

# Stop and Search Powers 2: Are the police using them effectively and fairly?

An inspection of the Metropolitan Police Service

August 2015

© HMIC 2015

ISBN: 978-1-78246-837-0

[www.justiceinspectorates.gov.uk/hmic](http://www.justiceinspectorates.gov.uk/hmic)

# Contents

<b>Introduction .....</b>	<b>4</b>
Methodology .....	5
<b>Part 1 - Findings in respect of recommendations made in HMIC's 2013 report, <i>Stop and search powers: Are the police using them effectively and fairly?</i> .....</b>	<b>6</b>
Recommendation 1 from 2013 .....	6
Findings in respect of the Metropolitan Police Service regarding recommendation 1 .....	6
Recommendation 2 from 2013 .....	8
Recommendation 3 from 2013 .....	11
Findings in respect of the Metropolitan Police Service regarding recommendation 3 .....	11
Recommendation 4 from 2013 .....	12
Recommendation 5 from 2013 .....	13
Recommendation 7 from 2013 .....	16
Recommendation 8 from 2013 .....	18
Recommendation 9 from 2013 .....	19
Recommendation 10 from 2013 .....	20
Conclusions for Part 1 .....	21
<b>Part 2 - How effectively and fairly does the Metropolitan Police Service use section 163 of the Road Traffic Act 1988? .....</b>	<b>23</b>
Powers to stop vehicles .....	23
Findings in respect of the Metropolitan Police Service regarding the use of section 163 of the Road Traffic Act 1988 .....	23
<b>Conclusions for Part 2 .....</b>	<b>26</b>
<b>Part 3 - Searches involving removal of more than an outer coat, jacket or gloves.....</b>	<b>27</b>
Findings in respect of the Metropolitan Police Service regarding stop and search encounters requiring the removal of more than outer coat, jacket or gloves.....	28

**Conclusions for Part 3 ..... 30**

## Introduction

In 2013, HMIC published its report, *Stop and Search Powers: Are the police using them effectively and fairly?* The report concluded that stop and search powers were rarely targeted at priority crimes in particular areas and there was very little understanding in forces about how the powers should be used most effectively and fairly to cut crime.

HMIC made ten recommendations in the 2013 report, and made a commitment to assess the progress made by forces and the College of Policing in carrying out the recommended action 18 months later.

Additionally, in 2014, the Home Secretary commissioned HMIC to:

- review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly;
- provide analysis of how forces in England and Wales compare with overseas jurisdictions, both in terms of the powers available and the way they are used; and
- examine the use of search powers involving the removal of more than a person's outer clothing, including strip searches, to identify whether these searches are lawful, necessary and appropriate.

In 2015, as part of the review of progress from 2013 and the reviews set by the Home Secretary, all forces were required to carry out a self-assessment and, to supplement that, HMIC carried out in-depth fieldwork in nine forces. The Metropolitan Police Service was one of those forces. The national report *Stop and Search Powers 2: Are the police using them effectively and fairly?*<sup>1</sup> was published on 24 March 2015.

Our findings in respect of the Metropolitan Police Service in relation to the recommendations made in 2013 are reported in part 1 of this report.

Our inspection of the use of powers to stop people (other than specific stop and search powers), and the use of stop and search powers that involve the removal of more than outer clothing, are reported in parts 2 and 3 of this report.

---

<sup>1</sup> *Stop and Search Powers 2: are the police using them effectively and fairly?* 2015, HMIC, London. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

## Methodology

As part of this inspection, all 43 Home Office forces in England and Wales and the British Transport Police were required to complete a self-assessment of their progress against the 2013 recommendations. They also submitted supporting documents including relevant policies and reports.

In January 2015, we carried out fieldwork in the Metropolitan Police Service and eight other forces in which we conducted:

- interviews with community representatives;
- interviews with senior managers;
- focus groups with a total of 50 operational sergeants and inspectors;
- focus groups with a total of 100 operational constables and PCSOs; and
- 237 knowledge checks.<sup>2</sup>

In order to verify and strengthen our findings, we carried out visits to police stations where we spoke with officers in intelligence units, investigation units, response teams, neighbourhood teams and custody suites. We observed briefings to see the information that officers received before going out on patrol and attended management meetings to observe how resources were deployed and managed.

---

<sup>2</sup> A short test of five questions on the application of the PACE Codes of Practice, Code A.

## **Part 1 - Findings in respect of recommendations made in HMIC's 2013 report, *Stop and search powers: Are the police using them effectively and fairly?*<sup>3</sup>**

This section sets out our findings from the self-assessment provided by the Metropolitan Police Service and the evidence collected from fieldwork in the force.

### **Recommendation 1 from 2013**

Chief constables and the College of Policing should establish in the stop and search Authorised Professional Practice a clear specification of what constitutes effective and fair exercise of stop and search powers, and guidance in this respect. This should be compliant with the Code of Practice.

#### **Grounds for recommendation 1**

In our inspection in 2013 we found that, with a few exceptions, forces were not able to demonstrate how effective and fair their use of stop and search powers had been. Forces were unclear about what effective and fair meant in the context of stop and search encounters, and there was little evidence that officers were provided with guidance or instruction to assist their understanding.

### **Findings in respect of the Metropolitan Police Service regarding recommendation 1**

Notwithstanding the absence of progress on the development of authorised professional practice, many forces have made efforts to define effective and fair stop and search encounters and have provided guidance and instruction to their officers.

The Metropolitan Police Service had a formal policy guiding officers about their use of stop and search powers. The policy set out that the use of the powers must be effective and fair and includes the following policy statement to support that:

"The MPS vision is to achieve the highest level of trust and confidence in the police's use of stop and search as a tactic for tackling crime and keeping our streets safe. As a consequence, the use of stop and search in London will become more effective and targeted, leading to better outcomes. It will be used with dignity and respect, and be used primarily to protect our communities from violent and key crimes.

---

<sup>3</sup> *Stop and search powers: Are police using them effectively and fairly?* HMIC, London, 2013, [www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

The focus for MPS use of stop and search is dealing with crimes that cause Londoners the most concern. We expect a minimum of 20% of all stops and searches should target weapons and 40% should target neighbourhood crimes. This approach also provides flexibility to address specific local concerns...

... We are displaying fair use through greater transparency and improved engagement with our communities. Our effectiveness is demonstrated by improved targeting and the increasing arrest rate."

We were encouraged to find that the force, unlike the majority of other forces, had developed a definition of effective use and included it in a 'stop and search narrative' which was published on the force's intranet:

"The primary purpose of stop and search is to enable officers to either allay or confirm their suspicions about an individual without having to arrest the person. Effectiveness must therefore reflect where suspicion has been allayed and an unnecessary arrest, which is more intrusive, has been avoided; or where suspicion has been confirmed and the object is found or a crime is detected. "

The emphasis on finding an item is welcomed. However, the force did not include a field on its stop and search record for officers to record if an item had been found. The force is therefore unable to determine how many times the original suspicion was accurate, or whether an arrest was linked to the finding of an item. The inclusion of detecting a crime as part of the force's definition of effectiveness may include crimes committed as a result of the encounter. For instance, a stop and search encounter in which nothing is found, but the person becomes so agitated at being stopped and searched that they assault the officer, would be considered by the force as an effective stop and search encounter when, in reality, it is likely to be the opposite.

We were pleased to find that the 'stop and search narrative' also included a definition of a fair stop and search encounter:

"The MPS believes a fair encounter is a justifiable one, which is applied without prejudice, carried out promptly and with respect. It is recorded, open to scrutiny and supports public confidence."

## **Recommendation 2 from 2013**

Chief constables should establish, or improve, monitoring of the way officers stop and search people so that they can be satisfied their officers are acting in accordance with the law (including equality legislation and the Code of Practice) and that the power is used effectively to prevent crime, catch criminals and maintain public trust. This monitoring should, in particular, enable police leaders to ensure officers have the reasonable grounds (and, where applicable, authorising officers have the reasonable belief) required by law to justify each stop and search encounter.

### **Grounds for recommendation 2**

In 2013, HMIC found that very few forces could demonstrate that the use of stop and search powers was based on an understanding of what works best to cut crime, and rarely was it targeted at priority crimes in their areas. Forces had reduced the amount of data collected to tackle bureaucracy, but this had diminished their capability to understand the impact of the use of stop and search powers on crime levels and community confidence. Of the 8,783 stop and search records HMIC examined in 2013, 27 percent did not include sufficient reasonable grounds to justify the lawful use of the power.

### **Findings in respect of the Metropolitan Police Service regarding recommendation 2**

Similar to the vast majority of forces, the Metropolitan Police Service systematically collects information about stop and search encounters. The management oversight included a review of a range of data.

We were encouraged to find that the Metropolitan Police Service had abolished individual targets for officers in respect of the number of stop and search encounters carried out. The force had, though, set a target for the number of arrests arising from stop and search encounters, aiming for an arrest from 20 percent of all stop and search encounters (excluding those conducted under section 60 of the Criminal Justice and Public Order Act 1994 which allows officers to search anybody in certain circumstances without reasonable grounds to suspect they have a prohibited item). We found some evidence to suggest that this was intended to allow the force to counter public criticism that the historically low percentage of arrests meant that the force was stopping and searching innocent people. The drive to increase the proportion of arrests from stop and search encounters is significant when considering that 20 percent of all arrests made by the force arise from such encounters.



We were concerned that the force considered only the arrest rate when assessing the outcomes of stop and search encounters. The arrest target of 20 percent relates to all arrests, irrespective of whether or not they resulted from the finding of a prohibited item. Therefore, arrests that were not related to the finding of an item, for instance, where nothing was found but the person was arrested for disorderly behaviour, were included. For the period March 2014 to February 2015, the number of these 'other' arrests (other than for stolen property, drugs, firearms, weapons, or going equipped to steal) equated to 9,925 arrests, 29 percent of the total number of arrests arising from stop and search encounters. This means that the force is considering an overinflated arrest rate as some are not related to the finding of a prohibited item.

A number of other outcomes were recorded on the stop and search record, including whether or not:

- no further action was taken;
- an arrest was made;
- a cannabis or khat warning was issued;
- a penalty notice for disorder or a fixed penalty notice was issued;
- the person was reported for summons;
- a community resolution occurred; and
- a caution was issued.

We were encouraged to find that, in each borough, the force monitored the officers who had conducted the ten highest numbers of stop and search encounters. Similarly, we were encouraged to find that, in each borough, the records of the ten people who had been stopped and searched most often were examined to ensure that they were not being unfairly treated. The force also carried out extensive analysis and monitoring of the ethnicity, age and gender of people stopped and searched. This helped it to determine fair use of the powers.

Similar to most forces, the Metropolitan Police Service reported that it did not collect data about the prosecution or conviction rate arising from stop and search encounters, limiting its ability to determine effective use of the powers.

The force is one of about three-quarters of forces that audited the use of the powers as part of a scheduled audit programme to check that they were lawfully carried out.

We found that the force had developed a clear plan, which was given the title 'STOP IT', to analyse and monitor the use of the powers to ensure that they were used effectively and fairly. The plan's categories included:

- supervision and leadership;
- transparency and openness;
- operational use;
- performance;
- intelligence and tasking; and
- training and knowledge.

The force had recognised that the majority of stop and search encounters were carried out to search for drugs. In order to make the use of the powers more effective at fighting crime, the force has set targets for the type of items officers should be looking for. The force expects 20 percent of stop and search encounters to search for weapons, and 40 percent for items relating to neighbourhood policing priorities. This is encouraging as it evidences an attempt to shift the emphasis of stop and search encounters toward those crimes that are of most concern to communities. However, more work is required as the majority of stop and search encounters continue to involve a search for drugs.

There had been a clear emphasis on, and scrutiny of, the use of stop and search powers in preceding years and this had led to a reduction in the number of stop and search encounters recorded; from 321,000 in 2012/13 to 220,000 in 2013/14. There had also been significant oversight of the use of section 60 powers, resulting in a substantial 98 percent reduction in exercising them since 2012.

Oversight of the use of use of stop and search powers was comprehensive. Oversight and monitoring takes place at a local level by local managers, at borough level by the borough commander, and at a force level by the stop and search lead, a commander. Additionally, the Mayor's Office for Policing and Crime also oversees the use of the powers. At each oversight meeting we were impressed by the depth to which the data are monitored. Data are analysed and presented by age, gender, ethnicity, arrest rate, arrest type, search type, and outcome type. Notwithstanding the lack of data about the number of times the reasonable grounds were found to be accurate and the focus on total arrests, we found the oversight structure to be good.

## **Recommendation 3 from 2013**

Chief constables should ensure that officers carrying out stop and search encounters are supervised so that they can be confident that the law is being complied with and that the power is being used fairly and effectively. Particular attention should be given to compliance with the Code of Practice and equality legislation.

### **Grounds for recommendation 3**

Code A places a specific obligation on supervisors to monitor the use of stop and search in order to prevent its misuse, and directs that:

- “supervisors must monitor the use of stop and search powers and should consider, in particular, whether there is any evidence that the powers are being exercised on the basis of stereotypes or inappropriate generalisations;
- supervisors should satisfy themselves that the practice of officers under their supervision in stopping, searching and recording is fully in accordance with the Code; and
- supervisors must also examine whether the records reveal any trends or patterns which give cause for concern and, if so, take appropriate action to address them.”<sup>4</sup>

In 2013, we found little evidence that supervisors observed their constables using stop and search powers. There were inconsistencies in the recording of searches, evidence that people searched were not always provided with the information required by Code A and that they were not always fairly treated.

## **Findings in respect of the Metropolitan Police Service regarding recommendation 3**

Similar to the vast majority of forces, the Metropolitan Police Service required its supervisors to review all stop and search records. However, there was no specific field on the records for the supervisor to endorse that a review had been carried out.

We were encouraged to find that the force had developed and promoted the use of comprehensive and valuable checklists to guide officers in their use and supervision of stop and search encounters. The frontline checklist, aimed at officers who use stop and search powers, included guidance on how the encounter should be conducted and what the recording requirements were. Checklists for supervisors

---

<sup>4</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 5.1, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf).

provided guidance about points to consider when supervising their officers' use of the powers, what their supervisory responsibilities were and how they should review stop and search records, including how they should record any action they might take as a result of the review. Additionally, a superintendents' checklist has been developed which included guidance about how superintendents should take up their responsibilities to monitor the use of the powers.

The force monitored the rate at which the stop and search records are reviewed by a supervisor and carried out regular dip-samples to check. However, this task was made more difficult by the absence of a specific field on the record for the supervisor to endorse.

Officers we spoke to were aware of the supervision of the stop and search records they submitted and were able to recall occasions when officers had been challenged by supervisors about their use of stop and search powers.

## **Recommendation 4 from 2013**

The College of Policing should work with chief constables to design national training requirements to improve officers': understanding of the legal basis for their use of stop and search powers; skills in establishing and recording the necessary reasonable grounds for suspicion; knowledge of how best to use the powers to prevent and detect crime; and understanding of the impact that stop and search encounters can have on community confidence and trust in the police. Specific training should also be tailored to the supervisors and leaders of those carrying out stops and searches.

### **Grounds for recommendation 4**

In 2013, we found that training, where it was given, was focused almost exclusively on law, procedure and officer safety and very little on what works best to catch criminals, or how officer behaviour can affect the way the encounter is experienced by the person being stopped and searched. We were worried that little was being done by forces to help officers understand how they should judge when they have reasonable grounds to stop and search, how they communicate these grounds to the person being searched and how they record them in accordance with the Police and Criminal Evidence Act 1984.

Addressing recommendation 4 is dependent on the development of a national training package by the College of Policing.

## **Recommendation 5 from 2013**

Chief constables should ensure that officers and supervisors who need this training are required to complete it and that their understanding of what they learn is tested.

### **Grounds for recommendation 5**

In 2013, we found that supervisors were given little or no training about how to supervise, or to help them understand what is expected of them. We found many examples of supervisors reviewing and signing stop and search records that clearly did not include a description of reasonable grounds for suspicion. For example, on one record signed by a supervisor, the grounds had been recorded as 'Parked in a remote car park after dark'.

### **Findings in respect of the Metropolitan Police Service regarding recommendation 5**

Addressing recommendation 5 is first dependent on the development of a national training package, which is not yet available (see recommendation 4 above).

Notwithstanding the absence of a national training package, some forces, including the Metropolitan Police Service, have sought to improve the training of their officers on the use of stop and search powers. We found the force had improved its training substantially.

Since 2012, beyond the training provided on recruitment, the force had carried out training using electronic training packages to over 20,000 officers. 1,500 officers had been trained in the preceding 18 months. The training includes information on legislation and particularly Code A, and how to use the powers fairly. At the conclusion of the training, officers' knowledge is checked to ensure they have understood it. However, there was no requirement for supervisors to undertake this training.

Encouragingly, since April 2014, the force had commenced the roll-out of behavioural detection training to all officers up to and including the rank of inspector. The aim of this training is to equip officers better to identify suspicious behaviour and record reasonable grounds. It was developed with advice from representatives from StopWatch<sup>5</sup> and the force's Independent Advisory Group.

---

<sup>5</sup> StopWatch is an independent, research-led charity which works to: promote effective, accountable and fair policing, inform the public about the use of stop and search, develop and share research on stop and search and alternatives, organise awareness raising events and forums and provide legal advice to people subject to stop and search.

We were also encouraged to find several examples of the force attempting to provide guidance to its officers in conjunction with community groups. For instance:

- in one borough, a training package had been designed by the YMCA that allowed young people to meet officers in a controlled and productive environment so that they could understand each others' perspective of stop and search powers;
- the territorial policing stop and search team has delivered training in various boroughs involving a 'master class' to about 1,000 frontline constables, PCSOs, sergeants and inspectors in 7 boroughs;
- in July 2013, electronic supervision was introduced and updated guidance was issued to supervisors on how to supervise stop and search encounters and scrutinise the stop and search record;
- updated guidance on what constitutes reasonable grounds has been published in the stop and search toolkit and circulated to officers via the force intranet and by e-mail; and
- the Metropolitan Police Service is one of several forces across the country taking part in a one-year pilot (starting on the 1st Jan 2015) on defining and assessing competence, which requires officers to be competent in the use of stop and search powers, as well as 15 other areas of police practice, before they can be awarded salary increases.

We were also encouraged to find that the force had developed what it called the 'quality encounter model' which provides guidance to officers on how to use stop and search powers in a way that does not erode public trust. This guides officers, in every stop and search encounter, to:

- explain who they are, why they are using the powers and what they intend to do;
- ensure the person understands what is happening and what is going to happen;
- record what they have done and hand a copy of the search record to the person; and
- reassure the person that the powers are used to protect communities.

## **Recommendation 6 from 2013**

Chief constables should ensure that relevant intelligence gleaned from stop and search encounters is gathered, promptly placed on their force intelligence systems, and analysed to assist the broader crime-fighting effort.

### **Grounds for recommendation 6**

Intelligence is a valuable by-product of stop and search encounters. However, in 2013 we were surprised at how little effort was given to monitoring how effectively stop and search powers were used to prevent crime and catch criminals. Only five forces had an intelligence field included on their stop and search record, and in a further eight it was noted on the record that a separate intelligence submission had been made. In those forces that did gather intelligence, there was confusion as to whether the stop and search record acted as an automatic intelligence submission or whether a separate intelligence form should be submitted, and we saw evidence of delays in placing the intelligence onto computer systems. This reduced the quality of the intelligence available to officers. Very few forces carried out sufficient analysis to map the locations of stops and searches against recorded crime, or to link stop and search encounters to prosecutions and convictions.

### **Findings in respect of the Metropolitan Police Service regarding recommendation 6**

Similar to the vast majority of forces, the Metropolitan Police Service reported that the details of stop and search encounters were not recorded automatically onto the intelligence database. However, within 24 hours of the encounter, the detail from stop and search records must be entered by the officer onto a database within the intelligence system. While entering the information into the database, officers are reminded to submit any additional intelligence gleaned from the stop and search encounter.

The stop and search record used by the force did not include fields for officers to record a detailed description of the person being stopped and searched, and neither did it include a specific field for officers to record any intelligence gleaned from the encounter. The force relied on officers submitting a separate intelligence report with details of any intelligence. There was, however, a reminder to officers in a 'frontline checklist' to submit intelligence. While officers are encouraged to gather intelligence, there was no time limit within which officers were required to submit intelligence. Late submission would be likely to reduce the value of the intelligence.

In relation to analysis, similar to about a half of forces, the Metropolitan Police Service mapped the locations of stop and search encounters and also considered them alongside the locations of reported crime to help it understand how best to prevent crime.

## **Recommendation 7 from 2013**

Chief constables should, in consultation with elected policing bodies, ensure that they comply with the Code of Practice by explaining to the public the way stop and search powers are used in their areas and by making arrangements for stop and search records to be scrutinised by community representatives. This should be done in a way that involves those people who are stopped and searched, for example, young people.

### **Grounds for recommendation 7**

In 2013, we found that fewer than half of forces complied with the requirement in Code A to make arrangements for the public to scrutinise the use of stop and search powers. Recognising the importance of keeping the public informed, it is surprising how little forces consulted or communicated with the public about their use of stop and search powers. Almost half of forces did nothing to understand the impact of stop and search encounters on their communities, with only a very small number proactively seeking the views of the people and communities most affected.

### **Findings in respect of the Metropolitan Police Service regarding recommendation 7**

Similar to over half of all forces, the Metropolitan Police Service publishes information to the public on its website which helps to explain the use of stop and search powers in their area. The information is comprehensive and contains monthly data including:

- total number of stop and search encounters, excluding section 60;
- total number of section 60 encounters;
- breakdown of reasons for encounters;
- arrest rate;
- breakdown of ethnicity;
- breakdown of age; and
- breakdown of above by borough;
- monthly breakdown of complaints arising from stop and search encounters;
- borough assessments of how the use of stop and search powers impacts on equality;
- stop and search policy;



- stop and search narrative, outlining the force's definition of effective and fair use of the powers;
- checklists for:
  - frontline;
  - supervisors (general);
  - supervisors (form review);
  - superintendents;
  - chief officers
  - senior leaders; and
  - briefing;
- questions and answers on the use of stop and search powers;
- questions and answers on the use of section 60; and
- several guidance flowcharts for officers.

Like all forces, the Metropolitan Police Service carried out work to understand how the use of stop and search powers affects public trust. Each borough had also carried out an assessment of the impact of the use of stop and search powers on equality.

Additionally, local Community Monitoring Groups had been established in boroughs across London. These groups meet together quarterly at the Community Monitoring Network meeting hosted by the Mayor's Office for Policing and Crime, at which they review and consider information about the use of stop and search powers, including a review that they carry out of stop and search records from which the personal details of the person stopped have been removed.

Representatives from the Community Monitoring Network and the Independent Police Complaints Commission attend the force's stop and search performance meetings. The force has also commissioned local surveys and research to help it understand about public attitudes to the use of stop and search powers.

The force has taken steps to engage with young people around the use of stop and search powers. Youth engagement activities were focused on two distinct themes: (i) rights and responsibilities; and (ii) trust and confidence. The activities included presentations, workshops, and face to face meetings between officers and young people affected by stop and search powers. For example, an encouraging project, designed by CityYMCA, arranges for young people to meet officers in an environment where they feel confident to speak up about their experiences. This

helps both the officers and the young people to view the use of stop and search powers from a different perspective. Additionally, several boroughs had dedicated youth engagement officers in addition to full-time schools' liaison officers and, in one borough, a volunteer police cadet had been attached to the local Community Monitoring Group to improve youth representation.

## **Recommendation 8 from 2013**

Chief constables should ensure that those people who are dissatisfied with the way they are treated during stop and search encounters can report this to the force and have their views considered and, if they wish, make a formal complaint quickly and easily. This should include information about dissatisfaction reported to other agencies.

### **Grounds for recommendation 8**

In 2013, we carried out a survey of people who had been stopped and searched<sup>6</sup>. Of the 391 respondents, there were too many occasions when people felt that the police had not treated them with respect (47 percent) or had not acted reasonably (44 percent). Thirty-nine percent said their experience of being stopped and searched lowered their opinion of the police. Of those people who said they were unhappy with the way they were treated by the police during the stop and search encounter, only 16 percent made a formal complaint. Many of those who did not complain, when asked why they had not done so, expressed a lack of faith in the complaints system.<sup>7</sup>

### **Findings in respect of the Metropolitan Police Service regarding recommendation 8**

The Metropolitan Police Service provides details of how to complain or provide feedback on the reverse of the stop and search record given to the searched person. However, not all people are given a copy of the record at the time of the encounter and, of those that are not, some do not later request a copy. To supplement the information on the record, information on how to complain or provide feedback is provided on the force's website. This includes an invitation to report dissatisfaction anonymously without making a formal complaint, or to take part in an anonymous online feedback survey. Feedback received in this manner is considered by the borough stop and search lead and by the borough Community Monitoring Group.

---

<sup>6</sup> *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2013, [www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

<sup>7</sup> *IPCC position regarding police powers to stop and search*, IPCC, June 2009, [www.ipcc.gov.uk/sites/default/files/Documents/guidelines\\_reports/stop\\_and\\_search\\_policy\\_position.pdf](http://www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/stop_and_search_policy_position.pdf)

Community Monitoring Groups provide an opportunity for local community members to give their views on stop and search to their local police. One borough had piloted a scheme whereby people could report any stop and search issues to a third party (including the chair of the local Community Monitoring Group) who was trained to negotiate between the police and the complainant and seek a resolution.

Additionally, the force assisted a group of students to develop an independent stop and search mobile phone app which provided information about rights and how feedback could be given. In 2013, the force piloted the provision of a 'satisfaction leaflet' to persons stopped and search, encouraging them to complete a short satisfaction questionnaire and text the responses to the force. Despite the efforts of the force, the two initiatives provided very little meaningful data.

The force carried out analysis of complaints made as a result of stop and search encounters and published the information on its website. Unlike many of the forces we visited, the Metropolitan Police Service did not restrict its analysis of complaints to those categorised as a breach of Code A. Instead, it identified all complaints arising from stop and search encounters, irrespective of how they had been categorised. This allowed the force to view a full picture of complaints relating to the use of the powers.

## **Recommendation 9 from 2013**

Chief constables should introduce a nationally agreed form (paper or electronic) for the recording of stop and search encounters, in accordance with the Code of Practice.

### **Grounds for recommendation 9**

In 2013, we found a variety of forms used to record stop and search encounters in use by forces. They differed substantially in terms of layout and the type of detail to be recorded. One force had five different stop and search forms in circulation at the time of our inspection.

The recommendation involves the agreement of all chief constables in England and Wales and as such, is not a recommendation applicable solely to the Metropolitan Police Service.

## **Recommendation 10 from 2013**

Chief constables should work with their elected policing bodies to find a way of better using technology to record relevant information about stop and search encounters which complies with the law and reveals how effectively and fairly the power is being used.

### **Grounds for recommendation 10**

Our 2013 inspection found that technology had the potential to improve the effective, lawful and fair use of stop and search powers. However, although there were a number of interesting developments, limited use was being made of technology to record stop and search encounters at that time.

### **Findings in respect of the Metropolitan Police Service regarding recommendation 10**

Some of the officers in the Metropolitan Police Service record stop and search encounters on personal data assistants which automatically transfer the details to the stop and search database. The force is also piloting the use of iPads to record the use of the powers in one borough. The remainder of officers use paper forms. The use of body worn video to record stop and search encounters is likely to improve the effectiveness and fairness of encounters while, research suggests, also improving the behaviour of both the officers and the people stopped and searched<sup>8</sup>.

The force reported that some stop and search encounters were recorded on body worn video as part of a trial. While the trial did not include an active review of footage by supervisors, the force is exploring how the footage can be shared with local Community Monitoring Groups for them to review for effectiveness, fairness and legality.

The Police and Crime Committee of the Greater London Authority has recommended that the Metropolitan Police Service should work to improve confidence in its recording of stop and search by including an evaluation of the impact that body worn video has had during the trial and report back to the Committee after one year. A comprehensive evaluation is currently being conducted by the force in partnership with the College of Policing.

---

<sup>8</sup> *Guidance for the Police use of body-worn video devices*, Police and Crime Standards Directorate, Home Office, July 2007; *Picture This: body worn video devices ('headcams') as tools for ensuring fourth amendment compliance by police*, Harris, D., April 2010; and others.

Similar to the majority of forces, the Metropolitan Police Service reported that its custody system included a field for completion by custody staff to show whether an arrest has resulted from a stop and search encounter. This helps the force to record outcomes more accurately to assess the effectiveness and fairness of the use of the power.

## **Conclusions for Part 1**

We were pleased to find improvement in almost all areas in which we made recommendations in 2013.

The Metropolitan Police Service has made strenuous efforts to improve the guidance it provides to its officers in respect of the use of stop and search powers, the Home Office Best Use of Stop and Search Scheme and section 60 of the Criminal Justice and Public Order Act 1994.

The force monitors, in great depth, a wide range of data about the use of stop and search powers to help it assess how effectively and fairly officers are using the powers. However, when assessing arrest rates, the force should discount those arrests that are not directly linked to the finding of a prohibited item and should include other outcomes that do relate directly to such outcomes.

The force has invested in strengthening supervision of stop and search encounters with sergeants instructed to review all stop and search records, and supervision rates monitored. However, the absence on the stop and search record of a specific field for supervisors to complete makes the process difficult to monitor to ensure that supervisors are not only checking the completeness of the record, but also the legality of the encounter, and specifically the grounds for the search.

The force has invested in training and we were encouraged to find that 20,000 officers had completed the electronic training supplemented by face to face inputs to training days and clear and comprehensive guidance on the force intranet. We were also encouraged by the inclusion of behavioural detection training and, in some boroughs, the inclusion of local community members and youth groups in the development and provision of the training.

While guidance encourages officers to gather and submit intelligence gleaned from stop and search encounters, the record does not include a field in which to note a full description of the person, which can be valuable as intelligence.

The force published a vast amount of data and information on its website. The use of the powers is overseen by local Community Monitoring Groups which monitor the data arising from stop and search encounters, and review a number of stop and search records.

It was also encouraging to find that the force has developed several routes through which people could feed back if they felt dissatisfied about their stop and search encounter, so that practice could be improved. In general, these routes involved the person stopped and searched having to take the initiative. However, the force has also attempted different approaches actively to seek information about dissatisfaction and, while they have thus far provided little information, the force should continue its endeavours in this area.

It is encouraging that the force is actively exploring the use of technology to assist its officers to use stop and search powers effectively and fairly.

## Part 2 - How effectively and fairly does the Metropolitan Police Service use section 163 of the Road Traffic Act 1988?

In addition to requesting HMIC to inspect further on the progress that police forces had made since the 2013 inspection, the Home Secretary commissioned HMIC to:

“Review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly.”

### Powers to stop vehicles

In our 2013 report, we highlighted that some people believed that they had been stopped and searched when, in fact, they had been stopped and spoken to by an officer or stopped in their car under the Road Traffic Act – without a search taking place<sup>9</sup>.

In England and Wales, police officers’ powers to stop vehicles are enshrined in section 163 Road Traffic Act 1988, which states:

“A person driving a motor vehicle on a road must stop the vehicle on being required to do so by a constable in uniform”<sup>10</sup>

Unlike stop and search powers which are subject to the requirements of a statutory Code of Practice<sup>11</sup>, this power does not require an officer to have any particular reason to stop a motor vehicle and there is no requirement for the officer to explain why he or she has carried out the stop.

---

<sup>9</sup> *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, July 2013, page 18, [www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/stop-and-search-powers-20130709.pdf)

<sup>10</sup> *Road Traffic Act 1988* s.163, [www.legislation.gov.uk/ukpga/1988/52/section/163](http://www.legislation.gov.uk/ukpga/1988/52/section/163)

<sup>11</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

## **Findings in respect of the Metropolitan Police Service regarding the use of section 163 of the Road Traffic Act 1988**

While substantial work had been undertaken to understand how well officers used powers of stop and search, much less had been done to understand how well they used the Road Traffic Act power to stop vehicles.

The force did not have a policy on the use of the Road Traffic Act power and officers were not required to record their use of the power. This is not to say that individual officers never record these encounters. From our interviews with officers, we found that in addition to those stops that were not recorded, the use of this power was sometimes recorded in a pocket notebook, on a fixed penalty notice where one was issued, or on the Police National Computer if the officer had conducted a check of the person or vehicle concerned. However, we found that, on those occasions when a stop was recorded, it was done in an ad hoc manner and not according to any particular system that might allow effective oversight of the use of the power.

Due to the absence of recording requirements, supervision of the use of the power does not take place and the force is not able to carry out work to understand if the power is used effectively and fairly, or how the use of the power affects public trust. Like the vast majority of forces, the Metropolitan Police Service had not designated a senior manager to oversee the use of the power.

However, some limited training on the use of the power is provided to officers on initial recruitment, but not beyond that. None of the training explains how the power should be used in order for it to be effective and fair.

How effectively and fairly do police community support officers use their powers to search for and seize alcohol and tobacco?

The Police Reform Act 2002 enables forces to designate police community support officers (PCSOs) with the power to seize alcohol from any person they reasonably suspect to be in possession of alcohol, who is under the age of 18 and in a public place or place to which the person has gained unlawful access<sup>12</sup>. It also allows forces to designate PCSOs with the power to seize tobacco from any person under the age of 16 who they find smoking in a public place<sup>13</sup>.

---

<sup>12</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 6 [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

<sup>13</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 7 [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)



In order to discharge these powers effectively, the Police Reform Act provides PCSOs with the power to search for the items if they reasonably believe the person is in possession of them<sup>14</sup>. Chief constables have a choice whether or not to designate these powers to their PCSOs.

HMIC asked all forces to provide a self-assessment of their use of the Police Reform Act 2002 powers to establish if they were making effective and fair use of these. We undertook further testing in this area while conducting fieldwork in the nine forces chosen for the inspection.

Findings in respect of the Metropolitan Police Service regarding the use of powers under the Police Reform Act 2002

The Metropolitan Police Service did not have a policy for the seizure of alcohol, or the seizure of tobacco. PCSOs were provided with some training on the powers when they were recruited, but this did not include how to use them effectively and fairly.

Like most forces, the Metropolitan Police Service did not require the use of the Police Reform Act powers to be recorded. The force was unable to provide us with either the number of times the powers had been used or any detail of the outcomes.

We found that no monitoring of the use of the powers had occurred, and no audits had been undertaken to determine if the powers were used effectively and fairly. The force had not designated a senior manager to oversee the use of the powers.

Many of the officers and supervisors we spoke to did not have a good knowledge of PCSOs' powers in respect of alcohol and tobacco seizure. We believe that part of the reason for this is the fact that the power can only be used by PCSOs, meaning that sergeants have no experience of using it themselves (unless they had been a PCSO before becoming a constable) and therefore lack the knowledge and confidence to check properly the work of the PCSOs.

---

<sup>14</sup> Police Reform Act 2002, Schedule 4, Powers exercisable by police civilians, Part 1, Community Support Officers, paragraph 7A [www.legislation.gov.uk/ukpga/2002/30/schedule/4](http://www.legislation.gov.uk/ukpga/2002/30/schedule/4)

## Conclusions for Part 2

In Part 2 of this inspection, due to the absence of records, we were unable to assess how effectively and fairly officers and PCSOs in the Metropolitan Police Service use the Road Traffic Act power to stop vehicles and the Police Reform Act powers to search for and seize alcohol and tobacco.

Also, unlike the situation with stop and search, the force did not have policies to guide officers on how to use the Road Traffic Act power or the Police Reform Act powers effectively and fairly. For both Road Traffic Act and Police Reform Act powers, the force showed little commitment to collecting information and using this to oversee their fair and effective use.

The absence of reliable data about the use of the Road Traffic Act and Police Reform Act powers has meant that the force cannot demonstrate that it is using these powers effectively and fairly.

In our report *Stop and Search Powers 2: Are the police using them effectively and fairly?*<sup>15</sup>, we made recommendations to all forces in respect of the use of these powers.

---

<sup>15</sup> *Stop and Search Powers 2: Are the police using them effectively and fairly?* HMIC, 2015, London, HMSO. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)

## Part 3 - Searches involving removal of more than an outer coat, jacket or gloves

As part of this inspection, HMIC was commissioned by the Home Secretary to examine the use of search powers involving the removal of more than a person's outer clothing, including strip searches, to identify whether these searches are lawful, necessary and appropriate.

Code A<sup>16</sup> informs police officers about how to conduct stop and search encounters, and makes certain distinctions about what clothing can be removed and where searches can take place. The following extracts from Code A describe what can and cannot be done in relation to the removal of clothing during a search.

- “There is no power to require a person to remove any clothing in public other than an outer coat, jacket or gloves, except under section 60AA of the Criminal Justice and Public Order Act 1994 (which empowers a constable to require a person to remove any item worn to conceal identity).”<sup>17</sup>
- “Where on reasonable grounds it is considered necessary to conduct a more thorough search (e.g. by requiring a person to take off a T-shirt), this must be done out of public view, for example, in a police van unless paragraph 3.7 applies, or police station if there is one nearby. Any search involving the removal of more than an outer coat, jacket, gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it.”<sup>18</sup>

---

<sup>16</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>17</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.5, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

<sup>18</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, paragraph 3.6, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

- “Searches involving exposure of intimate parts of the body must not be conducted as a routine extension of a less thorough search, simply because nothing is found in the course of the initial search. Searches involving exposure of intimate parts of the body may be carried out only at a nearby police station or other nearby location which is out of public view (but not a police vehicle).<sup>19</sup>

In effect, Code A specifies three levels of search that are characterised by their increasing level of intrusiveness:

- A search involving no removal of clothing other than an outer coat, jacket or gloves;
- A search involving more than removal of an outer coat, jacket or gloves but not revealing intimate parts of the body; and
- A search involving more than the removal of an outer coat, jacket or gloves which reveals intimate parts of the body, often referred to as a strip-search.

While the code stipulates that there is only a power to require the removal of more than an outer coat, jacket or gloves out of public view, the accompanying guidance notes provide the officer with the opportunity to ask the person voluntarily to remove more than that clothing within public view.<sup>20</sup> However it does not give any further guidance on how this should be conducted.

## **Findings in respect of the Metropolitan Police Service regarding stop and search encounters requiring the removal of more than outer coat, jacket or gloves**

Unlike most other forces, the Metropolitan Police Service provided comprehensive guidance to its officers about stop and search encounters which require the removal of more than a person’s outer coat, jacket or gloves (including strip-searches).

When asked to provide information about searches involving the removal of more than outer clothing, the force was unable to provide information in relation to the number of stop and search encounters that had involved the removal of more than outer coat, jacket or gloves.

---

<sup>19</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A paragraph, 3.7, [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf).

<sup>20</sup> *Revised code of practice for the exercise by: Police Officers of Statutory Powers of stop and search*, Police and Criminal Evidence Act 1984, HM Government, December 2014, Code A, Notes for guidance: Recording [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384122/PaceCodeAWeb.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384122/PaceCodeAWeb.pdf)

This is the case for vast majority of forces. We are not able to report, with any accuracy, how often officers of the Metropolitan Police Service conduct these more intrusive searches on the street, and are not able to report how many strip searches, in total, are conducted.

However, while there was no requirement for officers to record whether a stop and search encounter on the street involved the removal of more than outer coat jacket or gloves, the force had implemented a policy by which officers should consider taking the person to a police station to conduct a more thorough search. In each police station, a room outside of the custody suite had been designated for this purpose. In these circumstances, the authority of a supervisor was required, and we were encouraged to find that the officer was required to complete a comprehensive record including the items of clothing removed, the intimate parts of the body revealed (if any) and the gender of all persons present. It also, unlike the usual stop and search record, requires the review and endorsement of a supervisor. The resulting data are likely to be valuable in determining appropriateness and necessity, and the force should consider using this recording method for all stop and search encounters involving the removal of more than outer coat jacket or gloves. However, the records of such searches were sent to the force's diversity unit for review and not included in the monitoring and performance regime overseeing the general use of stop and search powers – as such, the force missed the opportunity to use the records it had to assess how well these searches were being conducted.

As a result of the absence of complete records in relation to the removal of more than outer coat, jacket or gloves, the force reported that it is not able accurately to determine how many times this occurs or to what level of intrusiveness. Neither is it able to determine if the actions of its officers in this regard are effective and fair, or what impact the removal of more than outer coat, jacket or gloves has on public trust.

While the force had made good progress in relation to recording those more intrusive searches carried out at a police station, it is worrying to us that senior leaders did not know, as a matter of course, how frequently their officers had conducted more intrusive searches, including strip searches, and that they were unable to assess if they were appropriate or necessary.

## Conclusions for Part 3

The power of a police officer to stop a member of the public in the street and search them is an intrusive one. The ability to remove clothing that reveals the intimate parts of the person's body is extremely intrusive.

HMIC would expect the level of scrutiny that takes place on stop and search encounters to increase in line with the level of intrusion. However, this is not the case in the Metropolitan Police Service. The force is not able to identify those stop and search encounters that involve the removal of more than outer coat, jacket or gloves and carried out far less scrutiny of these sometimes very intrusive searches than it did for searches that did not involve the removal of such clothing.

The current lack of adequate additional scrutiny of these types of stop and search encounters does not allow the force to ensure that individuals' rights are being respected and upheld. It also does not provide the force with any ability to identify officers that may require additional training, advice or discipline.

However, we were heartened that officers had been provided with comprehensive guidance on those stop and search encounters that require the removal of more than outer coat, jacket or gloves.

In our report *Stop and Search Powers 2: Are the police using them effectively and fairly?*, we made recommendations to all forces in respect of stop and search encounters involving the removal of more than outer coat, jacket or gloves<sup>21</sup>.

---

<sup>21</sup> *Stop and Search Powers 2: Are the police using them effectively and fairly?* HMIC, 2015, London, HMSO. Available from [www.justiceinspectors.gov.uk/hmic](http://www.justiceinspectors.gov.uk/hmic)