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BUILDING A SAFE, JUST AND TOLERANT SOCIETY

Police Research Series
Paper 130

Police Stops, Decision-making and Practice

Paul Quinton
Nick Bland
Joel Miller

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Policing and Reducing Crime Unit: Police Research Series

The Policing and Reducing Crime Unit (PRC Unit) is part of the Research, Development and Statistics Directorate of the Home Office. The PRC Unit carries out and commissions research in the social and management sciences on policing and crime reduction.

The Police Research Series presents research material on crime prevention and detection as well as police management and organisation issues.

"The views expressed in this report are those of the author, not necessarily those of the Home Office (nor do they reflect Government policy)."

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Foreword

This is the fourth report produced from a programme of research on stops and searches carried out by the Home Office's Policing and Reducing Crime Unit (Research, Development and Statistics Directorate). This programme was developed following the Report of the Inquiry into the Death of Stephen Lawrence. That report highlighted minority ethnic communities' lack of trust and confidence in the use of stops and searches and recommended that the police should make a record of all stops and all searches of the public.

This report describes the working practices of police officers making stops and searches and highlights how the legitimacy of individual stops and searches might be enhanced. The research draws on over 100 interviews with officers and 340 hours of observation of operational patrol officers on shift.

Legitimacy of stops and searches is based on the inter-connected principles of public confidence, legality and effectiveness. The report shows that the legitimacy of stops and searches is more likely to be placed at risk in each of these areas if they are based on high levels of discretion, inaccurate information, a lack of direct evidence, or are poorly handled. On the other hand, where such risks are more likely, it may still be possible to preserve legitimacy by, for example, treating the person fairly and with respect.

The report looks at how officers develop suspicions about people and how they decide whether to stop or search them. It shows that whilst suspicions can be informed by reasonable generalisations about a person's age, appearance, behaviour or location, they have the potential to alienate members of the public. It is important, therefore, that such generalisations are based on up-to-date and accurate information.

There also appears to be a wide variation in officers' understanding and use of the PACE Code which is designed to regulate the conduct of searches, particularly around the concept of reasonable suspicion. This points to the need for further clarification and for forces to ensure that officer practice meets the required standards. The report shows that some officers themselves have a clear idea of good practice: they suggest that a good stop or search is one which is well-handled and based on good reasons. These are the precise elements that are likely to help ensure public confidence, legality and effectiveness.

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Executive summary

The study

The work of operational police officers routinely involves a wide range of encounters with the public. Often, this work focuses on stops and searches prompted by suspicions about a person's actions or behaviour. Although these contacts with the public are a routine aspect of policing, research has shown that being stopped and questioned (and sometimes searched) by the police can sometimes cause embarrassment, anxiety, or even fear (Stone and Pettigrew, 2000). There is clearly, therefore, a need for these encounters to be, and to be seen to be legitimate. The question of legitimacy in relation to stops and searches has recently been brought back to public attention by the Report of the Inquiry into the Matters Arising from the Death of Stephen Lawrence (1999) which highlighted a lack of trust and confidence in police use of both stops and searches among minority ethnic communities.

Legitimacy can be seen as the extent to which there is consensus about policing. Thus, the report examines the legitimacy of stops and searches in terms of:

- public trust and confidence - that they are carried out fairly and with good reason;
- legality - that they are used within the guidelines designed to regulate their practice; and
- effectiveness - that they are targeted in a way that maximises interventions with active offenders and minimises those with law-abiding members of the public.

Together, these principles are used to explore officers' decision-making about stops and searches and their handling of these encounters. In doing so, the potential risks to legitimacy within police practice are identified, particularly where encounters involve:

- higher levels of discretion;
- inaccurate and less up-to-date information and intelligence;
- evidence which is primarily of an indirect nature; and
- poor handling.

This study is part of a broader research programme on stops and searches conducted by the Home Office Policing and Reducing Crime Unit (PRC). It follows the Stephen Lawrence Inquiry Report (sometimes referred to as the Macpherson Report). It is based primarily on data collected as part of the evaluation of the Inquiry's recommendations. This study draws together interviews with over 100 officers and over 340 hours of observation of operational patrol officers on shift.

The origins of suspicion

Officers' suspicions are aroused as a result of the following factors – these may lead to a stop or search and can sometimes be crime-specific (i.e. that a person is suspected of a particular offence):

- appearance - including youth, clothing, types of vehicle, incongruence, in some cases ethnicity, being known to the police and fitting suspect descriptions;
- behaviour - including 'suspicious activity' and observed offending;
- time and place - resulting from officer availability for proactive duties and officer expectations about where and when people are suspicious; and
- information and intelligence - the reliability of which is important, in particular the accuracy of suspect descriptions, local intelligence on crime and how they inform generalisations made by officers.

The report shows that the broad targeting of stops and searches at certain generalised characteristics poses a risk to public confidence. It also shows that the elements of suspicion, which in some sense might be reasonable, have the potential to alienate the public. As a result, the report highlights the need to improve the reliability of information on which decisions to stop or search are based.

The use of searches

For searches regulated by the *Police and Criminal Evidence Act 1984 (s66): Code of practice on stop and search* (Home Office, 1999a), a number of key problems were identified:

- a wide variation in officers' understanding of the concept of reasonable suspicion;
- low levels of information are recorded on the grounds for the search;
- the legal requirement of reasonable suspicion is probably not fulfilled for some searches; and
- differences in officer practice about building grounds (i.e. developing grounds for a search after a person has already been stopped).

For searches where the principle of reasonable suspicion does not apply (e.g. s60 and voluntary searches), the report highlights the range of working practices and highlights that public confidence and effectiveness might be threatened because of the absence of well-defined grounds for suspicion.

Good practice

Some police officers themselves provided good practice for stops and searches, defining a good or successful search in terms of:

- results - getting arrests or good intelligence;
- procedures - having good grounds for a search, following guidance on conducting a search; and
- well-managed encounters - based on treating people fairly and with respect, providing explanations, but remaining in control.

Overall, the report links the following factors to 'good stoppers and searchers':

- good communication skills;
- flexibility in approach;
- developing good grounds;
- experience and confidence; and
- good knowledge of local intelligence.

Conclusions and recommendations

The report concludes that public confidence, legality and effectiveness are closely interwoven. As a result, for stops or searches where one of these factors is at risk (e.g. where a stop is based on unreliable information), another factor may be strengthened to compensate (e.g. making sure that the encounter is handled particularly well).

The research points towards a number of recommendations at different levels:

Recommendations for the Home Office, National Police Training (NPT) and the Association of Chief Police Officers (ACPO)

- As police officers will, in practice, rely on generalisations to form suspicions, the PACE Code needs to spell out whether, and to what extent, this is an acceptable practice.
- The differences in the way reasonable suspicion is understood and applied by police officers highlights the need for the concept of reasonable suspicion and its application to be spelt out more clearly through guidance, training and supervision.
- The legal framework for building grounds (i.e. developing grounds after an initial stop) also requires clarification given the range of officer working practices.
- Training guidance issued centrally on both the above would help reduce some of the variations in the way reasonable suspicion is understood and applied in practice.

Recommendations for police management

- It is important that officers have accurate and up-to-date information and intelligence on which to base decisions for stops and searches. This should happen routinely and consistently across the police service.
- In order to improve the reliability of suspect descriptions, forces need to clarify the necessary elements of a description for operational use, and maximise the accuracy of information obtained from victims/witnesses.
- Forces need to ensure that reasonable suspicion exists for each search (where applicable) and that the recorded grounds accurately reflect all the available evidence.
- There is a clear advantage for officers to receive training on how best to handle encounters with the public, and in particular stops and searches. The research points to specific training on communications skills, the need to have acceptable grounds, and how to treat members of the public fairly and with respect.

Recommendations for operational officers

- Officers should be made aware of the risks in undertaking stops and searches and how to minimise them.
- It is important for officers to develop a better knowledge of local intelligence and the local police area on which decisions to stop or search are based.

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1. Introduction

The work of operational police officers, covering emergency response and permanent beats, routinely involves a wide range of encounters with the public. Some are initiated by the public (e.g. to report a crime or to seek information), whereas others are initiated by the police. These too cover a broad range including general conversation, seeking witnesses, intervening in incidents, to more intrusive stops prompted by suspicions about a person's actions, behaviour or appearance. This latter type involves officers questioning people to account for what they are doing or where they are (see Bland, et al., 2000).

Often, this police work necessarily involves the constant testing of low-level suspicion by officers as they patrol on foot or in cars. They confirm or allay these suspicions primarily by stopping and questioning (and sometimes also searching) people on the streets. Research has shown that being stopped and questioned by the police can sometimes cause embarrassment, anxiety or even fear (Stone and Pettigrew, 2000). Thus, although this type of stop is a necessary part of routine patrol, there is clearly a need to minimise unnecessary intrusion into the lives of the general public. The different ways in which officers form suspicions that prompt them to stop, question and search people should be, and should be seen to be, legitimate. This is at the heart of the principle of policing by consent.

The question of legitimacy in relation to stops and searches has recently been brought back to public attention by the Report of the Inquiry into the Matters Arising from the Death of Stephen Lawrence (1999). It highlighted a lack of public trust and confidence in police use of stops as well as searches, particularly among minority ethnic communities, who felt unfairly targeted. The manner in which officers conduct stops of the public is also central; research has shown the importance the public places on an officer's attitude, and giving them a credible explanation for the stop. Research has also highlighted concern about the legality of some searches, specifically in relation to officers' understanding and application of the requirement for reasonable suspicion set out in the Police and Criminal Evidence Act 1984 (PACE) (discussed further in Chapter 2; see also Brown, 1997; Dixon, 1997).

Following from the notion of policing by consent, legitimacy can be seen as the extent to which there is consensus about policing. However, as Reiner (1992a) points out:

> *For policing to be accepted as legitimate it is not necessary that all groups or individuals in a society agree with the substantive content or direction of specific police operations… as policing is inherently an activity concerned with the ordering of conflict, 'policing by consent' cannot imply complete and universal approval.*
>
> (Reiner, 1992a: 4-5)

But on what basis can judgements be made about the legitimacy of individual stop or search encounters? Drawing on the above, we can conceptualise the legitimacy of stops and searches in three ways, namely:

- public trust and confidence - that they are carried out fairly and with good reason;
- legality - that they are used within the guidelines designed to regulate their practice; and
- effectiveness - that they are targeted in a way that maximises interventions with active offenders and minimises those with law-abiding members of the public.

These three principles are far from being in opposition and will, in practice, very often be consistent. There is no clear distinction between legitimate and illegitimate in these terms - legitimacy can perhaps be seen on a continuum. But the three principles usefully highlight areas where attention should be paid.

These questions about legitimacy provide an important framework for considering officers' decision-making about stops and searches. This is the focus of this study. We address the following three key issues:

- How do officers make decisions about who to stop (or search)? We identify and examine the specific factors that prompt officers to carry out stops of the public. We look at the range of factors which inform their suspicions - the working rules which underpin police practice.

- We explore the factors and level of suspicion used by officers in practice for a search. These factors are likely to be the same for both stops and searches, but they are viewed in the context of the legal requirement for reasonable suspicion. A recent HMIC report on the Metropolitan Police Service pointed to the need for research on "what are the conditions in officers' minds that lead to a reasonable suspicion" (HMIC, 2000).

- Drawing this together, the report identifies where officers' working rules about stops and searches may be problematic - those factors in their decision-making which place legitimacy most at risk. In so doing, we provide practical guidance at policy, managerial and operational level about how best to minimise and manage such risks, and highlight good practice in the process and handling of stop or search encounters.

What is a police stop?

As we noted above, there are, in practice, a wide range of police-initiated encounters with the public (e.g. encounters involving reprimands, monitoring, peace-keeping and establishing events). For the purposes of clarity, a clear distinction is made in the report between stops and searches. Stops without searches will be referred to as 'stops', while stops with searches will be referred to as 'searches'.[1] This report, however, focuses on a small subgroup of encounters, in particular:

[1] *This applies equally to people on foot or in vehicles.*

- searches - any police search with or without a power; and
- suspicion-based stops - the 'typical' stop where an officer is suspicious about a person's actions and calls them directly to account (e.g. person parked in a deserted car park known for drugs offences).

The context of the study

This study forms part of a broader research programme on stops and searches conducted by the Policing and Reducing Crime Unit (PRC) in the Home Office's Research, Development and Statistics Directorate. The programme of research follows from the Stephen Lawrence Inquiry (sometimes referred to as the Macpherson Inquiry) and comprises the following elements:

1. Assessing the impact on crime and the community

This report takes a balanced look at stops and searches both as crime-fighting tools and in terms of their broader impact on the community. In particular, it focuses on the following questions:

- What role do stops and searches have in policing?
- Are searches effective at tackling crime problems?
- Under what circumstances are they most effective?
- How do they impact on public perceptions of the police?
- How can negative impacts be minimised?

What, therefore, are the implications for best practice in relation to stops and searches? This work is reported in Miller, et al. (2000).

2. An evaluation of the Inquiry's recommendations for stops and searches

This research evaluates the impact of a pilot of recommendation 61 of the Stephen Lawrence Inquiry Report. It recommended that a record be made of all police stops and searches, the record to include the reason, outcome and the self-defined ethnicity of the person stopped.

This pilot was carried out in five areas across the Metropolitan Police Service, Leicestershire Constabulary, Suffolk Police and West Yorkshire Police. The evaluation assesses, among other things, whether the changes produce improvements in public trust and confidence, monitoring and accountability, and search practice. The full results of this evaluation are presented in Bland, et al. (2000a).

3. Public views on stops and searches

As part of the evaluation of the pilot, the British Market Research Bureau (BMRB) carried out a large-scale qualitative research project. They were asked to gather views from people who have experienced stops and searches, and community members more generally, drawing on the experiences and opinions of people across different ethnic backgrounds. This is reported in Stone and Pettigrew (2000).

4. Police stops, decision-making and practice

This work is reported here.

5. Profiling populations 'available' for stops and searches

A key issue in understanding the reasons for the disproportionate use of stops and searches against minority ethnic communities is the make-up of the population 'available' to be stopped and searched. This refers to people who are present in public places and at times that stops and searches tend to occur. This research provides a detailed profile of those available in this way from the sites involved in the pilot of recommendation 61 and compares this profile with resident populations and those actually stopped or searched. The findings of this research are presented in MVA (2000).

6. Interventions to improve the management of searches

This study examines a range of initiatives being developed by a selection of forces which aim to make their use of searches more fair and effective. Interventions focus on improvements to:

- managerial effectiveness;
- operational effectiveness;
- recording practices;
- officers' knowledge of search powers; and
- community confidence.

The first phase of this research has been reported in Quinton and Bland (1999) and the final results are presented in Bland, et al. (2000b).

It is planned to bring together the key results from all this work in an extended briefing note which draws overall lessons from the programme.

The study

This study draws together interviews with over 100 officers and over 340 hours of observation of operational patrol officers carried out for the evaluation of the recommendations of the Stephen Lawrence Inquiry on stops and searches (see Bland, et al., 2000a). Recommendation 61 was piloted and evaluated in five pilot sites:

- Central Leicester Area, Leicestershire Constabulary;
- Chapeltown Division (in Leeds), West Yorkshire Police;
- Greenwich Borough, Metropolitan Police Service;
- Hounslow Borough, Metropolitan Police Service; and
- Southern Area (including Ipswich), Suffolk Constabulary.

A qualitative approach was adopted for this study because it enabled detailed exploration of police working practices, drawing on the subjective experiences and perceptions of operational officers. The methods used are detailed below. It should be noted that the presence of Home Office researchers, in itself, is likely to have affected what was observed and said by officers, particularly with regard to sensitive issues such as the role of ethnicity. As a result, there is a need to be cautious about simply assuming that how officers talk relates directly to how they behave in practice when facing the everyday realities of street patrol.[2] However, a few officers discussed or were observed carrying out practices which did not comply with the guidelines regulating either the pilot or the conduct of searches (e.g. stops and searches which were not recorded and searches where reasonable suspicion might not have been present). This indicates that a broad range of officer practice is reflected in this study.

[2] Waddington (1999) makes this point in his discussion of the differences between police culture as expressed in 'the canteen' and practices exhibited on the street.

Interviews with police officers

Interviews were conducted towards the start of the pilot with a sample of 90 operational police constables and sergeants working primarily on shift but also on community beat teams. Table 1 provides a breakdown of the sample across the pilot sites.

The semi-structured interviews focused on officers' working practices in respect to stops and searches. In particular, the interviews explored the factors that prompted officers to carry out a stop or search, and how they would be used. Officers were also asked about what constituted a good stop or search and what made officers better at using them.

Table 1: Sample of officers interviewed

Pilot site	PCs	Sergeants	Total
Greenwich	17	4	21
Hounslow	11	2	13
Ipswich	14	3	17
Chapeltown	15	4	19
Central Leicester	15	5	20
Total	72	18	90

In the final month of the pilot, we returned to the pilot sites to re-interview the same sample of officers. Primarily, we explored the role of intelligence and suspect descriptions, and the relationship between ethnicity and crime. Forty-six officers were re-interviewed. The others were unavailable for a variety of reasons - their shift pattern precluded it, they had transferred to other duties or to another force, or they were on rest days or sick leave. In addition, we also interviewed a sample of 14 inspectors and more senior managers to explore further issues about the practice and supervision of stops and searches.

Observations

The observations covered 40 complete operational shifts, representing over 340 hours. Eight shifts were observed in each site: late turns (generally 2-10pm) and night shifts (generally 10pm-6am) from Wednesday to Saturday in one week. The days and shifts were purposely selected to maximise the number of stops and searches likely to be observed. Observations were recorded after each shift on quantitative pro-forma and in a narrative account of the whole shift.

The observations complemented the interviews with officers by allowing officers' working practices to be experienced at first hand. It also enabled researchers to question officers about their practices at the time.

The structure of the report

The report is divided into 6 chapters. Chapter 2 develops the concept of legitimacy in relation to stops and searches, looking at the importance of public confidence, legality and effectiveness as three inter-related and supportive principles. The chapter concludes by exploring the role of discretion in stops and searches, and highlights four key threats to legitimacy. As such, legitimacy can be seen as a key

conceptual theme underpinning the discussions in the subsequent chapters. Chapter 3 aims to map out the origin of suspiciousness within police practice by exploring the range of factors used by officers for stopping people, namely appearance, behaviour, time and place, and information. Chapter 4 builds on some of these insights to explore the ways in which searches are carried out. The report focuses on the level of suspicion in police working practices, and examines some of the issues in relation to the legal framework for searches. Chapter 5 moves the focus of the report from police working practice towards good practice in carrying out stops and searches. Using the framework developed earlier, good practice can be seen as a way of improving the legitimacy of stops and searches. Finally, Chapter 6 presents the main conclusions from the research and highlights key points for action at policy, managerial and operational levels.

2. Understanding legitimacy

In this chapter we explore further the underlying principles for legitimacy in police stops and searches identified in broad terms in the previous chapter. The discussion of these principles sets out the framework for understanding the factors behind officers' decisions to stop or search which we discuss in subsequent chapters.

Public confidence

Public confidence is clearly essential for the legitimacy of stops and searches and will be based on the trust that they are used fairly and effectively. This is at the heart of the general principle of policing by consent but is also important in encouraging the public to co-operate with and assist the police. For example, Jordan (1998) has shown that effort put into reducing fear and suspicion of the police, and treating people (including offenders) with respect improves the level of co-operation the police receive from the community.

But what specifically do we mean by public confidence in stops and searches? A starting point is what the public themselves see as legitimate in the police deciding who to stop. Research commissioned by PRC as part of this research programme (Stone and Pettigrew, 2000) suggests that the following factors are important in the public's mind in relation to stops, as well as searches:

- people should be stopped for genuine and good reasons (and the police should be able to explain these reasons);
- the police should avoid stopping people randomly or routinely; and
- stops should be targeted at 'real criminals' and not simply those the police feel are 'not right'.

Public perceptions of inappropriate stops included those resulting from inappropriate and negative stereotypes held by the police, such as those based on skin colour. Certainly, there was a view that stops and searches in some cases could constitute harassment and victimisation when they were not targeted at the right people.

There are some important questions which relate not just to who is chosen for a stop or search, and why, but also the manner in which encounters are handled by the police. There is a body of research which has examined what influences public satisfaction with being stopped by the police, and has produced a fairly clear and consistent picture. This has included both statistical and qualitative approaches (Skogan, 1994; FitzGerald, 1999; Stone and Pettigrew, 2000; FitzGerald and Hale, forthcoming). Key issues include:

- whether the police acted politely;
- whether people were given an acceptable reason for the stop; and
- whether they were searched.

Research also notes that members of the public are not necessarily passive when they are stopped. In FitzGerald's (1999) study, both young people and police officers acknowledged that those stopped can be hostile, with police officers sometimes responding badly to this. For example, where an officer felt that the person they stopped 'failed the attitude test' this could lead to an escalation of the encounter. This type of problem was also acknowledged by participants in the BMRB research.

In this context, the legitimacy of stops or searches is likely to be greater where officers are polite and offer reasonable explanations, and manage to do so even when they face a difficult response from the person stopped. Once again, this ideal is explored against practice within this report.

Legality

The principle of legality is also central to any notion of legitimacy. Its application is clearest in relation to searches, which have a formal legal basis. Our discussion thus begins here before going on to consider the situation in relation to stops.

Police search powers are embodied in a range of legislation, and regulated by the *Police and Criminal Evidence Act 1984 (s66): Code of practice on stop and search* (Home Office, 1999a) (hereafter referred to as the PACE Code). Where these powers exist, they give an officer the right to detain a person in order to carry out a search. Additionally, an officer can carry out a so-called voluntary search. This, however, requires the consent of the person searched and officers have no legal powers to detain a person in order to do this. For a summary of the main search powers see Miller, et al. (2000).

Searches under s1 PACE require reasonable suspicion. The PACE Code is designed to regulate officers' exercise of these powers, and sets out the conditions needed for reasonable suspicion. First, the Code states that suspiciousness is not fixed and will differ depending on the circumstances involved:

> *Whether a reasonable ground for suspicion exists will depend on the circumstances in each case, but there must be some objective basis for it. An officer will need to consider the nature of the articles suspected of being carried in the context of other factors such as the time and the place, the behaviour of the person concerned or those with him.*

It continues by illustrating where reasonable suspicion might exist:

> *Reasonable suspicion may exist, for example, where information has been received such as a description of an article being carried or of a suspected offender; a person is seen acting covertly or warily or attempting to hide something; or a person is carrying a certain type of article at an unusual time or in a place where a number of burglaries or thefts are known to have taken place recently. But a decision to stop and search must be based on all the facts which bear on the likelihood that an article of a certain kind will be found.*

Finally, a series of safeguards are described, specifying where reasonable suspicion is not deemed to exist:

> *Reasonable suspicion can never be supported on the basis of personal factors alone without supporting intelligence or information. For example, a person's hair colour, age, hairstyle or manner of dress, or the fact that he is known to have a previous conviction for possession of an unlawful article, cannot be used alone or in combination with each other as the sole basis on which to search that person. Nor may it be founded on the basis of stereotyped images of certain persons or groups as more likely to be committing offences.*

Research, however, has pointed to problems in the operation of these guidelines by officers on the street. Dixon, et al. (1989) argue that the provisions in PACE are based on a misunderstanding of the nature of suspicion in police patrol work. They argue that the guidelines wrongly focus on the problem of stereotypical suspicion and fail to take account of suspicion based on incongruity (the lack of 'fit' in activity, time, place considered to be normal). This notion of suspicion is deeply rooted historically in the policing mandate and police culture. Suspicion is highly valued in police culture and, it is believed by officers, can only be learnt by experience on the street: "[its] rooting in the culture of police work makes it highly resistant to attempts at external influence and change" (Dixon, et al., 1989: 189). PACE also treats a search as an event rather than a social process. In so doing, it fails to recognise that "suspicion is built up and dispersed" along a continuum of informal contact to arrest. On this basis, Dixon, et al. (1989) contrast:

- PACE suspicion - individual and specific; with
- police suspicion - contextual and cumulative.

Research has also tended to show that, in practice, police suspicion is unlikely to fall equally across social groups and individuals. Searches are heavily patterned according to age, class, gender, area and ethnicity (e.g. Willis, 1983; Smith, 1983;

Skogan 1994; Young 1994; Bucke 1997; Home Office, 1999b). Young (1994) acknowledges that this picture suggests that the police act on the basis of stereotypes rather than reasonable suspicion. However, he highlights difficulties for the police in acting otherwise. For example, he points to the possibility of the police acting on what he describes as democratic suspicion - that everyone is seen as equally suspicious. He argues that if suspicion was applied universally it would be unworkable as it would result in widespread public alienation and would be inefficient in terms of arrests. He points out that the same behaviour carried out by two different people is likely to prompt different levels of suspicion. He illustrates his argument with the example of a young man nervously carrying a bag late at night, in comparison to an old lady in a similar situation. Whereas the young man might be seen as a potential offender, the old woman is more likely to be viewed as a possible victim: "You do not stop old ladies in the street to search them for stolen video-recorders, drugs or hidden weapons" (Young, 1994). Therefore, there is a logic and an inevitability in police officers focusing on the groups that their experience suggests are more likely to offend. Nonetheless, the majority of such stops will still be unproductive.

Given such a position, the legitimacy of searches is perhaps optimal when it involves generalisations which are well-informed and non-discriminatory. This points to the importance of having, and communicating, up-to-date and informed intelligence to ensure patrol officers are well-versed about active offenders and current crime patterns. Where generalisations are ill-informed and used in discriminatory ways, they can be regarded as negative stereotypes.

Encounters that do not require reasonable suspicion

There are other police powers to search without the requirement of reasonable suspicion:

- Section 60 Criminal Justice and Public Order Act 1994[3] - officers can search for offensive weapons or dangerous instruments when authorisation by an officer of the rank of inspector or above is given in relation to a specific place and time period. Authorisation is most commonly given to address offences at sporting and other large-scale events.

- Voluntary or consent searches - officers may search for any item when they have the consent of the person searched. Voluntary searches are not prescribed in legislation and officers have no legal powers to detain a person in order to do this.[4]

There are also police powers to stop any vehicle under the Road Traffic Act 1998, again with no associated minimum required level of suspicion. There are no police

[3] As amended by s8 Knives Act 1997.

[4] Some forces have policies not to use voluntary searches (see FitzGerald and Sibbitt, 1997).

powers associated with typical suspicion-led stops where an officer stops and questions a person and thus also no minimum required level of suspicion. About this, the PACE Code notes:

> *This code does not affect the ability of an officer to speak to or question a person in the ordinary course of his duties (and in the absence of reasonable suspicion) without detaining him or exercising any element of compulsion. It is not the purpose of the code to prohibit such encounters between the police and the community with the co-operation of the person concerned and neither does it affect the principle that all citizens have a duty to help police officers to prevent crime and discover offenders.*

Nonetheless, despite any legally required level of suspicion, it is clear that officers cannot legitimately operate on the basis of 'anything goes'. This is important generally in relation to public confidence (highlighted above), but particularly so in relation to the perceived legitimacy of police actions by minority ethnic communities, given the views highlighted by the Stephen Lawrence Inquiry Report.

But there is no formal guidance on what might be termed 'sufficient' or 'adequate' suspicion for such encounters. The onus is thus placed on the working rules of officer practice. To provide some basis by which to judge officer practice in the following chapters, we sketch out below what sufficient suspicion might comprise.

Perhaps unsurprisingly, it is precisely these kinds of issues that the PACE Code addresses in relation to searches, constructed as they are to provide for the effective targeting of searches at offenders, while offering safeguards against the harassment of certain groups or individuals. This Code may still, therefore, be regarded as providing a reasonable guide for stops and searches that do not require reasonable suspicion - even though it is accepted that they might apply in a more dilute and less rigid form. On this basis, sufficient suspicion is perhaps maximised for such stop or search encounters when satisfying at least one of the following criteria (their roles are discussed in more detail in Chapter 3):

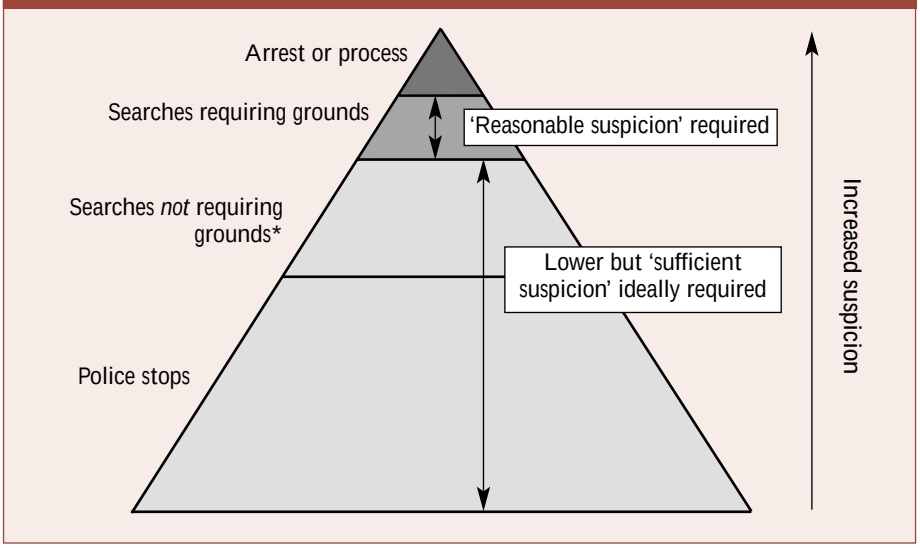
- a person fits a suspect description;
- behaves suspiciously;
- is out at an unusual time; or
- is in a place associated with crime.

And where, by contrast, they are based only on the following factors, they may be less appropriate and more open to accusations of negative stereotyping and harassment:

- appearance;
- manner of dress;
- previous convictions; and
- stereotyped images of certain people or groups as likely to be committing offences.

Figure 1 provides an illustration of how different types of police-initiated encounters relate to suspicion, using these concepts.

Figure 1: Suspicion-based stop or search encounters



Notes:
* Voluntary searches and those under s60 Criminal Justice and Public Order Act 1994 (see Chapter 4).
1. The area of each segment does not represent the number of suspicion-based encounters.

Effectiveness

However, it is not enough simply to know whether stops and searches conform to these criteria. It is also necessary to ask: even where suspicion is based on PACE principles, is this suspicion reliable? Specifically, we need to know the extent to which the information and insight upon which police officers interpret an individual as suspicious is robust, so that it draws them towards genuine offenders and away from law-abiding members of the public.

The issue of reliability in relation to suspicion has two dimensions:

- Directness of evidence - Reliability can be related to the directness of evidence which presents itself to officers and renders him/her suspicious of an individual.[5] We can conceive of broadly two different types of evidence, namely:

  - direct evidence - evidence which comes from factors which can be linked directly to a specific individual, because of what he/she has been seen doing (e.g. specific behaviour or matching a suspect description); and
  - indirect evidence - evidence based on a wider set of factors and might also be regarded as circumstantial (e.g. a person seen at a particular place or time).

[5] Our use of the term evidence refers to types of information and should not, necessarily, be confused with evidence in any legal sense.

To illustrate this distinction, a person observed attempting to conceal an object whilst looking into a car would be an example of direct evidence, and a person seen standing in a car crime hotspot would be an example of indirect evidence.

While there is scope for interpretation by officers based on direct and indirect evidence in deciding whether somebody is suspicious, it is clearly in the latter case where this scope is widest. This is because potentially incriminating indirect evidence is far more ambiguous than direct evidence, subject as it is to the strong possibility that it arises by chance alone. This does not mean the suspicion is wrong when it is based on indirect evidence, or that it should not be used as a basis for suspicion. Rather, that it is likely to be less reliable, overall, than direct evidence.

- Accuracy of information - Reliability also relates to the accuracy of information or intelligence which provides a basis for suspicion. For example, an officer may respond to a suspect description by stopping somebody corresponding well to that description. However, if the description is wrong or comes from a bad source, suspicions are less reliable. Similarly, what officers regard as a high-crime area will depend on what they have learnt about that area, and how specific and up-to-date their knowledge is. For example, officers acting in good faith may view an area as high-crime, and form suspicions accordingly. However, if crime levels have recently reduced in an area, and officers are unaware of this, it will not be reflected in their judgement. In this sense, suspicion can be said to be less reliable because it is based on a single criterion which is not accurate and up-to-date.

This research, therefore, as well as exploring the extent to which suspicion is based on PACE principles, will also examine the extent to which suspicion is reliable. This will represent a third strand to our understanding of legitimacy.

Discretion and legitimacy

Police discretion describes officers' ability to decide when and when not to intervene and enforce the law. This has been regarded as a product of the police's structure and organisation with operational officers policing at ground level away from immediate supervision from police management (e.g. Reiner, 1997). Significantly, and in contrast to some other types of organisations, discretion is greatest at the lowest level within the police (i.e. the police constable). Decisions taken by police officers when dealing with members of the public are marked by low visibility, and are thus invisible to supervisors and effectively unreviewable. This is particularly true of decisions not to enforce the law. Given this discretion, great attention needs to be paid to the working rules of police practice to ensure that they exhibit an appreciation and acceptance of the principles of legitimacy outlined here.

The introduction of PACE legislation was an attempt to regulate the discretion of officers legally, and this has been discussed in relation to the concept of reasonable suspicion above. The degree to which this is likely to be effective has been disputed (e.g. Dixon, et al., 1989), and even where the PACE Code is followed to the letter, it is still open to interpretation and inevitably open to the possibility of under-enforcement.

However, it is likely that operational factors influence police discretion in that officers' latitude for choosing what they do is greater in certain types of police work. FitzGerald (1999) makes a distinction between high and low discretion searches. While high discretion searches tend to come about as a result of the proactive efforts of officers, low discretion searches were more closely driven by external prompts, including:

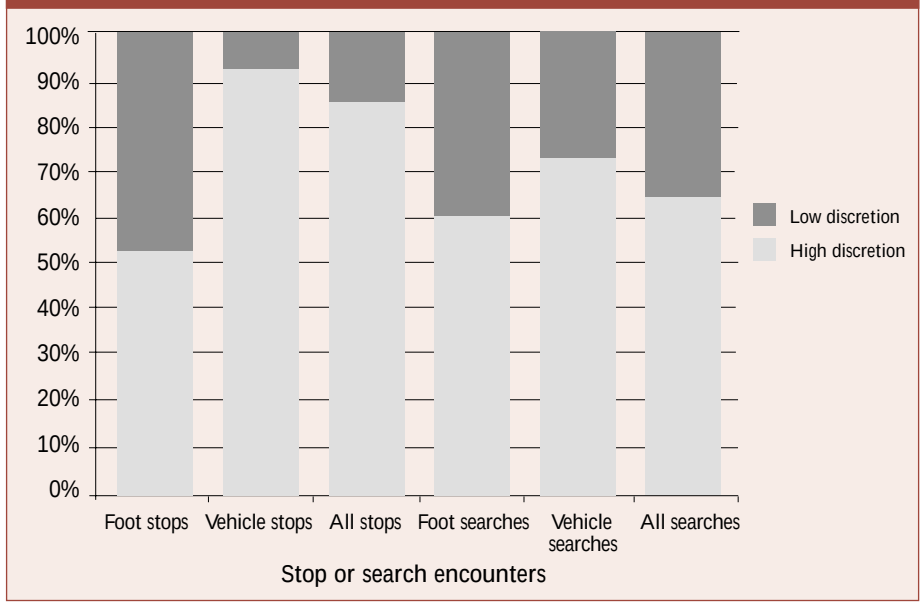
- being called to a specific incident;
- specific information received from a non-police source;
- information about an earlier incident providing suspect description(s); and
- activity in relation to specific targeted operations.

While this analysis applies to searches, the same logic can be applied to stops in general. Although FitzGerald did not elaborate on the significance of these criteria, they tend to involve officers being specifically directed towards tasks, either by the police or public. It is likely, because of this, that these will involve a higher level of accountability than proactive high discretion searches, either to police supervisors or members of the public, because these individuals will, to some extent, be able to monitor responses to these prompts. However, it is important to note that discretion will also influence stops and searches which are seemingly based on low discretion.

For example, during calls for service, officers will still be required to interpret information and make judgements about who to stop or search (see Box 3 later).

Figure 2 below, based on data on stops and searches from one pilot site, shows that high discretion is associated with certain types of stops and searches. Overall, discretion plays a larger role on stops compared to searches - 86% of all stops were based on high discretion as opposed to 65% of all searches. It is also clear that discretion is a larger feature of vehicle stops (93%) and, to a lesser extent, vehicle searches (73%) compared to stops and searches of people on foot (52% and 61% respectively).

Figure 2: Discretion in recorded stops and searches in one pilot site



Note: Low discretion refers to encounters based on incident logs, calls for service or planned policing events.

In examining the legitimacy of stops and searches, it is important that we consider the role of discretion; personal judgements of officers about whether to carry out a stop or search take on most significance in high discretion situations. Certainly, in these encounters we might expect stops and searches to follow more selectively from the kind of evidence which might render someone suspicious. Furthermore, where levels of discretion are highest, we might expect that generalisations and negative

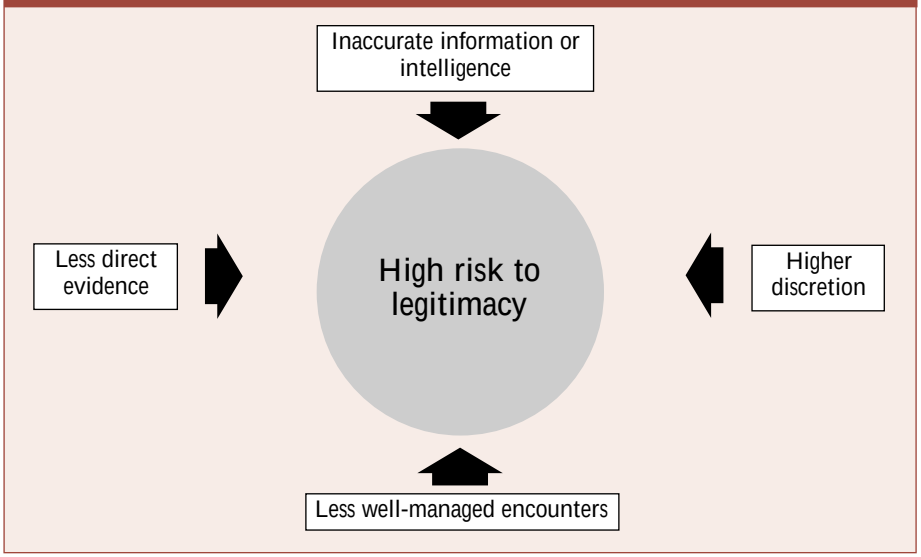
stereotypes about likely offenders play a role. While in many cases, generalisations may be based on good quality intelligence and information about likely offenders, it does not follow that this will be the case and negative stereotypes may result.

Where discretion is high we might also expect a higher risk to the legitimacy of decisions to stop or search. This research, therefore, also explores where high discretion stop or search situations give rise to problems with legitimacy.

Threats to the legitimacy of stops and searches

We have seen throughout this chapter that the three principles of legitimacy are clearly not distinct but are inter-related and complementary. Moves to improve legitimacy in one area (e.g. effectiveness) need not, indeed should not, run counter to gains in other areas (e.g. public confidence or legality).

Figure 3: Risks to legitimacy in stops and searches



In exploring the legitimacy of stops and searches, we make particular effort to flag up where threats to legitimacy are most likely in police practice (depicted in Figure 3 above). These will focus on situations where legitimacy is placed at risk because of the types of potential difficulty discussed above. Specifically, it will focus on threats arising when police decision-making is characterised by:

- high discretion;
- inaccurate and less up-to-date information or intelligence;
- where evidence is primarily of an indirect nature; and
- threats to public satisfaction associated with officers' behaviour during stop or search encounters.

3. The origins of suspicion

To understand the origins of suspiciousness in police practice we need to ask the question: what is it about a person that attracts police attention? In fact, this question can be broken up into a range of issues, including their appearance, their behaviour, the time and place they are observed, and the reliability of information which informs suspicion among police officers. We will also look at how suspicion can point towards certain types of offences and the reasons why suspicion might not be acted upon. We will discuss these issues within the overarching concerns of this report which we set out in the previous chapter.

Appearance

This section will first deal with the kinds of factors which may be considered to represent indirect evidence, and will then go on to discuss more direct types of evidence, in the form of matching suspect descriptions.

Youth

During the interviews, a significant proportion of officers said that they might be prompted to stop a person if they were a teenager, kid or young person. There was a sense that young people would be stopped because they might be involved in crime or 'causing trouble' more generally. In the main, however, like most of the reasons detailed here, others factors also played a part in deciding to monitor their behaviour or presence:

> *Early morning - teenagers walking around - I want to know why.*
> (Permanent beat officer, 10 years service: interviewed)

> *Secluded spots - couples go there but if, say, four youths [I'll] have a chat and then check for the grounds.*
> (Response team officer, 3 years: interviewed)

This was true both for foot stops and for stops of vehicles. In one police area, for example, cars with groups of young people seen leaving the city centre were routinely stopped at night on suspicion that the driver might have been drinking. Some officers, drew particular attention to young people in cars because of more general suspicions:

> *Youths from 10 to 20-something commit most crimes. If four youths [are] in a car [I] will tend to want to know what they have been up to.*
> (Permanent beat officer, 20 years: interviewed)

This focus, particularly in relation to young men, was also recognised by people participating in research on the views of the public on stops and searches (Stone and Pettigrew, 2000).

Clothing

The way individuals look and the way they dress provided indirect evidence for some officers in deciding whether to stop a person or not. Several officers said that they would be prompted by specific items of clothing or the overall state of someone's appearance as a reason for a stop (although often expressed in combination with other direct and indirect evidence).

Wearing a baseball cap or going 'hooded up' (i.e. wearing a jacket or top with the hood up) signified to a few officers that an individual might be 'up to no good' and warranted a check on what they were doing. It is perhaps unsurprising that the clothes typically worn by young people are highlighted by officers, given the fact that young people are focused on more generally. In some cases, however, officers were aware that young people in the area would deliberately put up their hood to obscure their faces in an attempt to attract the attention of officers:

> *With experience of criminals [you] get an eye for what stands out. Teenagers in an area - hoods up, gloved up.*
>
> (Response team officer, 3 years: interviewed)

> *You build the stereotypes up through experience - the people you see are involved in crime. In this area it's people in sports gear - most people we're involved with wear baseball caps around here.*
>
> (Response team officer: observed)

A couple of officers also mentioned that people wearing dark clothing at night might attract police attention on the assumption that the person could be trying to make themselves harder to see: "People in dark clothing - they might be involved in burglary". During the observations, a man was seen walking behind a row of shops late at night but was specifically not stopped because he was wearing a white T-shirt. The officer explained that he would have stopped the man had he been wearing darker or scruffier clothes

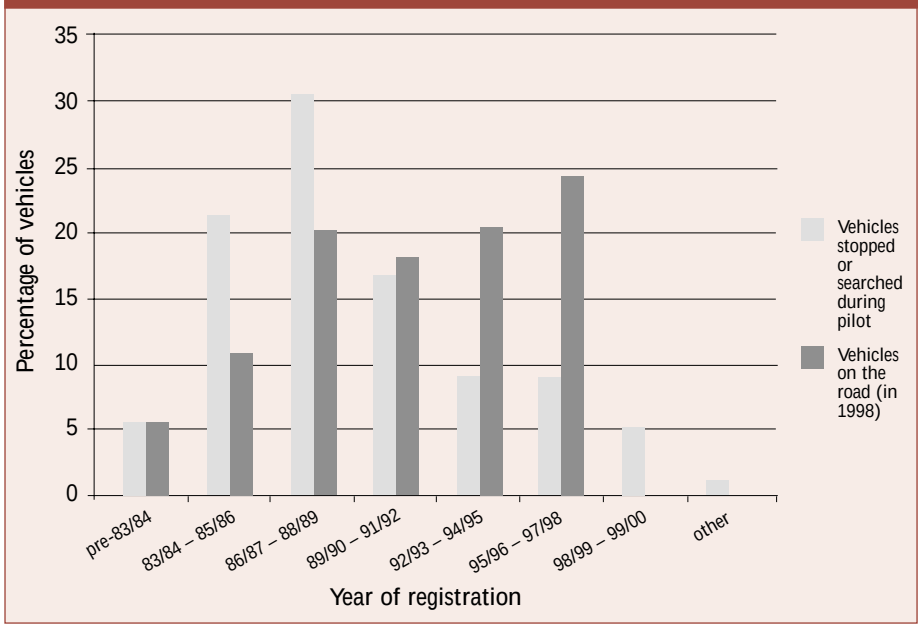
Again, this focus was also recognised by people participating in research on community views of stops and searches (Stone and Pettigrew, 2000). Examples cited included baseball caps, jewellery, hooded tops, black puffa jackets, as well as skinhead hairstyles on white people and dreadlocks on black people.

Types of vehicle

When asked about stopping or searching cars, some officers identified particular types of cars which would attract their attention and might 'be worth a stop'. When considering the age of cars, officers sometimes justified stopping older vehicles because they were more likely to have defects or were less likely to have road tax and insurance. The focus of officers on older cars is, to some extent, born out in the records of vehicle stops. Figure 4 shows that vehicles registered between 1983/84 and 1988/89 formed over 50% of all traffic stops and searches during the pilot, and that these vehicles were disproportionately stopped compared to the overall age of cars on the road. However, the figure for vehicles on the road is a static population and does not necessarily reflect that some vehicles will be more available to be stopped by the police than others.[6]

[6] *The availability of vehicles is likely to depend on a range of factors (e.g. access to car ownership, geographic differences in policing, the lifestyle of drivers, and other social and economic factors).*

Figure 4: The age of vehicles stopped or searched during the pilot



Note: 'Vehicles on the road' are derived from analysis for the *Car Theft Index* (Home Office, 1999c).

Cars which are relatively easy to steal attracted the attention of some officers. They were able to identify individual makes and models of cars which, from their experience, were targets for car thieves. Officers would not necessarily stop these cars, but the fact that they were viewed as being more likely to be stolen meant that

they might scrutinise the vehicle in greater detail. Conversations during the observations indicated that officers would often look out for or notice Metros because they were 'easy to get into' and targets for young car thieves. Other makes and models of car were also mentioned but to a lesser extent (e.g. Rovers, Ford XR2s and Vauxhall Astras). One officer commented that he would also look for high-powered cars (e.g. Imprezzas) because they were often the target for ram-raiders:

> *I know I shouldn't stereotype - but there are cars that stand out. People have different reactions to different cars. I look out for particular cars - Metros and Fiestas. They're easy to steal and a lot of our young criminals drive stolen Metros. There are some cars that just are never stolen - Saabs and Volvos. I have only ever seen one Volvo stolen and that was by [name] when a door was open and the engine was left running.*
>
> (Response team officer: observed)

It is notable that, the *Car Theft Index* shows that particular models of Metros, XR2s, and Astras suffer from high risks of theft (Home Office, 1999c). However, to test whether officers' perceptions are reflected by crime figures, further research could be undertaken to examine whether cars which have a relatively high risk of theft are also more likely to be stopped by the police.

It is interesting to note that members of the public recognise that police focus their use of stops and searches on particular makes of cars - such as Renault 5s, Vauxhall Astras, four-by-four jeeps or cars with alloy wheels (Stone and Pettigrew, 2000). Participants in this research felt that these are targeted because they are easy to break into, favoured by joy-riders or because they looked 'flash'. However, there was some resentment about this police focus. For example, some people mentioned having to change their makes of car because they were fed up with being stopped.

There was also a strong perception that black or Asian people who owned an expensive car would be stopped a lot, because of a stereotype among police officers that people from minority ethnic groups were not in jobs which allowed them to afford expensive cars - also a cause of some resentment. Public perception about the role of ethnicity in vehicle stops stands in contrast with the perception of some officers. One senior-ranking officer made the following point:

> *It is often impossible to tell the ethnicity of the driver, especially at night or in bad weather. [The vehicle] will most often have come to attention because of some feature of the vehicle, or the manner in which it is being driven.*
>
> (Personal communication)

Incongruence

For the police, there is an element of suspicion about a person if they are perceived to 'be out of place', 'not fit in', or 'stand out'. Officers tended to describe this in very broad terms, and were unable to articulate what was incongruent in any great detail. However, the strongest view was that who was 'out of place' would be based, in part, on officers' expectations of people and what was seen to be 'normal'. Linked to this, was a view that strangers, or people officers did not recognise, might be stopped in order to find out who they were and what they were doing:

> *Strangers - someone who doesn't fit the categories of the area - people [who are] very young in a student area, not dressed like a student… Doesn't fit, looking at cars.*
>
> (Response team officer, 3 1/2 years: interviewed)

> *I focus on people not matching area - how they dress.*
>
> (Response team officer, 12 years: interviewed)

To some extent, the ability of officers to build up expectations about people will depend upon their familiarity with the people in an area, and how self-contained an area is.[7] Officers in one force area had strong perceptions about the types of people they would expect to see in different parts of the division. This was based, in part, on knowledge about the profile of the local resident and visiting populations. The northern part of the police area was seen by officers as a predominantly white area and affluent. In contrast, several beats of the south had a relatively large minority ethnic population, including a well-established black community, and were economically deprived. Officers were also well-informed via intelligence and experience that these beats contained a number of vice and drug dealing hotspots. As a result, officers commented that they would often suspect unknown white people, usually in groups and/or in vehicles, of being in the area to buy drugs or pick up prostitutes:

> *Because this is a predominately Afro-Caribbean area, white faces stand out. Particularly if you see a car full of young white lads, and you see them drive off. They are probably here to buy drugs.*
>
> (Response team officer, 3 years: observed)

In contrast, a police area from another pilot was seen by officers as being less self-contained. The area, which included a city centre, was characterised by a diverse range of people who travelled into the area. Some people in the city centre were

[7] *This can be linked to research which highlights that the social life of an area will be composed of the routine activities of the people living, working or socialising there (e.g. Bottoms and Wiles, 1997).*

viewed as being suspicious by officers, but this tended to be for other reasons (e.g. involvement in public disorder).

Ethnicity?

None of the officers included in this study said that they would carry out a stop or search because of a person's ethnicity in itself. Indeed, some officers said, unprompted, that they would not target people from minority ethnic communities.[8]

[8] It should be acknowledged, however, that officers might not have discussed the issue of ethnicity fully with Home Office researchers given the context and aim of this study.

On the rare occasions in which individual ethnic groups were referred to, it was in connection with particular crime problems. Two officers referred to specific and current problems which they had direct experience of (e.g. fighting between groups of Afro-Caribbeans and Somalians, and a series of thefts by Somalian teenagers). One sergeant added that ethnicity might affect the nature of some encounters, commenting that some black people would become 'agitated' because they were in possession of cannabis. This is not to say that ethnicity was not compounded with the other factors already discussed (e.g. being incongruent, intelligence, clothing or type of car). This also feeds into the debate about the availability of different ethnic groups for stops and searches (see MVA, 2000).

There was some evidence during the observations that ethnicity played a part in officers' decisions to stop on two occasions. In the most concrete example, on seeing a blue Fiesta at 2am, an officer said: "Rasta man - worth a look". During the encounter, the driver was asked where he was going, where he had been, and whether he had been drinking (the three passengers in the car had been). Other cars were observed being stopped at about the same time leaving the city centre on the general suspicion of drink-driving, although this encounter would seem to have a strong element of negative ethnic stereotyping

It is important to point out that the two examples formed a small minority of observed encounters. Most stop and search encounters involving people from minority ethnic groups did not seem to be based on negative ethnic stereotypes and could be justified by other reasons. It is also problematic to establish a direct link between stereotypes and acts of direct discrimination. Both Norris, et al. (1992) and Reiner (1992b) note that linking prejudiced ideas to discriminatory actions is not straightforward (e.g. the impact of the researcher). In the example above, it seems likely that discrimination played a part in the stop, but we can never be completely sure.

Being known to the police

It was clear that individuals who were known to the police were often targeted in stops and searches. It was common practice, on the shift briefings in each of the

pilot sites, for officers to be given the details of individuals and cars (e.g. names, descriptions, registration numbers) which would be 'worth a stop'.

In one area, officers were informed that a well-known development nominal[9] had recently received bail with special conditions, and had also been moved to local authority accommodation. The officers deliberately patrolled near to the accommodation in order to stop the teenager and check whether he was in breach of bail. In another police area, officers spotted a known prostitute in a red light district who they thought was in breach of her bail conditions. They stopped her but on questioning discovered that the conditions only applied after 10pm.

[9] Development and target nominals refer to serious and/or prolific offenders who are current and specific targets of police surveillance.

For some officers, however, simply being known to the police was not a good enough reason for them to stop an individual. They would only stop a known offender if it was in connection to a specific matter:

> *Tend to know the faces and to chat up people - useful for intelligence but wouldn't just stop someone because they are known face.*
>
> (Response team officer, 10 years: interviewed)

Participants in Stone and Pettigrew's (2000) research also recognised that stops and searches were used on people who were already known to the police. This was reflected in the experiences of those included with criminal records in the study. However, some felt they were stopped because the person they were walking with was known to the police. At the same time, there was a perception that stops and searches were not used on 'hardened' criminals, since they would be professional enough not to carry anything incriminating on them.

Fitting suspect descriptions

While the factors we have discussed in relation to people and suspiciousness primarily involve indirect evidence, matching people with suspect descriptions can form direct evidence. For example:

> *After a robbery you would use a description to stop them immediately afterward.*
>
> (Response team officer, 4 years: interviewed)

This is discussed in greater detail below.

Behaviour

As before, suspicious behaviour will be discussed in terms of indirect evidence for suspicion, and then in terms of more direct forms of evidence.

Suspicious activity

Officers tended to discuss more specific and certain behaviour in relation to searches, such as a person "looking in cars, checking locks". In contrast, officers discussed activity which, in a very broad sense, suggested that a person could possibly be involved in crime as a reason for a stop. Officers tended to refer to 'suspicious behaviour', actions or demeanour in general terms, but a few did illustrate what they meant with examples:

> *Suspicious behaviour - wandering around cars in a place they had no reason to be.*
> (Permanent beat officer, 14 years: interviewed)

A small number of officers also commented that people who are seen loitering or 'hanging around' and do not appear to have a clear purpose might be suspicious and stopped in order to monitor their behaviour. This can be illustrated by an officer who was asked what he was looking out for whilst being observed patrolling a burglary hotspot:

> *People loitering around - people walking around without a purpose. You can tell what people are doing - at this time of day, you can see the people going down the road to the shop. They walk with purpose - they don't hang around.*
> (Response team officer: observed)

There was less clarity about what was suspicious behaviour in relation to driving. One officer referred to stopping cars that were being driven around aimlessly or taking unusual routes. Others mentioned stopping vehicles in relation to specific crimes (e.g. burglary or drugs offences). For example, one sergeant said that he would do an initial stop on cars that were seen driving in a specific area late at night (especially vans and estates that were in burglary hotspots) in order to question the driver and check his/her response. He added that if they said they were 'going for a drive', his suspicions would be further aroused and he would take matters further. Similarly, an officer from another area was observed stopping three occupied cars which were parked in secluded and deserted car parks known for public sex and drug taking in order to check what the occupants were doing.

The police also view an individual's reaction to them as suspicious, in the same way as they view a person's initial actions. This highlights the fact that stop and search encounters, like other encounters between two or more people, are forms of focused social interaction (Goffman, 1961; Sykes and Clarke, 1975; Dixon, et al., 1989;

Norris, et al., 1992). For example:

> *You see someone and you just know he's not right. It's the way people react to you - won't look you in the eye; go in different direction; [they] give indication [they] don't want to speak or be seen.*
>
> (Proactive unit officer, 4 years: interviewed)

About a quarter of officers interviewed explicitly spoke of furtive or elusive behaviour as being a prompt for a stop. Officers described furtiveness in a number of different ways, namely:

- avoiding being seen: "looking away, moving off, hiding face on sight of police";
- attempting to hide objects on a person or in the surrounding area (e.g. bushes);
- running away on seeing officers or from an abandoned vehicle; and
- nervousness around the police.

It is important to note, however, that while the police may see some of these reactions as intrinsically suspicious, there are cultural and individual reasons why a person may appear to be 'furtive'.[10] Cultural factors, for example, might explain the reason why and the extent to which different people make eye contact with the police. In some circumstances, a person may quite reasonably appear uneasy in the presence of the police particularly where there is a fear of being stopped or searched. Stone and Pettigrew (2000) note, for example, that even when respondents had 'nothing to hide', they still experienced a sense of fear or nervousness about being stopped, partly because of the nature of the experience, the lack of trust they held in the police, and their previous experiences. Some white respondents said that, when they congregated in a large group, they would run off on seeing the police because they thought they would be searched and possibly arrested. Other respondents felt that the police might try and plant things on them or accuse them of something they had not done.

[10] These and other issues are covered in community and race relations training in some forces.

Observed offending

The most commonly cited offences which were directly observed by officers were moving traffic offences involving vehicles. Offences singled out by officers included:

- vehicle defects (and in particular broken lights);
- driving without tax;
- driving without a seatbelt;
- dangerous vehicle manoeuvres; and
- speeding.

In these cases, the observations showed that officers would stop these vehicles in order to issue words of advice and enquire about the ownership of the vehicle. To a lesser extent officers would stop vehicles with a view to issue some form of process documentation (e.g. Vehicle Defect Rectification Scheme (VDRS), Fixed Penalty Notice or HO/RT1). For example, of the 23 vehicle stops based on moving traffic offences observed, 11 resulted in words of advice or a verbal warning and four resulted in a process form being issued.

It was relatively rare for officers to talk about stopping people on foot as a direct result of criminal activity which they had seen. Where an offence had been seen, the situation was likely to result in an immediate arrest. Searches were more likely than stops to be carried out following possible offences which were seen (e.g. public order offences).

Time and place

The time of day and place where a person is observed are both key factors for officers in generating suspicion. Their influence can be seen as two-fold: time and place will determine, in part, the structure of police patrol activity and will also affect how officers perceive people. The structuring of officer activity by time and location is reflected in the formal records of stops and searches during the pilot (see MVA, 2000). FitzGerald (1999) has also shown that this is also the case for searches more generally. She showed that most searches in London took place between 10pm and 2am, and could be mapped against the areas where crime was reported and against calls for service.

The majority of officers interviewed specifically referred to time of day and place in some respects as being factors in determining who to stop. How the role of time was discussed varied significantly between officers. Some officers referred to them in very general terms as being an influence on who they stopped and why. They did not necessarily identify anything in particular about the time of day or place that determined why something was considered to be suspicious. However, they were often seen to work in combination with other factors. Some officers were more specific about the role of time and place in discussing their decisions to conduct a stop. Officers referred to:

- the time of day determining the availability of officers to undertake proactive patrol work and to carry out stops;
- particular times and places (as indirect evidence) making individuals more suspicious; and
- intelligence about time and location.

Officer availability for proactive patrol duties

Officers seemed to be relatively clear about how time of day affected the quantity and quality of patrol work. In some cases, officers said that patrol work during the day tended to consist of responding to calls for service from members of the public and handling general inquiries. As a result, the volume of calls officers received during the daytime was seen to limit their ability to stop members of the public proactively. In contrast, officers said that they would have more time for proactive patrols 'late at night' or 'in the early hours' once the number of calls had reduced:

> *Earlies will involve doing paperwork. Lates involve responding to incidents. Nights are uncommitted time where you seek to do proactive work - so 8pm to 6am is when you are most likely to do your self-generated work.*
>
> (Response officer, 6 years: interviewed)

This is likely to influence the patterning of high and low discretion encounters. It should also be noted that calls for service are not always made at the time of an incident and sometimes relate to events which occurred in the recent past.

This is also reflected in the earlier findings of FitzGerald and Sibbitt (1997) who point out that there is a mismatch with demand in the early hours. They argue that patrols in the early hours of the morning provide officers with a greater opportunity for proactive patrol because there are fewer crime reports to respond to.[11] They also cite an Audit Commission (1996) report which suggests that the mismatch between the reactive demands on the police and the officers available for duty is explained, in part, by the need to double-crew police vehicles during the night for officer safety.

[11] Their findings were based on a survey undertaken by an Metropolitan Police Service Working Group which showed that in four divisions, 12% of searches occurred between 6am - 2pm, 42% between 2pm - 10pm, and 46% between 10pm - 6am.

To a lesser extent, conversations with officers during the observations revealed that they were aware of seasonal differences in their ability to stop members of the public proactively. Some officers commented that during the summer months when the weather was better, people were more likely to go out and stay out later into the evening. As one officer said:

> *It gets worse in the summer because people are out till three in the morning on the streets drinking.*
>
> (Response team officer, 7 years: observed)

The public themselves appear to notice variations in police practice according to time of day, although they sometimes put this down to a boredom factor by the police - for example at the end of their shift (Stone and Pettigrew, 2000).

The influence of time and place on suspiciousness

Several officers described specific aspects about time and place which were suspicious. There was a strong sense that people observed in certain places at particular times provided a good basis for suspicions and were based, in part, on officers' expectations. Officer expectations can be positive in the sense that, for example, an individual seen in a high-crime area at night might be a reason for a stop. Expectation can also be negative - officers might not expect to see a person in a particular place at certain times of the day (see Box 1 below). For example, officers commented that their suspicions would be aroused by a person on an industrial estate, a deserted car park or commercial premises at night because they would not usually expect to see a person there at that time:

> *Time and location might be suspicious. Might ignore people during daytime - kids on industrial estate in daytime probably ignored... expect people to be [there] at certain times.*
>
> (Response team officer, 17 years: interviewed)

There was also a more general expectation about times of day, which on their own, appeared suspicious. In general, because officers said it was unusual to see people out during the night (unless in the city centre), they 'stood out' and warranted further attention. This was especially true for young people:

> *Late night/early morning. Why are they out? People aren't usually out at that time.*
>
> (Response team officer, 3 1/2 years: interviewed)

Stone and Pettigrew (2000) provide an important context for this perception. They noted that some of the black and Asian participants in their study tended to work in jobs with unsociable hours, such as in fast food outlets, mini-cab drivers, shift work at factories and postmen. They felt that they were often stopped because they were walking or driving home at unusual hours. This also often meant they were carrying a bag, which the police believed might contain stolen goods. Interestingly, the observations yielded some examples where suspicion based on time and place was mistaken, and fell on somebody who was in an unusual place and time because of his work (Box 1). It should perhaps be recognised that people are increasingly out at 'unusual times' because working hours and leisure have become more flexible.

Box 1: Expectations about time and place

An example from the observations:

8.30pm. The officer saw a man walking down the side of an industrial unit behind a fence. It was dark. We circled back into the car park on the estate and pulled up by the unit. A man appeared behind the shutter - he was aged between 20 and 30, and wearing jeans and sweatshirt. The officer asked: "We're just checking to make sure everything's alright - what are you up to? We don't get people walking around here after dark". The man replied: "I work here - I've got the keys to the place". The man joked with the officer and added that he had to park his car behind the unit because it had been broken into on the street. The officer said that he was just checking and we drove off.

The reliability of information and intelligence

One of the concerns which we flagged up in the previous chapter was the importance of effectiveness. Feeding into this issue was the reliability of information and intelligence upon which suspicion is based. In exploring this question, three categories emerged as important in informing suspicion: suspect descriptions, intelligence and generalisations. The nature of each of these and the problems associated with each type of information are both discussed below.

Suspect descriptions

Suspect descriptions, which are useful in identifying offenders, tend to come from information from witnesses or victims about crimes and are either passed directly to officers or more widely through police command and control systems. Suspect descriptions, however, should not be treated as an unproblematic form of information. The interviews revealed that there are important issues about their value and reliability.

One of the key issues identified was the accuracy of received descriptions. Whereas some officers felt that the descriptions provided were reasonably accurate, a significant proportion thought they were poor or at best variable. Or as one officer said succinctly: "[they] look nothing like it usually". One of the main criticisms from officers was that descriptions consisted of broad characteristics and lacked detail - mainly focusing on ethnicity and clothing. Some officers said that it was more useful to identify distinctive features (e.g. scars or unusual clothing) for targeting possible offenders:

> *To get a description for a 15 year old white male [is] no good - might as well not have bothered.*
>
> (Proactive unit sergeant: interviewed)

> *People's perception of what they see is different to someone else's. Take [descriptions] with a pinch of salt.*
>
> (Permanent beat officer, 14 years: interviewed)

Indeed, two officers said that groups of young people would attempt to exploit this by swapping clothes in order to confuse officers. It appeared that the accuracy of descriptions depended on the state of the victim, particularly for robberies. Some officers suggested that robbery descriptions tended to be vague because they happened quickly, were traumatic for the victim and the offender might also be masked during the encounter. One officer added that 'punter robberies' (i.e. those on kerb-crawlers) also suffered due to embarrassment and because the victims were often drunk or high at the time.

For a small minority of officers, call-handlers were criticised for not handling victims and witnesses well and not providing officers with the information they needed:

> *Accuracy varies - depends on the call-taker and the questions they ask the witness. Can waste time especially if the witness has to be called back [for more details].*
>
> (Response team officer, 2 1/2 years: interviewed)

PRC research in this area has shown that the nature of the offence, the character of the witness and the way the information was retrieved all have an important influence on the accuracy of eyewitness testimony (Kebbell and Wagstaff, 1999). In contrast, CCTV was seen by some officers as a useful means of getting accurate descriptions, particularly for shoplifting, people making off without payment and offences around city centres.

A second key issue was the extent to which the quality and volume of suspects descriptions varied according to the nature of the offence. To explore this issue in detail, officers were asked to identify the crimes which tended to result in suspect descriptions, based on their experiences of policing. Robbery was the most significant response, with an overall majority of officers citing it as an example. Assault, burglary, vehicle crime, and theft from persons, and theft from shops were the next most common responses, but to a much lesser extent.[12] In general, officers highlighted that 'contact crime' (i.e. described by one officer as "any offence where there has been person-to-person contact") was far more likely to lead to a suspect

[12] *Other crimes included criminal damage, drugs, deception, rape and public order.*

description being "put out over the radio". Because of the importance of the relationship between victim and offender, a number of officers specifically mentioned that descriptions from burglaries were rare. In a similar vein, a few officers also explicitly mentioned that crimes which were seen or disturbed in progress would also generate descriptions. For example:

> *Contact crime - robbery, theft, assaults. Accurate in colour [of offender] but not good for detail - unless there's distinctive clothing. Usually bland.*
> (Shift inspector: interviewed)

> *Probably autocrime - people tend to hang around beforehand and get seen.*
> (Permanent beat officer, 16 years: interviewed)

Given the importance of suspect descriptions and other external prompts in directing police activity, further research could be undertaken to examine the role played by ethnicity in low discretion stops and searches. Kebbell and Wagstaff (1999), for example, note that whilst witnesses tend to be accurate in establishing whether a person comes from a different ethnic background to their own, they are less accurate in describing the individual's specific ethnic background (e.g. describing a person as black as opposed to Black African or Black Caribbean). They also highlight the problem of 'cross-racial identification' - people from one ethnic group have more difficulties identifying individuals from other ethnic groups than individuals from their own ethnic group.

Intelligence

FitzGerald and Sibbitt (1997) have suggested that a large proportion of searches can be traced back to intelligence acting in general terms as a guiding principle for street duties. Intelligence appeared to fall into three main categories:

- Types of crime

This relates to information on the predominant crime problems in officers' local areas.

- Crime hotspots

Linked to knowledge of crime types, officers were generally aware about the existence of long-term and short-term hotspots. First, there was familiarity with the types of crime that were commonly committed in the general area (e.g. at beat and divisional level). Secondly, some officers were able to identify specific locations which had current crime problems (e.g. streets with high incidence of car crime or burglary, pubs known for drug dealing or public order):

> *Intelligence is briefed and experience teaches you these things…[there's a] vehicle crime problem in this area and nearly always committed by men 15-25.*
>
> (Permanent beat officer, 14 years: interviewed)

- Known criminals

On each division there were individuals who were familiar faces to officers because of the intelligence provided on them and their regular contact with the police. However, there were differences in the way officers viewed offenders and this might influence the extent to which they would be stopped by officers:

- Target or development nominals - these were the serious and/or prolific offenders to whom many offences in the local area were attributed.
- Specific individuals wanted by the police (e.g. to check their bail conditions).
- Regulars - these were a diverse group of people in regular contact with the police for a variety of different reasons, but who were not specific police targets (e.g. prostitutes, drug users and the homeless).

Overall, intelligence can be seen to influence the general patrol duties of officers which, in turn, might impact on their use of stops and searches. When there was opportunity for officers to patrol proactively, most would direct a significant proportion of their activities towards hotspots or specific crimes over a wider area. In some cases, officers were specifically tasked at shift briefing with patrolling hotspots at certain times during their shift.

From the interviews and observations, it seemed that officers were 'looking out' for the same reasons to stop people (e.g. suspicious behaviour, time, being 'out of place') as they would on more general patrols. As such, intelligence can be seen as a useful form of indirect evidence for directing officer activity:

> *We go on figures we get from upstairs - certain beats and times are high-crime - intelligence always [on] shoplifters… Most [self-generated stops or searches] would come from intelligence. Not focused on particular criminals. Yes, high-crime areas - but don't pinpoint individuals.*
>
> (Response team officer, 5 years: interviewed)

Some stops and searches, however, were carried out on the basis of more direct evidence resulting from intelligence, but the observations showed that these were much less common. For example:

> *On nights… patrol area of prolific burglaries, quite often get intelligence about who may be involved - will look out for them.*
>
> (Response officer, 4 1/2 years: interviewed)

It is important to assess where there may be problems with the quality of intelligence. Probably, the highest grade intelligence was generated by intelligence officers, and distributed through formal intelligence briefings or made available to officers through intelligence systems. For example information on target and development nominals, such as their names, descriptions and current activities, was well-distributed to officers through shift briefings and other methods (e.g. photos on notice boards) (see also FitzGerald and Sibbitt, 1997).

However, this high-grade intelligence was not necessarily as central to police work as some officers would have liked. Many officers felt that they were actually given little intelligence in their daily shift briefings, which is potentially one of the best channels through which such information might be imparted. Another officer remarked on a traditional police culture which eschews the use of intelligence which needs to be challenged.

In the absence of more formal intelligence input to officers, it appeared that officers' intelligence fell back on police networks and personal experience, for example by focusing on those who were already in regular contact with the police. In this context, the scope for information on offending to become less reliable seems likely to widen. Furthermore, the possibility of more negative stereotypes coming into play also rears its head. This point is discussed below.

Generalisations

A final category of information upon which suspicion is based, relates to the generalisations or broad understandings that officers have about people, places or situations that are more likely to be associated with offending. The research literature on policing (reviewed in the last chapter) has already pointed out that generalisations play an important role in guiding stops and searches, and that this is logical and inevitable. A small proportion of officers were explicit about the importance of generalisations in policing. However, the generalisations articulated by officers were not based on ethnicity, although this is perhaps unsurprising given the context in which the research was carried out. The officer quoted below, for example, was discussing stereotypes in relation to young people:

> *[You look for] things that don't look right. You look for stereotypes - not stereotypes in a racist way - types of people… You build the stereotypes up through experience - the people you see are involved in crime.*
>
> (Response team officer: observed)

However, it is important to flag up where generalisations might have negative consequences in the form of negative stereotypes. First of all, it should be noted that among the general public, much value is placed on the focusing of stops and searches on 'real criminals' rather than people they simply felt were not 'right' (Stone and Pettigrew, 2000). This suggests that an excessive reliance on generalisations or stereotypes alone could be alienating to the public. One participant in this research noted:

> *They are acting on instinct, they should go beyond instinct, they should have reasonable reason, not just instinct.*
>
> (Black African male, aged 38: interviewed)

Specific problems around generalisations may relate to some of the issues already discussed. For example, officers' expectations about time and place could lead to the targeting of individuals with unusual working hours. A focus on certain types of cars will inevitably focus attention on those who own such cars, even if they are not offenders. We have also noted that focusing on known people in trouble with the police may continue to draw the same people into the gaze of the police, along with their associates, whether or not they are involved in crime.

A main area of concern is the extent to which stops and searches are based on negative ethnic stereotypes. As we noted earlier, a small number of observed stop and search encounters seemed to be based on ethnic background in a way which appeared to involve direct discrimination.

In general, policing will be informed by officers' experiences and perceptions of the types of people who are more likely to commit crime. In order to explore whether officers made a link between ethnicity and crime, they were asked whether different ethnic groups committed different types of crime. From this, however, it is not possible to infer whether officers viewed certain ethnic groups as being more criminal than others. Officers were not probed about overall criminality of different ethnic groups as this might have had an adverse effect on the interviews. Further research could be undertaken to compare police working practices against involvement of different ethnic groups in crime. This would need to be based on self-reported crime as official statistics are likely to reflect the working practices of officers.

Overall, most officers commented that different ethnic groups did, in fact, commit different types of crime. However, about one-third of officers said that crime and ethnicity were not related in any way: "No, all ethnic groups commit all types of crime".

Where ethnic differences were identified, officers predominantly described greater involvement of black people in street robberies, compared to other ethnic groups. There was some recognition that white and Asian people also committed street robberies, but to a much lesser extent:

> *When [the] fair comes, get a lot of robberies - majority are [committed by] young black males from outside the borough. But it's not 100% - today [there was a] white robber wanted.*
>
> (Response team sergeant, 10 years: interviewed)

There was an awareness amongst some officers, however, that their experience of young black men committing robbery was based upon the ethnic profile of the area they policed rather than an inherent predisposition. In a similar way, a few officers commented that involvement had changed over time and might reflect other social factors. For example, one officer said that whereas five year's ago robbery in the area was "an Afro-Caribbean crime", it was now common amongst all ethnic groups.

In direct contrast, burglary and vehicle crime were seen by officers as being mainly committed by white people. However, for both these crime types, officers were less likely to highlight ethnic differences, whilst some explicitly mentioned that burglary in particular was more ethnically mixed.

It is possible that some generalisations around ethnicity emerge from these different ethnic associations with offences. Young (1994), for example notes that the variation in the quality and quantity of suspect description between offences, and differences in the ethnicity of those involved in these offences, means that police working knowledge is ethnically biased and may give rise to the use of generalisations in stops and searches:

> *Street robbery is distinctive by the fact that the police have a reasonably accurate profile of the sort of person who commits the offence, although they will have little knowledge of actual offenders… With regards to street robbery, the social profile of those stopped may well be reasonably accurate although particular individuals will be unlikely to be correctly suspected.*
>
> (Young, 1994: 33)

Evidence for this type of generalisation could be found among officers. For example, one remarked:

> *Whenever a robbery comes in [over the radio]… 90% you'll be thinking it's a black man because of the description and because you know who does robberies in the past*
>
> (Community beat sergeant, 8 years: interviewed)

Crime-specific suspicion

We have seen that officer suspicion can be based on appearance, behaviour, time and place and information. It is sometimes the case that these factors will point towards particular suspicions about a person, that they are suspected of *something*. Some officers, however, talked about this in emotional terms (e.g. circumstances 'not feeling right' or a 'sixth sense'). Nonetheless, it is possible to identify factors which imply specific crimes.

For acquisitive crime, the general factors associated with suspiciousness were used by officers. It was common for officers to say that suspicions about vehicle crime would be aroused by people hanging around cars, perhaps looking inside windows or trying to open car doors. Suspicions about burglary, on the other hand, tended to be based on the time of day a person was seen and what they were carrying.

In contrast, officers indicated that developing suspicions about drugs was a more involved process. It was clear that suspicions about drugs would frequently be aroused following an initial stop. Drugs might not necessarily feature as the main reason or prompt for the stop, but could become more relevant during direct contact with the person. As one officer said: "[We] do not know if drugs are involved unless [we] talk and observe them". Suspicions tended to be based on three elements:

- the smell of cannabis - officers mentioned this particularly in relation to drivers;
- seeing drugs paraphernalia - such as spoons, foil or torn cigarette paper packets; and
- a person's general appearance - appearing drunk but without the smell of alcohol and for more serious drug users: "gaunt, sweating, [and the] eyes also give it away".

Suspicions about drugs were also be generated in other ways without requiring face-to-face contact with a person. Officers from each pilot site referred to particular places which were known for using or dealing drugs. In one particular police area where drug dealing was a long-term problem, officers were aware of specific types of people and behaviour which might suggest drug dealing. For example, groups of young white men in cars coming into the area "nipping in and out [and] clocking you", or:

Boys [who go to] a telephone box - meet someone and disappear. Would be worth a search - drug deals.

(Proactive unit officer, 4 1/2 years: interviewed)

Box 2 below provides three observed examples where drugs were suspected, but where the outcome of the stop or search was different primarily because of the directness of the evidence and how it was interpreted by officers.

Even though suspicions would be aroused about drugs, officers in the police area with a long-term problem with drugs offences said that the working practices of dealers prevented them from acting on their suspicions. During the observations, officers frequently saw a prominent drug dealer who controlled many of the local markets, driving around the area. Whilst officers noted his movements and other information for intelligence, they made no attempt to carry out a stop. One officer said that it was difficult for patrol officers to stop dealers because "they don't act in a suspicious way in the street". Another officer said that dealers also used 'runners' who would wait in local shops until called to a nearby road for the deal. This, in itself, caused problems for acting on suspicions:

They don't carry much on them - if you search them they won't have anything on them - if they did, it would only be enough for possession. Also you can't just search someone - you've got to have your grounds. You've got to have the information that someone has just passed them a package.

(Response team officer, 3 years: observed)

As with other stops, generalisations about drugs featured as part of officers' suspicions. However, there is a possibility that generalisations can develop into negative stereotypes:

You might see a car with four up - four Asian lads in baseball caps. If you stop them you are likely to find a spliff.

(Response team officer: observed)

There is a clear need for officers to demonstrate a link between their initial suspicions and subsequent encounters. Even though stops and searches might result from 'hunches' or unconscious decisions, research has shown that they are more likely to be effective when based on good reasons (Miller, et al., 2000). This is not to say that stops and searches based on unconscious decision can never result in arrest. They also restrict an officer's ability to explain the reason for the encounter - an important fact in securing public confidence. Research with the public also

Box 2: Decision-making and drug-related stop or search encounters

Example 1: Suspicions allayed

Two cars were observed driving in convoy down a quiet street after dark. They parked in a deserted car park which was surrounded by trees. The passengers from one car went over and sat in the back seat of the second car. We pulled up next to the car which contained four young Asian men. The officer asked: "What are you up to lads?". One of them, holding a can of beer, said that they had come to the car park for a drink because their families were strict and didn't like them drinking. There was no smell of cannabis or other evidence to indicate that any of the young men were in possession of drugs. The officer explained that they had not done anything wrong, and that they had been stopped because the area was notorious for prostitution and drug-taking. The driver of the car was then issued with a HO/RT1 form.

Example 2: Misplaced suspicions

Following a call for service about criminal damage in a city centre car park, the officers split up in order to find the suspects (a group of young boys). I followed one officer up a spiral staircase to the first floor. Two teenage girls - one Asian and one black - were siting on the steps at the top. The officer asked what they were doing, and the Asian girl said that they had gone there to smoke because their parents were strict. The officer looked on the floor - there were a few cigarette butts, but no roll-ups. The officer said that there was a strong smell of cannabis. The girls took offence at this. Unprompted, the Asian girl showed the officer the contents of her pockets. The officer then asked to search the black girl's bag. No drugs were found. Their details were recorded and they were told that search records would be available from the police station. After the encounter, the officer said that he was unsure whether the smell was cannabis - the second officer said that he could smell gas from the car park (which seemed more accurate).

Example 3: Suspicions confirmed

4.25pm. We received a call for service about a disturbance at a pub in the city centre - a young woman had been seen taking drugs in the toilets. As we arrived, a young woman was being held by a man. One officer detained the woman and tried to calm her down. She kept wiping her nose with a tissue. The landlord described what he had seen. The young woman then told the officers that she was a heroin addict and held out some foil - one burnt piece and another shaped into a tube. She said that she didn't have any heroin on her because she had taken it. One officer found more foil and a broken biro in the toilets. The woman was searched outside the pub, but no drugs were found. She was then taken to the police station for a more thorough search. She was later arrested for the possession of heroin, which had been hidden in her tissue.

suggests that the reason for and intrusiveness of encounters should also be proportionate (e.g. driving without a brakelight justifies a stop, but not a search) (Stone and Pettigrew, 2000):

> *[The search] should be restricted to where that thing can be found so if they are looking for a joint of beef they don't need to look in your wallet.*
> (Female respondent, Black African group discussion - mixed sex, aged 30-55)

Not acting on suspicions

It is important to note that whilst suspicions inform working practices, officers said that they would sometimes use their discretion not to act on their suspicions. Officers, for example, pointed out the following reasons:

- not having a good enough reason to justify a stop or fulfil grounds for a search;
- balancing priorities - particularly if there was an urgent call for assistance which officers were expected to attend;
- staff pressures and increased calls for service - which limited officers' abilities to proactively carry out stops or searches;
- safety - there was a strong sense that officers would consider the safety implications of a stop or search before doing so and sometimes call for police back-up if needed (e.g. in crowd situations or if information had been received about the use of a weapon); and
- fear of complaints from members of the public and, in particular, those from minority ethnic communities.

It is important to note that some officers were aware of the risks to public confidence in stops and searches particularly in terms of being able to justify their actions and the possibility that they might result in complaints.

Conclusions

Having reviewed the origins of suspicion in this chapter, it is important to discuss the implications of these findings for the legitimacy of stops and searches, based on the categories of public confidence, legality and effectiveness.

Thinking first about questions of public confidence, we noted in the last chapter the importance placed by the public on stopping offenders rather than those who simply do not 'look right'. In this chapter, we have flagged up several areas where public confidence may be threatened as a result of the broad targeting of stops and searches at certain generalised characteristics. For example, it was clear that many aspects of appearance, such as youth, clothing, hairstyles, the types of cars driven,

and in some cases even ethnicity, could provide an important basis for suspicion. We also noted that some elements of behaviour may also, incorrectly, lead someone to appear suspicious in the eyes of police officers. Significantly, some of these factors were identified by the public as problematic, given that they drew apparently unwarranted suspicion towards them. Clearly this raises important questions about how stops and searches should be targeted to minimise these types of problems.

While the issue of legality in relation to searches will be taken up in the next chapter, there is a more general question about whether stops and searches compromise the general PACE principles as discussed in the previous chapter. Certainly, a number of elements of suspicion resemble those identified in the PACE Code as an appropriate basis for suspicion, such as where people fit suspect descriptions, behave suspiciously, are out at unusual times and are associated with crime - though this is not to say that these do not potentially alienate the public. However, suspicion based on broad generalisations and more superficial criteria, less appropriate in PACE terms, was evident. This included appearance, prior involvement with the police and demographic characteristics - notably being young. It has been noted that some generalisations are inevitable and logical in practice. Being young is probably a reasonable basis to raise suspicion, given that offending is particularly common among young people. There was some suggestion from officers that ethnicity could play a role in generalisations, which is likely to be inappropriate. There was also evidence that police attention was directed to those already known to the police. In these circumstances, contact with the police might be perpetuated regardless of any subsequent involvement in offending.

Finally, in relation to issues of effectiveness, we explored the reliability of information and intelligence available to the police as a basis for suspicion. We noted that while suspect descriptions were among the most direct forms of evidence, some officers had reservations about the quality of descriptions, primarily due to difficulties of victim recall or poor skills of call-handling staff. It was clear that intelligence was an important basis for officers' suspicions particularly in terms of crime types, hotspots and known offenders. Nonetheless, there were concerns about the level of intelligence that was made available to officers. And it was clear, as already mentioned, that information in the form of generalisations could feed into suspicion. Where generalisations are unsound or unreliable, they clearly have the potential to give rise to misinformed suspicion and negative stereotypes.

4. The use of searches

Searches, far more than stops, have a potentially damaging effect on public confidence in the police (Miller, et al., 2000). Furthermore, their legal regulation through PACE raises important questions about how they are used. It is, therefore, important to take a more detailed look at these encounters, once again highlighting potential threats to legitimacy.

This chapter, therefore, explores the practice of searching, building on the insights of the previous chapter which looked more generally at the origins of suspicion which apply to both stops and searches.

Grounds for searches requiring reasonable suspicion

Under s1 PACE, officers have the power to search any person or vehicle in public areas for stolen or prohibited articles, namely:

- stolen goods;
- articles for use in certain Theft Act offences (i.e. items for going equipped);
- offensive weapons; or
- bladed articles.

Under s23 Misuse of Drugs Act 1973, officers have the power to search persons and/or vehicles where there are reasonable grounds to suspect that they are in possession of controlled drugs. As drugs searches require the same level of suspicion as s1 PACE searches, the debates about what constitutes reasonable suspicion also applies.

Interpreting reasonable suspicion

From the interviews, it was clear that reasonable suspicion was understood by officers in terms of a set of individual factors, criteria or examples, as opposed to an abstract legal concept. Officers were not able to communicate exactly what reasonable suspicion was - no one attempted to provide a concrete definition. Having said that, officers did have a general sense about what it meant by describing what would prompt them to carry out a search. Overall, the individual factors and examples used by officers were the same as the individual factors of suspicion they used as reasons for stopping people. Unsurprisingly, officers tended to be aware that higher levels of suspicion were needed in order to carry out searches. Therefore, whilst a stop might be based on one or two factors, a search was more likely to be based on a combination of suspicious factors:

[I] work on where crime committed, type of crime and time of day and if you see someone who meets criteria - your starter for ten… Grounds - time, location, demeanour, knowledge of person, their action.

(Response team officer, 10 years: interviewed)

Time of day, reaction on seeing you, out of place - a feeling. Are they really from around here? …Not on its own. These things are separate, single rules. A combination of things.

(Proactive unit officer, 4 1/2 years: interviewed)

Whilst there was a perception that more was needed for a search, the level of suspicion that was required differed widely between individual officers. A few officers commented that it was very difficult to get grounds and that the standard they worked to was almost as high as the standard of grounds needed for an arrest. In some cases, officers justified working to higher levels of suspicion because of fear about public complaints, particularly from people from minority ethnic groups, or the way a future criminal case might be handled. For example:

Finding the grounds is hard these days. You need so much - what they keep saying is that you almost need as much as if you are going to arrest someone. You have literally got to see someone do something or get good information about someone. You might as well arrest them. We've also got to deal with the fact that people might complain if we're not 100%.

(Proactive team officer, 4 years: observed)

You do think before you do a search: 'What are my grounds if I go to court?' Offenders know the law - might put yourself in trouble.

(Proactive team officer, 3 years: interviewed)

In comparison, there was evidence to suggest that some officers would work to lower levels of suspicion. One observed officer said that it was "easy to know when you had grounds, you didn't need much". He added that he relied on about two factors in order to search a person. Others said that differences between officers were to be expected largely because of the way grounds were formulated in practice:

Everyone's perception of reasonable grounds will be different. People will differ in their view of the level where reasonable grounds begin.

(Response team officer, 6 years: interviewed)

This reflects earlier research which argues that the lack of clarity in the concept of reasonable suspicion results in officers developing their own working practices

(McConville, et al., 1991). However, despite differences between officers about what constitutes reasonable suspicion, some officers commented that they had become more careful about their grounds, making sure that more grounds were in place. To some extent, this was a result of the requirement during the pilot to record the grounds at the time and in full, and being more guarded against complaints (Bland, et al., 2000a).

In order to assess further the level of suspicion considered by officers to be reasonable, we looked at the grounds recorded by officers and the levels and types of evidence upon which they were based. A sample of 48 search records were scrutinised, 12 from each of the four pilot sites where grounds were entered in full on search databases. For each record, the number of individual evidential factors recorded in the grounds was counted. Table 2 provides the results from this analysis.

Table 2: Factors recorded in grounds for search

Number of factors in grounds	Number of searches
0	2*
1	27
2	14
3+	5
Total	48

Note: *Both these searches were 'voluntary' and, as a result, no individual evidential factors were recorded.

It is notable that among the searches for which there was only a single evidential factor, a number of these related only to indirect or weak direct evidence, for example citing "hotspot" or "in an area acting disorderly". In other cases, there were more direct personal factors which were not accompanied by supporting intelligence, which is contrary to the PACE Code, for example: "seen with an arrested person" or "with person believed responsible for causing damage". It should be noted, however, that some involved a strong primary factor: "seen holding a stolen purse" or "seen acting sus near insecure vehicle".

By contrast, those searches based on more than one factor tended to be more robust. For example:

> *Subject, passenger in m/v, circulated as driving at speed and failed to stop for police. Upon seeing police vehicle subject got out of vehicle and ran away. Area used for drug trafficking.*

These findings suggest that the threshold for recorded grounds is generally quite low. This means that either the searches were based on genuinely low grounds or there is a tendency to record less detail in the grounds than was actually present at the time. Either of these possibilities present some risk to the legitimacy of searches. In the first case, searches may be taking place where grounds are limited and questionable in legal terms. In the second case, they may indicate that an inadequate explanation of the reasons for a search is being offered to the public.

Certainly, empirical research since the introduction of PACE suggests it is doubtful whether the standard of reasonable suspicion is always reached by officers, based on analysis of search records. For example, Bottomley, et al. (1991) show that where records were completed, it was often not possible to determine whether searches had been carried out with reasonable suspicion.

Building grounds

A grey area in relation to reasonable suspicion is the building of (or looking for) grounds for a search following an initial stop. Under the current PACE Code, it clearly states that:

> *There is no power to stop or detain a person against his will in order to find grounds for a search.*

However, officers are allowed to question somebody once suspicion has been established, given that:

> *He may have a satisfactory explanation which will make the search unnecessary.*

Nonetheless, there is a lack of clarity about whether grounds can be built during a stop encounter, given that stopping and talking with somebody does not necessarily involve holding a member of the public "against his will" as the Code specifies. Whether the person who has been stopped is made aware by officers when they are free to go and when they are, in fact, under detention is open to question. Dixon, et al. (1989) make a similar point suggesting that PACE powers in this respect do not fit with the practicalities of policing because police work is not easily segmented. They point out that building grounds highlights that stop or search encounters are social processes involving interaction and not isolated and objective events. The observations and interviews suggest that it is not always possible for officers to have fully developed grounds before a stop is carried out, and that there are circumstances when suspicions might be aroused during an encounter (e.g. suspicions about drugs).

It is perhaps, not surprising that officers' understanding of the regulations varied considerably, and is likely to be reflected in their practice. This was demonstrated quite clearly during the interviews. On the one hand, there were a number of officers who stated that, in most cases, they would have grounds to search before they stopped or questioned a person. As one officer said:

> *There are occasions where officers are not happy about a situation but no powers to search. [You] cannot get your grounds after you start questioning them - got to have your grounds before you stop them.*
>
> (Response team officer, 12 years: interviewed)

On the other hand, there were officers who admitted developing grounds after stopping people. Box 3 provides an example from the observations of how and when this might be done. The most common way officers described doing this was through a person's reaction to being questioned and the quality of his/her answers. These were obviously in combination with the factors that led to the initial stop encounter in the first place. In general, officers said that people who became evasive or confrontational were more suspicious. One officer described his way of telling whether a person was suspicious:

> *Got to talk [to them]. But you know when you see a person that they're wrong, the way they stand, their mannerisms, what they say.*
>
> (Proactive unit officer, 13 1/2 years: interviewed)

Box 3: Building grounds following an initial stop

During one observed shift, officers were called to an incident at a bus station where a man had been stabbed. The suspect was described as a young black man wearing blue jeans, a blue jacket and a black bobble-hat. The response team was then instructed to carry out an area search for the suspect. One officer described how he would use the suspect description to stop a person and use additional factors during the stop to build grounds for a search:

> *I would stop anyone matching the description... you'd just want to find out who they are - and if they answer to the name of [the suspect], then you have more grounds for a search. You also look out for other things - whether they have blood on them... For this person, I'd look for whether they are breathing heavily, or are sweating. They might have been running or doing physical exertion. You look at their mannerisms - are they nervous?*
>
> (Response team officer, 5 1/2 years: observed)

It is important to remember, as we discussed in the last chapter, that research indicates that members of the public often experience fear or nervousness during stop and search encounters (Stone and Pettigrew, 2000). Therefore, while a person may become evasive or confrontational during a stop because of guilt, they may also be anxious because of the contact with police officers - even though a person might not be an offender.

However, some officers may become suspicious in opposite situations. This is illustrated by a quote made by an officer following a stop on two white men seen standing in an empty high street at night:

> *Most people would say, 'Fuck off you pig', and that would be fine. But because they were so co-operative makes me wonder.*
>
> (Response team officer, 7 years: observed)

The unclear legal position of building grounds, and the potential for grounds to emerge as a result of questioning - particularly where this entails a response to confrontational or furtive behaviour - may pose a threat to the legitimacy of searches.

Searches that do not require reasonable suspicion

Searches that do not require reasonable suspicion include those that are 'voluntary' or those under s60 Criminal Justice and Public Order Act 1994.[13] These searches are of particular interest because they present a potential challenge to legitimacy for two reasons. First, because there are no well-defined standards of suspicion which apply to them, these searches may take place for reasons which are unclear to the individuals searched, presenting a possible challenge to public confidence. Second, in the absence of well-defined grounds for suspicion, these searches may be less effective. These issues are taken up in the discussion below.

[13] *As amended by s8 of the Knives Act 1997.*

Section 60 searches

There are a range of special conditions which apply to searches for offensive weapons under s60 Criminal Justice and Public Order Act 1994. The PACE Code states that the power only extends to specified areas and for a set period of time on the authority of a senior officer in order to prevent serious incidents (powers can be extended beyond 24 hours with further authorisation). Officers then have the authorisation to search any person in that area for offensive weapons without any level of suspicion:

> *Authority to exercise the power of stop and search… may be given where it is reasonably believed that incidents involving serious violence may take place in any locality in the police area, and it is expedient to use these powers to prevent their occurrence, or that persons are carrying dangerous instruments or offensive weapons without good reason in any locality in any police area. Authorisation may only be given by an officer of the rank of inspector and above, in writing, specifying the grounds on which it was given, the locality in which the power may be exercised and the period of time for which they are in force.*

Unlike searches under s1 PACE, s60 searches do not have a requirement of reasonable suspicion. How then do officers decide to search an individual when they are authorised to do so under s60? Clearly, officers have the power to search anyone in the authorised area under due process, but, in practice, it is highly unlikely that officers will search every person because it would be inefficient in terms of crime control (Young, 1994). It is therefore, important that we examine the thresholds which officers work to in deciding whether to search a person or not.

During the fieldwork for this study, we were able to observe a s60 authorisation in operation in one police area. This was part of a wider police operation which aimed to reduce levels of crime and public disorder following an increase in stabbings and other violence in and around the city centre. The operation involved high-density, high-profile policing outside the city's clubs and pubs. In addition, for each Friday and Saturday night (5pm to 5am) in March, officers were given the power to search for offensive weapons within the city ring road. It should be noted that this is an unusual use of s60 - the power is more commonly invoked in and around sports stadium or for specific one-off events where violence is anticipated.

It was clear from the observations that officers were typically selective about who they searched and why, although it was common to see groups of men or women being lined up and searched by officers. In general, the reason for a search arose from a focus on incidents of public disorder (of varying degrees of seriousness). The officers who were observed were very clear that they would look for signs of possible disorder so that people could be differentiated for a search and reduce the community impact of searches:

> *You don't search everyday people - you don't want to cause them any bother. So what are my personal criteria? Three things - it's body language, their behaviour and what they say. You don't want to wind people up - so you're going to search people out for a spot of bother - people who are shouting out: 'Fucking wanker'.*
>
> (Response team officer: observed)

However, there was a suggestion from one officer that officers would tend to concentrate on lower level incidents which could not be dealt with by other means:

> *Anyone causing trouble really - but people who aren't worth pulling [arresting] 'cause they haven't done enough.*
>
> (Response team officer, 4 years: observed)

Officers' focus on low-level incidents of public disorder is born out by the s60 searches which were observed in full. In one example, officers received information from colleagues further up the road about a white male who they thought was currently in a fight. The man was spotted, but it was obvious to the officers that he was not fighting but just staggering along the road drunk. The man kicked a shop's security barriers and, as a result, was taken into the police van to be searched. The search was negative and no record was provided at the time because the man was sick in the van. Similarly, two Asian men and one black man, who had blood on his face, were seen having an argument in the street. The police separated the men; each were questioned and searched, but again nothing was found. In both these examples, the search could be linked to some form of incident.

Three important points need to be flagged up which may have important implications for public confidence and effectiveness in relation to these types of searches:

- For some officers, the incidents upon which searches were based were relatively wide-ranging and inclusive (e.g. a teenager was searched in a police van for shouting: "I'm going to bust you!").

- There was no evidence to suggest that the people searched in any of the observed examples were in possession of a knife or any other offensive weapon.

- Some officers expressed concern about the way the s60 searches could be used by colleagues, commenting that speculative searches could be used inappropriately and without reason. This might, to some extent, be encouraged by the informal competition between officers in the canteen about the number of search forms they had submitted.

Miller, et al. (2000) have shown that the effectiveness of s60 searches in producing arrests is substantially less than those under s1 or s23.

Voluntary searches

Where officers do not have the power to conduct a search (i.e. because there are no grounds), the PACE Code states that they are able to ask a person to consent to a search. It adds that the person must be made aware that they are under no obligation to consent and that without their consent the search will not take place. However, views on so-called voluntary searches differed across the pilot sites, probably reflecting individual force policies. In some pilot sites, officers talked about doing voluntary searches, whereas officers from other sites were more inclined to say voluntary searches were a grey area:

> *Voluntary search… just ask them if they wouldn't mind emptying their pockets. Easy to get people to consent, although [this area] might be different.*
>
> (Response team officer, 27 years: interviewed)

> *There's no such things - you don't search unless you have the power to. I guess you could say you don't have the power and ask them to turn out their pockets - but you would never want to without a power.*
>
> (Response team officer: observed)

There were also some more general differences in the way officers understood voluntary searches. A few officers said that even though they had grounds for a formal search, all their searches were 'voluntary' because they would ask the person to co-operate. Others commented that members of the public would volunteer the contents of the pocket or bag without being asked. This reflects earlier research which points to problems with the notion of voluntary searches in that 'consent' may be inferred from a person who co-operates, but who does not know whether a power to search exists or not (Bottomley, et al, 1991).

The effectiveness of voluntary searches in producing arrests has been examined by Miller, et al. (2000). In a similar way to s60 searches, voluntary searches are far less productive than those under s1 or s23 powers.

Conclusions

Returning again to issues of public confidence, legality and effectiveness which together make up legitimacy, the key findings of this chapter need to be reviewed.

First, looking at issues of legality, it was noted that there was some variation between officers in the level of grounds which they felt they needed in order to carry out searches requiring reasonable suspicion. Furthermore, there was evidence that grounds recorded for searches very often seemed low. While the PACE Code

does not make entirely clear the precise level at which reasonable suspicion is present, it seems likely that in at least some cases, these criteria are probably not being met. Certainly, there is research evidence from other sources which suggests that this is the case. It was also noted that grounds were sometimes developed by officers after an encounter had already been initiated - a practice which has an ambiguous legal status.

Issues of public confidence are likely to be affected where the grounds for searches are low, concerned as they are that stops and searches are targeted for good reasons and that the reasons can be clearly explained to them. In a similar way, public confidence may also be affected by searches which do not require grounds (i.e. s60 and voluntary searches). These often appear to be targeted with low-levels of suspicion and in situations where the reason for the search is not necessarily obvious. It is notable, also, that where grounds are built after an initial stop, there is potential for a search to be based on the anxiety of the person stopped even in the absence of genuine guilt.

Finally, analysis of the effectiveness of searches (Miller, et al., 2000) mentioned above, has highlighted the importance of grounds in producing arrests effectively. There is a danger that searches used without such grounds will be ineffective as well as damaging to public confidence.

5. Good stops, searches and officers

So far, we have examined officers' common working practices for stops and searches as was observed or articulated in interview. In this chapter, we examine how officers articulated good practice in relation to stops and searches. This provides a basis to compare how well their perception of the 'ideal' minimises the risks to legitimacy of the common working practices previously examined.

Officers' perceptions of good and successful searches

Good or successful searches were defined by officers in terms of results, procedures and the way in which searches were handled. This is broadly categorised in Table 3 and described in more detail below. We can see that good searches are those which are well-handled and follow good practice procedurally. A successful search refers more to obtaining an arrest. Searches which fall into the good category should be encouraged in order to help secure legality and public confidence.

Table 3: Good and successful searches

	Successful	Unsuccessful
Good	A well-handled and procedurally solid encounter which results in an arrest.	A well-handled and procedurally solid encounter which does not result in an arrest.
Bad	A poorly handled or procedurally weak encounter which results in an arrest.	A poorly handled or procedurally weak encounter which does not result in an arrest.

Results-based definitions

- Getting an arrest

Finding an illegal object on a person and arresting them was seen by a large number of officers as a 'good result'. For some, an arrest was viewed as confirming an officer's suspicions about a person and, as a result, justifying their grounds for search. Although, a small number of officers said that it did not matter that the object that was found was different to the object that they intended to look for. Some officers, however, qualified their definitions by saying that some arrests were better or more successful than others because of the severity of the crime (e.g. finding a kilo of heroin or arresting an active burglar).

In a similar vein, officers said that a bad search was one not resulting in an arrest. A few officers were more specific. They said that a bad search was where an arrest could not be made because the illegal objects had been disposed of or well-concealed, even though 'the right person' had been searched. As one officer said:

> *You can play lovely football, but you need a result… [You can] see a man buy drugs - stop the man, but has money and no drugs - right hunches, but no result.*
> (Proactive unit sergeant, 13 years: interviewed)

However, a substantial proportion of officers disagreed that an arrest was the central feature of a successful search. In most cases, they were more concerned with procedural and handling aspects of the search, and saw an arrest as 'a bonus'. Indeed, one officer felt that getting an arrest for public order as a result of a search would constitute a bad search because it indicates that the officer was unable to control the situation and calm the person down.

- Intelligence gathering

To a much lesser extent, officers viewed searches that generated useful intelligence as a success, even though the person might not have been in possession of an illegal item.[14] As a result of a negative search, it still might be possible to record a person's details and description which might link them to a particular location or other crimes:

> *Good intelligence - what people are wearing. [You] might get an arrest later on [from] a description*
> (Proactive unit officer, 3 years: interviewed)

Some officers commented that objects found during a search might also generate useful intelligence (e.g. mobile phones, social security books and addresses). One officer gave an example of finding drugs paraphernalia which, although not a criminal offence in itself, might indicate that a person is involved in drugs offences. For a more detailed discussion about intelligence gathering from searches see Miller, et al. (2000) and FitzGerald (1999).

- Wider outcomes

A small number of officers indicated that a search might be considered to be successful because of its wider implications (e.g. identifying or eliminating people as suspects, or deterring people from committing future crimes).

Procedural definitions

- Having good grounds

A search carried out legally and with good grounds, irrespective of whether it led to an arrest, was seen by a significant number of officers as signalling a good search. A few officers added that a good search would also be based on intelligence:

[14] *Even though intelligence might result from a search, police powers do not permit officers to search members of the public specifically for this purpose.*

Personally - when I've got grounds and I get what I'm looking for. No-one can come back to me - I can justify my reasons.
(Response team officer, 3 years: interviewed)

[A bad search is] an unlawful one - no grounds and the person is left unhappy.
(Custody sergeant, 12 years: interviewed)

From another perspective, searches which were 'fishing expeditions' or used to harass people known to the police, but not based on reasonable suspicion, were viewed negatively. For example:

Stopping someone known and seeing what you can get from them - no grounds.
(Proactive unit officer, 3 years: interviewed)

'There's Bill Bloggs - let's have him', or, 'there's a black man - let's search for drugs'.
(Response officer, 3 1/2 years: interviewed)

These responses clearly display an appreciation of the need for, and benefits of, search practices that complement all three principles of legitimacy. Having good grounds for suspicion was recognised as important legally but also for public confidence and effectiveness.

- Following GOWISE

For a small number of officers, a good search was one that followed the GOWISE pneumonic. This summarises for officers the PACE Code requirements to take reasonable steps to give a person to be searched the following information:

– the *Grounds* for the search (what prompted reasonable suspicion);
– the *Object* of the search (what article is being looked for);
– show their *Warrant card* if not in uniform;
– *Identify* themselves by name;[15]
– give details of the *Station* they work from; and
– inform the person of their *Entitlement* to a record of the search within 12 months.

[15] *In cases linked to the investigation of terrorism an officer need only give his/her warrant number or other identification number.*

- Conducting a thorough and systematic search

A few officers described a good search in terms of the way they physically looked for items on a person because, put simply, with a "more thorough search - more likely to find something". This consisted of patting down clothes properly or doing the search

in a police vehicle or station. This points to another important aspect of effectiveness related more to the process and conduct of encounters rather than the formation of a decision to stop or search:

> *Must be systematic and structured - that's important… Don't rush in - you'll miss something. Need to go top to bottom.*
>
> (Proactive unit officer, 4 1/2 years: interviewed)

Officer safety was also highlighted in some cases, especially the need to check for needles and other sharp objects before proceeding with a search.

Encounter-based definitions

- Treating individuals fairly and with respect

For many officers, search encounters which went smoothly and were relatively trouble-free were seen to be good searches for the police and for the public. In contrast, a bad search resulted in confrontation, a complaint from the public, or the officer "rolling around on the floor". For example:

> *[You need] to leave people with a positive feeling. Leave them with dignity. Need to leave everyone happy - a difficult balance to get.*
>
> (Response officer, 8 years: interviewed)

> *When search is friendly - when someone says 'thanks' and 'goodbye'- [then it's] successful. If you can get on with someone it helps. If their reaction is good - it's a good search. An arrest isn't all that important. [A bad search is] when they get stroppy and you think you could have handled it better.*
>
> (Motorcycle officer, 3 1/2 years: interviewed)

Good searches, in this respect, were described by officers in several different but inter-connected ways, such as:

- being polite - rather than "talking to them brashly which doesn't help anyone";
- approaching people with the right attitude;
- minimising a person's embarrassment - one officer commented that a good search should be inconspicuous and not attract spectators;
- dealing with people fairly; and
- getting the person to agree to the search:

> *If a person doesn't want to be searched… you end up with a slanging match.*
>
> (Proactive unit officer, 13 1/2 years: interviewed)

This comprehensive set of characteristics reflects what is most important to the public in terms of their confidence and satisfaction with stops and searches, as we noted earlier.

- Providing explanations

A good search was often described in terms of good police-public relations, one aspect of which was explaining to the person the reason for the search and making sure they understood what was happening. Officers saw this as a means of making the person 'happy' for the search to take place:

> *[A bad search is] if someone says: 'I'm searching you'. [You] need to put them at ease and treat fairly - not blundering in without explanation. I've seen officers go blundering in and get people's backs up.*
>
> (Custody sergeant, 3 years: interviewed)

> *[A good search] is not necessarily when something is found but when people fully understand. [A bad search] is when the police take a heavy-handed approach and people don't understand why they have been searched.*
>
> (Response officer, 4 1/2 years: interviewed)

- Being in control

To a small number of officers, a good search was one in which the officer was in control of the encounter:

> *[A good search means]… controlling what's happening - manage to calm down hostile people - also need to keep an eye on them so they don't throw something away.*
>
> (Foot patrol officer, 2 1/2 years: interviewed)

Indeed, one officer highlighted the need to be firm when it was required. Another said that a bad search would be if an officer was 'taken in' by groups of local youths who would deliberately cover their faces and invite attention, even though they had nothing illegal on them.

The approach of good stoppers and searchers

So far, we have examined officers' views on the characteristics of 'ideal' stops and searches. We have seen that they fit well with the three principles of legitimacy. The elements of good stops and searches have implications for the way in which officers decide who to stop and the way in which an encounter is managed. In order to fully develop our understanding, we must also try to identify the qualities of officers who are good at carrying out stops and searches - both in terms of getting arrests and handling encounters well.

To identify good practice in terms of effectiveness (Miller, et al., 2000), we aimed to link individual officer data primarily about the arrest rate from searches, to their overall approach to carrying out stops and searches. However, preliminary analysis revealed that, for the pilot period, the data would rely on a limited number of searches carried out by a small sample of officers who had given consent for the analysis. Any findings would, therefore, not have been statistically significant and could not be generalised. As a result, we will briefly look at research carried out by forces in this area, and then explore in detail the qualities identified by officers during our research fieldwork which characterised good stoppers and searchers.

Other research

Both Leicestershire and the Metropolitan police have carried out research to identify officers with good arrest rates and to identify good practice (see Bland, et al., 2000b; Kilgallon, 1998). Their findings are broadly consistent. In summary, officers who were most effective in using searches were also:

- effective users of intelligence;
- officers with good observation skills;
- motivated and active in carrying out searches;
- more aware of handling issues (e.g. the need to communicate and provide explanations); and
- aware of their search powers and the need to record searches.

Good stoppers and searchers

In general, officers were able to identify skills and attributes which they thought were necessary in order to carry our good or successful stops and searches. In some cases, they were also able to refer to colleagues on their shift who were good performers. As such, good searchers were identified in the following ways:

- Communication skills

In general, the predominant view was that officers who were good at carrying out searches also had good communication skills. Whilst this was a consistent message across the pilot sites, the ability to communicate contained two main elements. First, the ability to build a good rapport was seen as important in making a person who had been stopped relaxed and at ease during the encounter. For several officers, being polite was a useful tool (e.g. “not just ‘empty your pockets’”). However, for others being able to use the appropriate language was seen as being more important:

Need for versatility in communication skills - depends who you're talking to. Some people will not respond to well-to-do language. Need to speak to them on their level. And vice-versa… Good communication skills... Those with more humour have better searches. These have better all-round outcomes.

(Response team officer, 6 years: interviewed)

If you can establish a good rapport - that's brilliant. For example, talking to young people: 'Alright, mate? Nice speakers in your car'. [And if the youth is stroppy]: 'Look, mate, I'm just doing my job. We got a call to come here'.

(Response team officer, 4 years: interviewed)

Secondly, there was a perception following from one definition of a good search, that officers should explain to the individual why they had been stopped or searched, and the processes involved. As one officer said:

Most important - ability to communicate, some people don't want to be searched and will be aggressive to me as a police officer… [Need to] explain and go through systematically - don't get problems… Take time and speak to them as you do it - that's a good searcher

(Proactive unit officer, 4 1/2 years: interviewed)

- Flexibility

The ability to adapt to different encounters was highlighted by a few officers as a useful skill. They recognised that stop and search encounters had the potential to be either confrontational or relatively relaxed, and that being able to manage both was important. Officers often referred to 'going in at the right level'. This was observed in one police area during public order incidents where officers had to be more authoritative in order to deal with the situation, compared to more business-like vehicle stops. In this respect, flexibility can be useful in both communication and in the overall management of the encounter:

Communication skills - need to be able to talk - and bringing person down if confrontational, might have to raise it a level. Need to be flexible - each encounter is different.

(Response team officer, 14 years: interviewed)

Those stopped… can cause a scene and attract a crowd of individuals. Need to stand firm and grab them if necessary.

(Response team sergeant, 13 years: interviewed)

- Having good grounds

Officers who were most effective at using searches were seen by some of their colleagues as always having good grounds for suspicion for carrying out a search (e.g. not on "a wing and a prayer"). In some cases, they were seen as officers who did not use their powers randomly, but in a targeted way where it was appropriate to do so:

> *[Good searchers are] officers with good grounds - focused on the objective rather than just a fishing expedition.*
>
> (Response team officer, 22 years: interviewed)

Observational skills to a much lesser extent were also viewed as being crucial in terms of being able to identify reasons for stopping or searching a person or, as in the first example below, issuing HO/RT1 or VDRS forms:

> *Some get lots of results, some get lots of self generated [searches]... Probably a good eye - can spot things. Seeing tax discs from a distance, spotting other defects.*
>
> (Permanent beat officer, 7 years: interviewed)

> *Successful searcher: someone who does a lot of work before the search, asking a lot of questions in the right circumstances, with sufficient grounds. Get a lot of arrests.*
>
> (Response team officer, 3 years: interviewed)

- Experience and confidence

There was a strong sense that officers who were experienced at carrying out searches were also good searchers. In a couple of interviews this was linked to being able to demonstrate good judgement and knowing when to use search powers. Stone and Pettigrew (2000) have shown that there are some public concerns about younger officers who are perceived to be inexperienced and attempting to 'exert their authority'. In direct contrast to this view, several officers said that older and more experienced officers were less aware of their search powers - knowledge of which was seen to be vitally important:

> *Generally - younger ones are clearer about grounds [and] reasons. Those with more service need more refreshment.*
>
> (Response team sergeant, 11 years: interviewed)

Related to experience was the importance of being willing to engage with members of the public. In general, it was felt that an officer should be confident and enthusiastic in this respect because it was seen as a good way of learning when to carry out stops.

Generally experienced officers better at stop and search. Some people shy away from it. Need confidence, communication skills and guts to do it. Will make this go more smoothly and lead to higher arrests. More likely to search people if have confidence to do so and this leads to arrests.

(Permanent beat officer, 14 years: interviewed)

Some [officers] do loads - really try to generate their own work - keen. Some of the old sweats will do just what they're told to do and that's it.

(Response team officer, 18 months: interviewed)

A couple of officers also commented that confident colleagues would look to 'take stops further' (i.e. looking for further possible offences in order to report or arrest the person). It should be noted, however, that there was some awareness that enthusiastic use of stops and searches might also have a negative impact on public confidence.

- Knowledge of intelligence

A significant proportion of officers linked the effective use of searches with good knowledge of intelligence and a proactive approach to policing. In addition to acting on intelligence from briefings and local systems, being able to generate effective community intelligence and links, in some cases, was seen as a useful skill:

One person excels in doing searches, knows a lot of people on division - knows who to stop and where and when - most are likely to be positive.

(Response team officer, 1 1/2 years: interviewed)

One officer was identified by his colleagues on the shift as having the highest arrest rate from searches for the police area. He attributed this to the time he spent building intelligence. For example, he spent about an hour before each shift, unpaid, examining crime pattern analysis and updates on the local intelligence system, as well as speaking with CID officers about current developments. As a result, the officer stated that he obtained a high proportion of arrests because he was "quite sure that they've done something".

Conclusions

In discussing good practice, it is clear that the way officers identify good or successful encounters in terms of results, procedures and handling relates closely to the three principles we introduced earlier - effectiveness, legality and public confidence respectively. Each of these areas provides a potentially useful opportunity for officers to minimise the risks to legitimacy in relation to stops and searches.

Having good grounds and ensuring that officers have a good knowledge of intelligence appears to be key in improving arrests from stops and searches. In addition, public confidence and legality can be enhanced in encounters which are well-managed and follow a clear and well-explained procedure. Most importantly, the elements of good practice are supportive of each other and can provide ways of enhancing legitimacy if there are risks to an encounter.

6. Conclusions and recommendations

The previous chapters have reviewed the working rules of police officers in terms of factors which prompt them to carry out stops and searches, and the level of suspicion officers feel they require. We identified where stops and searches face threats to their legitimacy, and how this might be minimised through improved handling of encounters. Specifically, we looked at where they may face problems in relation to public confidence, legality and effectiveness. In exploring these questions it is clear that, rather than pulling in different directions, issues of public confidence, legality and effectiveness are closely interwoven. These issues are summarised and discussed below. We begin by drawing conclusions on the three principles before making specific recommendations.

Public confidence

There are several issues of particular significance in relation to public confidence that have emerged from this report.

The first of these relates to generalisations. The report has shown how, in practice, generalisations of various kinds play an important role in how officers form suspicion and decide to carry out stops and searches. However, we have observed that this involves a clear tension between:

- the need to draw on generalisations for effective targeting of police activity; and
- the alienation that generalisations, potentially, and negative stereotypes, in particular, cause.

For example, generalisations which link crime with age, appearance, time and place, and behaviour can sometimes provide a useful basis for the effective targeting of stops and searches. However, these generalisations (which in some sense might seem reasonable) will mean that people will be identified by the police as suspicious when they do not warrant police attention. This can be a cause of public resentment.

Secondly, we noted how the poor handling of stop or search encounters can impact negatively on public confidence. Research has shown that public satisfaction with encounters is dependent on the politeness of the officer, whether the person was given an acceptable reason for the stop and whether they were searched. As such, improving public confidence can be achieved in part by better handling of stops and searches. Some officers themselves provide a good indication of how public confidence and satisfaction can be strengthened based on their understanding on how a good search should be handled (e.g. building a good rapport and using appropriate language).

Legality

We have seen that the notion of PACE reasonable suspicion in relation to searches, in practice, operates more along a continuum than as a simple dichotomy. The working practices of officers reveal that suspicion is based on a range of different factors in which a person might appear more or less suspicious to police officers. Furthermore, the research clearly showed differences in the level of suspicion required by different officers to do stops and searches. This is likely to be reflected across the police service. As such, the discretion that officers exercise in this respect can potentially be a risk to legality. Specifically, the report points out the following concerns.

First, the variation between officers in their decisions to carry out stops and searches raises questions about the rule of law and the extent to which police interventions are evenly applied. Secondly, it is clear that reasonable suspicion for searches is not, in some cases, being achieved. The levels of evidence recorded in grounds are also low: in both the lack of specific detail and a failure to refer to all the available direct and indirect evidence. This points to guidance both in the operational use of reasonable suspicion and in its written articulation for search records.

These problems are not only a legal issue, but feed into the broader issues of public confidence and effectiveness. For example, public satisfaction with stops and searches will rely, in part, on being given an acceptable reason for being stopped, and searches based on good grounds are more likely to result in arrests (Miller, et al., 2000).

Effectiveness

Effectiveness is likely to be strongest when suspicion is well-informed, and decisions are based on direct and accurate information - maximising encounters with active offenders and minimising them with the general public.

Direct evidence, that is evidence pointing to specific individuals, is less ambiguous - there is a greater certainty about the person the police intend to stop. As such, the risks to effectiveness are lower when suspicion relies on direct evidence. Regardless of whether evidence is direct or indirect, the reliability of suspicion will be affected by the accuracy of the information and intelligence available to officers. The generalisations about current high-crime areas, for example, will be more reliable when based on up-to-date intelligence.

To reduce the risks to effectiveness and, in turn, public confidence, it is important that suspicions are, as far as possible, well-informed, reliable and based good quality information.

Recommendations

The research points to a number of key recommendations at policy, managerial and operational levels.

Recommendations for the Home Office, National Police Training (NPT) and the Association of Chief Police Officers (ACPO)

- The legal concept of reasonable suspicion and its application needs to be further clarified to specify whether current officer practices are acceptable. Although the PACE Code clearly states that stereotyped images should not be used as a basis for suspicion, we have shown that generalisations are used by officers, in practice, as a basis for suspicions. As a result, the PACE Code needs to spell out whether, and to what extent, generalisations can be used to inform decisions to stop or search. This is not to say that the law should be relaxed, but that further clarification is required. If, however, generalisations are recognised as an acceptable practice, adequate safeguards need to be in place to ensure that they are reliable and not used unfairly.

- The differences in the way reasonable suspicion is understood and applied by officers highlights the need for clearer guidance, training and supervision on what reasonable suspicion means in operational terms. Whilst the current PACE Code attempts to describe reasonable suspicion from a practical perspective, it might be useful to define the level of evidence required for a search (perhaps in terms of direct and indirect factors) and to mark out the differences in the level of suspicion needed for a stop and for a search.

- We have shown there are circumstances where officers will stop members of the public and, in so doing, develop grounds for search, and that this has a legally ambiguous position. The PACE Code should, as a result, clarify the position on the practice of building grounds.

- Training guidance issued centrally (for example via NPT) on the above would help reduce some of the variations in the way reasonable suspicion is understood, and might further help officers apply the concept in practice. There will be responsibility, at force and local level, to ensure that this is followed up in probationer training and throughout officers' careers.

Recommendations for police management

- The research has emphasised the need for stops and searches to be based on good quality information and intelligence that is up-to-date, detailed, accurate and reflects the needs of operational officers. For example, as officers will, in practice,

make common sense generalisations about high-crime areas as a basis for suspicions, it is important that the information on which generalisations are based is current and specific. Rather than just knowing the broad high-crime areas, officers will need to know:

- where the current problems are in a high-crime area;
- the exact nature of the problem;
- when it occurs; and
- who the current active offenders are.

- It is clear that though this does occur, it does not do so routinely and consistently across the police service. Forces should ensure that the systems they have in place provide officers with such information. A review of information and intelligence systems will need to examine the collection and storage process, and whether the information is disseminated and acted upon quickly and effectively.

- The reliability of suspect descriptions is a key factor in suspicion. In order to improve, forces will need to clarify in more detail the central, necessary elements of a description to be usable by officers. This will also have training implications for call-handling staff, and more widely, for improving the way in which interactions with victims and witnesses are handled to maximise the quality and quantity of information about suspects.

- Forces need to ensure that reasonable suspicion for searches has been fulfilled for each search and that the recorded grounds accurately reflect all the available direct and indirect factors in detail (e.g. recording the nature of a person's behaviour not just 'suspicious behaviour'). Bland, et al. (2000b) examine in greater detail how this might be achieved through management interventions, looking in part at the role of the supervisor. Shift supervisors might provide, for example, a safeguard against unfair use of negative stereotypes by challenging broad generalisations made by officers and the information which they are based on. Forces could usefully produce guidance on the standards expected from officers and supervisors in this respect.

- There is a clear advantage for officers to receive training on how best to handle encounters with the public, and in particular stops and searches. The good practice identified by officers earlier provides a good basis for this. This points to specific training on communications skills, the need to have acceptable grounds, and how to treat members of the public fairly and with respect. Training should also emphasise to officers that the legitimacy of stops and searches can be strengthened through improved handling of encounters

Recommendations for operational officers

- Officers should be made aware of how the legitimacy of stops and searches can be most at risk. If there are clear areas of weakness (e.g. high discretion, poor information, badly managed encounters, or less direct evidence), legitimacy can be strengthened along other lines. For example, if we accept that some stop or search encounters will be based on more general and circumstantial evidence, public confidence may be increased through a well-handled encounter in which a person is dealt with politely and with respect. It is also important for officers to become more aware of their unconscious decisions to stop or search and the potential implications for doing so on public confidence and effectiveness.

- It is important for officers to develop a better knowledge of the routine activities in the local police area and to know the types of people who live, work and socialise in an area and when. Enhancing local networks and further developing community intelligence might be a useful avenue for doing this, perhaps through existing structures of permanent beat officers. In this respect, officers should again be made aware that stops and searches carried out on weak or out-dated information threaten legitimacy in terms of public confidence, legality and effectiveness.

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