

# Stop and search:

## A Community Evaluation of Recommendation 61 in the London Borough of Hackney

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A study conducted for the Metropolitan Police Authority

*“Anything that improves the relationship and makes things more transparent is a step in the right direction.”*

(Black African Male)

*“I have a record of why I was pulled and I’m aware of my rights under the law. They can’t abuse my rights.”*

(White British Male)

*“When I heard about Recommendation 61, I thought it was a good idea because it meant the police had to have a good reason to stop you. But when I got stopped the other day and asked for a record of the stop, they were really rude and told me to wait for 20 minutes whilst they completed the form.”*

(Black Caribbean Female)

*“The image of stopping Muslim-looking public has made the police's image appear much more anti-Black. I cannot see how the police's image will change to me without new policies to stop the police doing what they want to do.”*

(Bangladeshi Male)

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Human Rights for Race Equality

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## Chapter 1 - Executive Summary

### **Background**

1.1 The Metropolitan Police Authority commissioned this community evaluation of the implementation of Recommendation 61 of the Stephen Lawrence Inquiry in Hackney, in order to provide a balance to the evaluations carried out by statutory agencies. It is carried out by a Black-led<sup>1</sup> community organisation, the 1990 Trust (see Appendices).

1.2 Recommendation 61 enshrines the right of citizens who are stopped or searched by the police to be given a credible reason for the stop, and a record of the stop. It states, amongst other things:

*“That the Home Secretary, in consultation with Police services, should ensure that a record is made by police officers of all “stops” and “Stops and searches” made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called voluntary stops must also be recorded. The record to include the reason for the stop, the outcome, and the self defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.”*

1.3 Public confidence in the police has been low since the 1970s and 80s with the infamous ‘Sus’ laws and the disproportionality in implementation and effect on the Black community. The drive for improved public confidence in the police is the main aim of Recommendation 61, this evaluative research project in Hackney seeks to assist in that aim.

### **Research method**

1.4 Four hundred street surveys were conducted for this study, as well as 50 semi-structured interviews with the public and five focus groups, arranged by ethnicity. Additionally, nine interviews were conducted with representatives at all levels from Hackney police.

1.5 The surveys, interviews and focus groups explored the level of recording of stops during the implementation, public awareness of the implementation, the public experience of stop and search during the period of implementation, police practice and the potential of Recommendation 61 to improve Black communities’ trust and confidence in the police. An outline of the main findings is presented below.

### **Levels of recording**

1.6 Public and police perception diverged on this issue. Whereas the police reported 100% recording, 57% of survey respondents who had experienced a stop or stop and search stated that they had never received nor had they ever been offered a record of a stop during the period of implementation.

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

### ***Public awareness***

- 1.7 There was generally a low public awareness of the recording requirement, or indeed of the implementation pilot. There was a good awareness of the Stephen Lawrence Inquiry report, but few respondents were aware that a set of recommendations existed within the report relating to stop and search.

### ***Public experience***

- 1.8 Politeness and credible reasons for a stop were the main features of satisfactory experiences, although these amounted to less than 20% of stop and search encounters.
- 1.9 71% of encounters produced negative experiences. These included perceived racial profiling, wasting public time, rudeness and accusations of assault. Reasons given for stops were unconvincing; the purpose of the record form was rarely explained.

### ***Police practice***

- 1.10 Most respondents believe Recommendation 61, in tandem with other initiatives, will improve police practice. The accountability that the recording requirement gives was seen as a key driver.

### ***Public trust and confidence***

- 1.11 The majority of respondents thought that public trust and confidence in the police had remained the same. However, the number of respondents who thought confidence had worsened was greater than the number who thought confidence had improved. This is not exclusively connected with the effectiveness or otherwise of implementation; rather, it may be indicative of public confidence based on witness or victim satisfaction levels. It may also be that there is a greater awareness of low public confidence in the police since the implementation of Recommendation 61.
- 1.12 Overwhelmingly, respondents did not believe that Recommendation 61 as a stand-alone initiative could improve public confidence. Other factors, such as better and continuous training, professionalism, better publicity of Recommendation 61 and police commitment to upholding individual rights in stop and search, and a more ethnically diverse police force were required.



## **Recommendations**

### **Recommendation 1**

To ensure that the spirit and letter of Recommendation 61 of the Stephen Lawrence Report are implemented in full, all stops and searches under any legislation should be carried out according to the Four Rs: Reason, Rights, Record, Respect.

See 12.2

### **Recommendation 2**

The number of records given out must be monitored, in addition to other monitoring of records completed. Form 5090 should be amended to include data on whether a copy of the record was given to the person stopped. This data must be analysed and action taken to change the practice of officers who do not routinely and consistently provide a record of a stop to the member of the public.

### **Recommendation 3**

Systems must be developed to minimise the possibility of stop and search records going missing. These systems should be independently assessed and periodically audited.

### **Recommendation 4**

Better information provided to the public can improve trust and confidence in the police. Therefore a continuous and increased publicity campaign is required to increase public awareness and understanding of stop and search.

### **Recommendation 5**

By ensuring that the complaints process is seen as open, transparent and independent, the receipt of complaints should be seen as an indication of an increased public awareness, and not necessarily as a deterioration of the quality of stop and search encounters. However, all complaints must, of course, be rigorously investigated.

### **Recommendation 6**

An independent training needs analysis should be conducted to establish the nature and level of training required to ensure the full implementation of Recommendation 61 and to help police improve and sustain the quality of encounters.

### **Recommendation 7**

The results of evaluations and research on Recommendation 61 and other police practice should be built into training programmes.

**Recommendation 8**

Community organisations should be invited to assist in the design and delivery of training to police officers, and funded to do so.

**Recommendation 9**

Faith monitoring should be introduced on Form 5090 when Recommendation 61 is reviewed in spring 2005. It should be optional for the person stopped to declare their religion.

**Recommendation 10**

Recording and publication of religion should be developed across the criminal justice system as a matter of urgency.

**Recommendation 11**

The IT system currently used by Hackney Police must be integrated with the intelligence system. This may require a large, one off investment to ensure a more effective data collection system.

**Recommendation 12**

'Extraordinary' levels of stop and search or disproportionality should be identified through monitoring, as has already been started in Hackney. However, remedial action must be taken against officers –an 'explanation' given by the officer is in itself, not a sufficient remedy.

**Recommendation 13**

The data from stop and search records must be inputted in a timely manner, but this can only be effected by an analysis of the current volume of data. Additionally, data must be systematically recorded. The employment of an adequate number of data entry personnel, which hitherto has not been the case, is essential to ensure timely and accurate inputting.

**Recommendation 14**

Police managers should use stop and search more strategically, based on data analysed. The ultimate aim is for a more intelligence led approach, but there must also be clear guidelines describing what constitutes good intelligence.

#### **Recommendation 15**

**Develop police work in the community and links with the Black voluntary and community sector (shadowing schemes, mentoring schemes, secondments, visiting schools, close ties with community groups and community ambassadors, etc) to develop an understanding and appreciation of the work currently undertaken by the community.**

#### **Recommendation 16**

**The Police should develop a more effective system for communicating its successes in the community, which includes the disciplining, suspension and dismissal of officers found to be racist. This will provide a balance to the perceived bad publicity the police force sometimes receives.**

#### **Recommendation 17**

**A diverse workforce will enable a more positive relationship between the community and the police. Therefore an increased representation on the force from the Black community will help to restore confidence and trust in the long term.**

#### **Recommendation 18**

**Community monitoring of stop and search practice should be arranged, whereby selected individuals discreetly monitor and report on the quality of stop and search encounters and whether records are being given out. This should be facilitated by independent community organisations.**

#### **Recommendation 19**

**An annual evaluation of the implementation of Recommendation 61 should be carried out by an independent organisation in conjunction with the IPCC, but with feedback from community groups**

## Chapter 2 - Introduction and Background

### Introduction

2.1 The Metropolitan Police Authority commissioned this community evaluation of the implementation of Recommendation 61 in Hackney in order to provide a balance to the evaluations carried out by statutory agencies. It is carried out by a Black-led community organisation, the 1990 Trust (see Appendix).

2.2 'Recommendation 61', the requirement that police record all stops and searches of members of the public, was a consequence of the groundbreaking Inquiry into the racist murder of Stephen Lawrence, and the first time a public service in Britain had been declared 'institutionally racist'. The report found:

*"If there was one area of complaint which was universal it was the issue of "stop and search". Nobody in the minority ethnic communities believes that the complex arguments which are sometimes used to explain the figures as to stop and search are valid."*

2.3 The Stephen Lawrence report went on to conclude specifically that there was:

*"institutional racism... countrywide in the disparity in "stop and search figures". Whilst we acknowledge and recognise the complexity of this issue and in particular the other factors which can be prayed in aid to explain the disparities, such as demographic mix, school exclusions, unemployment, and recording procedures, there remains, in our judgement, a clear core conclusion of racist stereotyping;"*

2.4 To address the institutional racism and racist stereotyping in stop and search the Stephen Lawrence Inquiry, Recommendation 61 stated:

*"That the Home Secretary, in consultation with Police services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so-called voluntary stops must also be recorded. The record to include the reason for the stop, the outcome, and the self defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped."*

2.5 The report also recommended that the data collected should be monitored and analysed by both police services and police authorities and reviewed on HMIC (Her Majesty's Inspectorate of Constabulary) inspections; that the information and analysis of stop and search records be published; and that the right to receive a record be publicised by police authorities.

2.6 The underlying aims of the Stephen Lawrence Inquiry recommendations to address institutional racism in stop and search were identified in the recent MPA Scrutiny on stop and search:<sup>2</sup>

- To provide those stopped by the police with on the spot documented and credible reasons for being stopped.
- To support a fair manner of street intervention by the police.
- To provide data from which monitoring can be carried out by the police, police authorities and partners for accountability purposes.
- To provide management information to supervisors and others to enable them to scrutinise officer activity and take action where problems have been identified.
- To develop a true statistical picture of police encounters and to inform understanding about the nature and extent of stops, appreciating that stops can be carried out in a variety of situations.
- To raise officers awareness of the impact of their actions through documenting the reasons and outcomes of their action.
- To guard against any harassment by officers.
- To ethnically monitor this area of police activity with comparisons against other statistical data including Census (using 16+1 classifications).

2.7 This study focuses on exploring the potential of Recommendation 61 to improve police practice of stop and search (including the provision of documented and credible reasons for stopping people) and examining its potential for increasing community trust and confidence in the police.

2.8 Finally, it is expected that this study will be used to inform the future monitoring and evaluation of the implementation of Recommendation 61.

2.9 The success criteria set by the Home Office for the implementation of Recommendation 61 include increasing public trust and confidence in the police. This community evaluation focuses primarily on that aim of the recommendation, but also examines ways to improve police practice in stop and search, which is inextricably related to the former. This section of the report explores the roots of Black communities' (lack of) trust and confidence in the police, and gives an overview of the implementation of Recommendation 61 in this context. It then outlines the results of existing evaluations that have been conducted into the two pilot implementations of Recommendation 61.

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<sup>2</sup> Report of the MPA Scrutiny on MPS Stop and Search Practice, Metropolitan Police Authority, 2004.

## Public trust and confidence in the police

- 2.10 The Black community's trust and confidence in the police service must be understood in the context of decades of discriminatory policing in Britain. Although stop and search powers are in theory drafted to be 'race neutral', they have consistently been used disproportionately on Black people. In the 1970s and 80s, the perceived use of 'Sus' laws to harass law abiding people sparked the Brixton uprising in April 1981. The police had used crackdown or saturation tactics in Lambeth, including operation 'Swamp 81' a week before the disturbances. Then, as now, the arrest rates for stop and search were low, and in Lambeth the rates were lower than the rest of the Metropolitan Police area.<sup>3</sup> The 1970s also saw young Muslims stopped and searched for weapons after racist attacks by the far right in Brick Lane and Bethnal Green.
- 2.11 The 'Sus' law was finally abolished after the Scarman report into the Brixton uprisings concluded that it was a significant cause of the hostility between Black people and the police. Scarman reported that the hostility was in part due to the "unlawful and racially prejudiced conduct by some police officers when stopping, searching and arresting young Black people on the street".<sup>4</sup>
- 2.12 The Police and Criminal Evidence Act 1984 (PACE) extended the powers of stop and search nationwide that had previously been carried out under various Acts including Section 4 of the Vagrancy Act 1824, and Section 6 of the Metropolitan Police Act 1839. PACE was introduced as a result of the 1981 Royal Commission on Criminal Procedure (RCCP). The RCCP did not define what constituted 'reasonable suspicion', and recommended as a check on wrongful use of the powers that officers must give a reason for a search, record the reason, and that supervising officers have a duty to collect and scrutinise data on searches and their outcomes.<sup>5</sup>
- 2.13 The Criminal Justice and Public Order (CJPO) Act 1994 reintroduced the principle of 'Sus' by enabling senior police officers to authorise 24-hour periods of stop and search in 'anticipation of violence'. Last year, according to police records, Black African and Caribbean people were 13 times more likely to be searched in England and Wales under these powers than White people (Asians were five times more likely, and other ethnic groups were three times more likely).<sup>6</sup> The use of stop and search under the CJPO Act increased almost threefold from 2001/02 to 2002/03, when 50,562 people were stopped under this power, an average of almost 1000 per week.
- 2.14 Public trust and confidence, and the public's attitudes to stop and search, are affected not only by the use of stop and search but by other interaction with the police

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<sup>3</sup> CRE's Submission to Lord Scarman's Inquiry into Brixton Disorders (The Underlying Causes), Commission for Racial Equality, June 1981.

<sup>4</sup> Quoted in Chouhan and Jasper, *Culture of Denial* 2000.

<sup>5</sup> Bland, Nick, Miller, Joel and Quinton, Paul, *Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry in stops and searches*, Home Office, 2000.

<sup>6</sup> *Statistics on Race and the Criminal Justice System 2003: A Home Office Publication Under section 95 of the Criminal Justice Act* (published 2004).

and the criminal justice system. For example, the failure to diagnose immediately that the murder of Stephen Lawrence was a racist attack, and the failure to bring justice to his murderers and the treatment of his family by the police demonstrated the ‘fundamental errors’, ‘professional incompetence’ and ‘institutional racism’<sup>7</sup> that has been perceived to characterise police interaction with Black Britons.

- 2.15 Another factor affecting Black communities trust and confidence in police is the seeming lack of intelligence-led, proactive anti-racist policing, which has been seen to be negligent. The controversial case of Marcia Lawes left Black communities again distrusting of the police. Marcia was raped and murdered in 1996 by a paid police informant who had been allowed to remain at large in the community, despite being known to be violent and dangerous. The practice of using dangerous informers in Black communities has been perceived as placing Black people at unnecessary and unacceptable risk.
- 2.16 Black communities’ trust and confidence in the police has also been undermined by the cases of Black people who have died in police custody and the subsequent denial of responsibility by the police. For example the ‘stop and search’ of Brian Douglas in 1995 culminated in him dying after being hit on the head with a baton. As in many other cases of deaths in custody, the officers who stopped Douglas have not faced disciplinary action. The Hackney police service in particular has been involved in several high profile cases of deaths in custody, including those of Shiji Lapite and Harry Stanley. The lack of remedial action against police officers involved in violent incidents with members of Black communities continues to damage public trust and confidence in the police.
- 2.17 More recently Black communities have seen the disproportionate victimisation of Muslims, in the name of anti-terrorist policing. The majority of arrests under anti-terrorism legislation have been of Muslims, many of whom have later been released without charge, or charged with non-terrorism-related offences. The high-profile recent case of Babar Ahmad has attracted mainstream media attention and caused alienation and anger in Muslim communities. Ahmad alleges that he was forced by police to prostrate with his arms in cuffs and asked “where is your God now?”, and that he sustained over 40 injuries including severe bruising while in police custody.<sup>8</sup>

### **Stop and search: the current picture**

- 2.18 The current figures available on stop and search are limited. The Section 95 statistics<sup>9</sup> (reported annually by the Home Office under section 95 of the Criminal Justice Act 1991) cover only searches – they do not include stops that do not result in a search. Therefore the figures given in the Section 95 statistics report represent only a proportion of the street interaction with the public initiated by police officers. Recommendation 61 of the Stephen Lawrence Inquiry represents an attempt to

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<sup>7</sup> Macpherson, Sir William, *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny*, The Stationary Office, 1999. p. 317.

<sup>8</sup> See for example “Muslims condemn man’s detention”, *The Guardian*, Friday 6<sup>th</sup> August 2004.

<sup>9</sup> *Statistics on Race and the Criminal Justice System 2003: A Home Office Publication Under section 95 of the Criminal Justice Act* (published 2004).

improve the information available to both the police and the public on stop and search, with a view to improving the practice of stop and search itself.

- 2.19 In 2002/3 the police recorded 869,164 'stops and searches', 22% of which were of Black and minority ethnic people (14% Black African and Caribbean, 7% Asian and 1% 'other').<sup>10</sup> These figures include only searches and not stops where no search takes place, so the actual levels of people stopped by the police according to the Home Office definition of a stop (below) are considerably higher.

*"When an officer requests a person in a public place to account for themselves, i.e., their actions, behaviour, presence in an area or possession of anything"<sup>11</sup>*

- 2.20 The published figures also include 15,000 searches (2%) of which the ethnic background of the person searched was not recorded. When compared to the resident population of the UK, the recorded searches in 2002/3 make Black African Caribbean people six times more likely to be searched than White people, Asian people two times and people from other ethnic groups 1.3 times more likely to be searched. This disproportionality has increased since 2001/2. The rates per 1000 people appeared higher in 2001/2 but this is due to a change in the population figures after the 2001 Census, and not due to a decrease in real disproportionality.
- 2.21 However, these figures do not include searches under Section 60 of the Criminal Justice and Public Order Act 1994 or Section 44 of the Terrorism Act 2000. Searches under the Terrorism Act increased for Asian people by 400% across England and Wales, and by 488% in the MPS area (from 459 in 2001/2 to 2241 in 2002/3). The number of people from 'other' ethnic groups also increased by 507% to 770 searches in 2002/3. The number of Black African and Caribbean people searched under the Terrorism Act in London increased by 455% to 1175, and the number of White people searched under these powers increased by 410%.
- 2.22 The striking increases in Asians being stopped and searched have attracted criticism and anger from Muslim communities, as innocent Muslims are seen to be victimised and targeted under the auspices of preventing terrorism. Iqbal Sacrinie of the Muslim Council of Britain has commented:
- 2.23 *"Just as an entire generation of young Black people were alienated through stop and search practice, we are deeply worried that the same thing could occur again, this time to young Muslim men... we have been urging Muslims to work in partnership with the police, to help combat a common threat facing all of us, but this is made difficult when these same people or members of their family may well have been stopped or searched just last week, for no justifiable reason."<sup>12</sup>*

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<sup>10</sup> Statistics on Race and the Criminal Justice System 2003: A Home Office Publication under section 95 of the Criminal Justice Act.

<sup>11</sup> Police And Criminal Evidence Act 1984 - Code A: Code of Practice for the exercise by police officers of statutory powers of stop and search and recording of police/public encounters, Consultation Draft, Home Office March 2002, Paragraph 4.11.

<sup>12</sup> Quoted in "The Impact of Anti Terrorism powers on the British Muslim population", Liberty, June 2004.



- 2.24 The number of searches taking place is increasing, and increases are higher for Black people. In the MPS area, searches increased by 30% for White people, 36% for Black (African and Caribbean) people and 37% for Asian people. In England and Wales as a whole, the use of stop and search powers increased by 17% for Whites, 38% for Black (African and Caribbean) people and 36% for Asian people. (p. 8).
- 2.25 Black and minority ethnic people (including Asian and 'other') are more likely to be stopped, searched and arrested than White people. Black people who are arrested are less likely to be cautioned and Black youths are less likely to be given unconditional bail by Youth Justice Boards. A smaller proportion of Black defendants than White are convicted (54% of White defendants are convicted compared to 45% of Black and 42% of Asian defendants). Nevertheless, 22% of the male prison population and 29% of the female prison population are Black (including Asian and 'other'), despite Black people making up only 9% of the resident population of England and Wales.

## The implementation of Recommendation 61

- 2.26 Recommendation 61 was first piloted along with the other Lawrence recommendations relating to stop and search in 1999/2000 in five pilot sites nationwide. The evaluation of this pilot<sup>13</sup> involved interviews with officers, observations of patrol work, interviews and focus groups with people who had been stopped by the police during the pilot and focus groups with other members of the public, and analysis of police statistics. It found high levels of under-recording and recommended a tightening of the definition of a 'stop', in order to reduce this.
- 2.27 The study found that Recommendation 61 had made some officers 'think twice' before stopping someone, and explain the reason for the stop more clearly. Members of the public interviewed for this evaluation perceived the benefits of the recommendation to be that they would have information in writing on the reason for the stop, the name of the officer and their rights. They recommended that to increase public trust and confidence in the police the most important factor was the officers' attitudes and behaviour rather than the formal process. The evaluation recommended that all searches should be recorded, and that there was public support for recording all stops, so 'further consideration' should be given to implementing records for all stops. It also made recommendations on the content of the record form and on the need for publicity on stop and search rights.
- 2.28 Recommendation 61 was piloted a second time in April 2003 in five new sites, and the Home Office has carried out an evaluation of this pilot in all five sites. The evaluation involved interviews with operational police officers and project managers; analysis of police statistics on stop and search and crime; observations of patrol shifts; and costing the implementation. Interviews were also conducted by MORI with people who had been stopped by the police during the pilot, and these were reported in a separate study. The findings of these studies are summarised below.

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<sup>13</sup> Bland, Miller and Quinton, Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry in stops and searches, Home Office 2000.

### 2.29 Police conduct during stop:

The Home Office evaluation of Recommendation 61 implementation once again found officers' attitudes and behaviour to be "critical in securing the satisfaction of the person stopped". To ensure 'good encounter handling', officers should:

- offer a form
- explain briefly its purpose
- be aware there is no obligation for the person stopped to give their details
- be aware there is no obligation for the person stopped to wait for the form to be filled out.

Supervisors must 'guard against using stops as a measure of [officers'] performance.' (p. 11)

### 2.30 Under-recording:

The Home Office evaluation of the implementation of Recommendation 61 found that under-recording of stops was due to a combination of:

- Difficulties in determining what was a stop according to the official definition;
- The brevity of some stop and search incidents; and
- 'Selective recording'.

It concluded that officers needed a better understanding of what the definition of a stop meant in practice, and when records were not required. Recordable stops were 'fairly infrequent' and most lasted less than ten minutes.

### 2.31 Officers views on recording stops:

The Home Office evaluation reported that views on Recommendation 61 were mixed and some officers were not in favour of the reform. However, some officers were positive about how recording stops would change their policing, including this Hackney police officer:

*"I feel as if you need to have good grounds [now]...because a lot of times [previously] you would stop people on very limited grounds, although you would be justified to stop them... I feel that would look a bit thin on the piece of paper, so I look for a little bit more grounds now before I'd stop someone." (p. 12)*

### 2.32 Definition of a stop:

The Home office evaluation discusses issues around understanding the definition of a stop. The definition is: "when an officer requests a person in a public place to account for themselves, i.e., their actions, behaviour, presence in an area or possession of anything".

The report points out that a member of the public can be 'held to account' in various ways, not only with explicit questioning by the police. It identified three different ways an officer may hold people to account:

- questioning (officer asking direct questions);
- positioning (putting the person in a position where they feel obliged to account for themselves, for example by the officer describing the situation or asking a rhetorical question); and
- processing (asking questions that require the person to account for themselves in the course of another encounter, e.g., asking for their name during a PNC check).

When asked how they applied the stop definition and how they decided whether or not an encounter needed to be recorded, some officers said that they did not always record stops of people with whom they had regular contact. This is a significant finding because this may include members of the public who perceive themselves to be harassed by the police and who are entitled to receive the records as evidence of the number of times they are stopped. In addition a Hackney officer reported some officers purposely avoiding recording stops:

*"I think that some people are probably a bit clever about questions they ask... People can get around forms by not directly asking those kinds of questions."*

### 2.33 Self-defined ethnicity:

Police officers reported negative reactions to the question on how the person stopped defined their ethnicity, in particular hostility or confusion. Some officers reported that Black people were "the ones that tend to get more offended" (p. 16). However, the observations of stops carried out as part of the Home Office study found no evidence of this.

### 2.34 Officers' views on the public's response to Recommendation 61:

In general officers felt the public were indifferent or neutral to recording the stops. Some did report problems (e.g. in Bournemouth "I've stopped quite a few Afro-Caribbeans when we were doing a robbery initiative and they got very funny about it. They presumed we were trying to interrogate them"). However the evaluators felt that problems might have been due to the reasons for the forms not being explained to the people stopped.

Hackney officers:

*"A lot of them have got quite angry because they think you're about to give them a parking ticket... They calm down when you explain to them it's a new form... a lot of them seem to understand, they seem quite pleased that the police are starting to take a little bit more interest in the stops that we're doing."*

*"I find the older sort of people, people in their middle ages, they'll take their copy. The younger teenagers... they're not willing to stay around and take their copy."*

### 2.35 Publicity and community engagement.

The Home Office evaluation of the implementation found Hackney to have the most 'extensive and effective' engagement with the public around Recommendation 61. This included setting up a local monitoring group, writing to 800 'opinion leaders', a poster campaign, and a launch event that received extensive media coverage (the poster campaign was delayed and posters were not produced until early 2004).

*"The members of the public interviewed from Hackney for the evaluation were the most aware of the new recording requirement and some also had at least a vague idea that this had come about as a result of the Stephen Lawrence inquiry." (p. 9).*

### 2.36 Length of the recording process:

The report estimates that in three-quarters of recorded stops, the recording takes five minutes or less. However, it acknowledges that measuring the time spent on recording is problematic because the record is often completed in parts.

Filling in the record forms was observed in the Home Office evaluation to take longer in Hackney than other pilot areas, and officers there were more likely to say that recording took a long time (up to 15 minutes).

2.37 The MORI study into the views of the public about Recommendation 61 in the six pilot sites involved 111 interviews with people who had been stopped by the police during the implementation period, including 21 people interviewed in Hackney.<sup>14</sup> Most of the people interviewed had had negative experiences of being stopped by the police and were more likely to talk about the problems associated with stop and search than the benefits. The study reports a 'strong perception' that stop and search does more harm than good in the way it is currently used. In particular it was felt that the police stopped the wrong people, as a Hackney interviewee said:

*They tend to stop the wrong people. Instead of stopping big adults that could actually do something, they stop little 12 year olds... they're scared of all the older people. (Male, Hackney) (p7)*

2.38 The study reports that most of the interviewees from minority ethnic backgrounds felt they were more likely to be stopped than white people, as another Hackney interviewee described:

*"You can see one Black boy and one White boy walking down the street and they're both planning to do something bad but the police won't stop them until they see two black boys walking down the street, then they'll stop them". (p7)*

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<sup>14</sup> Bland, Miller and Quinton, Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry in stops and searches, Home Office 2000.

- 2.39 The attitudes and behaviour of police during the stop was found to be the single most important factor in interviewees' experience and satisfaction with stop and search. This has been found in numerous other studies.<sup>15</sup>
- 2.40 Most respondents in the MORI study welcomed the recording of stops. However, none was aware that its purpose was to monitor disproportionality or improve stop and search practice. Some thought recording was introduced to collect data on criminals rather than to benefit the person stopped. There was also a perception that records would be used to monitor police performance in stopping high numbers of people. Benefits of recording were seen to be providing proof for the person stopped which would enable them to make a complaint if necessary, and to monitor repeat stops. Some respondents felt that the reporting requirement had simply been brought in to improve the police's image. Awareness of the existence of the recommendation and its implementation was varied across the pilot sites, but the MORI report found that people in Hackney were more aware of Recommendation 61 than in the other pilot areas.
- 2.41 The MORI report emphasised in its recommendations the need for police officers to give credible reasons when they have stopped someone. It detailed how reasons should be given, stipulating that reasons 'must be credible, specific and framed in a way that can be easily understood', and that 'vague' or 'generalised' reasons or those that rely on police jargon do not help people understand why they were stopped.
- 2.42 The Home Office evaluation and MORI report on the views of the public on Recommendation 61 will be compared with the findings of this study later in the report.
- 2.43 The aim of Recommendation 61 to improve public trust and confidence in the police needs to be understood in the context of continuing perceived police racism and failure to protect and serve Black communities. In particular it is undermined by failures to reduce the disproportionality in stop and search and by continuing racism within the police, such as that identified in the BBC documentary, *Secret Policeman* (21 October 2003). Public trust and confidence will not be improved overnight, even if every stop was carried out politely and courteously, with a credible reason given for the stop and a clear record given to the person stopped with the explanation that its aim was to improve the accountability of stop and search practices. However, if Recommendation 61 is implemented effectively it offers an opportunity to improve police officers' stop and search practice, and in turn begin to improve the relations between Black communities and the police. Through surveys, interviews and focus groups with members of the public in Hackney, this evaluation identifies the best ways of enabling the implementation of Recommendation 61 to improve the practice of stop and search.

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<sup>15</sup> Including Bland, Miller and Quinton, *Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry in stops and searches*, Home Office 2000; and Stone and Pettigrew, *The Views of the Public on Stops and Searches*, Home Office, 2000.

## Chapter 3 – Research Methods

### Introduction

3.1 This chapter will outline the aims and scope of this study, and the methods used in collecting and analysing the data from survey, focus groups and interviews with members of the public in Hackney, and also interviews with Hackney police officers. A breakdown of the study participants is given in the following chapter.

### Aims and scope

- 3.2 The overall aim of this research is to evaluate the implementation of Recommendation 61 in Hackney and to explore how it can improve police practice of stop and search and increase community trust and confidence in the police. These are two of the success criteria of Recommendation 61 that were set by the Lawrence Steering Group. The study also aims to provide an indication of the level of recording of stops in Hackney.
- 3.3 The primary method of this study was a survey of 400 individuals in Hackney, and this was supplemented with interviews (50 participants) and focus groups (50 participants) with the public, and interviews with nine police officers. The survey of the public was conducted to provide an overview of the experience of stop and search during the implementation in Hackney, public awareness of Recommendation 61, and views about Recommendation 61 and public trust and confidence. Focus groups were conducted to explore in more depth the public awareness of Recommendation 61 and the views of different communities on its implementation in Hackney. They also provided an opportunity to discuss a broad range of suggestions for how Recommendation 61 can be used to increase public trust and confidence in the police. Semi-structured interviews were conducted to explore individuals awareness of Recommendation 61 in more detail, and to explore its effect on public confidence. Finally, senior police and operational officers were interviewed to explore the police experience of implementing Recommendation 61.

### Public survey

- 3.4 The aims of the public survey were to explore:
- The extent to which people have been given records when they have been stopped by the police since April 2003 in Hackney;
  - The level of public awareness of Recommendation 61, and the right to be given a record of the stop/search;
  - The experience of being stopped and searched during the implementation;
  - The views of the public on Recommendation 61 and improving public trust and confidence in the police;

- 3.5 A pilot questionnaire was tested on a sample of young people. From their comments about the effectiveness and clarity of the questions, a few changes were made to eliminate any lingering hints of ambiguity in questions 4, 8 and 13 (see appendices).
- 3.6 There were seventeen questions on the final questionnaire, which asked participants to share the following:
- Whether they had any experience of being stopped or searched;
  - Whether and how many times they had been stopped or searched in Hackney during the implementation (since April 2003);
  - Whether they are aware of the legal rights of people who are stopped by the police;
  - Whether they have heard of Recommendation 61 (by name), and if so, what they think it is;
  - Whether they know about the right to receive a record of every stop (in Hackney), and if so, how they found out;
  - Whether they think Recommendation 61 (receiving a record of the stop that explains your rights and how to complain) makes a difference to the way police use stop and search, and why;
  - Whether their confidence and trust in the police has improved in the last year;
  - Suggestions as to what the police should do to improve public trust and confidence in them;
  - Participants were also asked about their gender, age and ethnicity or identity (they were asked to choose one of the 16 Census categories or “if the above categories do not describe you, how would you describe yourself”).
- 3.7 Those who had been stopped during the implementation were asked:
- Whether they had been given a record when stopped in Hackney during the implementation;
  - Why they were not given a record, and if not, whether they would have liked to have received one;
  - Whether they were told the reason for the stop/search, and whether they believed this reason;
  - Whether the police officer explained their rights to them;
  - Whether they were treated fairly and with respect;

- Finally, they were asked to describe in their own words the experience of being stopped.
- 3.8 A copy of the questionnaire is reproduced and included in the appendices.
- 3.9 Participants who were willing to help further with this research project had the option of providing contact details on the form. Some of these people were then interviewed or participated in focus groups.
- 3.10 The survey was carried out on the street, in colleges and on estates across the London Borough of Hackney. Respondents were approached by street interviewers and invited to take part. Surveys were then completed either in writing by the respondent or with the assistance of the interviewer.
- 3.11 Street interviewers were recruited from a range of ethnic backgrounds, and were evenly balanced between male and female. They were trained in survey technique and briefed on the aims of the study, background on stop and search and Recommendation 61, and the content of the questionnaire.
- 3.12 The sample of 400 cannot be statistically representative of all those who have been stopped in Hackney, but recruitment of respondents was random within the target group. The street interviewers were briefed to target primarily Black and Minority Ethnic people, who were likely to have been stopped and searched and would be able to comment on Black communities' trust and confidence in the police, but also to include some White respondents as a potential indicator of more comparative research that might need to be done.

### **Public focus groups**

- 3.13 Five focus groups were conducted for this study, with groups of people from difference ethnic backgrounds. These groups explored in greater depth police practice during stop and search encounters, and shifts in public confidence since implementation of Recommendation 61. The five groups were: African, Caribbean, Bangladeshi, mixed Asian, and one predominantly White and mixed group.
- 3.14 The aims of the focus groups were to:
- Explore Recommendation 61's potential to improve police practice of stop and search
  - Explore issues around public trust and confidence: can Recommendation 61 increase public trust and confidence, and what other measures might help?
  - Provide an additional indication of the levels of recording and receipt of records during the implementation
- 3.15 Trained community researchers facilitated the focus groups, and were matched as far as possible with the background of the focus group. The discussion was structured with questions and information about Recommendation 61 where



necessary, but was allowed to develop along the themes that the participants raised. This meant that for example one group focused more on the experience of receiving the receipt and others went into more depth on how to increase public trust and confidence. However, all focus groups covered the range of issues in the focus group questions.

- 3.16 The focus groups were introduced with broad questions about the police and then focused on stop and search and Recommendation 61, finally asking for suggestions on how the implementation of Recommendation 61 can be improved. See appendices for the focus group questions and the guidance for focus group facilitators on prompts if initial answers were limited.
- 3.17 Focus group data was analysed for themes collectively across the five focus groups, and then any notable differences between the groups were identified.

### **Public interviews**

- 3.18 In addition to the quantitative survey, a total of 50 semi-structured interviews were conducted with people who had been stopped or stopped and searched by the police during the implementation of Recommendation 61. Each interview lasted approximately 30 minutes and they were conducted in a combination of phone and face-to face.
- 3.19 The aims of the interviews with the public were to:
- Provide more in depth data on the experience of being stopped or searched during the implementation, in particular focusing on the receipt (or not) of a record;
  - Examine interviewees' awareness of Recommendation 61, and where they found out about it;
  - Explore the effect of Recommendation 61 on public trust and confidence in the police.
- 3.20 Interviewees were recruited through the survey (where respondents were given the opportunity to write their contact details if they wished to assist the research further), and through community organisations and youth clubs in Hackney. They were interviewed by trained community researchers. The interview questions used are in the appendices of this report.

### **Police interviews**

- 3.21 Interviews with Hackney police officers were included in this community evaluation of Recommendation 61 in order to provide the researchers with first-hand information on the police experience of the implementation in Hackney. The purpose was to explore the issues that were expected to arise in the research with the public, so that the experience could be compared.

3.22 The aims of the police interviews were to explore:

- police officers' views on whether and how Recommendation 61 has changed their practice of stop and search;
- police officers' experience of implementing Recommendation 61;
- police officers' perception of public awareness of Recommendation 61;
- police officers' perception of public trust and confidence in the police relating to Recommendation 61;
- and to identify police officers' suggestions for lessons learnt and improvements to the implementation of Recommendation 61.

3.23 Police officers were recruited by approaching a senior Hackney police officer, who then selected eight other officers (senior and operational) for interview. Interviews were semi-structured, and lists of interview questions for senior and operational officers are in the appendices. Each interview lasted approximately 30 minutes, and took place in a Hackney police station.

3.24 Data from the interviews was analysed and themes drawn from all the interviews together in order to protect the anonymity of the officers.

## Summary

3.25 The multi-method approach of this study allowed for the issues relating to the implementation of Recommendation 61 in Hackney to be explored from various angles. It also allowed for a limited comparison of police and public perceptions of the recording of stops and searches.

## Chapter 4 - Profile of respondents

- 4.1 This chapter outlines the ethnic background, age and gender characteristics of the respondents in the survey, interviews and focus groups. It also breaks down by rank the police officers interviewed.
- 4.2 The main part of this study was the public survey, in which 400 people in Hackney responded. In addition, 50 semi-structured interviews were conducted, and five focus groups (50 participants). Some of the interview and focus group participants were recruited from the survey, so there is some overlap between them, and for this reason results from the three methods are not aggregated.

### Survey respondents

- 4.3 The public survey was conducted on 400 members of the public. The main quantitative results on their experience of stop and search are as follows:
  - 65 % of respondents have been stopped or stopped and searched by the police in Hackney during the implementation period.
  - 39% of respondents have been stopped more than once in Hackney since April 2003
  - 36% of respondents have been stopped and searched more than once
  - 17% of respondents have been stopped or stopped and searched at least 7 times in Hackney since April 2003
  - Seven participants had been stopped and searched at least 20 times.

**Table 1 - Survey sample by sample criteria**

(excluding missing data from gender and age range. Original sample = 400)

	Asian <sup>16</sup>	Black African	Black Caribbean	Black Other	Mixed <sup>17</sup>	White	Other	Totals
<b>Gender</b>								
Female	5	23	42	6	10	19	3	<b>108</b>
Male	34	57	106	13	21	24	22	<b>277</b>
<b>Totals</b>	<b>39</b>	<b>80</b>	<b>150</b>	<b>19</b>	<b>31</b>	<b>43</b>	<b>25</b>	<b>385</b>
<b>Age</b>								
10-14	5	3	1	1	1	2	2	<b>15</b>
15-17	4	18	27	7	6	6	3	<b>71</b>
18-25	8	42	68	8	15	6	8	<b>155</b>
26-35	16	10	24	3	7	14	9	<b>83</b>
36+	6	7	28	0	2	15	3	<b>61</b>
<b>Age Totals</b>	<b>39</b>	<b>80</b>	<b>150</b>	<b>19</b>	<b>31</b>	<b>43</b>	<b>25</b>	<b>385</b>
<b>Rec. 61<sup>18</sup></b>								
No of people Stopped	5	30	58	5	12	7	7	<b>124</b>
No of people Searched	7	38	65	12	15	2	8	<b>147</b>
<b>Total instances of S+S</b>	<b>73</b>	<b>129</b>	<b>184</b>	<b>78</b>	<b>88</b>	<b>70</b>	<b>76</b>	<b>332</b>
<b>% stopped or searched by ethnicity</b>	<b>30%</b>	<b>85%</b>	<b>83%</b>	<b>87%</b>	<b>85%</b>	<b>22%</b>	<b>59%</b>	<b>70%</b>

<sup>16</sup> Because of the lower numbers respondents of Asian and Mixed backgrounds, these categories are not broken down further (for example, Bangladeshi, Mixed White and Black Caribbean, etc).

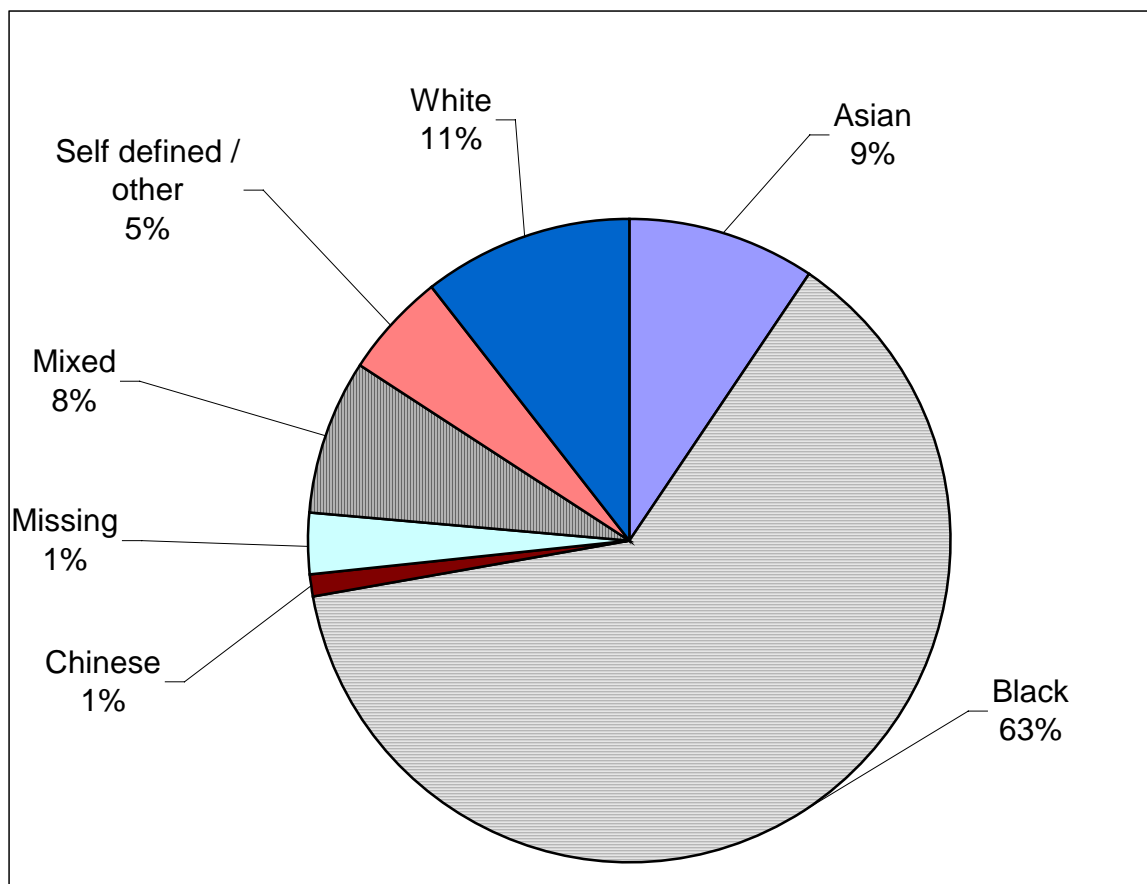
<sup>17</sup> See footnote above.

<sup>18</sup> Some respondents have been stopped and stopped and searched in Hackney since April 2003

### ***Ethnicity of respondents***

- 4.4 Given the issues of disproportionality of stop and search in the Black community, it was important that the respondents of this study reflected the demography of those most acutely affected by stop and search. Therefore the majority of respondents were Black (i.e., Black Caribbean, Black African or Black other).
- 4.5 More than half of all survey respondents (63%) were Black (African, Caribbean and Black other), 11% of respondents were White, and 9% were Asian. The remaining categories of Chinese, Mixed, self-defined and other, and missing data, comprised 15%.
- 4.6 In terms of specific ethnic groups, the largest percentages of respondents were Black Caribbean (39%), Black African (21%), White British (11%), and Asian (9%).
- 4.7 None of the respondents indicated being Muslim on the ethnicity sheet (even though the option was provided); however, two respondents referred to being Muslim as a contributory factor for being stopped.

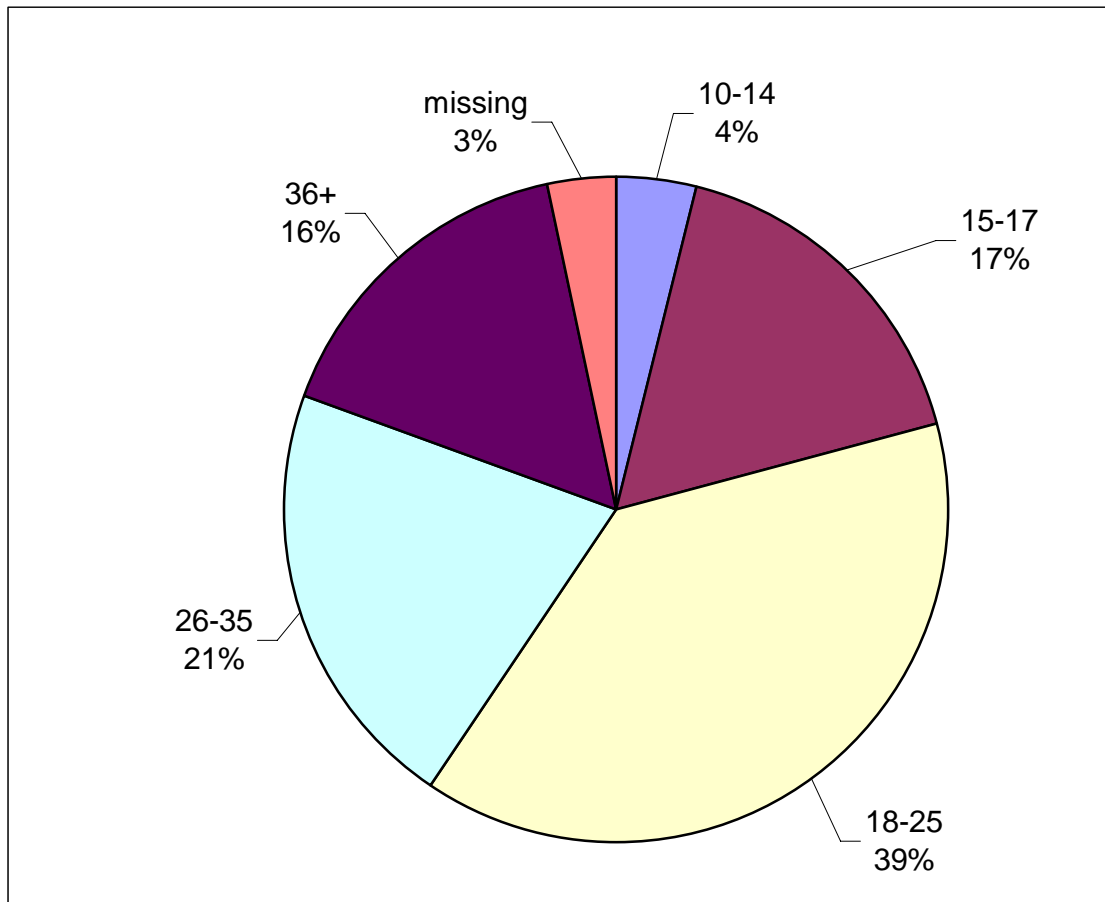
**Figure 1: Ethnic Background of survey respondents**



**Age of respondents**

4.8 The highest percentage (39%) of survey participants was in the 18-25 age range. Respondents aged 26-35 comprised just over a fifth of the total (21%), 16% were from the oldest category of 36 plus. Of the two youngest groups, 17% came from the 15-17 age range, and 4% were aged between 10 and 14 years.

**Figure 2: Age of survey respondents**



### **Gender of respondents**

4.9 Nearly three quarters of the survey respondents were male (72%), and over a quarter were female (28%).

4.10 Researchers were asked to target people most likely to have been stopped or searched by the police to ensure sufficient data on experience of police encounters. Researchers aimed, however, to include within the survey female participants to provide some indication of any gender differences in experience of stop and search.

### **Focus group participants**

4.11 Five sets of public focus groups were convened within the borough of Hackney. There was one African and one Caribbean group, one mixed Asian Group, one Bangladeshi group, and one (predominately) White and Mixed group.

4.12 Each Focus group comprised 10 individuals, and included male and female participants.

**Table 2 – Focus groups, by ethnicity, age and gender**

Ethnic Group	Age Range				Gender	
	15–18	18-25	26-35	36 +	M	F
Black African	3	7	0	0	8	2
Black Caribbean	4	6	0	0	5	5
Mixed & White	2	8	0	0	5	5
Asian	3	6	1	0	10	0
Bangladeshi	6	4	0	0	10	0
<b>TOTALS</b>	<b>18</b>	<b>31</b>	<b>1</b>	<b>0</b>	<b>38</b>	<b>12</b>

4.13 Each of the focus group participants had been stopped or stopped and searched during the period of implementation of Recommendation 61 in Hackney.

## Public interviewees

4.14 Fifty semi-structured interviews were conducted. Interviewees were recruited utilising our contacts with a number of Hackney-based community groups. Additionally, a number of people from the street survey agreed to be interviewed.

**Table 3 – Public interviewees, by ethnicity, age and gender**

Ethnic Group	Age Range				Gender	
	15–18	18-25	26-35	36 +	M	F
Black African	3	6	0	0	7	2
Black Caribbean	4	12	2	0	11	7
White	3	3	0	0	4	2
Asian	1	4	1	0	6	0
Bangladeshi	3	3	0	0	6	0
Mixed	3	2	0	0	2	3
<b>TOTALS</b>	<b>17</b>	<b>30</b>	<b>3</b>	<b>0</b>	<b>36</b>	<b>14</b>

## Police interviewees

**Table 4 - Police interviewees by rank**

Rank	No of officers
Borough Commander Chief superintendent	1
Superintendent	1
Patrol team sergeant	1
Patrol team constables	3
Community Beat Sergeants	2
Community Beat constable	1
<b>TOTAL</b>	<b>9</b>



## Chapter 5 - Levels of recording

5.1 Fundamentally, the success of Recommendation 61 will be best measured when a high proportion of stops is actually being recorded. A high level of compliance among police officers on the beat will have a number of benefits in terms of enabling an objective measurement of the effectiveness of the implementation. Additionally, a high level of completed stop records can potentially provide police with invaluable intelligence.

### Records given of stops

5.2 From the survey, there is evidence of police compliance with the recording of stops, but this has not been total.

- More than a third of respondents (35%) had received at least one record of a stop or stop and search.
- Just under a fifth of respondents (19%) had received a record for every stop or stop and search experience, and this included some respondents who had been stopped five times or more during the implementation period.
- However, 57% of respondents have never received a record of the stop or stop and search.
- A large proportion (58%) of respondents who had never received a record were not given a reason for not being provided with a record of the stop.

5.3 In all cases where no record was given, the respondents stated that they were not offered a copy of the record. However, two respondents claimed that the process was taking too long as a reason for not receiving a record, but did not elaborate on their answer, so it is unclear whether the perception was theirs or that of the police.

5.4 There were also reports of misinformation being provided by the police about individual rights. Of those not given a record, 5% of respondents said that they were told that there was no need for a record of the stop.

*“On each occasion they said it was a routine stop, so no need to give me any record.”*

5.5 There is a suggestion in some of the replies given that respondents believe an arrest must be made before a record should be given.

*“They said I didn't need evidence of what happened - it is a random thing”*

*“Because I had nothing illegal on me”*

5.6 The findings from the focus groups give a similar picture of variable compliance among the police. Although there was a more demonstrable awareness of Recommendation 61 compared to those surveyed, focus group members identified some reluctance on the part of police officers to complete a record. One focus group

member was aware of the recording requirement, and when stopped, actually asked for a record.

*“When I heard about Recommendation 61, I thought it was a good idea because it meant the police had to have a good reason to stop you. But when I got stopped the other day and asked for a record of the stop, they were really rude and told me to wait for 20 minutes whilst they completed the form.”*

- 5.7 This was not a unique experience among those who knew about the recording requirement. One interviewee gives a typical response:

*“I knew that they had to give you a receipt when they stop you, yet they gave me nothing when they stopped me two weeks ago. They searched my car and found nothing. They didn’t even apologise.”*

- 5.8 From the surveys, focus groups and the interviews, there is significant evidence that police compliance has not reached sufficient levels to enable the accurate measurement of the success of the implementation, or at least render any measurement open to scrutiny.
- 5.9 The Home Office evaluation has also found that under-recording takes place, primarily because officers do not fully understand the definition of a stop.

### **Perceived benefits of recording stops**

- 5.10 Although the majority of survey respondents were not aware of the requirement to record stops, nonetheless they generally supported the principle of recording all stops and providing a record for the stop.
- 5.11 Of those who had never received a record for a stop, 100% stated they would have liked a record, once the purpose of recording was explained to them.
- 5.12 Of the total number who have been stopped in Hackney, only 16% stated they did not want a record of a stop. Among these respondents there was a general feeling that the stop was not valid and therefore the record was adding insult to injury. They did not want a documentary reminder of their unwanted encounter with police.

## Chapter 6 - Public awareness

- 6.1 The measure of awareness of Recommendation 61 must be considered in the light of the public's awareness of their rights generally in encounters with the police, and also their awareness of the Stephen Lawrence Inquiry and Report. This aspect was particularly explored in the semi-structured interviews.

### Awareness of the public's rights in encounters with the police

- 6.2 "Reasonable grounds" was a phrase used by a number of interviewees. The phrase was taken to mean that the police had to have reasonable grounds before stopping and searching a member of the public. The interviewees understood this to mean there should be a good reason for a stop and search, such as crime having been committed in the vicinity.
- 6.3 It was also understood that police could not ask someone to undress in public, but that they could take the person to the police station in order for the search to be conducted there.

### General awareness of the Stephen Lawrence Inquiry and the Report

- 6.4 Many of the interviewees demonstrated awareness, and in some cases a good knowledge, of the key findings of the Stephen Lawrence Inquiry and Report. There was awareness that the conduct of the Metropolitan Police had been examined and criticised for its investigation into the death of Stephen Lawrence.
- 6.5 Some interviewees cited the charge of institutional racism against the Metropolitan Police Service, and that the report findings were important to the Black community.

### Awareness of Recommendation 61

- 6.6 When asked whether they were aware police now had to give a record when stopping people, 76% of survey respondents said they were not aware, and 24% said they were aware. This indicates that there is still a long way to go in informing the public of their rights regarding stop and search.
- 6.7 The Metropolitan Police Authority's (MPA) communication strategy gives as one of its key aims:

*"To inform and explain to people who work, live, visit or travel through Hackney specifically... what Recommendation 61 means in relation to stops and how phased implementation will work"*

- 6.8 Most interviewees were unaware of the set of recommendations of the Stephen Lawrence Inquiry Report. The few who showed awareness had acquired this from their place of work. Fewer still showed more than a vague awareness of Recommendation 61.

*“Recognise the name [Recommendation 61] but don't know what it is.”*

*“It rings a bell but couldn't say what it is.”*

- 6.9 In the focus groups, there was a marginal improvement. In the African Caribbean focus group, one member suggested that the Recommendation 61 poster campaign may have been confused in the minds of some people with the ubiquitous Trident campaign, which has run for many years. It would be difficult for the police to eliminate this type of confusion. In the mind of the public, one police poster looks much like another.
- 6.10 The MORI report states that Hackney has been the most successful pilot area in communicating the purpose of the implementation of Recommendation 61. In this study, 93% of all survey respondents had not heard of Recommendation 61. Just over 4% had heard of it, but when asked to describe what it was, most provided no more than an educated guess. Only 3% of respondents could provide an answer that gave a hint of the MPA's documented statement of what Recommendation 61 really means:

*“Written record of your stop.”*

*“record of being stopped”*

*“To make the law/policemen and the job they do more open and transparent.”*

- 6.11 More tellingly, none of the respondents were able to echo the key message from the MPA's communication strategy that “Recommendation 61 comes directly from the Stephen Lawrence Inquiry Report”, although, as stated earlier, respondents were aware of the existence of the Inquiry and the report.

## Summary

- 6.12 This evaluation has found that people's awareness of their rights generally in stop and search is fairly low, although the need for “reasonable grounds” was stated by a number of interviewees.
- 6.13 The survey revealed that 76% of respondents were unaware of their right to receive a record when being stopped, despite their experience of stop and search in Hackney during the implementation of Recommendation 61.

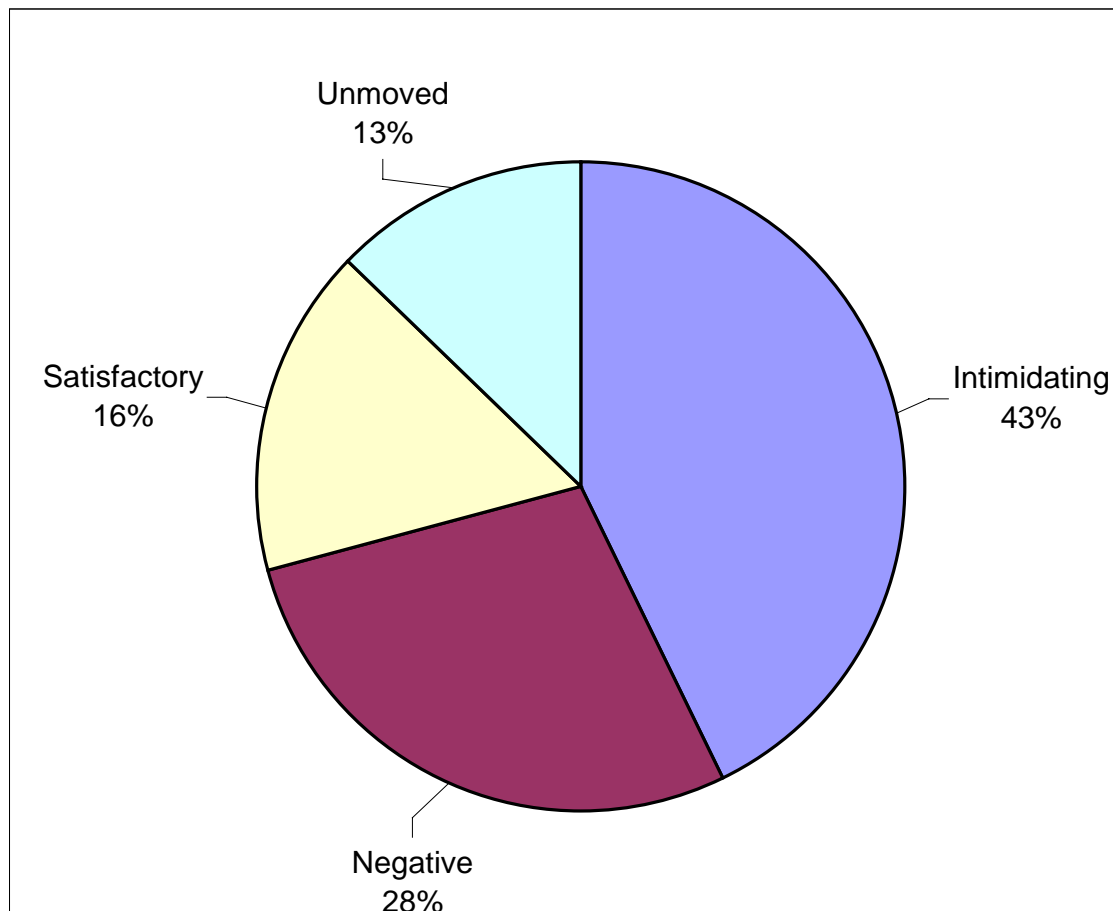
## Chapter 7 - Public experience

7.1 This section looks at the experiences of being stopped during the implementation of Recommendation 61 in Hackney. It examines the participants' perceptions of the quality of the encounters, and explores the emotions during the encounters. Reasons respondents were given for being stopped, an important part of the success of the implementation, and the production of a record of the stop, are also examined.

### Experiences of being stopped and searched

7.2 Some respondents reported that they had experienced satisfactory encounters with police stop and search, but these were a minority. Contributory factors included credible reasons for the stop. Most of the respondents who had been stopped or stopped and searched reported negative experiences. Recollections of experiences were often allied with resentment at what was often seen as a wilful and unnecessary intrusion of privacy, and aggravated by the poor management of the encounters by the police. There were instances of rudeness and bullying, and in a small number of cases, the police were accused of assaulting participants.

**Figure 3: Experiences of being stopped or searched**



### **Satisfactory experiences**

- 7.3 One of the aims of Recommendation 61 is to improve the quality of encounters between the police and members of the public. There was some positive reaction from respondents to being stopped or stopped and searched. In total, stop and search experiences that were satisfactory account for 16% of responses. In the majority of these cases, the respondents reported that the police were polite, and that they felt the police were simply 'doing their job'.

*"I felt quite comfortable - the police were polite."*

*"It was ok. They were polite and I was innocent. So I had no problems."*

- 7.4 One respondent believed that his politeness helped the quality of the encounter, as the police seemed to reciprocate the politeness given. During the encounter, the reason given for the stop seemed plausible, and his rights were explained. It is the combination of these elements that, provided they are present in most encounters, can help to build public confidence of the police.

- 7.5 In many cases where the experience was satisfactory, the respondents suggested that the stop or search was justified. In 14% of cases, the respondent admitted that the police had good reason for a stop, usually because the respondent had committed a minor traffic offence:

*"I was stopped because I hadn't switched my lights on. The police were ok with me. It wasted my time but it was my fault and I accept that."*

*"It is frustrating and time consuming - my car light was out so on this occasion I know they stopped me for the reason they said..."*

Reasons given for stops are discussed further later in the chapter.

- 7.6 Thirteen per cent of respondents appeared unmoved by the experience of being stopped or stopped and searched. They described the encounter using neutral and matter of fact language:

*"I was stopped on the way to the shop. I was told there was a local disturbance I was questioned but I was not searched."*

*"Walking to college and asked if I know anything. I said no, they asked me more questions and then I went to college."*

### **Negative experiences**

- 7.7 The overwhelming majority of stop and search encounters (71%) provided the respondents with unsatisfactory experiences, which varied from mild irritation to accusations of physical assault, and for the purpose of this section of the report, these are described as either negative or intimidating experiences. The negative experiences (excluding the more serious allegation below) accounted for 28% of responses, whereas 43% fall within the description of "Intimidating experiences".

- 7.8 Although not the largest within this category, the feeling that stereotyping or “being Black” was the reason for being stopped, accounted for 7% of responses, and undoubtedly a degree of resentment will build up:

*“I was driving down Mare Street and a police car pulled us over. They searched us and [the] car. Although they said it was random, I think they only stopped us because we were Turkish and Black.”*

*“Because I am Muslim and I looked suspicious”*

*“It was a colour thing because I had a baseball cap on.”*

*“It started on the driving issue, but then they got onto drugs and other things. Do White people get stopped like that?”*

*“I am accustomed to it. I am Black with [dread]locks”*

- 7.9 Other experiences described within this category are feelings of embarrassment (8%):

*“I had just got off the 253 bus in Hackney Mare Street and within three minutes or so I saw two officers looking at me. I had just finished a roll up and they must have thought that it was something else and they told me that there had been a break-in in the area and that I fitted the profile, they searched me on the pavement while people were walking past. I felt so embarrassed. After they found nothing they said I could go.”*

*“I felt bad and embarrassed in front of everyone, and it has damaged my reputation. Could get depressed by it, arrested for no reason - I had a shirt I tried to sell, and was suspected of theft.”*

- 7.10 Encounters that were considered by the respondent as a waste of time for the respondent and the police accounted for 8% of responses:

*“My experience of it is just a waste of my time and they should put more effort into dealing with the real criminals.”*

*“The experience was annoying and a waste of time. I was standing with a crowd of people and the police stopped and searched me.”*

- 7.11 Although the responses here indicate varying degrees of resentment, over a quarter of encounters are viewed as a waste of time, of both the public and the police, who it is believed could better spend their resources catching criminals.

### ***Intimidating experiences***

- 7.12 The worst experiences have resulted from encounters with the police where the respondent felt humiliated, angry and intimidated. On some occasions, respondents have accused the police of assault. It is these encounters and experiences that threaten to undermine the potential success of Recommendation 61. Over 43% of the experiences of stop and search resulted in the respondent feeling that the police demonstrated unnecessary and unprovoked hostility or rudeness.

7.13 The most common feeling was one of humiliation (16% of respondents).

*“the experience was humiliating as public thought I had done something wrong. I used to drive an old beetle car and had no problems with the police. I now have a BMW and get stopped on a regular basis. Some of the police are rude and abrupt, some of them are friendly but there are no in-betweens”*

*“Foul language, forceful.”*

*“Traumatised. I don't like police.”*

7.14 Feelings of being intimidated were often accompanied by accusations of police assault, although it is not clear whether the feelings of intimidation preceded or followed the alleged assault. Suffice to say, given that respondents often feel disempowered when stopped or stopped and searched, it will be of concern to police managers that accusations of police assault are being made. There was no suggestion that official complaints were made against individual officers; however, the question was not asked in the questionnaire, and respondents did not volunteer this information.

*“I was forced into a corner by two officers, one behind me and one in front of me. I was uncomfortable and tried to move out of the corner but they were violent resulting in me dropping to the floor.”*

*“I was stopped and dragged out of the car and then they were rough on me.”*

*“Grabbed me against the wall.”*

7.15 In the context of being stopped and searched, feeling angry may be a natural reaction. At best, being searched is intrusive and is often seen as an invasion of privacy. In the worst case scenario, an adverse reaction can lead to an escalation of the encounter:

*“Nearly got into a fight with one. He's putting his hand on me and pushing me. If I touch him I get done for assault.”*

7.16 The perception that power is being abused can also evoke anger, especially given that the stop and search encounter is one of the powerful and the powerless:

*“I was pissed off that some little man can tell me to stop what I'm doing, ask me where I'm going, ask me my name, age, address, when it's none of his business.”*

7.17 Heavy-handedness of the police also evoked feelings of anger, as expressed by one respondent, who stated:

*“I was stopped and searched by three car loads of police. I was angry and scared. The police officer who searched me was friendly”*

Although the officer conducting the search was friendly, the use of three police cars to stop one person has ensured that this encounter is remembered by the respondent as negative.



## Reasons given for stops

7.18 Existing research has shown that being given a reason for a stop is important to the public<sup>19</sup>. When asked whether they had been told or had found out the reasons for the stop or stop and search, a large proportion, over 86% of the survey respondents, had been given a reason. However, on further examination, most respondents, 57%, thought that the reason given for the stop was false.

7.19 Being given an unconvincing reason for a stop was potentially as frustrating as being given no reason at all. For some respondents, it was tantamount to an insult to the intelligence of the person being stopped.

7.20 The responses given fall into five main categories of reasons commonly given by police in Hackney for a stop or stop and search. They are:

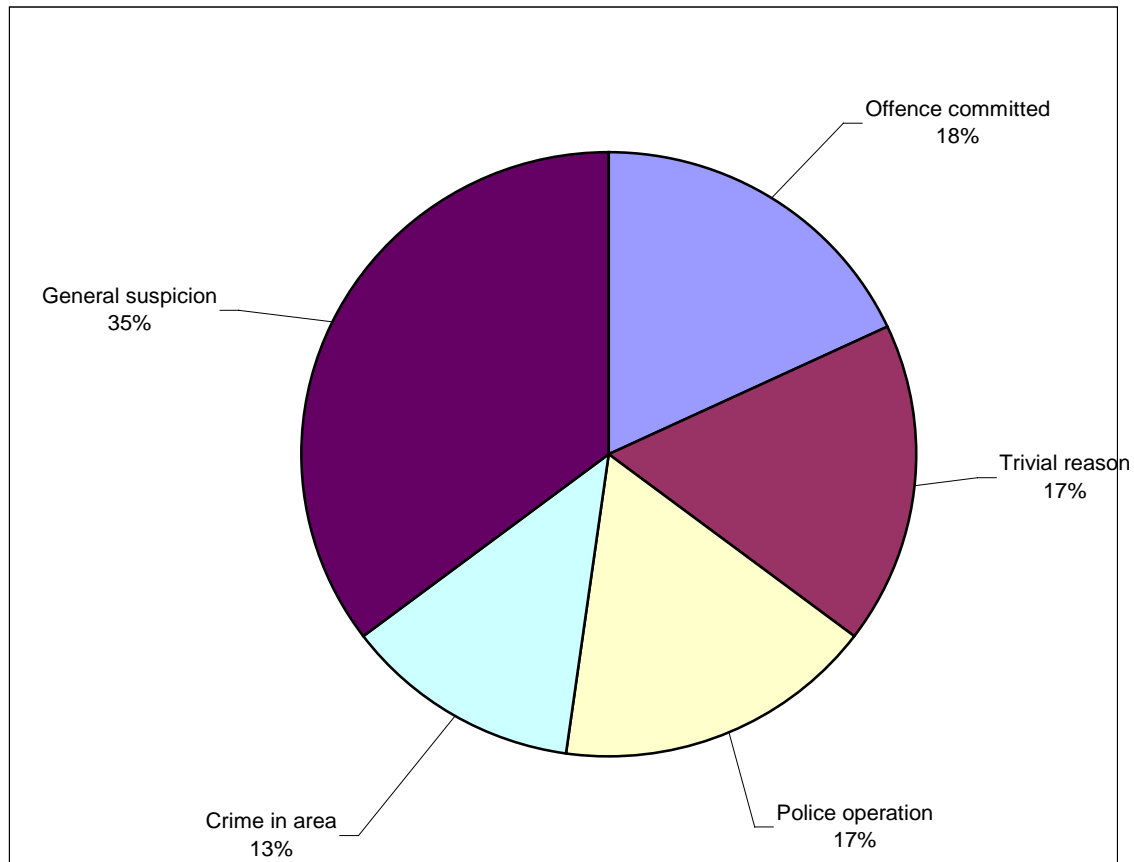
- General suspicion
- Minor offence committed (e.g. motoring offence)
- Indeterminate reason
- Routine police operation
- Crime in area

7.21 Some of these categories, such as minor offence and police operation, dovetail with the existing prescribed set of reasons available to police officers on the beat. Others, such as “looking suspicious” are more likely to arouse the suspicion of the public that the police are being disingenuous, and are therefore more likely to undermine public confidence.

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<sup>19</sup> MORI, The views of the public on the phased implementation of recording police stops: In response to Recommendation 61 of the Stephen Lawrence Inquiry, Home Office Development and Practice Report, 2004.

**Figure 4: Reasons given for stops and searches**



### **General Suspicion**

7.22 General suspicion accounted for 35% of reasons given. Within this category, the most common reason given by police for a stop is that the respondent “fitted the description”, although respondents did not elaborate on whether a full description of the person whom they fitted was offered to them. “Fitting the description” accounted for 15% of all reasons given by police. None of the respondents believed this to be a genuine reason, and encounters between the police and the respondents were particularly unsatisfactory:

*“it’s awful, it’s horrible. I feel the reason they stopped me was [because] I am Black.”*

7.23 The next most commonly given reason for a stop, again within the category of general suspicion, is “Looking suspicious”, which accounts for 14% of the reasons given for a stop. Again, respondents did not elaborate on whether the police gave a full explanation of what constituted “looking suspicious”. All but one of the respondents were unconvinced of the legitimacy of the reason given.

*“The police saw me with my girlfriend outside McDonalds. They said I was looking suspicious. They were in their van, looking for trouble.”*

- 7.24 The third reason within this category is being “suspected” of committing a crime, and is closely aligned to one of the pre-defined reasons on the record form, viz., “investigate suspected crime”. Although this accounts for just over 6% of the reasons given for a stop, it provoked one particularly unpleasant encounter between the respondent and the police:

*“They grabbed me and told me I should shut up and do what they say, they took the piss.”*

- 7.25 Such vague reasons tended to provide a strain on the public’s confidence in the police.

### ***Minor offence committed***

- 7.26 According to respondents, in nearly a fifth of stops and stops and searches (18%), they had committed a minor offence. The most common of these is the traffic offence (just over 10% of all reasons given), often involving a faulty rear light. In these cases, the respondents thought that a stop and search was justified in these circumstances.
- 7.27 Other offences included possession of drugs (3%), alcohol, noise or nuisance offences.

### ***Indeterminate reason***

- 7.28 17% of the reasons given for a stop or search did not appear to be serious to the respondent, and can best be described as vague, trivial or indeterminate.
- 7.29 One respondent was told he was stopped “for being in a hurry”; an Asian male was asked whether he had identification, and was subsequently arrested, although the details of the reasons for arrest were not elaborated upon; another respondent was told “Cars like yours get stolen”.

### ***Routine Police Operations***

- 7.30 One of the pre-defined reasons given on the record form is “Part of a pre-planned operation”. Within this category, the reasons given by police include “routine” and “random search”. This category accounts for 17% of reasons given for a stop or search, and elicited fewer negative responses, not because these stops were seen as routine, but rather because of an air of resignation on the part of the respondents. Such is the depth of feelings of disempowerment, that a “routine” stop has become a normal part of life for some.

### ***Crime in the area***

- 7.31 There were two reasons given within this category, which accounted for 13% of reasons given for a stop or search: robberies in the area; and burglaries in the area. Public reaction to this reason was muted, as there was a general feeling that this was a credible reason for a stop.
- 7.32 What is significant is that some of the prescribed reasons available to police officers on the beat were absent, such as “Check on welfare” or “check if wanted on warrant/bail conditions”.

## Summary

7.33 The main findings about the experience of being stopped and searched during the pilot implementation were:

- 16% of survey respondents had a satisfactory experience of being stopped. They tended to refer to being stopped for a good reason (for example a minor traffic offence) and the politeness of the officers.
- 13% of respondents appeared unmoved by being stopped or searched.
- 71% had unsatisfactory experiences of being stopped, comprising 28% negative and 43% intimidating experiences.
- 7% of those stopped felt that stereotyping or 'being Black' was the reason for being stopped.
- 43% of respondents in the survey described intimidating experiences of being stopped, using language including 'rude', 'abrupt', 'traumatised', 'foul language' and 'forceful'.
- Several respondents described excessive force ('grabbed', 'rough', 'pushing', 'dragged', 'violent') and some alleged assault by officers during the stop or search.
- 14% of respondents were given no reason for being stopped. Although 86% of respondents reported being given a reason for being stopped, 57% believed that the reason was false.
- Of the reasons given for being stopped, general suspicion was the most common, accounting for 35% of reasons and including 'fitted the description', 'looking suspicious' and 'suspected'.

## Chapter 8 - Potential to improve police practice

- 8.1 Although awareness of Recommendation 61 was limited, when the principle of Recommendation 61 was explained by the street interviewers, respondents overwhelmingly supported the idea.
- 8.2 Over half the street survey respondents (56%) believed that Recommendation 61 could improve the stop and search experience. Just under one fifth (19%) stated it would not make a difference. There was a degree of pessimism among a sizeable proportion of the respondents - 14% felt that Recommendation 61 would worsen stop and search encounters.
- 8.3 Of the remainder, 8% did not know whether it would make any difference, and 3% did not respond.

### Positive Difference

- 8.4 The majority of respondents (56%) believed that Recommendation 61 would make a positive difference to stop and search encounters and by so doing, improve trust and confidence. Proof of the stop, rights explained, and the implication of greater police accountability were the main reasons for this optimism.

**Table 5 – Positive difference that Recommendation 61 will make to police practice**

Response	% of All responses
Provide a Record	15%
Rights explained	12%
Accountability	9%
Make police think	7%
Reasons for the stop or search explained	4%

- 8.5 There were a range of reasons given by respondents (see Table 5) who believed that Recommendation 61 would make a positive difference to police practice.

*“Now if I am stopped I can get a record and this may stop the police from searching just because someone looks like they could be doing something wrong.”*

*“It is one extra barrier to harassment as a police officer will have to give their badge number.”*

*“This way police cannot stop people for no reason.”*

*“They have to have a reason to stop people”*

*“Because there will be a record of everything they do therefore making it less likely for them to stop you for no reason.”*

- 8.6 “It’s proof” was a common phrase used by respondents who cited the provision of a record as a positive. However, one comment seemed to acknowledge the concerns of increased bureaucracy voiced by the police staff associations when implementation was first announced.

*“[it is an improvement] because the fact is they’re being recorded. On the other hand they could be resentful at the fact that they have to produce document 61. It depends on the individual officer’s attitude.”*

- 8.7 Knowing your rights accounted for 14% of all responses.

*“Because I think people will be more aware of what rights they have, so the police can’t abuse them”*

### **No Difference**

- 8.8 A certain level of community disaffection with the police was demonstrated by the 19% of respondents who stated that there would be no difference to stop and search.

*“It doesn’t change a thing because I’ve never heard of [Recommendation 61], the police have never told me my rights other than when I’m under arrest. I didn’t even know a form existed. Police have never told me my rights”*

*“No, because they [the police] are the law, they can choose to change or alter to their cause. I have no trust or faith in them.*

- 8.9 Some respondents described the futility of pinning hopes for change on an inanimate record form in the face of an unchanged police attitude.

*“I think the police are going to still have the same mentality.”*

*“No, it’s just a receipt.”*

*“If someone is going to be stopped, I don’t think a report will make any difference if a record has to be given or not.”*

*“Don’t think it does anything. It is still harassment. The stop and search just gives them more power to do what they want to do”*

### **Worse**

- 8.10 Fourteen per cent of respondents thought that stop and search would get worse. The main reason for such pessimism was that having to wait for a copy of the record would simply add to the inconvenience of being stopped.

*“Makes it worse because it takes more time”*



## Summary

8.11 Over half of survey respondents believed that Recommendation 61 could improve the practice of stop and search. Reasons for this included greater accountability and having your rights explained. However, a degree of pessimism was expressed by the 19% of respondents who felt that Recommendation 61 would make no difference and the 14 % who felt it would make stop and search worse.

## Chapter 9 - Effect on public trust and confidence

9.1 There are three primary threats to public confidence:<sup>20</sup>

- the continuing or accelerating disproportionate rate of stops and searches of those from minority ethnic backgrounds;
- poor management of encounters by police officers;
- inadequate explanations by officers to those stopped or searched.

9.2 By giving credible reasons for stops and providing a record to the person stopped, the requirements of Recommendation 61 can help to ameliorate the threats to public confidence in the police.

9.3 Just over 12% of survey respondents think that public confidence has improved since the implementation of Recommendation 61, whereas 55% of respondents believe that public trust and confidence had remained the same.

9.4 Over a quarter of survey respondents (29%) perceived that the public's confidence in the police in Hackney had deteriorated since the implementation of Recommendation 61. Whether this is linked to Recommendation 61 is unclear for a number of reasons:

- There may have been a perceived reduction in police performance in the area of witness or victim satisfaction, especially given that a number of respondents in a previous question stated that the police should spend more time catching criminals and improving response time;
- Perception may be influenced by personal experience of the police generally;
- For many of the participants, it may have been the first time they have been asked for their views, therefore the responses given may be more reflective of the general feelings of confidence in the police (or lack thereof) rather than their views specifically on Recommendation 61.

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<sup>20</sup> As outlined in Bland, Miller, and Quinton, *Upping the PACE? An evaluation of the recommendations of the Stephen Lawrence Inquiry in stops and searches*, Home Office, 2000.



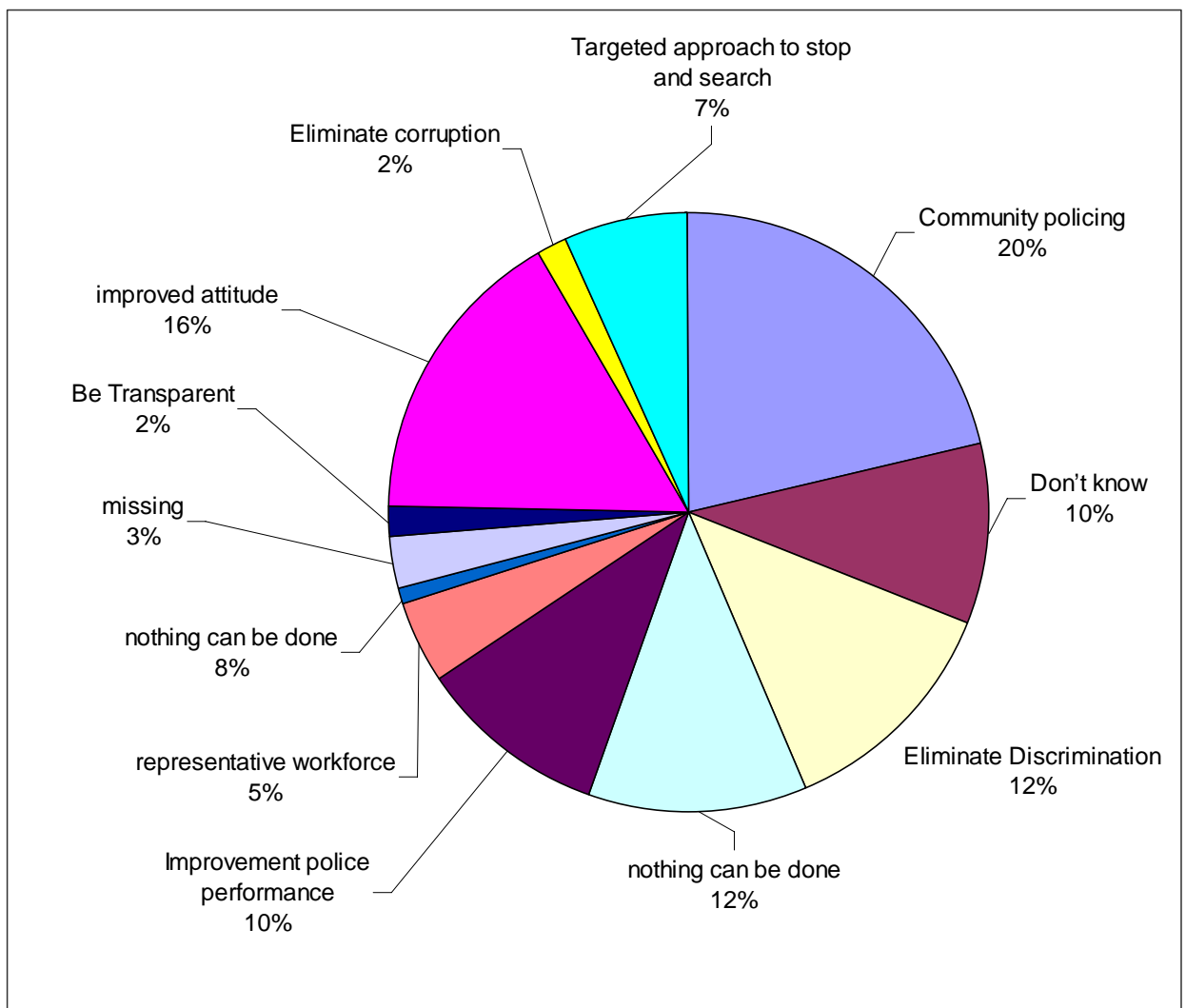
**Table 6 - Public confidence in Hackney Police during implementation**

<b>Response</b>	<b>%</b>
Yes, it's improved a lot	1%
Yes, it's improved a bit	11%
Stayed the same	55%
No, it's a bit worse	15%
No, it's a lot worse	14%
Missing	4%

## Chapter 10 - How to improve public confidence

10.1 Given that one of the primary aims of the implementation of Recommendation 61 is to improve confidence in the police, particularly among Black communities, it was noticeable that none of the responses to this question referred to the production of a record as an aid to this aim. Instead, police performance, behaviour and a demonstrable understanding of the community were seen as the most likely avenues to improving public confidence in the police.

Figure 5: How to improve public trust and confidence in the police in Hackney



## Community policing

- 10.2 One fifth of all responses (21%) suggested that the police should become more involved in the community. The general view was that by so doing, the police would get a better understanding of the people they are meant to serve. A conversational rather than adversarial approach to a stop was thought to increase the likelihood of the public being more open and honest in their responses to police questions. This is important as Home Office research conducted by MORI shows that details given at stops by the public are often inaccurate<sup>21</sup>.
- 10.3 One of the challenges faced by an unrepresentative police force, especially in urban areas like Hackney, is that police officers rarely come into contact with Black communities in a social setting. Consequently, the experiences of police will be limited to street encounters, and so the police will only encounter Black people as suspects, witnesses or victims.
- 10.4 It is this understanding of the social dynamic between the police and the community that informs the responses within this category:
- 10.5 Police should work in the community

*“The police need to do more work in the community. The police need to be pro-active.”*

*“Be more entrenched with the community.”*

*“...working more with the community, real work not being pretentious”*

*“Work closer to the community - make friends with the community.”*

- 10.6 Police should listen to the community

*“By talking to us instead of assuming we are guilty”*

*“Talk to the community.”*

- 10.7 More Patrols

*“More patrols as promised. Stop telling people they look like burglars when they can't even describe what a burglar looks like.”*

*“Need more police on the streets; treat everyone fairly and don't just target black people.”*

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<sup>21</sup> MORI, The views of the public on the phased implementation of recording police stops: In response to Recommendation 61 of the Stephen Lawrence Inquiry, Home Office Development and Practice Report, 2004.

*“Be on the beat more. The people in the community know who the criminals are.”*

## **Professional behaviour**

10.8 The improvement of the quality of encounters was seen as a reliable way of improving public trust and confidence in the police, and accounted for 16% of responses. The main recurring words were “polite”, “honest” and “respectful”.

*“Be more polite when they approach us.”*

*“They should be more polite.”*

*“Police honesty. Treat the public as they would want to be treated.”*

*“They should be more up front instead of acting like they have something to hide.”*

*“Less of the attitude, treat people in a more respectful way.”*

*“Give and take: give respect to gain respect and that will give the confidence to both sides”*

10.9 A professional approach to encounters goes to the heart of whether members of the public will accept the form. If the police are perceived to be professional in approach, the public is more likely to accept a copy of the record. They will perceive the giving of the form as a public service and not as an inconvenience.

## **Eliminating racism in the force**

10.10 For 12% of respondents eliminating racism within Hackney police was seen as essential for improving public trust and confidence in the police.

*“Stop racism. They need to be seen to be fair; Police need to make sure that they tackle internal racism on the training programmes further up the ladder”*

*“When the police burst into my cousin's house I realised that is why we hate the police so much. ‘Racist’ don't begin to explain the amount of pain they have caused in the community.”*

*“The image of stopping Muslim-looking public has made the police's image appear much more anti-Black. I cannot see how the police's image will change to me without new policies to stop the police doing what they want to do.”*

*“Stop being prejudiced and stop discriminating against Black people.”*

10.11 Other comments made include the issue of managing racist behaviour, identifying racist tendencies at the training stage, the better promotion of good race relations, and better support of diversity in the force. The general belief was that eliminating

racism would convince the public that stop and search is actually for the public good, rather than a method for victimising the Black community.

### **Representative police force in Hackney**

10.12 Increasing Black representation in the force was mentioned by 5% of respondents as a way to increase trust and confidence in the police. Recruiting more Black officers would mean there were role models for young Black men and women, and that the force was seen as less removed from the communities it serves.

10.13 These respondents believed it was important that the community were able to relate to police officers on the streets.

*“Employ more officers from ethnic backgrounds who can relate more to the multicultural community. Be less intimidating and more helpful.”*

*“Recruit more Blacks and Asians. Give the same respect as with Whites.”*

### **Improve police performance**

10.14 Exactly one tenth of responses stated that an improvement in the performance of the police in catching criminals and responding to victims’ calls would improve public confidence.

10.15 There seemed to be some frustration expressed in the comments of respondents, and a suggestion that the police were under performing.

*“Get results to unsolved crimes. Send the right people to jail and not just innocent ones just so they can say that the crime has been solved.”*

*“Actually respond appropriately when people report crime. We recently reported our car broken into. Later saw same guy breaking into another car. Reported to police. Within one hour of reporting saw thief walking suspiciously up and down street about five times. Told police exactly where he was but they did nothing even though we witnessed him committing crime.”*

10.16 One respondent made the explicit link between the death of Stephen Lawrence and the public’s lack of confidence in the police generally.

*“Catch the killers of Stephen Lawrence. Could a Black gang kill a White and get away with it? I don't think so.”*

10.17 Improving response times, acquiring and acting upon good intelligence, and solving crimes, as an alternative to stop and search, was seen as a good way to improve confidence in the police.

## Trust and confidence cannot be improved

10.18 Public satisfaction has been undermined for many years, and may take as many years to rebuild. Stop and search disproportionality, deaths in custody, increased fear of crime and decreased victim satisfaction have all taken their toll. Despite these facts, only 8% of respondents thought that nothing could be done to improve confidence in the police.

*“I feel they may never get the trust from the community”*

*“There are people shooting each other year in year out. Hackney police don't care. So why should we care about them?”*

*“The police will never gain the trust of the community. This generation has always seen police as the enemy.”*

## Summary

10.19 The main suggestions for how to improve public trust and confidence in police are outlined below:

- One fifth felt that community policing would improve public trust and confidence in the police, including by working closer within the local community, listening to the community, and more patrols on the beat;
- 16% responded that more professional behaviour from officers, including politeness and respect, would improve trust and confidence,;
- 5% thought that increasing Black representation in the force would help;
- It was encouraging that only 8% of respondents said that trust and confidence could not be improved, as public dissatisfaction and mistrust of the police has been entrenched for so long.

## Chapter 11 - Police views and experience during implementation

### Recording stops

- 11.1 All of the police officers interviewed said that a record of stops is made in 100% of cases. It is estimated that a 'stop & account' will take up to 10 minutes and a full 'stop & search' may take up to 20 minutes. If the record is not completed at the 'scene' for any reason, it is completed back at the station.
- 11.2 The reaction to police officers attempts to record the stop and give the person a record of the stop has varied. One Police Sergeant felt that the people that saw being stopped as an affront appreciated receiving a copy of the record. In some instances it is felt that this may be because the person stopped feels empowered by having evidence of the stop. Others viewed it as an indication that the Police were being open and honest. Another Police Sergeant suspected that some of those that protested heavily are sometimes trying to distract the officer when they have got something on them.
- 11.3 The number of people that accept a copy of the record of the stop is much lower than was initially the case. This was attributed to the novelty wearing off, although some officers perceived that some young people are collecting records of their stops as a "badge of honour".
- 11.4 The percentage of people stopped that accept a copy of the record is around 20%. Not many people want to wait to be given a record but they are informed of their right to get a copy within 12 months. Some people who are stopped do not like the Police and do not want to be seen talking to them.
- 11.5 If there is a public disorder situation, then it is not practical for officers to record the stop at the 'scene'. In these circumstances, the officer can make a record using the 'suspected' person's description.
- 11.6 In some circumstances it may not be possible to give a person stopped a copy of the record. This could be because a crowd is gathering and it is no longer safe to remain. The most common reason for not giving someone a copy of the record is if the officer receives an urgent assistance call.

### Self defined ethnicity

- 11.7 The one area of the stop record that has been consistently criticised by the police is the introduction of self-defined ethnicity. The reasons given have been that:
- Some people stopped feel they are being asked an obvious question;
  - Some use it to make fun of the officer by giving an ethnic group that seems far removed from their appearance;
  - Some are cynical and feel the police are just trying to prove they are not racist;

- It forces the police officer to bring ethnicity into a situation where it was not an issue;
- There is a high level of illiteracy in the Borough and when some people that are stopped are shown the list to self-define it raises tensions.

11.8 In the absence of self-defined ethnicity or where a person stopped has selected an ethnic group contrary to the police officer's perception of their appearance (i.e. a white person saying they are black) the police officer continues to record the six IC categories of ethnic group. These are:

**Table 7 - Identity Code (IC) - officer's perceived code**

Code	Ethnicity
1	White – North European
2	White – South European
3	Black
4	Asian
5	Chinese, Japanese, or other South East Asian
6	Arabic or North African
0	Not recorded/ unknown

11.9 A number of people stopped have indicated that they would define themselves as Black British, Jewish or Turkish but these classifications are not included on the form. This creates resentment when the person only has the option of choosing 'Other'.

11.10 One Police Constable interviewed suggested the form should be amended to allow each area to add a limited number of specific ethnic groups that are concentrated in that area.

11.11 Several of the police officers interviewed indicated it might be better to return to recording the IC Codes due to the problems they encounter when asking people to self-define their ethnic group.

## Data analysis

11.12 From the perspective of senior officers it would appear that staff are engaged with Recommendation 61 as the number of police stops are steady. This may suggest that police officers are recording in line with the Home Secretary's intention. Closer monitoring of the records should identify those police officers that are recording every casual interaction.

11.13 Hackney has moved away from recording the number of stop and accounts and stop and searches carried out by police officers as a performance indicator. Hackney is moving towards basing performance on quality i.e., the proper completion of records, evidence that stops are intelligence led and targeting the right people in the right areas. Of value to managers is the analysis of the records to see if there is



disproportionality. The statistics are published for managers so that they know what police officers are doing. Hackney has started to look at individual police officers, for example, those that are doing a lot of stop & account and stop & searches. This information is passed to line managers to have discussions with the police officer to see if the officer is displaying stereotypical behaviour.

11.14 The IT system is not compatible with the intelligence system. Because of this, information has to be double-keyed. There is a real need for a more integrated use of information technology that unites the database systems. Hackney did not anticipate the effort it would require to get police stops on the database. Hackney received £30,000 to employ a data inputter but in practice five people are doing this task. This is an area that requires additional resources.

11.15 It was generally felt that the data collection is not sophisticated enough but that Hackney is moving in the right direction.

### **Officers' stop practices**

11.16 The MPS has a disproportionately young workforce and this has an impact on stop practices. In Hackney, up to 60% of police officers are probationers. Much of the workforce comes from outside London and not all probationers understand the different cultures in Hackney. In the past a probationer would be able to go out with a more experienced officer to 'learn the job' but the staffing ratio means this is no longer possible. An advantage to having so many probationers is that they have been trained under Recommendation 61 so readily accept it as a practice.

11.17 Officers that are 'older in service' did more foot patrols and are more comfortable with having informal chats with the public. Officers 'older in service' are however more likely to be cynical about change initially but have complied with Recommendation 61 and are now used to it. Junior officers have been asking whether it is appropriate to stop and have a chat with someone without it being classified as a 'stop and account'. The language used may not be helping as 'stop and account' is more commonly called 'stop and speak' and this term could be applied to every interaction with the public that a police officer makes. It may be helpful to ensure the term 'stop and account' is used in training and in day to day language to describe this practice.

11.18 One Police Sergeant interviewed has observed that a high percentage of probationers are reticent to use their powers. This has been attributed to police officers feeling that they have to "cover their back". This has an impact on community interaction as some police officers have low levels of trust and confidence in the public.

11.19 When the initial training programme was delivered the stop record had not yet been produced. When they were introduced officers did not know how to complete them. This may have had an impact on the number of stops carried out initially and the forms may not have been completed very well.

- 11.20 In the early days of implementation one of the police officers interviewed admitted that they did fewer stops because they were not sure about the process. For another, the implementation of Recommendation 61 has led to only carrying out a stop and search when the officer observes something specific like a crack pipe. Another felt that Recommendation 61 has led to more professional stops which was considered a positive thing.
- 11.21 There is consensus amongst the police officers interviewed that staff have generally 'bought into' Recommendation 61 and feel it allows them to gain public trust, be accountable and have some protection. Some of the officers interviewed felt they are more inclined to record now than they were before.
- 11.22 A Police Sergeant interviewed felt that a positive benefit of Recommendation 61 is that it makes police officers aware that they can move away from a culture of 'searching' and this reduces confrontation. Recording helps to build intelligence as an officer may have recorded the details of someone and the description may be linked to another incident that the officer was not aware of.
- 11.23 The perception of senior officers is that people accept police stops if they are done with dignity and respect. Politeness makes for a better encounter and the MPS need to ensure that police officers are trained to deal well with the public.

### **Perceived Public awareness of Recommendation 61**

- 11.24 The police officers interviewed suggested that it is difficult to assess public awareness of Recommendation 61 as Hackney is such a large area. The perception of some officers is that people who are stopped regularly will be aware of it, some will have an idea about it without knowing the details and others will know very little if anything at all.
- 11.25 The level of public awareness may vary depending upon how the public is defined. There is a difference in the awareness of the community as a whole and the people that work in organisations. Some people may be more aware of it politically.
- 11.26 One Police Sergeant interviewed felt that the Stephen Lawrence Inquiry is generally known but not the detailed recommendations.
- 11.27 A Police Constable interviewed felt that Recommendation 61 is received well but viewed as just another part of the system. Another Police Constable interviewed felt that the media coverage emphasises the negatives such as the number of young Black males that are stopped. This reinforces a negative perception of the reasons for Recommendation 61.
- 11.28 From the feedback, most of the police officers interviewed felt that the public is generally supportive of what they are trying to do or are indifferent. In the long term it is hoped that people may notice the change in the style of police stops.

## Public Trust and Confidence

- 11.29 From the interviews conducted with police officers there is insufficient evidence to assess whether the introduction of Recommendation 61 has led to an increase in public trust and confidence. Some of the police officers interviewed would like to think public trust and confidence has improved but it is difficult to measure. Others felt that there has been no change since the introduction of Recommendation 61.
- 11.30 One senior officer views the Monitoring Group as a barometer to measure trust and confidence. As there has been little criticism this is read as an increase in public confidence. The number of complaints received is another measure and the numbers have been very small.
- 11.31 One Police Sergeant interviewed felt it is difficult to tackle the perception that the public has of the Police. An example was given of a young man who was shot in the summer of 2003. The Police responded but the ambulance took a long time. The Police were accused of holding up the ambulance. The Police Sergeant felt that there is no way that you can combat an accusation like that.
- 11.32 Specific incidents have a direct impact on public trust and confidence. In one area, where there was a drive to tackle Anti-Social Behaviour, the use of police stops increased and this did raise tensions.
- 11.33 A Police Constable interviewed felt that the label of institutional racism sticks. Not everything in the MPS is good but things have got better. The Police Constable felt that the public perception of the Police will take years to change but the MPS should keep going.
- 11.34 One Police Sergeant interviewed suggested that the Police are not good at promoting themselves and would benefit from their own “high profile spin-doctors”. The Safer Neighbourhood initiative has worked really well as people have ownership over small geographical areas. Local ownership does bring down some barriers. Safer Neighbourhoods is MPS-wide in theory but limited resources means it is targeted at a few priority areas. Projects like this, if replicated, can go some way to restoring public confidence.

## Key cases

One Black Caribbean man, aged 26-35 described the reasons for his mistrust and lack of confidence in the police. He had been stopped four times in Hackney since the beginning of the Recommendation 61 implementation, including being searched twice. He had not been given a record on any of these occasions. He had not heard of the requirement to record stops and he did not feel he was made aware of his rights when stopped. He described one incident when police officers entered a party at his cousin's house and how it had affected his view of the police:

*"My cousin had a house party. He made all the neighbours aware of what would happen on the date. He also made a note to the neighbours that if anyone was concerned or had a complaint please inform us. The music was not loud and police said they need to check premises. They disturbed everyone, cleared the house, and checked premises. They had no permission at all. There was no warrant, no nothing. They charged in there, first complaining about noise then drugs on premises."*

When asked whether recording stops and giving a record to the person stopped would make a difference to stop and search, he commented: *"The police get away with murder. I would love to be able to make a complaint."*

*"When the police burst into my cousin's house I realised that is why we hate the police so much. Racist don't begin to explain the amount of pain they have caused in the community."*

An 18-25-year-old Black African man described a stop and search incident in which he alleged violence by officers. He had been stopped three times in Hackney during the period of Recommendation 61 implementation, and had not been given a record on any of these occasions. When asked why he did not receive a record, he said

*"They said I didn't need evidence of what happened, it is a random thing."*

He described one incident as a 'random search':

*"I was forced into a corner by two officers, one behind me and one in front of me. I was uncomfortable and try to move out of the corner but they were violent resulting in me dropping to the floor."*

He believed that Recommendation 61 would improve stop and search because he felt less violence would take place. When asked about improving public trust and confidence in the police, however, he was pessimistic:

*"I don't know, no matter what you do people will still find it hard to trust the police as there are a lot of corrupt, racist officers about."*

A Black Caribbean man, aged 18-25, described being stopped (and not searched) four times during the implementation period without being given a record.

*“On each occasion they said it was a routine stop so no need to give me any record.”*

He described one incident:

*“The police were checking and stopping cars on the Dalston High Road/Street. They stopped myself and another man driving a BMW. We so happened to be Black.”*

He did not think that Recommendation 61 would make a difference to stop and search, commenting that *“I think the police are going to still have the same mentality.”*

He cautioned that improving community trust and confidence in the police would take a long time:

*“There are no short term solutions. I think the police need to understand why they are hated so much. They need to learn how to be fair and understand why the Black community don't trust them.”*

A Bangladeshi boy of 10-14 years old described his experience of being stopped and searched. He had been searched once during the implementation and had received a record. He believed he had been stopped

*“...because I am Muslim and I looked suspicious. I was very nervous and felt harassed, people were looking at me.”*

He felt that giving records to people when they are stopped would improve stop and search because *“they can't stop you for unnecessary reasons”*. He thought that increasing the representation of Black and minority ethnic officers would improve public trust and confidence in the community.

## Chapter 12 - Conclusions and Recommendations

12.1 This community evaluation of Recommendation 61 has assessed the progress of the implementation in Hackney and explored the potential of Recommendation 61 to improve police practice of stop and search and to improve public trust and confidence in the police. Because it is the first report of its kind in Hackney, the change in stop and search and public trust and confidence cannot fully be measured as there was no baseline data. However, this study indicates levels of recording, awareness and trust and confidence that can be used as benchmarks for further evaluation of Recommendation 61 in the coming years. This concluding chapter summarises the main findings of the evaluation and then makes recommendations in the following areas:

1. Maximising the number of records given out during stop and search encounters;
2. Increasing public awareness of Recommendation 61;
3. Using Recommendation 61 to improve police stop and search practices;
4. Tackling stop and search that appears to be motivated by Islamophobia;
5. Improving public trust and confidence in the police;
6. Monitoring and evaluating Recommendation 61.

12.2 This study revealed the need for a new framework for ensuring good quality stops and searches, in the spirit and letter of Recommendation 61. This new model is called the Four Rs (Rights, Reason, Record, Respect), and provides the community with an easy to remember acronym on stop and search procedure. It is not meant as a replacement for the GOWISE model, but rather it is seen as a complementary model.

### **Recommendation 1 – A new model: The Four Rs**

**To ensure that the spirit and letter of Recommendation 61 of the Stephen Lawrence Report are implemented in full, all stops and searches under any legislation should be carried out according to the Four Rs: Reason, Rights, Record, Respect.**

**These are expanded upon below:**

- |               |   |
|---------------|---|
| <b>Rights</b> | the human rights of the person stopped must be upheld. Additionally, the purpose of the form, the right to complain, and the outcome of the encounter should be given in all cases  |
| <b>Reason</b> | the person stopped is entitled to a credible reason as to why they were stopped, whatever legislation is used to stop them. This may require a greater clarity on the application of the “reasonable grounds for suspicion” test; and a review of the current set of standard reasons available on the stop and search record form, formulated in consultation with community groups. |

**Record** the person stopped should receive a record of the stop, and the importance of the record should be explained to the person stopped. In addition, police managers must show their commitment to this practice by ensuring maximum compliance. The current police estimates of records given in only 20% of stops must be significantly improved. To enable this, the record should be introduced with an explanation that its aim is to improve accountability and stop and search practice, and should be completed throughout the encounter and not at the end. It should be made clear to the person stopped that giving their name address is optional

**Respect:** A code of practice is required to assist police officers to understand what constitutes professional and respectful behaviour during all stops. It should also be made clear that the co-operation of the person stopped should be sought as quickly as possible. Instances where officers are found to be in breach of the code should be investigated and, where necessary, disciplinary action must be taken, and remedial training must be provided.

12.3 This community evaluation has been a particularly useful exercise. Many of the findings in this report are not dissimilar to those in the evaluations commissioned by the Home Office, and comparisons are noted below.

***Levels of recording: Maximising the number of records given out***

12.4 It is essential that Recommendation 61 is understood as meaning that the person stopped receives a record of the stop that includes the reason why they are stopped. This study has revealed worryingly low numbers of records given to people stopped during the implementation in Hackney.

- 57% of respondents had never received a record of the stop or stop and search.
- More than a third of respondents (35%) had received at least one record of a stop or stop and search. Just under a fifth of respondents (19%) had received a record for every stop or stop and search experience, and this included some respondents who had been stopped five times or more during the implementation period.
- Of those who had never received a record for a stop, 100% stated they would have liked a record, once the purpose of recording was explained to them.

12.5 The full implementation of the Recommendation 61 has been inconsistent, because it is reported that in over 50% of stops or stops and searches in Hackney a record was not given, which inevitably distorts the public's perception of its merits and prohibits a reliable conclusion about the success of the implementation. In some cases a member of the public may have refused a copy of the record.

12.6 The MORI study reported similar levels of recording, with 50% of interviewees not recalling the officer completing a form. It seems unlikely that these unrecorded stops

were all due to misunderstanding the definition of a stop or officers being called away to an emergency.

- 12.7 Between the public and the police, the perceived levels of recording differ significantly. The police state that all stops are recorded, while admitting that only around 20% of records are actually accepted by the public. This 20% figure may have some credence, although the reasons for it will be arguable. The public perception is that records are not routinely offered, and given the widespread ignorance of the recording requirement, the findings do not indicate that members of the public are refusing offers of a record.

### **Recommendation 2**

**The number of records given out must be monitored, in addition to other monitoring of records completed. Form 5090 should be amended to include data on whether a copy of the record was given to the person stopped. This data must be analysed and action taken to change the practice of officers who do not routinely and consistently provide a record of a stop to the member of the public.**

### **Recommendation 3**

**Systems must be developed to minimise the possibility of stop and search records going missing. These systems should be independently assessed and periodically audited.**

#### ***Increasing public awareness of Recommendation 61***

- 12.8 This evaluation has found that people's awareness of their rights generally in stop and search is fairly low, although the need for "reasonable grounds" was stated by a number of interviewees.

- 12.9 The survey revealed that 76% of respondents were unaware of their right to receive a record when being stopped, despite their experience of stop and search in Hackney during the implementation of Recommendation 61.

- 12.10 Awareness levels were disappointingly low, particularly given Home Office research<sup>22</sup> that Hackney showed the best awareness of Recommendation 61 across five pilot areas. The results of this study point to a degree of public ignorance, in terms of their rights at stop and search, and police are sometimes complicit in this by their actions and omissions.

- 12.11 The key aim of the MPA's communication strategy is:

*"To inform and explain to people who work, live, visit or travel through Hackney specifically, and then on a London basis, what Recommendation 61 means in relation to stops and how phased implementation will work."*

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<sup>22</sup> MORI, The views of the public on the phased implementation of recording police stops: In response to Recommendation 61 of the Stephen Lawrence Inquiry, Home Office Development and Practice Report, 2004.



This evaluation study did not find evidence that this aim had been met, as awareness of Recommendation was low.

12.12 There was little evidence that the public had an understanding of their rights with the police generally, although awareness of the Stephen Lawrence Inquiry and its main finding was all but total.

12.13 The police view of the public's awareness was ambivalent. The perception here is that some members of the public who are frequently stopped would have a knowledge of Recommendation 61. Additionally, some people would be aware of it because of their area of work. None of the officers cited the publicity campaign as a reason for raised public awareness.

12.14 If awareness is increased, this may result in more complaints. This does not necessarily mean that the police are necessarily doing a worse job; rather, it is more likely to be a consequence of a raised awareness of the right to complain.

#### **Recommendation 4**

**Better information provided to the public can improve trust and confidence in the police. Therefore a continuous and increased publicity campaign is required to increase public awareness and understanding of stop and search.**

**The APA's "Know your rights" web site campaign, for example, should be more widely disseminated by having links to the site from community group websites.**

**In addition, the use of a variety of media, including SMS text messaging, email alerts, television, community radio, leafleting in night-clubs, bars, barbers and hairdressers, Mosques and other religious organisations, youth clubs, colleges, secondary schools, etc., will ensure a wider coverage of information.**

#### **Recommendation 5**

**By ensuring that the complaints process is seen as open, transparent and independent, the receipt of complaints should be seen as an indication of an increased public awareness, and not necessarily as a deterioration of the quality of stop and search encounters. However, all complaints must, of course, be rigorously investigated.**

#### ***Police practice: using Recommendation 61 to improve police practice of stop and search***

##### Public experience of stop and search during the implementation

The main findings about the experience of being stopped and searched during the pilot implementation were:

- 16% of survey respondents had a satisfactory experience of being stopped. They tended to refer to being stopped for a good reason (for example a minor traffic offence) and the politeness of the officers;
- 13% of respondents appeared unmoved by being stopped or searched;

- 71% had unsatisfactory experiences of being stopped, comprising 28% negative and 43% intimidating experiences;
- 7% of those stopped felt that stereotyping or 'being Black' was the reason for being stopped;
- 43% of respondents in the survey described intimidating experiences of being stopped, using language including 'rude', 'abrupt', 'traumatised', 'foul language' and 'forceful';
- Several respondents described excessive force ('grabbed', 'rough', 'pushing', 'dragged', 'violent') and some alleged assault by officers during the stop or search;
- 14% of respondents were given no reason as to why they had been stopped. Although 86% of respondents reported being given a reason for being stopped, 57% believed that this reason was false;
- Of the reasons given for being stopped, general suspicion was the most common, accounting for 35% of reasons and including 'fitted the description', 'looking suspicious' and 'suspected'.

12.15 Being given a credible reason for a stop was more important than the record itself.

Indeed, reasons that were considered as vague or indeterminate only served to aggravate the public's fragile confidence and trust in the police. The findings show a correlation between the giving of a genuine or convincing reason for a stop and good police behaviour and the perception of the quality of the encounter as being good or satisfactory. Conversely, rude, arrogant behaviour, allied with indeterminate or false reasons for the stop creates distrust and erodes confidence.

12.16 There were many instances of good quality encounters, but these were a minority of cases. Generally, the management of encounters is still poor, with instances of rudeness, arrogance, and even physical assault which will further erode trust in the police. Training of police officers has taken place and has perhaps not made the difference anticipated. However, given that a large proportion of probationers hail from outside Hackney, and indeed outside London, there may be cultural awareness issues that need to be tackled in training, although there was no suggestion from public respondents that probationers or younger police officers behaved less professionally than older officers.

12.17 The views of the police and the public were opposed on what the impact of Recommendation 61 on police practice would be. Indeed the views of the police themselves were contradictory as well. One senior officer stated that the number of stops was steady, yet some officers stated that they had reduced their number of stops. Additionally, given that a high number of probationers were reticent to use stop powers, in a borough that has a large proportion of probationers, one might expect the number of stops to decrease.

12.18 The view that recording builds good intelligence is undermined by findings from the MORI report that most records contain inaccurate information. In the face of such

contradictory evidence, an evaluation of the impact this has on data analysis may be required.

12.19 Police officers have stated that Recommendation 61 has caused them to modify their practice, and that it has allowed them to stop without searching. If Recommendation 61 discourages searches, then for the purposes of improving public confidence in the police, it is likely to enjoy a measure of success, because a police search is the type of encounter most likely to provoke an adverse public reaction.

12.20 Overall, there is a good deal of optimism that Recommendation 61 will make a positive difference in the long term, because being given a record was always seen as positive and as a potential modifier of police behaviour.

12.21 To improve the quality of encounters, in addition to the recommendations in the MPA Scrutiny Report, the following steps should be taken:

### Training

#### **Recommendation 6**

**An independent training needs analysis should be conducted to establish the nature and level of training required to ensure the full implementation of Recommendation 61 and to help police improve and sustain the quality of encounters.**

#### **Recommendation 7**

**The results of evaluations and research on Recommendation 61 and other police practice should be built into training programmes.**

#### **Recommendation 8**

**Community organisations should be invited to assist in the design and delivery of training to police officers, and funded to do so. This may include two-way shadowing schemes, mentoring schemes (police mentoring young Black males), etc. The business case for this must be transparent and should demonstrate that a better mutual understanding will help law and order. Police forces are already engaged in working in schools.**

**Delivery of training in the use of stop and search should include an element of role-play with young people who have experience of being stopped or searched. This is mutually beneficial.**

#### ***Tackling Islamophobia in stop and search***

12.22 A number of respondents in this study believed they had been stopped because they are Muslim. Statistics on the number of people stopped do not provide data on the number of Muslims stopped. However, the high and increasing proportion of Asian people stopped under the Terrorism Act and other legislation indicates the discriminatory use of stop and search against Muslims. To address this it is therefore essential that monitoring of stop and search includes recording of the religion of the person stopped.

### **Recommendation 9**

**Faith monitoring should be introduced on Form 5090 when Recommendation 61 is reviewed in spring 2005. It should be optional for the person stopped to declare their religion.**

**Because some people may not want to give information on their religion when being stopped, the question should be optional. However, officers must have a duty to ask the question, giving an explanation of why it is being asked (such as: “Do you want to tell me your religion? We ask this question to improve stop and search and check whether we are discriminating against people because of their religion, you don’t have to answer”).**

### **Recommendation 10**

**Recording and publication of religion should be developed across the criminal justice system as a matter of urgency (including arrests, cautions, prosecutions, sentencing, victims, youth offenders, probation, police complaints, deaths in custody and staff in the criminal justice system).**

#### ***Analysis of data***

12.23 This set of recommendations arises mainly out of the interviews with police officers. The implementation of the following recommendations is required before adequate monitoring and evaluation of police practice of stop and search can take place.

### **Recommendation 11**

**The IT system currently used by Hackney Police must be integrated with the intelligence system. This may require a large, one off investment to ensure a more effective data collection system.**

### **Recommendation 12**

**‘Extraordinary’ levels of stop and search or disproportionality should be identified through monitoring, as has already been started in Hackney. However, remedial action must be taken against officers –an ‘explanation’ given by the officer is in itself, not a sufficient remedy.**

### **Recommendation 13**

**The data from stop and search records must be inputted in a timely manner, and this can only be effected by an analysis of the current volume of data. Additionally, data must be systematically recorded. The employment of an adequate number of data entry personnel, which hitherto has not been the case, is essential to ensure timely and accurate inputting.**

## Recommendation 14

**Police managers should use stop and search more strategically, based on data analysed. The ultimate aim is for a more intelligence led approach, but there must also be clear guidelines describing what constitutes good intelligence.**

### *Improving public trust and confidence in the police*

12.23 There is mutual mistrust between the police and the community, which can only be repaired by the building of bridges between the two sides and the developing of a mutual understanding.

*"...police officers only meet people in conflict situations and so are used to seeing communities as groups of victims and suspects".<sup>23</sup>*

12.24 Just over 12% of survey respondents think that public confidence has improved since the implementation of Recommendation 61, whereas 55% of respondents believe that public trust and confidence had remained the same.

12.25 Over a quarter of survey respondents (29%) perceived that the public's confidence in the police in Hackney had deteriorated since the implementation of Recommendation 61.

12.26 As one police officer interviewed in this study identified, the public's perception and trust in the police will take years to change. This sentiment was echoed by a number of the public respondents. However, it was encouraging that only 8% of respondents said that trust and confidence could not be improved, because public dissatisfaction and mistrust of the police has been entrenched for so long. The giving of a record was seen to increase accountability, more in the hope that an individual officer could be brought to account if it was found that abuses of stop and search (disproportionality, poor behaviour, etc) had taken place, rather than as a measurement of individual performance.

12.27 Respondents in this study offered many suggestions for how community trust and confidence in the police.

- One fifth felt that community policing would improve public trust and confidence in the police, including by working closer within the local community, listening to the community, and more patrols on the beat;
- 16% responded that more professional behaviour from officers would improve trust and confidence, including politeness and respect;
- 5% thought that increasing Black representation in the force would help.

12.28 In addition, the recording of stops, the giving of reasons and the provision of the record to the member of the public stopped was welcomed by the majority of respondents, and indeed the police also viewed these things as a way to improve

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<sup>23</sup> CID officer Jim Miscandlon, part of the Police in Residence Project run by the Metropolitan Police (Guardian, 24 March 2004).

public confidence. This finding was also supported in the MORI study, which reported widespread support for the recording of stops.

12.29 Negative experiences of stop and search have a significant influence on individual trust and confidence in the police, and they outnumber satisfactory experiences by a ratio of 4:1. This ratio would need to be reversed before public confidence can be restored. Given that the last thirty years have seen the gradual erosion of public confidence, it may take another thirty years or more to halt and reverse the trend.

12.30 A police force with a public service ethos was seen by respondents as a primary means of restoring confidence and trust. In the Report of the MPA Scrutiny on MPS Stop and Search Practice (2004), Assistant Commissioner Tim Godwin told the Scrutiny Panel:

*“The hub of the problem is actually when the interaction between the individual officer and the individual being stopped is not handled at all well, and the grounds are not given, etc, etc.”*

12.31 The route to improve public confidence is by the police proving that they do not treat the Black community unfairly. This can only be achieved by improving the quality of stop and search encounters and improving victim and witness satisfaction levels. Given that the Black community is more likely to be a victim of crime, this is especially significant.

#### **Recommendation 15**

**Develop police work in the community and links with the Black voluntary and community sector (shadowing schemes, mentoring schemes, secondments, visiting schools, close ties with community groups and community ambassadors, etc) to develop an understanding and appreciation of the work currently undertaken by the community. This would enable the police to interact with the community in non-conflict situations. By so doing, the police will earn the respect of the community, but also be empowered to reciprocate respect.**

#### **Recommendation 16**

**The Police should develop a more effective system for communicating its successes in the community, which includes the disciplining, suspension and dismissal of officers found to be racist. This will provide a balance to the perceived bad publicity the police force sometimes receives.**

#### **Recommendation 17**

**A diverse workforce will enable a more positive relationship between the community and the police. Therefore an increased representation on the force from the Black community will help to restore confidence and trust in the long term.**

#### ***Monitoring and evaluating the implementation of Recommendation 61***

12.32 The Monitoring Group that oversees the implementation in Hackney set monitoring and evaluation measures for the evaluation criteria of Recommendation 61. The

findings in this study enable a review of these measures. Below, are recommendations on how the success of Recommendation 61 could be best monitored or evaluated in Hackney and nation-wide.

#### **Recommendation 18**

**Community monitoring of stop and search practice should be arranged, whereby selected individuals discreetly monitor and report on the quality of stop and search encounters and whether records are being given out. This should be facilitated by independent community organisations. Police officers should be informed that this is happening. This will provide reliable evidence on the actual level of recording and quality of encounters. Additionally, it should consider the use of a control group, based on the contacts obtained from this study.**

#### **Recommendation 19**

**An annual evaluation of the implementation of Recommendation 61 should be carried out by an independent organisation in conjunction with the IPCC, but with feedback from community groups. These should include surveys and/or interviews or focus groups with people who have been stopped and searched. In Hackney these should use the key findings of this study as benchmark levels of records given out, public awareness and public experience of stop and search.**

- 12.33 There is also need to monitor the monitoring and evaluation, especially the records and action taken as a result of issues that arise.
- 12.34 The findings and conclusions of this community evaluation support most of the evaluation criteria and measures as set by the Monitoring Group (see appendices), subject to the following changes:
- 12.35 1. Under “increasing community trust and confidence in the police”, an evaluation measure should be added on “Level of information disseminated on action taken against officers who misuse stop and search or fail to reduce disproportionality”. This is essential because trust and confidence will only be built on the basis of action taken to address racism within the force;
- 12.36 2. Under “improving officers stop and search practices”, an evaluation measure should be added regarding disciplining of officers who misuse stop and search. There is ample evidence in this and other research of disproportionality and misuse of stop and search. One of the key purposes of Recommendation 61 is to address the disproportionality in stop and search. Therefore the disciplining of officers who do not comply with Recommendation 61 or who continue to stop Black or Muslim people disproportionately is an essential measure of its success;
- 12.37 3. Under “improving collation and analysis of stops data”, the measure on disproportionality must be changed (currently: “the approach that facilitates the best understanding of the reasons for disproportionality”). As the Stephen Lawrence Inquiry pointed out, continually searching for justification and explanation of disproportionality is damaging to community-police relations and counter-productive

in the improvement of stop and search. The collation and analysis of stops data must identify disproportionality, and it must inform and enable action to address it. An alternative measure is “The approach that best identifies disproportionality and facilitates an understanding of how to reduce and prevent it”.

- 12.38 4. The success criteria “maximising the recording of police stops” should be amended to include “and the records given to people who are stopped” to reflect the need for people who are stopped to receive a documented credible reason why they were stopped. The current estimated level of only 20% of people receiving records must be addressed.

### **Conclusion**

- 12.39 Recommendation 61 is not a panacea to public dissatisfaction, produced over many years of disproportionality in the use of stop and search, married to deaths in custody, racism within the ranks, and increasing fear of crime. It is unrealistic to expect any initiative, no matter how welcome or well conceived, to effect substantial change in public confidence in the short period that the implementation has so far run.
- 12.40 However, this study leads to the conclusion that Recommendation 61 has the potential to improve stop and search and in turn public trust and confidence in the police, but only if it is carried out effectively, according to the recommendations in this report.
- 12.41 There were many examples of satisfactory encounters, but one positive experience will do little to erode years of perceived harassment and victimisation. The implementation of Recommendation 61 can be effective, but only in conjunction with other improvements such as:
- Improved and consistent behaviour of police during encounters, which means being polite and courteous, explaining to people their rights, the purpose of the record being offered, and communicating real reasons for the stop. This may help to eliminate the perception that stop and search is used exclusively as a tool to harass Black people (young African and Caribbean males in particular), Asian and Muslim people;
  - Improving witness and victim satisfaction levels by responding appropriately to police calls made, or responding quicker. This will enervate the belief that the police generally fail to achieve their main aim of catching criminals;
  - Police acquiring a better understanding of the community they serve and putting the lessons learned into practice. This will require an effective and professionally designed public relations exercise, and will include visiting community groups and centres, talking to young people in settings conducive to constructive dialogue, performing something akin to community service, perhaps short term secondments, etc.





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## Appendices

### The 1990 Trust

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

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

- The delivery of expert evidence to the MPA Stop and Search scrutiny panel, which resulted in several acknowledgements in the scrutiny panel report.
- Stop and Search study into the views and experiences of Black communities on complaining to the police, commissioned by the MPA, and published in June 2004
- A policy paper 'Fuel on the Fire: Human Rights, Racism and the White Paper on Crime'. Written as a response to the Government's White paper on crime, 'Justice for All', the paper identified the potential adverse impact on Black and Minority Ethnic communities. The Trust also submitted a response to the Home Office's Race Impact Assessment of the Criminal Justice bill.
- Supporting Lambeth Independent Advisory Group, particularly on work to fight Gun Crime and Drugs misuse.
- Partnership with the Black Londoners Forum in conducting research for the Greater London Authority (GLA) across London on Black, Minority Ethnic and Refugee young peoples' views on community safety and crime. This resulted in the report 'Young People: Big Issues'.
- Testimony to Home Affairs Committees such as the Home Affairs Committee inquiry into 'Police Disciplinary and Complaints Procedures' and the Home Affairs Committee inquiry on training and recruitment which resulted in acknowledgement in the final report – 'The Home Affairs Committee (HAC) Fourth Report, *Police, Training and Recruitment. Volume 1*' (ISBN 0 10 556234 3), published on the 28 June 1999.
- Several campaigns for miscarriages of justice.
- Organising a consortium of NGOs (including those representing women and children, Gypsies and Roma) to produce a submission in August 2003 for the UN Committee for the Elimination of Racial Discrimination (UNCERD) which oversees the human rights based 'International Convention on the Elimination of all Forms of Racial Discrimination'. This was first ratified by the UK in the 1960s although its provisions are not fully incorporated.



## Stop and Search Questionnaire

We are an independent community organisation doing a survey about police stop and search in Hackney, to see whether changes to stop and search are making a difference. The results will be used to make recommendations to the police, who have asked us to do this survey.

For more information contact Bobby at the 1990 Trust on 020 7582 1990.

1. Have you ever been stopped/searched by the police (either in a car or on the street)?  
Yes / No [if no, go to question 7]

2. How many times have you been stopped or stopped and searched by the police **since April 2003 in Hackney?**

Just stopped:  Stopped and searched:

3. Have you ever been given a record or receipt after being stopped **in Hackney** (in the last year)?

No of times given record when just stopped:   
No of times given record when stopped and searched:

4. If you were not given a record, why was this?

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

Please explain if you were told or how you found out, and what reasons were given.

6. Please describe your experience of being stopped and searched.

### **About stop and search:**

7. If a person is stopped and searched by the police, are you aware of what rights they have under the law?

8. Have you heard of "Recommendation 61"? Yes / No  
What is it?



9. Did you know that in Hackney since April last year, if you are stopped by the police you should be given a record of the stop/search? (even if you are not searched)

- Yes, I did know  
 No, I didn't know

10. If you were stopped and searched and you wanted to complain about it, what would you do?

11. Since April 2003 the police now have to make a record of every stop/search and give the person stopped a copy. How do you think this makes a difference to the stop/search? Better/worse? Why?

12. Do you think people's confidence and trust in the police in Hackney has improved in the last year?

Yes,  
improved a lot

Yes,  
improved a bit

Stayed the  
same

No, it's a bit  
worse

No, it's a  
lot worse

13. What do you think the police could do to improve the public's trust and confidence in the police?



### Age, Gender and Ethnicity card

<p><b><u>Gender:</u></b> Male <input type="checkbox"/> Female <input type="checkbox"/></p>	<p><b><u>Ethnicity</u></b> <b>How would you describe your ethnic background?</b></p> <hr/> <p><b>Please tick one of the following... (these categories are from the Census)</b></p> <p><b>A Black or Black British</b></p> <p><input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Any other Black background</p>
<p><b><u>Age:</u></b> 10-14 <input type="checkbox"/> 14-18 <input type="checkbox"/> 18-25 <input type="checkbox"/> 25-35 <input type="checkbox"/> 36 + <input type="checkbox"/></p>	<p><b>B Mixed</b></p> <p><input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian <input type="checkbox"/> Any other mixed background</p> <p><b>C Asian, or Asian British</b></p> <p><input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Any other Asian background</p>
<p><b><u>Religion:</u></b> Please tell us your religion if you wish: _____</p>	<p><b>D Chinese, or other ethnic group</b></p> <p><input type="checkbox"/> Chinese <input type="checkbox"/> Any other background</p> <p><b>E White</b></p> <p><input type="checkbox"/> British <input type="checkbox"/> Irish <input type="checkbox"/> Any other White background</p>



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**Would you be willing to help us more with this research?**

If yes, please write your contact details below (we will keep this information separate to the answers you have given us):

Name:

Telephone:

Email:

We will contact you and arrange a time to interview you about your experience.



## Focus Group Questions

1. **The police: What are your experiences of the police in Hackney?**
2. **Stop and search: Should police be able to stop and search people?** What's good about it and bad about it? **Why do the police stop and search people?**
  - Ask if they know what your **rights** are when you're stopped, and what their experience and views are on '**anti-terrorism**' stops.
3. **Recommendation 61:** Explain what Recommendation 61 is (recording all stops and giving records to person stopped), and find out if people have heard about it and from where.
  - Discuss Recommendation 61 – what are their views on it? will it increase public trust and confidence? Will it improve stop and search?
4. **Improvements:** Recommendation 61 is supposed to improve stop and search and increase public trust and confidence in the police, will it do that?

**What should the police do to improve stop and search and to increase the public's trust and confidence in them?**

## 5. Any other comments

## Public interview questions

The questions below were used as prompts in the semi-structured interviews with the public.

1. How many times have you been stopped or searched by the police **in Hackney**, and when and where did these stops/searches take place? Tell me what happened.

*(if there are too many times, then just focus on the ones in Hackney since April 2003, if still too many to go into detail, then ask about their experience in general of repeat stopping/harassment)*

*(if they have been stopped outside Hackney and want to tell you about that, then record it but make it clear it wasn't in Hackney)*

Ask them to describe each time they have been stopped/searched in turn:

- when (time and date)
- where (was it in Hackney? Whereabouts?)
- car or on foot?
- what reason were you given? Was it satisfactory?
- How did the police treat you?



- How did you feel?
  - Did they tell you your rights?
  - Were you given a record of the stop? How long did it take to fill in? What details did they ask for?
  - How did you feel about it?
2. In your experience has there been any change in policing in Hackney since April 2003? What changes (if any)?
  3. Do you think the police should give receipts/records if you are stopped/searched? Why/why not?
  4. Do you think police having to give records will reduce the disproportionality, unfairness or racism in stop and search? [rephrase?] Why?/why not?
  5. What do you think the police should do to improve public confidence and trust?
  6. How do you think the police should tell you about your rights in stop and search?
  7. Finally, age, gender and ethnic background (see questions below).
  8. Any other comments/suggestions?

## **Police interview questions**

### ***Interview Questions: Senior Officers***

1. What role did you have in the implementation of Recommendation 61?
2. What lessons have you learnt during the last year about implementing Recommendation 61?
3. Have you observed any differences in the practices of Officers as a result of the implementation of Recommendation 61?
4. Do you think the public generally knows about Recommendation 61?
5. Do you think the public is generally supportive of Recommendation 61?
6. In your experience has public trust and confidence in the police improved since April 2003?
7. What do you think can be done to improve public trust and confidence in the police?
8. What are the most important things you would recommend to officers/senior officers in other police forces when they implement Recommendation 61?





9. What suggestions do you have for improving the implementation of Recommendation 61 at an operational level?

***Interview Questions: Officers***

1. How many stops and stop and searches do you carry out on average each week?
2. What percentage of these would you say results in a record of the encounter being given to the person stopped?
3. What sort of responses do you get when you attempt to record the stop and give the person a record during the stop?
4. In what circumstances has it not been practical to record the stop?
5. In what circumstances has it not been practical to give someone a copy of the record of the stop?
6. Has the implementation of Recommendation 61 changed your stop and search practices in any way?
7. Do you think the public generally knows about Recommendation 61?
8. Do you think the public is generally supportive of Recommendation 61?
9. In your experience has public trust and confidence in the police improved since April 2003?
10. What do you think can be done to improve public trust and confidence in the police?
11. What lessons have you learnt during the last year about implementing Recommendation 61?
12. What are the most important things you would recommend to officers in other police forces when they implement Recommendation 61?
13. What suggestions do you have for improving the implementation of Recommendation 61 at an operational level?

## Draft evaluation criteria for implementation of Recommendation 61

These criteria were set by the Hackney Recommendation 61 Monitoring Group. They are reproduced verbatim and are commented on in the conclusion of this report.

Success criteria	Related monitoring and evaluation measures
Increasing community trust and confidence in the police.	<ul style="list-style-type: none"> <li>• The recording method minimises the inconvenience to the person stopped?</li> <li>• The recording method/encounters that provides the best explanation to the person stopped about the encounter?</li> <li>• Improvements in the satisfaction levels amongst those stopped</li> <li>• Local awareness of Recommendation 61 implementation in Hackney and neighbouring boroughs</li> <li>• Level of knowledge of complaints procedure in event of negative stop experience</li> <li>• Improvements in the arrangements in place for individuals to make complaints about negative stops experiences</li> <li>• Procedures in place for recording and monitoring compliments re positive stops experiences</li> <li>• The level and types of information provided by the local authority, voluntary and community organisations are adequate to inform and educate the public (especially young people from specific communities and ethnic groups) about their rights when stopped or stopped and searched.</li> <li>• Whether the level and types of information provided by the Police Authority is adequate to inform and educate the public (especially young people) about their rights and when stopped or stopped and searched</li> </ul>
Improving officers' stop practices.	<ul style="list-style-type: none"> <li>• The approach that encourages officers to think about the impact of their stop practices</li> <li>• The approach that has greatest impact on officers explaining their actions to the person stopped</li> <li>• The recording method that generates least potential for additional conflict during a stop encounter</li> <li>• Internal MPS evaluation and monitoring of police officer attitudes and experiences of carrying out police stops</li> <li>• Internal complaints/compliments procedures for police officers to report negative/positive experiences of carrying out stops</li> <li>• Data to monitor the increase/decreases in recording of stops in comparison to stops and searches which does not require the issuing of a record.</li> </ul>
Improving collation and analysis of stops data.	<ul style="list-style-type: none"> <li>• The approach to collation and analysis has the greatest positive impact on officer practice and police performance (e.g. through improved management or increased intelligence).</li> </ul>

Success criteria	Related monitoring and evaluation measures
(This could be left to the HO evaluation)	<ul style="list-style-type: none"> <li>• The approach minimises the level of police bureaucracy ‘in the office’?</li> <li>• The approach is most practicable for supervision and monitoring (e.g. in terms of the quantity and quality of information, data management, and workability of IT)?</li> <li>• The recording method improves the supervision of stops?</li> <li>• The recording method improves statistical monitoring?</li> <li>• The approach that facilitates the best understanding of the reasons for disproportionality?</li> </ul>
Maximising the recording of police stops.	<ul style="list-style-type: none"> <li>• The recording methods that minimise the level of under-recording for police stops?</li> <li>• The recording methods that have greatest impact on officers recording stops at the time and giving a record to the person stopped?</li> <li>• Which overall approach produces the most accurate statistical picture of police stops?</li> <li>• The factors that are associated with the recording or non-recording of stops (e.g. specific recording requirements, links to intelligence-led policing)</li> </ul>