



Home Office

A consultation on police powers of stop and search

July 2013

Scope of consultation

Topic of Consultation:	This consultation seeks views on the police powers of stop and search, specifically under the following legislation: <ul style="list-style-type: none">• Section 1 of the Police and Criminal Evidence Act 1984 (PACE)• Section 23 of the Misuse of Drugs Act 1971• Section 60 of the Criminal Justice and Public Order Act 1994
Scope of consultation:	This consultation concerns those powers used in relation to street crime, burglary, anti-social behaviour, and public order offences such as riots and violent protests. Stop and search powers under counter-terrorism legislation have been the subject of recent changes and are not within the scope of this consultation.
Geographical scope:	England and Wales.
Impact assessment:	Not required.

Basic information

To:	This consultation is open to the public.
Duration:	This consultation has now been extended and closes on 24 September 2013
Enquiries:	Stopandsearch@homeoffice.gsi.gov.uk
How to respond:	Information on how to respond to this consultation can be found on www.gov.uk at: www.gov.uk/government/organisations/home-office Responses can be submitted online through www.gov.uk or by post by sending responses to: Stop and search consultation Home Office Police Transparency Unit 6th Floor Fry Building 2 Marsham Street London, SW1P 4DF
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.
After the consultation:	Responses will be analysed and a 'response to consultation' document will be published.

Introduction

- 1.1 The ability of police officers to stop and search suspects is an important power in their daily fight against crime, and it is especially important in relation to combating gangs, knife crime and drug offences. However, it must be applied fairly and in a way that builds community confidence in the police rather than undermining it. And, given the scale of recording requirements placed on the police, stop and search must not be misapplied - otherwise it is a waste of police time.
- 1.2 We are committed to ensuring that the police continue to have the powers they need to deliver for the public. This includes powers of stop and search. But we want to ensure that those powers are used appropriately and effectively. The Home Office have already asked Her Majesty's Inspectorate of Constabulary (HMIC) to examine how police forces use stop and search. Through this consultation we aim to understand how the use of these powers is viewed by the public and by those involved in policing.
- 1.3 The consultation focuses on:
 - Effectiveness
 - Fairness
 - Balancing public protection with the preservation of individual freedoms
 - Bureaucracy in policing

Stop and search powers

- 1.4 This consultation covers the following stop and search powers:
 - Section 1 of the Police and Criminal Evidence Act 1984 (PACE)
 - Section 23 of the Misuse of Drugs Act 1971
 - Section 60 of the Criminal Justice and Public Order Act 1994

Section 1 of the Police and Criminal Evidence Act 1984 (PACE):

- A police officer may **stop and search a person or vehicle for stolen or prohibited items**, including offensive weapons.
- An officer **may seize any such item that is found**.
- An officer **must have reasonable grounds** for suspecting that he will find stolen or prohibited articles before conducting a stop and search;
- **Authorisation of a senior officer is not required.**

Section 23 of the Misuse of Drugs Act 1971:

- Allows an officer to **stop and search persons, vehicles and vessels for prohibited and controlled drugs**.
- Applies when the officer **has reasonable grounds** to suspect that the **person is in possession of a controlled drug**.

Section 60 of the Criminal Justice and Public Order Act 1994:

- Applies when a senior officer believes that **incidents involving serious violence may take place**, or that **dangerous instruments or offensive weapons** are being carried.
- Allows a senior officer to **authorise additional stop and search powers within a designated area for a limited time** of up to 48 hours.
- Where an authorisation has been given, a police officer **may stop and search persons and vehicles for offensive weapons or dangerous instruments and may seize any such item that is found**.
- Where an authorisation has been given, an officer may make any search he thinks fit **whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind**.

Consultation questions

Effectiveness

- 2.1 Stop and search is an important tool for preventing and detecting crime and anti-social behaviour. Targeted stop and search – including using intelligence to pinpoint where those previously convicted of weapons offences are operating or where crimes are being committed – is a significant element of how police deal with knife crime.
- 2.2 Figures for 2011-12 show that in England and Wales, of just under 1.2 million stop and searches, around 9 per cent resulted in an arrest:

<https://www.gov.uk/government/publications/tables-for-police-powers-and-procedures-in-england-and-wales-201112>

Arrest, however, is not the only measure of policing effectiveness and the effectiveness of stop and search is not as simple a matter as the stop and search to arrest conversion rate.

- Q1. To what extent do you agree or disagree that the use of police powers of stop and search is effective in preventing and detecting crime and anti-social behaviour?**

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

**Q2. What are, in your view, the types of crime and anti-social behaviour that can be tackled effectively through the application of stop and search powers?
Please give reasons.**

2.3 While it is possible to measure the effectiveness of stop and search by the number of arrests made following the use of the power, there are other, perhaps harder to quantify, ways to judge the effectiveness of stop and search. For example, the ability of the police to stop and search may deter criminals from committing offences, meaning that the power has a preventative quality. Its use may also increase policing visibility, thereby addressing the fear of crime through reassurance.

Q.3 To what extent do you agree that the arrest rate following stop and search events is a useful measure of the power's effectiveness?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

Q4. In your view, what other things, beyond the number of resulting arrests, should be considered when assessing how effective the powers of stop and search are? Please give reasons.

Balancing public protection and individual freedoms

- 2.4 As set out in the introduction to this paper, under Section 1 of the Police and Criminal Evidence Act 1984 (PACE) and Section 23 of the Misuse of Drugs Act 1971:
- A police officer may stop and search a person or vehicle for stolen or prohibited items, including offensive weapons.
 - An officer may seize any such item that is found.
 - An officer must have reasonable grounds for suspecting that he will find stolen or prohibited articles or be in possession of controlled drugs before conducting a stop and search;
 - Authorisation of a senior officer is not required.
- 2.5 Police carried out 1.1 million stop and searches under these powers in 2011/12.
- Q5 To what extent do you agree or disagree that the ‘with reasonable grounds’ stop and search powers, described in the paragraphs above, are used by police in a way which effectively balances public protection with individual freedoms?**
- Strongly agree
 Tend to agree
 Neither agree nor disagree
 Tend to disagree
 Strongly disagree
 Don’t know

Why do you say that?

2.6 As set out in the introduction to this paper, the police have an additional power of stop and search which can be used in specific circumstances. Section 60 of the Criminal Justice and Public Order Act 1994:

- Applies when a senior officer believes that incidents involving serious violence may take place, or that dangerous instruments or offensive weapons are being carried.
- Allows a senior officer to authorise additional stop and search powers within a designated area for a limited time of up to 48 hours.
- Where an authorisation has been given, a police officer may stop and search persons and vehicles for offensive weapons or dangerous instruments and may seize any such item that is found.
- Where an authorisation has been given, an officer may make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or articles of that kind.

2.7 Police carried out 46,961 stops and searches under this power in 2011/12.

Q6. To what extent do you agree or disagree that the ‘without reasonable grounds’ stop and search powers described in the paragraphs above are used by police in a way which effectively balances public protection with individual freedoms?

- Strongly agree
 Tend to agree
 Neither agree nor disagree
 Tend to disagree
 Strongly disagree
 Don’t know

Why do you say that?

Bureaucracy in policing

- 2.8 Police officers' time should be available to tackle crime and anti-social behaviour on the front line in their local neighbourhood. The Government does not want police officers to spend hours of their day filling in forms, and we must be able to trust officers to exercise their judgement and discretion. But there is a balance to be struck. Officers routinely use stop and search powers and it is important that people who exercise such powers on behalf of the state are able to account for why and how they are used.
- 2.9 In 2011, the Government reduced unnecessary bureaucracy around recording stop and search encounters in order to free up officer time. The remaining information which must be recorded for each stop and search event is as follows:
- Ethnicity
 - Object of search
 - Grounds for search
 - Identity of the officer carrying out the stop and search
 - Date
 - Time
 - Place

2.10 This information is used to monitor and account publicly for the fair use of the powers.

Q7. To what extent do you agree that it is right that the police are under a national requirement to record the information set out above in respect of each stop and search?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

2.11 Technology can significantly reduce the amount of time it takes to record a stop and search event. For example, factors like date, time and place can be instantly recorded on handheld recording devices.

Q8. In your view, should Government require police forces to record stop and search events in a certain way (for example, using particular technology) or are individual forces better placed to make this decision? Please give reasons.

Fairness

2.12 All officers must use their police powers fairly, openly and transparently. The power of stop and search is no exception and officers must demonstrate respect for people being searched and deploy the power fairly.

Q9. To what extent do you agree or disagree with the following statement: “I am confident that the police use stop and search powers fairly to prevent and detect crime and anti-social behaviour?”

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

Q10. What would give you greater confidence in the police's use of stop and search powers? Please give reasons.

2.13 At each stop and search encounter, the officer must (where practicable) explain to the individual that they are being detained for the purposes of a search, the legal power which is being exercised, and to give a clear explanation of the reason for the search i.e. the article or articles for which there is a power to search.

Q11. To what extent do you agree or disagree that the current requirement to explain the reasons for the stop and search make the use of the power more fair and transparent?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

2.14 Police.uk is a government-run website that maps crime, anti-social behaviour and crime outcomes to street-level. People can use this information to engage with their neighbourhood policing team and to hold local policing leaders and Police and Crime Commissioners¹ to account.

Q12. Before today, had you heard of the police.uk website?

- Yes. I have visited the site
- Yes, but I haven't visited the site
- No
- Don't know

¹ In the London area the Mayor of London.

Q13. To what extent do you agree or disagree that police.uk should contain information on stop and search in your local area?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

2.15 Police and Crime Commissioners are elected by the public to hold chief constables and forces to account. They make the police answerable to the communities they serve, including in respect of their use of stop and search powers. Some police force areas have also put in place specific stop and search accountability arrangements. For example, independent reference groups have been established to examine stop and search forms and raise any concerns that they have with a named senior officer.

Q14. To what extent do you agree or disagree that local communities should have direct involvement in deciding how the police use their stop and search powers?

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Why do you say that?

Q15. In your view, how might local communities be directly involved in decisions concerning the use of stop and search powers? Please give reasons.

Q16. Are there any other views or comments that you would like to add in relation to stop and search powers that were not covered by the other questions in this consultation?

About you

These details are voluntary and will be treated as personal data by the Home Office in compliance with government guidance on holding personal information. By providing this information you are giving your consent for us to process and use this information in accordance with the Data Protection Act 1998.

What is your gender? (please tick one)

Female

Male

How old are you? (please tick one)

Under 18

18 – 24

25 – 34

35 – 54

55 - 74

75 +

Ethnicity

White British

White Irish

White (other)

Indian

Pakistani

Bangladeshi

Chinese

Other Asian

Black Caribbean

Black African

Black (other)

Mixed (White and Black Caribbean)

Mixed (White and Black African)

Mixed (White and Asian)

Any other mixed background

Other

Please tick one box from the list below that best describes where you live or where your organisation is based.

- | | |
|--------------------------|--------------------------|
| North East England | <input type="checkbox"/> |
| North West England | <input type="checkbox"/> |
| South East England | <input type="checkbox"/> |
| Yorkshire and the Humber | <input type="checkbox"/> |
| West Midlands | <input type="checkbox"/> |
| East Midlands | <input type="checkbox"/> |
| East of England | <input type="checkbox"/> |
| South West England | <input type="checkbox"/> |
| London | <input type="checkbox"/> |
| Wales | <input type="checkbox"/> |
| Scotland | <input type="checkbox"/> |
| Northern Ireland | <input type="checkbox"/> |
| Anywhere else | <input type="checkbox"/> |

Company Name or Organisation (if applicable)

Please tick one box from the list below that best describes the type of organisation you work for?

- | | |
|--|--------------------------|
| Member of the public | <input type="checkbox"/> |
| Police force | <input type="checkbox"/> |
| Police and Crime Commissioner Office | <input type="checkbox"/> |
| Local Authority | <input type="checkbox"/> |
| Registered Social Landlord | <input type="checkbox"/> |
| Voluntary Community Service | <input type="checkbox"/> |
| Probation | <input type="checkbox"/> |
| Non policing area of the Criminal Justice System Government department | <input type="checkbox"/> |
| Local government/Local council | <input type="checkbox"/> |
| Non departmental public body | <input type="checkbox"/> |
| Neighbourhood Watch | <input type="checkbox"/> |
| Community Safety Partnership | <input type="checkbox"/> |
| Other: Please state | <input type="checkbox"/> |

Please provide your job title?

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

Number of members

Views were obtained by

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