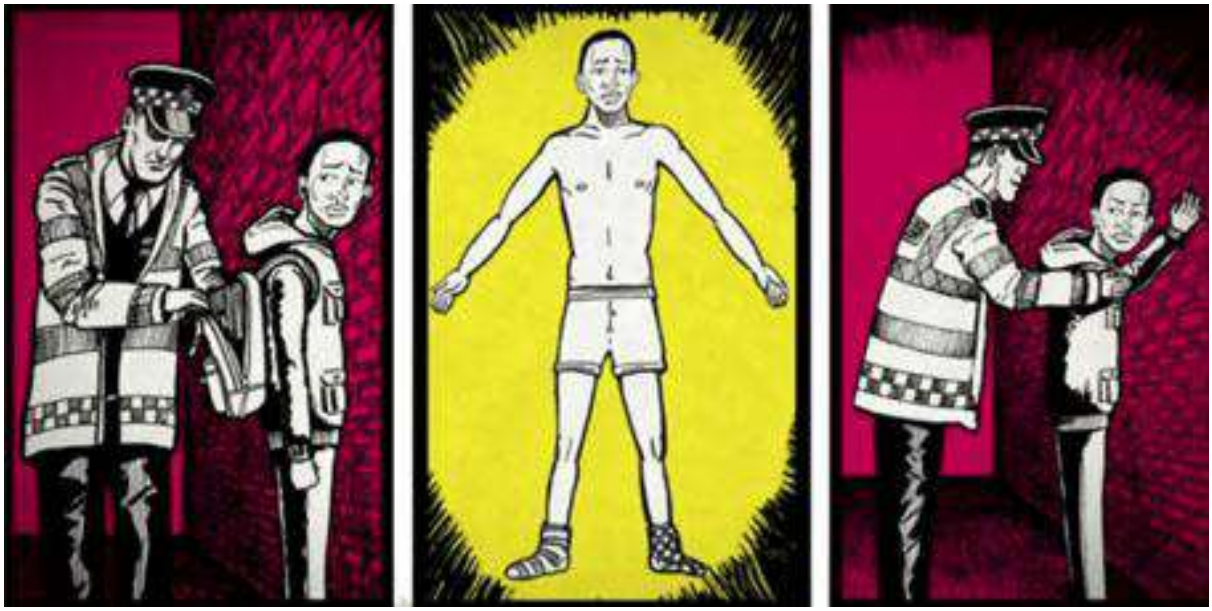
90% did not feel that they were treated with respect by the officer.

Of the whole group of 120 individuals:

66 (55%) saw Northamptonshire Police's use of stop and search powers as counterproductive or very counterproductive and 74 (62%) saw it as decreasing confidence in the police.

96 (80%) viewed Northamptonshire Police's use of its powers as rarely or never based on reasonable grounds for suspicion.

77 (64%) disagreed that Northamptonshire Police's use of "without reasonable grounds" stop and search powers are used in a way that balances public protection with individuals' freedoms



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3. Stop and Search Policy

At the start of the project, the force website had a policy which apparently had not been reviewed in the last two years as it contained outdated coverage of s.44 Terrorism Act stops and searches.

Whether this was the current policy was not confirmed by the force. Requests for the current policy were made on:

13th February (via the Office of the Police and Crime Commissioner)
1st March (via the Office of the Police and Crime Commissioner)
13th May
15th May
15th June

More recently the 'Policies and Procedures' page on the website does not contain anything relating to stop and search. For 'Stop and Search' it says:
Stop and Search

The stop and search information page is currently being updated. If you have any questions or comments about stop and search, please call 101 or use our general enquiries form.

We await confirmation that the Stop and Search policy is being reviewed and information about the review process.

We trust that a policy can be achieved which encapsulates race and other equality. We have queried the force's vision for stop and search, and as part of this the current force lead has stated on a number of occasions that he believes that the force should be striving to a situation of no disproportionality. The authors of this report would welcome a situation where there is a balanced and clear vision for stop and search, encapsulated in policy, which would include:

- the force decreasing the use of stop and search,
- the force decreasing disproportionality - Black: White, Mixed: White and Asian : White.
- the force keeping the number of section 60 authorisations for stops and searches without grounds to a minimum, ideally none.
- All searches are carried out in the correct way with reasonable grounds that are clearly communicated to the person being stopped and searched.
- The force developing a set of words to use in Stop searches which advises of the grounds on which they are being searched and their right to have a record of the search similar to those used when arrested under caution.

4. Stop and Search Effectiveness

At recent meetings at which the force lead has been present, a success rate of 15% has been presented, although this did not seem to be documented anywhere. The arrest rate published in the force's 'Public Sector Equality Duty – Equality Information Data' report for 2013 was slightly below 7%, which was a small drop on the previous year. The meaning of 'success rate' is not self-evident but if it means 'detection rate' (ie the percentage of stops and searches where an offence is detected, whether an arrest or another disposal follows) then we are advised that a figure of about twice the arrest rate would be normal in other forces that use this measure.

"If police had evidence before they stopped you it would make it more effective".

It is clearly a matter of concern that both the stated effectiveness and the arrest rate are so low. Given that the great majority of stops and searches are ones legally requiring 'reasonable grounds for suspicion' by the officer it is striking that in at least 85% of cases this suspicion turns out to have been misplaced. It is also concerning that the arrest rate is reducing rather than increasing, albeit that the drop is small. We are advised that in other forces similar figures have prompted a programme to secure a more intelligence-based use of the power and to ensure officers more accurately understand what does - and does not - constitute 'reasonable grounds' [for example the Metropolitan Police Service's (MPS's) 'StopIt' programme from 2012].

It should be stressed that it is not lawful to stop and search someone under PACE, without reasonable grounds to suspect that the person is in possession of a specific prohibited article, in order to 'control the streets' or deter offenders.

5. Stop and Search Race Disproportionality

The consistent and enormous race differences in usage of the power nationally have been a constant concern, and this is no less the case in Northamptonshire.

Explanations given to explain disproportionality include:

Street availability

It is argued that while race disproportionality is measured on resident populations it is more relevant to calculate it on street populations, ie the racial composition of those who are outdoors and therefore *available* to be stopped and searched. It is implied that ethnic minority people, for cultural or whatever reasons, must be more likely to be 'out and about' than their White counterparts. Attempts have been made to measure this by observation, presented in a number of published studies whose methodology has, however, been questioned by other academics.

The EHRC study of 2010 sheds some light on this. It is covered in the stop and search literature review which Northamptonshire Police helpfully copied to us, but an important finding was not highlighted. The report noted that race disproportionality (for Black people compared with White) was very close to nil year upon year in northern rural forces with small ethnic minority populations, such as Cumbria and North Yorkshire. But the corresponding rates were 10 or 12:1 in southern rural forces with small ethnic minority populations such as Dorset and Wiltshire. There were similar glaring differences between *neighbouring* forces, eg Norfolk and Lincolnshire, persisting year after year. [Also, Staffordshire, which had taken vigorous action to address disproportionality, had reduced it to levels well below the midlands regional norm of around 4 to 5:1.]. This strongly suggested that explanations of disproportionality based on the idiosyncrasies or habits of ethnic minority people were unlikely, and that the root lay more probably in the particular force's policy or culture. For example, if 'street availability' were the answer, how could Black people in one county be 'out and about' rather than at home twelve times as often as White people, but no more often in a neighbouring or socio-economically similar county. The report suggested that this seriously challenged the 'street availability' explanation, stripping away this non-discriminatory thesis.

Involvement in Criminality

"Stereotyping isn't it"

"I definitely think Police stereotype".

The EHRC report of 2010 remarked that "One common explanation, that black people are generally more involved in crime is not supported by robust evidence". Even the overrepresentation of people from some ethnic minority groups among defendants and prisoners (which in itself could equally stem from more punitive decisions by the police, prosecution, probation and/or court services) is not at the level of two times and six times exhibited nationally in stop and search. A belief among police officers about big race differences in crime (bearing in mind that most crime is unreported) could however be a cause of disproportionality - in that it could influence who they do and do not stop and search. This would be contrary to PACE Code A, which governs the power and which says " **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"** (PACE Code A, section 2.2 – see full text, with section 2.3 together defining 'reasonable grounds', at **Appendix IV**). Clearly if you were to stop and search mostly one group of people it would be offenders from that group that you would mostly detect. The fact that similar levels of offending (about one in six) are detected by stop and search for all racial groups suggests that the underlying offending patterns of people who are stopped and searched (mostly young urban lower income men) is fairly equal, and that Black and Asian members at least of this sub-set do not disproportionately offend.

Race differentials in recording by police officers

This is the theory that police officers tend to record stops and searches of Black and Asian people more fully than they do regarding White people, perhaps because they expect subsequent complaints more often from members of the former group.

Interestingly, the sole study we can find which has explored and analysed this in detail is in relation to our own force:-

'***The use of stop and search by Northamptonshire Police 2006-2008: Report Presented to Northamptonshire Police November 2008***' (University of Northampton)

This may be found at:

http://www.northants.police.uk/files/documents/Performance/pu%5EThe%20use%20of%20Stop%20and%20Search%202006-2008.pdf

This local report is regarded as important nationally. In 2012 the document was republished on the Northamptonshire Police force website as

part of the equality data it was required to publish under new duties brought in by the equality Act 2010. Regrettably it does not appear to have informed the force equality objectives. The report found that in 2006-07 Black people were stopped and searched five times more often than White people (compared with seven times nationally) and Asian people were less likely to experience the power than White people (compared with twice as likely nationally). But initial research found substantial underrecording by officers, attributed to the tedious wealth of detail and length of time required to complete the form [driven nationally, it has been argued, by police additions in order to 'fish' for intelligence]. The disproportionality figures were therefore dismissed as meaningless. Indeed officers at all levels held the view that disproportionality could be 'explained' by a tendency to record encounters where a complaint might be expected and not to bother with encounters which remained amicable. "*The anecdotal consequences were that if they were stopping white people they tended not to fill in the forms. If they were stopping black people, they tended to fill in the forms partly due to a perception by the police officer that they would get challenged...*" (para. 2.5).

The form was radically simplified and shortened and other steps taken to ensure full recording. Officer expectation was that recorded stops and searches would rise but that disproportionality would drastically fall. In the event "*The introduction of the new forms has not entailed as anticipated a decline in disproportionality. Rather disproportionality increased slightly between 2006-07 and 2007-08. This finding challenges the hypothesis that disproportionality was artefactual, merely a function of police officers' reluctance to complete (the old) stop and search forms when dealing with White people*" (para. 5.4). It is therefore here in Northamptonshire that this non-discriminatory explanation of race disproportionality has been most seriously challenged.

"The only time white people are stopped and searched appears to be when they hang around with black people".

Police practice

After the EHRC's 'Stop and Think' report in 2010 the Commission selected five forces to work with to address disproportionality. Leicestershire and Thames Valley Police undertook a programme designed by the Commission which included a revision of policy, targets for reduced disproportionality, action to stop quantitative performance measures for officers' stops and searches, training in 'reasonable grounds'/community impact/alternative strategies, statistics down to local level and scrutiny by a challenging community reference group. Dorset Police and the MPS (in two boroughs) underwent the national 'Next Steps' programme to achieve best practice, including specific attention to race equality, but with Commission scrutiny. The MPS then rolled out its 'StopIt programme force-wide. West Midlands Police de-

vised its own strategy which drew some elements from each of the other programmes.

After 18 months, by summer 2012, all five forces had substantially reduced overall usage (two of them by half) which meant they stopped and searched fewer people in every racial group; and four had significantly reduced race disproportionality. This was achieved without disruption to the downward trend of crime in each force area.

The Commission's report on this process 'Stop and Think Again' (June 2013) concluded that race disproportionality was not something the police could not affect, like the weather; but something which, with determined action, they could reduce without prejudice to falling crime levels.

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6. Local Statistics

From early 2014 we repeatedly asked the force for statistics and any internal analysis of them relating to stops and searches in 2013. Despite these enquiries both directly to the force lead and through freedom of information requests the information we sought was not forthcoming. We did however start to receive information following our face to face meeting with the force lead on 13th May.

"African males are very susceptible to being stop and searched"

In the light of information now received it appears that the force does not calculate its own race disproportionality ratios monthly or quarterly, as some forces do. It merely sends its raw data on numbers of stops and searches by racial group annually to the Ministry of Justice (MoJ) as statutorily required, which then compares with census data to produce a section showing stops and searches per 1000 of population by race in each force in its (mostly annual) report 'Statistics on Race and the Criminal Justice System'. This enables readers to calculate disproportionality, eg if stops and searches of White people are 10 per thousand of their population, and of Black people 60 per thousand of their population, the disproportionality will be 6:1 (or, in the terms used by statisticians, 6).

The disadvantage of this reliance on the MoJ is that its report always relates to the year which ended 18 months previously. Thus Northamptonshire Police does not have up to date data to assess the outcomes of its actions and the effectiveness of any changes in policy or practice. Clearly if the force wishes to demonstrate real commitment to evidence based practice, the relatively small amount of investment to compare stops and searches with census data (both by race) to produce 'real time' disproportionality data would be money well spent. It would dramatically improve the ability of the force to evaluate steps taken to improve the effectiveness of stop and search, reduce the number of unproductive stops and searches and so increase community confidence.

While breakdowns by sub-division or locality would be the most useful (to show which areas are consistently driving the force's overall disproportionality) it is a straightforward exercise to do this force-wide. NREC has therefore calculated overall race disproportionality from the figures provided by the police, compared with population data for Northamptonshire in the 2011 Census.

Aggregation of figures in the 2011 Census gives a population for the County as:

Asian	22,581
Black	16,923
Chinese & Other	5444
Mixed	14,182
White	632,295

A comparison with the figures of stops and searches of members of each of these racial groups supplied to us by the force on 2 June 2014 (Appendix IV) enables calculation of the disproportionality ratios. The numbers (each expressed as a single figure as is the convention, but meaning a ratio - e.g. '2.0' means twice as likely to be stopped and searched as a White person, '2.5' means two and a half times as likely, etc) are below. They are rounded to one decimal place. 2009/10 and 2011/12 were derived from the data for Northamptonshire appearing in the MoJ's 'Statistics on Race and the Criminal Justice System' reports on those years (no such report appearing for the year between, 2010/11). 2012/13 and 2013/14 are calculated from scratch by comparing the figures in the breakdown from the force with the Census figures. Obviously the population will not have been precisely the same in 2009 and 2013 as in the 2011 Census but it is unlikely to have differed substantially, and all such calculations have to be based on the nearest census, or mid-census estimate.

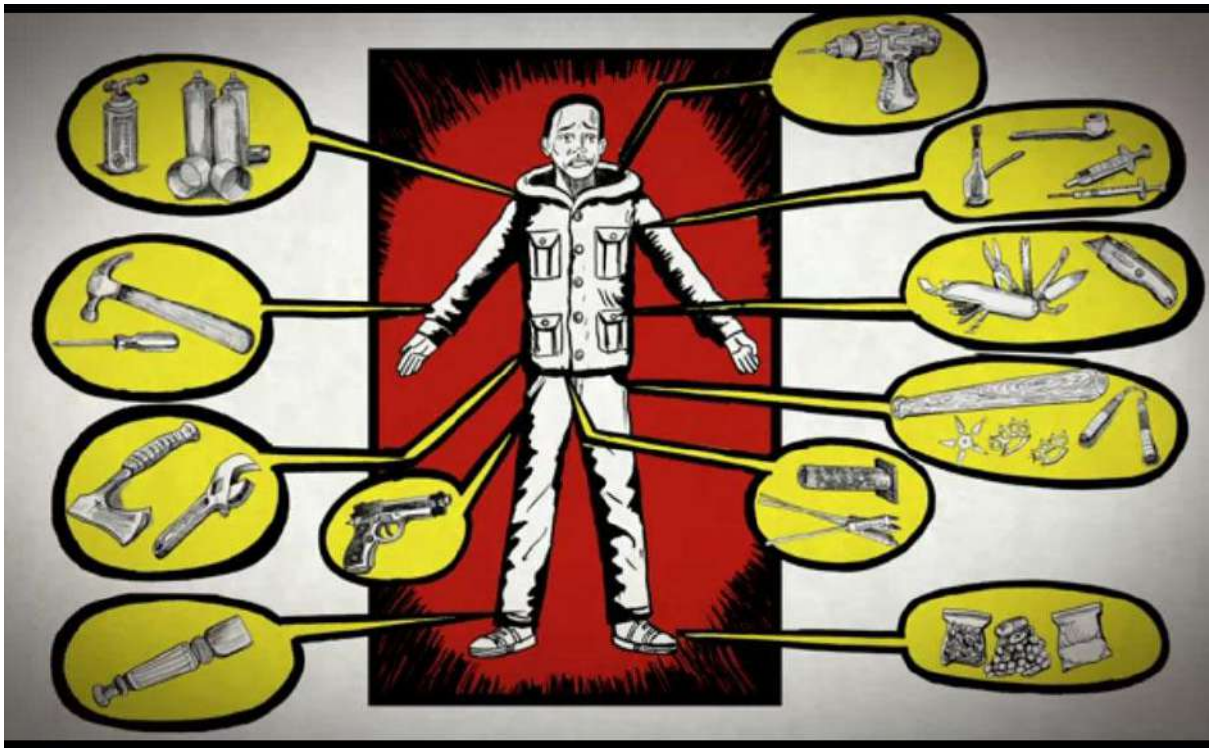
	2009/10	2011/12	2012/13	2013/14
Asian	1.3	1.5	1.0	1.2
Black	2.9	3.2	3.3	3.4
Mixed	2.3	2.1	1.9	1.7

So it can be seen that the Asian: White figure tends to be slightly above 1:1, and the Mixed: White figure appears to be reducing. Black: White disproportionality is however considerably higher and on a rising trend.

This is a matter of concern, albeit that it remains below the corresponding national figure. If it cannot be evidentially justified - eg are *detections* very much higher amongst Black people stopped and searched than others? - Then it could constitute unlawful indirect discrimination. This is notwithstanding the fact that the actual number of Black people stopped and searched is very slightly reduced, out of a total which is down by a third over 3 years.

It appears that the force's efforts to reduce the overall number of stops and searches have had discernible success, but that any steps being taken concerning disproportionality have had a less reductive effect, and none at all regarding Black people.

So while overall numbers have dropped for all racial groups, the decrease has been biggest for the White group and then for the Asian group, whose proportions have thereby fallen - and less for the Mixed group, and less still the Black group, whose proportion has thereby gone up.



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7. HMIC's Confidential Report to Northamptonshire Police

HMIC's inspection in 2013 examined whether forces were using stop and search "effectively and fairly", but they drew a distinction between *fair* use and *non-discriminatory* use, choosing not to examine the latter because the EHRC was currently doing so. Their confidential feedback to the force accordingly proved to be of limited relevance to race equality. Examples of good practice were commended and recommendations made where this was identified as not being delivered, but in both cases this was tangential to issues of race disproportionality and race equality. Clearly Northamptonshire Police should follow the recommendations, not least because good practice in general (be it on leadership, statistics, training, line management, community accountability or any other dimension) may reduce the scope for that whatever part of disproportionality cannot be evidentially justified. It is important to stress though that general good practice, and in particular total compliance with the statutory requirements of PACE Code A, does not guarantee race equality. It is possible, for example, for every stop and search that an officer undertakes to be *fair*, and lawful under PACE Code A, but that decisions on who to stop and search (and who to overlook) might be applied differently between different racial groups. This could, as mentioned above, be because of generalisations about propensities to offend. HMIC's recommendations are therefore positive, but not sufficient to address the challenge of achieving stop and search practice which meets the statutory equality duty.

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8. Stop and Search Training

The force supplied PowerPoint presentations used for training, which we understand is delivered locally by managers, not centrally by trainers. We assess this material as being useful as far as it goes. Stops and searches which are procedurally correct - which is what the material is essentially promoting - are less likely to be discriminatory than those that are conducted irregularly.

However, we believe they overlook two points, ie:

"The training police get for discrimination tells them what they shouldn't do, but not the reason why they shouldn't discriminate".

While the post-HMIC presentation explains what constitutes reasonable grounds for suspicion', ie intelligence about the specific individual and/or suspicious behaviour, it does not convey what are ***not*** reasonable grounds, ie a person's race, colour or any other physical characteristic (except where this is part of a description of a particular suspect) or any generalisation based on what sort of people are likely to commit crime or any particular type of crime. Stereotypes, such as particular racial groups being more likely to commit offences, can get added to reliable intelligence or suspicious movements to push the person over the threshold of 'grounds for suspicion' in an officer's mind. This should be addressed in the training.

It is notable that the Home Secretary's speech on stop and search and other policing matters in May 2014 cited HMIC's finding that nationally a quarter of all written records were lacking 'reasonable grounds' and so were likely to have been unlawful.

It is perfectly possible to conduct all stops and searches according to PACE Code A and yet still unlawfully discriminate. The fact that powers are exercised lawfully under PACE does not necessarily make them lawful under the Equality Act. For example, all the stops and searches conducted may meet the minimum criteria for 'reasonable grounds' but if the test is applied strictly to members of some racial groups and laxly/leniently to others discrimination will be taking place. Similarly, if stops and searches are concentrated geographically on areas where ethnic minority people are residentially concentrated, and this cannot evidentially be justified, this would be indirect discrimination even though every individual search would comply with PACE Code A. This should also be covered in training.

9. Stop and Search Working Group

"If I got stopped and searched again, I would now ask the Police for some documentation".

The minutes of meetings of this group going back over a year were sent to us and we studied them. It appeared that:

(a) The body started as a Gold Group, which normally in policing would be just senior police officers, but it had a minority of non-police members. Although it then became a Working Group the non-police members remained a minority and their attendance was not consistent. One non-police member appeared to send apologies every time and the Community Champions (we understand students) had rather patchy attendance, possibly due to exams etc.

(b) Nevertheless over the year the information fed in by the police seemed to improve and some non-police (and indeed some police) members did ask searching questions.

(c) Occasionally data on race differences at micro level were fed in (though not attached to the minutes) but because numbers were small - eg sometimes single figures - it was decided that no reliable conclusions can be drawn from them.

It is positive that Northamptonshire has the group that it does but we believe an adjusted structure could achieve a lot more. The Working Group met relatively frequently in 2013, but in 2014 there were minutes for only one meeting at the start of the year with the next one scheduled in August. At the meeting in January 2014 only one non-police staff member attended (a representative from Northamptonshire Rights and Equality Council). It is important the community input into such groups is well supported having clearly developed links into other community fora.

We would suggest a structure much more like Leicestershire and Thames Valley Police, ie:

- A Gold Group of senior and other relevant police officers;

- A Working Group of non-police Community Champions, both young people who have been on the receiving end and mature members with knowledge of the issues and expertise in holding organisations to account. Members have to commit to total attendance other than for 'matters of life and death'.
- Minutes of the last Gold Group meeting and micro breakdowns including race to go to each Working Group meeting. Micro breakdowns should be cumulative over time so that numbers grow to be large enough for patterns to be significant.

10. Stop and Search Recommendations

We recommend that Northamptonshire Police should:

1. Revise its Stop and Search Policy to require an evidence-based and measured use of the power, recognising its potential to damage community relations, and containing realistic targets to reduce usage and race disproportionality.
2. Appoint an ACPO rank officer to chair a Gold group with responsibility for delivering the policy.
3. Proscribe the use of stop and search as a quantitative performance measure, either formally or informally, and periodically reinforce this message through oral and written guidance.
4. Train all beat officers regarding the community impact of stop and search, alternative strategies, and accurately recognising scenarios where officers do and do not have 'reasonable grounds for suspicion'; and formally evaluate this training.
5. Produce and publish quarterly statistics showing the levels of race disproportionality down to the level of localities, presenting both the most recent figures and cumulative data.
6. Revise the Stop and Search Working Group to make it a non-police body, independently chaired, comprising youth representatives and more experienced community activists, with regular attendance a strict condition of membership. Quarterly meetings should receive and consider the statistics recommended in 4. above, together with minutes of the last Gold group meeting, training evaluation reports and any other relevant documentation. Meetings should be attended by the force stop and search lead and any other officer invited by the Group.
7. Adopt a target to film all stops and searches where officers have body worn video facilities and report quarterly on this target, and on the number of stops and searches undertaken where body worn video facilities are not available.
8. Set a target date for introducing community involvement in stop and search training (including training from Northamptonshire Rights and Equality Council).
9. Introduce a community cold case review process for stop search records.
10. Sponsor annual community research into whether/how far stop search report forms are issued.
11. Northampton police should give a precise time of how long personal details of people stopped and searched and found guilty of no crime can be kept before being destroyed.
12. Produce an action plan on recruitment, retention and progression of officers with the aim of making each rank reflective of the community the force serves in terms of race and gender.

13. Engage community representatives in the compiling and dissemination of public information about people's rights when stopped and searched (including via local radio stations and video).

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APPENDIX I

Race/ethnic origin breakdown of the 120 respondents to the survey

Asian Bangladeshi	3
Asian Indian	5
Asian Pakistani	4
Black African	12
Black Caribbean	35
Black Other	3
Other - Arab	1
Mixed - Black Caribbean/White	12
White British	38
Gypsy/Irish Traveller	4
White Other	1
Not Stated	2
	———
	120

APPENDIX II

EXTRACT FROM PACE CODE A - 'Recording requirements'.

(a) Searches which do not result in an arrest

4.1 When an officer carries out a search in the exercise of any power to which this Code applies and the search does not result in the person searched or person in charge of the vehicle searched being arrested and taken to a police station, a record must be made of it, electronically or on paper, unless there are exceptional circumstances which make this wholly impracticable (e.g. in situations involving public disorder or when the recording officer's presence is urgently required elsewhere). If a record is to be made, the officer carrying out the search must make the record on the spot unless this is not practicable, in which case, the officer must make the record as soon as practicable after the search is completed. (See Note 16.)

4.2 If the record is made at the time, the person who has been searched or who is in charge of the vehicle that has been searched must be asked

if they want a copy and if they do, they must be given immediately, either:

- a copy of the record, or
- a receipt which explains how they can obtain a copy of the full record or access to an electronic copy of the record

4.2A An officer is not required to provide a copy of the full record or a receipt at the time if they are called to an incident of higher priority. (See Note 21.)

(b) Searches which result in an arrest

4.2B If a search in the exercise of any power to which this Code applies results in a person being arrested and taken to a police station, the officer carrying out the search is responsible for ensuring that a record of the search is made as part of their custody record. The custody officer must then ensure that the person is asked if they want a copy of the record and if they do, that they are given a copy as soon as practicable. The officer making the search, of the person searched or of the person in charge of the vehicle searched (as the case may be) (see Note 18).

APPENDIX III

EXTRACT FROM PACE CODE A - 'Reasonable Grounds'

Searches requiring reasonable grounds for suspicion

2.2 Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind.

Reasonable suspicion can never be supported on the basis of personal factors. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. For example, unless the police have a description of a suspect, a person's physical appearance (including any of the relevant 'protected characteristics' set out in the Equality Act 2010 (see paragraph 1.1 and Note 1A), or the fact that the person is known to have a previous conviction, cannot be used alone or in combination with each other, or in combination with any other factor, as the reason for searching that person. Reasonable suspicion cannot be based on generalisations or stereotypical images of certain groups or categories of people as more likely to be involved in criminal activity. [NREC emphasis]

2.3 Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person. For example, if an officer encounters someone on the street at night who is obviously trying to hide something, the officer may (depending on the other sur-

rounding circumstances) base such suspicion on the fact that this kind of behaviour is often linked to stolen or prohibited articles being carried.

Northamptonshire Rights and Equality Council's Vision

'To challenge and eradicate discrimination (both personal and institutional) and prejudice or hostility in all its forms; so that all Northamptonshire's diverse communities and citizens can enjoy peace, achieve their full potential and live free from injustice. We aim for a socially cohesive society in which diversity is recognised, celebrated and valued. In brief, we fight for social justice in Northamptonshire in the context of the wider agenda of broader equalities and human rights. We will undertake this work regardless of race, colour, religion, disability, age, sexuality or gender.'

Strategic Aims

• To enable people to challenge discrimination, prejudice and injustice in order to achieve fair and just treatment and/or an acceptable and just remedy for the discrimination suffered across the whole County of Northamptonshire.

• To contribute to the building of a society that promotes good race relations and social cohesion, values all people in a spirit of diversity and equality of opportunity, and removes barriers to good race relations and social, political and economic mobility.

• To create a culture that promotes understanding of what human rights are and why they need protecting and enhancing. To promote understanding of human rights through effective demystification and explanation. NREC will work with others to highlight the protections of the human rights act with the protection that individuals with protected characteristics can enjoy in Northamptonshire.

• To maintain a well-managed, effective and efficient organisation in order to ensure our services and obligations to clients, members, funders and other stakeholders are met, and are of the highest quality and standards are continually improving. To ensure our staff, committee members, volunteers and members are trained and developed as essential resources in the organisation's on-going development.

To do this we: - support and represent individual victims of discrimination

- support victims of hate incidents and monitor hate incidents

- raise awareness of the rights of individuals not to experience discrimination and to have their human rights upheld

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