

Disproportionate use of police powers

A spotlight on stop and search and
the use of force

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Foreword

The tragic killing of George Floyd in the USA in May 2020, and the subsequent protests in the UK and around the world, have highlighted once again the significant impact that police interaction can have on some people, particularly those from Black, Asian and Minority Ethnic¹ communities.

The public rightly expect the police to protect them by using their powers in an effective and fair manner. When the police use their powers disproportionately – in differing proportions on different ethnic groups – it causes suspicion among some communities that they are being unfairly targeted.

This can undermine police legitimacy, which is a fundamental aspect of the British model of policing by consent. Legitimacy in the eyes of the public is inextricably linked to the way the police use their powers – whether the police are fair and reasonable in the use of their powers, respectful during encounters and open in their decision-making.² A lack of trust leads to reduced legitimacy, which can lead to lower levels of co-operation and compliance.³ Unfair use of powers can be counter-productive if it leads people to feel they have no obligation to comply with the law. It may make people unwilling to report crimes of which they are the victims, or to come forward as witnesses.

Some of the most intrusive and contentious police powers are those that allow the police to use force and to stop and search people. Some view stop and search as a valuable tool in the fight against crime, while others argue that its use has little effect on crime rates⁴ and can in fact increase disorder.⁵ For some, particularly Black, Asian and Minority Ethnic people, it can reinforce the perception that there is a culture of discrimination⁶ within the police. And, now that we have some long-awaited data on the police use of force, similar concerns are arising about this area of practice.

¹ We have received differing views on the use of the term 'Black, Asian and Minority Ethnic'. The majority of people we consulted on this question supported it, although others suggested alternatives. We use this term because at present it is widely recognised and accepted, but if this changes we will revise our terminology.

² [It's a fair cop? Police legitimacy, public cooperation, and crime reduction](#), A. Myhill and P. Quinton, National Policing Improvement Agency, September 2011.

³ [The Views of the Public on Stops and Searches](#), V. Stone and N. Pettigrew, September 2000.

⁴ [Does Stop and Search Deter Crime? Evidence from Ten Years of London-wide data](#), M. Tiratelli, P. Quinton and B. Bradford, January 2018.

⁵ Stop and search has been cited as a factor in the 2011 riots. See, for example, [Reading the Riots: Investigating England's summer of disorder](#), The London School of Economics and Political Science, December 2011.

⁶ In this report, where we use the term 'discrimination' or 'discriminatory', we mean that the discrimination in question is unlawful.

Through our most recent inspection work, we know that forces still do not fully understand the impact on individuals and communities of the use of police powers, despite stop and search data being available since the mid-1980s. We have been urging the police to improve their understanding in this area for years now. Forces must do more to ensure they identify disproportionality, understand the reasons for it, take action to reduce it where required, and explain those reasons and actions to the public. Without a proper explanation, members of the public may see the disproportionate use of powers as a sign of discrimination, and so police legitimacy may be undermined.

Stop and search is predominantly used to search for drugs.⁷ The high prevalence of searches for possession of drugs rather than supply potentially indicates that efforts are not being effectively focused on force priorities. Forces often cite '[county lines](#)'⁸ as a reason for stop and search, but to be most effective, policing tactics to address this need to target drugs supply more effectively. And the widely different approaches taken by forces suggest a lack of standardised policy and procedure. Drug enforcement, mainly through stop and search, contributes to ethnic disproportionality despite evidence that there is no correlation between ethnicity and rates of drug use.⁹ The likely damage to police community relations caused by large numbers of drugs possession searches, especially those that find nothing, may outweigh the benefits derived from such searches. We consider that now is the time to have an evidence-based national debate on the use of stop and search in the policing of controlled drugs.

The damage caused by unexplained disproportionality can be far-reaching and long-lasting. It may lead to more Black, Asian and Minority Ethnic people being drawn into the criminal justice system, disrupting their education and family lives, and reducing their work opportunities.¹⁰ It feeds perceptions among the public and police about Black people and crime, and may also influence how the police allocate and deploy resources. This in turn exacerbates the imbalances in the criminal justice system. The Home Office's Uplift Programme, which will increase the number of police officers by 20,000 by 2025, provides a significant opportunity for forces to recruit officers who are more reflective of the communities they serve. However, such efforts could be undermined by perceptions of disproportionality.

⁷ [Police powers and procedures, England and Wales, year ending 31 March 2020](#), Home Office, 2020.

⁸ This refers to criminal networks or gangs that use a dedicated mobile phone line (or 'deal line') to distribute drugs, typically from an urban area to a smaller town or rural setting. They often exploit vulnerable adults and children to traffic, store and deal drugs, and will use violence, weapons and coercion.

⁹ [The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales](#), M. Shiner, Z. Carre, R. Delsol and N. Eastwood, October 2018.

¹⁰ [The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), The Rt Hon David Lammy MP, September 2017.

Forces should reflect on the findings of this report. They should analyse their data and either explain, with evidence, the reasons for disproportionality, or take demonstrable action to address it. The police service must be able to show the public evidence that their use of the powers is fair, lawful and appropriate, or risk losing the trust of the communities they serve.



Wendy Williams CBE

HM Inspector of Constabulary

26 February 2021

Summary of findings

Interactions with the public: culture and learning

Generally, forces are improving how they train their officers and staff in preventing unfair behaviour by combatting unconscious bias (those personal biases we all have, influenced by our surroundings and backgrounds). Forces are also better at ensuring their workforces apply this training when interacting with the public. However, more needs to be done and training alone isn't enough. Leaders need to recognise that training will only bring about lasting improvement if the culture in the force is one of diversity, inclusion and equality.

In too many forces, officers and staff are not being provided with the skills they need to understand how they come across in everyday interactions. Nor are they being shown how they can build rapport to help prevent conflict and escalation in order to secure public co-operation and reduce the need for conflict management, de-escalation and the use of force.

Too few forces regularly review [body-worn video](#) footage as part of their internal monitoring¹¹ and external scrutiny¹² of stop and search and use of force. They should make more use of this valuable source of information.

Use of force: forces are developing their understanding but need to do more

While data about the use of Tasers¹³ and firearms has been collected for several years, data about use of force in general has been collected only since 2017, and so is not yet fully developed and has some limitations. Forces' processes for monitoring and scrutinising data are valuable in helping them to understand the level and nature of their use of force, but in too many cases are also still in development.

The 2019/20 data indicates that Black people were about 5.7 times more likely to have force used on them than White people. The data further shows that officers were more than nine times as likely to have drawn Tasers (but not discharged them) on Black people than on White people. Additionally, Black people were eight times more likely

¹¹ Forces' processes to analyse data and information about their use of stop search and use of force, to understand and improve how they use these.

¹² Each force should have an independent panel of community members that reviews data and information about stop and search and the use of force. These panels oversee and challenge how forces use these powers.

¹³ Other makes of conducted energy device are available but Taser is currently used in forces in England and Wales.

to be 'compliant handcuffed'¹⁴ than White people and over three times more likely to have a spit and bite guard used on them than White people. The reasons for this are unclear. It could mean that force is used on Black people with less justification than on White people, or there could be other explanations. This needs further exploration.

While we acknowledge the importance of officer safety, we have received anecdotal evidence that the use of handcuffs during stop and search encounters is becoming routine in some forces. We don't currently have a way of establishing how many of the over 350,000 uses of handcuffs in 2019/20 occurred during a stop and search encounter. Until this data is available and can be monitored, there is a risk that some handcuffing during stop and search could be unjustified, unnecessary and therefore unlawful.

In general, training of officers and staff on how to use force fairly and appropriately is good. However, some forces have backlogs, which means that some officers and staff don't receive training as often as they should. This needs to be addressed.

We expected that police forces would have relatively advanced processes in place for the monitoring, governance and external scrutiny of their use of force, but in too many forces they were either ineffective or non-existent. These forces have a limited understanding of how fairly or appropriately their officers and staff are using force. For example, sometimes feedback is not acted on, or panel members don't receive adequate training or information to perform their role.

Disproportionate use of force needs to be analysed and understood by forces, reduced where appropriate, and explained to the public with supporting evidence.

Stop and search: over 35 years on, forces still need to do more to understand disproportionality

Over 35 years on from the introduction of stop and search legislation, no force fully understands the impact of the use of these powers. Disproportionality persists and no force can satisfactorily explain why. In 2019/20, Black, Asian and Minority Ethnic people were over four times more likely to be stopped and searched than White people; for Black people specifically, this was almost nine times more likely. In some forces, the likelihood was much higher. Black people were also 18 times more likely than White people to be searched under [section 60 of the Criminal Justice and Public Order Act 1994](#). This gives officers time-limited powers to search any individuals in an area, without requiring reasonable grounds,¹⁵ in order to recover offensive weapons or dangerous instruments in anticipation of serious violence.

¹⁴ Compliant handcuffing means handcuffs are applied when the subject is compliant.

¹⁵ Reasonable grounds is the legal test (under section 1 of the Police and Criminal Evidence Act 1984 and section 23 of the Misuse of Drugs Act 1971) that an officer must apply before they stop and detain a person or vehicle to search them. The test is in two parts: (i) the officer must have formed a genuine suspicion that they will find the object for which the search power being exercised allows them to search and (ii) there must be an objective basis for that suspicion based on facts, information and/or intelligence which are relevant to the likelihood that the object in question will be found, so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and/or intelligence. See Police and Criminal Evidence Act 1984 (PACE) – Code A (December 2014).

Also, a failure to record ethnicity data in an increasing proportion of records is hiding the true disproportionality rate. This means that some forces are not able to see the full picture.

Most searches are for drugs, and the majority of those are for possession rather than the more serious offence of supply. And most searches are self-generated – that is, initiated spontaneously by the officer in response to what they see or hear, rather than intelligence-led or as a result of information from a third party. The prevalence of self-generated, possession-only drug searches, about a quarter of which find drugs, indicates that stop and search is not always being targeted at offences that are the most serious and high priority for forces, or that matter most to the public. Some forces may be either making operational decisions to target lower-level drugs possession over other crimes or failing to give officers sufficient direction and guidance on how best to use the powers to reduce crime based on what works. This is particularly pertinent in the case of drugs searches, because these contribute substantially to racial disparities in the use of stop and search. We found that drug searches on Black people, and particularly possession-only drug searches, had a higher rate of weak recorded grounds than equivalent searches on White people, and fewer drug searches of Black people resulted in drugs being found.

Drug searches influence the disproportionality rate more than other types of search, and risk damaging police and community relations. The wide variation of approaches among forces suggests a need for a national approach to using stop and search to police drugs. The potential damage to public trust and police legitimacy is substantial, and possession-only drug searches make up a large proportion of searches in all forces. We consider that now is the time for a national debate on the policing of controlled drugs through stop and search.

At the time of our 2018/19 PEEL Legitimacy inspection, none of the 43 forces had complied fully with our 2017 recommendations.¹⁶ These recommended that forces analyse and monitor how often the item being searched for is found (the ‘find rate’) for different types of searches, including separating out possession of drugs from supply. And we also recommended that forces act on disparities and publish the analyses and results. If forces can’t establish what proportion of their searches are related only to possession, they can’t assess whether those searches align with local and force crime-reduction priorities. Find rates are generally low, and although the racial disparities in drug search find rates we saw in 2017 have reduced, they still remain. So, while we acknowledge that most forces have made progress, all forces still need to comply fully with our 2017 recommendation to monitor the find rates of different search types to identify disproportionality.

Of the 9,378 records we reviewed, the majority of searches were self-generated by the officer, initiated by what they saw or heard. This ranged in forces from 33 percent to 80 percent. Over a third (37 percent) were initiated by information received from a third party. We were surprised by the low rate of intelligence-led searches (9 percent on average); in some forces it was as low as 1 percent. Higher proportions of Black and Asian people were the subject of an officer-generated stop and search compared with White people. Proportions varied markedly between forces, again suggesting

¹⁶ [PEEL: Police legitimacy 2017: A national overview](#), HMICFRS, 12 December 2017.

different policing approaches. Further research is required to determine the reasons for this.

Based on our sample of records, we estimate that there were reasonable grounds for stop and search encounters in 81.7 percent of cases.¹⁷ This is down from 94 percent in 2017. And a quarter of the recorded grounds were assessed as weak. Searches based on weak grounds had lower find rates than those based on moderate or strong grounds. Forces need to place more emphasis on ensuring that officers and their supervisors understand what constitutes reasonable grounds and how to record them accurately.

We found that training on stop and search has improved, with some examples of good practice, but there are still gaps in too many officers' skills and knowledge. In some forces, not all officers receive regular, timely training. The results of our review of stop and search records suggests that supervisors need further training on their responsibilities and how best to supervise their officers' use of stop and search powers.

In general, in 2018/19 forces were better at monitoring stop and search than when we inspected in 2017. But too many forces still do not analyse and monitor enough information and data on stop and search to understand fully how fairly and effectively the powers are used. And not enough action is taken on the disparities they identify. Some forces say that disproportionality results from their proactive efforts to tackle gang crime or county lines. But they have been unable to show us sufficient evidence to verify these assumptions. Forces need to be better at identifying disparities and taking demonstrable action where required. The disproportionate use of stop and search powers needs to be understood, reduced where appropriate, and explained to the public with supporting evidence.

Most of the forces we inspected had good external scrutiny arrangements, involving a diverse panel of people who had been given appropriate training on stop and search. The better performing forces had their panel members review a sample of stop and search records and the related body-worn video footage. But some panels were ineffective because members were not given the tools they needed to perform the role. And a small number of forces either had no arrangements in place or their panels met too infrequently. These forces are missing opportunities: to learn from their communities about the reality of experiencing stop and search; to improve procedures; to target their stop and search activity more effectively to tackle local and force priorities; and to increase openness and public trust. The College of Policing's recently updated Authorised Professional Practice should help forces to achieve these aims.

¹⁷ This calculation has a confidence interval of plus or minus 0.8 percent.

About this report

What do we mean by disproportionality?

In this report, we use the word ‘disproportionality’ to mean that a certain group of people is affected by police action in a way that is substantially different from people not of that group. The group that this report focuses on is Black, Asian and Minority Ethnic people and the police actions it examines are the use of force, and stop and search.

The standard approach to considering disproportionality is to use information from the 2011 national census (the most recent census data) about the proportion of people from different ethnic backgrounds in a given area. This approach has been criticised by some researchers – and police forces – on the basis that the ethnic make-up of some areas has changed a lot since 2011.

Also, some forces have extremely high numbers of short-term visitors to their areas, for reasons including a vibrant night-time economy, thriving tourism or a university. This means that the ethnic profile of people in an area at a given time may not match that of the resident population, which could affect the disproportionality rate.¹⁸ Data about the ethnicities of visitors is not routinely collected and cannot be accurately determined for any force area.

We use the resident population approach in this report because it is considered to be the most reliable way to determine disproportionality, and it is how the Home Office and others calculate the rate.

But the above issues mean that we are not able to definitively calculate disproportionality rates, and they may account for some of the disproportionality in a given police force area. The latest Home Office data shows that all forces are, to varying degrees, disproportionate in the way they use the powers, and some have very high rates of disproportionality. Moreover, the disproportionality rates differ wildly between forces with similar policing environments and populations, which suggests that the historic nature of the data alone cannot account for the high rates.

¹⁸ The disproportionality rate is the ratio between the percentage of people in an ethnic group who experience the exercise of a police power and the percentage of people in that same ethnic group in the population.

Why is this important?

Disproportionate use of police powers on Black, Asian and Minority Ethnic people has been a problem for many years. Recent events around the world have highlighted once again the impact that police interaction can have on some people, particularly those from Black, Asian and Minority Ethnic communities. High-profile incidents of perceived unfairness in the UK have since reinforced that impact – for example, the traffic stop of MP Dawn Butler and the stop and search of British athlete Bianca Williams that were widely reported in the media, with both incidents seen by those involved as having been initiated by racial profiling.

Fair decision-making and working and interacting positively with the public can improve perceptions of the police and increase trust in them, leading to enhanced police legitimacy. (This is often referred to as ‘procedural justice’.) This, in turn, helps efforts to reduce crime by encouraging greater respect for the law: it makes people less likely to break the law, and fosters a social responsibility that leads to greater co-operation with the police. Research has shown that procedural justice is likely to foster public trust in the police – more so than neighbourhood policing or low crime rates.¹⁹ People who already have a poor opinion of the police or who have frequent police interaction are more likely to perceive their contact with the police as a negative experience and are less likely to help the police or to report crimes if they are victims. That negativity is fed by easily available examples of poorly conducted police interactions with the public in the media and on websites such as YouTube.

While disproportionality does not necessarily mean discrimination or misapplication of powers,²⁰ forces should be able to explain disparities and show the public evidence that their use of the powers is fair, lawful and appropriate. At the [launch of the race disparity audit in October 2017](#), Prime Minister Theresa May said: “If disparity cannot be explained, it must be changed.” Adequate explanations for disproportionate use of powers are likely to help reassure communities – including, most importantly, those who have low levels of trust and confidence in the police. Without those explanations, the public may conclude that misapplication of powers and/or discrimination play a part in the way the police use their powers. Mistrust of the police caused by disproportionate use of powers must be addressed if the police are to win back, maintain or increase the confidence of the public.

The lived experience of those involved is imbalanced. For police officers, the exercise of powers such as stop and search, use of force and traffic stops is routine, whereas for the person being stopped, the experience can be embarrassing, intrusive and frightening. And those who experience repeated encounters with the police may develop concerns about bias and the targeting of certain communities or groups.²¹ In a recent survey of people from the Black community in the UK,²² 85 percent were not confident they would be treated the same as a White person by the police.

¹⁹ [Citizens’ trust in the police and police trust-building strategies: main findings from a comparative, dynamic study](#), D. Schaap, July 2020.

²⁰ [The Colour of Injustice: ‘Race’, drugs and law enforcement in England and Wales](#), M. Shiner, Z. Carre, R. Delsol and N. Eastwood, October 2018.

²¹ [The recording of police stops: methods and issues](#), Open Society Justice Initiative, March 2020.

²² [The Black Community and Human Rights](#), C. Henry, K. Imafidon and N. McGarry, September 2020.

The negative effect of disproportionate use of powers and poor police and community relations on public perceptions should not be underestimated. The damage can be far-reaching and long-lasting. Disproportionate use of powers leads to more Black people being drawn into the criminal justice system, disrupting education, reducing work opportunities and breaking down families and communities. It can contribute to perceptions among the public and police officers regarding Black people and crime. It may also influence how the police allocate resources, which in turn can accelerate the imbalances seen in the criminal justice system and perceptions of a correlation between ethnicity and criminality.²³ Among young Black, Asian and Minority Ethnic people, fear of conflict with the police, which might draw them into the criminal justice system, causes them to curtail their freedom at a critical time in their development. For example, they might avoid certain places or gatherings so as not to come to police attention.²⁴

Why diversity training is not enough on its own

It might be considered that disproportionality can be ‘trained out’ by providing officers and staff with the skills to recognise and combat their personal biases. However, training and diversity policies alone are not enough to create a diverse and inclusive organisation. Training can be effective in promoting knowledge and skills in the short term, but only if it is part of a continuing programme rather than a one-off session, and in the context of wider activities.²⁵ Diversity training is less effective at changing long-term attitudes, suggesting that it is not an effective way on its own to counter personal prejudices.²⁶ Without an inclusive and supportive organisational climate and culture, diversity training or a diversity policy is unlikely to have an impact. Force leaders and managers need to understand that training will not work, and policies will not be complied with, unless the organisational culture supports it.²⁷ This means that leaders need to take action to actively promote and encourage an inclusive culture to ensure it becomes established in everyday activity.

Given the competing demands on police time and the limited capacity of force training departments, there may be some advantages in national learning programmes being more skills-based than topic-based to ensure greater consistency in knowledge and skills.²⁸

²³ [Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature, and of Criminal Profiling More Generally](#), B. E. Harcourt, November 2003.

²⁴ [‘To Serve and Protect? The Experiences of Policing in the Community of Young People from Black and Other Ethnic Minority Groups’](#), D. Sharp and S. Atherton, *The British Journal of Criminology*, June 2007.

²⁵ [‘Can police training reduce ethnic/racial disparities in stop and search? Evidence from a multisite UK trial’](#), J. Miller, P. Quinton, B. Alexandrou and D. Packham, *Criminology & Public Policy* 19: 1259–87, October 2020; Bezrukova et al. 2016, as cited in [Diversity and Inclusion at Work: Facing up to the business case](#), Chartered Institute of Personnel and Development, June 2018 and [Unconscious bias training: an assessment of the evidence for effectiveness](#), Equality and Human Rights Commission, March 2018.

²⁶ Kalinoski et al. 2013, Alhejji et al. 2016, as cited in [Diversity and Inclusion at Work: Facing up to the business case](#), Chartered Institute of Personnel and Development, June 2018.

²⁷ [Diversity and Inclusion at Work: Facing up to the business case](#), Chartered Institute of Personnel and Development, June 2018.

²⁸ [College of Policing stop and search training experiment: An overview](#), P. Quinton and D. Packham, October 2016.

We recognise that disproportionality in stop and search can be influenced by other societal factors, for instance housing policy and school exclusions, which can lead to more young Black, Asian and Minority Ethnic people being on the streets during the day in certain locations. Forces should take this into account when making strategic decisions, for example by sending officers to areas of high crime rather than to areas of high population density or relative poverty. Given the lower levels of trust among some communities, training should provide officers with an understanding of the influence of these societal factors and how and when to initiate contact in a way that does not increase disproportionality.

Why do we focus on stop and search and the police use of force?

Some of the most intrusive police powers are those allowing the police to stop and search people without arresting them and, when necessary, to use force on people.

The inappropriate use of these powers, both real and perceived, has adversely affected the relationship between the police and the communities they serve, and for some members of the public has brought into question the very legitimacy of the police service. The use of these powers can be inflammatory if not carried out carefully and fairly. The damage that apparent or perceived unfairness inflicts on community relations could potentially outweigh any increase in public safety from the police activity, especially if the emphasis is on lower-level offending. The resultant lack of trust between the police and some communities can prevent these communities from providing information to the police when a crime is committed, contributing to a “wall of silence”.²⁹ This makes it much harder for policing to be intelligence-led.

The disproportionate way that stop and search powers are used has been a major concern among some communities for decades. The 1981 Brixton riots occurred because of a build-up of resentment about a variety of issues, including the use of stop and search.³⁰ Forty years later, concerns about how the police use stop and search powers are still being aired on a regular basis. This is despite the issues raised in reports into the death of Stephen Lawrence³¹ and the riots of 2011,³² and examples of perceived poorly-conducted encounters posted on the internet by members of the public.

The primary purpose of stop and search powers, as set out in [Code A of the Police and Criminal Evidence \(PACE\) Act 1984](#), is to “enable officers to allay or confirm suspicions about individuals without exercising their power of arrest”. It is an important point to emphasise – stop and search is an alternative to arrest and so requires a similar level of suspicion. The officer must have reasonable grounds to suspect that the person is in possession of a stolen or prohibited item. The suspicion must be genuinely held and objectively based on facts, information and/or intelligence relevant to the likelihood that the object in question will be found. Powers to stop and search

²⁹ [It's a fair cop? Police legitimacy, public cooperation, and crime reduction](#), A. Myhill and P. Quinton, National Policing Improvement Agency, September 2011.

³⁰ [The Brixton Disorders 10–12 April 1981: Report of an Inquiry](#), HM Stationery Office, November 1981. Often referred to as The Scarman Report.

³¹ [The Stephen Lawrence Inquiry: Report of an inquiry](#), Sir William Macpherson of Clun, February 1999.

³² [Reading the Riots: Investigating England's summer of disorder](#), London School of Economics, December 2011.

must be used fairly, responsibly, with respect for people being searched, and without discrimination.

The number of stop and search encounters has fallen from a historic high of 1.2 million in 2010/11 to a low of 280,000 in 2017/18. Since then, it has steadily increased to 558,973 in 2019/20.³³ Despite numbers being lower than in 2010/11, the disproportionate use on Black, Asian and Minority Ethnic people, and Black people in particular, has increased. In 2019/20, Black, Asian and Minority Ethnic people were 4.1 times more likely to be stopped and searched than White people, and for Black people the figure is 8.9. And yet most forces still can't adequately explain why there is disproportionality in the way the powers are used. Stopwatch and Release stated in their 2018 *Colour of Injustice* report:

“The last five years or so have seen the most concerted effort to regulate the use of stop and search since the introduction of PACE in 1984. These efforts have achieved some striking results, prompting suggestions that forces have made good progress in ensuring stop and search powers are used legitimately and fairly. But nothing has been done to alleviate ethnic disparities even though they provided one of the principal motivations for reform.”³⁴

Recent investigations by the Independent Office for Police Conduct (IOPC)³⁵ on a small number of complaint cases reveal that some people stopped and searched have felt racially profiled³⁶ and, in some cases, it indeed appears that officers' decision-making may have been led or influenced by assumptions about the person's ethnicity. There was a worrying lack of understanding from some officers as to why their actions were perceived to be discriminatory. The IOPC is currently undertaking a wider review of disproportionality in stop and search complaints.

While comprehensive data on stop and search has been available for many years, this is not the case for police use of force.

Before 2017, because of a lack of recording, no police force could determine how many times force was used or whether it was appropriate and fair. In April 2017, the National Police Chiefs' Council (NPCC) introduced a national recording requirement for the use of force, including the use of firearms, Taser, baton, handcuffs, leg restraints, spit and bite guards, incapacitant spray, and control and restraint techniques.³⁷ However, the current data is insufficiently robust due to the likelihood of high levels of under-recording. This means we are only able to draw inferences or indicative judgments from the data. However, the early data suggests that there are ethnic disparities in the way force is used – for instance, officers were significantly more likely to have drawn Tasers (but not discharged them) when incidents involved

³³ The data includes vehicle searches. From 2009/10 the data also includes British Transport Police. The 2019/20 data does not include Greater Manchester Police.

³⁴ *The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales*, M. Shiner, Z. Carre, R. Delsol and N. Eastwood, StopWatch & Release, 2018.

³⁵ [Letter from Independent Office for Police Conduct to the Metropolitan Police Service setting out recommendations](#), 21 August 2020.

³⁶ Racial or ethnic profiling is the act of suspecting or targeting a person on the basis of assumed characteristics or behaviour of a racial or ethnic group, rather than on individual suspicion.

³⁷ From April 2017, all forces are required by the NPCC to collect a minimum (but comprehensive) data set in respect of the use of force to allow analysis and monitoring of the fair and appropriate use of force. [The David Shaw review](#) led to the requirement.

people they identified as Black, compared with when they involved people perceived to be White. In 2019/20, Black, Asian and Minority Ethnic people were more than twice as likely as White people to have force used on them, and for Black people this was about 5.7 times as likely.

The use of force by police on members of the public has the potential to cause physical harm and be traumatic. Like stop and search, if it is not perceived as justified it can cause damage to public trust and confidence in the police. It is therefore important that police forces use force fairly and appropriately in all cases, and that they demonstrate that to the public.

We have repeatedly examined disproportionality in stop and search and, more recently, the use of force. No police force has been able satisfactorily to explain to us their disproportionate use of these powers, and our concerns remain. It is for these reasons that this report focuses on stop and search and the use of force.

Does disproportionality occur in other areas of policing?

While this report focuses on stop and search and the use of force, disparity exists in other aspects of policing. For instance, under section 163 of the Road Traffic Act 1988, which relates to traffic stops, officers have the power to stop any motor vehicle on a road without needing a reason to do so.

In 2015, we assessed the extent to which forces in England and Wales record and analyse data about their traffic stops.³⁸ Despite the fact that thousands of people are stopped in their cars every year, we found very limited information recorded about such stops and no sufficient attempts by police forces to determine how fairly and effectively the power is used.

As part of our 2015 inspection, we also conducted a public survey of more than 7,500 drivers. According to the survey results, Black, Asian and Minority Ethnic people were more likely to believe that traffic stops are used unfairly. The way a driver perceived how they were treated during a traffic stop varied depending on the driver's ethnicity. Black, Asian and Minority Ethnic drivers were less likely to say they had been given a reason for the stop, suggesting that they might have been stopped with lesser or no justification. And they were more likely to say that their vehicle had been searched.

In our 2015 report, we identified a lack of data and the inability of forces to show that this power is used effectively and fairly. We recommended to forces and the College of Policing that minimum national recording standards should be introduced. We also recommended that the Home Office should require forces to submit annual data, and that guidance on the use of the power should be incorporated into Code A of the Police and Criminal Evidence Act 1984, which sets out guidance on stop and search. Pilots have been conducted to assess how this might be achieved. The Metropolitan Police Service announced in January 2021 that it will start recording the ethnicity of people stopped in their cars, after research in 2020 showed that Black people in London were six times more likely to be stopped while driving than White people.

³⁸ [Stop and search powers 2: are the police using them effectively and fairly?](#), HMIC, 24 March 2015.

The six-month pilot will record the location and time of the stop, the ethnicity, sex and age of the driver, and the make and model of the vehicle.

This is a positive step. However, we remain disappointed that the actions set out in our recommendations have not yet been introduced. We reiterate those recommendations here. Accurate data on traffic stops and effective monitoring to ensure fair application are required now more than ever. The full recommendations are set out in [Appendix A](#).

We intend to focus increasingly on disproportionality in our inspection activity and we will look again at traffic stops.

What evidence is this report based on?

This report draws on various sources of information.

- Published national and force-level data on stop and search and on the use of force.
- The findings of our 2018/19 Integrated PEEL Assessments covering police effectiveness, efficiency and legitimacy. In 2019 and early 2020, we published 43 force reports³⁹ on the findings of our 2018/19 inspections. Of the 43 forces inspected, 19 were inspected on how well they treated the public – we assessed combatting unconscious bias and using communication skills to prevent interactions escalating into conflict. For stop and search and use of force, we looked at training, monitoring use, understanding disproportionality and taking action, and external scrutiny. For all forces, we revisited the national recommendation we made in 2017.
- The results of a review of a representative sample of 9,378 stop and search records from 2019, in which we assessed the reasonableness and strength of the recorded grounds and motivations of the officers to search, and whether drugs searches involved a suspicion of possession or supply.

³⁹ [PEEL: Police legitimacy 2017: A national overview](#), HMICFRS, 12 December 2017. Also police legitimacy 2017 reports for 43 forces.

Our findings

Our findings are grouped under three broad headings:

1. We consider how well forces equip their officers and staff to interact effectively and fairly with the public, and how well forces learn from reviewing the body-worn video footage of those interactions.
2. We consider disproportionality in the way force is used on people.
3. We consider disproportionality in the way stop and search powers are exercised.

1. Interactions with the public: culture and learning

More needs to be done to prevent unfair behaviour

Forces are getting better at training officers and staff to identify and combat unconscious bias to prevent unfair behaviour. And forces are improving the way they ensure this learning is applied when interacting with the public. But more needs to be done.

Personal biases are influenced by factors such as background, individual experiences and occupational culture, and these can affect decision-making. When people have to make quick decisions, these biases can, without them realising, cause them to treat particular groups of people unfairly. It is therefore vital that all police officers and staff understand their own biases and how to overcome them.

In our 2018/19 PEEL inspection, we found that some forces had introduced regular and effective training on how to prevent unfair behaviour, and checked that the learning had been understood and was being put into practice. However, other forces were providing effective training but only to selected groups of officers and staff, or had provided it with limited or variable effectiveness, or hadn't provided training at all.

Forces should also ensure that leaders do this training and have extra coaching on how to create a force culture that doesn't tolerate this behaviour. This is because training on its own is not enough. Research shows that lasting improvements are only achieved when a force's culture promotes diversity, inclusion and equality.⁴⁰

Recent IOPC investigations⁴¹ have found that some officers carrying out stop and search do not understand the impact their actions and words have on Black, Asian and Minority Ethnic people. Nor do they understand why they are perceived as

⁴⁰ [Diversity and Inclusion at Work: Facing up to the business case](#), Chartered Institute of Personnel and Development, June 2018.

⁴¹ [Letter from Independent Office for Police Conduct to the Metropolitan Police Service setting out recommendations](#), 21 August 2020.

discriminatory. This highlights how important it is that officers and staff are equipped with the skills to overcome their biases and prevent unfair behaviour.

Positive practice: preventing unfair behaviour

Over and above the training provided to its officers and staff, Humberside Police provides additional training to neighbourhood police officers, to give them a better understanding of people who are travellers, Roma, refugees or homeless.

West Midlands Police has recently introduced a 'Fairness in Policing' team, which holds sessions with frontline officers to discuss factors relating to disproportionality. These are held in what is known as a 'brave space' to help them speak openly and honestly. They are intended to draw out the reasons behind certain behaviours and attitudes to help officers confront and counter their biases.

Opportunities to help officers and staff prevent encounters escalating into conflict are being missed

Good communication from the outset of any interaction is vitally important to prevent it from escalating into a conflict situation. Situations can be dynamic and fast-moving, and officers and staff often have to make very quick decisions based on the risks facing them, to protect themselves or others. This means there is not always time to enter into two-way communication. It is nevertheless important for officers and staff to understand the impact of their communication, including non-oral behaviour, on perceptions of discrimination, and to develop good communication skills for everyday interactions. Also, when considering stop and search, effective communication can help to prevent the need for the use of the powers, for example when communication between the officer and the subject reveals an explanation or further information that means a search is not necessary.

In too many forces, officers and staff are not being sufficiently trained in informal communication skills for everyday interactions. Training can help to provide the skills officers and staff need to build rapport and prevent encounters from escalating to conflict or confrontation.

People can feel frustrated, angry and confused when officers do not adequately explain the reasons for the interaction, or if the officer's behaviour is seen as confrontational or unprofessional. For Black, Asian and Minority Ethnic people, this can lead to them feeling that they have been racially profiled. This can quickly escalate into conflict, which is damaging not only to the confidence of those directly involved, but also to spectators and members of the wider community who witness or hear of the circumstances. The situation can be made worse if the officer uses force to gain compliance, for instance by applying handcuffs. And for some people, each interaction is cumulative, with the result that they may feel frustrated because of prior direct or indirect experience. Officers and staff need to be aware of this and work hard to prevent and overturn these residual frustrations.

When judging interactions, people tend to focus on the quality of their interpersonal treatment.⁴² This means that communication skills – such as active listening, showing empathy, building rapport, using positive and supportive language, using de-escalation techniques, and explaining actions and decisions in a polite manner – are important to improve the quality of interactions between the police and the public. This in turn helps to build positive and respectful relationships and perceptions of police as legitimate.⁴³

In a 2015 survey conducted on behalf of the Independent Police Complaints Commission,⁴⁴ officers from different forces and in varying roles said they felt that oral commands and ‘talkdown’ methods were always used to manage the initial stages of interactions.⁴⁵ However, survey respondents with direct experience of police using force on them believed that the police did not adequately attempt oral communication first and that officers often used force too quickly. Another survey showed that a very high percentage of officers said they routinely used communications skills to manage conflict, but only about half said that this had been covered in their personal safety training.⁴⁶

In our 2018/19 PEEL inspections, we assessed how well forces were training their officers and staff to give them the skills to communicate well in everyday interactions. We found that none of the 19 forces we inspected was undertaking widespread structured training. Some were providing a degree of training in this area, but it was targeted at small sections of the workforce, such as control room staff or specialist investigators. Others were providing no specific communications skills training. But training is not enough on its own. Officers and staff need to learn skills through other means, such as continuing professional development, and routine and frequent debriefing by supervisors using body-worn video footage.

The College of Policing has published guidelines on conflict management to help police officers and staff develop and maintain the skills required to resolve conflict situations safely and, where possible, without using force. It has also developed a training package on conflict management, which will be available alongside the redesigned national curriculum for personal safety training from April 2021. The College is considering how to help ensure that this training is provided to the appropriate standard from April 2022.

We are troubled that many forces are not currently providing officers and staff with the skills to understand the impact of their communications in everyday interactions. Nor are most forces giving officers and staff sufficient specific training on how to prevent conflict and escalation. If officers and staff had these skills, it would help to increase public co-operation and improve police community relations, as well as keep

⁴² [‘Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men’s Legal Socialisation’](#), T. Tyler, J. Fagan and A. Geller, 14 April 2014.

⁴³ [‘The Greater Manchester Police procedural justice training experiment: technical report’](#). L. Wheller, P. Quinton, A. Fildes and A. Mills, College of Policing, August 2013.

⁴⁴ The Independent Police Complaints Commission was replaced by the Independent Office for Police Conduct in January 2018.

⁴⁵ [‘Police use of force: evidence from complaints, investigations and public perception’](#), Independent Police Complaints Commission, March 2016.

⁴⁶ [‘National police safety survey: Headline findings’](#). O. Clark-Darby and P. Quinton, College of Policing, 2020.

them and others safer by reducing the need for conflict management, de-escalation and the use of force.⁴⁷

Recommendation 1

By July 2022, forces should ensure that officers and staff have effective communication skills, in line with the [National Policing Guidelines on Conflict Management](#). This should be in addition to existing training on conflict management and de-escalation.

Recommendation 2

By July 2021, forces should ensure that communication skills are reinforced as part of the programme of continuing professional development for officers and staff, and that supervisors are supported to routinely and frequently debrief officers on these skills using body-worn video footage.

The potential for using body-worn video to learn lessons is not being maximised

Most forces now provide body-worn video cameras to their officers, and some mandate their use for specific activities, such as when using force or stopping and searching people. The use of body-worn video footage increases openness and accountability. Research⁴⁸ shows that the behaviour of both the officer and the individual searched tends to improve when the encounter is recorded on officers' body-worn video.

Body-worn video footage provides perhaps the most direct source of information about incidents as they happened moment-by-moment. It can show the difficulties faced by officers and staff, and where practices need to improve. This is particularly important in circumstances where supervisors are unlikely to observe officers' decision-making skills in real-time. It provides the ability to observe the actual interaction retrospectively, rather than relying on written records that may be inaccurate or incomplete. Forces that are not using it in this way are missing significant opportunities to learn and improve.

Reviewing body-worn video footage as part of our inspection activity is a complex and intensive process, though we are considering it for future inspections. But in 2019 we reviewed a small sample of videos of stop and search encounters posted publicly to YouTube. It is likely that each clip was posted on the video-sharing site because the person posting it felt that the encounter was poor in some way, so the samples cannot

⁴⁷ [Officer and Staff Safety Review: A review of the arrangements to secure the safety of police officers and police staff engaged in frontline policing](#), National Police Chiefs' Council and College of Policing, September 2020.

⁴⁸ For example, '[Body-worn cameras' effects on police officers and citizen behavior: A systematic review](#)', C. Lum et al., *Campbell Systematic Reviews*, September 2020; '[Guidance for the police use of body-worn video devices](#)', Home Office Police and Crime Standards Directorate, July 2007; '[Picture This: body-worn video devices \(head cams\) as tools for ensuring fourth amendment compliance by police](#)', D. Harris, *Texas Tech Law Review* 43, 2010.

be representative of all stop and search encounters. Also, we couldn't reliably ascertain the force area where each encounter occurred, and the footage did not always show the lead-up to the encounter.

Notwithstanding these limitations, we were disturbed by some of the footage for the following reasons:

- some officers were dismissive of the views of the person they were stopping and searching, or they did not listen at all;
- some officers did not explain the grounds for the search;
- some officers were disrespectful to the person; and
- too few encounters appeared to end on a positive note with the person left seemingly content with how the encounter had been dealt with, regardless of whether further police action was taken.

Social media can extend the negative consequences of seemingly poorly-conducted stop and search encounters. Viewers may make immediate, and possibly long-lasting, judgments about police treatment based on videos of encounters shared via social media. The same is true of poorly conducted searches that take place in the public view, and the effect not only on the person being searched, but on bystanders who observe them. For some this may be their only experience of the police.

The results of a public survey in 2000 showed many respondents felt strongly that there should be considerable improvement in the attitudes of officers conducting stop and search.⁴⁹ But treating people politely and respectfully is not the only consideration. Police actions can be perceived as unfair even if conducted well. For instance, a person stopped and searched several times within a short period may still feel aggrieved, no matter how polite the officer is. The question then is whether such action is targeted at the priorities of the force, and based on intelligence or evidence, or is more speculative.

In almost all forces we inspected in our 2018/19 PEEL inspections, reviewing body-worn video footage was not part of structured internal monitoring processes, external scrutiny processes or regular debriefing with some supervisors. Only one of the 19 forces we inspected (Northamptonshire Police) included a review of body-worn video footage as part of its internal monitoring of stop and search. In five forces (Derbyshire Constabulary, North Wales Police, Northumbria Police, South Wales Police, Gwent Police), body-worn video footage was used as part of their independent external scrutiny arrangements.

⁴⁹ [*The Views of the Public on Stops and Searches*](#), V. Stone and N. Pettigrew, September 2000.

Positive practice: scrutiny of body-worn video

Derbyshire Constabulary used a specially trained group of volunteers every two months to review the records and body-worn video footage of a randomly selected sample of ten stop and search encounters and ten use of force incidents, comprising two of each of: Taser deployments; use of a baton; incapacitant spray; physical restraint; and handcuffs. We were pleased to find evidence in this force of lessons being learned, feedback given to officers and improvements put in place as a result of reviewing body-worn video footage.

In 2020, the College of Policing updated its [Authorised Professional Practice for stop and search in respect of public engagement](#). This included guidance to forces about body-worn video footage being viewed by external scrutiny panel members as part of community oversight. Forces should work to overcome any barriers to body-worn video footage being a regular part of internal monitoring and external scrutiny processes. The Authorised Professional Practice provides valuable guidance to forces on how to do this while operating appropriate safeguards to protect the privacy of those involved.

Body-worn video footage, if made available to the public as part of a structured process, could open up policing to wider scrutiny, to help improve encounters and reassure the public.⁵⁰ Given the concerns of communities, consideration could be given to creating a separate panel of independent community representatives whose sole responsibility is to review body-worn video footage at regular intervals and when specific incidents take place. They would observe the raw reality, including examples of positive policing, sometimes in extremely difficult circumstances, but also behaviours and cultures that need to be challenged and changed. Forces could then use the panels' observations to improve the behaviours of officers and staff.

As part of future PEEL inspections, we intend to examine the extent to which forces use body-worn video footage in their internal monitoring and external scrutiny processes.

⁵⁰ [Authorised Professional Practice on stop and search: Transparent](#), College of Policing.

Recommendation 3

By September 2021, forces should:

- ensure that officers record on body-worn video (when this is available) the entirety of all stop and search encounters, including traffic stops and use of force incidents;
- have a structured process for regularly reviewing and monitoring internally a sufficient sample of body-worn video footage to identify and disseminate learning and hold officers to account when behaviour falls below acceptable standards; and
- provide external scrutiny panel members with access to samples of body-worn video footage showing stop and search encounters and use of force incidents, taking account of the safeguards in the College of Policing's Authorised Professional Practice.

2. Forces are developing their understanding of how they use force but need to do more

There is limited data, and therefore limited research, on how force is used – when, how often, why, by whom, on whom and to what effect. While the general public tend to support the police's use of force,⁵¹ the limited data shows it affects some people much more than others and it can have significant consequences for all involved.

As is the case with stop and search, situations can be dynamic and fast-moving. As a result, officers and staff often have to make very quick decisions based on their assessments of the risks they and others may face. Depending on the circumstances, there may be little time for conversation, and force may be required at an early stage so officers and staff can protect themselves or others.

Understanding how force is used on people is important because it has the potential to damage public trust and confidence in the police, particularly if its use is perceived as not justified. Unjustified use of force constitutes an assault. So it is vital that police forces use force fairly and appropriately in all cases, and that they show that to the public. To support this aim, disproportionate use of force on different ethnic groups needs to be analysed, understood and either reduced or explained to the public with supporting evidence.

⁵¹ '[Perceptions of police use of force: the importance of trust](#)', A. Kyprianides et al., *Policing: An International Journal*, November 2020; [Police use of force: evidence from complaints, investigations and public perception](#), Independent Police Complaints Commission, March 2016.

Data on the use of force is not yet reliable

Data about the use of force has been collected only since 2017, so it is not yet reliable enough to support definitive assessments. Consequently, all forces' processes for monitoring and scrutinising this data are in their relative infancy compared to data held on stop and search. In general, therefore, forces are improving their understanding and monitoring of how and why their officers and staff use force on people, but their processes are not yet sufficiently developed.

Prior to April 2017, there was no national requirement for officers to complete records about their use of force except for certain specific types (firearms; attenuating energy projectiles, often called rubber bullets; and conducted energy devices, often called Tasers). On 1 April 2017, the NPCC introduced the requirement for all police forces in the UK to record data on police use of force⁵² to give the public more information about the different types of force used and why, how and on whom it is used. A national approach also achieves consistent monitoring and analysis at force and national levels, and identifies any unfair or inappropriate use and any good practice to help protect officers. The types of force recorded include the use of: restraint tactics such as handcuffing (compliant and non-compliant); unarmed skills such as joint locks; baton, irritant spray, spit and bite guards; Taser; and firearms. The first annual data became available in April 2018.

Not all forces we inspected were making enough effort to ensure that their officers record each occasion when they use force. We found that some forces were checking arrest data to help identify unrecorded use of force incidents, but it is important that all forces increase their efforts in this area. An accurate picture of all use of force is necessary to inform decision-making about consistent practices and making improvements.

There are also problems with the completeness of records. For instance, throughout England and Wales 2.5 percent of incidents reported did not include a record of the ethnicity of the subject. Within individual forces, this ranged from 0 percent to 32.9 percent. It is important that forces get a full picture of the ethnicity of people subjected to force. Without this, it is not possible to assess fairness accurately.

Despite limitations, the data suggests a disproportionate use of force

In 2019/20, there were 491,984 recorded use of force incidents,⁵³ ranging from about 1,100 in one force to about 158,000 in another. In these incidents, 27,224 people were injured, 26,188 of which were reported as being minor injuries. Some incidents involved the use of more than one type of force or more than one use of force on one person. Therefore, the number of incidents is not the number of people on whom force was used. Of the 491,984 incidents, the vast majority, 384,588, involved the use of restraint tactics, of which 344,200 involved handcuffing.

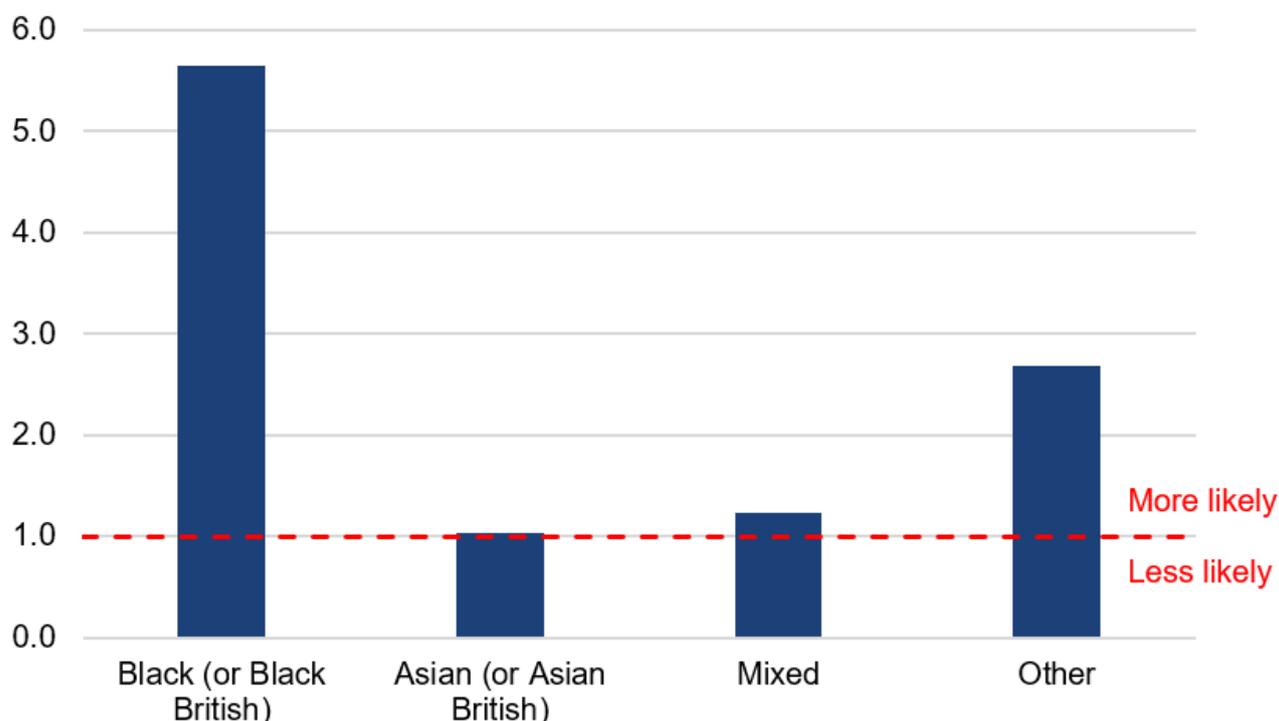
⁵² Since April 2017, all forces have been required by the NPCC to collect a minimum (but comprehensive) data set in respect of the use of force to allow analysis and monitoring of the fair and appropriate use of force. This requirement was introduced as a result of [the David Shaw review](#).

⁵³ [Police use of force statistics, England and Wales: April 2019 to March 2020](#), Home Office, December 2020.

As 2019/20 was only the third year since the recording requirement was introduced, the data collected is not yet reliable and has limitations. Therefore, we can't draw definitive conclusions from it. Nevertheless, the data indicates that force is used disproportionately. Black people are more likely than White people to have Tasers used on them and are more likely to be handcuffed when they are compliant – known as 'compliant handcuffing'. This needs further exploration when the dataset is reliable.

The chart below sets out the 2019/20 data, which suggests that Black people were about 5.7 times more likely to have force used on them than White people.

Figure 1: Likelihood of having use of force tactics used, by BAME group, compared to those from White ethnic groups, England and Wales, 2019/20



Source: Home Office: Police use of force statistics, England and Wales, April 2019 to March 2020; and ONS 2011 census population data

Note: a likelihood of 1 indicates that the ethnic minority group is equally as likely to have force used on them as those who are White. Ethnicities are as recorded by the officer based on their perceptions.

We checked whether forces were complying with the NPCC recording requirements introduced in 2017. Four forces weren't fully complying with the requirement to provide detailed information about Taser use. Two more were recording the use of handcuffs but weren't recording compliant and non-compliant handcuffing separately. These forces are less able than others to understand how and why Taser and handcuffs are used and with what effect. As a result, they are less able to demonstrate to the public that their use of handcuffing is fair and appropriate, and less able to improve it by tackling potentially unfair or inappropriate handcuffing at an individual or organisational level.

In a 2016 public survey conducted by the Independent Police Complaints Commission, concern among the respondents about how frequently the police use force was relatively low.⁵⁴ But Black, Asian and Minority Ethnic respondents had less trust in the police's ability to use force reasonably and were more concerned about the frequency with which officers use force. This was particularly the case for Black respondents. Black, Asian and Minority Ethnic people were more likely to report having experienced use of force in public spaces than in their homes, compared with White people. People who reported having direct experience of police using force on them believed that police were more ready to use excessive force and that oral communication was not attempted first. This group also lacked confidence in the complaints system. Good communication was seen as essential to preventing situations from escalating to a point where force needed to be used. While officers felt that oral commands and 'talkdown' methods were always used initially to manage situations, people who had experienced force felt that officers often resorted to force too quickly.

Recent research⁵⁵ supports the views provided to the public survey and suggests that ethnicity is associated with differences in what force is being used in use of force incidents. The research found that the likelihood of officers drawing equipment or weapons and using unarmed force (but not using the equipment or weapons) was higher when the person was identified as Black than when the person was identified as White, although people perceived by the officer as Black were less likely to be injured or hospitalised. And the 2019/20 data shows that officers were more than nine times as likely to have drawn Tasers (but not discharged them) during incidents involving someone they identified as Black than during incidents involving people perceived by officers to be White. Furthermore, Black people were eight times more likely to be 'compliant handcuffed' than White people, and over three times more likely to have a spit and bite guard used on them than White people. The reasons for this are unclear, but it could mean that force is used on Black people with less justification than on White people. The IOPC is currently carrying out a review of Taser complaints.

Training on the use of force is good but there are some backlogs

In general, the training for officers and staff on how to use force fairly and appropriately is good. However, there are training backlogs in some forces that need to be addressed. Good, regular training is important because officers and staff need the skills to protect themselves and members of the public. They also need to know when the use of force is appropriate and fair, which tactic to use in different situations and how to minimise injury.

Officer safety training varies between forces. The content, provision and course composition are also inconsistent. Courses often include unrelated activities such as first aid training and fitness testing. Time devoted to training ranges from six hours to 16 hours per year, and over a third of officers surveyed said they were not satisfied

⁵⁴ [Police use of force: evidence from complaints, investigations and public perception](#), Independent Police Complaints Commission, March 2016.

⁵⁵ [Police use of force: Tactics, assaults and safety](#), P. Quinton, A. Dymond, K. Boyd and R. Teers, College of Policing, September 2020.

with their officer safety training.⁵⁶ The College of Policing's new national curriculum for personal safety training, available from April 2021, is expected to standardise this training provision.

We assessed the training programmes in the 19 forces we inspected in 2018/19 and found that the overwhelming majority provided good training to officers and staff on the use of force, including its fair use, through their annual authorised personal safety training programmes. But we found that two forces had training backlogs, meaning a substantial minority of officers (up to 28 percent in one force) had not received training for well over 12 months. This training prepares officers and staff to deal with circumstances where physical restraint or defensive techniques are needed. If officers and frontline staff aren't regularly trained in protective equipment and techniques, they are less likely to be able to protect the public, or themselves, in violent situations. And where force is used by an officer whose authorisation has lapsed, they are more open to the risk of criticism, complaint or even legal challenge.

Positive practice: use of force training

We found some innovative practice in West Midlands Police involving the use of members of the public in personal safety training. This allows members of the public, including young Black males, to speak to officers during training about their experiences of having force used on them, to help officers and staff think about and understand the impact of their actions.

Is unnecessary handcuffing during stop and search encounters becoming routine?

We have been told anecdotally that handcuffs are regularly used during stop and search encounters. There are justifiable reasons for applying handcuffs, for instance when the suspicion leading to the search is that the person has a knife. But we are told that handcuffing during stop and search is becoming routine in some forces, whether or not it is necessary and proportionate. This is troubling, not only for the adverse effect unjustified use might have on police relations with communities, but also because unjustified use of handcuffs is unlawful and could amount to an assault.

In 2018/19, just under half of all arrests involved the use of handcuffs and about one in ten resulted from a stop and search encounter. However, it is not currently possible to determine how many times handcuffs have been used during a stop and search encounter or whether or not the person was compliant. From April 2020, forces have been required to record stop and search as a reason for using force within their use of force data collections. This data will be available in the annually published national data collection. However, it may not be included in 2021 depending on the quality of the data sets received from forces.

⁵⁶ [Officer and Staff Safety Review: A review of the arrangements to secure the safety of police officers and police staff engaged in frontline policing](#), National Police Chiefs' Council and College of Policing, September 2020.

Recommendation 4

The Home Office and the NPCC should take steps to ensure that the quality of the data collected on the number of incidents where force has been used to effect a stop and search is sufficient for publication. The Home Office should publish this data as soon as possible.

Forces need to improve their monitoring of how force is used to understand whether it is being used fairly

Police forces' processes for monitoring the use of force are in their infancy, having only had data since 2017, and we found in our 2018/19 inspections that they were underdeveloped or non-existent in many forces. Without these processes forces have a limited understanding of how fairly or appropriately their officers and staff are using force. Consequently, they are less able to take meaningful action to make improvements or highlight positive practice.

We found that too few forces were sufficiently analysing and monitoring the data to understand how, why and on whom force was used and to what effect. Too many forces either didn't analyse force-level data, or their analysis required development – sometimes substantially so. These forces can't properly assess, or show to the public, how fairly and appropriately force is used by their officers and staff; nor can they make effective improvements in their practices, including improvements to officer and staff safety. In a smaller number of forces, we found structured force-level analysis. This led to a good understanding of how force was used, and swift action being taken where required, including improvements to personal safety training to reduce injuries.

Our rolling programme of custody inspections, carried out jointly with Her Majesty's Inspectorate of Prisons, includes an assessment of the use of force in police custody. The findings of these inspections generally show that governance and oversight of the use of force is not good enough, and the data and information underpinning any such oversight is limited and often inaccurate. However, these inspections review CCTV footage of use of force incidents in custody, and this generally shows good efforts to de-escalate incidents. And when force is used, it is usually justified and proportionate.

Overall, we expected more forces to have effective internal monitoring processes in place by this stage, and the absence of these measures needs to be addressed as a matter of urgency.

Recommendation 5

By July 2021, forces should ensure they have effective internal monitoring processes on the use of force, to help them to identify and understand disproportionate use, explain the reasons and implement any necessary improvement action.

Benefits from external scrutiny on the use of force are not being maximised

Too few forces have good arrangements in place that help them benefit from feedback from external scrutiny.

External scrutiny is an important part of police legitimacy. It opens up police practices to communities for closer examination, with a view to their providing constructive oversight, discussion and challenge. Community oversight can provide opportunities for the police to understand communities' concerns and take steps, where appropriate, to improve policies, procedures and practices. It also helps to inform the public about police powers and how they are used, which helps to increase public trust in the police.

We found a varied picture in respect of the external scrutiny of use of force data and information (such as records, complaints and body-worn video footage). Just under half of forces we inspected had good structures that supported panel members and generated valuable feedback that the force then acted on.

More than half of the forces we inspected had either no external scrutiny or very ineffective processes. For example, in some forces feedback was not acted on, while in others panel members did not have the training or information they needed to perform their roles effectively. A small number of forces hadn't set up their structures as effectively as they could have – for example, without an independent chair or with an insufficiently diverse membership.

Allowing for the infancy of the data, we nonetheless expected to find external scrutiny processes at a more advanced stage than they are in many of the forces we inspected. We are concerned that forces are not maximising the benefits that external scrutiny of the use of force provides.

Positive practice: external scrutiny of the use of force

Avon and Somerset Police has a well-attended scrutiny panel with a diverse membership, offering a broad range of views. The force provides the panel with comprehensive information and data in advance of each meeting. Panel members view body-worn video footage of randomly selected incidents and then split into smaller groups to consider them and report concerns. Learning is shared with relevant officers, supervisors and the organisational learning team. Chief officers and other leaders attend, to reinforce the importance of the meetings and drive any resulting action. The panel members are well informed and have received training to help them in their roles. They are provided with regular updates from the force on action taken. The minutes of panel meetings, including recommendations, are published on the Office of the Police and Crime Commissioner website and members share their considerations with the communities they represent.

Recommendation 6

By July 2021, forces should ensure they have effective external scrutiny processes in place in relation to the use of force. Forces should take account of feedback and update the scrutiny panel and the community on the action taken.

3. Over 35 years on – and still forces need to do more to understand disproportionality in stop and search

The number of stop and search encounters fell from a historic high of 1.2 million in 2010/11 to a low of 280,000 in 2017/18. Since then it has steadily increased to 558,973 in 2019/20. Though the number of stop and search encounters has fallen since the 2010/11 high, disproportionate use on Black, Asian and Minority Ethnic people, and Black people in particular, has increased. In 2019/20, Black, Asian and Minority Ethnic people were 4.1 times more likely to be stopped and searched than White people and for Black people the figure is 8.9.

Failing to record some ethnicity data may be hiding the true stop and search disproportionality rate

Recording ethnicity in stop and search encounters is a legal requirement and failure to comply should have consequences. The Police and Criminal Evidence Act 1984 requires officers to state the ethnic origin of the person stopped and searched; the record should show what the person in question has stated as their ethnic origin, and, if different, the ethnic origin of that person as perceived by the officer. Yet too many stop and search records do not include details of the ethnicity of the person searched. This is an enduring problem which should not occur and must not continue.

Recording ethnicity is important because without a complete picture forces are unable to understand accurately the impact of stop and search on different ethnic groups. This means decisions about whether any action needs to be taken might be made on misleading information.

We have said previously⁵⁷ that to properly monitor the use of stop and search powers, ethnicity data needs to be recorded accurately. In 2016/17, we found 10 percent of records did not have ethnicity recorded, ranging in forces from 1 percent to 31 percent. The problem is getting worse. In 2019/20, of all records, 17 percent show the ethnicity as 'not stated', ranging in forces from 2 percent to 34 percent. Forces need to address this without delay.

Furthermore, some forces monitor only self-defined ethnicity, not officer-defined ethnicity. Forces with high rates of records where the ethnicity is not stated and that do not monitor officer-defined ethnicity have an incomplete picture of the extent to which stop and search is being used on different ethnic groups.

This lack of consistent ethnicity recording could mean that the disparity between the stop and search rates for different ethnicities may be different from those published at force and national levels.

⁵⁷ [PEEL: Police legitimacy 2017: A national overview](#), HMICFRS, 12 December 2017.

Recommendation 7

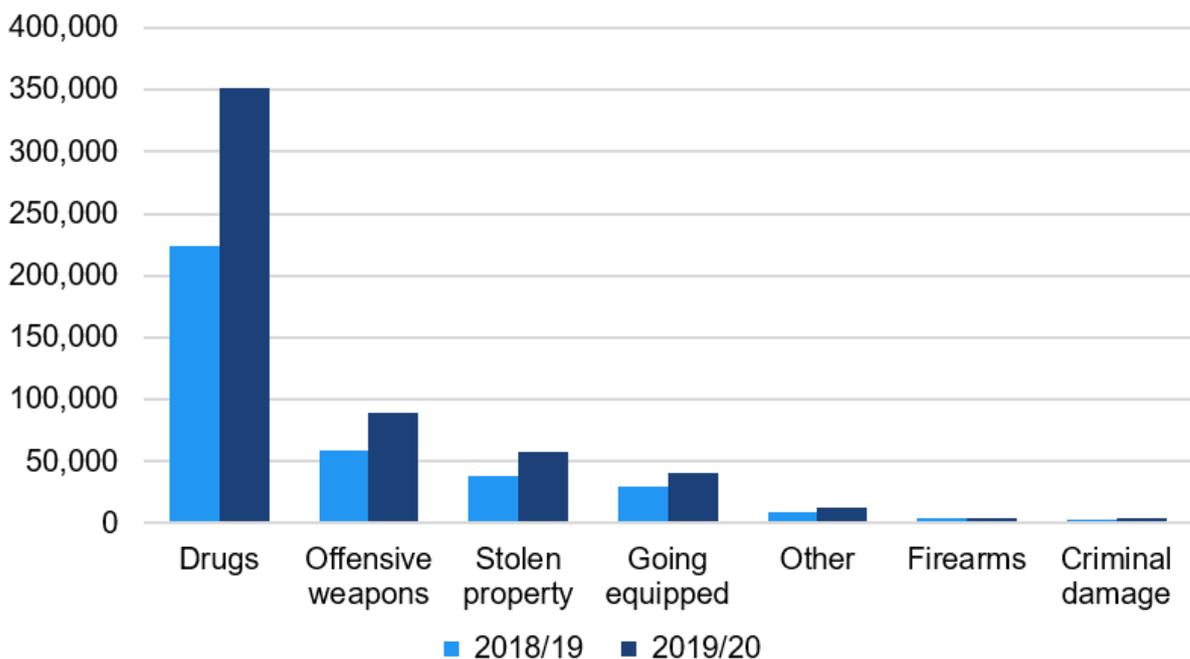
With immediate effect, forces should ensure that all stop and search records include detail of the self-defined ethnicity of the subject. When this information is refused by the subject, the officer-defined ethnicity code should be recorded.

Searches for drugs are the most prevalent, but a wide variation between forces suggests differing policing styles

Forces need to do more to demonstrate to the public that there is a link between the use of stop and search and local, force and national priorities. This is particularly pertinent in the case of the most prevalent type of search – drug searches. These contribute to disparities in the use of stop and search between different ethnic groups, more so where the suspicion is for drug possession. The majority of all drug searches involve suspected possession rather than the more serious offence of supply, a feature of ‘county lines’ criminality.

The chart below sets out the numbers of each type of search carried out in 2019/20.

Figure 2: Number of stops and searches (under Section 1 of PACE), by reason for search, England and Wales, 2019/20 compared with 2018/19

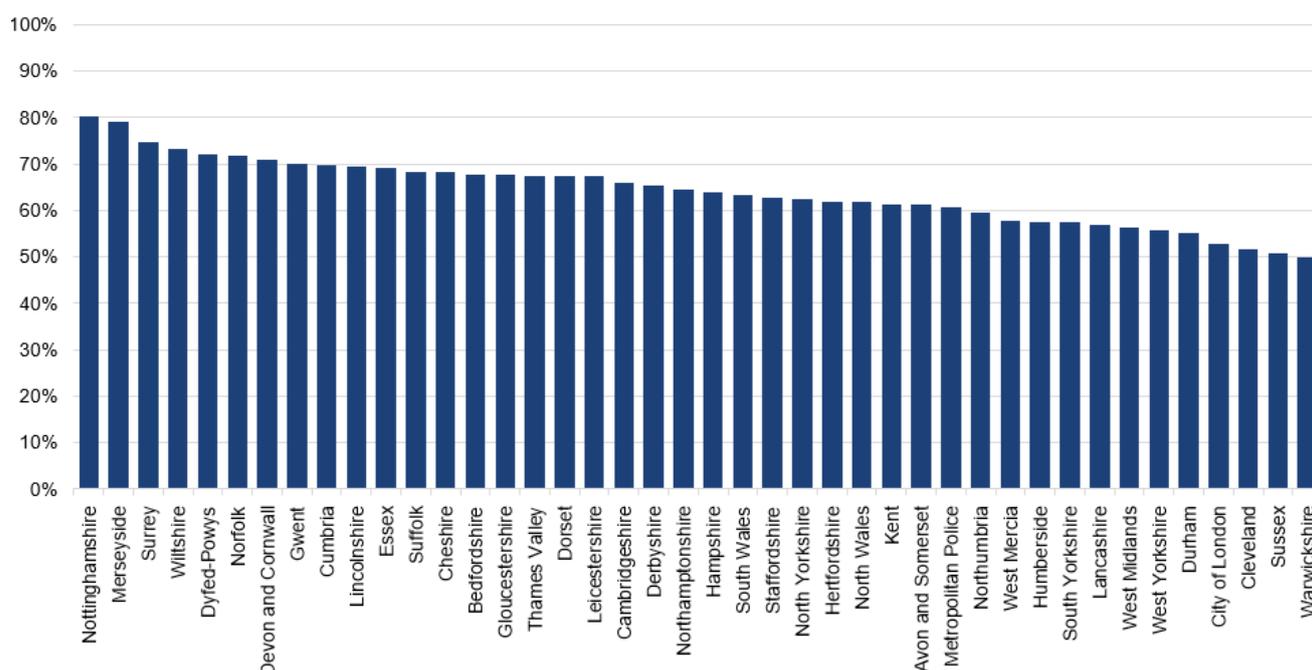


Source: Home Office: Police Powers and Procedures, England and Wales, year ending 31 March 2020

Note: includes ‘vehicle only’ searches

The most prevalent type of search was for drugs (63 percent of all searches in 2019/20) and their prevalence is increasing. The proportion varied by force and ranged from 50 percent of all searches in one force to 80 percent in another, which may suggest different policing styles between forces.

Figure 3: Proportion of searches that were for drugs, England and Wales, 2019/20



Source: Home Office: Police Powers and Procedures, England and Wales, year ending 31 March 2020

Note: Greater Manchester Police is excluded as it was unable to provide complete data in 2019/20

In 2019/20, the proportion of drugs searches was greatest in Nottinghamshire and Merseyside, where respectively 80 percent and 79 percent of all searches were targeted at such offences. Lancashire and West Midlands are among the most similar forces to Nottinghamshire and Merseyside respectively in terms of demographic, social and economic characteristics related to crime, but a much smaller proportion of their stop and searches were for suspected drug offences (57 percent and 56 percent, respectively). The differences between forces covering areas with similar crime-relevant profiles could suggest that the intensity of the focus on drugs is due to differences in organisational policy or culture. There may be other explanations – for instance, that specific or short-term crime patterns are experienced in one force and not in the other.

Home Office data on stop and search in 2019/20⁵⁸ shows that Black, Asian and Minority Ethnic people were stopped and searched for drugs (both possession and supply) at a rate 4.1 times higher than White people. For Black people that rate was 8.3 times higher – and yet in searches of Black people the rate of finding drugs was slightly lower (25.8 percent) than in searches of White people (26.1 percent).

Most forces do not differentiate between drug searches for possession only and those involving suspicion of the more serious offences relating to drug supply.⁵⁹ Nor do they

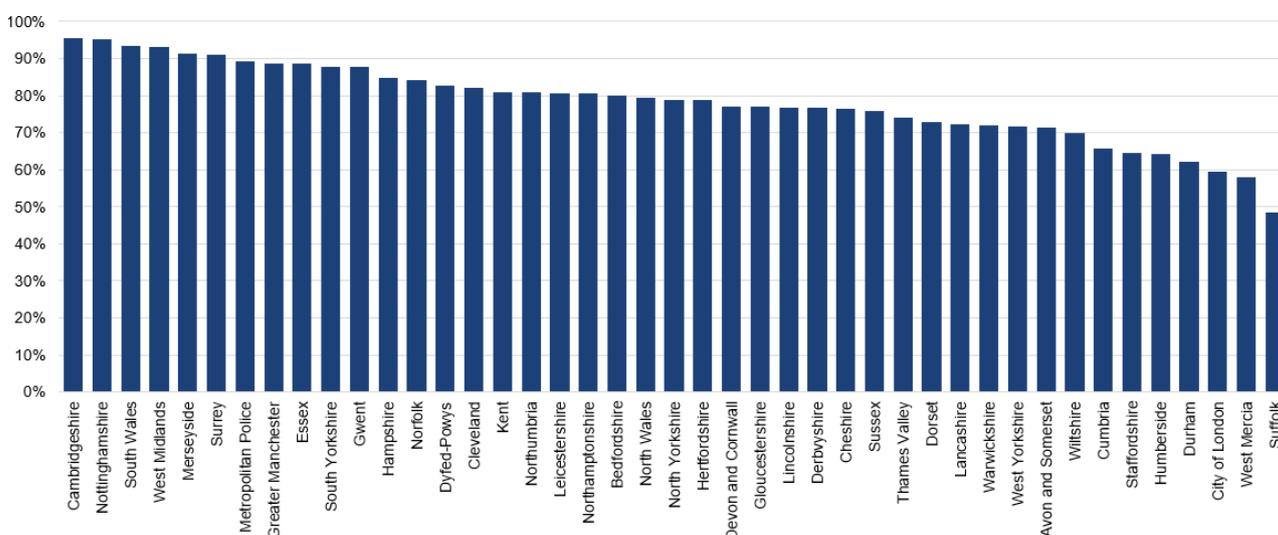
⁵⁸ *Police powers and procedures, England and Wales, year ending 31 March 2020*, Home Office, 2020.

⁵⁹ This includes: supplying controlled drugs; possessing controlled drugs with intent to supply; being involved in the supply of controlled drugs or arranging to do so; and importing controlled drugs.

record in their data which type of drug was suspected – although in some circumstances the officer may not be able to tell which type of drug is suspected. Given the high proportion of searches that are carried out based on suspicion of drug-related offences, it is important that forces understand how these powers are being targeted and whether or not they help the force to tackle local and national priorities. Stop and search activity should be linked to a force’s strategic assessment of the crimes it needs to prioritise. Few forces count drugs possession (as opposed to drug supply) among those priorities. While we are not suggesting that officers should ignore potential offences of drugs possession, particularly when suspicion results from intelligence, force priorities (and the effective use of local intelligence) should direct stop and search activity.

We reviewed a representative sample of stop and search records from 2019 from each of the 43 forces, a total of 9,378⁶⁰ records. To test some forces’ claims that their drug searches are targeted at dealers or suppliers, we separately identified those that involved a suspicion of possession and those that involved a suspicion of supply. We found that in all forces except Suffolk, possession-only drug searches were more prevalent – in some forces substantially more prevalent – than supply-type drug searches. Again, the range varied considerably. In one force, the proportion of drug searches for possession was 48 percent; in another it was 95 percent. This is shown in the chart below.

Figure 4: Proportion of drug searches that were for possession of drugs, by police force, England and Wales, 2019



Source: HMICFRS case file review

This means that, of the 9,378 search records we reviewed – whether for stolen property, offensive weapons, criminal damage, drugs or any other item for which the powers can be used – 50 percent were possession-only drug searches, ranging in forces from 30 percent to 76 percent. And in the records we reviewed, Black people were 2.4 times more likely than White people to be stopped and searched for possession of drugs.

⁶⁰ Hampshire Constabulary data is not included.

The high rate of possession-only drug searches, and the wide variations in proportions between forces, suggests that some forces are, consciously or otherwise, primarily using stop and search to detect drug possession rather than the more serious supply offences. This requires further research. It could suggest that leaders are either directing or encouraging officers to use these powers predominantly for this purpose, or failing to give adequate direction or encouragement to officers to use the powers to tackle force priorities. The prevalence of drug possession searches indicates that forces are addressing the effect of the problem, rather than the root cause.

The majority of searches find nothing

Forces record the outcome of each search and whether the outcome is linked to the object that was searched for⁶¹ – which essentially means finding the item searched for. The rate of finding the item searched for (the ‘find rate’) is a more reliable measure of effectiveness than the outcome rate on its own, because the latter includes outcomes that are not linked to the reason for the search – for instance when nothing is found but the person is arrested due to being wanted for another offence, or becomes aggrieved at being searched and is arrested for a public order offence.

In 2018/19, almost one in ten arrests arising from stop and search were for public order offences after nothing was found. Searches which result in an outcome, usually arrest, but where no stolen or prohibited item is found, have the potential to cause or reinforce negative attitudes toward the police and erode trust. Yet many forces continue to regard these as ‘positive outcomes’, despite the potential negative impact on police community relations.

In 2019/20, 20 percent of the 577,054 records made in England and Wales stated an outcome linked to the reason for the search – that is, finding the item that was searched for.⁶² Only 14 forces had a find rate greater than 25 percent, and none was above 35 percent. Four percent of searches involved finding a stolen or prohibited item that was not the item searched for.

Forces should monitor the find rate to help them understand how effectively the power is used and identify inappropriate use. For example, when an officer has carried out several searches but found nothing, a force may wish to assess the officer’s understanding of what constitutes reasonable grounds, as well as their understanding of the purpose of stop and search and, where necessary, seek to improve them.

In our 2017 Legitimacy inspection, we examined the find rates of different types of searches and found disparities in find rates of drug searches: those involving Black people were less likely to result in drugs being found compared with those involving White people or other ethnic groups. The disparity was more pronounced in searches where the suspicion was possession rather than supply. Analysis of the 2019/20 data and our review of records indicate that the differences have reduced and the find rates are now statistically similar. But forces still need to look more closely at individual search types separately, including drug possession and drug supply, to establish whether disparities reoccur.

⁶¹ The Home Office’s [Best Use of Stop and Search Scheme](#) requires this, but force participation is voluntary.

⁶² [Police powers and procedures, England and Wales, year ending 31 March 2020](#), Home Office, 2020.

We tested whether there was disproportionality in the rate at which some police action was taken in searches where nothing was found – for instance, when the person is arrested on a pre-existing warrant, or is aggrieved at being searched and is arrested for being disorderly. Such searches can foster mistrust and damage police community relations. We found that White people are more likely than Black people to have some police action taken after nothing has been found (8.4 percent and 7.3 percent, respectively).

Surprisingly few stop and search encounters are intelligence-led

Stop and search encounters can be initiated in various ways, and the find rates can indicate which approach tends to be the most effective at finding what was searched for.

Stop and search encounters are broadly initiated in one of three ways:

- self-generated – when the officer proactively initiates the encounter as a result of what he or she sees or hears at that time;
- response to third-party information – when the officer initiates the encounter as a result of reacting to information received, for example from a member of the public or a CCTV operator calling about an incident occurring at that time; or
- intelligence-led – when the officer initiates the encounter as a result of intelligence about an individual. The intelligence must be current and relevant to the circumstances, suggesting that the person is in possession of a stolen or prohibited item at that time.

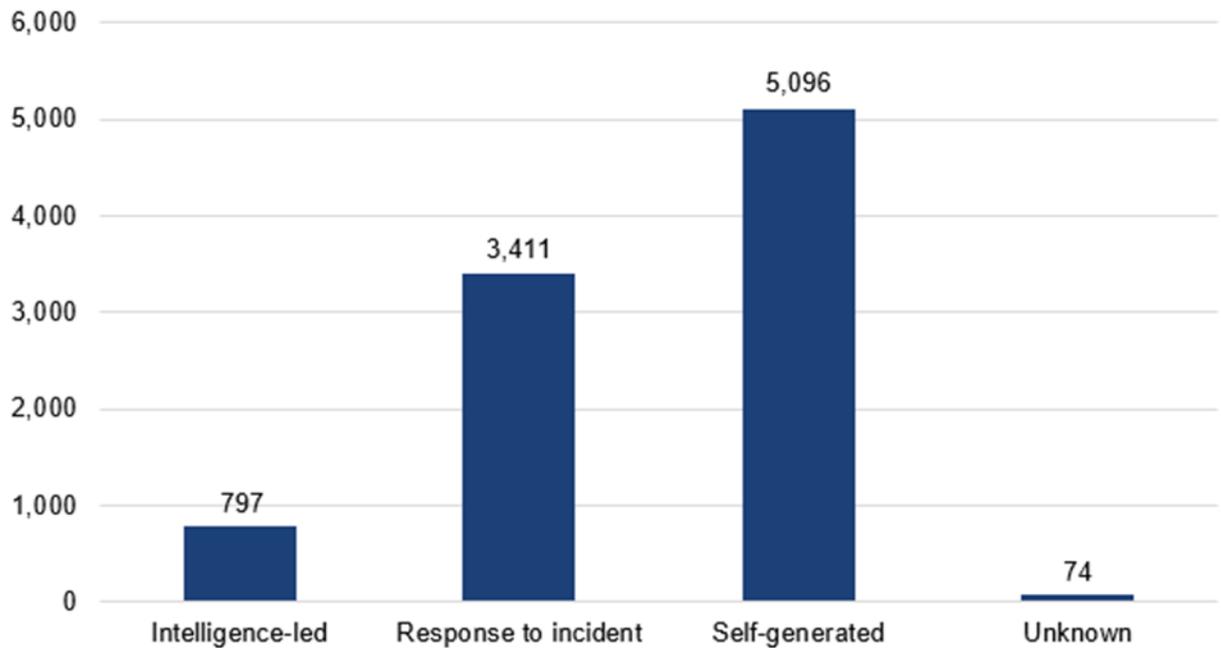
The way searches are initiated indicates how the powers are used and whether they are generally targeted strategically at crime problems and force or local priorities, or if searching decisions are left to the discretion of officers.

Searches based on accurate and current intelligence or information are more likely to be effective⁶³ and so it might be expected that a relatively high proportion of stop and search encounters would be generated by current intelligence or information. But in the records we reviewed, we found that more searches were self-generated (5,096; 55 percent) than were motivated by third-party information (3,411; 37 percent), and surprisingly few were intelligence-led (797; 9 percent).⁶⁴

⁶³ [PACE Code A 2015](#).

⁶⁴ In 74 records the initiation method was not assessed.

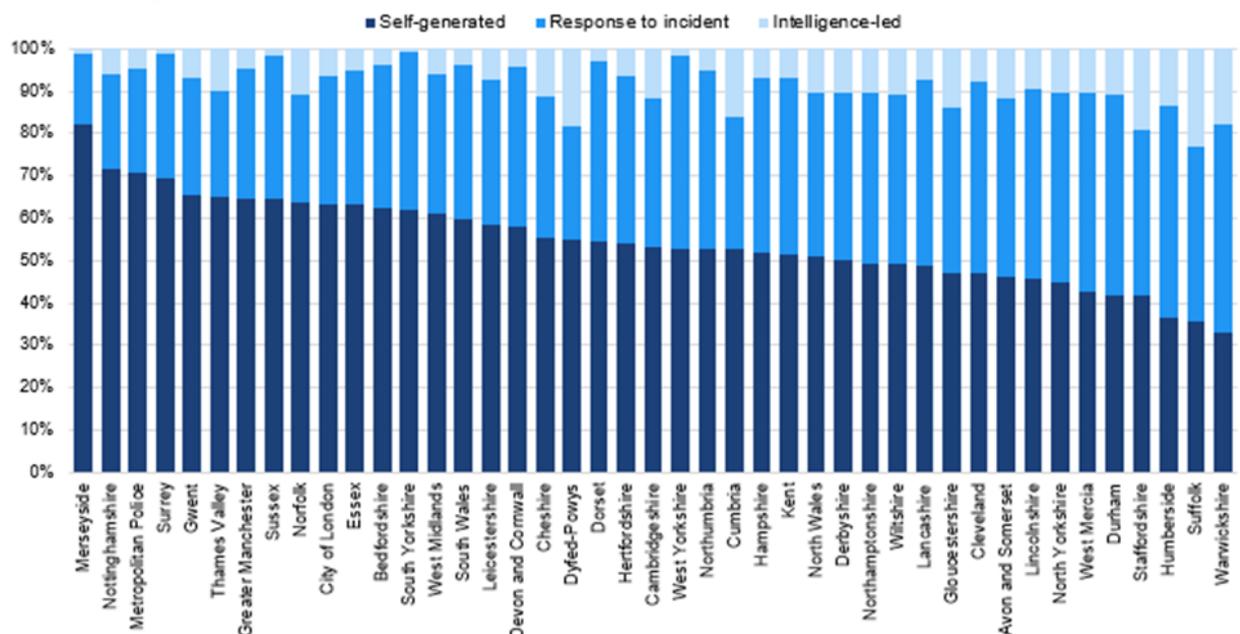
Figure 5: Number of searches reviewed by motivation for search, England and Wales, 2019



Source: HMICFRS case file review

The proportion of each type of initiation varies substantially between forces. The table below shows that the use of self-generated searches ranges from 33 percent to 82 percent. For intelligence-led searches the range was 1 percent to 23 percent. And for searches based on information from a third party, the range was 17 percent to 50 percent. This suggests very different approaches to stop and search between forces.

Figure 6: Proportion of searches reviewed by motivation for search, by police force, England and Wales, 2019



Source: HMICFRS case file review

When we considered ethnicity, we found disproportionality in the self-generated searches conducted. Black and Asian people are more likely than White people to be the subject of a search that is self-generated: 62.6 percent of searches on White people were self-generated, compared with 66.8 percent on Black people and 76.7 percent on Asian people.

When we examined the find rates in the sample of records we reviewed, we found that:

- find rates for self-generated searches on Black people were marginally lower when compared with those on White people (30 percent and 31 percent, respectively);
- find rates for third-party searches on Black people were marginally lower when compared with those on White people (19 percent and 20 percent, respectively); and
- find rates for intelligence-led searches on Black people were higher when compared with those on White people (23 percent and 19 percent, respectively).

When we analysed the drug searches carried out for each type of motivation, we found that almost half were self-generated, and the majority of those were for possession.⁶⁵

- Of the 5,096 self-generated searches, 82 percent were for drugs. Of these self-generated drug searches, 86 percent were for possession.
- Of the 3,411 third-party searches, 32 percent were for drugs. Of these third-party drug searches, 78 percent were for possession.
- Of the 797 intelligence-led searches, 82 percent were for drugs. Of these intelligence-led drug searches, 30 percent were for possession.

The very low proportion of intelligence-led searches in all forces is striking. The reasons for this are unclear, but it could point to insufficient capacity or capability within forces' intelligence functions. Or it might suggest that officers are not being encouraged or directed to use stop and search to tackle local or force priorities.

In most forces, we found that stop and search is used mainly for self-generated possession-only drug searches.

There has been a lapse in the quality of recorded grounds

From our review of a representative sample of 9,378 stop and search records from 2019, we estimate that in England and Wales 81.7 percent⁶⁶ of stop and search records had reasonable grounds recorded. This is worse than in our last review in 2017, when 94 percent had reasonable grounds recorded. Forces need to place more emphasis on ensuring officers and their supervisors understand what constitutes reasonable grounds and how to accurately record the grounds for a search.

In five forces, less than 80 percent of the records reviewed had reasonable grounds recorded; in 24 forces, between 80 and 89 percent had reasonable grounds recorded; and in 14 forces, 90 percent or more had reasonable grounds recorded.

⁶⁵ In a further 74 cases, we were unable to determine the search motivation.

⁶⁶ This figure is accurate to within plus or minus 0.8 percent.

So, despite some overall improvements in recent years, the standard has fallen. We expect to see recorded grounds that are reasonable in all stop and search records, and effective review and scrutiny arrangements in place in all forces to ensure that this happens.

Too many recorded grounds are weak and there is evidence this may be linked to lower find rates

We assessed the relative strength of each of the recorded grounds we reviewed. While this is subjective, it gave us an indication of how the strength of the recorded grounds affected the outcome.

Of the 9,378 records we reviewed,⁶⁷ we found that those with:

- strong recorded grounds (21 percent) had a find rate of 40 percent;
- moderate recorded grounds (42 percent) had a find rate of 22 percent;
- weak recorded grounds (22 percent) had a find rate of 17 percent; and
- recorded grounds that were not reasonable (14 percent) had a find rate of 14 percent.

This suggests that weaker grounds can lead to lower rates of effectiveness in terms of finding the item searched for. Stolen or prohibited items were twice as likely to be found if the grounds were strong. Forces should work to improve their find rates by focusing officers' efforts on searches that are based on strong grounds.

We considered the strength of recorded grounds against the officer motivation for the search. This showed weak recorded grounds for:

- 54 percent of self-generated searches;
- 34 percent of searches in response to third-party information; and
- 11 percent of intelligence-led searches.

We then went on to consider the strength of grounds for self-generated drug-possession searches, and we assessed that the vast majority (80 percent) had weak recorded grounds. In comparison, weak recorded grounds were found for 15 percent of searches made in response to third-party information and 5 percent of intelligence-led searches. This suggests that self-generated searches for drug possession tend to have weak grounds, and therefore are less likely to find the item searched for.

In the records we reviewed, we found a higher proportion of weak recorded grounds for all drug searches (possession and supply) on Black people (29 percent) compared with equivalent searches on White people (24 percent). We saw a similar difference in possession-only drug searches (29 percent compared with 23 percent). But due to the sample sizes for these specific groups, we are not able to establish whether this is representative of policing practice.⁶⁸

⁶⁷ This excludes 106 records where the grounds were reasonable but the strength was not assessed.

⁶⁸ Results drawn from a small sample may be skewed by a small number of atypical records that differ from the true result found in the population.

The records we examined show that, since our last review, far fewer recorded grounds solely involve the smell of cannabis. This reduction is welcome, but some searches are still made on these very weak grounds and result in a higher likelihood that nothing is found. With other compelling factors, the smell of cannabis can help officers to build grounds for suspicion. But on its own the smell of cannabis on a person provides only weak grounds. This is because there could be legitimate reasons why a person might smell of cannabis – close recent contact with a person using cannabis for instance. For the suspicion to be reasonable, the officer must have a genuine belief that the person is in possession of cannabis at that time. When the smell is not attributable to a person – for instance when it comes from a car, area or group of people – this provides even weaker grounds, as it is even less likely that a given person in that car, area or group is in possession at that time.

In these circumstances, grounds would be strengthened if accompanied by other compelling factors. The College of Policing's Authorised Professional Practice⁶⁹ advises that it is not good practice for an officer to base grounds for search on a single factor, such as the smell of cannabis alone or an indication from a drugs dog. College of Policing research⁷⁰ concluded that behavioural factors – such as being seen to hide, swallow or discard something – should play a more prominent role than the smell of cannabis in officers' decisions to search for cannabis, and that a successful criminal justice outcome was more likely when officers recorded at least one behavioural factor. Forces should reiterate this guidance to officers.

While we agree with the guidance, the smell of cannabis alone can in some circumstances constitute reasonable grounds for a search, albeit weak. We have therefore assessed each such record as reasonable but weak.

Section 60 searches are increasing again, and so is disproportionality

[Section 60](#) of the Criminal Justice and Public Order Act 1994 allows a police officer of inspector rank or above to authorise the use of stop and search in a given geographical area for a specified time period. The authorising officer must reasonably believe that serious violence may take place, or that people are carrying offensive weapons, or that serious violence has occurred and a person in the area has a weapon that was used in the incident. Once granted, any person or vehicle can be stopped and searched for offensive weapons, without any grounds to suspect they are carrying such items. Such wide powers must be used only when necessary and in a proportionate manner. Some view this power as controversial, due to the removal of the need for grounds to suspect.

Far fewer searches under section 60 are carried out now compared with the high point in 2008/9.⁷¹ But while the use of the power has declined, disproportionality has increased. It remains essential that forces ensure the power is used effectively and fairly, and that this is demonstrated clearly to the public.

The use of section 60 reached an all-time high in 2008/9 when 150,000 searches were carried out, the vast majority by the Metropolitan Police Service. Some forces did not

⁶⁹ [Authorised Professional Practice on Stop and Search](#), College of Policing.

⁷⁰ [Searching for cannabis: Are grounds for search associated with outcomes?](#), P. Quinton, A. McNeill and A. Buckland, College of Policing, December 2017.

⁷¹ 18,081 in 2019/20 compared with 150,174 in 2008/9.

use the power at all from year to year. Some authorisations were made covering whole London boroughs or large swathes of counties, and many were 'rolled over' from one time period to another, meaning the authorisation was perpetually in place. There was concern that the use of section 60 in this way had the potential to cause substantial damage to police and community relations and did little to build trust and confidence in the police. By 2017/18, the number of section 60 searches had reduced significantly, to 2,500.

Having reduced dramatically in the last ten years, searches under section 60 are now rising again: in 2019/20 there were 18,081. Despite the reduction from historic high numbers, disproportionality has increased. Black, Asian and Minority Ethnic people are 6.7 times more likely to be searched under section 60 than White people, and Black people are 18.1 times more likely. Forces need to analyse their data to understand why. While section 60 powers can be used to deter the carrying of weapons, the low find rate of section 60 searches – in 2019/20 only 3.7 percent found a knife or weapon – reinforces the need for forces to explain any disproportionality to the public.

The disproportionality rate in section 60 searches should be considered alongside the arguably more reliable measure of 'fair application' – that is, whether people searched under each authorisation match the information on which that authorisation is based. For example, searches authorised under section 60 due to intelligence suggesting that a White gang is carrying knives in an area should not result in searches of Black people. This cannot currently be discerned by examining the data relating to each search authorisation; it can only be determined by manually checking the information on which each authorisation is based against the ethnicity of those searched. So, it remains essential that forces carry out those manual checks to ensure the power is used effectively and fairly, and that this is demonstrated clearly to the public. While we did not test this as part of our 2018/19 inspection, we intend to include it in future PEEL inspections.

Training on stop and search has improved, and we found examples of good practice, but there are still gaps

While all forces use the College of Policing's training programme, or an equivalent, we found that some officers still show a limited understanding of what constitutes reasonable grounds, and some lack confidence in using the powers. In some forces, training backlogs meant some officers weren't receiving training regularly. Training is important to keep officers up to date with any changes to legislation or force policy, and to provide them with the knowledge and confidence to use the powers fairly and effectively.

When we assessed the training relating to stop and search, we found that most forces were providing good training. We saw that officers were able to show that they understood the training and that it gave them confidence to use the powers well. Some forces were providing good training, but backlogs meant that not all relevant officers were receiving it regularly, and some officers were not confident in using the powers despite the training.

The lapse in the quality of recorded grounds as set out above suggests that more work is required in this area, to improve the knowledge of officers and their supervisors and to ensure that positive practice in this area is maintained.

Positive practice: stop and search training

We found some innovative practice in stop and search training:

- Humberside Police extended stop and search training to include senior officers who oversee officer deployment decisions, increasing their understanding of stop and search when directing operational activity for their officers.
- West Midlands Police surveyed 150 people who had been stopped and searched. Some respondents were interviewed on camera and their experiences used to support further training throughout the force.
- Cleveland Police circulates to officers a monthly stop and search newsletter, including lessons learned and 'how to' guides. The force was also nearing the completion of its plan to post stop and search video footage on the force intranet to assist learning.
- Devon and Cornwall Police added to training and awareness in relation to unconscious bias through the use of a theatre company, which had been commissioned to improve understanding about unconscious bias in a street interaction setting.
- Warwickshire Police introduced additional reviews by an inspector of every stop and search record, giving officers individual feedback, which it has been reported led to improved consistency and quality.
- West Mercia Police includes stop and search training as part of annual officer safety training. Officers told us that this makes the annual training more relevant to their work.

Too many forces still do not analyse and monitor stop and search sufficiently or take action on the disparities they identify

Forces are generally improving their understanding of stop and search, but too many are still failing to analyse and monitor a sufficiently comprehensive set of data. This means they can't fully understand the reasons for the disproportionate use of the powers on Black, Asian and Minority Ethnic people. All forces identify some degree of disparity in their stop and search data, but too few are acting to address it.

The [Police and Criminal Evidence Act 1984](#) sets out the need for monitoring and supervision of the use of the powers. Effective internal monitoring and governance of data and information is important. Without it, forces can't properly understand how their officers use stop and search powers and with what impact, or identify unfair or ineffective practices, and consequently can't improve those practices or demonstrate to the public that they have done so. Effective monitoring and governance should consider not only individual officer decisions but also senior level decisions, like the

deployment of teams of officers and their use of stop and search, as both can influence disproportionality.⁷²

Some forces believe that disproportionate use of the powers on different ethnic groups is driven by a large number of Black, Asian and Minority Ethnic people visiting from outside the force area. Some forces also believed it was a result of their proactive efforts to tackle gang crime or 'county lines', which they perceive, in main or part, involve Black, Asian or Minority Ethnic people. But they have been unable to show us sufficient evidence to verify these assumptions.

Of the forces we inspected in 2019, just over half had good monitoring and governance procedures. These involved regular supervision of records and a structured process for regular reviews of a comprehensive set of data to understand how the powers are used, to help the force improve its practice and procedures. Although this represents an improvement since 2017, some forces' monitoring and governance processes did not include sufficiently detailed data for them to understand fully how effectively or fairly the powers are used. One force had a process that occurred too infrequently to be effective at identifying emerging trends. Another force had no force-level monitoring process at all, although it had plans to introduce one.

At the time of our 2018/19 inspection, none of the 43 forces had complied fully with our 2017 recommendation to monitor the find rates of different types of searches (including separating possession of drugs and supply), act on disparities, and publish the analysis and action taken.

This recommendation still stands and is set out again below.

By July 2018, all police forces across England and Wales should be regularly and frequently monitoring a comprehensive set of data and information on use of stop and search powers to understand:

- the reasons for any disproportionate representation of different ethnic groups in the use of stop and search;
- the extent to which find rates differ between people from different ethnicities, and across different types of searches (including separate identification of find rates for drug possession and supply-type offences); and
- the prevalence of possession-only drug searches, and the extent to which these align with local or force level priorities.

Where forces identify disparities through monitoring, they should demonstrate to the public that they have:

- carried out research and analysis in an attempt to understand the reasons for the disparity, and
- taken action to reduce the disparity, where necessary.

We expect forces to publish this analysis and any actions taken at least on an annual basis, from July 2018.

⁷² [*The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales*](#), M. Shiner, Z. Carre, R. Delsol and N. Eastwood, October 2018.

By July 2018, and ongoing following that date, forces should ensure that all officers who use stop and search powers have been provided with, and understand, training on unconscious bias and College of Policing APP [Authorised Professional Practice] on stop and search.

While we saw a general improvement of forces' understanding through enhanced monitoring and governance, none of them identified the extent to which find rates differ between people from different ethnic groups and across different types of searches (including separate identification of find rates for drug possession and supply-type offences). And no force monitored enough data to determine the numbers of possession-only drug searches, or how well these align with local or force-level priorities. We reviewed force websites and found that the overwhelming majority do not publish the results of any analysis they have carried out to understand and explain reasons for disparities, or the details of any action taken.

Positive practice: stop and search monitoring

In Derbyshire Constabulary, people who are searched are asked to provide an email address so the force can email them a stop-search form. The email includes a link to an online survey where they can share their experience and give feedback. People who decline to give an email address are given a card with details of how to access the survey via the force's website. The feedback received is considered as part of the force's monitoring process to help improve practice.

West Midlands Police is using 'reflective learning', whereby officers review their body-worn video footage with a supervisor to identify examples of good practice and areas for development.

Recommendation 8

By December 2021, the Home Office should agree, nationally, a minimum standard for monitoring stop and search powers. HMICFRS commits to working on this with the Home Office and other interested parties, such as the College of Policing and the National Police Chiefs' Council.

Opportunities to learn from external scrutiny of stop and search are being lost

Forces are improving, but still too few have effective processes to allow them to learn from the information provided as a result of external scrutiny.

External scrutiny groups play an important role in building police legitimacy, opening up stop and search practices to communities for close examination with a view to them providing constructive oversight, discussion and challenge. This involvement by communities can help the police to understand their concerns and take steps, where appropriate, to improve policies, procedures and practices. It can also help communities understand police powers and how they are used, which increases public trust in the police.

We assessed forces' arrangements to support and learn from external scrutiny, and found an improving picture. Most forces we inspected had good arrangements, involving a scrutiny panel that consists of a diverse range of people who had been given appropriate training on stop and search. Feedback from panel members was considered and acted on to improve policy and procedure. The better forces included a review by the panel members of a sample of stop and search records and the related body-worn video footage.

Some forces were not providing panel members with enough information and data, or with plain English interpretations of what the data means, for them to be able to fulfil their roles. We were disappointed to find that a small number of forces had either no arrangements for external scrutiny or arrangements that were ineffective, for example because the meetings occurred too infrequently. These forces are missing opportunities to learn from their communities about the reality of experiencing stop and search and how procedures might be improved.

Positive practice: innovation in stop and search external scrutiny

In Avon and Somerset Police, well-informed and diverse panel members view randomly selected body-worn video footage and provide feedback to relevant officers, supervisors and the organisational learning team. The force publishes the minutes of meetings and their recommendations. Members are also involved in the police apprentice curriculum to help build relationships with harder to reach communities who may have less trust in the police.

In the Metropolitan Police Service, 'A Different View' is an innovative, educational scenario-based exercise that asks its audience whether it would ignore the individual, stop and talk, or stop and search. The force has rolled this out to the pan-London community monitoring group, and other groups in the wider community, including young people. Not only does the exercise educate the public on their rights when being stopped, it shows the decision-making of officers in considering the use of the power. Feedback has been so positive that the force has incorporated a version into its training for new recruits and is now considering wider implementation in schools. The merits of 'A Different View' were further recognised with a Princess Royal Training Award in 2020.

What we intend to do next on disproportionality

While this report sets out some good and innovative practice, we still have concerns and further improvements are needed. We intend to continue our focus on disproportionality in aspects of policing practice.

We plan to collate all the data and information we have about disproportionality in policing in one place on our website, to increase ease of access.

Our PEEL programme will continue to inspect disproportionality in specific areas of policing. Our methodology has been influenced by the findings of the [Home Office Front Line Review](#) and the [NPCC's Diversity, Equality and Inclusion Strategy](#). It includes, but is not limited to, an assessment of:

- whether forces have taken action on recruitment, progression and retention to create a workforce that better reflects their communities;
- whether forces have an ethical culture and treat the public fairly when using police powers;
- how forces support the wellbeing of their workforces;
- action taken by forces on disproportionality in vetting recruitment decisions based on protected characteristics;
- how well forces train officers (including senior officers) and staff to prevent unfair behaviour;
- how well forces equip their officers and staff with 'pre-escalation' communication skills to avoid conflict and confrontation (not to be confused with the conflict management and de-escalation techniques that are currently taught in personal safety training);
- how well forces understand the information and data on stop and search and use of force, and how well they are learning from external scrutiny, including maximising their use of body-worn video footage and improving procedures and behaviours;
- how well forces understand their use of section 60 stop and search authorisations and how they ensure that authorisations are appropriate and that ensuing searches match the information on which each authorisation is based; and
- how well forces understand the use of and impact on communities of section 163 of the Road Traffic Act 1988 (traffic stops).

We are also scoping a thematic inspection on diversity in policing and the wider criminal justice system, which we will carry out over the coming year.

Appendix A: Our 2015 recommendations

In our 2015 report, [Stop and search powers 2: are the police using them effectively and fairly?](#), we recommended that:

- Within twelve months, chief constables and the College of Policing should agree and implement a set of minimum recording standards for the police use of the Road Traffic Act 1988 power to stop motor vehicles ... for the purpose of assessing their effective and fair use;
- Within twelve months, the Home Office should establish a requirement for sufficient data to be recorded and published in the Annual Data Requirement to allow the public to assess how effective and fair the police are when they use the[se] power[s]; and
- Within twelve months, the Home Office should incorporate the Road Traffic Act power to stop motor vehicles ... into Code A, so that officers are provided guidance about how they should use the[se] power[s] in the same way that Code A provides guidance about stop and search powers.

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