



# west midlands police and crime commissioner

## Stopping, searching and policing by consent

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I was very pleased when our new Police and Crime Commissioner Bob Jones and Chief Constable Chris Sims agreed that "Pride in Our Police" will be the central idea that runs through everything we will do in West Midlands Police. This is a joint endeavour where Bob and the Chief Constable will focus on their contributions to the new mantra, "pride".

Because I believe that West Midlands Police is one of the best forces in the world, I want to hear more people speaking of West Midlands Police as "our" police service, "our police officers", and not "the" police. I believe this will create a better connection, improved relations between all sections of the community and our police service. And when people feel proud of our officers, I believe they feel more confident that our officers will do a good job.

I recognise that stop and search is part of many people's perceptions of policing and the police. Bob recognises this too, and that's why stop and search features in the [Police and Crime Plan](#). It states that stop and search has been a "source of tension between the police and, in particular, black and minority ethnic members of the community." Some have argued it "destroys trust". In the plan Bob promises "the development of new oversight arrangements for stop and search." New oversight arrangements are essential because too much of the debate about stop and search takes place in a factual vacuum, a place without enough facts, and without enough hard evidence.

As a first step, I will be chairing a [summit on Stop and Search](#) on 20 September which will take place at the Tally Ho Police Training Centre on Pershore Road. It will give attendees the chance to see what we're doing with the Force to put in place those new oversight arrangements. It will also be a chance to hear attendees' views, and listen to a range of opinions. I'm looking forward to it because there's been so much formal and informal discussion already. Registration will open soon.

So where are we now with stop and search? Well, first, we have to be clear what it is we're speaking about. I'm not going to try to cover all the finer points of stop and search powers, but there is a key distinction between those powers that require reasonable suspicion and those that do not. It's no good speaking about use of a no-suspicion power (like section 60, or Schedule 7) and then comparing it to a power that requires suspicion (like section 1 or Section 23).

It's at this point that you may expect to see some statistics about use of stop and search. But I'm going to avoid that - not because I don't have access to the data, I do, except for Schedule 7 - but because I believe the data is simply not reliable. I strongly suspect that there is under-reporting, particularly in relation to the "reasonable suspicion" powers. Even the police argue that officers are more likely to record stops where the individual is not white, meaning that there are stops of white people not being properly recorded.

Campaign groups like StopWatch argue that "stop and account" street encounters, which are not recorded at all in the West Midlands, are being used as the pretext for "voluntary" unrecorded searches. I note that a search, of any sort, has to be recorded by law. This takes me back to my first point; we have to find a way to build trust and confidence in how stop and search is recorded.

Incidentally, there has been much debate about whether Stop and Account should go back to being recorded. Bob and I are on record as saying that it should, but the law says that the final decision is with the Chief Constable. However, as I set out below, we think that as technology moves forward, there should be easy, convenient ways for officers to record encounters where they ask a member of the public to account for their actions.

The convenience of police officers might seem an inappropriate point to raise, when speaking about a legally prescribed process like stop and search. However, I believe we have to take police officers with us on this journey. Stop and Search / Stop and Account processes that are bureaucratic, time-consuming, and do not help police officers do the job that they want to, will always be difficult to implement and will run the risk of patchy implementation. If police officers are faced with spending big chunks of their time on the street filling in forms or submitting data that they know will not prevent one crime, or catch one criminal, then they are right to express concern. We have to work with "Our Officers".

It has been suggested that if stop and search is made easier to record, with better training for officers, and clearer rationales for officers about what stop and search achieves, then perhaps recording rates will be closer to reality.

It might be uncomfortable for some stop and search campaigners, but I believe there must be a search for common ground between the organisational and professional perspective of

the police and the accountability, transparency and community cohesion concerns of those who campaign about stop and search.

It is reasonable for the police to ask what does recording of stop and search (or indeed, stop and account) yield in operational terms, such as intelligence and prevented or detected criminality. Equally, the police have to acknowledge and accommodate the accountability perspective, which sees stop and search / stop and account recording as a race relations issue, a tool for spotting racial discrimination and a proxy indicator for the health of the relationship between the police and the public they serve.

We might find this common ground if we can agree how best to use stop and search to reduce and detect crime. I don't think we can continue with a debate where campaigners say that stop and search does more harm than good and the police say it's an essential policing tool. Again, we need more data, and data we can trust. Also we need confidence that the police are using the powers not only appropriately, but also courteously and sensitively, understanding what the consequences of their actions will be. I applaud the work underway in Wolverhampton to bring young people into stop and search training, so officers can see how it feels to be stopped and searched.

At the heart of the concerns about use of stop and search is the allegation of disproportionality, meaning that more African-Caribbean and Asian residents are more likely to be stopped and searched than the proportion of the population they represent would suggest. This is almost certainly the case, but given the weaknesses in the recorded data, the extent of the disproportionality is unclear. Also, the standard methodology for measuring disproportionality, which compares the likelihood of a white person anywhere in the West Midlands being stopped and searched, versus an African-Caribbean person, or an Asian, has its weaknesses.

For example, patterns of crime are not uniform across the West Midlands. Crime is concentrated in certain places. As the Police and Crime Plan states, 25% of crime takes place in just 6% of the force area. Certain types of crime tends to follow deprivation, and it is regrettably the case that patterns of deprivation tend to follow patterns of ethnicity too. In a nutshell, the areas with the most crime, and particularly the forms of crime that do the most harm, are the areas with the highest deprivation, and these in turn have higher concentrations of people with African-Caribbean and Asian heritage.

It could be argued that there is a strong case for stop and search in these areas, because policing should allocate more resources to the parts of our area with higher crime. Just as we expect the police to deploy additional resources to our town and city centres on Friday and Saturday nights, surely we expect police powers to be used more where criminality is more likely?

Unfortunately, the trail starts to run cold at this point. Believe it or not, West Midlands Police does not know if stop and search is being used in areas with higher crime rates. It is widely assumed - certainly by police officers - that it is, but the evidence isn't there yet. We therefore cannot be sure that stop and search is being used in the right places, and at the right times. This is a crucial failing, and one I hope to see remedied. If we can be confident about where and when the powers are being used, then we can start to ask whether use of the power is proportionate to the threat from crime or not.

At the stop and search summit, there will be a demonstration of a new technology that I hope will improve our understanding of how stop and search is used. Police officers now use Airwave terminals that include Global Positioning System equipment. They have started recording their stops with this equipment, giving a time and location for each stop they make. This technology is good for the police: it's easy to use, allows them to see whether officers are using the powers in crime hotspots and gives much greater management oversight of how each individual officer is using the powers.

This technology is good for us, the public: We will be able to find out how these powers are really used where we live. I want to see an online portal where anyone can see where stops are taking place, overlaid with crime and population data. I can even imagine an online facility that would allow a member of the public who has been stopped to enter time and location details into an interactive map, and check the record of their stop to see if the recorded data is accurate. We could start to know more about repeat stops, whether the same people are getting stopped again and again.

I believe that if we can move to Airwave recording, coupled to publication of data, we will be closer to the new oversight mechanism we need. It won't answer all the questions though. Most notably, there will remain questions about the use of powers where no reasonable suspicion is required. Section 60 stops, which used to cause considerable concern and numbered in the thousands, are less of an issue these days. Incredibly, there were just 70 Section 60 stops in the whole of 2012-13, and these were part of a pre-planned operation. More significant is the use of Schedule 7 powers at Birmingham airport. We know from figures published by West Midlands Police Authority [some years ago](#) that these number in the thousands each year at Birmingham International Airport alone, and nationally there are tens of thousands of stops. Schedule 7 stops are tiny in number compared to the total numbers travelling, but a very small proportion of these stops can last for hours.

Schedule 7 is undoubtedly an intrusive power, but it is also undoubtedly true that violent extremists rely on air travel for fund raising, training and attack planning. There is also the threat to air travel itself. There is therefore both the risk to air travel and ability of the police and security services to use air travel as a "choke point" to both intercept and learn about

terrorist activity. We reasonably expect air travel to involve some security measures, such as customs inspections and so forth, and Schedule 7 fits with this picture.

Birmingham, sadly, has the second highest threat from violent extremism in the country, second only to London. We've all seen the recent arrests and convictions. The Schedule 7 power, or something like it, is necessary to cope with this threat. However, its use must be proportionate and fair. It must be reasonable. It must be a demonstrably effective tool, so the public - including people who are stopped - understand and accept that its use is necessary. We should aim for a place where the people who are stopped, who have no link to violent extremism, are satisfied that the power is being used reasonably, and they are not, as some have said, being stopped merely for "[being Muslim](#)." The question then, and this will be part of the Stop and Search summit's remit, will be to ask, "how can we make this work?"

This takes me to my last point, and the one that will be at the core of the summit on 20 September. Stop and search poses difficult and knotty questions. A summit won't solve them, but it can move us all in the right direction. Can we agree on a basic shared understanding of where we want to get to? What can the police, the PCC, and other partners such as city councillors and MPs do to engage with and respond to the public, so the debate about these powers can be fairly and openly had, in a way that builds confidence in the police, and supports them in their task of preventing and detecting crime? Can we make stop and search part of "pride in our police"?