

## **MPA Stop and Search Scrutiny**

### **A Submission from Lambeth Community Police Consultative Group**

#### **Introduction**

Members of the scrutiny panel will be aware of particular sensitivity of police stop and search powers in Lambeth. This rests on;

- The historic context, of which Lord Scarman’s report on the disturbances in Brixton in 1981 has become totemic. Amongst other things, his report highlighted the extensive use of Stop and Search in the days before the riots, and the contribution this made to the subsequent disorder. Two decades on, the legacy of wariness in the community endures.
- The policing environment, described by HM Inspector of Constabulary as the “toughest in Europe”, with levels of street and drug related crime at very high levels by national standards, in spite of hard earned and much valued reductions in both over the past year.
- The exceptional ethnic diversity of the borough.

Over recent months, a sub-group of Lambeth Community Police Consultative Group (CPCG) has been addressing the use of Stop and Search in the borough. The sub-group is comprised of officers from the Borough police and CPCG members, working closely with members of Lambeth Youth Council.

That sub-group has yet to report, and make recommendations, to CPCG and to the senior management in Lambeth BCU. This submission has not therefore been formally endorsed by the CPCG membership. Nor does it aim to represent fully the views of Lambeth BCU who doubtless will have their own channels to input into the MPA scrutiny.

#### **Weighing the Balance, Narrowing the Gap.**

We start from the premise that community consent for the widespread use of Stop and Search must rest on confidence that the gains from the power (in terms of apprehending criminals, dissuading wrongdoers and gathering intelligence) are substantive. Moreover such gains must demonstrably outweigh the costs to the community (and the police) not only in the short-run terms of resource use but crucially in terms of the potential long-run damage to trust and confidence in fair, effective and non-discriminatory policing.

The broad thrust of the work being undertaken has been to:

To benchmark the current operation of Stop and Search in the borough in respect of:

- Effectiveness – what are the gains?
- Fairness – how proportionate is the use of the power?
- Respect – how is the power applied?

To develop a programme of activity going forward to:

- Monitor progress against the current position;
- Provide ongoing feedback to both the community and the police to resolve differences and improve performance.

We have not expected that on every aspect there will be unanimity between the police and the community, or indeed *within* the (very heterogeneous) community. Rather our approach is to establish, from all the hard and soft information available to us, what is common understanding and what is not. And, on that basis, to progressively narrow the gap and focus our efforts on outstanding issues of contention and concern.

## Effectiveness of the Power

There are currently approximately 1,200 Stops and Searches<sup>1</sup> each month in Lambeth, excluding Stops under the Terrorism Act<sup>2</sup>. Table 1 shows the typical breakdown of reasons. Drugs stops predominate, followed by Property, Offensive Weapons and Going Equipped.

**Table 1: Reasons for Stop and Searches**

Reason For S&S	Percentage
Drugs	66.88%
Stolen Property	17.42%
Offensive Weapons	6.99%
Going Equipped	6.30%
Firearms	1.90%
Offensive Weapons (Schools)	0.32%
Other Power	0.16%
Sec 163 RTA	0.02%

Source: Lambeth BCU, November 2002 and April through June 2003. 4,936 Stops in total.

The data available allows us to assess the effectiveness of these Stops in two respects; the arrests made and the accuracy of the stop in relation to the subsequent arrest. Table 2 shows the arrest rates yielded by the same set of stops. The overall rate is skewed down by the fact the largest group of stops (drugs) has the lowest arrest rate (7%). Under the modified Lambeth Cannabis Trial regime, officers are able to confiscate cannabis being carried for personal use and issue a warning, rather than arrest. If these warnings are taken into account, the rate for drugs stops raises to 16% and that overall to 15%.

<sup>1</sup> Currently, only Stops and Searches are recorded in Lambeth and so it is on that area that attention has been focussed. Throughout the terms “stop” and “stop and search” are used interchangeably to mean Stop and Search.

<sup>2</sup> Stops and Searches under the Terrorism Act can vary substantially from month to month and are omitted from our routine analyses, which they would distort. They are not, however, ignored.

**Table 2: Arrest Rates by Reason for Stop**

<b>Reason for Stop</b>	<b>Arrest Rate</b>
Drugs	7%
Stolen Property	16%
Offensive Weapons	16%
Going Equipped	10%
Firearms	9%
Offensive Weapons (Schools)	0%
Other Power	25%
<i>Overall</i>	<i>10%</i>

Source: Lambeth BCU, November 2002 and April through June 2003. 4,936 Stops in total.

This raises a number of important questions. Firstly, how effective should we judge a “Hit rate” of 10% overall, and 7% for the majority category of stops? Clearly, in other contexts (a diagnostic test in a hospital or factory for example), such a rate would not be considered an endorsement of the technique. We are mindful of the police’s argument that such parallels are not wholly justified because (amongst other reasons):

- There will be circumstances where the police will almost understandably stop and search several individuals in respect of a particular, reported crime eg a snatch theft, where the description given by the victim is in fairly broad terms.
- In some circumstances, the number of stops may be a function of the number of officers deployed in an area of a reported crime, each using their best endeavours to catch the culprit.

Both have validity, although we would note that they will relate most often to Property Crimes which account for only 16% of overall stops.

Equally, it has been suggested that there will be many occasions when the individual stopped and searched has committed an offence, but “gets lucky”. There is no easy way to assess this but Fitzgerald<sup>3</sup> has examined the related question of what proportion of people stopped and searched, but not arrested, were indeed arrested on some other occasion within six months before or after the stop in question. In the first quarter of 1999, in Brixton, she found this to be 42% of those walking away from the stop. If we make the generous assumption that this proportion loosely indicates even the scale of “luck” associated with stops, it would still leave us with over 50% of people walking away who are, most likely, law abiding.

It is this group, somewhere between 50% and 90% of people stopped, who are our first priority, since it is this group who are most likely to feel aggrieved, the more so if their experience was not a good one or if they feel they have been unfairly targeted because of their appearance, lifestyle or ethnicity.

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<sup>3</sup> Marion Fitzgerald (1999) Report to MPS on Stop and Search. MPS Website.

Table 3 shows a comparison of the reasons for stops being made with the reason for any subsequent arrest. Only in the case of Offensive Weapons are a clear majority arrested for the same reason as the Stop (if we include arrests for firearms). In every other case there is at best a slight majority. In all such cases, the biggest single reason for arrest (other than the reason for the stop) is “Other Power”.

**Table 3: Reason for Stop and Reason for Arrest**

Reason for Stop	Reason For Arrest						
	Drugs	Firearms	Going Equipped	Stolen Property	Off. Weapons	Other Power	S163 RTA/Any Other
<b>Drugs</b>	53%	2%	0%	9%	4%	31%	2%
<b>Firearms</b>	0%	33%	0%	0%	0%	67%	0%
<b>Going Equipped</b>	0%	0%	50%	17%	0%	33%	0%
<b>Stolen Property</b>	9%	0%	9%	44%	9%	29%	0%
<b>Off. Weapons</b>	0%	17%	0%	4%	38%	38%	4%

Source: Lambeth BCU, November 2002; 128 arrests.

From the community’s viewpoint the concern is that these results could be interpreted to demonstrate the elasticity of the PACE guidelines at best; in the worst case they could be indicating the use of Stop and Search powers for “fishing trips”. There are, of course, other possible explanations, as the BCU have pointed out eg where an individual is arrested for more than one offence, but the stop slip only records one of them.

In respect of both the Hit rate (Table 2) and the “accuracy” of stops (Table 3), it is fair to say that there is still some disparity of view between the community members of the sub-group and the police officers. There is agreement, however, that both are parameters to set in our monitoring framework (below) and that, *all other things being equal*<sup>4</sup>, a rising Hit Rate would be a welcome trend.

### ***Beyond Arrest***

This discussion has focussed thus far on Arrest rate as a measure of effectiveness. Of course, the true measure of gain from Stop and Search is in convictions of wrongdoers properly determined guilty by a court. It therefore disappointing that there are no systematic data available for this in Lambeth, nor any systematic basis for monitoring. This is largely due to the incompatibility of systems and data structures within the Court and the Police services.

Judicial Disposal represents an intermediate step in the process and, since records are kept within the Police service of such decisions, we might be more hopeful of making some progress with this stage. However, Stop and Search records and Judicial Disposal records are stored in separate, and unrelated, computer systems. At the time of writing, tracking Stops through to Judicial Disposal can only be reliably achieved by visual inspection and

<sup>4</sup> Clearly, a rising “Hit Rate” with a counterbalancing decline in Charge and/or Conviction rate would not constitute progress.

comparison of records. Given the numbers involved, it is no surprise that this is not routinely undertaken.

Both of these clearly are serious systems weaknesses not only in providing transparent explanation, to the community, of the gains from Stop and Search but also in affording the Police with the most basic management information in assessing the power for their own purposes. We hope that this is an area to which the MPA scrutiny will give due attention and that its recommendations will ensure that the police, and thereby the community, are properly served by effective information systems.

## Fairness of the Power

The community tends to judge “fairness” in the use of Stop and Search in terms of two key aspects: proportionality (between different groups) and police behaviours in dealing with those stopped. Concerns over disproportionality may cover different age groups, or locations but, in a borough like Lambeth, are most often with regard to different ethnic groups. Table 4 shows the relative likelihood of being stopped and searched (based on resident population) in Lambeth between April and June 2003. More detailed data are shown at Appendix 1.

**Table 4: Proportionality of Stops**

<b>Ethnic Grouping</b>	<b>Relative Likelihood of Being Stopped</b>
Asian or British Asian	0.76
Black or Black British	3.03
Chinese or other ethnic group	0.77
Mixed	1.32
White	1.00

Source: Lambeth BCU, Stop and Search April through June 2003, ONS Census 2001

These are “central estimates”<sup>5</sup> of relative likelihoods and show marked differences between different ethnic groups. We note that the range (from 1 to just over 3) is somewhat less than that often reported in the media and elsewhere. Likewise, we acknowledge that the degree of disproportionality shown here may be a consequence of other, underlying, disparities – for example in age or in location. We can also see (in Appendix 1) that disproportionality, in terms of ethnicity, is a more complicated issue than a simple Black:White split. So, for example people who self identify as Black African appear *less* likely to be stopped than White people overall whilst White people whose ethnicity is outwith the British Isles are three times *more* likely to be stopped than those from these Islands.

Nonetheless, howsoever complicated, there is a disparity in stop rates to the greatest disadvantage of people of Black Caribbean ethnicity. This is a result which chimes with common perception and is of ongoing concern to the community.

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<sup>5</sup> The data shown in Table 4 exclude the 15% of cases where ethnicity is not recorded, most usually because the person being stopped does not wish to self-identify. This effectively assumes that the ethnic mix of such cases is the same as those where record is made. Appendix 1 tests the sensitivity to this assumption

We understand that the MPA, as part of its scrutiny, is examining differential patterns of crime, especially in types of crime against which stop and search is used, between ethnic groups. Whilst we recognise the importance of obtaining reliable and unbiased information on this subject and (hopefully) of aligning any such differences with disparities in known social correlates of criminality (in education, employment and so on), we must emphasise our view that any such differentials can only be used to “explain” disproportionality in those stopped, searched, arrested, charged and convicted.<sup>6</sup> Any attempt to extend such explanation to those stopped and searched, without arrest or charge or conviction (ie the large majority) is tantamount to *implicit* profiling on the basis of ethnicity and is not acceptable.

Fairness is also judged on the basis of individuals’ experiences (or those of their family and friends) of their interactions with the police when they are being stopped and searched. This perception of fairness, or otherwise, is a powerful factor in the community’s response to the power and it is one which is set, not against a zero base, but against a troubled history. It is also one which is not amenable to direct statistical measurement, but which expresses itself in anecdote, shared world views and common communication. In some parts of Lambeth there will be few residents who will not, if not themselves had a negative experience of being stopped and searched, then know of a neighbour’s or friend’s experience. This cultural awareness can act to amplify the damage done by bad practice and serves to underline the importance of “getting it right”.

Lambeth Youth Council have been involved in developing materials to help officers understand the “quality issues” involved in use of the power and we hope that these will have a significant and ongoing input into officer training. Our proposals going forward will also include a feedback mechanism whereby some quantified measure of the reactions of those stopped can be monitored.

We are also aware that there has been some motivation within MPS to use opinion survey methods to assess attitudes to Stop and Search. We would be keen to see such research go ahead, properly structured to ensure that the experiences of those subject to the use of the power are fully accounted.

## **Conclusions and Plans.**

Work in Lambeth has demonstrated that progress can be made by the community and police working together to develop a common understanding of the operation of Stop and Search in the borough. Such work has not produced unanimity, but has narrowed and clarified differences and focussed our attention on areas that need ongoing work.

The police will of course be able to make their views of the position known to the MPA scrutiny through their own channels. The community view is not uniform, and ranges from those who feel that the power can never be made effective or fair (and should be withdrawn) to those who feel that there is some threshold of fairness and effectiveness

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<sup>6</sup> We hope also that this analysis will examine the extent to which disproportionality in Stop and Search may be a driver of any observed disparities in crime rates.

which could earn consent to the power. Either way, we feel there is a substantial sense in the community that there is much room for improvement in both aspects of the operation of Stop and Search.

Our plans going forward are most likely to have the following elements (although this is yet to be formally approved by the BCU and the CPCG):

- Routine monitoring (on a quarterly basis) of Stop and Search data, in the terms of effectiveness and fairness set out above.
- Ongoing refinement of analysis, to develop the quarterly reporting. Extending monitoring to include Judicial Disposals routinely is a priority, with subsequent extension to Court outcomes. Likewise, ad hoc work is planned to “drill down” and further explore disproportionality in terms of types of crime, age, geography and so on.
- A system for feedback on people’s experiences of being stopped and searched, using a simple feedback form through third party sites.
- Ongoing input into officer training and induction, using both materials developed by Lambeth Youth Council and the results of the quarterly monitoring exercise.
- Additional research as resources permit, for example in surveying opinions and perceptions of Stop and Search, in the borough.
- To bring Section 60 stops within the framework and likewise Stops alone, when recording of stops is implemented.

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We are grateful for the enthusiastic and open collaboration we have enjoyed with Officers from Lambeth BCU. Contributors to the work of Lambeth CPCG Stop and Search Sub-Group have been:

**Lambeth BCU**

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## Appendix 1: Stops and Searches Lambeth BCU by 16+1 Self Defined Ethnicity

SELF DEFINED ETHNICITY OF STOPS (Less Terrorism)	April to June, 2003	Borough Population	Per 1000 pop	Relative Proportions	Assign Unknown to White*	Assign Unknown to Black*	Assign Unknown to Caribbean*
<b>Asian or British Asian</b>							
A1 Indian	16	5,316	3.0	<b>0.40</b>	0.27	0.40	0.40
A2 Pakistani	13	2,634	4.9	<b>0.65</b>	0.44	0.65	0.65
A3 Bangladeshi	6	2,169	2.8	<b>0.37</b>	0.24	0.37	0.37
A9 Any other Asian background	35	2,045	17.1	<b>2.27</b>	1.51	2.27	2.27
<b>Group Total</b>	<b>70</b>	<b>12,164</b>	<b>5.8</b>	<b>0.76</b>	<b>0.51</b>	<b>0.76</b>	<b>0.76</b>
<b>Black or Black British</b>							
B1 Caribbean	1019	32,139	31.7	<b>4.20</b>	2.81		6.77
B2 African	193	30,836	6.3	<b>0.83</b>	0.55		0.83
B9 Any other Black background	358	5,579	64.2	<b>8.50</b>	5.68		8.50
<b>Group Total</b>	<b>1,570</b>	<b>68,554</b>	<b>22.9</b>	<b>3.03</b>	<b>2.03</b>	<b>4.24</b>	<b>4.24</b>
<b>Chinese or other ethnic group</b>							
O1 Chinese	3	3,362	0.9	<b>0.12</b>	0.08	0.12	0.12
O9 Any other ethnic group	35	3,177	11.0	<b>1.46</b>	0.97	1.46	1.46
<b>Group Total</b>	<b>38</b>	<b>6,539</b>	<b>5.8</b>	<b>0.77</b>	<b>0.51</b>	<b>0.77</b>	<b>0.77</b>
<b>Mixed</b>							
M1 White and Black Caribbean	70	5,322	13.2	<b>1.74</b>	1.16	1.74	1.74
M2 White and Black African	12	2,159	5.6	<b>0.74</b>	0.49	0.74	0.74
M3 White and Asian	7	2,100	3.3	<b>0.44</b>	0.29	0.44	0.44
M9 Any other mixed background	39	3,273	11.9	<b>1.58</b>	1.05	1.58	1.58
<b>Group Total</b>	<b>128</b>	<b>12,854</b>	<b>10.0</b>	<b>1.32</b>	<b>0.88</b>	<b>1.32</b>	<b>1.32</b>
<b>White</b>							
W1 British	779	131,939	5.9	<b>0.78</b>		0.78	0.78
W2 Irish	36	8,689	4.1	<b>0.55</b>		0.55	0.55
W9 Any other White background	439	25,430	17.3	<b>2.29</b>		2.29	2.29
<b>Group Total</b>	<b>1,254</b>	<b>166,058</b>	<b>7.6</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>
<b>SDE Not Stated</b>							
N1 Officer required elsewhere	26						
N2 Situation involving Public Order	25						
N3 Person does not understand request	123						
N4 Person declines to define their ethnicity	434						
Not Given or Shown	15						
Totals not known for whatever reason	623						
<b>Totals</b>	<b>3,645</b>	<b>266,169</b>	<b>14</b>				

\* These three columns show the effect of assigning the 623 cases for which ethnicity has not been recorded, to the major ethnic groups in the borough. Whilst it is highly unlikely that all 623 cases belong to just one ethnic group, the exercise serves to set bounds to our central estimates of proportionality.